



Federal Communications Commission  
Washington, D.C. 20554

February 13, 2015

DA 15-213

Brian J. Benison  
Director, Federal Regulatory  
AT&T Services, Inc.  
1120 20<sup>th</sup> Street, NW  
Suite 1000  
Washington, DC 20036

RE: AT&T Mobility Spectrum LLC; BellSouth Mobile Data, Inc.; New Cingular Wireless PCS, LLC; and SBC Telecom Inc. Petition for Rulemaking Amending WCS Technical Standards Rules, RM-11731; AT&T Mobility Spectrum LLC; BellSouth Mobile Data, Inc.; New Cingular Wireless PCS, LLC; and SBC Telecom Inc. Petition for Limited Waiver of WCS Technical Standards and Service Rules.

Dear Mr. Benison:

On August 8, 2014, AT&T Mobility Spectrum LLC, BellSouth Mobile Data, Inc., New Cingular Wireless PCS, LLC, and SBC Telecom Inc. (collectively, AT&T), filed a Petition for Rulemaking requesting that the Commission open a rulemaking proceeding to amend certain Part 27 rules governing the C and D Blocks of the Wireless Communications Services in the 2.3 GHz band (WCS).<sup>1</sup> AT&T also filed, in the alternative, requests for waiver to enable the provision of air-ground service.<sup>2</sup> In this Letter Order, we dismiss the Petition for Rulemaking and the Petition for Waiver.

In its Petition for Rulemaking, AT&T sought rule revisions that it asserted would enable the use of WCS C and D Block spectrum for in-flight connectivity service while also protecting operations in the adjacent Satellite Digital Audio Radio Service (SDARS) spectrum from harmful interference. Among other things, AT&T sought revisions regarding construction, power limits, and out-of-band emissions limits, and proposed a new SDARS coordination rule. On August 21, 2014, the Wireless Telecommunications Bureau (Bureau) sought comment on the Petition for Rulemaking.<sup>3</sup>

On November 25, 2014, AT&T filed a letter with the Commission explaining that, due to recent investments and a related evaluation of various investment priorities, AT&T had decided not to develop

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<sup>1</sup> AT&T Mobility Spectrum LLC, BellSouth Mobile Data, Inc., New Cingular Wireless PCS, LLC; and SBC Telecom Inc. Petition for Rulemaking Amending WCS Technical Standards Rules, filed August 8, 2014 (Petition for Rulemaking).

<sup>2</sup> See e.g. AT&T Mobility Spectrum LLC, BellSouth Mobile Data, Inc., New Cingular Wireless PCS, LLC; and SBC Telecom Inc. Petition for Limited Waiver of WCS Technical Standards and Service Rules (Call Sign WQND999, File No. 0006417028), filed August 8, 2014 (Petition for Waiver).

<sup>3</sup> See Wireless Telecommunications Bureau Seeks Comment on AT&T Petition for Rulemaking Regarding Revision of WCS Rules, RM-11731, *Public Notice*, 29 FCC Rcd 10052 (WTB 2014) (Public Notice).

an air-to-ground business and was reevaluating its plans for the use of its WCS C and D block licenses.<sup>4</sup> Accordingly, AT&T requested that the Commission hold its Petition for Rulemaking in abeyance until February 12, 2015 and thereafter dismiss the petition and related waiver requests unless AT&T notified the Commission that it wished to pursue the rulemaking prior to that date.<sup>5</sup> AT&T has informed the Bureau that it does not wish to pursue the rulemaking petition or waiver requests.

Pursuant to AT&T's request, we hereby dismiss the Petition for Rulemaking Amending WCS Technical Standards Rules, RM-11731, and the Petition for Limited Waiver of WCS Technical Standards and Service Rules.

These actions are taken under delegated authority pursuant to sections 0.131 and 0.331 of the Commission's rules, 47 C.F.R. §§ 0.131, 0.331.

Sincerely,

Roger S. Noel  
Chief, Mobility Division  
Wireless Telecommunications Bureau

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<sup>4</sup> See Letter from Brian J. Benison, Director, Federal Regulatory, AT&T Services, Inc. to Marlene H. Dortch, Esq., Secretary, Federal Communications Commission, dated Nov. 25, 2014.

<sup>5</sup> *Id.*