



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
445 TWELFTH STREET, S.W.
WASHINGTON, D.C. 20554

DA 11-252

News media information 202/418-0500 Fax-On-Demand 202/418-2830 Internet: <http://www.fcc.gov> <ftp.fcc.gov>

Released: February 9, 2011

AT&T MOBILITY SPECTRUM LLC AND QUALCOMM INCORPORATED SEEK FCC CONSENT TO THE ASSIGNMENT OF LOWER 700 MHz BAND LICENSES

WT Docket No. 11-18

PLEADING CYCLE ESTABLISHED

Petitions To Deny Due: March 11, 2011
Oppositions Due: March 21, 2011
Replies Due: March 28, 2011

I. INTRODUCTION

AT&T Mobility Spectrum LLC (“AT&T Mobility”) and Qualcomm Incorporated (“Qualcomm,” and together with AT&T Mobility, the “Applicants”) have filed an application pursuant to section 310(d) of the Communications Act of 1934, as amended.¹ In this application, the Applicants seek Commission approval to assign six D block and five E block licenses in the Lower 700 MHz band from Qualcomm to AT&T Mobility. AT&T Mobility is an indirect, wholly-owned subsidiary of AT&T Inc. (collectively, with its subsidiaries and affiliates, “AT&T”).

The Applicants state that this transaction will enable AT&T to repurpose Qualcomm’s underutilized Lower 700 MHz D and E block spectrum for the implementation of cutting-edge broadband services that are most demanded by customers. The Applicants state that AT&T plans to use supplemental downlink technology (also referred to as carrier aggregation technology) to couple this unpaired spectrum with paired spectrum that AT&T already holds. Once compatible handsets and network equipment are developed, this will, according to the Applicants, allow AT&T to provide a more robust wireless broadband service over its new LTE network.

The licenses at issue cover more than 300 million people nationwide. Specifically, Qualcomm holds the Lower 700 MHz D and E block licenses (6 megahertz each) in five of the top 15 metropolitan areas (New York, Boston, Philadelphia, Los Angeles, and San Francisco), covering more than 70 million people. Qualcomm also holds Lower 700 MHz D block licenses that cover more than 230 million people across the rest of the United States. Preliminary review of the application indicates that in various license areas, post-transaction AT&T would hold between 6 and 80 megahertz of spectrum below 1 GHz.²

¹ 47 U.S.C. § 310(d).

² This calculation of spectrum below 1 GHz takes into account AT&T’s pending applications to acquire Lower 700 MHz C block licenses from D&E Investments, Inc. (FCC File No. 0004448347), a 25 megahertz cellular license from Commnet of Florida LLC (FCC File No. 0004541107), Lower 700 MHz B and C block licenses from Whidbey

II. SECTION 310(d) APPLICATION

The application for consent to the full assignment of the lower 700 MHz band licenses from Qualcomm to AT&T Mobility has been assigned the following file number:

<u>File No.</u>	<u>Licensee/Assignor</u>	<u>Assignee</u>	<u>Lead Call Sign</u>
0004566825	Qualcomm Incorporated	AT&T Mobility Spectrum LLC	WPWU989

III. EX PARTE STATUS OF THIS PROCEEDING

Pursuant to Section 1.1200(a) of the Commission's rules,³ the Commission may adopt modified or more stringent *ex parte* procedures in particular proceedings if the public interest so requires.⁴ We announce that this proceeding will be governed by permit-but-disclose *ex parte* procedures that are applicable to non-restricted proceedings under Section 1.1206 of the Commission's rules.⁵

Parties making oral *ex parte* presentations are directed to the Commission's statement reemphasizing the public's responsibility in permit-but-disclose proceedings and are reminded that memoranda summarizing the presentation must contain the presentation's substance and not merely list the subjects discussed.⁶ More than a one- or two-sentence description of the views and arguments presented is generally required.⁷ Other rules pertaining to oral and written presentations are set forth in Section 1.1206(b) as well.⁸ We urge parties to use the Electronic Comment Filing System ("ECFS") to file *ex parte* submissions.⁹

IV. GENERAL INFORMATION

The assignment application referenced herein has been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules or policies. Final action on this application will not be taken earlier than thirty-one days following the date of this Public Notice.¹⁰

Telephone Company (FCC File No. 0004544869), and a 25 megahertz cellular license from Lamar County Cellular, Inc. (FCC File No. 0004341633).

