

**Volume 39, No. 15, Pages 13108 to 14062,
December 3 – December 30, 2024**

FCC Record

**A comprehensive compilation of decisions,
reports, public notices and other documents
of the Federal Communications Commission
of the United States.**



FCC Record

Volume 39, No. 15, Pages 13108 to 14062, December 3 – December 30, 2024



FEDERAL COMMUNICATIONS COMMISSION

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PUBLIC NOTICE

Federal Communications Commission
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Washington, D.C. 20554

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DA 24-1137

Released: December 9, 2024

THE PUBLIC SAFETY AND HOMELAND SECURITY BUREAU AND WIRELESS TELECOMMUNICATIONS BUREAU ESTABLISH DEADLINE FOR 4.9 GHZ PUBLIC SAFETY LICENSEES TO PROVIDE GRANULAR LICENSING DATA

WP Docket No. 07-100

Granular Licensing Data Submission Deadline: June 9, 2025

The Public Safety and Homeland Security Bureau and the Wireless Telecommunications Bureau (collectively the Bureaus) announce that the Commission has received approval from the Office of Management and Budget (OMB) to collect granular licensing data from incumbent licensees in the 4.9 GHz (4940–4990 MHz) band.¹ Consistent with the Commission's directions, the Bureaus also announce that each incumbent public safety licensee must provide this granular data with respect to each of its licenses, using the process described below, on or before **June 9, 2025**.²

Incumbent licensees in the 4.9 GHz band currently holding an active license under the radio service code **PA** must file granular licensing data via the four-step process described in detail below. Incumbents may begin filing on **December 9, 2024** but must file no later than **June 9, 2025**. In sum, incumbent licensees must review operations under their active licenses (radio service code PA) and use the Universal Licensing System (ULS) to create new licenses (with granular data) in newly-created radio service codes PB (public safety licensees performing base/mobile, mobile-only or temporary fixed operations) and PF (public safety licensees operating fixed links). Since these new PB and PF licenses will authorize incumbent licensee operations going forward, licensees will also cancel their now duplicative and obsolete PA licenses.

Background. In the *Seventh Report and Order*, the Commission established a comprehensive nationwide approach to managing the 4.9 GHz band in which it, among other things, modified its rules to allow for the collection of granular licensing data on incumbent public safety deployments in the band.³ Consequently, the Commission directed the Bureaus to “make any necessary enhancements to ULS, to obtain any necessary review under the Paperwork Reduction Act, and announce by public notice when ULS is prepared to accept the more granular data on public safety operations in the 4.9 GHz band.”⁴

¹ See 47 CFR § 90.1207(e)–(f).

² *Amendment of Part 90 of the Commission's Rules*, WP Docket No. 07-100, Seventh Report and Order and Ninth Further Notice of Proposed Rulemaking, 38 FCC Rcd 704, 718, paras. 33–34 (2023) (*Seventh Report and Order* or *Ninth Further Notice*); see also *Amendment of Part 90 of the Commission's Rules*, WP Docket No. 07-100, Erratum (2023).

³ *Seventh Report and Order*, 38 FCC Rcd at 705, paras. 1–2.

⁴ *Id.* at 718, para. 34.

Description of Submission Process and New Radio Service Codes. Incumbent public safety licensees in the 4.9 GHz band must follow the three-step process described below to provide this granular licensing data and remain authorized to operate in the band. The Appendix to this *Public Notice* provides illustrative examples of how to follow the process. As a reminder, operations in the band are subject to an ongoing licensing freeze.⁵

Step 1: The purpose of the data collection is to gather additional information on existing, authorized operations in the band. To that end, licensees should evaluate their *existing* authorized 4.9 GHz operations, ensure that all operations are authorized under active PA licenses, and categorize all operations either under new radio service code PB (base/mobile, etc.) or under new radio service code PF (fixed) as described below. Licensees must confirm and ensure that the active PA license(s) accurately represent the licensee's actual operations. Licensees **MUST NOT** modify active PA licenses in an attempt to update them; any future operations, within the scope permitted under the licensing freeze, would be pursuant to the new PB and PF licenses.

Step 2(a) – Radio Service Code PB: For all operations that fall under new radio service code **PB**, the licensee must request the NEW radio service code PB licenses in ULS and include the required granular licensing data reflecting *existing* authorized use of the 4.9 GHz band as of the filing date for the PB license. Licensees performing base/mobile, mobile-only or temporary fixed operations in the 4.9 GHz band must file their granular licensing data under radio service code **PB** using the Schedule D and H forms. These licensees should submit among other information: coordinates (base), antenna height above average terrain (base), center frequency, emission designator, effective radiated power, number of units (mobile and temporary fixed), and area of operation (mobile and temporary fixed).⁶ Incumbent licensees should also include a list of the relevant PA call signs in an attachment to the PB service code request(s).

Step 2(b) – Radio Service Code PF: For all operations that fall under new radio service code **PF**, the licensee must request NEW radio service code PF in ULS and include the required granular licensing data reflecting *existing* authorized use of the 4.9 GHz band as of the filing date for the PF license. Licensees operating permanent fixed point-to-point, point-to-multi-point and fixed receiver stations in the 4.9 GHz band must file their granular licensing data under radio service code **PF** using the Schedule I form. These licensees should submit among other information: transmitter and receiver antenna coordinates, frequencies, polarizations, tolerance, effective isotropic radiated power, emission designator, type of modulation, antenna model, gain, antenna center line height(s) above ground level and ground elevation above mean sea level, path azimuth and distance.⁷ Incumbent licensees should also include a list of the relevant PA call signs in an attachment to the PF service code request(s).

⁵ Pursuant to the *Eighth Report and Order*, the Commission retained the freeze for all applicants who are not already 4.9 GHz licensees and reinstated the freeze as it applies to incumbent licensees that was lifted pursuant to the *2021 Order on Reconsideration* and the *Freeze Modification Public Notice. Amendment of Part 90 of the Commission's Rules*, WP Docket No. 07-100, Eighth Report and Order, FCC 24-114, at 35–36, paras. 53–55 (rel. Oct. 22, 2024) (*Eighth Report and Order*) (citing *2021 Order on Reconsideration*, 36 FCC Rcd at 15042, paras. 25–26; *Public Safety and Homeland Security Bureau and Wireless Telecommunications Bureau Modify Temporary Filing Freeze on the Acceptance and Processing of Certain Part 90 Applications for the 4940–4990 MHz Band*, WP Docket No. 07-100, Public Notice, 36 FCC Rcd 15185 (PSHSB/WTB 2021) (*Freeze Modification Public Notice*)). Specifically, the Commission reinstated the freeze that was lifted on incumbents adding new licenses or modifying existing licenses unless otherwise excepted, and unless incumbents are filing certain types of applications to comply with the granular data collection. See *Eighth Report and Order*, FCC 24-114, at 36, para. 55 n.224; see also *Public Safety and Homeland Security Bureau and Wireless Telecommunications Bureau Further Modify Temporary Filing Freeze on the Acceptance and Processing of Certain Part 90 Applications for the 4940–4990 MHz Band*, WP Docket No. 07-100, Public Notice, DA 24-1136 (PSHSB/WTB Nov. 15, 2024).

⁶ 47 CFR § 90.1207(e)(1).

⁷ 47 CFR § 90.1207(e)(2).

Step 3: Upon transitioning all operations on PA licenses to new PB and PF licenses, the licensee should cancel all PA licenses. The Bureaus will automatically cancel any remaining PA licenses after **June 9, 2025**, without the need for further action.⁸

OMB Approval for Information Collection. The Commission noted in the *Seventh Report and Order* that it would not require compliance with section 90.1207(e)–(f) of the Commission’s rules, which requires incumbent licensees in the 4.9 GHz band to submit granular licensing data into ULS, until OMB completed review of any new information collection requirements associated with that rule section.⁹

OMB completed its review and the Commission received OMB approval for the information collection requirements associated with section 90.1207(e)–(f) of the Commission’s rules on September 7, 2023. The Commission published an announcement of that approval in the Federal Register and the rules related to this collection became effective on **December 9, 2024**.¹⁰ Consequently, compliance with the information collection requirements in section 90.1207(e)–(f) of the Commission’s rules is now required.¹¹

Due Date for Submitting in ULS. The Commission also indicated that it would provide incumbent licensees in the 4.9 GHz band with at least one year from the publication date of the *Seventh Report and Order* in the Federal Register to provide the required granular licensing data.¹² The Commission published a summary of the *Seventh Report and Order* in the Federal Register on February 28, 2023.¹³ Given that section 90.1207(e)–(f) of the Commission’s rules requiring the collection of the granular technical data goes into effect on **December 9, 2024**, we give incumbent licensees in the 4.9 GHz band until **June 9, 2025** to submit the required data into ULS.

Additional Information. For further information regarding this Public Notice, please contact Brian Marengo, Brian.Marengo@fcc.gov, (202) 418-0838 or Tracy Simmons, Tracy.Simmons@fcc.gov, (717) 338-2657 of the Public Safety and Homeland Security Bureau, Policy and Licensing Division, or Larry Somers, Larry.Somers@fcc.gov, of the Wireless Telecommunications Bureau, Mobility Division.

-FCC-

⁸ See *Eighth Report and Order*, FCC 24-114, at 37–38, para. 58.

⁹ *Seventh Report and Order*, 38 FCC Rcd at 754, para. 167.

¹⁰ The OMB Control Number is 3060-1312. See 89 Fed. Reg. 97559 (Dec. 9, 2024); see also 47 CFR § 90.1207(e)–(f).

¹¹ See 47 CFR § 90.1207(g).

¹² *Seventh Report and Order*, 38 FCC Rcd at 719, para. 35.

¹³ 88 Fed. Reg. 12565 (Feb. 28, 2023).

APPENDIX:
Converting a PA License(s) into a PB and/or PF license

Example 1 - In this example a licensee holds two PA licenses with a mixture of operations. The licensee must request two PF licenses for its fixed operations and at least one new PB license for its other operations.

PA License 1

Location	
1 - Fixed	
2 - Fixed	
3 - 6.1 meter control station	
4 - Mobile	
5 - Temporary Fixed	SC
6 - Temporary Fixed	SC
7 - Temporary Fixed	SC
7 Total Locations	

→ Create a new **PF** license for this fixed site.

→ Create a second new **PF** license for this fixed site.

→ Create a new **PB** license for these operations (licensee has flexibility to create a single, or multiple licenses for this scenario).

PA License 2

Location	
1 - Mobile	
2 - Temporary Fixed	SC
3 - Mobile	SC
4 - Temporary Fixed	SC
5 - Mobile	SC
6 - Temporary Fixed	SC
6 Total Locations	

Example 2 - In this example there are two base stations and two mobile area of operations. The base stations communicate directly with the mobile units so in this example all of these facilities would be added to a PB license.¹

Location	Transmitter Address /Area of Operation
1 - Fixed	1000 Main St Crystal City, VA, ARLINGTON County
2 - Fixed	4000 South St Springfield, VA, FAIRFAX County
4 - Mobile	40.0 km radius around a fixed location 1
5 - Mobile	40.0 km radius around a fixed location 2

→ Create a new **PB** license for these operations

¹ See ULS File No. 0010983172.

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

In re Application of	)	
	)	
Ebenezer Broadcasting Group, Inc.	)	Acct. No. 202441420019
For Renewal of License of	)	FRN: 0011244886
Station WIDP(TV), Guayama, Puerto Rico	)	Facility ID No. 18410
	)	LMS File No. 0000123451

ORDER

Adopted: December 12, 2024

Released: December 13, 2024

By the Chief, Video Division, Media Bureau:

1. In this Order, we adopt the attached Consent Decree entered into by the Media Bureau (Bureau) and Ebenezer Broadcasting Group, Inc. (Licensee), licensee of full power commercial television station WIDP(TV), Guayama, Puerto Rico (Station). The Consent Decree resolves issues arising from the Bureau's review of the captioned license renewal application (Application) for the Station.¹ In particular, the Consent Decree resolves the Bureau's investigation of the Licensee's compliance with the filing requirements contained in sections 73.3526(e)(11)(i)-(iii) of the Commission's rules (Rules) by failing to timely file required online public inspection file (OPIF) documents, including quarterly issues/programs lists,² records concerning commercial limits in children's programming,³ and children's television programming reports.⁴ The Bureau and the Licensee have negotiated the attached Consent Decree in which the Licensee stipulates that it violated sections 73.3526(e)(11)(i)-(iii) of the Rules.⁵ Pursuant to the Consent Decree, the Licensee agrees, among other things, to implement a compliance plan to ensure future timely filing of OPIF documents.

2. After reviewing the terms of the Consent Decree, we find that the public interest will be served by its approval and by terminating all pending proceedings relating to the Bureau's consideration of potential violations of the Rules. Based on the record before us, we conclude that nothing in that record creates a substantial and material question of fact as to whether the Licensee possesses the basic qualifications to remain a Commission licensee and that grant of the Application is consistent with section 309(k)(2) of the Act.⁶ In accordance with the Consent Decree, we grant the Renewal Application

¹ Application of Ebenezer Broadcasting Group, Inc. for Renewal of License as Amended, LMS File No. 0000123451 (filed Oct. 2, 2020) (Application). The Licensee has a commercial broadcast licensee, *see, generally*, LMS page for facility ID 18410, though it is incorporated as a non-profit entity, <https://rcp.estado.pr.gov/en/entity-information?c=17292-121>.

² *See* 47 CFR § 73.3526(e)(11)(i).

³ *See* 47 CFR § 73.3526(e)(11)(ii).

⁴ *See* 47 CFR § 73.3526(e)(11)(iii).

⁵ *See supra* notes 2-4.

⁶ 47 U.S.C. § 309(k)(2). In evaluating an application for license renewal, the Commission's decision is governed by section 309(k) of the Act. 47 U.S.C. § 309(k). That section provides that if, upon consideration of the application and pleadings, we find that: (1) the station has served the public interest, convenience, and necessity; (2) there have been no serious violations of the Act or the Rules; and (3) there have been no other violations which, taken together, constitute a pattern of abuse, 47 U.S.C. § 309(k)(1). If, however, the licensee fails to meet that standard, the we are to grant the renewal application Commission may deny the application—after notice and opportunity for a hearing

(continued....)

conditioned upon satisfaction of the Civil Penalty and all other terms set forth in the Consent Decree. A copy of the Consent Decree is attached hereto and incorporated by reference.

3. **ACCORDINGLY, IT IS ORDERED** that, pursuant to section 4(i) of the Communications Act of 1934, as amended,⁷ and by the authority delegated by sections 0.61, 0.204, and 0.283 and 1.93(b) of the Rules,⁸ the Consent Decree attached hereto **IS ADOPTED** without change, addition, or modification.

4. **IT IS FURTHER ORDERED** that the investigation by the Media Bureau of the matters noted above **IS TERMINATED**.

5. **IT IS FURTHER ORDERED** that pursuant to section 309(k)(2) of the Communications Act of 1934, as amended,⁹ the application of Ebenezer Broadcasting Group, Inc. for renewal of its license, as captioned above, **IS GRANTED** subject to the terms and conditions of the attached Consent Decree.

6. **IT IS FURTHER ORDERED** that copies of this Order shall be sent, by First Class and Certified Mail, Return Receipt Requested, to William Adorno, Ebenezer Broadcasting Group, Inc., P.O. Box 13428, San Juan, Puerto Rico 00908 and by e-mail to ingenieriaebn@gmail.com. A copy will also be sent to Station's counsel, Francisco R. Montero, Esq., Legal Counsel, Fletcher, Heald & Hildreth, PLC, 1300 North 17th Street, 11th Floor, Arlington, VA 22209 and by e-mail to montero@fhhlaw.com.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman
Chief, Video Division
Media Bureau

under section 309(e) of the Act—or grant the application “on terms and conditions as are appropriate, including renewal for a term less than the maximum otherwise permitted.” 47 U.S.C. §§ 309(k)(2), 309(k)(3).

⁷ 47 U.S.C. § 154(i).

⁸ 47 CFR §§ 0.61, 0.204, 0.283, 1.93(b).

⁹ 47 U.S.C. § 309(k)(2).

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

In re Application of	)	
	)	
Ebenezer Broadcasting Group, Inc.	)	Acct. No. 202441420019
For Renewal of License of	)	FRN: 0011244886
Station WIDP(TV), Guayama, Puerto Rico	)	Facility ID No. 18410
	)	LMS File No. 0000123451

CONSENT DECREE

1. The Video Division, Media Bureau of the Federal Communications Commission and Ebenezer Broadcasting Group, Inc. (“Licensee,” as defined below), by their authorized representatives, hereby enter into this Consent Decree for the purpose of terminating the Media Bureau’s investigation into the Licensee’s compliance with sections 73.3526(e)(11)(i)-(iii) of the Commission’s rules¹ relating to the untimely filing of required documents to the above captioned station’s online public inspection file, including issues/programs lists, children’s television programming reports, and commercial limit certifications. To resolve this matter, the Licensee agrees to pay a civil penalty payment to the United States Treasury in the amount of fifteen thousand dollars (\$15,00) and implement a comprehensive Compliance Plan to ensure its future compliance with section 73.3526(e)(11)(i)-(iii). The Media Bureau agrees to terminate its investigation, and grant the station’s pending license renewal applications, subject to the terms and conditions set forth below.

I. DEFINITIONS

2. For the purposes of this Consent Decree, the following definitions shall apply:
- (a) “Act” means the Communications Act of 1934, as amended, 47 U.S.C. § 151 *et seq.*
 - (b) “Adopting Order” means an Order of the Bureau adopting the terms of this Consent Decree without change, addition, deletion, or modification.
 - (c) “Application” means application of Ebenezer Broadcasting Group, Inc., for renewal of the television broadcast license for station WIDP(TV), Guayama, Puerto Rico (Facility ID No. 18410), LMS File No. 0000123451.
 - (d) “Bureau” means the Media Bureau of the Commission.
 - (e) “Children’s Television Programming Rule” means the requirements detailed in 47 CFR § 73.3526(e)(11)(iii).
 - (f) “Commercial Limits Certification” means the documentation demonstrating compliance with the Commission’s commercial limit rules pursuant to 47 CFR § 73.670, as required by 47 CFR § 73.3526(e)(11)(ii).
 - (g) “Commercial Limits Certification Rule” means the requirements detailed in 47 CFR § 73.3526(e)(11)(ii).
 - (h) “Commission” or “FCC” means the Federal Communications Commission and all of its bureaus and offices.

¹ 47 CFR §§ 73.3526(e)(11)(i)-(iii).

- (i) “Communications Laws” means collectively, the Act, the Rules, and the published and promulgated orders and decisions of the Commission to which the Licensee is subject by virtue of it being a Commission licensee.
- (j) “Compliance Officer” means a responsible party employed by the Licensee to be responsible for developing, implementing, and administering the Compliance Plan and ensuring that the Licensee complies with the terms and conditions of the Compliance Plan and this Consent Decree.
- (k) “Compliance Plan” means the processes and procedures developed by the Licensee in an effort to ensure compliance with 47 CFR §§ 73.3526(e)(11)(i)-(iii).
- (l) “Covered Employees” means all employees, volunteers, and agents of the Licensee, who are responsible for performing, supervising, overseeing, or managing activities related to the maintenance of online public inspection files, as required by the OPIF Rule.
- (m) “Division” means the Video Division of the Media Bureau of the Commission.
- (n) “Effective Date” means the date on which the Bureau releases the Adopting Order.
- (o) “Investigation” means the Bureau’s decision to hold and not process the Licensee’s Applications due to noncompliance with 47 CFR § 73.3526(e)(11) of the Rules.
- (p) “Issues and Programs List Rule” means the requirements detailed in 47 CFR § 73.3526(e)(11)(i).
- (q) “Licensee” means Ebenezer Broadcasting Group, Inc., and its affiliates, subsidiaries, predecessors-in-interest, and successors-in-interest.
- (r) “OPIF” means the respective station’s online public inspection file as defined by 47 CFR § 73.3526.
- (s) “OPIF Rule” means the requirements detailed in 47 CFR § 73.3526 in its entirety.
- (t) “Parties” means the Licensee and the Bureau, each of which is a “Party.”
- (u) “Rules” means the Commission’s regulations found in Title 47 of the Code of Federal Regulations.
- (v) “Station” means station WIDP(TV), Guayama, Puerto Rico (Facility ID No. 18410).²

II. BACKGROUND

3. Section 73.3526(e)(11)(i) of the Rules requires every full power commercial television licensee to place in its OPIF, on a quarterly basis, an issues/programs list that details programs that have provided the station’s most significant treatment of community issues during the preceding three month period and must include a brief narrative of the issues addressed, as well as the time, date, duration, and title of each program in which the issues were treated.³ Issues/programs lists must be placed in the station’s OPIF by the tenth day of the succeeding calendar quarter and copies must be retained until final action on the station’s next license renewal application.⁴

4. Section 73.3526(e)(11)(ii) of the Rules requires every full power commercial television licensee to place in its OPIF “records sufficient to permit substantiation of the station’s certification, in its license renewal application, of compliance with the commercial limits on children’s programming

² The Licensee has a commercial broadcast licensee, *see, generally*, LMS page for facility ID 18410, though it is incorporated as a non-profit entity, <https://rcp.estado.pr.gov/en/entity-information?c=17292-121>.

³ 47 CFR § 73.3526(e)(11)(i).

⁴ *Id.*

established in 47 U.S.C. 303a and § 73.670.”⁵ Through fourth quarter 2019, full power commercial licensees were required to place their commercial limit certification in their station’s OPIF by the tenth day of the succeeding calendar quarter.⁶ Beginning January 2020, commercial limits certifications were required to be placed in a Station’s OPIF on an annual rather than quarterly basis.⁷ Annual commercial limit certifications are required to be placed in a Station’s OPIF within 30 days after the end of the calendar year.⁸

5. Section 73.3526(e)(11)(iii) of the Rules requires every full power commercial television licensee to place in its OPIF a children’s television programming report that details “the licensee’s educational and informational programming efforts, including programs aired by the station that are specifically designed to serve the educational and informational needs of children” during the preceding period.⁹ Copies must be retained until final action on the station’s next license renewal application.¹⁰ Until third quarter 2019, children’s television programming reports were required to be placed in the station’s OPIF by the tenth day of the succeeding calendar quarter.¹¹ Beginning with the fourth quarter of 2019, children’s television programming reports were required to be filed on an annual rather than

⁵ 47 CFR § 73.3526(e)(11)(ii). Section 303a(b) requires that “each commercial television broadcast licensee shall limit the duration of advertising in children’s television programming to not more than 10.5 minutes per hour on weekends and not more than 12 minutes per hour on weekdays.” 47 U.S.C. § 303a(b). Section 73.670 of the Rules codifies those limits. See 47 CFR § 73.670.

⁶ See *Children’s Television Programming Rules; Modernization of Media Regulation Initiative*, MB Docket Nos. 18-202 and 17-105, Report and Order and Further Notice of Proposed Rulemaking, 34 FCC Rcd 5822, 5863, para. 70 (2019) (*Report and Order*) (modifying the filing requirement for commercial limit reports from quarterly to annually). The revised filing rule for commercial limit certifications to effect on January 21, 2020. See 84 Fed. Reg. 70037 (Dec. 20, 2019).

⁷ The revised filing rule for commercial limit certifications to effect on January 21, 2020. See 84 Fed. Reg. 70037 (Dec. 20, 2019); *Media Bureau Announces Effective Date of Remaining KidVid Rules, Availability and Extension of Time to File the Revised Children’s Television Programming Report in LMS, and Guidance Concerning the Filing of Final Quarterly Commercial Limits Certifications*, MB Docket Nos. 18-202 and 17-105, Public Notice, 34 FCC Rcd 12517 (MB 2019) (*Kid Vid Effective Date/Extension PN*). Stations were required to file their final quarterly commercial limits certification for the fourth quarter of 2019 by January 10, 2020. See *Kid Vid Effective Date/Extension PN*, 34 FCC Rcd at 12518. See also *Children’s Television Programming Rules; Modernization of Media Regulation Initiative*, MB Docket Nos. 18-202 and 17-105, Report and Order and Further Notice of Proposed Rulemaking, 34 FCC Rcd 5822 (2019) (*Report and Order*) (modifying the filing requirement for commercial limit reports from quarterly to annually).

⁸ See 47 CFR § 73.3526(e)(11)(ii); *Report and Order* at 5863, para. 70-71.

⁹ 47 CFR § 73.3526(e)(11)(iii). Full power (commercial and noncommercial) and Class A television broadcasters have been required to upload various public file documents to their OPIF, including Children’s Television Programming Reports, since 2012 and have been required to utilize the OPIF for the entirety of the license term. See *Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations, Extension of the Filing Requirement for Children’s Television Programming Report*, Second Report and Order, 27 FCC Rcd 4535 (2012); *Effective Date Announced for Online Publication of Broadcast Television Public Inspection Files*, Public Notice, 27 FCC Rcd 7478 (2012) (announcing an effective date of August 2, 2012, for, *inter alia*, the requirement that television stations begin to post new Children’s Television Programming Reports to their OPIF).

¹⁰ 47 CFR § 73.3526(e)(11)(iii).

¹¹ *Children’s Television Programming Rules; Modernization of Media Regulation Initiative*, MB Docket Nos. 18-202 and 17-105, Report and Order and Further Notice of Proposed Rulemaking, 34 FCC Rcd 5822 (2019) (*Report and Order*). The revised children’s programming report filing rule took effect on September 16, 2019. *Media Bureau Announces Effective Date and Provides Guidance for KidVid Reporting and Compliance with Revised Safe Harbor Processing Guidelines*, MB Docket Nos. 18-202 and 17-105, Public Notice, 34 FCC Rcd 7878 (MB 2019) (*KidVid Transition PN*). Stations’ final quarterly children’s television programming report was required to cover the period of July 1, 2019 through September 15, 2019. *KidVid Transition PN*, 34 FCC Rcd at 7878-79.

quarterly basis, within 30 days after the end of the calendar year.¹²

6. On October 2, 2020, the Licensee timely filed the Application.¹³ In the Application, the Licensee responded “No” to the question asking if “the documentation required by 47 CFR Section 73.3526 . . . has been uploaded to the station’s public inspection file when required.”¹⁴ The Licensee disclosed that it had uploaded 22 issues/programs lists and one children’s television programming report late and stated that its failure to timely file the lists and report was inadvertent.¹⁵

7. Based on the Licensee’s failure to comply with the OPIF Rule, the Bureau commenced the Investigation and suspended processing the Application.¹⁶ Further Division staff inspection of the Station’s OPIF not only confirmed the late filings disclosed in the Application, but revealed additional missing, incomplete, and late filed OPIF document. At the request of Bureau staff the Licensee updated the OPIF on July 18, 2024 and September 5, 2024 to amend all incomplete documents and file all missing documents. As of the Effective Date the Station’s OPIF is up-to-date. In total, the Licensee late filed 27 issue/programs lists,¹⁷ 11 children’s television programming reports,¹⁸ and 24 commercial limit certifications.¹⁹ The late filed OPIF documents were filed between several days late and multiple years late. As of the date of the Adopting Order, all required documents have been placed in the Station’s OPIF and the Licensee has amended the Renewal Application to disclose all violations discussed herein.

8. The Bureau and the Licensee have negotiated the terms of the Consent Decree, subject to specific terms and conditions, by which the Bureau will terminate the Investigation into the matters discussed above and grants the Applications. In consideration, the Licensee agrees to implement and maintain a Compliance Plan designed to ensure its future compliance with the Rules and has agreed to pay a civil penalty in the amount of Fifteen Thousand Dollars (\$15,000) to the United States Treasury.

III. TERMS OF AGREEMENT

9. **Adopting Order.** The Parties agree that the provisions of this Consent Decree shall be incorporated by reference by the Bureau in an Adopting Order without change, addition, deletion, modification.

10. **Jurisdiction.** The Licensee agrees that the Bureau has jurisdiction over it and the matters contained in this Consent Decree and has the authority to enter into and adopt this Consent Decree.

11. **Effective Date.** The Parties agree that this Consent Decree shall become effective on the

¹² 47 CFR § 73.3526(e)(11)(iii); *Report and Order* at 5860, para. 63; *KidVid Transition PN*, 34 FCC Rcd at 7879. Stations’ were provided an extension to file their first annual children’s television programming report of March 30, 2020. This report was required to cover the period of September 16, 2019 through December 31, 2019. *Kid Vid Effective Date/Extension PN*, 34 FCC Rcd at 12518.

¹³ Application of Ebenezer Broadcasting Group, Inc. for Renewal of License, LMS File No. 0000123451 (filed Oct. 2, 2020).

¹⁴ *Id.*

¹⁵ Application at Attach., WIDP OPIF Exhibit.docx.

¹⁶ Amended Application of Ebenezer Broadcasting Group, Inc. for Renewal of License, LMS File No. 0000123451 (filed June 28, 2023) (Application).

¹⁷ Eleven issue/programs lists were filed less than one month late, seven were filed between one month and one year late, and nine were filed over one year late.

¹⁸ Eight children’s television programming reports were filed less than one month late, two were filed between one month and one year late, and one report was filed over one year late. A review by Division staff also identified children’s television programming reports which had been improperly signed by the entity licensee, rather than by an individual. The Licensee has made all necessary corrections to these reports.

¹⁹ Five commercial limit certifications were filed less than one month late, seven were filed between one month and one year late, and 12 were filed over one year late.

Effective Date, as defined herein. As of the Effective Date, the Parties agree that this Consent Decree shall have the same force and effect as any other order of the Commission.

12. **Violations**. The Parties agree that any violation of the Adopting Order or the terms of this Consent Decree, in whole or in part, shall constitute a separate violation of a Commission order, entitling the Commission, or its delegated authority to exercise any rights and remedies attendant to the enforcement of a Commission order.

13. **Admission of Liability**. The Licensee admits, for the purpose of this Consent Decree and for Commission civil enforcement purposes, that it violated sections 73.3526(e)(11)(i)-(iii) of the Rules as described in paragraphs 3 to 7 of this Consent Decree.²⁰ Further, the Licensee admits that its actions were willful and repeated violations of the OPIF Rule. By entering into this Consent Decree, the Licensee makes no other admission of liability of any Communications Law, and the Bureau makes no finding of any other liability or violation.

14. The Licensee acknowledges that the Commission or its delegated authority may consider the Licensee's admission of liability in this Consent Decree in proposing any future forfeiture against the Licensee in the event the Licensee is determined to have apparently committed a violation of the Act, the Rules, or of any orders of the Commission after the Effective Date, whether related to the timely filing of OPIF documents or otherwise.²¹

15. **Termination of Investigation**. In express reliance on the covenants and representations in this Consent Decree and to avoid further expenditure of public resources, the Bureau agrees to terminate the Investigation and to take the actions specified in Paragraph 21. In consideration for the termination of the Investigation, the Licensee agrees to the terms, conditions, and procedures contained herein, including the actions specified in Paragraphs 18, 19, 22, 23, and 24 of this Consent Decree.

16. The Bureau agrees that, in the absence of new material evidence, the Bureau will not use the facts developed in this Investigation through the Effective Date, or the existence of this Consent Decree, to institute, on its own motion or in response to any petition to deny or other third-party objection, any new proceeding, formal or informal, or take any action on its own motion against the Licensee concerning the matters that were the subject of the Investigation. The Bureau also agrees that, in the absence of new material evidence, it will not use the facts developed in the Investigation through the Effective Date, or the existence of this Consent Decree, to institute on its own motion any proceeding, formal or informal, or to set for hearing the question of the Licensee's basic qualifications to be a Commission licensee or to hold Commission licenses or authorizations.²²

17. **Subsequent Investigations**. This Consent Decree shall not prevent the Commission or its delegated authority from investigating new evidence of noncompliance by the Licensee with the Rules or Act or from adjudicating complaints or other adjudicatory pleadings filed by third parties against the Licensee for alleged violations of the Communications Laws or for any alleged misconduct, regardless of when such misconduct took place. Further, except as expressly provided herein, the Licensee acknowledges that the Commission and its delegated authority (including the Bureau) retains the discretion and authority to propose sanctions against the Licensee, including the issuance of notices of

²⁰ 47 CFR §§ 73.3526(e)(11)(i)-(iii).

²¹ Pursuant to section 503(b)(2)(E) of the Act, in exercising its forfeiture authority, the Commission may consider, among other things, "any history of prior offenses" by the licensee. 47 U.S.C. § 503(b)(2)(E). The Commission may adjust its base forfeiture amount upward or downward by considering the factors enumerated in section 503(b)(2)(E) of the Act, including "the nature, circumstances, extent and gravity of the violation, and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require." *Id.* See *Forfeiture Policy Statement and Amendment of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines*, Report and Order, 12 FCC Rcd 17087 (1997), recon. denied, 15 FCC Rcd 303 (1999); 47 CFR § 1.80(b)(11), Table 3.

²² See 47 CFR § 1.93(b).

apparent liability for forfeiture, for any apparent willful and/or repeated violation by the Licensee based on the record developed in subsequent proceedings.

18. **Civil Penalty.** The Licensee agrees to make a civil penalty payment to the United States Treasury in the amount of Fifteen Thousand Dollars (\$15,000). **Licensee agrees that the civil penalty will be paid within thirty (30) calendar days of the Closing Date.** It also acknowledges and agrees that upon execution of this Consent Decree, the Civil Penalty shall become a “Claim” or “Debt” as defined in section 3701(b)(1) of the Debt Collection Improvement Act of 1996.²³ **The Licensee shall send electronic notification of payment to VideoNAL@fcc.gov on the date payment is made.** Payment of the civil penalty must be made by credit card, ACH (Automated Clearing House) debit from a bank account using CORES (the Commission’s online payment system),²⁴ or by wire transfer. Payments by check or money order are no longer accepted. Below are instructions that the Licensee should follow based on the form of payment selected:²⁵

- Payment by wire transfer must be made to ABA Number 021030004, receiving bank TREAS/NYC, and Account Number 27000001. A completed FCC Form 159 must be faxed to the Federal Communications Commission at 202-418-2843 or e-mailed to RROGWireFaxes@fcc.gov on the same business day the wire transfer is initiated. Failure to provide all required information in Form 159 may result in payment not being recognized as having been received. When completing Form 159, enter the Account Number captioned above in block number 23A (call sign/other ID), enter the letters “FORF” in block number 24A (payment type code), and enter in block number 11 the FRN(s) captioned above (Payor FRN).²⁶ For additional detail and wire transfer instructions, go to <https://www.fcc.gov/licensing-databases/fees/wire-transfer>.
- Payment by credit card must be made by using the Commission’s Registration System (CORES) at <https://apps.fcc.gov/core/userLogin.do>. To pay by credit card, log-in using the FCC Username associated to the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select “Manage Existing FRNs | FRN Financial | Bills & Fees” from the CORES Menu, then select FRN Financial and the view/make payments option next to the FRN. Select the “Open Bills” tab and find the bill number associated with the Consent Decree. The bill number is the NAL Acct. No. (e.g., Acct. No. 1912345678 would be associated with FCC Bill Number 1912345678) captioned above. After selecting the bill for payment, choose the “Pay by Credit Card” option. Please note that there is a \$24,999.99 limit on credit card transactions.
- Payment by ACH must be made by using the Commission’s Registration System (CORES) at <https://apps.fcc.gov/core/paymentFrnLogin.do>. To pay by ACH, log in using the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select “Manage Existing FRNs | FRN Financial | Bills & Fees” on the CORES Menu, then select FRN Financial and the view/make payments option next to the FRN. Select the “Open Bills” tab and find the bill number associated with the Consent Decree. The bill number is the Acct. No. (e.g., Acct. No. 1912345678 would be associated with FCC Bill Number 1912345678) captioned above. Finally, choose the “Pay from Bank Account” option. Please contact the appropriate financial institution to confirm the correct Routing Number and the correct account number from which payment will be made and verify with that financial institution that the designated account has authorization to accept ACH

²³ Debt Collection Improvement Act of 1996, Pub. L. No. 104-134, 110 Stat. 1321, 1358 (Apr. 26, 1996).

²⁴ Payments made using CORES do not require the submission of an FCC Form 159.

²⁵ For questions regarding payment procedures, please contact the Financial Operations Group Help Desk by phone at 1-877-480-3201 (option #6), or by e-mail at ARINQUIRIES@fcc.gov.

²⁶ Instructions for completing the form may be obtained at <https://www.fcc.gov/Forms/Form159/159.pdf>.

transactions.

19. Requests for full payment of the forfeiture amount agreed in this Consent Decree under an installment plan should be sent to: Associate Managing Director-Financial Operations, 45 L Street, NE, Washington, DC 20554.²⁷ **A copy of the request must also be sent to VideoNAL@fcc.gov.** Questions regarding payment procedures should be directed to the Financial Operations Group Help Desk by phone, 1-877-480-3201 (option #6), or by e-mail at ARINQUIRIES@fcc.gov.

- Requests can be sent by hand or messenger delivery, by commercial courier, or by the U.S. Postal Service. All filings must be addressed to the Secretary, Federal Communications Commission.
 - Hand-delivered or messenger-delivered paper filings for the Commission's Secretary are accepted between 8:00 a.m. and 4:00 p.m. by the FCC's mailing contractor at 9050 Junction Drive, Annapolis Junction, MD 20701. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.²⁸
 - Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
 - Postal Service first-class, Express, and Priority mail must be addressed to 45 L Street, NE, Washington, DC 20554.

20. **Event of Default.** The Parties agree that an "Event of Default" shall occur upon the failure by the Licensee to pay the full amount of the Civil Penalty on or before the due date specified in Paragraph 18. After an Event of Default has occurred under this Consent Decree, the unpaid amount of the Civil Penalty shall accrue interest, computed using the U.S. Prime Rate in effect on the date of the Event of Default plus 4.75%, from the date of the Event of Default until payment in full. Upon an Event of Default, the then unpaid amount of the Civil Penalty, together with interest, any penalties permitted and/or required by the law, including but not limited to 31 U.S.C. § 3717 and administrative charges, plus the costs of collection, litigation, and attorneys' fees, shall become immediately due and payable, without notice, presentment, demand, protest, or notice of protest of any kind, all of which are waived by the Licensee.

21. **Grant of Application.** In the Adopting Order, the Bureau has determined that grant of the Application is in the public interest, convenience, and necessity, and consistent with 47 U.S.C. § 309(k)(2). The Bureau agrees to grant the Application, for a full license term of eight years from the prior license expiration date, concurrent with adoption of this Consent Decree. The license renewal authorization will be conditioned on compliance with all the terms and conditions of this Consent Decree, including the terms of Paragraph 19.

22. **Compliance Plan.** For purposes of settling the matters set forth herein, the Licensee agrees that it shall, within 30 calendar days after the Effective Date, develop and implement a Compliance Plan designed to ensure future compliance with the OPIF Rule, including but not limited to the Issues and Programs Lists Rule, the Children's Television Programming Reports Rule, and the Records Concerning Commercial Limits in Children's Programming Rule, and with the terms and conditions of this Consent Decree. The Compliance Plan shall solely apply to the Station as defined in Paragraph 2(v) of the Consent Decree. The Compliance Plan shall contain, at a minimum, the following elements:

- (a) **Compliance Officer.** Within 30 calendar days after the Effective Date, the Licensee shall designate a responsible party employed (on a full time, part-time, or contract basis) to serve as a Compliance Officer and to discharge the duties set forth below. The Compliance Officer

²⁷ See 47 CFR § 1.1914.

²⁸ Hand-delivered or messenger delivered paper filings continue to NOT be accepted at FCC Headquarters.

must be provided all necessary corporate and organizational authority to ensure he/she is able to discharge his/her duties. The Compliance Officer shall report directly to the Licensee's President (or equivalent senior officer/owner) on a regular basis, and shall be responsible for developing, implementing, and administering the Compliance Plan and ensuring that the Licensee complies with the terms and conditions of the Compliance Plan and this Consent Decree. The Compliance Officer shall have specific knowledge of the Commission's OPIF Rule, including but not limited to the Issues and Programs Lists Rule, the Children's Television Programming Rule, and the Commercial Limits Certification Rule, prior to assuming his/her duties and a copy of such notification placed in the Stations OPIF in the folder entitled "More Public Files" in the subfolder entitled "FCC Investigations or Complaints."

- i. The name and contact information (mailing address, phone number, and electronic mail address) of the Compliance Officer must be submitted to the Bureau within thirty (30) calendar days after the Effective Date by electronic mail at VideoCompliance@fcc.gov. A copy of the notification shall also be placed in the Station's OPIF in the folder entitled "FCC Investigations or Complaints" which is located under the "More Public Inspection Files" tab.
 - ii. In the event of a change in the Compliance Officer, the Licensee shall designate a new Compliance Officer and inform the Bureau by electronic mail at VideoCompliance@fcc.gov within thirty (30) calendar days of the change. The notification must include the name and contact information (physical mailing address, phone number, and electronic mail address) of the new Compliance Officer. A copy of the notification shall also be placed in the Station's OPIF under in the folder entitled "FCC Investigations or Complaints" which is located under the "More Public Inspection Files" tab.
- (b) **Compliance Manual.** Within sixty (60) calendar days after the Effective Date, the Compliance Officer shall develop and distribute a "Compliance Manual" to all Covered Employees. The Compliance Officer shall distribute a Compliance Manual that they have personally prepared or one that has been prepared by a third party, such as a trade association or a law firm. The Compliance Manual shall:
- i. thoroughly explain the requirements embodied in the OPIF Rule, including but not limited to the Issues and Programs Lists Rule, the Children's Television Programming Rule, and the Commercial Limits Certification Rule;
 - ii. contain Operating Procedures that Covered Employees must follow to help ensure the Licensee's compliance with the OPIF Rule, including but not limited to the Issues and Programs Lists Rule, the Children's Television Programming Rule, and the Commercial Limits Certification Rule. The Operating Procedures shall include internal procedures and policies specifically designed to ensure that the Licensee's Station uploads all required information to their OPIF in a timely manner and otherwise maintains full, complete, and up to date information therein. The Operating Procedures shall also include a compliance checklist that describes the steps that a Covered Employee must follow to ensure compliance with the OPIF Rule, including but not limited to the Issues and Programs Lists Rule, the Children's Television Programming Reports Rule, and the Records Concerning Commercial Limits in Children's Programming Rule; and
 - iii. be reviewed at least every six months by the Compliance Officer and revised as necessary to ensure that the information set forth therein remains current, complete, accurate, and effective. The Compliance Officer shall distribute any revisions to the Compliance Manual within five (5) business days of any updates to all Covered Employees.

- (c) **Compliance Training Program.** The Licensee shall establish and implement a Compliance Training Program on compliance with the OPIF Rule. As part of the Compliance Training Program, Covered Employees shall be advised of the Licensee's obligation to report any noncompliance with the OPIF Rule, including but not limited to the Issues and Programs Lists Rule, the Children's Television Programming Rule, and the Commercial Limits Certification Rule, and shall be instructed on how to disclose noncompliance to the Compliance Officer. All Covered Employees shall receive initial training under the Compliance Training Program within ninety (90) calendar days after the Effective Date, except that any person who becomes a Covered Employee at any time after such initial training is provided shall receive training under the Compliance Training Program within thirty (30) calendar days after the date they become a Covered Employee. The Licensee shall provide the Compliance Training Program to all Covered Employees on at least an annual basis, and it shall review and revise the Compliance Training Program, as necessary, to ensure that it remains current, complete, and effective.
- (d) **Compliance Report.** The Licensee shall submit a Compliance Report to the Bureau one year after the Effective Date and annually thereafter on the anniversary of the Effective Date through the Termination Date as defined in Paragraph 24. The Compliance Report shall contain a certification of compliance with the OPIF Rule, including but not limited to the Issues and Programs Lists Rule, the Children's Television Programming Reports Rule, and the Records Concerning Commercial Limits in Children's Programming Rule, during the previous year. The Compliance Report shall include a certification by the Compliance Officer stating that the Compliance Officer has personal knowledge that Licensee: (i) has established and implemented the Compliance Plan; (ii) has utilized the Operating Procedures since the implementation of the Compliance Plan; and (iii) is not aware of any instances of noncompliance with the terms and conditions of this Consent Decree beyond those reported under Sub-Paragraph 22(e). For any instance of noncompliance, including those already reported to the Bureau under Sub-Paragraph 22(e), the Compliance Officer must explain (i) the steps that Licensee has taken or will take to remedy such noncompliance, including the schedule on which proposed remedial actions will be taken, and (ii) the steps that have or will be taken to prevent the recurrence of any such noncompliance, including the schedule on which such preventative action will be taken. The Compliance Officer's certification must comply with section 1.16 of the Rules and be subscribed to as true under penalty of perjury.²⁹ The Bureau may, within its sole discretion, require the Licensee to submit documentation or material that supports the certification being provided by the Compliance Officer. The Compliance Report shall be submitted to Division staff at VideoCompliance@fcc.gov. A copy shall also be placed in the Station's OPIF under in the folder entitled "FCC Investigations or Complaints" which is located under the "More Public Inspection Files" tab.
- (e) **Reporting Noncompliance.** The Licensee shall report any instance of noncompliance with the Rules, and any instance of noncompliance with any applicable terms and conditions of this Consent Decree within ten (10) calendar days after discovery of such noncompliance. Such reports shall include a detailed explanation of: (i) each such instance of noncompliance; (ii) the steps that the Licensee has taken or will take to remedy such noncompliance, including the schedule on which such actions will be taken; and (iii) the steps that the Licensee has taken or will take to prevent the recurrence of any such noncompliance, including the schedule on which such preventative action will be taken. All reports of noncompliance shall be submitted to the Division staff at VideoCompliance@fcc.gov. A copy of the notification shall also be placed in the Station's OPIF under in the folder entitled "FCC Investigations or Complaints" which is located under the "More Public Inspection Files" tab.

²⁹ 47 CFR § 1.16.

23. **Termination Date.** The obligations to which the Licensee is subject pursuant to this Consent Decree shall terminate two years after the Effective Date (“Termination Date”), provided the Bureau is satisfied that the Licensee has demonstrated substantial compliance with its obligations. If the Bureau is not satisfied that the Licensee has demonstrated substantial compliance with its obligations, the Bureau may, within its sole discretion and authority, extend the Termination Date for up to an additional twenty-four (24) months.

24. **Placement of Consent Decree in OPIF.** Within 30 days of the Effective Date the Licensee shall place in its OPIF a copy of this Consent Decree in the folder entitled “FCC Investigations or Complaints” which is located under the “More Public Inspection Files” tab. The Consent Decree shall be retained in the Station’s OPIF until grant of the Station’s next license renewal application.³⁰

25. **Further Violation(s).** The Licensee acknowledges that the Bureau retains the discretion and authority to propose sanctions against the Licensee, including the issuance of notices of apparent liability for forfeitures, for any apparent willful and/or repeated violation by the Licensee of the OPIF Rule that occurs during the term of this Consent Decree.

26. **Waivers.** As of the Effective Date, the Licensee waives any and all rights it may have to seek administrative or judicial reconsideration, review, appeal, or stay, or to otherwise challenge or contest the validity of this Consent Decree and the Adopting Order. The Licensee shall retain the right to challenge Commission interpretation of the Consent Decree or any terms contained herein. If either Party (or the United States on behalf of the Commission) brings a judicial action to enforce the terms of the Consent Decree or Adopting Order, neither the Licensee nor the Commission shall contest the validity of the Consent Decree or the Adopting Order, and the Licensee shall waive any statutory right to a trial *de novo*. The Licensee hereby agrees to waive any claims it may have under the Equal Access to Justice Act³¹ relating to the matters addressed in this Consent Decree.

27. **Severability.** The Parties agree that if any of the provisions of the Consent Decree shall be held unenforceable by any court of competent jurisdiction, such unenforceability shall not render unenforceable the entire Consent Decree, but rather the entire Consent Decree shall be construed as if not containing the particular unenforceable provision or provisions, and the rights and obligations of the Parties shall be construed and enforced accordingly.

28. **Invalidity.** In the event that this Consent Decree in its entirety is rendered invalid by any court of competent jurisdiction, it shall become null and void and may not be used in any manner in any legal proceeding.

29. **Subsequent Rule or Order.** The Parties agree that if any provision of this Consent Decree conflicts with any subsequent Rule or Order adopted by the Commission (except an order specifically intended to revise the terms of this Consent Decree to which the Licensee does not expressly consent) or any federal law or regulation, that provision will be superseded by such Rule or Order.

30. **Successors and Assigns.** The Licensee agrees that the provisions of this Consent Decree shall be binding on its successors, assigns, and transferees unless otherwise agreed to by the Commission or Bureau.

31. **Final Settlement.** The Parties agree and acknowledge that this Consent Decree shall constitute a final settlement between the Parties with respect to the Investigation.

32. **Modifications.** This Consent Decree cannot be modified without the advance written consent of both Parties.

³⁰ See 47 CFR § 73.3526(e)(10) (requiring stations to place in their OPIF “[m]aterial relating to FCC investigation or complaint” and instructing that such material “be retained until the applicant, permittee, or licensee is notified in writing that the material may be discarded).

³¹ See 5 U.S.C. § 504; 47 CFR §§ 1.1501-1.1530.

33. **Paragraph Headings.** The headings of the paragraphs in this Consent Decree are inserted for convenience only and are not intended to affect the meaning or interpretation of this Consent Decree.

34. **Authorized Representative.** Each Party represents and warrants to the other that it has full power and authority to enter into this Consent Decree. Each person signing this Consent Decree on behalf of a Party hereby represents that he or she is fully authorized by the Party to execute this Consent Decree and to bind the Party to its terms and conditions.

35. **Counterparts.** This Consent Decree may be signed in counterpart (including electronically or by facsimile). Each counterpart, when executed and delivered, shall be an original, and all of the counterparts together shall constitute one and the same fully executed instrument.

Federal Communications Commission

By:

Barbara A. Kreisman
Chief, Video Division
Media Bureau

Date

Ebenezer Broadcasting Group, Inc.

By:

Rvdo. Israel Bermudez, General Manager

Date

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

In re Applications of	)	NAL/Acct. No. MB-202441410019
	)	FRN: 0010233484
KCCS, LLC	)	
	)	
	)	Facility ID Nos. 10963 and 201439
For Consent to Transfer of Control of	)	
KSLM(AM), Salem, Oregon and K282BY, Salem,	)	Application File Nos. 0000184559 and
Oregon	)	0000184560
	)	
from	)	
	)	
Cindy Wyant Smith	)	
(Transferor)	)	
	)	
to	)	
	)	
Jacqueline Smith (Transferee)	)	

ORDER

Adopted: December 06, 2024

Released: December 06, 2024

By the Chief, Audio Division, Media Bureau:

1. In this Order, we adopt the attached Consent Decree entered into by the Media Bureau (Bureau) and KCCS, LLC, (KCCS or Licensee), licensee of stations KSLAM(AM), Salem, Oregon, and K282BY, Salem, Oregon (collectively, the Stations). The Consent Decree resolves issues arising from the Bureau's review of the captioned applications (Voluntary Transfer Applications)¹ for Commission consent to the voluntary transfer of control of the Licensee from the sole owner Cindy Wyant Smith (Wyant Smith) to her daughter, Jacqueline Smith (Smith).²

2. In the course of processing the Voluntary Transfer Applications, the Bureau staff found that control of KCCS was apparently willfully transferred twice without prior Commission authorization. Specifically, in February 2021, Wyant Smith transferred her interest in KCCS to Smith; and beginning in 2022, Smith and her sisters, Amanda Smith, Katie Wilson, and Cynthia Ramirez represented to the public that they were the co-owners of KSLM(AM).³ On September 30, 2024, the Bureau released the *KCCS NAL* concerning the unauthorized transfers of control. The Consent Decree resolves the Bureau's investigation of the unauthorized transfers of control.

3. Pursuant to the terms of the Consent Decree, Licensee stipulates that it violated section

¹ Application File Nos. 0000184559 and 0000184560. See *Broadcast Applications*, Public Notice, Report No. PN-1-220210-01, at 1 (MB Feb. 10, 2022).

² Smith is also known as Jacqueline Crittenden. We refer to her herein as Smith.

³ See *KCCS, LLC*, Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, DA 24-1008 (released Sep. 30, 2024).

310(d) of the Communications Act of 1934, as amended (the Act),⁴ and section 73.3540 of the Commission's rules (Rules).⁵ The Consent Decree requires, among other things, that Licensee make an sixteen thousand dollar (\$16,000) civil penalty payment to the United States Treasury. A copy of the Consent Decree is attached hereto and incorporated by reference.

4. After reviewing the terms of the Consent Decree, we find that the public interest will be served by its approval and by terminating all pending proceedings relating to the Bureau's investigation of potential violations of the Rules and the Act in connection with the Voluntary Transfer Applications.

5. Based on the record before us, we conclude that nothing in that record creates a substantial and material question of fact as to whether KCCS possesses the basic qualifications to be a Commission licensee.

6. ACCORDINGLY, IT IS ORDERED that, pursuant to section 4(i) of the Act,⁶ and by the authority delegated by sections 0.61 and 0.283 of the Rules,⁷ the Consent Decree attached hereto IS ADOPTED without change, addition, or modification.

7. IT IS FURTHER ORDERED that the investigation by the Bureau of the matters noted above IS TERMINATED.

8. IT IS FURTHER ORDERED that copies of this Order shall be sent, by First Class and Certified Mail, Return Receipt Requested, to KCCS, LLC, 3190 Lancaster Drive NE, Salem, OR 93705. A copy will also be set to Licensee's counsel Paul Feldman, Esq., Fletcher, Heald and Hildreth, P.L.C., 1300 N. 17th Street, Suite 1100, Arlington, VA 22209.

9. IT IS FURTHER ORDERED that pursuant to section 73.3526(e)(10) of the Rules,⁸ a copy of this Order and Consent Decree and as otherwise required all related investigatory materials SHALL BE RETAINED in the above-captioned Stations' online public inspection file until grant of the next license renewal application.

FEDERAL COMMUNICATIONS COMMISSION

Albert Shuldiner
Chief, Audio Division
Media Bureau

⁴ 47 U.S.C. § 310(d).

⁵ 47 CFR § 73.3540.

⁶ 47 U.S.C. § 4(i).

⁷ 47 CFR §§ 0.61, 0.283.

⁸ *Id.* § 73.3526(e)(10).

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

In re Application of	)	NAL/Acct. No. MB-202441410019
	)	FRN: 0010233484
KCCS, LLC	)	
	)	Facility ID Nos. 10963 and 201439
For Consent to Transfer of Control of	)	
KSLM(AM), Salem, Oregon and K282BY, Salem,	)	Application File Nos. 0000184559 and
Oregon	)	0000184560
	)	
from	)	
	)	
Cindy Wyant Smith	)	
(Transferor)	)	
	)	
to	)	
	)	
Jacqueline Smith (Transferee)	)	

CONSENT DECREE

I. INTRODUCTION

1. This Consent Decree is entered into by and between the Media Bureau (Bureau) of the Federal Communications Commission and KCCS, LLC, licensee of stations KSLAM(AM), Salem, Oregon, and K282BY, Salem, Oregon, for the purpose of terminating the Bureau's investigation concerning compliance with section 310(d) of the Communications Act of 1934, as amended, 47 U.S.C. § 310(d), and section 73.3540 of the Commission's rules, 47 CFR § 73.3540.

II. DEFINITIONS

1. For purposes of this Consent Decree, the following definitions shall apply:
 - (a) "Act" means the Communications Act of 1934, as amended, 47 U.S.C. § 151 *et. seq.*;
 - (b) "Adopting Order" means the order of the Bureau adopting this Consent Decree;
 - (c) "Bureau" means the Media Bureau of the Federal Communications Commission;
 - (d) "Civil Penalty" means the payment Licensee has agreed to pay to the United States Treasury;
 - (e) "Commission" or "FCC" means the Federal Communications Commission and all of its bureaus and offices;
 - (f) "Effective Date" means the date on which the Bureau releases the Adopting Order;
 - (g) "Investigation" means the Bureau's investigation of information contained in the Voluntary Transfer Applications, as detailed herein and in a Notice of Apparent Liability

for Forfeiture released on September 30, 2024;⁹

- (h) “KCCS” means KCCS, LLC, licensee of stations KSLM(AM), Salem, Oregon, and K282BY, Salem, Oregon;
- (i) “Licenses” refers to the license authorizations for stations KSLM(AM), Salem, Oregon (Fac. ID No. 10963) and K282BY, Salem, Oregon (Fac. ID No. 201439);
- (j) “Licensee” means KCCS, LLC, and its affiliates, subsidiaries, predecessors-in-interest, and successors-in-interest;
- (k) “Parties” means the Licensee and the Bureau;
- (l) “Rules” means the Commission’s regulations found in Title 47 of the Code of Federal Regulations;
- (m) “Smith” refers to Jaqueline Smith, the transferee of Licensee;
- (n) “Violations” mean the violations of the Voluntary Transfer of Control Rule and section 310(d) of the Act, discussed in paragraphs 4-5;
- (o) “Voluntary Transfer Applications” means the FCC Form 2100, Schedule 315 applications for consent to the voluntary transfer of control of KCCS, LLC from Wyant Smith to Smith, Application File Nos. 0000189158 and 0000189159, as amended;
- (p) “Voluntary Transfer of Control Rule” means 47 CFR § 73.3540; and
- (q) “Wyant Smith” refers to Cindy Wyant Smith, the transferor of Licensee.

III. BACKGROUND

2. Section 310(d) of the Act provides in pertinent part:

No construction permit or station license, or any rights thereunder, shall be transferred, assigned, or disposed of in any manner, voluntarily or involuntarily, directly or indirectly, or by transfer of control of any corporation holding such permit or license, to any person except upon application to the Commission and upon finding by the Commission that the public interest, convenience, and necessity will be served thereby.¹⁰

The Voluntary Transfer of Control Rule implements section 310(d) of the Act.¹¹ It is well-settled that

⁹ *KCCS, LLC*, Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, DA 24-1008 (released Sep. 30, 2024).

¹⁰ 47 U.S.C. § 310(d).

¹¹ 47 CFR § 73.3540. In particular, the Voluntary Transfer of Control Rule states, in pertinent part, that “[p]rior consent of the FCC must be obtained for a voluntary assignment or transfer of control.” *Id.* § 73.3540(a). The rule states further that an “[a]pplication for consent to the transfer of control of a corporation holding a construction permit or license must be filed on FCC Form 2100 Schedule 315” where the transaction involves a substantial (or non pro forma) change in ownership or control, or on FCC Form 2100, Schedule 316 where the transaction is pro forma (i.e., does not involve a substantial change in ownership or control). *Id.* § 73.3540. The Commission has

(continued....)

“control” as used in the Act and the Voluntary Transfer of Control Rule encompasses all forms of control, actual or legal, direct or indirect, negative or affirmative, and that passage of *de facto* as well as *de jure* control requires the prior consent of the Commission.¹²

3. In determining whether an entity has *de facto* control of a broadcast licensee, the Commission has traditionally looked beyond legal title and financial interests to determine who holds operational control of the station.¹³ An entity or individual may be found to have exercised *de facto* control in a particular situation based on the specific facts and totality of the circumstances of the case, regardless of what interest, if any, it holds in the licensee.¹⁴ In such cases, the Commission looks to the totality of the circumstances to determine whether an entity or individual exercises control of a station, looking in particular at the station’s programming, personnel, and finances.¹⁵ A licensee’s surrender of control over any one of these indicia to another entity is sufficient to find that another entity has *de facto* control.¹⁶ In addition, the Commission will also consider other factors, such as whether someone other than the licensee holds themselves out to station staff and/or the public as the one who controls station affairs.¹⁷

4. On August 1, 2011, Wyant Smith acquired KCCS, pursuant to a granted transfer of control application.¹⁸ At that time, Wyant Smith was the sole member of KCCS, with 100% of the equity and voting interests in Licensee. On May 1, 2014, Wyant Smith executed a Purchase Agreement (Purchase Agreement) to sell KCCS, the Stations’ licenses, and the radio equipment (collectively, referred to therein as the Property) to Smith.¹⁹ The Purchase Agreement stated that “[t]he sale, conveyance,

generally considered a change in ownership or control to be “substantial” if (a) 50 percent or more of the voting stock is being transferred or (b) the transaction results in 50 percent or more of the outstanding voting stock being held by persons whose qualifications the Commission has not “passed upon” on a long-form application. *Barnes Enterprises, Inc.*, 55 FCC 2d 721 (1975); *Clay Broadcasters, Inc.*, 21 RR 2d 442 (1971).

¹² See, e.g., *Stereo Broadcasters, Inc.*, 55 FCC 2d 819, 821 (1975) (citing *WWIZ, Inc.*, 36 FCC 561 (1964)), modified, 59 FCC 2d 1002 (1976).

¹³ See *WHDH, Inc.*, Memorandum Opinion and Order, 17 FCC 2d 856, 863 (1969), *aff’d sub nom. Greater Boston Television Corp. v. FCC*, 444 F.2d 841 (D.C. Cir. 1970), *cert. denied*, 403 U.S. 923 (1971); *Paxson Mgmt. Corp. & Lowell W. Paxson (Transferors) & CIG Media LLC (Transferee)*, Memorandum Opinion and Order, 22 FCC Rcd 22224, 22234, para. 28 (2007).

¹⁴ See *Mission Broad., Inc., Nexstar Media Group, Inc.*, Notice of Apparent Liability for Forfeiture, FCC-24-34, 2024 WL 1327033 (2024) at para 5.

¹⁵ See, e.g., *Radio Moultrie, Inc.*, Order to Show Cause and Notice of Opportunity for Hearing, 17 FCC Rcd 24304, 24306 (2002).

¹⁶ See, e.g., *Hicks Broad. of Indiana, LLC*, Hearing Designation Order, 13 FCC Rcd 10662, 10677, para. 50 (1998) (control over any one of the areas of personnel, programming, and finances would be sufficient for a finding of *de facto* control); *Anabelle Savage, Chapter 7 Tr., Universal Broad., Inc.*, Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, 25 FCC Rcd 3665, 3670, n. 61 (MB 2010); and *Clear Channel Broad. Licenses Inc.*, Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, 24 FCC Rcd 14078, 14095, para. 38 (MB 2009).

¹⁷ See *WQRZ, Inc.*, Decision, 22 FCC 1254, 1332, para. 51 (1957); see also *Hispanic Christian Community Network, Antonio Cesar Guel, and Jennifer Juarez*, Order to Show Cause Why a Cease and Desist Order Should Not be Issued, Order to Show Cause Why an Order of Revocation Should not be Issued, Hearing Designation Order, Notice of Opportunity for Hearing, and Notice of Apparent Liability for Forfeiture, MB Docket No. 23-267, DA 23-678, 2023 WL 5197159 (MB Aug. 10, 2023) at para. 6.

¹⁸ Application File No. BTC-20110412AAH, granted on July 22, 2011, and consummated on August 1, 2011. See *Broadcast Actions*, Public Notice, Report No. 47539, at 1 (MB Jul. 29, 2011).

¹⁹ See, Voluntary Transfer Applications at KCCS, LLC Transfer of Control-Purchase Agreement Exhibit, Purchase Agreement at 1 and para 1.

assignment of said Property shall become effective as of the Effective Date,” which was defined as May 1, 2014.²⁰ The Purchase Agreement further stipulated that the \$250,000 purchase price was to be paid by Smith through “sweat equity,” which was defined as bookkeeping and administrative services to be provided by Smith.²¹ Under the Purchase Agreement, Smith’s “sweat equity” services were valued at \$4,630 per month and ran from September 2016 through February 2021.²² In February 2021, Smith completed the “sweat equity” services required under the Purchase Agreement.²³ Additionally, on February 9, 2021, KCCS filed with the Oregon Secretary of State an updated Articles of Organization, signed by Smith under penalty of perjury, that listed Smith as the sole Member/Manager of KCCS.²⁴ On October 12, 2021, Wyant Smith and Smith executed an Amendment to the Purchase Agreement (Amendment) stating that Smith “has fully performed under the Purchase Agreement, but the purpose of the Purchase Agreement has been frustrated by the mutual mistake of the Parties, who acknowledge that the sale and transfer of the FCC licensee and the Station[s]’ FCC license[s] should have been subject to the prior approval by the FCC in accordance with 47 U.S.C. § 310 and regulations promulgated thereunder.”²⁵ The Amendment further stipulated that an application for FCC approval of the transfer of control of Licensee would be “filed within ten (10) business days of the execution of this Amendment.”²⁶ Notwithstanding this stipulation KCCS did not file the Voluntary Transfer Applications until February 2022.²⁷ Additionally, beginning in 2022, Smith and her sisters, Amanda Smith, Katie Wilson, and Cynthia Ramirez held themselves out to the public as the co-owners of KSLM(AM).²⁸

5. Based on the foregoing, the Bureau commenced the Investigation and suspended processing of the Voluntary Transfer Applications. On September 30, 2024, the Bureau issued the *KCCS NAL* finding that control of KCCS was apparently willfully transferred twice without prior Commission authorization.²⁹ The Parties acknowledge that any proceedings that might result from the Violations would be time-consuming and require a substantial expenditure of public and private resources. In order to conserve such resources, resolve the matters, and promote compliance with the Rules, the Parties are entering into this Consent Decree, in consideration of the mutual commitments made herein.

IV. TERMS OF AGREEMENT

6. **Adopting Order.** The provisions of this Consent Decree shall be incorporated by the Bureau in an Adopting Order.

7. **Jurisdiction.** Licensee agrees that the Bureau has jurisdiction over it and the matters

²⁰ *Id.*

²¹ *Id.*, at 1-2, para. 3.

²² *Id.*

²³ *See Id.* at 1.

²⁴ *See* Email from Mark Malanzo, Esq., Attorney, Fletcher, Heald & Hildreth, to Kim Varner, Attorney-Advisor, Audio Division, FCC Media Bureau, Attach. at 4-5 (Mar. 26, 2024, 16:44 EDT) (March 2024 Response) (attaching KCCS’s Articles of Organization, filed Feb. 9, 2021).

²⁵ Voluntary Transfer Applications at Amendment, para. B.

²⁶ *Id.*

²⁷ *See Broadcast Applications*, Public Notice, Report No. PN-1-220210-01, at 1 (MB Feb. 10, 2022).

²⁸ Specifically, Smith and her sisters were identified as “co-owners” in multiple social media posts on the official KSLM(AM) Facebook page; on the official KSLM(AM) website; and in a news article. *See KCCS, LLC*, Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, DA 24-1008 (released Sep. 30, 2024) at notes 25-27.

²⁹ *See Id.*

contained in this Consent Decree and the authority to enter into and adopt this Consent Decree.

8. **Effective Date; Violations.** The Parties agree that this Consent Decree shall become effective on the Effective Date as defined herein. Upon the Effective Date, the Adopting Order and this Consent Decree shall have the same force and effect as any other order of the Commission. Licensee agrees that it is required to comply with each individual condition of this Consent Decree. Each specific condition is a separate condition of the Consent Decree as approved. Any violation of the Adopting Order or the terms of this Consent Decree shall constitute a separate violation of a Commission order, entitling the Commission to exercise any rights and remedies attendant to enforcement of a Commission order.

9. **Termination of Investigation.** In express reliance on the covenants and representations in this Consent Decree and to avoid further expenditure of public resources, the Bureau agrees to terminate the Investigation. In consideration for the termination of the Investigation, Licensee agrees to the terms, conditions, and procedures contained herein.

10. The Bureau further agrees that, in the absence of new material evidence, it will not use the Violations or the existence of this Consent Decree in any action against Licensee concerning the matters that were the subject of the Investigation, provided that the Licensee satisfies all of its obligations under this Consent Decree. In the event that the Licensee fails to satisfy any of its obligations under this Consent Decree, the Bureau may take any enforcement action available pursuant to the Act and the Rules with respect to each Violation, and/or the violation of this Consent Decree.

11. **Admission of Liability.** Licensee stipulates that its actions described in Paragraphs 4-5 violated section 310(d) of the Act and the Voluntary Transfer of Control Rule.

12. **Civil Penalty.** Licensee agrees that it shall pay a Civil Penalty to the United States Treasury in the total amount of sixteen thousand dollars (\$16,000.00). Licensee agrees to pay the Civil Penalty in four quarterly installments (each an Installment Payment) of \$4,000.00 each, until the Civil Penalty is paid in full. Licensee agrees that the first Installment Payment shall be due and received by the United States Treasury on or before 30 days after the Effective Date of the Adopting Order and the remaining three Installment Payments shall due and received by the United States Treasury on or before 90 days after the preceding Installment Payment. Licensee acknowledges and agrees that upon execution of this Consent Decree, the Civil Penalty and each Installment Payment shall become a "Claim" or "Debt" as defined in 31 U.S.C. § 3701(b)(1).³⁰ Upon an Event of Default, as defined below, all procedures for collection as permitted by law may, at the Commission's discretion, be initiated. On the date each Installment Payment is made, Licensee shall send notification of the payment via email to Albert.Shuldiner@fcc.gov, Christopher.Clark@fcc.gov, and Kim.Varner@fcc.gov.

13. Payment of the Civil Penalty must be made by credit card, ACH (Automated Clearing House) debit from a bank account using CORES (the Commission's online payment system),³¹ or by wire transfer. Payments by check or money order to pay a forfeiture are no longer accepted. Below are instructions that payors should follow based on the form of payment selected:³²

- Payment by wire transfer must be made to ABA Number 021030004, receiving bank TREAS/NYC, and Account Number 27000001. A completed FCC Form 159 must be faxed to the Federal Communications Commission at 202-418-2843 or e-mailed to RROGWireFaxes@fcc.gov on the same business day the wire transfer is initiated. Failure to provide all required information in Form 159 may result in payment not being recognized

³⁰ Debt Collection Improvement Act of 1996, Pub. L. No. 104-134, 110 Stat. 1321, 1358 (Apr. 26, 1996).

³¹ Payments made using CORES do not require the submission of an FCC Form 159.

³² For questions regarding payment procedures, please contact the Financial Operations Group Help Desk by phone at 1-877-480-3201 (option #6), or by e-mail at ARINQUIRIES@fcc.gov.

as having been received. When completing FCC Form 159, enter the Account Number in block number 23A (call sign/other ID), enter the letters “FORF” in block number 24A (payment type code), and enter in block number 11 the FRN(s) captioned above (Payor FRN).^[1] For additional detail and wire transfer instructions, go to <https://www.fcc.gov/licensing-databases/fees/wire-transfer>.

- Payment by credit card must be made by using the Commission’s Registration System (CORES) at <https://apps.fcc.gov/core/userLogin.do>. To pay by credit card, log-in using the FCC Username associated to the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select “Manage Existing FRNs | FRN Financial | Bills & Fees” from the CORES Menu, then select FRN Financial and the view/make payments option next to the FRN. Select the “Open Bills” tab and find the bill number associated with the NAL/Acct. No. The bill number is the NAL Acct. No. (e.g., NAL/Acct. No. 1912345678 would be associated with FCC Bill Number 1912345678). After selecting the bill for payment, choose the “Pay by Credit Card” option. Please note that there is a \$24,999.99 limit on credit card transactions.
- Payment by ACH must be made by using the Commission’s Registration System (CORES) at <https://apps.fcc.gov/core/paymentFrnLogin.do>. To pay by ACH, log-in using the FCC Username associated to the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select “Manage Existing FRNs | FRN Financial | Bills & Fees” on the CORES Menu, then select FRN Financial and the view/make payments option next to the FRN. Select the “Open Bills” tab and find the bill number associated with the NAL/Acct. No. The bill number is the NAL/Acct. No. (e.g., NAL/Acct. No. 1912345678 would be associated with FCC Bill Number 1912345678). Finally, choose the “Pay from Bank Account” option. Please contact the appropriate financial institution to confirm the correct Routing Number and the correct account number from which payment will be made and verify with that financial institution that the designated account has authorization to accept ACH transactions.

14. **Event of Default.** Licensee agrees that an Event of Default shall occur upon the failure by Licensee to pay the full amount of any Installment Payment by the due date specified in this Consent Decree.

15. **Interest Charges for Collection, and Acceleration of Maturity Date.** Licensee agrees that after an Event of Default has occurred under this Consent Decree, the then unpaid amount of the Civil Penalty shall accrue interest, computed using the U.S. Prime Rate in effect on the date of the Event of Default plus 4.75%, from the date of the Event of Default until payment in full. Upon an Event of Default, the then unpaid amount of the Civil Penalty, together with interest, any penalties permitted and/or required by the law, including but not limited to 31 U.S.C. § 3717 and administrative charges, plus the costs of collection, litigation, and attorneys’ fees, shall become immediately due and payable, without notice, presentment, demand, protest, or notice of protest of any kind, all of which are waived by Licensee.

16. **Qualifications; Agreement to Grant.** The Bureau finds that its Investigation raises no substantial and material questions of fact as to whether the Licensee possesses the basic qualifications, including those relating to character, to hold a Commission license or authorization. Accordingly, the Bureau agrees to grant the Voluntary Transfer Applications after the Effective Date, provided that the following conditions have been met: 1) the Civil Penalty payment, referenced in paragraph 12 of this Decree, has been fully and timely satisfied; and 2) there are no issues other than the Violations that would preclude grant of the Voluntary Transfer Applications.

^[1] Instructions for completing the form may be obtained at <https://www.fcc.gov/Forms/Form159/159.pdf>.

17. **Waivers.** Licensee agrees to waive any and all rights it may have to seek administrative or judicial reconsideration, review, appeal, or stay, or to otherwise challenge the validity of this Consent Decree and the Adopting Order, provided the Consent Decree is adopted without change, addition or modification. If any Party (or the United States on behalf of the Commission), brings a judicial action to enforce the terms of the Consent Decree or Adopting Order, no Party will contest the validity of the Consent Decree or Adopting Order, and Licensee will waive any statutory right to a *trial de novo*. Licensee further agrees to waive any claims it may otherwise have under the Equal Access to Justice Act³³ relating to the Consent Decree or Adopting Order.

18. **Severability.** The Parties agree that if a court of competent jurisdiction renders any of the provisions of this Consent Decree unenforceable, such unenforceability shall not render unenforceable the Consent Decree, but rather the entire Consent Decree shall be construed as if not containing the particular unenforceable provision or provisions, and the rights and obligations of the Parties shall be construed and enforced accordingly.

19. **Invalidity.** In the event that this Consent Decree in its entirety is rendered invalid by any court of competent jurisdiction, it will become null and void and may not be used in any manner in any legal proceeding.

20. **Subsequent Rule or Order.** The Parties agree that if any provision of this Consent Decree conflicts with any subsequent Rule or order adopted by the Commission (except an order specifically intended to revise the terms of this Consent Decree to which Licensee does not expressly consent), such provision will be superseded by such Rule or order.

21. **Successors and Assigns.** Licensee agrees that the provisions of this Consent Decree shall be binding on its successors, assigns, and transferees.

22. **Final Settlement.** The Parties agree and acknowledge that this Consent Decree shall constitute a final settlement between the Parties with respect to the Investigation.

23. **Modifications.** This Consent Decree cannot be modified or amended without the advance written consent of all Parties.

24. **Paragraph Headings.** The headings of the paragraphs in this Consent Decree are inserted for convenience only and are not intended to affect the meaning or interpretation of this Consent Decree.

25. **Authorized Representative.** Each Party represents and warrants to the other Party that it has full power and authority to enter into this Consent Decree. Each person signing this Consent Decree on behalf of a Party hereby represents that he or she is fully authorized by the Party to execute this Consent Decree and to bind the Party to its terms and conditions.

26. **Counterparts.** This Consent Decree may be signed in counterparts and/or electronically and, when so executed, the counterparts, taken together, will constitute a legally binding and enforceable instrument whether executed electronically or by original signatures.

³³ 5 U.S.C. § 504; 47 CFR §§ 1.1501-1530.

**MEDIA BUREAU
FEDERAL COMMUNICATIONS COMMISSION**

By: 
Albert Shuldiner, Chief, Audio Division

Date: December 6, 2024

KCCS, LLC

By: _____
Jacqueline Smith, Member

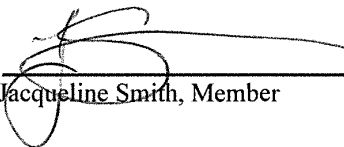
Date: _____

**MEDIA BUREAU
FEDERAL COMMUNICATIONS COMMISSION**

By: _____
Albert Shuldiner, Chief, Audio Division

Date: _____

KCCS, LLC

By:  _____
Jacqueline Smith, Member

Date: 11.25.24 _____

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

In the Matter of

Charter Communications, Inc.

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)

File No.: EB-FIELDSCR-24-00036061
NAL/CD Acct. No.: 202532020001
FRN: 0025646373

ORDER

Adopted: December 5, 2024**Released: December 5, 2024**

By the Acting Chief, Enforcement Bureau:

1. The Enforcement Bureau (Bureau) of the Federal Communications Commission has entered into a Consent Decree to resolve its investigation into whether Charter Communications, Inc. (Charter) violated sections 11.35, 11.51, 11.52, and 11.56 of the Commission's rules by operating portions of its cable systems without the ability to transmit Emergency Alert System (EAS) alerts when it was upgrading its EAS equipment in anticipation of a December 12, 2023 compliance deadline for several new EAS requirements. The EAS provides the President of the United States with the capability to provide immediate communications and information to the general public at the National, State, and Local Area levels during periods of national emergency. Further, EAS participants distribute state and local alerts issued by Tribal, state, local, and territorial governments, as well as by the National Weather Service and the Federal Emergency Management Agency on a voluntary basis. This includes alerts for events such as hurricanes and other dangerous weather conditions, wildfires, child abductions (AMBER alerts), and missing and endangered persons.¹ To settle this matter, Charter agrees to implement a compliance plan and to pay a settlement amount of \$1,100,000.

