

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Promoting Interoperability in the 700 MHz)	WT Docket No. 12-69
Commercial Spectrum)	

ORDER OF MODIFICATION

Adopted: January 16, 2014

Released: January 16, 2014

By the Acting Chief, Wireless Telecommunications Bureau:

I. INTRODUCTION

1. By this Order of Modification, we modify AT&T's Lower 700 MHz B and C Block licenses consistent with the *700 MHz Interoperability Report and Order and Order of Proposed Modification* and the terms outlined below.¹

II. BACKGROUND

2. On October 25, 2013, the Commission adopted the *700 MHz Interoperability Report and Order and Order of Proposed Modification* to implement a voluntary industry solution that is designed to establish interoperable Long Term Evolution (LTE) service in the Lower 700 MHz band. Specifically, pursuant to Section 316 of the Communications Act of 1934, as amended,² and in order to implement the commitments contained in AT&T's letter of September 10, 2013³ and effectuate the voluntary industry solution for interoperability, the Commission proposed to modify AT&T's B and C Block licenses to implement the interoperability commitments outlined below and in the *700 MHz Interoperability Report and Order and Order of Proposed Modification*.⁴ On January 14, 2014, AT&T filed a letter in this docket waiving its right under Section 316 to protest the proposed license modifications.⁵ No other party has raised any protest or other objection to these proposed modifications of AT&T's licenses.

III. DISCUSSION AND CONCLUSION

3. In accordance with the Commission's decision in the *700 MHz Interoperability Report and Order and Order of Proposed Modification*, and in light of AT&T's filing, we conclude it is in the public interest to modify AT&T's B and C Block licenses by imposing the following interoperability

¹ See Promoting Interoperability in the 700 MHz Commercial Spectrum, Requests for Waiver and Extension of Lower 700 MHz Band Interim Construction Benchmark Deadlines, WT Docket Nos. 12-69, 12-332, Report and Order and Order of Proposed Modification, 28 FCC Rcd 15122 (2013) (*700 MHz Interoperability Report and Order and Order of Proposed Modification*).

² 47 U.S.C. § 316.

³ Letter from Joan Marsh, Vice Pres. Fed. Regulatory, AT&T Services, Inc. to the Hon. Mignon Clyburn, Chairwoman, FCC, WT Docket No. 12-69, filed Sept. 10, 2013 (AT&T Sept. 10, 2013 Ex Parte).

⁴ *700 MHz Interoperability Report and Order and Order of Proposed Modification*, 28 FCC Rcd at 15142-45, 15153-55, ¶¶ 47-48, 67-70.

⁵ Letter from Joan Marsh, Vice President Fed. Regulatory, AT&T Services, Inc. to Marlene H. Dortch, Secretary, FCC WT Docket No. 12-69, filed Jan. 14, 2014.

commitments as conditions for AT&T to hold the Lower 700 MHz B and C Block licenses. These commitments relate both to AT&T's deployment of a Multi-Frequency Band Indicator (MFBI) software feature and to AT&T's transition to Band Class 12 capable devices:

- AT&T must move forward expeditiously with testing the 3GPP MFBI software feature as soon as it is made available to AT&T by its RAN vendors. AT&T must fully deploy the new MFBI software feature in its 700 MHz network within 24 months of September 30, 2013. The end of the 24-month period will also commence the beginning of the Band 12 capable device roll-out period.
- If AT&T concludes that, despite its best efforts, implementation of the MFBI feature within 24 months will result in significant negative customer impact, AT&T will file a certification, consistent with Commission rules (including but not limited to Sections 1.16, 1.17 and 1.65⁶), so asserting and outlining in specific detail the commercially reasonable steps taken to meet the deadline and the reason for the delay. Any such filing must be made on or before August 31, 2015. With the filing of such a certification, the 24-month deadline for MFBI implementation and the start of the Band 12 capable device roll-out period shall be extended by the period requested in the certification, up to an additional 6 months.
- Once MFBI has been fully implemented by AT&T, AT&T shall provide LTE roaming to carriers with compatible Band 12 devices, consistent with the Commission's rules on roaming.
- "Band 12 capable device" shall mean any device that is capable of supporting 3GPP Band Class 12. At this time, AT&T is exploring various Band 12 implementation approaches with its chipset and OEM partners and AT&T may pursue the most efficient solutions available based on evolving network and device capabilities on a technology neutral basis.
- During the first year of the device roll-out period, 50% of all new unique devices that operate on the paired Lower 700 MHz bands, as identified by unique SKU numbers, introduced by AT&T into its device portfolio will be Band 12 capable devices. Memory or color finish variations on a single device shall not be considered separate unique SKUs. Machine-to-Machine (M-to-M) devices shall not be counted as "new unique devices" for purposes of this commitment.
- During the second year of the device roll-out period, 75% of new unique devices that operate on the paired Lower 700 MHz bands, as identified by unique SKU numbers, introduced by AT&T into its device portfolio will be Band 12 capable devices. Memory or color finish variations on a single device shall not be considered separate unique SKUs. M-to-M devices shall not be counted as "new unique devices" for purposes of this commitment.
- Commencing at the conclusion of the second year of the device roll-out period, all new unique devices that operate on the paired Lower 700 MHz bands introduced by AT&T into its device portfolio will be Band 12 capable devices. In addition, from that time forward, AT&T must ensure that its specifications for all new devices that are designed to operate in the paired Lower 700 MHz frequencies, including M-to-M devices, will call for Band 12 capability. However, M-to-M devices shall not be counted as "new unique devices" for purposes of this commitment.

