

## ATTACHMENT A

### **Instructions for Eligibility Certification and Transition Plan Submissions**

Section 27.1503 of the Commission's rules requires an applicant to file an Eligibility Certification and Transition Plan as part of its application for a 900 MHz broadband segment license. An applicant is required to submit all information necessary to determine the validity of the applicant's eligibility. Submission of the necessary information as specified below will facilitate and speed the Commission's review of whether an applicant is eligible for a broadband license.

#### **Eligibility Certification and Transition Plan Submissions**

When applying for a 900 MHz broadband segment license, an applicant must complete FCC Form 601 Main Form and Schedule N for radio service code BS. When completing Schedule N, an applicant should identify the state/territory and the county or county equivalent to which the filing pertains. An applicant is required to make the following four certifications:

- I certify that I have attached an Eligibility Certification pursuant to section 27.1503(b)(2).
- I certify that I have attached a Transition Plan pursuant to section 27.1503(b)(3).
- I certify that, within 15 days of filing this application, I will return 900 MHz licensed SMR and B/ILT spectrum to the Commission pursuant to section 27.1503(c)(1).
- I certify that, if applicable, I will remit an anti-windfall payment prior to the grant of the 900 MHz license for which I am applying, pursuant to section 27.1503(c)(2).

The Eligibility Certification and Transition Plan should be submitted as separate attachments. An applicant should use the corresponding attachment type in ULS to upload these documents. Failure to indicate Eligibility Certification and Transition Plan attachment types in the application will result in an error message.

#### **Eligibility Certification**

Section 27.1503(a) of the Commission's rules describes the criteria an applicant must meet to be eligible for a broadband license in a county or county equivalent. In its Eligibility Certification, an applicant must list the call sign(s) the applicant holds in the 900 MHz band to demonstrate that it holds licenses for more than 50 percent of the total licensed 900 MHz spectrum for the county, including a list of licenses (and file numbers where applicable) to gain credit for spectrum included in an application to acquire or relocate any covered incumbents filed on or after March 14, 2019. The Eligibility Certification must also include a statement that the applicant's Transition Plan details how it holds spectrum in the broadband segment and/or has reached an agreement to clear through acquisition or relocation, or demonstrate how it will provide interference protection to, covered incumbent licensees (covered incumbent or incumbent) collectively holding licenses in the broadband segment for at least 90 percent of the site-channels in the county and within 70 miles of the county boundary and geographically licensed channels where the license area completely or partially overlaps the county.

### **Information to be included in an Eligibility Certification filing.**

Demonstration that an applicant holds more than 50 percent of total licensed spectrum. To demonstrate holdings of more than 50 percent of total licensed 900 MHz spectrum in each county or county equivalent in which an applicant seeks a broadband license, an applicant should identify:

- Total amount of licensed spectrum in each county. An applicant should specify each incumbent within the county, incumbent call sign(s) and associated spectrum.
- Amount of spectrum held by the applicant for each of its licenses within the county, including credit for spectrum in a transaction or relocation agreement. An applicant should specify:
  - Call sign(s) or application file number(s).
  - Transmitter information and associated frequencies. Supporting attachments such as maps and/or tables are encouraged for this purpose.
    - A site-based B/ILT or site-based SMR licensee may meet the 50 percent spectrum threshold for a given county by demonstrating that its base station(s) service contour(s) intersects a county boundary.
    - Specific details on how to calculate 50 percent coverage can be found at paragraphs 54-57 and Appendix D of *Review of the Commission's Rules Governing the 896-901/935-940 MHz Band*. Report and Order, Order, Order Proposing Modification, 35 FCC Rcd 5183, 5207-5209, paras. 54-57; Appendix D at 5292.
  - The amount of spectrum associated with each license.
- Total amount of applicant licensed spectrum in the county and associated percentage of spectrum held (totaling more than 50 percent).

Transition Plan statement. An applicant must include a statement that the applicant's Transition Plan demonstrates that it holds spectrum in the broadband segment, has reached an agreement to clear through acquisition or relocation, or demonstrates that it will provide interference protection to, covered incumbent licensees.

### **Transition Plan**

Section 27.1503(b)(3) of the Commission's rules requires an applicant to provide a Transition Plan that demonstrates one or more of the following for at least 90 percent of the site-channels in the county and within 70 miles of the county boundary, and geographically licensed channels where the license area completely or partially overlaps the county: (1) agreement by covered incumbents to relocate from the broadband segment; (2) protection of site-based covered incumbents through compliance with minimum spacing criteria; (3) protection of site-based covered incumbents through new or existing letters of concurrence agreeing to lesser base station separations; (4) protection of geographically-based covered incumbents through private contractual agreements; and/or (5) evidence that it holds licenses for the site channels in the county and within 70 miles of the county boundary and geographically licensed channels where the license area completely or partially overlaps the county.

Accordingly, the Transition Plan must describe: (1) the agreements reached with covered incumbents to relocate and the applications that the parties to the agreements will file for spectrum in the narrowband

segment in order to relocate or repack licensees; (2) how the applicant will provide interference protection to, and/or acquire or relocate from the broadband segment, covered incumbents collectively holding licenses for at least 90 percent of the site-channels in the county and within 70 miles of the county boundary, and geographically licensed channels where the license area completely or partially overlaps the county, and/or evidence that it holds licenses for the site-channels and/or geographically licensed channels; (3) any rule waivers or other actions necessary to implement an agreement with a covered incumbent (an applicant should include any waiver requests in the underlying 900 MHz broadband segment application); and (4) such additional information as may be required below.