2. After reviewing the terms of the Consent Decree and evaluating the facts before us, we find that the public interest would be served by adopting the Consent Decree and terminating the referenced investigation regarding Charter's compliance with sections 11.35, 11.51, 11.52, and 11.56 of the Commission's rules.²

3. In the absence of material new evidence relating to this matter, we do not set for hearing the question of Charter's basic qualifications to hold or obtain any Commission license or authorization.³

4. Accordingly, **IT IS ORDERED** that, pursuant to section 4(i) of the Communications Act, 47 U.S.C. § 154(i), and the authority delegated by sections 0.111 and 0.311 of the Commission's rules, 47 CFR §§ 0.111, 0.311, the attached Consent Decree **IS ADOPTED** and its terms incorporated by reference.

¹ See 47 CFR §§ 11.1, 11.2, *Amendment of Part 11 of the Commission's Rules Regarding the Emergency Alert System*, Report and Order, 37 FCC Rcd 11844, 11845, para. 4 (2022); *Wireless Emergency Alerts, Amends. to Part 11 of the Commission's Rules Regarding the Emergency Alert Sys.*, Notice of Proposed Rulemaking, FCC 24-30, 2024 WL 1191983, at *2, para. 3 (Mar. 15, 2024); see also *Wireless Emergency Alerts Amends. to Part 11 of the Commission's Rules Regarding the Emergency Alert Sys.*, Report and Order, FCC 24-83, 2024 WL 3741127, at *4 (2024) (adding a dedicated MEP event code to the EAS protocol).

² 47 CFR §§ 11.35, 11.51, 11.52, 11.56.

³ See 47 CFR § 1.93(b).

5. **IT IS FURTHER ORDERED** that the above-captioned matter **IS TERMINATED** in accordance with the terms of the attached Consent Decree.

6. **IT IS FURTHER ORDERED** that a copy of this Order and Consent Decree shall be sent by first class mail and certified mail, return receipt requested, to Maureen O'Connell, Vice President, Government Affairs, Charter Communications, Inc., 601 Massachusetts Avenue, NW, Suite 400 West, Washington, DC 20001, and to Suzanne M. Tetreault, Wilkinson, Barker, Knauer, LLP., 1800 M Street NW, Suite 800N, Washington, DC 20036.

FEDERAL COMMUNICATIONS COMMISSION

Peter S. Hyun
Acting Chief
Enforcement Bureau

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

In the Matter of	)	
	)	
Charter Communications, Inc.	)	File No.: EB-FIELDSCR-24-00036061
	)	CD Acct. No.: 202532020001
	)	FRN: 0025646373

CONSENT DECREE

1. The Enforcement Bureau (Bureau) of the Federal Communications Commission (Commission or FCC) and Charter Communications, Inc. (Charter or Company), by their authorized representatives, hereby enter into this Consent Decree for the purpose of terminating the Bureau's investigation into whether Charter violated section 11.35, 11.51, 11.52, and 11.56 of the Commission's Rules in connection with the temporary removal of certain of its Emergency Alert System (EAS) encoder/decoder devices from service in order to upgrade them to comply with new FCC EAS requirements. To resolve this matter, Charter agrees to implement a compliance plan and to pay a settlement amount of \$1,100,000 to the United States Treasury.

I. DEFINITIONS

2. For the purposes of this Consent Decree, the following definitions shall apply:
- (a) "Act" means the Communications Act of 1934, as amended.¹
 - (b) "Adopting Order" means an order of the Bureau adopting the terms of this Consent Decree without change, addition, deletion, or modification.
 - (c) "Bureau" means the Enforcement Bureau of the Federal Communications Commission.
 - (d) "CD Acct No." means the account number associated with payment obligations described in paragraph 21 of this Consent Decree.
 - (e) "Charter" or "Company" means Charter Communications, Inc., and its subsidiaries, predecessors-in-interest, successors-in-interest, and assigns.
 - (f) "Commission" and "FCC" mean the Federal Communications Commission and all of its bureaus and offices.
 - (g) "Communications Laws" means collectively, the Act, the Rules, and the published and promulgated orders and decisions of the Commission, to which the Company is subject by virtue of its business activities, including but not limited to the EAS Rules.
 - (h) "Compliance Plan" means the compliance obligations, program, and procedures described in this Consent Decree at paragraph 17.
 - (i) "Covered Employees" means all employees and agents of the Company who perform, supervise, oversee, or manage the performance of, duties that relate to the Company's responsibilities under section 11.35(b) of the EAS Rules.

¹ 47 U.S.C. § 151 *et seq.*

- (j) “EAS Device” means the equipment required to be deployed by Charter under section 11.11 of the Rules.²
- (k) “EAS Participant” has the same meaning as the definition in 47 CFR § 11.2(b).³
- (l) “EAS Rules” means sections 11.35, 11.51, 11.52 and 11.56 of the Rules.⁴
- (m) “Effective Date” means the date by which both the Bureau and the Company have signed the Consent Decree and the Bureau has released an Adopting Order.
- (n) “Investigation” means the investigation commenced by the Bureau in File No. EB-FIELDSCR-24-00036061.
- (o) “Parties” means Charter and the Bureau, each of which is a “Party.”
- (p) “Rules” means the Commission’s regulations found in Title 47 of the Code of Federal Regulations.

II. BACKGROUND

3. The Commission’s part 11 rules require EAS participants to have EAS Devices installed and capable of sending and receiving EAS tests and messages. Section 11.35(a) of the Rules requires EAS Participants to ensure that EAS Devices are “installed so that the monitoring and transmitting functions are available during the times the stations and systems are in operation.”⁵ Section 11.35(b), however, states EAS participants may operate without EAS equipment for 60 days without further FCC authority in order to repair or replace defective equipment.⁶ Section 11.35(c) states EAS participants must submit an informal request to the FCC for additional time if replacement is not completed within 60 days.⁷

4. In September 2022, the Commission adopted new EAS rules requiring EAS Participants to use text and audio from alerts issued in the Internet-based Common Alert Protocol (CAP) format, if it is available from the Integrated Public Alert and Warning System, in preference to the EAS protocol version received over the air.⁸ The CAP-formatted alerts allow higher-quality audio messages, improve the availability of multilingual alerts, and ensure that more of the alerts displayed on television screens contain all of the information provided by the entity that originated the alert.⁹ The changes also replaced the technical jargon that accompanied certain alerts, including test messages, with plain language terms so that the visual and audio messages are clearer to the public.¹⁰ These rule changes required EAS Participants to update their EAS equipment to comply with the rule changes by December 12, 2023.¹¹ A

² 47 CFR § 11.11.

³ *Id.* § 11.2(b) (defining “EAS Participants” as “[e]ntities required under the Commission’s rules to comply with EAS rules, e.g., analog radio and television stations, and wired and wireless cable television systems, DBS, DTV, SDARS, digital cable and DAB, and wireline video systems.”).

⁴ *Id.* §§ 11.35, 11.51, 11.52, 11.56.

⁵ *Id.* § 11.35.

⁶ *Id.* § 11.35(b).

⁷ *Id.* § 11.35(c).

⁸ *See Amendment of Part 11 of the Commission’s Rules Regarding the Emergency Alert System*, Report and Order, 37 FCC Rcd 11844, 11845, para. 2. (2022) (*2022 EAS Order*).

⁹ *Id.*

¹⁰ *Id.* at 11847, 11855, paras. 9 and 33.

¹¹ *See 2022 EAS Order*, *supra* note 8, 37 FCC Rcd at 11860, para. 46 (“We require all EAS Participants to comply with the rules adopted in this order no later than one year from the effective date of the order”).

significant portion of Charter's existing EAS equipment required both hardware and software upgrades to comply with the new rules.¹²

5. On July 22, 2022, in anticipation of the rule change, Charter met with its EAS Device vendor, Digital Alert Systems (DAS), to plan for any necessary upgrades of Charter's EAS Devices to bring them into compliance with the new rules.¹³ Charter and DAS agreed to a rolling process by which Charter would take a limited number of EAS Devices offline, return them to DAS for upgrading, whereupon the EAS Devices would be returned to Charter for re-installation.¹⁴ Throughout this process, at any given time, Charter operated portions of its cable systems without more than a dozen EAS Devices.¹⁵ Charter asserts that throughout this process, it believed in good faith that the upgrade process was subject to section 11.35(b) of the Rules, which permits EAS participants to operate for 60 days without EAS Devices that have "become[] defective" while such devices are repaired.¹⁶

6. When addressing a malfunctioning EAS Device, Charter's normal practice is to load the most recent backup configuration of the malfunctioning EAS Device onto a spare unit and to install that unit while the malfunctioning EAS device being repaired or replaced.¹⁷ If a spare unit was not on hand at the specific location of the failed unit, a spare would be shipped from another location.¹⁸ The 2022 rule change required Charter to upgrade the hardware on over one hundred EAS devices.¹⁹ Due to the large number of EAS Devices requiring a hardware upgrade, Charter was unable to deploy spare units in all cases in which EAS Devices were taken offline and returned to DAS for upgrading. Charter was able to complete the upgrades for all but two units by the December 12, 2023 deadline required by the new EAS rules, with one of those units upgraded 12 hours later, and one partially upgraded.²⁰

7. On October 3, 2023, Charter notified the Commission's Public Safety and Homeland Security Bureau (PSHSB), informing PSHSB that Charter's EAS Devices at approximately three dozen cable headends, which provide EAS alerts to more than one million Charter customers, would be out of service for the October 4, 2023 nationwide EAS test.²¹ Charter explained that the EAS Devices had been taken out of service as part of its process of upgrading EAS Devices in anticipation of the December 12, 2023 date for compliance with the changes to the EAS Rules that the Commission adopted in September 2022.²² PSHSB responded to Charter's notification with questions about when Charter had taken the equipment out of service, whether there was additional equipment that Charter intended to take out of service, how promptly DAS was returning equipment, and whether Charter was concerned about meeting

¹² See 47 CFR § 11.55.

¹³ See Charter Response to Letter of Inquiry, Suzanne M. Tetreault and Travis Litman, Counsel for Charter, Wilkinson, Barker, Knauer, LLP. to Spectrum Enforcement Division, FCC Enforcement Bureau at 2 (May 6, 2024) (on file in EB-FIELDSCR-24-00036061) (LOI Response).

¹⁴ *Id.*

¹⁵ See Charter Response to Supplemental Letter of Inquiry from Suzanne M. Tetreault and Travis Litman, Counsel for Charter, Wilkinson, Barker, Knauer, LLP. to Spectrum Enforcement Division, FCC Enforcement Bureau at Attachment B (Aug. 20, 2024) (indicating whether or not a spare was in place for each device sent to DAS for exchange) (on file in EB-FIELDSCR-24-00036061) (Supplemental LOI Response).

¹⁶ See LOI Response at 4.

¹⁷ See LOI Response at 12.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.* at 2.

²¹ See e-mail from Maureen O'Connell, VP Government Affairs, Charter Communications Inc. to Austin Randazzo, Associate Bureau Chief, PSHSB (Oct. 3 2023, 15:30 EDT) (on file in EB-FIELDSCR-24-00036061).

²² *Id.*; see also, 2022 EAS Order, *supra* note 8.

the December deadline.²³ Neither Charter nor PSHSB raised the defective equipment rule. Charter asserts that because it knew it would meet the December compliance deadline and believed in good faith that it had 60 days under the FCC's rules to replace its non-compliant equipment, Charter did not respond to PSHSB's inquiries. Charter also asserts that it was given no reason to believe, after it submitted its notification to PSHSB, that the Company was not in compliance with the EAS Rules.

8. On March 22, 2024, the Bureau issued a Letter of Inquiry (LOI) to the Company directing it to submit a sworn written response to a series of questions relating to its upgrade of EAS Devices, and the Bureau issued supplemental questions on August 9, 2024.²⁴ The Company timely responded to the LOI and the Bureau's supplemental questions.²⁵

9. The Bureau asserts that Charter's EAS Devices were not "defective" under section 11.35(b) during the period Charter took them offline because, at the time of the off-site upgrades, each EAS Device was capable of performing the "monitoring and transmitting functions" that were required to be "available during the times the . . . [cable] systems [were] in operation."²⁶

10. The Company and the Bureau subsequently engaged in settlement negotiations. To resolve this matter, the Company and the Bureau enter into this Consent Decree and agree to the following terms and conditions.

III. TERMS OF AGREEMENT

11. **Adopting Order.** The provisions of this Consent Decree shall be incorporated by the Bureau in an Adopting Order.

12. **Jurisdiction.** The Company agrees that the Bureau has jurisdiction over it and the matters contained in this Consent Decree and has the authority to enter into and adopt this Consent Decree.

13. **Effective Date; Violations.** The Parties agree that this Consent Decree shall become effective on the Effective Date as defined herein. As of the Effective Date, the Parties agree that this Consent Decree shall have the same force and effect as any other order of the Commission.

14. **Termination of Investigation.** In express reliance on the covenants and representations in this Consent Decree and to avoid further expenditure of public resources, the Bureau agrees to terminate the Investigation. In consideration for the termination of the Investigation, the Company agrees to the terms, conditions, and procedures contained herein. The Bureau further agrees that, in the absence of new material evidence, it will not use the facts developed in the Investigation through the Effective Date, or the existence of this Consent Decree, to institute any new proceeding on its own motion against the Company concerning the matters that were the subject of the Investigation, or to set for hearing the question of the Company's basic qualifications to be a Commission licensee or hold Commission licenses or authorizations based on the matters that were the subject of the Investigation.²⁷

15. **Admission.** Charter admits for the purpose of this Consent Decree, and in express reliance on the provisions of paragraph 14 herein, that its actions described in paragraphs 4 through 7 herein are a true and accurate description of the facts underlying the Investigation.

²³ See e-mail from Austin Randazzo, Associate Bureau Chief, PSHSB, to Maureen O'Connell, VP Government Affairs, Charter Communications Inc. (Oct. 3, 2023, 16:30 EDT) (on file in EB-FIELDSCR-24-00036061).

²⁴ Letter of Inquiry to Charter Communications Inc. (Mar. 22, 2023) (on file in EB-FIELDSCR-24-00036061) (LOI); Supplemental Letter of Inquiry to Charter Communications Inc. (Aug. 9, 2024) (on file in EB-FIELDSCR-24-00036061).

²⁵ See LOI Response; Supplemental LOI Response.

²⁶ See 47 CFR § 11.35(a).

²⁷ See 47 CFR § 1.93(b).

16. **Compliance Officer.** Within thirty (30) calendar days after the Effective Date, the Company shall designate a vice president or above with requisite corporate, budget, and organizational authority to serve as a Compliance Officer and to discharge the duties set forth below. The person designated as the Compliance Officer shall be responsible for overseeing the development, implementation, and administration of the Compliance Plan and ensuring that the Company complies with the terms and conditions of the Compliance Plan and this Consent Decree. In addition to the general knowledge of the Communications Laws necessary to discharge his or her duties under this Consent Decree, the Compliance Officer shall have specific knowledge of the EAS Rules prior to assuming his/her duties.

17. **Compliance Plan.** For purposes of settling the matters set forth herein, Charter agrees that it shall, within the dates set out below, develop and implement a Compliance Plan designed to ensure future compliance the EAS Rules and the terms and conditions of this Consent Decree. By the dates set forth below, and continuing until the Termination Date of this Consent Decree, Charter shall develop and implement, or, where processes already exist, improve upon, processes related to updating or replacing outdated EAS Devices without limiting its ability to comply with the EAS Rules. With respect to section 11.35(b) of the EAS Rules, Charter will implement, at a minimum, the following procedures:

- (a) **Operating Procedures.** Within sixty (60) calendar days after the Effective Date, Charter shall establish Operating Procedures (including, as necessary, reviewing and revising any existing procedures) that all Covered Employees shall follow to help ensure that Charter correctly applies section 11.35(b) of the EAS Rules during circumstances in which Charter must perform hardware upgrades of a material portion of Charter's deployed EAS Devices in order to comply with regulatory changes.
- (b) **Compliance Manual.** Within sixty (60) calendar days after the Effective Date, the Compliance Officer shall develop and distribute a Compliance Manual to all Covered Employees. This requirement may be satisfied by reviewing and revising any existing Compliance Manual, as necessary. The Compliance Manual shall explain the application of section 11.35(b) of the EAS Rules during circumstances in which Charter must perform hardware upgrades of a material portion of Charter's deployed EAS Devices in order to comply with regulatory changes and set forth the Operating Procedures that Covered Employees shall follow to help ensure the Company's correct application of section 11.35(b) of the EAS Rules in such circumstances. The Company shall periodically review and revise the Compliance Manual as necessary to ensure that the information set forth therein remains current and accurate. The Company shall distribute any revisions to the Compliance Manual promptly to all Covered Employees.
- (c) **Compliance Training Program.** The Company shall establish and implement a Compliance Training Program on compliance with the EAS Rules and the Operating Procedures. As part of the Compliance Training Program, Covered Employees shall be advised of the Company's obligation to report incorrect application of section 11.35(b) of the EAS Rules as set forth in paragraph 18 of this Consent Decree and shall be instructed on how to disclose noncompliance to the Compliance Officer. All Covered Employees shall be trained pursuant to the Compliance Training Program within ninety (90) calendar days after the Effective Date, except that any person who becomes a Covered Employee at any time after the initial Compliance Training Program shall be trained within thirty (30) calendar days after the date such person becomes a Covered Employee. The Company shall repeat compliance training on an annual basis, and shall periodically review and revise the Compliance Training Program as necessary to ensure that it remains current and complete and to enhance its effectiveness.

18. **Reporting Noncompliance.** The Company shall report any incorrect application of section 11.35(b) of the EAS Rules that relates to circumstances in which Charter must perform hardware upgrades of a material portion of Charter's deployed EAS Devices in order to comply with regulatory changes and with the terms and conditions of this Consent Decree within fifteen (15) calendar days after discovery of such noncompliance. Such reports shall include a detailed explanation of: (i) each instance of such noncompliance; (ii) the geographic area rendered unable to send or receive EAS signals, the number of subscribers affected, and the impact, if any, on the lack of functioning EAS Devices; (iii) the steps that the Company has taken or will take to remedy such noncompliance; (iv) the schedule on which such remedial actions will be taken; and (v) the steps that the Company has taken or will take to prevent the recurrence of any such noncompliance. All reports of noncompliance shall be submitted electronically to Chief, Spectrum Enforcement Division, Enforcement Bureau, Federal Communications Commission, via EB-SED-Response@fcc.gov.

19. **Compliance Reports.** The Company shall file compliance reports with the Commission ninety (90) calendar days after the Effective Date and twelve (12) months after the Effective Date.

- (a) Each Compliance Report shall include a description of the Company's efforts during the relevant period to comply with the terms and conditions of this Consent Decree and section 11.35(b) of the EAS Rules. In addition, each Compliance Report shall include a certification by the Compliance Officer, as an agent of and on behalf of the Company, stating that the Compliance Officer (i) has personal knowledge that the Company: (A) has established and implemented the Compliance Plan; and (B) has utilized the Operating Procedures since the implementation of the Compliance Plan; and (ii) is not aware of any instances of noncompliance with the terms and conditions of this Consent Decree, including the reporting obligations set forth in paragraph 18 of this Consent Decree, or with section 11.35(b) of the EAS Rules that relates to circumstances in which Charter must perform hardware upgrades of a material portion of Charter's deployed EAS Devices in order to comply with regulatory changes.
- (b) The Compliance Officer's certification shall be accompanied by a statement explaining the basis for such certification and shall comply with section 1.16 of the Rules and be subscribed to as true under penalty of perjury in substantially the form set forth therein.²⁸
- (c) If the Compliance Officer cannot provide the requisite certification, the Compliance Officer, as an agent of and on behalf of the Company, shall provide the Commission with a detailed explanation of the reason(s) why and describe fully: (i) each instance of noncompliance; (ii) the steps that the Company has taken or will take to remedy such noncompliance, including the schedule on which proposed remedial actions will be taken; and (iii) the steps that the Company has taken or will take to prevent the recurrence of any such noncompliance, including the schedule on which such preventive action will be taken.
- (d) All Compliance Reports shall be submitted electronically to Chief, Spectrum Enforcement Division, Enforcement Bureau, Federal Communications Commission, via EB-SED-Response@fcc.gov.

20. **Termination Date.** Unless stated otherwise, the requirements set forth in paragraphs 16 through 19 of this Consent Decree shall expire twelve (12) months after the Effective Date.

21. **Settlement Amount.** The Company will pay a Settlement Amount to the United States Treasury in the amount of one million, one hundred thousand dollars (\$1,100,000) within thirty (30) calendar days of the Effective Date. The Company acknowledges and agrees that upon execution of this

²⁸ See *id.* § 1.16.

Consent Decree, the Settlement Amount and shall become a “Claim” or “Debt” as defined in 31 U.S.C. § 3701(b)(1).²⁹ Upon an Event of Default, all procedures for collection as permitted by law may, at the Commission’s discretion, be initiated. The Company shall send electronic notification of payment to EB-SED-Response@fcc.gov on the date that payment is made. Payment of the Settlement Amount must be made by credit card using the Commission’s Registration System (CORES) at <https://apps.fcc.gov/cores/userLogin.do>, ACH (Automated Clearing House) debit from a bank account, or by wire transfer from a bank account. The Commission no longer accepts Settlement Amount payments by check or money order. Below are instructions that payors should follow based on the form of payment selected:³⁰

- Payment by wire transfer must be made to ABA Number 021030004, receiving bank TREAS/NYC, and Account Number 27000001. In the OBI field, enter the FRN(s) captioned above and the letters “FORF”. In addition, a completed Form 159³¹ or printed CORES form³² must be faxed to the Federal Communications Commission at 202-418-2843 or e-mailed to RROGWireFaxes@fcc.gov on the same business day the wire transfer is initiated. Failure to provide all required information in Form 159 or CORES may result in payment not being recognized as having been received. When completing FCC Form 159 or CORES, enter the Account Number in block number 23A (call sign/other ID), enter the letters “FORF” in block number 24A (payment type code), and enter in block number 11 the FRN(s) captioned above (Payor FRN).³³ For additional detail and wire transfer instructions, go to <https://www.fcc.gov/licensing-databases/fees/wire-transfer>.
- Payment by credit card must be made by using CORES at <https://apps.fcc.gov/cores/userLogin.do>. To pay by credit card, log-in using the FCC Username associated to the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select “Manage Existing FRNs | FRN Financial | Bills & Fees” from the CORES Menu, then select FRN Financial and the view/make payments option next to the FRN. Select the “Open Bills” tab and find the bill number associated with the CD Acct. No. The bill number is the CD Acct. No. with the first two digits excluded (e.g., CD 1912345678 would be associated with FCC Bill Number 12345678). After selecting the bill for payment, choose the “Pay by Credit Card” option. Please note that there is a \$24,999.99 limit on credit card transactions.
- Payment by ACH must be made by using CORES at <https://apps.fcc.gov/cores/userLogin.do>. To pay by ACH, log in using the FCC Username associated to the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select “Manage Existing FRNs | FRN Financial | Bills & Fees” on the CORES Menu, then select FRN Financial and the view/make payments option next to the FRN. Select the “Open Bills” tab and find the bill number associated with the CD Acct. No. The bill number is the CD Acct. No. with the first two digits excluded (e.g., CD 1912345678 would be associated with FCC Bill Number 12345678). Finally, choose the “Pay from Bank Account” option. Please contact the appropriate financial institution to confirm the correct Routing Number and the correct account number from which payment will be made and verify with that financial institution that the designated account has authorization to accept ACH transactions.

²⁹ Debt Collection Improvement Act of 1996, Pub. L. No. 104-134, 110 Stat. 1321, 1358 (Apr. 26, 1996).

³⁰ For questions regarding payment procedures, please contact the Financial Operations Group Help Desk by phone at 1-877-480-3201 (option #6), or by e-mail at ARINQUIRIES@fcc.gov.

³¹ FCC Form 159 is accessible at <https://www.fcc.gov/licensing-databases/fees/fcc-remittance-advice-form-159>.

³² Information completed using the Commission’s Registration System (CORES) does not require the submission of an FCC Form 159. CORES is accessible at <https://apps.fcc.gov/cores/userLogin.do>.

³³ Instructions for completing the form may be obtained at <http://www.fcc.gov/Forms/Form159/159.pdf>.

22. **Event of Default.** The Company agrees that an Event of Default shall occur upon the failure by the Company to pay the full amount of the Settlement Amount on or before the due date specified in this Consent Decree.

23. **Interest, Charges for Collection, and Acceleration of Maturity Date.** After an Event of Default has occurred under this Consent Decree, the then unpaid amount of the Settlement Amount shall accrue interest, computed using the U.S. Prime Rate in effect on the date of the Event of Default plus 4.75%, from the date of the Event of Default until payment in full. Upon an Event of Default, the then unpaid amount of the Settlement Amount or any Installment Payment, together with interest, any penalties permitted and/or required by the law, including but not limited to 31 U.S.C. § 3717, and administrative charges, plus the costs of collection, litigation, and attorneys' fees, shall become immediately due and payable, without notice, presentment, demand, protest, or notice of protest of any kind, all of which are waived by the Company.

24. **Waivers.** As of the Effective Date, the Company waives any and all rights it may have to seek administrative or judicial reconsideration, review, appeal or stay, or to otherwise challenge or contest the validity of this Consent Decree and the Adopting Order. The Company shall retain the right to challenge Commission interpretation of the Consent Decree or any terms contained herein. If either Party (or the United States on behalf of the Commission) brings a judicial action to enforce the terms of the Consent Decree or the Adopting Order, neither the Company nor the Commission shall contest the validity of the Consent Decree or the Adopting Order, and the Company shall waive any statutory right to a trial *de novo*. The Company hereby agrees to waive any claims it may otherwise have under the Equal Access to Justice Act³⁴ relating to the matters addressed in this Consent Decree.

25. **Severability.** The Parties agree that if any of the provisions of the Consent Decree shall be held unenforceable by any court of competent jurisdiction, such unenforceability shall not render unenforceable the entire Consent Decree, but rather the entire Consent Decree shall be construed as if not containing the particular unenforceable provision or provisions, and the rights and obligations of the Parties shall be construed and enforced accordingly.

26. **Invalidity.** In the event that this Consent Decree in its entirety is rendered invalid by any court of competent jurisdiction, it shall become null and void and may not be used in any manner in any legal proceeding.

27. **Subsequent Rule or Order.** The Parties agree that if any provision of the Consent Decree conflicts with any subsequent Rule or order adopted by the Commission (except an order specifically intended to revise the terms of this Consent Decree to which the Company does not expressly consent) that provision will be superseded by such Rule or order.

28. **Successors and Assigns.** The Company agrees that the provisions of this Consent Decree shall be binding on its successors, assigns, and transferees.

29. **Final Settlement.** The Parties agree and acknowledge that this Consent Decree shall constitute a final settlement between the Parties with respect to the Investigation.

30. **Modifications.** This Consent Decree cannot be modified without the advance written consent of both Parties.

31. **Paragraph Headings.** The headings of the paragraphs in this Consent Decree are inserted for convenience only and are not intended to affect the meaning or interpretation of this Consent Decree.

32. **Authorized Representative.** Each Party represents and warrants to the other that it has full power and authority to enter into this Consent Decree. Each person signing this Consent Decree on

³⁴ See 5 U.S.C. § 504; 47 CFR §§ 1.1501-1.1530.

behalf of a Party hereby represents that he or she is fully authorized by the Party to execute this Consent Decree and to bind the Party to its terms and conditions.

33. **Counterparts.** This Consent Decree may be signed in counterpart (including electronically or by facsimile). Each counterpart, when executed and delivered, shall be an original, and all of the counterparts together shall constitute one and the same fully executed instrument.

Peter S. Hyun
Acting Chief
Enforcement Bureau

Date

Clifford S. Harris
Senior Vice President – Legal, Programming, Product & Regulatory
Charter Communications, Inc.

Date

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

In the Matter of	)	
	)	
Charter Communications, Inc.	)	File No.: EB-FIELDSCR-24-00036061
	)	CD Acct. No.: 202532020001
	)	FRN: 0025646373

CONSENT DECREE

1. The Enforcement Bureau (Bureau) of the Federal Communications Commission (Commission or FCC) and Charter Communications, Inc. (Charter or Company), by their authorized representatives, hereby enter into this Consent Decree for the purpose of terminating the Bureau's investigation into whether Charter violated section 11.35, 11.51, 11.52, and 11.56 of the Commission's Rules in connection with the temporary removal of certain of its Emergency Alert System (EAS) encoder/decoder devices from service in order to upgrade them to comply with new FCC EAS requirements. To resolve this matter, Charter agrees to implement a compliance plan and to pay a settlement amount of \$1,100,000 to the United States Treasury.

I. DEFINITIONS

2. For the purposes of this Consent Decree, the following definitions shall apply:
- (a) "Act" means the Communications Act of 1934, as amended.¹
 - (b) "Adopting Order" means an order of the Bureau adopting the terms of this Consent Decree without change, addition, deletion, or modification.
 - (c) "Bureau" means the Enforcement Bureau of the Federal Communications Commission.
 - (d) "CD Acct No." means the account number associated with payment obligations described in paragraph 21 of this Consent Decree.
 - (e) "Charter" or "Company" means Charter Communications, Inc., and its subsidiaries, predecessors-in-interest, successors-in-interest, and assigns.
 - (f) "Commission" and "FCC" mean the Federal Communications Commission and all of its bureaus and offices.
 - (g) "Communications Laws" means collectively, the Act, the Rules, and the published and promulgated orders and decisions of the Commission, to which the Company is subject by virtue of its business activities, including but not limited to the EAS Rules.
 - (h) "Compliance Plan" means the compliance obligations, program, and procedures described in this Consent Decree at paragraph 17.
 - (i) "Covered Employees" means all employees and agents of the Company who perform, supervise, oversee, or manage the performance of, duties that relate to the Company's responsibilities under section 11.35(b) of the EAS Rules.

¹ 47 U.S.C. § 151 *et seq.*

- (j) “EAS Device” means the equipment required to be deployed by Charter under section 11.11 of the Rules.²
- (k) “EAS Participant” has the same meaning as the definition in 47 CFR § 11.2(b).³
- (l) “EAS Rules” means sections 11.35, 11.51, 11.52 and 11.56 of the Rules.⁴
- (m) “Effective Date” means the date by which both the Bureau and the Company have signed the Consent Decree and the Bureau has released an Adopting Order.
- (n) “Investigation” means the investigation commenced by the Bureau in File No. EB-FIELDSCR-24-00036061.
- (o) “Parties” means Charter and the Bureau, each of which is a “Party.”
- (p) “Rules” means the Commission’s regulations found in Title 47 of the Code of Federal Regulations.

II. BACKGROUND

3. The Commission’s part 11 rules require EAS participants to have EAS Devices installed and capable of sending and receiving EAS tests and messages. Section 11.35(a) of the Rules requires EAS Participants to ensure that EAS Devices are “installed so that the monitoring and transmitting functions are available during the times the stations and systems are in operation.”⁵ Section 11.35(b), however, states EAS participants may operate without EAS equipment for 60 days without further FCC authority in order to repair or replace defective equipment.⁶ Section 11.35(c) states EAS participants must submit an informal request to the FCC for additional time if replacement is not completed within 60 days.⁷

4. In September 2022, the Commission adopted new EAS rules requiring EAS Participants to use text and audio from alerts issued in the Internet-based Common Alert Protocol (CAP) format, if it is available from the Integrated Public Alert and Warning System, in preference to the EAS protocol version received over the air.⁸ The CAP-formatted alerts allow higher-quality audio messages, improve the availability of multilingual alerts, and ensure that more of the alerts displayed on television screens contain all of the information provided by the entity that originated the alert.⁹ The changes also replaced the technical jargon that accompanied certain alerts, including test messages, with plain language terms so that the visual and audio messages are clearer to the public.¹⁰ These rule changes required EAS Participants to update their EAS equipment to comply with the rule changes by December 12, 2023.¹¹ A

² 47 CFR § 11.11.

³ *Id.* § 11.2(b) (defining “EAS Participants” as “[e]ntities required under the Commission’s rules to comply with EAS rules, e.g., analog radio and television stations, and wired and wireless cable television systems, DBS, DTV, SDARS, digital cable and DAB, and wireline video systems.”).

⁴ *Id.* §§ 11.35, 11.51, 11.52, 11.56.

⁵ *Id.* § 11.35.

⁶ *Id.* § 11.35(b).

⁷ *Id.* § 11.35(c).

⁸ *See Amendment of Part 11 of the Commission’s Rules Regarding the Emergency Alert System*, Report and Order, 37 FCC Rcd 11844, 11845, para. 2. (2022) (*2022 EAS Order*).

⁹ *Id.*

¹⁰ *Id.* at 11847, 11855, paras. 9 and 33.

¹¹ *See 2022 EAS Order*, *supra* note 8, 37 FCC Rcd at 11860, para. 46 (“We require all EAS Participants to comply with the rules adopted in this order no later than one year from the effective date of the order”).

significant portion of Charter's existing EAS equipment required both hardware and software upgrades to comply with the new rules.¹²

5. On July 22, 2022, in anticipation of the rule change, Charter met with its EAS Device vendor, Digital Alert Systems (DAS), to plan for any necessary upgrades of Charter's EAS Devices to bring them into compliance with the new rules.¹³ Charter and DAS agreed to a rolling process by which Charter would take a limited number of EAS Devices offline, return them to DAS for upgrading, whereupon the EAS Devices would be returned to Charter for re-installation.¹⁴ Throughout this process, at any given time, Charter operated portions of its cable systems without more than a dozen EAS Devices.¹⁵ Charter asserts that throughout this process, it believed in good faith that the upgrade process was subject to section 11.35(b) of the Rules, which permits EAS participants to operate for 60 days without EAS Devices that have "become[] defective" while such devices are repaired.¹⁶

6. When addressing a malfunctioning EAS Device, Charter's normal practice is to load the most recent backup configuration of the malfunctioning EAS Device onto a spare unit and to install that unit while the malfunctioning EAS device being repaired or replaced.¹⁷ If a spare unit was not on hand at the specific location of the failed unit, a spare would be shipped from another location.¹⁸ The 2022 rule change required Charter to upgrade the hardware on over one hundred EAS devices.¹⁹ Due to the large number of EAS Devices requiring a hardware upgrade, Charter was unable to deploy spare units in all cases in which EAS Devices were taken offline and returned to DAS for upgrading. Charter was able to complete the upgrades for all but two units by the December 12, 2023 deadline required by the new EAS rules, with one of those units upgraded 12 hours later, and one partially upgraded.²⁰

7. On October 3, 2023, Charter notified the Commission's Public Safety and Homeland Security Bureau (PSHSB), informing PSHSB that Charter's EAS Devices at approximately three dozen cable headends, which provide EAS alerts to more than one million Charter customers, would be out of service for the October 4, 2023 nationwide EAS test.²¹ Charter explained that the EAS Devices had been taken out of service as part of its process of upgrading EAS Devices in anticipation of the December 12, 2023 date for compliance with the changes to the EAS Rules that the Commission adopted in September 2022.²² PSHSB responded to Charter's notification with questions about when Charter had taken the equipment out of service, whether there was additional equipment that Charter intended to take out of service, how promptly DAS was returning equipment, and whether Charter was concerned about meeting

¹² See 47 CFR § 11.55.

¹³ See Charter Response to Letter of Inquiry, Suzanne M. Tetreault and Travis Litman, Counsel for Charter, Wilkinson, Barker, Knauer, LLP. to Spectrum Enforcement Division, FCC Enforcement Bureau at 2 (May 6, 2024) (on file in EB-FIELDSCR-24-00036061) (LOI Response).

¹⁴ *Id.*

¹⁵ See Charter Response to Supplemental Letter of Inquiry from Suzanne M. Tetreault and Travis Litman, Counsel for Charter, Wilkinson, Barker, Knauer, LLP. to Spectrum Enforcement Division, FCC Enforcement Bureau at Attachment B (Aug. 20, 2024) (indicating whether or not a spare was in place for each device sent to DAS for exchange) (on file in EB-FIELDSCR-24-00036061) (Supplemental LOI Response).

¹⁶ See LOI Response at 4.

¹⁷ See LOI Response at 12.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.* at 2.

²¹ See e-mail from Maureen O'Connell, VP Government Affairs, Charter Communications Inc. to Austin Randazzo, Associate Bureau Chief, PSHSB (Oct. 3 2023, 15:30 EDT) (on file in EB-FIELDSCR-24-00036061).

²² *Id.*; see also, 2022 EAS Order, *supra* note 8.

the December deadline.²³ Neither Charter nor PSHSB raised the defective equipment rule. Charter asserts that because it knew it would meet the December compliance deadline and believed in good faith that it had 60 days under the FCC's rules to replace its non-compliant equipment, Charter did not respond to PSHSB's inquiries. Charter also asserts that it was given no reason to believe, after it submitted its notification to PSHSB, that the Company was not in compliance with the EAS Rules.

8. On March 22, 2024, the Bureau issued a Letter of Inquiry (LOI) to the Company directing it to submit a sworn written response to a series of questions relating to its upgrade of EAS Devices, and the Bureau issued supplemental questions on August 9, 2024.²⁴ The Company timely responded to the LOI and the Bureau's supplemental questions.²⁵

9. The Bureau asserts that Charter's EAS Devices were not "defective" under section 11.35(b) during the period Charter took them offline because, at the time of the off-site upgrades, each EAS Device was capable of performing the "monitoring and transmitting functions" that were required to be "available during the times the . . . [cable] systems [were] in operation."²⁶

10. The Company and the Bureau subsequently engaged in settlement negotiations. To resolve this matter, the Company and the Bureau enter into this Consent Decree and agree to the following terms and conditions.

III. TERMS OF AGREEMENT

11. **Adopting Order.** The provisions of this Consent Decree shall be incorporated by the Bureau in an Adopting Order.

12. **Jurisdiction.** The Company agrees that the Bureau has jurisdiction over it and the matters contained in this Consent Decree and has the authority to enter into and adopt this Consent Decree.

13. **Effective Date; Violations.** The Parties agree that this Consent Decree shall become effective on the Effective Date as defined herein. As of the Effective Date, the Parties agree that this Consent Decree shall have the same force and effect as any other order of the Commission.

14. **Termination of Investigation.** In express reliance on the covenants and representations in this Consent Decree and to avoid further expenditure of public resources, the Bureau agrees to terminate the Investigation. In consideration for the termination of the Investigation, the Company agrees to the terms, conditions, and procedures contained herein. The Bureau further agrees that, in the absence of new material evidence, it will not use the facts developed in the Investigation through the Effective Date, or the existence of this Consent Decree, to institute any new proceeding on its own motion against the Company concerning the matters that were the subject of the Investigation, or to set for hearing the question of the Company's basic qualifications to be a Commission licensee or hold Commission licenses or authorizations based on the matters that were the subject of the Investigation.²⁷

15. **Admission.** Charter admits for the purpose of this Consent Decree, and in express reliance on the provisions of paragraph 14 herein, that its actions described in paragraphs 4 through 7 herein are a true and accurate description of the facts underlying the Investigation.

²³ See e-mail from Austin Randazzo, Associate Bureau Chief, PSHSB, to Maureen O'Connell, VP Government Affairs, Charter Communications Inc. (Oct. 3, 2023, 16:30 EDT) (on file in EB-FIELDSCR-24-00036061).

²⁴ Letter of Inquiry to Charter Communications Inc. (Mar. 22, 2023) (on file in EB-FIELDSCR-24-00036061) (LOI); Supplemental Letter of Inquiry to Charter Communications Inc. (Aug. 9, 2024) (on file in EB-FIELDSCR-24-00036061).

²⁵ See LOI Response; Supplemental LOI Response.

²⁶ See 47 CFR § 11.35(a).

²⁷ See 47 CFR § 1.93(b).

16. **Compliance Officer.** Within thirty (30) calendar days after the Effective Date, the Company shall designate a vice president or above with requisite corporate, budget, and organizational authority to serve as a Compliance Officer and to discharge the duties set forth below. The person designated as the Compliance Officer shall be responsible for overseeing the development, implementation, and administration of the Compliance Plan and ensuring that the Company complies with the terms and conditions of the Compliance Plan and this Consent Decree. In addition to the general knowledge of the Communications Laws necessary to discharge his or her duties under this Consent Decree, the Compliance Officer shall have specific knowledge of the EAS Rules prior to assuming his/her duties.

17. **Compliance Plan.** For purposes of settling the matters set forth herein, Charter agrees that it shall, within the dates set out below, develop and implement a Compliance Plan designed to ensure future compliance the EAS Rules and the terms and conditions of this Consent Decree. By the dates set forth below, and continuing until the Termination Date of this Consent Decree, Charter shall develop and implement, or, where processes already exist, improve upon, processes related to updating or replacing outdated EAS Devices without limiting its ability to comply with the EAS Rules. With respect to section 11.35(b) of the EAS Rules, Charter will implement, at a minimum, the following procedures:

- (a) **Operating Procedures.** Within sixty (60) calendar days after the Effective Date, Charter shall establish Operating Procedures (including, as necessary, reviewing and revising any existing procedures) that all Covered Employees shall follow to help ensure that Charter correctly applies section 11.35(b) of the EAS Rules during circumstances in which Charter must perform hardware upgrades of a material portion of Charter's deployed EAS Devices in order to comply with regulatory changes.
- (b) **Compliance Manual.** Within sixty (60) calendar days after the Effective Date, the Compliance Officer shall develop and distribute a Compliance Manual to all Covered Employees. This requirement may be satisfied by reviewing and revising any existing Compliance Manual, as necessary. The Compliance Manual shall explain the application of section 11.35(b) of the EAS Rules during circumstances in which Charter must perform hardware upgrades of a material portion of Charter's deployed EAS Devices in order to comply with regulatory changes and set forth the Operating Procedures that Covered Employees shall follow to help ensure the Company's correct application of section 11.35(b) of the EAS Rules in such circumstances. The Company shall periodically review and revise the Compliance Manual as necessary to ensure that the information set forth therein remains current and accurate. The Company shall distribute any revisions to the Compliance Manual promptly to all Covered Employees.
- (c) **Compliance Training Program.** The Company shall establish and implement a Compliance Training Program on compliance with the EAS Rules and the Operating Procedures. As part of the Compliance Training Program, Covered Employees shall be advised of the Company's obligation to report incorrect application of section 11.35(b) of the EAS Rules as set forth in paragraph 18 of this Consent Decree and shall be instructed on how to disclose noncompliance to the Compliance Officer. All Covered Employees shall be trained pursuant to the Compliance Training Program within ninety (90) calendar days after the Effective Date, except that any person who becomes a Covered Employee at any time after the initial Compliance Training Program shall be trained within thirty (30) calendar days after the date such person becomes a Covered Employee. The Company shall repeat compliance training on an annual basis, and shall periodically review and revise the Compliance Training Program as necessary to ensure that it remains current and complete and to enhance its effectiveness.

18. **Reporting Noncompliance.** The Company shall report any incorrect application of section 11.35(b) of the EAS Rules that relates to circumstances in which Charter must perform hardware upgrades of a material portion of Charter's deployed EAS Devices in order to comply with regulatory changes and with the terms and conditions of this Consent Decree within fifteen (15) calendar days after discovery of such noncompliance. Such reports shall include a detailed explanation of: (i) each instance of such noncompliance; (ii) the geographic area rendered unable to send or receive EAS signals, the number of subscribers affected, and the impact, if any, on the lack of functioning EAS Devices; (iii) the steps that the Company has taken or will take to remedy such noncompliance; (iv) the schedule on which such remedial actions will be taken; and (v) the steps that the Company has taken or will take to prevent the recurrence of any such noncompliance. All reports of noncompliance shall be submitted electronically to Chief, Spectrum Enforcement Division, Enforcement Bureau, Federal Communications Commission, via EB-SED-Response@fcc.gov.

19. **Compliance Reports.** The Company shall file compliance reports with the Commission ninety (90) calendar days after the Effective Date and twelve (12) months after the Effective Date.

- (a) Each Compliance Report shall include a description of the Company's efforts during the relevant period to comply with the terms and conditions of this Consent Decree and section 11.35(b) of the EAS Rules. In addition, each Compliance Report shall include a certification by the Compliance Officer, as an agent of and on behalf of the Company, stating that the Compliance Officer (i) has personal knowledge that the Company: (A) has established and implemented the Compliance Plan; and (B) has utilized the Operating Procedures since the implementation of the Compliance Plan; and (ii) is not aware of any instances of noncompliance with the terms and conditions of this Consent Decree, including the reporting obligations set forth in paragraph 18 of this Consent Decree, or with section 11.35(b) of the EAS Rules that relates to circumstances in which Charter must perform hardware upgrades of a material portion of Charter's deployed EAS Devices in order to comply with regulatory changes.
- (b) The Compliance Officer's certification shall be accompanied by a statement explaining the basis for such certification and shall comply with section 1.16 of the Rules and be subscribed to as true under penalty of perjury in substantially the form set forth therein.²⁸
- (c) If the Compliance Officer cannot provide the requisite certification, the Compliance Officer, as an agent of and on behalf of the Company, shall provide the Commission with a detailed explanation of the reason(s) why and describe fully: (i) each instance of noncompliance; (ii) the steps that the Company has taken or will take to remedy such noncompliance, including the schedule on which proposed remedial actions will be taken; and (iii) the steps that the Company has taken or will take to prevent the recurrence of any such noncompliance, including the schedule on which such preventive action will be taken.
- (d) All Compliance Reports shall be submitted electronically to Chief, Spectrum Enforcement Division, Enforcement Bureau, Federal Communications Commission, via EB-SED-Response@fcc.gov.

20. **Termination Date.** Unless stated otherwise, the requirements set forth in paragraphs 16 through 19 of this Consent Decree shall expire twelve (12) months after the Effective Date.

21. **Settlement Amount.** The Company will pay a Settlement Amount to the United States Treasury in the amount of one million, one hundred thousand dollars (\$1,100,000) within thirty (30) calendar days of the Effective Date. The Company acknowledges and agrees that upon execution of this

²⁸ See *id.* § 1.16.

Consent Decree, the Settlement Amount and shall become a “Claim” or “Debt” as defined in 31 U.S.C. § 3701(b)(1).²⁹ Upon an Event of Default, all procedures for collection as permitted by law may, at the Commission’s discretion, be initiated. The Company shall send electronic notification of payment to EB-SED-Response@fcc.gov on the date that payment is made. Payment of the Settlement Amount must be made by credit card using the Commission’s Registration System (CORES) at <https://apps.fcc.gov/cores/userLogin.do>, ACH (Automated Clearing House) debit from a bank account, or by wire transfer from a bank account. The Commission no longer accepts Settlement Amount payments by check or money order. Below are instructions that payors should follow based on the form of payment selected:³⁰

- Payment by wire transfer must be made to ABA Number 021030004, receiving bank TREAS/NYC, and Account Number 27000001. In the OBI field, enter the FRN(s) captioned above and the letters “FORF”. In addition, a completed Form 159³¹ or printed CORES form³² must be faxed to the Federal Communications Commission at 202-418-2843 or e-mailed to RROGWireFaxes@fcc.gov on the same business day the wire transfer is initiated. Failure to provide all required information in Form 159 or CORES may result in payment not being recognized as having been received. When completing FCC Form 159 or CORES, enter the Account Number in block number 23A (call sign/other ID), enter the letters “FORF” in block number 24A (payment type code), and enter in block number 11 the FRN(s) captioned above (Payor FRN).³³ For additional detail and wire transfer instructions, go to <https://www.fcc.gov/licensing-databases/fees/wire-transfer>.
- Payment by credit card must be made by using CORES at <https://apps.fcc.gov/cores/userLogin.do>. To pay by credit card, log-in using the FCC Username associated to the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select “Manage Existing FRNs | FRN Financial | Bills & Fees” from the CORES Menu, then select FRN Financial and the view/make payments option next to the FRN. Select the “Open Bills” tab and find the bill number associated with the CD Acct. No. The bill number is the CD Acct. No. with the first two digits excluded (e.g., CD 1912345678 would be associated with FCC Bill Number 12345678). After selecting the bill for payment, choose the “Pay by Credit Card” option. Please note that there is a \$24,999.99 limit on credit card transactions.
- Payment by ACH must be made by using CORES at <https://apps.fcc.gov/cores/userLogin.do>. To pay by ACH, log in using the FCC Username associated to the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select “Manage Existing FRNs | FRN Financial | Bills & Fees” on the CORES Menu, then select FRN Financial and the view/make payments option next to the FRN. Select the “Open Bills” tab and find the bill number associated with the CD Acct. No. The bill number is the CD Acct. No. with the first two digits excluded (e.g., CD 1912345678 would be associated with FCC Bill Number 12345678). Finally, choose the “Pay from Bank Account” option. Please contact the appropriate financial institution to confirm the correct Routing Number and the correct account number from which payment will be made and verify with that financial institution that the designated account has authorization to accept ACH transactions.

²⁹ Debt Collection Improvement Act of 1996, Pub. L. No. 104-134, 110 Stat. 1321, 1358 (Apr. 26, 1996).

³⁰ For questions regarding payment procedures, please contact the Financial Operations Group Help Desk by phone at 1-877-480-3201 (option #6), or by e-mail at ARINQUIRIES@fcc.gov.

³¹ FCC Form 159 is accessible at <https://www.fcc.gov/licensing-databases/fees/fcc-remittance-advice-form-159>.

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³³ Instructions for completing the form may be obtained at <http://www.fcc.gov/Forms/Form159/159.pdf>.

22. **Event of Default.** The Company agrees that an Event of Default shall occur upon the failure by the Company to pay the full amount of the Settlement Amount on or before the due date specified in this Consent Decree.

23. **Interest, Charges for Collection, and Acceleration of Maturity Date.** After an Event of Default has occurred under this Consent Decree, the then unpaid amount of the Settlement Amount shall accrue interest, computed using the U.S. Prime Rate in effect on the date of the Event of Default plus 4.75%, from the date of the Event of Default until payment in full. Upon an Event of Default, the then unpaid amount of the Settlement Amount or any Installment Payment, together with interest, any penalties permitted and/or required by the law, including but not limited to 31 U.S.C. § 3717, and administrative charges, plus the costs of collection, litigation, and attorneys' fees, shall become immediately due and payable, without notice, presentment, demand, protest, or notice of protest of any kind, all of which are waived by the Company.

24. **Waivers.** As of the Effective Date, the Company waives any and all rights it may have to seek administrative or judicial reconsideration, review, appeal or stay, or to otherwise challenge or contest the validity of this Consent Decree and the Adopting Order. The Company shall retain the right to challenge Commission interpretation of the Consent Decree or any terms contained herein. If either Party (or the United States on behalf of the Commission) brings a judicial action to enforce the terms of the Consent Decree or the Adopting Order, neither the Company nor the Commission shall contest the validity of the Consent Decree or the Adopting Order, and the Company shall waive any statutory right to a trial *de novo*. The Company hereby agrees to waive any claims it may otherwise have under the Equal Access to Justice Act³⁴ relating to the matters addressed in this Consent Decree.

25. **Severability.** The Parties agree that if any of the provisions of the Consent Decree shall be held unenforceable by any court of competent jurisdiction, such unenforceability shall not render unenforceable the entire Consent Decree, but rather the entire Consent Decree shall be construed as if not containing the particular unenforceable provision or provisions, and the rights and obligations of the Parties shall be construed and enforced accordingly.

26. **Invalidity.** In the event that this Consent Decree in its entirety is rendered invalid by any court of competent jurisdiction, it shall become null and void and may not be used in any manner in any legal proceeding.

27. **Subsequent Rule or Order.** The Parties agree that if any provision of the Consent Decree conflicts with any subsequent Rule or order adopted by the Commission (except an order specifically intended to revise the terms of this Consent Decree to which the Company does not expressly consent) that provision will be superseded by such Rule or order.

28. **Successors and Assigns.** The Company agrees that the provisions of this Consent Decree shall be binding on its successors, assigns, and transferees.

29. **Final Settlement.** The Parties agree and acknowledge that this Consent Decree shall constitute a final settlement between the Parties with respect to the Investigation.

30. **Modifications.** This Consent Decree cannot be modified without the advance written consent of both Parties.

31. **Paragraph Headings.** The headings of the paragraphs in this Consent Decree are inserted for convenience only and are not intended to affect the meaning or interpretation of this Consent Decree.

32. **Authorized Representative.** Each Party represents and warrants to the other that it has full power and authority to enter into this Consent Decree. Each person signing this Consent Decree on

³⁴ See 5 U.S.C. § 504; 47 CFR §§ 1.1501-1.1530.

behalf of a Party hereby represents that he or she is fully authorized by the Party to execute this Consent Decree and to bind the Party to its terms and conditions.

33. **Counterparts.** This Consent Decree may be signed in counterpart (including electronically or by facsimile). Each counterpart, when executed and delivered, shall be an original, and all of the counterparts together shall constitute one and the same fully executed instrument.

Peter S. Hyun
Acting Chief
Enforcement Bureau

Date

Clifford S. Harris
Senior Vice President – Legal, Programming, Product & Regulatory
Charter Communications, Inc.

Date

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

In the Matter of	)	
	)	
Amendment of Section 73.202(b), Table of	)	MB Docket No. 24-667
Allotments, FM Broadcast Stations	)	RM-11992
(Ethete, Wyoming)	)	
	)	

NOTICE OF PROPOSED RULEMAKING

Adopted: December 3, 2024

Released: December 3, 2024

Comment Date: January 17, 2025

Reply Comment Date: February 3, 2025

By the Assistant Chief, Audio Division, Media Bureau:

I. INTRODUCTION

1. The Audio Division has before it a Petition for Rule Making (Petition) filed by The Business Council of the Northern Arapaho (Petitioner), the non-gaming tribal governmental agency of the Northern Arapaho Tribe, and an associated FCC Form 2100, Schedule 301-FM application (Application).¹ Petitioner proposes to amend the FM Table of Allotments, section 73.202(b) of the Commission's rules,² by allotting Channel 260C0 at Ethete, Wyoming, as a first local service. Petitioner seeks a Tribal Priority for the proposed allotment. In this Notice of Proposed Rule Making, we seek comment on that proposal.

II. BACKGROUND

2. In the *Rural Radio* proceeding,³ the Commission concluded that it would serve the public interest to establish a section 307(b) priority in favor of Tribes or Tribal Entities proposing the allotment of FM radio channels to serve Tribal Lands.⁴ The rationale for this determination was that "the establishment of an allocation priority for the provision of radio service to tribal lands by Indian tribal government-owned stations will advance our Section 307(b) goals and serve the public interest by enabling Indian tribal governments to provide radio service tailored to the needs and interests of their local communities that they are uniquely capable of providing."⁵

¹ See FCC Application File No. 0000219341.

² 47 CFR § 73.202(b).

³ See *Policies to Promote Rural Radio Service and to Streamline Allotment and Assignment Procedures*, Notice of Proposed Rule Making, 24 FCC Rcd 5239 (2009) (NPRM); First Report and Order, 25 FCC Rcd 1583 (2010) (First R&O); Second Report and Order, 26 FCC Rcd 2556 (Second R&O); and Third Report and Order, 26 FCC Rcd 17642 (2011) (Third R&O) (collectively, *Rural Radio*).

⁴ *Rural Radio*, First R&O, 25 FCC Rcd at 1596-97. See also NPRM, 24 FCC Rcd at 5248, n.29 (defining "Indian Tribe[s]" and "Federally-Recognized Indian Tribes"), and n.30 (defining "Tribal Lands").

⁵ *Rural Radio*, First R&O, 25 FCC Rcd at 1588.

3. The Commission instituted several requirements for a Tribal Allotment. Those requirements pertain to the identity of the applicant, the land and population covered by the principal community contour, the location of the proposed community, and the availability of radio services, especially Tribally owned or Tribal Entity-owned radio services, at the proposed community.⁶ Upon award of a Tribal Allotment, within a reasonable period of time the Commission will release a public notice announcing a Threshold Qualifications Window, during which any qualifying applicant will be afforded the opportunity to file FCC Form 2100, Schedule 301-FM, for the channel allotted as a Tribal Allotment.⁷

4. Petitioner states that Northern Arapaho is a federally recognized Tribe, and it meets the requirements established in *Rural Radio* for a Tribal Priority.⁸ Petitioner further states that Ethete is a community for allotment purposes. Ethete is a census-designated place (CDP) located on the Wind River Indian Reservation, the seventh largest U.S. Indian reservation, which is the tribal home of the Northern Arapaho Tribe. Ethete has a 2020 U.S. census population of 1393 persons. Ethete is a center of Northern Arapaho culture on the Wind River Indian Reservation, and is the location of the Arapaho Cultural Museum. In addition, Petitioner states that the proposed new FM station will be the first local tribally owned commercial radio service at Ethete since no full-power broadcast stations are licensed to the community.⁹

5. Petitioner contends that 68.9% of the area within the proposed allotment's 70 dBu contour consists of Tribal Lands, and further that the proposed allotment's 70 dBu principal community contour encompasses 82.8% of the Wind River Reservation, which constitutes the Northern Arapaho's Tribal Lands. The 70 dBu principal community contour from the allotment site also encompasses 25,676 persons residing on the Wind River Indian Reservation. In addition, Petitioner claims that the proposed Ethete Tribal Allotment would encompass 42,818 persons within the proposed 60 dBu contour, of whom 25,759 persons (60.2%) reside on the Wind River Reservation. Petitioner states that the proposed Ethete Tribal Allotment would also cover the Eastern Shoshone Tribal Lands. The Wind River Reservation is unique in that the Northern Arapaho Tribe shares the reservation with the Eastern Shoshone Tribe. Thus,

⁶ In order to meet the threshold qualifications for a particular Tribal Allotment, all of the following eligibility requirements must be met pursuant to 47 CFR § 73.3573, Note 5: "(a) The applicant is either a federally recognized Tribe or Tribal consortium, or an entity 51 percent or more of which is owned or controlled by a Tribe or Tribes...; (b)(1) at least 50 percent of the area within the proposed principal community contour is over that Tribe's Tribal Lands, or (2) the proposed principal community contour (i) encompasses 50 percent or more of that Tribe's Tribal Lands, (ii) serves at least 2,000 people living on Tribal Lands, and (iii) the total population on Tribal Lands residing within the proposed station's service contour constitutes at least 50 percent of the total covered population...; (c) the proposed community of license must be located on Tribal Lands; and (d) the proposed service must constitute first or second aural (reception) service, or first local Tribal-owned commercial transmission service at the proposed community of license." *Rural Radio*, Third R&O, 26 FCC Rcd at 17646-47. See also First R&O, 25 FCC Rcd at 1596-97; and Second R&O, 26 FCC Rcd at 2585-87.

⁷ See Third R&O, 26 FCC Rcd at 17645-46. See also Second R&O, 26 FCC Rcd at 2588-90. Should no applicant meeting threshold qualifications file FCC Form 2100, Schedule 301-FM, during the Threshold Qualifications Window (and should the proponent request that its already-filed Form 2100, Schedule 301-FM application not be immediately processed), the Tribal Allotment will be included in the inventory for a broadcast auction at a later date. In that event, only threshold qualified applicants, including the original proponent, may specify the Tribal Allotment in their applications to participate in the auction (FCC Form 175). Third R&O, 26 FCC Rcd at 17649.

⁸ The Business Council Members are Tribal Members elected to serve fixed terms of office and carry out governmental functions of the Northern Arapaho Tribe.

⁹ Petitioner states that Ethete currently has no broadcast stations. Two noncommercial educational FM broadcast stations were previously authorized at Ethete, Wyoming – FM Station DKIEA's (Fac. ID No. 72901) construction permit expired on October 31, 1981, and FM Station DKWRR's (Fac. ID No. 54539) license expired on October 21, 2021.

while the proposed Tribal Allotment provides the requisite coverage of Northern Arapaho Tribal Lands, by definition it also covers over 50% of the Eastern Shoshone Tribal Lands, as these Tribal Lands are coterminous. Petitioner submitted a letter supporting the proposed Ethete Tribal allotment from the Wind River Intertribal Council, signed by both the Chairman of the Eastern Shoshone Business Council and the Chairman of the Northern Arapaho Business Council, indicating that the Eastern Shoshone Business Council does not object to the proposed facility.¹⁰ Petitioner thus maintains that the proposal meets the requirements for a Tribal Priority allotment, and that a new FM station at Ethete would serve the public interest by providing a vital service to the Wind River Indian Reservation.

III. DISCUSSION

6. The facts presented by Petitioner are sufficient to support consideration of the allotment of FM Channel 260C0 at Ethete, Wyoming, as a Tribal Allotment. The proposed Tribal Allotment would serve the public interest by providing a vital radio service to the Ethete community and surrounding Northern Arapaho Tribal Lands and Wind River Indian Reservation, and by enabling the Petitioner, the Tribal government of the Northern Arapaho Tribe, to set its own communications priorities and goals. Moreover, the allotment would further the public interest by providing a first local service at Ethete, Wyoming.

7. The staff engineering analysis confirms that Ethete is located within the Wind River Indian Reservation. The proposed change in the FM Table of Allotments complies with the technical requirements of the Commission's rules.¹¹ A staff engineering analysis indicates that Channel 260C0 can be allotted to Ethete, Wyoming, consistent with the minimum distance separation requirements of the Commission's rules, with a site restriction of 42 km (26 miles) north of the community. The reference coordinates are 43-22-25 NL and 108-36-28 WL. The proposed principal community (70 dBu) contour would cover 82.6% of the Wind River Indian Reservation while the 60 dBu contour would cover 100% of the Wind River Indian Reservation's population. The Ethete Tribal Allotment would cover 31,714 persons within its 70 dBu contour of whom 25,674 persons (81%) reside on the Wind River Indian Reservation, whereas the 60 dBu contour encompasses 42,822 persons of whom 25,759 persons (60.2%) reside on the Wind River Indian Reservation.

8. Accordingly, we seek comment on the proposed amendment of the FM Table of Allotments, 47 CFR § 73.202(b), by the allocation of FM Channel 260C0 at Ethete, Wyoming, as a Tribal Allotment, as set forth below:

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Ethete, Wyoming	-----	260C0 ¹²

IV. PROCEDURAL MATTERS

9. *Showings Required.* Comments are invited on the proposal discussed in this Notice of Proposed Rulemaking. Petitioner or any party that expresses interest in the allotment will be expected to answer whatever questions are presented in initial comments. The petitioner of a proposed allotment is required to file comments even if it only resubmits or incorporates by reference its former pleadings. The petitioner must restate its present intention to apply for the channel if it is allotted and, if authorized, to build a station promptly. Failure to file may lead to denial of the request. Any requests by a proponent

¹⁰ The letter expresses the support of both Tribes for the proposed Ethete Tribal Allotment, stating a number of public interest benefits that a new radio station would provide that include tribal programming for both Tribes, news, and emergency information, including EAS alerts. Tribal programming could educate and inform members of each individual Tribe about that Tribe's history, culture, and traditions, and could address contemporary issues that both Tribes have in common and promote Tribal harmony.

¹¹ See 47 CFR § 73.3573, Note 5.

¹² We are proposing the reservation of this channel as a Tribal Allotment.

for withdrawal or dismissal of an allotment request must be filed with the Commission in accordance with section 1.420(j) of the Rules.¹³

10. *Cut-off Protection.* The following procedures will govern the consideration of the filings in this proceeding:

- (a) Counterproposals advanced in this proceeding will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments.¹⁴
- (b) The filing of a counterproposal may lead the Commission to allot a different channel than was requested in the Petition.¹⁵

11. *Comments and Reply Comments.* Pursuant to sections 1.415, 1.419, and 1.420 of the Rules,¹⁶ interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS).¹⁷

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <https://www.fcc.gov/ecfs/filings/standard>. Parties that choose to file electronically only need to submit one copy of each filing so long as the submission conforms to all procedural and filing requirements. Online filing is optional.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
 - o Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
 - o U.S. Postal Service first-class, Express, and Priority mail must be addressed to 45 L Street, NE, Washington DC 20554.
 - o Hand-delivered or messenger-delivered paper filings for the Commission's Secretary are accepted between 8:00 a.m. and 4:00 p.m. by the FCC's mailing contractor at 9050 Junction Drive, Annapolis Junction, MD 20701. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.

¹³ 47 CFR § 1.420(j).

¹⁴ 47 CFR § 1.420(d).

¹⁵ 47 CFR § 1.420(g)(2).

¹⁶ 47 CFR §§ 1.415, 1.419, and 1.420.

¹⁷ See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

12. *Service.* Pursuant to section 1.420 of the Rules,¹⁸ all submissions by parties to this proceeding or by persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. The person filing the comments shall serve comments on the petitioners. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. A certificate of service shall accompany such comments and reply comments.¹⁹ Additionally, a copy of such comments should be served on counsel for petitioner, as follows:

The Business Council of the Northern Arapaho
c/o Anne Goodwin Crump
Fletcher, Heald & Hildreth, P.L.C.
1300 N. 17th Street – Eleventh Floor
Arlington, Virginia 22209

13. *Ex Parte Notices—Restricted.* The proceeding this Notice initiates shall be treated as a “restricted” proceeding in accordance with the Commission’s *ex parte* rules.²⁰ For purposes of this restricted notice and comment rulemaking proceeding, members of the public are advised that no *ex parte* presentations are permitted from the time the Commission adopts a notice of proposed rulemaking until the proceeding has been decided and such decision in the applicable docket is no longer subject to reconsideration by the Commission or review by any court.²¹ An *ex parte* presentation is not prohibited if specifically requested by the Commission or staff for the clarification or adduction of evidence or resolution of issues in the proceeding.²² However, any new written information elicited from such a request or any summary of any new information shall be served by the person making the presentation upon the other parties to the proceeding in a particular docket unless the Commission specifically waives this service requirement.²³ Any comment that has not been served on the petitioner constitutes an *ex parte* presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an *ex parte* presentation and shall not be considered in the proceeding.

14. *Providing Accountability Through Transparency Act.* The Providing Accountability Through Transparency Act requires each agency, in providing notice of a rulemaking, to post online a brief plain-language summary of the proposed rule.²⁴ Accordingly, the Commission will publish the required summary of this Notice of Proposed Rulemaking on <https://www.fcc.gov/proposed-rulemakings>.

¹⁸ 47 CFR § 1.420.

¹⁹ 47 CFR § 1.420(a), (b) and (c).

²⁰ 47 CFR §§ 1.1200 *et seq.*

²¹ 47 CFR § 1.1208.

²² 47 CFR § 1.1204(a)(10).

²³ 47 CFR § 1.1204(a)(10)(ii). In addition, an oral presentation in a restricted proceeding not designated for hearing requesting action by a particular date or giving reasons that a proceeding should be expedited other than the need to avoid administrative delay is permitted. A detailed summary of the presentation must be filed in the record and served by the person making the presentation on the other parties to the proceeding, who may respond in support or opposition to the request for expedition, including by oral *ex parte* presentation, subject to the same service requirement. 47 CFR § 1.1204(a)(11).

²⁴ See 5 U.S.C. § 553(b)(4). The Providing Accountability Through Transparency Act, Pub. L. No. 118-9 (2023), amended section 553(b) of the Administrative Procedure Act.

15. *Availability of Documents.* Comments, reply comments, and *ex parte* submissions will be available for public inspection via ECFS (<https://www.fcc.gov/ecfs/search/search-filings>). Documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat.

16. *Paperwork Reduction and Regulatory Flexibility.* The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980, as amended,²⁵ do not apply to a rulemaking proceeding to amend the FM Table of Allotments, section 73.202(b) of the Rules.²⁶ This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995.²⁷ In addition, therefore, it does not contain any proposed information collection burden “for small business concerns with fewer than 25 employees,” pursuant to the Small Business Paperwork Relief Act of 2002.²⁸

17. *People with Disabilities.* To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice).

18. *Additional Information.* For further information concerning this proceeding, contact Rolanda F. Smith, Audio Division, Media Bureau, at (202) 418-2054, Rolanda-Faye.Smith@fcc.gov.

FEDERAL COMMUNICATIONS COMMISSION

Nazifa Sawez
Assistant Chief
Audio Division
Media Bureau

²⁵ 5 U.S.C. § 603. The RFA, *see* 5 U.S.C. § 601 *et seq.*, has been amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Pub. L. No. 104-121, Title II, 110 Stat. 857 (1996). The SBREFA was enacted as Title II of the Contract with America Advancement Act of 1996 (CWAAA).

²⁶ 47 CFR § 73.202(b).

²⁷ 44 U.S.C. §§ 3501-3520.

²⁸ 44 U.S.C. § 3506(c)(4).

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

In the Matter of

Frontier Communications Parent, Inc.

)
)
)
)
)
)
)File No.: EB-FD-23-00035452
CD Acct. No.: 202532200002
FRN: 0029626009

ORDER

Adopted: December 3, 2024**Released: December 3, 2024**

By the Acting Chief, Enforcement Bureau:

1. The Enforcement Bureau (Bureau) of the Federal Communications Commission (FCC or Commission) has entered into a Consent Decree to resolve its investigation into whether Frontier Communications Parent, Inc. (Frontier or Company) submitted inaccurate information as part of the Broadband Data Collection challenge process, which is set forth in section 1.7006(d) of the Commission's rules.¹ To resolve this matter, Frontier agrees to implement a compliance plan and pay a \$287,820 civil penalty. This action will help further the Commission's efforts to bridge the digital divide by having accurate data of locations where broadband service is available.²

2. After reviewing the terms of the Consent Decree and evaluating the facts before us, we find that the public interest would be served by adopting the Consent Decree and terminating the referenced investigation regarding Frontier's compliance with the Commission's rules governing Broadband Data Collection and related Commission rules.³

3. In the absence of material new evidence relating to this matter, we do not set for hearing the question of Frontier's basic qualifications to hold or obtain any Commission license or authorization.⁴

4. Accordingly, **IT IS ORDERED** that, pursuant to the authority delegated by sections 0.111 and 0.311 of the Commission's rules, 47 CFR §§ 0.111, 0.311, the attached Consent Decree **IS ADOPTED** and its terms incorporated by reference.

5. **IT IS FURTHER ORDERED** that the above-captioned matter **IS TERMINATED** in accordance with the terms of the attached Consent Decree.

¹ See 47 CFR § 1.7006(d).

² See *Establishing the Digital Opportunity Data Collection; Modernizing the FCC Form 477 Data Program*, WC Docket Nos. 19-195, 11-10, Third Report & Order, 36 FCC Rcd 1126 (2021).

³ 47 CFR §§ 1.7004 and 1.7009; see also Broadband Deployment Accuracy and Technology Availability Act, Pub. L. No. 116-130, 134 Stat. 228 (2020) (codified at 47 U.S.C. §§ 641-646).

⁴ See 47 CFR § 1.93(b).

6. **IT IS FURTHER ORDERED** that a copy of this Order and Consent Decree shall be sent by first class mail and certified mail, return receipt requested to Jennifer Tatel, Partner, Wilkinson, Barker, Knauer, LLP, 1800 M Street NW, Suite 800N, Washington DC, 20036.

FEDERAL COMMUNICATIONS COMMISSION

Peter S. Hyun
Acting Chief
Enforcement Bureau

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

In the Matter of	)	
	)	
Frontier Communications Parent, Inc.	)	File No.: EB-FD-23-00035452
	)	CD Acct. No.: 202532200002
	)	FRN: 0029626009
	)	
	)	

CONSENT DECREE

1. The Enforcement Bureau (Bureau) of the Federal Communications Commission (FCC or Commission) and Frontier Communications Parent, Inc. (Frontier or Company), by their authorized representatives, hereby enter into this Consent Decree for the purpose of terminating the Bureau's investigation into Frontier's compliance with the Broadband Data Collection challenge process as provided in 47 CFR § 1.7006(d). To resolve this matter, Frontier agrees to implement a compliance plan and pay a \$287,820 civil penalty.

I. DEFINITIONS

2. For the purposes of this Consent Decree, the following definitions shall apply:
- (a) "Act" means the Communications Act of 1934, as amended.¹
 - (b) "Adopting Order" means an order of the Bureau adopting the terms of this Consent Decree without change, addition, deletion, or modification.
 - (c) "Broadband Data Collection Rules" means 47 CFR § 1.7000 *et seq.*² and other Communications Laws related to Broadband Data Collection requirements.
 - (d) "Bureau" means the Enforcement Bureau of the Federal Communications Commission.
 - (e) "CD Acct No." means account number 202532200002, associated with payment obligations described in paragraph 23 of this Consent Decree.
 - (f) "Commission" and "FCC" mean the Federal Communications Commission and all of its bureaus and offices.
 - (g) "Communications Laws" means collectively, the Act, the Rules, and the published and promulgated orders and decisions of the Commission to which Frontier is subject by virtue of its business activities, including but not limited to the Broadband DATA Act and Broadband Data Collection Rules.
 - (h) "Compliance Plan" means the compliance obligations, program, and procedures described in this Consent Decree at paragraph 19-21.
 - (i) "Covered Employees" means all employees, agents and independent contractors of Frontier who perform, supervise, oversee, or manage the performance of, duties that relate to Frontier's responsibilities under the Broadband DATA Act and Broadband Data Collection Rules.

¹ 47 U.S.C. § 151 *et seq.*

² 47 CFR §§ 1.7000-1.7010.

- (j) “Effective Date” means the date by which both the Bureau and Frontier have signed the Consent Decree and the Bureau has released an Adopting Order.
- (k) “Investigation” means the investigation commenced by the Bureau in EB-FD-23-00035452.
- (l) “Frontier” or “Company” means Frontier Communications Parent, Inc. and its affiliates, subsidiaries, predecessors-in-interest, and successors-in-interest.
- (m) “LOI” means the Letter of Inquiry issued by the Bureau to Frontier on August 21, 2023, in connection with apparent violations of the Broadband DATA Act and Broadband Data Collection Rules.
- (n) “Operating Procedures” means the standard internal operating procedures and compliance policies established by Frontier to implement the Compliance Plan.
- (o) “Parties” means Frontier and the Bureau, each of which is a “Party.”
- (p) “Rules” means the Commission’s regulations found in Title 47 of the Code of Federal Regulations.

II. BACKGROUND

3. The Commission’s efforts to bridge the digital divide require having accurate data of locations where broadband service is available. The FCC adopted rules for the Broadband Data Collection (BDC), formerly known as the Digital Opportunity Data Collection,³ in August 2019 “to collect geographically precise and detailed data on broadband service deployment, which would be subject to stakeholder challenges.”⁴

4. The Broadband DATA Act was enacted in March of 2020.⁵ The Broadband DATA Act requires providers to report “the availability and quality of service of their broadband internet access service” biannually, with filings due on or before March 1 (reporting data as of December 31 of the prior year) and September 1 (reporting data as of June 30 of the current year).⁶ With each biannual data filing, providers must include “a certification signed by a corporate officer of the provider that the officer has examined the information contained in the submission and that, to the best of the officer’s actual knowledge, information, and belief, all statements of fact contained in the submission are true and correct.”⁷ The data collected is compiled and shown on the National Broadband Map (NBM), an online map, displaying information about broadband service availability at each broadband serviceable location nationwide. A challenge process permits state, local, and tribal governmental entities, consumers, and other entities or individuals to allege that a provider’s claims of coverage or availability of service reflected on the NBM are inaccurate, which can lead to updates of the NBM.⁸

5. The steps for the challenge process are similar, but not identical, for individual consumer challengers and bulk challengers. First, the public can submit consumer challenges to individual

³ *Establishing the Digital Opportunity Data Collection; Modernizing the FCC Form 477 Data Program*, WC Docket Nos. 19-195, 11-10, Fourth Report & Order, Declaratory Ruling, and Further Notice of Proposed Rulemaking, FCC 24-7, para. 27 (July 2024).

⁴ *Establishing the Digital Opportunity Data Collection; Modernizing the FCC Form 477 Data Program*, WC Docket Nos. 19-195, 11-10, Third Report & Order, 36 FCC Rcd 1126, 1127, para. 1 (2021) (*Third Report and Order*).

⁵ Broadband Deployment Accuracy and Technology Availability Act, Pub. L. No. 116-130, 134 Stat. 228 (2020) (codified at 47 U.S.C. §§ 641-646) (Broadband DATA Act).

⁶ 47 CFR § 1.7004(a)-(b).

⁷ *Id.* § 1.7004(d).

⁸ *Id.* § 1.7006(d).

locations, one at a time, by filling out a form on the NBM. Bulk challenges are submitted by uploading a file in the BDC system that is a package of challenges; each record in the file represents a challenge to a separate location and there is one evidence attachment for the file as a whole. Second, the applicable standard of evidence is different for individual consumer and bulk challenges. For a bulk challenger, “the challenger must make a detailed, clear and methodologically sound showing, by clear and convincing evidence, that a provider’s data are inaccurate.”⁹ A consumer challenger must make an initial showing, by a preponderance of the evidence, that a provider’s data is inaccurate; the provider must then provide evidence showing, by a preponderance of the evidence, that its reported data is accurate.¹⁰ Commission staff review each consumer challenge and each record within a bulk challenge submission—that is, each separate allegation made as to each location—and determine whether all required information has been provided for each separate allegation, per section 1.7006(d)(1) of the Commission’s Rules.¹¹ If so, in accordance with section 1.7006(d)(2) of the Commission’s Rules, the BDC system sends a message to the provider that a challenge has been filed, and the BDC system shows each separate allegation or challenge, even if certain allegations were submitted as part of the same bulk challenge.¹² From this point forward, Commission staff treats each challenge as its own, independent record for adjudication.¹³

6. Once a challenge is shared with a provider, the provider has 60 days to decide whether to: (i) “accept the allegation(s),”¹⁴ or (ii) “deny the allegation(s).”¹⁵ If disputing the challenge, the provider has to file notice, along with supporting evidence, via the BDC system of its decision. Each challenge (including each separate record within a bulk challenge submission) requires a separate filing of notice.¹⁶ If the provider concedes the challenge(s), the provider must file a correction in the BDC system within 30 days.¹⁷ If a provider disputes the challenge(s), a second 60-day period begins to allow time for the provider to attempt to resolve the dispute with the challenger.¹⁸

7. By the end of the second 60-day period, if a challenger has not already withdrawn a challenge, the provider must indicate the status of its efforts to resolve the dispute. This requires indicating: (i) whether the provider continues to dispute the challenge (and if so, providing a reason); and (ii) whether the challenger agrees that the provider’s evidence established that the provider does serve the location at issue.¹⁹ This final question is referred to as “challenger concurrence” (concurrence). As before, each challenge (including each separate record within a bulk challenge submission) requires a separate response by the provider.²⁰

8. After the second 60-day period has elapsed, the Commission evaluates all “challenges” that were not conceded or where no challenger concurrence was obtained, and then makes a determination in favor of the challenger or provider regarding the accuracy of the provider’s availability data at the

⁹ *Id.* § 1.7006(d)(8).

