

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

In the Matter of )
CONFEDERATED TRIBES OF THE CHEHALIS ) ULS File No. 0009133181
RESERVATION )
KARUK TRIBE ) ULS File No. 0009209830
LAC VIEUX DESERT BAND OF LAKE ) ULS File No. 0009209820
SUPERIOR CHIPPEWA INDIANS )
MICCOSUKEE TRIBE OF INDIANS OF ) ULS File No. 0009208700
FLORIDA )
MILLE LACS BAND OF OJIBWE ) ULS File No. 0009174661
OGLALA SIOUX TRIBE ) ULS File No. 0009210549
PUEBLO OF JEMEZ ) ULS File No. 0009207599
STOCKBRIDGE-MUNSEE COMMUNITY ) ULS File No. 0009056169
Requests for Waiver of the 2.5 GHz Rural Tribal )
Priority Window Rules )

MEMORANDUM OPINION AND ORDER

Adopted: March 13, 2024

Released: March 15, 2024

By the Chief, Wireless Telecommunications Bureau:

I. INTRODUCTION

1. The Confederated Tribes of the Chehalis Reservation (Chehalis),<sup>1</sup> Karuk Tribe (Karuk),<sup>2</sup> Lac Vieux Desert Band of Lake Superior Chippewa Indians (Lac Vieux),<sup>3</sup> Miccosukee Tribe of Indians of Florida (Miccosukee),<sup>4</sup> Mille Lacs Band of Ojibwe (Mille Lacs),<sup>5</sup> Oglala Sioux Tribe (Oglala Sioux),<sup>6</sup>

1 See File No. 0009133181, (filed July 1, 2020, amended July 16, 2020, July 24, 2020, July 26, 2023, July 31, 2023 and Aug. 1, 2023) (Chehalis Application).

2 See File No. 0009209830 (filed Sept. 2, 2020) (Karuk Application).

3 See File No. 0009209820 (filed Sept. 2, 2020, amended Nov. 9, 2020) (Lac Vieux Application).

4 See File No. 0009208700 (filed Sept. 1, 2020, amended Sept. 2, 2020) (Miccosukee Application).

5 See File No. 0009174661 (filed Aug. 5, 2020) (Mille Lacs Application).

6 See File No. 0009210549 (filed Sept. 2, 2020, amended Dec. 8, 2020) (Oglala Sioux Application).

Pueblo of Jemez (Jemez),<sup>7</sup> and Stockbridge-Munsee Community (Stockbridge-Munsee)<sup>8</sup> each filed an application in the 2.5 GHz Rural Tribal Priority Window (Tribal Window). In connection with the applications, each Tribe submitted a request for waiver<sup>9</sup> of section 27.1204(b)(2) of the Commission's rules,<sup>10</sup> which defines eligible Tribal lands for purposes of the Tribal Window. In this *Memorandum Opinion and Order*, we grant the Waiver Requests in part, as specified below.

## II. BACKGROUND

2. In July 2019, the Commission approved an order modernizing the portion of the 2.5 GHz band formerly known as the Educational Broadband Service.<sup>11</sup> Among other things, the order created a Tribal Window during which eligible Tribal entities could apply for licenses for currently unassigned 2.5 GHz spectrum.<sup>12</sup> To obtain a license in the Tribal Window, an applicant must meet four requirements. First, the applicant must be an eligible entity, which the rule defines as “[a] federally recognized American Indian Tribe or Alaska Native Village; or an entity that is owned and controlled by a federally-recognized Tribe or a consortium of federally-recognized Tribes.”<sup>13</sup> Second, the applicant must apply for eligible Tribal lands, as defined in section 27.1204(b)(2) of the Commission's rules.<sup>14</sup> Third, the eligible Tribal lands must be in a rural area, which is defined as “lands that are not part of an urbanized area or urban cluster area with a population equal to or greater than 50,000.”<sup>15</sup> Finally, the applicant must have a local presence on the eligible Tribal lands for which it is applying.<sup>16</sup>

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<sup>7</sup> See File No. 0009207599 (filed Aug. 31, 2020) (Jemez Application).

<sup>8</sup> See File No. 0009056169 (filed Apr. 27, 2020, amended June 18, 2020, and Nov. 18, 2020) (Stockbridge-Munsee Application).

