



PUBLIC NOTICE

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DA 22-720

Released: July 6, 2022

WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON THE UNIVERSITY OF UTAH'S REQUEST TO WAIVE SECTION 96.39 OF THE COMMISSION'S RULES

WT Docket No. 22-257

Comments Due: July 18, 2022

Reply Comments Due: July 25, 2022

On March 31, 2022, the University of Utah (the University) filed a request to waive Section 96.39 (a), (c), (d), (e), and (g) of the Commission's rules¹ to allow it to operate its POWDER platform in the Citizen's Broadband Radio Service.² The POWDER platform is a research tool operated by the University in partnership with Salt Lake City, Utah, and the Utah Education and Telehealth Network. According to the University, the primary objective of the POWDER platform is to enable innovation and research associated with wireless systems and spectrum use.³

The University contends that due to the platform's architecture, the Citizens Broadband Radio Service Devices (CBSDs) that it intends to use will not always fully comply with Section 96.39 while performing research operations.⁴ The University therefore requests that the Commission waive Sections 96.39(a), (c), and (e), to allow it to use Software-Defined Radio (SDR) equipment to interact with the SAS within the POWDER Platform Innovation Zone on either a General Authorized Access (GAA) or

¹ 47 CFR §§ 96.39 (a), (c), (d), (e), and (g). Under these portions of section 96.39, Citizen's Broadband Radio Service Devices (CBSDs) must: connect with an SAS to provide geo-location information (*see* 47 CFR § 96.39(a)); register with an SAS prior to initial transmission (*see* 47 CFR § 96.39(c)); report signal level information and other metrics of interference for themselves and end use devices (*see* 47 CFR § 96.39(d)); report promptly to the SAS which available frequencies or channels they will use, if the devices receive a range of available frequencies (*see* 47 CFR § 96.39(e)); and ensure device security, *i.e.*, employ security features sufficient to protect against modification of software and firmware by unauthorized parties (*see* 47 CFR § 96.39(g)).

² Request of University of Utah for Waiver of the Commission's Citizen's Band Radio Service Rules to Authorize Use of Software-Defined Radio Equipment to Interact with the Spectrum Access System (filed Mar. 31, 2022), https://www.fcc.gov/ecfs/file/download/DOC-5ff85db8a8800000-A.PDF?file_name=01599085.PDF (*Waiver Request*).

³ *See Waiver Request* at 2. The POWDER platform operates within an Innovation Zone comprising approximately four square miles of Salt Lake City that includes a section of the University, downtown Salt Lake City, and a corridor connecting those areas. *Id.* at 2-3, Exhibit A. The Office of Engineering and Technology created the innovation zone for Salt Lake City to provide opportunities for qualified licensees to test new advanced technologies and prototype networks. *Office of Engineering and Technology Announces First Innovation Zones for Program Experimental Licenses*, ET Docket No. 19-257, Public Notice, 34 FCC Rcd 8130 (OET 2019). The POWDER platform is also part of the National Science Foundation's (NSF) Platforms for Advanced Wireless Research (PAWR) program and is funded in part by an NSF award and the PAWR industry consortium. Advanced Wireless, Salt Lake City Powder-Renew, <https://advancedwireless.org/salt-lake-city/> (last visited July 1, 2022).

⁴ *Waiver Request* at 2.

Priority Access License (PAL) basis.⁵ Alternatively, the University requests that the Commission clarify that the POWDER platform's use of a CBRS Domain Proxy fulfills the requirements of Sections 96.39(a), (c), and (e).⁶ The University contends that a CBRS Domain Proxy would act as an interface with an SAS, would control SDRs in the POWDER network, and would terminate transmissions that violate SAS authorization. The University also requests that the Commission waive Section 96.39(d) of the Commission's rules⁷ to allow the POWDER platform to operate as a GAA or PAL CBSD without reporting signal level information to an SAS,⁸ and that the Commission waive Section 96.39(g)⁹ to allow it and researchers using the platform to update software and firmware for the CBSD equipment using SDRs.¹⁰

The Bureau seeks comment on the University's request. To develop a complete record on the issues presented by this request, the proceeding will be treated, for *ex parte* purposes, as a "permit-but-disclose" proceeding in accordance with Section 1.1200(a) of the rules, subject to the requirements under Section 1.1206(b). The University filed its petition electronically as a non-docketed proceeding in the Commission's Electronic Comment Filing System. We have opened a new docket, **WT Docket 22-257**, to facilitate consideration of this request and have moved the University's submission into this docket. Parties should file all comments and reply comments in **WT Docket 22-257**.

Filing Requirements. Parties may file comments, identified by **WT Docket No. 22-257**, by any of the following methods:

- 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 45 L Street, NE, Washington, DC 20554.
- Effective March 19, 2020, and 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

⁵ *Id.* at 4-5.

⁶ *See Waiver Request* at 5.

⁷ 47 CFR § 96.39(d).

⁸ *Waiver Request* at 7.

⁹ 47 CFR § 96.39(g).

¹⁰ *Waiver Request* at 8.

or rulemaking number; an original and one copy are sufficient.

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Additional Information. For further information regarding this Public Notice, please contact Paul Powell, Associate Chief, Mobility Division, Wireless Telecommunications Bureau at Paul.Powell@fcc.gov or (202) 418-1613.

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