

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In re Application of)
AT&T Mobility Spectrum LLC and Qualcomm)
Incorporated)
For Approval under Section 310(d) of the Communications) WT Docket No. 11-18
Act of 1934, as amended to assign six D block and)
five E block licenses in the Lower 700 MHz band)

To: The Commission

Petition for Conditional Grant

United States Cellular Corporation ("USCC") hereby files in response to the Commission's Public Notice (DA 11-252) Released: February 9, 2011 with respect to the application (ULS File No. 0004566825) requesting consent under Section 310(d) of the Communications Act of 1934, as amended to assign six D block and five E block licenses in the Lower 700 MHz band from Qualcomm Incorporated ("Qualcomm") to AT&T Mobility Spectrum LLC ("AT&T Mobility") in the above captioned docket. As discussed below, USCC supports conditional grant of the above captioned application to provide for the orderly and spectrally efficient deployment of advanced broadband network capacity in the Lower 700 MHz spectrum in the event the above-captioned application is granted.

Introduction

USCC supports the repurposing of the Lower 700 MHz D and E block spectrum proposed by AT&T Mobility to deploy transmitters using this spectrum closer to the ground and at power levels much lower than those permitted under the Commission's rules for broadcast-type services (allowed up to 50 kilowatts). USCC expects that this alteration of height and power will mitigate interference into the Lower 700 MHz A block receive band, as claimed by AT&T Mobility, and, in addition, will have operational benefits for all licensees of Lower 700 MHz 3GPP Band Class 12 spectrum including USCC.¹

USCC requests that in the event the above captioned application is granted that Commission approval be conditioned under its public interest authority to impose and enforce narrowly tailored, transaction-specific conditions that ensure the transaction will yield these significant public interest benefits. Specifically USCC proposes that the assignment of the licenses proposed to be acquired by AT&T Mobility be conditioned to require operation subject to the provisions of Section 27.50(c) of the Commission's rules excluding Subsection 27.50(c)(7).

¹ USCC holds a limited partnership interest in King Street Wireless L.P. ("King Street Wireless"), a successful winning bidder in Auction 73 for 25 A Block licenses and 127 B Block licenses. These licenses were granted by the FCC in December 2009. USCC also holds 37 Lower 700 MHz C Block licenses and three Lower 700 MHz B Block licenses.

Discussion

1. Conditional Grant of the Licenses to be Acquired by AT&T Mobility Would Serve the Public Interest by Clarifying for Other Lower 700 MHz Licensees the Scope of the Proposed Benefits which AT&T Mobility has Argued Will be Achieved When it Implements New Power and Height Limits for its Lower D and E Block Spectrum.

The general assertions submitted by AT&T Mobility in its Public Interest Statement do not provide adequate detail to be a sound basis for future planning by the other 700 MHz licensees which it claims will be benefitted. See below. It is essential these other licensees be afforded a clear expectation of the operating parameters to be implemented which AT&T Mobility argues will benefit them in the event this transaction receives Commission approval. Also these proposed conditions must be effective for an adequate period so that the other Lower 700 MHz licensees proposed to be benefitted can develop and amortize related infrastructure and devices without fear that AT&T Mobility might prematurely make disruptive changes in the parameters of its Lower 700 MHz D and E Block operations.

AT&T Mobility states that Commission approval "...will further the goals of the National Broadband Plan and advance the public interest by repurposing underutilized spectrum and enabling AT&T to provide a more robust wireless broadband service that meets consumer demand for innovative, spectrum intensive wireless data and content services."² While these arguments about benefits from improvements in the spectrally efficient operations may be somewhat overstated, USCC doesn't disagree with the following portion of the Declaration of Kristen S. Rinne, Senior Vice President – Architecture & Planning AT&T Services Inc. ("Rinne

² See Description of Transaction, Public Interest Showing and Related Demonstrations, p. 4.

Declaration") which was submitted as an attachment to its Public Interest Statement.³

"The repurposing of the Lower 700 MHz D and E block spectrum also should significantly reduce the potential for interference with Lower 700 MHz A block devices. The Lower 700 MHz band plan presents unique technical limitations and challenges for all licensees. Even assuming deployment of LTE by carriers on the Lower 700 MHz A, B, and C blocks, and AT&T's bonding of the Lower 700 MHz D and E blocks as supplemental downlink with non-700 MHz spectrum, some technical limitations and challenges will remain. However, if the Lower 700 MHz D and E block spectrum is integrated into AT&T's LTE network and used for supplemental downlink, transmitters using the spectrum will be deployed closer to the ground and at power levels much lower than those permitted under the Commission's rules for broadcast-type services (allowed up to 50 kilowatts). This substantial reduction in transmission power on the Lower 700 MHz D and E blocks will mitigate interference into the Lower 700MHz A block receive band, thereby advancing the public interest."⁴

USCC agrees that there is significant potential that the benefits referenced above in the Rinne Declaration could help accelerate the deployment of competitive broadband services, including services to be provided over Lower 700 MHz 3GPP Band Class 12 operations, provided that all other Lower 700 MHz licensees have adequate assurance of the continued commitment of AT&T Mobility to comply with the technical parameters as proposed here. Conditional grant is appropriate in these circumstances.

