



PUBLIC NOTICE

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45 L Street NE
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GUIDANCE TO 2.5 GHZ RURAL TRIBAL WINDOW LICENSEES ON DEMONSTRATING COMPLIANCE WITH FINAL PERFORMANCE REQUIREMENTS

By this *Public Notice*, the Wireless Telecommunications Bureau (Bureau) provides guidance to 2.5 GHz Rural Tribal Window (Tribal Window) licensees on complying with the final performance requirements¹ deadline in section 27.14(u).² Please read the attached Appendix carefully, as it contains important information regarding:

- Options for meeting the final performance requirement;
- The need to make a final performance showing through a construction notification application and the impact of failing to file, *i.e.*, automatic license termination;
- Information to include in a final performance showing; including specific information about the type of service being provided;
- Filing instructions for construction notification applications; and
- How construction notification applications will be processed.

Copies of this *Public Notice* and Appendix will also be sent via email to Tribal Window licensees in advance of their final performance requirements deadline. Accordingly, it is imperative that the contact information provided on each license is accurate and current.³ More than 150 Tribal Window licensees hold licenses subject to final performance deadlines in October 2026;⁴ final performance deadlines for later-granted licenses come due on the six or eight year anniversary of the license grant, depending on whether the licensee previously met its interim performance requirement.⁵ Tribal Window

¹ 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.

² All Tribal Window licensees are now subject to the same generally applicable performance deadlines for all 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). The accelerated construction obligations set forth in 47 CFR § 27.14(u)(4) are no longer applicable. *Wireless Telecommunications Bureau Waives 2.5 GHz Rural Tribal Window Specific Interim and Final Performance Deadlines*, Public Notice, 37 FCC Rcd 7829 (WTB 2022) (2022 *Public Notice*).

³ Contact information for any FCC wireless license can be updated through an administrative update application filed in the Commission's Universal Licensing System (ULS).

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

⁵ The Bureau issued a *Public Notice* in April 2024 reminding Tribal licensees of their interim construction obligations, and providing specific instructions on how to meet them. *Guidance to 2.5 GHz Rural Tribal Priority Window Licensees on Demonstrating Compliance With Interim Performance Requirements*, Public Notice, 39 FCC

(continued...)

licensees can confirm the date of their final performance deadline by referring to their license records in the Universal Licensing System (ULS).⁶

Licensees are reminded that construction obligations were in place at the time the license(s) were acquired. The Bureau does not routinely grant waivers or extensions of time to meet construction requirements.⁷ Licensees seeking relief from construction obligations should be aware that the Commission's rules set a high bar for waivers and extensions of time. The burden of proof that a waiver or extension is warranted rests with the licensee.

Pursuant to Commission rules, a waiver may be granted only if the licensee can demonstrate that the underlying purpose of the rule would not be served or would be frustrated by application of the rule in that particular case, and that a waiver would serve the public interest.⁸ Alternatively, a waiver may be granted if unique or unusual factual circumstances make application of the rule inequitable, unduly burdensome, or contrary to the public interest, and the licensee has no reasonable alternative.⁹

The Commission's rules do not contemplate extensions of construction deadlines for licensees because of miscalculations or erroneous predictions about such factors as costs, demand, and developments in the market.¹⁰ Licensees are expected to account for these considerations when obtaining their license(s). Specifically, Commission rules prohibit extensions of time for construction due to a failure to obtain financing, to obtain an antenna site, or to order equipment in a timely manner.¹¹ A request for extension of time to construct must demonstrate that the reason for the extension is caused by something beyond the licensee's control.¹² Given the prior grant of a lengthy extension to all Tribal Window licensees, absent unique and compelling circumstances specific to an individual Tribe, it is difficult to see justification for an additional extension.

Before, during, and after the 2.5 GHz Tribal Window, Commission staff has worked extensively with Tribes, providing information, guidance, and individualized support for the application, licensing, and implementation process.¹³ The Commission held numerous outreach events, at FCC headquarters and around the country, to educate interested parties about the filing window, the application process, and

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Rcd 3132 (2024). This *Public Notice* was also directly emailed to Tribes in advance of their interim construction deadlines. Some Tribal Window licensees have already demonstrated that they have met their interim performance requirements, ensuring that they will have a full eight year period to complete final buildout. Licensees that did not meet their interim performance deadline had their final performance deadline accelerated by two years. 47 CFR § 27.14(u)(5).

⁶ The final performance deadline may be viewed in ULS by looking at the license under the Main tab and viewing the "2nd 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* <https://www.fcc.gov/wireless/25-tribal-licenses>.

⁷ See *Wireless Telecommunications Bureau Reminds Wireless Licensees of Construction Obligations*, Public Notice, 32 FCC Rcd 4802 (WTB 2017).

⁸ 47 CFR § 1.925(b)(3)(i).

⁹ *Id.* § 1.925(b)(3)(ii).

¹⁰ See *id.* § 1.946(e)(1)–(5).

¹¹ *Id.* § 1.946(e)(2). If the licensee orders equipment within 90 days of its initial license grant, a presumption of diligence is established. *Id.*

¹² *Id.* § 1.946(e)(1).

¹³ For a description of Commission staff outreach activities leading up to the Tribal Window, see *2.5 GHz Window Extension and Order*, 35 FCC Rcd at 8112–14, paras. 2, 6–8.

license requirements, including buildout obligations. Staff provided hands-on support to applicants, establishing a continuously monitored, dedicated email box (RuralTribalWindow@fcc.gov), and sending over a thousand individualized emails to Tribal Window participants to help them to perfect applications, remind them of deadlines, and provide instructions as to construction and filings. Today's *Public Notice* seeks to provide additional guidance and support to Tribal Window licensees approaching final performance requirement deadlines.

