

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of
Facilitating Shared Use in the 3100-3550 MHz Band
WT Docket No.19-348

ORDER

Adopted: November 2, 2023

Released: November 2, 2023

By the Chief, Wireless Telecommunications Bureau:

I. INTRODUCTION

1. With this Order, the Wireless Telecommunications Bureau (the Bureau) determines that the selection by the search committee appointed by the Bureau of Summit Ridge Group, LLC (Summit Ridge Group) to serve as the 3.45 GHz Band Reimbursement Clearinghouse (Clearinghouse) satisfies the criteria set forth in our rules, and as described in the 3.45 GHz Second Report and Order and in the 3.45 GHz Clearinghouse Selection Process Order.

II. BACKGROUND

2. On September 30, 2020, the Commission adopted rules to make 100 megahertz of mid-band spectrum available for flexible use throughout the contiguous United States and determined that secondary, non-federal radiolocation licensees in the band would be relocated to the 2.9-3.0 GHz band in order to facilitate this goal. In the 3.45 GHz Second Report and Order, the Commission required "new flexible-use licensees in the 3.45 GHz Service to reimburse secondary, non-federal radiolocation licensees for reasonable costs related to the relocation of those operations to the 2.9-3.0 GHz band, including the costs of a relocation clearinghouse's administration of the reimbursement." Specifically, each new 3.45 GHz Service licensee "will be responsible for reimbursement of a pro rata share of reasonable relocation

1 47 CFR § 27.1605.

2 Facilitating Shared Use in the 3100-3550 MHz Band, WT Docket No. 19-348, Second Report and Order, Order on Reconsideration, and Order of Proposed Modification, 36 FCC Rcd 5987 (2021) (3.45 GHz Band Second R&O).

3 Facilitating Shared Use in the 3100-3550 MHz Band, WT Docket No. 19-348, Order, 37 FCC Rcd 13264 (WTB 2022) (3.45 GHz Clearinghouse Selection Process Order).

4 Facilitating Shared Use in the 3100-3550 MHz Band, WT Docket No. 19-348, Report and Order and Further Notice of Proposed Rulemaking, 35 FCC Rcd 11078, 11086, para. 20 (2020) (3.45 GHz Band R&O and FNPRM).

5 3.45 GHz Band Second R&O, 36 FCC Rcd at 6042, para. 155. The Commission "anticipate[d] clearinghouse costs to be minimal, given the limited number of licensees being relocated and relatively small estimated cost of their transition. The radiolocation service incumbents will initially fund the clearinghouse and can request reimbursement from new flexible-use licensees for the clearinghouse costs." Id. at 6042, para. 155, n.386.

costs of non-federal radiolocation operations.”<sup>6</sup>

3. The Bureau specified the duties of the Clearinghouse in detail in the *3.45 GHz Clearinghouse Selection Process Order*, including (1) collecting from the two incumbent radiolocation operators a showing of their relocation costs for the transition as well as a demonstration of the reasonableness of those costs, (2) apportioning costs among 3.45 GHz Service licensees and distributing payments to incumbent radiolocation licensees pursuant to the cost allocation structure established in the *3.45 GHz Band Second R&O* and the Commission’s rules, and (3) providing detailed information and reports to the Commission and the Bureau to facilitate oversight of the transition process.<sup>7</sup>

4. To select the Clearinghouse, the Bureau appointed a search committee composed of four entities that the Bureau found, collectively, reasonably represented the interests of stakeholders in the transition.<sup>8</sup> The Bureau required the search committee to convene no later than January 5, 2023, and to submit detailed selection criteria to the Bureau by March 6, 2023.<sup>9</sup> The Bureau directed the search committee to select, no later than May 2, 2023, an entity that demonstrated its ability to perform the duties of the Clearinghouse, including: (1) engaging in strategic planning and adopting goals and metrics to evaluate its performance; (2) adopting internal controls for its operations; (3) using enterprise risk management practices; and (4) using best practices to protect against improper payments and to prevent fraud, waste, and abuse in its handling of funds.<sup>10</sup>

5. Further, the Bureau required the tentative Clearinghouse selectee to enter into contracts with both incumbents and sufficient licensees that hold the majority of 3.45 GHz Service licenses and to submit such contracts to the search committee by July 3, 2023.<sup>11</sup> The Bureau directed the search committee to review the contracts and notify the Bureau by August 1, 2023, whether or not the contracts were approved and whether or not the search committee’s selection of the Clearinghouse was finalized.<sup>12</sup>

6. The Bureau also required the search committee, in notifying the Bureau of its selection for the Clearinghouse, to: (a) fully disclose any actual or potential organizational or personal conflicts of interest or appearance of such conflict of interest of the Clearinghouse or its officers, directors, employees, and/or contractors; and (b) detail the salary and benefits associated with each position.<sup>13</sup>

7. On May 2, 2023, the search committee unanimously tentatively selected Summit Ridge Group as the 3.45 GHz Clearinghouse.<sup>14</sup> The final selection was contingent on Summit Ridge Group entering into contracts with the incumbents and a sufficient number of licensees, which hold the majority

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<sup>6</sup> *Id.* at 6044, para. 161. As the Commission explained, “the total relocation costs will be divided by the number of 3.45 GHz Service licenses and each licensee will be required to pay their share based on the number of licenses they hold.” *Id.*; see also 47 CFR § 27.1604.

