



PUBLIC NOTICE

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WIRELESS TELECOMMUNICATIONS BUREAU GRANTS AWS-3 LICENSES IN THE 1695-1710 MHZ BAND

Auction No. 97

Report No. AUC-97 (Auction No. 97)

On January 29, 2015, the Federal Communications Commission (“Commission”) completed an auction of Advanced Wireless Service licenses in the 1695-1710 MHz, 1755-1780 MHz and 2155-2180 MHz bands (collectively, the “AWS-3” bands).¹ After a preliminary review of the FCC long-form applications (FCC Form 601), 30 applications were accepted for filing.² Eleven applications were granted on April 8, 2015.³ Two applications were granted on August 24, 2015,⁴ three applications were granted on October 15, 2015,⁵ two applications were granted in part and dismissed in part on October 27, 2015,⁶ two applications were granted on November 19, 2015,⁷ two applications were granted on February 4, 2016,⁸ three applications were granted on March 30, 2016,⁹ and four applications were granted on July 5, 2016.¹⁰

¹ *Auction of Advanced Wireless Services (AWS-3) Closes; Winning Bidders Announced for Auction 97*, Public Notice, 30 FCC Rcd 630 (WTB 2015).

² *Wireless Telecommunications Bureau Announces that Applications for AWS-3 Licenses in the 1755-1780 MHz and 2155-2180 MHz Bands are Accepted for Filing*, Public Notice, 30 FCC Rcd 2094 (WTB 2015) (*First AFF Public Notice*); *Wireless Telecommunications Bureau Announces that Applications for AWS-3 Licenses in the 1695-1710 MHz, 1755-1780 MHz and 2155-2180 MHz Bands are Accepted for Filing*, Public Notice, 30 FCC Rcd 3796 (WTB 2015) (collectively, the *AFF Public Notices*). A subsequent public notice will announce the acceptance for filing of the one pending long-form application not included on the *AFF Public Notices*.

³ *Wireless Telecommunications Bureau Grants AWS-3 Licenses in the 1755-1780 MHz and 2155-2180 MHz Bands*, Public Notice, 30 FCC Rcd 2952 (WTB 2015).

⁴ *Wireless Telecommunications Bureau Grants AWS-3 Licenses in the 1755-1780 MHz and 2155-2180 MHz Bands*, Public Notice, 30 FCC Rcd 8483 (WTB 2015).

⁵ *Wireless Telecommunications Bureau Grants AWS-3 Licenses in the 1755-1780 MHz and 2155-2180 MHz Bands*, Public Notice, 30 FCC Rcd 11347 (WTB 2015).

⁶ *Wireless Telecommunications Bureau Actions on AWS-3 Licenses in the 1695-1710 MHz, 1755-1780 MHz and 2155-2180 MHz Bands*, Public Notice, 30 FCC Rcd 11622 (WTB 2015).

⁷ *Wireless Telecommunications Bureau Grants AWS-3 Licenses in the 1755-1780 MHz and 2155-2180 MHz Bands*, Public Notice, 30 FCC Rcd 13325 (WTB 2015).

⁸ *Wireless Telecommunications Bureau Grants AWS-3 Licenses in the 1755-1780 MHz and 2155-2180 MHz Bands*, Public Notice, 31 FCC Rcd 923 (WTB 2016).

⁹ *Wireless Telecommunications Bureau Grants AWS-3 Licenses in the 1755-1780 MHz and 2155-2180 MHz Bands*, Public Notice, 31 FCC Rcd 2250 (WTB 2016).

¹⁰ *Wireless Telecommunications Bureau Actions on AWS-3 Licenses in the 1695-1710 MHz, 1755-1780 MHz and 2155-2180 MHz Bands*, Public Notice, 31 FCC Rcd 7129 (WTB 2016).

