

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

In the Matter of )
The Wireless Internet Service Providers ) WT Docket No. 18-353
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

Adopted: March 19, 2020

Released: March 19, 2020

By the Chief, Wireless Telecommunications Bureau:

I. INTRODUCTION

1. By this order, pursuant to section 1.3 of the Commission's rules, the Wireless Telecommunications Bureau (Bureau) temporarily waives, sua sponte, the requirements in sections 90.1307, 90.1311, 90.1338, and 96.21 of the Commission's rules, for licensees to transition their part 90 operations to part 96 operations in the 3650-3700 MHz band, to specify a new deadline of October 17, 2020, for all licensees that would otherwise have had to transition such operations between April 17, 2020 and October 17, 2020. We take this action to ensure that customers of the affected licensees are able to stay connected to broadband and essential services during the declared state of national emergency concerning the COVID-19 pandemic. Given the evolving and unpredictable nature of the pandemic, and its potential to cause delays for even diligent licensees that attempt to implement transition plans in the near term, we find that it is a reasonable to extend the transition period to enable grandfathered and non-grandfathered 3650-3700 MHz band licensees alike to continue to operate pursuant to their part 90 licenses while they continue to work on completion of their transition to part 96.

2. In 2015, the Commission adopted rules for shared commercial use of the 3550-3700 MHz Band (3.5 GHz Band). At the same time, the Commission adopted a transition period for existing part 90 wireless broadband licensees in the 3650-3700 MHz band (3650-3700 MHz band licensees) to complete

1 47 CFR § 1.3.

2 Id. at §§ 90.1307, 90.1311, 90.1338, and 96.21.

3 This waiver does not alter the rights of licensees that have a longer time to transition such operations based on a later expiration of their license terms. Any licenses expiring between the adoption date of this order and April 17, 2020, that are eligible for renewal under 47 CFR § 90.1307(c), will be modified to expire on October 17, 2020 consistent with this order.

4 See https://www.whitehouse.gov/presidential-actions/proclamation-declaring-national-emergency-concerning-novel-coronavirus-disease-covid-19-outbreak/.

5 See generally Amendment of the Commission's Rules with Regard to Commercial Operations in the 3550-3650 MHz Band, GN Docket No. 12-354, Report and Order and Second Further Notice of Proposed Rulemaking, 30 FCC Rcd 3959 (2015) (2015 Report and Order and 2015 FNPRM, respectively).

the transition of their operations to part 96 Citizens Broadband Radio Service, either on a grandfathered, protected basis or on a non-grandfathered basis.<sup>6</sup> The 3650-3700 MHz band licensees currently operate under part 90, subpart Z, on a nationwide, non-exclusive basis, with all licensees registering their individual fixed stations and base stations in the Commission's Universal Licensing System.<sup>7</sup> Pursuant to existing rules, the transition period ends between April 17, 2020, and January 8, 2023, depending on the grant and expiration dates of each individual license.<sup>8</sup> Consistent with the Commission's goal of maintaining broadband connectivity and wireless services for all Americans during this national emergency—when it is anticipated that such consumers will need additional capacity to support online education, telework, and other activities—we find good cause to extend the transition period for those licensees whose transition period would otherwise expire between April 17, 2020 and October 17, 2020, for additional time, to October 17, 2020, to ensure that the affected licensees' customers do not experience any disruption in service.<sup>9</sup> Because we waive the transition period on our own motion, we dismiss as moot, without prejudice, the waiver request filed by the Wireless Internet Service Providers Association (WISPA) and the Utilities Technology Council (UTC) for a blanket waiver,<sup>10</sup> as well as the individual requests for waiver listed in Appendix A.

3. We also clarify the existing rights and license expiration dates for all 3650-3700 MHz band licensees. Consistent with the transition process established by the Commission in the *2015 Report and Order*, the Bureau will suspend the processing and acceptance of new site registrations under part 90, subpart Z upon adoption of this order.

## II. BACKGROUND

4. In 2015, the Commission adopted a *Report and Order* that established rules for shared commercial use of the 3550-3700 MHz Band (3.5 GHz Band).<sup>11</sup> The *Report and Order* enabled dynamic spectrum sharing and created a three-tiered access and authorization framework to coordinate shared federal and non-federal use of the band.<sup>12</sup> Incumbent users comprise the highest priority tier and receive protection from all other users, followed by Priority Access Licensees in the second priority tier, and General Authorized Access (GAA) users in the third tier.<sup>13</sup> Incumbent users include federal users, Fixed Satellite Service earth stations, and, for a finite period, certain grandfathered terrestrial wireless licenses

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<sup>6</sup> See *2015 Report and Order*, 30 FCC Rcd at 4071-80, paras. 387-412. See also 47 CFR §§ 90.1307, 90.1311, 90.1338.

