**Before the**

Federal Communications Commission

Washington, D.C. 20554

|  |  |  |
| --- | --- | --- |
| In the Matter of  SAL Spectrum, LLC | **)**  **)**  **)**  **)**  **)**  **)** | File Nos.: 0009223630 and 0009223760  FRN: 0017163254 |

ORDER

**Adopted: July 22, 2022 Released: July 22, 2022**

By the Chief, Office of Economics and Analytics and Acting Chief, Wireless Telecommunications Bureau:

1. The Wireless Telecommunications Bureau (Bureau) and the Office of Economics and Analytics (Office) of the Federal Communications Commission (Commission) have entered into the attached Modification of Consent Decree with SAL Spectrum, LLC (SAL) pursuant to paragraph 27 of the Consent Decree, which was executed by the parties and adopted by the Commission by Order released July 15, 2022, DA 22-744 (Consent Decree). The Order and Consent Decree refer to application File No. 0009223630 filed by SAL. SAL proceeded to implement the terms set forth in paragraph 14(a) of the Consent Decree to withdraw the Implicated Licenses listed in the Appendix of the Consent Decree. In the process of amending the application already referenced in the Consent Decree, SAL discovered that the text of the Consent Decree and the Appendix omitted a reference to one of SAL’s two pending Auction 105 long-form applications; namely, File No. 0009223760. Even though all Implicated Licenses to be withdrawn were listed correctly in the Appendix, eight of those licensees are associated with File No. 0009223760, not File No. 0009223630. After SAL completed its amendments to withdraw the Implicated Licenses, SAL notified Commission staff of this inadvertent omission of the second file number.
2. Paragraph 27 of the Consent Decree contemplates modification with the advance written consent of the Parties. The Parties agree that they intended in the Consent Decree to reference both of SAL’s pending Auction 105 long-form applications, File Nos. 0009223630 and 0009223760, and agree that references to File No. 0009223760 were inadvertently omitted from the text of the Consent Decree and the Appendix. The Parties have executed the Modification of Consent Decree for the purposes of including both file numbers in the text and Appendix of the Consent Decree and changing “application” to “applications,” where applicable.
3. Accordingly, **IT IS ORDERED** that, pursuant to sections 4(i) and 309 of the Communications Act of 1934, as amended (Act), 47 U.S.C. §§ 154(i), 309, and sections 1.2104(g)(2), 1.2109(c), 20.22(b) and 96.31 of the Commission’s Rules, 47 CFR §§ 1.2104(g)(2), 1.2109(c), 20.22(b), 96.31, and the authority delegated by sections 0.11, 0.21, 0.131, 0.231, 0.271, and 0.331 of the Commission’s Rules, 47 CFR §§ 0.11, 0.21, 0.131, 0.231, 0.271, 0.331, the attached Modification of Consent Decree **IS ADOPTED** and its terms incorporated by reference.
4. **IT IS FURTHER ORDERED** that,pursuant tosections 4(i) and 309 of the Act, 47 U.S.C. §§ 154(i), 309, and sections 1.925, 1.2104(g)(2), and 1.2109(c) of the Commission’s Rules, 47 CFR §§ 1.925, 1.2104(g)(2), 1.2109(c), all the terms of the Adopting Order and Consent Decree released on July 15, 2022, DA 22-744, are incorporated by reference into this Order and Modification of Consent Decree, as modified herein.
5. **IT IS FURTHER ORDERED** that a copy of this Order and Modification of Consent Decree shall be sent by first class mail and certified mail, return receipt requested, to Mr. Rohan Ranaraja, SAL Spectrum, LLC, 1001 Technology Drive, Little Rock, AR 72223.

FEDERAL COMMUNICATIONS COMMISSION

Giulia McHenry

Chief

Office of Economics and Analytics

Joel Taubenblatt

Acting Chief

Wireless Telecommunications Bureau

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| In the Matter of  SAL Spectrum, LLC | **)**  **)**  **)**  **)**  **)**  **)** | File Nos.: 0009223630 and 0009223760  FRN: 0017163254 |

**MODIFICATION OF CONSENT DECREE**

The Wireless Telecommunications Bureau (Bureau) and the Office of Economics and Analytics (Office) of the Federal Communications Commission, and SAL Spectrum, LLC (SAL), by their authorized representatives, hereby enter into this Modification of Consent Decree (Modification) pursuant to paragraph 27 of the Consent Decree executed by the parties and adopted by the Commission by Order released July 15, 2022, DA 22-744 (Consent Decree). The Parties agree that they intended in the Consent Decree to reference both of SAL’s pending Auction 105 long-form applications filed in the Commission’s Universal Licensing System, File Nos. 0009223630 and 0009223760, and they also agree that references to File No. 0009223760 were inadvertently omitted from the text of the Consent Decree and the Appendix. The Parties now agree to this Modification for the purposes of including both file numbers in the text and Appendix of the Consent Decree and changing “application” to “applications,” where applicable, as indicated below:

1. The caption of the Consent Decree is modified to read as follows:

File Nos.: 0009223630 and 0009223760

1. Section I.2.(m), is modified to read as follows:

“Investigation” means the Investigation commenced by the Bureau and Office during review of SAL’s long-form applications, Universal Licensing System (ULS) File Numbers 0009223630 and 0009223760, to determine whether it violated sections 1.2105(a)(2)(v), (vii), 96.31, and 20.22(b) of the Rules with respect to the identified licenses in the attached Appendix.

