

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Incumbent Earth Stations)	IB Docket No. 20-205
in the 3.7-4.2 GHz Band)	
in the Contiguous United States)	GN Docket No. 20-305

ORDER

Adopted: November 30, 2020

Released: November 30, 2020

By the Chief, International Bureau:

I. INTRODUCTION

1. With this Order, the International Bureau grants the waiver requests of Comcast Corporation (Comcast) and TEGNA, Inc. (TEGNA) to permit these incumbent earth station operators to add existing co-located antennas to their incumbent earth station registrations solely for purposes of interference protection in the 4.0-4.2 GHz portion of the C-band.¹ The International Bureau also describes how it intends to formalize in the International Bureau Filing System (IBFS) the grant of these waivers and those previously granted to other incumbent earth station operators.

II. BACKGROUND

2. On September 16, 2020, the Wireless Telecommunications Bureau and the International Bureau issued a public notice announcing guidance on factors that could help support waiver requests of incumbent earth station operators who may seek to amend certain existing registrations to add existing co-located antennas solely for purposes of gaining interference protection in the 4.0-4.2 GHz portion of the band.²

3. On October 23, 2020, the International Bureau granted the requests of nearly 60 operators to allow the registration of additional antennas for interference protection only, and not for reimbursement of relocation expenses.³ The International Bureau also noted that it was still evaluating the waiver requests of Comcast and TEGNA.⁴ The Bureau additionally noted that it would provide directions to the 60 waiver recipients on the IBFS submissions they would need to make in order to formalize the approval of their waiver grants.⁵

¹ Waiver Request of Comcast Corporation, GN Docket No. 20-305 (filed Sept. 25, 2020) (Comcast Waiver Request); Request for Waiver of TEGNA, Inc., GN Docket No. 20-305 (filed Sept. 25, 2020) (TEGNA Waiver Request).

² See *Wireless Telecommunications Bureau and International Bureau Announce Guidance for Potential Waiver Requests to Permit Incumbent Earth Station Operators to Amend Registrations for Adding Existing Co-Located Antennas for Interference Purposes*, DA 20-1094 (WTB/IB Sept. 16, 2020) (*September 16 Waiver Guidance PN*).

³ See *Incumbent Earth Stations in the 3.7-4.2 GHz Band in the Contiguous United States*, Order, DA 20-1258, at para. 7 (IB Oct. 23, 2020) (*October 23 Waiver Order*).

⁴ *Id.* at para. 8. These requests remained pending because they included certain antennas that appeared to be located more than 150 meters from the previously registered antennas.

⁵ *Id.*

III. DISCUSSION

4. Generally, the Commission's rules may be waived where good cause has been demonstrated and the particular facts make strict compliance inconsistent with the public interest.⁶ In ruling on a waiver request, we may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.⁷ Waiver of the Commission's rules is therefore appropriate only if special circumstances warrant a deviation from the general rule, and such deviation will serve the public interest.⁸

5. As the Wireless Telecommunication Bureau and International Bureau noted in the *September 16 Waiver Guidance PN*, each waiver request will be evaluated in light of the particular facts and circumstances set forth in the waiver request. Such waiver requests must: (1) be pleaded with specificity; (2) provide detailed information regarding the individual circumstances of the applicant and the registration information for each antenna; and (3) otherwise comport with the Commission's rules governing waiver requests.

6. The *September 16 Waiver Guidance PN* set forth some of the factors that may be particularly relevant in evaluating potential requests for a waiver that would permit incumbent earth stations operators to amend registrations by adding additional existing co-located antennas for interference protection purposes only.⁹ Specifically, we noted that we would expect to take into account the following considerations, among others:

- Whether the antenna would have been eligible for incumbent protection when the filing window closed on November 7, 2018;
- Whether the request involves a site or facility with one or more incumbent earth stations in the 3.7-4.2 GHz band (providing the specific Callsign, SiteID, and AntID of the incumbent earth station(s));
- How far away the additional antennas are from an incumbent earth station (providing the specific Callsign, SiteID, AntID, and GPS coordinates of each antenna);
- How many additional antennas per registrant at any given site; and
- Whether grant of the waiver would require reimbursement of additional relocation expenses to the applicant.¹⁰

