



# PUBLIC NOTICE

Federal Communications Commission  
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Washington, D.C. 20554

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DA 18-1206

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## WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON WIRELESS INTERNET SERVICE PROVIDERS ASSOCIATION AND UTILITIES TECHNOLOGY COUNCIL REQUEST FOR WAIVER OF CITIZENS BROADBAND RADIO SERVICE TRANSITION DEADLINE

WT Docket 18-353

**Comments Due: December 12, 2018**

**Reply Comments Due: December 24, 2018**

By this public notice, the Wireless Telecommunications Bureau (Bureau) seeks comment on the request of the Wireless Internet Service Providers Association (WISPA) and Utilities Technology Council (UTC)<sup>1</sup> for waiver of sections 90.1307(c) and (d) and sections 90.1338(a) and (b) of the Commission's rules (Petition).<sup>2</sup>

WISPA and UTC seek additional time for grandfathered wireless broadband licensees operating in the 3650-3700 MHz band to complete the transition of their operations to the Part 96 Citizens Broadband Radio Service rules.<sup>3</sup> The transition periods for 3650-3700 MHz band licensees end between April 17, 2020 and January 8, 2023, depending on the grant and expiration dates of each individual license.<sup>4</sup> WISPA and UTC ask that the transition window for all grandfathered 3650-3700 MHz band licensees be extended through January 8, 2023.<sup>5</sup>

### Procedural Matters

The Petition, comments and reply comments can be accessed electronically via the Commission's Electronic Comment Filing System, <https://www.fcc.gov/ecfs/>. Search for filings using the docket number

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<sup>1</sup> See WISPA UTC, Petition for Waiver of sections 90.1307 (c) and (d) and Sections 90.1338(a) and (b) of the Commission's Rules, File no. \_\_\_\_ (filed October 4, 2018) (Petition)

<sup>2</sup> 47 CFR §§ 90.1307 (c) and (d) and 90.1338 (a) and (b).

<sup>3</sup> See Petition at 1. During the transition period, grandfathered wireless broadband licensees are granted incumbent user status with respect Citizens Broadband Radio Service operations within their grandfathered wireless protection zones. See 47 CFR § 96.21.

<sup>4</sup> See 47 CFR § 90.1338 (a) ("Fixed and base station registrations filed in ULS on or before April 17, 2015 that are constructed, in service, and fully compliant with the rules in part 90, subpart Z as of April 17, 2016 will be afforded protection from harmful interference caused by Citizens Broadband Radio Service users until the end of their license term (with one exception that fixed and base stations registered under licenses issued after January 8, 2013 will only be afforded protection until April 17, 2020), consistent with §90.1307."); 47 CFR § 90.1307; See also 47 CFR § 90.1307 (c) and (d); 47 CFR § 96.21.

<sup>5</sup> See Petition at 1.

shown on the first page of this Public Notice. The full text of the Petition, comments and reply comments will be available for inspection and duplication during regular business hours in the FCC Reference Information Center (RIC) of the Consumer and Governmental Affairs Bureau, Federal Communications Commission, 445 12th Street, S.W., Room CY-A257, Washington, DC 20554.

### Comment Filing Procedures

Interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.<sup>6</sup>

- **Electronic Filers:** Comments may be filed electronically using the Internet by accessing the ECFS: <https://www.fcc.gov/ecfs/filings>. Filers should follow the instructions provided on the website for submitting comments. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket number shown on the first page of this Public Notice.
- **Paper Filers:** Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number. Filings in response to this Public Notice may be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
  - All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
  - Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Dr., Annapolis Junction, Annapolis MD 20701.
  - U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

**People with Disabilities:** To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 888-835-5322 (tty).

**Ex Parte Rules—Permit-But-Disclose:** Pursuant to § 1.1200(a) of the Commission's rules, this Petition shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's ex parte rules. Persons making ex parte presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral ex parte presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the ex parte presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during ex parte meetings are deemed to

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<sup>6</sup> See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

be written ex parte presentations and must be filed consistent with Section 1.1206(b) of the Commission's rules.<sup>7</sup> In proceedings governed by Section 1.49(f) of the Commission's rules<sup>8</sup> or for which the Commission has made available a method of electronic filing, written ex parte presentations and memoranda summarizing oral ex parte presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's ex parte rules.

The Bureau is seeking comment on the Waiver Petition pursuant to Section 1.925(c) of the Commission's rules.<sup>9</sup> For further information, contact Paul Powell, Assistant Chief, Mobility Division at (202) 418-1613 or [paul.powell@fcc.gov](mailto:paul.powell@fcc.gov).

By the Chief, Mobility Division, Wireless Telecommunications Bureau.

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<sup>7</sup> 47 CFR § 1.1206(b).

<sup>8</sup> 47 CFR § 1.49(f).

<sup>9</sup> 47 CFR § 1.925(c).