



PUBLIC NOTICE

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**WIRELESS TELECOMMUNICATIONS BUREAU AND PUBLIC SAFETY AND
HOMELAND SECURITY BUREAU PROVIDE GUIDANCE FOR INTELLIGENT
TRANSPORTATION SYSTEM LICENSEES TO TRANSITION FROM DSRC
TO C-V2X OPERATIONS IN THE 5.895–5.925 GHZ BAND AND GRANT A LIMITED
WAIVER OF THE 47 CFR § 90.372 DEADLINE TO CONFIRM TRANSITION OUT OF
THE 5.850–5.895 GHZ PORTION OF THE 5.9 GHZ BAND**

ET Docket No. 19-138

Introduction. By this *Public Notice*, the Wireless Telecommunications Bureau (WTB) and the Public Safety and Homeland Security Bureau (PSHSB) (the Bureaus) provide guidance to Intelligent Transportation System (ITS) licensees seeking to transition from dedicated short-range communications (DSRC)-based operations to cellular vehicle to everything (C-V2X)-based technology in the upper 30-megahertz (5.895–5.925 GHz) portion of the 5.850–5.925 GHz (5.9 GHz) band, as well as guidance to entities seeking to apply for C-V2X-based ITS licenses for the first time. The Bureaus also reinstate all roadside units (RSUs) licenses that automatically terminated on July 20, 2022 due to failure to notify the Commission that they had ceased ITS operations in the lower 45-megahertz (5.850–5.895 GHz) portion of the band and waive, on their own motion,¹ the requirements of 47 CFR § 90.372(a) and (b) to allow ITS licensees subject to these rule provisions an additional 90 days from the release date of this *Public Notice* to confirm that they timely ceased all ITS operations in the lower 45-megahertz portion of the band if they have not previously provided the requisite certification.

I. Background

5.9 GHz First Report and Order. On November 20, 2020, the Commission released the *5.9 GHz First Report and Order*, which repurposed the lower 45-megahertz portion of the band for unlicensed operations while continuing to dedicate the upper 30-megahertz portion of the band for ITS operations.² In the process, the Commission modified all existing ITS licenses to permit operation only in the upper 30-megahertz portion of the band.³ The Commission also required that all ITS licensees cease operations in the lower 45-megahertz portion of the band by July 5, 2022 (the “5.9 GHz Transition Requirement”), and file a notification confirming their timely exit by July 20, 2022 (the “5.9 GHz Transition Notification

¹ The Commission may waive any rule provision on its own motion. See 47 CFR §§ 1.3, 1.925(a).

² See *Use of the 5.850–5.925 GHz Band*, ET Docket No. 19-138, First Report and Order (*5.9 GHz First Report and Order*), Further Notice of Proposed Rulemaking (*FNPRM*), and Order of Proposed Modification, 35 FCC Rcd 13440 (2020), corrected by Erratum (OET Dec. 11, 2020) and Second Erratum, 36 FCC Rcd 1444 (OET 2021), *aff’d* *Intelligent Transportation Society of America v. FCC*, 45 F.4th 406 (D.C. Cir. 2022) (*ITS America v. FCC*). See also *Use of the 5.9 GHz Band*, ET Docket No. 19-138, Order on Reconsideration, 39 FCC Rcd 3641 (2024).

³ See *5.9 GHz First Report and Order*, 35 FCC Rcd at 13462–63, paras. 51–52.

