



PUBLIC NOTICE

Federal Communications Commission
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WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON PETITION FOR RULEMAKING FILED BY AT&T TO MAKE 800 MHz CELLULAR BASE STATION POWER RULES CONSISTENT WITH RULES FOR OTHER MOBILE BROADBAND SERVICES

RM-11660

Comments Due: June 1, 2012

Reply Comments Due: June 18, 2012

On February 29, 2012, AT&T Services Inc., on behalf of AT&T, Inc. and its subsidiaries (“AT&T”) filed a petition for expedited rulemaking and request for waiver asking the Commission to modify its current rules for cellular base station Effective Radiated Power (“ERP”) in Section 22.913 of the Commission’s rules¹ to make them consistent with other mobile broadband services. With this Public Notice, we seek comment on AT&T’s petition for expedited rulemaking.²

In 2008, the FCC revised the radiated power rules for several wireless services, including Personal Communications Services and Advanced Wireless Services to permit the use of a power spectral density (“PSD”) model for measuring equivalent isotropically radiated power (“EIRP”). However, the Commission declined to extend this change to the cellular radio service because the frequencies immediately adjacent to the cellular bands were undergoing significant restructuring.³ AT&T notes that, at this time, the restructuring is nearly complete.⁴

AT&T proposes that the current ERP limits for cellular base stations be restated as PSD limits and specifically proposes a PSD limit of 250 watts/MHz in non-rural areas and 500 watts/MHz in rural areas.⁵ AT&T contends that this change is necessary to allow cellular licensees to efficiently utilize their

¹ 47 C.F.R. §22.913

² AT&T Services, Inc., Petition for Expedited Rulemaking and Request for Waiver of Section 22.913 of the Commission’s Rules (filed February 29, 2012) (“Petition”). We do not seek comment on AT&T’s request for a waiver of 47 C.F.R. §22.913 at this time.

³ See In the Matter of Biennial Regulatory Review – Amendment of Parts 1, 22, 24, 27 and 90 to Streamline and Harmonize Various Rules Affecting Wireless Radio Services, *Third Report and Order*, 23 FCC Rcd 5319 (March 2008) at ¶51.

⁴ See Petition at 8.

⁵ See Petition at 3

spectrum for next-generation wireless broadband networks.⁶ AT&T also includes a study that purports to show that shifting to PSD-based power limits for the cellular band would not cause harmful interference to users in adjacent bands.⁷ We seek comment on the proposed rule change and associated technical issues.

Procedural Matters

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) or by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24121 (1998).

- *Electronic Filers*: Comments may be filed electronically using the Internet by accessing the ECFS: <http://apps.fcc.gov/ecfs/>.
- *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. **PLEASE NOTE**: This is the **ONLY** location where hand-delivered or messenger-delivered paper filings for the Commission's Secretary will be accepted. The Commission's former filing location at 236 Massachusetts Ave., N.E., is permanently closed.
- 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/

This proceeding shall be treated as a "permit-but-disclose" in accordance with the Commission's *ex parte* rules.⁸ Persons making *ex parte* presentations file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the 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

⁶ *Id.* at 9-12.

⁷ *Id.* at 12-13 and Appendix A.

⁸ See 47 C.F.R. §§ 1.1200(a), 1.1206. *et seq.*

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).

The Petition as well as the comments and reply comments filed in response to this *Public Notice* will be available for public inspection and copying during business hours in the FCC Reference Information Center, Portals II, 445 12th Street S.W., Room CY-A257, Washington, D.C. 20554, and via ECFS. The comments may also be purchased from Best Copy and Printing, Inc., telephone (800) 378-3160, facsimile (301) 816-0169, e-mail FCC@BCPIWEB.com.

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).

For further information, please contact Paul Powell of the Wireless Telecommunications Bureau, Mobility Division, at (202) 418-1613 or Paul.Powell@fcc.gov.

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