



PUBLIC NOTICE

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GUIDANCE TO 2.5 GHZ RURAL TRIBAL PRIORITY WINDOW LICENSEES ON DEMONSTRATING COMPLIANCE WITH INTERIM PERFORMANCE REQUIREMENTS

By this *Public Notice*, the Broadband Division of the Wireless Telecommunications Bureau (Bureau) provides guidance to 2.5 GHz Rural Tribal Priority Window (Tribal Window)¹ licensees on complying with the interim performance requirements deadline contained with section 27.14(u)(4),² as modified by the Commission's July 8, 2022 Public Notice.³ Please note that the Commission uses the terms performance requirements, construction requirements and buildout requirements interchangeably and in each case we are referring to the requirement for a licensee to demonstrate that it has constructed and is operating pursuant to the license issued by the Commission.

As discussed in greater detail below, all new licensees in this band, including Tribal Window licensees, are subject to interim and final performance requirements within four and eight years of initial license grant, respectively, and should file notifications demonstrating completion of any related construction work by the applicable deadline.⁴ Licenses granted to more than 150 Tribal Window licensees have interim performance deadlines in October 2024; deadlines for later-granted licenses come due on the four year anniversary of the license grant.⁵ Tribal Window licensees can confirm the date of their interim performance deadline by referring to their license records in the Universal Licensing System

¹ On July 11, 2019, the Commission modernized the regulatory framework for the 2.5 GHz band to make this swath of vital mid-band spectrum available for advanced wireless services, including 5G. *Transforming the 2.5 GHz Band*, Report and Order, 34 FCC Rcd 5446 (2019) (*2.5 GHz Report and Order*). Among other things, the *2.5 GHz Report and Order* established a priority application window for federally recognized Tribes and Tribally owned and controlled entities to obtain licenses for unassigned 2.5 GHz spectrum over their rural Tribal lands to address the communications needs of their communities.

² 47 CFR § 27.14(u)(4).

³ *Wireless Telecommunications Bureau Waives 2.5 GHz Rural Tribal Window Specific Interim and Final Performance Deadlines*, Public Notice, 37 FCC Rcd 7829 (2022) (*2022 Public Notice*). On July 8, 2022, on its own motion, the Bureau waived the Tribal-specific interim and final performance deadlines in subsection 27.14(u)(4), 47 CFR § 27.14(u)(4), of the Commission's rules for all 2.5 GHz Tribal Window licensees to afford them flexibility as they complete their deployments. Thus, all Tribal Window licensees are subject to the generally applicable performance deadlines for all other 2.5 GHz licenses initially granted after October 25, 2019, as set forth in subsections 27.14(u)(2) and (3) of the Commission's rules. 47 CFR § 27.14(u)(2), (3).

⁴ 47 CFR § 27.14(u)(2)-(5). All 2.5 GHz licenses initially granted after October 25, 2019, are subject to the same interim and final performance requirements, which may be met by showing, *inter alia*, either of the following: (1) 80% population coverage for mobile or point-to-multipoint service (50% interim); or (2) 40 links per million persons (one link per 25,000) for fixed point-to-point service (20 links per million interim (one link per 50,000)). *See id.*; *2.5 GHz Report and Order*, 34 FCC Rcd at 5483, para. 101; *2022 Public Notice*.

⁵ 47 CFR § 27.14(u)(2), (3). *See* News Release, *FCC Grants First Licenses in 2.5 GHz Rural Tribal Priority Window* (Oct. 23, 2020), <https://www.fcc.gov/document/fcc-grants-first-licenses-25-ghz-rural-tribal-priority-window>.

(ULS).⁶ To facilitate the submission of related construction notification filings, below we provide important guidance on the information to include, how to make the filing, and the relationship between the interim and final performance requirements and filing deadlines.

Interim Performance Requirements

There are two ways that Tribal Window licensees can show that they have met the interim performance requirements applicable to their licenses:

- Licensees providing mobile or point-to-multipoint service must demonstrate reliable signal coverage of 50% of the population of the geographic service area within four years of initial license grant;⁷ or
- Licensees providing fixed point-to-point service must demonstrate operation of one link for each 50,000 persons in the geographic service area within four years of initial license grant.⁸

As discussed in greater detail below, if a Tribal Window licensee has met its interim performance requirements, it must make its interim performance requirements showing by filing a construction notification (NT) application with supporting appendices filed in ULS. This application may be filed at any point once the interim buildout work is complete, and the licensee need not wait for the actual deadline to make its submission. We therefore encourage Tribal Window licensees to file construction notification applications at their earliest convenience, but no later than 15 days after the four year anniversary of their license grants.

