



PUBLIC NOTICE

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WTB AND PSHSB EXTEND FILING AND REGULATORY DEADLINES IN AREAS AFFECTED BY HURRICANE NICOLE

On Monday, November 7, 2022, Hurricane Nicole began near the State of Florida as a tropical storm, and made landfall on Thursday, November 10 as a Category 1 Hurricane predicted to cause significant damage.¹ In recognition of these effects and those to come, President Biden issued an emergency declaration for the State of Florida.² Pursuant to our authority to waive rules for good cause³ and to alleviate any additional burden that may be caused by our filing requirements and regulatory deadlines, we hereby extend certain deadlines occurring from November 9, 2022, to December 9, 2022, for affected licensees and applicants in the affected areas.

For the purposes of the relief we grant today, we define “affected areas” as the 34 counties recognized in the Public Safety and Homeland Security Bureau’s (PSHSB) activation of disaster reporting public notice.⁴ In this context, “affected” licensees and applicants include those licensees and applicants that operate facilities, or, in a significant manner essential to the business or public safety operation, rely on personnel, records, or financial institutions located in the affected areas to provide services or to conduct substantial business activities with the Commission.

(1) For affected licensees and applicants, we extend until December 10, 2022, any deadlines currently set within the period from November 9, 2022, to December 9, 2022, inclusive, with respect to Wireless Radio Service⁵ applications, notifications, and reports pursuant to Parts 1 (Subpart F only), 13, 20, 22, 24, 27, 30, 74 (excluding Subparts G, and L), 80, 87, 90, 95, 96, 97, or 101 of the Commission’s rules, including, but not limited to, filings regarding certain minor⁶ license modifications, license renewals, and

¹ Press Release, FEMA, President Joseph R. Biden, Jr. Approves Emergency Declaration for Florida (Nov. 9, 2022), <https://www.fema.gov/press-release/20221109/president-joseph-r-biden-jr-approves-emergency-declaration-florida>.

² Press Release, The White House, President Joseph R. Biden, Jr. Approved Florida Emergency Declaration (Nov. 9, 2022), <https://www.whitehouse.gov/briefing-room/statements-releases/2022/11/09/president-joseph-r-biden-jr-approves-florida-emergency-declaration-5/>.

³ 47 CFR § 1.3. In light of the significant damage caused by Tropical Storm Nicole and the associated impact on affected licensees and applicants, we find that it would be unduly burdensome to require affected licensees and applicants to continue to meet the filing requirements and regulatory deadlines extended herein, and that good cause exists to grant this extension.

⁴ *The Public Safety and Homeland Security Bureau Announces the Activation of the Disaster Information Reporting System for Communications Impacted by Tropical Storm Nicole in Florida*, DA 22-1171, Public Notice (PSHSB Nov. 9, 2022).

⁵ *Wireless Radio Services*. All radio services authorized in Parts 13, 20, 22, 24, 27, 30, 74, 80, 87, 90, 95, 96, 97 and 101 of the Commission’s rules, whether commercial, private, or public safety in nature.

⁶ See 47 CFR § 1.947(b). We waive the requirement to notify the Commission within 30 days of making a minor modification.

notifications of construction. Licensees and applicants making delayed filings in accordance with this extension must include with those filings a certification made under penalty of perjury that the deadlines could not be met within the time otherwise provided in the Commission's rules because of Hurricane Nicole.⁷ Pursuant to this Public Notice, licensees and applicants will not need to file individual waiver or extension requests, or to pay individual waiver fees.⁸

(2) For affected licensees and applicants, we extend until December 10, 2022, all construction deadlines and other regulatory deadlines currently set within the period from November 9, 2022, to December 9, 2022, inclusive, applicable to Wireless Radio Services pursuant to Parts 1 (Subpart F only), 13, 20, 22, 24, 27, 30, 74 (excluding Subparts G, and L), 80, 87, 90, 95, 96, 97, or 101 of the Commission's rules. Licensees and applicants making delayed filings in accordance with this extension must include with those filings a certification made under penalty of perjury that the deadlines could not be met within the time otherwise provided in the Commission's rules because of the hurricane.⁹ Pursuant to this Public Notice, licensees and applicants will not need to file individual waiver or extension requests, or to pay individual waiver fees.