¹⁰ *Id.* § 1.7006(d)(7).

¹¹ *See id.* § 1.7006(d)(1).

¹² *See id.* § 1.7006(d)(2).

¹³ *See* Fed. Comm’n Comm’n, *How Providers Should Respond to Fixed Availability Challenges – BDC Help Center* (Jan. 20, 2023 update) (on file in EB-FD-23-00035452); *see also* information on file in EB-FD-23-00035452.

¹⁴ 47 CFR § 1.7006(d)(3)(i) (referencing “concede” the “challenge” in BDC guidance and the BDC system).

¹⁵ *Id.* § 1.7006(d)(3)(ii) (referencing “dispute” the “challenges” in the BDC guidance and the BDC system).

¹⁶ Information on file in EB-FD-23-00035452.

¹⁷ 47 CFR § 1.7006(d)(3)(i).

¹⁸ *See id.* § 1.7006(d)(3)(ii).

¹⁹ *Id.* § 1.7006(d)(3)(ii), (d)(6). In the BDC system, the question is phrased, “Does the challenger agree?” Providers may select from a drop-down list of only three options: “Yes”; “No”; or “Unable to Reach.”

²⁰ Information on file in EB-FD-23-00035452.

challenged locations. For a bulk challenge submission, the Commission reviews and adjudicates each challenge (or record) independent from every other challenge, and may thus grant in part and deny in part a bulk challenge.²¹ The adjudication results are then reported via the BDC system on the same location-by-location basis for each challenge record in a bulk challenge submission.²² If the Commission finds in favor of the provider in a particular challenge, no further action is required. If the Commission finds in favor of the challenger, the provider must file a revision to its BDC availability data within 30 days to update its data consistent with the adjudication.²³ Failure of a provider to meet filing deadlines during the challenge process will result in a finding in favor of the challenger.²⁴

9. Frontier is a publicly held Delaware corporation, incorporated on February 24, 2021. It is the successor-in-interest to Frontier Communications Corporation, which was a publicly held Delaware corporation, incorporated on November 12, 1935, under the name Citizens Utility Company. Frontier is a holding company that operates through multiple wholly owned direct and indirect subsidiaries that provide communications services and other business support.²⁵

10. On February 2, 2023, the Wisconsin Public Service Commission (PSC) filed a bulk challenge to 1,141 locations that Frontier claimed it served in its BDC submission.²⁶ Between March 17 and March 20, 2023, Frontier conceded 72 of those locations and disputed the challenges at the remaining 1,066 locations.²⁷ Following Frontier's responses in the BDC system, a 60-day period began during which "the provider and the challenger shall ... attempt to resolve the challenge" for the remaining 1,066 locations at which Frontier disputed the challenges.²⁸

11. The Wisconsin PSC reached out to Frontier on April 4, 2023, regarding Frontier's responses, and the parties scheduled a conference call to attempt to resolve the challenges for the remaining 1,066 locations.²⁹ Thereafter, Frontier spoke with and sent evidence to the Wisconsin PSC to try and resolve the disputes related to the submissions.³⁰ Frontier reached out to the Wisconsin PSC multiple times to discuss the evidence, but as of May 11, 2023, the Wisconsin PSC had not provided a substantive response to Frontier.³¹

12. Frontier was required to file its final responses to the challenges for some of the locations in the BDC system by May 16, 2023, and the remainder by May 22, 2023. By May 11, 2023, the Wisconsin PSC had not responded to Frontier's evidence submission and had not indicated that it concurred with Frontier's position that it served the disputed locations.³² On that day, the Frontier employee responsible for the BDC submission at the time directed Frontier's contractor to submit a final response to the challenges at the 1,066 disputed locations in the BDC system to: (1) reflect that Frontier continued to dispute the submissions; (2) include a comment that there was a "conversation to review

²¹ *Id.*

²² *Id.*

²³ 47 CFR § 1.7006(d)(6).

²⁴ *Id.* § 1.7006(d)(4).

²⁵ Response to Letter of Inquiry from Frontier, to FCC Enforcement Bureau, at 5, Response to Question 1 (Oct. 27, 2023) (on file in EB-FD-23-00035452) (LOI Response).

²⁶ LOI Response.

²⁷ *Id.*

²⁸ 47 CFR § 1.7006(d)(3)(ii).

²⁹ LOI Response.

³⁰ *Id.*

³¹ *Id.*

³² *Id.*

challenge evaluation criteria, evidence files provided, [and] no questions from challenger”; and (3) answer the third mandatory challenger concurrence question (“Does the challenger agree?”).³³ In response to this last question, the Frontier employee responsible for the BDC submission at the time directed its contractor to select “Yes” for all 1,066 locations, despite not having received a response from the Wisconsin PSC.³⁴ Later in the day on May 11, a Wisconsin PSC representative responded to a prior Frontier email acknowledging their delay in responding to Frontier, indicating a lack of time for review of the evidence submitted by Frontier, and indicating that they would defer to the FCC to review. Frontier responded to the email on May 12, 2023, stating, “I appreciate your reply and candor. Please do not hesitate to reach out if you are able to review the data in the meantime,”³⁵ thereby demonstrating that Frontier received the PSC’s email. Nevertheless, the Frontier employee responsible for the BDC submission at the time did not take action to amend Frontier’s May 11 responses in the BDC system prior to the May 16, 2023 and May 22, 2023 deadlines.³⁶ The Wisconsin PSC alerted FCC staff on June 28, 2023, of the inaccurate concurrence entries by Frontier.³⁷ Staff reversed the concurrences on July 6, 2023, and adjudicated the challenges on July 6 and 7, 2023.³⁸

III. TERMS OF AGREEMENT

13. **Adopting Order.** The provisions of this Consent Decree shall be incorporated by the Bureau in an Adopting Order.

14. **Jurisdiction.** Frontier agrees that the Bureau has jurisdiction over it and the matters contained in this Consent Decree and has the authority to enter into and adopt this Consent Decree.

15. **Effective Date; Violations.** The Parties agree that this Consent Decree shall become effective on the Effective Date as defined herein. As of the Effective Date, the Parties agree that this Consent Decree shall have the same force and effect as any other order of the Commission.

16. **Termination of Investigation.** In express reliance on the covenants and representations in this Consent Decree and to avoid further expenditure of public resources, the Bureau agrees to terminate the Investigation. In consideration for the termination of the Investigation, Frontier agrees to the terms, conditions, and procedures contained herein. The Bureau further agrees that, in the absence of new material evidence, it will not use the facts developed in the Investigation through the Effective Date, or the existence of this Consent Decree, to institute any new proceeding on its own motion against Frontier concerning the matters that were the subject of the Investigation, or to set for hearing the question of Frontier’s basic qualifications to be a Commission licensee or hold Commission licenses or authorizations based on the matters that were the subject of the Investigation.³⁹

17. **Admissions.** Frontier admits for the purpose of this Consent Decree and for Commission civil enforcement purposes, and in express reliance on the provisions of paragraph 16 herein, that paragraphs 10 through 12 of this Consent Decree contain a true and accurate description of the facts underlying the Investigation.

18. **Compliance Officer.** Within thirty (30) calendar days after the Effective Date, Frontier shall designate a senior corporate manager or official with the requisite corporate and organizational authority to serve as a Compliance Officer and to discharge the duties set forth below. The person designated as the Compliance Officer shall be responsible for developing, implementing, and

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.*

³⁷ Information on file in EB-FD-23-00035452.

³⁸ *Id.*

³⁹ See 47 CFR § 1.93(b).

administering the Compliance Plan and ensuring that Frontier complies with the terms and conditions of the Compliance Plan and this Consent Decree. In addition to the general knowledge of the Communications Laws necessary to discharge his or her duties under this Consent Decree, the Compliance Officer shall have specific knowledge of the Broadband Data Collection Rules prior to assuming his/her duties. If Frontier is aware of any inaccuracy, omission, or reporting error in any of its BDC data filings as of the Effective Date, the Compliance Officer will ensure that Frontier has made any necessary corrections to its Broadband Data Collection data within sixty (60) calendar days of his/her designation.

19. **Compliance Plan.** For purposes of settling the matters set forth herein, Frontier agrees that it shall, within ninety (90) calendar days after the Effective Date, develop and implement a Compliance Plan designed to ensure compliance with the Broadband Data Collection Rules and with the terms and conditions of this Consent Decree. Within a week of completion of the Compliance Plan, it shall be submitted, electronically, to Meghan.Ingrisano@fcc.gov. With respect to the Broadband Data Collection Rules, Frontier will implement, at a minimum, the following:

- (a) **Operating Procedures.** Within ninety (90) calendar days after the Effective Date, Frontier shall establish Operating Procedures that all Covered Employees must follow to help ensure Frontier's compliance with the Broadband Data Collection Rules. Frontier's Operating Procedures shall include internal procedures and policies specifically designed to ensure that Covered Employees at Frontier understand and comply with the Broadband Data Collection Rules. Procedures will specifically address when information is sufficiently verified to be uploaded into the BDC system, as well as the need and manner by which to timely notify Commission staff in the event that newly updated information may require a change to a filing already uploaded into the BDC system, and how to make any necessary changes to reflect newly updated information.
- (b) **Compliance Training Program.** Frontier shall establish and implement a Compliance Training Program on compliance with the Broadband Data Collection Rules and the Operating Procedures. As part of the Compliance Training Program, Covered Employees shall be advised of Frontier's obligation to report any noncompliance with the Broadband Data Collection Rules under paragraph 19 of this Consent Decree and shall be instructed on how to disclose noncompliance to the Compliance Officer. All Covered Employees shall be trained pursuant to the Compliance Training Program within one hundred twenty (120) calendar days after the Effective Date, except that any person who becomes a Covered Employee at any time after the initial Compliance Training Program shall be trained within thirty (30) calendar days after the date such person becomes a Covered Employee. Frontier shall repeat compliance training on an annual basis, and shall periodically review and revise the Compliance Training Program as necessary to ensure that it remains current and complete and to enhance its effectiveness.

20. **Reporting Noncompliance.** Frontier shall report any material noncompliance with the Broadband Data Collection Rules and with the terms and conditions of this Consent Decree within fifteen (15) business days after discovery of such noncompliance. Such reports shall include a detailed explanation of: (i) each instance of noncompliance; (ii) the steps that Frontier has taken or will take to remedy such noncompliance; (iii) the schedule on which such remedial actions will be taken; and (iv) the steps that Frontier has taken or will take to prevent the recurrence of any such noncompliance. All reports of noncompliance shall be submitted to Meghan Ingrisano, Chief, Fraud Division, Enforcement Bureau, Federal Communications Commission, 45 L Street NE, Washington, D.C. 20554, or her successor or designee, with a copy submitted electronically to Meghan.Ingrisano@fcc.gov.

21. **Compliance Reports.** Frontier shall file compliance reports with the Commission one hundred twenty (120) days after the Effective Date, twelve (12) months after the Effective Date, and twenty-four (24) months after the Effective Date.

- (a) Each Compliance Report shall include a detailed description of Frontier's efforts during the relevant period to comply with the terms and conditions of this Consent Decree and the Broadband Data Collection Rules. In addition, each Compliance Report shall include a certification by the Compliance Officer, as an agent of and on behalf of Frontier, stating that the Compliance Officer has personal knowledge that Frontier: (i) has established and implemented the Compliance Plan; (ii) has utilized the Operating Procedures since the implementation of the Compliance Plan; and (iii) is not aware of any instances of noncompliance with the terms and conditions of this Consent Decree, including the reporting obligations set forth in paragraph 18 of this Consent Decree.
- (b) The Compliance Officer's certification shall be accompanied by a statement explaining the basis for such certification and shall comply with section 1.16 of the Rules and be subscribed to as true under penalty of perjury in substantially the form set forth therein.⁴⁰
- (c) If the Compliance Officer cannot provide the requisite certification, the Compliance Officer, as an agent of and on behalf of Frontier, shall provide the Commission with a detailed explanation of the reason(s) why and describe fully: (i) each instance of noncompliance; (ii) the steps that Frontier has taken or will take to remedy such noncompliance, including the schedule on which proposed remedial actions will be taken; and (iii) the steps that Frontier has taken or will take to prevent the recurrence of any such noncompliance, including the schedule on which such preventive action will be taken.
- (d) All Compliance Reports shall be submitted to Meghan Ingrisano, Chief, Fraud Division, Enforcement Bureau, Federal Communications Commission, 45 L Street NE, Washington, D.C. 20554, or her successor or designee, with a copy submitted electronically to Meghan.Ingrisano@fcc.gov.

22. **Termination Date.** Unless stated otherwise, the requirements set forth in paragraphs 18 through 21 of this Consent Decree shall expire twenty-four (24) months after the Effective Date. If Frontier does not materially comply with the Compliance Obligations and all Broadband Data Collection Rules, as reasonably determined by the FCC, during the twenty-four (24) month period prior to the aforementioned expiration date, the obligations set forth herein may be extended, in the discretion of the FCC, by an additional twelve (12) months.

23. **Civil Penalty.** Frontier will pay a civil penalty to the United States Treasury in the amount of \$287,820 within thirty (30) calendar days of the Effective Date. Frontier acknowledges and agrees that upon execution of this Consent Decree, the Civil Penalty shall become a "Claim" or "Debt" as defined in 31 U.S.C. § 3701(b)(1).⁴¹ Upon an Event of Default, all procedures for collection as permitted by law may, at the Commission's discretion, be initiated. Frontier shall send electronic notification of payment to Meghan.Ingrisano@fcc.gov on the date said payment is made. Payment of the Civil Penalty must be made by credit card using the Commission's Registration System (CORES) at <https://apps.fcc.gov/core/userLogin.do>, ACH (Automated Clearing House) debit from a bank account, or by wire transfer from a bank account. The Commission no longer accepts Civil Penalty payments by

⁴⁰ *Id.* § 1.16.

⁴¹ Debt Collection Improvement Act of 1996, Pub. L. No. 104-134, 110 Stat. 1321, 1358 (Apr. 26, 1996).

check or money order. Below are instructions that payors should follow based on the form of payment selected:⁴²

- Payment by wire transfer must be made to ABA Number 021030004, receiving bank TREAS/NYC, and Account Number 27000001. In the OBI field, enter the FRN(s) captioned above and the letters “FORF”. In addition, a completed Form 159⁴³ or printed CORES form⁴⁴ must be faxed to the Federal Communications Commission at 202-418-2843 or e-mailed to RROGWireFaxes@fcc.gov on the same business day the wire transfer is initiated. Failure to provide all required information in Form 159 or CORES may result in payment not being recognized as having been received. When completing FCC Form 159 or CORES, enter the Account Number in block number 23A (call sign/other ID), enter the letters “FORF” in block number 24A (payment type code), and enter in block number 11 the FRN(s) captioned above (Payor FRN).⁴⁵ For additional detail and wire transfer instructions, go to <https://www.fcc.gov/licensing-databases/fees/wire-transfer>.
- Payment by credit card must be made by using CORES at <https://apps.fcc.gov/cores/userLogin.do>. To pay by credit card, log-in using the FCC Username associated to the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select “Manage Existing FRNs | FRN Financial | Bills & Fees” from the CORES Menu, then select FRN Financial and the view/make payments option next to the FRN. Select the “Open Bills” tab and find the bill number associated with the CD Acct. No. The bill number is the CD Acct. No. with the first two digits excluded (e.g., CD 1912345678 would be associated with FCC Bill Number 12345678). After selecting the bill for payment, choose the “Pay by Credit Card” option. Please note that there is a \$24,999.99 limit on credit card transactions.
- Payment by ACH must be made by using CORES at <https://apps.fcc.gov/cores/userLogin.do>. To pay by ACH, log in using the FCC Username associated to the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select “Manage Existing FRNs | FRN Financial | Bills & Fees” on the CORES Menu, then select FRN Financial and the view/make payments option next to the FRN. Select the “Open Bills” tab and find the bill number associated with the CD Acct. No. The bill number is the CD Acct. No. with the first two digits excluded (e.g., CD 1912345678 would be associated with FCC Bill Number 12345678). Finally, choose the “Pay from Bank Account” option. Please contact the appropriate financial institution to confirm the correct Routing Number and the correct account number from which payment will be made and verify with that financial institution that the designated account has authorization to accept ACH transactions.

24. **Event of Default.** Frontier agrees that an Event of Default shall occur upon the failure by Frontier to pay the full amount of the Civil Penalty on or before the due date specified in this Consent Decree.

25. **Interest, Charges for Collection, and Acceleration of Maturity Date.** After an Event of Default has occurred under this Consent Decree, the then unpaid amount of the Civil Penalty shall accrue interest, computed using the U.S. Prime Rate in effect on the date of the Event of Default plus 4.75%, from the date of the Event of Default until payment in full. Upon an Event of Default, the then unpaid amount of the Civil Penalty, together with interest, any penalties permitted and/or required by the

⁴² For questions regarding payment procedures, please contact the Financial Operations Group Help Desk by phone at 1-877-480-3201 (option #1).

⁴³ FCC Form 159 is accessible at <https://www.fcc.gov/licensing-databases/fees/fcc-remittance-advice-form-159>.

⁴⁴ Information completed using the Commission’s Registration System (CORES) does not require the submission of an FCC Form 159. CORES is accessible at <https://apps.fcc.gov/cores/userLogin.do>.

⁴⁵ Instructions for completing the form may be obtained at <http://www.fcc.gov/Forms/Form159/159.pdf>.

law, including but not limited to 31 U.S.C. § 3717 and administrative charges, plus the costs of collection, litigation, and attorneys' fees, shall become immediately due and payable, without notice, presentment, demand, protest, or notice of protest of any kind, all of which are waived by Frontier.

26. **Waivers.** As of the Effective Date, Frontier waives any and all rights it may have to seek administrative or judicial reconsideration, review, appeal or stay, or to otherwise challenge or contest the validity of this Consent Decree and the Adopting Order. Frontier shall retain the right to challenge Commission interpretation of the Consent Decree or any terms contained herein. If either Party (or the United States on behalf of the Commission) brings a judicial action to enforce the terms of the Consent Decree or the Adopting Order, neither Frontier nor the Commission shall contest the validity of the Consent Decree or the Adopting Order, and Frontier shall waive any statutory right to a trial *de novo*. Frontier hereby agrees to waive any claims it may otherwise have under the Equal Access to Justice Act⁴⁶ relating to the matters addressed in this Consent Decree.

27. **Severability.** The Parties agree that if any of the provisions of the Consent Decree shall be held unenforceable by any court of competent jurisdiction, such unenforceability shall not render unenforceable the entire Consent Decree, but rather the entire Consent Decree shall be construed as if not containing the particular unenforceable provision or provisions, and the rights and obligations of the Parties shall be construed and enforced accordingly.

28. **Invalidity.** In the event that this Consent Decree in its entirety is rendered invalid by any court of competent jurisdiction, it shall become null and void and may not be used in any manner in any legal proceeding.

29. **Subsequent Rule or Order.** The Parties agree that if any provision of the Consent Decree conflicts with any subsequent Rule or order adopted by the Commission (except an order specifically intended to revise the terms of this Consent Decree to which Frontier does not expressly consent) that provision will be superseded by such Rule or order.

30. **Successors and Assigns.** Frontier agrees that the provisions of this Consent Decree shall be binding on its successors, assigns, and transferees solely with respect to the assets and operations of Frontier as of the Effective Date.

31. **Final Settlement.** The Parties agree and acknowledge that this Consent Decree shall constitute a final settlement between the Parties with respect to the Investigation.

32. **Modifications.** This Consent Decree cannot be modified without the advance written consent of both Parties.

33. **Paragraph Headings.** The headings of the paragraphs in this Consent Decree are inserted for convenience only and are not intended to affect the meaning or interpretation of this Consent Decree.

34. **Authorized Representative.** Each Party represents and warrants to the other that it has full power and authority to enter into this Consent Decree. Each person signing this Consent Decree on behalf of a Party hereby represents that he or she is fully authorized by the Party to execute this Consent Decree and to bind the Party to its terms and conditions.

⁴⁶ See 5 U.S.C. § 504; 47 CFR §§ 1.1501-1.1530.

35. **Counterparts.** This Consent Decree may be signed in counterpart (including electronically or by facsimile). Each counterpart, when executed and delivered, shall be an original, and all of the counterparts together shall constitute one and the same fully executed instrument.

Peter S. Hyun
Acting Chief
Enforcement Bureau

Date

Mark Nielsen
Executive Vice President, Chief Legal & Regulatory Officer
Frontier Communications Parent, Inc.

Date



PUBLIC NOTICE

Federal Communications Commission
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DA 24-1209

Released: December 3, 2024

COMMENT SOUGHT ON WHITE PAPER REGARDING TRANSITION OF ANALOG RELAY SERVICES TO INTERNET PROTOCOL (IP)-BASED ALTERNATIVES

CG Docket No. 03-123

Comments Due: January 17, 2024

Reply Comments Due: February 18, 2024

The Consumer and Governmental Affairs Bureau (Bureau) of the Federal Communications Commission (Commission or FCC) seeks comment on a White Paper submitted by the Accessibility Advocacy Organizations¹ regarding the transition of users of analog Telecommunications Relay Services (TRS) to Internet Protocol (IP)-based services.²

Pursuant to Title IV of the Americans with Disabilities Act of 1990 (codified at 47 U.S.C. § 225),³ the Commission must ensure that interstate and intrastate TRS are available “to the extent possible and in the most efficient manner.”⁴ TRS are “telephone transmission services that provide the ability for an individual who is deaf, hard of hearing, deafblind, or who has a speech disability to engage in communication by wire or radio with one or more individuals, in a manner that is functionally equivalent to the ability of a hearing individual who does not have a speech disability to communicate using voice communication services by wire or radio.”⁵ Section 225 imposes the requirement to provide TRS on common carriers, their designees, and entities certified to provide TRS by the Commission, or through a certified state program.⁶ The Commission has recognized three analog forms of TRS that operate on the Public Switched Telephone Network (PSTN): Text Telephone (TTY) based TRS;⁷ Speech-

¹ The Accessibility Advocacy Organizations are TDIAccess, Inc., National Association for State Relay Administration, Gallaudet University, and Telecommunications Access of Maryland.

² See Accessibility Advocacy Organizations, “Transition of Legacy Relay Users Reliant on Analog to IP-Based Telephony Relay Solutions: A White Paper,” CG Docket No. 03-123 (filed Aug. 12, 2024) (AAO White Paper), <https://www.fcc.gov/ecfs/document/10812315813172/1>.

³ Americans with Disabilities Act of 1990, Pub. L. 101-336, 104 Stat. 327, 366-69 (1990); see AAO White Paper at 3-5 (discussing the statutory and regulatory framework for TRS).

⁴ 47 U.S.C. § 225(b)(1).

⁵ *Id.* § 225(a)(3).

⁶ *Id.* § 225(c).

⁷ See 47 CFR § 64.601(46). With TTY-based TRS, the TTY user places a call to a relay center, where a communications assistant (CA) receives the text on a TTY device, places a voice telephone call to the hearing party, and relays the conversation back and forth, voicing the TTY user’s text communication to the hearing party and typing the hearing party’s voiced communication to the TTY user.

to-Speech Relay Service (STS);⁸ and Captioned Telephone Service (CTS).⁹ Currently, under section 225 and the Commission's rules, State relay programs manage and fund calls for intrastate TTY-based, STS, and CTS,¹⁰ while the Commission funds interstate calls using these services.¹¹ The Commission has also authorized three IP-based forms of TRS: Internet Protocol Relay Service (IP Relay),¹² Video Relay Service (VRS),¹³ and Internet Protocol Captioned Telephone Service (IP CTS).¹⁴ All calls using IP Relay, VRS, and IP CTS are funded through the Interstate TRS Fund.¹⁵

In the White Paper, AAO states that there is a “current compelling need for Federal and state policymakers to proactively adapt TRS obligations and programs to reflect the evolution of the country’s analog telecommunications networks to IP-based networks.”¹⁶ According to the White Paper, the transition to IP-based networks has caused substantial changes to the use of and demand for analog TRS, rendering some analog TRS obsolete for many uses, while such services continue to be the solutions of choice for parts of the affected community.¹⁷ AAO also asserts that alternative services need to be made available because “the transition from traditional analog communication systems to more advanced digital and IP-based networks is accelerating.”¹⁸

⁸ 47 CFR § 64.601(43). For STS, a CA (who is specially trained in understanding a variety of speech disorders) repeats what the caller says in a manner that makes the caller’s words clear and understandable to the called party.

⁹ With CTS, telephone captioning is provided through the PSTN. See *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Docket No. 96-67, Declaratory Ruling, 18 FCC Rcd 16121, 16122-23, paras. 3-5 (2003).

¹⁰ See 47 CFR § 64.606(a)(1), (b)(1) (requirements for certification of state TRS programs); *Notice of Certification of State and U.S. Territory Telecommunications Relay Services (TRS) Programs*, CG Docket No. 03-123, 38 FCC Rcd 6621 (CGB 2023).

¹¹ See *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Structure and Practices of the Video Relay Service Program*, CG Docket Nos. 03-123 and 10-51, Order, DA 24-620 (June 28, 2024) (setting compensations levels for interstate TTY-based TRS, STS, and CTS).

¹² See 47 CFR § 64.601(a)(26). The IP Relay user types a text transmission to an IP Relay call center, where a CA converts the user’s text to speech for the hearing party and converts that party’s speech to text for the IP Relay user. See *Provision of Improved Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Docket No. 98-67, Declaratory Ruling and Second Further Notice of Proposed Rulemaking, 17 FCC Rcd 7779, 7780, para. 3 (2002).

¹³ See 47 CFR § 64.601(a)(53). VRS “allows people with hearing or speech disabilities who use sign language to communicate with voice telephone users through video equipment.” *Id.*; see also *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Docket No. 98-67, Report and Order and Further Notice of Proposed Rulemaking, 15 FCC Rcd 5140, 5152-54, paras. 21-27 (2000).

¹⁴ See 47 CFR § 64.601(a)(25). IP CTS permits a person with hearing loss to have a telephone conversation while reading captions of what the other party is saying on an Internet-connected device. See *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Internet-based Captioned Telephone Service*, CG Docket No. 03-123, Declaratory Ruling, 22 FCC Rcd 379, 385, para. 14 (2007).

¹⁵ See 47 CFR § 64.604(c)(5)(iii)(E). The TRS Fund administrator reviews monthly compensation requests and supporting information submitted by providers of IP CTS and other forms of TRS and makes monthly payments of compensation in accordance with the applicable formula. See *2024 TRS Compensation Order*, DA 24-620 (setting compensation levels for IP-based TRS, TRS Fund requirements, and contribution factors).

¹⁶ AAO White Paper at 1.

¹⁷ See *id.* at 5-6 (describing the decreasing usage of analog relay services and areas where still in use).

¹⁸ *Id.* at 1; see also *id.* at 6-10 (describing potential alternatives for analog relay users, including IP-based TRS and real-time text (RTT)).

Contending that the federal and state governments must actively manage this transition to ensure that users of analog relay services are informed of and transitioned to alternative services,¹⁹ AAO calls on the Commission to facilitate the evaluation of replacement TRS solutions for analog services and to initiate proceedings to consider appropriate rule changes to implement modifications to the existing rules governing TRS.²⁰

Filing Requirements. Interested parties may file comments on or before the dates indicated above.²¹ All filings must reference CG Docket No. 03-123. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS).²²

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <https://www.fcc.gov/ecfs/filings>.
- Paper Filers:
 - Parties who choose to file by paper must file an original and one copy of each filing.
 - Filings can be sent, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
 - Hand-delivered or messenger-delivered paper filings for the Commission's Secretary are accepted between 8:00 a.m. and 4:00 p.m. by the FCC's mailing contractor at 9050 Junction Drive, Annapolis Junction, MD 20701. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
 - Commercial courier deliveries (any deliveries not by the U.S. Postal Service Express) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
 - U.S. Postal Service first-class, Express, and Priority mail must be sent to 45 L Street, NE, Washington, DC 20554.

Ex Parte Rules. The proceeding this Notice initiates shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.²³ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission

¹⁹ See *id.* at 10-11 (discussing transition from copper to IP-based telephone networks), 13-14 (discussing impact of transition on availability of 911 services to analog relay users).

²⁰ *Id.* at 1; see *id.* at 11-13 (reviewing potential steps toward informing analog TRS users of need to transfer to IP-based alternatives), 14-16 (reviewing potential regulatory steps for FCC).

²¹ See 47 CFR §§ 1.1, 1.49.

²² *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322 (1998).

²³ 47 CFR §§ 1.1200 *et seq.*

staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

People with Disabilities. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Bureau at 202-418-0530 (voice).

Additional Information. For further information regarding this Notice, please contact William Wallace, Disability Rights Office, Consumer and Governmental Affairs Bureau, at 202-418-2716 or by e-mail to William.Wallace@fcc.gov.

– FCC –



Federal Communications Commission
Washington, D.C. 20554

December 3, 2024

DA 24-1210
In Reply Refer to:
1800B3-ATS
Released: December 3, 2024

Faith Christian Church
c/o Karlo Maalouf
1100 Buchanan Boulevard
Boulder City, NV 89006
(sent by electronic mail)

Mi TV
c/o Leonardo Gutierrez Murillo
2113 Cimarron Hill Dr.
PO Box 89074
Henderson, NV 89074

Mr. Albert Adam David
2632 Kenilworth Ave.
Berwyn, IL 60402
(sent by electronic mail)

In re: **LPFM MX Group 62**

Faith Christian Church
New LPFM, Boulder City, Nevada
Facility ID No. 788377
Application File No. 0000233032

Mi TV
New LPFM, Henderson, Nevada
Facility ID No. 778865
Application File No. 0000232171

Informal Objection

Dear Applicant and Objector:

We have before us the application filed by Faith Christian Church (Faith) for a construction permit for a new low power FM (LPFM) station at Boulder City, Nevada.¹ We also have before us an Informal Objection to the Application (Objection), filed by Albert Adam David.² For the reasons set forth below, we grant the Objection and dismiss the Application.

¹ Application File No. 0000233032 (filed Dec. 15, 2023).

² Pleading File No. 0000247298 (filed June 29, 2024).

Background. Faith filed the Application during the 2023 LPFM Filing Window.³ The application was identified as part of LPFM MX Group 62, and announced as the tentative selectee of the group on a timeshare basis, together with the application filed by Mi TV.⁴ In the Objection, David argues that the Application should be dismissed on the basis of section 73.3513(a)(3) of the Commission’s Rules.⁵ David notes that the Application is signed by Karlo Maalouf, who is identified as a “Tech,” but is not identified as an officer of Faith in the Application.⁶ Faith did not file an Opposition to the Objection.

Discussion. Pursuant to section 309(d) of the Communications Act of 1934, as amended (Act),⁷ petitions to deny and informal objections must provide properly supported allegations of fact that, if true, would establish a substantial and material question of fact that grant of the application would be *prima facie* inconsistent with the public interest.⁸

The Signature Rule requires that an application filed by a corporation—such as Faith—must be signed by an officer.⁹ Here, the Application was signed by Karlo Maalouf who is not identified as an officer of Faith in the Application. The Commission has reaffirmed that violations of the Signature Rule are not curable.¹⁰ Rackley reaffirmed and emphasized that we adhere strictly to the Signature Rule requirements and that the Commission overturned prior cases where it had allowed applicants to amend

³ *Media Bureau Announces Filing Procedures and Requirements for November 1 – November 8, 2023, Low Power FM Filing Window*, Public Notice, 38 FCC Rcd 6660 (MB 2023) (*Procedures Public Notice*). Based on a request from LPFM advocates, the Bureau subsequently delayed the window until December 6, 2023. *Media Bureau Announces Revised Dates for LPFM New Station Application Filing Window*, Public Notice, 38 FCC Rcd 9589 (MB 2023). The Bureau subsequently extended the close of the window until December 15, 2023. *Media Bureau Announces Extension of LPFM New Station Application Filing Window*, Public Notice, 38 FCC Rcd 11882 (MB 2023).

⁴ *Commission Identifies Tentative Selectees in 93 Groups of Mutually Exclusive Applications Submitted in the December 2023 LPFM Window*, Public Notice, FCC 24-113 at Attach. A (Oct. 16, 2024; Application File No. 0000232171 (Mi TV Application)).

⁵ Objection at 1-2 (citing 47 CFR § 73.3513(a)(3) (Signature Rule); *Procedures Public Notice*, 38 FCC Rcd at 6666; *NCE MX Group 152*, Letter Order, 38 FCC Rcd 9250 (MB 2023) (*NCE MX Group 152 Letter*); *NCE MX Group 152*, Letter Order, DA 24-269 (MB Mar. 18, 2024)).

⁶ Objection at 1. See also Application at Certification (signed by Karlo Maalouf, Tech).

⁷ 47 U.S.C. § 309(d).

⁸ See, e.g., *WWOR-TV, Inc.*, Memorandum Opinion and Order, 6 FCC Rcd 193, 197 n.10 (1990), *aff’d sub nom. Garden State Broad. L.P. v. FCC*, 996 F.2d 386 (D.C. Cir. 1993), *rehearing denied* (Sep. 10, 1993); *Gencom, Inc. v. FCC*, 832 F.2d 171, 181 (D.C. Cir. 1987); *Area Christian Television, Inc.*, Memorandum Opinion and Order, 60 RR 2d 862, 864, para. 6 (1986) (petitions to deny and informal objections must contain adequate and specific factual allegations sufficient to warrant the relief requested).

⁹ See 47 CFR § 73.3513(a)(3); see also *Mary Ann Salvatoriello*, Memorandum Opinion and Order, 6 FCC Rcd 4705 (1991), and *Central Florida Communications Group, Inc.*, Hearing Designation Order, 6 FCC Rcd 522, 523, para. 3 (MMB 1991).

¹⁰ See *Frank Rackley, Jr.*, Memorandum Opinion and Order, 35 FCC Rcd 681 (2020) (*Rackley*) (citing *Hardrock Concrete Placement Company*, Memorandum Opinion and Order, 16 FCC Rcd 2593, 2595-96, para. 8 (2001) (“The potential for abuse and uncertainty would be too great were we to accept applications that were not signed by the applicant. An applicant could easily deny making such signatures, and there would be no accountability in such a system.”)).

applications to correct Signature Rule defects.¹¹ Additionally, in the *Procedures Public Notice*, the Bureau advised applicants in the 2023 LPFM Filing Window what persons were authorized to sign applications.¹² The Instructions to the Form 2100, Schedule 318 - LPFM Construction Permit Application likewise provided applicants with this information.¹³ The Application, which did not comply with the Signature Rule at the time it was filed, cannot be amended to correct this deficiency, and must therefore, be dismissed.¹⁴ Finally, because the Mi TV Application is now a singleton, we grant that application.

Conclusion/Action. Accordingly, **IT IS ORDERED** that the Informal Objection filed by Albert Adam David on June 29, 2024 (Pleading File No. 0000247298), **IS GRANTED**.

IT IS FURTHER ORDERED that the application of Faith Christian Church for a construction permit for a new low power FM station at Boulder City, Nevada (Application File No. 0000233032) **IS DISMISSED**.

IT IS FURTHER ORDERED that the application of Mi TV for a construction permit for a new low power FM station at Henderson, Nevada (Application File No. 0000232171) **IS GRANTED**.

Sincerely,

Albert Shuldiner
Chief, Audio Division
Media Bureau

cc (via electronic mail):

Mr. Bruce Bellamy
Technical Consultant for Faith Christian Church
(sent by electronic mail)

Paul Barne
Technical Consultant for Mi TV
(sent by electronic mail)

¹¹ *Rackley*, 35 FCC Rcd at 684, para. 10 (“the Commission expressly overruled prior cases that allowed applications not signed in accordance with the Commission’s Rules to be amended *nunc pro tunc* to comply with the Rules based on equitable considerations”).

¹² *Procedures Public Notice*, 38 FCC Rcd at 6666 (“Depending on the nature of the applicant, the LPFM application must be electronically signed and certified as follows: (1) if a partnership, by a general partner; (2) if a corporation, by an officer; (3) for an unincorporated association, by a member who is an officer; and (4) if a governmental entity, by such duly elected or appointed official as is competent under the laws of the particular jurisdiction.”).

¹³ *Instructions – Form 2100, Schedule 318 – Low Power FM Station Construction Permit Application* at 2 and 17 (available at <https://www.fcc.gov/sites/default/files/Form318-instructions.pdf>).

¹⁴ *See NCE MX Group 152 Letter*, 38 FCC Rcd at 9254.



PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, DC 20554

News Media Information 202-418-0500
Internet: www.fcc.gov

DA 24-1211

Released: December 3, 2024

THE WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON THE 3.45 GHZ CLEARINGHOUSE'S REQUEST TO WIND DOWN AND SUSPEND OPERATIONS

WT Docket 19-348

Comments Due: December 18, 2024

By this Public Notice, the Wireless Telecommunications Bureau (Bureau) seeks comment on the request of Summit Ridge Group, LLC (Summit Ridge) to wind down and suspend the operations of the 3.45 GHz Reimbursement Clearinghouse (Clearinghouse) by March 1, 2025.¹

On March 8, 2021, in the *3.45 GHz Second Report and Order*, the Commission adopted rules to make 100 megahertz of mid-band spectrum available for flexible use throughout the contiguous United States and determined that secondary, non-federal radiolocation licensees in the band would be relocated to facilitate this goal.² In addition, the Commission required “new flexible-use licensees in the 3.45 GHz Service to reimburse secondary, non-federal radiolocation licensees for reasonable costs related to the relocation of those operations to the 2.9–3.0 GHz band, including the costs of a relocation clearinghouse’s administration of the reimbursement.”³

In the *3.45 GHz Clearinghouse Selection Process Order*, the Bureau, pursuant to delegated authority, established a search committee to select a Clearinghouse that would be responsible for handling all cost-related aspects of the transition.⁴ On May 2, 2023, this search committee selected Summit Ridge

¹ Letter from J. Armand Musey, President, Summit Ridge Group, LLC, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 19-348, at 1 (filed Oct. 30, 2024), <https://www.fcc.gov/ecfs/document/103015042570/1> (Summit Ridge Oct. 30 Supplement); Letter from J. Armand Musey, President, Summit Ridge Group, LLC, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 19-348, at 1 (filed Oct. 23, 2024), <https://www.fcc.gov/ecfs/document/1023549722868/1> (Summit Ridge Oct. 23 Letter).

² See *Facilitating Shared Use in the 3100–3550 MHz Band*, WT Docket No. 19-348, Second Report and Order, Order on Reconsideration, and Order of Proposed Modification, 36 FCC Rcd 5987 (2021) (*3.45 GHz Band Second R&O*); *Facilitating Shared Use in the 3100–3550 MHz Band*, WT Docket No. 19-348, Report and Order and Further Notice of Proposed Rulemaking, 35 FCC Rcd 11078, 11086, para. 20 (2020).

³ *3.45 GHz Band Second R&O*, 36 FCC Rcd at 6042, para. 155. The Commission “anticipate[d] clearinghouse costs to be minimal, given the limited number of licensees being relocated and relatively small estimated cost of their transition. The radiolocation service incumbents will initially fund the clearinghouse and can request reimbursement from new flexible-use licensees for the clearinghouse costs.” *Id.* at 6042, para. 155, n.386.

⁴ *Facilitating Shared Use in the 3100–3550 MHz Band*, WT Docket No. 19-348, Order, 37 FCC Rcd 13264, 13267, para. 7 (WTB 2022) (*3.45 GHz Clearinghouse Selection Process Order*). The search committee is composed of four entities that the Commission found, collectively, reasonably represented the interests of stakeholders—the incumbents, NBCUniversal and Nexstar, and the new entrants, represented by CCA and CTIA.

to serve as the Clearinghouse.⁵ In the *3.45 GHz Clearinghouse Selection Process Order*, the Bureau directed the selected Clearinghouse to submit a request to wind down and suspend operations after its duties had been completed.⁶ Pursuant to this direction, on October 23, 2024, Summit Ridge submitted its formal request to begin the wind down process.⁷ Summit Ridge requests March 1, 2025 as its shut down date.⁸ We seek comment on this request and on any other issues relevant to the Clearinghouse wind down process.⁹

Filing Requirements. Interested parties may file comments, identified by WT Docket No. 19-348, on or before the date indicated on the first page of this document by any of the following methods:

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <https://www.fcc.gov/ecfs/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing.
 - Filings can be sent by commercial courier or by the U.S. Postal Service. **All filings must be addressed to the Secretary, Federal Communications Commission.**
 - Hand-delivered or messenger-delivered paper filings for the Commission's Secretary are accepted between 8:00 a.m. and 4:00 p.m. by the FCC's mailing contractor at 9050 Junction Drive, Annapolis Junction, MD 20701. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
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Additional Information. For further information regarding this Public Notice, please contact Morgan Mendenhall, Wireless Telecommunications Bureau, at Morgan.Mendenhall@fcc.gov or 202-418-0154.

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⁵ Letter from Angela Y. Ball, Senior Vice President, Regulatory Affairs, NBCUniversal, et al., to Marlene H. Dortch, Secretary, FCC, WT Docket No. 19-348, at 1 (filed May 2, 2023), <https://www.fcc.gov/ecfs/document/105020040803345/1>.

⁶ *3.45 GHz Clearinghouse Selection Process Order*, 37 FCC Rcd at 13275, para.42.

⁷ Summit Ridge Oct. 23 Letter at 1.

⁸ Summit Ridge Oct. 30 Supplement at 1.

⁹ *3.45 GHz Clearinghouse Selection Process Order*, 37 FCC Rcd at 13275, para.42.



PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, DC 20554

News Media Information 202 / 418-0500
Internet: <https://www.fcc.gov>
TTY: 1-888-835-5322

DA 24-1212

Released: December 3, 2024

WIRELINE COMPETITION BUREAU SEEKS COMMENT ON CENTRAL VIRGINIA SERVICES, INC.'S PETITION FOR EXPANSION OF ITS ELIGIBLE TELECOMMUNICATIONS CARRIER DESIGNATION

WC Docket No. 09-197

Comment Date: January 2, 2025

Reply Comment Date: January 17, 2025

The Wireline Competition Bureau (WCB or Bureau) seeks comment on the petition of Central Virginia Services, Inc. (CVSI) to expand its Eligible Telecommunications Carrier (ETC) designated service area in Virginia.¹ CVSI seeks to expand its ETC designation in Virginia² to include census block group number 511139302003 (Assigned CBG), a subpart of an original Rural Digital Opportunity Fund (RDOF) award authorized to Brightspeed of Virginia, LLC f/k/a Central Telephone Company of Virginia (Brightspeed).³ In connection with its ETC expansion request, CVSI has sought WCB's approval of a

¹ Petition of Central Virginia Services, Inc. for Expanded Eligible Telecommunications Carrier Designation, WC Docket No. 09-197 (filed Sept. 25, 2024) (ETC Petition). On November 6, 2024, CVSI filed a supplement to this petition to include 56 additional census blocks (CBG number 511139301001), a subpart of an original Rural Digital Opportunity Fund award authorized to FiberLight of Virginia, LLC (FiberLight). Letter to Marlene H. Dortch, Secretary, Federal Communications Commission, from Todd B. Lantor, Counsel to Central Virginia Services, Inc. (filed Nov. 6, 2024) (ETC Supplement). In the ETC Supplement, CVSI indicates that it anticipates, subject to Commission approval, that it will be assigned the support and related obligations associated with this CBG pursuant to an agreement recently executed by CVSI and FiberLight. *See id.* Once CVSI and FiberLight submit a joint application for section 214 authorization to make this assignment, the Bureau will release a separate notice and comment public notice regarding the expansion of the ETC designated area to include this CBG.

² CVSI has been designated as an ETC by the Commission in areas where it has been authorized to receive support awarded through the Connect America Fund (CAF) Phase II auction and the Rural Digital Opportunity Fund auction. *Telecommunications Carriers Eligible for Universal Service Support, et al.*, WC Docket Nos. 09-197, 10-90, Order, 34 FCC Rcd 1966 (WCB 2019) (designating CVSI as an ETC in areas where it is eligible receive CAF Phase II Auction support in Virginia); *Telecommunications Carriers Eligible for Universal Service Support, et al.*, WC Docket Nos. 09-197, 10-90, Order, 33 FCC Rcd 9384 (WCB 2021) (designating CVSI as an ETC where it is eligible to receive Rural Digital Opportunity Fund support in Virginia).

³ *See* ETC Petition at 3, 12-13, Exh A, List of Census Blocks in Which Petition Seeks Expanded ETC Designation as a High-Cost and Low-Income Eligible Telecommunications Carrier (filed Sept. 24, 2024). *Rural Digital Opportunity Fund Support Authorized for 830 Winning Bids*, AU Docket No. 20-34 et al., Public Notice, 37 FCC Rcd 6072, Attach. A (WCB/OEA 2022) (authorizing Central Telephone Company of Virginia to receive RDOF support to serve certain eligible areas in Virginia). Central Telephone Company of Virginia d/b/a CenturyLink changed its name to Brightspeed after it was acquired from Lumen Technologies, Inc. on October 1, 2022. *See Lumen Technologies, Inc. and Connect Holding LLC Application for Consent to Transfer Control*, WC Docket No. 21-350, Memorandum Opinion and Order and Declaratory Ruling, 37 FCC Rcd 9523 (WCB, IB, WTB 2022).

section 214 authorization transfer application to assign the support associated with the Assigned CBG in addition to all rights, obligations, and conditions associated with this support, which remains pending.⁴

Accordingly, the expansion of CVSI's ETC designated service area to include the Assigned CBG will be conditioned upon approval of 214 Transfer Application and its authorization to receive the associated support. ETC designation in all areas eligible for universal service support is a prerequisite to receiving high cost and Lifeline support.⁵ To receive an ETC designation, a petitioner must, in addition to meeting high cost program requirements and other related obligations as specified below, offer the Lifeline discount on all qualifying services in areas where it receives high cost support, deploy a network capable of delivering service that meets the Lifeline program's minimum service standards, and commercially offer such service pursuant to its high cost obligations.⁶

Requirements for FCC ETC Designation

Section 254(e) of the Communications Act of 1934, as amended (the Act), provides that "only an eligible telecommunications carrier designated under section 214(e) shall be eligible to receive specific federal universal service support."⁷ Congress gives primary authority for ETC designations to state commissions.⁸ The Federal Communications Commission (FCC or Commission) has authority only when "a common carrier [is] providing telephone exchange service and exchange access that is not subject to the jurisdiction of a State commission."⁹ The petitioner for ETC designation must demonstrate that the FCC has jurisdiction and may do so by submitting an "affirmative statement from the state commission or a court of competent jurisdiction that the carrier is not subject to the state commission's jurisdiction."¹⁰ The Commission has delegated authority to the Bureau to consider appropriate ETC designation requests.¹¹

A petition for ETC designation by the FCC must include: (1) a certification that the petitioner offers or intends to offer all services designated for support by the Commission pursuant to section 254(c) of the Act; (2) a certification that the petitioner offers or intends to offer the supported services either using its own facilities or a combination of its own facilities and resale of another carrier's services;¹² (3) a description of how the petitioner advertises the availability of the supported services and the charges

⁴ See Domestic Section 214 Application for Acquisition of Certain Assets of Brightspeed of Virginia, LLC by Central Virginia Services, Inc., WC Docket No. 24-311 (filed Sept. 24, 2024) (214 Transfer Application). Applicants filed a supplement to the 214 Transfer Application on October 3, 2024. Letter from Todd B. Lantor, Counsel to Central Virginia Services, Inc., to Marlene H. Dortch, Secretary, FCC, WC Docket No. 24-311 (filed Oct. 3, 2024). On October 4, 2024, the Bureau released a public notice seeking comment on the 214 Transfer Application. The period for submitting comments on the 214 Transfer Application has ended, and the Bureau received no comments in the docket. *Domestic Section 214 Application Filed for the Acquisition of Certain Assets of Brightspeed of Virginia, LLC by Central Virginia Services, Inc.*, WC Docket No. 24-311, Public Notice, DA 24-1044 (Oct. 4, 2024).

⁵ 47 U.S.C. § 254(e).

⁶ 47 CFR part 54, subparts D, K, L, M.

⁷ 47 U.S.C. § 254(e).

⁸ *Id.* § 214(e)(2).

⁹ *Id.* § 214(e)(6).

¹⁰ See *Federal-State Joint Board on Universal Service et al.*, CC Docket No. 96-45, Twelfth Report and Order, Memorandum Opinion and Order, and Further Notice of Proposed Rulemaking, 15 FCC Rcd 12208, 12267, para. 120 (2000); 47 U.S.C. § 214(e)(6).

¹¹ See *Procedures for FCC Designation of Eligible Telecommunications Carriers Pursuant to Section 214(e)(6) of the Communications Act*, CC Docket No. 96-45, Public Notice, 12 FCC Rcd 22947, 22948 (1997).

¹² 47 U.S.C. § 214(e)(1); 47 CFR § 54.201(d)(1).

therefor using media of general distribution;¹³ (4) a detailed description of the geographic service area for which the petitioner requests to be designated as an ETC;¹⁴ and (5) a certification that neither the petitioner, nor any party to the petition, is subject to a denial of federal benefits pursuant to the Anti-Drug Abuse Act of 1988.¹⁵

In addition, a petitioner must demonstrate its ability to meet certain service standards. A petitioner seeking an ETC designation for purposes of becoming eligible to receive high cost support must: (1) certify that it will comply with the service requirements applicable to the support that it receives; (2) demonstrate its ability to remain functional in emergency situations; and (3) demonstrate its ability to satisfy applicable consumer protection and service quality standards.¹⁶ To receive a Lifeline-only ETC designation, a petitioner must specifically commit to meeting Lifeline consumer enforcement and certification standards and describe how it intends to meet such standards.¹⁷ Further, prior to designating a petitioner as an ETC pursuant to section 214(e)(6) of the Act, the Commission must determine whether such designation is in the public interest.¹⁸

Filing Requirements. Interested parties may file comments on or before January 2, 2025, and reply comments on or before January 17, 2025.¹⁹ Comments may be filed using the Commission's Electronic Comment Filing System (ECFS).²⁰

- *Electronic Filers:* Comments may be filed electronically using the Internet by accessing the ECFS: <https://www.fcc.gov/ecfs>.
- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing.

¹³ 47 U.S.C. § 214(e)(1); 47 CFR § 54.201(d)(2).

¹⁴ An ETC's "service area" is set by the designating authority and is the geographic area within which an ETC has universal service obligations and may receive universal service support. 47 U.S.C. § 214(e)(5); 47 CFR § 54.207(a). Although section 214(e)(5) of the Act, 47 U.S.C. § 214(e)(5), requires conformance of a competitive ETC's service area and an incumbent rural telephone company's service area, the Commission has separately forbore from imposing such requirements on Auction 904 (RDOF) support recipients. See *Rural Digital Opportunity Fund; Connect America Fund*, WC Docket Nos. 19-126, 10-90, Report and Order, 35 FCC Rcd 686, 728, paras. 93-94 (2020).

¹⁵ 21 U.S.C. § 862; 47 CFR § 1.2002(a)–(b).

¹⁶ See 47 CFR § 54.202(a).

¹⁷ *Id.* § 54.410 (setting forth the Commission's rules on subscriber eligibility determinations and certifications).

¹⁸ 47 U.S.C. § 214(e)(6); 47 CFR § 54.202(b). For RDOF support recipients, the Bureau waived certain requirements in section 54.202 of the Commission's rules and adopted a presumption that designation will serve the public interest. *Rural Digital Opportunity Fund Phase I Auction (Auction 904) Closes; Winning Bidders Announced; FCC Form 683 Due January 29, 2021*, Public Notice, 35 FCC Rcd 13888, 13901n.71 (RBATF, OEA, WCB 2020) (extending to RDOF support recipients the same waivers of certain requirements in section 54.202 of the Commission's rules and the same presumption that designation will serve the public interest as it had previously extended to CAF Phase II Auction support recipients); *WCB Reminds Connect America Fund Phase II Auction Applicants of the Process for Obtaining a Federal Designation as an Eligible Telecommunications Carrier*, WC Docket Nos. 09-197 and 10-90, Public Notice, 33 FCC Rcd 6696, 6699-6700 (WCB 2019). Because CVSI will stand in the shoes of the original authorized support recipient if it receives 214 approval for the transfer of the Assigned CBG and is authorized to receive the support associated with this CBG, the Bureau finds that CVSI is in the same position as an RDOF support awardee with respect to its request for expanded ETC designation and is entitled to the same waivers and presumption that were extended to the RDOF support awardees.

¹⁹ All filings relating to this Public Notice should refer *only* to the docket listed above.

²⁰ See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Filings can be sent by hand or messenger delivery, by commercial courier, or by the U.S. Postal Service. All filings must be addressed to the Secretary, Federal Communications Commission.
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Additional Copies. Parties should send a copy of their filings to by e-mail to Nissa.Laughner@fcc.gov.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (TTY).

Permit but Disclose Ex Parte Communications. The proceeding this Notice initiates shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's ex parte rules.²¹ Persons making ex parte presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral ex parte presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the ex parte presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during ex parte meetings are deemed to be written ex parte presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written ex parte presentations and memoranda summarizing oral ex parte presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's ex parte rules.

For additional information on this proceeding, please contact Nissa Laughner Nissa.Laughner@fcc.gov of the Wireline Competition Bureau, Telecommunications Access Policy Division, (202) 418-7400.

-FCC-

²¹ 47 CFR §§ 1.1200 *et seq.*

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

In the Matter of	)	
	)	
McMURDO LIMITED	)	WT Docket No. 24-206
	)	
Request for Waiver to Permit Equipment	)	
Authorization and Use of Emergency Position-	)	
Indicating Radiobeacons	)	

ORDER

Adopted: December 3, 2024

Released: December 3, 2024

By the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau:

1. *Introduction.* By letter dated on June 18, 2024, Seas of Solutions DBA McMurdo Limited (McMurdo Ltd.) filed an expedited request for waiver of section 80.7(f)(2) to permit a grant of equipment authorization for its emergency position indicating radiobeacons (EPIRBs) (McMurdo Ltd. Waiver Request).¹ For the reasons discussed below, we grant the McMurdo Ltd. Waiver Request.

2. *Background.* EPIRBs are emergency radiobeacons carried on board ships to alert others of a distress situation, and to assist search and rescue (SAR) units in locating those in distress by transmitting a distress signal on 406.0–406.1 MHz to the COSPAS-SARSAT satellite system.² EPIRBs must conform to international and domestic standards that contain minimum requirements for functional and technical performance.³

3. Here, the applicable FCC regulations are sections 80.1061 and 80.7. Section 80.1061(a) requires that EPIRBs meet the technical and performance standards contained in the Radio Technical Commission for Maritime Services (RTCM) Standard 11000 for 406 MHz Satellite EPIRBs. Section 80.7(f)(2) incorporates by reference a June 2012 performance standard issued by RTCM entitled, “406 MHz Satellite Emergency Position Radiobeacons (EPIRBs),” which is also referred to as RTCM Standard 11000.3.

4. However, as of April 2022, RTCM Standard 11000.3 has been updated to RTCM Standard 11000.5,⁴ which is consistent with the International Electrotechnical Commission (IEC) EPIRB

¹ Waiver – Expedited Action Requested for SMARTFIND PLUS EPIRB Type(s) Z711, Z712 (dated June 18, 2024), <https://www.fcc.gov/ecfs/document/10709017907068/1> (McMurdo Ltd. Waiver Request).

² COSPAS-SARSAT is an international satellite-based SAR system established by Canada, France, Russia, and United States. *McMurdo Group, Request for Waiver to Permit Equipment Authorization and Use of Emergency Position-Indicating Radio Beacon with Automatic Identification System Homing*, WT Docket No. 15-110, Order, 30 FCC Rcd 10634 (WTB 2014). COSPAS is an acronym for a Russian phrase meaning space system for search and distress vessels; SARSAT is an acronym for Search and Rescue Satellite Aided Tracking. *Id.*

³ *Id.*

⁴ RTCM Standard 11000.5 “specifies the minimum performance requirements, technical characteristics and type-testing requirements of 406 MHz [EPIRBs] used in the COSPAS-SARSAT satellite system . . .” RTCM, *RTCM Standard 11000.5 for 406 MHz Emergency Position-Indicating Radiobeacons (EPIRBs)* at 1 (Apr. 14, 2022), <https://rtcm.myshopify.com/products/11000-5-standard-for-406-mhz-satellite-emergency-position-indicating-radiobeacons-epirb-april-14-2022-newest-version-with-ammendment-1> (RTCM Standard 11000.5).

standard currently in effect internationally.⁵ RTCM Standard 11000.5 provides the minimum performance requirements and technical characteristics of EPIRBs operating in the 406.0 to 406.1 MHz band.⁶

5. Accordingly, McMurdo Ltd. seeks a waiver of section 80.7(f)(2) to allow the manufacturer to sell and market its SMARTFIND PLUS EPIRB type(s) Z711, Z712, which meet the updated standard.⁷ McMurdo Ltd. explains that the aforementioned EPIRBs currently meet RTCM Standard 11000.5, which “RTCM regards . . . as at least equivalent to the version [RTCM Standard 11000.3] cited in the current FCC regulations.”⁸

6. On July 8, 2024, the Commission requested comment on the McMurdo Ltd. Waiver Request.⁹ On July 26, 2024, RTCM filed comments supporting the McMurdo Ltd. Waiver Request.¹⁰ RTCM noted that “any device in compliance with RTCM 11000.5 exceeds the requirements of the standard in force under [Section 80.7(f)(2)].”¹¹ RTCM adds that the Commission had granted similar waivers in the past to other manufacturers.¹²

7. *Discussion.* Section 1.925(b)(3) of the Commission’s Rules provides that we may grant a waiver 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 circumstances, application of the rule(s) would be inequitable, unduly burdensome or contrary to the public interest, or the applicant has no reasonable alternative.¹³ We conclude that McMurdo Ltd. has demonstrated that its requested waiver is warranted under the first prong of the waiver standard. Specifically, we find that the underlying purpose of section 80.7 would be served, not frustrated, by granting the waiver request. The purpose of section 80.7 is to ensure that EPIRBs operate consistent with maritime standards to allow for reliable and safe communications with SAR organizations during a distress call or event. Further, RTCM Standard

⁵ IEC, *Global maritime distress and safety system (GMDSS) - Part 2: Cospas-Sarsat EPIRB - Emergency position indicating radio beacon operating on 406 MHz - Operational and performance requirements, methods of testing and required test results* (June 24, 2021), <https://webstore.iec.ch/en/publication/64658>.

⁶ See RTCM Standard 11000.5, at 1.

⁷ McMurdo Ltd. Waiver Request at 1. Section 80.1061(a) provides, in pertinent part, that “406.0-406.1 MHz EPIRBs that do not meet the requirements of RTCM [Standard] 11000 shall not be manufactured, imported, or sold in the United States” 47 CFR § 80.1061.

⁸ McMurdo Ltd. Waiver Request at 1.

⁹ *Wireless Telecommunications Bureau Seeks Comment on Seas of Solutions dba McMurdo Limited’s Expedited Waiver Request of Section 80.7(f)(2)*, Public Notice, DA 24-653 (WTB 2024).

¹⁰ Comments of the Radio Technical Commission for Maritime Services (RTCM), WT Docket No. 24-206 (dated July 26, 2024), <https://www.fcc.gov/ecfs/document/107290407318591/1>.

¹¹ *Id.* at 2.

¹² RTCM stated that the Commission had “granted similar waivers to ACR/Ocean Signal and Jotron.” *Id.* Copies of the Equipment Authorizations for ACR, Ocean Signal, and Jotron are available on the Commission’s website through the Office of Engineering and Technology. FCC, *Grant of Equipment Authorization—ACR* (Jan. 26, 2023), https://apps.fcc.gov/oetcf/tcb/reports/Tcb731GrantForm.cfm?mode=COPY&RequestTimeout=500&tcb_code=&app_lication_id=sKJgFkW7iwIVJaw40hEmkg%3D%3D&fcc_id=B66ACR-RLB44; FCC, *Grant of Equipment Authorization—Ocean Signal Ltd.* (Jan. 26, 2023), https://apps.fcc.gov/oetcf/tcb/reports/Tcb731GrantForm.cfm?mode=COPY&RequestTimeout=500&tcb_code=&app_lication_id=J3vR8ij%2Fo0RLoc%2FF7JogVw%3D%3D&fcc_id=XYEEPIRB3; FCC, *Grant of Equipment Authorization—Jotron AS* (May 4, 2022), https://apps.fcc.gov/oetcf/tcb/reports/Tcb731GrantForm.cfm?mode=COPY&RequestTimeout=500&tcb_code=&app_lication_id=mjXWIEEHnRrZPk%2FRxf9Vrw%3D%3D&fcc_id=VRV60AIS.

¹³ 47 CFR § 1.925(b)(3).

11000.5 not only meets but is also more rigorous than the RTCM Standard cited in section 80.7; specifically, RTCM Standard 11000.5 includes enhancements such as Return Link Service capabilities to let a person in distress know that their distress call has been received. EPIRBs certified to the RTCM Standard 11000.5 also comply with International Maritime Organization (IMO) Resolution MSC.471(101) and thus meet the carriage provisions of the International Convention for Safety of Life at Sea (SOLAS). Accordingly, we find that authorizing McMurdo's SMARTFIND PLUS EPIRB type(s) Z711, Z712 serves the purpose of section 80.7. Granting the McMurdo Ltd. Waiver Request would not only further the purpose of the rules governing the equipment authorization process for marine radio equipment, but would also enhance maritime safety, which is in the public interest.

8. This waiver is conditioned on the outcome of any proceeding stemming from RM 11765, including any future Commission decision to update the relevant technical standard or other related technical parameters. McMurdo Ltd. or other proponent seeking equipment authorization pursuant to this waiver must provide a copy of this Order to the FCC's Office of Engineering and Technology when seeking such authorization.

9. Accordingly, **IT IS ORDERED** that pursuant to section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and section 1.925(b)(3) of the Commission's rules, 47 CFR § 1.925(b)(3) the request for waiver of section 80.7(f)(2), 49 CFR § 80.7(f)(2), filed by McMurdo Ltd. dated June 18, 2024, **IS GRANTED**.

10. This action is taken under delegated authority pursuant to sections 0.131 and 0.331 of the Commission's rules.¹⁴

FEDERAL COMMUNICATIONS COMMISSION

Thomas Derenge
Deputy Chief, Mobility Division
Wireless Telecommunications Bureau

¹⁴ 47 CFR §§ 0.131, 0.331.



PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, DC 20554

News Media Information 202-418-0500
Internet: www.fcc.gov
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DA 24-1214
December 4, 2024

**PUBLIC SAFETY AND HOMELAND SECURITY BUREAU SELECTS
UL LLC TO SERVE AS LEAD ADMINISTRATOR OF THE
INTERNET OF THINGS CYBERSECURITY LABELING PROGRAM**

PS Docket No. 23-239

1. By this Public Notice, the Public Safety and Homeland Security Bureau (Bureau) announces the selection of UL LLC (UL Solutions) to serve as both the Lead Administrator as well as a Cybersecurity Label Administrator (CLA) for the Federal Communications Commission's (FCC or Commission) Internet of Things Cybersecurity Labeling Program (IoT Labeling Program) which includes the U.S. government certification mark (U.S. Cyber Trust Mark).¹ UL Solutions describes itself as a global leader in applied safety science with a distinguished heritage and long history of operating at the forefront of safety science enhancing consumer safety. As Lead Administrator, UL Solutions will be responsible for identifying or developing, and recommending to the Commission for approval, the IoT-specific standards and testing procedures for the program, among other recommendations, and for acting as liaison between the Commission and CLAs.² The Commission will retain ultimate control and oversight over the program as the IoT Labeling Program owner.³

2. The Bureau finds that UL Solutions meets the Commission's program criteria and requirements to be conditionally approved as a CLA and also satisfies the additional Lead Administrator program criteria and requirements. UL Solutions's approval is conditioned upon its execution of a Trademark Use Agreement⁴ with the FCC, as well as its commitment to obtain International Organization

¹ *Cybersecurity Labeling for Internet of Things*, PS Docket No. 23-239, Report and Order and Further Notice of Proposed Rulemaking, FCC 24-26, at 24, 27, paras. 42, 52 (2024) (*IoT Labeling Order*).

² *IoT Labeling Order* at 24, 27, paras. 42, 51.

³ *IoT Labeling Order* at 23, paras. 40-41 (Commission fosters public-private collaboration, including with regard to administration of the program, while retaining ultimate control and oversight of the program); *id.* at 30, para. 55 (subject to Commission oversight, CLAs will evaluate and grant or deny requests to use the FCC IoT label); 47 CFR § 8.220(f)(11).

⁴ The Bureau has previously referred to this document as a "Licensing Agreement." *Public Safety and Homeland Security Bureau Announces 15-Business Day Filing Window for Cybersecurity Labeling Administrator and Lead Administrator Applications Under the Cybersecurity Labeling for Internet of Things Program*, Public Notice, PS Docket No. 23-239, DA 24-900 at 15, para. 33 (Sept. 10, 2024) (*Filing Window Notice*). This is the same agreement previously contemplated, with the name adjusted for clarity. This document will be referred to as a "Trademark Use Agreement" going forward. The Commission anticipates that it will periodically amend such Trademark Use Agreements as we gain experience in the program.

for Standardization/International Electrotechnical Commission (ISO/IEC) accreditation⁵ with the appropriate FCC program scope within six (6) months of the effective date of the Commission's adoption of IoT cybersecurity labeling standards and testing procedures.⁶ **Conditionally approved CLAs, including UL Solutions, are not authorized by the Commission to approve the use of the U.S. Cyber Trust Mark.** The Bureau will only approve a CLA to accept and process manufacturer applications and authorize use of the FCC IoT Label, including the U.S. Cyber Trust Mark, *after* the CLA has demonstrated to the Bureau that it has obtained ISO/IEC 17065 accreditation with the FCC's program scope⁷ and other CLA conditions (e.g., development of a cybersecurity risk management plan).

Lead Administrator Responsibilities

3. UL Solutions will undertake the duties outlined in the *IoT Labeling Order*, including leading the 90-day stakeholder process and developing a consumer outreach campaign in collaboration with stakeholders.⁸ The 90-day stakeholder process will include CLAs, as well as a variety of interested stakeholders (e.g., cyber experts from industry, government, and academia),⁹ and will result in the identification or development of IoT cybersecurity standards (or packages of standards) and testing procedures UL Solutions determines can be used to test that a product meets the NISTIR 8425 criteria for each class of products identified by the stakeholder working group.¹⁰ UL Solutions will submit the initial set of recommendations to the Bureau no later than 90 days after release of this Public Notice.¹¹

4. UL Solutions will submit to the Bureau and the Office of the Managing Director (OMD) an estimate of its forward-looking costs including, separately, program stand-up costs and ongoing program costs to perform the Lead Administrator duties for the upcoming calendar year, which will be reviewed by CLAs, the Bureau and OMD for reasonableness.¹² If these estimated costs are determined to be reasonable, they will be used to estimate the overall CLA cost sharing obligation. CLAs and UL Solutions will determine the cost sharing methodology, which should be reasonable and equitable and will be subject to ongoing oversight by the Commission.¹³ UL Solutions will conduct and submit to the

⁵ ISO/IEC 17065:2012, *Conformity Assessment – Requirements for Bodies Certifying Products, Processes and Services*, <https://anab.ansi.org/standard/iso-iec-17065/>.

⁶ *IoT Labeling Order* at 33, para. 59; 47 CFR § 8.220(c)(6). Entities that are unable to meet this or request a waiver of this deadline for additional time to comply in accordance with the Commission's rules. See 47 CFR § 1.3. See also *Filing Window Notice* at 8, para. 14 (citing 47 CFR § 1.925).

⁷ 47 CFR § 8.220(c)(6). Upon a CLA's successful ISO/IEC 17065 accreditation with the FCC's program scope, PSHSB will release a Public Notice announcing that a CLA has moved from conditional approval to full approval and has authorization to accept and process manufacturer applications.

⁸ *IoT Labeling Order* at 27-32, paras. 51-58 (detailing the duties of the Lead Administrator); see also 47 CFR § 8.221.

⁹ *IoT Labeling Order* at 30, para. 56; 47 C.F.R. § 8.221(a)(4).

¹⁰ *IoT Labeling Order* at 31, para. 58; 47 C.F.R. § 8.221(a)(4).

¹¹ The Bureau anticipates the 90-day timeline can be met based on industry work that has already occurred, but the Bureau also recognizes UL Solutions may require additional time and, as such, may request an extension of this deadline.

¹² *Filing Window Notice* at 9, paras. 18-19.

¹³ We recognize UL Solutions will, in addition to its Lead Administrator role, also take on the role of CLA, and will also incur a CLA cost sharing obligation.

Bureau and OMD an annual, independently audited, statement of program expenditures and monies received from the CLAs.¹⁴

5. UL Solutions is advised that its selection does not constitute FCC or United States Government approval, acceptance, or endorsement of anything other than the organization's participation in the administration of the IoT Labeling Program, and UL Solutions shall not so construe, claim, or imply such. By accepting their role, UL Solutions similarly acknowledges that activities undertaken in connection with the administration of the IoT Labeling Program are voluntary and not intended to provide goods or services to the FCC or any other agency or instrumentality of the United States Government. UL Solutions may not submit claims for compensation to the FCC or any other agency or instrumentality of the United States Government for activities related to its role as Lead Administrator and/or CLA. Moreover, selection of UL Solutions does not obligate funds for any particular expenditure, nor does it authorize the transfer of funds and/or resources. The Commission does not intend to commit funds on behalf of the FCC or any other agency or instrumentality of the U.S. Government for the administration of the IoT Labeling Program nor does it provide for the payment of funds by any agency or instrumentality of the U.S. Government to any entity.¹⁵ UL Solutions accepts the risk of loss in engaging in its respective roles in the IoT Labeling Program.

6. For further information regarding this proceeding, please contact Drew Morin, Deputy Division Chief, Cybersecurity and Communications Reliability Division, Public Safety and Homeland Security Bureau by email to Drew.Morin@fcc.gov or Tara B. Shostek, Attorney Advisor, Cybersecurity and Communications Reliability Division, Public Safety and Homeland Security Bureau at Tara.Shostek@fcc.gov.

Action by the Chief, Public Safety and Homeland Security Bureau.

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¹⁴ *Filing Window Notice* at 9-10, para. 19. *See also* 47 CFR § 8.221(a)(1) (requiring the Lead Administrator to submit to the Commission any other reports upon request of the Commission); *Filing Window Notice* at 10, para. 19 (stating that the Bureau will provide further guidance on CLA cost sharing once the CLAs and the Lead Administrator have been selected).

¹⁵ As outlined in the *IoT Labeling Order*, “to the extent that the Lead Administrator may incur costs in performing its duties on behalf of the program as a whole, we expect these costs to be shared among CLAs as a whole.” *IoT Labeling Order* at 47, para. 93.

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

In the Matter of	)	
	)	
Extreme Networks Request for Waiver of Section	)	ET Docket No. 23-282
15.403 of the Commission's Rules	)	

ORDER

Adopted: December 5, 2024

Released: December 5, 2024

By the Acting Chief, Office of Engineering and Technology:

I. INTRODUCTION

1. By this action, we grant Extreme Networks' (Extreme) request for a limited waiver of section 15.403 of the Commission's rules to permit Extreme to obtain certification for and market its unlicensed low-power indoor (LPI) access point devices—Sports Venue Indoor Access Points (APs or access points)—with a weatherized enclosure for use in the 6 GHz band (5.925-7.125 GHz) exclusively for indoor sports venues.¹ For the reasons discussed below, we find that Extreme has demonstrated that its waiver request presents special circumstances that warrant a deviation from the rule prohibiting LPI devices from having weatherized enclosures, and that granting the waiver serves the public interest.²

II. BACKGROUND

2. The Commission's rules permit several types of Unlicensed National Information Infrastructure (U-NII) devices to operate within the 6 GHz (5.925-7.125 GHz) band, including standard power devices, low-power indoor devices, and very low power devices.³ While standard power devices are limited to operating in only an 850 megahertz portion of the band and must use an automated frequency coordination (AFC) system to determine the available channels and the maximum permissible power in each frequency range at their geographic coordinates, and very low power devices are permitted to operate in the same 850 megahertz portion of the spectrum without using an AFC system, low-power access points may operate across the entire 1200 megahertz without using an AFC but are limited to indoor operation, are required to use a contention-based protocol, and are limited to lower power levels than standard power access points.⁴ The Commission adopted rules to ensure that low-power indoor devices only operate indoors so that incumbent operations would be protected from receiving harmful interference. Those rules

¹ See Petition for Waiver of Section 15.403 of the Commission's Rules, ET Docket No. 23-282 (filed July 21, 2023), <https://www.fcc.gov/ecfs/document/107211224907036/1> (Extreme Waiver Request); see also Addendum to Waiver Request, ET Docket No. 23-282 (filed June 14, 2024). For purposes of this Waiver Request, Extreme defines the term "indoor sports venue" to mean "enclosed buildings, rather than [those] having an open or retractable roof." Extreme Waiver Request at 4.

² See 47 CFR § 1.3.

³ 47 CFR §§ 15.401-15.407.

⁴ *Unlicensed Use of the 6 GHz Band; Expanding Flexible Use in Mid-Band Spectrum Between 3.7 and 24 GHz*, Second Report and Order, Second Further Notice of Proposed Rulemaking, and Memorandum Opinion and Order on Remand, FCC 23-86, at 10, 39, paras. 18, 67 (Nov. 1, 2023); *Unlicensed Use of the 6 GHz Band; Expanding Flexible Use in Mid-Band Spectrum Between 3.7 and 24 GHz*, Report and Order and Further Notice of Proposed Rulemaking, 35 FCC Rcd 3852, 3860, 3862, 3888-90, paras. 17-18 & tbl. 3, 22, 99-103 (2020) (*6 GHz Report and Order*). Standard power access points, very low power access points, and their associated client devices are not restricted to indoor operation.

prohibit LPI devices from having a weatherized enclosure and being battery-powered, require LPI devices to have integrated antennas and prohibit them from being able to connect to other antennas.⁵ The Commission also imposes marketing and labeling requirements on low-power indoor access points.⁶

3. Extreme states that its Sports Venue Indoor Access Point device is needed to achieve “ubiquitous and high-quality coverage” in indoor sports venues and that “the number and size of available channels in the 6 GHz band under the low-power indoor rules is especially impactful.”⁷ Extreme also states that “[m]aximizing the coverage and availability of Wi-Fi 6E in these large indoor venues is important as demand for data continues to increase.”⁸ Extreme asserts that it needs a waiver so that it can deploy its low-power indoor devices with a weatherized enclosure to protect them from damage that could be caused by washing operations or beverage spills because to maximize coverage and capacity, the devices need to be installed “in close proximity to fan seating areas and often under the seats themselves.”⁹

4. The Office of Engineering and Technology issued a Public Notice on August 16, 2023, seeking comment on the Extreme Waiver Request.¹⁰ In response, three comments were filed in opposition, and fourteen comments supported the waiver. In addition to the comments, Extreme filed an addendum to the waiver request providing additional information and supporting facts for consideration, including how its devices would be controlled and tracked via its cloud-controlled operating system.¹¹ Extreme also explained in more detail why operating under the LPI rules is important for its use case, and to narrowly tailor the request only to cover large indoor stadiums and arenas that are used for professional teams or that have a seating capacity of more than 3,000 persons.¹²

III. DISCUSSION

5. We are authorized to grant a waiver under section 1.3 of the Commission's rules if the petitioner demonstrates “good cause” for such action.¹³ Good cause, in turn, may be found and a waiver granted “where particular facts would make strict compliance inconsistent with the public interest.”¹⁴ When examining a request for waiver of the Commission’s rules, we undertake a two-part analysis.¹⁵ A waiver of the Commission’s rules is appropriate when (1) “special circumstances warrant a deviation

⁵ 47 CFR § 15.403 (“Indoor Access Point” definition and “Subordinate Device” definition); *6 GHz Report and Order*, 35 FCC Rcd at 3891, para. 107.

⁶ 47 CFR § 15.403 (“Indoor access point devices must bear the following statement in a conspicuous location on the device and in the user’s manual: FCC regulations restrict operation of this device to indoor use only.”).

⁷ Extreme Waiver Request at 2, 5.

⁸ *Id.* at 5.

⁹ *Id.* at 2, 5.

¹⁰ *Office of Engineering and Technology Seeks Comment on Extreme Network’s Request for Waiver of Section 15.403 of the Commission’s Rules*, ET Docket No. 23-282, Public Notice, DA 23-707 (OET Aug. 16, 2023).

¹¹ Addendum to Waiver Request at 1-2.

¹² Letter from Paul Margie, Counsel to Extreme Networks Inc to Marlene H. Dortch, Secretary FCC, ET Docket No. 23-282, at 1 (filed July 19, 2024) (Extreme Networks *Ex Parte*).