⁶ 47 C.F.R. §§ 1.16, 1.17 and 1.65.

- The commitments outlined above apply to all new unique data-capable devices that connect to or provide connectivity on AT&T's paired Lower 700 MHz FDD network. AT&T's commitment shall not extend to any devices that are uniquely designed to operate on spectrum bands licensed for use by AT&T that are not in the paired Lower 700 MHz bands. AT&T reserves the express right to support devices that do not operate in the paired Lower 700 MHz bands.
- To demonstrate progress on its commitments, AT&T shall submit comprehensive written reports and meet with the Commission staff at each of 12 months, 18 months and 24 months from the date of its September 10, 2013 commitment letter that will provide information on AT&T's progress toward meeting these commitments.⁷ Additionally, AT&T shall provide comprehensive written reports at 28 months, 40 months and 46 months to report on progress during the device roll-out period, and it shall file a certification to the Commission within 30 days of the end of the device roll-out period to certify final completion of these commitments.
- Fulfillment of these commitments will require the implementation of new functionality in AT&T's paired Lower 700 MHz network as well as collaboration with AT&T's chipset and OEM partners and vendors. AT&T will use its best efforts to proceed diligently to complete the activities necessary to fulfill its commitments. However, if at any time, AT&T encounters obstacles beyond its control that threaten its ability to meet these commitments, or undermine the quality of the service it is providing on its network, AT&T may so inform the Commission and seek an extension of time or a waiver as appropriate.
- Consistent with these commitments, AT&T anticipates that its focus and advocacy within the 3GPP standards setting process will shift to Band 12 related projects and work streams. AT&T must place priority within the 3GPP RAN committee on the development of various Band 12 carrier aggregation scenarios. Upon completing implementation of the MFB feature, AT&T anticipates that its focus on new standards related to the paired Lower 700 MHz spectrum will be almost exclusively on Band 12 configurations, features and capabilities. AT&T may seek revisions and updates to Band 17 standards to the extent necessary to support legacy Band 17 devices and continuing Band 17 functionality on its network.

4. We find that modifying AT&T's licenses in this manner will serve the public interest by enabling consumers, especially in rural areas, to enjoy the benefits of greater competition and more choices, and by encouraging efficient use of spectrum, investment, job creation, and the development of innovative mobile broadband services and equipment. The license modifications will be effective upon release of this Order.

IV. ORDERING CLAUSES

1. IT IS ORDERED, pursuant to Sections 4(i) and 316(a) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 316, and Section 1.87 of the Commission's Rules, 47 C.F.R. § 1.87, that AT&T's 700 MHz B and C Blocks licenses ARE MODIFIED as described in this Order of Modification.

2. IT IS FURTHER ORDERED that the Wireless Telecommunications Bureau SHALL SEND this Order of Modification by certified mail, return receipt requested to AT&T.

3. IT IS FURTHER ORDERED that this Order of Modification WILL BE EFFECTIVE

⁷ See AT&T Sept. 10, 2013 Ex Parte.

upon release.

4. IT IS FURTHER ORDERED that the licensing staff of the Wireless Telecommunications Bureau WILL UPDATE the Universal Licensing System in accordance with this Order of Modification and with the Commission's rules.

5. This action is taken under delegated authority pursuant to Section 0.131 and 0.331 of the Commission's rules, 47 C.F.R. §§ 0.131 and 0.331, and paragraph 72 of the *700 MHz Interoperability Report and Order and Order of Proposed Modification*.

FEDERAL COMMUNICATIONS COMMISSION

Roger C. Sherman
Acting Chief, Wireless Telecommunications Bureau