



PUBLIC NOTICE

Federal Communications Commission
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WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON JOINT PETITION FOR STAY OF 3.7-4.2 GHZ BAND REPORT AND ORDER AND ORDER OF PROPOSED MODIFICATION

GN Docket No. 18-122

Comment Date: May 27, 2020

Reply Comment Date: June 1, 2020

With this Public Notice, we seek comment on a request that the Commission stay, pending judicial review, the rules adopted in the *Expanding Flexible Use of the 3.7 to 4.2 GHz Band Report and Order and Order of Proposed Modification*, filed by ABS Global Ltd., Empresa Argentina de Soluciones Satelitales S.A., and Hispamar Satélites S.A. and Hispasat S.A. (collectively, the Small Satellite Operators).¹ The Small Satellite Operators have challenged the *Report and Order* in the United States Court of Appeals for the D.C. Circuit and seek a stay from the Commission pending judicial review.² The Small Satellite Operators sought confidential treatment for certain information contained in the Petition, pursuant to 47 CFR § 0.459.³ Access to confidential information is governed by the policies and procedures established in the *Protective Order* for this proceeding.⁴

We seek comment on the issues raised by the Small Satellite Operators' request for stay.⁵

¹ Petition for Stay of Report and Order and Order of Proposed Modification Pending Judicial Review, GN Docket No. 18-122, Small Satellite Operators (filed May 15, 2020) (Petition); *Expanding Flexible Use of the 3.7 to 4.2 GHz Band*, GN Docket No. 18-122, Report and Order and Order of Proposed Modification, 35 FCC Rcd 2343 (2020) (*Report and Order*).

² Notice of Appeal, *ABS Global Ltd. v. FCC*, No. 20-1146 (D.C. Cir., filed May 1, 2020); Protective Petition for Review, *ABS Global Ltd. v. FCC*, No. 20-1147 (D.C. Cir., filed May 1, 2020).

³ 47 CFR § 0.459; Letter from Scott Blake Harris, Counsel, Small Satellite Operators, to Marlene H. Dortch, Secretary, FCC, GN Docket No. 18-122 (filed May 15, 2020).

⁴ *Expanding Flexible Use of the 3.7 to 4.2 GHz Band*, GN Docket No. 18-122, Protective Order, 34 FCC Rcd 7700 (WTB 2019) (Protective Order).

⁵ While the pleading cycle for stay requests specified by 47 CFR § 1.45(d) requires oppositions to be filed within seven days of the request's filing and forbids replies to oppositions, we have determined that the slightly longer time that we have specified above for filing oppositions, as well as a provision for filing replies, is warranted in this case to provide a meaningful opportunity to respond to the request for stay (particularly in light of the procedures that must be followed in order to obtain access to the confidential information contained in the request) and for the Commission to fully consider those responses and the issues raised. Moreover, there is no reasonable basis for finding that the Small Satellite Operators will be harmed by this very brief extension of the pleading cycle. Accordingly, pursuant to sections 0.131, 0.331 and 1.3 of the Commission's rules, 47 CFR §§ 0.131, 0.331

(continued....)

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Pursuant to sections 1.45, 1.415, and 1.419 of the Commission's rules, 47 CFR §§ 1.45, 1.415, 1.419, interested parties are invited to file comments on or before the date indicated on the first page of this document. All filings must reference GN Docket No. 18-122. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS).

- Electronic Filers: Comments may be filed electronically using the internet by accessing the ECFS: <https://www.fcc.gov/ecfs/>.
- 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 courier or by the U.S. Postal Service. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- Commercial deliveries (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.**

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Government Affairs Bureau at 202-418-0530 (voice, 202-418-0432 (tty)).

Ex Parte Rules. This proceeding shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.⁶ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must: (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made; and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenters written comments, memoranda, or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be

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and 1.3, we hereby modify, for good cause, the pleading cycle specified in section 1.45(d) to the extent provided herein.

⁶ See 47 CFR § 1.1200 *et seq.*

found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with section 1.1206(b) of the Commission's rules. In proceedings governed by section 1.49(f) of the rules or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf).⁷ Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

Additional Information. For further information regarding this Public Notice, please contact Becky Tangren, Wireless Telecommunications Bureau, at Becky.Tangren@fcc.gov or 202-418-7178.

⁷ *Id.* § 1.1206(b).