<sup>7</sup> 47 CFR § 27.1605(a)(2); *3.45 GHz Selection Process Order*, 37 FCC Rcd at 13272-13275, paras. 31-40.

<sup>8</sup> *3.45 GHz Selection Process Order*, 37 FCC Rcd at 13264, 13267 paras. 1, 7. The search committee is composed of four entities that the Commission found, collectively, reasonably represent the interests of stakeholders: the incumbents (NBCUniversal and Nexstar) and the new entrants, represented by CCA and CTIA. See also *3.45 GHz Band Second R&O*, 36 FCC Rcd at 6045, para. 163 (delegating such authority to Bureau).

<sup>9</sup> *3.45 GHz Clearinghouse Selection Process Order*, 37 FCC Rcd at 13272, para. 29.

<sup>10</sup> *Id.* at 13269, para. 18.

<sup>11</sup> *Id.* at 13270, 13272, paras. 20-21, 29.

<sup>12</sup> *Id.* at 13272, para. 29.

<sup>13</sup> *Id.* at 13272, para. 25.

<sup>14</sup> Letter from Angela Y. Ball, et al., Members of 3.45 GHz Clearinghouse Search Committee, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 19-348 (filed May 2, 2023) (May 2, 2023 Search Committee Letter).

of 3.45 GHz Service licenses.<sup>15</sup> On May 5, 2023, the search committee also provided additional hourly fee and rate information in support of its tentative selection.<sup>16</sup>

8. On August 1, 2023, the search committee announced that it had finalized its selection of Summit Ridge Group after it had reviewed and approved each executed contract.<sup>17</sup> The search committee also submitted Summit Ridge Group's response to its Request for Proposal (RFP) and the executed contracts to the Bureau for review.<sup>18</sup>

9. On September 23, 2023, the Bureau issued a Public Notice seeking comment on whether Summit Ridge Group satisfied the selection criteria established in the Commission's rules, *3.45 GHz Second Report and Order*, and *3.45 GHz Clearinghouse Selection Process Order*.<sup>19</sup> Comments and replies were due on October 10 and 20, 2023, respectively.<sup>20</sup> No comments or replies were filed in response to the Public Notice.

### III. DISCUSSION

10. In the *3.45 GHz Second Report and Order*, the Commission delegated authority to the Bureau to implement a clearinghouse process similar to the process used in the 3.7 GHz proceeding.<sup>21</sup> Pursuant to this authority, the Bureau assigned responsibility for finding, evaluating, and selecting a qualified clearinghouse to the search committee.<sup>22</sup> The Bureau's role in the selection process is limited to determining whether the criteria for the Clearinghouse either have or have not been satisfied.<sup>23</sup>

11. The search committee fulfilled its responsibility when it unanimously selected Summit Ridge Group to serve as the Clearinghouse and provided the Bureau with detailed information regarding Summit Ridge Group's qualifications and compliance with the selection criteria.<sup>24</sup> We find that the search committee's letters and attachments in the record clearly demonstrate that Summit Ridge Group satisfies the selection criteria set forth in 47 CFR § 27.1605, the *3.45 GHz Second Report and Order*, and in the *3.45 GHz Clearinghouse Selection Process Order*.<sup>25</sup>

12. In its filings, Summit Ridge Group described, in detail, its qualifications to support every aspect of the Clearinghouse's role in the transition.<sup>26</sup> Summit Ridge Group submitted a detailed response to the search committee's RFP, which explained how it would perform the duties of the Clearinghouse,

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<sup>15</sup> See *id.*; *3.45 GHz Clearinghouse Selection Process Order*, 37 FCC Rcd at 13270, para. 20.

<sup>16</sup> See Letter from Angela Y. Ball, et al., Members of the 3.45 GHz Clearinghouse Search Committee, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 19-348 (filed May 5, 2023) (May 5, 2023 Search Committee Letter).

<sup>17</sup> See Letter from Angela Y. Ball, et al., Members of 3.45 GHz Clearinghouse Search Committee, to Joel Taubenblatt, Chief, FCC, WT Docket No. 19-348 (filed August 1, 2023) (August Search Committee Letter).

<sup>18</sup> See *id.*

<sup>19</sup> *Wireless Telecommunications Bureau Seeks Comment on Whether Proposed 3.45-3.55 GHz Band Reimbursement Clearinghouse Satisfies Selection Criteria*, WT Docket 19-348, Public Notice, DA 23-895 (WTB Sept. 23, 2023).

<sup>20</sup> *Id.*

<sup>21</sup> *3.45 GHz Band Second R&O*, 36 FCC Rcd at 6045, para. 163.

