PUBLIC NOTICE

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PUBLIC SAFETY AND HOMELAND SECURITY BUREAU EXTENDS TIMEFRAME FOR RESPONDING TO APPLICATION FOR REVIEW OF HUAWEI'S FINAL DESIGNATION AS A NATIONAL SECURITY THREAT

PS Docket No. 19-351

By this Public Notice, the Federal Communications Commission's Public Safety and Homeland Security Bureau (Bureau) finds good cause to extend the timeframe for responding to Huawei Technologies Company's (Huawei) Application for Review of the final designation of Huawei in the above-referenced proceedings.

In the *Protecting Against National Security Threats Order*, the Commission initially designated Huawei, along with its parents, affiliates, and subsidiaries, as a covered company and directed the Bureau to determine whether to issue a final designation of Huawei as a covered company.[1] On June 30, 2020, based on the totality of evidence before it, the Bureau issued a final designation of Huawei as a covered company. As a result, funds from the Commission's Universal Service Fund may no longer be used to purchase, obtain, maintain, improve, modify, or otherwise support any equipment or services produced or provided by Huawei.[2] Huawei sought Commission review of the Bureau's final designation, challenging the Commission's legal authority to adopt the *Protecting Against National Security Threats Order* and making numerous procedural and substantive challenges to the *Final Designation Order*.[3]

The *Protecting Against National Security Threats Order* provided that, if an entity seeks Commission review of a final designation by the Bureau, the Commission would act on the application for review within 120 days of its filing, to provide regulatory certainty to entities affected by designations made at the Commission or bureau level, and consistent with the national security interests at stake.[4] The Commission or the Bureau may, however, extend the

[1] *Protecting Against National Security Threats to the Communications Supply Chain Through FCC Programs et al.*, WC Docket No. 18-89 et al., Report and Order, Further Notice of Proposed Rulemaking, and Order, 34 FCC Rcd 11423, 11439-40, 11449, paras. 43, 64 (2019) (*Protecting Against National Security Threats Order*).

[2] *See Protecting Against National Security Threats to the Communications Supply Chain Through FCC Programs–Huawei Designation*, PS Docket No. 19-351, Order, 35 FCC Rcd 6604 (PSHSB 2020) (*Final Designation Order*); *see also* 47 CFR § 54.9(a).

[3] Application for Review of Huawei Technologies Co., Ltd. and Huawei Technologies USA, Inc., PS Docket 19-351 (filed Jul. 30, 2020).

[4] *Protecting Against National Security Threats Order*, 34 FCC Rcd at 11449, para. 64.

120-day deadline for good cause.[5] Here, we find that good cause exists to extend the timeframe for responding to Huawei's Application for Review for a short period.

Huawei responded to the initial designation order with comments totaling more than 5,000 pages. A brief extension of time will allow the Commission to fully and adequately consider the voluminous record in this proceeding, and is consistent with the Commission's commitment to providing appropriate process to potentially affected parties. Given the complex issues at issue in this proceeding, we find that a short extension balances the need for the Commission to analyze the complex national security interests at stake with the need for regulatory certainty. Thus, in accordance with the *Protecting Against National Security Threats Order*, the Bureau extends for good cause the timeframe for responding to Huawei's Application for Review by two weeks to December 11, 2020.

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[5] *Id.*