



James J. R. Talbot
General Attorney

AT&T Services, Inc.
1120 20th Street NW
Washington, D.C. 20036
Phone: 202-457-3050
Fax: 202-457-3073
E-mail: jjtalbot@att.com

June 2, 2008

James R. Burtle, Chief
Experimental Licensing Branch
Office of Engineering and Technology
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

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Federal Communications Commission
Bureau / Office

RE: Wireless Strategies Inc. Experimental License Application 0051-EX-PL-2008

Dear Mr. Burtle:

As you are aware, Wireless Strategies Inc. ("WSI") has agreed to notify AT&T Inc. ("AT&T") of the location of its Distributed Radiating Elements (DREs) before operation.¹ AT&T agrees that WSI must provide prior notification, but AT&T also requests that WSI's experimental authority be further conditioned on full compliance with the fixed microwave bilateral prior coordination requirements of Section 101.103(d) of the Commission's rules.² Specifically, AT&T requests that WSI be required to notify all potentially affected fixed wireless licensees prior to operation, not just AT&T and Verizon, and that WSI be required to allow thirty days for responses from potentially affected licensees.

On May 14, 2008, WSI agreed to condition its experimental license on a requirement to notify both AT&T and Verizon of the location of its DREs accompanied by a "coordination study of the DRE showing the coordinator's opinion that the DRE could have no impact on Verizon and AT&T and the coordinator's opinion that no response is required."³ WSI stated that it would be fully complying with Section 101.103(d) of the Commission's rules because the operation of a new DRE falls under Section 101.103(d)(2)(ix), requiring only notice and a coordinator's opinion that no response is required.⁴

Section 101.103(d)(2)(ix) only applies when very minor changes to coordination have been made, for example, the name of a site or other changes that "could have no impact" on

¹ Letter to James R. Burtle, Chief, Experimental Licensing Branch, Office of Engineering and Technology, Federal Communications Commission from Michael Mulcay, Chairman, Wireless Strategies Inc., Wireless Strategies Inc. Experimental Application File No. 0051-EX-PL-2008 (filed May 14, 2008) ("May 14, 2008 Letter").

² 47 C.F.R. §101.103(d).

³ May 14, 2008 Letter.

⁴ See May 14, 2008 Letter.

the parties receiving notification.⁵ Here, WSI proposes to operate new transmitters. The operation of a new transmitter could clearly affect AT&T's and other licensees' fixed microwave systems. Therefore, as AT&T has argued before,⁶ WSI should be held to the bilateral prior coordination requirements of Section 101.103(d) of the Commission's rules. WSI should be required not only to provide prior notification supported by an engineering study, but also to allow thirty days for a response.⁷ Requiring WSI to provide both notification and the opportunity to respond will give AT&T and other parties the ability to use recognized interference analysis tools to consider the effects of WSI's proposed tests. Further, WSI should be required to provide notification and the opportunity to respond to all potentially affected fixed wireless licensees, not just Verizon and AT&T, as all licensees could be affected by interference when WSI operates new DREs.⁸

Sincerely,



James J. Talbot
General Attorney
AT&T Inc.
1120 20th Street, N.W.
Suite 1000
Washington, D.C. 20036

cc: Wireless Strategies, Inc.
Michael Mulcay
140 Western Maryland Parkway
P.O. Box 3139
Hagerstown, MD 21742

Fixed Wireless Communications Coalition

⁵ See 47 C.F.R. § 101.103(d)(2)(ix).

⁶ See AT&T Reply to Opposition to Informal Objection to Experimental License Application 0051-EX-PL-2008 (filed Apr. 21, 2008).

⁷ See 47 C.F.R. § 101.103(d)(iv) (Providing that a 30-day period should be allowed for a response to prior notification).

⁸ See 47 C.F.R. § 101.103(d)(1) (Generally requiring prior coordination with all existing licensees, permittees and applicants in the area, and other applicants with previously filed applications, whose facilities could be affected by the new proposal in terms of interference).

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Mitchell Lazarus
Fletcher, Heald & Hildreth, P.L.C.
1300 North 17th Street 11th floor
Arlington VA 22209

Lesley V. Owsley
Assistant General Counsel
Verizon Communications Inc.
1515 North Courthouse Rd.
Suite 500
Arlington, VA 22201

Donald C. Brittingham
Director, Wireless Spectrum Policy
Verizon Wireless
1300 Eye Street, N.W.
Suite 400- West
Washington, D.C. 20005