1. The final sentence of paragraph 5 is modified to read as follows (with no change in the accompanying footnote):

“As a result, if SAL’s long-form application (File No. 0009223630) were granted, SAL’s holdings would exceed the four-PAL aggregation limit in the Kenai Peninsula Borough in Alaska.18”

1. The second and third sentences of paragraph 7 are modified to read as follows (with no change in the accompanying footnote):

“Also, allowing an applicant to amend its applications to remove licenses with respect to winning bids for PALs listed in the Appendix will preclude immediate PAL licensing, but not preclude immediate utilization of the spectrum in light of the GAA Rules in the band.20  Therefore, the Bureau and Office find it is in the public interest to have the PALs listed in the Appendix removed by amendment of the applications according to the terms established herein, and thus, the Parties enter into this Consent Decree.”

1. The first sentence of paragraph 13 is modified to read as follows:

“SAL acknowledges that grant of the Implicated Licenses in its Auction 105 long-form applications, without taking the actions set forth in this Consent Decree, would have otherwise created a violation of section 96.31, rendering the applications defective under section 1.2109(c) with respect to the Implicated Licenses.”

1. Paragraph 14(a) and the first sentence of its accompanying footnote 21 are modified to read as follows:

“SAL agrees to amend its applications to remove the Implicated Licenses identified in the attached Appendix which, in aggregation with other attributable applicants, would have exceeded the four-PAL aggregation limit if the applications were granted without such amendment.21”

“21 The applications also include other licenses not covered by the Investigation and hence not covered by this Consent Decree.”

1. Paragraph 14(c) is modified to read as follows (with no change in the accompanying footnote):

“The Bureau and Office agree to relieve SAL from the application of the Rules that would otherwise impose the Default Penalties on SAL associated with amendment of the applications to remove the Implicated Licenses identified in the Appendix.22”

1. The first sentence of paragraph 21 is modified to read as follows:

“As of the Effective Date, SAL waives any and all rights it may have to seek administrative or judicial reconsideration, review, appeal, or stay, or to otherwise challenge or contest the validity of this Consent Decree, Adopting Order, or any action the Bureau and/or the Office take on SAL’s Auction 105 long-form applications pursuant to this Consent Decree.”

1. The fourth line of the title of the Appendix is modified to read as follows:

**SAL SPECTRUM, LLC – FCC FILE NOS. 0009223630 AND 0009223760**

1. The Appendix is modified to list the Implicated Licenses in two separate charts with headings to associate them with their respective File Numbers, as shown below:[[1]](#footnote-3)

**Part I: FCC File No. 0009223630 Licenses**

|  |  |  |
| --- | --- | --- |
| **Legal Entity Name** | **Market Number** | **Market Description** |
| SAL Spectrum, LLC | D02122 | KENAI PENINSULA, AK |
| **\* \* \*** | **\* \* \*** | **\* \* \*** |

**Part II:  FCC File No. 0009223760 Licenses**

|  |  |  |
| --- | --- | --- |
| **Legal Entity Name** | **Market Number** | **Market Description** |
| SAL Spectrum, LLC | D30047 | LAKE, MT |
| SAL Spectrum, LLC | D30047 | LAKE, MT |
| SAL Spectrum, LLC | D30047 | LAKE, MT |
| SAL Spectrum, LLC | D30047 | LAKE, MT |
| SAL Spectrum, LLC | D30073 | PONDERA, MT |
| SAL Spectrum, LLC | D30073 | PONDERA, MT |
| SAL Spectrum, LLC | D30073 | PONDERA, MT |
| SAL Spectrum, LLC | D30073 | PONDERA, MT |

This Modification of Consent Decree may be signed in counterpart (including electronically or by facsimile). Each counterpart, when executed and delivered, shall be an original, and all of the counterparts together shall constitute one and the same fully executed instrument.

**For the Commission:**

Giulia McHenry, Chief

Office of Economics and Analytics

Date:

Joel Taubenblatt, Acting Chief

Wireless Telecommunications Bureau

Date:

**For SAL Spectrum, LLC:**

Rohan Ranaraja

Executive Director, Regulatory

SAL Spectrum, LLC

Date:

1. All eight Implicated Licenses associated with File No. 0009223760 are shown here in the Part II chart, below. All the other Implicated Licenses are associated with File No. 0009223630. [↑](#footnote-ref-3)