¹³ 47 CFR §§ 0.31, 0.241, 1.3; *see also* *ICO Global Communications (Holdings) Ltd. v. FCC*, 428 F.3d 264, 269 (D.C. Cir. 2005); *Ne. Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990); *WAIT Radio v. FCC*, 418 F.2d 1153, 1157-59 (D.C. Cir. 1969).

¹⁴ *Ne. Cellular*, 897 F.2d at 1166; *see WAIT Radio*, 418 F.2d at 1157-59.

¹⁵ 47 CFR § 1.3. *See also* *ICO Global Communications (Holdings) Limited v. FCC*, 428 F.3d 264 (D.C. Cir. 2005); *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164 (D.C. Cir. 1990); *WAIT Radio v. FCC*, 418 F.2d 1153 (D.C. Cir. 1969).

from the general rule”; and (2) “such deviation will serve the public interest.”¹⁶ To meet the public interest part of the analysis, the requested waiver cannot undermine the purpose of the rule, and there must be a stronger public interest benefit in granting the waiver than in applying the rule.¹⁷

6. Extreme requests a limited waiver of section 15.403 of the Commission’s rules to allow Extreme to obtain certification for and market its unlicensed low-power indoor access point devices with a weatherized enclosure for use in the 6 GHz band exclusively for indoor sports venues.¹⁸ We first consider whether special circumstances are presented that warrant deviating from the prohibition on weatherized enclosures for low-power indoor access point equipment in the 6 GHz band. For the reasons discussed below, we find such circumstances, as narrowed by the conditions we impose here, to be present.

7. The demand for data across Wi-Fi networks at sports venues has surged in recent years. Cisco expects Wi-Fi data generated during future Super Bowls to be nearly 40 terabytes, compared to 6.2 terabytes during the 2015 Super Bowl and 30 terabytes during the 2022 and 2023 Super Bowls.¹⁹ Ericsson similarly estimates a 67% increase in data usage at sports venues year over year.²⁰ To meet the growing demand for data, indoor sports venues require a large number of access points to provide ubiquitous Wi-Fi coverage to densely clustered users.²¹ Extreme’s low-power indoor access points will permit the full 1200 megahertz available in the 6 GHz band to be used to provide service within indoor sports venues, as compared to only up to the 850 megahertz available for standard power access points absent this waiver permitting the Sports Venue Indoor Access Points to have a weatherized enclosure.²²

8. Commenters supporting the waiver contend that wider channels will help networks in dense environments keep up with the increasing demand for data, especially as Wi-Fi 7 becomes available in the near future.²³ They argue that the additional channels that these devices can access (e.g., low-power indoor access points can use up to fourteen 80-megahertz channels, whereas standard power access points can only access nine 80-megahertz channels) will have a dramatic effect on overall wireless

¹⁶ *Northeast Cellular*, 897 F.2d at 1166; *see also ICO Global Communications*, 428 F.3d at 269 (quoting *Northeast Cellular*); *WAIT Radio*, 418 F.2d at 1157-59.

¹⁷ *See, e.g., WAIT Radio*, 418 F.2d at 1157 (stating that even though the overall objectives of a general rule have been adjudged to be in the public interest, it is possible that application of the rule to a specific case may not serve the public interest if an applicant’s proposal does not undermine the public interest policy served by the rule); *Ne. Cellular*, 897 F.2d at 1166 (stating that, in granting a waiver, an agency must explain why deviation from the general rule better serves the public interest than strict adherence to the rule).

¹⁸ Extreme Waiver Request at 1.

¹⁹ Cisco Comments at 2.

²⁰ Comments of Public Knowledge and Open Technology Institute at New America at 6 (citing Ericsson, “Connected Stadiums, Connected Fans,” <https://www.ericsson.com/en/small-cells/stadium> (last accessed Sept. 15, 2023)). As some parties note, these statistics reflect data consumption in open air and retractable roof venues. *See, e.g., FWCC Reply* at 3-4; *AT&T Reply* at 5-6; *UTC Reply* at 3-4. We recognize these figures reflect data usage at locations other than indoor sports venues; however, we find this information to be illustrative and to act as a corollary to the growing demands placed on Wi-Fi networks at indoor sports venues.

²¹ Cisco Comments at 3. So-Fi Stadium required more than 2,500 new access points for its Super Bowl, while the State Farm Stadium Super Bowl upgrades required 1,600 new access points, including about 600 installed beneath seats. *Id.* Cisco’s partnership with the Spanish soccer team Real Madrid C.F. installed more than 1,200 new access points in Santiago Bernabéu Stadium. *Id.*

²² Dynamic Spectrum Alliance Comments at 2 (DSA Comments); Public Knowledge and Open Technology Institute at New America at 4-5.

²³ DSA Comments at 4; Comcast Comments at 4.

broadband capacity in stadiums and will make an enormous difference for the fan experience.²⁴ This waiver will enable fundamental fan interactions like ticketing, safety operations, retail experience, and mobile payment, but also enhance interactive fan experiences such as live sharing, reviewing, and participating with the venue and the event, and even specialized app interaction.²⁵ As expectations for having connectivity anywhere and anytime, including within indoor sports venues, continue to grow, we agree with commenters who suggest that standard power access points, which cannot access as much spectrum as low-power access points but, under the rules are permitted to have weatherized enclosures, is not an adequate alternative to the benefits to the public under the waiver we are granting.²⁶

9. Some parties suggest that Extreme has a reasonable alternative by using standard power equipment and waiting for the Commission to approve AFC systems for commercial operation in the 6 GHz band²⁷ and that Extreme and other manufacturers already market and have successfully deployed Wi-Fi equipment in various bands without prohibitions on weatherized enclosures.²⁸ AT&T claims that the 850 megahertz available to 6 GHz standard power access points would be more than sufficient, standing alone, to deliver that in-venue fan experience, given that venue owners have control over the networks used in their facilities.²⁹ AT&T points out that standard power APs can be configured to operate at lower power suitable for high-density re-use and that introducing existing standard power devices is likely faster than redesigning and recertifying new LPI APs under a waiver.³⁰ AT&T and UTC also suggest that spectrum available on an unlicensed or licensed-by-rule basis in other bands could supplement this 850 megahertz of spectrum (i.e., not that the other bands would have to deliver the in-venue fan experience on their own).³¹ Contrary to these claims, however, Comcast argues that deploying standard power access points at indoor sports venues may not adequately provide the necessary coverage as “[i]ndoor sports venues are environments of very dense data use and require high-speed connectivity.”³² Moreover, providing efficient spectrum use in such locations requires significant channel reuse, which, according to Broadcom, is achieved through using many access points covering small areas.³³ To that point, Extreme argues that channel reuse is the key to successful wireless deployments in dense environments.³⁴ It states that due to high data usage in stadiums and arenas, the venue operators

²⁴ DSA Comments at 4; *see* Comcast Comments at 4.

²⁵ Comments of Anaheim Ducks at 1-2. The official Anaheim Ducks app allows fans to stream HD live game videos, watch highlights, and explore statistics and game updates. *Id.* They engage with fans actively during games on social media networks, using the hashtag #LetsGoDucks. *Id.* Fan posts using the #LetsGoDucks hashtag are displayed on the scoreboard during home games. *Id.*

²⁶ *See, e.g.*, Comcast Comments at 3-4.

²⁷ UTC Comments at 2; AT&T Reply Comments at 3-4; FWCC Reply at 5-6. Notwithstanding the efficacy and effectiveness of the 6 GHz AFC system as it pertains to this waiver request, we note that the Commission has already approved the applications of multiple parties to operate the AFC system in conformance with the Commission 6 GHz rules. *OET Announces Approval of Seven 6 GHz Band Automated Frequency Coordinators Systems for Commercial Operations and Seeks Comment on C3 Spectra’s Proposed AFC System*, ET Docket 21-352, Public Notice, DA 24-166 (OET Feb. 23, 2024).

²⁸ UTC Comments at 2 & n.12; AT&T Comments at 3 & n.10; FWCC Reply at 5 & n.15.

²⁹ AT&T Reply at 3.

³⁰ *Id.* at 4.

³¹ *Id.* at 3; UTC Reply at 2.

³² Comcast Comments at 3.

³³ Broadcom Comments at 7-8.

³⁴ Letter from Paul Margie, Counsel to Extreme Networks Inc to Marlene H. Dortch, Secretary FCC, ET Docket No. 23-282, at 1 (filed July 19, 2024) (Extreme Networks *Ex Parte*).

need access to as many different channels as possible so they can reuse the channels in different small cells within their venues.³⁵ In such deployment scenarios, typical Wi-Fi cells have a radius of only five 18-seat rows, covering approximately 90 total seats.³⁶ Secondly, using the LPI device enables access to the full 1200 megahertz of the band, which spans U-NII-5, -6, -7, and -8, compared to standard power devices, which are only permitted on the 850 megahertz in U-NII-5 and -7.³⁷ Because AFC-controlled standard-power APs that would operate indoors are not permitted to use U-NII-6 and U-NII-8, such use would substantially diminish the number of channels available, which in turn will negatively impact deployment and performance by reducing channel reuse by a factor of 33%.³⁸ In considering Extreme's claim regarding the need for as many channels as possible to enable a dense reuse scheme, we observe that many sports arenas encompass fan seating on multiple overlapping levels or tiers. Thus, while traditional reuse schemes (e.g., those used for mobile phone systems) are based on two-dimensional reuse patterns, sports arenas and other similar venues must consider reuse over three dimensions creating a much more challenging situation necessitating more available channels. Thus, we agree with Extreme that it is advantageous to maximize the number of Wi-Fi channels available by enabling the 1200 megahertz available for LPI devices to be used as opposed to the lesser 850 megahertz available for standard-power devices as that will enable Wi-Fi installations to attain the necessary connectivity to these fan areas. Relatedly, Extreme also adds that Standard Power APs will have more power than is appropriate for dense indoor arenas, and will be more expensive than the LPI APs, all the while having access to fewer channels.³⁹ Noting that to enable such efficient channel reuse, its devices will use even lower power than what is allowed under the LPI rules,⁴⁰ Extreme claims that it will be arbitrary to force arena owners to choose a less efficient and costlier deployment method just to accommodate unsupported arguments by the incumbents.⁴¹ Thus, while AT&T's points out that that Extreme can simply reconfigure standard-power devices to operate at lower power, such action would still not provide the same public benefits as can be provided by permitting Extreme's Sports Venue Indoor Access Points to access the full 1200 megahertz available in the 6 GHz band. As LPI devices can already be deployed in these indoor arena locations,⁴² albeit without the requested weatherized enclosures, and there is a public benefit in providing as much Wi-Fi capacity as possible, we agree with Extreme that the most advantageous installation scheme results from maximizing frequency reuse. Therefore, we find the arguments favoring LPI AP usage, as requested by Extreme, more persuasive than the comments arguing for the more spectrum limited standard-power APs that employ a more complex protection mechanism.

10. Extreme argues that the architectural characteristics of indoor sports venues create a challenging environment for non-weatherized Wi-Fi access points.⁴³ "Unlike office buildings, hospitals, and schools, indoor sports arenas have both densely clustered users and a relative lack of walls or rails that are located close enough to these users to allow effective AP positioning."⁴⁴ Broadcom states that the most effective means of "[a]chieving ubiquitous and high-quality coverage in these venues requires

³⁵ *Id.* at 2.

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.* Thirty-three percent is the difference between 29 channels at 40 MHz with LPI and 20 channels at 40 MHz with standard power, provided all the standard power channels are available.

³⁹ Waiver Request at 7-8.

⁴⁰ Extreme Networks *Ex Parte* at 2.

⁴¹ Waiver Request at 7-8.

⁴² 47 CFR §§ 15.401-15.407.

⁴³ Waiver Request at 2-3, 5.

⁴⁴ Extreme Reply Comments at 3.

installation of access points in close proximity to fan seating areas [where they] are vulnerable to spilled beverages and venue washing operations.”⁴⁵ Thus, Cisco argues, it is essential that access points providing in-venue coverage be located in the fan seating areas to meet coverage and capacity requirements as they provide better coverage than higher power access points that would generally need to be located farther away from the fan seating area.⁴⁶ Cisco also notes that locating these low-powered indoor access points with a weatherized enclosure in the clutter of fan seating areas offers better Wi-Fi coverage—while protecting the device from liquid-related accidents and fan abuse while operating at a lower power—than standard power devices.⁴⁷

11. In addition to the unique placement needs, as described above, Extreme argues that waterproofing is also a prerequisite for Extreme’s device.⁴⁸ If not adequately protected via a weatherized enclosure, the power washing of the venues would damage the equipment.⁴⁹ This is because in a typical power-washing operation a power jet of specialized cleaning agents, which includes “not only water, but also various disinfectants and cleaning agents,” is directed at locations where the APs would typically be installed for maximum coverage, such as under the seats.⁵⁰ During a typical cleaning operation, water pressure can exceed 4,000 psi, with temperature variation of over 34° C.⁵¹ “All materials expand or contract with temperature changes[,] which means that the protection mechanism [i.e., the weatherized enclosure] must be able to handle the entire range of expansion or contraction without leaking. Because of this risk, stadiums and arenas will not install APs that are not waterproof.”⁵² Hence, “[t]he primary purpose of the weatherized enclosures is to protect the equipment from damage during venue cleaning, ensuring long-term reliability and performance.”⁵³ This claim is supported by the record. For example, the Florida Athletics Director notes that without weatherized enclosures, it would be nearly impossible to provide the consistent service fans expect, as access points regularly experience spills, kicks, and pressure washing that standard indoor enclosures do not protect against.⁵⁴ While UTC claims that stadiums surely have procedures in place to avoid washing a variety of equipment that could be damaged, they suggest no alternative to how fan seating areas can be cleaned without power washing.⁵⁵ Thus, devices installed close to the fans not only aid in Wi-Fi coverage but also need protection, as without the weatherized enclosure, the devices would not last long and would get routinely damaged.⁵⁶ In addition to just the

⁴⁵ Comments of Broadcom Inc. at 2 (internal quotation marks and brackets omitted); *see also Waiver Request* at 2-3. In these areas, there is a significant risk that fans may spill beverages that could damage the access point, and the access points will be subject to venue washing operations. *Extreme Reply* at 3-4.

⁴⁶ Cisco Comments at 2-3. With “thousands of users packed closely together in a large open space, channel reuse is often the most efficient method of spectrum management, necessitating the deployment of many low-powered access points covering portions of the venue rather than a few high-powered access points covering larger areas.” *Id.* at 3. “[T]he 6 GHz band provides the additional bandwidth needed to allow stadium operations and fans to fully utilize the same Wi-Fi network simultaneously.” *Id.*

⁴⁷ *Id.* at 2-3.

⁴⁸ *Extreme Networks Ex Parte* at 1-2.

⁴⁹ *Id.* at 1.

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² *Id.*

⁵³ Addendum to *Waiver Request* at 2.

⁵⁴ *Matt Vincent Comments* at 1; *see also Glenn Johnson Comments* at 1; *Comcast Comments* at 2.

⁵⁵ *UTC Comments* at 2-3.

⁵⁶ *Extreme Reply Comments* at 7 (“[G]enerally[,] the only practical place for APs is under seats, where they are susceptible to being stepped on, kicked, and having food and drinks spilled on them.”); *Chip Shuttles Comments* at 1

protection from power washing, the weatherized enclosure will also protect Extreme's equipment from the dangers of beverage spill risk, and to protect against physical abuse like fan kicks due to its close proximity to fan seating areas.⁵⁷ Furthermore, we believe that not granting the waiver may actually diminish the public benefit as access points, if installed to maximize capacity and coverage consistent with proponents' specified requirements to provide the necessary coverage and capacity, that are not protected by a weatherized enclosure would likely necessitate repeated repairs or replacement and experience outages, resulting in attendees losing connectivity. Based on the specific facts presented by Extreme and comments in the record,⁵⁸ we reject the arguments opposing a waiver. As explained above, permitting Sports Venue Indoor Access Points to operate under the 6 GHz low-power indoor device rules, except for the weatherized enclosure prohibition, is in the public interest and does not undermine the underlying purpose of the rule under the conditions we are applying to this waiver grant. We find that a waiver of Commission rules is justified in this case as it will permit devices to be deployed and used only in indoor sports venues where it would be impractical to install access points in locations sufficiently protected from moisture and physical abuse to not require a weatherized enclosure. Extreme, as well as supporting commenters, makes a compelling case that to satisfy the coverage and capacity requirements associated with very densely packed indoor sports venues, along with the architectural characteristics of those venues, which tend to be wide-open spaces lacking overhead physical structures on which to mount access points in locations close enough to attendees to maximize coverage and capacity, necessitates installing access points close to attendees, such as under seats where they could be subject to beverage spills and kicking as well as wear and tear associated with routine venue cleaning including pressure washing between events. While AT&T and UTC suggest the APs can be placed in locations other than under the seats to avoid damage from liquids,⁵⁹ we find this claim unconvincing as they suggest no alternate location. Given that stadiums typically have high ceilings and stadium seating areas lack walls, it is not apparent where the APs could be installed for such high-density deployments other than under the seats.

12. Moreover, the additional capacity associated with access to the 1200 megahertz available for 6 GHz low-power indoor devices is necessary to deliver the in-venue experience fans expect, which increasingly includes real-time data and video. This same capacity is not available using only the 5 GHz U-NII bands nor the spectrum available to 6 GHz standard power devices, which is 850 megahertz maximum; a difference of 350 megahertz or more, which equates to at least five additional 80-megahertz channels and nine additional 40-megahertz channels. These additional channels will serve to provide options for indoor sports venues to install more devices and more finely tailor coverage to maximize attendees' Wi-Fi access. In addition, Wi-Fi 6E which is uniquely available in the 6 GHz band provides benefits that Wi-Fi in other bands, such as the 5 GHz band cannot. While Wi-Fi 6 can also be provided in the 5 GHz band, the available spectrum in the 6 GHz band is particularly beneficial for dense deployments such as sports arenas. This is because uplink traffic generally exceeds downlink traffic as fans post and share photos and videos. The Wi-Fi 6 protocol accounts for this by implementing Uplink

("[T]hese weatherproof enclosures [must be] allowed to help us maintain and improve the connectivity in our venue for the future."); Rand Allision Comments at 1 ("[U]nder-seat implementations require rugged outdoor rated enclosures to stand up to the harshness of cleaning, fan abuse, etc."); Anaheim Ducks Hockey Club, LLC Comments at 2 ("Extreme's request for a waiver of the FCC's rule against waterproofing is necessary for installing 6 GHz Wi-Fi routers in arenas like the Honda Center."); Anaheim Arena Management, LLC Comments at 4 ("[U]nder-seat deployment remains one of the most compelling models for our fans. Wi-Fi equipment must be everywhere, hidden in plain sight, and operating flawlessly from the perspective of our guests. That means access points under handrails and under seats in many areas.").

⁵⁷ Waiver Request at 2; Extreme Reply at 3-4, 7; Addendum to Waiver at 1; Broadcom Comments at 2; Matt Vincent Comments at 1.

⁵⁸ See *supra* paras. 6-11.

⁵⁹ AT&T Comments at 3.

Multiple-Input, Multiple-Output (UL MU-MIMO), which allows simultaneous bidirectional communications, enabling a better experience for more simultaneous users due to the ability to prioritize and schedule traffic.⁶⁰ To take full advantage of this advancement, the full 1200 megahertz is needed (as explained above, this maximizes capacity through a dense reuse of the full slate of available channels).⁶¹ The facts pertaining to this waiver request are unique and specific, which bolster our decision.

13. We find the arguments supporting the need for using low-power indoor access points that can access spectrum across the entire 6 GHz band to provide greater channel availability and the requirement for locating those access points in areas subject to potential damage due to spillage, cleaning, and abuse are sufficiently special circumstances to meet the first prong of our analysis.

14. Having determined that special circumstances warrant deviating from the general rule, we consider whether such deviation serves the public interest. We find that the requested waiver will provide significant public benefits while fulfilling the purpose of the rule. Extreme's access points will enable expanded Wi-Fi coverage at indoor sports venues, thereby providing fans access to full capacity, low latency, and high-quality Wi-Fi networks.⁶² As noted above, there is skyrocketing demand for data at sporting events.⁶³ Permitting Extreme's access points is in the public interest as they will help meet this demand by permitting 6 GHz low-power indoor access points to be installed in indoor sports venues in locations where they can provide maximum coverage and capacity to event attendees. And with the conditions placed on Extreme to control and manage the supply chain and device installation, we are confident that the waiver will serve the public interest by ensuring that these devices will remain indoors, thus protecting incumbent services from harmful interference.

15. The intent of the Commission's rule prohibiting weatherized enclosures, among other restrictions, on indoor access points is to ensure that such access points cannot be used outdoors where the lack of a requirement to use an AFC would increase the potential of causing harmful interference to incumbent spectrum users.⁶⁴ The Commission previously determined that low-power indoor devices operating without an AFC mechanism across the entire 6 GHz band would have an insignificant potential for causing harmful interference to incumbent users of the band.⁶⁵ Issuing this waiver to Extreme will not undermine the purpose of this rule as the Sports Venue Indoor Access Points will only be installed indoors and, therefore, will not result in an increased potential for causing harmful interference to incumbent users of the band.

16. We are imposing several conditions on this waiver to ensure that the indoor installation requirement is met and that these devices do not get resold in a secondary market where less sophisticated users could install them in places inconsistent with these conditions. Among these conditions is a requirement that Extreme be responsible for manufacturing, distribution, and sales of the access points and ship these access points directly to the relevant venue.⁶⁶ Similarly, this waiver would not permit operations in any outdoor locations, such as the stands of the stadium with a retractable roof or any outdoor areas associated with an indoor stadium.⁶⁷ The waiver will also be limited to large professional

⁶⁰ Cisco Comments at 3 citing Matt Swartz, "Wi-Fi 6E: Changing the Game for Sports and Entertainment Venues" (Dec. 16, 2021), available at <https://blogs.cisco.com/networking/wi-fi-6e-changing-the-game-for-sportsand-entertainment-venues>.

⁶¹ See para. 9, *supra*.

⁶² See Comments of Public Knowledge and Open Technology Institute at New America at 2.

⁶³ See *supra* para. 7.

⁶⁴ 6 GHz Report and Order, 35 FCC Rcd at 3891, para. 107.

⁶⁵ 6 GHz Report and Order, 35 FCC Rcd at 3888, paras. 96-99.

⁶⁶ Waiver Request at 4; see Addendum to Waiver Request at 2.

⁶⁷ Extreme Networks *Ex Parte* at 2.

indoor stadiums and arenas that are used for a professional team or that have a seating capacity of more than 3,000 persons.⁶⁸ In addition, to ensure that these devices can be easily tracked and identified, the Sports Venue Indoor Access Points must have a unique stock keeping unit (SKU) identifier to distinguish these devices from other Extreme access points that are not subject to this waiver.⁶⁹ Once deployed, each Access Point must be activated by Extreme Network via its cloud-based operating system.⁷⁰ The activation would be controlled by geo-location, which will allow Extreme to track an AP's exact location.⁷¹ Similarly, if an AP is removed or changed, it would be removed from the cloud and would cease to operate.⁷² Moreover, we will require Extreme to ensure that the Sports Venue Indoor Access Points are installed by a qualified professional trained by Extreme and that they are affixed in a manner reasonably calculated to prevent removal and reinstallation elsewhere, except by Extreme or its agent.⁷³ This combination requiring controlled sales, professional installation, and extensive record-keeping will ensure that these devices are installed appropriately and will remain indoors, supporting our rationale that this waiver grant does not undermine the intent of the rule that prevents harmful interference from occurring.⁷⁴ Finally, with these conditions in place, we believe that the Sports Venue Indoor Access Points would remain strictly indoors, with any outdoor operations impractical and unsuitable, while making it impossible for these devices to operate in the secondary market outside of Extreme's control. Thus, the conditions we impose on this waiver will protect incumbent spectrum users as well as the prohibition on weatherized enclosures.⁷⁵

17. We also include a requirement that Extreme maintain a point of contact to address and resolve, as appropriate, any issues that may arise at any venue where the Sports Venue Indoor Access Point is installed.⁷⁶ In addition, we expect Extreme to work with venue operators to modify or disable these devices, as necessary, to resolve any legitimate complaints regarding harmful interference.⁷⁷ Together, this will ensure that the intent of our rule remains intact to protect the licensed incumbents from harmful interference from the operation of these access points at indoor sports venues.

⁶⁸ *Id.*

⁶⁹ Addendum to Waiver Request at 2; Waiver Request at 4.

⁷⁰ Addendum to Waiver Request at 2.

⁷¹ *Id.*

⁷² *Id.*

⁷³ Waiver Request at 4.

⁷⁴ We note that these devices must also obtain equipment certification and comply with all other technical aspects associated with low-power indoor access points, including power spectral density limits, total power limits, and the requirement to incorporate a contention based protocol.

⁷⁵ *6 GHz Report and Order*, 35 FCC Rcd at 3891, para. 107.

⁷⁶ Extreme can be contacted via email at ComplianceRequest@extremenetworks.com, or by phone at 919-595-4928. *See also*, Extreme Request at 4.

⁷⁷ *See* Addendum to Waiver Request at 2; Waiver Request at 4; *see also* 47 CFR § 15.5(c) ("The operator of a radio frequency device shall be required to cease operating the device upon notification by a Commission representative that the device is causing harmful interference. Operation shall not resume until the condition causing the harmful interference has been corrected.").

18. Several commenters oppose the Commission granting a waiver to Extreme for its Sports Venue Indoor Access Points.⁷⁸ Commenters argue that the waiver request is not in the public interest.⁷⁹ Additionally, commenters state that Extreme has failed to show that waiving the weatherized enclosure rule will ensure that low-power indoor access points remain indoors.⁸⁰ They claim that Extreme can protect its access points from damage caused by venue washing and fan beverage spill incidents without compromising network coverage by strategically placing its access points at the sports venue.⁸¹ Hence, fans will not be deprived of Internet access in these venues by denying the waiver request since solutions are already available in the market.⁸² They also state that the conditions proposed by Extreme are inadequate to ensure that the access points will stay indoors and guarantee incumbent protection.⁸³ FWCC also opposes the amendment offered by Extreme to narrow the scope of the waiver to large indoor stadiums only that seat at least 3,000 people; it states that even then the waiver will still cover every NBA and NHL arena and 87% of all NCAA Division I Men's basketball arenas amongst other venues.⁸⁴ It also states that no limiting factor would prevent similar waiver requests from other concert venues, conference centers, and other similar facilities, and reiterates AT&T's claim that no guarantees could be made that those devices would not find their way into secondary markets.⁸⁵ UTC complains that none of the waiver conditions suggested by Extreme provide any ability for the Commission to monitor or police violations and suggest additional conditions for the waiver.⁸⁶

19. Regarding opposing commenters' contention that the conditions proposed by Extreme are inadequate to ensure that the access points will stay indoors and guarantee incumbent protection, we again disagree. As discussed above, section 15.403 of the Commission's rules already allows the deployment and use of low-power indoor access points.⁸⁷ As noted above, and detailed below, we are imposing

⁷⁸ AT&T Opposition at 2 (contending that "[t]he *Waiver Request* should be denied because the form factor rules[, such as the prohibition on weatherized enclosures,] are a key component of the regulatory scheme protecting primary FS incumbents[, and Extreme has not justified undermining those safeguards"); UTC Opposition at 1; Reply Comments of Fixed Wireless Communications Coalition at 1-2 (FWCC Reply) ("[T]he Extreme Waiver Request fails to meet any of the Commission's standards for granting a waiver.").

⁷⁹ AT&T Comments at 3; UTC Comments at 4; FWCC Reply at 5.

⁸⁰ AT&T Comments at 2 ("[N]one of the conditions Extreme proposes to follow would 'make outdoor operations impractical and unsuitable.'" (quoting Extreme Waiver Request at 3-4)); FWCC Reply at 3 ("The FWCC agrees with AT&T that 'no guarantee is or could be made that none of these devices would find their way into the secondary market used outdoors, protected from the weather.'" (quoting AT&T Opposition at 2)).

⁸¹ AT&T Comments at 3 ("Extreme could also deploy its APs under the low-power indoor rules and minimize 'the significant risk that fans may spill beverages that could damage the [APs]' by placing them in locations other than 'under the seats.'" (quoting Extreme Waiver Request at 2)); UTC Comments at 2-3 ("[C]areful placement of non-weatherized low-power APs throughout the venue would lead to a very low probability that beverages would be spilled on enough APs to create an issue for fans and surely venues have procedures in place to avoid 'washing' a variety of equipment that could be damaged by that activity.").

⁸² UTC Reply at 2 ("There already are multiple methods for delivering wireless fan experience via 2.4/5 GHz Wi-Fi and through nationwide carriers such as AT&T, Verizon, and T-Mobile."); FWCC Reply at 5-6 ("Extreme and other parties interested in deploying wireless systems at sports venues have a wide variety of options already on the market."); AT&T Comments at 3-4 ("The *Waiver Request* does not justify stripping [the form-factor] protection[s] away, especially when Extreme can meet the stated deployment needs in other ways.").

⁸³ UTC Reply at 4-6; AT&T Comments at 2.

⁸⁴ Letter from Seth Williams, Counsel for the Fixed Wireless Communications Coalition to Marlene H. Dortch, Secretary FCC, ET Docket No. 23-282, at 2-3 (filed Sept 9, 2024) (FWCC *Ex Parte*).

⁸⁵ *Id.* at 3.

⁸⁶ UTC Reply at 4-5.

⁸⁷ See *supra* para. 15; see also 47 CFR § 15.403.

several waiver conditions designed to ensure that Extreme keeps close control of its supply chain management for these devices, as well as require that only qualified professionals trained by Extreme be permitted to install and manage these devices. We are requiring that Extreme track the devices subject to this waiver by assigning a unique SKU to the access point model(s), to ship them directly to the venues where they will be installed, eliminating potential issues with devices being misrouted by a distributor to locations not covered under this waiver. We also require that the devices cease operating if they are removed from the indoor environment. Moreover, under existing rules, these devices are required to be labeled in a conspicuous location on the device with a statement that FCC regulations restrict the operation of the device to indoor use only.⁸⁸ These safeguards are being applied to prevent these access points from being installed outdoors and to ensure that these devices do not become publicly available in the marketplace. We note that many of the waiver conditions that we are imposing on Extreme overlap, in part, UTC's suggested conditions such as requiring a unique SKU for the access points and providing a point of contact for Extreme if any issues arise.⁸⁹ We do not believe UTC's other suggested conditions are necessary given that we are requiring that Extreme keep a record of the access point locations, that the access points be activated by Extreme's cloud-based operating system, and that the access points be disabled if they are removed from indoor sports venue where they operate. Given the conditions we are imposing, we see no reason to take the additional steps UTC suggests such as requiring Extreme to make the locations of installed devices and training material for installers available to the Commission or the public or rendering uninstalled equipment inoperable. We also do not see the utility in an explicit provision prohibiting the access points to repel inclement weather rather than requiring Extreme to place the access points in weatherproof enclosures.⁹⁰ Extreme did not ask for such relief and any such modification would violate our rules. We are also not convinced to the deny the waiver by AT&T's claim that microwave licensees have no way to identify the source of interfering signals because the Commission has concluded that LPI devices operating indoors will not cause harmful interference and we believe the conditions we are imposing on this waiver will prevent these access points from being operated outdoors.⁹¹ Hence, we conclude that under this waiver with the imposed conditions, these devices will remain indoors, and incumbent operations will be sufficiently protected from harmful interference.

20. We also disagree with FWCC and AT&T that this matter should be addressed via rulemaking and not a waiver.⁹² They argue the requested waiver is too broad because the rationale would apply to all indoor sports venues rather than to an individual facility.⁹³ AT&T also contends that waivers of the weatherized-enclosure rule should be evaluated on a venue-by-venue basis because "[t]he circumstances that militate in favor—or against—grant of a waiver . . . are quintessentially venue specific" and suggests that venue-specific waivers would create a public record that would help incumbents in the 6 GHz band remediate any harmful interference.⁹⁴ The Commission has adopted rules

⁸⁸ 47 CFR § 15.403.

⁸⁹ UTC Reply at 4-5.

⁹⁰ *Id.*

⁹¹ AT&T Comments at 2; *6 GHz Report and Order*, 35 FCC Rcd at 3888-92, para. 96-111.

⁹² FWCC Reply at 1 (arguing that the Waiver Request should be denied because "Extreme's request is a petition for rulemaking masquerading as a waiver request" and it "seeks wholesale changes to the underlying rule that would eviscerate the rule's purpose"); *id.* at 3 (arguing that the Commission "cannot rewrite its rules now under the guise of a waiver request"); AT&T Reply at 4 (arguing that the Waiver Request "is so broad that the relief requested should be contemplated only in a rulemaking of general applicability and not in a waiver request").

⁹³ AT&T Reply at 4-6; *see* FWCC Reply at 3 (noting the Waiver Request would possibly apply to numerous indoor sports venues). FWCC also notes that the rationale for the waiver could extend to other types of indoor venues (e.g., concert venues and conference centers). FWCC Reply at 3.

⁹⁴ AT&T Reply at 4-5.

to ensure that low-power indoor access points are only used indoors to protect fixed service incumbents in the 6 GHz band, which all parties opposing the waiver recognize.⁹⁵ The Commission's rules impose numerous technical requirements on low-power indoor access points to protect incumbent services.⁹⁶ These protections remain. This waiver is limited in scope to a single manufacturer and only permits Extreme to market weatherized low-power indoor access points that operate in the 6 GHz band to large indoor sports venues that are used for a professional team or that have a seating capacity of more than 3,000 persons. The waiver is also subject to various other conditions, which are specifically designed to ensure that these devices will remain indoors and that incumbent operations will be sufficiently protected from harmful interference. We do not waive any other Commission rules pertaining to low-power indoor access point devices. Save the provision we waive herein, all other rules remain and apply to Extreme's devices. As the Commission determined the technical parameters associated with low-power indoor access point devices operating in the 6 GHz band are sufficient to protect incumbent services,⁹⁷ we do not find merit that additional limitations on the deployment of low-power indoor access points for indoor sports venues is now appropriate. A waiver is appropriate in this instance as it is narrowly focused on specific devices to be installed at very specific locations and does not implicate the entire universe of low-power access points nor the entire universe of locations where such devices can be installed. Thus, under this limited scope, we believe that a waiver is the proper vehicle for permitting this use as opposed to permitting low-power indoor access points to be more generally protected by weatherized enclosures.

21. We consider all waivers independently and on their individual merits on a case-by-case basis. Hence, this waiver is not recommended to be read as a pre-decided outcome for any other waiver request, as a blanket waiver, or to signal any policy shift for the future. Despite commenters' suggestion that by granting this waiver we would create an incentive for other manufacturers to seek additional low-power indoor APs to be weatherized,⁹⁸ non-existing, future waivers are not before us. We will continue to follow the well-established Commission procedures to address ongoing issues pertaining to the effective use of spectrum and other relevant spectrum-related issues. In granting this waiver, we are not making wholesale changes to the regulatory regime for low-power indoor access point devices.

22. In conclusion, approval of the waiver for low-power indoor access points in indoor sports venues presents the type of particular facts that would make strict compliance with the weatherized-enclosure rule inconsistent with the public interest. This waiver will protect these devices against damage from routine venue cleaning operations, including pressure washing, and spills and other wear and tear from sports fans while operating indoors in stadiums.⁹⁹ The access points must comply with all other relevant technical restrictions applicable to low-power indoor access points, including power limits, use of the contention-based protocol, employing integrated antennas, restriction to only operate indoors, and channel bandwidth limitations as required in section 15.407.¹⁰⁰ Extreme's access points will also comply with all the other requirements of section 15.403, which include the requirements for the access points to have integrated antennas and not use battery power.¹⁰¹ Therefore, we find that these devices will not increase the potential for harmful interference to 6 GHz band licensed users and grant this waiver subject to the following conditions:

⁹⁵ AT&T Comments at 1-2; UTC Reply 1-2; FWCC Reply at 2-3.

⁹⁶ *6 GHz Report and Order*, 35 FCC Rcd at [insert page numbers], paras. 96-173.

⁹⁷ *Id.*

⁹⁸ *See, e.g.*, AT&T Reply at 4.

⁹⁹ This grant is not a blanket waiver of the definition of indoor access points but rather a narrow waiver of the requirement of prohibition of weatherized enclosures for low-power indoor access points in indoor sports venues.

¹⁰⁰ 47 CFR § 15.407.

¹⁰¹ 47 CFR § 15.403.

- 1) Extreme's Sports Venue Indoor Access Point shall be certified by the Commission via an accredited Telecommunication Certification Body, and the certification application shall include a copy of this waiver order;
- 2) The Sports Venue Indoor Access Points shall bear a unique stock keeping unit (SKU) identifier to distinguish these devices from any other Extreme devices that are not subject to this waiver;
- 3) The Sports Venue Indoor Access Points shall be installed only within indoor sports venues¹⁰² and must otherwise operate pursuant to low-power access point rules and policies;
- 4) The Sports Venue Indoor Access Point shall not operate in any outdoor locations, such as in the stands of a stadium with a retractable roof, or in any outdoor areas associated with an indoor stadium;
- 5) The deployment of the Sports Venue Indoor Access Point is restricted to indoor sports venues that are used for a professional team or that have a seating capacity of more than 3,000 persons;
- 6) Once the Sports Venue Indoor Access Points are deployed, they must be activated by Extreme Networks via its cloud-based operating system;
- 7) If a Sports Venue Indoor Access Point is removed from the indoor sports venue, the Access Point shall cease to operate;
- 8) Extreme shall be responsible for the manufacturing, distribution, sales, and installation of Sports Venue Indoor Access Points, and Extreme shall ship each Sports Venue Indoor Access Point directly to the relevant venue;
- 9) The Sports Venue Indoor Access Point shall be installed by a qualified professional trained by Extreme, and it shall be affixed in a manner reasonably calculated to prevent removal and reinstallation elsewhere except by Extreme or its agent; and
- 10) Extreme shall keep a record of devices at each location where they are installed and maintain a point of contact to address and resolve, as appropriate, any issues that may arise at any venue where the Sports Venue Indoor Access Points are installed. Parties can contact Extreme at Compliancerequest@extremenetworks.com or 919-595-4928.

IV. ORDERING CLAUSES

23. Accordingly, IT IS ORDERED that, pursuant to sections 4(i), 302, 303(e), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 302a, 303(e), 303(r), and sections 0.31, 0.241, and 1.3 of the Commission's rules, 47 CFR §§ 0.31, 0.241, 1.3, the Request for Waiver filed by Extreme Networks IS GRANTED, consistent with the terms of this Order.

24. IT IS FURTHER ORDERED that, pursuant to section 1.102(b) of the Commission's rules, 47 CFR § 1.102(b), this Order SHALL BE EFFECTIVE upon release.

¹⁰² For the purposes of this waiver, indoor sports venues is defined as "enclosed buildings, rather than [those] having an open or retractable roof." Extreme Waiver Request at 4.

25. IT IS FURTHER ORDERED that, if no petitions for reconsideration or applications for review are timely filed, this proceeding SHALL BE TERMINATED and the docket CLOSED.

FEDERAL COMMUNICATIONS COMMISSION

Ira Keltz
Acting Chief
Office of Engineering and Technology

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

In the Matter of	)	
	)	
Axon Enterprise, Inc.	)	ET Docket No. 24-40
	)	
Request for Waiver of Sections 15.247(a) and	)	
15.247(d) of the rules for Operating in the 5725 –	)	
5850 MHz Band.	)	
	)	

ORDER

Adopted: December 5, 2024**Released: December 5, 2024**

By the Acting Chief, Office of Engineering and Technology:

I. INTRODUCTION

1. By this Order we grant Axon Enterprise, Inc.'s (Axon) request to waive Sections 15.247(a) and 15.247(d) of the Commission's rules to permit its analog-modulated devices to operate at the same transmit power permitted for digitally modulated, frequency hopping devices and to operate at slight exceedance of the out of band (OOB) emission limits.¹ For the reasons discussed below, we find that there is good cause to grant Axon's waiver request.

II. BACKGROUND

2. Axon's suite of surveillance devices includes an aerial drone, a small ground vehicle, and a hand-held pole mounted camera. Up to four devices can connect to and subsequently be controlled by a single control unit that transmits control signals at 900 MHz. The three devices provide video and audio over four channels of 5 MHz bandwidth across the 5725-5850 MHz band. Axon markets its devices to state and local law enforcement officials to be used during indoor surveillance operations. On December 5, 2023, Axon filed a request for a waiver of Sections 15.247(a) and 15.247(d) of the Commission's rules, 47 C.F.R. §§ 15.247(a) and 15.247(d), to allow the certification, marketing and operation of its suite of surveillance devices.²

3. The unlicensed operation of a transmitter employing analog modulation in the 5725-5850 MHz band is normally subject to the requirements under Section 15.249 of the Commission's rules.³ Axon claims the transmit power under 15.249 is insufficient to meet the needs of law enforcement.⁴ Section 15.247 outlines the technical requirements for wideband systems employing digital modulation within the 5725-5850 MHz band.⁵ Section 15.247(a) limits the application of subsequent subparts under Section 15.247, including the higher transmit power Axon seeks to operate its devices at, to digitally

¹ 47 CFR § 15.247(a), (d).

² Axon Enterprise Inc., Request for Waiver (filed December 5, 2023) (*Axon Waiver Request*).

³ 47 CFR § 15.249.

⁴ *Axon Waiver Request* at 5.

⁵ 47 CFR § 15.247.

modulated, frequency hopping devices.⁶ Axon is seeking a waiver of this section of the Commission's rules in order to operate its analog modulated devices at the higher transmit power normally granted to digitally modulated devices. Section 15.247(d) of the Commission's rules limit the out of band emissions (OOBE) of spread spectrum or digitally modulated intentional radiators.⁷ Specifically, in any 100 kHz bandwidth outside the band in which the intentional radiator is operating, the radiator's power shall be attenuated by 30 dB below the highest level of desired power.⁸ Axon's devices exceed the limit by at most 5 dB, so it seeks a waiver of the OOBE limits.⁹

4. In response to the Office of Engineering and Technology's (OET) request for comment on the Axon waiver request, four parties filed comments and one party filed reply comments.¹⁰ The Internet & Television Association (NCTA), the Open Technology Institute at New America and Public Knowledge (OTI), Wi-Fi Alliance, WifiForward, and the Association for Broadband Without Boundaries (WISPA) expressed concerns about the potential for Axon's devices to impact the spectral landscape of the 5725-5850 MHz (U-NII-3) band subsequently causing interference to Wi-Fi operations which heavily rely on the band.¹¹ Opposing comments generally claim that Axon has failed to provide adequate justification for its waiver request and its devices will cause interference across the U-NII-3 band. Axon filed reply comments to address the concerns on the record.¹²

III. DISCUSSION

5. *Public Interest.* We are authorized to grant a waiver under Section 1.3 of the Commission's rules if the petitioner demonstrates good cause for such action.¹³ Good cause, in turn, may be found and a waiver granted "where particular facts would make strict compliance inconsistent with the public interest."¹⁴ To make this public interest determination, the waiver cannot undermine the purposes of the rule, and there must be a stronger public interest benefit in granting the waiver than in applying the rule.¹⁵

⁶ 47 CFR § 15.247(a).

⁷ 47 CFR § 15.247(d).

⁸ *Id.* The rules provide two required levels of attenuation. Radiators must be attenuated by at least 20 dB. However, if the transmitter complies with the conducted power limits based on the use of RMS averaging over a time interval, the attenuation required shall be 30 dB. Axon's devices fall under the latter category and must therefore be attenuated by 30 dB.

⁹ *Axon Waiver Request* at Tech. Attach. 2, p. 15.

¹⁰ Office of Engineering and Technology Seeks Comment on Axon Enterprise Inc., Request for Waiver of Sections 15.247(a) and 15.247(d) of the Commission's Rules for Operating in the 5727 – 5850 MHz Band, ET Docket No. 24-40, Public Notice, DA 24-105 (OET Feb. 6, 2024) (*Axon PN*).

¹¹ See NCTA Comments, OTI Comments, Wi-Fi Alliance Comments, WISPA Comments, Letter from Mary L. Brown, Executive Director, WifiForward, to Marlene H. Dortch, Secretary, FCC, ET Docket. 24-40, (filed Jul. 17, 2024) (*WifiForward Ex Parte*), Letter from Michael Calabrese, OTI; John Bergmayer, Public Knowledge, to Marlene H. Dortch, FCC, ET Docket 24-40, (filed Oct. 21, 2024) (*OTI PK Ex Parte*), Letter from Traci Biswese, NCTA, to Marlene H. Dortch, FCC, ET Docket 24-40, (filed Oct 28, 2024) (*NCTA Ex Parte*).

¹² See Axon Reply.

¹³ 47 CFR § 1.3. See also *ICO Global Communications (Holdings) Limited v. FCC*, 428 F.3d 264 (D.C. Cir. 2005); *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164 (D.C. Cir. 1990); *WAIT Radio v. FCC*, 418 F.2d 1153 (D.C. Cir. 1969).

¹⁴ *Northeast Cellular*, 897 F.2d at 1166; see also *ICO Global Communications*, 428 F.3d at 269 (quoting *Northeast Cellular*); *WAIT Radio*, 418 F.2d at 1157-59.

¹⁵ See, e.g., *WAIT Radio*, 418 F.2d at 1157 (stating that even though the overall objectives of a general rule have been adjudged to be in the public interest, it is possible that application of the rule to a specific case may not serve the public interest if an applicant's proposal does not undermine the public interest policy served by the rule);

(continued....)

6. *Channel Overlap.* All comments on the record submitted by Wi-Fi stakeholders emphasize the importance of the U-NII-3 band (5725 - 5850 MHz) as the backbone of Wi-Fi communications and express concern that Axon's devices could block key sections of the band for Wi-Fi operations.¹⁶ Axon's devices employ four video transmission channels, each about 5 MHz wide.¹⁷ Axon labels these four channels as SH23: 5729.5 - 5734.5 MHz, SH24: 5766.5 - 5771.5 MHz, SH25: 5803.5 - 5808.5 MHz, and SH26: 5840.5 - 5845.5 MHz respectively.¹⁸ Within the U-NII-3 band, Wi-Fi systems implement the channel plan outlined in the 802.11a/n IEEE standard.¹⁹ Under the 802.11a/n channel plan, there are five 20 MHz channels, two 40 MHz channels, and one 80 MHz channel available to Wi-Fi communications.²⁰ Notably, two of Axon's channels, SH24 and SH25, overlap with two 20 MHz channels and both 40 MHz channels available to Wi-Fi systems.²¹ OTI claims that an issue occurs in any Wi-Fi channel that overlaps with one of Axon's channels.²² OTI and Wi-Fi Alliance note that Axon's devices do not implement any coexistence protocols such as the listen before talk (LBT) protocol that Wi-Fi systems use to effectively share the band.²³ Parties therefore argue that Axon's devices could transmit continuously without being able to detect surrounding Wi-Fi communications.²⁴ This would interfere with ongoing, and force subsequent, Wi-Fi communications to other channels, essentially blocking key portions of the U-NII-3 band.²⁵ WISPA claims proof of this occurring can be seen in the coexistence testing Axon detailed in its waiver request.²⁶ In this coexistence study, Axon placed its surveillance drone in close proximity to a Wi-Fi network.²⁷ Speed tests of the Wi-Fi network were conducted while the surveillance drone was transmitting video to the control unit. Individual tests were conducted over two of

Northeast Cellular, 897 F.2d at 1166 (stating that in granting a waiver, an agency must explain why deviation from the general rule better serves the public interest than would strict adherence to the rule).

¹⁶ WISPA Comments at 2; Wi-Fi Alliance Comments at 2; OTI Comments at 1-2; NCTA Comments at 7; *WifiForward Ex Parte* at 1-2.

¹⁷ These channels have center frequencies at 5732 MHz, 5769 MHz, 5806 MHz, and 5843 MHz. Letter from Bruce Olcott, Counsel to Axon Enterprise, Jones Day, to Marlene H. Dortch, Secretary, FCC, ET Docket No. 24-40, at 1 (filed Jul. 7, 2024) (*Axon Ex Parte*).

¹⁸ Axon lists the center frequencies of the channels and their respective labels. *Axon Ex Parte* at 1. By dividing the listed bandwidth of 5MHz in half and subsequently adding or subtracting this from the center frequency one can derive the upper and lower channel bounds respectively.

¹⁹ See "IEEE Standard for Information technology-- Local and metropolitan area networks-- Specific requirements-- Part 11: Wireless LAN Medium Access Control (MAC) and Physical Layer (PHY) Specifications Amendment 5: Enhancements for Higher Throughput," in *IEEE Std 802.11n-2009* (Amendment to *IEEE Std 802.11-2007* as amended by *IEEE Std 802.11k-2008*, *IEEE Std 802.11r-2008*, *IEEE Std 802.11y-2008*, and *IEEE Std 802.11w-2009*), vol., no., pp.1-565, 29 Oct. 2009, doi: 10.1109/IEEESTD.2009.5307322.

²⁰ The 20 MHz channels are centered at 5745 MHz, 5765 MHz, 5785 MHz, 5805 MHz, and 5825 MHz respectively. The 40 MHz channels are centered at 5755 MHz and 5795 MHz. The 80 MHz channel is centered at 5775 MHz. See <https://transition.fcc.gov/bureaus/oet/ea/presentations/files/oct14/51-New-Rules-for-UNII-Bands,-Oct-2014-TN.pdf> at 10.

²¹ The two Axon channels SH 24 and SH 25 overlap with Channel 153 (5755 – 5775 MHz) and Channel 161 (5795 – 5815 MHz) respectively. For a visual representation of the Wi-Fi Channels, see <https://transition.fcc.gov/oet/ea/presentations/files/may17/31-Part-15-Panel-UNII-UpdatesDT.pdf> at 3.

²² OTI Comments at 6.

²³ Wi-Fi Alliance Comments at 3.; OTI Comments at 6.

²⁴ Wi-Fi Alliance Comments at 4; NCTA Comments at 7.

²⁵ *Id.*

²⁶ WISPA Comments at 2 (referencing *Axon Waiver Request* at 10-11).

²⁷ *Axon Waiver Request* at 10-11.

Axon's channels with both showing no impact to Wi-Fi communications.²⁸ However, parties argue these results only show that the surveillance drone transmissions were detected by the Wi-Fi system's LBT protocol resulting in Wi-Fi communications being forced to switch to another channel. As previously mentioned, OTI argues that given the lack of coexistence protocols, an Axon device operating in a channel that overlaps with a Wi-Fi channel will block that entire channel from Wi-Fi communications.²⁹ OTI claims that in a worst case scenario four Axon devices could be operating continuously in outdoor and indoor environments resulting in severe impact to surrounding Wi-Fi communications.³⁰ OTI and NCTA urge the Commission to consider adding additional conditions, if the waiver is to be granted, including prohibiting Axon devices from employing fixed infrastructure.³¹

7. In response Axon argues that opposing parties fail to understand the operational conditions and limited scope under which it seeks to operate its devices.³² Regarding OTI's worst case scenario, Axon highlights that its devices are battery-operated with a maximum operating time of a few hours.³³ Therefore, its devices cannot be continuously operated for an indefinite duration but are instead designed to be operated in discrete law enforcement-related engagements. Further, Axon claims that its devices are not designed for outdoor surveillance for a few reasons: its devices have no zoom function thus rendering them ineffective at significant distances, its devices are not designed to withstand outdoor conditions, and its devices require the control unit to be significantly close to the surveillance device.³⁴ Axon acknowledges there may be circumstances in which its devices are operated outdoors; however, this would only occur in situations where law enforcement have not secured safe entry into a building resulting in surveillance devices being turned on before they are maneuvered into a building.³⁵ To mitigate concerns on the record, Axon proposes its waiver be conditioned to emergency situations only and not for routine monitoring or generalized neighborhood surveillance purposes.³⁶

8. To address the issue of overlapping channels, Axon proposes an additional waiver condition for its devices to prioritize the two channels that do not overlap with Wi-Fi channels.³⁷ Further, anytime a device needs to switch to one of the two overlapping channels, the control unit will display urgent messages to the user informing them of the congested channels and urging the use to promptly switch back to the one of the two outer channels.³⁸ Additionally, Axon clarifies that in most emergency situations law enforcement only requires two surveillance devices.³⁹ Axon therefore believes that risk of interference or blocked channels will be mitigated by the limited scope in which its devices would be operated.⁴⁰ WifiForward argues that these conditions are insufficient to address concerns of interference and urges the Commission's decision be based on supporting the coexistence of the band and the

²⁸ *Id.*

²⁹ OTI Comments at 6

³⁰ *Id.*

³¹ *OTI PK Ex Parte* at 3, *NCTA Ex Parte* at 2.

³² Axon Reply 1-2.

³³ *Axon Waiver Request* at 2.

³⁴ Axon Reply at 2.

³⁵ Axon Reply at 11.

³⁶ *Id.*

³⁷ *Axon Ex Parte* at 1.

³⁸ *Id.* at 2-3.

³⁹ Axon Reply at 6.

⁴⁰ Axon Reply at 1.

consumers who benefit from the services in the unlicensed band.⁴¹ WifiForward argues that under these conditions Wi-Fi operations will still be disrupted in at least one of the five 20 MHz channels by an always on Axon device.⁴² However, Axon claims its devices are configured so that the outer channels are used by default, the devices operate on a very limited battery life, the devices are only used in emergency situations and in most emergency scenarios only up to two devices are used per controller.⁴³ Additionally, because urgent messages will be constantly displayed to users anytime they switch to a congested channel, the use of those congested channels will be mitigated.⁴⁴

9. *Analog Modulation.* Commenters also argued that Axon failed to provide sufficient justification for its use of analog modulation.⁴⁵ In its waiver request, Axon argues its devices use analog modulation to provide law enforcement with reliable video feeds.⁴⁶ Axon claims that when signal degradation results in inadequate signal strength, a digitally modulated video signal will suffer the “cliff-effect” in which it remains stuck on a frame or drops altogether.⁴⁷ In contrast, when an analog modulated video signal experiences signal degradation the video may contain static and noise but can remain viewable.⁴⁸ NCTA acknowledges that the cliff-effect can occur in digitally modulated signals, but argues that it only occurs at the very fringes of signal coverage.⁴⁹ Further, NCTA explains that there are techniques such as pre-coding and error detection that can mitigate the likelihood of the cliff-effect occurring.⁵⁰ NTCA also points to surveillance drones currently on the market that employ digital modulation and are still used by law enforcement.⁵¹

10. In response, Axon claims that while the techniques laid out by NCTA can mitigate the cliff-effect, the risk of it occurring still exists and impacts the reliability of digitally modulated signals.⁵² Additionally, Axon argues that surveillance devices using digital modulation are intended for outdoor applications where line-of-sight conditions provide better signal reliability.⁵³ Axon’s devices are intended for indoor applications where non-line-of-sight conditions subsequently require high signal reliability and low latency.⁵⁴ Axon claims that compared to the 25 milliseconds of latency experienced by analog signals, digital signals can have up to 600 milliseconds of latency indoors.⁵⁵ Axon reassures that it will work with the Commission to identify an alternative approach to make the benefits of analog modulated surveillance devices available to law enforcement without necessitating waivers of Sections 15.247(a) and

⁴¹ *WifiForward Ex Parte* at 3.

⁴² *Id.* at 2.

⁴³ *Axon Ex Parte* at 1-4.

⁴⁴ *Id.* at 3.

⁴⁵ WISPA Comments at 1; OTI Comments at 3; NCTA Comments at 2.

⁴⁶ *Axon Waiver Request* at 4.

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ NCTA Comments at 4-5.

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² Axon Reply at 3-4.

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ *Id.*

(d) of the Commission's rules.⁵⁶ Therefore, Axon proposes an additional waiver condition: that the waiver be sunset three years after it is granted.⁵⁷

11. *Out-of-Band-Emission.* NCTA expresses concern that Axon's devices exceed the OOB limits in Section 15.247(d).⁵⁸ In response, Axon argues that NCTA fails to identify any reason why the slight exceedance of the OOB limits could result in interference to Wi-Fi or other services.⁵⁹ Further, Axon highlights the fact it already explained how a slight exceedance of OOB limits would not impact other users in adjacent frequencies.⁶⁰ In their waiver request, Axon explains that the OOB limits are only exceeded at the lower and upper edges of the band (i.e., 5725 MHz and 5850 MHz respectively).⁶¹ Axon highlights that the OOB limits at the lower edge of the U-NII-3 band were primarily adopted to protect the Federal Aviation Administration's (FAA's) Terminal Doppler Weather Radar (TDWR) and other radar facilities from interference.⁶² Axon's lab testing shows the exceedance of the OOB limit occurs at 5724.9 MHz and the OOB of its devices is well below out limits at 5700 MHz.⁶³ There remains 74.9 MHz of spectrum between the OOB exceedance of Axon's devices and the upper edge (i.e., 5650 MHz) of the TDWR band. At the upper edge, Axon again argues there will be no impact to adjacent services as U-NII-4 devices operate at much higher power than Axon's devices.⁶⁴ Further, Axon highlights that the Dedicated Short-Range Communications systems (DRSC) previously operating in the adjacent band, were ordered to vacate the spectrum in 2020.⁶⁵ Axon therefore claims the slight exceedance of OOB limits at the lower and upper edges of the band and the importance of public safety services its devices will provide fully warrant the Commission granting a waiver of Section 15.247(d).⁶⁶

12. *Other Issues.* OTI and NCTA claim that Axon is seeking to operate at the highest power levels allotted to Part 15 devices (i.e., a maximum conducted average output power of 1 Watt and a conducted power spectral density limit of 8dBm/ 3kHz).⁶⁷ However, Axon claims opposing parties mischaracterize its devices.⁶⁸ Axon points to its lab tests that show its devices operate at a maximum conducted average output power of about 0.5 Watts and with a power spectral density of about 6.5 dBm/ 3kHz, both of which are below the power level granted under Section 15.247.⁶⁹ In an effort to reassure opposing parties, Axon proposes another waiver condition limiting its devices to the output power and power spectral density of its devices to the values listed in its test report (i.e., 0.563 Watts and 6.5 dBm/ 3kHz).⁷⁰ OTI questions why Axon cannot seek to operate in other bands, specifically the 4.9 GHz band

⁵⁶ Axon Reply at 11.

⁵⁷ *Id.*

⁵⁸ NCTA Comments at 6. See 47 CFR § 15.247(d).

⁵⁹ Axon Reply at 5.

⁶⁰ *Id.* See *Axon Waiver Request* at 8-10.

⁶¹ *Axon Waiver Request* at 8.

⁶² *Id.* at 9. See *Revision of Part 15 of the Commission's Rules to Permit Unlicensed National Infrastructure (U-NII) Devices in the 5 GHz Band*, ET Docket No. 13-49, Memorandum Opinion and Order, 31 FCC Rcd at 2318, para. 2. (Mar. 1, 2016).

⁶³ *Axon Waiver Request* at Tech. Attach., p. 15.

⁶⁴ *Id.* at 10. See 47 CFR § 15.407(a)(3).

⁶⁵ *Axon Waiver Request* at 10.

⁶⁶ *Id.*

⁶⁷ OTI Comment at 2; NCTA Comments at 3-4. See 47 CFR § 15.247.

⁶⁸ Axon Reply at 1-2.

⁶⁹ *Axon Waiver Request* at 7.

⁷⁰ Axon Reply at 11. See *Axon Waiver Request* at Tech. Attach., pp. 22 and 28.

dedicated to public safety.⁷¹ This would result in Axon devices having dedicated spectrum without impacting Wi-Fi communications. To this end, Axon argues that Section 90.1205(c) prohibits use of the 4.9GHz band for aeronautical mobile operations.⁷² Further, any waivers to operate in this band have strictly prohibited the use of drone or UAS in order to protect radio astronomy observatories.⁷³

13. *Decision.* We find that there is a clear public interest in making Axon's surveillance devices available for use in the specific law enforcement scenarios that Axon describes. The devices can be effective in mitigating the risk of serious injury by providing law enforcement with real-time information in dangerous situations such as searching hostage locations or identifying an active shooter.⁷⁴ However, we also recognize the public interest in the incumbent unlicensed use of the band – especially for the multitude of Wi-Fi applications that rely on these workhorse frequencies.

14. Based on the record of this proceeding and the above analysis, we are convinced that the Axon devices can be operated without unduly jeopardizing Wi-Fi operations. The limited scope in which these devices will be operated in itself helps to mitigate the risk of interference. Axon's devices are intended for temporary indoor use and are not designed to withstand outdoor conditions or to operate for extended periods of time. Further, these surveillance devices are intended to only be used in emergency situations, which in most cases will require a maximum of two devices.

15. We recognize the concerns from Wi-Fi operators that, under the terms of the initial waiver request, Axon's devices could still lead to Wi-Fi interference. However, we note that Axon, in addressing such concerns, has indicated that it would be willing to accept waiver conditions and limitations appropriate to the limited scope of its product's use.⁷⁵ And even to the extent that there still is a worst-case potential for two surveillance devices to operate in both overlapping channels and essentially block Wi-Fi communications from accessing key channels, such disruption to other unlicensed services is no different than the same situation where any two unlicensed devices try to operate in close proximity. While as a general rule we strongly encourage compatibility among unlicensed users, we are not convinced that the small number of Axon devices being used in limited public safety situations will result in a meaningful impairment of the well-established Wi-Fi ecosystem under this particular fact pattern. Specifically, Axon's devices' limited operations combined with the additional waiver conditions means that any harmful interference instances will be limited to short periods of time and in discrete areas. Further, the safety benefits that Axon's devices provide will greatly benefit the public. This decision therefore supports consumers benefiting from unlicensed services in the band while minimizing the effect that Axon's devices might have on other unlicensed users.

16. Finally, we note that the 5725-5850 MHz band is allocated on a primary basis to Federal radiolocation services. The Department of the Air Force (DAF) operates space launch tracking radars at the Vandenberg and Patrick Space Force bases.⁷⁶ These radars operate in frequencies that overlap with the frequencies that Axon intends to use on an unlicensed basis and, as a result, Axon has an obligation to avoid causing harmful interference to authorized Federal systems operating in this band. To help ensure

⁷¹ OTI Comments at 8-9.

⁷² Axon Reply at 9, Letter from Kym Crave, National Association of Women Law Enforcement Executives, to Marlene H. Dortch, FCC, ET Docket 24-40, (filed Mar. 29, 2024), Letter from Megan E. Noland, Major County Sheriffs of America, to Jessica Rosenworcel, FCC, ET Docket 24-40, (filed May 20, 2024).

⁷³ *Id.* at 10.

⁷⁴ *Axon Waiver Request* at 13.

⁷⁵ *Id.*

⁷⁶ See Letter from Charles Cooper, Associate Administrator, Office of Spectrum Management, NTIA, to Ronald Repasi, Chief, Office of Engineering and Technology, FCC at 9-10 (Sept. 8, 2020) (on file in ET Docket No. 19-138 and available at <https://www.fcc.gov/ecfs/search/search-filings/filing/10908294330694>). This letter includes an enclosed Advisory Notice from Enforcement Bureau that details the interference concerns at Air Force bases.

that Axon complies with this requirement, we are requiring Axon to notify DAF whenever its devices are sold to law enforcement agencies intending to use them within 40 km of both Space Force bases.

17. We will include specific conditions in the waiver grant to ensure that actual operation is in conformity with Axon's stated limited scope of operation. We find merit in the observations by WISPA and NCTA that if Axon's waiver is granted, it should be done so temporarily and be strictly limited in scope.⁷⁷ Therefore, among the conditions of the waiver, we are imposing a 3-year limit on Axon's waiver beginning on the day the waiver is granted without any option for extension. Axon's waiver will therefore be sunset after the 3-year limit, under which Axon's three devices described herein will no longer be authorized to be sold or marketed but all existing devices can continue to be operated under the conditions of this waiver grant. We are also imposing conditions to limit the impact of channel overlap so that Wi-Fi systems can continue to use the heavily relied upon U-NII-3 band.

18. *Waiver Conditions.* We find that approval of the waiver for Axon's surveillance devices provides benefits that would make strict compliance with the subparts under 15.247 inconsistent with the public interest. This waiver will promote law enforcement with additional safety measures during a dangerous or emergency situation. In order to reap these benefits and mitigate the risk of interference to other users in the band, we grant this waiver subject to the following conditions:

- 1) Axon's three surveillance devices shall be certified by a designated Telecommunication Certification Body and must comply with the technical specifications applicable to operation under Part 15 of the Commission's rules, except as permitted below:
 - a. The operational limitations in 47 CFR § 15.247(a) are waived to permit the analog modulated devices to operate under 15.247(b)-(c), (e)-(i) .
 - b. The out-of-band emission limits in 47 CFR § 15.247(d) may be exceeded by no more than 6 dB.
- 2) Sales of Axon devices under this waiver grant shall be limited to 2,000 individual units (comprised of all three surveillance device types (i.e., drone, pole-mounted camera, and vehicle) combined) during the first year of sale and no more than 4,000 individual units each year thereafter up to a combined total of 10,000 units at the end of three years.
 - a. Marketing of the three surveillance device types shall be limited to direct sales to law enforcement organizations that are eligible for licensing under the provisions of 47 CFR § 90.20. Any offer for sale or lease of the device must include the following statement: "This device has been authorized by the Federal Communications Commission only for sale directly to law enforcement organizations that are eligible for licensing under the provisions of Section 90.20 of the Commission's rules. This device has not been authorized for use and may not be offered for sale or lease to any other entities. This device is limited to use by law enforcement agencies only for emergency and surveillance operations." Any law enforcement agency that purchases devices from Axon must be subject to an agreement addressing resale of these devices; the agreement must either prohibit resale or limit resale, either to Axon or to Axon and any party that is another law enforcement agency eligible for licensing under Section 90.20 of the Commission's rules,
- 3) Axon shall clearly and conspicuously note in all instructions and training materials included or otherwise made available with its surveillance devices that surveillance devices shall be used only by law enforcement agencies for emergencies involving safety-of-life purposes and related training and shall not be operated in routine monitoring or generalized neighborhood surveillance purposes. Also, transmitters shall not be used for permanent or fixed operations.
- 4) Axon's surveillance devices must be battery powered.
- 5) Axon's surveillance devices are permitted to transmit only over the 4 channels outlined in Axon's Waiver request (i.e., SH23: 5729.5 – 5734.5 MHz, SH24: 5766.5 – 5771.5 MHz, SH25: 5803.5 – 5808.5 MHz, and SH26: 5840.5 – 5845.5 MHz). The radio configuration must prioritize use of Channels SH23 and SH26.

⁷⁷ WISPA Comments at 1; NCTA Comments at 12.

- 6) Axon shall notify the Department of the Air Force IRAC Representative at thu.luu@us.af.mil when systems are sold to law enforcement agencies who plan to use them within 40 km of Patrick Space Force Base, FL (28 36 29 N 080 36 14 W) and Vandenberg Space Force Base, CA (34 38 24 N 120 35 23 W).
- 7) This waiver and its conditions are granted to Axon to market its devices for three years following the release of this Order.

IV. ORDERING CLAUSES

19. Accordingly, pursuant to authority delegated in Sections 0.31 and 0.241 of the Commission's rules, 47 CFR §§ 0.31, 0.241, and Section 1.3 of the Commission's rules, 47 CFR § 1.3, IT IS ORDERED that the Request for Waiver filed by Axon on December 5, 2023 IS GRANTED consistent with the terms of this Order. This action is taken pursuant to Sections 4(i), 302, 303(e), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. Sections 154(i), 302, 303(e), and 303(r). This action is effective upon release of this Order.

20. IT IS FURTHER ORDERED that, if no applications for review are timely filed, this proceeding SHALL BE TERMINATED, and the docket CLOSED.

FEDERAL COMMUNICATIONS COMMISSION

Ira Keltz
Acting Chief
Office of Engineering and Technology

**OET Grants Wi-Fi Alliance Request for Waiver
Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of	)	
	)	
Wi-Fi Alliance	)	ET Docket No. 23-107
	)	
Request for Waiver of Section 15.407(l)(2) of the	)	
Commission's Rules for AFC System Operation	)	
in the 6 GHz Band	)	

ORDER

Adopted: December 5, 2024

Released: December 5, 2024

By the Acting Chief, Office of Engineering and Technology:

I. INTRODUCTION

1. By this Order, we grant a waiver of section 15.407(l)(1)¹ of the Commission's rules to permit automated frequency coordination (AFC) systems in the 5.925-6.425 GHz and 6.525-6.875 GHz frequency bands to account for building entry loss when determining permitted frequencies and power levels for composite low-power indoor (LPI)/standard-power unlicensed access points. We find that grant of the waiver will serve the public interest by increasing the utility of 6 GHz unlicensed devices without increasing the potential for these devices to cause harmful interference to licensed services which share the spectrum.

II. BACKGROUND

2. On April 23, 2020, the Commission adopted a Report and Order and Further Notice of Proposed Rulemaking (*6 GHz Report and Order*) that expanded unlicensed operations in the 6 GHz band (5.925-7.125 GHz).² The *6 GHz Report and Order* adopted rules for two categories of unlicensed operations—standard-power operations and low-power indoor (LPI) operations.³ Standard-power access points and fixed client devices are limited to two portions of the 6 GHz band—the U-NII-5 band (5.925-6.425 GHz) and the U-NII-7 band (6.525-6.875 GHz) and are required to operate under the control of an AFC system.⁴ The U-NII-5 and U-NII-7 bands are also used by licensed fixed and temporary-fixed point-to-point microwave systems.⁵ In addition, the 6.65-6.6752 GHz portion of the U-NII-7 band is used for

¹ 47 CFR § 15.407(l)(1).

² *Unlicensed Use of the 6 GHz Band*, ET Docket No. 18-295, Report and Order and Further Notice of Proposed Rulemaking, 35 FCC Rcd 3852 (2020) (*6 GHz Report and Order*).

³ *6 GHz Report and Order*, 35 FCC Rcd at 3860, paras. 17-18

⁴ 47 CFR §§ 15.403, 15.407(k)(1); *6 GHz Report and Order*, 35 FCC Rcd at 3860, 3862, 3923, paras. 17-18, 22, 192. Only standard-power and fixed-client 6 GHz unlicensed devices are required to operate pursuant to an AFC system. 47 CFR § 15.407(k)(1). Standard-power devices may operate both outdoors and indoors at power levels above the low-power indoor device power limits. *Id.* § 15.407(a)(4). A fixed client device is “intended as customer premise equipment that is permanently attached to a structure, operates only on channels provided by an AFC, has a geolocation capability, and complies with antenna pointing angle requirements.” *Id.* § 15.403.

⁵ *6 GHz Report and Order*, 35 FCC Rcd at 3855, para. 7.

radio astronomy observations at a limited number of observatories.⁶ The AFC systems manage spectrum access for standard-power access points and fixed client devices to prevent harmful interference from occurring to fixed microwave systems and certain radio astronomy observatories. The *6 GHz Report and Order* also allowed unlicensed LPI access points to operate over the entire 6 GHz band without being under the control of an AFC system.⁷ To prevent harmful interference from occurring, LPI access points operate at lower power than standard-power access points and are restricted to indoor operation. To ensure LPI access points operate only indoors, the access point must adhere to a set of Product Form Factor (PFF) requirements: LPI access points cannot be weather resistant, cannot operate on battery power, must have integrated antennas, and must have a label restricting the device to indoor use only.⁸ Client devices may communicate with either standard-power or LPI access points and are restricted to 6 dB less power than the access point with which they are communicating.⁹ Table 1 summarizes the permitted power levels for the standard-power and LPI access points as well as the associated client devices. Access points can be authorized to operate in both LPI and standard power modes – i.e., composite LPI/standard-power access points.¹⁰ These access points must comply with the PFF rules set forth for LPI access points to prevent outdoor operation.¹¹ Composite LPI/standard-power access points can operate in standard power mode at the higher power levels permitted for standard-power access points when under the control of an AFC system, but are only permitted to operate indoors. When they are not operating under the control of an AFC system, they are limited to the LPI power level.

⁶ *Id.* at 3884, para. 87.

⁷ *6 GHz Report and Order*, 35 FCC Rcd at 3860, para. 18.

⁸ 47 CFR §§ 15.403, 15.407(d)(4); *6 GHz Report and Order*, 35 FCC Rcd at 3891, para. 107; *Part 15 Subpart E U-NII 6 GHz: General Guidance Bands 5, 6, 7, 8*, Office of Engineering and Technology Laboratory Division, Federal Communications Commission, KDB 987594 D01 v02 at 14 (Aug. 9, 2023), <https://apps.fcc.gov/oetcf/kdb/forms/FTSSearchResultPage.cfm?switch=P&id=277034>.

⁹ 47 CFR § 15.407(a)(4)-(8); *6 GHz Report and Order*, 35 FCC Rcd at 3922, para. 189.

¹⁰ Composite devices are those subject to certification under multiple parts of the Commission's rules. 47 CFR § 2.1033(e).

¹¹ *Part 15 Subpart E U-NII 6 GHz: General Guidance Bands 5, 6, 7, 8*, FCC Office of Engineering and Technology Laboratory Division Knowledge Database (KDB) publication, KDB 987594 D01 v02 at 14 (Aug. 9, 2023), <https://apps.fcc.gov/oetcf/kdb/forms/FTSSearchResultPage.cfm?switch=P&id=277034>.

Table 1: 6 GHz Band Standard-power and LPI Devices

Device Class	Operating Bands	Maximum EIRP	Maximum EIRP Power Spectral Density
Standard-Power Access Point (AFC Controlled)	U-NII-5 (5.925-6.425 GHz) U-NII-7 (6.525-6.875 GHz)	36 dBm	23 dBm/MHz
Client Connected to Standard-Power Access Point		30 dBm	17 dBm/MHz
Low-Power Access Point (indoor only)	U-NII-5 (5.925-6.425 GHz) U-NII-6 (6.425-6.525 GHz) U-NII-7 (6.525-6.875 GHz) U-NII-8 (6.875-7.125 GHz)	30 dBm	5 dBm/MHz
Client Connected to Low-Power Access Point		24 dBm	-1 dBm/MHz

3. Section 15.407(l) of the Commission’s rules defines the predictive propagation models and interference protection criteria that an AFC system must use to protect microwave receivers.¹² AFC systems are required to use the designated propagation models to protect microwave receivers based on the -6 dB I/N interference protection criteria adopted in the *6 GHz Report and Order* for protecting microwave receivers.¹³ The existing rules do not permit AFC systems to incorporate building entry losses (BEL) into their algorithm for determining permissible standard power device operating channels and power levels. The Office of Engineering and Technology, however, has noted that if AFC operators developed technology or had unique circumstances, the Commission may consider waiver requests to allow AFC operations to account for BEL.¹⁴

4. On February 17, 2023, Wi-Fi Alliance filed a request seeking waiver of section 15.407(l)(2) of the Commission’s rules to allow its AFC system to incorporate BEL when assessing allowable channel availability and power constraints for access points that are authorized to operate in both standard power and LPI modes — i.e., composite LPI/standard-power access points.¹⁵ In its waiver request, Wi-Fi Alliance notes that, based on FCC ID and equipment class, its AFC system can determine that a device is a composite LPI/standard-power device and, because composite devices may operate only indoors, thus confirm that it is operating indoors.¹⁶ On March 22, 2023, Broadcom Inc. filed an identical request for waiver of section 15.407(l)(2) of the Commission’s rules to allow it to incorporate, based on the same principle as Wi-Fi Alliance’s, BEL into its AFC system propagation models for composite LPI/standard-power devices.¹⁷ On April 7, 2023, Qualcomm and Federated Wireless also filed a similar joint waiver request seeking waiver to include BEL into their AFC systems’ predictive propagation model

¹² 47 CFR § 15.407(l).

¹³ 47 CFR § 15.407(l)(2); *6 GHz Report and Order*, 35 FCC Rcd at 3878-79, paras. 70-71.

¹⁴ *OET Announces Conditional Approval for 6 GHz Band Automated Frequency Coordination Systems*, Public Notice, DA 22-1146, 37 FCC Rcd 13071, 13089, para. 40 (OET 2022) (*AFC Approval Public Notice*).

¹⁵ *Request by Wi-Fi Alliance for Waiver of Section 15.407(l)(2) of the Commission’s Rules* (Wi-Fi Alliance Waiver Request), ET Docket No. 23-107 (filed Feb. 17, 2023). Wi-Fi Alliance refers to access points that operate in both standard-power and LPI modes as “composite *Indoor Only With AFC With Restriction* devices.” *Id.* at 2 (emphasis in original).

¹⁶ Wi-Fi Alliance Waiver Request at 4.

¹⁷ *Broadcom Waiver Request* (Broadcom Waiver Request), ET Docket No. 23-107 (filed Mar. 22, 2023).

under section 15.407(l)(1) instead of section 15.407(l)(2).¹⁸ On January 22, 2024, Sony filed a waiver request seeking waiver of section 15.407(l)(1). Sony's waiver request provides further detail on how its AFC system can identify standard-power indoor composite devices based on its FCC ID.¹⁹ All four waiver requests highlight that the respective AFC systems are capable of accounting for BEL when assigning channels to standard-power composite devices.²⁰

5. The Office of Engineering and Technology (OET) issued a Public Notice soliciting comments on the *Wi-Fi Alliance Request* on March 21, 2023.²¹ Twelve parties filed comments and five parties filed replies.²² While several parties supported Wi-Fi Alliance's waiver request, other commenters sought additional information from Wi-Fi Alliance on how its AFC system will ensure that composite devices would only operate indoors and protect fixed microwave incumbents from harmful interference.²³

III. DISCUSSION

6. We are authorized to grant a waiver under section 1.3 of the Commission's rules if the petitioner demonstrates good cause for such action.²⁴ Good cause may be found and a waiver granted "where particular facts would make strict compliance inconsistent with the public interest."²⁵ When examining a request for waiver of the Commission's rules, we undertake a two-part analysis. A waiver of the Commission's rules is appropriate when (1) "special circumstances warrant a deviation from the general rule"; and (2) "such deviation will serve the public interest."²⁶ To satisfy this public interest requirement, there must be a stronger public interest benefit in granting the waiver than in applying the rule. We may find this to be the case when grant of a waiver would not undermine the purpose of the rule.²⁷

¹⁸ *Qualcomm and Federated Wireless Waiver Request* (Qualcomm and Federated Wireless Waiver Request), ET Docket No. 21-352 (filed Apr. 7, 2023).

