

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

In the Matter of)
Promoting Investment in the 3550-3700 MHz Band) GN Docket No. 17-258
3.5 GHz SAS and ESC Applications) GN Docket No. 15-319

ORDER

Adopted: August 21, 2023

Released: August 21, 2023

By the Chief, Wireless Telecommunications Bureau and the Chief, Office of Engineering and Technology:

1. By this order, the Wireless Telecommunications Bureau (WTB) and Office of Engineering and Technology (OET) of the Federal Communications Commission (Commission or FCC) waive section 96.63(n)(1)1 of the Commission’s rules for Spectrum Access System (SAS) administrators to utilize the Department of Defense (DoD) managed Telecommunications Advanced Research and Dynamic Spectrum Sharing System (TARDyS3) scheduling portal in the 3550-3700 MHz band (3.5 GHz band).

2. On August 14, 2023, NTIA submitted a letter to WTB and OET describing the TARDyS3 portal and asking the Commission to direct the SAS administrators to use the portal to protect designated DoD facilities in the band.2 As set forth in the NTIA Letter, DoD and the military services operate developmental and operational test ranges and facilities throughout the country, many of which host operations in the 3.5 GHz band.3 In the 3.5 GHz band, these facilities are generally protected by portal-activated dynamic protection areas (P-DPAs) and federal operators must use a scheduling portal to schedule operations at these facilities with the certified SAS administrators.4 The TARDyS3 is a DoD managed calendar-based tool that will support the expeditious and autonomous communication of scheduled spectrum use information for designated facilities in the 3.5 GHz band that was developed to replace the manual scheduling portal currently used to activate the P-DPAs.5 By Public Notice today,

1 47 CFR § 96.63(n)(1).

2 See Letter from Charles Cooper, Associate Administrator, Office of Spectrum Management, NTIA to Ronald T. Repasi, Acting Chief, OET, FCC and Joel Taubenblatt, Acting Chief, WTB, FCC in GN Docket Nos. 17-258 and 15-319 (August 14, 2023) (August 2023 NTIA Letter), available at: https://www.fcc.gov/ecfs/document/10814108365840/1.

3 Id. at 2.

4 Id.

5 Id. SAS administrators were tested on their ability to protect designated federal facilities using a scheduling portal during the SAS testing and Initial Commercial Deployment processes. Each SAS administrator is required to support and utilize the scheduling portal as a condition of its certification. See Wireless Telecommunications Bureau and Office of Engineering and Technology Establish Procedure and Deadline for Filing Spectrum Access System Initial Commercial Deployment Proposals, GN Docket No. 15-319, Public Notice, 33 FCC Rcd 7390, para. 7

WTB and OET directed SAS administrators to begin using the TARDyS3 portal—in lieu of the manual scheduling portal—to protect certain federal facilities from Citizens Broadband Radio Service operations in the near future.⁶

3. Under section 96.63(n)(1) of the Commission’s rules, each SAS must “[o]perate[] without any connectivity to any military or other sensitive federal database or system, except as otherwise required by this part.”⁷ Since the TARDyS3 portal will be managed by DoD and will include information on DoD operations, SAS administrators would not be permitted to connect to the portal absent a waiver of section 96.63(n)(1).

4. Pursuant to section 1.3 of the Commission’s rules, the Commission can waive provisions of its rules “for good cause shown.”⁸ As NTIA notes, use of the TARDyS3 portal will improve the security, reliability, and resiliency of the scheduling portal utilized by the SAS administrators to protect designated facilities in the 3.5 GHz band.⁹ NTIA also requests that, if necessary, the Commission waive section 96.63(n)(1) to facilitate the implementation and use of TARDyS3 for the protection of P-DPAs.¹⁰ We find that permitting the use of the TARDyS3 portal will further the public interest by improving federal coordination in the 3.5 GHz band. These public interest benefits, coupled with NTIA’s support for the waiver, demonstrate that there is good cause to waive section 96.63(n)(1) of the Commission’s rules to allow SAS administrators to connect to the TARDyS3 portal.

5. Accordingly, IT IS ORDERED that pursuant to section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and section 1.3 of the Commission’s rules, 47 CFR § 1.3, section 96.63(n)(1) of Commission’s Rules, 47 CFR § 96.63(n)(1), IS WAIVED as set forth above.

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(WTB/OET 2018) (requiring SAS administrators to describe how they “implement notification-based DPA protection using a portal” during Initial Commercial Deployment (ICD).); *Wireless Telecommunications Bureau and Office of Engineering and Technology Announce Five Spectrum Access System Administrators to Begin Initial Commercial Deployments in the 3.5 GHz Band*, GN Docket 15-319, Public Notice, 34 FCC Rcd 8106, para. 7 (WTB/OET 2019) (requiring SAS administrators to “demonstrate the ability to implement notification-based DPA protection using a DPA portal” during ICD); *Wireless Telecommunications Bureau and Office of Engineering and Technology Approve Four Spectrum Access Administrators for Full Scale Commercial Deployment in the 3.5 GHz Band and Emphasize Licensee Compliance Obligations in the 3650-3700 MHz Band Under Part 96*, GN Docket No. 15-319, Public Notice, 35 FCC Rcd 117, para. 5 (WTB/OET 2020) (certifying SAS administrators for full commercial deployment after successful completion of ICD). *See also Promoting Investment in the 3550-3700 MHz Band*, GN Docket No. 17-258, Order, 33 FCC Rcd 4987 (WTB/OET 2018) (allowing SASs to implement alternative protection methodology based on DPAs).

⁶ *See Wireless Telecommunications Bureau and Office of Engineering and Technology Announce Deployment of a New Federal Portal System and Revision to the List of Protected Facilities in the 3.5 GHz Band*, GN Docket Nos. 17-258 and 15-319, Public Notice, DA 23-733 (WTB/OET 2023).

⁷ 47 CFR § 96.63(n)(1).

⁸ *See* 47 CFR § 1.3.

⁹ *See* August 2023 NTIA Letter at 2.

¹⁰ *Id.*

6. This action is taken under delegated authority pursuant to sections 0.241 and 0.331 of the Commission's rules, 47 CFR §§ 0.241, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

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