<sup>9</sup> Chehalis Application, 2.5 GHz Application and Waiver Request (Chehalis Waiver Request); Karuk Application, Tribal Lands Requirement Waiver (Karuk Waiver Request); Lac Vieux Application, Geographic Waiver Request Justification (Lac Vieux Waiver Request); Miccosukee Application, Petition for Waiver (Miccosukee Waiver Request), Mille Lacs Application, Waiver of FCC Rule Section 27.1204(b) for 2.5 GHz Band Tribal Filing Window (Mille Lacs Waiver Request); Oglala Sioux Application, Petition for Waiver (Oglala Sioux Waiver Request); Jemez Application, Petition for Waiver (Jemez Waiver Request); Stockbridge-Munsee Application, Waiver Request (Stockbridge-Munsee Waiver Request) (collectively, Waiver Requests).

<sup>10</sup> See 47 CFR § 27.1204(b)(2).

<sup>11</sup> *Transforming the 2.5 GHz Band*, Report and Order, 34 FCC Rcd 5446 (2019) (*2.5 GHz Report & Order*).

<sup>12</sup> *Id.* at 5463–69, paras. 47–65.

<sup>13</sup> 47 CFR § 27.1204(b)(1).

<sup>14</sup> *Id.* § 27.1204(b)(2). The rule defines eligible Tribal lands in relevant part as “any federally recognized Indian Tribe’s reservation, pueblo or colony, including former reservations in Oklahoma, Alaska Native regions established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688) and Indian Allotments, see § 54.400(e) of this chapter, as well as Hawaiian Home Lands—areas held in trust for native Hawaiians by the State of Hawaii, pursuant to the Hawaiian Homes Commission Act, 1920, July 9, 1921, 42 Stat 108, *et seq.*, as amended.” *Id.*

<sup>15</sup> *Id.* § 27.1204(b)(3).

<sup>16</sup> *Id.* § 27.1204(b)(4). On January 6, 2020, the Wireless Telecommunications Bureau (Bureau) released a Public Notice setting forth the process for submitting applications in the Tribal Window, including details regarding how applicants could demonstrate compliance with the eligibility requirements or file requests for waiver. *Wireless Telecommunications Bureau Announces Procedures for 2.5 GHz Rural Tribal Priority Window*, Public Notice, 35 FCC Rcd 308 (WTB 2020) (*Bureau Procedures PN*).

3. In the *2.5 GHz Report & Order*, the Commission also determined that the Tribal Window would include only unassigned 2.5 GHz spectrum.<sup>17</sup> In the *Bureau Procedures PN*, we specified that licenses will not be granted for Tribal lands where an applicant cannot demonstrate local presence.<sup>18</sup>

4. In 2020, the Commission denied a petition for reconsideration seeking adoption of the broader definition of Tribal lands contained in part 73 of our rules, which includes off-reservation trust lands, for purposes of the Tribal Window.<sup>19</sup> Specifically, “[t]he Commission required the direct participation of Tribal governments, or entities owned and controlled by such Tribes, in the 2.5 GHz context to ensure that licensees would have the requisite authority over the deployment of facilities and service on their rural Tribal lands.”<sup>20</sup> The Commission recognized, however, that there might be “exceptions to the general rule” where case-by-case waivers would be appropriate to allow for the licensing of off-reservation lands in the Tribal Window.<sup>21</sup>

5. Except for the Chehalis,<sup>22</sup> Miccosukee,<sup>23</sup> Mille Lacs<sup>24</sup> and Oglala Sioux,<sup>25</sup> each Tribe filed one application during the Tribal Window that requested a license for each Tribe’s eligible reservation

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<sup>17</sup> *2.5 GHz Report & Order*, 34 FCC Rcd at 5469, para. 65 (declining to permit applications for already-licensed spectrum). Further, in the *Bureau Procedures PN*, we reiterated that Tribal Window “applications will only be accepted for channel groups for which there is currently unassigned spectrum in the eligible portion of the 2.5 GHz band . . . over the relevant rural Tribal land.” *Bureau Procedures PN*, 35 FCC Rcd at 309, 312 paras. 3, 15. Potential applicants were encouraged to “conduct due diligence to determine whether they will be able to provide service in the areas for which they intend to apply for licenses,” including an evaluation of “how much unassigned eligible 2.5 GHz spectrum is available.” *Id.* at 309, para. 5.

<sup>18</sup> *Bureau Procedures PN*, 35 FCC Rcd at 313–14, para. 23.

<sup>19</sup> See *Transforming the 2.5 GHz Band*, Order on Reconsideration, 35 FCC Rcd 15074, 15080–81, para. 22 (2020) (*Reconsideration Order*).

<sup>20</sup> *Id.* at 15081, para. 22.

