



PUBLIC NOTICE

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WIRELESS TELECOMMUNICATIONS BUREAU REMINDS 700 MHZ LICENSEES OF REQUIREMENT TO FILE INTERIM BENCHMARK NOTIFICATIONS OF CONSTRUCTION

By this *Public Notice*, the Wireless Telecommunications Bureau (Bureau) reminds 700 MHz band licensees holding economic area (EA) authorizations for Blocks A and E; cellular market authorizations (CMA) for Block B; and regional economic area grouping (REAG) authorizations for Block C of the requirement to demonstrate compliance with their respective interim construction benchmarks pursuant to Section 27.14(k) of the Commission's Rules.¹ Section 27.14(k) of the Commission's Rules requires that 700 MHz band licensees holding authorizations in the spectrum blocks enumerated in Section 27.14(g), (h), or (i) of the Commission's Rules shall demonstrate compliance with performance requirements by filing a construction notification with the Commission and must certify whether they have met the applicable performance requirements.²

Licensees who meet the interim construction benchmark must demonstrate compliance by filing a construction notification within fifteen days of the benchmark electronically via the Commission's Universal Licensing System (ULS)³ by selecting "Notify the FCC" and then selecting "1 -1st buildout/coverage requirements for the referenced system have been met." The information contained in the licensee's construction notification must include electronic coverage maps and other supporting documentation.⁴

Licensees who have not met the interim construction benchmark and are subject to the automatic two-year reduction in license term,⁵ must also file a construction notification within fifteen days of the benchmark electronically via ULS. To do so, they must select "Notify the FCC," select "1

¹ 47 C.F.R. § 27.14(k). The Bureau may prescribe by Public Notice the information to be included in the construction notification. *See id.* 700 MHz B, C, and E block licensees have interim construction deadlines as early as June 13, 2013. *See* 47 C.F.R. §§ 27.14(g)-(i).

² 47 C.F.R. § 27.14(k). Licensees must demonstrate compliance with our interim construction benchmark by filing a construction notification certifying that they have met our performance requirements or, if they have not met our performance requirements, they must file a description and certification of the areas for which they are providing service. *See* Service Rules for the 698-746, 747-762, and 777-792 MHz Bands, *Second Report and Order*, 22 FCC Rcd at 15352 ¶ 166 (2007) (700 MHz Second Report and Order).

³ ULS may be accessed online at: <http://wireless.fcc.gov/uls/>.

⁴ 47 C.F.R. § 27.14(k).

⁵ *See* 47 C.F.R. §§ 27.14(g)-(i).

-1st buildout/coverage requirements for the referenced system have been met,"⁶ and file a statement, via an attachment to the notification, certifying that the licensee has not met the interim construction benchmark.

If the licensee is providing some service, the licensee must include a description and certification of the areas for which service is provided.⁷ If the licensee is not providing any service, the licensee may describe in the attachment to the notification whether it has undertaken meaningful efforts to put its spectrum to use, such as engaging in system planning, exploring sites and site leases, pursuing network engineering planning, or engaging in efforts to procure equipment.⁸ The staff will use this information to evaluate whether to impose penalties in addition to the two-year license term reduction.⁹

For further information, contact Ms. Becky Schwartz of the Mobility Division, Wireless Telecommunications Bureau at (202) 418-7178, or via e-mail at Becky.Schwartz@fcc.gov.

By the Chief, Mobility Division, Wireless Telecommunications Bureau.

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⁶ ULS does not provide a separate option indicating that the requirements have *not* been met.

⁷ 700 MHz Second Report and Order, 22 FCC Rcd at 15352 ¶ 166; 47 C.F.R. § 27.14(k).

⁸ See 700 MHz Construction and Reporting Requirements, *Public Notice*, 26 FCC Rcd at 16444-45 (WTB 2011).

⁹ Licensees who fail to meet the interim construction benchmark may be subject to enforcement action, including forfeitures, and may lose authority to operate in part of the remaining unserved areas of the license. See 47 C.F.R. §§ 27.14(g)-(i).