2. Defining Proposed Power and Height Limits in Terms of Compliance with Section 27.50(c) of the Commission's Rules Excluding Subsection 27.50(c)(7) would Provide Clarity and Consistency with the Current Power and Height Limits for Advanced Mobile Operations in the Lower 700 MHz A, B and C Blocks.

USCC proposes the adoption of a condition which set power and height limits in accordance with Section 27.50(c) of the Commission's Rules excluding Subsection 27.50(c)(7) to emphasize the need for consistency of power and height operating parameters where possible in

³ Id. at p.8, Fn. 24.

⁴ Rinne Declaration, p. 6, Para. 18.

all of the Lower 700 MHz spectrum blocks. Elimination of Subsection 27.50(c)(7) for these licenses would level the playing field for wireless operators seeking to bring broadband services to customers via the Lower 700 MHz spectrum.

Consistent power levels and antenna height restrictions across all of the Lower 700 MHz blocks will reduce the interference impacts to operations on 3GPP Band Class 12 spectrum improving spectral efficiency and expediting use of this band class.⁵

USCC's proposed exclusion of Subsection 27.50(c)(7) is also directly responsive to AT&T Mobility's assertions in its Public Interest Statement " ...the market has shown that the Lower 700 MHz D and E blocks cannot and will not be put to full and efficient use as stand-alone one-way 6 MHz licenses."⁶ By conditioning grant to make clear that high power/height broadcast style operations will not be implemented on the Lower 700 MHz D and E Block spectrum proposed to be acquired by AT&T Mobility, the Commission would be taking a significant step to encourage advanced mobile broadband deployment on Lower 700 MHz spectrum.

⁵ See also Declaration of Darryl De Gruy, Senior Strategic Planning Engineer, United States Cellular Corporation, dated March 11, 2011, attached.

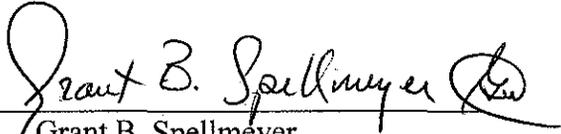
⁶ Id. at p. 6.

Conclusion

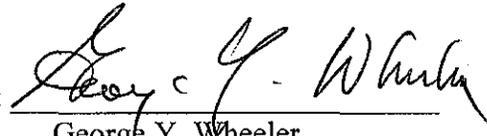
USCC has commented in RM-11592 that AT&T Mobility chose to deploy single 700 MHz band class devices (Band Class 17) rather than support the parallel development of a 700 MHz broadband device ecosystem including Band Class 12. Its decision had consequences which diminished the prospects for data roaming, delayed availability of 700 MHz devices for other 700 MHz licensees, increased device costs for other licensees, and took away regulatory incentives promoting consumer choice and device innovation in the 700 MHz band. Conditioning grant of licenses proposed to be assigned to AT&T Mobility is not a complete solution to the disruptive impact of that decision but it is an essential first step to address the roadblocks put in place by that decision in the event the Commission is prepared approve this acquisition.

Respectfully submitted,

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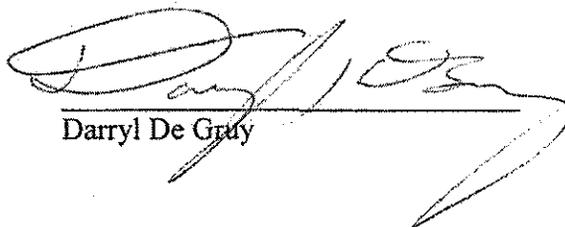
March 11, 2011

DECLARATION OF DARRYL DE GRUY

Darryl De Gruy, subject to the penalty of perjury, declares the following:

I am the Senior Strategic Planning Engineer for United States Cellular Corporation ("USCC"), a position I have held since 2007. I have participated in the preparation of the USCC Petition for Conditional Grant ("Petition") to be submitted in response to the Commission's Public Notice (DA 11-252) released February 9, 2011 in WT Dkt No 11-18 with respect to the application filed by AT&T Mobility Spectrum LLC and Qualcomm Incorporated requesting consent under Section 310(d) of the Communications Act of 1934, as amended, to assign six D Block and five E Block licenses in the Lower 700 MHz band, including reviewing a materially complete final draft of the Petition. With the exception of information about which the Commission may take judicial notice, the engineering conclusions and related assertions of fact with respect to the potential benefits for Lower 700 MHz A, B and C Block networks in the event the Commission makes conditional grants as proposed in the USCC Petition are true and correct to my personal knowledge.

March 11, 2011



Darryl De Gruy

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Certificate of Service

I, Marianne Trana, a legal secretary with the firm of Holland & Knight LLP, hereby certify that on the 11th day of March, 2011, copies of the foregoing Petition for Conditional Grant, including attachment, were deposited in the U.S. mail, postage prepaid, addressed to:

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Marianne Trana