¹⁹ *Sony Waiver Request* (Sony Waiver Request), ET Docket No. 23-107 (filed Jan. 22, 2024).

²⁰ Wi-Fi Alliance Waiver Request at 2, Broadcom Waiver Request at 5, Qualcomm and Federated Wireless Waiver Request at 2-3, and Sony Waiver Request at 2.

²¹ *OET Seeks Comment on Wi-Fi Alliance Request for Waiver of Section 15.407(l)(2)*, ET Docket No. 23-107, Public Notice, DA 23-239 (2023).

²² NCTA - The Internet & Television Association; Hewlett Packard Enterprise (HPE); Dynamic Spectrum Alliance (DSA); AT&T Services, Inc.; Broadcom Inc.; Federated Wireless, Inc.; Cisco Systems, Inc.; Utilities Technology Council (UTC); Public Interest Spectrum Coalition; Southern Company Services, Inc.; Association of Public-Safety Communications Officials (APCO) International, Inc.; National Wireless Communications Council (NWCC); Wi-Fi Alliance (WFA); Joint filing of Broadcom Inc., Cisco Systems, Inc., Hewlett Packard Enterprise, Federated Wireless Inc., and Qualcomm Incorporated; Joint filing of Broadcom Inc., Cisco Systems, Inc., Google LLC, Hewlett Packard Enterprise, Intel Corporation, Microsoft Corporation, and Qualcomm Incorporated.

²³ See generally AT&T Comments; UTC Comments; Southern Company Services, Inc. Comments; APCO Comments; NWCC Reply.

²⁴ 47 CFR § 1.3. See *AT&T Corp. v. FCC*, 448 F.3d 426, 433 (D.C. Cir. 2006); *WAIT Radio v. FCC*, 418 F.2d 1153 (D.C. Cir. 1969).

²⁵ *Ne. Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990); see also *ICO Global Communications (Holdings) Limited v. FCC*, 428 F.3d 264, 269 (quoting *Northeast Cellular*); *WAIT Radio*, 418 F.2d at 1157-59.

²⁶ *Northeast Cellular*, 897 F.2d at 1166; see also *ICO Global Communications*, 428 F.3d at 269 (quoting *Northeast Cellular*); *WAIT Radio*, 418 F.2d at 1157-59.

²⁷ See, e.g., *WAIT Radio*, 418 F.2d at 1157 (stating that even though the overall objectives of a general rule have been adjudged to be in the public interest, it is possible that application of the rule to a specific case may not serve the public interest if an applicant's proposal does not undermine the public interest policy served by the rule); *Northeast Cellular*, 897 F.2d at 1166 (stating that in granting a waiver, an agency must explain why deviation from the general rule better serves the public interest than would strict adherence to the rule).

7. We now have four requests for a waiver of section 15.407(l)(1) or (2) of the Commission's rules to permit an AFC system's predictive propagation model to take BEL into account for specific standard-power devices that are designed to operate only indoors. We first consider whether special circumstances are presented that warrant deviating from the rule that precludes AFC systems operating in the 6 GHz band from using BEL. For the reasons discussed below, we find such circumstances, as narrowed by the conditions we impose herein, to be present.

8. When OET first granted conditional approval of thirteen entities to operate AFC systems, we recognized the location determining technologies that AFCs could employ were still in development.²⁸ As evidenced by the waiver requests before us, the formerly nascent technology has advanced. In adopting rules for the 6 GHz band, the Commission created two device categories: standard-power operations and low-power indoor (LPI) operations.²⁹ Devices that are a composite of the two categories are permissible, but must meet both categories' requirements, including the form factors for low-power indoor devices, thereby restricting operations only to indoors.³⁰ The technological advancement, which is shown by strong support in the record, creates a special circumstance for device operations. Several parties reiterate the benefits tied to providing the requested waiver relief. The Internet and Television Association NCTA explains that composite devices designed for indoor-only use will allow consumers and businesses to experience the benefits of enhanced 6 GHz coverage, throughput, and speed.³¹ NCTA also emphasizes the significance of accounting for radio frequency signal attenuation when it travels through building walls, underscoring the importance of factoring BEL into AFC system calculations when assessing spectrum availability for indoor-only operations.³² Similarly, Federated Wireless states that waiver relief would improve coverage and throughput to the benefits of both consumers and enterprises.³³ Further, Broadcom highlights that including BEL in AFC system calculations ensures indoor-only access points are not needlessly constrained to much lower power or channel availability than is necessary to keep the signal received from the access point from exceeding the conservative -6 dB I/N interference protection criterion for standard power operations.³⁴ Dynamic Spectrum Alliance (DSA) notes that indoor-only composite devices can help satisfy the growing demand for affordable and enhanced broadband access by allowing efficient unlicensed use of the 6 GHz band.³⁵

9. Additionally, regarding special circumstances supporting the waiver request, we note that we are requiring AFC systems to be capable of distinguishing between indoor composite LPI/standard-power access points and stand-alone standard power access points based on the FCC ID and certified equipment class information. This function is supported through a request by the AFC to the Commission's Equipment Authorization System. Only upon confirmation that a device is certified as an

²⁸ AFC Approval Public Notice at para 40. ("Given the developmental state of these location determining technologies...we take no position at this time whether to permit the AFC to account for building entry loss for indoor standard-power devices. We will continue to monitor how these technologies mature . . .").

²⁹ *6 GHz Report and Order*, 35 FCC Rcd at 3860, paras. 17-18.

³⁰ See *Part 15 Subpart E U-NII 6 GHz General Guidance Bands 5, 6, 7, 8*, FCC Office of Engineering and Technology Laboratory Division Publications, Knowledge Database at 10, Table 4, Composite Equipment Class Product 3 "Indoor Only With AFC With Restriction" (May 20, 2022), available at https://apps.fcc.gov/kdb/GetAttachment.html?id=4iuZjuFgWiNypCLVpSN3cQ%3D%3D&desc=987594%20D01%20U-NII%206GHz%20General%20Requirements%20v01r03&tracking_number=277034 (last visited Oct. 7, 2024).

³¹ NCTA Comments at 3.

³² NCTA Comments at 3-4.

³³ Federated Wireless Comments at 2-3.

³⁴ Broadcom Comments at 4.

³⁵ DSA Comments at 3.

indoor composite LPI/standard-power device can the AFC assume no more than 6 dB of BEL when it provides channel and power level information to that device. This will keep the harmful interference risk commensurate with the insignificant risk already determined by the Commission for 6 GHz unlicensed devices.

10. Some parties oppose Wi-Fi Alliance's waiver request, arguing that operation of an indoor composite LPI/standard-power device does not necessarily constrain devices to operating only indoors. Commenters such as National Wireless Communications Council (NWCC), Utilities Technology Council (UTC), Southern Company Services, AT&T, the Association of Public-Safety Communications Officials (APCO), and the Fixed Wireless Communications Coalition (FWCC) all question how Wi-Fi Alliance can provide assurance that standard power client and composite LPI/standard-power devices will be constrained to operate indoors.³⁶ In response, Wi-Fi Alliance explains that its AFC system will verify the nature of the standard-power access point using its corresponding FCC ID and certified Equipment Class information and that standard-power access points that comply with the PFF rules set forth for LPI access points are composite LPI/standard-power devices, which by nature are constrained to indoor operation.³⁷ As Hewlett Packard Enterprise (HPE) explains, composite LPI/standard-power devices are "inherently indoors, given that they fully comply with all of the Product Form Factor ("PFF") requirements of LPI devices."³⁸ A device's FCC ID can be used to verify that it has been approved for both standard-power and LPI operation; when that FCC ID is transmitted to an AFC, the AFC can conclude "that the device is a Composite LPI + SP device."³⁹ Broadcom also points out that Wi-Fi Alliance's waiver is "limited to a category of [access points] for which the Commission's rules already require indoor-only operation."⁴⁰

11. We find that the technological developments since the *6 GHz Report and Order* and the specifics of this category of devices—indoor composite LPI/standard-power devices—are sufficiently special circumstances to meet the first prong of our waiver standard. Having determined that special circumstances warrant deviating from the general rule, we next consider the second element of analysis—whether such deviation serves the public interest. For the reasons below, we find the requested waivers will provide significant public benefits while fulfilling the purpose of the rules.

12. Several commenters including AT&T, UTC, Southern Company Services, APCO, and NWCC raise harmful interference concerns. For example, UTC claims taking BEL into consideration poses a risk because there is a "mountain of evidence that LPI devices are certain to cause interference."⁴¹ In response to UTC's claim, NCTA points out that there is insufficient credible evidence present in the record that corroborates any significant harmful interference associated with LPI operations.⁴² Another commenter, APCO, questions how public safety communications will be protected from harmful interference.⁴³ Southern Company presents a similar argument stating that Wi-Fi Alliance's waiver request lacks "any technical detail on how incumbent operations will be protected from harmful interference."⁴⁴ Southern Company suggests that granting the waiver should not be considered until real-world data is gathered and presented that demonstrates the AFC systems actually protect incumbents and

³⁶ See generally AT&T Comments; UTC Comments at 3; Southern Company Services, Inc. Comments at 4-6; APCO Comments; NWCC Reply at 4, FWCC Nov. 12, 2024 *Ex Parte* at 1-2.

³⁷ WFA Reply at 11 ("[T]he FCC has already identified regulatory constraints to ensure that LPI devices operate only indoors, and composite devices will be subject to exactly the same constraints.").

³⁸ HPE Comments at 2.

³⁹ HPE Comments at 4.

⁴⁰ Broadcom Inc. Comments at 2-3.

⁴¹ UTC Comments at 6.

⁴² NCTA Comments at 8.

⁴³ APCO Comments at 3.

⁴⁴ Southern Company Comments at 2.

specify which measured BEL values should be applied by the AFC systems.⁴⁵ In response, Wi-Fi Alliance clarifies that its AFC system will follow the parameters set forth by the Commission for protecting microwave systems including the -6 dB I/N interference protection criterion.⁴⁶ Wi-Fi Alliance points out that Southern Company's arguments are mostly founded on assertions that the Commission previously considered and dismissed in the *6 GHz Report and Order*.⁴⁷

13. AT&T's opposition to the waiver request is mainly centered on the assertion that standard-power client devices operating outdoors will pose a high risk of harmful interference when communicating with composite LPI/standard-power access points.⁴⁸ AT&T points out that because composite LPI/standard-power access points can operate at higher power than LPI access points, they will provide substantial outdoor coverage and it would be reasonable to expect users of client devices to take advantage of this outdoor coverage.⁴⁹ AT&T argues that "[standard-power] clients operate at substantially higher power than LPI devices, do not incorporate PFF requirements guaranteeing indoor-only operation, and thus pose a significant interference threat to primary FS microwave incumbents."⁵⁰ In response to AT&T's concerns, Wi-Fi Alliance explains the low probability of harmful interference arising from client devices connected to indoor composite access points.⁵¹ Wi-Fi Alliance asserts that for interference to occur, the device must first be an outdoor standard power client device that is connected to an indoor composite LPI/standard-power access point and must also be in the beam of the microwave receiver.⁵² Furthermore, Wi-Fi Alliance points out that there must be a frequency overlap between the outdoor standard power client channel and microwave network channel. Wi-Fi Alliance concludes that "the alignment of all these events and circumstances is highly unlikely, representing an extreme corner case."⁵³ NCTA concurs with Wi-Fi Alliance's explanation, stating that AT&T is incorrect in concluding that standard-power client devices operating outdoors while connected to indoor-only composite LPI/standard-power access points would pose an impermissibly high risk of harmful interference to 6 GHz incumbent operations.⁵⁴

14. We find that it is in the public interest to grant a waiver to enable the AFC systems to consider BEL for composite LPI/standard-power access points. Allowing the AFC systems to consider BEL when determining channel availability will increase the operating power of the composite LPI/standard-power access points when appropriate, thereby increasing their utility to consumers. The greater operating power will enable the access points to provide increased indoor coverage and/or provide higher data rates. This will expand the use of the 6 GHz band, thereby furthering the Commission's goal of encouraging more efficient spectrum use. In granting these waiver requests, we are adopting conditions that will prevent the composite LPI/standard-power access points from presenting an increased risk of causing harmful interference to microwave receivers as compared to stand-alone standard-power

⁴⁵ *Id.* at 4.

⁴⁶ WFA Reply Comments at 9.

⁴⁷ WFA Reply Comments at 6-7 (citing *6 GHz Report and Order*, 35 FCC Rcd at 3873-81, 3891-92, 3894-95, paras. 60-77, 109, 117-118).

⁴⁸ AT&T Comments at 5-8. FWCC makes a similar argument regarding client devices operating outdoors. FWCC Nov. 12, 2024 *Ex Parte* at 2-3.

⁴⁹ *Id.* at 4-5. {{3-4?}}

⁵⁰ AT&T Comments at 3.

⁵¹ WFA Reply Comments at 14-16.

⁵² WFA Reply Comments at 15.

⁵³ WFA Reply Comments at 16.

⁵⁴ NCTA Reply Comments at 9.

access points. Hence, the purpose of the rule, which is to prevent harmful interference from occurring to microwave receivers which share the 6 GHz band, will not be undermined by granting the waiver.

15. Whether granting the waiver request will result in an increase in the likelihood of harmful interference occurring to microwave receivers in the 6 GHz band depends on the amount of attenuation that the AFC systems are allowed to assume for BEL in their calculations. None of the parties requesting waivers or the commenters have suggested a specific value for this assumed attenuation. We shall limit the BEL that the AFC systems may use in their calculations such that the risk of harmful interference occurring is not increased compared to operation under the Commission's current rules. Based on the record before us, the greatest risk of harmful interference occurring if the AFC systems use BEL is in the situation AT&T raises, where a client device is operating outdoors, communicating with an indoor composite LPI/standard-power access points that is operating in standard power mode, and a frequency overlap exists between the channel on which the client device is operating and a nearby microwave receiver. Consequently, if we limit the power levels and operating frequencies of such a client device to those permitted for standard power access points under the current rules, we will not increase the risk that harmful interference will occur to microwave receivers. Client devices are limited to 6 dB less power than the access point to which they are connected and only transmit on the frequency on which the access point to which they are connected operates.⁵⁵ Therefore, permitting the AFC systems to assume 6 dB of BEL for indoor composite LPI/standard-power access points would limit connected client device power levels and operating frequencies to those currently permitted for standard power access points under the current rules.⁵⁶ This will ensure that outdoor client devices that connect to an indoor composite LPI/standard-power access point operating in standard power mode would never operate at a power level greater than what the AFC system would permit for an outdoor standard-power access point at that location. Because the Commission concluded in the *6 GHz Report and Order* that the rules adopted for standard-power operations under the control of an AFC system would protect incumbent fixed microwave operations, we find that permitting the AFC systems to assume a BEL of up to 6 dB for composite LPI/standard-power access points will protect fixed microwave systems from harmful interference.⁵⁷

16. We find unconvincing other interference concerns raised by commenters. UTC's claim that there is evidence that LPI devices cause interference are irrelevant to considering these waiver requests because the composite LPI/standard-power access points will be operating under the control of an AFC system when operating at power levels greater than those permitted by LPI access points. The Commission has received no evidence that AFC controlled access points have caused harmful interference. We also see no reason to wait until data on the effectiveness of the AFC systems or that specifies which measured BEL values should be applied is presented before granting the waivers, as Southern Company suggests.⁵⁸ No commenter suggests a credible reason to doubt the effectiveness of the AFC systems in preventing harmful interference from standard-power access points and their associated clients. As we note above, the 6 dB allowance for BEL we are permitting for the AFC systems is based on the conclusions the Commission reached in the *6 GHz Report and Order* to support adoption of our current rules. It is therefore unnecessary to require the parties requesting the waiver to provide BEL measurements before we grant this waiver. As to APCO's concerns regarding protecting public safety operations,⁵⁹ the Commission noted that there is no appreciable difference between microwave systems

⁵⁵ 47 CFR § 15.407(d)(4)-(8); *6 GHz Report and Order*, 35 FCC Rcd at 3922, para. 189.

⁵⁶ We note that the 6 dB we permit here is based on the AFC system calculation for permissible power on any given frequency given that a standard power client device is assumed to operate outdoors and not necessarily benefit from the additional 20.5 dB of BEL the Commission assumed when determining the permitted power levels for LPI devices. *6 GHz Report and Order*, 35 FCC Rcd at 3895, 3933, n.297, para. 218.

⁵⁷ *6 GHz Report and Order*, 35 FCC Rcd at 3862, para. 22.

⁵⁸ Southern Company Comments at 4.

⁵⁹ APCO Comments at 3.

operated by public safety organizations and other microwave systems.⁶⁰ Because granting this waiver will not result in an increased risk of harmful interference to microwave systems there correspondingly will not be an increased risk to public safety operations.

17. The Commission's rules require that standard-power access points provide their FCC identification number when registering with an AFC system.⁶¹ As a condition of this waiver we are requiring that the AFC system verify that a composite LPI/standard-power access point is of the correct certified equipment class based on the provided FCC identification number. Devices of this equipment class are restricted to indoor operations and must meet the PFF requirements for LPI devices. These PFF requirements are designed to prevent these devices from operating outdoors. The concerns that commenters have raised that the composite LPI/standard-power access points will not be constrained to indoor operation mirror the concerns the Commission rejected in the *6 GHz Report and Order* that LPI devices would not stay indoors.⁶² In the *6 GHz Report and Order*, the Commission referred to the PFF requirements as "reasonable and practical measures that will restrict low-power access points to indoor operations."⁶³ As the Commission found in the *6 GHz Report and Order*, we conclude that these same PFF requirements will restrict composite LPI/standard-power access points to indoor operation.

18. The AFC operators requesting we waive our rules to permit AFC systems to take into account BEL request we waive either section 15.407(1)(1) or 15.407(1)(2) of our rules.⁶⁴ We believe 15.407(1)(1) is the correct rule section to consider as it defines the propagation models to be used by the AFC systems, while 15.407(1)(2) specifies the -6 dB I/N ratio as the interference protection criteria.⁶⁵ This waiver should be viewed as permitting the AFC systems to adjust the calculated propagation loss by up to 6 dB for composite LPI/standard-power access points. The interference protection criteria that the AFC systems apply remains unchanged. For this reason, we do not grant those requests to waive section 15.407(1)(2).

19. To ensure that harmful interference to authorized operations and other spectrum users will not occur, we impose the following explicit conditions on approved AFC systems under this waiver, as follows:

- The AFC system must be capable of identifying composite LPI/standard-power access points based on the FCC ID and certified Equipment Class information provided by a standard-power device spectrum inquiry request.
- The AFC system is allowed to incorporate building entry loss up to and including 6 dB in its predictive propagation model calculations solely in response to a spectrum inquiry request initiated from a composite LPI/standard-power access point.

20. IT IS ORDERED that, pursuant to sections 4(i), 302, 303(e), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 302a, 303(e), and 303(r), and sections 0.31, 0.241, and 1.3 of the Commission's rules, 47 CFR §§ 0.31, 0.241, 1.3, the Request for Waiver filed by Wi-Fi Alliance, Broadcom, Sony, Federated Wireless, and Qualcomm IS GRANTED, consistent with the terms of this Order.

⁶⁰ *Unlicensed Use of the 6 GHz Band*, ET Docket No. 18-295, Second Report and Order, Second Further Notice of Proposed Rulemaking, and Memorandum Opinion and Order on Remand, FCC 23-86, at 33 para. 54 (Nov. 1, 2023).

⁶¹ 47 CFR § 15.407(k)(8)(ii).

⁶² *6 GHz Report and Order*, 35 FCC Rcd at 3890, para. 106 (citing comments of APCO, NAB, and the Society of Broadcast Engineers).

⁶³ *Id.* at 3891, para. 107.

⁶⁴ *Wi-Fi Alliance Waiver Request*, ET Docket No. 23-107 (filed Feb. 17, 2023); *Broadcom Waiver Request*, ET Docket No. 23-107 (filed Mar. 22, 2023); *Qualcomm and Federated Wireless Waiver Request*, ET Docket No. 21-352 (filed Apr. 7, 2023); *Sony Waiver Request*, ET Docket No. 23-107 (filed Jan. 22, 2024).

⁶⁵ 47 CFR § 15.407(l).

21. IT IS FURTHER ORDERED that, pursuant to section 1.102(b) of the Commission's rules, 47 CFR § 1.102(b), this Order SHALL BE EFFECTIVE upon release.

22. IT IS FURTHER ORDERED that, if no petitions for reconsideration or applications for review are timely filed, this proceeding SHALL BE TERMINATED, and the docket CLOSED.

FEDERAL COMMUNICATIONS COMMISSION

Ira Keltz
Acting Chief
Office of Engineering and Technology



PUBLIC NOTICE

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OET ANNOUNCES CONDITIONAL APPROVAL OF AXON NETWORKS' 6 GHZ BAND AUTOMATED FREQUENCY COORDINATION SYSTEM

ET Docket No. 21-352

The Office of Engineering and Technology (OET) conditionally approves AXON Networks to operate an automated frequency coordination (AFC) system to manage access to 6 GHz band spectrum by standard-power unlicensed devices. Under this conditional approval, AXON Networks will not be permitted to begin commercial operation of its AFC system until it completes a rigorous testing process, which may begin immediately. This process will require that AXON Networks' AFC system undergo both lab testing and a public trial. Once AXON Networks' conditionally approved AFC system has successfully completed the testing process, OET will approve the system for full commercial operation.

On April 23, 2020, the Commission adopted a Report and Order and Further Notice of Proposed Rulemaking (*6 GHz Report and Order*) that made broad swaths of the 6 GHz band available for expanded unlicensed operations.¹ The *6 GHz Report and Order* adopted rules for two different types of unlicensed operations—standard-power operations and low-power indoor operations.² Standard-power access points and fixed client devices are required to operate under the control of AFC systems in two portions of the 6 GHz band—the U-NII-5 band (5.925-6.425 GHz) and the U-NII-7 band (6.525-6.875 GHz).³ The U-NII-5 and U-NII-7 bands are also used by licensed fixed and temporary-fixed point-to-point microwave systems.⁴ In addition, the 6.65-6.6752 GHz portion of the U-NII-7 band is used for radio astronomy observations at a limited number of observatories.⁵ The AFC systems will manage spectrum access for standard-power access points and fixed client devices to prevent harmful interference from occurring to fixed microwave systems and certain radio astronomy observatories.⁶

¹ *Unlicensed Use of the 6 GHz Band*, ET Docket No. 18-295, Report and Order and Further Notice of Proposed Rulemaking, 35 FCC Rcd 3852 (2020) (*6 GHz Report and Order*). The *6 GHz Report and Order* specified a multi-stage process for the approval of AFC systems and included explicit delegations to the Office of Engineering and Technology for furthering those objectives that serve as the basis for this Public Notice. *Id.* at 3870-71, para. 49.

² *Id.* at 3860, paras. 17-18.

³ 47 CFR §§ 15.403, 15.407(k)(1); *6 GHz Report and Order*, 35 FCC Rcd at 3860, 3862, 3923, paras. 17, 22, 192. A fixed client device is “intended as customer premise equipment that is permanently attached to a structure, operates only on channels provided by an AFC, has a geolocation capability, and complies with antenna pointing angle requirements.” *Id.* § 15.403

⁴ *6 GHz Report and Order*, 35 FCC Rcd at 3855, 3865-66, paras. 7, 32.

⁵ *Id.* at 3884, para. 87.

⁶ 47 CFR § 15.407(l), (m); *6 GHz Report and Order*, 35 FCC Rcd at 3862, para. 22.

On September 28, 2021, the Commission issued a Public Notice requesting proposals from prospective AFC system operators.⁷ In response to the Public Notice, the Commission received fourteen applications to operate AFC systems, as well as eight comments regarding the applications.⁸ One applicant, Amdocs, later withdrew its application.⁹ On November 2, 2022, OET issued a Public Notice (*2022 Public Notice*) conditionally approving the thirteen remaining applicants to operate AFC systems: Broadcom, Google, Comsearch, Sony, Kyrio, Key Bridge Wireless, Nokia Innovations, Federated Wireless, Wireless Broadband Alliance, Wi-Fi Alliance, Qualcomm, Plume Design, and RED Technologies.¹⁰ OET indicated in the *2022 Public Notice* that these conditionally approved AFC systems will not be available for commercial operations until they receive final approval from OET.¹¹

On August 24, 2023, OET issued a Public Notice (*2023 Public Notice*) announcing that the conditionally approved AFC systems could commence testing and outlining the testing process.¹² This AFC system testing process consists of two parts, lab testing and a public trial, which the AFC systems must successfully complete before OET will approve them for commercial operation.¹³ OET permits the lab test to be conducted either by an FCC-recognized accredited testing laboratory that has also been approved through the Wireless Innovation Forum's (WInnForum) Citizens Broadband Radio Service Device (CBSD) testing and certification program or by a test lab that has been accredited by WInnForum to conduct AFC system lab testing.¹⁴ The test lab must conduct the tests specified in the AFC system test plan developed by the Wi-Fi Alliance.¹⁵ In conducting these tests, the test lab is required to use a set of test vector inputs and corresponding test vector outputs jointly developed by the Wi-Fi Alliance and the WInnForum.¹⁶ The AFC applicant is required to submit a test report created by the test lab describing the results of each test performed.¹⁷

⁷ *The Commission Begins the Process for Authorizing 6 GHz Band Automated Frequency Coordination Systems*, ET Docket No. 21-352, Public Notice, 36 FCC Rcd 14098, 14098, 14101-02, 14103, paras. 2, 7, 10 (2021).

⁸ See the 14 applications to operate AFC systems filed in ET Docket No. 21-352 between October 28, 2021, and November 11, 2021. APCO International; the Utilities Technology Council and Edison Electric Institute; Wi-Fi Alliance; Dynamic Spectrum Alliance; Verizon; AT&T Services; Apple, Broadcom et al.; and the Fixed Wireless Communications Coalition (FWCC) filed comments in ET Docket No. 21-352 on December 21, 2021.

⁹ Letter from Robert A. Silverman, Counsel to Amdocs, Inc., to Marlene H. Dortch, Secretary, FCC, ET Docket No. 21-352, at 1 (filed Mar. 25, 2022).

¹⁰ *OET Announces Conditional Approval for 6 GHz Band Automated Frequency Coordination Systems*, ET Docket 21-352, Public Notice, 37 FCC Rcd 13071, 13071, para. 1 (OET 2022) (*2022 Public Notice*).

¹¹ *Id.* at 13073-74, para. 5.

¹² *OET Announces Commencement of Testing of the 6 GHz Band Automated Frequency Coordination Systems*, ET Docket 21-352, Public Notice, DA 23-759 (OET Aug. 24, 2023) (*2023 Public Notice*).

¹³ *Id.* at 1, 3-7, 12-13, paras. 1, 6-18, 36; *see also 6 GHz Report and Order*, 35 FCC Rcd at 3871, para. 49; *2022 Public Notice*, 37 FCC Rcd at 13090-92, paras. 41-47.

¹⁴ *2023 Public Notice* at 5-6, paras. 11-12. A list of FCC recognized accredited testing laboratories can be found at <https://apps.fcc.gov/oetcf/eas/reports/TestFirmSearch.cfm>. A list of WInnForum-approved CBSD test labs can be found at <https://cbrs.wirelessinnovation.org/cbsd-certification-program>. The WInnForum accreditation process can be found at *Wireless Innovation Forum Authorized AFC System Test Lab Requirements*, Version 1.0.0, Aug. 4, 2022, <https://6ghz.wirelessinnovation.org/assets/WINN-5009-V1.0.0%206%20GHz%20AFC%20System%20ATL%20Requirements%20Specification.pdf>.

¹⁵ *2023 Public Notice* at 3-4, paras. 7-8; *see Wi-Fi Alliance AFC System (SUT) Compliance Test Plan Version 1.5*, available at <https://www.wi-fi.org/discover-wi-fi/6-ghz-afc-resources>.

¹⁶ *2023 Public Notice* at 4-5, paras. 8-9; *see AFC System (SUT) Compliance Test Vectors v1.2*, Wi-Fi Alliance, available at <https://www.wi-fi.org/discover-wi-fi/6-ghz-afc-resources>.

¹⁷ *2023 Public Notice* at 5, para. 9.

For the public trial, the AFC system applicant is required to make its AFC system available on the Internet to provide any interested member of the public an opportunity to test the AFC system functionality.¹⁸ The Internet-based test portal must permit the user to specify test locations anywhere within the United States and return a list of the frequency ranges on which a standard-power device at that location would be able to transmit and the corresponding maximum power level for each frequency range.¹⁹ The test portal must also provide a means for users to submit challenges to the AFC system applicant if the user believes that the available frequency ranges and power levels are not in compliance with the Commission's rules.²⁰ The Internet-based test portal must be available for a minimum of forty-five days with challenges accepted for fifteen days after the forty-five day period concludes.²¹ After the public trial is complete, the AFC applicant is required to submit a public trial report describing the public trial, including statistics on the number of public tests conducted, a summary of each challenge received, and an explanation detailing why each challenge did or did not raise a valid concern with the functionality of the AFC system, along with a description of any actions it took in response to any challenges.²²

On February 23, 2024 OET issued a Public Notice (*2024 AFC Approval Public Notice*) approving seven AFC operators for commercial operations.²³ These seven AFC operators successfully completed the testing program, as directed by OET, which included both lab testing and a public trial.²⁴ The results from this testing indicate that these seven AFC systems operate in conformance with the Commission's 6 GHz band (5.925-7.125 GHz) unlicensed rules, which are designed to prevent harmful interference from standard power access devices and fixed client devices to licensed microwave receivers and certain radio astronomy observatories in the 6 GHz band. These seven AFC systems are now permitted to manage access to spectrum in the U-NII-5 (5.925-6.425 GHz) and U-NII-7 (6.525-6.875 GHz) portions of the 6 GHz band for standard power access points and fixed client devices in accordance with the Commission's rules.

On July 8, 2024, OET issued a Public Notice (*2024 C3Spectra Public Notice*) conditionally approving C3Spectra for commercial operations. The *2024 C3Spectra Public Notice* required C3Spectra to complete lab testing and a public trial before they begin commercial operation.²⁵

The *2024 C3Spectra Public Notice* also sought comment on AXON Networks' proposal to operate an AFC system.²⁶ The Commission received one comment from Lumen Technologies supporting AXON Networks' application. Lumen Technologies affirmed that AXON Networks is well qualified to due to their ability to develop, design and deploy systems for broadband providers as well as their record of designing devices compliant with FCC rules and regulations.²⁷

¹⁸ *Id.* at 6, para. 13.

¹⁹ *Id.* at 6, para. 14.

²⁰ *Id.* at 6, para. 15.

²¹ *Id.* at 7, para. 17.

²² *Id.* at 7, para. 18.

²³ *OET Announces Approval of Seven 6 GHz Band Automated Frequency Coordination Systems for Commercial Operation and Seeks Comment on C3Spectra's Proposed System*, ET Docket 21-352, Public Notice, DA 24-166 (OET Feb. 23, 2024) (*2024 Public Notice*).

²⁴ *Id.* at 10, para. 19.

²⁵ *OET Announces Conditional Approval of C3Spectra's 6 GHz Band AFC System*, ET Docket No. 21-352 (OET July 8, 2024).

²⁶ *Id.*

²⁷ Lumen Technologies Comments at 2-3.

Based on review of the AXON Networks AFC proposal, OET conditionally approves AXON Networks' pending application to operate an AFC system, subject to the conditions described below. AXON Networks has sufficiently demonstrated that it has the technical capability and knowledge to operate an AFC system and may now move to the testing phase of the AFC system approval process. Our approval of AXON Networks' AFC system application is subject to the following conditions:

- AXON Networks must comply with all current and future Commission rules, instructions, and procedures.
- AXON Networks must comply with all instructions issued by OET pursuant to section 0.241(k) of the Commission's rules.²⁸
- AXON Networks must attend workshops and meetings convened by the Commission or OET. Workshop or meeting topics may include: (1) AFC system development and operations; (2) AFC system testing and certification procedures; or (3) other topics relevant to the ongoing development of the AFC systems.
- If AXON Networks relies on third party or proprietary specifications or protocols for its AFC system, these specifications or protocols must be consistent with the relevant Commission rules. All such specifications and protocols must be provided to, and will be reviewed by, OET to ensure consistency with the Commission's rules.
- AXON Networks must undertake steps to have its AFC system undergo lab testing as described in the *2023 Public Notice*.²⁹
- AXON Networks must undertake steps to have its AFC system undergo a public trial as described in the *2023 Public Notice*.³⁰
- AXON Networks must respond to all inquiries from OET staff during OET's examination of the testing data and make any modifications to its AFC system requested by OET staff as part of the testing process.
- AXON Networks must promptly respond to any requests for information or direction from the Commission, including the Enforcement Bureau.³¹
- AXON Networks may not make its AFC system available for commercial operations until it receives final approval from OET.

AXON Networks' proposal provides a strong basis for concluding that AXON Networks' AFC system will comply with the Commission's 6 GHz unlicensed rules. AXON Networks' AFC proposal states that it will provide secure communication between the AFC system and its associated standard-power devices through the use of the protocol defined by the Wi-Fi Alliance AFC system to AFC Device Interface Specification.³² This protocol ensures that only secure encrypted protections shall be used between the AFC device and the AFC system as well as provides protection from unauthorized parties attempting to access the database or alter power and frequency levels sent to the AFC devices.³³

AXON Networks indicates that it will base its AFC system on software developed by the Open AFC Software Group—i.e. the open AFC code.³⁴ Three of the AFC systems which have been approved

²⁸ 47 CFR § 0.241(k).

²⁹ *2023 Public Notice* at 3-6, paras. 7-12.

³⁰ *Id.* at 6-7, paras. 13-18.

³¹ See 47 CFR § 15.407(k)(15)(vi); *6 GHz Report and Order*, 35 FCC Red at 3883, para. 83.

³² AXON Networks, *Proposal: Automated Frequency Coordination System for Commercial Operation*, ET Docket No. 21-352 (Filed June 27, 2024).

³³ *Id.*

³⁴ *Id.*

for commercial operation use the open AFC code.³⁵ These three AFC systems were approved for commercial operation after undergoing a thorough testing process. Consequently, AXON Networks' use of the open AFC code provides additional evidence that its AFC system will operate in conformance with the Commission's rules.

AXON Networks' AFC proposal provides further evidence that it will be able to successfully operate an AFC system. AXON Networks' has assembled a team which includes engineers with significant experience in telecom and mass market software commercialization.³⁶ Axon Networks indicates that it will implement its AFC system to be fault tolerant with load balancing and auto scaling mechanisms that will direct users to the nearest healthy instance of the AFC in case of high traffic. Furthermore, AXON Networks has implemented dynamic failover to ensure if there is failure of the primary AFC cluster, the system can dynamically fail over to redundant cloud instances to minimize downtime and maintain continuous operation.³⁷

The information in AXON Networks AFC proposal provides every indication that its AFC system will operate in compliance within the Commission's rules in a secure and reliable manner. Therefore, we approve operation of AXON Networks AFC system, subject to the conditions listed above.

Now that we have conditionally approved AXON Networks' AFC system, AXON Networks may commence testing its AFC system. Consistent with the process outlined in the *2023 Public Notice*, AXON Networks may conduct the required lab testing and the public trial concurrently.³⁸ AXON Networks will be required to submit separate reports describing the results of the lab testing and the public trial to OET for consideration.

On August 24, 2023, the Office of Engineering and Technology released a Public Notice in which we detailed a process to begin lab testing and the public trial required for the conditionally approved Automatic Frequency Coordination (AFC) systems to receive final approval for commercial operation.³⁹ To further test AFC system functionality, OET is requiring, in addition to lab testing, AFC systems be subject to a public trial period. Consequently, we will require AXON Networks to complete this public trial period prior to commercial AFC approval. AXON Networks has previously indicated that they will provide a public website for the public test trial portal.⁴⁰ The public trial test portal must be accessible to the public for a minimum of forty-five days. At least one week before the portal becomes accessible, AXON Networks must file a notice in ET Docket Number 21-352 stating when the test portal will become available and provide a URL for accessing it. AXON Networks must be capable of accepting challenges to the available frequencies and/or permitted power levels returned by the website for fifteen days after the end of this forty-five day period. This will provide users sufficient time to analyze all test results and launch challenges, if appropriate. All dates, including test start date, end date, and end of the challenge period must be clearly specified on the test portal.

Six of the seven AFC operators who previously conducted public trials established a common web portal where members of the public could concurrently submit test locations to all of the AFC

³⁵ Broadcom Inc. Proposal to be Approved at an Automated Frequency Coordination System Operator at 6; Proposal of Wi-Fi Alliance at 9; Wireless Broadband Alliance Ltd. Application to Become an Automated Frequency Coordination (AFC) System Operator at 5-7.

³⁶ AXON Networks, *Proposal: Automated Frequency Coordination System for Commercial Operation*, ET Docket No. 21-352 (Filed June 27, 2024).

³⁷ *Id.*

³⁸ *2023 Public Notice* at 3-6, paras. 7-12.

³⁹ *OET Announces Commencement of Testing of the 6 GHz Band Automated Frequency Coordination Systems*, ET Docket No. 21-352, Public Notice, DA 23-759 (Aug. 24, 2023).

⁴⁰ AXON Networks, *Proposal: Automated Frequency Coordination System for Commercial Operation*, ET Docket No. 21-352 at 10 (Filed June 27, 2024).

systems.⁴¹ These test locations were then distributed by the common web portal to the different AFC systems and the AFC systems returned the corresponding available frequency ranges and permitted power levels to the submitters via email. The common web portal website is designed such that AFC systems may begin public trials on different dates and that each AFC system is provided all queries submitted to the common web portal. Each AFC system is then required to run each of these queries.⁴²

Because running all of these test locations will provide a thorough test of AXON Networks' AFC system consistent with the public testing for all currently approved AFCs, if AXON Networks opts to use the common web portal for their public trial, we believe that AXON Networks' public trial can be shortened without any adverse consequences to a minimum of 20 days rather than the 45 days that was required for the previously tested AFC systems.⁴³ As with the previous public trials, we will require AXON Networks to file a notice in ET Docket number 21-352 stating when its test portal will become available and provide a URL for accessing it at least one week prior to beginning its public trial period. To ensure that the parties who previously submitted test cases to the common web portal have sufficient time to review AXON Networks' results and submit follow-up test cases, we will require AXON Networks to provide results for these previously submitted test locations to the original submitters prior to filing the notice stating when the test portal will become available. Other than shortening the length of the public trial period and requiring AXON Networks to return results for the test locations previously submitted to the common web portal, we are not changing any of the requirements for the public trial described in the *2023 Public Notice* if AXON Networks chooses to use the common web portal. AXON Networks will be required to accept challenges to the available frequencies and/or permitted power levels returned by its AFC system for fifteen days after the end of the public trial period, respond to each challenge with an explanation of why it either believes the challenge raises a valid concern or is without merit, and prepare and submit a report describing the public trial.⁴⁴

Further Information. Questions regarding this Public Notice may be directed to Nicholas Oros, Office of Engineering and Technology, at (202) 418-0636 or Nicholas.Oros@fcc.gov.

By the Acting Chief, Office of Engineering and Technology.

-FCC-

⁴¹ 6 GHz AFC System Public Trial Test Portal, <https://docs.google.com/forms/d/e/1FAIpQLSd4QXhP8PABCqqjNedzBOq2wCejjOiiDfxJJBbqrANLYOPAAg/viewform> (last visited September 12, 2024).

⁴² *2023 Public Notice* at 7, para. 17.

⁴³ *2023 Public Notice* at 7, para. 17.

⁴⁴ *2023 Public Notice* at 6-7, paras. 15, 17, 18.



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Released: December 4, 2024

AGENDA RELEASED FOR THE DECEMBER 6, 2024 MEETING OF THE COMMUNICATIONS EQUITY AND DIVERSITY COUNCIL

GN Docket No. 17-208

In this Public Notice, the Wireline Competition Bureau announces the anticipated agenda for the third meeting of the Federal Communications Commission's (FCC or Commission) Communications Equity and Diversity Council (CEDC) under its current charter, ending June 22, 2025. As announced in the Federal Register and in a Public Notice released November 21, 2024, the meeting is scheduled to be held, consistent with the Federal Advisory Committee Act,¹ on December 6, 2024.² The agenda for the meeting is detailed in the attachment and will include greetings from FCC Chairwoman Rosenworcel's office, the introduction of a new Deputy Designated Federal Officer (DFO) for the CEDC, the introduction of new CEDC working group co-chairs for the Innovation and Access Working Group, updates from the working groups, and a discussion of working group plans going forward. This agenda may be modified at the discretion of the CEDC Chair and the Designated Federal Officer.

The December 6, 2024 CEDC meeting will be held in a hybrid manner, from 10:00 am to 12:45 pm ET. The public may attend the meeting in person at FCC headquarters at 45 L Street, NE, Washington, DC. Additionally, the meeting will be available to the public for viewing via the Internet at <https://www.fcc.gov/live>. While the CEDC's meeting is open to the public, the FCC headquarters building is not open access, and all guests must check in with and be screened by FCC security at the main entrance on L Street. Attendees are not required to have an appointment but must otherwise comply with protocols outlined at: <https://www.fcc.gov/visit>.

The public may follow the meeting on the Commission's YouTube page at <https://www.youtube.com/user/fccdotgovvideo>. Members of the public may submit questions during the meeting to livequestions@fcc.gov. Members of the public also may submit written comments to the CEDC using the FCC's Electronic Comment Filing System, ECFS, at www.fcc.gov/ecfs. Any comments should be filed in GN Docket No. 17-208.

Open captioning will be provided for this event. Other reasonable accommodations for people with disabilities are available upon request. Requests for such accommodations should be submitted via e-mail to fcc504@fcc.gov or by calling the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice). Such requests should include a detailed description of the accommodation needed. In addition, please include a way for the Commission to contact the requester if more information is needed to fulfill

¹ 5 U.S.C. App. 10.

² Notice of this meeting was published in the Federal Register on November 1, 2024, available at <https://www.federalregister.gov/documents/2024/11/01/2024-25496/meeting-of-the-communications-equity-and-diversity-council>. See also *FCC Announces December 6, 2024 Meeting of the Communications Equity and Diversity Council*, Public Notice, DA 24-1175 (WCB Nov. 21, 2024).

the request. Please allow at least five days' advance notice for accommodation requests; last-minute requests will be accepted but may not be possible to accommodate.

More information about the CEDC is available at <https://www.fcc.gov/communications-equity-and-diversity-council>. You may also contact Rodney McDonald, DFO of the CEDC, (202) 418-7513, Rodney.McDonald@fcc.gov; Diana Coho, Deputy DFO of the CEDC, (717) 338-2848, Diana.Coho@fcc.gov; Connor Ferraro, Deputy DFO of the CEDC, (202) 418-1322, Connor.Ferraro@fcc.gov; or Sima Nilsson, Deputy DFO of the CEDC, (202) 418-2708, Sima.Nilsson@fcc.gov.

– FCC –

**COMMUNICATIONS EQUITY AND DIVERSITY COUNCIL**

**Federal Communications Commission
45 L Street, N.E., Washington, D.C. 20554**

**December 6, 2024
10:00 a.m. – 12:45 p.m.**

AGENDA

- 10:00 a.m. Welcome and Opening of Meeting**
Rodney McDonald, Designated Federal Officer (DFO), Communications Equity and Diversity Council (CEDC), Wireline Competition Bureau, Federal Communications Commission (FCC)
- 10:05 a.m. Welcome Remarks from the Chairwoman's Office**
Sanford Williams, Deputy Chief of Staff for Chairwoman Rosenworcel, FCC
- 10:10 a.m. DFO Remarks and Introduction of Deputy DFOs**
Rodney McDonald, Designated Federal Officer, CEDC, Wireline Competition Bureau, FCC

Diana Coho, Deputy Designated Federal Officer, CEDC, Consumer and Governmental Affairs Bureau, FCC

Sima Nilsson, Deputy Designated Federal Officer, CEDC, Media Bureau, FCC

Connor (CJ) Ferraro, Deputy Designated Federal Officer, CEDC, Wireline Competition Bureau, FCC
- 10:20 a.m. Opening Remarks of CEDC Chair/Vice Chairs**
Heather Gate, Chair, CEDC, Connected Nation

Nicol Turner Lee, Ph.D., Vice Chair, CEDC, Brookings Institution

Susan Au Allen, Vice Chair, CEDC, US Pan Asian American Chamber of Commerce Education Foundation
- 10:35 a.m. Call to Order of the December 6, 2024 CEDC Meeting/Roll Call of CEDC Members/Working Group Members**
Heather Gate, Chair, CEDC, Connected Nation

-
- 10:40 a.m. Innovation and Access Working Group Update**
Leticia Latino van-Splunteren, CEO, Neptuno USA
Co-Chair, CEDC, Innovation and Access Working Group
- Julie Wenah, Associate General Counsel & Product Lead for Civil Rights, Meta
Representing INCOMPAS
Co-Chair, CEDC, Innovation and Access Working Group
- 10:50 a.m. Digital Empowerment and Inclusion Working Group Update**
Anisa Green, Director, Federal Regulatory, AT&T
Chair, CEDC, Digital Empowerment and Inclusion Working Group
- 11:00 a.m. Diversity and Equity Working Group Update**
Christopher Wood, Executive Director, LGBT Technology Partnership & Institute
Chair, CEDC, Diversity and Equity Working Group
- 11:10 a.m. Questions/Comments from the Public**
- 11:20 a.m. Closing Remarks**
Rodney McDonald, Designated Federal Officer, CEDC, Wireline Competition Bureau, FCC
- Heather Gate, Chair, CEDC, Connected Nation
- Nicol Turner Lee, Ph.D., Vice Chair, CEDC, Brookings Institution
- Susan Au Allen, Vice Chair, CEDC, US Pan Asian American Chamber of Commerce Education Foundation
- 12:30-12:45 p.m. Adjournment**
Heather Gate, Chair, CEDC, Connected Nation



PUBLIC NOTICE

Federal Communications Commission
45 L Street., N.E.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <https://www.fcc.gov>
TTY: 1-888-835-5322

DA 24-1220

Released: December 4, 2024

FCC ANNOUNCES THE THIRD MEETING OF THE NINTH COMMUNICATIONS SECURITY, RELIABILITY, AND INTEROPERABILITY COUNCIL ON DECEMBER 18, 2024

This Public Notice serves as an announcement that, consistent with the Federal Advisory Committee Act,¹ the Federal Communications Commission (FCC or Commission) will hold the third meeting of the Communications Security, Reliability and Interoperability Council IX (CSRIC IX or Council) on **Wednesday, December 18, 2024, beginning at 1:00 pm EST, at the FCC, 45 L Street, N.E., Washington, D.C., and via video conference call.** Notice of this meeting was published in the Federal Register on November 25, 2024.²

The third meeting will consist of presentations from the working group co-chairs on their progress in addressing the tasks assigned by the Chairwoman. The CSRIC IX meeting is open to the public but all guests must check-in with and be screened by FCC security at the main entrance on L Street. Attendees will not be required to have an appointment but must otherwise comply with protocols outlined at: <https://www.fcc.gov/visit>. Members of the news media are welcome to attend the meeting.

The CSRIC IX meeting will also be streamed via live feed at <https://www.fcc.gov/live>. Open captioning will be provided for this event. Other reasonable accommodations for people with disabilities are available upon request. Requests for such accommodations should be submitted via e-mail to fcc504@fcc.gov or by calling the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY). Such requests should include a detailed description of the accommodation needed. In addition, please include a way for the FCC to contact the requester if more information is required to fulfill the request. Please allow at least five days advance notice for accommodation requests; last minute requests will be accepted but may not be possible to accommodate.

More information about CSRIC can be found at <https://www.fcc.gov/about-fcc/advisory-committees/communications-security-reliability-and-interoperability-council-0>. You may also contact Suzon Cameron, Designated Federal Official (DFO) for CSRIC IX, at (202) 418-1916, Kurian Jacob, Deputy DFO, at (202) 418-2040, or Logan Bennett, Deputy DFO at (202) 418-7790 and via the CSRIC e-mail account at CSRIC@fcc.gov.

–FCC–

¹ 5 U.S.C. §§ 1001-1014.

² Federal Communications Commission, Communications Security, Reliability, and Interoperability Council, Notice of Public Meeting, 89 FR 92931 (Nov. 25, 2024).



PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, DC 20554

News Media Information 202-418-0500
Internet: www.fcc.gov

DA 24-1221

Released: December 5, 2024

**COMMITTEE FOR THE ASSESSMENT OF FOREIGN PARTICIPATION IN THE
UNITED STATES TELECOMMUNICATIONS SERVICE SECTOR REVIEWING
T-MOBILE-USCELLULAR TRANSFER OF CONTROL AND ASSIGNMENT
APPLICATIONS**

GN Docket No. 24-286

On December 3, 2024, the Committee for the Assessment of Foreign Participation in the United States Telecommunications Service Sector (Committee) notified the Commission that it is reviewing the applications for transfer of control filed by T-Mobile US, Inc. and United States Cellular Corporation for any national security and law enforcement issues and requests that the Commission defer action on the applications until the Committee completes its review.¹

¹ Letter from Makenzie B. Skopowski, Attorney Advisor, Foreign Investment Review Section, National Security Division, U.S. Department of Justice, to Marlene H. Dortch, Secretary, FCC, GN Docket No. 24-286 (filed Dec. 3, 2024); Letter from Makenzie B. Skopowski, Attorney Advisor, Foreign Investment Review Section, National Security Division, U.S. Department of Justice, to Marlene H. Dortch, Secretary, FCC, GN Docket No. 24-286 (filed Nov. 19, 2024). The applications being reviewed are listed in the Attachment to this Public Notice.

ATTACHMENT

Parts 24, 27, 30, And 101—Wireless Radio Services

<u>File No.</u>	<u>Licensee</u>	<u>Lead Call Sign</u>
0011180491 ²	UNITED STATES CELLULAR OPERATING COMPANY LLC	WHT381
0011227092	Advantage Spectrum, L.P.	WQXW424
0011227112	Advantage Spectrum, L.P.	WQXW422
0011227171	Advantage Spectrum, L.P.	WQXW427
0011227216	Advantage Spectrum, L.P.	WQXW509
0011181428	BANGOR CELLULAR TELEPHONE, L.P.	WLT437
0011181434	CALIFORNIA RURAL SERVICE AREA #1, INC.	WLR339
0011181438	CEDAR RAPIDS CELLULAR TELEPHONE, L.P.	WLT332
0011181441	DUBUQUE CELLULAR TELEPHONE, L.P.	WLT769
0011181447	HARDY CELLULAR TELEPHONE COMPANY	WMG753
0011181450	JACKSONVILLE CELLULAR TELEPHONE COMPANY	WLL515
0011181454	KANSAS #15 LIMITED PARTNERSHIP	WMK428
0011181460	KENOSHA CELLULAR TELEPHONE, L.P.	WLS605
0011227307	King Street Wireless, LP	WQLE654
0011227342	King Street Wireless, LP	WQLE660
0011227390	King Street Wireless, LP	WQLE657
0011181463	MADISON CELLULAR TELEPHONE COMPANY	WPOV373
0011181470	MAINE RSA #1, INC.	WMQ586
0011181472	MAINE RSA #1, INC.	KNLF933
0011181481	MAINE RSA #4, INC.	WPJD830
0011181484	MCDANIEL CELLULAR TELEPHONE COMPANY	WLU826
0011181494	NH #1 RURAL CELLULAR, INC.	WLK946
0011181500	OREGON RSA #2, INC.	WLS661
0011181505	OREGON RSA #2, INC.	WQYB217
0011181509	PCS WISCONSIN, LLC	KNLG200
0011181514	RACINE CELLULAR TELEPHONE COMPANY	WML773
0011181520	UNITED STATES CELLULAR OPERATING COMPANY LLC	WQUI699
0011164921	UNITED STATES CELLULAR OPERATING COMPANY OF CHICAGO, LLC	WQNT941
0011181533	UNITED STATES CELLULAR OPERATING COMPANY OF KNOXVILLE	WLB807
0011181544	UNITED STATES CELLULAR OPERATING COMPANY OF MEDFORD	WLR434
0011237194	UNITED STATES CELLULAR OPERATING COMPANY OF MEDFORD	WQZM894
0011164929	USCC SERVICES, LLC	WRJI984
0011181548	USCOC NEBRASKA/KANSAS, LLC	WLS717
0011181557	USCOC NEBRASKA/KANSAS, LLC	WQGD659
0011181560	USCOC OF CENTRAL ILLINOIS, LLC	WHA717
0011181565	USCOC OF CUMBERLAND, LLC	WLV260
0011181572	USCOC OF GREATER IOWA, LLC	WHB481
0011181577	USCOC OF GREATER IOWA, LLC	KNLF881
0011181583	USCOC OF GREATER MISSOURI, LLC	WLR440
0011181586	USCOC OF GREATER NORTH CAROLINA, LLC	WLL518

² This application is the lead application for the wireless radio services.

<u>File No.</u>	<u>Licensee</u>	<u>Lead Call Sign</u>
0011181592	USCOC OF GREATER OKLAHOMA, LLC	WLA261
0011181599	USCOC OF GREATER OKLAHOMA, LLC	KNLF590
0011181602	USCOC OF LACROSSE, LLC	WLU542
0011181615	USCOC OF OREGON RSA #5, INC.	WMQ867
0011237204	USCOC OF OREGON RSA #5, INC.	WQZM878
0011181631	USCOC OF PENNSYLVANIA RSA NO. 10-B2, LLC	WQVL740
0011181634	USCOC OF RICHLAND, INC.	WLS669
0011181641	USCOC OF VIRGINIA RSA #3, INC.	WMJ224
0011181643	USCOC OF WASHINGTON-4, INC.	WLS666
0011181650	VERMONT RSA NO. 2-B2, INC.	WPOR638
0011181659	WESTERN SUB-RSA LIMITED PARTNERSHIP	WMS469
0011181669	YAKIMA MSA LIMITED PARTNERSHIP	WMR566

Part 27 – Wireless Radio Services Spectrum Leasing Arrangements

<u>File No.</u>	<u>Lessee/Sublessee</u>	<u>Lead Call Sign or Lease ID</u>
7007ATNL24	USCC Services, LLC	WQXW422 ³
7008WYNL24	USCC Services, LLC	WQLE654 ⁴
0011239681	USCC Services, LLC	L000043874

Part 63 – International Section 214 Authorization

<u>File No.</u>	<u>Authorization Holder</u>	<u>Authorization Number</u>
ITC-ASG-20240913-00139	USCC Wireless Holdings, LLC	ITC-214-19981009-00698

-FCC-

³ See also Sublease File Number 6053ATSL24 (filed Sept. 13, 2024) for related sublease application.

⁴ See also Sublease File Number 6054WYSL24 (filed Sept. 13, 2024) for related sublease application.



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
45 L STREET NE
WASHINGTON D.C. 20554

News media information 202-418-0500
Internet: <http://www.fcc.gov> (or <ftp.fcc.gov>)
TTY (202) 418-2555

DA No. 24-1222

Report No. TEL-02411

Thursday December 5, 2024

International Authorizations Granted

Section 214 Applications (47 CFR §§ 63.18, 63.24); Section 310(b) Petitions (47 CFR § 1.5000)

The following applications have been granted pursuant to the Commission's processing procedures set forth in sections 63.12 and 63.20 of the Commission's rules. 47 CFR §§ 63.12, 63.20.

Unless otherwise noted, these grants authorize the applicants to: (1) become a facilities-based international common carrier subject to 47 CFR §§ 63.21, 63.22 and/or a resale-based international common carrier subject to 47 CFR §§ 63.21, 63.23; (2) assign or transfer control of international section 214 authority in accordance with 47 CFR § 63.24.

THIS PUBLIC NOTICE SERVES AS EACH NEWLY AUTHORIZED CARRIER'S SECTION 214 CERTIFICATE. It contains general and specific conditions, which are set forth below. Newly authorized carriers should carefully review the terms and conditions of their authorizations. Failure to comply with general or specific conditions of an authorization, or with other relevant Commission rules and policies, could result in fines and forfeitures.

Petitions for reconsideration under section 1.106 or applications for review under section 1.115 of the Commission's rules, 47 CFR §§ 1.106, 1.115, in regard to the grant of any of these applications may be filed within 30 (thirty) days of this public notice. See 47 CFR § 1.4(b)(2).

ITC-214-20240918-00140 E Integrity Technologies Corp

International Telecommunications Certificate

Service(s): Global or Limited Global Resale Service

Grant of Authority

Date of Action: 11/29/2024

Integrity Technologies Corp. (Integrity) filed an application for authority to provide resale service in accordance with section 63.18(e)(2) of the Commission's rules. 47 CFR § 63.18(e)(2).

Integrity, a North Dakota corporation, is owned by three U.S. citizens: Jack Andrew Pitman, II (39.93% equity and voting); Kenneth Barton (30.09% equity and voting); and Amy Elliott Paschane (29.96% equity and voting). Jack Andrew Pitman, II's stock ownership in Integrity is issued in the name of Franklin Mine Investment Trust (Trust), a Virginia revocable trust. Jack Andrew Pitman, II is the grantor and the sole trustee of the Trust. The beneficiaries of the Trust are Ashley Nicole Pitman, Kelsey Erin Pitman, and Karen Teresa Pitman, all U.S. citizens.

ITC-ASG-20241023-00168 E UVNV, LLC
Assignment
Grant of Authority Date of Action: 12/03/2024

Current Licensee: UVNV, Inc.

FROM: UVNV, Inc.

TO: UVNV, LLC

On October 23, 2024, UVNV Inc. filed a notification of the pro forma assignment of an international section 214 authority for global resale service (ITC-214-20141103-00290) from UVNV Inc. to UVNV LLC, effective September 30, 2024. In a corporate restructuring, UVNV Inc. converted from a Delaware corporation to a Delaware limited liability company. UVNV Inc. was and UVNV, LLC is a direct wholly owned subsidiary of New Ka'ena, Inc. which is a direct wholly owned subsidiary of T-Mobile US, Inc., both Delaware corporations.

ITC-ASG-20241118-00174 E Astound Broadband, LLC
Assignment
Grant of Authority Date of Action: 12/04/2024

Current Licensee: Astound Phone Services, LLC

FROM: Astound Phone Services, LLC

TO: Astound Broadband, LLC

On November 18, 2024, Astound Broadband, LLC (Astound Broadband) filed a notification of the pro forma assignment of an international section 214 authority for global facilities-based and resale service (ITC-214-20171016-00172) from Astound Phone Services, LLC (APS) to Astound Broadband, effective October 21, 2024. In a corporate reorganization, APS assigned its international section 214 authorization to its 100% direct parent, Astound Broadband, a Washington limited liability company.

ITC-T/C-20240828-00136 E Manti Telephone Company
Transfer of Control
Grant of Authority Date of Action: 11/29/2024

Current Licensee: Manti Telephone Company

FROM: Manti Telephone Company

TO: Lynch Telephone Corporation X

Manti Telephone Company (Manti), a Utah corporation that holds an international section 214 authorizations to provide global resale service (ITC-214-19990429-00256), filed an application for consent to the transfer of control of Manti to Lynch Telephone Corporation X (Lynch X). Pursuant to an April 19, 2024, stock purchase agreement, Lynch X will acquire 100% of Manti's stock from the existing shareholders. Upon closing, Manti will become a wholly owned direct subsidiary of Lynch X.

Lynch X is wholly owned by Brighton Communications Corporation, which is wholly owned by LICT Corporation (LICT), all Delaware corporations. Mario J. Gabelli, a U.S. citizen, holds 37.6% equity and voting interests in LICT. According to the Applicants, no other individual or entity holds a direct or indirect 10% or greater equity or voting interest in Lynch X.

This authorization is without prejudice to the Commission's action in any other related pending proceedings.

SURRENDER

ITC-214-20040205-00045 Satcom Direct Government, Inc.

On December 2, 2024, Satcom Direct Government, Inc. notified the Commission of the surrender of its international section 214 authorization.

CONDITIONS APPLICABLE TO INTERNATIONAL SECTION 214 AUTHORIZATIONS

(1) These authorizations are subject to the Exclusion List for International Section 214 Authorizations, which identifies restrictions on providing service to particular countries or using particular facilities. The most recent Exclusion List is at the end of this Public Notice. The list applies to all U.S. international carriers, including those that have previously received global or limited global section 214 authority, whether by Public Notice or specific written order. Carriers are advised that the attached Exclusion List is subject to amendment at any time pursuant to the procedures set forth in Streamlining the International Section 214 Authorization Process and Tariff Requirements, IB Docket No. 95-118, 11 FCC Rcd 12884 (1996), para. 18. A copy of the current Exclusion List is maintained in the FCC Reference Information Center and is available at <https://www.fcc.gov/exclusion-list-international-section-214-authorizations>. It is also attached to each Public Notice that grants international Section 214 authority.

(2) The export of telecommunications services and related payments to countries that are subject to economic sanctions may be restricted. For information concerning current restrictions, call the Office of Foreign Assets Control, U.S. Department of the Treasury, (202) 622-2520.

(3) Carriers shall comply with the requirements of Section 63.11 of the Commission's rules, which requires notification by, and in certain circumstances prior notification by, U.S. carriers acquiring an affiliation with foreign carriers. 47 CFR § 63.11. A carrier that acquires an affiliation with a foreign carrier will be subject to possible reclassification as a dominant carrier on an affiliated route pursuant to the provisions of section 63.10 of the rules. 47 CFR § 63.10.

(4) A carrier may provide switched services over its authorized resold private lines in the circumstances specified in section 63.23(d) of the rules. 47 CFR § 63.23(d).

(5) Carriers shall comply with the "No Special Concessions" rule, section 63.14. 47 CFR § 63.14.

(6) Carriers regulated as dominant for the provision of a particular communications service on a particular route for any reason other than a foreign carrier affiliation under section 63.10 of the rules, 47 CFR § 63.10, shall file tariffs pursuant to Section 203 of the Communications Act, as amended, 47 U.S.C. § 203, and Part 61 of the Commission's Rules. 47 CFR Part 61. Carriers shall not otherwise file tariffs except as permitted by section 61.19 of the rules. 47 CFR § 61.19. Except as specified in section 20.15 with respect to commercial mobile radio service providers, 47 CFR § 20.15, carriers regulated as non-dominant, as defined in section 61.3, 47 CFR § 61.3, and providing detariffed international services pursuant to section 61.19, must comply with all applicable public disclosure and maintenance of information requirements in sections 42.10 and 42.11. 47 CFR §§ 42.10, 42.11.

(7) International facilities-based service providers must file and maintain a list of U.S.-international routes on which they have direct termination arrangements with a foreign carrier. 47 CFR § 63.22(h). A new international facilities-based service provider or one without existing direct termination arrangements must file its list within thirty (30) days of entering into a direct termination arrangement(s) with a foreign carrier(s). Thereafter, international facilities-based service providers must update their lists within thirty (30) days after adding a termination arrangement for a new foreign destination or discontinuing an arrangement with a previously listed destination. See Process For The Filing Of Routes On Which International Service Providers Have Direct Termination Arrangements With A Foreign Carrier, ITC-MS-20181015-00182, Public Notice, 33 FCC Rcd 10008 (IB 2018). The route list must be filed through the International Communications Filing System (ICFS). <https://www.fcc.gov/icfs>

(8) Any U.S. Carrier that owned, leased or holds an indefeasible right of use (IRU) for bare capacity on a submarine cable between the United States and any foreign point must file a Circuit Capacity Report to provide information about the submarine cable capacity it holds. 47 CFR § 43.82(a)(2). See <https://www.fcc.gov/circuit-capacity-data-us-international-submarine-cables>.

(9) Carriers should consult section 63.19 of the rules when contemplating a discontinuance, reduction or impairment of service. 47 CFR § 63.19.

(10) If any carrier is reselling service obtained pursuant to a contract with another carrier, the services obtained by contract shall be made generally available by the underlying carrier to similarly situated customers at the same terms, conditions and rates. 47 U.S.C. § 203.

(11) To the extent the applicant is, or is affiliated with, an incumbent independent local exchange carrier, as those terms are defined in section 64.1902 of the rules, it shall provide the authorized services in compliance with the requirements of section 64.1903. 47 CFR §§ 64.1902, 64.1903.

(12) Except as otherwise ordered by the Commission, a carrier authorized here to provide facilities-based service that (i) is classified as dominant under section 63.10 of the rules, 47 CFR § 63.10, for the provision of such service on a particular route and (ii) is affiliated with a carrier that collects settlement payments for terminating U.S. international switched traffic at the foreign end of that route may not provide facilities-based switched service on that route unless the current rates the affiliate charges U.S. international carriers to terminate traffic are at or below the Commission's relevant benchmark adopted in International Settlement Rates, IB Docket No. 96-261, Report and Order, 12 FCC Rcd 19806 (1997). See also Report and Order on Reconsideration and Order Lifting Stay in IB Docket No. 96-261, FCC 99-124 (rel. June 11, 1999). For the purposes of this rule, "affiliated" and "foreign carrier" are defined in 63.09. 47 CFR § 63.09.

(13) Carriers shall comply with the Communications Assistance for Law Enforcement Act (CALEA), see 47 CFR §§ 1.20000 et seq.

(14) Carriers shall make communications to, from, or within the United States, as well as records thereof, available in a form and location that permits them to be subject to a valid and lawful request or legal process in accordance with U.S. law, including but not limited to:

(A) The Wiretap Act, 18 U.S.C. 2510 et seq.;

(B) The Stored Communications Act, 18 U.S.C. 2701 et seq.;

(C) The Pen Register and Trap and Trace Statute, 18 U.S.C. 3121 et seq.; and

(D) Other court orders, subpoenas or other legal process;

(15) Every carrier must designate an agent for service in the District of Columbia. see 47 U.S.C. § 413, 47 CFR §§ 1.47(h), 63.18(q), 64.1195.

(16) Every carrier must designate a point of contact who is located in the United States and is a U.S. citizen or lawful U.S. permanent resident, for the execution of lawful requests and as an agent for legal service of process. 47 CFR § 63.18(q).

(17) Each carrier shall notify the Commission of any change in its contact information within thirty (30) days. 47 CFR § 63.18(q). Such notification shall be filed in the file number(s) for the international section 214 authorization(s) through the International Communications Filing System (ICFS).

Exclusion List for International Section 214 Authorizations

The following is a list of countries and facilities not covered by grant of global section 214 authority under section 63.18(e)(1) of the Commission's Rules. 47 CFR § 63.18(e)(1). Carriers desiring to serve countries or use facilities listed as excluded hereon shall file a separate section 214 application pursuant to section 63.18(e)(3) of the Commission's Rules. See 47 CFR § 63.22(c).

Countries:

None.

Facilities:

Any non-U.S.-licensed space station that has not received Commission approval to operate in the U.S. market pursuant to the procedures adopted in the Commission's DISCO II Order, IB Docket No. 96-111, Report and Order, FCC 97-399, 12 FCC Rcd 24094, 24107-72 paragraphs 30-182 (1997) (DISCO II Order). Information regarding non-U.S.-licensed space stations approved to operate in the U.S. market pursuant to the Commission's DISCO II procedures is maintained at <https://www.fcc.gov/approved-space-station-list>.

This list is subject to change by the Commission when the public interest requires. The most current version of the list is maintained at <https://www.fcc.gov/exclusion-list-international-section-214-authorizations>.

For additional information, contact the Office of International Affairs, Telecommunications and Analysis Division at (202) 418-1480 or at FCC-OIA-TAD@fcc.gov.



PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, DC 20554

News Media Information 202-418-0500
Internet: www.fcc.gov

DA 24-1223

Released: December 5, 2024

WIRELESS TELECOMMUNICATIONS BUREAU AND SPACE BUREAU ANNOUNCE EFFECTIVE DATE OF SUPPLEMENTAL COVERAGE FROM SPACE RULES AND PROVIDE GUIDANCE FOR FILING FCC FORMS 608 AND 312

GN Docket No. 23-65; IB Docket No. 22-271

By this Public Notice, the Wireless Telecommunications Bureau and Space Bureau (collectively, the Bureaus) announce that the U.S. Office of Management and Budget (OMB) has approved the Form 608- and Form 312-related information collection requirements adopted by the Federal Communications Commission (Commission or FCC) in the March 2024 *Report and Order* related to supplemental coverage from space (SCS).¹

The *SCS Report and Order* adopted a leasing framework and established new part 1 rules that require spectrum lessees to supply certain information when filing FCC Form 608 (Form 608).² Because of this rule change, Form 608 has been revised to include a “Yes” or “No” question where a party can indicate whether they are filing the lease application form for the purpose of providing SCS. If the lease application is for SCS, the party will be directed to submit attachments related to SCS to comply with the requirements of new section 1.9047(d)(2).

The *SCS Report and Order* also established application requirements which satellite operators must meet in order to receive a license to provide SCS. In addition to a comprehensive proposal for the prospective SCS system on FCC Form 312 (Form 312), which has remained unchanged, satellite operators must submit a certification pursuant to new section 25.125(b)(1), a list of file and identification numbers associated with the relevant SCS lease(s), application(s), and FCC Form 601(s), and a brief description of the coverage areas that will be served pursuant to new section 25.125(b)(2).³ All SCS earth stations that will be used for the provision of SCS must meet the equipment authorization requirements prior to commencing SCS operations using those SCS earth stations pursuant to new section 25.125(c).⁴

Because these rule sections include new information collection requirements under the Paperwork Reduction Act, their effectiveness was delayed indefinitely pending OMB review.⁵ OMB approved the SCS information collection requirements for Form 312 on October 16, 2024, and for Form 608 on October 30, 2024. On December 2 and 4, 2024, the Office of the Federal Register published

¹ See *Single Network Future: Supplemental Coverage from Space; Space Innovation*, GN Docket No. 23-65, IB Docket No. 22-271, Report and Order and Further Notice of Proposed Rulemaking, FCC 24-28, 2024 WL 1179940 (2024) (*SCS Report and Order*).

² 47 CFR § 1.9047(d)(2).

³ *Id.* § 25.125(b)(1)-(2).

⁴ *Id.* § 25.125(c).

⁵ See *SCS Report and Order* at *94, para. 269.

notices announcing both OMB approvals.⁶ Accordingly, sections 1.9047(d)(2), 25.125(b)(1)-(2), and 25.125(c) of the Commission's rules are now in effect.

In this Public Notice, the Bureaus provide guidance on compliance with the following information collection requirements:

Completing Form 608

Under section 1.9047(d) of the Commission's rules, a licensee may enter into a spectrum manager or *de facto* transfer leasing or subleasing arrangement with a spectrum lessee in only the bands identified in section 2.106(d)(33)(i) for the purpose of meeting the part 25 SCS Entry Criteria.⁷ A licensee seeking to engage in spectrum leasing for the purpose of providing SCS may do so under the following parameters: (i) a single licensee that holds all co-channel licenses on the relevant band in a geographically independent area (GIA) may enter into a leasing arrangement with one or more satellite operators; (ii) if there are multiple co-channel licensees that collectively hold all co-channel licenses in a particular band throughout one of six GIAs, the licensees may enter into spectrum leasing arrangements only under one of the following conditions: (A) one licensee holding a license in the GIA must enter into an individual spectrum leasing arrangement with each of the other co-channel licensees in that GIA, and the licensee may then enter into a leasing arrangement with one satellite operator; or (B) one satellite operator may enter into individual leasing arrangements with each of the relevant co-channel licensees that together hold all co-channel licenses on the relevant band in the GIA.⁸

The spectrum lessee or sublessee seeking to engage in spectrum leasing for the purpose of providing SCS must complete and file Form 608 in the Commission's Universal Licensing System (ULS), and the Commission has revised this form to incorporate a new question for parties to indicate whether the form is for SCS purposes. New Item 6 on Form 608 states, "For Leases only, indicate whether or not the lease application is being filed for the purpose of providing Supplemental Coverage from Space (SCS). Enter 'Y' if this application is being filed for the purpose of providing SCS. Otherwise, enter 'N.'" A party is required to answer this question before proceeding. When a party indicates that the form is being filed for the purpose of providing SCS, the party must attach documents as required by section 1.9047(d)(2) of the Commission's rules.⁹ The lessee and lessor should adequately describe the leasing arrangement in their attachment and, per section 1.9047(d)(2), must include:

- (1) a certification that the parties are entering into the leasing arrangement for the purpose of fulfilling the part 25 Entry Criteria;
- (2) a description of which method, single or multiple terrestrial licensee, the parties are utilizing to meet the part 25 Entry Criteria; and
- (3) if the parties are utilizing the multiple terrestrial licensee method,¹⁰ the parties must:

⁶ Federal Communications Commission, Single Network Future: Supplemental Coverage From Space; Space Innovation, 89 FR 95136 (Dec. 2, 2024); Federal Communications Commission, Single Network Future: Supplemental Coverage from Space Information Collection Approval for Space Station and Earth Station Applications, 89 FR 96124 (Dec. 4, 2024).

⁷ 47 CFR §§ 1.9047(d), 2.106(d)(33)(i). The part 25 SCS Entry Criteria are outlined in section 25.125(a) and (b). 47 CFR § 25.125(a), (b); *see* 47 CFR § 1.9047(c).

⁸ *Id.* § 1.9047(d)(1)(i)-(ii).

⁹ *Id.* § 1.9047(d)(2).

¹⁰ The multiple terrestrial licensee method is explained in section 1.9047(d)(1)(b) of the Commission's rules:

(b) If there are multiple co-channel licensees that collectively hold all co-channel licenses in a particular band throughout one of six GIAs, the licensees may enter into spectrum leasing arrangements only under one of the following conditions:

(continued....)

- (A) describe the nature of the leasing arrangement(s); and
- (B) demonstrate how the entirety of the GIA is covered by the leasing arrangement(s).

After uploading an attachment that addresses each of these requirements, the party should proceed with filling out the remainder of Form 608 and file when complete.

Completing Form 312

Satellite operators seeking a space station authorization to provide SCS must either request modification of a current non-geostationary orbit (NGSO) or geostationary orbit (GSO) license or grant of U.S. market access under part 25, or seek a new NGSO or GSO license or grant of U.S. market access under part 25, and must meet the requirements established in section 25.125. In addition to a comprehensive proposal for the prospective SCS system on Form 312, which has remained unchanged, satellite operators must submit additional filings pursuant to section 25.125(b)(1)-(2) and (c).

First, as part of a part 25 application, satellite operators must certify that:

- (1) A lease notification(s) or application(s), pursuant to section 1.9047 of the Commission's rules, where a single terrestrial wireless licensee holds or multiple co-channel licensees collectively hold all co-channel licenses within the relevant GIA in the bands identified in section 2.106(d)(33)(i) of the Commission's rules, or as it pertains to FirstNet, an agreement, is on file with the Commission;¹¹
- (2) The current space station licensee under this part or grantee of market access for NGSO or GSO satellite operation under part 25 seeks modification of authority to provide SCS in the same geographic areas covered in the relevant GIA, or the applicant for a space station license under this part or grant of market access for NGSO or GSO satellite operation under part 25 seeks to provide SCS in the same geographic areas covered in the relevant GIA;¹² and
- (3) SCS earth stations, as defined in section 25.103 of the Commission's rules, will qualify as "licensed by rule" earth stations under section 25.115(q).¹³

Second, as a part of a part 25 application to provide SCS, satellite operators must include a list of the file and identification numbers associated with the relevant leasing notification(s), application(s), and FCC Form 601(s), with a brief description of the coverage areas that will be served, domestically and internationally.¹⁴

Third, each SCS earth station used to provide SCS under part 25.125 must meet the equipment authorization requirements under section 25.125(e) and all equipment authorization requirements for all

(i) One licensee holding a license in the GIA must enter into an individual spectrum leasing arrangement with each of the other co-channel licensees in that GIA. The licensee may then enter into a leasing arrangement with one satellite operator; or

(ii) One satellite operator may enter into individual leasing arrangements with each of the relevant co-channel licensees that together hold all co-channel licenses on the relevant band in the GIA.

Id. § 1.9047(d)(1)(b).

¹¹ 47 CFR §§ 2.106(d)(33)(i), 25.125(b)(1)(i).

¹² *Id.* § 25.125(b)(1)(ii).

¹³ *Id.* §§ 25.103, 25.115(q), 25.125(b)(1)(iii).

¹⁴ *Id.* § 25.125(b)(2).

intended uses of the device pursuant to the procedures specified in part 2 and the requirements of at least one of part 22, 24, or 27 of the Commission's rules.¹⁵

People with Disabilities

To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice).

Contact Information

For further information, please contact Christine Parola, Attorney Advisor, Mobility Division, Wireless Telecommunications Bureau at (202) 418-7851 or Christine.Parola@fcc.gov or Stephanie Neville, Attorney Advisor, Satellite Programs and Policy Division, Space Bureau, at (202) 418-1671 or Stephanie.Neville@fcc.gov.

Privacy Act Statement

Authority. Statutory authority for these information collections is contained in 47 U.S.C. §§ 1, 4(i), 157, 301, 303, 307, 308, 309, and 310 of the Communications Act of 1934, as amended.