Requirement”).⁴ Where licensees failed to timely transition out of the lower 45-megahertz portion of the band as evidenced by their failure to notify the Commission, those licenses terminated automatically.⁵

Additionally, the Commission required ITS operations in the upper 30-megahertz portion of the band to transition from DSRC-based technology to C-V2X-based technology as the sole ITS connected vehicle technology in the United States.⁶ In order to complete the transition to C-V2X technology in a timely manner, the Commission proposed that all ITS operations in the upper 30-megahertz portion of the band either convert to C-V2X or cease operating two years after the effective date of the rules establishing the timeline for the transition.⁷ The Commission indicated that two years would be a sufficient timeframe to allow ITS supply chains to amass C-V2X equipment and to allow the remaining DSRC incumbents to sunset DSRC technology.⁸

5.9 GHz Second Report and Order. On November 21, 2024, the Commission released the *5.9 GHz Second Report and Order*, which addressed the transition of 5.9 GHz ITS operations from DSRC to C-V2X by codifying C-V2X technical parameters in the Commission’s rules, including, *inter alia*, RSUs’ and on-board units’ (OBUs) band usage, message priority, equivalent isotropically radiated power (EIRP) and unwanted (out-of-band) emissions limits, and bandwidths for various channel sizes.⁹ To effectuate the two-year transition period, the Commission determined that new licenses issued after the effective date of the final rules will only authorize C-V2X operations (not DSRC).¹⁰ The Commission further directed the Bureaus “to issue a public notice, if necessary, detailing any filing requirements for licensees transitioning from DSRC to C-V2X operations.”¹¹ Accordingly, we provide the following instructions and guidance.

II. Part 90 Licensing Guidance and Filing Instructions.

The new C-V2X-based rules will become effective on February 11, 2025 (sixty days after publication of the final rules in the Federal Register).¹² Accordingly, on February 11, 2025, all part 90 ITS licensees currently authorized to operate DSRC-based technology in the upper 30-megahertz portion of the band will be eligible to modify their RSUs for C-V2X deployment in compliance with the new C-

⁴ See *id.* at 13463, para. 52; see also *Wireless Telecommunications Bureau and Public Safety and Homeland Security Bureau Remind 5.9 GHz Band ITS Licensees of the July 5, 2022, Deadline to Transition Out of the 5850–5895 MHz Portion of the Band and the July 20, 2022, Deadline to Notify the Bureaus of the Transition*, ET Docket No. 19-138, 37 FCC Rcd 6650, 6651 (2022) (*5.9 GHz Deadline Reminder PN*).

⁵ See *5.9 GHz First Report and Order*, 35 FCC Rcd at 13463, para. 52; *5.9 GHz Deadline Reminder PN*, 37 FCC Rcd at 6651; 47 CFR § 90.372(a) and (b).

⁶ See *5.9 GHz First Report and Order*, 35 FCC Rcd at 13483–85, paras. 105, 107–110.

⁷ *FNPRM*, 35 FCC Rcd at 13500, para. 147.

⁸ *Id.* at 13500, para. 148.

⁹ See *Use of the 5.850–5.925 GHz Band*, ET Docket No. 19-138, *5.9 GHz Second Report and Order*, 2024 WL 4879990 at *6–20, paras. 16–57 (2024), 89 Fed. Reg. 100838 (Dec. 13, 2024) (*5.9 GHz Second Report and Order*).

¹⁰ See *id.* at *22, para. 60. In the *5.9 GHz Second Report and Order*, the Commission concluded that it had already provided adequate notice of the pending action and its intent to sunset DSRC operations. Therefore, the Commission determined that the two-year transition period would commence as of the publication date of the new rules in the Federal Register (*i.e.*, December 13, 2024), rather than the effective date of the rules as initially anticipated in the *5.9 GHz First Report and Order*.

¹¹ *Id.* at *22, para. 60.

¹² *Id.* at *27, para. 81. See *Use of the 5.850–5.925 GHz Band*, 89 Fed. Reg. 100838 (December 13, 2024).