<sup>7</sup> 47 CFR § 90.1307(a).

<sup>8</sup> See *id.* at §§ 90.1307, 90.1311, 90.1338.

<sup>9</sup> See Press Release, FCC, Chairman Pai Launches the Keep Americans Connected Pledge (Mar. 13, 2020), <https://www.fcc.gov/document/chairman-pai-launches-keep-americans-connected-pledge> (*Keep Americans Connected News Release*).

<sup>10</sup> See WISPA UTC, Petition 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, at 1 (filed Oct. 4, 2018) (*Blanket Waiver Petition*).

<sup>11</sup> See generally *2015 Report and Order* and *2015 FNPRM*. In 2016 and 2018, the Commission amended its rules governing the Citizens Broadband Radio Service. However, the Commission did not amend its rules regarding grandfathered wireless broadband licensees in the 3650-3700 MHz band or protections for incumbent users that are relevant to this waiver request. See *Amendment of the Commission's Rules with Regard to Commercial Operations in the 3550-3650 MHz Band*, GN Docket No. 12-354, Order on Reconsideration and Second Report and Order, 31 FCC Rcd 5011 (2016); *Promoting Investment in the 3550-3700 MHz Band*, GN Docket No. 17-258, Report and Order, 33 FCC Rcd 10598 (2018).

<sup>12</sup> See *2015 Report and Order*, 30 FCC Rcd at 3978-3980, paras. 54-59.

<sup>13</sup> 47 CFR § 96.1(b).

in the 3650-3700 MHz band.<sup>14</sup> Following an auction, the Commission will license up to seven 10 megahertz Priority Access Licenses (PALs) within the 3550-3650 MHz band in each license area.<sup>15</sup> A minimum of 80 megahertz in the 3.5 GHz band is set aside for licensed-by-rule GAA operations in areas where incumbent operations are not present. GAA users may operate on any 10 megahertz channels in the 3650-3700 MHz portion of the band, at least three 10 megahertz channels in the 3550-3650 MHz portion of the band, and any of the remaining seven 10 megahertz channels in the 3550-3660 MHz portion of the band that the Commission has not issued to PALs or that Priority Access Licensees are not using.<sup>16</sup> Operations under the new framework have already commenced. Automated frequency coordinators, known as Spectrum Access System (SAS) Administrators, facilitate sharing between and among the tiers of users and authorize the use of GAA operations with information from an approved Environmental Sensing Capability (ESC).<sup>17</sup> SAS Administrators similarly will coordinate PAL operations once those commence; such licensees will be protected from interference by GAA users but will need to protect Federal and non-Federal incumbent users from interference.

5. At the same time, the Commission adopted a transition period for certain part 90 incumbent grandfathered wireless broadband licensees in the 3650-3700 MHz band.<sup>18</sup> Wireless broadband licensees in the 3650-3700 MHz band operate under part 90, subpart Z, on a nationwide, non-exclusive basis, with all licensees registering their individual fixed stations and base stations in the Commission's Universal Licensing System.<sup>19</sup> In order to qualify as a grandfathered wireless broadband licensee, the licensee must have registered its stations on or before April 17, 2015, and it must be operating registered stations that were "constructed, in service, and fully compliant with the rules in part 90, subpart Z as of April 17, 2016."<sup>20</sup> The transition periods for grandfathered 3650-3700 MHz band wireless broadband licensees end between April 17, 2020, and January 8, 2023, depending on the grant and expiration dates of each individual license.<sup>21</sup> During the transition period, grandfathered wireless broadband licensees are granted incumbent user status with respect to Citizens Broadband Radio Service operations within their grandfathered wireless protection zones.<sup>22</sup> Non-grandfathered licensees, i.e., part 90 licensees that chose not to apply for grandfathered status or that did not have qualifying sites, have the right to operate at existing registered sites under part 90 (on a non-exclusive, unprotected basis) until the date for which each licensee would have qualified for grandfathered status had they applied.<sup>23</sup> For most of these licensees, this date is the same as the end of their license term. For any license issued or renewed after January 8, 2013, the right to operate under part 90 on an unprotected basis extends only until April 17,

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<sup>14</sup> *Id.* at §§ 96.3, 96.15, 96.17, 96.21.

