



# PUBLIC NOTICE

Federal Communications Commission  
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**WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON AT&T REQUEST  
FOR WAIVER TO PERMIT POWER SPECTRAL DENSITY MODEL FOR 800 MHz  
CELLULAR OPERATIONS IN THREE FLORIDA MARKETS**

**WT Docket No. 13-202**

**Comments Due: September 23, 2013**

**Reply Comments Due: October 8, 2013**

On July 22, 2013, AT&T Services Inc. on behalf of AT&T, Inc. and its subsidiaries (“AT&T”) filed a request for an interim waiver of Section 22.913 of the Commission’s rules<sup>1</sup> to permit the use of Power Spectral Density (“PSD”) measurements for certain of its Florida station operations in the Cellular Radiotelephone (“Cellular”) Service,<sup>2</sup> pending the outcome of its proposed rulemaking to modify the rule.<sup>3</sup> AT&T specifically proposes a PSD limit of 250 watts/MHz in non-rural areas and 500 watts/MHz in rural areas, and includes a study that purports to show that shifting to PSD-based power limits for the Cellular Service in these markets would not cause harmful interference.<sup>4</sup>

By this Public Notice, we seek comment on the Florida Waiver Request, particularly with respect to any potential adverse impact on public safety operations in the adjacent bands and neighboring Cellular

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<sup>1</sup> 47 C.F.R. § 22.913.

<sup>2</sup> AT&T Services, Inc., Request for Rule Waiver (filed July 22, 2013) (“Florida Waiver Request”) (with letter from William Roughton, Esq., AT&T Services, Inc., explaining the filing as a correction of AT&T’s submission July 18, 2013, which inadvertently omitted the attachment -- a technical study dated March 23, 2013).

<sup>3</sup> See AT&T Services, Inc., Petition for Expedited Rulemaking and Request for Waiver of Section 22.913 of the Commission’s Rules (filed February 29, 2012) (“Petition”) (requesting modification of the rule to permit use of a power spectral density (“PSD”) model as an alternative to the current rule’s measurement model). A technical study dated February 14, 2013, similar to the March 23, 2013 study, was attached to AT&T’s Petition at Appendix A. On May 2, 2012, the Wireless Telecommunications Bureau (“Bureau”) sought comment on the Petition, which remains pending. See Wireless Telecommunications Bureau Seeks Comment on Petition for Rulemaking Filed by AT&T Consistent with Rules for Other Mobile Broadband Services, *Public Notice*, RM-11660, 27 FCC Rcd 4926 (WTB 2012). The Bureau did not seek comment on AT&T’s request for a blanket interim waiver of 47 C.F.R. § 22.913. AT&T now “moves to withdraw that broad waiver request and substitute this narrower request in its place.” Florida Waiver Request at 1, n.2.

<sup>4</sup> See Florida Waiver Request at 6.

licensees in the specified Florida Cellular Market Areas (“CMAs”), which are as follows:

West Palm Beach (CMA 72), Licenses KNKA264 and KNKA355;  
Miami (CMA 12), Licenses KNKA225 and KNKA364;  
Monroe, FL-11 (CMA 370), Licenses KNKN793 and WPSJ791.

## Procedural Matters

Pursuant to sections 1.415 and 1.419 of the Commission’s rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission’s Electronic Comment Filing System (ECFS). *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission’s Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission’s Secretary must be delivered to FCC Headquarters at 445 12<sup>th</sup> St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes 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 must be addressed to 445 12<sup>th</sup> Street, SW, Washington DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

This proceeding has been designated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.<sup>5</sup> Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation

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<sup>5</sup> See 47 C.F.R. §§ 1.1200(a), 1.1206.

consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b).

In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

For further information, contact Ms. Nina Shafran of the Mobility Division, Wireless Telecommunications Bureau, at (202) 418-2781 or via e-mail at [nina.shafran@fcc.gov](mailto:nina.shafran@fcc.gov).

Action by the Chief, Mobility Division, Wireless Telecommunications Bureau.

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