



PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, DC 20554

News Media Information 202-418-0500
Internet: www.fcc.gov
TTY: 888-835-5322

DA 23-838

Released: September 12, 2023

WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON EVERGY KANSAS CENTRAL, INC., EVERGY METRO, INC., AND EVERGY MISSOURI, INC., REQUEST FOR WAIVER

WT Docket 23-307

Comments Due: October 2, 2023

Reply Comments Due: October 13, 2023

By this Public Notice, we seek comment on Evergy Kansas Central, Inc., Evergy Metro, Inc., and Evergy Missouri West, Inc.'s (collectively 'Evergy') request for waiver of the 900 MHz licensing freeze to allow Evergy to obtain new licenses for certain frequencies in the 896-901/935-940 MHz band.¹

In September 2018, the Wireless Telecommunications Bureau (Bureau) suspended the acceptance of applications for new or expanded 900 MHz operations to maintain a stable spectral landscape while the Commission determined how to proceed with respect to that spectrum.² The *900 MHz Freeze Public Notice* noted that licensees have recourse through the Commission's waiver provisions to request an exception to the freeze.³

In March 2019, the Commission released a Notice of Proposed Rulemaking proposing to realign the 900 MHz band to create a 3/3 megahertz broadband segment, while reserving the remaining 2/2 megahertz for narrowband operations.⁴ In May 2020, the Commission adopted a Report and Order that established a 3/3 megahertz broadband segment, two narrowband segments of 1.5/1.5 megahertz and .5/.5 megahertz, and a transition mechanism based primarily on negotiations between prospective broadband licensees and existing narrowband incumbent licensees.⁵ At the time it adopted the Report and Order, the

¹ See File Nos. 0009055095, 0009055096, 0009055097, 0009055100, 000905177, 0009055218, 0009055219, 0009055220, 0009055221, 0009055865, 0009059019 and 0009059070 (filed Apr. 4, 2020), amended Apr. 5, 2021, Mar. 16, 2022, and Aug. 8, 2023, Request by Evergy Kansas Central, Inc., Evergy Metro, Inc., and Evergy Missouri West, Inc. Revised Request for Waiver (filed Mar. 16, 2022) (Request).

² See *Wireless Telecommunications Bureau Announces Temporary Filing Freeze on the Acceptance of Certain Part 90 Applications for 896-901/935-940 MHz (900 MHz Band) Spectrum*, WT Docket No. 17-200, Public Notice, 33 FCC Rcd 8735 (WTB 2018) (*900 MHz Freeze Public Notice*).

³ *900 MHz Freeze Public Notice*, 33 FCC Rcd at 8736, n. 4.

⁴ *Review of the Commission's Rules Governing the 896-901/935-940 MHz Band*, WT Docket No. 17-200, Notice of Proposed Rulemaking, 34 FCC Rcd 1550, 1555, para. 15 (2019) (*900 MHz NPRM*). Following the *900 MHz NPRM* later in 2019, the Bureau modified the freeze to provide greater flexibility for incumbents to relocate out of the proposed 3/3 megahertz broadband segment portion of the 900 MHz band. *Review of the Commission's Rules Governing the 896-901/935-940 MHz Band*, WT Docket No. 17-200, Order, 34 FCC Rcd 9369 (WTB 2019).

⁵ *Review of the Commission's Rules Governing the 896-901/935-940 MHz Band*, WT Docket No. 17-200, Report and Order, Order of Proposed Modification, and Orders, 35 FCC Rcd 5183, paras. 27-95 (2020) (*900 MHz R&O*).

Commission partially lifted the 900 MHz freeze for relocation of incumbents as part of a transition plan and clarified that the current freeze, which prohibits contour extensions, remains in place.⁶

Evergy requests a waiver of the 900 MHz freeze to obtain new licenses for certain frequencies in the 896-901/935-940 MHz band. Evergy claims that grant of the requested waiver will not undermine the purpose of the 900 MHz freeze.⁷

We seek comment on Evergy's Request.

Procedural Matters

To develop a complete record on the issues presented by the 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 Commission's rules, subject to the requirements under Section 1.1206(b). Evergy filed its Request electronically in the Commission's Universal Licensing System. We have opened a new docket, **WT Docket 23-307**, to facilitate consideration of the Request and have moved Evergy's Request into this docket. Parties should file all comments and reply comments in **WT Docket 23-307**.

Filing Requirements. Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- 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 overnight courier, or by first-class or overnight U.S.-Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
 - Commercial overnight mail (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-19.⁸

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Government Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

Additional Information. For further information regarding this Public Notice, please contact Morgan Mendenhall at morgan.mendenhall@fcc.gov or (202) 418-0154.

-FCC-

⁶ *Id.* at 69, paras. 175-76.

⁷ See Request.

⁸ See *FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy*, Public Notice, DA 20-304 (Mar. 19, 2020), <https://www.fcc.gov/document/fcc-closes-headquarters-open-window-and-changes-hand-delivery-policy>.