Information To Make Interim Performance Requirements Showing

The information required in connection with an interim performance requirements showing will vary depending on the nature of the service being provided and the type of showing the licensee is attempting to make. What follows is general guidance on the type of information that should be provided. If after reviewing the showing staff determines that additional information is necessary, either the licensee will be informally contacted with a request for additional information, or the application may be returned. Accordingly, it is imperative that the contact information provided on the application be accurate and current.

All licensees should provide a narrative description of the type of service they are providing. The description must be sufficient for staff to understand how and by whom the facilities are being used and where there is signal coverage. In addition, licensees must indicate the source for the population information provided in the showing (*e.g.*, Census Bureau, Bureau of Indian Affairs). Each showing shall also include appropriate technical information, as described below, that permits staff to confirm that the interim performance benchmark is actually being met.

⁶ The interim performance deadline may be viewed in ULS by looking at the license under the Main tab and viewing the “1st Buildout Deadline” date. In addition to searching for individual license records in ULS, licensees can find a list of all licenses granted as a result of the Tribal Window, with a link to the relevant ULS licensing records, at the Commission’s website. See *FCC, 2.5 GHz Tribal License Details* (Mar. 19, 2024), <https://www.fcc.gov/wireless/25-tribal-licenses>.

⁷ 47 CFR § 27.14(u)(2).

⁸ *Id.* § 27.14(u)(3).

“Licensees providing mobile or point-to-multipoint service must demonstrate reliable signal coverage of 50% of the population of the geographic service area.” If the Tribal Window licensee is providing service using one base station, the interim performance requirements filing must include, at a minimum:

- Geographic coordinates of the base station;
- Total population of licensed area;
- Percentage of population within the area of reliable signal coverage;
- Received signal level at edge of coverage area; and
- Transmitter EIRP (Equivalent Isotropic Radiated Power = $P_t - L_c + G_a$). P_t represents the output power of the transmitter (dBm). L_c represents the cable loss (dB). G_a represents the antenna gain (dBi).

In cases where the Tribal Window licensee employs multiple base stations in its network, the interim performance requirements filing must include, at a minimum:

- Geographic coordinates of all base stations;
- Total population of licensed area;
- Percentage of population within the area of reliable signal coverage;
- Received signal level at edge of coverage area;
- Map of the coverage area (as discussed below); and
- Link budget – ex. Received power (dB) = transmitted power (dB) + gains (dB) – losses (dB).

“Licensees providing fixed point-to-point service must demonstrate operation of one link for each 50,000 persons in the geographic service area.” In cases where the Tribal Window licensee is providing fixed point-to-point service, the interim performance requirements filing must include, at a minimum:

- Geographic coordinates on both end points of each link;
- Amount of bandwidth being used in point-to-point link; and
- Total population of licensed area.

Construction Notification Application Filing Instructions

Application Basics: All Tribal Window licensees that meet the interim performance requirements are required to file construction notifications in the form of applications using the notification of completion of construction (NT) application purpose.⁹ All such applications must be filed electronically using ULS. The licensee must provide its FCC Registration Number (FRN) and password in order to submit the application.¹⁰

⁹ A licensee who does not meet the interim performance requirements is not required to file anything. However, as noted below, the final performance requirements for that license will automatically be advanced by two years. See 47 CFR § 27.14(u)(5).

¹⁰ Applicants login to ULS using the FRN on their license, and the password. To reset an FRN password, applicants must create an FCC Username Account and link their FRN to that account. Please see the [Wireless Telecommunications Bureau Knowledge Base](#) for instructions. Also note that to enhance security, beginning March 29, 2024, Multi-Factor Authentication (MFA) will be mandatory for all CORES accounts. The MFA code will be sent to the username account email as well as any secondary email provided. Please ensure your FCC username is up to date and that you have access to the corresponding email inbox. If you no longer have access to the

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Deadlines for Filing: Interim performance requirements showings should be filed within 15 days after the date that is four years after the license was initially granted by the Commission (“Filing Deadline”).¹¹ Licensees may verify the date of their interim performance requirements deadline(s) in ULS by looking at each license under the Main tab and viewing the “1st Buildout Deadline” date. A request for extension of time to demonstrate compliance with the interim performance requirements showing must be filed by the interim performance deadline.¹² Applications submitted after the relevant interim performance deadline must be accompanied by a request for waiver, along with a justification for a waiver.¹³

Filing Instructions: The following instructions apply to filing construction notifications.