V2X-based rules.¹³ Similarly, any entities that aspire to operate ITS systems may apply for ITS licenses on or after February 11, 2025, but only for the purpose of registering and operating C-V2X-based RSUs in their proposed geographic area of operation. ITS licensees that wish to continue using DSRC-based RSUs may do so until DSRC operations sunset on December 14, 2026,¹⁴ after which time all DSRC-based RSUs will terminate, and the Bureaus will delete them from the IQ/QQ License.¹⁵

The Commission recognized that the Bureaus will need time to update the Universal Licensing System (ULS) consistent with the new rules adopted in the *5.9 GHz Second Report and Order*.¹⁶ Accordingly, in the interim, the Bureaus instruct current ITS licensees with an IQ/QQ geographic area license that wish to register new C-V2X-based RSUs, to do so as follows:

- File FCC Form 601 Schedule M electronically in ULS to register a new C-V2X RSU.
- The application must include an attachment specifying that this is a request for a C-V2X RSU using the attachment type “C-V2X RSU Registration.”
- The FCC Form 601 Schedule M may contain fields or information not relevant to C-V2X RSUs (such as Equipment Class). Applicants may select any valid entry, or enter N/A in these fields as necessary.
- Applicants should select the entire upper 30 megahertz of the 5.9 GHz band (5.895–5.925 GHz) (*i.e.*, applicants should select the combination of DSRC channels 180, 181, 182 or 184 up to the full 30 MHz of bandwidth) when registering C-V2X RSUs. All other technical specifications must comply with the applicable C-V2X rules.

The Bureaus instruct current ITS licensees who wish to modify (*i.e.*, convert) existing DSRC-based RSUs to C-V2X-based RSUs to submit their modification applications in ULS as follows:

- File FCC Form 601 Schedule M electronically in ULS to modify an existing DSRC RSU.
- The application must include an attachment specifying that this is a request for a C-V2X RSU using the attachment type “C-V2X RSU Registration.”

¹³ Note, that on January 10, 2025, the Bureaus released an Order which, on their own motion, proposed to modify the licenses of 28 ITS licensees that received waiver authority to operate their systems using C-V2X-based technology (the C-V2X Waiver Recipients) prior to adoption of the final rules set forth in the *5.9 GHz Second Report and Order*. See *Use of the 5.850–5.925 GHz Band*, ET Docket No. 19-138, Order and Proposed Order of Modification, 2025 WL 99656 (2025) (*Order and Proposed Order of Modification*). On February 11, 2025, provided no parties have protested the proposed modifications within the 30-day protest period, each license listed in Appendix A of the *Order and Proposed Order of Modification* shall be modified to permit deployment of C-V2X-based RSUs in compliance with the *5.9 GHz Second Report and Order* and the final rules. See *Order and Proposed Order of Modification* at *5, para. 15. Accordingly, unlike entities seeking new ITS licenses or incumbent ITS licensees who did not avail themselves of the C-V2X waiver process, the C-V2X Waiver Recipients need take no further actions to modify their ITS licenses for C-V2X operations or to register existing, previously registered C-V2X based RSU sites. C-V2X Waiver Recipients who wish to register new C-V2X-based RSUs must follow the requirements of this *Public Notice*.

¹⁴ Although ITS licensees may continue to use DSRC-based RSUs (registered before the adoption of the new C-V2X-based rules) during the two-year transition period, they may not register new DSRC-based RSUs after February 11, 2025. See *5.9 GHz Second Report and Order* at *22, para. 60 (“Existing licensees may use DSRC technology during the two-year transition period and may file RSU modification applications as necessary to continue operations during the transition period.”).

¹⁵ IQ and QQ are the radio service codes for C-V2X. IQ refers to Public Safety licenses and QQ refers to Non-Public Safety licenses.

¹⁶ *Id.* at *22, para. 60, fn. 209 (“Recognizing the Commission will need time to update Universal Licensing System (ULS) consistent with the new rules and policies here, we direct the PSHSB and WTB to issue licensing and filing guidance to licensees during the transition.”).

