



PUBLIC NOTICE

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WIRELESS TELECOMMUNICATIONS BUREAU OPENS WINDOW FOR ELIGIBLE C-BAND SATELLITE OPERATORS TO ACCOUNT FOR EARTH STATION LUMP SUM ELECTIONS IN THEIR TRANSITION PLANS

GN Docket No. 18-122; GN Docket No. 20-173

By this Public Notice, the Wireless Telecommunications Bureau (Bureau) opens a limited window for eligible Fixed Satellite Service (FSS) space station operators in the 3.7-4.2 GHz band (C-band) to amend their final Transition Plans, which were filed August 14, 2020, to reflect earth stations that elected to receive a lump sum payment and to account for any other approved updates to the incumbent earth station list, as announced by public notice issued by the International Bureau.¹

In the *3.7 GHz Report and Order*, the Commission adopted rules to make 280 megahertz of mid-band spectrum available for flexible use (plus a 20 megahertz guard band) throughout the contiguous United States by transitioning existing services out of the lower portion of the band and into the upper 200 megahertz of the C-band.² The *3.7 GHz Report and Order* established that new 3.7 GHz Service licensees would reimburse the reasonable relocation costs of eligible FSS space station operators, incumbent FSS earth station operators, and incumbent Fixed Service licensees (collectively, incumbents) to transition out of the band.³ The *3.7 GHz Report and Order* also established that incumbent FSS earth

¹ See *Wireless Telecommunications Bureau Releases Final Cost Category Schedule for 3.7-4.2 GHz Band Relocation Expenses and Announces Process and Deadline for Lump Sum Elections*, GN Docket No. 18-122, IB Docket No. 20-205, Public Notice, DA 20-802 (WTB July 30, 2020) (*Lump Sum Public Notice*); *International Bureau Releases List of Incumbent Earth Stations in the 3.7-4.2 GHz Band in the Contiguous United States*, IB Docket No. 20-205, Public Notice, DA 20-823 (IB Aug. 3, 2020) (*Incumbent Earth Station List Public Notice*).

² *Expanding Flexible Use of the 3.7-4.2 GHz Band*, GN Docket No. 18-122, Report and Order and Order of Proposed Modification, 35 FCC Rcd 2343, 2345, para. 4 (2020) (*3.7 GHz Report and Order*).

³ *Id.* at 2391, 2465-66, paras. 111, 326; 47 CFR § 27.4. The *3.7 GHz Band Report and Order* defines the incumbents that will be eligible to be reimbursed for their reasonable relocation costs. An eligible space station operators is defined as “an incumbent space station operator” that “must have demonstrated, no later than February 1, 2020, that it has an existing relationship to provide service via C-band satellite transmission to one or more incumbent earth stations in the contiguous United States.” See *id.* at 2426, para. 200; 47 CFR § 27.1411(b)(1)-(2). Incumbent earth stations are defined as those Fixed Satellite Service earth stations that “(1) were operational as of April 19, 2018; (2) are licensed or registered (or had a pending application for license or registration) in the IBFS database as of November 7, 2018; and (3) have timely certified, to the extent required by the Order adopted in FCC 18-91 (as we clarify . . . to include certain renewal applications and license and registration applications filed through November 7, 2018), the accuracy of information on file with the Commission.” *3.7 GHz Report and Order*, 35 FCC Rcd at 2392, para. 116; 47 CFR §§ 25.138(c), 27.1411(b)(3). Incumbent Fixed Service licensees are defined as “[i]ncumbent licensees of point-to-point Fixed Service links that relocate out of the 3.7-4.2 GHz band by December 5, 2023.” *3.7 GHz Report and Order*, 35 FCC Rcd at 2465, para. 326. The *3.7 GHz Band Report and Order* provides limited instances in which earth stations outside of the contiguous United States are eligible for

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station operators may opt out of the formal relocation process and, in lieu of reimbursement, elect to receive a lump sum payment based on an amount to be announced by the Bureau.⁴ Earth station operators that elect the lump sum are “responsible for performing any necessary actions” to accommodate the changes in the C-band.⁵ The Bureau announced the lump sum amounts on July 30, 2020, and lump sum elections were due on September 14, 2020.⁶

The *3.7 GHz Report and Order* established a deadline of December 5, 2025, by which incumbent space station operators were to complete the transition of their operations to the upper 200 megahertz of the band, but it also provided an opportunity for accelerated clearing of the band by allowing eligible space station operators to commit to relocate voluntarily on a two-phased accelerated schedule, with a Phase I deadline of December 5, 2021, and a Phase II deadline of December 5, 2023.⁷ All five eligible space station operators elected accelerated relocation.⁸ By electing accelerated relocation, the eligible space station operators, among other things, have voluntarily committed to performing all the tasks necessary to enable any incumbent earth station that receives or sends signals to a space station owned by that operator to maintain that functionality.⁹