Upon further review and examination, the application listed in Attachment A has been found to be complete and in conformance with the Commission's rules. Furthermore, the Commission has received full payment, as required by Section 1.2109(a) of its rules, for the licenses listed in Attachment A,¹¹ and there are no petitions to deny or other requests pending that would prevent grant of these licenses. On October 27, 2016, the U.S. Department of Justice (USDOJ), to include its components, the National Security Division and the Federal Bureau of Investigation, filed with the Commission a Petition to Adopt Conditions to Authorizations and Licenses (USDOJ Petition to Adopt Conditions).¹² In assessing the public interest, we take into account the record and consider the national security, law enforcement, foreign policy, and trade policy concerns raised by the Executive Branch as we undertake our independent public interest analysis.¹³ On November 25, 2016, the International Bureau issued public notice of its grant of the USDOJ Petition to Adopt Conditions.¹⁴ Accordingly, we find that granting the application and licenses listed in Attachment A subject to the following special condition serves the public interest, convenience, and necessity:

Grant of application File Number 0006670619 is conditioned on 2014 AWS Spectrum Bidco Corporation abiding by the commitments and undertakings set forth in its October 25, 2016, Letter from John A. Dooley, Director, 2014 AWS Spectrum Bidco Corporation, to the Assistant Attorney General for National Security, USDOJ. Any failure to comply and/or remain in compliance with any of these commitments and undertakings shall constitute a failure to meet a condition of this grant and thus grounds for declaring each license granted in file number 0006670619 terminated without any further action on the part of the Commission. Failure to meet a condition of this grant may also result in monetary sanctions or other enforcement action by the Commission. The October 25, 2016, Letter of Assurance is attached to the Petition to Adopt Conditions to Authorizations and Licenses that the USDOJ, to include its components, the National Security Division and the Federal Bureau of Investigation, filed with the Commission in IBFS File No. ISP-PDR-20140912-00011 (and available in ULS attached to application File No. 0006670619).

Accordingly, by this Public Notice, we announce the grant of the licenses listed in Attachment A, subject to the condition discussed herein. We grant these licenses pursuant to Section 309(a) of the Communications Act, 47 U.S.C. § 309(a), and Sections 0.131 and 0.331 of the Commission's rules, 47 CFR §§ 0.131, 0.331, because it will serve the public interest, convenience, and necessity.

This Public Notice includes one attachment:

Attachment A: Auction 97 Application and Corresponding Licenses Granted on December 1, 2016.

Please contact Brian Wondrack, Wireless Telecommunications Bureau, Broadband Division, (202) 418-0653 or Brian.Wondrack@fcc.gov for questions regarding legal matters or licensing issues.

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¹¹ 47 CFR § 1.2109(a).

¹² See IBFS File No. ISP-PDR-20140912-00011, *2014 AWS Spectrum Bidco Corporation, Petition for Declaratory Ruling Under Section 310(b)(4) of the Communications Act, as Amended*, (Bidco § 310(b) Petition), Petition to Adopt Conditions to Authorizations and Licenses, filed by the U.S. Department of Justice on October 27, 2016 (USDOJ Petition to Adopt Conditions); see also ULS File No. 0006670619, Supplement to Amended Exhibit B: Foreign Ownership (filed Nov. 18, 2016).

¹³ *Rules and Policies on Foreign Participation in the U.S. Telecommunications Market: Market Entry and Regulation of Foreign-Affiliated Entities*, Report and Order on Reconsideration, 12 FCC Rcd 23891, 23918-21, paras. 59-66 (1997) (foreign participation in the U.S. telecommunications market may implicate significant national security or law enforcement issues uniquely within the expertise of the Executive Branch, *id.* at 23919, para. 62).

¹⁴ The International Bureau granted the Bidco § 310(b) Petition on October 27, 2016, see IBFS File No. ISP-PDR-20140912-00011 (Grant of Authority). See also *International Authorizations Granted—Section 214 Applications (47 CFR § 63.18): Section 310(b) Requests*, Public Notice, DA 16-1318 (IB, rel. Nov. 25, 2016) (public notice of the October 27, 2016, Grant of Authority with conditions and grant of the USDOJ Petition to Adopt Conditions).