- The FCC Form 601 Schedule M may contain fields or information not relevant to C-V2X RSUs (such as Equipment Class). Applicants may select any valid entry, or enter N/A in these fields as necessary.
- Applicants should select the entire upper 30 megahertz of the 5.9 GHz band (5.895–5.925 GHz) (*i.e.*, applicants should select the combination of DSRC channels 180, 181, 182 or 184 up to the full 30 MHz of bandwidth) when registering C-V2X RSUs and where applicable, de-select the channels associated with the lower 45 megahertz of the 5.9 GHz band (5.850–5.895 GHz). All other technical specifications must comply with the applicable C-V2X rules.

Lastly, the Bureaus instruct new ITS applicants without an IQ/QQ geographic area license that wish to apply for new ITS licenses under the new rules for the purpose of deploying C-V2X-based RSUs, to file FCC Form 601 to request a new IQ/QQ license for the desired operating area. Once the underlying geographic area license is granted, licensees may register new C-V2X-based RSUs per the instructions above.

In summary, with the exception of early adopters who received waiver authorization to operate C-V2X-based RSUs,¹⁷ all other RSUs previously registered with the Bureaus continue to be authorized for DSRC operation. Prior to operating C-V2X-based RSUs, ITS licensees must add (or modify existing) RSUs specifically for C-V2X operation. Licensees with legacy DSRC systems can either (1) modify existing RSUs for C-V2X operation (in cases where they intend to convert immediately from one technology to the other) and convert those DSRC RSUs to C-V2X in the ULS database, or (2) register new C-V2X RSUs, and delete the DSRC RSUs when no longer needed (in cases of operating both systems in parallel for a period of time). In either case, the Bureaus will remove DSRC RSUs from all ITS licenses on December 14, 2026.

III. Limited Waiver of 47 CFR § 90.372.

By this *Public Notice*, on our own motion, the Bureaus waive and extend the July 20, 2022 transition notification deadline. The Bureaus also reinstate the ITS authorizations for all licensees that timely ceased operations in the lower 45 megahertz of the 5.9 GHz band but failed to comply with the 5.9 GHz Transition Notification Requirement, thereby allowing these licensees an additional 90 days from the release of this *Public Notice* to certify that they ceased operations on or before July 5, 2022, in accordance with the Commission's 5.9 GHz Transition Requirement. In other words, since the authorizations of non-compliant ITS licensees (*i.e.*, those that failed to certify that they ceased operations in the lower 45-megahertz portion of the band) terminated by rule,¹⁸ this waiver sets aside the automatic termination of any authorizations for licensees that complied with the 5.9 GHz Transition Requirement but neglected to submit the appropriate transition notification, and gives such licensees additional time to

¹⁷ See *Request for Waiver of 5.9 GHz Band Rules to Permit Initial Deployment of Cellular Vehicle-to-Everything Technology*, ET Docket No. 19-138, Order, 38 FCC Rcd 3986 (PSHSB, OET, WTB 2023) (*Joint Waiver Order*); *Request to Modify April 24, 2023 Waiver Order of the 5.9 GHz Band Rules to Permit Initial Deployment of Cellular Vehicle-to-Everything Technology*, ET Docket No. 19-138, 38 FCC Rcd 6086 (PSHSB, OET, WTB 2023) (*Waiver Modification Order*); *Requests for Waiver of 5.9 GHz Band Rules to Permit Initial Deployment of Cellular Vehicle-to-Everything Technology*, ET Docket No. 19-138, Letter (PSHSB, OET, WTB rel. Aug. 16, 2023) (*Aug 16, 2023 Waiver Letter*) (available at <https://www.fcc.gov/document/pshsb-oet-wtb-waiver-order-permits-c-v2x-operations59-ghz-band-0>); *Requests for Waiver of 5.9 GHz Band Rules to Permit Initial Deployment of Cellular Vehicle-to-Everything Technology*, ET Docket No. 19-138, Letter, 38 FCC Rcd 10401 (PSHSB, OET, WTB 2023) (Nov. 3, 2023 *Waiver Letter*); *Requests for Waiver of 5.9 GHz Band Rules to Permit Initial Deployment of Cellular Vehicle-to-Everything Technology*, ET Docket No. 19-138, 39 FCC Rcd 3916 (PSHSB, OET, WTB rel. April 18, 2024) (*Apr. 18, 2024 Waiver Letter*); *Requests for Waiver of 5.9 GHz Band Rules to Permit Initial Deployment of Cellular Vehicle-to-Everything Technology*, ET Docket No. 19-138, DA 24-707, Letter (PSHSB, OET, WTB rel. Jul. 19, 2024) (*Jul. 19, 2024 Waiver Letter*) (available at <https://docs.fcc.gov/public/attachments/DA-24-707A1.pdf>).