<sup>15</sup> *Id.* at § 96.31. *See generally* *Auction of Priority Access Licenses for the 3550-3650 MHz Band; Comment Sought on Competitive Bidding Procedures for Auction 105; Bidding in Auction 105 Scheduled to Begin June 25, 2020*, AU Docket No. 19-244, Public Notice, 34 FCC Rcd 9215 (2019).

<sup>16</sup> 47 CFR §§ 96.11, 96.33.

<sup>17</sup> *Id.* at §§ 96.15, 96.67.

<sup>18</sup> *See 2015 Report and Order*, 30 FCC Rcd at 4071-80, paras. 387-412. *See also* 47 CFR §§ 90.1307, 90.1311, 90.1338.

<sup>19</sup> 47 CFR § 90.1307(a).

<sup>20</sup> *Id.* at § 90.1338(a).

<sup>21</sup> *See id.* at §§ 90.1307, 90.1311, 90.1338.

<sup>22</sup> *See id.* at § 96.21.

<sup>23</sup> *See Wireless Telecommunications Bureau Announces Filing Window and Procedures for 3650-3700 MHz Band Licensees to File Supplemental Information Necessary for Creating Grandfathered Wireless Protection Zones*, GN Docket No. 12-354, Public Notice, 32 FCC Rcd 2977 (WTB 2017).

2020, regardless of when each license terminates.<sup>24</sup>

6. On October 4, 2018, WISPA and UTC filed the *Blanket Waiver Petition* seeking a blanket waiver of the Commission's rules to extend the transition period for all grandfathered 3650-3700 MHz band licensees through January 8, 2023.<sup>25</sup> The *Blanket Waiver Petition* claims that, "in light of the delays in opening the 3550-3700 MHz band for commercial service under the CBRS rules and the uncertainty created by the subsequent and ongoing rulemaking proceeding, licensees will require additional time beyond April 17, 2020, to transition to the part 96 rules."<sup>26</sup> On November 27, 2018, the Bureau issued a public notice seeking comment on the request for waiver.<sup>27</sup> Comments were due December 12, 2018, and reply comments were due December 24, 2018.<sup>28</sup> Forty-nine entities, most of which are wireless Internet Service Providers (ISPs) and utility companies, filed comments supporting the *Petition*.<sup>29</sup> Four entities opposed the *Petition*.<sup>30</sup> Motorola Solutions, Inc. filed Reply Comments that neither supported nor opposed the *Petition*.<sup>31</sup> WISPA and UTC filed Reply Comments reiterating their arguments for the waiver.<sup>32</sup>

7. In their February 14, 2020 filing, WISPA and UTC state that a shorter extension of the deadline to December 31, 2021, instead of the January 8, 2023 deadline originally requested in the *Petition*, would provide sufficient time for existing licensees to transition their networks, and that, to the extent some licensees need additional time, these requests could be considered on an individual basis.<sup>33</sup> WISPA and UTC also reassert that equipment is unavailable. Specifically, WISPA and UTC claim that many licensees either operate legacy WiMAX, LTE, or proprietary systems that are not supported by equipment manufacturers to enable them to communicate with the SAS, or operate existing equipment that fails to meet other part 96 requirements and thus cannot be upgraded.<sup>34</sup> And WISPA and UTC also have withdrawn their request for extending the interference protections. WISPA and UTC members are willing to operate on an unprotected basis during an extended transition period.<sup>35</sup>

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<sup>24</sup> See generally *2015 Report and Order*, 30 FCC Rcd at 4075-76, paras. 399-412.

<sup>25</sup> See *Blanket Waiver Petition* at 1.

<sup>26</sup> See *id.*

<sup>27</sup> See generally *Wireless Telecommunications Bureau Seeks Comment on Wireless Internet Service Providers Association and Utilities Technology Council Request For Waiver of Citizens Broadband Radio Service Transition Deadline*, WT Docket No. 18-353, Public Notice, 33 FCC Rcd 11642 (WTB 2018) (*Waiver PN*).