<sup>21</sup> *Id.* at 15081, para. 23.

<sup>22</sup> The Chehalis filed two applications in the Tribal Window. File No. 0009150946 (filed July 16, 2020, amended July 24, 2020, and July 28, 2020); Chehalis Application. The first application sought a license for the Tribe’s reservation in Washington State, which has been granted. File No. 0009150946 (granted Dec. 22, 2020) (WRKE717). The second application, which is the subject of this *Memorandum Opinion and Order*, requests a waiver of the Tribal lands definition in order to obtain a license for an adjacent area that connects the reservation with off-reservation trust parcels in Grand Mound, WA. Chehalis Waiver Request at 3–4.

<sup>23</sup> The Miccosukee filed two applications during the Tribal Window. File No. 0009168163 (filed July 30, 2020); Miccosukee Application. The first application sought a license to provide service on the Miccosukee reservation in Florida, which has been granted. File No. 0009168163 (granted Dec. 22, 2020) (WRKE713). The Miccosukee also filed a second application, which is the subject of this *Memorandum Opinion and Order*, requesting a waiver of the Tribal lands definition in order to obtain a license for approximately 189,000 acres of leased lands in Broward County adjacent to the Miccosukee reservation. Miccosukee Waiver Request at 1–2.

<sup>24</sup> The Mille Lacs also filed two applications in the Tribal Window. File Nos. 0009132753 (filed July 1, 2020); Mille Lacs Application. The first application sought a license for the Tribe’s reservation lands in Aitkin, Mille Lac, and Pine Counties in Minnesota, which has been granted. File No. 0009132753 (granted Dec. 22, 2020) (WRKE716). The Mille Lacs also filed a second application, which is the subject of this *Memorandum Opinion and Order*, requesting a waiver of the Tribal lands definition in order to provide service in areas adjacent to and interconnecting the Tribe’s reservation lands. Mille Lacs Waiver Request at 1–2.

<sup>25</sup> The Oglala Sioux filed three applications in the Tribal Window. File Nos. 0009166464 (filed July 29, 2020) and 0009210465 (filed Sept. 2, 2020); Oglala Sioux Application. The first application sought a license for the Tribe’s Pine Ridge Indian Reservation in South Dakota, which has been granted. File No. 0009166464 (granted Oct. 21, 2020) (WRJS954). The second Oglala Sioux application sought a waiver of the Tribal lands definition for land owned by the Tribe near Hells Canyon in Falls River County, South Dakota, which has been granted. File Nos. 0009210465 (granted Apr. 20, 2021) (WRMJ745); *Oglala Sioux Tribe Request for Waiver of Tribal Lands*

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land, for which no waiver is required, and certain nearby areas, including different combinations of off-reservation trust, Tribally-owned fee, and non-Tribal lands, which all require a waiver.<sup>26</sup> In their Waiver Requests, the Tribes note the various ties they have to the areas they have applied for<sup>27</sup> and that these areas are rural and have poor broadband access.<sup>28</sup>

6. The Chehalis, Karuk, Miccosukee, Mille Lacs, and Jemez applications were accepted for filing on November 10, 2020.<sup>29</sup> The Lac Vieux, Oglala Sioux, and Stockbridge-Munsee applications were accepted for filing on January 14, 2021.<sup>30</sup> No petitions to deny or oppositions were filed against any of those applications or Waiver Requests in response to the Bureau's Public Notices. T-Mobile filed a letter in response to, *inter alia*, the Lac Vieux application noting the unavailability of any spectrum on Channel Block 3 within Lac Vieux's proposed service area.<sup>31</sup>

### III. DISCUSSION

7. A request for a waiver may be granted if it is shown that: (i) the underlying purpose of the rule(s) would not be served or would be frustrated by application to the instant case, and that a grant of the requested waiver would be in the public interest; or (ii) in view of unique or unusual factual circumstances of the instant case, application of the rule(s) would be inequitable, unduly burdensome or contrary to the public interest, or the applicant has no reasonable alternative.<sup>32</sup> Here, we find that with limited exceptions noted below, each applicant's showing meets the first prong of the waiver standard to the extent that each seeks a waiver for off-reservation trust or Tribally-owned fee lands. With respect to the non-Tribal lands contained within their requested shapefiles, we grant waivers under the second prong of the Commission's waiver standard. Accordingly, with the limited exceptions noted below, we waive section 27.1204(b)(2) of the Commission's rules to allow licensing of the off-reservation trust, Tribally-owned fee, and non-Tribal land specified for each applicant.