Purpose. In 2024, the Commission adopted new part 1 and part 25 rules to establish the process to provide SCS. The part 1 rules obligate lessees or sublessees to provide specific information in Form 608 pertaining to SCS when filing for the purpose of providing SCS. The Commission adopted this measure to allow staff to more accurately track leasing arrangements related to the provision of SCS, monitor and enforce the entry criteria that SCS providers must satisfy, and ensure that prospective providers of SCS will operate in compliance with the applicable regulatory framework. Applicants seeking a leasing arrangement for the purpose of providing SCS must complete and file Form 608 consistent with the instructions in this Public Notice and the Commission's rules. The part 25 rules require satellite operators to provide information on its Form 312 specific to its SCS operations. Applicants seeking to provide SCS must complete and file Form 312 consistent with the instructions in this Public Notice and the Commission's rules.

Routine Uses. The FCC may release information provided in the Form 608 and/or Form 312 when necessary and appropriate under 5 U.S.C. § 552a(b) of the Privacy Act to: the public as under FCC regulations requiring public disclosure of the information contained in our records; to third parties, including individuals and businesses in the communications industry and public safety, FCC vendors and their contractors, and to other federal agencies or state, local, U.S. territorial, and Tribal government entities to administer, support, participate in, or receive information related to, FCC programs and activities, or to ensure compliance with the confidentiality and other rules regarding information sharing in the FCC's programs and activities; to other federal agencies or to other administrative or adjudicative bodies before which the FCC is authorized to appear; to federal, state, local, Tribal, international, or multinational law enforcement when FCC becomes aware of an indication of a violation or potential violation of a civil or criminal statute, law, regulation, or order; to federal agencies, non-federal entities, their employees, and agents for the purpose of detecting and preventing fraud, waste, and abuse in federal programs; to non-federal personnel, including contractors, grantees, and volunteers who have been engaged to assist the FCC in the performance of a contract service, grant, cooperative agreement, or other activity related to this system of records and who need to have access to the records in order to perform their activity; and to appropriate agencies, entities, and persons when the FCC suspects or has confirmation that there has been a breach of information related to this system.

A complete list of the routine uses can be found in the systems of records notice associated with these collections: (1) FCC/WTB-1, Wireless Services Licensing Records, and (2) FCC/IB-1, International

¹⁵ *Id.* § 25.125(c), (e).

Bureau Filing System, posted at <https://www.fcc.gov/managing-director/privacy-transparency/privacy-act-information>.

Disclosure. This information collection is mandatory for applicants filing Form 608 and/or Form 312 for the purpose of providing SCS.

-FCC-



PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, DC 20554

News Media Information 202 / 418-0500
Internet: <https://www.fcc.gov>
TTY: 1-888-835-5322

DA 24-1224

Released: December 5, 2024

WIRELINE COMPETITION BUREAU SEEKS COMMENT ON SISKIYOU TELEPHONE COMPANY'S PETITION FOR WAIVER OF 47 CFR § 54.302(a) MONTHLY PER-LINE SUPPORT CAP

WC Docket No. 10-90

Comment Date: January 6, 2025

Reply Comment Date: January 21, 2025

The Wireline Competition Bureau (Bureau) seeks comment from interested parties on a petition for waiver filed by Siskiyow Telephone Company (STC).¹ STC seeks a two-year waiver of section 54.302(a) of the Commission's rules, which established a total limit on high-cost universal service support of \$200 per line, per month.²

Filing Requirements. Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. All filings must refer to **WC Docket No. 10-90**.³

- **Electronic Filers:** Comments may be filed electronically using the Commission's online Electronic Comment Filing System (ECFS): <https://www.fcc.gov/ecfs/>.⁴
- **Paper Filers:** Parties who choose to file by paper must file an original and one copy of each filing.
 - Filings can be sent by hand or messenger delivery, by commercial courier, or by the U.S. Postal Service. **All filings must be addressed to the Secretary, Federal Communications Commission.**
 - Hand-delivered or messenger-delivered paper filings for the Commission's Secretary are accepted between 8:00 a.m. and 4:00 p.m. by the FCC's mailing contractor at 9050 Junction Drive, Annapolis Junction, MD 20701. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.

¹ Siskiyow Telephone Company's Petition for Waiver of the 47 CFR § 54.302(a) Monthly Support Cap, WC Docket No. 10-90 (filed Nov. 1, 2024) (Petition).

² 47 CFR § 54.302(a); Petition at 1; *see also Connect America Fund et al.*, WC Docket No. 10-90 et al., Report and Order and Further Notice of Proposed Rulemaking, 26 FCC 17663, 17839-42, paras. 539-544 (2011) (*USF/ICC Transformation Order*); *aff'd sub nom., In re: FCC 11-161*, 753 F.3d 1015 (10th Cir. 2014).

³ All filings relating to this Public Notice should refer *only* to the docket listed here.

⁴ *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Commercial courier deliveries (any deliveries not by the U.S. Postal Service) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
- Filings sent by U.S. Postal Service First-Class Mail, Priority Mail, and Priority Mail Express must be sent to 45 L Street NE, Washington, DC 20554.
- *People with Disabilities:* To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530.

Permit but Disclose Ex Parte Communications. For the purposes of the Commission's *ex parte* rules, the petition addressed within this Public Notice will be treated as initiating a permit-but-disclose proceeding under the Commission's *ex parte* rules.⁵ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

For further information, please contact William Layton, Telecommunications Access Policy Division, Wireline Competition Bureau at william.layton@fcc.gov.

⁵ 47 C.F.R. §§ 1.1200 *et seq.*

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

In the Matter of	)	
	)	
Zebra Technologies	)	ET Docket No. 20-17
	)	
	)	
Request for Waiver of Sections 15.517(a),	)	
15.519(a)(1), or 15.250 of the Commission's Rules	)	
	)	

ORDER

Adopted: December 5, 2024

Released: December 5, 2024

By the Acting Chief, Office of Engineering and Technology:

1. By this Order, we find that there is good cause to modify our October 19, 2021, Order (Waiver Order) that granted Zebra Technologies (Zebra) a limited waiver of the Commission's part 15 rules.¹ Specifically, we update the locations where Zebra's devices may be used but do not otherwise alter their conditions of use under the waiver.

2. The Waiver Order waived Sections 15.503 and 15.519 of the Commission's rules to permit the marketing and operation of Zebra's Dart System that is designed to use the 7125-7900 megahertz band to track persons, assets, or safety equipment over a range of 100 meters to an accuracy of less than 30 centimeters. The Dart System operates on an unlicensed basis under the ultra-wideband (UWB) rules, and consists of a hub, connected by cable to multiple (four or more) receive-only devices that receive short UWB packet bursts transmitted from the associated Radio Frequency Identification (RFID) tags ("DartTags").² This set-up enables Zebra to obtain differential time of arrival calculations that provide accurate two-dimensional localization of individual assets or personnel, and has been used under the waiver by the National Football League (NFL) to generate detailed statistical information for the league.

3. The Waiver Order included multiple conditions to limit the potential for harmful interference from the Dart System to incumbent users while still allowing for its deployment in specified sports venues.³

4. On June 20, 2024, Zebra requested that we adjust the outdoor locations where the Dart System may be used.⁴ Specifically, it cites the Waiver Order's provision that "[t]he locations where the Dart system is permitted to operate outdoors only under the conditions of this waiver order, are limited to

¹ *Zebra Technologies Request for Waiver of Sections 15.517(a), 15.519(a)(1), or 15.250 of the Commission's Rules*, E.T. Docket No. 20-17, Order, 36 FCC Rcd 14588 (OET 2021).

² Waiver Order, 36 FCC Rcd at 14589.

³ *Id.*, 36 FCC Rcd at 14594-96.

⁴ Letter from Tony S. Lee, Counsel for Zebra Technologies, Fletcher, Heald & Hildreth, to Marlene H. Dortch, Secretary, FCC, ET Docket No. 20-17, at 1 (filed June. 20, 2024) (Zebra June 20, 2024 *Ex Parte*).

NFL game venues, NFL practice venues, one Senior Bowl venue, and college sports venues as specified in Zebra's Ex parte filed September 27, 2021" and accompanying statement that "[a]ny request by Zebra to modify or add to this list may be approved by the FCC in coordination with NTIA."⁵

5. Zebra states that it intends to add seven new locations to the list of approved sports venues where the Dart system is permitted to operate. In particular, it seeks to use the Dart System at specified locations in Canton, Ohio; Woodland Hills, California; Los Angeles, California; El Segundo, California; Spartanburg, South Carolina; Orchard Park, New York; and Nashville, Tennessee.⁶ Zebra clarifies that it is not requesting any changes to the operational parameters as approved in the Waiver Order and it is not seeking to expand the use of its system to any additional sports categories.⁷ Zebra further states that the Dart System will be used as outlined in the Waiver Order and that its request is simply to update the list of permitted locations.⁸ Zebra purports that the newly requested sites are not located near any restricted areas set forth in the Waiver Order and therefore no concerns would be raised by the instant request regarding operation near government facilities.⁹ We concur and detail our reasoning below.

6. We find that the particular circumstances and analysis that supported the Waiver Order for the previous list of sports venues also support a grant of this new list of additional sites supplied by Zebra. As an initial matter, the modifications represent the type of routine adjustments that one would expect from a 32-team professional sports league, including changes to training camp and practice facility locations. In two cases, the construction of new stadiums adjacent to existing facilities are prompting a slight change to the coordinates associated with those sites. Thus, it is clear that the proposed modifications are not a pretext to fundamentally alter the nature or scope of what Zebra is already permitted to do under its existing waiver. Moreover, we agree with Zebra that the new locations are not near any of the restricted governmental locations outlined in the conditions of the Waiver Order, and thus the requested revision to the locations does not raise new or novel concerns. For these reasons, and because there are no requested changes to the technical parameters of the device and the remaining conditions are consistent with the existing record of the docket – including information Zebra previously included in its original request and was subject to public comment – we conclude that this request falls well within the scope of the facts and issues that we had previously considered and approved.

7. We are authorized to grant a waiver under Section 1.3 of the Commission's rules if the petitioner demonstrates good cause for such action.¹⁰ Good cause, in turn, may be found and a waiver granted "where particular facts would make strict compliance inconsistent with the public interest."¹¹ To

⁵ Zebra June 20, 2024 *Ex Parte* at 1 (referencing Waiver Order, 36 FCC Rcd at 14594, para. 20, condition 9).

⁶ *Id.* at 2.

⁷ *Id.*

⁸ *Id.* As part of these updates, Zebra also proposes to remove the LA Rams' former Thousand Oaks practice facility from the list of permitted locations.

⁹ *Id.*, citing conditions 15 and 16 in the Waiver Order that describe locations of governmental facilities and designated areas where additional protections are needed.

¹⁰ 47 CFR § 1.3. *See also* *ICO Global Communications (Holdings) Limited v. FCC*, 428 F.3d 264 (D.C. Cir. 2005); *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164 (D.C. Cir. 1990); *WAIT Radio v. FCC*, 418 F.2d 1153 (D.C. Cir. 1969).

¹¹ *Northeast Cellular*, 897 F.2d at 1166; *see also* *ICO Global Communications*, 428 F.3d at 269 (quoting *Northeast Cellular*); *WAIT Radio*, 418 F.2d at 1157-59.

make this public interest determination, the waiver cannot undermine the purposes of the rule, and there must be a stronger public interest benefit in granting the waiver than in applying the rule.¹²

8. We find that, in granting Zebra's request, the waiver standards that we previously determined had been met will continue to be satisfied. That is, these minor updates will not undermine the purpose of the technical requirements for hand held UWB systems, i.e., to prevent harmful interference to authorized services.¹³ Because these modifications are in the nature of updates and do not alter the fundamental scope or purpose of Zebra's operations, the public interest benefits we previously identified remain valid.

9. As previously discussed in the Waiver Order, the likelihood of harmful interference from the Dart System is extremely low due to a number of factors, including rapid signal attenuation due to the propagation characteristics at 7125-7900 megahertz coupled with the relatively low EIRP limits,¹⁴ the signal propagation path attenuation provided by the stadium structure relative to free space, the DartTag duty cycle of less than 0.4 percent of total on airtime, the nature of the operation of the Dart System for outdoor sports venues is infrequently scheduled with relatively few locations,¹⁵ and under the conditions that limit how the device may be operated.¹⁶ Therefore the technical merits of the Dart System have previously been evaluated and here the outstanding issue would have to do with the location restrictions and coordination requirements in the original waiver conditions. Conditions 15 and 16 of the Waiver Order requires Dart System to avoid deployment within 20 km of the radio astronomy sites and 10 km of five locations, respectively.¹⁷ The new NFL sites are more than 200 kilometers away from these Federal government restricted areas and sites where coordination is required.¹⁸ Therefore, we find that this request falls well within the established technical and operational parameters of the original waiver order and no further interference analysis is required. As a result, we will permit the operation of the Zebra Dart System at the seven newly requested sites and modify condition 9 of the Waiver Order to update the reference to the complete list of sites where the Zebra Dart System is permitted to operate.

10. We therefore modify the Waiver Order to update the reference in condition 9 which will permit seven new locations for the Dart System to operate in sports venues. The modifications to the conditions in the Waiver Order are to read as follows:

¹² See, e.g., *WAIT Radio*, 418 F.2d at 1157 (stating that even though the overall objectives of a general rule have been adjudged to be in the public interest, it is possible that application of the rule to a specific case may not serve the public interest if an applicant's proposal does not undermine the public interest policy served by the rule); *Northeast Cellular*, 897 F.2d at 1166 (stating that in granting a waiver, an agency must explain why deviation from the general rule better serves the public interest than would strict adherence to the rule).

¹³ See 47 C.F.R. § 15.519.

¹⁴ Waiver Order, 36 FCC Rcd at 14592-93, para. 16 (analyzing the propagation characteristics in the 7125-7900 MHz band with respect to the Zebra system, determining that the maximum unwanted power from a DartTag transmitter into an Earth station receiver located 500 meters distant or greater will be at least 31 dB below the thermal noise floor and that a fixed receiver at 500 meters away will be receiving the maximum unwanted power of 21dB below the thermal noise floor from a DartTag transmitter, and concluding that operation of the Dart System would not pose a threat of harmful interference).

¹⁵ *Id.*

¹⁶ *Id.*, 36 FCC Rcd at 14594-96.

¹⁷ *Id.*, 36 FCC Rcd at 14595-96, para. 20, conditions 15 and 16.

¹⁸ FCC Staff used Google Earth software package to plot the new NFL sites using lat- long coordinates as provided in Zebra's *Ex Parte*. The Federal Government sites, coordination areas, and avoidance areas were then plotted using the coordinates laid out in condition 15 and 16 of the Waiver Order. Distance measurements between the NFL sites and the Federal Government areas were then calculated using Google Earth's "Ruler" function. The distances measurements provided were based on the "Map Length" feature and were performed in kilometers.

9) The locations where the Dart system is permitted to operate outdoors only under the conditions of this waiver order, are limited to NFL game venues, NFL practice venues, one Senior Bowl venue, and college sports venues as specified in Zebra's original ex parte filed September 27, 2021 and modified by its June 20, 2024 ex parte. Any request by Zebra to modify or add to this list may be approved by the FCC in coordination with NTIA.

11. Accordingly, pursuant to authority delegated in Sections 0.31 and 0.241 of the Commission's rules, 47 CFR §§ 0.31, 0.241, and Section 1.3 of the Commission's rules, 47 CFR § 1.3, IT IS ORDERED that Zebra Technologies' June 20, 2024 request to operate at seven additional sites and modify the scope of condition 9 from OET's October 19, 2021, Waiver Order IS GRANTED consistent with the terms of this Order. This action is taken pursuant to Sections 4(i), 302, 303(e), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. Sections 154(i), 302, 303(e), and 303(r). This action is effective upon release of this Order.

12. IT IS FURTHER ORDERED that, if no applications for review are timely filed, this proceeding SHALL BE TERMINATED, and the docket CLOSED.

FEDERAL COMMUNICATIONS COMMISSION

Ira Keltz
Acting Chief
Office of Engineering and Technology



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
45 L STREET NE
WASHINGTON D.C. 20554

News media information 202-418-0500
Internet: <http://www.fcc.gov> (or <ftp.fcc.gov>)
TTY (202) 418-2555

DA No. 24-1226

Report No. SAT-01878

Friday December 6, 2024

Satellite Licensing Division and Satellite Programs and Policy Division Information

Actions Taken

The Commission, by its Space Bureau, took the following actions pursuant to delegated authority. The effective date of these actions is the release date of this Notice, except where an effective date is specified.

SAT-STA-20241010-00222	E S2380	Intelsat License LLC	
Special Temporary Authority			
Grant of Authority			Effective Date: 12/04/2024

Nature of Service: Fixed Satellite Service

On December 4, 2024, the Satellite Programs and Policy Division granted, with conditions, Intelsat License LLC's request for special temporary authority, for 180 days, to operate Intelsat 9 at the 66.25° E.L. orbital location. Intelsat 9 provides fixed-satellite service at the 66.25° E.L. orbital location in the 3700-4200 MHz (space-to-Earth), 5925-6425 MHz (Earth-to-space), 11.45-11.7 GHz (space-to-Earth), 11.7-12.2 GHz (space-to-Earth), and 14.0-14.5 GHz (Earth-to-space) frequency bands. Intelsat 9 performs telemetry, tracking, and command operations using the following center frequencies: 11.7005 GHz and 11.7020 GHz (space-to-Earth); and 14.0005 GHz and 14.4945 GHz (Earth-to-space).

SAT-STA-20241101-00246	E S2751	Intelsat License LLC	
Special Temporary Authority			
Grant of Authority			Effective Date: 12/02/2024

On December 2, 2024, the Satellite Programs and Policy Division granted, with conditions, special temporary authority to Intelsat License LLC, for a period of 30 days, to conduct telemetry, tracking and command (TT&C) operations necessary to drift Intelsat 28 from the 32.8° E.L. orbital location to the 31.7° W.L. orbital location using the following center frequencies: 13947.5 MHz, 3950 MHz, 3952.5 MHz (space-to-Earth), 6173.7 MHz and 6176.3 MHz (Earth-to-space).

SAT-STA-20241108-00255	E S3042	HawkEye 360, Inc.	
Special Temporary Authority			
Grant of Authority			Effective Date: 12/02/2024

Nature of Service: Earth Exploration Satellite Service

On December 2, 2024, the Satellite Programs and Policy Division granted, with conditions, special temporary authority to HawkEye 360, Inc., for a period of up to 60 days, to operate the Cluster 4 satellites at orbital altitudes down to 250 km.

SAT-STA-20241122-00266 E S3032 BlackSky Global LLC

Special Temporary Authority

Grant of Authority

Effective Date: 12/04/2024

Nature of Service: Earth Exploration Satellite Service

On December 4, 2024, the Satellite Programs and Policy Division granted, with conditions, special temporary authority to BlackSky Global LLC, for an additional period of up to thirty days, to operate the BlackSky Global 20 satellite at altitudes ranging between 340 km and 385 km.

SAT-STA-20241126-00271 E S2253 Intelsat License LLC

Special Temporary Authority

Grant of Authority

Effective Date: 12/05/2024

On December 5, 2024, the Satellite Programs and Policy Division granted, with conditions, special temporary authority to Intelsat License LLC, for an additional period of 30 days, to conduct telemetry, tracking and command (TT&C) operations necessary to deorbit Galaxy 11 from the 166.3° E.L. orbital location. Intelsat conducts TT&C using the following center frequencies: 11.701 GHz and 11.702 GHz (space-to-Earth); and 14.0005 GHz and 14.4985 GHz (Earth-to-space).

INFORMATIVE

SAT-LOA-20241007-00214 S3209 Pixxel Space Technologies, Inc.

The above-captioned proceeding is designated as “permit-but-disclose” for purposes of the Commission’s rules governing ex parte communications. We find that designating this proceeding as “permit-but-disclose” will facilitate the resolution of the complex policy issues raised by the application. Thus, we designate the above-captioned application as “permit-but-disclose,” effective December 6, 2024. See 47 CFR 1.1200(a), 1.1206, and 1.1208 note 2. This action is without prejudice to any determination regarding the processing of the application.

SAT-LOA-20241030-00243 S3210 Logos Space Services, Inc.

The above-captioned proceeding is designated as “permit-but-disclose” for purposes of the Commission’s rules governing ex parte communications. We find that designating this proceeding as “permit-but-disclose” will facilitate the resolution of the complex policy issues raised by the application. Thus, we designate the above-captioned application as “permit-but-disclose,” effective December 6, 2024. See 47 CFR 1.1200(a), 1.1206, and 1.1208 note 2. This action is without prejudice to any determination regarding the processing of the application.

For more information concerning this Notice, contact the Satellite Licensing Division and Satellite Programs and Policy Division at (202) 418-0719.

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

In re Applications of	)	
	)	
KHQ, Incorporated	)	Acct. No. 202441420020
For Renewal of License of	)	FRN: 0001582816
Station KHQ-TV, Spokane, Washington;	)	Facility ID Nos. 34537, 12395, and 12427
Station KNDO(TV), Yakima, Washington; and	)	LMS File Nos. 0000201144, 0000201146,
Station KNDU(TV), Richland, Washington	)	and 0000201147

ORDER

Adopted: December 17, 2024

Released: December 17, 2024

By the Chief, Video Division, Media Bureau:

1. In this Order, we adopt the attached Consent Decree entered into by the Media Bureau (Bureau) and KHQ, Incorporated (Licensee), licensee of full power commercial television stations KHQ-TV, Spokane, Washington (KHQ); KNDO(TV), Yakima, Washington (KNDO); and KNDU(TV), Richland, Washington (KNDU) (collectively, “Stations”). The Consent Decree resolves issues arising from the Bureau’s review of the captioned license renewal applications (Applications) for the Stations.¹ In particular, the Consent Decree resolves the Bureau’s investigation of the Licensee’s compliance with (1) section 73.3514(a) of the Commission’s rules (Rules), which requires licensees to provide complete responses in applications² and (2) section 73.3526(e)(11)(i) of the Rules, which requires stations to maintain an online public inspection file (OPIF) and upload issues/programs lists into that file on a quarterly basis.³

2. The Bureau and the Licensee have negotiated the attached Consent Decree in which the Licensee stipulates that it violated sections 73.3514(a) and 73.3526(e)(11)(i) of the Rules. Pursuant to the Consent Decree, the Licensee agrees, among other things, to make a civil penalty payment to the United States Treasury in the amount of Twenty-Nine Thousand Dollars (\$29,000) and implement a compliance plan to ensure future compliance with the Commission’s OPIF and disclosure rules. The Bureau agrees to terminate its Investigation and grant the Application.

3. After reviewing the terms of the Consent Decree, we find that the public interest will be served by its approval and by terminating all pending proceedings relating to the Bureau’s consideration of potential violations of the Rules. Based on the record before us, we also conclude that nothing in that record creates a substantial and material question of fact as to whether the Licensee possesses the basic qualifications to remain a Commission licensee and that grant of the Applications is consistent with section 309(k) of the Communications Act of 1934, as amended.⁴

¹ Applications of KHQ, Incorporated for Renewal of License as Amended, LMS File Nos. 0000201144, 0000201146, 0000201147 (filed Sep. 29, 2022) (Applications).

² 47 CFR § 73.3514(a)

³ 47 CFR § 73.3526(e)(11)(i).

⁴ In evaluating an application for license renewal, the Commission’s decision is governed by section 309(k) of the Act. 47 U.S.C. § 309(k). That section provides that if, upon consideration of the application and pleadings, we find that: (1) the station has served the public interest, convenience, and necessity; (2) there have been no serious violations of the Act or the Rules; and (3) there have been no other violations which, taken together, constitute a pattern of abuse, 47 U.S.C. § 309(k)(1). If, however, the licensee fails to meet that standard, the Commission may
(continued....)

4. **ACCORDINGLY, IT IS ORDERED** that, pursuant to sections 4(i) of the Communications Act of 1934, as amended,⁵ and by the authority delegated by sections 0.61, 0.204, 0.283, and 1.93(b) of the Commission's rules,⁶ the Consent Decree attached hereto **IS ADOPTED** without change, addition, or modification and its terms are incorporated by reference.

5. **IT IS FURTHER ORDERED** that the investigation by the Media Bureau of the matters noted above **IS TERMINATED**.

6. **IT IS FURTHER ORDERED** that pursuant to section 309(k)(2) of the Communications Act of 1934, as amended,⁷ the applications of KHQ, Incorporated for renewal of license, as captioned above, **ARE GRANTED** subject to the terms and conditions of the attached Consent Decree.

7. **IT IS FURTHER ORDERED** that copies of this Order shall be sent, by First Class and Certified Mail, Return Receipt Requested, to Neal Boling, KHQ, Incorporated, P.O. Box 600, Spokane. A copy will also be sent to Stations' counsel, Christina Burrow, Esq., Legal Counsel, Cooley LLP, 1299 Pennsylvania Avenue, NW, Suite 700, Washington, DC 20004 and by e-mail to cburrow@coolery.com.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman
Chief, Video Division
Media Bureau

deny the application—after notice and opportunity for a hearing under section 309(e) of the Act—or grant the application “on terms and conditions as are appropriate, including renewal for a term less than the maximum otherwise permitted.” 47 U.S.C. §§ 309(k)(2), 309(k)(3).

⁵ 47 U.S.C. §§ 154(i), 154(j), 503(b).

⁶ 47 CFR §§ 0.61, 0.204, 0.283, 1.93(b).

⁷ 47 U.S.C. § 309(k).

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

In re Applications of	)	
	)	
KHQ, Incorporated	)	Acct. No. 202441420020
For Renewal of License of	)	FRN: 0001582816
Station KHQ-TV, Spokane, Washington;	)	Facility ID Nos. 34537, 12395, and 12427
Station KNDO(TV), Yakima, Washington; and	)	LMS File Nos. 0000201144, 0000201146,
Station KNDU(TV), Richland, Washington	)	and 0000201147

CONSENT DECREE

1. The Media Bureau of the Federal Communications Commission and KHQ, Incorporated (hereafter “Licensee,” as defined below), by their authorized representatives, hereby enter into this Consent Decree for the purpose of terminating the Media Bureau’s investigation into the Licensee’s compliance with section 73.3514(a) of the Commission’s rules (hereafter “Rules,” as defined below),¹ relating to its failure to fully disclose its violations and section 73.3526(e)(11)(i) of the Rules,² relating to its untimely uploading of its issues/programs lists to the above captioned stations’ online public inspection file. To resolve this matter, the Licensee agrees to pay a civil penalty payment to the United States Treasury in the amount of Twenty-Nine Thousand Dollars (\$29,000) and implement a comprehensive Compliance Plan to ensure its future compliance with sections 73.3514(a) and 73.3526(e)(11)(i) of the Rules. The Media Bureau agrees to terminate its investigation and grant the stations’ pending license renewal applications, subject to the terms and conditions set forth below.

I. DEFINITIONS

2. For the purposes of this Consent Decree, the following definitions shall apply:
- (a) “Act” means the Communications Act of 1934, as amended, 47 U.S.C. § 151 *et seq.*
 - (b) “Adopting Order” means an Order of the Bureau adopting the terms of this Consent Decree without change, addition, deletion, or modification.
 - (c) “Applications” means applications of KHQ, Incorporated, for renewal of the television broadcast licenses for stations KHQ-TV, Spokane, Washington (Facility ID No. 34537), LMS File No. 0000201144; KNDO(TV), Yakima, Washington (Facility ID No. 12395) LMS File No. 0000201146; and KNDU(TV), Richland, Washington (Facility ID No. 12427), LMS File No. 0000201147.
 - (d) “Bureau” means the Media Bureau of the Commission.
 - (e) “Commission” or “FCC” means the Federal Communications Commission and all of its bureaus and offices.
 - (f) “Communications Laws” means collectively, the Act, the Rules, and the published and promulgated orders and decisions of the Commission to which the Licensee is subject by virtue of it being a Commission licensee.
 - (g) “Compliance Plan” means the processes and procedures developed by the Licensee in an effort to ensure compliance with 47 CFR §§ 73.3514(a) and 73.3526(e) generally, including 47 CFR § 73.3526(e)(11)(i).

¹ 47 CFR § 73.3514(a).

² 47 CFR §§ 73.3514(a), 73.3526(e)(11)(i).

- (h) “Compliance Officer” means a responsible party employed by the Licensee to be responsible for developing, implementing, and administering the Compliance Plan and ensuring that the Licensee complies with the terms and conditions of the Compliance Plan and this Consent Decree.
- (i) “Covered Employees” means all employees, volunteers, and agents of the Licensee, who are responsible for performing, supervising, overseeing, or managing activities related to the maintenance of the Station’s online public inspection files, as required by the OPIF Rule or compliance with the Information Rule.
- (j) “Division” means the Video Division of the Media Bureau of the Commission.
- (k) “Effective Date” means the date on which the Bureau releases the Adopting Order.
- (l) “Information Rule” means 47 CFR § 73.3514(a).
- (m) “Investigation” means the Bureau’s decision to hold and not process the Licensee’s Applications due to noncompliance with 47 CFR §§ 73.3514(a) and 73.3526(e)(11)(i).
- (n) “Issues and Programs Lists Rule” means the requirements detailed in 47 CFR § 73.3526(e)(11)(i).
- (o) “Licensee” means KHQ, Incorporated, and its affiliates, subsidiaries, predecessors-in-interest, and successors-in-interest.
- (p) “OPIF” means the respective station’s online public inspection file as defined by 47 CFR § 73.3526.
- (q) “OPIF Rule” means the requirements detailed in 47 CFR § 73.3526 in its entirety.
- (r) “Parties” means the Licensee and the Bureau, each of which is a “Party.”
- (s) “Rules” means the Commission’s regulations found in Title 47 of the Code of Federal Regulations.
- (t) “Stations” means KHQ-TV, Spokane, Washington (Facility ID No. 34537); KNDO(TV), Yakima, Washington (Facility ID No. 12395); and KNDU(TV), Richland, Washington (Facility ID No. 12427). Individually the Stations are referred to as KHQ-TV, KNDO, and KNDU, respectively.

II. BACKGROUND

3. Section 73.3514(a) of the Rules provides that “[e]ach application shall include all information called for by the particular form on which the application is required to be filed”³ Section 73.3526(e)(11)(i) of the Rules requires every full power commercial television licensee to place in its OPIF, on a quarterly basis, an issues/programs list that details programs that have provided the station’s most significant treatment of community issues during the preceding three month period and must include a brief narrative of the issues addressed, as well as the time, date, duration, and title of each program in which the issues were treated.⁴ Issues/programs lists must be placed in the station’s OPIF by the tenth day of the succeeding calendar quarter and copies must be retained until final action on the station’s next license renewal application.⁵

4. On September 29, 2022, the Licensee timely filed the Applications. In the Applications, the Licensee certified “Yes” to the statement that “the documentation, required by 47 C.F.R. Section

³ 47 CFR § 73.3514(a).

⁴ 47 CFR § 73.3526(e)(11)(i).

⁵ *Id.*

73.3526...has been uploaded to the station's public inspection file when required.” However, a review by Division staff identified several late and missing issues/programs lists. Based on the Licensee’s failure to comply with the Issues and Programs Lists Rule and Information Rule, the Division commenced the Investigation and suspended processing the Applications. The Division staff inspection of the Stations’ OPIFs identified the following late filed issues/programs lists:

- KHQ-TV’s OPIF included three issues/programs lists that were filed over one year late.
- KNDU’s OPIF included three issues/programs lists that were filed under one month late, six issues/programs lists that were filed between one month and one year late, and seven issues/programs lists that were filed over one year late.
- KNDO’s OPIF included five issues/programs lists that were filed under one month late, seven issues/programs lists that were filed between one month and one year late, and nine issues/programs lists over one year late.

5. At the request of Division staff, the Licensee submitted the missing issues/programs lists on March 23, 2023, and amended the Applications on November 5, 2024 to change its certifications that “the documentation, required by 47 C.F.R. Section 73.3526...has been uploaded to the station's public inspection file when required” from “Yes” to “No.” The Licensee also provided attachments to the Applications disclosing the late filed issues/programs lists. As of the date of the Adopting Order, all required documents have been placed in the Stations’ OPIF.

6. The Bureau and the Licensee have negotiated the terms of the Consent Decree, subject to specific terms and conditions, by which the Bureau will terminate the Investigation into the matters discussed above and grant the Applications. In consideration, the Licensee agrees to implement and maintain a Compliance Plan designed to ensure its future compliance with the Rules and has agreed to pay a civil penalty in the amount of Twenty-Nine Thousand Dollars (\$29,000) to the United States Treasury.

III. TERMS OF AGREEMENT

7. **Adopting Order.** The Parties agree that the provisions of this Consent Decree shall be incorporated by reference by the Bureau in an Adopting Order without change, addition, deletion, modification.

8. **Jurisdiction.** The Licensee agrees that the Bureau has jurisdiction over it and the matters contained in this Consent Decree and has the authority to enter into and adopt this Consent Decree.

9. **Effective Date.** The Parties agree that this Consent Decree shall become effective on the Effective Date, as defined herein. As of the Effective Date, the Parties agree that this Consent Decree shall have the same force and effect as any other order of the Commission.

10. **Violations.** The Parties agree that any violation of the Adopting Order or the terms of this Consent Decree, in whole or in part, shall constitute a separate violation of a Commission order, entitling the Commission, or its delegated authority to exercise any rights and remedies attendant to the enforcement of a Commission order.

11. **Admission of Liability.** The Licensee admits for the purpose of this Consent Decree and for Commission civil enforcement purposes that its actions described in Paragraphs 3 to 5 violated the Information Rule and Issues Programs Lists Rule. By entering into this Consent Decree, the Licensee makes no other admission of liability of any Communications Law, and the Bureau makes no finding of any other liability or violation.

12. **Termination of Investigation.** In express reliance on the covenants and representations in this Consent Decree and to avoid further expenditure of public resources, the Bureau agrees to terminate the Investigation and to take the actions specified in Paragraph 18. In consideration for the termination of the Investigation, the Licensee agrees to the terms, conditions, and procedures contained herein, including the actions specified in Paragraphs 15, 16, and 19-22 of this Consent Decree.

13. The Bureau further agrees that, in the absence of new material evidence, the Bureau will not use the facts developed in this Investigation through the Effective Date, or the existence of this Consent Decree, to institute, on its own motion or in response to any petition to deny or other third-party objection, any new proceeding, formal or informal, or take any action on its own motion against the Licensee concerning the matters that were the subject of the Investigation. The Bureau also agrees that, in the absence of new material evidence, it will not use the facts developed in the Investigation through the Effective Date, or the existence of this Consent Decree, to institute on its own motion any proceeding, formal or informal, or to set for hearing the question of the Licensee's basic qualifications to be a Commission licensee or to hold Commission licenses or authorizations.⁶ However, in the event of any future violations by the Licensee, the Commission or its delegated entity may consider the Licensee's admission in this consent decree as a basis for considering its history of compliance with the Rules in order to determine an appropriate forfeiture amount.⁷

14. **Subsequent Investigations.** This Consent Decree shall not prevent the Commission or its delegated authority from investigating new evidence of noncompliance by the Licensee with the Rules or Act or from adjudicating complaints or other adjudicatory pleadings filed by third parties against the Licensee for alleged violations of the Communications Laws or for any alleged misconduct, regardless of when such misconduct took place. Except as expressly provided herein, the Commission's adjudication of any complaints or potential violations will be based solely on the record developed in subsequent proceedings. .

15. **Civil Penalty.** The Licensee agrees to make a civil penalty payment to the United States Treasury in the amount of Twenty-Nine Thousand Dollars (\$29,000) within thirty (30) days of the Effective Date. It also acknowledges and agrees that upon execution of this Consent Decree, the Civil Penalty shall become a "Claim" or "Debt" as defined in section 3701(b)(1) of the Debt Collection Improvement Act of 1996.⁸ **The Licensee shall send electronic notification of payment to VideoCompliance@fcc.gov on the date payment is made.** Payment of the civil penalty must be made by credit card, ACH (Automated Clearing House) debit from a bank account using CORES (the Commission's online payment system),⁹ or by wire transfer. Payments by check or money order are no longer accepted. Below are instructions that the Licensee should follow based on the form of payment selected:¹⁰

- Payment by wire transfer must be made to ABA Number 021030004, receiving bank TREAS/ NYC, and Account Number 270000001. A completed FCC Form 159 must be faxed to the Federal Communications Commission at 202-418-2843 or e-mailed to RROGWireFaxes@fcc.gov on the same business day the wire transfer is initiated. Failure to provide all required information in Form 159 may result in payment not being recognized as having been received. When completing Form 159, enter the Account Number captioned above in block number 23A (call sign/other ID), enter the letters "FORF" in block number 24A (payment type code), and enter in block number 11 the FRN(s) captioned above (Payor

⁶ See 47 CFR § 1.93(b).

⁷ The Commission may adjust its base forfeiture amount upward or downward by considering the factors enumerated in section 503(b)(2)(E) of the Act, including "the nature, circumstances, extent and gravity of the violation, and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require." 47 U.S.C. § 503(b)(2)(E). See *Forfeiture Policy Statement and Amendment of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines*, Report and Order, 12 FCC Rcd 17087 (1997), recon. denied, 15 FCC Rcd 303 (1999); 47 CFR § 1.80(b) (b)(11), Table 1 and Table 3.

⁸ Debt Collection Improvement Act of 1996, Pub. L. No. 104-134, 110 Stat. 1321, 1358 (Apr. 26, 1996).

⁹ Payments made using CORES do not require the submission of an FCC Form 159.

¹⁰ For questions regarding payment procedures, please contact the Financial Operations Group Help Desk by phone at 1-877-480-3201 (option #6), or by e-mail at ARINQUIRIES@fcc.gov.

FRN).¹¹ For additional detail and wire transfer instructions, go to <https://www.fcc.gov/licensing-databases/fees/wire-transfer>.

- Payment by credit card must be made by using the Commission's Registration System (CORES) at <https://apps.fcc.gov/cores/userLogin.do>. To pay by credit card, log-in using the FCC Username associated to the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select "Manage Existing FRNs | FRN Financial | Bills & Fees" from the CORES Menu, then select FRN Financial and the view/make payments option next to the FRN. Select the "Open Bills" tab and find the bill number associated with the Consent Decree. The bill number is the Acct. No. (e.g., Acct. No. 1912345678 would be associated with FCC Bill Number 1912345678) captioned above. After selecting the bill for payment, choose the "Pay by Credit Card" option. Please note that there is a \$24,999.99 limit on credit card transactions.
- Payment by ACH must be made by using the Commission's Registration System (CORES) at <https://apps.fcc.gov/cores/paymentFrnLogin.do>. To pay by ACH, log in using the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select "Manage Existing FRNs | FRN Financial | Bills & Fees" on the CORES Menu, then select FRN Financial and the view/make payments option next to the FRN. Select the "Open Bills" tab and find the bill number associated with the Consent Decree. The bill number is the Acct. No. (e.g., NAL/Acct. No. 1912345678 would be associated with FCC Bill Number 1912345678) captioned above. Finally, choose the "Pay from Bank Account" option. Please contact the appropriate financial institution to confirm the correct Routing Number and the correct account number from which payment will be made and verify with that financial institution that the designated account has authorization to accept ACH transactions.

16. Requests for full payment of the forfeiture amount agreed in this Consent Decree under an installment plan should be sent to: Associate Managing Director-Financial Operations, 45 L Street, NE, Washington, DC 20554.¹² **An electronic copy of the request must also be sent to VideoCompliance@fcc.gov.** Questions regarding payment procedures should be directed to the Financial Operations Group Help Desk by phone, 1-877-480-3201 (option #6), or by e-mail at ARINQUIRIES@fcc.gov.

- Requests can be sent by hand or messenger delivery, by commercial courier, or by the U.S. Postal Service. All filings must be addressed to the Secretary, Federal Communications Commission.
 - Hand-delivered or messenger-delivered paper filings for the Commission's Secretary are accepted between 8:00 a.m. and 4:00 p.m. by the FCC's mailing contractor at 9050 Junction Drive, Annapolis Junction, MD 20701. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.¹³
 - Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
 - Postal Service first-class, Express, and Priority mail must be addressed to 45 L Street, NE, Washington, DC 20554.

17. **Event of Default.** The Parties agree that an "Event of Default" shall occur upon the

¹¹ Instructions for completing the form may be obtained at <https://www.fcc.gov/Forms/Form159/159.pdf>.

¹² See 47 CFR § 1.1914.

¹³ Hand-delivered or messenger delivered paper filings continue to NOT be accepted at FCC Headquarters.

failure by the Licensee to pay the full amount of the Civil Penalty on or before the due date specified in Paragraph 15. After an Event of Default has occurred under this Consent Decree, the unpaid amount of the Civil Penalty shall accrue interest, computed using the U.S. Prime Rate in effect on the date of the Event of Default plus 4.75%, from the date of the Event of Default until payment in full. Upon an Event of Default, the then unpaid amount of the Civil Penalty, together with interest, any penalties permitted and/or required by the law, including but not limited to 31 U.S.C. § 3717 and administrative charges, plus the costs of collection, litigation, and attorneys' fees, shall become immediately due and payable, without notice, presentment, demand, protest, or notice of protest of any kind, all of which are waived by the Licensee.

18. **Grant of Applications.** In the Adopting Order, the Bureau has determined that grant of the Applications is in the public interest, convenience, and necessity, and consistent with 47 U.S.C. § 309(k). The Bureau agrees to grant the Applications, for a full license term of eight years from the prior license expiration date, concurrent with adoption of this Consent Decree. The license renewal authorizations will be conditioned on compliance with all the terms and conditions of this Consent Decree, including the terms of Paragraph 16.

19. **Compliance Plan.** For purposes of settling the matters set forth herein, the Licensee agrees that it shall, within 30 calendar days after the Effective Date, develop and implement a Compliance Plan designed to ensure future compliance with the Information Rule and the OPIF Rule, including but not limited to the Issues and Programs Lists Rule, and with the terms and conditions of this Consent Decree. The Compliance Plan shall solely apply to the Stations as defined in Paragraph 2(t) of the Consent Decree. The Compliance Plan shall contain, at a minimum, the following elements:

- (a) **Compliance Officer.** Within 30 calendar days after the Effective Date, the Licensee shall designate a responsible party employed (on a full time, part-time, or contract basis) to serve as a Compliance Officer and to discharge the duties set forth below. The Compliance Officer must be provided all necessary corporate and organizational authority to ensure they are able to discharge their duties. The Compliance Officer shall report directly to the Licensee's President (or equivalent senior officer/owner) on a regular basis, and shall be responsible for developing, implementing, and administering the Compliance Plan and ensuring that the Licensee complies with the terms and conditions of the Compliance Plan and this Consent Decree. The Compliance Officer shall have specific knowledge of the Commission's Information Rule and OPIF Rule, including but not limited to the Issues and Programs Lists Rule, prior to assuming their duties.
 - a. The name and contact information (mailing address, phone number, and electronic mail address) of the Compliance Officer must be submitted to the Bureau within thirty (30) calendar days after the Effective Date by electronic mail at VideoCompliance@fcc.gov.
 - b. In the event of a change in the Compliance Officer, the Licensee shall designate a new Compliance Officer and inform the Bureau by electronic mail at VideoCompliance@fcc.gov within thirty (30) calendar days of the change. The notification must include the name and contact information (physical mailing address, phone number, and electronic mail address) of the new Compliance Officer.
- (b) **Compliance Manual.** Within sixty (60) calendar days after the Effective Date, the Compliance Officer shall develop and distribute a Compliance Manual to all Covered Employees. The Compliance Officer shall distribute a Compliance Manual that they have personally prepared or one that has been prepared by a third party, such as a trade association or a law firm. The Compliance Manual shall:
 - i. thoroughly explain the requirements embodied in the he Information Rule and

OPIF Rule, including but not limited to the Issues and Programs Lists Rule;

- ii. contain operating procedures that Covered Employees must follow to help ensure the Licensee's compliance with the Information Rule and OPIF Rule, including but not limited to the Issues and Programs Lists Rule. The operating procedures shall include internal procedures and policies specifically designed to ensure that the Licensee's Stations' upload all required information to their OPIF in a timely manner and otherwise maintains full, complete, and up to date information therein. The operating procedures shall also include a compliance checklist that describes the steps that a Covered Employee must follow to ensure compliance with the Information Rule and the OPIF Rule; and
 - iii. be reviewed at least every six months by the Compliance Officer and revised as necessary to ensure that the information set forth therein remains current, complete, accurate, and effective. The Compliance Officer shall distribute any revisions to the Compliance Manual within five (5) business days of any updates to all Covered Employees.
- (c) **Compliance Training Program.** The Licensee shall establish and implement a Compliance Training Program on compliance with the Information Rule and OPIF Rule, including but not limited to the Issues and Programs Lists Rule. As part of the Compliance Training Program, Covered Employees shall be advised of the Licensee's obligation to report any noncompliance with the Information Rule and OPIF Rule, and shall be instructed on how to disclose noncompliance to the Compliance Officer. All Covered Employees shall receive initial training under the Compliance Training Program within ninety (90) calendar days after the Effective Date, except that any person who becomes a Covered Employee at any time after such initial training is provided shall receive training under the Compliance Training Program within thirty (30) calendar days after the date they become a Covered Employee. The Licensee shall provide the Compliance Training Program to all Covered Employees on at least an annual basis, and it shall review and revise the Compliance Training Program, as necessary, to ensure that it remains current, complete, and effective.
- (d) **Compliance Report.** The Licensee shall submit a Compliance Report to the Bureau one year after the Effective Date and annually thereafter on the anniversary of the Effective Date through the Termination Date as defined in Paragraph 21. The Compliance Report shall contain a certification of compliance with the Information Rule and OPIF Rule, including but not limited to the Issues and Programs Lists Rule, during the previous year. The Compliance Report shall include a certification by the Compliance Officer stating that the Compliance Officer has personal knowledge that the Licensee: (i) has established and implemented the Compliance Plan; (ii) has utilized the Operating Procedures since the implementation of the Compliance Plan; and (iii) is not aware of any instances of noncompliance with the terms and conditions of this Consent Decree beyond those reported under Paragraph 20. For any instance of noncompliance, including those already reported to the Bureau under Paragraph 20, the Compliance Officer must explain (i) the steps that Licensee has taken or will take to remedy such noncompliance, including the schedule on which proposed remedial actions will be taken, and (ii) the steps that have or will be taken to prevent the recurrence of any such noncompliance, including the schedule on which such preventative action will be taken. The Compliance Officer's certification must comply with section 1.16 of the Rules and be subscribed to as true under penalty of perjury.¹⁴ The Bureau may, within its sole discretion, require the Licensee to submit documentation or material that supports the certification being

¹⁴ 47 CFR § 1.16.

provided by the Compliance Officer. The Compliance Report shall be submitted to VideoCompliance@fcc.gov.

20. **Reporting Noncompliance.** The Licensee shall report any instance of noncompliance with the OPIF Rule, and any instance of noncompliance with any applicable terms and conditions of this Consent Decree within ten (10) calendar days after discovery of such noncompliance. Such reports shall include a detailed explanation of: (i) each such instance of noncompliance; (ii) the steps that the Licensee has taken or will take to remedy such noncompliance, including the schedule on which such actions will be taken; and (iii) the steps that the Licensee has taken or will take to prevent the recurrence of any such noncompliance, including the schedule on which such preventative action will be taken. All reports of noncompliance shall be submitted to VideoCompliance@fcc.gov.

21. **Termination Date.** The obligations to which the Licensee is subject pursuant to this Consent Decree shall terminate two years after the Effective Date (“Termination Date”), provided the Bureau is satisfied that the Licensee has demonstrated substantial compliance with its obligations. If the Bureau is not satisfied that the Licensee has demonstrated substantial compliance with its obligations, the Bureau may, within its sole discretion and authority, extend the Termination Date for up to an additional twenty-four (24) months.

22. **Placement of Consent Decree in OPIF.** Within 30 days of the Effective Date the Licensee shall place in the Stations’ OPIFs a copy of this Consent Decree in the folder entitled “FCC Investigations or Complaints.” The Consent Decree shall be retained in the Stations’ OPIFs until grant of the Stations’ next license renewal applications.¹⁵

23. **Further Violation(s).** The Licensee acknowledges that the Bureau retains the discretion and authority to propose sanctions against the Licensee, including the issuance of notices of apparent liability for forfeitures, for any apparent willful and/or repeated violation by the Licensee of the OPIF Rule that occurs during the term of this Consent Decree.

24. **Waivers.** As of the Effective Date, the Licensee waives any and all rights it may have to seek administrative or judicial reconsideration, review, appeal, or stay, or to otherwise challenge or contest the validity of this Consent Decree and the Adopting Order. The Licensee shall retain the right to challenge Commission interpretation of the Consent Decree or any terms contained herein. If either Party (or the United States on behalf of the Commission) brings a judicial action to enforce the terms of the Consent Decree or Adopting Order, neither the Licensee nor the Commission shall contest the validity of the Consent Decree or the Adopting Order, and the Licensee shall waive any statutory right to a trial *de novo*. The Licensee hereby agrees to waive any claims it may have under the Equal Access to Justice Act¹⁶ relating to the matters addressed in this Consent Decree.

25. **Severability.** The Parties agree that if any of the provisions of the Consent Decree shall be held unenforceable by any court of competent jurisdiction, such unenforceability shall not render unenforceable the entire Consent Decree, but rather the entire Consent Decree shall be construed as if not containing the particular unenforceable provision or provisions, and the rights and obligations of the Parties shall be construed and enforced accordingly.

26. **Invalidity.** In the event that this Consent Decree in its entirety is rendered invalid by any court of competent jurisdiction, it shall become null and void and may not be used in any manner in any legal proceeding.

27. **Subsequent Rule or Order.** The Parties agree that if any provision of this Consent Decree conflicts with any subsequent Rule or Order adopted by the Commission (except an order

¹⁵ See 47 CFR § 73.3526(e)(10) (requiring stations to place in their OPIF “[m]aterial relating to FCC investigation or complaint” and instructing that such material “be retained until the applicant, permittee, or licensee is notified in writing that the material may be discarded”).

¹⁶ See 5 U.S.C. § 504; 47 CFR §§ 1.1501-1.1530.

specifically intended to revise the terms of this Consent Decree to which the Licensee does not expressly consent) or any federal law or regulation, that provision will be superseded by such Rule or Order.

28. **Successors and Assigns.** The Licensee agrees that the provisions of this Consent Decree shall be binding on its successors, assigns, and transferees unless otherwise agreed to by the Commission or Bureau.

29. **Final Settlement.** The Parties agree and acknowledge that this Consent Decree shall constitute a final settlement between the Parties with respect to the Investigation.

30. **Modifications.** This Consent Decree cannot be modified without the advance written consent of both Parties.

31. **Paragraph Headings.** The headings of the paragraphs in this Consent Decree are inserted for convenience only and are not intended to affect the meaning or interpretation of this Consent Decree.

32. **Authorized Representative.** Each Party represents and warrants to the other that it has full power and authority to enter into this Consent Decree. Each person signing this Consent Decree on behalf of a Party hereby represents that he or she is fully authorized by the Party to execute this Consent Decree and to bind the Party to its terms and conditions.

33. **Counterparts.** This Consent Decree may be signed in counterpart (including electronically or by facsimile). Each counterpart, when executed and delivered, shall be an original, and all of the counterparts together shall constitute one and the same fully executed instrument.

Federal Communications Commission

By:

Barbara A. Kreisman
Chief, Video Division
Media Bureau

Date

KHQ, Incorporated.

By:

Neal Boling
President
KHQ, Inc. and Cowles Montana Media Company

Date



PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, DC 20554

News Media Information 202 / 418-0500
Internet: <https://www.fcc.gov>

DA 24-1229

Released: December 6, 2024

WIRELINE COMPETITION BUREAU REMINDS SECURE AND TRUSTED COMMUNICATIONS NETWORKS REIMBURSEMENT PROGRAM RECIPIENTS OF THEIR JANUARY 3, 2025 STATUS UPDATE FILING OBLIGATION

WC Docket No. 18-89

The Wireline Competition Bureau (Bureau) reminds Recipients¹ in the Secure and Trusted Communications Networks Reimbursement Program (Reimbursement Program) of their obligation to file status updates with the Federal Communications Commission every 90 days, beginning on the date on which the Bureau approved Recipients' applications, until the obligation to file expires.² All Recipients were required to file the last status update on or before October 7, 2024.³ Accordingly, all Recipients must file their next status update on or before January 3, 2025.⁴ For additional information about Reimbursement Program filing requirements, please refer to the *Initial Status Update PN*.⁵

Recipients will submit status updates through the online portal, <https://fccprod.servicenowservices.com/scrp> (Supply Chain Reimbursement Program Online Portal) by

¹ The Secure and Trusted Communications Networks Act of 2019, as amended, defines "recipient" as "any provider of advanced communications service the application of which for a reimbursement under the [Reimbursement] Program has been approved by the Commission, regardless of whether the provider has received reimbursement funds." Secure and Trusted Communications Act of 2019, Pub. L. No. 116-124, 134 Stat. 158, § 9(11) (2019) (codified as amended at 47 U.S.C. § 1608(11)), as amended by Consolidated Appropriations Act, 2021, Pub. L. No. 116-260, § 901, 134 Stat. 1182 (2021); *see also* 47 CFR § 1.50001(h) ("The term 'Reimbursement Program recipient' or 'recipient' means an eligible advanced communications service provider that has requested via application and been approved for funding in the Reimbursement Program, regardless of whether the provider has received reimbursement funds.").

² 47 CFR § 1.50004(k) (requiring Reimbursement Program recipients to "file a status update with the Commission 90 days after the date on which the Wireline Competition Bureau approves the recipient's application for reimbursement and every 90 days thereafter, until the recipient has filed the final certification").

³ *See Wireline Competition Bureau Reminds Secure and Trusted Communications Networks Reimbursement Program Recipients of their October 7, 2024 Status Update Filing Obligation*, WC Docket No. 18-89, Public Notice, DA 24-540 (WCB Sept. 6, 2024) (*September 2024 Status Update PN*). The *September 2024 Status Update PN* and other Reimbursement Program releases are available on the Commission's website via <https://www.fcc.gov/supplychain/reimbursement>.

⁴ The deadline of January 3, 2025 is 90 days after the actual deadline for the last status update, which was October 5, 2024, though submissions were allowed on October 7, 2024 because October 5, 2024 fell on a Sunday. *See* 47 CFR § 1.4(e)(1), (j) (describing the computation of Commission deadlines that would fall on a holiday, and defining "holiday" to include weekend days).

⁵ *See Wireline Competition Bureau Reminds Secure and Trusted Communications Networks Reimbursement Program Recipients of their Status Update Filing Obligation*, WC Docket No. 18-89, Public Notice, DA 22-967 (WCB Sept. 16, 2022) (*Initial Status Update PN*).

completing FCC Form 5640 Part K: Status Updates. Requests for confidential treatment must be submitted by filing a written request electronically in WC Docket No. 18-89 in the Commission's Electronic Comment Filing System (ECFS), <https://www.fcc.gov/ecfs>.

Additional Information and Resources. Recipients with questions may contact the Fund Administrator Help Desk by email at SCRPFundAdmin@fcc.gov or by calling (202) 418-7540 from 9:00 AM ET to 5:00 PM ET, Monday through Friday, except for Federal holidays. General information and Commission documents regarding the Reimbursement Program are available on the Reimbursement Program webpage, <https://www.fcc.gov/supplychain/reimbursement>.

-FCC-



PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, DC 20554

News Media Information 202-418-0500
Internet: www.fcc.gov
TTY: 888-835-5322

DA 24-1230

Released: December 6, 2024

WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON MECHANISM AND CRITERIA FOR SELECTING SPACE LAUNCH FREQUENCY COORDINATOR

WT Docket No. 24-687

Comment Date: 30 days after Federal Register publication

By the Chief, Wireless Telecommunications Bureau:

By this Public Notice, as directed by the Commission in the *Second Report and Order* in this proceeding,¹ the Wireless Telecommunications Bureau (Bureau) proposes and seeks comment on the mechanism and criteria for selecting the third-party frequency coordinator for the new commercial Space Launch Service. After reviewing the record, the Bureau will issue subsequent public notice(s) that announces the criteria for selection of the frequency coordinator, as well as a filing window for submission of applications to serve as the space launch frequency coordinator. The Bureau also proposes that the applicant selected to serve as the third-party space launch frequency coordinator will be required to execute a Memorandum of Understanding with the Commission. The Bureau issues this Public Notice at this time as part of an effort to meet the statutorily mandated deadlines set forth in the Launch Communications Act.²

I. BACKGROUND

In the *Second Report and Order*, the Commission adopted a new secondary allocation in the 2025–2110 MHz band for non-Federal Space Operation and, for the 2200–2290 MHz band, made the entire band available for secondary non-Federal Space Operation.³ The Commission also adopted a licensing framework for these two bands under a new part 26 Space Launch Service.⁴ Under the framework, eligible space launch operators seeking authorization in either band will: (1) apply for and

¹ See *Allocation of Spectrum for Non-Federal Space Launch Operations*, Second Report and Order and Second Further Notice of Proposed Rulemaking, ET Docket No. 13-115, FCC 23-76, 38 FCC Rcd 9029 (2023) (*Second Report and Order*). The Commission delegated authority to the Bureau to issue a public notice seeking comment on the circumstances attending the designation of the third-party space launch frequency coordinator, including a mechanism for selecting the frequency coordinator. 47 CFR § 0.331(g); *Second Report and Order*, 38 FCC Rcd at 9075, para. 122. This delegated authority is in addition to that the Bureau already possesses to certify and oversee frequency coordinators in the services it administers. See 47 CFR § 0.131(m).

² Launch Communications Act, Pub. L. No. 118-85, 138 Stat. 1546 (LCA).

³ See generally *Second Report and Order*.

⁴ We note that throughout this Public Notice, any references to sections 26.106, 26.108, 26.202 and 26.301 of title 47, Code of Federal Regulations, are to those rules as adopted by the Commission in the *Second Report and Order*, Appx. A. We clarify that these rules are not yet effective because they require review by the Office of Management and Budget for purposes of compliance with the Paperwork Reduction Act. After OMB approval, these rules will be codified in the Code of Federal Regulations.

obtain a non-exclusive nationwide license in the Commission's Universal Licensing System (ULS);⁵ (2) register in ULS their launch sites and operational parameters, space launch vehicle stations, and each corresponding station (fixed, base, itinerant, or mobile) needed to support a launch;⁶ (3) complete a frequency coordination process using a third-party frequency coordinator;⁷ and (4) following successful coordination, register in ULS the technical and operating parameters associated with each specific coordinated launch prior to commencing operations.⁸ A space launch operator must register the final coordinated technical parameters in ULS to be authorized to commence launch operations.⁹ The *Second Report and Order* requires that a single third-party frequency coordinator shepherd both federal and non-federal coordination on a post-grant, per-launch basis.¹⁰ Requirements for the third-party frequency coordinator are set forth in Commission rule section 26.202,¹¹ adopted in the *Second Report and Order*.¹²

Federal Coordination. Pursuant to the *Second Report and Order*, federal coordination is required on a per-launch basis in both the 2025–2110 MHz and 2200–2290 MHz bands, to be initiated after the launch operator has registered its applicable site and station information in ULS.¹³ Once the third-party frequency coordinator verifies that the operator is licensed and that the request is consistent with the Commission's rules, it will initiate coordination with the National Telecommunications and Information Administration (NTIA).¹⁴ For federal coordination in both bands, the third-party frequency coordinator may provide a showing that the operational and technical parameters of a proposed launch are consistent with a prior successful coordination and that the space launch licensee continues to comply with any conditions or agreements resulting from such prior coordination, or that its proposed launch is covered by an applicable coordination agreement with co-frequency entities.¹⁵

Non-Federal Coordination. Pursuant to the *Second Report and Order*, non-federal coordination is required in the 2025–2110 MHz band.¹⁶ Once a launch operator has registered its site and station information and submitted its coordination request to the third-party frequency coordinator, the coordinator will verify that the operator is licensed and that the request is consistent with the Commission's rules, and then contact the Society of Broadcast Engineers (SBE) Frequency Coordination Manager and the relevant SBE local market coordinator to initiate coordination for the local launch site.¹⁷ There is no requirement to conduct per-launch coordination with non-federal users in the 2025–2110 MHz band if the launch operator can demonstrate its proposed uplink operations meet the protection criteria by providing a showing to the third-party frequency coordinator that: (a) it has previously coordinated its proposed operations with the SBE Frequency Coordination Manager and continues to comply with any conditions or agreements resulting from such prior coordination; (b) it has ascertained

⁵ 47 CFR § 26.103; *Second Report and Order*, 38 FCC Rcd at 9056–57, para. 75.

⁶ 47 CFR § 26.108(b); *Second Report and Order*, 38 FCC Rcd at 9056–57, para. 75.

⁷ 47 CFR § 26.202; *Second Report and Order*, 38 FCC Rcd at 9072–73, para. 115.

⁸ 47 CFR §§ 26.107, 26.108(b); *Second Report and Order*, 38 FCC Rcd at 9064, para. 95.

⁹ 47 CFR § 26.107; *Second Report and Order*, 38 FCC Rcd at 9064, para. 95.

¹⁰ *Second Report and Order*, 38 FCC Rcd at 9072–73, paras. 114–15.

¹¹ 47 CFR § 26.202.

¹² *Second Report and Order*, 38 FCC Rcd at 9068–75, paras. 106–122, Appx. A.

¹³ 47 CFR § 26.202(b)(2)(A), (c)(1)(A); *Second Report and Order*, 38 FCC Rcd at 9044–45, 9072, 9074–76, paras. 114, 120–21.

¹⁴ 47 CFR § 26.202(b)(2)(A), (c)(1)(A); *Second Report and Order*, 38 FCC Rcd at 9074–75, paras. 120–21.

¹⁵ 47 CFR § 26.202(b)(2)(B), (c)(1)(B).

¹⁶ *Id.* § 26.202(b)(1)(A); *Second Report and Order*, 38 FCC Rcd at 9073, para. 118.

¹⁷ *Id.* The SBE Frequency Coordination Manager is the Broadcast Auxiliary Service (BAS) frequency coordinator.

that its proposal will not constrain, preclude, nor interfere with incumbents in the band, including Broadcast Auxiliary Service licensees, Cable Television Relay Service licensees, and Local Television Transmission Service licensees; and (c) it has demonstrated in a technical showing that its proposed operation will not create more than 0.5 dB increase in the noise threshold of a receiver at a fixed or temporary fixed electronic news gathering receive site.¹⁸

Launch Communications Act. Following the Commission's adoption of the *Second Report and Order*, Congress enacted the Launch Communications Act (LCA) on September 26, 2024.¹⁹ The LCA requires Commission action with respect to three frequency bands: the 2025–2110 MHz and 2200–2290 MHz bands that were the subject of the *Second Report and Order*, and the 2360–2395 MHz band, upon which the Commission sought comment in the *Second Further Notice*.²⁰ The LCA first requires the Commission to, within 90 days of enactment, allocate each of these bands on a secondary basis for commercial space launches and reentries, and complete any proceeding in effect related to the adoption of service rules for these three bands.²¹ In order to meet the 90-day requirement, we anticipate that the Commission would benefit from development of a record that includes the issues included in this *Public Notice*.

In a companion Public Notice released today, the Bureau on delegated authority proposes and seeks comment on licensing and coordination procedures for the space launch service, which currently applies to the 2025–2110 MHz and 2200–2290 MHz bands.²² In the event the Commission incorporates the 2360–2395 MHz band into the part 26 Space Launch Service licensing framework, the Bureau also includes in that separate Public Notice proposed licensing and coordination procedures for the 2360–2395 MHz band.²³ We take the same approach in this Public Notice, where any proposals assume that a third party frequency coordinator will have responsibilities to coordinate, per the LCA, requests for space launch operations in three bands: 2025–2110 MHz, 2200–2290 MHz, and 2360–2395 MHz. We note that any such procedures, data requirements etc., set forth in this and the Bureau's companion Public Notice, are subject to Commission action taken pursuant to the LCA's requirements.²⁴

The LCA also requires the Commission to issue, within 180 days of the LCA's enactment, new regulations that streamline the process for granting authorizations for access to the three bands.²⁵ These new regulations must provide for, among other things, improved coordination by the Commission with NTIA to increase the speed of review of space launch applications, including coordination to increase automation similar to the automation described in the Commission's service rules for the 70/80/90 GHz service.²⁶ The 70/80/90 GHz service allows use of the millimeter wave spectrum in the 71–76 GHz, 81–86 GHz, and 92–95 GHz bands on a shared basis with Federal operations.²⁷ A licensee seeking authorization in those bands must complete coordination with NTIA by registering individual links in a

¹⁸ 47 CFR § 26.202(b)(1)(B); *Second Report and Order*, 38 FCC Rcd at 9073, para. 118.

¹⁹ See generally LCA.

²⁰ *Id.* § 2(c).

²¹ *Id.* § 2(a)(1)(A), (B).

²² See *Wireless Telecommunications Bureau Seeks Comment on Licensing and Coordination Procedures for the Space Launch Service*, Public Notice, ET Docket No. 13-115, DA 24-1232 (WTB 2024).

²³ See *id.*

²⁴ See *id.*

²⁵ LCA § 2(b).

²⁶ *Id.* § 2(b)(5).

²⁷ *Allocations and Service Rules for the 71–76 GHz, 81–86 GHz and 92–95 GHz Bands*, WT Docket No. 02-146, Report and Order, 18 FCC Rcd 23318, 23324, para. 10 (2003) (*70/80/90 GHz Order*).

database administered by third-party database managers.²⁸ The database managers have access to NTIA's automated coordination mechanism, and the database serves as a clearinghouse and repository of site path information to manage the coordination of Federal Government operations and non-Federal Government links.²⁹ Given the LCA's requirement that, within 180 days of enactment, the Commission improve coordination with NTIA for space launch operations by increasing automation, we propose below to require the Space Launch Frequency Coordinator to have the willingness and capability to interface with any such automated process developed by NTIA for coordination of requests related to space launch operation in any of the three LCA bands.³⁰

In the interim, the Bureau hereby fulfills the Commission's directive from the *Second Report and Order* to seek comment on the circumstances attending the designation of the space launch frequency coordinator.³¹ To reiterate, these proposals and any subsequent final action taken through subsequent Bureau public notice(s) following review of the record, including those specifically relating to the 2360–2395 MHz band, are subject to forthcoming Commission action taken pursuant to the LCA's requirements.

II. SELECTING THE SPACE LAUNCH FREQUENCY COORDINATOR

The Bureau proposes and seeks comment on the mechanism for selecting the space launch frequency coordinator and the minimum industry and technical expertise that parties interested in being designated as the space launch frequency coordinator must demonstrate. After reviewing the record developed in response to this Public Notice, the Bureau will issue subsequent public notice(s) announcing the mechanism and criteria for selection of the frequency coordinator, as well as a filing window for applications to serve as space launch frequency coordinator.³² The Bureau proposes that the applicant selected from this process to serve as space launch frequency coordinator will be required to execute a Memorandum of Understanding with the Commission, formally memorializing its duties and obligations.³³

A. Mechanism for Selection of the Space Launch Frequency Coordinator

First, we propose to rely on a mechanism for selecting a third-party frequency coordinator similar to those we have successfully implemented in other radio services where the Bureau was tasked with

²⁸ 70/80/90 GHz Order, 18 FCC Rcd at 23338–39, paras 44–47.

²⁹ *Id.* In these bands, NTIA's automated coordination mechanism works as follows: If a proposed link does not interfere with existing federal operations, it is given a "green light," and the link is successfully registered and protected in NTIA's system for 60 days. *Id.* at 23341–42, paras. 54–56. If the link may interfere with existing federal operations, it is given a "yellow light," indicating that the licensee must file a registration application for the link with the FCC, which then submits the application to NTIA for coordination through the existing Interdepartment Radio Advisory Committee (IRAC) process. *Id.* at 23341–42, paras. 54–56.

³⁰ LCA § 2(b)(5). If NTIA's automated system includes an automated "yellow light" response, the Space Launch Frequency Coordinator will work with the licensee and NTIA to shepherd the request and any necessary modifications through further federal coordination.

³¹ 47 CFR § 0.331(g); *Second Report and Order*, 38 FCC Rcd at 9075, para. 122.

³² See *Wireless Telecommunications Bureau Opens Filing Window for Requests to Be the Frequency Coordinator for Med. Body Area Networks*, Public Notice, ET Docket No. 08-59, 29 FCC Rcd 13750 (WTB 2014) (specifying qualifying criteria and required application contents for selecting a frequency coordinator in the Medical Body Area Network service and announcing a filing window for applications); *Wireless Telecommunications Bureau Opens Filing Window*, Public Notice, DA 00-2013, 15 FCC Rcd 19038 (WTB 2000) (specifying qualifying criteria and required application contents for serving as frequency coordinator in the Wireless Medical Telemetry Service and announcing a filing window for applications).

³³ Pursuant to the Commission's statutory obligation to increase automation in NTIA coordination, the Memorandum of Understanding will require the selected space launch frequency coordinator to complete NTIA coordination using any automated coordination process that NTIA develops. See LCA § 2(b)(5).

designating a single frequency coordinator.³⁴ Following those prior examples, we propose to require interested parties to file applications electronically using the Commission's Electronic Comment Filing System (ECFS) in WT Docket 24-687, that include the following information:³⁵

1. A description of the entity requesting to be space launch frequency coordinator and its qualifications, including how it meets or will meet minimum qualifying criteria ultimately specified by the Bureau;
2. How the applicant will prevent conflicts of interest;
3. A proposed fee structure; and
4. The length of time before the applicant will be able to begin duties as the space launch frequency coordinator.

We seek comment on this approach, including on the information interested parties should file, and whether additional information should be required to assist the Bureau in making a selection. How should conflicts of interest be defined? How can we ensure that the frequency coordinator administers its responsibilities in a neutral and non-discriminatory manner? Should the Bureau impose any limits on fee structures, including whether fees can be charged on a per application basis, or adopt any deadline by which an applicant must be able to begin its duties as the space launch frequency coordinator? How should applicants demonstrate an ability to complete frequency coordination using an NTIA automated process, one of the minimum qualifying criteria proposed below, such that the Commission can fulfill its statutory obligation to increase automation in NTIA coordination similar to the automation in the 70/80/90 GHz service rules?³⁶

B. Minimum Qualifying Criteria

Next, we propose minimum qualifying criteria for entities interested in being designated as the space launch frequency coordinator. Interested parties would be required to demonstrate in their applications the extent to which they meet the following qualifications:

1. Ability to implement a mechanism to receive technical data from licensees and maintain a database of transmitter locations and operational parameters;
2. Knowledge of or experience with wireless telemetry;
3. Knowledge of or experience with space launch and aerospace transmissions;
4. Technical expertise in analyzing and avoiding interference between licensees/operators in various frequency bands;
5. Knowledge of frequency coordination processes;
6. Willingness and capability to complete coordination using machine-to-machine interface with any NTIA automated coordination process, and the ability to promptly notify the licensee of the response from the automated coordination process;
7. Ability to address requests for operation at launch sites that potentially could be located anywhere in the United States and its territories; and
8. Experience analyzing and interpreting FCC rules and policies.

³⁴ See, e.g., *Amend. of the Commission's Rules to Provide Spectrum for the Operation of Medical Body Area Networks*, Order on Reconsideration and Second Report and Order, ET Docket No. 08-59, 29 FCC Rcd 10662, 10681, para. 58 (2014); *Amend. of Parts 2 & 95 of Commission's Rules to Create A Wireless Med. Telemetry Serv.*, Report and Order, ET Docket No. 99-255, 15 FCC Rcd 11206, 11218–19, para. 36 (2000).

³⁵ We anticipate that the information requested to establish qualifications to be the third-party space launch frequency coordinator will not be confidential in nature. Parties are permitted, however, to seek confidential treatment pursuant to Commission rule 0.459, 47 CFR § 0.459.

³⁶ See LCA § 2(b)(5); 47 CFR § 101.1523(b)(3).

The Bureau seeks comment on the above proposals and any alternatives to the proposed selection mechanism and minimum qualifying criteria.

Paperwork Reduction Act. The Public Notice may contain proposed modified information collection requirements. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget to comment on the information collection requirements contained in this document, as required by the Paperwork Reduction Act of 1995, Public Law 104-13. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, *see* 44 U.S.C. 3506(c)(4), we seek specific comment on how we might further reduce the information collection burden for small business concerns with fewer than 25 employees.

Regulatory Flexibility Act. The Regulatory Flexibility Act of 1980, as amended (RFA),³⁷ requires that an agency prepare a regulatory flexibility analysis for notice and comment rulemakings, unless the agency certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.³⁸ If an agency files a certification with a rulemaking, the certification must contain a statement that provides a factual basis for its conclusion that there will not be significant economic impact on a substantial number of small entities.³⁹ Accordingly, the Commission has prepared an Initial Regulatory Flexibility Certification (IRFC) certifying that any rules subject to the RFA that may be contained in this Public Notice will not have a significant economic impact on a substantial number of small entities. The IRFC is set forth in Appendix A below.

Providing Accountability Through Transparency Act. Consistent with the Providing Accountability Through Transparency Act, Public Law 118-9, a summary of this document will be available on <https://www.fcc.gov/proposed-rulemakings>.

Filing Requirements. Interested parties may file comments, identified by WT Docket No. 24-687, on or before the date indicated on the first page of this document by any of the following methods:⁴⁰

- Comments may be filed using the Commission's Electronic Comment Filing System (ECFS).⁴¹
- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <https://www.fcc.gov/ecfs/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing.
 - Filings can be sent by hand or messenger delivery, by commercial courier, or by the U.S. Postal Service. **All filings must be addressed to the Secretary, Federal Communications Commission.**
 - Hand-delivered or messenger-delivered paper filings for the Commission's Secretary are accepted between 8:00 a.m. and 4:00 p.m. by the FCC's mailing contractor at 9050 Junction Drive, Annapolis Junction, MD 20701. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
 - Commercial courier deliveries (any deliveries not by the U.S. Postal Service) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.

³⁷ 5 U.S.C. § 603. The RFA, 5 U.S.C. §§ 601–612, was amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Pub. L. No. 104-121, Title II, 110 Stat. 857 (1996).

³⁸ *Id.* § 605(b).

³⁹ *Id.*

⁴⁰ *See* 47 CFR §§ 1.2, 1.405, and 1.419.

⁴¹ *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121–01 (1998).

- Filings sent by U.S. Postal Service First-Class Mail, Priority Mail, and Priority Mail Express must be sent to 45 L St. NE, Washington, DC 20554.

People with Disabilities. To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice).

Ex Parte Rules. The proceeding this Notice initiates shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.⁴² Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made; and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda, or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with section 1.1206(b) of the Commission’s rules. In proceedings governed by section 1.49(f) of the rules or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf).⁴³ Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules.

For further information regarding this proceeding, please contact Mark DeSantis, Mobility Division, Wireless Telecommunications Bureau at Mark.DeSantis@fcc.gov or (202) 418-0678.

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⁴² 47 CFR §§ 1.1200 *et seq.*

⁴³ *Id.* § 1.1206(b).

APPENDIX A

Initial Regulatory Flexibility Certification

1. The Regulatory Flexibility Act of 1980, as amended (RFA),¹ requires that a regulatory flexibility analysis be prepared for notice-and-comment rulemaking proceedings, unless the agency certifies that “the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.”² The RFA generally defines the term “small entity” as having the same meaning as the terms “small business,” “small organization,” and “small governmental jurisdiction.”³ In addition, the term “small business” has the same meaning as the term “small business concerns” under the Small Business Act.⁴ A “small business concern” is one that: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA).⁵

2. The two statutorily-mandated criteria to be applied in determining the need for an RFA analysis are: (1) whether the proposed rules, if adopted, would have a significant economic effect; and (2) if so, whether the economic effect would directly affect a substantial number of small entities.⁶ For the reasons discussed below, we have determined that the rules and policies proposed in the *Wireless Telecommunications Bureau Seeks Comment on Mechanism and Criteria for Selecting Space Launch Frequency Coordinator Public Notice (Frequency Coordinator Selection Public Notice)* will not have a significant economic impact on a substantial number of small entities. Accordingly, the Wireless Telecommunications Bureau (Bureau) has prepared this Initial Regulatory Flexibility Certification (IRFC).

3. In September 2023, the Commission adopted rules to make the entire 2025–2110 MHz and 2200–2290 MHz bands available for non-federal space launch operations.⁷ In so doing, the Commission adopted a new rule part 26 for the newly created Space Launch Service; added a secondary non-Federal Space Operation allocation to the 2025–2110 MHz band; added a secondary non-Federal Mobile allocation to the 2200–2290 MHz band; removed the restriction on use of the secondary non-Federal Space Operation allocation to four channels; adopted a ten-year license term for commercial space launch operation; established an application process modeled after the licensing framework for the 3650–3700 MHz band; and adopted operation and service rules for this new part 26 Space Launch Service.⁸

¹ 5 U.S.C. §§ 601–612. The RFA has been amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Pub. L. No. 104-121, Title II, 110 Stat. 857 (1996).

² 5 U.S.C. § 605(b).

³ *Id.* § 601(6).

⁴ *Id.* § 601(3) (incorporating by reference the definition of “small-business concern” in the Small Business Act, 15 U.S.C. § 632). Pursuant to 5 U.S.C. § 601(3), the statutory definition of a small business applies “unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the Federal Register.”

⁵ 15 U.S.C. § 632.

⁶ 5 U.S.C. § 603, *et seq.* See also *Mid-Tex Electric Cooperative, Inc., v. FERC*, 773 F.2d 327, 342–343 (D.C. Cir. 1985) (*Mid-Tex Electric*).