³ 47 C.F.R. § 1.1200(a).

⁴ On February 1, 2011, the Commission adopted a Report and Order amending and revising the Commission's rules on *ex parte* presentations. Amendment of the Commission's *Ex Parte* Rules and Other Procedural Rules, GC Dkt. No. 10-43, *Report and Order and Further Notice of Proposed Rulemaking*, FCC 11-11 (rel. Feb. 2, 2011). The revised rules will become effective 30 days after they are published in the Federal Register.

⁵ *Id.* § 1.1206.

⁶ See Commission Emphasizes the Public's Responsibilities in Permit-But-Disclose Proceedings, *Public Notice*, 15 FCC Red 19945 (2000).

⁷ See 47 C.F.R. § 1.1206(b)(2).

⁸ *Id.* § 1.1206(b).

⁹ See discussion *infra* Part IV.

¹⁰ See 47 U.S.C. § 309(b).

Interested parties must file petitions to deny no later than March 11, 2011. Persons and entities that file petitions to deny become parties to the proceeding. They may participate fully in the proceeding, including seeking access to any confidential information that may be filed under a protective order, seeking reconsideration of decisions, and filing appeals of a final decision to the courts. Oppositions to such pleadings must be filed no later than March 21, 2011. Replies to such pleadings must be filed no later than March 28, 2011. All filings concerning matters referenced in this Public Notice should refer to DA 11-252 and WT Docket No. 11-18, as well as ULS File No. 0004566825.

Under the Commission's current procedures for the submission of filings and other documents,¹¹ submissions in this matter may be filed electronically (*i.e.*, through ECFS) or by hand delivery to the Commission.

- **If filed by ECFS,**¹² comments shall be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket number. Parties may also submit an electronic comment by Internet e-mail.
- **If filed by paper,** the original and four copies of each filing must be filed by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th Street, S.W., Room TW-A325, Washington, D.C. 20554. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

One copy of each pleading must be delivered electronically, by e-mail or facsimile, or if delivered as paper copy, by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (according to the procedures set forth above for paper filings), to: (1) the Commission's duplicating contractor, Best Copy and Printing, Inc., at FCC@BCPIWEB.COM or (202) 488-5563 (facsimile); (2) Kathy Harris, Mobility Division, Wireless Telecommunications Bureau (WTB), at kathy.harris@fcc.gov or (202) 418-7447 (facsimile); (3) Kate Matraves, Spectrum and Competition Policy Division, WTB, at catherine.matraves@fcc.gov or (202) 418-7447 (facsimile); and (4) Jim Bird, Office of General Counsel, at jim.bird@fcc.gov or (202) 418-1234 (facsimile).

Copies of the application and any subsequently-filed documents in this matter may be obtained from Best Copy and Printing, Inc. in person at 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, via telephone at (202) 488-5300, via facsimile at (202) 488-5563, or via e-mail at FCC@BCPIWEB.COM. The application and any associated documents are also available for public inspection and copying during normal reference room hours at the following Commission office: FCC Reference Information Center, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. The application is also available electronically through ECFS, which may be accessed on the Commission's Internet website at <http://www.fcc.gov>. In addition, the application is available electronically through ULS, which may be accessed on the Commission's Internet website. To request materials in accessible

¹¹ See FCC Announces Change in Filing Location for Paper Documents, *Public Notice*, 24 FCC Rcd 14312 (2009).

¹² See Electronic Filing of Documents in Rulemaking Proceedings, GC Docket No. 97-113, *Report and Order*, 13 FCC Rcd 11322 (1998).

formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice) or (202) 418-0432 (TTY). Contact the FCC to request reasonable accommodations for filing comments (accessible format documents, sign language interpreters, CART, etc.) by e-mail: fcc504@fcc.gov; phone: (202) 418-0530; or TTY: (202) 418-0432.

For further information, contact Kathy Harris, Mobility Division, WTB, at (202) 418-0609, or Kate Matraves, Spectrum and Competition Policy Division, WTB, at (202) 418-7878.

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