- *Single Call Sign:* A licensee filing a notification for a single call sign should login to ULS License Manager using the licensee’s FRN and password and click on the applicable call sign link displayed on the “My Licenses” page. On the “License at a Glance” screen, the licensee should select the “Notify the FCC” link in the “Work on This License” box on the right side of the screen. The system will then launch an NT (construction notification) application for the call sign from which the application was initiated. Call signs cannot be added to an application that is initiated for a single call sign.
- *Multiple Call Signs:* To launch an application for multiple call signs, the licensee should log in to ULS License Manager and select the “Notify the FCC” link in the left-hand navigation menu in License Manager.
- *Purpose of Filing:* Once an NT application is launched, the licensee will be guided through a series of steps in which the system will prompt the applicant to respond to questions and provide required information. On the first screen, the licensee must select the purpose of the filing. The system will display a list of application purposes based on the call sign selected (for a single call sign application) or the licenses linked to the licensee’s FRN (for a multiple call sign application). For an interim performance requirements showing, licensees should select “1 - 1st Buildout/Coverage requirements” from the list of purposes. If the licensee is filing an application for multiple call signs, the system will display a list of pertinent call signs based on the purpose selected; the licensee should select and review the call signs to be included in the application.
- *Waivers (if applicable):* Following selection of the purpose of the application, the licensee will be asked to complete the questions on the “Fees and Waivers” page. Applicants should note that waivers filed on a multiple call sign application are applicable to every call sign on the application. If a waiver is required for only some of the call signs, it is recommended that applicants submit two filings; one for the call signs with a waiver and one for the call signs without a waiver.

corresponding email inbox, please go to the FCC User Registration System and update your FCC username as soon as possible.

¹¹ For example, licenses originally granted on October 21, 2020 would have an interim performance requirements deadline of October 21, 2024. Related applications with a notification of completion of construction would be due no later than November 5, 2024.

¹² See 47 CFR § 1.946(e).

¹³ The Commission may grant a request for waiver if it is shown that 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 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. See *id.* § 1.925(b)(3).

- *Adding Attachments:* At this point in the process it will also be necessary to add an attachment which contains the information described above that is necessary to demonstrate that the licensee has met the interim buildout showing. The attachment can be in several formats, including Word or Adobe.¹⁴ To add the attachment, the licensee should click on the “Attachments” link near the top right hand corner of the License Manager screen. From the “Add Attachment” menu the licensee should select type “Other” from the drop down box, browse to select the appropriate attachment and enter “Performance Requirements Demonstration” in the description. The licensee can then click on the “Add Attachment” button to complete this process. As noted above, licensees may be required to provide a map as part of the showing. Licensees may provide the map as an image (e.g., PDF) or they may provide a GIS map. If the licensee wants to provide the map as an image, it should follow the instructions above for filing Attachment Type “Other.” If the licensee wants to include a GIS map as an attachment, it should choose Attachment Type “GIS Map Files” and then upload the GIS map. Valid GIS Map Files types are XML, KML, KMZ, Shape(zip).
- *Summary Screen:* After the licensee has completed the preceding steps, the “Summary” screen is displayed allowing the licensee to review and, if necessary, edit the information on the application. After ensuring that the information on the application is correct, the licensee may continue to the “Certification” screen to sign and submit the application.

Processing of Construction Notification Applications

All interim performance requirements showings will be reviewed by staff of the Broadband Division. If additional information is necessary to process the application, the licensee will be informed either through informal contact or a return of the application. Depending on the circumstances, action on interim performance requirements showings may be taken in ULS, or through public notice, or by order.

Relation to Final Performance Requirements and Deadline

If a Tribal Window licensee has already met both its interim and final performance requirements, in lieu of making two separate showings, it can instead file one showing demonstrating that it has met its final performance requirements.¹⁵ Otherwise, the licensee should make its interim and final performance requirements showings separately, as soon as each has been met but no later than the applicable Filing Deadline. For any licensee in this band that fails to meet its interim construction benchmark, the deadline for its license to meet its final performance requirements will be advanced by two years. Thus, the final performance requirements must be met in six years, instead of eight. For any licensee in this band that fails to meet its final performance requirements, its license shall automatically terminate without specific Commission action.¹⁶

¹⁴ For a list of all acceptable file formats, *see* https://esupport.fcc.gov/help/index.htm?job=help_topic&id=pleadings&page=help_attachments.

¹⁵ If the licensee is also filing to demonstrate it has met the final performance requirements, they should select “2nd Buildout/Coverage requirements” from the list of purposes. The licensee should also make sure that the attachment that is provided demonstrate that the licensee is meeting the final performance requirements, which is different than the interim construction requirements. For example, licensees providing mobile or point-to-multipoint service must demonstrate reliable signal coverage of 80% of the population of the geographic service area, and licensees providing fixed point-to-point service must demonstrate operation of one link for each 25,000 persons in the geographic service area. *See* 47 CFR § 27.14(u)(2), (3).

¹⁶ *Id.* § 27.14(u)(5).

For further information, contact the Broadband Division, Wireless Telecommunications Bureau at via email at RuralTribalWindow@fcc.gov or contact Nadja Sodos-Wallace at (202) 418-0955, or via email at Nadja.SodosWallace@fcc.gov.

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