We note that, in addition to Tribal access to 2.5 GHz spectrum, ULS reflects that nearly 90% of federally recognized Tribes hold one or more Commission wireless spectrum licenses across 35 different services.¹⁴ Moreover, there are several unlicensed or licensed-by-rule bands that are available to Tribes (e.g., Citizens Broadband Radio Service General Authorized Access (CBRS GAA) frequencies, 470–614 MHz and 657–663 MHz white spaces, 5 GHz, 6 GHz).

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

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¹⁴ FCC staff research reflects that 509 of the 574 or 88.6% of federally recognized Tribes currently hold more than 2,000 FCC wireless spectrum licenses across 35 different services, either directly by the Tribe or through Tribally owned and controlled entities.

Appendix

Final Performance Requirements

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

- Licensees providing fixed point-to-point service must demonstrate operation of one link for each 25,000 persons in the geographic service area within six or eight years of initial license grant, depending on whether they met the interim performance requirements deadline,¹ or
- Licensees providing mobile or point-to-multipoint service must demonstrate reliable signal coverage of 80% of the population of the geographic service area within six or eight years of initial license grant, depending on whether they met the interim performance requirements deadline.²

Final Performance Requirement Showing

As discussed in greater detail below, if a Tribal Window licensee has met its final performance requirements, it must make its final 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 final buildout work is complete and service is being provided pursuant to the license. 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 relevant final performance deadline. If a licensee fails to meet its final performance requirement, its license shall automatically terminate without specific Commission action.³

Information To Provide In Final Performance Requirement Showing

The information required in connection with an final 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. Licensees are strongly encouraged to coordinate with their internal or external technical advisors in order to ascertain what information is necessary to file and to help prepare supporting application materials. 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.⁴

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

¹ *Id.* § 27.14(u)(3).

² *Id.* § 27.14(u)(2).

³ *Id.* § 27.14(u)(5).

⁴ Licensees should ensure that all contact information in ULS is up to date either by updating that information separately or in conjunction with a performance requirements filing.

also include appropriate technical information, as described below, that permits staff to confirm that the final performance benchmark is actually being met.

“Licensees providing mobile or point-to-multipoint service must demonstrate reliable signal coverage of 80% of the population of the geographic service area.” If the Tribal Window licensee is providing service using one base station, the final 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 final 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 showing the composite coverage area based on all deployed base stations; 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 25,000 persons in the geographic service area.” In cases where the Tribal Window licensee is providing fixed point-to-point service, the final 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.

A point-to-point station employs a highly directional antenna to a fixed receive location.⁵ Operations that use a sectorized or omnidirectional antenna or that are architecturally designed as area coverage or access systems are not point-to-point stations, and such facilities must meet the 80 percent coverage requirement, even if the station is only being used to serve a single location.

Licensees should provide a clear, complete, and technically precise description of the deployed system in the attachment included with the filing, including the service type (e.g., fixed wireless access, backhaul, or mobile), the network architecture (e.g., point-to-point or point-to-multipoint), and the operational use of the equipment (e.g., serving subscriber CPEs or providing a dedicated site-to-site backhaul link), so that the nature of the operation can be readily understood. We encourage licensees to provide specifics concerning the equipment that they are using.

⁵ See 47 CFR § 27.4 (definition of point-to-point broadband station).

Construction Notification Application Filing Instructions

Application Basics: All Tribal Window licensees that meet the final performance requirements are required to file construction notifications in the form of applications using the notification of completion of construction (NT) application purpose.⁶ 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.⁷

Deadlines for Filing: Final performance requirements showings should be filed within 15 days after the date that is six or eight years after the license was initially granted by the Commission, depending on whether the licensee met its interim deadline (“Filing Deadline”).⁸ Licensees may verify the date of their performance requirements deadline(s) in ULS by looking at each license under the Main tab and viewing the “2nd Buildout Deadline” date. A request for extension of time to demonstrate compliance with the final performance requirements showing must be filed by the final performance deadline.⁹ Applications submitted after the relevant final performance deadline must be accompanied by a request for waiver, along with a justification for a waiver.¹⁰

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.

⁶ A licensee who does not meet the final performance requirements is not required to file anything. However, as noted elsewhere, if a licensee fails to meet its final performance requirements, its license will automatically terminate. See 47 CFR § 27.14(u)(5).

⁷ 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) is 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 corresponding email inbox, please go to the FCC User Registration System and update your FCC username as soon as possible.

⁸ For example, licenses originally granted on October 21, 2020 would have a final performance requirements deadline of October 21, 2026 or 2028, depending on whether they met the interim performance requirements deadline or not. Related applications with a notification of completion of construction would be due no later than November 5, 2026 or 2028.

⁹ See 47 CFR § 1.946(e).

¹⁰ 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 47 CFR § 1.925(b)(3).

- *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 a final performance requirements showing, licensees should select "2 - 2nd 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.
- *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 final buildout showing. The attachment can be in several formats, including Word or Adobe.¹¹ 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 final 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 final performance requirements showings may be taken in ULS, or through public notice, or by order. If a licensee fails to meet its final performance requirement, its license shall automatically terminate without specific Commission action.¹²

¹¹ For a list of all acceptable file formats, see https://esupport.fcc.gov/help/index.htm?job=help_topic&id=pleadings&page=help_attachments.

¹² 47 CFR § 27.14(u)(5).