¹⁸ See *5.9 GHz First Report and Order*, 35 FCC Rcd at 13463, para. 52.

belatedly confirm compliance.¹⁹ We find that reinstating these authorizations, and giving licensees additional time to certify compliance with the 5.9 GHz Transition Requirement, supports the Commission's goal to facilitate the rapid development of spectrum dedicated to ITS technologies and the provision of core vehicular safety-related functions.²⁰ We note that, irrespective of this waiver of the 5.9 GHz Transition Notification Requirement, DSRC-based ITS operations in the lower 45 megahertz of the 5.9 GHz band are not permitted, and have not been permitted since July 5, 2022.

Under Section 1.925 of the Commission's rules, the Commission may waive a rule when it finds 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 waiver would be in the public interest; or (ii) in view of unique or unusual factual circumstances, application of the rule(s) would be inequitable, unduly burdensome or contrary to the public interest.²¹ Furthermore, Section 1.3 of the Commission's rules provides that the Commission may waive any provision of its rules on its own motion for good cause.²²

The 5.9 GHz Transition Requirement and the 5.9 GHz Transition Notification Requirement were intended to ensure clearing of the lower 45-megahertz portion of the band and provide transparency to all stakeholders regarding the status of the band.²³ We find that, pursuant to section 1.925(b)(3)(i) of the Commission's rules,²⁴ the underlying purpose of the rules governing ITS operations would not be served by permanently sustaining the termination of ITS licenses where the licensee, in fact, met the July 5, 2022 transition deadline, but failed to provide proof of that compliance.²⁵ Requiring these licensees to re-apply for geographic area licenses will delay C-V2X deployment, or worse, potentially reduce the number of C-V2X operators who will ultimately utilize the upper 30-megahertz portion of the band. The Commission has expressly determined that the public interest dictates a transition to C-V2X technology as soon as

¹⁹ This waiver and extension does not apply to ITS licensees that violated the 5.9 GHz Transition Requirement and continued to operate DSRC RSUs in the lower 45-megahertz portion of the band beyond the July 5, 2022, transition deadline. Pursuant to 47 CFR § 90.372(b), these licensees were automatically terminated by rule on July 20, 2022. See 47 CFR § 90.372(b); see also *5.9 GHz First Report and Order*, 35 FCC Rcd at 13463, para. 52; *5.9 GHz Deadline Reminder PN*, 37 FCC Rcd at 6651; 47 CFR § 90.372(a) and (b).

²⁰ See *5.9 GHz First Report and Order*, 35 FCC Rcd at 13451, para. 28.

²¹ 47 CFR § 1.925(b)(3).

²² 47 CFR § 1.3 ("Any provision of the rules may be waived by the Commission on its own motion or on petition if good cause therefor is shown."); see also *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

²³ See *5.9 GHz First Report and Order*, 35 FCC Rcd at 13463, para. 52.

²⁴ 47 CFR § 1.925(b)(3)(i).