### **Information to be included in Transition Plan filing.**

#### Format of Transition Plan filing.

The Transition Plan must consist of a narrative or detailed description, including any supporting documentation, detailing how the 90 percent threshold has been met. Because the information needed to demonstrate an applicant's compliance with the 90 percent threshold may be complex and/or voluminous, an applicant should include a summary table(s) listing information specified in the narrative (e.g. call signs, frequencies, type of agreement, etc.) in order to facilitate and speed Commission staff review of the Transition Plan and application.

Demonstration of compliance with 90 percent threshold. As part of its showing describing how it has met the 90 percent requirement, an applicant should:

- Identify the total number of applicable site-channels and geographic channels in a county.
- Organize the information in the narrative and summary table by incumbent. For each incumbent, the applicant should identify:
  - Total number of site-channels/geographic channels associated with the incumbent, including applicable call sign(s) and frequencies.
  - Transmitter information and associated frequencies. An applicant may—and are encouraged to— submit supporting attachments such as maps and/or tables for this purpose.
  - Percentage of total channels represented by each incumbent.
  - Whether the incumbent will be relocated, acquired, or protected:
    - *Relocation or acquisition of incumbent.* An applicant must describe agreements reached to relocate or acquire incumbents, and include applications the parties will file for spectrum in the narrowband segment. For each incumbent, an applicant should:
      - Identify an incumbent's existing broadband segment frequencies and corresponding new narrowband frequencies (if incumbent is being relocated).
      - Include any associated (existing) applications/file numbers.
      - Specify whether waivers or other Commission actions are necessary to implement an agreement (other than grant of an application).
    - *Protection of site-based incumbent using minimum spacing.* An applicant must demonstrate that they meet spacing criteria as specified in section 90.621(b) of the Commission's rules or indicate that a rule waiver or other Commission action is necessary.
    - *Protection of site-based incumbent through letters of concurrence agreeing to less than minimum spacing.* For each site-based incumbent, an applicant must

provide a description of the agreement, detailing how the applicant will protect the incumbent, including base station separation information.

- *Protection of geographically-based incumbents through private agreements.* For each geographically licensed incumbent, an applicant must provide a description of the agreement, detailing how the applicant will protect the incumbent, including base station separation information.
- *Applicant site-channels and geographically licensed channels.* As part of the demonstration that it holds site-channels and/or geographically licensed channels attributable to the 90 percent threshold, an applicant must identify the licenses/call signs for the site channels and geographically licensed channels applicable to the county at issue. An applicant should identify:
  - Transmitters and associated frequencies for each license. An applicant may—and are encouraged to—submit supporting attachments such as maps or tables for this purpose.
  - Total number of applicant site-channels and geographically licensed channels.
  - Percentage of total channels in the county represented by applicant’s licenses.

#### Frequency Coordinator Certification

Section 27.1503(b)(3)(iv) of the Commission’s rules specifies that an applicant is required to submit a certification from a frequency coordinator that the Transition Plan can be implemented consistent with the Commission’s rules. For purposes of this certification only, a frequency coordinator should assume the grant of any associated request for waiver(s) of the Commission’s rules made by the applicant. The certification must establish that proposed relocations consider all relevant incumbents and are consistent with section 90.621(b) interference criteria with respect to site-based incumbents, and discuss the sufficiency of any private agreements between the applicant and geographically licensed incumbents.

#### Anti-windfall Provision

Section 27.1503(c)(2) of the Commission’s rules provides that an applicant is required to return to the Commission all of their licensed 900 MHz SMR and B/ILT spectrum, up to six megahertz, for any county in which they seek a broadband license. An applicant relinquishing less than six megahertz is required to make an anti-windfall payment. An applicant should identify in its Transition Plan whether it is relinquishing less than six megahertz of spectrum. The Commission will calculate the applicable anti-windfall payment and notify the applicant of the amount due with instructions to make electronic payment.

#### Mandatory Relocation

Section 27.1504 of the Commission’s rules provides 900 MHz broadband licensees are permitted to relocate mandatorily from the broadband segment incumbents’ remaining site-channels or geographically licensed channels that were not covered by agreements that satisfy the 90 percent eligibility threshold. An applicant should identify the incumbent license(s) that the applicant intends to mandatorily relocate.

### **Filing of multiple counties in an application**

The Commission allows an applicant seeking to transition multiple counties simultaneously to file as many or as few Transition Plans as it chooses to cover its county-based applications (e.g., an applicant could file a single Transition Plan to cover all of its counties, or it could file multiple Transition Plans—each covering a certain set of counties). However, an applicant must file an Eligibility Certification for each individual county.

- An applicant with a Transition Plan covering multiple counties must specify all applicant and incumbent information as discussed above for each county covered by the Transition Plan, with clear labeling that designates which pages are applicable to each county.
- The Commission notes that one 900 MHz broadband license will be granted per county, regardless of how many counties are included in a single application.
- An applicant filing for multiple counties in one application should expect that the counties will be given concurrent consideration and will be acted on at the same time, and should not expect that counties included in the application will be granted separately.

### **Cancellation of applicant SMR and B/ILT licenses**

Section 27.1503(c)(1) of the Commission's rules specifies that an applicant is required to file, within 15 days of filing its broadband license application(s), an application(s) to cancel all of its 900 MHz SMR and B/ILT spectrum, up to six megahertz, for the applicable county. In order to ensure that all spectrum being cancelled is correctly attributed, an applicant should identify in its Transition Plans all licenses being cancelled for each county.