



Federal Communications Commission
Washington, D.C. 20554

August 27, 2010

DA 10-1643

James J. R. Talbot
AT&T Inc.
1120 20th Street, NW
Washington, D.C. 20036

Re: WT Docket No. 07-293, Extension of Time to Implement Fixed Customer Premises
Equipment Duty Cycle Requirement

Dear Mr. Talbot:

For the reasons stated below, this letter ruling grants the request of AT&T Inc. for an extension of time, until November 30, 2010, to comply with the fixed customer premises equipment (CPE) time division duplex (TDD) duty cycle requirement under revised rule section 27.50(a)(2).¹

On May 20, 2010, the Commission adopted the *WCS Report and Order*,² which revised certain technical rules for the 2.3 GHz Wireless Communications Service (WCS). The Commission revised section 27.50(a)(2) to specify requirements for fixed CPE transmitting in the 2.3 GHz WCS band. Revised section 27.50(a)(2), which becomes effective September 1, 2010,³ requires that the duty cycle of fixed CPE using TDD technology must not exceed 38 percent.⁴

AT&T states that to comply with the Commission's new duty cycle limit, it must develop firmware, conduct testing, and deploy equipment to approximately 1500 sites.⁵ AT&T estimates that it will take three additional months, until November 30, 2010, to implement new firmware at those sites.⁶ AT&T states that unless it is granted additional time, it must cease the use of noncompliant CPE on September 1, 2010.⁷ To avoid a disruption of service to its customers, AT&T asks that we afford it until

¹ AT&T filed the request on August 2, 2010 on behalf of its license subsidiaries, AWACS, Inc. and BellSouth Mobile Data, Inc. (collectively with its subsidiaries, AT&T) (AT&T Request).

² See Amendment of Part 27 of the Commission's Rules to Govern the Operation of Wireless Communications Services in the 2.3 GHz Band, WT Docket No. 07-293, *Report and Order (WCS Report and Order)*, Establishment of Rules and Policies for the Digital Audio Radio Satellite Service in the 2310-2360 MHz Frequency Band, IB Docket No. 95-91, *Second Report and Order*, FCC 10-82 (rel. May 20, 2010), *Erratum* (rel. Jun. 8, 2010), *Second Erratum* (rel. Jul. 14, 2010).

³ See *WCS Report and Order* (summary), published in the Federal Register on August 2, 2010, 75 Fed. Reg. 45058.

⁴ 47 C.F.R. § 27.50(a)(2).

⁵ AT&T Request at 2.

⁶ *Id.*

⁷ *Id.* at 3.

November 30, 2010 to comply with the new duty cycle requirement for its existing and several planned sites.⁸

We find that grant of a limited extension of time will further the public interest by ensuring the continuity of service to AT&T's customers, while AT&T implements the required firmware modification. We note that the brief additional period of operation of any noncompliant fixed CPE is unlikely to result in interference to operations in the adjacent satellite digital audio radio service (SDARS) band.⁹ We also note that AT&T has consulted with the adjacent band SDARS licensee, Sirius XM, and that Sirius XM does not object to AT&T's limited request for relief.¹⁰

In view of the foregoing, we hereby grant AT&T until November 30, 2010 to comply with the 38 percent duty cycle limit under revised section 27.50(a)(2).

Action taken pursuant to 47 C.F.R. §§ 0.131, 1.3, and 1.925.¹¹

Sincerely,

Roger S. Noel
Chief, Mobility Division
Wireless Telecommunications Bureau

⁸ AT&T states it has WCS deployments scheduled at two additional customer sites during August 2010. AT&T Motion at 3 and n.3

⁹ *WCS Report and Order* ¶141 (noting that "SDARS licensees have not reported any instances of interference" from authorized WCS fixed CPE devices).

¹⁰ See Letter from Brian Benison, Director, Federal Regulatory, AT&T, to Marlene H. Dortch, Secretary, FCC, dated August 23, 2010 (also noting that "Sirius XM reserves its right to seek reconsideration or review of the underlying obligations in current or future administrative or judicial proceedings").

¹¹ See also *WCS Report and Order* ¶322 (delegating authority to the Wireless Telecommunications Bureau "to implement the policies set forth in the Report and Order in WT Docket No. 07-293").