⁷ See *Allocation of Spectrum for Non-Federal Space Launch Operations*, Second Report and Order and Second Further Notice of Proposed Rulemaking, ET Docket No. 13-115, FCC 23-76, 38 FCC Rcd 9029 (2023) (*Second Report and Order*).

⁸ See generally *Second Report and Order*.

4. Under the part 26 service rules adopted by the Commission, space launch licensees are required to comply with post-license grant coordination requirements for each launch. The post-license grant coordination regime will be facilitated by a single third-party space launch frequency coordinator in a two-part process: (1) for the 2025–2110 MHz band, a site-specific coordination of the operator’s stations and launch parameters with BAS operations that requires the operator to submit its registered sites and stations to the designated third-party coordinator to initiate a launch coordination request(s); and (2) for both the 2025–2110 MHz and 2200–2290 MHz bands, coordination on a per-launch basis with NTIA unless not required by applicable coordination agreements with co-frequency entities or prior coordination.⁹

5. In short, the rules adopted in the *Second Report and Order* provide much needed updates to spectrum allocation and licensing for commercial space launch operations that will foster innovation, investment, and growth in the United States commercial space launch industry. In adopting those rules, the Commission delegated authority to the Bureau to issue a public notice seeking comment on the circumstances attending the designation of the third-party space launch frequency coordinator, including a mechanism for selecting the frequency coordinator.¹⁰

6. In the *Frequency Coordinator Selection Public Notice*, we propose and seek comment on the mechanism for selecting the space launch frequency coordinator and the minimum industry and technical expertise that parties interested in being designated as the space launch frequency coordinator must demonstrate. After reviewing the record developed in response to the *Frequency Coordinator Selection Public Notice*, the Bureau will issue subsequent public notice(s) announcing the mechanism and criteria for selection of the frequency coordinator, as well as a filing window for applications to serve as space launch frequency coordinator. The Bureau proposes that the applicant selected from this process to serve as space launch frequency coordinator will be required to execute a Memorandum of Understanding with the Commission, formally memorializing its duties and obligations.

7. The entities subject to the proposals, some of which are small entities, are frequency coordination organizations. We do not expect the proposed processes to have a significant economic impact on such entities. For example, in the procedures proposed in the *Frequency Coordinator Selection Public Notice*, these entities would engage in a one-time application process on a voluntary basis and, upon certification, the selected space launch frequency coordinator would have the ability to charge a fee to recoup the costs of the frequency coordination services it provides. For those small entities opting to participate in the process as applicants, this approach would both greatly reduce economic burdens, which could lead to a potential increase in applications by such entities.

8. Accordingly, based on our application of the two statutorily-mandated criteria to our proposed processes, we conclude that any rules subject to the Regulatory Flexibility Act that may be proposed in the *Frequency Coordinator Selection Public Notice* will not have a significant economic impact on a substantial number of small entities. We therefore certify that the processes proposed in the *Frequency Coordinator Selection Public Notice* will not have a significant economic impact on a substantial number of small entities.

9. The *Frequency Coordinator Selection Public Notice* and this IRFC will be sent to the Chief Counsel for Advocacy of the SBA and will be published in the Federal Register.¹¹

⁹ 47 CFR § 26.202(b), (c); *Second Report and Order*, 38 FCC Rcd at 9072–73, para. 115.

¹⁰ 47 CFR § 0.331(g); *Second Report and Order*, 38 FCC Rcd at 9075, para. 122.

¹¹ 5 U.S.C. § 605(b).



PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, DC 20554

News Media Information 202 / 418-0500
Internet: <https://www.fcc.gov>

DA 24-1231

Released: December 6, 2024

MEDIA BUREAU SEEKS COMMENT ON NATIONAL ASSOCIATION OF BROADCASTERS REQUEST FOR EXPEDITED RETROACTIVE WAIVER EXTENSION

MB Docket No. 12-107

Comments Due: December 13, 2024

Reply Comments Due: December 18, 2024

The Media Bureau seeks comment on a National Association of Broadcasters (NAB) request filed November 27, 2024 for an expedited retroactive extension of the waiver of a rule that requires broadcasters to provide an aural representation of visual, non-textual emergency information, such as radar maps or other graphics, on a secondary audio stream (Request).¹ The waiver expired on November 26, 2024. The Media Bureau previously sought comment on a separate NAB petition filed November 15, 2024 requesting modification of that rule and waiver of the rule for 18 months (Petition).² The Request indicates that because the waiver expired during the comment period on the Petition, “numerous large television station groups have ceased the display of such weather radar maps and similar visual images,” which “will harm the public.”³ Accordingly, we seek comment on whether to grant a retroactive extension of the previous waiver,⁴ pending action on the Petition. In response to this Public Notice, commenters should limit their submissions to the question of whether the Bureau should grant a retroactive extension of the waiver, and if so, the appropriate timeframe of such a waiver. Broader issues relevant to resolution of the Petition should be addressed in response to the November 25, 2024 Public Notice.

Filing Requirements. All filings responsive to this Public Notice must reference MB Docket No. 12-107. Pursuant to sections 1.415 and 1.419 of the Commission’s rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission’s Electronic Comment Filing System (ECFS). See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing

¹ Request for Expedited Retroactive Extension of Waiver of the National Association of Broadcasters, MB Docket No. 12-107 (filed Nov. 27, 2024) (Request); 47 CFR § 79.2(b)(2)(ii).

² Media Bureau Seeks Comment on National Association of Broadcasters Petition for Rulemaking and Extension of Waiver of Accessible Emergency Requirements, Public Notice, MB Docket No. 12-107, DA 24-1184 (rel. Nov. 25, 2024). See also Petition for Rulemaking and Extension of Waiver of the National Association of Broadcasters, MB Docket No. 12-107 (filed Nov. 15, 2024). Comments on the Petition are due December 26, 2024, and reply comments are due January 9, 2025.

³ Request at 2.

⁴ See *Accessible Emergency Information, and Apparatus Requirements for Emergency Information and Video Description: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010*, Memorandum Opinion and Order, 38 FCC Rcd 4982 (2023).

the ECFS: <http://apps.fcc.gov/ecfs/>.

- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing.
- Filings can be sent by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
 - Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701. U.S. Postal Service first-class, Express, and Priority mail must be addressed to 45 L Street, NE, Washington, DC 20554.
- Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand or messenger delivered filings. This is a temporary measure taken to help protect the health and safety of individuals, and to mitigate the transmission of COVID-19. See FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy, Public Notice, DA 20-304 (March 19, 2020).

People with Disabilities. To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the FCC's Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice).

Availability of Documents. Comments, reply comments, and *ex parte* submissions will be available via ECFS. Documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat.

Additional Information. For additional information, contact Diana Sokolow, Diana.Sokolow@fcc.gov, of the Media Bureau, Policy Division, (202) 418-0588.

-FCC-



PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, DC 20554

News Media Information 202-418-0500
Internet: www.fcc.gov
TTY: 888-835-5322

DA 24-1232

Released: December 6, 2024

WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON LICENSING AND COORDINATION PROCEDURES FOR THE SPACE LAUNCH SERVICE

ET Docket No. 13-115

Comment Date: 30 days after Federal Register publication

By the Chief, Wireless Telecommunications Bureau:

By this Public Notice, as directed by the Commission in the *Second Report and Order* in this proceeding,¹ the Wireless Telecommunications Bureau (Bureau) proposes and seeks comment on certain licensing and coordination procedures for the new commercial Space Launch Service.² As detailed below, these include: the technical data to be provided to the Commission for purposes of registering launch sites, corresponding stations, and coordinated launches under a non-exclusive, nationwide space launch license; and the required procedures and data submissions for space launch operators to coordinate each individual launch with both federal and non-federal users via a third-party frequency coordinator to be selected at a later date.³ The Bureau issues this Public Notice at this time as part of an effort to meet the statutorily mandated deadlines set forth in the Launch Communications Act.⁴

I. BACKGROUND

In the *Second Report and Order*, the Commission adopted a secondary allocation in the 2025–2110 MHz band for non-Federal Space Operation and, with respect to the 2200–2290 MHz band, lifted a prior restriction limiting such operations to four sub-bands, thus making the entire band available on a secondary basis for non-Federal Space Operation.⁵ These allocations are subject to various conditions, including being limited to pre-launch testing and space launch operations.⁶ The Commission also adopted a licensing framework for these two bands under a new part 26 Space Launch Service. Through that

¹ See *Allocation of Spectrum for Non-Federal Space Launch Operations*, Second Report and Order and Second Further Notice of Proposed Rulemaking, ET Docket No. 13-115, FCC 23-76, 38 FCC Rcd 9029 (2023) (*Second Report and Order* or *Second Further Notice*, as applicable).

² We clarify that the instant Public Notice also refers to or reiterates, where necessary, certain requirements established in the *Second Report and Order* upon which we do not seek comment.

³ See *Wireless Telecommunications Bureau Seeks Comment on Mechanism and Criteria for Selecting Space Launch Frequency Coordinator*, Public Notice, WT Docket No. 24-687, DA 24-1230 (WTB 2024) (*WTB Frequency Coordinator PN*) (contemporaneously released separate WTB Public Notice proposing and seeking comment on a mechanism and selection criteria for the space launch frequency coordinator as required by the Commission's *Second Report and Order*).

⁴ Launch Communications Act, Pub. L. No. 118–85, 138 Stat. 1546 (LCA).

⁵ See generally *Second Report and Order*.

⁶ See 47 CFR § 2.106(b) footnotes US94, 96.

framework, eligible space launch operators seeking authorization in either band will: (1) apply for and obtain a non-exclusive nationwide license via the Commission's Universal Licensing System (ULS);⁷ (2) register in ULS their launch sites and operational parameters, space launch vehicle stations, and each corresponding station (fixed, base, itinerant, or mobile) needed to support a launch;⁸ (3) complete a frequency coordination process using a third-party frequency coordinator;⁹ and (4) following successful coordination, register in ULS the technical and operating parameters associated with each specific coordinated launch prior to commencing operations.¹⁰

The Launch Communications Act. Following the Commission's adoption of the *Second Report and Order*, Congress enacted the Launch Communications Act (LCA) on September 26, 2024.¹¹ The LCA requires Commission action with respect to three frequency bands: the 2025–2110 MHz and 2200–2290 MHz bands that were the subject of the *Second Report and Order*, and the 2360–2395 MHz band, upon which the Commission sought comment in the *Second Further Notice*.¹² The LCA first requires the Commission, within 90 days of the LCA's enactment, to allocate each of these bands on a secondary basis for commercial space launches and reentries and to complete any proceeding in effect related to the adoption of service rules for these three bands.¹³ The Commission also must issue, within 180 days of the LCA's enactment, new regulations to streamline the process for granting authorizations for access to these three bands.¹⁴ These new regulations must provide for, among other things: 1) authorizations that include multiple uses of the frequencies for multiple launches and reentries from one or more private and federal launch and reentry sites; 2) electronic filing and processing of applications for access to such frequencies for commercial space launches and reentries; and 3) improved coordination with the National Telecommunications and Information Administration (NTIA) to increase the speed of review of applications for authorizations to access frequencies for space launch and reentry through increased automation similar to an approach currently used for the 70/80/90 GHz bands.¹⁵

In the *Second Report and Order*, the Commission delegated authority to the Bureau to issue a public notice proposing and seeking comment on issues related to the licensing framework for the Space Launch Service to refine the application process and accommodate frequency coordination, including required information for license registrations and frequency coordination requests.¹⁶ Accordingly, below we propose application and frequency coordination procedures for the Space Launch Service, which at present includes the 2025–2110 and 2200–2290 MHz bands, two of the three frequency bands identified in the LCA. Given the LCA's requirement, however, that the Commission “complete a proceeding in effect” within 90 days of enactment, the Bureau anticipates that the Commission would benefit from development of a record that includes the issues included in this *Public Notice*. We therefore propose in this Public Notice procedures that would apply not only to the 2025–2110 MHz and 2200–2290 MHz bands, but also to the 2360–2395 MHz band, to the extent the Commission reallocates the 2360–2395 MHz band on a secondary basis for Space Operation and incorporates it into the part 26 space launch

⁷ *Id.* § 26.103; *Second Report and Order*, 38 FCC Rcd at 9056–57, para. 75.

⁸ 47 CFR § 26.108(b); *Second Report and Order*, 38 FCC Rcd at 9056–57, para. 75.

⁹ 47 CFR § 26.202; *Second Report and Order*, 38 FCC Rcd at 9072–73, para. 115.

¹⁰ 47 CFR §§ 26.107, 26.108(b); *Second Report and Order*, 38 FCC Rcd at 9064, para. 95.

¹¹ Launch Communications Act, Pub. L. No. 118-85, 138 Stat. 1546 (LCA).

¹² *Id.* § 2(c).

¹³ *Id.* § 2(a)(1)(A), (B).

¹⁴ *Id.* § 2(b).

¹⁵ *Id.* § 2(b)(1)–(5); see also *WTB Frequency Coordinator PN* (proposing and seeking comment on automated coordination capabilities between the space launch frequency coordinator and NTIA per the LCA).

¹⁶ 47 CFR § 0.331(g); *Second Report and Order*, 38 FCC Rcd at 9065–66, paras. 98–99.

licensing framework. This proposed approach is intended to increase administrative efficiency and provide regulatory certainty for Space Launch Service applicants and licensees regarding statutorily required implementation of the LCA for space launch and re-entry operations. We clarify that the proposals in this Public Notice, and any final action taken through subsequent Bureau public notice(s) following review of the record, are subject to Commission action taken pursuant to the LCA's requirements, including any additional Commission delegation of authority to the Bureau to clarify and establish procedures regarding the 2360–2395 MHz band.

II. LICENSING PROCESS

A. Application for Nationwide License

In the *Second Report and Order*, the Commission adopted rules requiring a space launch provider seeking authorization to first file an application in ULS for a nationwide, non-exclusive license.¹⁷ The Commission determined that eligible space launch operators interested in obtaining a nationwide, non-exclusive license can do so on the condition that they will cooperate with and avoid harmful interference to co-frequency entities and complete coordination efforts to avoid in-band interference.¹⁸ Applicant qualification for these non-exclusive nationwide licenses will be assessed in accordance with FCC Form 601 and the Commission's rules.¹⁹ The grant of a nationwide license will serve as a prerequisite for a licensee to register launch sites and individual stations in ULS.²⁰

For purposes of applying for this nationwide license, the Commission determined that a space launch operator would only need to provide administrative information using FCC Form 601.²¹ An applicant for a nationwide, non-exclusive license is required to use ULS to file FCC Form 601 electronically.²² Detailed instructions for submitting license applications in ULS will be announced in a subsequent public notice.²³

B. Launch Site and Station Registrations

Once a space launch operator has obtained a nationwide, non-exclusive license, the next step towards authorizing a particular launch is for the licensee, prior to seeking frequency coordination, to electronically register launch sites and individual fixed, base, itinerant, and mobile stations associated with a specific launch in ULS.²⁴ We propose that launch vehicles will be registered as mobile stations, but with additional technical details required beyond those required for terrestrial mobile stations, as

¹⁷ 47 CFR § 26.103; *Second Report and Order*, 38 FCC Rcd at 9056–57, para. 75.

¹⁸ 47 CFR § 26.201(c); *Second Report and Order*, 38 FCC Rcd at 9056–57, para. 75.

¹⁹ 47 CFR §§ 1.913–1.917; *Second Report and Order*, 38 FCC Rcd at 9056–57, para. 75; FCC Form 601 - *Application for Authorization in the Wireless Radio Service*.

²⁰ 47 CFR § 26.103; *Second Report and Order*, 38 FCC Rcd at 9056–57, para. 75.

²¹ *Second Report and Order*, 38 FCC Rcd at 9064–65, paras. 96–97.

²² 47 CFR § 26.106(b).

²³ See *Second Report and Order*, 38 FCC Rcd at 9056–57, para. 75. Throughout this Public Notice, references to sections 26.106, 26.108, 26.202 and 26.301 of title 47, Code of Federal Regulations, are to those rules as adopted by the Commission in the *Second Report and Order*, Appx. A. We clarify that these rules are not yet effective because they require review by the Office of Management and Budget for purposes of compliance with the Paperwork Reduction Act. After OMB approval, these rules will be codified in the Code of Federal Regulations.

²⁴ 47 CFR § 26.103 (“Non-exclusive nationwide licenses will serve as a prerequisite for registering launch sites and individual fixed, base, itinerant and mobile stations...”); 47 CFR § 26.108(b) (“Once authorization is granted, Space Launch Services licensees must register in ULS each launch site and each corresponding station (fixed, base, itinerant, or mobile) that will be used in their space launch operations...”); *Second Report and Order*, 38 FCC Rcd at 9056–57, para. 75.

outlined below. We seek comment below on the appropriate data to be required for each launch and station site in an initial station registration.

1. Data for Initial Registration

Pursuant to the Bureau's delegated authority to seek comment on and refine the application process, we propose and seek comment on the specific data to be collected as part of initial registration of launch sites and individual stations. The Bureau proposes that a licensee would include the following data:

1. Launch site details:
 - a. Launch site name and launch designation (if applicable);
 - b. Geographic coordinates referenced to NAD83 (i.e., lat/long);
 - c. Address; and
 - d. Whether the site is an FAA-licensed commercial site or federal site;
2. Itinerant and mobile station details:
 - a. Description of station, including its overall purpose within the proposed launch operation and specific function (e.g., transmit/receive, command/telemetry);
 - b. Radius of operation and geographic coordinates of the transmit location referenced to NAD83;
 - c. Antenna details:
 - i. Frequency band;
 - ii. Output power/EIRP;
 - iii. Type of antenna (e.g., directional);
 - iv. Width of beam in degrees at the half-power point;
 - v. Frequency tolerance;
 - vi. Emission designator;
 - vii. Emission bandwidth and justification for greater than 5 megahertz bandwidth, if applicable;
 - viii. Digital modulation rate and type; and
 - ix. Antenna gain;
3. Launch vehicles as mobile stations:
 - a. Name of launch vehicle;
 - b. Geographic coordinates of the launch site referenced to NAD83;
 - c. Location of transmitter on launch vehicle or payload (e.g., first stage, second stage); and
 - d. Antenna details:
 - i. Frequency band;
 - ii. Output power/EIRP;
 - iii. Type of antenna (e.g., blade, parabolic);
 - iv. Width of beam in degrees at the half-power point;
 - v. Frequency tolerance;

- vi. Emission designator;
 - vii. Emission bandwidth and justification for greater than 5 megahertz bandwidth, if applicable;
 - viii. Digital modulation rate and type; and
 - ix. Antenna gain;
4. Fixed and base station details:
- a. Description of station, including its overall purpose within the proposed launch operation and specific function (e.g., transmit/receive, command/telemetry);
 - b. Antenna azimuth (if the antenna is tracking, state “tracking”);
 - c. Antenna elevation angle (if the antenna is tracking, state “tracking”);
 - d. Height above ground level to the highest point of the supporting structure only;
 - e. Overall height above ground to tip of antenna in meters;
 - f. Elevation of ground at antenna site above mean sea level in meters;
 - g. Support structure type;
 - h. Geographic coordinates of the transmit location referenced to NAD83 (i.e. lat/long); and
 - i. Antenna details:
 - i. Frequency band;
 - ii. Output power/EIRP;
 - iii. Type of antenna (e.g., directional);
 - iv. Width of beam in degrees at the half-power point;
 - v. Frequency tolerance;
 - vi. Emission designator;
 - vii. Emission bandwidth and justification for greater than 5 megahertz bandwidth, if applicable; and
 - viii. Digital modulation rate and type; and
 - ix. Antenna gain;
 - j. Address.

We seek comment on the above proposed data requirements for an initial registration. Should additional information be required as part of the launch site and station location registration process?

2. Requests for Bandwidth in Excess of 5 Megahertz

In the *Second Report and Order*, the Commission afforded a space launch licensee the flexibility to choose its own bandwidth, up to 5 megahertz.²⁵ However, a licensee may exceed the 5 megahertz bandwidth where it can demonstrate, on a case-by-case basis, why a larger bandwidth is necessary for the specific telemetry, tracking, and control space launch operation, including an explanation of why the licensee’s requirements cannot be satisfied using a bandwidth of 5 megahertz or less.²⁶ As required in the *Second Report and Order*, a licensee seeking to operate in excess of 5 megahertz bandwidth must

²⁵ *Second Report and Order*, 38 FCC Rcd at 9059, para. 80.

²⁶ 47 CFR § 26.301; *Second Report and Order*, 38 FCC Rcd at 9059–60, paras. 81–82.

submit its justification as part of the initial registration in ULS for a specific launch.²⁷ We remind licensees that the Commission stated it would not routinely grant such requests and noted that, given the heavy usage of these bands, it may be difficult to successfully coordinate operations involving requests for bandwidth greater than 5 megahertz.²⁸

C. Frequency Coordination

In the *Second Report and Order*, the Commission adopted a post-license grant coordination regime to be facilitated by a third-party space launch frequency coordinator. The Commission delegated authority to the Bureau to develop procedures that the space launch frequency coordinator will use to ensure compliance with the coordination requirements for space launch operations.²⁹ As noted, the LCA also requires the Commission to improve coordination with NTIA within 180 days of enactment, including coordination to increase automation similar to the automation described in our service rules for the 70/80/90 GHz service, which we address herein³⁰ and in a companion Public Notice released today regarding selection of a space launch frequency coordinator whose duties would include receiving all coordination requests and interfacing with an automated system to be developed by NTIA.³¹

1. Data Requirements for Frequency Coordination Requests

In delegating authority to the Bureau to specify data collection requirements for the coordination process and to seek stakeholder input on the required data, the Commission stated that it anticipated that a licensee would identify: (1) the specific coordinates of fixed, base, and itinerant stations (e.g., latitude and longitude); (2) frequency channels; (3) launch trajectories; (4) launch window or planned launch date; and (5) any other technical and operational information (e.g., antenna characteristics, power levels, emission designators) needed by a third-party frequency coordinator to submit the frequency coordination request to the relevant non-federal and federal entities.³² The Commission noted that other information could include coordinates and operational parameters of each station (fixed, base, itinerant or mobile) needed to support a launch, including whether the sites are federal or FAA-licensed commercial spaceports or non-federal launch sites.³³ The *Second Report and Order* specified that this data would be used by the space launch frequency coordinator to coordinate with NTIA regarding protection of Federal operations, as well as local frequency coordinators to protect non-Federal operations in the 2025–2110 MHz band.³⁴

The 2360–2395 MHz band is used primarily for aeronautical mobile telemetry and telecommand operations for aircraft and missile flight testing.³⁵ The LCA requires the Commission to allocate this band on a secondary basis for space launch operations and to complete any proceeding in effect and adopt service rules and coordination procedures.³⁶ Given the requirements of the LCA, to the extent the Commission reallocates the 2360–2395 MHz band on a secondary basis for Space Operation and incorporates it into the part 26 space launch licensing framework, frequency coordination of non-Federal

²⁷ 47 CFR § 26.301; *Second Report and Order*, 38 FCC Rcd at 9059–60, para. 82.

²⁸ *Second Report and Order*, 38 FCC Rcd at 9059–60, para. 82.

²⁹ 47 CFR § 0.331(g); *Second Report and Order*, 38 FCC Rcd at 9065–66, paras. 98–99.

³⁰ See *infra* Part II.C.2.c (Federal Coordination).

³¹ LCA § 2(b)(5); *WTB Frequency Coordinator PN* (proposing and seeking comment on, per the LCA requirement, automated coordination capabilities between the space launch frequency coordinator and NTIA).

³² *Second Report and Order*, 38 FCC Rcd at 9066, para. 99.

³³ *Id.*; 47 CFR § 26.108(b).

³⁴ 47 CFR § 26.202; *Second Report and Order*, 38 FCC Rcd at 9072–73, para. 115.

³⁵ See 47 CFR § 87.303(d)(1).

³⁶ LCA § 2(a), (b), and (d).

space launch operations will be necessary to protect primary flight test users.³⁷ Under current part 87 rules, the frequency advisory committee is required to coordinate all requests concerning flight test frequencies with applicable Federal government area frequency coordinators (AFCs) and to consider all non-Federal stations operating within 320 kilometers (200 miles) of the proposed area of operation.³⁸ Further, the part 87 frequency advisory committee requires, at a minimum, the following data for coordination requests concerning flight test frequencies: launch location; reentry landing zone (where applicable); date(s), time(s), and duration(s) of launch and reentry window(s); trajectory (azimuth, heading) of the launch and, where applicable, expected reentry coordinates and the landing trajectory (from the reentry point) of reusable launch vehicles and boosters; maximum heights above ground level and above sea level for both launch and reentry activity; requested frequencies used for launch and reentry; maximum power and EIRP; and operational contact information.³⁹ These data points largely overlap with the data we believe necessary for coordinating Federal operations in the 2025–2110 and 2200–2290 MHz bands, and non-Federal operations in the 2025–2110 MHz band. Accordingly, we propose to incorporate these data points into the below data requirements for space launch frequency coordination requests and seek comment.

We propose to require licensees to provide the following data to the third-party frequency coordinator for coordination requests, much of which will be readily available from the initial post-licensing registration in ULS, as well as additional technical information needed to ensure proper coordination for a specific launch and thereby reduce the potential for harmful interference:

1. Licensee details:
 - a. Name of licensee;
 - b. Call sign; and
 - c. Primary and alternate point of contact for questions (name, title, email, and business phone number);
2. Previously registered launch site where launch will take place and corresponding site details;⁴⁰

³⁷ Currently, the Aerospace and Flight Test Radio Coordinating Council, Inc. (AFTRCC) serves as the frequency advisory committee under Commission rule part 87 for non-government flight test telemetry stations in the 2360–2395 MHz band, among other bands. *See Allocation of Spectrum for Non-Federal Space Launch Operations*, Report and Order and Further Notice of Proposed Rulemaking, ET Docket No. 13-115, 36 FCC Rcd 7764, 7803, para. 102 n.234 (2021); *Amendment of Part 87 of the Commission's Rules to Make Provision for the Establishment of an Indus. Frequency Advisory Comm. for Coordination of Frequencies in the 1435–1535 MC/S Band*, Docket No. 18-234, Report and Order, 15 FCC 2d 831 (1969); Aerospace and Flight Test Radio Coordinating Council, Inc., Comments, ET Docket No. 13-115, at 4 (rec. Mar. 5, 2024). In areas with particularly high volumes, AFTRCC uses Area Flight Test Radio Coordinating Committees to coordinate operations between AFTRCC members and federal Area Frequency Coordinators (AFCs), and engages in long-term, short-term, and temporary scheduling for flight testing, sometimes with the participation of the AFCs. There are currently five such regional Area Coordinating Committees, centered in Los Angeles/Southern California; Tucson, Arizona; Wichita, Kansas; Dallas/Fort Worth, Texas; and Marietta, Georgia. For some coordination requests, AFTRCC may condition the coordination by requiring the applicant to complete local coordination with the Area Coordinating Committees for its flight tests. Letter from Kara R. Curtis, President, Aerospace and Flight Test Radio Coordinating Council, Inc. to Marlene H. Dortch, FCC, ET Docket No. 13-115, at 11 (filed Oct. 29, 2024); AFTRCC Comments at 18.

³⁸ 47 CFR § 87.305(a)(1).

³⁹ AFTRCC Comments at 20, n.42.

⁴⁰ “Corresponding details” refers to the details that will be required for launch site registrations in ULS. *See supra* Part II.B.1. Launch sites must be registered in ULS prior to submitting a coordination request. *See* 47 CFR § 26.103; *Second Report and Order*, 38 FCC Rcd at 9073, 9074–75, paras. 116, 120–21.

3. Previously registered itinerant and mobile stations to be used in the launch and corresponding details;⁴¹
4. Previously registered fixed and base stations to be used in the launch and corresponding details;⁴²
5. Transmitter characteristics for each transmit station (center frequency):
 - a. Transmitter make/model;
 - b. Output power;
 - c. Antenna type (e.g., blade, parabolic);
 - d. Number of antennas deployed;
 - e. Antenna gain;
 - f. Width of beam in degrees at half-power point;
 - g. Frequency tolerance;
 - h. Orientation in horizontal/vertical planes (if the antenna is tracking state “tracking”);
 - i. Antenna polarization;
 - j. EIRP (per individual antenna);
 - k. Total EIRP (from all radiating sources using a specific location); and
 - l. Emission designator.
6. Emission details for each designator of each transmitter:
 - a. Emission bandwidth;
 - b. Modulating signal:
 - i. Modulation type (e.g., BPSK, QPSK, APK, FSK, Analog);
 - ii. if it is a digital signal, the final symbol rate in symbols/second after all overhead encoding or the final bit rate in bits/second after all overhead encoding;
 - iii. if FSK, include the type of FSK and the peak-to-peak frequency deviation as well as the final symbol rate or final bit rate; and
 - iv. indicate whether the signal has subcarriers and, if so, which ones are used;
 - c. RF fundamental emission data (two-sided) including a minimum of -3 dB, -20 dB, and -60 dB bandwidth data points; and
 - d. Description of any signal filtering techniques employed;
 - e. If bandwidth exceeds 5 megahertz, an explanation of why the requested bandwidth is necessary for specific space launch operations, including an explanation of why the applicant’s operations cannot be satisfied using a bandwidth of 5 megahertz or less;⁴³

⁴¹ “Corresponding details” refers to the details that will be required for itinerant and mobile station registrations in ULS. *See supra* Part II.B.1. Itinerant and mobile stations must be registered in ULS prior to submitting a coordination request. *See* 47 CFR § 26.103; *Second Report and Order*, 38 FCC Rcd at 9073, 9074–75, paras. 116, 120–21.

⁴² “Corresponding details” refers to the details that will be required for fixed and base station registrations in ULS. *See supra* Part II.B.1. Fixed and base stations must be registered in ULS prior to submitting a coordination request. *See* 47 CFR § 26.103; *Second Report and Order*, 38 FCC Rcd at 9073, 9074–75, paras. 116, 120–21.

⁴³ 47 CFR § 26.301; *Second Report and Order*, 38 FCC Rcd at 9059–60, para. 82.

7. Additional launch site technical information:
 - a. Elevation of ground at antenna site above mean sea level in meters;
 - b. Overall height above ground to tip of antenna in meters;
 - c. Distance to nearest aircraft landing area in kilometers; and
 - d. Natural formations or existing man-made structures (hills, trees, water tanks, towers, etc.) which would tend to shield the antenna from aircraft.
8. Launch details:
 - a. Name of launch vehicle;
 - b. Launch mission name and/or designator number;
 - c. Launch and reentry date/time window (primary and backup), including launch window open time, and the duration of each window;
 - d. List of objects to achieve orbit during launch operation;
 - e. Total elapsed time from launch to end of transmission;
 - f. Requested frequencies used for launch and reentry, including required center frequency(ies);
 - g. Orbital location (orbit insertion);
 - h. Mean launch azimuth (degrees, clockwise from the North);
 - i. Ground track from lift-off until end of transmission;
 - j. ECF Cartesian Vectors Format (position and velocity vs. time or position, velocity, and acceleration vs. time) in one minute time steps (at least) for each phase of launch through the end of transmission;
 - k. A plot image of the two-dimensional ground track of the launch vehicle including demarcations for important mission events (e.g., main engine cut-off (MECO), stage separation, payload jettison, passivation);
 - l. Duration of transmission(s), to include on/off time (nominal and maximum durations) for each transmitter and receiving station(s) corresponding to the on/off times;
 - m. Reentry landing zone;
 - n. If applicable, expected reentry coordinates and the landing trajectory (from the reentry point) of reusable launch vehicles and boosters;
 - o. Maximum heights above ground level and above sea level for both launch and reentry activity; and
 - p. Operational contact information, including name, e-mail address, and telephone number.
9. Additional station details:
 - a. Name and location of each relay satellite station supporting launch operation;
 - b. Ground receiver sensitivity and selectivity; and
 - c. Antenna gain to noise temperature ratio (G/T) for each ground station used for reception of launch vehicle telemetry.

The data requirements proposed above are consistent with those required in the Special Temporary Authority (STA) process currently used to authorize space launch communications and the part 87 frequency advisory committee flight test coordination process. We seek comment on this proposal. Is

there additional data that should be required for coordination requests submitted to the third-party frequency coordinator? Is any of the proposed data not necessary for anticipated launches? Do these data requirements provide a third-party space launch frequency coordinator with sufficient information to coordinate launches with the Federal and non-Federal users sharing the 2025–2110 MHz and 2200–2290 MHz bands? Is there additional data that should be required for coordinating space launches with AMT flight test operations in the 2360–2395 MHz band? We also note that detailed instructions for submitting the required information to the space launch frequency coordinator, including format, will be announced in the final Bureau licensing procedures public notice.

2. Coordination Procedures

In the *Second Report and Order*, the Commission required commercial space launch operators to undertake a two-part process for purposes of frequency coordination: (1) for the 2025–2110 MHz band, a site-specific coordination of the operator’s stations and launch parameters with Broadcast Auxiliary Service (BAS) operations; and (2) for both the 2200–2290 and 2025–2110 MHz bands, coordination on a per-launch basis with NTIA.⁴⁴ The Commission specified that the coordination process was to be initiated through the space launch frequency coordinator after the licensee first registers its sites and stations in ULS.⁴⁵ In addition, given the Commission’s required action per the LCA regarding the 2360–2395 MHz band that includes adoption of a secondary allocation for space launch and reentry in this band,⁴⁶ we anticipate that coordination will be required with primary Federal and non-Federal AMT operations, through both NTIA and the part 87 frequency advisory committee. We propose that, with respect to requests to conduct a specific launch with a bandwidth greater than 5 megahertz in any of the three bands subject to the LCA, the Space Launch Frequency Coordinator will not be required to coordinate such requests unless the Commission first indicates to the Space Launch Frequency Coordinator that a licensee’s justification provided with a registration for a specific launch is complete and provides the fulsome explanation required pursuant to rule section 26.301.⁴⁷ We seek comment on this proposal.

a. Non-Federal Coordination in the 2025–2110 MHz Band

As set forth in the *Second Report and Order*, for non-federal coordination in the 2025–2110 MHz band, a space launch operator will first register its site and station information and will submit its coordination request to the third-party space launch frequency coordinator. The coordinator will verify that the operator is licensed and that the request is consistent with the Commission’s rules. The coordinator will then contact the Society of Broadcast Engineers (SBE) Frequency Coordination Manager and the relevant SBE local market coordinator to initiate coordination for the requested launch site.⁴⁸

Alternatively, the launch operator may provide a showing to the frequency coordinator that: (a) it has previously coordinated its proposed operations with the SBE Frequency Coordination Manager; (b) it has ascertained that its proposal will not constrain, preclude, or interfere with incumbents in the band, including BAS, Cable Television Relay Service (CARS) and Local Television Transmission Service (LTTS) licensees; and (c) it has demonstrated in a technical showing that its proposed operation will not create more than 0.5 dB increase in the noise threshold of a receiver at a fixed or temporary fixed electronic news gathering receive site.⁴⁹ The Commission found there is no need to conduct per-launch

⁴⁴ 47 CFR § 26.202(b), (c); *Second Report and Order*, 38 FCC Rcd at 9072–73, para. 115.

⁴⁵ *Second Report and Order*, 38 FCC Rcd at 9073, 9074–75, paras. 116, 121.

⁴⁶ LCA § 2(a)(2).

⁴⁷ See *supra* Part II.B.2.

⁴⁸ 47 CFR § 26.202(b)(1)(A); *Second Report and Order*, 38 FCC Rcd at 9073, para. 116. Local BAS frequency coordinators may not be available in all areas. SBE maintains a list of local frequency coordinators, by county, on its website at <https://www.sbe.org>.

⁴⁹ 47 CFR § 26.202(b)(1)(B); *Second Report and Order*, 38 FCC Rcd at 9073, para. 116.

coordination with non-federal users in the 2025–2110 MHz band if the launch operator can demonstrate its proposed uplink operations meet this protection criteria.⁵⁰

We propose that the local SBE frequency coordinator receive coordination requests at least 60 days prior to launch to ensure adequate time for coordination, with a response due back to the coordinator 15 days following the local SBE frequency coordinator's receipt of the request. Does this proposed timeframe ensure adequate time for completing non-federal frequency coordination? Are there any circumstances in which space launch operators would be seeking clearance to conduct a launch less than 60 days in the future? Once the frequency coordinator has completed non-federal coordination, we propose that the coordinator respond to the licensee in writing with the results of the coordination, including any conditions, restrictions, or other limitations, and seek comment on this proposal.

b. Non-Federal Coordination in the 2360–2395 MHz Band

As noted above, part 87 governs AMT for flight test operations and the part 87 frequency advisory committee is required to coordinate requests for such frequencies and provide recommendations regarding operating parameters,⁵¹ including providing comment on the frequencies requested and the probable interference to flight test stations,⁵² and recommending frequencies resulting in the minimum interference.⁵³ Under part 87 rules, the frequency advisory committee is required to consider all non-Federal stations operating on the frequencies requested or assigned within 320 kilometers (200 miles) of the proposed area of operation and all prior coordinations and assignments on the proposed frequencies.⁵⁴ We believe that part 87 procedures provide guidance for the space launch frequency coordinator in ensuring that space launch operations in the 2360–2395 MHz band will not cause harmful interference to incumbent flight test operations. We anticipate that the space launch frequency coordinator, in coordinating with the part 87 frequency advisory committee, will consider stations within the 320 kilometers (200 miles) metric, but we propose that the space launch frequency coordinator have the ability to expand that radius at its discretion if necessary in analyzing interference potential. After considering all such stations and coordinating with the part 87 frequency advisory committee, we propose that the space launch frequency coordinator would then propose necessary changes in technical parameters to minimize the risk of harmful interference to non-Federal flight test stations. To maintain consistency with current flight test coordination procedures, we propose that space launch licensees, following coordination and parameter registration in ULS as described below, provide pre-launch notification to both the space launch frequency coordinator and the part 87 frequency advisory committee 96 hours in advance of the commencement of the registered launch window.⁵⁵ We seek comment on this proposal, including whether this timeframe provides sufficient notice to ensure protection against interference for flight test operators. We clarify that this proposed notification requirement is separate from, and in addition to, the Commission rule section 26.202 pre-launch coordination requirement.⁵⁶

c. Federal Coordination

For federal coordination in the Space Launch Service, coordination is required on a per-launch basis, to be initiated after the launch operator has registered its applicable site and station information in

⁵⁰ *Second Report and Order*, 38 FCC Rcd at 9073–74, para. 119.

⁵¹ 47 CFR § 87.305(a)(1).

⁵² *Id.*

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ AFTRCC Ex Parte at 3, 18; AFTRCC Comments at 22.

⁵⁶ See 47 CFR § 26.202.

ULS.⁵⁷ Once the third-party coordinator verifies that the operator is licensed and that the request is consistent with the Commission's rules, it will initiate coordination with NTIA.⁵⁸ To assist NTIA's review, the third-party frequency coordinator may provide a showing that the operational and technical parameters of a proposed launch are consistent with a prior successful coordination and that the space launch licensee continues to comply with any conditions or agreements resulting from such prior coordination, or that its proposed launch is covered by an applicable coordination agreement with co-frequency entities.⁵⁹

The LCA requires the Commission to improve NTIA coordination to increase the speed of review of space launch applications for authorization in the 2025–2110 MHz, 2200–2290 MHz, and 2360–2395 MHz bands, including automation similar to that required in the service rules for the 70/80/90 GHz service.⁶⁰ Accordingly, we propose to require the space launch frequency coordinator to complete federal coordination in all three LCA bands using the automated coordination mechanism to be developed by NTIA. This proposed requirement is reflected in the Bureau's companion Public Notice released today regarding a mechanism and criteria for selecting the space launch frequency coordinator.⁶¹ However, until an automated mechanism becomes available, we propose an interim process for completing federal coordination. For coordination requests in the 2025–2110 MHz and/or 2200–2290 MHz bands, we propose requiring that the frequency coordinator submit frequency coordination requests at least 60 days prior to launch to the NTIA Office of Spectrum Management's Frequency Assignment Branch. For coordination requests in the 2360–2395 MHz band, we propose that the space launch frequency coordinator submit coordination requests at least 60 days prior to launch to the applicable Area Frequency Coordinator (AFC) listed in Annex D, Table 2 of NTIA's Manual of Regulations and Procedures for Federal Radio Frequency Management.⁶² We seek comment on whether the proposed timeframe allows for completion of federal frequency coordination. We also recognize that some space launch federal frequency coordination requests might combine 2360–2395 MHz with 2025–2110 MHz and/or 2200–2290 MHz, which could require routing to different destinations. We therefore seek comment on whether, in those instances, federal coordination requests should be directly submitted to NTIA's Office of Spectrum Management's Frequency Assignment Branch within the same 60-day timeframe. Would such an approach prevent unnecessary delays in federal coordination and improve administrative efficiencies? What are the costs of such an approach? Further, once the space launch frequency coordinator has completed federal coordination, we propose that it respond to the licensee in writing with the results of the coordination, including any conditions or limitations. We seek comment on this proposal.

⁵⁷ *Id.*; *Second Report and Order*, 38 FCC Rcd at 9072–73, 9074–75, paras. 115, 120–21.

⁵⁸ 47 CFR § 26.202(b)(2)(B); *Second Report and Order*, 38 FCC Rcd at 9074–75, paras. 120–21.

⁵⁹ 47 CFR § 26.202(b)(2)(B), (c)(1)(B). We note that, notwithstanding such prior coordination and entry into coordination agreements, space launch operations, which are subject to a secondary allocation, may not cause interference to a primary operations in these bands, whether that service obtained primary status before or after the prior coordination or coordination agreement. *See Amendment of the Commission's Rules with Regard to Commercial Operations in the 1695–1710 MHz, 1755–1780 MHz, & 2155–2180 MHz Bands*, Report and Order, GN Docket No. 13-185, 29 FCC Rcd 4610, 4636, para. 59 (2014) (deferring action on the 2020–2025 MHz band without prejudice to the ultimate disposition of service rules for that band).

⁶⁰ LCA § 2(b)(5).

⁶¹ *See WTB Frequency Coordinator PN* at 2 (proposing and seeking comment on, per the LCA requirement, automated coordination capabilities between the space launch frequency coordinator and NTIA).

⁶² *See* NTIA Manual, Annx. D. Requiring coordination requests to be submitted to AFCs set forth in the NTIA Manual is consistent with current rules regarding federal coordination for part 87 flight test operations. *See* 47 CFR § 87.305(a)(1).

d. Changes to Launch Parameters

In the *Second Report and Order*, the Commission stated that any changes to the technical and operational parameters for a launch that occur after completion of post-grant frequency coordination also require coordination, and that these changes must be provided to the third-party frequency coordinator to initiate an updated coordination.⁶³ We seek comment on procedures for licensees that seek to change launch parameters close in time to a scheduled launch date. Should we establish a cut-off date for licensees to change launch parameters that have previously been coordinated? What timeframe is appropriate, given that a cut-off date would need to afford sufficient time for re-coordination of a launch? Should we consider establishing a separate cut-off for changes solely related to the launch date/time, potentially to accommodate weather or technical delays, that seek no changes to technical parameters, and could therefore qualify for an accelerated coordination of the date/time change versus requiring a new coordination request? In the STA process currently used to authorize spectrum for space launches, how frequently have space launch operators needed to adjust launch and technical parameters following coordination of a launch, and how much time has typically been required to re-coordinate those launches? We seek comment on these issues.

D. Post-Frequency Coordination Launch Registrations

In the *Second Report and Order*, the Commission adopted rules requiring space launch licensees to register the technical and operating parameters of a launch after it has successfully coordinated that launch with NTIA and other non-federal users through a third-party frequency coordinator.⁶⁴ The Commission stated that licensees would not have authorization to commence operations until after completing these post-coordination launch registrations.⁶⁵ We propose that, once accepted in ULS, the parameters in the post-coordination launch registration reflect the binding operational parameters for a given launch, and that a licensee will be authorized to commence launch operations thereunder. We also propose that the licensee must update the launch registration in ULS, if already completed, to reflect any re-coordinated parameter changes, and that such an updated registration must be accepted in ULS to be authorized to launch under the revised parameters.⁶⁶

For purposes of the post-coordination launch registration, we propose that licensees provide the following relevant data from their approved coordination requests:

1. Purpose of operation;
2. Operation start date and time;
3. Operation end date and time;
4. Stations to be used;
5. Launch site to be used;
6. Transmission characteristics including frequency, emission designator, output power and EIRP; and
7. Response from the third-party frequency coordinator regarding outcome of coordination, including conditions and limitations, and a list of entities with which it coordinated.

⁶³ 47 CFR § 26.202; *Second Report and Order*, 38 FCC Rcd at 9064, para. 95.

⁶⁴ 47 CFR § 26.108(b); *Second Report and Order*, 38 FCC Rcd at 9064, para. 95.

⁶⁵ *Second Report and Order*, 38 FCC Rcd at 9064, para. 95 (“Only after the final technical parameters of a given launch are registered under their license can space launch operators commence their launch service...”).

⁶⁶ See *supra* Part II.C.2.c; see also 47 CFR § 26.108(c) (imposing a “continuing obligation” on space launch licensees to update their licenses in ULS when operational or technical details change).

We seek comment generally on this proposal. We note that, in part II.C.1 of this Public Notice, we propose requiring licensees to share their launch trajectory for purposes of frequency coordination. We seek comment on whether we should require the launch trajectory for registration in ULS. Is there any other launch data that should be made publicly available in ULS?

Paperwork Reduction Act. This public notice may contain proposed new or modified information collection requirements. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget to comment on the information collection requirements contained in this document, as required by the Paperwork Reduction Act of 1995, Public Law 104-13. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, *see* 44 U.S.C. 3506(c)(4), we seek specific comment on how we might further reduce the information collection burden for small business concerns with fewer than 25 employees.

Regulatory Flexibility Act. The Regulatory Flexibility Act of 1980, as amended, (RFA)⁶⁷ requires that an agency prepare a regulatory flexibility analysis for notice and comment rulemakings, unless the agency certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.⁶⁸ If an agency files a certification with a rulemaking, the certification must contain a statement that provides a factual basis for its conclusion that there will not be significant economic impact on a substantial number of small entities.⁶⁹ Accordingly, the Commission has prepared an Initial Regulatory Flexibility Certification (IRFC) certifying that any rules subject to the RFA that may be contained in this Public Notice will not have a significant economic impact on a substantial number of small entities. The IRFC is set forth in Appendix A below.

Providing Accountability Through Transparency Act. Consistent with the Providing Accountability Through Transparency Act, Public Law 118-9, a summary of this document will be available on <https://www.fcc.gov/proposed-rulemakings>.

Filing Requirements. Interested parties may file comments on or before the date indicated on the first page of this document.⁷⁰ All filings must refer to **ET Docket 13-115**.

- Comments may be filed using the Commission's Electronic Comment Filing System (ECFS).⁷¹
- Electronic Filers: Comments may be filed electronically using the Internet by accessing ECFS: <https://www.fcc.gov/ecfs/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing.
 - Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by First-Class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
 - All hand-delivered or messenger-delivered paper filings for the Commission's Secretary are accepted between 8:00 a.m. and 4:00 p.m. at 9050 Junction Drive, Annapolis Junction, MD 20701. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.

⁶⁷ 5 U.S.C. § 603. The RFA, 5 U.S.C. §§ 601–612, was amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Pub. L. No. 104-121, Title II, 110 Stat. 857 (1996).

⁶⁸ *Id.* § 605(b).

⁶⁹ *Id.*

⁷⁰ *See* 47 CFR §§ 1.2, 1.405, 1.419.

⁷¹ *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121-01 (1998).

- Commercial overnight deliveries (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
- U.S. Postal Service First-Class, Express, and Priority mail must be addressed to Secretary, Federal Communications Commission, 45 L St. NE, Washington, DC 20554.

People with Disabilities. To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice).

Ex Parte Rules. The proceeding this Notice initiates shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.⁷² Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made; and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda, or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with section 1.1206(b) of the Commission’s rules. In proceedings governed by section 1.49(f) of the rules or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf).⁷³ Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules.

Additional Information. For further information regarding this proceeding, please contact Mark DeSantis, Mobility Division, Wireless Telecommunications Bureau at Mark.DeSantis@fcc.gov or (202) 418-0678.

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⁷² 47 CFR §§ 1.1200 *et seq.*

⁷³ *Id.* § 1.1206(b).

APPENDIX A

Initial Regulatory Flexibility Certification

1. The Regulatory Flexibility Act of 1980, as amended (RFA),¹ requires that a regulatory flexibility analysis be prepared for notice-and-comment rulemaking proceedings, unless the agency certifies that “the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.”² The RFA generally defines the term “small entity” as having the same meaning as the terms “small business,” “small organization,” and “small governmental jurisdiction.”³ In addition, the term “small business” has the same meaning as the term “small business concerns” under the Small Business Act.⁴ A “small business concern” is one that: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA).⁵

2. The two statutorily-mandated criteria to be applied in determining the need for an RFA analysis are: (1) whether the proposed rules, if adopted, would have a significant economic effect; and (2) if so, whether the economic effect would directly affect a substantial number of small entities.⁶ For the reasons discussed below, we have determined that the rules and policies proposed in the *Wireless Telecommunications Bureau Seeks Comment on Licensing and Coordination Procedures for the Space Launch Service Public Notice (Licensing and Coordination Procedures Public Notice)* will not have a significant economic impact on a substantial number of small entities. Accordingly, the Wireless Telecommunications Bureau (Bureau) has prepared this Initial Regulatory Flexibility Certification (IRFC).

3. In September 2023, the Commission adopted rules to make the entire 2025–2110 MHz and 2200–2290 MHz bands available for non-federal space launch operations.⁷ In so doing, the Commission adopted a new rule part 26 for the newly created Space Launch Service; added a secondary non-Federal Space Operation allocation to the 2025–2110 MHz band; added a secondary non-Federal Mobile allocation to the 2200–2290 MHz band; removed the restriction on use of the secondary non-Federal Space Operation allocation to four channels; adopted a ten-year license term for commercial space launch operation; established an application process modeled after the licensing framework for the 3650–3700 MHz band; and adopted operation and service rules for this new part 26 service.⁸

¹ 5 U.S.C. §§ 601–612. The RFA has been amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Pub. L. No. 104-121, Title II, 110 Stat. 857 (1996).

² *Id.* § 605(b).

³ *Id.* § 601(6).

⁴ *Id.* § 601(3) (incorporating by reference the definition of “small-business concern” in the Small Business Act, 15 U.S.C. § 632). Pursuant to 5 U.S.C. § 601(3), the statutory definition of a small business applies “unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the Federal Register.”

⁵ 15 U.S.C. § 632.

⁶ 5 U.S.C. § 603, *et seq.* See also *Mid-Tex Electric Cooperative, Inc., v. FERC*, 773 F.2d 327, 342–343 (D.C. Cir. 1985) (*Mid-Tex Electric*).

⁷ See *Allocation of Spectrum for Non-Federal Space Launch Operations*, Second Report and Order and Second Further Notice of Proposed Rulemaking, ET Docket No. 13-115, FCC 23-76, 38 FCC Rcd 9029 (2023) (*Second Report and Order*).

⁸ See generally *Second Report and Order*.

4. Under the part 26 service rules adopted by the Commission, eligible space launch operators seeking authorization in either the 2025–2110 MHz or 2200–2290 MHz bands will: (1) apply for and obtain a non-exclusive nationwide license in the Commission’s Universal Licensing System (ULS);⁹ (2) register in ULS their launch sites and operational parameters, space launch vehicle stations, individual ground/earth stations, and itinerant stations needed to support a launch;¹⁰ (3) complete a frequency coordination process using a third-party frequency coordinator;¹¹ and (4) following successful coordination, register in ULS the technical and operating parameters associated with each specific coordinated launch prior to commencing operations.¹² A space launch operator must register the final coordinated technical parameters in ULS to be authorized to commence launch operations.¹³

5. For the frequency coordination process, space launch licensees are required to comply with post-license grant coordination requirements for each launch. The post-license grant coordination regime will be facilitated by a single third-party space launch frequency coordinator in a two-part process: (1) for the 2025–2110 MHz band, a site-specific coordination of the operator’s stations and launch parameters with BAS operations that requires the operator to submit its registered sites and stations to the designated third-party coordinator to initiate a launch coordination request(s), and (2) for both the 2025–2110 MHz and 2200–2290 MHz bands, coordination on a per-launch basis with NTIA unless not required by applicable coordination agreements with co-frequency entities or prior coordination.¹⁴ In short, the rules adopted in the *Second Report and Order* provide much needed updates to spectrum allocation and licensing for commercial space launch operations that will foster innovation, investment, and growth in the United States commercial space launch industry.

6. In adopting those rules, the Commission delegated authority to the Bureau to issue a public notice proposing and seeking comment on issues related to the licensing framework for the Space Launch Service to refine the application process and accommodate frequency coordination, including required information for license registrations and frequency coordination requests.¹⁵ In so doing, the Commission stated that it anticipated that a licensee would identify: (1) the specific coordinates of fixed, base, and itinerant stations (e.g., latitude and longitude); (2) frequency channels; (3) launch trajectories; (4) launch window or planned launch date; and (5) any other technical and operational information (e.g., antenna characteristics, power levels, emission designators) needed by a third-party frequency coordinator to submit the launch coordination request to the relevant non-federal and federal entities.¹⁶

7. In the *Licensing and Coordination Procedures Public Notice*, we propose and seek comment on: (1) procedures for registering launch sites and stations to be used in a given launch under a nationwide, nonexclusive license; (2) data requirements for registering those stations and launch sites; (3) data requirements for submitting frequency coordination requests to a third party frequency coordinator; and (4) procedures for coordinating space launch operations with various federal and non-federal operations. We believe these proposals will provide eligible space launch licensees certainty and streamline the process for obtaining authorization in the 2025–2110 MHz and 2200–2290 MHz bands and, pending Commission action pursuant to the Launch Communications Act, the 2360–2395 MHz band.

⁹ 47 CFR § 26.103; *Second Report and Order*, 38 FCC Rcd at 9056–57, para. 75.

¹⁰ 47 CFR § 26.108(b); *Second Report and Order*, 38 FCC Rcd at 9056–57, para. 75.

¹¹ 47 CFR § 26.202; *Second Report and Order*, 38 FCC Rcd at 9072–73, para. 115.

¹² 47 CFR §§ 26.107, 26.108(b); *Second Report and Order*, 38 FCC Rcd at 9064, para. 95.

¹³ 47 CFR § 26.107; *Second Report and Order*, 38 FCC Rcd at 9064, para. 95.

¹⁴ 47 CFR § 26.202(b), (c); *Second Report and Order*, 38 FCC Rcd at 9072–73, para. 115.

¹⁵ 47 CFR § 0.331(g); *Second Report and Order*, 38 FCC Rcd at 9065–66, paras. 98–99.

¹⁶ *Second Report and Order*, 38 FCC Rcd at 9066, para. 99.

8. The Commission notes that none of the principle entities currently comprising the commercial space transportation launch operator industry qualify as small businesses, and it believes the small businesses comprising the industry are few, to the extent there are any. In addition, the Commission anticipates that the procedures and data requirements it proposes will have minimal cost implications, as the proposed rule clarifications are largely implementing an application framework that utilizes elements of existing processes with which small entities are already familiar, including the part 5 experimental licensing data requirements, the 3650–3700 MHz licensing framework, the use of FCC Form 601 for applicant qualification for non-exclusive nationwide wireless licenses, and the use of the Commission’s Universal Licensing System for station registration. We further note that the Commission has previously concluded that the actions it has taken in this proceeding will provide more efficient use of spectrum in the applicable bands, create a more certain regulatory regime, protect incumbent users from harmful interference, and provide economic growth opportunities to small and other launch providers utilizing the bands.¹⁷ In addition, the processes proposed today are intended to streamline the current system in which launch providers gain authorization in the three bands by receiving special temporary authority (STA) under the Commission’s part 5 experimental licensing rules.¹⁸ Those STAs issued by the Commission are only valid for a single launch and expire after six months, and include the condition that any future launches by the grantees would only be considered on a case-by-case basis, without expectation of approval.¹⁹ In contrast, the processes and data requirements proposed in the *Licensing and Coordination Procedures Public Notice* will be used to implement the issuance of ten-year licenses that authorize multiple launches subject to coordination requirements.²⁰

9. Accordingly, based on our application of the two statutorily-mandated criteria, we conclude that any rules subject to the Regulatory Flexibility Act that may be contained in the *Licensing and Coordination Public Notice* will not have a significant economic impact on a substantial number of small entities. We therefore certify that the *Licensing and Coordination Procedures Public Notice* will not have a significant economic impact on a substantial number of small entities.

10. The *Licensing and Coordination Procedures Public Notice* and this Initial Regulatory Flexibility Certification will be sent to the Chief Counsel for Advocacy of the SBA and will be published in the Federal Register.²¹

¹⁷ See *Second Report and Order*, 38 FCC Rcd at 9120, Appx. B, para. 21.

¹⁸ See *Second Report and Order*, 38 FCC Rcd at 9120, Appx. B, para. 22.

¹⁹ *Second Report and Order*, 38 FCC Rcd at 9032, para. 6.

²⁰ See 47 CFR §§ 26.102, 26.103.

²¹ 5 U.S.C. § 605(b).



PUBLIC NOTICE

Federal Communications Commission
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Washington, D.C. 20554

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DA 24-1233

Released: December 6, 2024

WIRELINE COMPETITION BUREAU SEEKS COMMENT ON RESERVATION TELEPHONE COOPERATIVE'S PETITION FOR WAIVER OF PART 36 STUDY AREA BOUNDARY FREEZE AND SECTION 69.3(e)(11) OF THE COMMISSION'S RULES

CC Docket No. 96-45; WC Docket No. 24-269

Comment Date: January 6, 2025

Reply Comment Date: January 21, 2025

The Wireline Competition Bureau (Bureau) seeks comment from interested parties on a petition for waiver filed by Reservation Telephone Cooperative (RTC).¹ RTC states that the purpose of the waiver is to merge three commonly owned study areas in North Dakota.² It therefore seeks a waiver of the definition of “study area” contained in the Appendix-Glossary of part 36 of the Commission’s rules.³ RTC also seeks a waiver of section 69.3(e)(11) of the Commission’s rules, concerning the annual access tariff filing requirements.⁴

In the 2011 *USF/ICC Transformation Order*, the Commission established the current rules governing part 36 study area waiver requests.⁵ The rules provide that “[u]pon determination by the Wireline Competition Bureau that a petitioner has filed a complete petition for study area waiver and that the petition is appropriate for streamlined treatment, the [Bureau] will issue a public notice seeking comment on the petition.”⁶ Unless otherwise notified by the Bureau, the petition will be deemed granted

¹ Reservation Telephone Cooperative Petition for Waiver of the Definition of “Study Area” of the Appendix-Glossary of Part 36 of the Commission’s Rules; Petition for Waiver of Section 69.3(e)(11) of the Commission’s Rules, CC Docket No. 96-45 (filed Aug. 22, 2024). RTC subsequently filed a revised Petition with fewer redactions. Reservation Telephone Cooperative Petition for Waiver of the Definition of “Study Area” of the Appendix-Glossary of Part 36 of the Commission’s Rules; Petition for Waiver of Section 69.3(e)(11) of the Commission’s Rules, CC Docket No. 96-45; WC Docket No. 24-269 (filed Aug. 29, 2024). We refer to these filings collectively as “the Petition.” RTC subsequently filed a Supplement to the Petition. Reservation Telephone Cooperative Supplement to the Petition for Waiver of the Definition of “Study Area,” CC Docket No. 96-45; WC Docket No. 24-269 (dated Oct. 8, 2024) (Supplement).

² Petition at 1. The merging study areas are Reservation Telephone study area (SAC 381632), Midstate Telephone Company study area (SAC 381617), and Midstate Communications study area (SAC 381638). *Id.* at 2-3.

³ *Id.* at 1.

⁴ *Id.* at 1-2, 8.

⁵ See *Connect America Fund et al.*, WC Docket No. 10-90 et al., Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663, 17763, paras. 266-67 (2011).

⁶ *Id.* at 17763, para. 267.

60 days after the reply comment due date absent further action by the Bureau.⁷ A waiver of section 69.3(e)(11), as requested by RTC, is also subject to this streamlined process.⁸

A waiver petition was not required for certain study area boundary changes that had been deemed exempted in 1996 by the Common Carrier Bureau (now the Bureau).⁹ However, on October 20, 2023, the Commission released the *High-Cost Improvements Order* amending section 36.4 to require waivers for all study area boundary changes.¹⁰ The amendment to section 36.4 required the approval of the Office of Management and Budget (OMB) per the Paperwork Reduction Act of 1995, Public Law 104-13. A notification announcing OMB's approval of the modified collection occurred on November 25, 2024.¹¹ The amendment to section 36.4 eliminating the 1996 exceptions will thus become effective on December 25, 2024.¹² Though the transaction proposed by RTC fell within the 1996 exemption when the Petition was filed, that exemption will be superseded by section 36.4(c) of the Commission's rules by the time the

⁷ *Id.*

⁸ 47 CFR § 36.4; *USF/ICC Transformation Order*, 26 FCC Rcd at 17763, paras. 266-67 (“Additionally, any study area waiver related waiver requests that petitioners routinely include in petitions for study area waiver and we routinely grant -- such as requests for waiver of sections 69.3(e)(11) (to include any acquired lines in the NECA pool) and 69.605(c) (to remain an average schedule company after an acquisition of exchanges) -- will also be deemed granted on the 60th day after the reply comment due date absent any further action by the Bureau.”). 47 CFR § 69.3(e)(11) (“A telephone company or group of telephone companies may file a tariff that is not an association tariff. Such a tariff may cross-reference the association tariff for some access elements and include separately computed charges of such company or companies for other elements. Any such tariff must comply with the requirements hereinafter provided: . . . (11) Any changes in Association common line tariff participation and Long Term and Transitional Support resulting from the merger or acquisition of telephone properties are to be made effective on the next annual access tariff filing effective date following consummation of the merger or acquisition transaction, in accordance with the provisions of § 69.3(e)(9).”).

⁹ The previous exemptions included when “a holding company is consolidating existing study areas in the same state.” *Request for Clarification Filed by the National Exchange Carrier Association, Inc., and Petitions for Waiver Filed by Alaska Telephone Company, Ducor Telephone Company, and Kingsgate Telephone, Inc., Concerning the Definition of “Study Area: in the Part 36 Appendix-Glossary of the Commission’s Rules*, AAD 95-173, AAD 96-29, AAG 96-51, Memorandum Opinion and Order, 11 FCC Rcd 8156, 8159-60, paras. 6-7 (CCB 1996) (*Exemptions Order*).

¹⁰ See *Connect America Fund et al.*, WC Docket Nos. 10-90 et al., Notice of Proposed Rulemaking and Report and Order, 38 FCC Rcd 9982, 10058, para. 176 (2023) (*High-Cost Improvements Order*). Specifically, the Commission amended section 36.4 of its rules to add a new subpart (c) to read as follows: “[a] local exchange carrier must file a petition for waiver for study area boundary changes notwithstanding any prior exemptions from such waiver requests including, but not limited to, when a company is combining previously unserved territory with one of its study areas or a holding company is consolidating existing study areas within the same state. . . .” *Id.* at 10085, Appx. B.

¹¹ See Federal Communications Commission, Connect America Fund, Alaska Connect Fund, ETC Annual Reports and Certifications, Telecommunications Carriers Eligible To Receive Universal Service Support, Universal Service Reform—Mobility Fund, 89 Fed. Reg. 92846 (Nov. 25, 2024) (Federal Register Notice).

¹² Per amendatory instruction 2 contained in Appendix B of the *High-Cost Improvements Order*, carriers seeking a change in study area boundaries are subject to the procedures set forth in new section 36.4(c) “[e]ffective as of 30 days after the effective date” of section 36.4(c).” 38 FCC Rcd at 10085, Appx. B. While the Federal Register Notice listed the effective date of the amendment to section 36.4 as effective November 25, 2024, this was in error given the amendatory instruction 2. A corrected notice will be published in the Federal Register indicating the correct effective date of December 26, 2024 for the amendment to section 36.4.

proposed merger of study areas could conceivably be approved and consummated.¹³ Accordingly, RTC seeks a waiver pursuant to the soon-to-be codified requirement.¹⁴

In the *High-Cost Improvements Order*, the Commission also amended its rules to “provide a simpler process for rate-of-return LECs seeking to merge . . . study areas to calculate the new entity’s Access Recovery Charge, Connect America Fund – Inter-carrier Compensation (CAF ICC) support, and reciprocal compensation and switched access rate caps.”¹⁵ The Commission noted inefficiencies in its prior inter-carrier compensation rules, which had not contemplated merging study areas.¹⁶ The Commission therefore adopted amendments to the inter-carrier compensation rules in sections 51.917(c) and 51.909(a) to address study area changes resulting from transactions involving rate-of-return carriers.¹⁷ Section 51.917 was modified to allow rate-of-return carriers merging study areas to calculate Base Period Revenues affected by the transaction “without the need for a waiver.”¹⁸ Section 51.909 was amended to “eliminate the need for a waiver in circumstances where the CAF ICC increase is at or below two percent.”¹⁹ In its Petition, RTC confirms that “its CAF-ICC support will not increase as a result of the merger by more than two percent above the amount received by the merging entities prior to the transaction.”²⁰ RTC also indicates that it submits the Petition pursuant to revised rule 51.917 about Base Period Revenue calculation.²¹ We have reviewed the filings and agree that the recently revised rules apply in this instance and, as a result, waivers of rules 51.909 and 51.917 are not necessary.

We find that RTC has filed a complete petition for study area waiver, and the Petition is appropriate for streamlined treatment. Accordingly, absent further action by the Bureau the petition for waiver of the definition of “study area” contained in the Appendix-Glossary of Part 36 of the Commission’s rules and of section 69.3(e)(11) will be approved on the 60th day after the reply comment deadline provided above.²²

¹³ See 47 CFR § 36.4(b).

¹⁴ The Commission applies a two-prong standard for evaluating petitions seeking a waiver of the rule freezing study area boundaries: “(1) the state commission having regulatory authority over the transferred exchanges does not object to the transfer and (2) the transfer must be in the public interest.” *USF/ICC Transformation Order*, 26 FCC Rcd at 17762-63, para. 265. The North Dakota Public Service Commission (ND PSC) issued an order on November 7, 2024, approving the transaction proposed by RTC. See ND PSC, Order, Case Nos. PU-24-319 and PU-24-320 (rel. Nov. 7, 2024).

¹⁵ See *High-Cost Improvements Order*, 38 FCC Rcd at 10053, para. 162.

¹⁶ *Id.* at 10054-55, paras. 166-67.

¹⁷ *Id.* at 10055, para. 168.

¹⁸ *Id.* at 10055, para. 169. 47 CFR § 51.917(c)(2)(i) (“Rate-of-return carriers subject to this section that merge with, consolidate with, or acquire, other rate-of-return carriers shall establish combined Base Period Revenue and interstate revenue requirement levels as follows: (i) If the merger or acquisition is of two or more study areas, the Base Period Revenue and interstate revenue requirement levels of the study areas shall be added together to establish a new Base Period Revenue and interstate revenue requirement for the newly combined entity . . .”).

¹⁹ *High-Cost Improvements Order*, 38 FCC Rcd at 10055-56, paras. 170, 172. 47 CFR § 51.909((a)(7)(ii) (“Rate-of-return carriers subject to section 51.917 that merge with, consolidate with, or acquire other rate-of-return carriers shall establish new rate caps as follows: . . . (ii) If the merged entity participates in the Association traffic-sensitive tariff and has to establish a single switched access rate for one or more rate elements, the new consolidated rate reflecting the cost characteristics of the merged entity, as determined by the Association, will serve as the new rate cap if the merged entity’s CAF ICC support will not be more than two percent higher than the combined amount received by the entities prior to merger, using rate and demand levels for the preceding calendar year. . . .”).

²⁰ Petition at 8.

²¹ *Id.* at 2.

²² See 47 CFR § 36.4(a).

Filing Requirements. Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. All filings must refer to **CC Docket No. 96-45** and **WC Docket No. 24-269**.²³

- **Electronic Filers:** Comments may be filed electronically using the Commission's online Electronic Comment Filing System (ECFS): <https://www.fcc.gov/ecfs/>.²⁴
- **Paper Filers:** Parties who choose to file by paper must file an original and one copy of each filing.
 - Filings can be sent by hand or messenger delivery, by commercial courier, or by the U.S. Postal Service. **All filings must be addressed to the Secretary, Federal Communications Commission.**
 - Hand-delivered or messenger-delivered paper filings for the Commission's Secretary are accepted between 8:00 a.m. and 4:00 p.m. by the FCC's mailing contractor at 9050 Junction Drive, Annapolis Junction, MD 20701. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
 - Commercial courier deliveries (any deliveries not by the U.S. Postal Service) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
 - Filings sent by U.S. Postal Service First-Class Mail, Priority Mail, and Priority Mail Express must be sent to 45 L Street NE, Washington, DC 20554.
- **People with Disabilities:** To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530.

Permit but Disclose Ex Parte Communications. For the purposes of the Commission's *ex parte* rules, each petition addressed within this Public Notice will be treated as initiating a permit-but-disclose proceeding under the Commission's rules.²⁵ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that

²³ All filings relating to this Public Notice should refer *only* to the dockets listed here.

²⁴ See Federal Communications Commission, Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24121 (May 1, 1998).

²⁵ 47 C.F.R. §§ 1.1200 *et seq.*

proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

For further information, please contact William Layton, Telecommunications Access Policy Division, Wireline Competition Bureau at william.layton@fcc.gov or Lynne Engledow, Pricing Policy Division, Wireline Competition Bureau at lynne.engledow@fcc.gov.

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PUBLIC NOTICE

Federal Communications Commission
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News Media Information 202-418-0500
Internet: www.fcc.gov

DA 24-1234

Released: December 9, 2024

**GRANT OF APPLICATIONS AND PETITION FOR DECLARATORY RULING
FOR THE TRANSFER OF CONTROL OF CONSOLIDATED COMMUNICATIONS
HOLDINGS, INC. TO CONDOR HOLDINGS LLC**

**DOMESTIC AND INTERNATIONAL SECTION 214 APPLICATIONS GRANTED
WC Docket No. 23-401
ICFS File No. ITC-T/C-20231118-00157**

**SECTION 310(b)(4) PETITION FOR DECLARATORY RULING GRANTED
ICFS File No. ISP-PDR-20231117-00009**

**SECTION 310(d) APPLICATIONS GRANTED
ULS File Nos. 0010772835, 0010772977, 0010772981, 0010772985, 0010796449**

By this Public Notice, the Wireline Competition Bureau (WCB), Office of International Affairs (OIA), and Wireless Telecommunications Bureau (WTB) grant, as conditioned, the applications (collectively, the Applications) and a restated petition for declaratory ruling (Restated Petition) regarding the transfer of control of Consolidated Communications Holdings, Inc. (Consolidated) and its FCC-regulated subsidiaries to Condor Holdings LLC (Condor).¹

WCB grants an application filed by Consolidated and Condor (together, Applicants), pursuant to section 214 of the Communications Act of 1934, as amended (the Act), and sections 63.03-04 of the Commission's rules,² requesting consent to transfer control of Consolidated and its FCC-regulated subsidiaries (Licensee Subsidiaries, and together with Consolidated, the Licensees), to Condor.³

¹ The Commission licenses and authorizations subject to the Applications and Restated Petition are listed in Attachment A to this Public Notice and include domestic and international section 214 authorizations, wireless licenses, and the restated petition for declaratory ruling.

² See 47 U.S.C. § 214(a); 47 CFR §§ 63.03-04.

³ Joint Application of Consolidated Communications Holdings, Inc. and Condor Holdings, LLC for Consent to Transfer of Control Pursuant to Section 214 of the Communications Act of 1934, as Amended, WC Docket No. 23-401 (filed Nov. 20, 2023) (Lead Application). On March 8, 2024 and March 20, 2024, the Applicants filed supplements to their domestic section 214 application, which were also filed in the corresponding OIA dockets, ICFS File Nos. ITC-T/C-20231118-00157 and ISP-PDR-20231117-00009. See Letter from Wayne Johnson, Counsel to Condor Holdings, Inc., and Andrew D. Lipman, Counsel to Consolidated Communications Holdings, Inc., to Marlene H. Dortch, Secretary, FCC, WC Docket No. 23-401, ITC-T/C-20231118-00157 (filed Mar. 8, 2024) (First Supplement); Letter from Wayne Johnson, Counsel to Condor Holdings, Inc., to Marlene H. Dortch, Secretary, FCC, WC Docket No. 23-401, ITC-T/C-20231118-00157 (filed Mar. 20, 2024) (Second Supplement). Any action on the applications referenced in this Public Notice is without prejudice to Commission action on any other pending applications.

OIA grants the application for transfer of control of the international section 214 authorization held by Consolidated pursuant to section 214 of the Act and sections 63.18 and 63.24 of the Commission's rules.⁴ In addition, OIA grants the Restated Petition filed by Consolidated Communications, Inc. (CCI), Consolidated and its two subsidiaries that are common carrier wireless licensees, and Condor (together, Petitioners), pursuant to section 310(b)(4) of the Act and section 1.5000(a)(1) of the Commission's rules,⁵ requesting that the Commission approve the foreign equity and voting interests in CCI, the controlling U.S. parent of the two subsidiaries that hold common carrier wireless licenses, in excess of the 25% statutory benchmarks in section 310(b)(4) of the Act.⁶

WTB grants the applications filed by the Applicants to transfer control of Consolidated and its subsidiaries, including those with Commission issued authorizations (Licensee Subsidiaries) and Licensee's common carrier wireless licenses and noncommon carrier wireless licenses to Condor, pursuant to section 310(d) of the Act and section 1.948 of the Commission's rules.⁷

On May 7, 2024, the WCB, WTB, and OIA released a Public Notice seeking comment on the Applications and the Restated Petition.⁸ We did not receive comments or petitions in opposition to the Applications and the Restated Petition. On November 25, 2024, the National Telecommunications and Information Administration (NTIA), on behalf of the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector (Committee), submitted a Petition to Adopt Conditions to Authorizations and Licenses (Committee Petition).⁹

Applicants and Services Provided

Consolidated, a Delaware corporation, through the Licensee Subsidiaries, provides service as an incumbent local exchange carrier (LEC) or competitive LEC in certain areas of Alabama, California, Colorado, Florida, Georgia, Illinois, Iowa, Kansas, Maine, Massachusetts, Minnesota, Missouri, New Hampshire, New York,¹⁰ North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Texas, Vermont,

⁴ See 47 U.S.C. § 214; 47 CFR §§ 63.18, 63.24.

⁵ 47 U.S.C. § 310(b)(4); 47 CFR § 1.5000(a)(1).

⁶ Petition for Declaratory Ruling, File No. ISP-PDR-20231117-00009 (filed Nov. 17, 2023) (Petition); *see also* Amended and Restated Petition (Restated Petition) (filed Mar. 6, 2024). The Petitioners filed a supplement on March 27, 2024 clarifying information contained in the Restated Petition regarding the specific approval requests. Letter from Eve Klindera Reed, counsel to Condor Holdings, Inc., to Marlene H. Dortch, Secretary, FCC, ISP-PDR-20231117-00009 (filed Mar. 27, 2024). The Petitioners also filed a supplement on December 3, 2024, providing updated foreign ownership information. Letter from Wayne D. Johnson, counsel to Condor Holdings, Inc., to Marlene H. Dortch, Secretary, FCC, ISP-PDR-20231117-00009 (filed Dec. 3, 2024). The updated foreign ownership information was also filed in the corresponding WCB and OIA dockets and ULS file numbers. Letter from Wayne D. Johnson, counsel to Condor Holdings, Inc., to Marlene H. Dortch, Secretary, FCC, WC Docket No. 23-401, ITC-T/C-20231118-00157 (filed Dec. 3, 2024) and in ULS file nos. 0010772835, 0010772977, 0010772981, 0010772985, 0010796449 (filed Dec. 4, 2024).

⁷ See 47 U.S.C. § 310(d); 47 CFR § 1.948.

⁸ See *Applications and Petition for Declaratory Ruling Filed for the Transfer of Control of Consolidated Communications Holdings, Inc. to Condor Holdings LLC*, WC Docket No. 23-401, Public Notice, DA 24-430 (WCB/OIA/WTB 2024) (Public Notice).

⁹ National Telecommunications and Information Administration, Petition to Adopt Conditions to Authorization and License, WC Docket No. 23-401; ICFS File No. ITC-T/C-20231118-00157; ICFS File No. ISP-PDR-20231117-00009; ULS File No. 0010772835; ULS File No. 0010772977 (filed Nov. 25, 2024).

