



**Joan Marsh**  
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December 7, 2011

**VIA ECFS**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Re: *Applications of AT&T Mobility Spectrum LLC and Qualcomm  
Incorporated for Consent to the Assignment of Licenses,*  
WT Docket No. 11-18  
**Notice of Ex Parte Presentation**

Dear Ms. Dortch,

On Tuesday, December 6, 2011, the undersigned spoke with Rick Kaplan, Chief of the FCC's Wireless Bureau, on the above-referenced matter. I expressed AT&T's continued commitment to and support of the draft item on circulation recommending approval of the above-referenced transaction. I noted, however, that AT&T objects to the reduction to the spectrum screen outlined in footnote 137 in the Staff Analysis and Findings recently released in Docket No. 11-65 that is apparently included in the draft Order on circulation.<sup>1</sup> I argued that there was no record for making that reduction in this proceeding and that it is the first time in Commission history that there is a proposed downward adjustment to the screen.

I further argued that if the screen is to be adjusted, the Commission should account for other spectrum bands that are currently undercounted or uncounted, including all 194 MHz of BRS/EBS spectrum, not just the 55.5 MHz it currently considers, and the MSS bands, which the Commission has acknowledged could be used for the provision of mobile voice and broadband services.<sup>2</sup>

Finally, I argued that, given the central role the spectrum screen now plays in the Commission's competitive analysis of transactions, the Commission should make adjustments to its screen in an open rulemaking, conducted and concluded annually,

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<sup>1</sup> *In re Applications of AT&T Inc. and Deutsche Telekom AG for Consent to Assign or Transfer Control of Licenses and Authorizations*, Staff Analysis and Findings, at 23 n.137, WT Docket No. 11-65 (rel. Nov. 29, 2011).

<sup>2</sup> *In re Fixed and Mobile Servs. in the Mobile Satellite Service Bands*, Report and Order, 26 FCC Rcd 5710, 5720-21 ¶ 23 (2011).

allowing party participants to file comments on what is appropriate for inclusion in the screen and subjecting the Commission's decisions on the screen to judicial review.

In accordance with Commission rules, this letter is being filed electronically with your office for inclusion in the public record.

Sincerely,

A handwritten signature in black ink, appearing to read 'JM', followed by a horizontal line extending to the right.

Joan Marsh

cc: Rick Kaplan  
Kathy Harris  
Kate Matraves  
Jim Bird  
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