<sup>28</sup> *Id.*

<sup>29</sup> The wireless ISPs that filed comments supporting the *Petition* include: Mountain West Technologies, Crossroads Broadband, Inc., Fourway Computer Products, Inc., Columbia Energy, LLC, Eastern Indiana WIFI, Inc., Q-Wireless, LLC, Amplex Electric, Inc., Zirkel Wireless, Cloud Alliance, Arbuckle Communications, Express Dial Internet, Inc. dba KWISP Internet, Bolt Internet, Rapid Systems, The Junction Internet, LLC, Verso Networks, Bspeedy Wireless Inc., Slopeside Internet LLC, The Home Town Network Inc., West Michigan Wireless, Rural 3650 Licensees, Atheral LLC, Texoma Communications, LLC dba TekWav, Cibola LLC dba Cibola Wireless, All Points Broadband, E-Vergent.com, LLC, McMinnville Access Company dba OnlineNW, Signalnet Broadband Inc., BPS Networks, Rick Amon on behalf of Centric Internet Services, Southern Ohio Communications Services, Inc., ATN International, Inc., Byhalia.net, LLC, JAB Wireless, Inc. dba Rise Broadband, Mobilcomm, Inc. dba Heavenwire, Veopoint Internet, Imagine Networks, Kern Valley Wireless, Wisper ISP, Inc., and Rodney Whipple on behalf of Araphoe Telephone Company. The utility companies that filed in support of the *Petition* include CenterPoint Energy, Inc., American Petroleum Institute, The Community Agency, and Xcel Energy Services, Inc. California Internet, L.P. DBA GeoLinks, Conifer Communications Inc., the Fixed Wireless Communications Coalition, and Bertram Communications, Volcano Telephone Company, which appear to be wireless ISPs, also filed comments in support of the *Petition*. Interlisle Consulting Group, LLC, which provides design and technical services to wireless ISPs, also support the *Petition*.

8. Between October 15, 2019, and March 16, 2020, the Commission received an additional 47 requests for waiver from various 3650-3700 MHz band licensees with transition periods that expire on or after April 17, 2020.<sup>36</sup> Many waiver requests describe individual challenges faced by licensees in procuring new equipment and preparing for their transition to part 96, and all the filings request an extension of the transition period for varying periods of time beyond April 17, 2020. Some requests are from grandfathered licensees requesting an extension of interference protections, and some requests are from non-grandfathered licensees seeking only an extension of time to operate pursuant to their part 90 licenses.

### III. DISCUSSION

#### A. Waiver

9. Pursuant to section 1.3 of the Commission's rules, it may waive rule(s) on its own or on petition for good cause shown.<sup>37</sup> We find good cause to waive, for a temporary period, *sua sponte*, the requirements in sections 90.1307, 90.1311, 90.1338, and 96.21 of the Commission's rules<sup>38</sup> for licensees to transition their part 90 operations to part 96 operations in the 3650-3700 MHz band, thereby providing until October 17, 2020, for all licensees that would otherwise have had to transition such operations by April 17, 2020. We find this relief will 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. Many 3650-3700 MHz band licensees provide broadband, utility, and other essential wireless services to customers—including those in rural and underserved areas—who may be at risk of losing service during this state of national emergency if the transition deadline is not extended. Loss of such service could impair the public's ability to engage in online education, telework, and other activities that will be instrumental in stemming the spread of the virus. Given the evolving and unpredictable nature of the pandemic, and its potential for causing delays for even diligent licensees for any transition plans in the near term, we find that it is a reasonable to extend the transition period to enable grandfathered and non-grandfathered licensees alike to continue to operate pursuant to their part 90 licenses while they continue to work on completion of their transition to part 96. During this time, 3650-3700 MHz band licensees will be permitted to continue operating

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<sup>30</sup> The entities that filed comments opposing the *Petition* include: CTIA, NCTA – The Internet & Television Association, Federated Wireless, Inc., and T-Mobile USA, Inc.

<sup>31</sup> Motorola Solutions, Inc., in its filed comments, recommend that the Commission update the part 90, subpart Z user registration data to reflect the actual operational frequencies used by grandfathered wireless broadband licensees. Motorola's requests are outside the scope of the *Petition* and, as such, the Mobility Division takes no action on its requests.

<sup>32</sup> See WISPA UTC Reply.

<sup>33</sup> See Letter from Louis Peraertz, Vice President of Policy, Wireless Internet Service Providers Association, Brett Kilbourne, Vice President, Policy and General Counsel, Utilities Technology Council, and Aryeh Fishman, Associate General Counsel, Regulatory Legal Affairs, Edison Electric Institute, to Marlene Dortch, Secretary, FCC, WT Docket No. 18-353, at 3 (filed Feb. 14, 2020) (WISPA/UTC/EEI Feb. 14, 2020 *Ex Parte*).

