



PUBLIC NOTICE

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DA 18-346
April 6, 2018

WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON STATUS OF FEDERAL GOVERNMENT RELOCATION FROM AWS-3 BANDS

Bureau Seeks Comment on Whether to Recommend an Extension by Up to Three Years of the Initial License Term (and Associated Build-out Deadlines) for AWS-3 Licenses in Light of the Status of Federal Government Relocation from the 1695-1710 MHz and 1755-1780 MHz Bands

WT Docket 18-104

Comments Due: June 5, 2018

Reply Comments Due: July 5, 2018

On March 31, 2014, the Federal Communications Commission (Commission or FCC) released a *Report and Order* in which it adopted rules governing use of spectrum in the 1695-1710 MHz, 1755-1780 MHz and 2155-2180 MHz bands for Advanced Wireless Services (AWS).¹ Collectively, this spectrum is informally referred to as “AWS-3.” There are Federal operations in the 1695-1710 MHz and 1755-1780 MHz bands, some of which are relocating over time and a limited number of which will continue operating in these bands indefinitely. The Commission’s rules require that, until the incumbent Federal authorizations are terminated, the Commission will issue AWS-3 licenses subject to the condition that harmful interference cannot be caused to these Federal incumbents.² The Commission’s rules also require AWS-3 licensees to coordinate with the relevant Federal incumbents prior to operating.³

The Commission typically has adopted 10-year license terms for Part 27 services,⁴ but it has also found a longer initial term to be in the public interest.⁵ For AWS-3, the Commission found that a 12-year license term was appropriate to accommodate the complexities and timing of clearing Federal government

¹ *Amendment of the Commission’s Rules with Regard to Commercial Operations in the 1695-1710 MHz, 1755-1780 MHz, and 2155-2180 MHz Bands*, Report and Order, WT Docket No. 13-185, 29 FCC Rcd 4610 (2014) (*AWS-3 Report and Order*).

² See 47 U.S.C. § 309(j)(16)(C) (Authority to issue prior to deauthorization) (FCC may grant a license assigned for the use of certain frequencies prior to the termination of an eligible Federal entity’s authorization but “shall condition such license by requiring that the licensee cannot cause harmful interference to such Federal entity until such entity’s authorization has been terminated by the National Telecommunications and Information Administration.”). See also 47 CFR § 27.5 (Note to para. (h)).

³ See, e.g., 47 CFR § 27.1134. See also The Federal Communications Commission and National Telecommunications and Information Administration, *Coordination Procedures in the 1695–1710 MHz and 1755–1780 MHz Bands*, 79 FR 54710 (Sept. 12, 2014).

⁴ See, e.g., 47 CFR § 27.13 (a), (b), (c), (d), (e), and (i); see also 47 CFR § 24.15.

⁵ See, e.g., 47 CFR § 27.13(g), (l) (15-year initial license term for AWS-1 licenses issued before 2010, 12-year initial license term for 600 MHz licenses, respectively).

operations.⁶ The Commission also directed the Wireless Telecommunications Bureau (Bureau or WTB), however, to solicit comment in the third year following the initial licensing of the AWS-3 spectrum for the purpose of making a recommendation to the Commission about whether an extension of the initial license term (and associated build-out deadlines)⁷ by up to 3 years is warranted in light of the status of government relocation.⁸

Accordingly, in accordance with the Commission's directive, the Bureau hereby seeks comment on the following:

1. Is an extension of the initial license term (and associated build-out deadlines) warranted for all AWS-3 licenses granted to date, in light of the status of Federal government relocation? Alternatively, is an extension warranted only for the earliest-issued licenses, such as those issued in 2015 and 2016?⁹
2. If a blanket extension for all AWS-3 licenses is not appropriate, is an extension warranted for AWS-3 licenses in specific geographical area(s) or spectrum band(s) (1695-1710 MHz or 1755-1780 MHz or specific blocks therein) in light of the status of Federal relocation?
3. If an extension is warranted, how long should it be? Commenters should bear in mind the Commission's previous indication that it would consider extensions up to 3 years, if appropriate.

The comments received in response to this *Public Notice* will inform the Bureau's recommendation to the Commission about whether an extension of the initial license term (and associated build-out deadlines) by up to 3 years is warranted in light of the status of Federal government relocation from the 1695-1710 MHz and 1755-1780 MHz bands.¹⁰

Procedural Matters

Pursuant to sections 1.415 and 1.419 of the Commission's rules,¹¹ 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).¹² When filing comments, please reference the docket number near the top of the first page of this public notice.

- Electronic Filers:* Comments may be filed electronically using the Internet by accessing the ECFS: <https://www.fcc.gov/ecfs/filings>.
- 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 captions of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

⁶ See *AWS-3 Report and Order*, 29 FCC Rcd at 4658 para. 132. See also 47 CFR § 27.13(k) (AWS-3 licenses will have a term not to exceed twelve (12) years from the date of issuance and ten (10) years from the date of any subsequent license renewal).

⁷ See 47 CFR § 27.14(s).

⁸ See *AWS-3 Report and Order*, 29 FCC Rcd at 4658 para. 132.

⁹ WTB granted a total of 1414 initial AWS-3 licenses: 1153 in 2015, 233 in 2016, and 28 licenses in 2018.

¹⁰ See *AWS-3 Report and Order*, 29 FCC Rcd at 4658 para. 132.

¹¹ See 47 CFR §§ 1.415, 1.419.

¹² See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Filings in response to this Public Notice can 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. Eastern Time. 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 Drive, Annapolis Junction, MD 20701.
- *U.S. Postal Service* first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

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This proceeding has been designated as a “permit-but-disclose” proceeding in accordance with the Commission's *ex parte* rules.¹³ 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 be written *ex parte* presentations and must be filed consistent with rule 1.1206(b).

In proceedings governed by rule 1.49(f)¹⁴ 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.

For further information, contact Jeff Tignor, Special Counsel, Broadband Division, Wireless Telecommunications Bureau at (202) 418-0774, or via e-mail at jeffrey.tignor@fcc.gov.

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

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¹³ See 47 CFR §§ 1.1200(a), 1.1206.

¹⁴ 47 CFR § 1.49(f).