



PUBLIC NOTICE

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WIRELESS TELECOMMUNICATIONS BUREAU AND OFFICE OF ENGINEERING AND TECHNOLOGY ESTABLISH “SECOND WAVE” DEADLINE FOR PROPOSALS FROM PROSPECTIVE SPECTRUM ACCESS SYSTEM (SAS) ADMINISTRATOR(S) AND ENVIRONMENTAL SENSING CAPABILITY (ESC) OPERATOR(S)

GN Docket No. 15-319

**Proposals will be accepted immediately
“Second Wave” proposal deadline: May 31, 2017**

I. INTRODUCTION

The Wireless Telecommunications Bureau (WTB) and the Office of Engineering and Technology (OET) (collectively, WTB/OET) hereby establish a “second wave” deadline for proposals from prospective Spectrum Access System (SAS) Administrator(s) and Environmental Sensing Capability (ESC) operator(s) in the 3550-3700 MHz band (3.5 GHz Band) as directed by the *Report and Order and Second Further Notice of Proposed Rulemaking*, GN Docket 12-354 (*3.5 GHz First Order*).¹

II. BACKGROUND

On April 17, 2015, the Commission adopted the *3.5 GHz First Order* which established a new Citizens Broadband Radio Service in the 3.5 GHz Band.² In the *3.5 GHz First Order*, the Commission directed WTB/OET, in coordination with the Department of Defense (DoD) and National Telecommunications and Information Administration (NTIA), to oversee a process by which multiple

¹ *Amendment of the Commission's Rules with Regard to Commercial Operations in the 3550-3650 MHz Band*, GN Docket 12-354, Report and Order and Second Further Notice of Proposed Rulemaking, 30 FCC Rcd 3959 (2015) (*3.5 GHz First Order*). See *3.5 GHz First Order*, 30 FCC Rcd 3959, 4067, 4070-4071, paras. 372, 386; 47 C.F.R. §§ 96.1 *et seq.*

² See generally *3.5 GHz First Order*, 30 FCC Rcd 3959. The Commission later adopted an *Order on Reconsideration and Second Report and Order* that addressed petitions for reconsideration filed in response to the *3.5 GHz First Order* as well as certain outstanding issues raised in the *Second FNPRM*. See *Amendment of the Commission's Rules with Regard to Commercial Operations in the 3550-3650 MHz Band*, GN Docket No. 12-354, Order on Reconsideration and Second Report and Order, 31 FCC Rcd 5011 (2016) (*3.5 GHz Second Order*).

entities could seek approval to operate as SAS Administrators and ESC operators.³

Consistent with the Commission's instructions, on December 16, 2015, WTB/OET released a Public Notice describing the application submission process and provided detailed guidance as to how applicants can demonstrate their ability to perform the functions of a SAS Administrator.⁴ Specifically, the *SAS/ESC Proposal Public Notice* established a two-step review process for proposals from prospective SAS Administrators and ESC operators. WTB/OET established a filing window for the "first wave" of proposals, due May 15, 2016,⁵ and conditionally approved seven SAS proposals on December 21, 2016.⁶

III. DISCUSSION

As stated in the *SAS/ESC Proposal Public Notice*, while WTB/OET will consider proposals and amendments submitted after the "first wave" deadline, they may not be considered concurrently with "first wave" proposals.⁷ The opening of the second application window is designed to accommodate such additional proposals. The review process will involve coordination with all necessary stakeholders and may include iterative updates to the applications to ensure compliance with all applicable requirements, consistent with the process used to evaluate "first wave" proposals. As described in detail in the *3.5 GHz First Order*, through this process, prospective SAS Administrators and ESC operators will demonstrate their ability to perform the functions set forth in Part 96 of the Commission's rules.⁸

This Public Notice summarizes the requirements for both SAS Administrators and ESC operators, as established in the *3.5 GHz Order* and further delineated in the *SAS/ESC Proposal Public Notice*, and describes the process for submitting proposals. It also briefly describes the process that WTB/OET will use to evaluate prospective SAS Administrators and ESC operators.

Prospective SAS Administrators and ESC operators may submit proposals for consideration in the "second wave" at any time prior to May 31, 2017. WTB/OET will review all "second wave" proposals concurrently and with equal priority with each other. WTB/OET will continue to consider proposals and amendments thereto submitted after May 31, 2017, but they may not be considered concurrently with previously submitted proposals. Proposals will not be considered mutually exclusive and WTB/OET will conditionally approve as many proposals as are found to satisfy all applicable requirements.

³ See *3.5 GHz First Order*, 30 FCC Rcd at 4051-54, paras. 359-366, 369-373. See 47 C.F.R. §§ 0.241(j) and 0.331(f).

⁴ *Wireless Telecommunications Bureau and Office of Engineering and Technology Establish Procedure and Deadline for Filing Spectrum Access System (SAS) Administrator(s) and Environmental Sensing Capability (ESC) Operator(s) Applications*, GN Docket No. 15-319, Public Notice, 30 FCC Rcd 14170 (WTB/OET Dec. 2015) (*SAS/ESC Proposal Public Notice*).