²⁵ Although the Commission, as a general matter, requires strict adherence to its administrative obligations and filing requirements, it has also recognized good faith efforts to comply with administrative requirements as well as good faith efforts to comply with the Commission's rules. We find it instructive, for example, that the Commission has stated, in the context of spectrum license construction requirements, that "the purpose of our construction notification procedure should be to verify whether licensees have in fact met their construction and coverage obligations, not to terminate licenses for legitimately operating facilities based on a failure to notify by the licensee that could be the result of a mailing error." *Biennial Regulatory Review—Amendment of Parts 0, 1, 13, 22, 24, 26, 27, 80, 87, 90, 95, 97 and 101 of the Commission's Rules to Facilitate the Development and Use of the Universal Licensing System in the Wireless Telecommunications Services*, Report and Order, WT Docket No. 98-20, 13 FCC Rcd 21027, 21076, para. 106 (1998) (*ULS Report and Order*). See also *Wireless Telecommunications Bureau Announces Deployment Of "Auto-Term," the Automated Feature in its Universal Licensing System That Identifies Unconstructed Stations Resulting in Automatic Termination of Licenses*, Public Notice, 21 FCC Rcd 163, 164 (WTB 2006) ([W]ith respect to 'termination pending' status, the Commission permits a licensee to file a petition for reconsideration to demonstrate that construction has actually been met.).

possible.²⁶ Indeed, it authorized use of the waiver process in order to encourage early adoption and deployment of C-V2X technology while the final rules were still under consideration.²⁷

As the Commission itself has acknowledged, deployment of DSRC-based ITS operations over the course of the last two decades has been extremely sparse.²⁸ There are currently 124 active ITS licensees in the Commission's database. Eighty-two (82) of these licensees failed to certify that they ceased operations in the lower 45-megahertz portion of the band by the initial July 20, 2022, notification deadline, and therefore the relevant authorizations of these licenses terminated as of that date. It is likely that many of these licensees either have no registered DSRC RSUs in the lower 45-megahertz portion of the band, in which case they did not have operations to transition in the first place, or they ceased operations in the lower 45-megahertz portion of the band but failed to certify their status. Strict application of the 5.9 GHz Transition Notification Requirement under these circumstances would significantly reduce the pool of ITS licensees eligible to deploy C-V2X equipment, at least until such time as they acquire new licenses, and, as a result, would impede the process of transitioning the spectrum from DSRC to C-V2X-based operations, contrary to the Commission's stated goal for this band—to put it to its highest and best use.²⁹

Taking all of these factors into account, and given that the original window to confirm compliance with the 5.9 GHz Transition Requirement was brief (15 days)³⁰ and resulted in a relatively low number of certifications received by the Commission in response, we conclude that there is good cause to waive the 5.9 GHz Transition Notification Requirement for a limited period of time, to reinstate the authorizations of ITS licensees who timely transitioned but failed to certify, and to allow these ITS licensees additional time to comply with the notification requirement and thereafter contribute to the deployment of C-V2X-based technology in the 5.9 GHz band.

Accordingly, ITS licensees that have not previously done so, whether they possess registered RSUs or not, may certify that they have ceased operations in the lower 45-megahertz portion of the band on or before May 12, 2025. Failure to comply with this new deadline, regardless of whether, as a factual matter, the licensee timely transitioned operations out of the lower 45-megahertz portion of the band, will result in automatic termination of all non-compliant authorizations without further Commission action.³¹ However, if a licensee's authorization terminates for failure to certify compliance with section 90.372 by May 12, 2025, but the operator nevertheless wishes to operate C-V2X in the upper 30-megahertz portion of the band thereafter, the operator may apply for a new C-V2X geographic area license and relicense any terminated RSUs as C-V2X.

