



PUBLIC NOTICE

Federal Communications Commission
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WIRELESS TELECOMMUNICATIONS BUREAU ANNOUNCES ADDITIONAL APPLICATIONS FOR AUCTION 105 LICENSES ARE ACCEPTED FOR FILING

On August 25, 2020, the Federal Communications Commission (Commission) completed the auction of Priority Access Licenses in the 3550-3650 MHz portion of the 3550-3700 MHz (3.5 GHz) band, and the Office of Economics and Analytics (OEA) and the Wireless Telecommunications Bureau (WTB) announced the results of that auction on September 2, 2020.¹ Long-form applications (FCC Form 601) for licenses won in Auction 105 were due on September 17, 2020. The 10 long-form applications listed in Attachment A have been found, upon initial review, to be acceptable for filing.² The Commission may return or dismiss the applications, however, if upon further examination, they are found to be defective or not in compliance with the Commission's rules.³ The Commission's review of the long-form applications of other winning bidders in Auction 105 is ongoing.

We remind Auction 105 long-form applicants that all Citizens Broadband Radio Service devices, including those used for Priority Access, must be registered with a Spectrum Access System (SAS) and must comply with the SAS administrators' instructions.⁴ We also remind Auction 105 long-form

¹ *Auction of Priority Access Licenses in the 3550-3650 MHz Band Closes*, AU Docket No. 19-244, Public Notice, 35 FCC Rcd 9287 (OEA & WTB 2020).

² Previously, the Bureau found 235 of the 255 Auction 105 applications acceptable for filing. *See Wireless Telecommunications Bureau Announces that Applications for Auction 105 Licenses are Acceptable for Filing*, Public Notice, 35 FCC Rcd 14080 (WTB 2020) (*First Auction 105 AFF PN*). The applications listed in Attachment A represent 10 of the 255 applications filed by Auction 105 winning bidders. Of these, two applicants—Ethereic Networks Incorporated and Ozarks WIFI, LLC—did not file a valid FCC Form 601 by September 17, 2020, as required by section 1.2107 of the Commission's rules. 47 CFR § 1.2107(c). In addition, numerous applicants failed to file the required Ownership Report (FCC Form 602) by September 17, 2020, as required under the Commission's rules. 47 CFR § 1.2107(f). We hereby find that it is in the public interest to waive sections 1.2107(c) and (f) of the Commission's rules on our own motion, as applicable. Because each of these applicants timely met its down payment and final payment requirements and submitted the missing form(s) expeditiously, the post-auction licensing process for Auction 105 was not significantly delayed or materially affected. In reaching this conclusion, we also give considerable weight to the applicants' prior records of compliance with deadlines in Auction 105. Thus, we waive the rules associated with missed FCC Form 601 and 602 deadlines, pursuant to sections 0.331 and 1.925(a) of the Commission's rules. 47 CFR §§ 0.331, 1.925(a). We nonetheless note that our decision to waive these rules in this instance should not suggest that such waivers will be routine. The timely filing of required forms is important to the efficiency of the competitive bidding licensing process, and the applicants' failure to comply imposes additional administrative burden on the Commission. That the applicants' errors appear inadvertent does not excuse their failure to meet the filing deadline, and the Commission reserves the right to take any enforcement action it deems appropriate at a later time. Additional Auction 105 applications accepted for filing will be announced in one or more future public notices.

³ *See* 47 CFR § 1.934(a), (d).

⁴ *See* 47 CFR § 96.23(b); *see also* 47 CFR § 96.39. The Wireless Telecommunications Bureau and Office of Engineering and Technology, in close consultation with the National Telecommunications and Information Administration and the Department of Defense, approved the following Spectrum Access System administrators for
(continued...)

applicants that the SAS administrators will assign channels for Priority Access use.⁵ The SAS administrators already may have reached out to Auction 105 long-form applicants via email to coordinate on these matters. Applicants are encouraged to contact the SAS administrators directly if they have any questions about SAS operations or the channel assignment process.

Petitions to deny the applications listed in Attachment A must be filed no later than **January 29, 2021**, ten (10) days after the date of this Public Notice.⁶ Oppositions to a petition to deny must be filed no later than **February 5, 2021**, five (5) business days after the filing date for petitions to deny. Replies to oppositions must be filed no later than **February 12, 2021**, five (5) business days after the filing date for oppositions. All pleadings filed regarding any of these Auction 105 long-form applications should reference the file number of the application. Each application is a restricted proceeding under the Commission's rules.⁷ A petitioner shall serve a copy of its petition to deny on the applicant and on all other interested parties pursuant to 47 CFR § 1.47. Oppositions and replies shall be served on the petitioner and all other interested parties.⁸

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 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, click on "SUBMIT A PLEADING" to begin the process of filing 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.⁹
- **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 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.

full commercial deployments: Amdocs, CommScope, Federated Wireless, Google, and Sony. *See Wireless Telecommunications Bureau and Office of Engineering and Technology Approve Spectrum Access System Administrator Amdocs for Full Scale Commercial Deployment in the 3.5 GHz Band*, GN Docket No. 15-319, Public Notice, 35 FCC Rcd 3687 (WTB & OET 2020); *Wireless Telecommunications Bureau and Office of Engineering and Technology Approve Four Spectrum Access System Administrators for Full Scale Commercial Deployment in the 3.5 GHz Band and Emphasize Licensee Compliance Obligations in the 3650-3700 MHz Band Under Part 96*, GN Docket No. 15-319, Public Notice, 35 FCC Rcd 117 (WTB & OET 2020).

⁵ See 47 CFR § 96.25(b).

⁶ See 47 CFR § 1.2108 (Procedures for filing petitions to deny against long-form applications).

⁷ See 47 CFR § 1.1208 (Restricted proceedings).

⁸ See 47 CFR § 1.939(c).

⁹ *Wireless Telecommunications Bureau Enhances the Commission's Universal Licensing System To Implement Electronic Filing for Pleadings*, Public Notice, 21 FCC Rcd 424 (WTB 2006).

- Until further notice, the FCC no longer accepts hand-delivered or messenger-delivered paper filings. This is a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID-19.¹⁰
- 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.

We request that one copy of each pleading be delivered electronically, by email to: Jessica Quinley, Jessica.Quinley@fcc.gov.

The applications listed in Attachment A are available to the public for electronic viewing through ULS. Any amendments to an FCC Form 601 application also must be filed electronically through ULS. For technical assistance in using ULS for viewing an 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 Jessica Quinley, (202) 418-1991 or Jessica.Quinley@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.

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

¹⁰ *FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Filing*, Public Notice, 35 FCC Rcd 2788 (OMD 2020). After COVID-19 restrictions are lifted, the new filing location for hand-carried filings will be 9050 Junction Drive, Annapolis Junction, MD 20701. *See 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).