



PUBLIC NOTICE

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WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON WHETHER PROPOSED 3.45-3.55 GHZ BAND REIMBURSEMENT CLEARINGHOUSE SATISFIES SELECTION CRITERIA

WT Docket No. 19-348

Comments Due: October 10, 2023

Reply Comments Due: October 20, 2023

With this Public Notice, the Wireless Telecommunications Bureau (Bureau) seeks comment on whether Summit Ridge Group, LLC, the Reimbursement Clearinghouse (Clearinghouse) selected by a committee of stakeholders in the 3.45-3.55 GHz band (3.45 GHz Band), satisfies the criteria established by the Commission in the *3.45 GHz Second Report and Order*¹ and the Bureau in the *3.45 GHz Clearinghouse Selection Process Order*.²

On March 8, 2021, in the *3.45 GHz Second Report and Order*, 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.³ The Commission further determined that secondary, non-federal radiolocation authorizations would sunset 180 days after new 3.45 GHz Service licenses were granted in the band.⁴ Because these licenses were granted on May 4, 2022,⁴ the non-federal radiolocation authorizations sunset on October 31, 2022.⁵

In addition, 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

¹ *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*).

² *Facilitating Shared Use in the 3100-3550 MHz Band*, WT Docket No. 19-348, Order, DA 22-1188 (WTB 2022) (*3.45 GHz Clearinghouse Selection Process Order*).

³ See *3.45 GHz Band Second R&O*; *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*).

⁴ *Wireless Telecommunications Bureau Grants Auction 110 Licenses*, Public Notice, DA 22-462 (WTB May 4, 2022) (*3.45 GHz Band Grant PN*).

⁵ The Bureau granted conditional STAs to Nexstar and NBCUniversal to conduct reduced operations on a noninterference basis for a limited period of time beyond October 31, 2022. See ULS File Nos. 0010238879, 0010423178, 0010283405, 0010293981, 0010256744, 0010340943, 0010340871, and 0010341173.

administration of the reimbursement.”⁶ Specifically, each new 3.45 GHz Service licensee “will be responsible for reimbursement of a pro rata share of reasonable relocation costs of non-federal radiolocation operations.”⁷

In the *3.45 GHz Clearinghouse Selection Process Order*, the Bureau, pursuant to delegated authority, established a search committee to select a Clearinghouse that would be responsible for handling all cost-related aspects of the transition.⁸ The Bureau required the selection committee to select, no later than May 2, 2023, an entity that must be able to demonstrate 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.⁹ The Bureau also required that the selected entity create written procedures for its operations and that it use the Government Accountability Office’s (GAO) Green Book to serve as a guide in satisfying such requirements.¹⁰

Further, the Bureau required the search committee to ensure that the Clearinghouse adopt robust privacy and data security best practices in its operations, given that it will receive and process information critical to ensuring a successful and expeditious transition.¹¹ In addition, the Bureau required the selected entity to hire a third-party firm to independently audit and verify, on an annual basis, the Clearinghouse’s compliance with privacy and information security requirements. It also required the Clearinghouse to provide recommendations based on any audit findings, correct any negative audit findings and adopt any additional practices suggested by the auditor, and report the results to the Bureau.

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.¹²

On August 1, 2023, the search committee announced that they had selected Summit Ridge Group, LLC.¹³ We seek comment on whether Summit Ridge Group, LLC satisfies the criteria established by the Commission in the *3.45 GHz Second Report and Order*, and the Bureau in the *3.45 GHz Clearinghouse*

⁶ *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.

⁷ *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.

⁸ *3.45 GHz Clearinghouse Selection Process Order*, DA 22-1188 at 4, para. 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.

⁹ *Id.* at 6, para. 18.

¹⁰ *Id.* (citing GAO, *The Green Book: Standards for Internal Control in the Federal Government*, GAO-14-704G, (rel. Sep 10, 2014), available at <http://www.gao.gov/greenbook/overview>)).

¹¹ *Id.* at 7, para. 23 (“The Clearinghouse should therefore also comply with, on an ongoing basis, all applicable laws and Federal government guidance on privacy and information security requirements such as relevant provisions in the Federal Information Security Management Act (FISMA), National Institute of Standards and Technology (NIST) publications, and Office of Management and Budget guidance.”) (internal citations omitted).

¹² *Id.* at 8, para. 25.

¹³ 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).

*Selection Process Order.*¹⁴

As directed by the Bureau in the *3.45 GHz Clearinghouse Selection Process Order*, following the comment period, the Bureau will issue an order announcing whether the selection criteria have been satisfied.¹⁵ Should the Bureau be unable to find that the criteria have been satisfied, the *3.45 GHz Clearinghouse Selection Process Order* required that the selection process will start over and the search committee will submit a new proposed entity.¹⁶

Filing Requirements. Parties may file comments, identified by **WT Docket No. 19-348**, by any of the following methods:

- 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 courier or by the U.S. Postal Service. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
 - Commercial deliveries (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 St NE, Washington, DC 20554.

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, Wireless Telecommunications Bureau, at Morgan.Mendenhall@fcc.gov or 202-418-0154.

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¹⁴ 47 CFR §§ 27.1604, 27.1605; *3.45 GHz Second R&O*, 36 FCC Rcd at 59, para. 163; *3.45 GHz Clearinghouse Selection Process Order*, DA 22-1188 at 7-9, paras. 20-28 (establishing selection criteria and directing the Bureau to seek comment on whether the selected entity satisfies such criteria).

¹⁵ *3.45 GHz Clearinghouse Selection Process Order*, DA 22-1188 at 8-9, para. 27.

¹⁶ *Id.*