



# PUBLIC NOTICE

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## WIRELESS TELECOMMUNICATIONS BUREAU ANNOUNCES ADDITIONAL 2.5 GHZ RURAL TRIBAL PRIORITY WINDOW LICENSE APPLICATIONS ACCEPTED FOR FILING

The Commission in 2019 created the 2.5 GHz Rural Tribal Priority Window for eligible Tribal entities to gain access to prime mid-band spectrum to deploy broadband and other next-generation wireless services to address the digital divide on rural Tribal lands.<sup>1</sup> On January 6, 2020, the Wireless Telecommunications Bureau (Bureau) released a public notice setting forth the procedures for eligible federally recognized Tribes to apply for 2.5 GHz spectrum licenses during the filing window.<sup>2</sup> More than 400 applications were filed during the filing window, which opened February 3, 2020, and closed on September 2, 2020.<sup>3</sup>

The 29 Rural Tribal Priority Window applications (FCC Form 601) listed in Attachments A and B have been found, upon initial review, to be acceptable for filing.<sup>4</sup> That an application has been accepted for filing means that the application, upon initial review, is complete and contains sufficient information to be accepted for processing and further review, including a required period during which public comment on the application is sought. Such acceptance for filing, however, does not mean that all application requirements have been met, nor does it mean that any waiver requested with the application will be granted. The Bureau may return or dismiss any application that is accepted for filing if, upon further examination, it is found to be defective or not in conformance with the Commission's rules.<sup>5</sup> For example, for applications seeking a license for areas that are not eligible rural Tribal Lands or for which the Tribal entity has not demonstrated a local presence,<sup>6</sup> the fact that an application has been accepted for filing does not mean that the applicant has been granted a waiver.<sup>7</sup>

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<sup>1</sup> *Transforming the 2.5 GHz Band*, Report and Order, 34 FCC Rcd 5446, 5463, para. 47 (2019).

<sup>2</sup> *Wireless Telecommunications Bureau Announces Procedures for 2.5 GHz Rural Tribal Priority Window*, Public Notice, 35 FCC Rcd 308 (WTB 2020) (*Procedures Public Notice*).

<sup>3</sup> *See Transforming the 2.5 GHz Band*, Memorandum Opinion and Order, 35 FCC Rcd 8112 (WTB 2020) (extending the window from August 3, 2020 to September 2, 2020).

<sup>4</sup> The Bureau has previously accepted 214 Tribal Priority Window applications for filing. *See Wireless Telecommunications Bureau Announces First Round of 2.5 GHz Band Rural Tribal Priority Window License Applications Accepted for Filing*, Public Notice, 35 FCC Rcd 10294 (WTB 2020); *FCC Announces Additional 2.5 GHz Band Spectrum Tribal Window License Applications Accepted For Filing*, Public Notice, DA20-1335, (WTB rel. Nov. 10, 2020). Additional Rural Tribal Priority Window applications accepted for filing will be announced in one or more future public notices. The applications accepted for filing in Attachment A are sorted by file number; in Attachment B the same applications are sorted by applicant name.

<sup>5</sup> *See* 47 CFR § 1.934(a), (d).

<sup>6</sup> *See id.* § 27.1204(b)(2), (4). Similarly, the acceptance for filing of an application seeking a license for land outside the applicant's own Alaska Native Village Statistical Area does not mean that the applicant has made an adequate showing of local presence. *See id.* § 27.1204(b)(4).

<sup>7</sup> *See* 47 CFR § 1.925.

Petitions to deny<sup>8</sup> the applications listed in Attachment A must be filed no later than **February 16, 2021**, thirty (30) days after the date of this Public Notice. Oppositions to a petition to deny must be filed no later than **February 26, 2021**, ten (10) days after the filing date for petitions to deny.<sup>9</sup> Replies to oppositions must be filed no later than **March 5, 2021**, five (5) business days after the filing date for oppositions.<sup>10</sup> All pleadings filed regarding Rural Tribal Priority Window application(s) should reference the file number of the application(s). All applications are restricted proceedings under the Commission's rules.<sup>11</sup> Unless otherwise provided by the Commission or its staff, *ex parte* presentations to or from Commission decision-making personnel are prohibited in all restricted proceedings until the proceeding is no longer subject to administrative reconsideration or review or judicial review.<sup>12</sup>

If no pleadings have been filed against an application, the applicant may make presentations concerning its application.<sup>13</sup> Once a petition to deny or other pleading has been filed, however, any party, including the applicant, must give all other parties prior notice and an opportunity to be present before making any presentation to Commission staff.<sup>14</sup> Any party filing a petition to deny shall serve a copy of the petition to deny on the applicant and on all other interested parties pursuant to 47 CFR § 1.47. The Commission may dismiss any petition to deny that does not comply with notice requirements.<sup>15</sup> Oppositions and replies shall be served on the petitioner and all other interested parties.<sup>16</sup>

Pleadings may be filed electronically through the Commission's Universal Licensing System (ULS), or by paper pursuant to the following instructions. Parties are strongly encouraged to file electronically using ULS.

