



PUBLIC NOTICE

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PART 90 LICENSEES IN 3650-3700 MHz BAND ARE REQUIRED TO TRANSITION TO CITIZENS BROADBAND RADIO SERVICE BY OCTOBER 17, 2020

WT Docket No. 18-353

With this Public Notice, the Wireless Telecommunications Bureau (Bureau) of the Federal Communications Commission (Commission) reminds part 90 wireless broadband licensees in the 3650-3700 MHz band¹ and other interested parties of the **October 17, 2020** deadline for some licensees to transition their part 90 operations to part 96 operations in the 3650-3700 MHz band.

Many licensees in the 3650-3700 MHz band were required to transition their part 90 operations to part 96 Citizens Broadband Radio Service operations by April 17, 2020.² On March 19, 2020, the Bureau extended the deadline to October 17, 2020 for all licensees that would otherwise have had to transition such operations on or between April 17, 2020 and October 17, 2020, in order to “facilitate an orderly transition that accommodates the public interest need to maintain access to broadband and essential services during the declared state of national emergency related to the COVID-19 pandemic.”³

The Deadline. Absent further extension, any licensee with a transition deadline that was affected by the Bureau’s *Extension Order* will be required to complete the transition to part 96 operations or cease operating at non-transitioned sites by October 17, 2020, regardless of when its license terminates.⁴ If such a licensee fails to transition to part 96 operations by this point, then:

¹ See 40 CFR § 90.1307(a).

² See *The Wireless Internet Service Providers Association and the Utilities Technology Council Request for Waiver of Sections 90.1307(c) and (d) and Sections 90.1338(a) and (b) of the Commission’s Rules*, Order, 35 FCC Rcd 2750 paras. 5, 12-14 (2020) (*Extension Order*); *Amendment of the Commission’s Rules with Regard to Commercial Operations in the 3550-3650 MHz Band*, Report and Order and Second Further Notice of Proposed Rulemaking, 30 FCC Rcd 3959, 4070-80, paras. 387-412 (2015). See also 47 CFR §§ 90.1307, 90.1311, 90.1338.

³ Specifically, the Bureau temporarily waived the requirements in sections 90.1307, 90.1311, 90.1338, and 96.21 of the Commission’s rules to allow affected licensees to transition by the new deadline of October 17, 2020. *Extension Order*, 35 FCC Rcd 2750-51, 2054, paras. 1-2, 9.

⁴ All licensees must operate in accordance with the Commission’s part 96 rules at the conclusion of their transition periods. See, e.g., *id.* at 2755, para. 12.

- The licensee's sites that have not transitioned are no longer authorized (unless a waiver extending the deadline is granted);
- The JavaScript Object Notation (JSON) file of protected contours will be updated to reflect that the previously protected 3650-3700 part 90 contours are no longer authorized/protected (taking into account any waivers); and
- Spectrum Access System (SAS) Administrators should use the updated JSON file going forward and report any unauthorized use of the 3650-3700 MHz band if an interference situation cannot be addressed between parties.

Requests for Further Extension. We note that a number of licensees sought a further extension of the transition period beyond October 17, 2020.⁵ The requests have been evaluated on a case-by-case basis, consistent with the Commission's usual practices,⁶ and are resolved in a separate order.⁷

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⁵ See, e.g., Southeast Colorado Power Ass'n, Petition for Waiver, ULS File No. 0009218036 (filed Sept. 10, 2020); SmarterBroadband, Inc., Request for Limited Waiver, ULS File No. 0009250640 (filed Oct. 5, 2020).

⁶ *Extension Order*, 35 FCC Red at 2755, para. 10. See also 47 CFR §§ 1.3, 1.925.

⁷ See *Requests for Waiver of Sections 90.1307(c) and (d) and Sections 90.1338(a) and (b) of the Commission's Rules*, WT Docket No. 18-353, Order, DA 20-1230 (WTB, rel. Oct. 16, 2020).