8. The Commission established the Tribal Window to address the acute problem of lack of access to wireless communications services in rural Tribal areas.<sup>33</sup> In these instances, we find that, with respect to the off-reservation trust and Tribally-owned fee parcels identified by the applicants, strictly applying the Tribal lands definition would be inconsistent with the Tribal Window's purpose of providing wireless communications services in rural Tribal areas. First, we find that each applicant has shown that

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*Definition in the 2.5 GHz Tribal Priority Window*, Memorandum Opinion and Order, 36 FCC Rcd 7384 (WTB 2021). The third Oglala Sioux application, which is the subject of this *Memorandum Opinion and Order*, requests a waiver of the Tribal lands definition to provide service to the Oglala Sioux Rural Water Supply System (OSRWSS). Oglala Sioux Waiver Request at 2.

<sup>26</sup> Jemez Application, Karuk Application, Lac Vieux Application, Stockbridge-Munsee Application.

<sup>27</sup> See Chehalis Waiver Request at 2–3, 3–4; Karuk Waiver Request at 1–2; Lac Vieux Waiver Request at 1–2, 3–4; Miccosukee Waiver Request at 1–2; Mille Lacs Waiver Request at 1, 2; Oglala Sioux Waiver Request at 6–8, 9; Jemez Waiver Request at 1–2; Stockbridge-Munsee Application at 2.

<sup>28</sup> See Chehalis Waiver Request at 4–5; Karuk Waiver Request at 3; Lac Vieux Waiver Request at 2–3, 4; Miccosukee Waiver Request at 2; Mille Lacs Waiver Request at 1–2; Oglala Sioux Waiver Request at 4–5, 9–10; Jemez Waiver Request at 1, 4; Stockbridge-Munsee Waiver Request at 1.

<sup>29</sup> *Wireless Telecommunications Bureau Announces Additional 2.5 GHz Rural Tribal Priority Window License Applications Accepted for Filing*, Public Notice, 35 FCC Rcd 12850, 12853, 12854, Attachs. A, B (WTB 2020).

<sup>30</sup> *Wireless Telecommunications Bureau Announces Additional 2.5 GHz Rural Tribal Priority Window License Applications Accepted for Filing*, Public Notice, 36 FCC Rcd 285, 288, 289, Attachs. A, B (WTB 2021).

<sup>31</sup> Letter from Steve B. Sharkey, Vice President, Government Affairs, Technology and Engineering Policy, T-Mobile USA, Inc., to Marlene H. Dortch, Secretary, FCC (filed Feb. 9, 2021).

<sup>32</sup> 47 CFR § 1.925(b)(3).

<sup>33</sup> *Reconsideration Order*, 35 FCC Rcd at 15075, para. 4.

the off-reservation trust and Tribally-owned fee lands in question are either held for the specific benefit of the Tribe or are directly owned by the Tribe. As such, each applicant has adequately demonstrated its authority over the off-reservation trust and Tribally-owned fee land. We find, based upon the showing made by each of the applicants, that treating these rural lands as eligible Tribal lands under the Tribal Window would be consistent with the Tribal Window's purpose.<sup>34</sup> We note that the off-reservation trust and Tribally-owned fee lands in question are areas subject to the Tribe's current, demonstrated authority. In addition, we find that waivers would be in the public interest because the applicants plan to use the spectrum to provide service on rural trust and fee lands that are either held for the specific benefit of the Tribe or are directly owned by the Tribe. As such, we find that each of the applicants has adequately demonstrated that it has "the requisite authority over the deployment of facilities and service[s]"<sup>35</sup> over the lands at issue, and they have therefore demonstrated that strictly applying the Tribal lands definition would be inconsistent with its purpose.

9. With respect to the remaining non-Tribal lands specified in the applications, we find that under the unusual factual circumstances present at this time due to the ongoing transformation of the 2.5 GHz band, strict application of the Tribal lands definition would be contrary to the public interest. The 2.5 GHz band already contains a large number of incumbent licenses, most of which have 35-mile circular geographic service areas (GSAs) or irregular areas caused by overlapping GSAs. Many Tribal lands are similarly small, irregularly-shaped parcels, which can present deployment challenges in light of the 2.5 GHz band's existing incumbency, licensing structure, and technical rules. The non-Tribal lands at issue in the instant applications are, to varying degrees, adjacent to or connect different reservation, off-reservation trust, or Tribally-owned fee lands, which may facilitate use and deployment of 2.5 GHz spectrum across these Tribal areas to the extent they are licensed as part of a unified service area. We note in particular that each of the Waiver Requests is unopposed. On balance, given the specific circumstances present here, in particular the unique nature of the 2.5 GHz band and the current status of its transformation process, we believe that granting waivers to these applicants would help "address the communications needs" on their rural Tribal land and other adjacent rural areas that have historically lacked effective broadband access.<sup>36</sup> We therefore grant the Waiver Requests, with the limited exceptions specified below.

