



# PUBLIC NOTICE

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## WIRELESS TELECOMMUNICATIONS BUREAU CHANGES *EX PARTE* STATUS FROM “EXEMPT” TO “PERMIT-BUT-DISCLOSE”

WT Docket No. 23-232

On August 2, 2023, the Federal Communications Commission adopted a Notice of Inquiry (Notice) that sought comment on, among other things, the feasibility, benefits, and limitations of techniques to understand non-Federal spectrum usage.<sup>1</sup> This proceeding was initially designated as exempt under the Commission’s rules, 47 CFR § 1.1204(b)(1), which provide that *ex parte* presentations in notice of inquiry proceedings are presumptively exempt from disclosure.<sup>2</sup>

In order to facilitate transparency among interested stakeholders, and in light of the issues raised in the Notice, the Wireless Telecommunication Bureau announces that this proceeding will henceforth be treated as a permit-but-disclose proceeding under the Commission’s rules, 47 CFR § 1.1206.<sup>3</sup> Accordingly, persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules.<sup>4</sup>

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<sup>1</sup> *Advancing Understanding of Non-Federal Spectrum Usage*, WT Docket No. 23-232, Notice of Inquiry, FCC 23-63 (Aug. 3, 2023) (*Notice*).

<sup>2</sup> *Id.* at 8, para. 46.

<sup>3</sup> 47 CFR § 1.1200(a) (“Where the public interest so requires in a particular proceeding, the Commission and its staff retain the discretion to modify the applicable *ex parte* rules by order, letter, or public notice.”).

<sup>4</sup> 47 CFR § 1.1200 *et seq.*

For further information, contact Arpan Sura of the Wireless Telecommunications Bureau at [arpan.sura@fcc.gov](mailto:arpan.sura@fcc.gov) or (202) 418-0964 or Madelaine Maior of the Broadband Division, Wireless Telecommunications Bureau at [madelaine.maior@fcc.gov](mailto:madelaine.maior@fcc.gov) or (202) 418-1466.

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