To comply with the notification requirement established by the *5.9 GHz First Report and Order* and extended until May 12, 2025 by this *Public Notice*, part 90 ITS licensees must electronically submit an administrative update application (FCC Form 601) in ULS.³² The licensee must add an attachment to its application (attachment type: "5.9 GHz Transition Notification") certifying that it transitioned its operations out of the lower 45-megahertz portion of the band on or before July 5, 2022, and is only

²⁶ See *Request for Waiver of 5.9 GHz Band Rules to Permit Initial Deployment of Cellular Vehicle-to-Everything Technology*, ET Docket No. 19-138, Order, 38 FCC Rcd 3986, 3990, para. 10 (PSHSB, OET, WTB 2023) (*Joint Waiver Order*).

²⁷ See *id.*

²⁸ See *5.9 GHz First Report and Order*, 35 FCC Rcd at 13441–42, para. 3.

²⁹ See *5.9 GHz First Report and Order*, 35 FCC Rcd at 13456–57, para. 38.

³⁰ See 47 CFR § 90.372(a).

³¹ 47 CFR § 90.372(b).

³² The Commission does not require a fee for administrative updates. For more detailed instructions on how to submit an administrative update application, access the following link: <https://www.fcc.gov/wireless/support/universal-licensing-system-uls-resources/updating-administrative-information>.

operating in the 5895–5925 MHz band segment.³³ There is no need for licensees to make further ULS filings to reflect their exit from the lower 45-megahertz portion of the band (the Bureaus will update the ULS following the transition date).³⁴ Licensees, however, must modify their licenses, as specified above, when adding new C-V2X transmitter locations to operate in the upper 30-megahertz portion of the band.

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Additional Information. For further information regarding this Public Notice, please contact Joshua Smith, Assistant Chief (Licensing), Wireless Telecommunications Bureau, Mobility Division at joshua.smith@fcc.gov or 717-338-2502; Thomas Reed, Attorney Advisor, Wireless Telecommunications Bureau, Mobility Division at thomas.reed@fcc.gov or 202-418-0531; or Tracy Simmons, Branch Chief, Public Safety and Homeland Security Bureau, Policy and Licensing Division at tracy.simmons@fcc.gov or 717-338-2657.

Action by the Acting Chief, Wireless Telecommunications Bureau and the Acting Chief, Public Safety and Homeland Security Bureau, taken pursuant to Sections 0.331, 0.392, 1.3, and 1.925(a) of the Commission's rules,³⁵ and the *5.9 GHz Second Report and Order*.³⁶

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³³ Alternatively, applicants may also submit their 5.9 GHz Transition Notification as a modification application following the same procedures for attachments noted above. Modification applications filed solely to notify the Commission that you have exited the lower portion of the band are fee exempt pursuant to 47 CFR §§ 1.1116(a) and 1.1162(i) of the Commission's rules. The applicant filling out FCC Form 601 must enter 'yes' in response to Items 9 (exempt from the application fee) and 10 (exempt from the regulatory fee). In addition, the applicant must respond 'yes' to Item 8 on Form 601 (attachment being filed) and submit an attachment explaining why the application is fee exempt. Applicants are instructed to use the 'fee exemption' attachment type. The Bureaus recommend that licensees reference sections 1.1116(a) and 1.1162(i) in the attachment explanation field and indicate that the filing was made exclusively to comply with the Commission's 5.9 GHz Transition Requirement. For more detailed instructions on how to include the notification with a modification application, access the following link: <https://www.fcc.gov/wireless/support/universal-licensing-system-uls-resources/modifying-license-universallicensing>.

³⁴ *5.9 GHz First Report and Order*, 35 FCC Rcd at 13463, para. 52. RSU licensees registered as of the effective date of the rules adopted in the *5.9 GHz First Report and Order* retain the authority pursuant to this waiver to operate in the upper 30-megahertz portion of the band without any Commission action or additional filings by the licensee. *See id.* If the licensee wishes to have these channels specifically listed on their RSUs, they may file a modification in ULS to add them.

³⁵ 47 CFR §§ 0.331, 0.392, 1.3, and 1.925(a).

³⁶ *5.9 GHz Second Report and Order* at *22, para. 60.