<sup>22</sup> See generally *3.45 GHz Clearinghouse Selection Process Order*, 37 FCC Rcd 13264.

<sup>23</sup> *3.45 GHz Clearinghouse Selection Process Order*, 37 FCC Rcd at 13271-13272, para. 27.

<sup>24</sup> See August Search Committee Letter; May 2, 2023 Search Committee Letter; May 5, 2023 Search Committee Letter.

<sup>25</sup> 47 CFR § 27.1605; *3.45 GHz Band Second R&O*, 36 FCC Rcd at 6045, para. 163; *3.45 GHz Clearinghouse Selection Process Order*, 37 FCC Rcd at 13270-13272, paras. 20-28.

<sup>26</sup> See August Search Committee Letter, Attachment 2.

including its relevant experience providing reimbursement-related services in the 600 MHz transition.<sup>27</sup> Summit Ridge Group detailed how it would adopt and follow all relevant industry best practices to facilitate the transition of the 3.45 GHz band.<sup>28</sup> Summit Ridge Group also explained how it would incorporate robust privacy and data security best practices into its operations as Clearinghouse.<sup>29</sup>

13. We note that section 27.1605(a)(1) of the Commission's rules requires the clearinghouse to be "a neutral, independent entity with no conflicts of interest (as defined in § 27.1414(b)), on the part of the organization or its officers, directors, employees, contractors, or significant subcontractors."<sup>30</sup> When the search committee tentatively selected Summit Ridge Group as the Clearinghouse, it informed the Bureau that "Summit Ridge Group disclosed that it provides reimbursement support services to NE Colorado Wireless Inc., a new flexible-use licensee, as part of the Commission's Remove, Replace and Destroy program."<sup>31</sup> The search committee also informed the Bureau that NE Colorado Wireless Inc. had won 18 (out of 4041 total) licenses in Auction 110.<sup>32</sup> Further, in its response to the RFP, Summit Ridge Group committed to develop an Independence Management Plan that will detail its conflicts of interest review and assessment procedures and "describe the service restrictions Team Summit Ridge will put in place for the duration of the contract."<sup>33</sup> The search committee finalized its unanimous decision to select Summit Ridge Group as the Clearinghouse on August 1, 2023.<sup>34</sup>

14. Additionally, as required by the *3.45 GHz Clearinghouse Selection Process Order*, Summit Ridge Group entered into contracts with the incumbents and a sufficient number of licensees which hold the majority of the 3.45 GHz Service licenses.<sup>35</sup> These contracts were reviewed and approved by the search committee.<sup>36</sup>

15. After thorough review of the record and given the totality of factors presented here, we find that Summit Ridge Group's qualifications, experience, commitment to implement measures preventing conflicts of interest and promoting neutrality and independence, and executed contracts satisfy the Clearinghouse selection criteria set forth in 47 CFR § 27.1605, the *3.45 GHz Second Report and Order*, and the *3.45 GHz Clearinghouse Selection Process Order*.<sup>37</sup>

#### IV. ORDERING CLAUSES

16. ACCORDINGLY, IT IS ORDERED, that Summit Ridge Group, LLC satisfies the selection criteria established by the Commission and the Bureau and will serve as the Clearinghouse for the 3.45-3.55 GHz band transition process.

17. IT IS FURTHER ORDERED that, pursuant to sections 1.2, 1.4(b) and 1.103 of the Commission's rules, 47 CFR §§ 1.2, 1.4(b), 1.103, and paragraph 163 of the *3.45 GHz Second Report and*

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<sup>27</sup> See *id.*, Attachment 2 at 5.

<sup>28</sup> See *id.*, Attachment 2 at 4, 21, 22-25, 25-26, 27, 28-29, 32-33, 35.

<sup>29</sup> See *id.*, Attachment 2 at 5-7, 9, 26-27.

<sup>30</sup> 47 CFR § 27.1605(a)(1).

<sup>31</sup> May 2, 2023 Search Committee Letter at 1.

<sup>32</sup> May 5, 2023 Search Committee Letter at 2.

<sup>33</sup> August Search Committee Letter, Attachment 2 at 28; see also *id.* at 13-14 (noting that such plan will document restrictions and associated procedural safeguards to "ensure and manage the Clearinghouse's independence").

<sup>34</sup> *Id.* at 1.

<sup>35</sup> *3.45 GHz Clearinghouse Selection Process Order*, 37 FCC Rcd at 13270, para. 20.

<sup>36</sup> August Search Committee Letter at 1.

<sup>37</sup> 47 CFR § 27.1605; *3.45 GHz Band Second R&O*, 36 FCC Rcd at 6045, para. 163; *3.45 GHz Clearinghouse Selection Process Order*, 37 FCC Rcd at 13270-13272, paras. 20-28.

*Order* and paragraphs 31-39 of the *3.45 GHz Clearinghouse Selection Process Order*, this Order SHALL BE EFFECTIVE upon release.

FEDERAL COMMUNICATIONS COMMISSION

Joel Taubenblatt  
Chief  
Wireless Telecommunications Bureau