<sup>34</sup> See *id.* at 2.

<sup>35</sup> *Id.* at 4.

<sup>36</sup> See Appendix A hereto.

<sup>37</sup> 47 CFR § 1.3.

<sup>38</sup> *Id.* at §§ 90.1307, 90.1311, and 90.1338.

consistent with their current status (i.e., grandfathered or non-grandfathered).<sup>39</sup> In addition, to implement this waiver, we hereby modify the license term of those licensees with part 90 licenses that expire between the adoption date of this order and October 17, 2020, to the end of the extended transition period, October 17, 2020.<sup>40</sup> All 3650-3700 MHz band licensees affected by this waiver are required to complete the transition of their operations to part 96 rules or cease operating at non-transitioned sites by October 17, 2020.

10. We also dismiss as moot—without prejudice—all of the requests for waiver listed in Appendix A hereto, including the *Blanket Waiver Petition*. Individual licensees may file new requests for waiver if they seek further extensions of time beyond the extended transition date of October 17, 2020.<sup>41</sup> All such requests will be evaluated on a case-by-case basis, consistent with the Commission’s usual practices.<sup>42</sup>

11. Licensees seeking a further extension of the transition period beyond October 17, 2020, “must plead with particularity the facts and circumstances which warrant such action.”<sup>43</sup> Licensees should plead with specificity the individual steps taken to comply with the extended transition deadline and provide details regarding any unique or unusual circumstances that could justify a further extension pursuant to the Commission’s waiver standards. We would expect such requests to describe: (1) the licensee’s good faith efforts to purchase, install, and test the necessary upgrades or equipment required to operate their networks pursuant to part 96 prior to the transition deadline; (2) the unique or unusual circumstances that prevented them from completing the part 96 transition by October 17, 2020; and (3) the specific steps—including the time required to complete those steps—that the licensee will take to complete its transition expeditiously. We remind licensees that “an applicant for waiver faces a high hurdle even at the starting gate.”<sup>44</sup>

#### **B. Reminder Regarding Transition Dates for Wireless Broadband Licensees Operating in the 3650-3700 MHz Band**

12. Consistent with the goals of the transition process adopted in the *2015 Report and Order*, and pursuant to the Commission’s rules,<sup>45</sup> each former part 90, subpart Z, licensee—whether it was granted grandfathered status or not—must operate in accordance with the Commission’s part 96 rules after its transition period.

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<sup>39</sup> Specifically, grandfathered licensees may continue to operate within their designated protection zones and operational frequencies consistent with the technical rules in part 90, subpart Z; non-grandfathered licensees may continue to operate at existing registered sites under part 90 on a non-exclusive and unprotected basis.

<sup>40</sup> Pursuant to section 308(a) of the Communications Act, the Commission may grant license renewals or modifications, even without a written application, during a national emergency in various cases of emergency, including when proclaimed by the President or declared by Congress. See 47 U.S.C. 308(a)(2).

<sup>41</sup> Indeed, the Commission endorsed such an approach in 2015, when it stated that, “[t]o the extent we may have overlooked any technical obstacles to achieving this goal [of continued operations of wireless broadband license stations in the 3650-3700 MHz band for a finite period], we note that part 90 incumbents may avail themselves of our waiver process on a case-by-case basis.” *2015 Report and Order*, 30 FCC Rcd at 4075, para. 399.

<sup>42</sup> 47 CFR §§ 1.3, 1.925.

<sup>43</sup> *Rio Grande Family Radio Fellowship, Inc. v. FCC*, 406 F.2d 664, 666 (D.C. Cir. 1968).

<sup>44</sup> *WAIT Radio v. FCC*, 418 F.2d 1153, 1157 (D.C. Cir. 1969), *cert denied*, 409 U.S. 1027 (1972).

<sup>45</sup> *2015 Report and Order*, 30 FCC Rcd at 4073, para. 392, at 4074, para. 395, at 4075-76, paras. 399-400 (designing the transition to bring part 90 licensees into “the broader Citizens Broadband Radio Service framework,; referring to “former” part 90 incumbents, permitting licensees to “continue operating *under the new 3.5 GHz band rules*” (emphasis added), and making clear that licenses would have “no more than a five-year priority over GAA users of the band”); 47 CFR §§ 90.1307, 90.1338, 96.21, 96.39.

