

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

In the Matter of)
)
Amendment of Part 15 of the Commission's Rules) ET Docket No. 14-165
for Unlicensed Operations in the Television Bands,)
Repurposed 600 MHz Band, 600 MHz Guard)
Bands and Duplex Gap, and Channel 37, and)
)
Expanding the Economic and Innovation) GN Docket No. 12-268
Opportunities of Spectrum Through Incentive)
Auctions)

ORDER

Adopted: September 30, 2021

Released: September 30, 2021

By the Acting Chief, Office of Engineering and Technology:

- 1. By this Order, we extend through March 31, 2022 a waiver of the push notification requirements in sections 15.37(j) and 15.711(i) of the Commission's rules...
2. On August 11, 2015, the Commission released the Part 15 Report and Order in the above-captioned proceeding...
3. To prevent interference to protected services, including licensed wireless microphones, certain white space devices are required to check a database at least once a day to obtain a list of available

1 47 CFR §§ 15.37(j), 15.711(i).

2 Amendment of Part 15 of the Commission's Rules for Unlicensed Operations in the Television Bands, Repurposed 600 MHz Band, 600 MHz Guard Bands and Duplex Gap, and Channel 37, Order, 31 FCC Rcd 13798 (2016) (Push Notification Waiver Order). The waiver, originally due to expire on June 23, 2017, is currently valid until September 30, 2021. Amendment of Part 15 of the Commission's Rules for Unlicensed Operations in the Television Bands, Repurposed 600 MHz Band, 600 MHz Guard Bands and Duplex Gap, and Channel 37, Order, 36 FCC Rcd 5753 (OET 2021).

3 In a push notification system, a white space database directs information on changes in channel availability to specific white space devices in an area.

4 Amendment of Part 15 of the Commission's Rules for Unlicensed Operations in the Television Bands, Repurposed 600 MHz Band, 600 MHz Guard Bands and Duplex Gap, and Channel 37, Report and Order, 30 FCC Rcd 9551 (2015) (Part 15 Report and Order).

channels at their operating location.⁵ In the *Part 15 Report and Order*, the Commission retained a daily database re-check requirement for fixed and Mode II personal/portable devices and decided to also require that database administrators push information about changes in channel availability information to these devices in the areas where licensed wireless microphones will be used.⁶ When a database administrator receives a request for access to channels for licensed wireless microphone use, the database administrators must share the licensed wireless microphone's channel registration information among themselves within ten minutes and push information about changes in channel availability for fixed and Mode II personal/portable white space devices within 20 minutes of receiving it, identifying for the white space devices other available channels that could be used instead. White space devices for which a certification application is filed beginning June 23, 2016, or that are imported or marketed beginning September 23, 2016, were to incorporate a push notification capability.⁷ Previously approved white space devices that do not incorporate a push notification capability were to cease operation no later than December 23, 2016.⁸ In addition, the white space database administrators were to update their systems to implement push notification capabilities no later than December 23, 2016.⁹

4. Several parties filed petitions for reconsideration of the push notification requirements adopted by the Commission, arguing that there are a number of difficulties in implementing them.¹⁰ Given the complexity of the issues, the Commission determined that there was good cause to grant a waiver of the requirements in sections 15.37(j) and 15.711(i) and that the waiver would remain in effect for 180 days or until the Commission took a final action addressing the petitions for reconsideration of the push notification rules.¹¹ Because the petitions for reconsideration remain under consideration, the reasons supporting the original waiver remain valid and a further time extension is warranted.¹² This action is being taken without prejudice relative to the merits of these petitions.

5. This action will ensure that manufacturers may continue to market previously approved white space devices, and that users may continue to operate them. The ability of all approved white space devices to satisfy the at-least-once-daily database re-check requirement will ensure that wireless

⁵ 47 CFR §§ 15.711(c)(2)(iii), (d)(4), (k)(9). This requirement applies to fixed, Mode II personal/portable and mobile white space devices.

⁶ *Part 15 Report and Order*, 30 FCC Rcd at 9662, para. 274.

⁷ 47 CFR § 15.37(j).

⁸ *Id.*

⁹ 47 CFR § 15.711(i)(3).

¹⁰ Google Inc. Petition for Reconsideration, ET Docket No. 14-165, at 1 (filed Dec. 23, 2015), <https://ecfsapi.fcc.gov/file/60001390176.pdf> (Google Petition); Petition for Reconsideration of the National Association of Broadcasters, ET Docket No. 14-165, at 5 (filed Dec. 23, 2015), <https://ecfsapi.fcc.gov/file/60001390495.pdf> (NAB Petition); Response and Opposition to Petitions for Reconsideration of Microsoft Corporation, ET Docket No. 14-165, at 13 (filed Feb. 29, 2016), <https://ecfsapi.fcc.gov/file/60001524524.pdf> (Microsoft Opposition).

¹¹ *Push Notification Waiver Order*, 31 FCC Rcd at 13800, para. 5. The waiver has subsequently been extended and is currently valid until September 30, 2021. *Supra* note 2.

¹² On March 20, 2019, the Commission issued a Report and Order and Order on Reconsideration that addressed certain issues raised in petitions for reconsideration of the *Part 15 Report and Order* but did not address the push notification issue. *Amendment of Part 15 of the Commission's Rules for Unlicensed Operations in the Television Bands, Repurposed 600 MHz Band, 600 MHz Guard Bands and Duplex Gap, and Channel 37*, Report and Order and Order on Reconsideration, 34 FCC Rcd 1827 (2019). Subsequently on October 28, 2020, the Commission issued a Report and Order and Further Notice of Proposed Rulemaking that modified the white space rules to permit enhanced fixed and mobile operations in rural areas and narrowband operations nationwide but did not address the petitions for reconsideration of the push notification rules. *Unlicensed White Space Device Operations in the Television Bands*, ET Docket No. 20-36, Report and Order and Further Notice of Proposed Rulemaking, 35 FCC Rcd 12603 (2020).

microphones will continue to receive interference protection from white space devices.¹³

6. Accordingly, pursuant to the authority delegated to the Office of Engineering and Technology under section 0.241(a)(3) of the Commission's rules¹⁴ and sections 302, 303(e), and 303(r) of the Communications Act of 1934, as amended,¹⁵ IT IS ORDERED that sections 15.37(j) and 15.711(i) of the Commission's rules,¹⁶ ARE WAIVED until March 31, 2022 or until the Commission takes final action on the petitions for reconsideration in ET Docket No. 14-165 with respect to these rule sections, whichever comes earlier.

7. IT IS FURTHER ORDERED that the effective date of this Order IS THE DATE upon which this Order is released by the Commission.

FEDERAL COMMUNICATIONS COMMISSION

Ronald T. Repasi
Acting Chief, Office of Engineering and Technology

¹³ *Supra* note 5.

¹⁴ 47 CFR § 0.241(a)(3).

¹⁵ 47 U.S.C. §§ 302a, 303(e), 303(r).

¹⁶ 47 CFR §§ 15.37(j), 15.711(i).