- **Electronic Filers:** Pleadings may be filed electronically using the Internet by accessing ULS: <https://www.fcc.gov/wireless/systems-utilities/universal-licensing-system>. Each screen indicates the information to be provided or the action(s) to be performed to complete that screen. From the ULS website, to begin the process of filing a pleading click on "SUBMIT A PLEADING." The link takes the user to the *Pleadings Information* screen. Upon completing the *Pleadings Information* screen, click "CONTINUE" to go to the *File Numbers/Call Signs* screen. Upon providing the information required on that screen, complete steps three and four at the *Attach File* and *Confirmation* screens, respectively. For more information, detailed instructions can be found in the *Public Notice* announcing the implementation of electronic filing for pleadings.<sup>17</sup>
- **Paper Filers:** Parties who choose to file by paper must file an original and one copy of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

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<sup>8</sup> See 47 CFR § 1.939.

<sup>9</sup> 47 CFR §§ 1.45(b), 1.939(f).

<sup>10</sup> 47 CFR §§ 1.45(c), 1.939(f).

<sup>11</sup> See 47 CFR § 1.1208 (Restricted proceedings).

<sup>12</sup> See 47 CFR § 1.1208.

<sup>13</sup> See 47 CFR § 1.1208 n.1.

<sup>14</sup> See 47 CFR §§ 1.1202, 1.1208.

<sup>15</sup> See 47 CFR § 1.939(g).

<sup>16</sup> See 47 CFR § 1.939(c).

<sup>17</sup> *Wireless Telecommunications Bureau Enhances the Commission's Universal Licensing System to Implement Electronic Filing for Pleadings*, Public Notice, 21 FCC Rcd 424 (WTB 2006).

- As of March 19, 2020, the FCC is no longer accepting hand-delivered or messenger-delivered paper filings at FCC Headquarters due to the COVID-19 pandemic.<sup>18</sup> Furthermore, after COVID-19 restrictions are lifted the new filing location for paper documents will be 9050 Junction Drive, Annapolis Junction, MD 20701.<sup>19</sup>
- Commercial overnight mail (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 45 L Street, NE, Washington, DC 20554. In addition, filers are asked to deliver one copy of each pleading electronically, by email, to [RuralTribalWindow@fcc.gov](mailto:RuralTribalWindow@fcc.gov).

The applications listed in Attachments A and B are available to the public for electronic viewing through ULS. Any amendments to a FCC Form 601 application must also be filed electronically through ULS. For technical assistance in using ULS for viewing the application or filing an amendment to an application, contact the ULS Licensing Support Hotline at (877) 480-3201. The ULS Licensing Support Hotline is available Monday through Friday, from 8:00 A.M. to 6:00 P.M. Eastern Time. All calls to the ULS Licensing Support Hotline are recorded. Questions regarding procedural issues should be directed to [RuralTribalWindow@fcc.gov](mailto:RuralTribalWindow@fcc.gov). Copies of materials can be obtained from the FCC's Reference Information Center at (202) 418-0270. Press contact: Cecilia Sulhoff at (202) 418-0587 or [Cecilia.Sulhoff@fcc.gov](mailto:Cecilia.Sulhoff@fcc.gov).

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 & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

Attachment A – 2.5 GHz Rural Tribal Priority Window Applications Accepted for Filing – Sorted by File Number

Attachment B – 2.5 GHz Rural Tribal Priority Window Applications Accepted for Filing – Sorted by Applicant

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<sup>18</sup> *FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Filing*, Public Notice, DA 20-304 (OMD Mar. 19, 2020).

<sup>19</sup> *FCC Announces Closing of Filing Window at FCC Headquarters and Permanent Change in the Location and Hours for Receiving Hand-Carried Filings*, Public Notice (OMD July 7, 2020).