Special Temporary Authority and Waiver Requests. We also waive Section 1.931(a) of the Commission's rules through December 9, 2022, to allow the filing of STA requests for Wireless Radio Services in manners other than electronically on FCC Form 601, *e.g.*, by requesting STAs by telephone call to Commission staff.¹⁰ Further, because the President has issued an emergency declaration for the affected region, all STA filings by affected licensees and applicants related to Hurricane Nicole will be considered "emergency filings" pursuant to Section 1.915(b) of the Commission's rules¹¹ and will be processed as expeditiously as possible. Affected licensees and applicants must include a certification that the STA or waiver request is in response to Hurricane Nicole. To file STA and waiver requests via email, or to request an STA orally, licensees and applicants may contact the following personnel:

- For Wireless Telecommunications Bureau Licensees and Applicants:
 - Parts 22, 24, 27 (excluding 600 MHz Service, Advanced Wireless Service, Broadband Radio Service and Educational Broadband Service), 80, 87, 90 (excluding Public Safety), 95, and 97: Josh Smith, (717) 338-2502, Josh.Smith@fcc.gov.
 - Parts 27 (600 MHz Service, Advanced Wireless Service, Broadband Radio Service and Educational Broadband Service); Part 30; Part 74 (excluding Subparts G and L); and Part 101 (excluding Public Safety): Paul Malmud, 202-418-0006, Paul.Malmud@fcc.gov.

⁷ To allow the Wireless Telecommunications Bureau (WTB) and Public Safety and Homeland Security Bureau (PSHSB) to process filings submitted through the Universal Licensing System (ULS) as expeditiously as possible, an "Attachment Type" has been created in ULS called "Hurricane Relief." This Attachment Type must be used to upload and attach to a filing a certification that states "under penalty of perjury that the deadlines could not be met within the time otherwise provided in the Commission's rules because of the hurricane." To provide the required certification, licensees and applicants should upload a file with the certification, select Attachment Type "Hurricane Relief," and enter "Hurricane Relief Certification" in the File Description field on the Attachment Screen. Following this process will allow you to submit a filing without paying waiver fees. Normal application fees still apply.

⁸ The FCC does not assess filing fees for Public Safety applicants and licensees.

⁹ See *supra* note 7 for instructions to file this certification.

¹⁰ 47 CFR § 1.931(a).

¹¹ *Id.* § 1.915(b).

- For more information and instructions for filing emergency STA and waiver requests with the Wireless Telecommunications Bureau, please consult the WTB Special Temporary Authority and Waiver Request Filing Guide, available at <https://www.fcc.gov/research-reports/guides/wtb-special-temporary-authority-and-waiver-request-filing-guide>.
- For Public Safety and Homeland Security Bureau Licensees and Applicants:
 - Parts 90 & 101 (Public Safety): Tracy Simmons, (717) 338-2657, Tracy.Simmons@fcc.gov. In addition, during evening hours, weekends, and holidays, licensees needing FCC emergency assistance or STAs can call the FCC's Operation Center, which is open 24 hours a day, 7 days a week, at (202) 418-1122 or by email at FCCOPS@fcc.gov.

Operation During Emergencies. We remind licensees that Sections 22.307, 90.407, and 101.205 of the Commission's rules address operation during periods of emergency for licensees authorized under these rule parts.¹² These rules allow licensees to provide emergency communications during a period of emergency in a manner or configuration not specified in the station authorization or in the rules governing such stations.

We also remind applicants for Antenna Structure Registration (ASR) that facilities meeting the criteria for the replacement tower exception or temporary tower exception under the Commission's National Environmental Policy Act rules do not have to complete the environmental notification process prior to completing their ASR applications.¹³ For facilities not subject to an exception, the Commission may waive or postpone the environmental notification process at the request of the applicant and upon an appropriate showing of an emergency situation.¹⁴ Requests to waive or postpone the environmental notification process may be submitted with ASR applications by completing the waiver question in the ASR system to indicate that the applicant is requesting a waiver of the Commission's rules for environmental notice, and attaching a request for waiver that includes a showing of the emergency basis for the request, e.g., that the proposed tower will be used to restore service in an area affected by Hurricane Nicole.

Priority Review by WTB and PSHSB. Finally, we remind affected licensees and applicants that they can also file waiver requests for relief not covered by the Public Notice. To facilitate the rapid restoration of communications infrastructure and services, the Wireless Telecommunications Bureau and the Public Safety and Homeland Security Bureau will give priority to the review of waiver filings by affected licensees and applicants related to Hurricane Nicole.

By the Acting Chief, Wireless Telecommunications Bureau and the Chief, Public Safety and Homeland Security Bureau.

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¹² *Id.* §§ 22.307, 90.407, 101.205.

¹³ *Id.* § 17.4(c)(1)(iv), (c)(1)(vii).

¹⁴ See *National Environmental Policy Act Compliance for Proposed Tower Registrations, Effects of Communications Towers on Migratory Birds*, WT Dockets Nos. 08-61, 03-187, Order on Remand, 26 FCC Rcd 16700, 16717, para. 43 n.117 (2011).