



# PUBLIC NOTICE

Federal Communications Commission  
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DA 21-539

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## WIRELESS TELECOMMUNICATIONS BUREAU AND OFFICE OF ENGINEERING AND TECHNOLOGY SEEK COMMENT ON LOCKHEED MARTIN CORPORATION REQUEST FOR WAIVER OF CERTAIN EXPERIMENTAL RADIO SERVICE RULES

WT Docket No. 19-348  
AU Docket No. 21-62

Comment Date: May 17, 2021

Reply Comment Date: May 24, 2021

With this Public Notice, we seek comment on a request filed by Lockheed Martin Corporation (Lockheed Martin) that asks the Commission to waive certain sections of its experimental licensing rules, which govern harmful interference and non-interference criteria.<sup>1</sup> Lockheed Martin asks for a limited, expedited waiver of sections 5.5 and 5.84 of the Commission's rules in order to be afforded the right to protection from harmful interference from other operators in the 3.45-3.55 GHz band at its Research, Development, Test & Evaluation (RDT&E) radar facilities in Cazenovia, NY and Liverpool, NY. Lockheed Martin asserts that the Commission's decision in the *3.45 GHz Band Second Report and Order* is insufficient to ensure that Lockheed has continued access to spectrum for its RDT&E operations in the 3.45 GHz band, and it requests consideration of its waiver prior to the opening of the application filing window for Auction 110.<sup>2</sup> Lockheed Martin argues that waiver is necessary to enable it to continue its RDT&E operations in support of the United States' and its allies' S-band (3.1-3.55 GHz) radar and national security needs.

We seek comment on the issues raised by Lockheed Martin's request for waiver.

\* \* \*

Pursuant to section 1.925(c) of the Commission's rules, 47 CFR § 1.925(c), interested parties are invited to file comments or replies on or before the dates indicated on the first page of this document. All filings must reference WT Docket No. 19-348 and AU Docket No. 21-62. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS).

<sup>1</sup> Lockheed Martin Corporation, Request for Waiver, filed April 29, 2021 (Lockheed Martin Waiver Request).

<sup>2</sup> Lockheed Martin Waiver Request at 7-8. *See also Facilitating Shared Use in the 3100-3550 MHz Band*, WT Docket No. 19-348, Second Report and Order, Order on Reconsideration, Order Proposing Modification, 2021 WL 1086295 (2021); *Auction of Flexible-Use Service Licenses in the 3.45-3.55 GHz Band for Next-Generation Wireless Services; Comment Sought on Competitive Bidding Procedures for Auction 110*, AU Docket No. 21-62, Public Notice 2021 WL 1086298 (2021). Lockheed Martin proposes to limit its in-band operations to a contour that overlaps with portions of Partial Economic Areas 41, 44, and 227. Lockheed Martin Waiver Request at 17 and Exhibit A.

- 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 12<sup>th</sup> Street, SW, Washington, DC 20554.
- **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](mailto: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.<sup>3</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). 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 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).<sup>4</sup> Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

<sup>3</sup> See 47 CFR § 1.1200 *et seq.*

<sup>4</sup> *Id.* § 1.1206(b).

*Additional Information.* For further information regarding this Public Notice, contact Joyce Jones of the Mobility Division, Wireless Telecommunication Bureau, at [joyce.jones@fcc.gov](mailto:joyce.jones@fcc.gov) or (202) 418-1327 or Ira Keltz of the Office of Engineering and Technology, at [ira.keltz@fcc.gov](mailto:ira.keltz@fcc.gov) or (202) 418-0616.