⁵ See *id.*

⁶ *Wireless Telecommunications Bureau and Office of Engineering and Technology Conditionally Approve Seven Spectrum Access System Administrators for the 3.5 GHz Band*, GN Docket No. 15-319, Public Notice, 2016 WL 7390990 (WTB/OET Dec. 2016).

⁷ See *SAS/ESC Proposal Public Notice*, 30 FCC Rcd at 14174-14176, n.7.

⁸ See 47 CFR §§ 96.1, *et seq.*

IV. SAS ADMINISTRATOR AND ESC OPERATOR PROPOSAL AND APPROVAL PROCESS

SAS and/or ESC proposals submitted in the “second wave” are subject to the same requirements, submission process, and review procedures that applied to proposals submitted during the “first wave.”⁹ Notably, SAS Administrator proposals must describe in detail how the prospective SAS Administrator will comply with the requirements and core functions described in Part 96, subpart F of the Commission’s rules.¹⁰ ESC operator proposals must describe in detail how the prospective operator will comply with the requirements and core functions described in Part 96, subpart G of the Commission’s rules.¹¹ All prospective SAS Administrators and ESC operators must, at a minimum, demonstrate their intent and ability to comply with Commission rules and demonstrate their technical qualifications.¹²

After May 31, 2017, WTB/OET will evaluate the “second wave” proposals. A complete proposal must include all information requested by this Public Notice. After review of these proposals, WTB/OET will release a list of the conditionally approved SAS Administrators and ESC operators that submitted proposals during that time. WTB/OET will also notify the public if any additional proposals are conditionally approved in the future.

Once an SAS Administrator or ESC operator is conditionally approved, WTB/OET may seek additional information from prospective SAS Administrators and ESC operators. At a minimum, WTB/OET will assess and test each conditionally approved SAS and ESC.¹³ These assessments will also include a public testing period, including assessment of incumbent protection capabilities. WTB/OET may also require prospective SAS Administrators and ESC operators to attend workshops and meetings. Prospective SAS Administrators and ESC operators must comply with all instructions from WTB/OET and provide any requested information in a timely manner. All stages of the process, including review of proposals and system compliance testing, will be overseen by WTB/OET, in close consultation with NTIA and DoD.¹⁴

Prospective SAS Administrators and ESC operators must file proposals, and any supplements thereto, with the Commission using the Commission’s Electronic Comment Filing System (ECFS).¹⁵ *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998). In order to be considered in the “second wave,” proposals must be filed on or before the date indicated on the first page of this *Public Notice*. As established for the “first wave” proposals, this proceeding remains “permit-but-

⁹ *See SAS/ESC Proposal Public Notice*.

¹⁰ 47 CFR §§ 96.53-96.65.

¹¹ *Id.* § 96.67.

¹² Parties may submit one filing for both SAS Administrator and ESC operator but the filing must clearly delineate how the system will comply with the requirements for each separate role, and how to address any potential conflicts of interest between the two functions. *SAS/ESC Proposal Public Notice*, 30 FCC Rcd 14174.

¹³ *See id.*, 30 FCC Rcd 3959, 4067, para 372.

¹⁴ *See id.*

¹⁵ While we will accept proposals via ECFS, we are not requesting public comment on the proposals at this time.

disclose” in accordance with the Commission’s *ex parte* rules.¹⁶ Prospective SAS Administrators and ESC operators may request confidential treatment of information contained in their proposals consistent with section 0.459 of the Commission’s rules.¹⁷ Consistent with the Commission’s rules, such confidential information may be shared with federal agencies, including NTIA and the Department of Defense.¹⁸ All such filings should refer to **GN Docket 15-319**.

Questions regarding this *Public Notice* may be directed to Paul Powell, Assistant Chief, Wireless Telecommunications Bureau, Mobility Division at (202) 418-1613 or paul.powell@fcc.gov, or Navid Golshahi, Electronics Engineer, Office of Engineering and Technology, Policy and Rules Division at (202) 418-2422 or navid.golshahi@fcc.gov.

By the Chief, Wireless Telecommunications Bureau, and the Chief, Office of Engineering and Technology.

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¹⁶ See *Wireless Telecommunications Bureau and Office of Engineering and Technology Announce Ex Parte Status and Inter-Agency Confidentiality Procedures for Submissions in GN Docket No. 15-319*, Public Notice, 31 FCC Rcd 5312, (WTB/OET May 19, 2016) (*SAS/ESC Ex Parte Procedures Public Notice*); 47 CFR §§ 1.1200 *et seq.*

¹⁷ See 47 C.F.R. § 0.459.

¹⁸ Any party that opposes the sharing of this information with other agencies has ten days from the date of the confidential filing to oppose such sharing. See 47 C.F.R. § 0.459; *SAS/ESC Ex Parte Procedures Public Notice* at 5313. However, if the party consents to the sharing of such information, we request that applicants explicitly state this in their filing. This will waive the ten day period and allow us to share the confidential filings with NTIA and DoD immediately, expediting the review process, a goal shared by the Commission and applicants.