



PUBLIC NOTICE

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WTB, PSHSB, AND OEA EXTEND FILING AND REGULATORY DEADLINES IN AREAS AFFECTED BY HURRICANE FIONA

On Sunday, September 18, 2022, Hurricane Fiona struck the Commonwealth of Puerto Rico as a Category 1 hurricane, and is causing significant damage, including disruption to electricity and communications services.¹ In recognition of these effects, President Biden issued an emergency declaration for the Commonwealth of Puerto Rico.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 September 18, 2022, to October 18, 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 Commonwealth of Puerto Rico. 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. For purposes of the relief described in paragraph 3 of this Public Notice, an affected applicant that is a winning bidder in Auction 108 must be located in the “affected areas” based on its address as reported on its FCC Form 601.

(1) For affected licensees and applicants, we extend until October 19, 2022, any deadlines currently set within the period from September 18, 2022, to October 18, 2022, inclusive, with respect to Wireless Radio Service⁴ 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,

¹ See FCC, Communications Status Report for Areas Impacted by Hurricane Fiona (Sept. 19, 2022), <https://www.fcc.gov/document/hurricane-fiona-communications-status-report-september-19-2022>; FEMA, President Joseph R. Biden, Jr. Approves Emergency Declaration for Puerto Rico (Sept. 18, 2022), <https://www.fema.gov/press-release/20220918/president-joseph-r-biden-jr-approves-emergency-declaration-puerto-rico-0>.

² The White House, President Joseph R. Biden, Jr. Approved Puerto Rico Emergency Declaration (Sept. 18, 2022), <https://www.whitehouse.gov/briefing-room/presidential-actions/2022/09/18/president-joseph-r-biden-jr-approves-puerto-rico-emergency-declaration/>.

³ 47 CFR § 1.3. In light of the significant damage caused by Hurricane Fiona 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 *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.

including, but not limited to, filings regarding certain minor⁵ license modifications, license renewals, and 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 Fiona.⁶ Pursuant to this Public Notice, licensees and applicants will not need to file individual waiver or extension requests, or to pay individual waiver fees.⁷

(2) For affected licensees and applicants, we extend until October 19, 2022, all construction deadlines and other regulatory deadlines currently set within the period from September 18, 2022, to October 18, 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.⁸ Pursuant to this Public Notice, licensees and applicants will not need to file individual waiver or extension requests, or to pay individual waiver fees.

(3) For affected applicants that are winning bidders in Auction 108, we extend until 6:00 pm Eastern Time (ET) on October 19, 2022, the deadline for final payment of winning bids.⁹ A winning bidder making any final payment in accordance with this extension must pay the balance of the net payment amount for its winning bid(s) by wire transfer, as instructed in the *Auction 108 Closing Public Notice*,¹⁰ so that the payment is received in the Commission's account at the U.S. Treasury before 6:00 p.m. ET on October 19, 2022, to avoid late fee or default.¹¹ A late payment after this deadline must be made by wire transfer, as instructed in the *Auction 108 Closing Public Notice*, and must be received in the Commission's account at the U.S. Treasury before 6:00 p.m. ET on November 2, 2022, along with the 5% late fee required by section 1.2109(a) of the Commission's rules to avoid default.¹² In addition, winning bidders making delayed payments must submit, as an exhibit to their post-auction license application

⁵ See 47 CFR § 1.947(b). We waive the requirement to notify the Commission within 30 days of making a minor modification.

⁶ 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.

⁷ The FCC does not assess filing fees for Public Safety applicants and licensees.

⁸ See *supra* note 6 for instructions to file this certification.

⁹ See *Auction of Flexible-Use Licenses in the 2.5 GHz Band Closes et al.*, AU Docket No. 20-249, Public Notice, DA 22-910, at 3-6, paras. 12-25 (OEA/WTB September 1, 2022) (*Auction 108 Closing Public Notice*).

¹⁰ *Auction 108 Closing Public Notice*, at 3-4, paras. 15-19.

¹¹ *Id.* at 3, para. 12. The balance of each winning bidder's net payment amount is set out in the "Final Balance Due by September 30, 2022 or (Refund)" column of Attachment B to the *Auction 108 Closing Public Notice*.

¹² 47 CFR § 1.2109(a).

(FCC Form 601), a certification made under penalty of perjury that the final payment deadline could not be met by 6:00 pm ET on September 30, 2022, because of Hurricane Fiona.¹³

Special Temporary Authority and Waiver Requests. We also waive Section 1.931(a) of the Commission's rules through October 18, 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.¹⁴ Further, because the President has issued an emergency declaration for the affected region, all STA filings by affected licensees and applicants related to Hurricane Fiona will be considered "emergency filings" pursuant to Section 1.915(b) of the Commission's rules¹⁵ 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 Fiona. 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: Keith Harper, (202) 418-2759, Keith.Harper@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.
 - 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.¹⁶ 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.

¹³ See *supra* note 6 for instructions to file this certification. When a long-form applicant makes its final payment under this relief, it should also send a courtesy copy of its certification by email to auction108@fcc.gov. Auction 108 winning bidders should address any questions to Lyndsey Grunewald, Lyndsey.Grunewald@fcc.gov, or Scott Mackoul, Scott.Mackoul@fcc.gov, in the Office of Economics and Analytics' Auctions Division, (202) 418-0660.

¹⁴ 47 CFR § 1.931(a).

¹⁵ *Id.* § 1.915(b).

¹⁶ *Id.* §§ 22.307, 90.407, 101.205.

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.¹⁷ 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.¹⁸ 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 Fiona.

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 Fiona.

By the Acting Chief, Wireless Telecommunications Bureau, the Chief, Public Safety and Homeland Security Bureau, and the Chief, Office of Economics and Analytics.

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¹⁷ *Id.* § 17.4(c)(1)(iv), (c)(1)(vii).

¹⁸ 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).