



PUBLIC NOTICE

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WIRELESS TELECOMMUNICATIONS BUREAU EXTENDS 700 MHZ A BLOCK LICENSEE INTERIM CONSTRUCTION BENCHMARK DEADLINE UNTIL DECEMBER 13, 2013

WT Docket 12-332

By this *Public Notice*, the Wireless Telecommunications Bureau issues a limited waiver, on its own motion,¹ and extends the interim construction deadline in Section 27.14(g)² until December 13, 2013, for all active Lower 700 MHz band A Block licensees with an interim four-year construction benchmark deadline before December 13, 2013 (Lower A Block Licensees).

Section 27.14(g) of the Commission's Rules require EA licensees holding authorizations for Block A in the 698-704 MHz and 728-734 MHz bands to provide signal coverage and offer service over at least 35 percent of the geographic area of their license no later than June 13, 2013, or within four years of initial license grant, if the initial authorization is granted after June 13, 2009 (Interim Construction Benchmark Deadline).³

Certain wireless providers filed a petition requesting that the Commission address interoperability issues in the Lower 700 MHz band,⁴ asserting that the development of two distinct band classes within the Lower 700 MHz band has hampered their ability to have meaningful access to a wide range of advanced devices.⁵ Some Lower 700 MHz band licensees

¹ The Commission may waive any rule provision on its own motion. *See* 47 C.F.R. §§ 1.3, 1.925.

² 47 C.F.R. § 27.14(g).

³ *Id.* CMA licensees for Block B in the 704-710 MHz and 734-740 MHz bands must also provide signal coverage and offer service over at least 35 percent of the geographic area of their license no later than June 13, 2013, or within four years of initial license grant, if the initial authorization is granted after June 13, 2009. *See id.*

⁴ *See* 700 MHz Block A Good Faith Purchaser Alliance Petition for Rulemaking Regarding the Need for 700 MHz Mobile Equipment to be Capable of Operating on All Paired Commercial 700 MHz Frequency Blocks, filed Sept. 29, 2009. The Petition was placed on Public Notice for comment. *See* Wireless Telecommunications Bureau Seeks Comment on Petition for Rulemaking Regarding 700 MHz Band Mobile Equipment Design and Procurement Practices, *Public Notice*, 25 FCC Rcd 1464 (2010).

⁵ In the Lower 700 MHz band, there are two different 3rd Generation Partnership Project (3GPP) operating bands, Band Class 12 and Band Class 17. Band Class 12 covers operations in the Lower A, B, and C Blocks, and Band Class 17 covers operations in the Lower B and C Blocks. Therefore, Band Class 17 devices do not operate on the Lower A Block.

have requested an extension of the Interim Construction Benchmark Deadline.⁶ These licensees assert that interoperability issues have impeded their ability to satisfy the Interim Construction Benchmark Deadline.⁷

On March 2, 2012, the Commission issued a Notice of Proposed Rulemaking⁸ to “promote interoperability in the Lower 700 MHz band and to encourage the efficient use of spectrum.”⁹ The Commission is reviewing the issues raised in the 700 MHz Interoperability proceeding, and we find it is in the public interest to briefly extend the construction deadline for the Lower A Block Licensees.

Accordingly, pursuant to Sections 1.3 and 1.925,¹⁰ the Wireless Telecommunications Bureau issues a limited waiver of Section 27.14(g),¹¹ and extends the Interim Construction Benchmark Deadline applicable to the Lower A Block Licensees, until December 13, 2013. Because we take this action on our own motion, all requests for extension or waiver of the Interim Construction Benchmark Deadline filed by Lower A Block Licensees remain pending. We take no action with respect to the Interim Construction Benchmark Deadline for Lower B Block Licensees, and all requests for extension or waiver of the Interim Construction Benchmark Deadline filed by Lower B Block Licensees remain pending.

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.

Action by the Chief, Mobility Division, Wireless Telecommunications Bureau.

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⁶ The Commission released a Public Notice seeking comment on the requests filed as of November 2012. *See* Wireless Telecommunications Bureau Seeks Comment on Requests for Waiver and Extension of Time to Construct 700 MHz A and B Block Licenses, *Public Notice*, 27 FCC Rcd 14049 (WTB 2012) (700 MHz PN). Seven parties filed comments and two parties filed reply comments in response to the 700 MHz PN, and since its release, additional Lower 700 MHz band licensees filed similar requests.

⁷ *See id.*

⁸ *See* Promoting Interoperability in the 700 MHz Commercial Spectrum, *Notice of Proposed Rulemaking*, 27 FCC Rcd 3521 (2012).

⁹ *See id.* at 3525 ¶ 5.

¹⁰ 47 C.F.R. §§ 1.3, 1.925.

¹¹ 47 C.F.R. § 27.14(g).