



PUBLIC NOTICE

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***EX PARTE* STATUS OF CERTAIN COMMUNICATIONS RELATED TO THE DEVELOPMENT OF AN INITIAL UPPER C-BAND FSS TRANSITION COST CATALOG PROPOSAL**

GN Docket No. 25-59

The Wireless Telecommunications Bureau (Bureau), pursuant to section 1.1200(a) of the Commission's rules,¹ hereby modifies the Commission's *ex parte* rules to treat as exempt non-policy discussions between vendors and other Upper C-band stakeholders and the Commission's contractor Teltrium, Inc. (Teltrium) for purposes of developing an initial proposed Cost Catalog as directed by the *Upper C-band R&O*.² The *Upper C-band R&O* promulgates rules to make 160 megahertz of the Upper C-band available for terrestrial wireless use in the contiguous United States by transitioning existing operations out of the 4.0–4.16 GHz portion of the band.³ The Commission required new Upper C-band licensees to reimburse specific categories of eligible Fixed Satellite Service (FSS) incumbents for the reasonable and necessary costs of transitioning their services out of 4.0–4.16 GHz.⁴ The Commission delegated to the Bureau broad authority to develop a Cost Catalog to provide guidance to eligible FSS incumbents as well as potential auction bidders about a range of presumptively reasonable transition costs.⁵ The Cost Catalog will also detail the process and relevant categories for incumbent earth station operators seeking a lump sum payment by choosing to opt out of the formal transition or otherwise transition to an alternative distribution technology.⁶

The Commission directed the Bureau to seek public comment on a proposed FSS transition Cost Catalog, and to then finalize the Cost Catalog no later than six months after the *Upper C-band R&O* is released.⁷ To that end, the Bureau has engaged Teltrium to consult and assist with the Cost Catalog's development. In order to develop an initial proposal on which the Bureau will seek public comment, Teltrium may hold targeted confidential meetings with vendors and other relevant stakeholders to gain

¹ 47 CFR § 1.1200(a).

² See generally *Upper C-band (3.98–4.2 GHz), Expanding Flexible Use of the 3.7 to 4.2 GHz Band*, GN Docket Nos. 25-59 and 18-122, Report and Order, Order of Proposed Modification, and Order on Reconsideration, FCC 26-46 (July 24, 2026) (*Upper C-band R&O*).

³ The full Upper C-band includes 3.98–4.2 GHz; new terrestrial wireless licensees in the 3.7 GHz Service will operate from 3.98–4.14 GHz, with a guard band from 4.14–4.16 GHz. *Upper C-band R&O* at 3–4, 13, paras. 3, 27.

⁴ See *id.* at 43–44, 57, paras. 90, 114. The *Upper C-band R&O* defines the eligible space station operators and incumbent earth station operators that may be reimbursed for their reasonable and necessary transition costs. See *id.* at 44–47, paras. 92–95.

⁵ See *id.* at 60, 77, paras. 121, 154.

⁶ See *id.* at 63–64, 77, paras. 126, 154.

⁷ See *id.* at 77, para. 154.

background information on the expected range of specific costs that could be incurred in this transition which may involve commercially sensitive cost data. These informational meetings with the Commission's contractor are consistent with past Commission practice in developing initial drafts of other cost catalogs.⁸ Teltrium will conduct an independent analysis of the information that it obtains from its confidential meetings in order to prepare an initial draft of the proposed Cost Catalog for consideration by Bureau staff, who will remain the ultimate decision makers pursuant to their delegated authority in the *Upper C-band R&O*. It is not anticipated that these discussions will include any discussions of or advocacy related to the merits of policy actions pending before the Commission. Further, once an initial draft Cost Catalog is released for public comment, all stakeholder communications Teltrium undertakes from that point forward will be subject to the Commission's *ex parte* rules.

The Bureau finds that modifying the applicable *ex parte* rules to exempt such non-policy discussions between Upper C-band stakeholders and Teltrium under these conditions will serve the public interest. The Bureau emphasizes, however, that any discussion or advocacy directly related to policy matters should be directed to Bureau staff and will remain subject to the notice and disclosure requirements of the Commission's *ex parte* rules.

Accordingly, by this Public Notice, pursuant to section 1.1200(a) of the Commission's rules,⁹ the Bureau modifies the applicability of the Commission's *ex parte* rules to treat as exempt presentations non-policy discussions between Upper C-band stakeholders and Teltrium related to the development of an initial proposed Cost Catalog.¹⁰ This exemption will expire, and the notice and disclosure requirements of the Commission's *ex parte* rules will apply, to all presentations to Teltrium upon release of the initial draft Cost Catalog for public comment. From that point forward, and in all other respects, this proceeding is subject to the Commission's requirements for "permit but disclose" proceedings under section 1.1206.¹¹ We further emphasize that only information that is placed in the record may be relied upon in any decision by the Bureau in this proceeding.

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⁸ See, e.g., *Notice Concerning Ex Parte Status of Communications with Respect to the 3.7 GHz Band Transition Relocation Coordinator and Relocation Payment Clearinghouse*, GN Docket Nos. 20-305 and 18-122, IB Docket No. 20-205, Public Notice, 35 FCC Rcd 13025 (WTB 2020); *Media Bureau Seeks Comment on Widelity Report and Catalog of Potential Expenses and Estimated Costs*, GN Docket No. 12-268, Public Notice, 29 FCC Rcd 2989 (MB 2014).

⁹ 47 CFR § 1.1200(a).

¹⁰ See *id.* § 1.1204(a) (providing that exempt presentations are not subject to, *inter alia*, the notice and disclosure requirements of permit-but-disclose proceedings).

¹¹ *Id.* § 1.1206.