



PUBLIC NOTICE

Federal Communications Commission
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December 11, 2015

WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON AT&T REQUEST FOR WAIVER TO PERMIT POWER SPECTRAL DENSITY MODEL FOR 800 MHZ CELLULAR OPERATIONS IN EIGHT MARKETS IN KENTUCKY AND TENNESSEE

WT Docket No. 15-300

Comments Due: December 31, 2015

Reply Comments Due: January 11, 2016

On December 1, 2015, AT&T Services, Inc., on behalf of AT&T, Inc. and its subsidiaries (“AT&T”), filed a request¹ for a limited waiver of Section 22.913 of the Commission’s rules² to permit the use of a Power Spectral Density (“PSD”) model in complying with the Commission’s radiated power limits for certain Cellular Radiotelephone (“Cellular”) Service operations in eight Cellular Market Areas (“CMAs”) in Kentucky and Tennessee,³ pending the outcome of the ongoing rulemaking proceeding to modify the rule.⁴ AT&T specifically proposes a PSD limit of 250 watts/MHz in non-rural areas and 500 watts/MHz in rural areas,⁵ and includes two studies that purport to show that implementing PSD-based power limits in the Cellular Service would not cause harmful interference to public safety deployments.⁶

¹ AT&T Services, Inc., Petition for Waiver for Licenses in Kentucky and Tennessee (filed December 1, 2015) (“Kentucky-Tennessee Waiver Request”). Two technical studies, both dated November 20, 2015, are attached to the Kentucky-Tennessee Waiver Request as Appendix B (relates to a technical study in the Kentucky markets) and Appendix C (relates to a technical study in the Tennessee markets). To view the studies, access the Commission’s web site, <https://www.fcc.gov/proceedings-actions>. Under “Proceedings & Actions” select “ECFS.” From the ECFS home page, select “Search for Filings.” Under “Proceeding Number” enter “15-300” and select “Search for Comments.” The AT&T filing is listed as “Petition for Waiver.”

² 47 C.F.R. § 22.913.

³ The following systems are licensed on Cellular Block A: CMA 293 (License KNKA672); CMA 447 (License KNKN666); CMA 453 (License KNKN673); CMA 444 (License KNKN674); CMA 452 (License KNKN841); and CMA 451 (License KNKN861). All of these markets are in Kentucky. The following systems are licensed on Cellular Block B: CMA 209 (License KNKA576); and CMA 448 (Licenses KNKN964 and KNKN965). Both of the B Block markets are in Kentucky, although CMA 209 is also in Tennessee.

⁴ See Amendment of Parts 1 and 22 of the Commission’s Rules with Regard to the Cellular Service, Including Changes in Licensing of Unserved Area (other captions omitted), *Report and Order and Further Notice of Proposed Rulemaking*, WT Docket No. 12-40, RM Nos. 11510 and 11660, 29 FCC Rcd 14100 (2014).

⁵ Kentucky-Tennessee Waiver Request, 3-4. AT&T provides a list of the main counties comprising the Cellular Geographic Service Area (“CGSA”) for each of these nine licenses. See Kentucky-Tennessee Waiver Request,

By this Public Notice, we seek comment on the Kentucky-Tennessee Waiver Request, particularly with respect to any potential adverse impact on public safety operations in the adjacent bands and neighboring Cellular licensees to the aforementioned nine licenses.

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 12th 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 12th 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 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.⁷ 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

Appendix A. Five of the CGSAs in Kentucky are rural; four of the CGSAs in Kentucky and Tennessee are non-rural. See *id.* AT&T states that the waiver "should apply to all base stations providing service in the CGSA for each license, including minor extensions into CMAs and counties adjacent to those listed . . ." see *id.* n.27.

⁶ See Kentucky-Tennessee Waiver Request, 7-8 (citing to its technical studies provided at Appendixes B and C.).

⁷ See 47 C.F.R. §§ 1.1200(a), 1.1206.

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 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. Heather Moelter of the Mobility Division, Wireless Telecommunications Bureau, at (202) 418-1991 or via e-mail at heather.moelter@fcc.gov.

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

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