13. *Grandfathered Licensees.* The right to operate at existing registered sites pursuant to part 90, subpart Z, extends only until each grandfathered wireless broadband licensee's protection deadline. For most licensees, the protection deadline is the same as the end of their license term. For any license issued or renewed after January 8, 2013, grandfathered status (and the right to operate under part 90) extends only until October 17, 2020—consistent with the extended transition established by this order—regardless of when each license terminates.

14. *Non-Grandfathered Licensees.* Some wireless broadband licensees in the 3650-3700 MHz band do not have grandfathered protection status. These licensees either chose not to apply for grandfathered status or do not have qualifying sites for grandfathered status. For these licensees, the right to operate at existing registered sites under part 90—on a non-exclusive and unprotected basis—extends until the date for which their license would have qualified for grandfathered status if the licensee had applied. For most licensees, the deadline is the same as the end of their license term. For any license issued or renewed after January 8, 2013, the right to operate under part 90, subpart Z extends only until October 17, 2020—consistent with the extended transition established by this order—regardless of when each license terminates.

**C. Suspension of Acceptance and Processing of New Site Registrations under Part 90, Subpart Z**

15. Consistent with the Commission's determination to establish the transition process, the Bureau will suspend acceptance and processing of new site registrations for all part 90 wireless broadband licensees in the 3650-3700 MHz band effective with applications received on or after the adoption date of this order. In the *2015 Report and Order*, the Commission made clear that the primary intent of the transition period is to protect existing investments in the 3650-3700 MHz band by permitting grandfathered wireless broadband licensees the opportunity to continue operating under their existing part 90 licenses for a fixed period of time.<sup>46</sup> The transition period was not intended to allow for continued deployment under the part 90 rules after the new Citizens Broadband Radio Service was made commercially available.<sup>47</sup> Since multiple SASs and ESCs have been certified for commercial operation and nationwide commercial deployments have begun in the band, suspending acceptance and processing of new site registrations in the 3650-3700 MHz band by part 90 licensees is consistent with the purpose of the transition period.

**IV. ORDERING CLAUSES**

16. Accordingly, pursuant to Sections 1, 2, 4(i), 4(j), 302a, 303, 304, 307(e), 308(a), and 316 of the Communications Act, as amended, 47 U.S.C. §§ 151, 152, 154(i), 154(j), 302a, 303, 304, 307(e), 308(a), and 316, and Sections 0.131, 0.331, 1.3, and 1.925 of the Commission's rules, 47 CFR §§ 0.131, 0.331, 1.3, and 1.925, Part 90 licensees in the 3650 MHz band are hereby granted a temporary waiver of the transition period in Sections 90.1307, 90.1311, 90.1338, and 96.21 of the Commission's rules, 47 CFR §§ 90.1307, 90.1338(a), and 96.21, until October 17, 2020, and a modification of their license term where necessary to the same date, in order for licensees to continue to operate for a limited period of time under their Part 90 authority and receive interference protection if entitled to as a grandfathered licensee.

17. IT IS FURTHER ORDERED that, pursuant to Sections 1, 2, 4(i), 4(j), 302a, 303, 304, 307(e), 308(a), and 316 of the Communications Act, as amended, 47 U.S.C. §§ 151, 152, 154(i), 154(j), 302a, 303, 304, 307(e), 308(a), and 316, and Sections 0.131, 0.331, 1.3, and 1.925 of the Commission's

<sup>46</sup> See *2015 Report and Order*, 30 FCC Rcd at 4075-76, para. 400.

<sup>47</sup> The *2015 Report and Order* encouraged grandfathered wireless broadband licensees to procure equipment with an eye toward complying with part 96 technical rules after the transition period and noted that technology capable of operation across the entire band provides for much greater spectrum access. See *id.* at 4079, para. 409.

rules, 47 CFR §§ 0.131, 0.331, 1.3, and 1.925, , 47 C.F.R. §§ 0.131, 0.331, 1.3, and 1.925, the request for waiver filed October 4, 2018, by the Wireless Internet Service Providers Association and the Utilities Technology Council, and the requests for waiver filed by the licensees listed on Appendix A hereto, are hereby dismissed without prejudice.

