

licensees predates the current Commission, having its origins in the predecessor Federal Radio Commission. Nor can it be disputed that the increased interference risk is “merger specific.” It is *precisely* because of AT&T’s proposed new use of the spectrum that the enhanced interference risk will occur.

It would be the height of irresponsibility for the Commission to permit the transaction knowing that independent equipment manufacturers have found that the proposed use of the spectrum by AT&T will create significant risk of interference to the operations of other licensees. The Commission’s experience with past interference conflicts that resulted in the 800 MHz rebanding order, and the current interference concerns arising in the context of Lightsquared’s use of the spectrum in accordance with Commission rules, under scores how costly and detrimental such conflicts can be.

It must be stressed that the interference would arise from AT&T’s *lawful* use of the spectrum. At is in precisely this situation, two primary users lawfully using spectrum in accordance with the rules, yet still interfering with one another, that create the most debilitating and prolonged interference fights. This is particularly difficult where, as here, AT&T will have enhanced access to equipment due to its size and greater capitalization. AT&T will therefore be in the position to define the spectrum environment unilaterally, forcing its competitors to either endure interference or engage in protracted proceedings at the Commission.

In addition to the other public interest benefits identified by PK and others, an interoperability condition would provide necessary insurance against this heightened interference risk. A Block licensees could deploy networks confident that, in the event of interference, they could roam on comparable 700 MHz bands that will not be impacted by AT&T’s use of the Qualcomm spectrum. In fact, AT&T itself may benefit. As AT&T pointed out repeatedly in the T-Mobile proceeding, it is a purchaser of roaming as well as a provider. If the lawful, authorized operation of an A Block licensee creates interference with AT&T’s use of the Qualcomm spectrum, AT&T will have the ability to roam on the other operators spectrum to replace lost capacity.

In accordance with the FCC’s *ex parte* rules, this document is being electronically filed in the above-referenced dockets today.

Sincerely,

_____/s/
Harold Feld
Legal Director
Public Knowledge

CC: Mark Stone
Lisa Hone