The *3.7 GHz Report and Order* required eligible space station operators to submit to the Commission and make available for public review a Transition Plan describing the necessary steps and estimated costs to transition all existing services out of the lower 300 megahertz of C-band spectrum.¹⁰ Since all eligible space station operators elected accelerated relocation, such operators were required to include in their Transition Plans a description of the number and location of earth stations receiving the space station operators’ transmissions and a description of all transition actions that will be necessary at each earth station location to transition its services to the upper portion of the band.¹¹ Initial Transition Plans were filed on June 19, 2020 and final Transition Plans were due August 14, 2020.¹² The *3.7 GHz Report and Order* dictated that space station operators may only modify their Transition Plans after August 14, 2020 with the approval of the Commission.¹³ The Commission delegated to the Bureau the

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reimbursement. *See id.* at 2428, para. 204 (providing for reimbursement for expenses of earth stations located outside of the contiguous United States to the extent they can demonstrate that the system modifications for which reimbursement is sought is a direct result of the C-band transition). The process by which costs will be determined to be reimbursable is defined in 47 CFR § 25.1416.

⁴ *3.7 GHz Report and Order*, 35 FCC Rcd at 2427-28, paras. 202-03.

⁵ *Id.* at 2428, para. 203.

⁶ *See Lump Sum Public Notice*; Order Granting Extension Request, GN Docket No. 18-122, IB Docket No. 20-205, DA 20-909 (WTB, rel. Aug. 20, 2020) (extending the original August 31, 2020 deadline for lump sum elections until September 14, 2020).

⁷ *3.7 GHz Report and Order*, 35 FCC Rcd at 2408, para. 155; 47 CFR § 27.1412(b)(1)-(2).

⁸ *Wireless Telecommunications Bureau Announces Accelerated Clearing in the 3.7-4.2 GHz Band*, GN Docket No. 18-122, Public Notice, 35 FCC Rcd 5517 (WTB 2020).

⁹ *3.7 GHz Report and Order*, 35 FCC Rcd at 2455, para. 292.

¹⁰ *3.7 GHz Report and Order*, 35 FCC Rcd at 2457-59, paras. 302-06.

¹¹ *3.7 GHz Report and Order*, 35 FCC Rcd at 2458, para. 303.

¹² *3.7 GHz Report and Order*, 35 FCC Rcd at 2457, 2459, paras. 302, 306; *see also Expanding Flexible Use of the 3.7-4.2 GHz Band*, GN Docket No. 18-122, Order Granting Extension, 35 FCC Rcd 5866 (WTB 2020) (granting brief extension of the original June 12, 2020 deadline for filing Transition Plans).

¹³ *3.7 GHz Report and Order*, 35 FCC Rcd at 2459, para. 306.

role of providing clarification and guidance to eligible space station operators regarding these and any other requirements related to the C-band transition.¹⁴

Eligible space station operators were required to include all associated earth stations in their final Transition Plans. Because final Transition Plans were due a month before incumbent earth station operators made their lump sum elections, eligible space station operators did not know which earth station operators would elect the lump sum and assume responsibility for transitioning their own earth station. Therefore, now that incumbent earth station operators have made their lump-sum elections, we expect that eligible space station operators will need to modify their Transition Plans to remove the incumbent earth stations for which the space station operators are no longer responsible for transitioning as a result of the lump sum elections. In addition, the International Bureau will be releasing an updated list of incumbent earth stations, which will reflect corrections and other updates to the previously published incumbent earth station list.

Pursuant to the authority delegated to the Bureau in the *3.7 GHz Report and Order*, we therefore provide a limited window for eligible space station operators to modify their Transition Plans, to the extent necessary, to remove any associated earth stations that elected the lump sum and to accurately account for any updates to the incumbent earth station list released by the International Bureau. Such updated Transition Plans must be filed in GN Docket Nos. 18-122 and 20-173 no later than **October 28, 2020**.

For further information concerning this Public Notice, please contact Anna Gentry, Wireless Telecommunications Bureau, (202) 418-7769, Anna.Gentry@fcc.gov.

FEDERAL COMMUNICATIONS COMMISSION

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¹⁴ See 47 CFR § 27.1412(h) (delegating to the Bureau “the role of providing clarifications or interpretations to eligible space station operators of the Commission’s orders for all aspects of the transition”); 47 U.S.C. § 155(c).