10. We note that the scope of these waivers does not extend to the limited circumstances in which any requested land areas either have no unassigned spectrum, or the applicant cannot demonstrate local presence. The *2.5 GHz Report & Order* and the *Bureau Procedures PN* adopted in connection with the Tribal Window specified that areas with no available spectrum were not eligible.<sup>37</sup> Specifically, the Jemez, Karuk, Lac Vieux, Miccosukee, and Mille Lacs waiver requests each include waiver areas without unassigned spectrum, and no waiver of this specific requirement was sought, nor was any related public interest showing made, in the relevant applications.<sup>38</sup> As such, to the extent the Jemez, Karuk, Lac Vieux,

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<sup>34</sup> The Commission has noted that the problem of lack of communications is particularly acute on rural Tribal lands. See *2.5 GHz Report & Order*, 34 FCC Rcd at 5466, para. 56; see also *Inquiry Concerning Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion*, 2020 Broadband Deployment Report, 35 FCC Rcd 8986, 9013, para. 47 (2020) ("Rural Tribal lands continue to lag behind urban Tribal lands, with only 52.9% of all Tribal lands in rural areas having deployment of both [fixed and mobile broadband] services, as compared to 93.1% of Tribal lands in urban areas.").

<sup>35</sup> *Reconsideration Order*, 35 FCC Rcd at 15081, para. 22.

<sup>36</sup> *Reconsideration Order*, 35 FCC Rcd at 15075, para. 4.

<sup>37</sup> See *2.5 GHz Report & Order*, 34 FCC Rcd at 5469, para. 65. Further, in the *Bureau Procedures PN*, we reiterated that Tribal Window "applications will only be accepted for channel groups for which there is currently unassigned spectrum in the eligible portion of the 2.5 GHz band . . . over the relevant rural Tribal land." *Bureau Procedures PN*, 35 FCC Rcd at 309, 312, paras. 3, 15.

<sup>38</sup> The portions of the application shapefiles without unassigned spectrum are visible in the mapping tool available at the dedicated webpage for the Tribal Window by activating the existing licenses filter for all three channel groups.

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Miccosukee, and Mille Lacs applications seek to license areas where no unassigned spectrum is available, the associated waiver requests with respect to the Tribal Lands definition in section 27.1204(b)(2) of the Commission's rules are denied.<sup>39</sup> Furthermore, as noted by T-Mobile and confirmed by staff analysis,<sup>40</sup> no spectrum is available in channel block 3 in Lac Vieux's proposed service area. Accordingly, any license issued to Lac Vieux will be limited to channel blocks 1 and 2.

11. Staff analysis also shows that the Jemez, Lac Vieux, Oglala Sioux, and Stockbridge-Munsee application shapefiles cover portions of the reservation or off-reservation trust lands of other Tribes.<sup>41</sup> As noted above, we will not issue a license where an applicant cannot demonstrate local presence, such as the Tribal lands of another Tribe.<sup>42</sup> Accordingly, we deny the Jemez, Lac Vieux, Oglala Sioux, and Stockbridge-Munsee waiver requests to the extent they include the Tribal lands of other Tribes.

12. Finally, we note that the instant Chehalis and Miccosukee applications<sup>43</sup> overlap with the licenses previously issued to each Tribe for its reservation. The Commission cannot grant two applications for the same channels and the same area, even if the applicant is the same. As such, the shapefiles associated with the Chehalis and Miccosukee applications will be reduced to exclude the overlap areas.<sup>44</sup>

13. We note that our decision here is limited to the suitability of these specific lands under the Tribal Window. We make no determination as to the status of these lands with respect to other Commission rules or programs, nor for any other purpose. In particular, our decision to grant the Waiver Requests is based on the unique circumstances of the individual applicants and the specific situation present in the 2.5 GHz band at this point in time, and the presence of any one particular fact should not be viewed as supporting a waiver or other form of relief in a different context at a different point in time.

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See 2.5 GHz Rural Tribal Maps, available at <https://www.fcc.gov/25-ghz-rural-tribal-maps> (2.5 GHz Rural Tribal Maps).

