



PUBLIC NOTICE

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WIRELESS TELECOMMUNICATIONS BUREAU AND PUBLIC SAFETY AND HOMELAND SECURITY BUREAU EXTEND THE DATE FOR THE ACCEPTANCE AND PROCESSING OF CERTAIN PART 22 AND PART 90 APPLICATIONS FOR 470- 512 MHZ (T-BAND) SPECTRUM

On January 19, 2021, the Wireless Telecommunications Bureau and the Public Safety and Homeland Security Bureau (Bureaus) released a Public Notice providing, *inter alia*, that, for a 90-day period following the release of the Public Notice, applications for certain Part 22 and Part 90 applications, listed below, for facilities in the 470-512 MHz spectrum (T-Band) would be accepted from incumbent T-Band licensees:¹

- Applications for modification of license characterized as minor under sections 1.929 and 1.947(b) of the Commission's rules.²
- Applications characterized as major under Part 22 of the Commission's rules.
- Applications governed by Part 90 of the Commission's rules, but only if such applications;
 - propose operation with 12.5 kHz bandwidth (11.25 kHz occupied bandwidth) or narrower channels; or
 - employ a technology that achieves the narrowband equivalent of at least one channel per 12.5 kHz of channel bandwidth for voice, and transmission rates of at least 4800 bits per second per 6.25 kHz for data systems operating with bandwidths greater than 12.5 kHz (narrowband-equivalent technology).

The 90-day period limiting applications to incumbent licensees was imposed to ensure the orderly resumption of application and licensing processes. On June 21, 2021, the Bureaus extended the incumbent-only filing window until Dec. 19, 2021.³

¹ *Wireless Telecommunications Bureau and Public Safety and Homeland Security Bureau Modify Suspensions of Acceptance and Processing of Certain Part 22 and Part 90 Applications for 470-512 MHz (T-Band) Spectrum*, Public Notice, 36 FCC Rcd 788 (WTB/PSHSB 2021) (January 19, 2021 Public Notice). Applicants qualify as incumbent licensees if they have an active call sign under the same FCC Registration Number (FRN) and are authorized to operate on at least one frequency within the same T-Band market as the application. The January 19, 2021 Public Notice modified the Bureaus' 2012 suspension of acceptance and processing of certain T-Band applications. See *Wireless Telecommunications Bureau and Public Safety and Homeland Security Bureau Suspend the Acceptance and Processing of Certain Part 22 and Part 90 Applications for 470-512 MHz (T-Band) Spectrum*, Public Notice, 27 FCC Rcd 4218 (WTB/PSHSB 2012) (Suspension Notice).

² 47 CFR §§ 1.929, 1.947(b).

³ *Wireless Telecommunications Bureau and Public Safety and Homeland Security Bureau Extend the Date for the Acceptance and Processing of Certain Part 22 and Part 90 Applications for 470-512 MHz (T-Band) Spectrum*, Public Notice, DA 21-721 (WTB/PSHSB Jun. 21, 2021).

The Bureaus find it in the public interest to extend the period limiting applications to incumbent licensees as staff continues working on ways to improve the orderly resumption of the application and licensing processes for the T-Band. Accordingly, we extend the period during which the above-listed applications will be accepted from incumbent licensees to April 1, 2022.

Except for the foregoing extension of the date through which the listed applications may be filed by incumbent licensees, the provisions of the Bureaus' 2012 Suspension Notice, as modified by the January 19, 2021 Public Notice, remain in effect.

The decision to extend the date for acceptance of certain T-Band applications is procedural in nature, and therefore not subject to the notice and comment and effective date requirements of the Administrative Procedure Act.⁴ Moreover, we find that there is good cause for not delaying the effect of the extension until after publication in the Federal Register. Such a delay would be impractical, unnecessary, and contrary to the public interest because it would undercut the purposes of the extension.

For further information regarding this proceeding contact Joshua Smith, Mobility Division, Wireless Telecommunications Bureau, (voice) (717) 338-2502 or Joshua.Smith@fcc.gov, or Brian Marengo, Policy and Licensing Division, Public Safety and Homeland Security Bureau, (voice) (202) 418-0838 or Brian.Marengo@fcc.gov.

Action by the Wireless Telecommunications Bureau and the Public Safety and Homeland Security Bureau.

⁴ See 5 U.S.C. § 553(b)(A), (d); see also, e.g., *Neighborhood TV Co. v. FCC*, 742 F.2d 629, 637-38 (D.C. Cir. 1984) (holding that a Commission filing freeze is a procedural rule not subject to the notice and comment requirements of the Administrative Procedure Act); *Buckeye Cablevision, Inc. v. United States*, 438 F.2d 948, 952-53 (6th Cir. 1971).