



PUBLIC NOTICE

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WIRELESS TELECOMMUNICATIONS BUREAU ANNOUNCES THE PROCESS FOR ACCELERATED RELOCATION ELECTIONS BY ELIGIBLE SPACE STATION OPERATORS IN THE 3.7-4.2 GHZ BAND

GN Docket No. 18-122

With this Public Notice, the Wireless Telecommunications Bureau (WTB) announces the process for eligible space station operators to make an Accelerated Relocation Election.¹ On March 3, 2020, the Federal Communications Commission (Commission) released the *Expanding Flexible Use of the 3.7 to 4.2 GHz Band Report and Order*, which adopted new rules to make 280 megahertz of mid-band spectrum available for flexible use through a Commission-administered public auction of overlay licenses, plus a 20 megahertz guard band, throughout the contiguous United States by transitioning existing services out of the lower portion and in to the upper 200 megahertz of the 3.7-4.2 GHz band (C-band).²

The *Report and Order* established a deadline of December 5, 2025, for incumbent space station operators to complete the transition of their operations to the upper 200 megahertz of the band, while providing an opportunity for accelerated clearing of the band by allowing eligible space station operators³ 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, 2023.⁴

The *Report and Order* required eligible space station operators committing to accelerated clearing to make their election by May 29, 2020 to provide potential bidders with adequate certainty regarding the clearing date and payment obligations associated with each license should they become overlay licensees.⁵ The *Report and Order* detailed the commitments that eligible space station operators must make when filing an Accelerated Relocation Election. By electing accelerated relocation, an eligible space station operator voluntarily commits adhere to the requirements, policies, and procedures established in the *Report and Order*.⁶ Commitments include:

¹ The Commission directed WTB to prescribe the precise form by which space station operators should make an Accelerated Relocation Election via public notice no later than May 12, 2020. 47 CFR § 27.1412(c)(1).

² *Expanding Flexible Use of the 3.7 to 4.2 GHz Band*, Report and Order and Proposed Modification, 35 FCC Rcd 2343, 2345, para. 4 (2020) (*Report and Order*).

³ An eligible space station operator is defined as an incumbent space station operator that has demonstrated as of 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. 47 CFR § 27.1411(b)(2).

⁴ *Report and Order*, 35 FCC Rcd at 2408, para. 155; 47 CFR § 27.1412(b)(1)-(2).

⁵ *Report and Order*, 35 FCC Rcd at 2454, para. 289; 47 CFR § 27.1412(c).

⁶ For example, the *Report and Order* adopted various filing requirements for electing space station operators, such as the submission of a Transition Plan, quarterly status reports of clearing efforts, beginning December 31, 2020,

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- paying the administrative costs of the Relocation Payment Clearinghouse until the Commission awards licenses to the winning bidders in the auction, at which time the eligible space station operator will be reimbursed for those administrative costs that it paid;⁷
- relocating its own services out of the lower 300 megahertz by the Accelerated Relocation Deadlines (both Phase I and Phase II) and taking responsibility for relocating its associated incumbent earth stations by those same deadlines;⁸
- planning, coordinating, and performing (or contracting for the performance of) all the tasks necessary to migrate any incumbent earth station that receives or sends signals to a space station owned by that operator, whether the satellite service provider is in direct privity of contract with the earth station operator or indirectly through another entity such as a programmer; in short, the space station operator must provide a turnkey solution to the transition;⁹ and
- cooperating in good faith with the Relocation Coordinator and paying all administrative costs of the Relocation Coordinator if it is selected by the committee of electing space station operators.¹⁰

The *Report and Order* also described a schedule of decreasing accelerated relocation payments for the six months following each Accelerated Relocation Deadline if an eligible space station operator that commits to accelerated relocation fails to meet its deadline. If an eligible space station operator that commits to accelerated relocation fails to complete the transition within six months of the relevant deadline, its associated accelerated relocation payment will drop to zero.¹¹

The *Report and Order* directed that eligible space station operators that choose to clear on the accelerated timeframe in exchange for an accelerated relocation payment must do so via a written commitment by filing an Accelerated Relocation Election in GN Docket No. 18-122.¹² Such elections are public and irrevocable.¹³ Pursuant to the *Report and Order*, WTB prescribes the following format for filing an Accelerated Relocation Election:

- The election must state that the eligible space station operator elects to perform an accelerated relocation, understands and accepts the commitments made when filing an Accelerated Relocation Election, and understands and accepts the reduction in payments

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and a Certification of Accelerated Relocation demonstrating, in good faith, that it has completed the necessary clearing actions to satisfy each deadline. *Report and Order*, 35 FCC Rcd at 2455, 2457-58, 2461, paras. 298, 302, 316.

⁷ *Id.* at 2455, para 291; 47 CFR § 27.1412(c)(2).

⁸ *Report and Order*, 35 FCC Rcd at 2455, para 292.

⁹ *Id.* An electing space station operator that experiences earth station transition delays beyond its control must submit a notice of any delays to the Bureau within 7 days of discovering an inability to accomplish the assigned earth station transition task. *Id.* at para. 294; 47 CFR § 27.1412(b)(3).

¹⁰ *Report and Order*, 35 FCC Rcd at 2459-60, paras. 308, 314.

¹¹ *See id.* at 2456, para. 297, for Incremental Reduction Chart.

¹² 47 CFR § 27.1412(c); *Report and Order*, 35 FCC Rcd at 2454, para. 289. Under the *Report and Order*, at least 80% of accelerated relocation payments must be accepted via Accelerated Relocation Elections in order for the Commission to accept elections and require overlay licensees to pay accelerated relocation payments. *Id.* at para. 290.

¹³ *Report and Order*, 35 FCC Rcd at 2454, para. 289.

for missing deadlines as outlined in the *Report and Order*.

- The election must be signed by a company officer of the eligible space station operator with authority to bind the company.
- The election must acknowledge the Commission's authority to adopt the accelerated relocation payment and the reduction in payments for missing deadlines.
- The election must acknowledge that sufficient eligible space station operators must elect accelerated relocation such that at least 80% of the total possible accelerated relocation payments are accepted for the Commission to accept elections and require overlay licensees to pay accelerated relocation payments.

The information collection requirements were approved by OMB on May 5, 2020 under OMB control number 3060-1272.

If an eligible space station operator elects not to make an Accelerated Relocation Election, that operator will forfeit its eligibility to receive accelerated relocation payments, even if it completes all tasks by the Accelerated Relocation Deadlines and files a Certification of Accelerated Relocation.¹⁴

Filing Procedures

Information required by the *Report and Order*, and repeated in this Public Notice, must be submitted electronically in the Electronic Comment Filing System, (ECFS), <https://www.fcc.gov/ecfs/filings>, in docket number GN 18-122.

Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing.

Filings can be sent by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.U.S.

Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554

Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand or messenger delivered filings. This is a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID-19. See FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy, Public Notice, DA 20-304 (March 19, 2020). <https://www.fcc.gov/document/fcc-closes-headquarters-open-window-and-changes-hand-delivery-policy>

During the time the Commission's building is closed to the general public and until further notice, if more than one docket or rulemaking number appears in the caption of a proceeding, paper filers need not submit two additional copies for each additional docket or rulemaking number; an original and one copy are sufficient.

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¹⁴ *Id.* at 2457, para. 301.