<sup>39</sup> With respect to the eligible reservation land portion of the Jemez application, a review of the Commission's Universal Licensing System (ULS) database shows several incumbent 2.5 GHz licenses that have licenses that cover the same area on the same channels that the Jemez are requesting. The Jemez will receive a license for the eligible rural Tribal land area for which it applied, but must protect any such incumbent operations.

<sup>40</sup> See Letter from John J. Schauble, Deputy Chief, Broadband Division, Wireless Telecommunications Bureau, FCC, to Steve B. Sharkey, Vice President, Government Affairs, Technology and Engineering Policy, T-Mobile USA, Inc. at 2 (Mar. 9, 2021).

<sup>41</sup> The Jemez shapefile includes a portion of the Santo Domingo Pueblo that is also without unassigned spectrum, the Lac Vieux shapefile includes part of the Forest County Potawatomi Community reservation, the Oglala Sioux shapefile includes off-reservation trust lands held for the benefit of the Cheyenne River Sioux Tribe, and the Stockbridge-Munsee shapefile includes small amounts of reservation and off-reservation trust lands of the Menominee Tribe. Except in the case of Stockbridge-Munsee and Oglala Sioux, the areas covering another Tribe's reservation are visible at 2.5 GHz Rural Tribal Maps by activating the eligible rural Tribal lands filter.

<sup>42</sup> See para. 3, *supra*. Stockbridge Munsee amended its application to reduce its shapefile and eliminate its mutual exclusivity with the Tribal Window application filed by the Menominee Tribe. Stockbridge Munsee Application, Amendment (filed Nov. 18, 2020). While that amendment eliminated the mutual exclusivity with the Menominee application, it did not eliminate all Menominee lands from its proposed license area.

<sup>43</sup> See File Nos. 0009150946, 0009168163 (granted Dec. 22, 2020), Chehalis Application, Miccosukee Application.

<sup>44</sup> Before the Broadband Division is able to process the applications that are the subject of this *Memorandum Opinion and Order*, Commission staff will create revised shapefiles to exclude areas where the relevant waiver requests are denied, or a pending application overlaps with another previously granted to the same Tribe. The final shapefiles will be reflected in the licenses granted by the Broadband Division in lieu of the application records. Bureau staff will be available to respond to any questions about either the final shapefiles or the Tribes' license records.

#### IV. ORDERING CLAUSES

14. Accordingly, IT IS ORDERED, pursuant to sections 4(i), 303(c), and 309(a) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(c), 309(a), and section 1.925(b)(3) of the Commission's rules, 47 CFR § 1.925(b)(3), that the waiver requests filed by the Confederated Tribes of the Chehalis Reservation, the Pueblo of Jemez, the Karuk Tribe, Lac Vieux Desert Band of Lake Superior Chippewa Indians, the Miccosukee Tribe of Indians of Florida, the Mille Lacs Band of Ojibwe, the Oglala Sioux Tribe, and the Stockbridge-Munsee Community ARE GRANTED IN PART , and section 27.1204(b)(2) of the Commission's rules IS WAIVED IN PART to allow licensing of the off-reservation trust, Tribally-owned fee, and non-Tribal lands specified in each application. Otherwise, the waiver requests are DENIED.

15. IT IS FURTHER ORDERED, pursuant to sections 4(i) and 309 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 309, and section 27.1204 of the Commission's rules, 47 CFR § 27.1204, that the licensing staff of the Broadband Division SHALL PROCESS the applications filed by the Confederated Tribes of the Chehalis Reservation (ULS File No. 0009133181), the Pueblo of Jemez (ULS File No. 0009207599), the Karuk Tribe (ULS File No. 0009209830), the Lac Vieux Desert Band of Lake Superior Chippewa Indians (ULS File No. 0009209820), the Miccosukee Tribe of Indians of Florida (ULS File No. 0009208700), the Mille Lacs Band of Ojibwe (ULS File No. 0009174661), the Oglala Sioux Tribe (ULS File No. 0009210549), and the Stockbridge-Munsee Community (ULS File No. 0009056169) for new 2.5 GHz licenses in accordance with this *Memorandum Opinion and Order* and the Commission's rules and policies.

16. These actions are taken under delegated authority pursuant to sections 0.131 and 0.331 of the Commission's rules, 47 CFR §§ 0.131, 0.331. This *Memorandum Opinion and Order* is effective upon adoption.

FEDERAL COMMUNICATIONS COMMISSION

Joel Taubenblatt  
Chief, Wireless Telecommunications Bureau