



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <https://www.fcc.gov>
TTY: 1-888-835-5322

DA 20-886

Released: August 14, 2020

WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON ACA CONNECTS' REQUEST FOR STAY OF FINAL COST CATEGORY SCHEDULE AND LUMP SUM ELECTION PUBLIC NOTICE

GN Docket No. 18-122; IB Docket No. 20-205

Oppositions Due: August 19, 2020

With this Public Notice, the Wireless Telecommunications Bureau seeks comment on a request by ACA Connects – America's Cable Association (ACA Connects) that the Commission stay the deadline for earth station operators to make lump sum elections under the *Expanding Flexible Use of the 3.7 to 4.2 GHz Band Report and Order and Order of Proposed Modification*,¹ pending resolution of a concurrently filed Application for Review of the *Final Cost Category Public Notice* and any ensuing judicial review.² If the Commission does not grant a stay pending review, ACA Connects requests that the Commission grant a 14-day stay of the deadline, until September 14, to provide time for ACA Connects to seek a stay from the court of appeals.³

We seek comment on the issues raised by ACA Connects' request for stay.

The pleading cycle for requests for temporary relief specified by section 1.45(d) of the Commission's rules requires that oppositions to the request must be filed within seven days of the request's filing and forbids replies to oppositions.⁴ We have determined, however, that a shorter time for the filing of oppositions is necessary in order to ensure that the Commission has adequate time to respond to the Stay Request in advance of the August 31 deadline for filing lump sum elections. Accordingly,

¹ Request for Stay of August 31 Deadline for Electing to Receive Lump-Sum Payment, GN Docket No. 18-122, ACA Connects (filed Aug. 13, 2020) (Stay Request); *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 Red 2343 (2020) (*3.7 GHz Report and Order*); *Wireless Telecommunications Bureau Releases Final Cost Category Schedule for 3.7-4.2 GHz Band Relocation Expenses and Announces Process and Deadline for Lump Sum Elections*, GN Docket No. 18-122, IB Docket No. 20-205, Public Notice, DA 20-802 (WTB July 30, 2020) (*Final Cost Category Public Notice*).

² Application for Review of the Public Notice of the Wireless Telecommunications Bureau Setting Lump-Sum Payment Amounts, GN Docket No. 18-122, ACA Connects (filed Aug. 13, 2020) (Application for Review). The pleading cycle for applications for review specified by section 1.115(d) of the Commission's rules requires that oppositions to the application be filed no later than 15 days after the filing of an application for review and that replies to oppositions be filed no later than 10 days after the opposition is filed. 47 CFR § 1.115(d). Consistent with these requirements, oppositions to the Application for Review must be filed no later than August 28, 2020 and replies to oppositions must be filed no later than September 8, 2020.

³ Stay Request at 1.

⁴ 47 CFR § 1.45(d).

pursuant to sections 0.131, 0.331 and 1.3 of the Commission's rules, we hereby modify, for good cause, the pleading cycle specified in section 1.45(d) to the extent provided herein.⁵

* * *

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

⁵ 47 CFR §§ 0.131, 0.331 and 1.3.

⁶ See 47 CFR § 1.1200 *et seq.*

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 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 Susan Mort, Wireless Telecommunications Bureau, at Susan.Mort@fcc.gov or 202-418-2429.

⁷ *Id.* § 1.1206(b).