7. Having considered their applications, we grant the waiver requests of Comcast and TEGNA to allow the registration of additional antennas for interference protection only, and not for reimbursement of relocation expenses. After filing their initial waiver requests, Comcast and TEGNA conducted additional review and discovered that they had made technical errors with the GPS coordinates in their original filings. Both Comcast and TEGNA have since made subsequent corrective filings, the accuracy of which we have verified.¹¹ In their requests and their subsequent supplemental filings, Comcast and TEGNA have also demonstrated that the following facts apply to their respective requests:

⁶ 47 CFR § 1.3; *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

⁷ *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969), *cert. denied*, 409 U.S. 1027 (1972); *Northeast Cellular*, 897 F.2d at 1166.

⁸ *Northeast Cellular*, 897 F.2d at 1166.

⁹ *September 16 Waiver Guidance PN* at 2-3.

¹⁰ *Id.* at 2.

¹¹ See Comcast Waiver Request; Erratum Letter from Catherine Fox, Deputy General Counsel, Comcast Corporation, to Marlene H. Dortch, Secretary, FCC, GN Docket No. 20-305 (filed Oct. 26, 2020); TEGNA Waiver Request; Erratum to Request for Waiver of TEGNA, Inc., GN Docket No. 20-305 (filed Nov. 4, 2020).

- The antenna was operational on April 19, 2018, and would have been eligible for incumbent protection when the filing window closed on November 7, 2018;
- The request involves a site or facility with one or more incumbent earth stations in the 3.7-4.2 GHz band and is within 150 meters of an already-registered antenna; and
- The request does not seek to add more than 25 antennas at a given site.¹²

As we have previously concluded with respect to the 60 similarly situated operators that were granted waivers in the *October 23 Waiver Order*, these facts support a grant of the type of waiver that Comcast and TEGNA have requested. Registration of the Comcast and TEGNA antennas under the conditions set out above (including the limitation that such registration will be for interference-protection purposes only), will help protect against undue disruption of existing services in the band as a result of the transition while ensuring that any impact to the overall interference environment is kept to a minimum. This decision takes into account the previous perceived uncertainty about the need to register each antenna in the registration process.

8. To convert these waiver grants into antenna registrations in IBFS, Comcast, TEGNA, and the waiver grantees listed in the *October 23 Waiver Order* will be instructed to submit specifically tailored registration applications in IBFS. Because the rights of these additional co-located antennas differ significantly from those of the respective incumbent earth stations, the International Bureau will implement these waivers in IBFS in a manner that keeps separate these two classes of C-band earth stations. In particular, these additional antennas will be registered under a new call sign based on the call sign of the incumbent earth station antenna upon which the waiver was based (the “anchor antenna”), followed by the letter “A”. That is, additional antennas associated with an anchor antenna in hypothetical callsign E102103 will be registered under the callsign “E102103A.” As a result, all additional co-located earth station antennas will be registered under a call sign ending in the letter “A.” The International Bureau will soon provide more detailed step-by-step directions directly via email to all operators with approved waivers about how to register these additional co-located antennas in IBFS.

IV. ORDERING CLAUSES

9. Accordingly, IT IS ORDERED that, pursuant to sections 4(i) and 4(j) of the Communications Act, as amended, 47 U.S.C. §§ 154(i) and 154(j), and section 1.3 of the Commission’s rules, 47 CFR § 1.3, the Bureau GRANTS the waiver requests of Comcast and TEGNA to the extent described herein.

10. IT IS FURTHER ORDERED that this Order SHALL BE EFFECTIVE upon release, in accordance with section 1.102 of the Commission’s rules, 47 CFR § 1.102. This action is taken pursuant to the authority delegated by Sections 0.51 and 0.261 of the Commission’s Rules, 47 CFR §§ 0.51, 0.261.

FEDERAL COMMUNICATIONS COMMISSION

Thomas P. Sullivan
Chief, International Bureau

¹² See *October 23 Waiver Order* at para. 8.