18. IT IS FURTHER ORDERED, pursuant to Sections 1, 2, 4(i), 4(j), 5(c), 302a, 303, 304, 307(e), and 316 of the Communications Act, as amended, 47 U.S.C. §§ 151, 152, 154(i), 154(j), 155(c), 302a, 303, 304, 307(e), and 316, and Sections 90.1307, 90.1311, 90.1338, and 96.21, 47 C.F.R. §§ 90.1307, 90.1338, 96.21<sup>48</sup> that the acceptance and processing of new site registrations under Part 90, Subpart Z, for applications received on or after the adoption date of this order is suspended.

FEDERAL COMMUNICATIONS COMMISSION

Donald K. Stockdale  
Chief  
Wireless Telecommunications Bureau

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<sup>48</sup> See also *2015 Report and Order*, 30 FCC Rcd 3959, 4058-4065, paras. 387-412.



## APPENDIX A

Petitioner	Call Sign	Receipt Date
WISPA/UTC	N/A	October 4, 2018
Arizona Public Service Company	WQKM394	Oct. 15, 2019; amended March 13, 2020
City of Houston	WQJC308	November 22, 2019
Oxy and Anadarko	WQLF896 WQNR528	December 17, 2019
JAB Wireless, Inc. dba Rise Broadband (aka: Air Canopy, Digis, Essex, LP Broadband, Rhino, Skybeam)	WQJI704 WQIP473 WQJC234 WQLU285 WQJA669 WQLX341 WQIX998 WQJC216 WQJC236 WQJC241 WQJE591 WQJM423 WQUQ272 WQIU804 WQJA664 WQJA665 WQMC623	December 20, 2019
First Step Internet	WQKH843	January 24, 2020
Express Dial Internet, Inc.	WQJL696	January 31, 2020
Leaf River Telephone Company	WQKS447	February 5, 2020
Sabinal Energy Operating LLC	WQJM312	February 5, 2020
Cloudburst9 LLC	WQKF909	February 6, 2020
CCAOnline	WQJR950	February 6, 2020
SmarterBroadband Inc.	WQLM532	February 11, 2020
Country Wireless LLC	WQJT704	February 12, 2020
Nex-Tech	WQID241	February 13, 2020; amended March 9, 2020
Cal-Ore Communications	WQLL480	February 19, 2020
Range Telephone Cooperative, Inc.	WQJI781	February 24, 2020
Rapid Systems, Inc.	WQIF883	February 25, 2020
Mid-States Services, LLC	WQKE684	February 25, 2020
Skynet County, LLC	WQLR305	February 26, 2020
Broadband Corp.	WQIM479	February 26, 2020
Haviland Telephone Company	WQJH893	February 26, 2020
Giant Communications	WQKR384	February 26, 2020
Neptunomedia	WQHW752	February 27, 2020
Bluespan Wireless	WQJD997	February 27, 2020
Softcom Internet Communications	WQIG223	February 27, 2020
InfoWest Inc.	WQIA892	February 27, 2020; amended March 11, 2020
Evertex	WQJX447	February 28, 2020; amended March 13, 2020
Telescan, Inc.	WQOH356	February 28, 2020
Midcontinent Communications	WQLC845	March 3, 2020
Visionary Communications	WQJK717	March 4, 2020

SkyWerx Industries	WQIS540	March 4, 2020
Virginia Everywhere LLC dba All Points Broadband	WQIX997	March 10, 2020
Internet Communications Inc.	WQLX338	March 10, 2020
Bspeedy Wireless, Inc.	WQHW818	March 11, 2020
San Diego Gas & Electric Company	WQJD279	March 11, 2020
Wheatland Electric Cooperative Inc.	WQKD788	March 11, 2020
Farm to Market Broadband	WQKJ451	March 12, 2020
Joink LLC	WQJN931	March 12, 2020
ALTIUS	WQIB799	March 12, 2020
Broadband on Demand	WQKE670	March 12, 2020
AMA Communications, LLC	WQJC218	March 12, 2020
HUB Electronics dba Kloud Konnect	WQID245	March 12, 2020
Blue Pulse Networks LLC	WQKF828	March 13, 2020
Centerpoint Energy Inc.	WQJY595	March 13, 2020
Wabash Communications	WQNR802	March 13, 2020
Razzolink Inc	WQLB752	March 13, 2020
Total Highspeed LLC	WQIX995	March 13, 2020
Verso Networks Inc.	WQJH603	March 16, 2020