



# PUBLIC NOTICE

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DA 21-1014

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## THE WIRELESS TELECOMMUNICATIONS BUREAU ESTABLISHES A NEW DOCKET FOR C-BAND RELOCATION PAYMENT CLEARINGHOUSE DISPUTE REFERRALS AND APPEALS

### WT Docket No. 21-333

With this Public Notice, the Wireless Telecommunications Bureau (WTB) establishes WT Docket No. 21-333, which is captioned “3.7-4.2 GHz Band Transition Clearinghouse Dispute Referrals and Appeals.”

As part of the ongoing transition in the 3.7-4.2 GHz band (C-band), parties disputing a cost estimate, cost invoice, or payment or cost-sharing obligation must file an objection with the Relocation Payment Clearinghouse (Clearinghouse).<sup>1</sup> Pursuant to the *3.7 GHz Report and Order*, the Clearinghouse serves “in an administrative role and in a function similar to a special master in a judicial proceeding” and “may mediate any disputes regarding cost estimates or payments that may arise in the course of band reconfiguration; or refer the disputant parties to alternative dispute resolution fora.”<sup>2</sup> Following mediation, parties to the dispute may request expedited non-binding arbitration.<sup>3</sup> Should any issues still remain unresolved, then they may be referred to WTB within ten (10) days of the recommended decision or advice<sup>4</sup> and any decisions of the Clearinghouse may be appealed to the Chief of WTB.<sup>5</sup>

Referrals and appeals should be filed in WT Docket No. 21-333. All filings submitted through ECFS are available to the public in their entirety. If any party seeks confidential treatment for any

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<sup>1</sup> 47 CFR § 27.1421(a). We clarify that in the absence of a multi-party dispute, such as where a claimant wishes to appeal a Clearinghouse decision but the 3.7 GHz service licensee(s) responsible for reimbursement of such claims decline to participate, then the claimant can directly appeal the Clearinghouse decision to WTB. Multi-party disputes involving both claimants and 3.7 GHz service licensee(s) are subject to the mediation and arbitration provisions in section 27.1421(b) of the Commission’s rules. *Id.* at § 27.1421(b). *See* 47 CFR § 27.1412 (h); *see also Expanding Flexible Use of the 3.7 to 4.2 GHz Band*, Report and Order and Proposed Modification, 35 FCC Rcd, 2343, 2448, para. 262 (2020) (*3.7 GHz Report and Order*) (directing WTB to “make further determinations related to reimbursable costs, as necessary, throughout the transition process”).

<sup>2</sup> *3.7 GHz Report and Order*, 35 FCC Rcd, at 2449, para. 268-9; 47 CFR § 27.1421(b).

<sup>3</sup> *Id.*

<sup>4</sup> *Id.* (“[T]he Clearinghouse shall forward the entire record on any disputed issues, including such dispositions thereof that the Clearinghouse has considered. Upon receipt of such record and advice, the Bureau will decide the disputed issues based on the record submitted”).

<sup>5</sup> *3.7 GHz Report and Order*, 35 FCC Rcd, at 2449, para. 268-9; 47 CFR § 27.1421(c).

information or materials to be submitted, it may do so pursuant to section 0.459 of the Commission's rules.<sup>6</sup>

*Ex parte rules.* Any *ex parte* presentations related to matters raised in this docket shall be subject to "permit-but-disclose" *ex parte* rules.<sup>7</sup> 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). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules, including the general prohibition on presentations (written and oral) on matters listed in the Sunshine Agenda, which typically is released a week prior to the Commission's meeting.<sup>8</sup>

*Accessibility Information.* 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](mailto:fcc504@fcc.gov) or call the Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice).

Action by Acting Chief, Wireless Telecommunications Bureau.

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<sup>6</sup> 47 CFR § 0.459. Pursuant to earlier instructions regarding the submission of confidential materials during the COVID-19 pandemic, filers are directed to contact FCC staff for instructions on how to upload unredacted confidential submissions via Box. A redacted version of the confidential submission should be filed through ECFS in the above-referenced docket. *See FCC Provides Further Instructions Regarding Submission of Confidential Materials*, Public Notice, DA 20-361, 35 FCC Rcd 2973 (2020).

<sup>7</sup> *See* 47 CFR §§ 1.1206, 1.1200(a).

<sup>8</sup> *See* 47 CFR §§ 1.1200(a), 1.1203.