

November 30, 2011

VIA ELECTRONIC DELIVERY

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Room TWA325
Washington, DC 20554

**Re: Notice of *Ex Parte* Presentations
WT Docket No. 11-18; RM-11592**

Dear Ms. Dortch:

On November 28, 2011, Vulcan Wireless LLC (“Vulcan”) representatives Scott Wills, Paul Nagle, Paul Kolodzy, and Michele Farquhar met with Commissioner Copps and Mark Stone, his Chief of Staff; and with Commissioner Clyburn and Louis Peraertz, her Legal Advisor; to discuss the critical need for a condition on the AT&T-Qualcomm acquisition that would help restore a consolidated Lower 700 MHz band class.

During the meetings, the Vulcan representatives discussed the concerns that are dramatically impeding A Block broadband deployment (as described in the attached presentation distributed at the meeting). They discussed a key condition that the Commission must impose before allowing the transfer of Qualcomm’s 700 MHz spectrum to AT&T, or else the transaction will further subvert FCC policy, decrease market competitiveness, and further delay the deployment of 4G networks.

They also discussed the following points:

- The Commission should only impose a single condition that restores the original Lower 700 MHz band plan, which would reconsolidate and unify the paired spectrum in the Lower 700 MHz band (*i.e.*, the A, B, and C Blocks);
- The Commission should promptly grant the transfer with this condition, as a unified band will speed network deployment. Conversely, failure to address the fragmentation of the Lower 700 MHz band now will cause additional delay in network deployments and discourage participation by smaller operators in future spectrum auctions, thereby reducing the value of spectrum, discouraging competition, and subsequently driving up costs to consumers; and
- The Commission should provide AT&T with a sufficient amount time to comply with the condition by affording AT&T up to two years to fully comply with any such condition and ensure that all of its 700 MHz mobile handsets operate on the unified Lower 700 MHz band plan.

The representatives also discussed the results of a “real world” study, funded by a consortium of several Lower 700 MHz A Block licensees,¹ intended to prove or disprove the unsubstantiated claims previously submitted to the FCC and 3GPP by AT&T and Qualcomm, among others, regarding the need for establishing two separate band classes to govern only three spectrum blocks. As described in more detail in the attached presentation and in Vulcan’s November 25 *ex parte* in this proceeding, the findings of the study were as follows:

- The underlying assumptions and claims put forth in 3GPP proceedings rationalizing a separate Band Class 17 were incorrect or overstated;
- Different operators’ systems in the Lower 700 MHz B and C Blocks actually pose a threat of interference to each other that is greater than any threat that would be introduced from a unified Lower 700 MHz band class that includes the A Block;
- Neither the high power E Block transmissions nor Channel 51 transmissions present an interference threat to AT&T’s LTE devices, which currently receive and manage signal level disparities from within the B and C Blocks that are greater than those which would need to be accounted for by restoring the original Lower 700 MHz band plan;
- Concerns about reverse intermodulation distortion interference are unfounded, as commercially deployed AT&T devices did not experience any such interference; and
- The vague and exaggerated concerns regarding the potential increase in cost and/or size of devices necessary to operate on a reunified Lower 700 MHz band plan are without merit, as the cost of devices with such a condition will be virtually unchanged.

Finally, Vulcan explained how the proposed transaction has already negatively impacted other Lower 700 MHz spectrum holders (as reflected in the attached reports). Within the last two weeks, a leading AT&T 4G network vendor submitted a proposal to the 3GPP (seemingly endorsed by AT&T) to have other non-AT&T 700 MHz spectrum holders reduce the amount of their usable bandwidth to compensate for AT&T’s anticipated use of the D Block. This proposal was not revealed to the FCC in any filings by AT&T, Qualcomm, or any vendors supporting this proposed transaction. Designed solely to accommodate AT&T’s use of the D Block spectrum, this proposal would force non-AT&T spectrum holders to forfeit their valuable spectrum rather than require AT&T to bear the full responsibility by setting aside its own guard band within the D Block to accommodate its operations.

¹ The consortium members include: Vulcan Wireless, King Street Wireless, Cavalier Wireless, Continuum 700, Cox Wireless, C Spire and MetroPCS.

Pursuant to Section 1.1206(b) of the Commission's rules, I am filing this notice electronically in the above-referenced docket. Please contact me directly with any questions.

Respectfully submitted,

/s/ Michele C. Farquhar

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cc: Commissioner Copps
Commissioner Clyburn
Mark Stone
Louis Peraertz