¹⁰ The Applicants state that, concurrent with the closing of the proposed transaction, Consolidated will conclude a series of internal mergers and assignments to streamline the operation of its Licensee Subsidiaries in New York. Second Supplement at 8-9.

and Wisconsin.¹¹ Many of the Licensee Subsidiaries are authorized as Eligible Telecommunications Carriers (ETCs),¹² and some of the Licensee Subsidiaries have been awarded Rural Digital Opportunity Fund Phase I Auction (RDOF) funding for a total of 246 census block groups across seven states—Florida, Illinois, Maine, Minnesota, New Hampshire, Texas, and Vermont.¹³

Condor, a Delaware limited liability holding company, was formed for the purposes of the proposed transaction and is a wholly owned subsidiary of Searchlight III CVL, L.P. (Searchlight III CVL).¹⁴ The Applicants state that, in close proximity to the close of the proposed transaction, Searchlight III CVL will be converted into a limited liability company (Searchlight CVL LLC).¹⁵ Investment funds affiliated with Searchlight Capital Partners, L.P. (Searchlight) will hold a majority equity interest (77.2%) in Searchlight CVL LLC,¹⁶ and investment vehicles affiliated with British Columbia Investment Management Corporation (BCI), a corporation incorporated pursuant to the Public Sector Pension Plans Act (British Columbia), will hold an indirect, non-controlling minority interest (22.8%) in Consolidated.¹⁷

¹¹ The Applicants list each of the 28 entities included in the proposed transaction as the Licensees. *See* Lead Application, Exh. A (Consolidated Licensee Information) at 1-6. On February 13, 2024, the Commission granted an application seeking to transfer Consolidated Communications of Comerco Company (CCCC), a competitive telecommunications provider serving the State of Washington, and Consolidated Communications of Washington Company, LLC (CCCW), an incumbent LEC serving the State of Washington, to NextCape, LLC. *See Domestic Section 214 Granted for the Transfer of Control of Comerco Company and Consolidated Communications of Washington Company, LLC to NextCape, LLC*, WC Docket No. 23-263, Public Notice, DA 24-158 (WCB Feb. 21, 2024). Accordingly, CCCC and CCCW, although listed in Exhibit A of the Lead Application, are now excluded from the proposed transaction. *See* Lead Application at 19 n.21; *id.*, Exh. A at 6.

¹² Lead Application, Exh. A at 1-6 (listing 20 entities, and their service areas, which are authorized as ETCs).

¹³ *Id.* (listing seven entities, and their service areas, that receive RDOF support); *Rural Digital Opportunity Fund Support Authorized for 311 Winning Bids*, AU Docket No. 20-34, WC Docket Nos. 19-126, 10-90, Public Notice, 36 FCC Rcd 15809 (WCB/OEA 2021) (authorizing Consolidated Telephone Company to receive RDOF support in Minnesota); *Rural Digital Opportunity Fund Support Authorized for 2,008 Winning Bids*, AU Docket No. 20-34, WC Docket Nos. 19-126, 10-90, Public Notice, 36 FCC Rcd 17198 (WCB/OEA 2021) (authorizing RDOF support for Consolidated Communications of Florida Company, Consolidated Communications of Illinois Company, Consolidated Communications of Minnesota Company, Consolidated Communications of Northern New England (in Maine and New Hampshire), Consolidated Communications of Texas Company, and Consolidated Communications of Vermont Company, LLC).

¹⁴ Lead Application at 2-3. The Applicants provide information on domestic and foreign entities that, post-consummation, will hold a 10% or greater interest in Condor, including entities that will have ownership interests, control (general partnership or management), purely management services, and passive limited partners. *See* Second Supplement, Exh. B (Current and Post-Transaction Corporate Ownership Structure Charts) at 5-9; *id.*, Exh. C (Post Transaction Ownership of Consolidated) at 2-10.

¹⁵ Second Supplement at 2.

¹⁶ *Id.* at 3. The Applicants state that SCP Aggregator, L.P. (SCP Aggregator), a Delaware limited partnership affiliated with Searchlight, will be formed and hold an equity interest in Searchlight CVL LLC of approximately 77.2%. *Id.* at 3, 4, and Exh. C at 2. Searchlight III CVL GP, LLC (Searchlight III CVL GP), a Delaware limited liability company, will be the general partner ultimately managing SCP Aggregator. *Id.*, Exh. B at 5-6 and 9; *id.*, Exh. C at 2-3. The Applicants state that, post consummation, SCP Aggregator will be considered to hold a 44.44% voting interest in Searchlight CVL LLC by virtue of its right to appoint 4 out of 9 members of the Searchlight CVL LLC's board of managers, as will SCP Aggregator's general partner, Searchlight III CVL GP. *Id.* at 4; *id.*, Exh. C at 2.

¹⁷ Second Supplement at 3. Searchlight (including funds in which BCI is a limited partner) currently holds approximately 33.8% voting and 67.8% equity in Consolidated. Lead Application at 3-4; Second Supplement, Exh. B at 1. BCI currently holds no voting interest in Consolidated, and the Applicants state that BCI's passive limited partnership interest in Searchlight III CVL currently represents a proportionate indirect equity interest in Consolidated of approximately 17.7% with no corresponding voting interest. Lead Application at 5; First Supplement at 9. Post-consummation, IMCPE 2020 Inc. (IMCPE 2020), which is controlled by BCI, will hold an
(continued....)

Searchlight is ultimately controlled by the following three individuals: Eric Zinterhofer (U.S. citizen), Erol Uzumeri (dual citizen of Canada and United Kingdom), and Oliver Haarmann (German citizen).¹⁸ The Applicants state that Condor and the Licensees will be affiliated with incumbent and competitive LECs, long distance providers, and other providers of domestic telecommunications services.¹⁹ The Applicants further state that, post-consummation, there will be no major overlap of service areas with the Licensees and Condor's affiliates.²⁰

Statement of Public Interest

The Applicants assert that a grant of the Applications would serve the public interest,

(Continued from previous page) _____
equity interest in Searchlight CVL LLC of approximately 22.8%. Lead Application at 6; Second Supplement at 7. IMCPE 2020 is owned (93.4%) by 2020 Private Equity Fund (2020 Fund), a Canadian entity. Second Supplement at 7, *id.*, Exh. C at 9. The Applicants state that together, BCI, 2020 Fund, and IMCPE 2020 will be considered to hold a 33.33% voting interest in Searchlight CVL LLC because BCI, or its affiliates, will have the right to appoint 3 out of 9 members of the Searchlight CVL LLC board of managers. *Id.* at 8; *id.*, Exh. B at 9 n.4.

¹⁸ See Second Supplement, Exh. B at 5-7; *id.*, Exh. C at 3-4. Each of these three individuals will hold equal shares (33% equity and voting) in Searchlight III CVL GP as well as hold a less than 1% equity and 14.8% voting interest in Condor. *Id.*, Exh. C. at 3-4.

¹⁹ *Id.* at 20-21; see also *id.*, Exh. D (Affiliates of Condor and the Licensees); First Supplement at 2-8. Specifically, Condor and the Licensees will be affiliated with the following providers of domestic telecommunications services: All Points Northern Neck, LLC, a communications provider and ETC receiving RDOF support serving portions of Virginia; Northwest Fiber, LLC, a long distance carrier serving Idaho, Montana, Oregon, and Washington; Ziply Fiber Northwest, LLC, an incumbent LEC serving portions of Idaho, Oregon, and Washington; Ziply of Montana, LLC, an incumbent LEC serving Montana; Ziply of Oregon, LLC, an incumbent LEC serving Oregon; Ziply Fiber of Idaho, an incumbent LEC serving Idaho; Ziply Fiber Pacific, LLC, a competitive LEC serving Oregon and Washington; Ziply Wireless, LLC, a competitive LEC serving Oregon and Washington; and Wholesail Networks, LLC, a competitive LEC serving Idaho, Montana, Oregon, and Washington. First Supplement at 2-4. The Applicants state that the California State Teacher's Retirement (CalSTRS), a California pension fund that holds an indirect, passive limited partnership interest in Condor of approximately 20.6%, is affiliated with the following providers of domestic telecommunications services: FiberLight, LLC, a competitive LEC and competitive access provider in 15 states; FiberLight of Virginia, LLC, an intrastate telecommunications provider that does not currently provide any domestic telecommunications services but serves as an ETC receiving RDOF support; Hoosier Networks, LLC, a competitive LEC serving Indiana; and Yellowhammer Networks, LLC, an ETC authorized to receive RDOF support in Alabama; and Clarity Telecom, LLC (Clarity), an incumbent LEC serving Clay, Hutchinson, Lincoln, McCook, Minnehaha, Turner, Union, and Yankton counties in South Dakota and a competitive LEC serving Minnesota. *Id.* at 4-8. Condor will also be affiliated with Mainstream Fiber Networks, LLC, which, according to the Applicants, has common carrier authorization from the Indiana Utility Regulatory Commission but does not currently provide any domestic interstate telecommunications services. Lead Application at n.22.

²⁰ The Applicants state that Fiberlight has operational or dark fiber network infrastructure exclusively in Alabama, Florida, Georgia, Louisiana, Maryland, New Mexico, Oklahoma, Tennessee, Texas, and the District of Columbia. First Supplement at 4-5. The Applicants note that there may be a minimal overlap between FiberLight and Consolidated Communications of Texas Company, an incumbent LEC that operates in Conroe and Katy, Texas. *Id.* at 7. The Applicants state that "it appears FiberLight has limited fiber networks on the outskirts of each of Conroe and Katy, providing backhaul to a wireless tower in each market. FiberLight's publicly available network map, however, does not indicate the presence of any last-mile fiber-based connections within the Conroe or Katy study areas served by Consolidated's Texas [incumbent] LEC." *Id.* The Applicants also note that in Minnehaha County, South Dakota, there is an overlap between the competitive LEC operations of Consolidated Communications Enterprise Services, Inc. (CCES) and the incumbent LEC operations of Clarity. *Id.* at 8. The Applicants state that "CCES provides dedicated transmission services to a limited number of commercial customers and a single carrier customer in Sioux Falls, Minnehaha County, South Dakota. Based on publicly available information, Clarity provides residential services to customers in Minnehaha County. Because Consolidated provides only [competitive] LEC services in South Dakota, there is no [incumbent] LEC-[incumbent] LEC overlap or adjacency between Consolidated and Clarity in South Dakota." *Id.*

convenience, and necessity, and result in no anti-competitive concerns.²¹ The Applicants state that the proposed transaction “will allow Consolidated to continue its multi-pronged fiber expansion strategy and position itself to become a leading fiber provider across the United States” and that Consolidated “will continue to bring broadband services to underserved and unserved communities across rural America, further bridging the digital divide.”²² The Applicants state that “Consolidated plans to expand 1 Gbps (gigabit-per-second) broadband coverage in its current network topography and improve operational efficiency across its approximately 59,000 fiber route miles and two million fiber strand miles . . . [and] intends to expand its commercial services and carrier solutions by leveraging consumer fiber buildouts to further expand its network.”²³ With regard to the various Universal Service programs that the Licensees participate in, the Applicants state that the proposed transaction “will enhance, and not compromise, the ability of the Licensees to meet their respective obligations . . .”²⁴ The Applicants state that the proposed transaction will not result in the creation of any new debt obligations nor will it result in a change of carrier for any customers or assignment of any existing Commission authorizations.²⁵ The Applicants also note that the proposed transaction will also give Consolidated near-term financial and operational flexibility as it transforms from legacy copper-based TDM networks to fiber-based IP networks.²⁶ According to the Applicants, the proposed transaction will also allow Consolidated to draw on Searchlight’s expertise in the infrastructure and telecommunications sectors and help Consolidated take advantage of new opportunities, such as the federal government’s BEAD program.²⁷

National Security, Law Enforcement, Foreign Policy and Trade Policy Concerns

When analyzing a transfer of control, assignment application, or petition for declaratory ruling that includes foreign investment, we also consider public interest issues related to national security, law enforcement, foreign policy, or trade policy concerns.²⁸ As part of our public interest analysis, the Commission coordinates with the relevant Executive Branch agencies that have expertise in these

²¹ *Id.* at 12-13.

²² *Id.* at 12.

²³ *Id.* The Applicants state that there are no plans to change Consolidated’s current rates or terms and conditions of services and that Consolidated’s existing tariffs will remain in effect (subject to change in the ordinary course of business). *Id.* The Applicants assert that the proposed transaction will therefore be seamless to customers and that they will not experience any immediate changes in services or rates, terms, and conditions of service. *Id.*

²⁴ *Id.* at 14.

²⁵ *Id.* at 12.

²⁶ *Id.* at 13.

²⁷ *Id.*

²⁸ See *Process Reform for Executive Branch Review of Certain FCC Applications and Petitions Involving Foreign Ownership*, IB Docket 16-155, Report and Order, 35 FCC Rcd 10927 (2020) (setting rules and procedures for referring applications for Executive Branch review consistent with Executive Order No. 13913) (*Executive Branch Review Order*); *Rules and Policies on Foreign Participation in the U.S. Telecommunications Market; Market Entry and Regulation of Foreign-Affiliated Entities*, Report and Order and Order on Reconsideration, 12 FCC Rcd 23891, 23918-21, paras. 59-66 (1997) (*Foreign Participation Order*), *recon. denied*, 15 FCC Rcd 18158 (2000) (in opening the U.S. telecommunications market to foreign entry in 1997, the Commission affirmed that it would consider national security, law enforcement, foreign policy, and trade policy concerns related to reportable foreign ownership as part of its overall public interest review of applications for international section 214 authority, submarine cable landing licenses, and declaratory rulings to exceed the foreign ownership benchmarks of section 310(b) of the Act); see also *Applications of T-Mobile US, Inc. and Sprint Corporation for Consent to Transfer Control of Licenses and Authorizations, et al.*, WT Docket 18-197, Memorandum Opinion and Order, Declaratory Ruling, and Order of Proposed Modification, 34 FCC Rcd 10578, 10732-33, para. 349 (2019) (*T-Mobile/Sprint Order*).

particular issues.²⁹ The Commission accords deference to the expertise of these Executive Branch agencies in identifying issues related to national security, law enforcement, foreign policy, or trade policy concerns raised by the relevant Executive Branch agencies.³⁰ The Commission, however, ultimately makes an independent decision on the application based on the record in the proceedings.³¹

Pursuant to Commission practice, the Applications and the Restated Petition were referred to the relevant Executive Branch agencies for their review of any national security, law enforcement, foreign policy, or trade policy concerns related to the foreign ownership of the Applicants.³² On May 15, 2024, the U.S. Department of Justice (DOJ), on behalf of the Committee, informed the Commission that the Committee was reviewing the Applications and the Restated Petition for any national security and law enforcement concerns that may be raised by foreign participation in the United States telecommunications services sector and requested that the Commission defer action on the Applications.³³ We deferred action in response to this request from the Committee. On August 5, 2024, DOJ notified the Commission that the Committee was conducting a 120-day initial review to assess whether granting the Applications and Restated Petition will pose a risk to national security or law enforcement interests of the United States.³⁴

On November 25, 2024, NTIA, on behalf of the Committee, submitted the Committee Petition.³⁵ In the Committee Petition, the Committee advises that it has no objection to the Commission granting the Applications and Restated Petition, provided that the Commission conditions its consent on compliance by Consolidated Communications Holdings, Inc. and its subsidiaries and Searchlight III CVL, LLC with the commitments and undertakings set out in the November 12, 2024, Letter of Agreement (LOA), which NTIA filed with the Committee Petition.³⁶

²⁹ See *Executive Branch Review Order*, 35 FCC Rcd at 10935-36, paras. 17, 24.

³⁰ *Id.* at 10930, para. 7 (citing *Foreign Participation Order*, 12 FCC Rcd at 23920-21, paras. 65-66; *Amendment of the Commission's Regulatory Policies to Allow Non-U.S. Licensed Space Stations to Provide Domestic and International Satellite Service in the United States*; *Amendment of Section 25.131 of the Commission's Rules and Regulations to Eliminate the Licensing Requirement for Certain International Receive-Only Earth Stations*, IB Docket No. 96-111, CC Docket No. 93-23, RM-7931, Report and Order, 12 FCC Rcd 24094, 24171-72, paras. 179, 182 (1997)); see also *T-Mobile/Sprint Order*, 34 FCC Rcd at 10733, paras. 349; *Review of Foreign Ownership Policies for Broadcast, Common Carrier and Aeronautical Radio Licensees under Section 310(b)(4) of the Communications Act of 1934, as Amended*, Report and Order, 31 FCC Rcd 11271, 11277, para. 6 (2016), *Pet. for recon. dismissed*, 32 FCC Rcd 4780 (2017).

³¹ 47 CFR § 1.40001(b) (“The Commission will consider any recommendations from the [E]xecutive [B]ranch on pending application(s) . . . that may affect national security, law enforcement, foreign policy, and/or trade policy as part of its public interest analysis. The Commission will evaluate concerns raised by the [E]xecutive [B]ranch and will make an independent decision concerning the pending matter.”).

³² See *Public Notice* at 12.

³³ Letter from Christine M. Quinn, Attorney Advisor, U.S. Department of Justice, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 23-401; ITC-T/C-20231118-00157; ISP-PDR-20231117-00009, and Attach. (filed May 15, 2024).

³⁴ Letter from Christine M. Quinn, Attorney Advisor, U.S. Department of Justice, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 23-401; ITC-T/C-20231118-00157; ISP-PDR-20231117-00009, and Attach. (filed Aug. 5, 2024).

³⁵ National Telecommunications and Information Administration, Petition to Adopt Conditions to Authorization and License, WC Docket No. 23-401; ICFS File No. ITC-T/C-20231118-00157; ICFS File No. ISP-PDR-20231117-00009; ULS File No. 0010772835; ULS File No. 0010772977 (filed Nov. 25, 2024).

³⁶ Committee Petition at 3. Letter of Agreement from J. Garrett Van Osdell, Chief Legal Officer and Corporate Secretary, Consolidated Communications Holdings, Inc. and Andrew Frey, Searchlight III CVL, LLC, to Chief, Foreign Investment Review Section (FIRS) and Deputy Chief, Compliance and Enforcement (FIRS), on behalf of (continued....)

In accordance with the request of NTIA and the Committee, and in the absence of any objection from the Applicants, we grant the Committee Petition. Accordingly, we condition grant of the Applications and Restated Petition on compliance with the commitments and undertakings set forth in the LOA.³⁷ A failure to comply with and/or remain in compliance with any of the provisions of the LOA shall constitute a failure to meet a condition of this grant and the underlying authorizations and licenses and declaratory ruling and thus grounds for declaring the underlying authorizations and licenses and declaratory ruling terminated without further action on the part of the Commission. A failure to meet a condition of this grant and the underlying authorizations and licenses and declaratory ruling may also result in monetary sanctions or other enforcement action by the Commission.

Petition For Declaratory Ruling Under Section 310(b)(4)

According to the Restated Petition, CCI, an Illinois corporation, is the direct parent company of Consolidated Communications of Northern New England Company, LLC and Consolidated Communications Enterprise Services, Inc., (together, Common Carrier Wireless Licensees) both Delaware entities.³⁸ The Petitioners request that the Commission find that it would serve the public interest to approve the foreign equity and voting interests in CCI, the controlling U.S. parents of the Common Carrier Wireless Licensees, in excess of the 25% statutory benchmarks in section 310(b)(4) of the Act.

The Petitioners state that upon consummation of the Transaction, CCI, the controlling U.S. parent of the Common Carrier Wireless Licensees, will be wholly owned by Consolidated, which will be wholly owned by Condor, which, in turn, will be wholly owned by Searchlight CVL LLC, all Delaware entities.³⁹ Searchlight CVL LLC will also become the sole member of Condor and will own 100% of its equity and voting interests. Searchlight CVL LLC will have a nine-member board of managers that, subject to certain conditions related to the percentage of common units in Searchlight CVL LLC held by affiliates of Searchlight and BCI, respectively, will be composed of four members appointed by Searchlight or its affiliates, three members appointed by BCI or its affiliates, and two independent members appointed by Searchlight CVL LLC.⁴⁰

Searchlight CVL LLC will be owned by two uninsulated members, IMCPE 2020 (with 22.8% equity and 33.3% voting interests and the right to designate three members of the board of Searchlight CVL LLC),⁴¹ and SCP Aggregator (with 77.2% equity and 44.4% voting interests and the right to designate four members of the board of Searchlight CVL LLC).⁴² According to the Restated Petition, BCI will hold a 93.4% voting interest in IMCPE 2020 in a trust on behalf of the 2020 Fund.⁴³ Thus, BCI will be a shareholder of IMCPE 2020 and will control the additional 6.6% equity and voting interests of

(Continued from previous page) _____
the Assistant Attorney General for National Security, United States Department of Justice National Security Division (dated November 12, 2024).

³⁷ *T-Mobile/Sprint Order*, 34 FCC Rcd at 10732-33, para. 349; *Foreign Participation Order*, 12 FCC Rcd at 23918-21, paras. 59-66.

³⁸ Restated Petition at 21-22, Exh. A Pre-Closing Structure-2-3. The licenses subject to section 310(b)(4) are: Consolidated Communications of Northern New England Company, LLC (Common Carrier Fixed Point to Point Microwave); and Consolidated Communications Enterprise Services, Inc. (Millimeter Wave 70/80/90 GHz Service). Restated Petition at 21-22.

³⁹ *Id.* at 23.

⁴⁰ *Id.* at 8.

⁴¹ *Id.* at 8, 24-25.

⁴² *Id.* at 9-10, 25.

⁴³ *Id.* at 31-32.

IMCPE 2020 that will be held by the Accident Fund.⁴⁴ The limited partners in SCP Aggregator will be Searchlight III CVL II (45.7% equity, 0% voting),⁴⁵ Searchlight IV CVL (14.8% equity, 0% voting), Co-Invest I (13.3% equity, 0% voting), and Co-Invest II (26.2% equity, 0% voting), all of which are Delaware entities.⁴⁶ The general partner of SCP Aggregator will be Searchlight III CVL GP, a Delaware limited liability company, that will own 0% equity and 100% voting interests in SCP Aggregator.⁴⁷

Searchlight III CVL GP will also become the general partner of Searchlight III CVL II (0% equity, 100% voting), Co-Invest I (0% equity, 100% voting), and Co-Invest II (0% equity, 100% voting).⁴⁸ Three individuals, Erol Uzumeri, Oliver Haarmann, and Eric Zinterhofer, will be members and/or managers in Searchlight III CVL GP and will each own 33.3% equity and voting interests.⁴⁹ The three individuals will be the sole members (each holding 33.3% equity and voting interests) of Searchlight IV Upper GP, a Delaware limited liability company, which is the general partner of Searchlight IV GP, a Cayman Islands limited partnership.⁵⁰ According to the Restated Petition, Searchlight IV GP will be the general partner of PV IV A; Main Fund IV; SC IV; SC IV Cavalier; and PV IV B.⁵¹ The Petitioners state that Searchlight IV Upper GP will also be the general partner of Searchlight IV CVL, a Delaware limited partnership through which PV IV A, Main Fund IV, and PV IV B will hold 14.8% equity and 0% voting interests in SCP Aggregator.⁵² The three individuals will also be members of the Delaware limited liability company, Searchlight Upper GP, and will each own 33.3% equity and voting interests in Searchlight Upper GP, which will be the general partner of Searchlight III GP, a Cayman Islands limited partnership.⁵³

Searchlight III GP will then become the general partner of the following Delaware and Cayman Islands limited partnership entities: (1) PV Fund A (6.8% equity, 100% voting), (2) PV Fund Splitter (6.8% equity, 100% voting), (3) SC III Cavalier (0% equity, 100% voting) (Cayman Islands), and (4) PV Fund B⁵⁴ (0% equity, 100% voting).⁵⁵ The uninsured limited partners of Searchlight III GP will become

⁴⁴ *Id.* at 12.

⁴⁵ *Id.* at 25. The Petitioners state that Searchlight III CVL II will be an insulated entity. *Id.*

⁴⁶ Restated Petition at 29. The Petitioners state that Co-Invest II will be an insulated entity. *Id.*

⁴⁷ *Id.* at 25-26.

⁴⁸ *Id.*

⁴⁹ *Id.* at 26-27. The Petitioners state that the three founders of Searchlight, Erol Uzumeri, Oliver Haarmann, and Eric Zinterhofer, cannot act unilaterally to bind the entities in which they hold their interests. *Id.* at 10.

⁵⁰ *Id.* at 11, 26-27.

⁵¹ *Id.* at 30-31.

⁵² *Id.* at 11, 31.

⁵³ *Id.* at 26-27.

⁵⁴ The Petitioners state that at some point in the future, a new Cayman Islands limited partnership called New Cayman PV Fund B may be created. In the event that the New Cayman PV Fund B is created, the interests of SC III Cavalier held by PV Fund B would be transferred to the newly-formed Cayman Islands limited partnership. In the event this occurs, the Petitioners have requested specific and advance approval for New Cayman PV Fund B pursuant to the Commission's rules. In the alternative, the Petitioners indicated that PV Fund B may re-domicile to the Cayman Islands and be renamed Re-Domiciled PV Fund B. In the event PV Fund B becomes Re-Domiciled PV Fund B, the Petitioners have requested specific and advance approval for this entity pursuant to the Commission's rules. The Petitioners anticipate that Re-Domiciled PV Fund B or New Cayman PV Fund B would be controlled by Searchlight III GP, have the same insulated limited partners as PV Fund B, and hold the same insulated 8.2% equity interest as PV Fund B. *Id.* at 9 n.15, 33-34, 38.

⁵⁵ Restated Petition at 27-28.

Andrew Frey (United States), Eric Zinterhofer (United States), Erol Uzumeri (Canada and United Kingdom), Oliver Haarmann (Germany), and Timothy Austin (United States) with each holding <1% equity and 100% deemed voting interests.⁵⁶ The following entities and individual will be limited partners in Searchlight III CVL II: (1) PV Fund Splitter (25.5% equity, 0% voting),⁵⁷ (2) Main Fund (49% equity, 0% voting),⁵⁸ (3) PV Fund A (17.5% equity, 0% voting), (4) Main Fund II (8.1% equity, 0% voting), and (5) David Fuller (Canada) (<1% equity, up to 100% deemed voting).⁵⁹ Eric Zinterhofer will be the sole member and manager of the Delaware limited liability company, SC III OPT GP, LLC (100% equity and voting interests), which will become the general partner of Main Fund and will hold 0% equity and 100% voting interests. The Petitioners state that the California State Teachers' Retirement, a California Pension Fund, will be an insulated limited partner of the following entities: (1) Co-Invest I (55.6% equity, 0% voting), (2) Co-Invest II (14.1% equity, 0% voting), (3) Main Fund (9.1% equity, 0% voting), and (4) Main Fund IV (10.6% equity, 0% voting).⁶⁰

BCI will wholly own IMCPE 2019 and will hold 100% equity and voting interests in a trust on behalf of the 2019 Fund, which is a pooled investment portfolio that is not a legal entity and does not hold title to any shares of IMCPE 2019.⁶¹ IMCPE 2019 will become a limited partner of PV Fund A with 33.9% equity and 0% voting interests.⁶² According to the Restated Petition, BCI will hold 100% equity and voting interests in IMCPE Arbutus GP.⁶³ IMCPE Arbutus GP, in turn, will be the general partner of IMCPE 2023-2, which will be the limited partner of PV IV A and will hold 50.5% equity and 0% voting interests therein.⁶⁴

Requests for Aggregate Foreign Ownership, Specific Approvals, and Advance Approvals

According to the Restated Petition, upon completion of the Transaction, CCI would have an aggregate indirect foreign equity interest of approximately 55.8% and foreign voting interest of 100%.⁶⁵ Pursuant to section 1.5001(i) of the Commission's rules,⁶⁶ the Petitioners request that the Commission specifically approve the indirect foreign equity and/or voting interests that would be held in the controlling U.S. parent, CCI,⁶⁷ upon completion of the Transaction by foreign-organized entities and foreign individuals as follows:

IMCPE 2020 Inc. (22.8% equity, 100% deemed voting) (Canada);
Erol Uzumeri (<2% equity, 100% deemed voting) (Canada and United Kingdom);
Oliver Haarmann (<2% equity, 100% deemed voting) (Germany);

⁵⁶ *Id.* at 32-33. The Petitioners state that Andrew Frey will be uninsulated due to his board position. *Id.* at 33 n.48.

⁵⁷ *Id.* at 28 n.44. The Petitioners state that PV Fund Splitter will be an insulated entity. *Id.*

⁵⁸ *Id.* at 28-29. The Petitioners state that Main Fund will be an insulated entity. *Id.* at 29.

⁵⁹ *Id.* at 33-34.

⁶⁰ *Id.* at 30. Searchlight receives a fee for the management services that it provides to Main Fund, PV Fund A, and PV Fund B and will receive a fee for management services provided to Main Fund II, PV IV A, Main Fund IV, and PV IV B. *Id.* at 34-35.

⁶¹ *Id.* at 32, 42.

⁶² *Id.* at 32.

⁶³ *Id.* at 12.

⁶⁴ *Id.* at 12, 32.

⁶⁵ *Id.* at 35.

⁶⁶ 47 CFR § 1.5001(i).

⁶⁷ Restated Petition at 37.

SC III PV Cavalier Holdings, L.P. (8.4% equity, 8.4% deemed voting) (Cayman Islands);
New Cayman PV Fund B⁶⁸ (8.4% equity, 8.4% deemed voting) (Cayman Islands);
Re-Domiciled PV Fund B⁶⁹ (8.4% equity, 8.4% deemed voting) (Cayman Islands);
Searchlight Capital Partners III GP, L.P. (2.4% equity, 19.5% deemed voting) (Cayman Islands);
SC IV PV Cavalier Holdings, L.P. (2.1% equity, 2.1% deemed voting) (Cayman Islands);
Searchlight Capital IV CVL PV B, L.P. (2.1% equity, 2.1% deemed voting) (Cayman Islands);
Searchlight Capital Partners IV GP, L.P. (1.2% equity, 11.4% deemed voting) (Cayman Islands);
David Fuller (<1% equity, 100% deemed voting) (Canada);
British Columbia Investment Management Corporation (26.1% equity, 100% deemed voting) (Canada);
2020 Private Equity Fund (21.3% equity, 93.4% deemed voting) (Canada);
IMCPE 2019 Inc. (2.1% equity, 6.2% deemed voting) (Canada);
2019 Private Equity Fund (2.1% equity, 6.2% deemed voting) (Canada);
IMCPE INV 2023-2 (1.2% equity, 2.3% deemed voting) (Canada); and
IMCPE Arbutus GP Inc. (0% equity, 2.3% deemed voting) (Canada).

The Petitioners also request advance approval, pursuant to section 1.5001(k) of the Commission's rules,⁷⁰ for each of the above foreign-organized entities and foreign individuals to increase their indirect equity and/or voting interests in CCI up to a non-controlling 49.99%.⁷¹

Section 310(b)(4) Declaratory Ruling

We find that the public interest would not be served by prohibiting foreign ownership of CCI in excess of the 25% benchmarks in section 310(b)(4) of the Act. We, therefore, grant the Restated Petition subject to the conditions set out herein.

This declaratory ruling authorizes 100% aggregate foreign ownership of CCI, the controlling U.S. parent of the Common Carrier Wireless Licensees, subject to the terms and conditions set forth in section 1.5004 of the Commission's rules, including the requirement to obtain Commission approval before foreign ownership of CCI exceeds the terms and conditions of this declaratory ruling.⁷² Specifically, pursuant to section 1.5001(i) of the Commission's rules, we grant the Petitioners' request for specific approval to permit the above-listed foreign individuals and foreign-organized entities to hold, directly and/or indirectly, equity and/or voting interests in CCI, the controlling U.S. parent of Common Carrier Wireless Licensees, in the amounts specified above.⁷³

We also grant, pursuant to section 1.5001(k) of the Commission's rules, the Petitioners' advance approval request to permit the above-listed foreign-organized entities to acquire up to a non-controlling 49.99% indirect equity and/or voting interest in CCI, the controlling U.S. parent of Common Carrier Wireless Licensees. Uninsulated individuals and entities that hold minority equity and voting interests in CCI with a deemed 100% voting interest in CCI in accordance with section 1.5002(b)(iii)(A) of the Commission's rules will continue to be deemed to hold a 100% voting interest in CCI in accordance with section 1.5002(b)(iii)(A) of the Commissioner's rules.⁷⁴

⁶⁸ See supra n.20, 51.

⁶⁹ See *id.*

⁷⁰ 47 CFR § 1.5001(k).

⁷¹ Restated Petition at 37 (same section as specific approval requests).

⁷² 47 CFR § 1.5004.

⁷³ 47 CFR § 1.5001(i).

⁷⁴ 47 CFR § 1.5002(b)(iii)(A).

As discussed above, we grant the Committee Petition and condition grant of the Restated Petition on compliance by the Petitioners with the commitments and undertakings set forth in the LOA.⁷⁵

CCI has an affirmative duty to monitor its foreign equity and voting interests, calculate these interests consistent with the principles enunciated by the Commission, including the standards and criteria set forth in sections 1.5002 through 1.5003 of the Commission's rules, and otherwise ensure continuing compliance with the provisions of section 310(b) of the Act.⁷⁶

A failure to comply and/or remain in compliance with any of these requirements shall constitute a failure to meet a condition of this declaratory ruling and the underlying licenses and thus grounds for declaring them terminated without further action on the part of the Commission. The failure to meet a condition of this declaratory ruling may also result in monetary sanctions or other enforcement action by the Commission.

Grant of Applications and Petition for Declaratory Ruling, Subject to Condition

We find, upon consideration of the record, that the proposed transfers will serve the public interest, convenience, and necessity.⁷⁷ We also find that the public interest would not be served by prohibiting the foreign equity and voting interests in CCI, the controlling U.S. parent of two subsidiaries that hold common carrier wireless licenses, in excess of the 25% statutory benchmarks in section 310(b)(4) of the Act. This grant of the Applications and Restated Petition is conditioned as set out in this Public Notice.

Pursuant to sections 4(i)-(j), 214(a), 214(c), 303(r), 310(b) and 310(d) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i)-(j), 214(a), 214(c), 303(r), 310(b), 310(d), and sections 1.5001-04, 63.03-04, and 63.24 of the Commission's rules, 47 CFR §§ 1.5001-04, 63.03-04, 63.24, and pursuant to the authority delegated under sections 0.19, 0.91, 0.131, 0.291, 0.331 and 0.351 of the Commission's rules, 47 CFR §§ 0.19, 0.91, 0.131, 0.291, 0.331 and 0.351, we grant the Applications and Restated Petition for Declaratory Ruling listed in Attachment A to this Public Notice as conditioned in this Public Notice.

Pursuant to sections 4(i)-(j), 214(a), 310(b) and 310(d) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i)-(j), 214(a), 310(b), 310(d) and sections 1.948, 1.5001-04; 1.40001-04, and 63.03-04, and 63.24 of the Commission's rules, 47 C.F.R. §§ 1.948, 1.5001-04; 1.40001-04, 63.03-04, 63.24, we grant the Petition to Adopt Conditions to Authorizations and Licenses filed by the National Telecommunications and Information Administration. Grant of the Applications and Restated Petition for Declaratory Ruling is conditioned on compliance with the Letter of Agreement from J. Garrett Van Osdel, Chief Legal Officer and Corporate Secretary, Consolidated Communications Holdings, Inc. and Andrew Frey, Searchlight III CVL, LLC, to Chief, Foreign Investment Review Section (FIRS) and Deputy Chief, Compliance and Enforcement (FIRS), on behalf of the Assistant Attorney General for National Security, United States Department of Justice National Security Division, dated November 12, 2024.

Any failure to comply and/or remain in compliance with any of the conditions set out in the Public Notice shall constitute a failure to meet a condition of the underlying authorizations, licenses, and declaratory ruling and thus grounds for declaring the authorizations, licenses and declaratory ruling terminated without any further action on the part of the Commission. Failure to meet a condition of the authorizations, licenses or declaratory ruling may also result in monetary sanctions or other enforcement action by the Commission.

Pursuant to section 1.103 of the Commission's rules, 47 CFR § 1.103, the consent granted herein

⁷⁵ Committee Petition; LOA.

⁷⁶ 47 CFR §§ 1.5002-1.5003; 47 CFR § 1.5004, Note to paragraph (a).

⁷⁷ See 47 U.S.C. § 214(a); 47 CFR § 63.03.

is effective upon the release of this Public Notice. Petition for reconsideration under section 1.106 or applications for review under section 1.115 of the Commission's rules, 47 CFR §§ 1.106, 1.115, may be filed within 30 days of the date of this Public Notice.

For further information, please contact Gregory Kwan, Wireline Competition Bureau, (202) 418-1191; Fara Mohsenikolour, Office of International Affairs, (202) 418-1429; or Nadja SodosWallace, Wireless Telecommunications Bureau, (202) 418-0995.

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ATTACHMENT A**SECTION 214 AUTHORIZATIONS****A. International**

The Office of International Affairs grants, as conditioned, the international section 214 authorization listed below.

<u>File Number</u>	<u>Authorization Holder</u>	<u>Authorization Number</u>
ITC-T/C-20231118-00157	Consolidated Communications Holdings, Inc.	ITC-214-20030808-00393

B. Domestic

The Wireline Competition Bureau grants, as conditioned, the Lead Application to transfer control of domestic section 214 authority in connection with the proposed transaction, WC Docket No. 23-401.

SECTION 310(d) APPLICATIONS

The Wireless Telecommunications Bureau grants, as conditioned, the applications listed below.

<u>File Number</u>	<u>Licensee</u>	<u>Lead Call Sign</u>
0010772835	Consolidated Communications Enterprise Services, Inc.	WRDY422
0010772977	Consolidated Communications of Northern New England, LLC	WBB246
0010772981	Consolidated Communications of Pennsylvania Company LLC	WIK838
0010772985	Consolidated Communications of California Company	KEU816
0010796449	Consolidated Communications of Illinois Company	WRDQ712

PETITION FOR DECLARATORY RULING UNDER SECTION 310(b)(4)

The Office of International Affairs grants, as conditioned, the Petition for Declaratory Ruling, File No. ISP-PDR-20231117-00009.

EB-TCD-24-00036891

traceback requests within 24 hours in their RMD certifications.⁷ Both of these rule amendments took effect on February 26, 2024, and required all existing filers to update their RMD certifications to provide the newly-required information and newly-required or updated robocall mitigation plans by that same date.⁸

3. Under the amended rule, voice service providers, gateway providers, and non-gateway intermediate providers⁹ must submit several pieces of information in their RMD certifications. *First*, a provider must certify that all calls that it originates on its network are subject to a robocall mitigation program, that any prior certification has not been removed by Commission action and it has not been prohibited from filing in the RMD, and whether it has fully, partially, or not implemented STIR/SHAKEN on the Internet Protocol portions of its network.¹⁰ *Second*, the provider must upload a robocall mitigation plan that describes the specific reasonable steps the provider has taken to avoid originating, carrying, or processing illegal robocall traffic as part of its robocall mitigation program based on the role(s) it serves in the call chain,¹¹ including: (a) a description of the effective measures it is taking to prevent new and renewing customers from originating illegal robocalls (if it is a voice service provider); (b) a description of any call analytic system(s) that it utilizes, including those operated by a third-party vendor; and (c) a description of the procedures it is using to know its upstream providers.¹² *Third*, the provider must provide its business name, address, and other identifying information, including contact information for a person responsible for addressing robocall mitigation-related issues, and its principals, affiliates, subsidiaries, and parent companies.¹³ *Fourth*, the provider must include certain other information, including: (a) the role it is playing in the call chain; (b) detailed information supporting any claimed STIR/SHAKEN implementation extension or exemption; (c) a statement whether it or any affiliated entity has been subject to a Commission or other law enforcement agency action or investigation in the prior two years due to suspected involvement with illegal robocalling or spoofing, or due to a deficiency in its RMD certification; and (d) the provider's commitment to respond fully to traceback requests within 24 hours.¹⁴

⁷ *Advanced Methods to Target and Eliminate Unlawful Robocalls, Call Authentication Trust Anchor*, CG Docket No. 17-59, WC Docket No. 17-97, Seventh Report and Order in CG Docket 17-59 and WC Docket 17-97, Eighth Further Notice of Proposed Rulemaking in CG Docket 17-59, and Third Notice of Inquiry in CG Docket 17-59, 38 FCC Rcd 5404, 5422, para. 52 (2023) (*Seventh Call Blocking Order*).

⁸ See *Wireline Competition Bureau Announces Robocall Mitigation Database Filing Deadlines and Instructions and Additional Compliance Dates*, WC Docket No. 17-97, Public Notice, 39 FCC Rcd 383, 383-87 (WCB 2024) (*RMD Public Notice*); Fed. Commc'ns Comm'n, *Advanced Methods to Target and Eliminate Unlawful Robocalls, Call Authentication Trust Anchor*, 89 Fed. Reg. 4833, 4833 (Jan. 25, 2024) (establishing February 26, 2024 as the effective date for the amendments to section 64.6305).

⁹ The *Sixth Caller ID Authentication Order* amended section 64.6305 to require non-gateway intermediate providers to file certifications in the RMD for the first time. See 47 CFR § 64.6305(f); *Sixth Caller ID Authentication Order*, 38 FCC Rcd at 2593, para. 38; *RMD Public Notice*, 39 FCC Rcd at 384.

¹⁰ 47 CFR § 64.6305(d)(1), (e)(1), (f)(1); *Sixth Caller ID Authentication Order*, 38 FCC Rcd at 2595, para. 42; *id.* at 2597, para. 46; *RMD Public Notice*, 39 FCC Rcd at 385.

¹¹ See *Sixth Caller ID Authentication Order*, 38 FCC Rcd at 2593, para. 39; *RMD Public Notice*, 39 FCC Rcd at 385, 388.

¹² 47 CFR § 64.6305(d)(2)(ii), (e)(2)(ii), (f)(2)(ii); *Sixth Caller ID Authentication Order*, 38 FCC Rcd at 2593-95, paras. 40-41; *RMD Public Notice*, 39 FCC Rcd at 386-87.

¹³ 47 CFR § 64.6305(d)(4), (e)(4), (f)(4); *Sixth Caller ID Authentication Order*, 38 FCC Rcd at 2595-96, 2597, 2599, paras. 42-43, 46, 48; *RMD Public Notice*, 39 FCC Rcd at 385-86.

¹⁴ 47 CFR §§ 64.6305(d)(2)(i), (iii), (iv), 64.6305(e)(2)(i), (iii), (iv), 64.6305(f)(2)(i), (iii), (iv); *Sixth Caller ID Authentication Order*, 38 FCC Rcd at 2596-99, paras. 43-47; *RMD Public Notice*, 39 FCC Rcd at 385-86.

4. The Bureau may remove a certification from the RMD that is deficient.¹⁵ To do so, the Commission first contacts the provider, notifying it that its certification is deficient, explaining the nature of the deficiency, and giving the provider an opportunity to cure the deficiency.¹⁶ If the provider fails to cure the deficiency, the Bureau will release an order finding that a provider's certification is deficient based on the available evidence and direct the provider to, within 14 days, cure the deficiency in its certification and notify the Bureau that the deficiency has been cured, or explain why the Bureau should not remove the Company's certification from the RMD.¹⁷ If the provider fails to cure the deficiency or provide a sufficient explanation why its certification is not deficient within that 14-day period, the Bureau will release an order removing the provider's certification from the RMD.¹⁸

5. Following the February 26, 2024 effective date of the amendments to section 64.6305, the Wireline Competition Bureau (WCB) conducted a review of certifications in the RMD and identified providers that failed to update their RMD certifications (including their robocall mitigation plans) with the required information by that date to comply with section 64.6305, as amended. WCB notified each Company on March 29, 2024, that its certification was noncompliant with section 64.6305 because the Company had failed to submit an updated RMD certification and updated robocall mitigation plan by the February 26, 2024 deadline.¹⁹ WCB's notification informed each Company that it "must submit an updated certification and updated robocall mitigation plan in the Robocall Mitigation Database by Monday, April 29, 2024."²⁰ After this second deadline, the Companies still had not updated their RMD certifications and robocall mitigation plans with the required information; as a result, WCB referred each Company to the Bureau to initiate removal proceedings. Each identified Company is a domestic voice service provider or gateway provider that has failed to update its RMD certification to comply with section 64.6305, as amended effective February 26, 2024.²¹

III. DISCUSSION

A. The Companies' Certifications Are Deficient Because They Lack Required Information

6. The Commission's rules required all voice service providers, gateway providers, and non-gateway intermediate providers to provide compliant RMD certifications by February 26, 2024.²² WCB identified the providers that failed to update their certifications by the February 26, 2024 deadline with the required information and notified each that its RMD certification was noncompliant with section

¹⁵ 47 CFR § 0.111(a)(28)(i); see *Second Caller ID Authentication Order*, 36 FCC Rcd at 1902-1903, para. 83 (voice service provider certifications); *Advanced Methods to Target and Eliminate Unlawful Robocalls, Call Authentication Trust Anchor*, CG Docket No. 17-59, WC Docket No. 17-97, Sixth Report and Order in CG Docket No. 17-59, Fifth Report and Order in WC Docket No. 17-97, Order on Reconsideration in WC Docket No. 17-97, Order, Seventh Further Notice of Proposed Rulemaking in CG Docket No. 17-59, and Fifth Further Notice of Proposed Rulemaking in WC Docket No. 17-97, 37 FCC Rcd 6865, 6882, para. 40 (2022) (*Gateway Provider Order*) (gateway provider certifications); *Sixth Caller ID Authentication Order*, 38 FCC Rcd at 2602-2603, paras. 56-57 (non-gateway intermediate provider certifications).

¹⁶ *Sixth Caller ID Authentication Order*, 38 FCC Rcd at 2604, para. 60.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ E-mail from Robocall Mitigation Database Team (Mar. 29, 2024) (on file in EB-TCD-24-00036891) (WCB E-mail).

²⁰ *Id.*

²¹ See Appendix A.

²² 47 CFR § 64.6305(d)-(f); see *Sixth Caller ID Authentication Order*, 38 FCC Rcd at 2599, para. 49; *RMD Public Notice*, 39 FCC Rcd at 383-84.

64.6305 because it had failed to submit an updated certification and robocall mitigation plan by February 26, 2024, and that it had until April 29, 2024, to update its certification.²³ The Companies did not update their RMD certifications after WCB notified them that their certifications were noncompliant and gave them an additional opportunity to update their certifications. Thus, the Companies' certifications are deficient because they lack required information and updated robocall mitigation plans.²⁴

B. The Companies Must Cure or Face Removal from the RMD and Widespread Call Blocking

7. The Bureau may remove deficient certifications from the RMD after providing sufficient notice and opportunity to cure.²⁵ We direct each Company to cure its deficient RMD certification and notify the Bureau that the deficiency has been cured or explain why the Bureau should not remove the Company's certification from the RMD.²⁶ This Order affords each Company a final opportunity to cure its deficiency by updating its certification and submitting an updated robocall mitigation plan.²⁷

8. Each Company shall file its response with the Bureau within fourteen (14) calendar days of the date of publication in the Federal Register of a summary of this Order.²⁸ Failure to respond and correct the deficiency or provide a sufficient explanation for why a Company should retain its certification in the RMD will result in removal of the Company's certification.²⁹ **Removal of a Company's certification from the RMD will require all voice service providers and intermediate providers to cease accepting calls directly from that Company.**³⁰ If any Company is removed from the RMD, it shall not be permitted to refile until both the Bureau and WCB determine that the Company has addressed and resolved the deficiencies in its RMD certification.

IV. ORDERING CLAUSES

9. Accordingly, **IT IS ORDERED** that, pursuant to sections 4(i), 4(j), 227b, 251(e), and 403 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), 227b, 251(e), and 403, and sections 0.111, 0.311, 1.1, and 64.6305 of the Commission's rules, 47 CFR §§ 0.111, 0.311, 1.1, and 64.6305, this Order is **ADOPTED**.

10. **IT IS FURTHER ORDERED** that, pursuant to sections 1.4(b)(1) and 1.103(a) of the Commission's rules, 47 CFR §§ 1.4(b)(1), 1.103(a), the Enforcement Bureau shall publish a summary of this Order in the Federal Register.

11. **IT IS FURTHER ORDERED** that each Company named in Appendix A **SHALL FILE** a written response to this Order **within fourteen (14) calendar days** from the date of publication in the

²³ WCB E-mail, *supra* note 19.

²⁴ See *Sixth Caller ID Authentication Order*, 38 FCC Rcd at 2592-99, paras. 36-49.

²⁵ 47 CFR § 0.111(a)(28)(i); see *Second Caller ID Authentication Order*, 36 FCC Rcd at 1902-03, para. 83; *Gateway Provider Order*, 37 FCC Rcd at 6882, para. 40; *Sixth Caller ID Authentication Order*, 38 FCC Rcd at 2602-2603, paras. 56-57; see also *Viettel Business Solutions Co. et al.*, Order, 39 FCC Rcd 1319, 1319, para. 1 (2024) (removing certifications of 12 entities from the Robocall Mitigation Database after being provided with notice and opportunity to cure, and an opportunity to show cause as to why the provider should not be removed); *BPO Innovate*, Order, 39 FCC Rcd 130, 130, para. 1 (2024) (directing BPO Innovate to show cause within 14 days as to why the provider should not be removed from the Robocall Mitigation Database after being provided with notice and opportunity to cure).

²⁶ See *Sixth Caller ID Authentication Order*, 38 FCC Rcd at 2604, para. 60.

²⁷ *Id.*

²⁸ *Id.*

²⁹ See *id.*

³⁰ 47 CFR § 64.6305(g)(1), (3).

Federal Register of the summary of this Order. The written responses must either inform the Bureau that each Company has corrected the deficiency in its RMD certification or explain why its certification should not be removed from the RMD.

12. The responses must be mailed to the Office of the Secretary, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, ATTN: Enforcement Bureau – Telecommunications Consumers Division. The responses must also be e-mailed to EnforcementBureauTCD@fcc.gov.

13. **IT IS FURTHER ORDERED** that copies of this Order shall be sent by e-mail to the robocall mitigation contact (as certified in the RMD) for each Company listed in Appendix A.

14. **IT IS FURTHER ORDERED** that pursuant to section 1.102(b) of the Commission's rules, 47 CFR § 1.102(b), this Order **SHALL BE EFFECTIVE** upon release.

FEDERAL COMMUNICATIONS COMMISSION

Peter S. Hyun
Acting Chief
Enforcement Bureau

APPENDIX A

RMD File No.	Business Name
RMD0005048	0026223164
RMD0008019	1klick
RMD0005554	24/7 Networks, LLC
RMD0006859	247 IT Professional Solutions Corp.
RMD0008463	2n1 Tech Solutions, Inc.
RMD0006674	3 Atlantic Systems
RMD0005306	360 Communications, INC
RMD0010917	360 CONNECTED LC
RMD0005477	360TechLLC dba Brewtech
RMD0007723	3D Diagnostix
RMD0009227	3i Tech Works, Inc
RMD0007775	3Packet.com Inc.
RMD0006966	4 SIWI LLC
RMD0005974	48TELCOM, LLC
RMD0011280	4ip Technology
RMD0006982	4IT Inc.
RMD0007665	4QuartersIT
RMD0003493	4Voice LLC
RMD0012993	50 Stars IT Technologies
RMD0009347	805 IT guys
RMD0006843	844SpeakEZ, LLC
RMD0007016	86Borders, LLC
RMD0011560	888 Management
RMD0005863	903 Broadband
RMD0007069	9x9 Technologies Inc
RMD0007958	A Bargain Service Inc.
RMD0015506	A. Shammah Corporation
RMD0010499	A.T.C. Voice Data Inc.
RMD0007882	A3 Communications, Inc.
RMD0012242	AAA American Leasing LLC
RMD0007320	AAA Communications Inc
RMD0006609	AAA Security Communications
RMD0012191	Abbax Technologies, Inc.
RMD0012934	Abe Media LLC.
RMD0007237	Abine, Inc.
RMD0009715	Absolute Logic
RMD0008100	ACACIA CAPITAL GROUP LLC
RMD0014819	ACASPro Software
RMD0008470	Access Business Technologies, LLC
RMD0005924	Access Technology, Inc.
RMD0008588	Acclaim Telecom Services
RMD0006987	ACCT Solutions LLC
RMD0008405	AccuCloud, Inc
RMD0011052	Accurate Translation
RMD0015635	Acer Tech

RMD File No.	Business Name
RMD0012551	ACHH LLC
RMD0012582	Acoustic 247
RMD0005839	Acrosonic Corporation
RMD0006090	ACS Business Systems, Inc.
RMD0004585	AcuCall
RMD0007284	Adalis Companies, Inc.
RMD0006452	Adaptive Communications LLC
RMD0006453	Adaptive Fiber LLC
RMD0009205	ADCOM Technologies, LLC
RMD0006995	Adept Communication and Data Company, Inc
RMD0011263	Administrative Claim Service, Inc.
RMD0005027	ADNET GROUP LLC.
RMD0007300	Adrem Ventures, LLC
RMD0007089	ADSMLB Inc.
RMD0009769	Advance Telecom Group Inc
RMD0001948	Advanced Communications L.L.C
RMD0008817	Advanced Data and Network Solutions
RMD0014356	Advanced Financial Help
RMD0007704	Advanced IT Solutions Corp
RMD0005193	Advanced Messaging Services, LLC
RMD0005529	ADVANCED NETWORKS CORP
RMD0015217	ADVANCED SATELLITE SYSTEMS, INC.
RMD0008696	Advanced Stream Broadband
RMD0005274	Advanced Tech Support LLC
RMD0003628	Advanced Tel Inc.
RMD0007931	Advanced Voice Technologies LLC
RMD0008261	Advantage Media Partners
RMD0007014	Advantage Telephone Communications
RMD0010433	Aero Communications, LLC
RMD0005053	Aero North Communications, Inc.
RMD0012902	Aertechhub LLC
RMD0007421	aethernet llc
RMD0006893	AffecTel LLC
RMD0007017	Affinity Technology Solutions LLC
RMD0004617	Agility Communications Group, LLC
RMD0011555	Agnes Sophisticated Hair LLC
RMD0008846	Agudath Israel of America
RMD0011397	AI MACHINES INC
RMD0015380	AI TELECOM LLC
RMD0009268	AIE Solutions, Inc.
RMD0012494	AIRBYTES COMMUNICATIONS
RMD0008591	AIRNORTH COMMUNICATIONS INC
RMD0009074	AirOne Solutions Group, LLC
RMD0001420	Airus, Inc.
RMD0009293	AJTEL Communications Network Grroup
RMD0001530	AKA Management, Inc.
RMD0009996	AKS Infotech
RMD0009506	AKV TECHNOLOGIES LLC

RMD File No.	Business Name
RMD0013516	Alabama Telephone LLC
RMD0004704	Alcazar Networks, Inc.
RMD0011421	Alderwood Labs Inc.
RMD0015954	ALF Telcom
RMD0014339	Alia Network Corporation
RMD0012953	alianznetwork
RMD0005332	ALL IT, LLC
RMD0006938	All My Sons Business Development, LLC
RMD0006922	All Services Are Provided
RMD0011770	AllCloud IP
RMD0005778	Allegiant Networks, LLC
RMD0005446	Alliance Global Communications
RMD0010924	Alliance Truck LLC
RMD0015493	Alliant Financial
RMD0008231	Allied International Corp. IT
RMD0002622	Allied Telecom Group, LLC
RMD0008181	Allison Royce & Associates, Inc.
RMD0013633	AllSeeingConnect LLC
RMD0006707	Allstate Telecom, Inc
RMD0008877	Alltech Computer & IT Services, Inc
RMD0013222	Allworx
RMD0001432	Aloha Tone
RMD0009670	Alot Technologies, LLC
RMD0005449	Alpha Computer Group USA
RMD0006330	Alpha Medix GP Inc dba Adjecta Technologies
RMD0013929	ALPHA ROUTE LLC
RMD0002453	ALSAT Home Electronics, LLC
RMD0009753	Altamaha Electric Membership Corp.
RMD0012251	Altigen Communications, Inc
RMD0004730	Alto Networks LLC
RMD0008441	AluChem, Inc.
RMD0005931	Aluma Tel
RMD0007551	Alvaria, Inc.
RMD0001969	AMA Communications, LLC
RMD0007032	Amazing 7 LLC
RMD0015516	AMB COMMUNICATIONS LLC
RMD0003349	Ambient Telephonics, LLC
RMD0009099	AMD Cargo Express and accessories
RMD0006106	Amerassist A/R
RMD0005885	America Internet & Communications
RMD0007181	American Business Information Systems
RMD0007738	American Health Connection, Inc.
RMD0006018	American Phone Services
RMD0007068	American Samoa Telecommunications Authority
RMD0008000	American Voice and Data INC
RMD0006821	American Voice Mail, Inc.
RMD0006483	AmeriFirst
RMD0006691	Amford Media LLC

RMD File No.	Business Name
RMD0010077	AMG Technology Investment Group, LLC d/b/a Nextlink Internet
RMD0007459	Amnet Systems
RMD0007043	Amsys Innovative Solutions, LLC
RMD0009046	Amtel Corporation
RMD0007677	Andia Inc
RMD0012329	Andrew Byrd Networks LLC
RMD0014729	Anon Telecom
RMD0008106	Answer Advantage DBA US Voice
RMD0008105	Answer Advantage LLC
RMD0006713	Answer Technology Group, LLC
RMD0004108	Anuvu Operations LLC
RMD0014254	Any Call ID
RMD0006509	Anza Electric Cooperative, Inc.
RMD0012543	AOC CConnect, LLC
RMD0009424	AON Networks Inc
RMD0007768	Apexz LLC dba WTMi
RMD0006822	AplusVoIP
RMD0007331	Apollo Networks, Inc
RMD0007940	Apps Communications, Inc.
RMD0007913	AQfterHours Upgrades
RMD0008390	Arctele Communications, Inc.
RMD0015686	Arctic Fox Networks Inc
RMD0005762	Ardee Trading International Corp
RMD0009204	Ardiah Managed Services llc
RMD0008740	Area 51 Data Solutions
RMD0008931	Ariacal LLC
RMD0009401	ARIJTEL
RMD0004558	Aristotle Unified Communications, LLC
RMD0003312	Articul8, LLC
RMD0008597	ASAP Computer Support Corp
RMD0011355	Ascensus College Savings Recordkeeping Services, LLC
RMD0009942	Ashcor Technologies LLC
RMD0005402	ASL Services Holdings, LLC
RMD0010860	Aspen Leaf Networks, LLC
RMD0008798	Aspire Holdings Group LLC
RMD0014412	AST Telecom, LLC d/b/a Bluesky
RMD0009741	aSTEAM Village
RMD0011352	Astro Telco LLC
RMD0002034	Astro Telecommunications LLC
RMD0008194	ATCVoIP LLC
RMD0012486	Atlas Direct Marketing LLC
RMD0007048	Atlas Networks Corporation
RMD0006500	Atom AMPD, LLC
RMD0006353	ATTENTIVE IT, INC.
RMD0006876	Auction123
RMD0012948	Audonix Network
RMD0005022	Augutech

RMD File No.	Business Name
RMD0009483	AUM LLC
RMD0006282	AUM TECH, INC
RMD0006727	AURAVOX, LLC
RMD0006314	Austen Consultants, LLC
RMD0011447	Autel US, Inc
RMD0013549	Automatrix Dealer Software Inc.
RMD0013027	AutoVitals, Inc.
RMD0012608	AVAJEN, LLC
RMD0006841	Avantive Solutions
RMD0013234	Avatel Technologies Inc
RMD0007340	AVC Corporation
RMD0008999	Awesome Telenet, Inc.
RMD0006780	AxisInternet, Inc.
RMD0008961	AXT LLC
RMD0008357	Axvoice Inc.
RMD0008994	Axxess Consult Inc
RMD0002110	Axxess Networks LLC
RMD0003031	Axxis Communication Inc.
RMD0011433	Azar LLC
RMD0004961	Backbone Communications
RMD0015610	bajaj wing
RMD0001786	Ballard Rural Telephone Cooperative Corporation, Inc.
RMD0008521	Banccorpp
RMD0003612	Baraga Telephone Company
RMD0015653	Baraga Telephone Company Inc.
RMD0007638	Bardstown Internet Service Inc
RMD0006426	Barronnet Inc.
RMD0005281	BayLink Voicemail Service
RMD0008505	Bays-Et Highspeed
RMD0007663	BBJR LLC
RMD0007654	BBTelephony, LLC
RMD0003486	BCI Mississippi Broadband, LLC
RMD0010842	BCONTACT LLC
RMD0011805	BCS CallProcessing, Inc.
RMD0006741	BCT Consulting
RMD0010353	Bear River Communications, LLC
RMD0007440	BEE RAD TECH LLC
RMD0012697	BEEMBOX LLC
RMD0005376	BEEON.NET
RMD0004029	Bel Air Internet
RMD0003305	Belhaven Cable TV
RMD0007135	Believe Wireless LLC
RMD0007702	Belles Camp Communications
RMD0009471	beltalk solutions LLC
RMD0013247	Benchmark Communications, LLC
RMD0012603	Benchmark Systems, Inc.
RMD0006468	Benefly Corp.
RMD0007609	Berryville Holdings, LLC

RMD File No.	Business Name
RMD0011402	BEST-HOSTED-VOIP.COM CORP
RMD0003170	Bestline Communications, LP
RMD0008874	BestText, LLC
RMD0005497	Besttier LLC
RMD0011293	BetterBytes
RMD0005944	Beulahland Communications, LLC
RMD0009752	BeyondTalkyTalk
RMD0008486	BH Herbal Solutions
RMD0005364	Big Inc. dba Phonz+
RMD0008618	Big Tree Telecom
RMD0011205	BinaryPattern LLC
RMD0011149	Bingotelecom Incorporated
RMD0012999	Bit by Bit Computer Consultants Inc
RMD0011333	BitVoice LLC
RMD0012689	Bitboyz llc
RMD0005972	BITVOIP INC
RMD0011800	Bizco Inc
RMD0009700	Bizringer, Inc
RMD0008981	Blackhawk Acquisition, LLC
RMD0006959	Blaze Broadband LLC
RMD0005680	Blaze Management, LLC
RMD0004946	Blended Technology Solutions
RMD0006322	Blitz Telecom Services LLC
RMD0015210	BLM Networks
RMD0002966	Block Line Systems LLC
RMD0008512	Blu-Shift Wireless
RMD0008290	Blue Casa Telephone, LLC
RMD0009779	Blue Diamond Communications Inc
RMD0009787	Blue Dolphin Media, inc
RMD0011072	Blue Ocean Digital, LLC
RMD0007033	Blue Star Services
RMD0012627	Blue Storm Network
RMD0008672	Blue Water Networks
RMD0008769	BlueBird Communications, LLC
RMD0005416	BluegrassNet
RMD0008134	Bluestem Network, LLC
RMD0005718	BlueTel
RMD0009635	BlueTide Communications
RMD0011853	BMS Tele LLC
RMD0005187	Bo Ex Ventures
RMD0007989	BOGLE VINEYARDS
RMD0005363	Bohannon Huston Inc
RMD0014785	Bohannon LLC
RMD0012290	Boingo Wireless, Inc.
RMD0006960	Bombshell Software
RMD0004546	Boomsourcing, LLC
RMD0011359	Boostly, Inc
RMD0013728	Boston Lane Limousine LLC

RMD File No.	Business Name
RMD0002964	Bowling Green Municipal Utilities, General Services Division
RMD0006265	Boyd Systems
RMD0009785	Braden Business Systems, Inc.
RMD0011112	Brain Communications Inc
RMD0011173	BrainHi Inc.
RMD0008879	Bravo Price Corp
RMD0012595	Bray Telecom LLC
RMD0006156	BrescoBroadBand
RMD0003283	Bretton Woods Tel.Co., Inc.
RMD0011131	Brevium Corporation
RMD0015092	BRIAN INFORMATIETECHNOLOGIE LLC
RMD0012127	Bridgecom, LLC
RMD0004766	Bridger Cable TV
RMD0012452	Bridger Systems LLC
RMD0009730	Bright Packet, Inc.
RMD0008353	BrightArrow Technologies, Inc.
RMD0015962	BrightFlow Technologies
RMD0008207	BrightIP Inc
RMD0001426	Brightlink Communications, LLC
RMD0011398	Brilltech LLC
RMD0008082	Briskco, Inc
RMD0015969	brizzlenet
RMD0004703	Broad Sky Networks LLC
RMD0009106	Broadband Office Solutions, LLC
RMD0004341	Broadband VI, LLC
RMD0005942	Broadband Voice, LLC
RMD0007749	Broadcast Voice Networks, Inc. dba BVN Telecom Group
RMD0004666	Broadplex LLC
RMD0001593	BroadRiver Communication Corporation
RMD0014170	Broadtela
RMD0008310	Broker Exchange Telecom, LLC
RMD0015120	BROWN-FORMAN CORPORATION
RMD0006493	BSDTELECOM
RMD0005179	BSI, The Answer Group Inc.
RMD0005947	BTI Communications Inc.
RMD0003082	Buckeye Cablevision, Inc.
RMD0007908	Buehner-Fry Inc.
RMD0001582	BullsEye Telecom, Inc.
RMD0012519	Business First IT
RMD0011541	Business Focused Internet Systems, Inc
RMD0008850	Business Growth Elite, Inc
RMD0008725	Business Information Solutions, Inc.
RMD0006564	Business Telephone Innovation LLC.
RMD0007361	BuzNet Communications
RMD0014690	Buzz Consulting Company LLC
RMD0008849	BVM Communication LLC
RMD0007991	Bytescribe, Inc.
RMD0005379	C2C VoIP, LLC.

RMD File No.	Business Name
RMD0013646	C2P Tech Group LLC
RMD0006481	C3 Teknologies, LLC
RMD0008407	CABA Solutions, LLC
RMD0013576	Cable Internet bill
RMD0014698	CABLE INTERNET BILL LLC
RMD0006337	Cable Systems LLC
RMD0002721	CABLEVISION LIGHTPATH INC
RMD0003947	Cal-Ore Communications, Inc.
RMD0009348	Calico IT
RMD0005987	Call 4 Health Inc.
RMD0012239	Call Center Tech LLC
RMD0007524	Call Complete
RMD0009278	Call Factor, Inc.
RMD0007970	Call IQ
RMD0008802	Call Management Products, Inc.
RMD0002887	Call One, Inc.
RMD0005799	Call Universal Inc.
RMD0013585	Call Wave LLC
RMD0008969	Call.Net, LLC
RMD0012411	Caller Technologies, LLC
RMD0006332	Caller-IP
RMD0003693	CallerReady LLC
RMD0003040	CallFire, Inc.
RMD0009005	CallingVault Advisors, Inc.
RMD0005980	Callnet Corporation of Utah
RMD0007601	CallPerfect
RMD0012703	Callsto
RMD0003161	Callvox
RMD0011165	CallWin LLC
RMD0012554	CallZ Telecom
RMD0011233	Callza, LLC
RMD0009508	Capital Energy Holdings, Inc.
RMD0006743	Capraro Technologies
RMD0004636	Caprus Digital LLC
RMD0011708	CapStone Communications
RMD0009630	Carden IT Services, LLC
RMD0011487	Cardstock, LLC
RMD0008488	Carl Brown
RMD0002131	Carolina Mountain Cablevision, Inc.
RMD0001542	Carolina West Wireless, Inc.
RMD0005818	Carrier Exchange, Inc.
RMD0004952	Carrier One Inc
RMD0011381	CartStack LLC
RMD0005975	Caryco Tech
RMD0002610	CAS Communications, LLC
RMD0004479	Casey Mutual Telephone Company
RMD0007507	Caspian Technology Concepts
RMD0007375	Caucus Digital LLC

RMD File No.	Business Name
RMD0007863	Cbfcom, LLC
RMD0006709	CC PHONE
RMD0007508	CCPTECH
RMD0006980	CCS Wireless, Inc.
RMD0005890	CCTSG LLC
RMD0007906	CDS Office Technologies
RMD0008474	Central Point Networks, LLC.
RMD0012265	Central Voice & Data LLC
RMD0005249	Centro Global Solutions
RMD0006132	CFBTEL
RMD0006142	CFX BUSINESS SOLUTIONS INC
RMD0007690	CGS-B/ItsCirrus
RMD0011909	Chandler Initiatives, LLC
RMD0005015	CHANESTE SA
RMD0006701	Changing Technologies Solutions, LLC
RMD0012579	Chatmantics Inc
RMD0003893	Chatmoss Cablevision, Inc.
RMD0008005	Chattertel.com, LLC
RMD0007302	Cherry Voice Inc.
RMD0007219	ChickenTec LLC
RMD0006902	Chs Tech Solutions LLC
RMD0007785	Cinethesys
RMD0004949	Circle Telephone & Electric
RMD0008554	Circls, LLC
RMD0008179	Circuit ID
RMD0012508	citamed
RMD0006653	City Communications, Inc.
RMD0001916	City of Fort Collins, Colorado
RMD0002068	City of San Bruno
RMD0003832	City of Thomasville Utilities
RMD0004799	CITY OF WYANDOTTE DEPT. OF MUNICIPAL SERVICE
RMD0007037	CITYLINK TELECOMMUNICATIONS NM, LLC
RMD0012981	CKH TECHNOLOGY SAERVICES LLC
RMD0009845	Clarity Communication LLC
RMD0007612	Clarity Technologies Group, LLC
RMD0006421	Clear Perceptions-Graphics Inc.
RMD0009241	ClearConverse Incorporated
RMD0005595	ClearFiber Inc
RMD0008421	Clearline Connections
RMD0010486	Clearplot Technologies, INC
RMD0006194	Clearstream LLC
RMD0009140	Clever Real Estate INC
RMD0014967	CLEVEROTEL
RMD0005114	Clevertel Communications
RMD0010079	CLICK ENTERTAINMENT USA INC
RMD0012048	Clicktel inc.
RMD0011795	Clicktofax

RMD File No.	Business Name
RMD0015620	Clientbook Inc
RMD0007378	CLM Consulting
RMD0009770	Cloak Communications LLC
RMD0007874	Cloud 9 Business Solutions, Inc.
RMD0004576	Cloud Call Center PBX Solutions, LLC
RMD0005309	Cloud Central LLC
RMD0002828	Cloud Choice Voice Inc
RMD0007153	Cloud Compliance Solutions
RMD0003639	Cloud Connect LLC
RMD0007011	Cloud Investments LLC
RMD0009404	Cloud Network Systems Inc
RMD0009330	Cloud One PBX LLC
RMD0011518	Cloud Technologies, Inc
RMD0003296	Cloud4 Inc
RMD0011441	Cloudi LLC
RMD0005644	CloudNet Management LLC
RMD0008839	CloudNett LLC
RMD0006679	Cloudtel Technologies Inc
RMD0007725	CMC Network Solutions
RMD0003636	CND Acquisition Corp
RMD0008519	Coastal Mountain Home Buyers
RMD0005263	COCHIN STATIC INC
RMD0007750	Codeava Technologies Inc.
RMD0006370	Columbia Industries Inc
RMD0015547	Combry
RMD0007115	ComData Solutions, Inc.
RMD0007195	Comm Suite LLC
RMD0007851	Comm-Works Holdings LLC
RMD0009477	Commonsun Inc
RMD0009168	Commrocket Telecom
RMD0005646	Commsol Corporation
RMD0008427	Communication Construction Services, Inc
RMD0015919	COMMUNICATIONS AND TELEPHONE SYSTEMS
RMD0003186	Community Cable & Broadband, Inc.
RMD0004013	community cable and broadband llc
RMD0009485	Community Coupons Franchising Inc.
RMD0008739	Community Phone
RMD0009650	commventures llc
RMD0011840	Complete I.T. Corp
RMD0005653	CompLogic, LLC
RMD0006796	Compsol
RMD0011209	Computer Central of Wilson, Inc.
RMD0007737	Computer Instruments, Inc.
RMD0008673	Computer Now
RMD0011948	Computer Pros of Illinois, Inc.
RMD0009383	Computer Services and Solutions, Inc.
RMD0006951	Computer Technologies Group
RMD0007561	Computers, Electronics, Office Etc.

RMD File No.	Business Name
RMD0011908	COMTALK TELECOM LLC
RMD0006735	Comtech21, LLC
RMD0009201	Concept Interactive Inc.
RMD0008129	Conference America, Inc.
RMD0015583	Confianza Technologies LLC
RMD0008243	Configure, Inc.
RMD0009709	Connect America Group, Inc
RMD0006946	Connect Cause
RMD0007588	Connect Your Home
RMD0005920	Connected
RMD0001539	ConnectMe, L.L.C.
RMD0006290	ConnectTo Communications Inc.
RMD0008963	ConnX Inc.
RMD0007497	Conquer
RMD0007944	Conquest Solutions
RMD0012634	Constellation Technology Solutions, Inc
RMD0008919	Consumer Agent Portal, LLC dba TrustedChoice.com
RMD0012371	Contact America LLC
RMD0011425	Content Guru Inc.
RMD0013748	Content Pro LLC
RMD0004657	Conterra Ultra Broadband, LLC
RMD0004669	Conterra Wireless Broadband, LLC
RMD0009657	Contivio.com Corporation
RMD0009677	Contravoip LLC
RMD0006732	Controlled Network Solutions LLC.
RMD0003548	Converged Networks. LLC
RMD0006764	Convergence Communications
RMD0007929	Convergence Technology Solutions COrp.
RMD0007918	ConvergentWorks, LLC
RMD0009051	ConvergeOne Corp.
RMD0006492	Copetek LLC
RMD0010994	Copper Cliffs Communications LLC
RMD0005351	Copper State Telecom
RMD0007247	CopperNet Systems, Inc
RMD0009124	Core Four Technology dba Third Wave Technology
RMD0008980	CoreCC, LLC
RMD0005998	CoreVox LLC
RMD0009971	Coro Corvina LLC
RMD0008959	Corporate Tools LLC
RMD0006273	Cortel Communications
RMD0006874	Cortel Technologies LLC
RMD0012997	Cosmic Network LLC
RMD0011098	Couch Software Inc.
RMD0007102	Cover Networks, LLC
RMD0001747	Covoda Communications, Inc.
RMD0009423	Creative Computer Communications, LLC
RMD0013386	Creceer solutions
RMD0008899	CREDIT MEDICS RX

RMD File No.	Business Name
RMD0007873	Critical Hosting Solutions LLC
RMD0006044	CrossTalk Solutions, LLC
RMD0006791	CrowdCircle, Inc.
RMD0007506	Crown Enterprises
RMD0011858	Crown Point Telephone Corp
RMD0012688	Crump Communications, LLC
RMD0011883	Crystal Computer Consulting
RMD0007323	CSB Technologies
RMD0009637	CSR Training 247
RMD0008096	CSRMS
RMD0011912	CSX Cloud LLC
RMD0007539	ctechnets llc
RMD0009251	CTI Networks, Inc
RMD0006600	Cuero Computer Center, LLC
RMD0002831	Cumby Telephone Coop., Inc.
RMD0008162	Custom Cable LLLP
RMD0006907	Custom TeleConnect, Inc.
RMD0005662	Cutting Edge Computers Inc.
RMD0012055	CVC , Inc
RMD0004607	Cyber Mesa Computer Systems Incorporated
RMD0006497	Cyber Solutions INC
RMD0008925	Cybertex Solutions
RMD0005671	Cyburity
RMD0009125	Cynderbox
RMD0008171	Cynjut Consulting Services LLC
RMD0009695	D & P Digital Forensics LLC
RMD0003450	D Network Services LLC
RMD0009842	Dagobah Systems Inc
RMD0008646	Daily Tel
RMD0011313	DAKS Services LLC
RMD0013575	Damovo USA Inc.
RMD0009206	Daniels Business Services
RMD0007961	Danitech Corp
RMD0005272	Data Consulting Group
RMD0005223	Data Cube Systems, Inc
RMD0007107	Data Day Consulting Inc.
RMD0009994	Data Stream Mobile Technology Inc.
RMD0009472	Data Voice Options, LLC
RMD0010944	Datacrates
RMD0005912	Datahouse Technology, LLC
RMD0007029	DATAINSTREAM
RMD0007035	Dataspindle LLC
RMD0006359	Datatel Communications Inc
RMD0007813	Davey Holdings LLC
RMD0006429	Davosec LLC
RMD0011386	DBA Media, LLC
RMD0003545	DCP Services, Inc
RMD0011030	Dealer Lead Track LLC

RMD File No.	Business Name
RMD0008340	DealerPeak
RMD0015377	DEALSCO
RMD0013382	DeansList Inc
RMD0002590	Decatur Telephone Company, Inc.
RMD0006140	Dedicated IT, LLC
RMD0002298	Deerfield Farmers' Telephone Company
RMD0009662	Dega Systems Inc.
RMD0009721	Del Mar Corporation
RMD0013842	Deltapath, Inc.
RMD0013006	DELTRANET LLC
RMD0005028	DEMOPOLIS CATV CO.
RMD0005847	Denson Technologies
RMD0012145	Dental HIPAA & IT
RMD0008032	DENTON INTERNET
RMD0008118	Deseret Digital Media
RMD0006325	Design I.T. Solutions, LLC
RMD0004659	Detel Wireless, LLC
RMD0012296	Dexwell, Inc
RMD0003484	DFJB,LLC
RMD0015609	DGCALL, INC.
RMD0007635	Diagnotes, Inc.
RMD0012010	Dial Them Up LLC
RMD0011007	Dial Vista
RMD0011365	DIAL WORLD
RMD0005404	Dial09
RMD0008577	Dialect, LLC
RMD0001970	Dialog Telecommunications Inc.
RMD0008133	Dialpath Networks, LLC
RMD0007110	DIALPYX LLC
RMD0012614	Dialzer LLC
RMD0008309	Didopoly, LLC
RMD0013421	DigiClick Corp
RMD0009795	DIGICONNECT LLC
RMD0012979	Digit Network
RMD0007598	Digitaz, Inc.
RMD0005182	Digital Agent, LLC
RMD0009393	Digital Cashbox
RMD0002687	Digital Connections, Inc.
RMD0007027	Digital Crisis LLC
RMD0007131	Digital Division LLC
RMD0007294	Digital Lion LLC.
RMD0004453	Digital Network Access Communications Inc.
RMD0007359	Digital Operation Management, LLC
RMD0008062	Digital Pocket, LLC
RMD0011310	DIGITAL PURVEY LLC
RMD0007311	Digital Solutions Group, Inc
RMD0007983	Digital Telegraph Consulting, LLC
RMD0002938	Digital West Networks, Inc.

RMD File No.	Business Name
RMD0009980	DigitalBrainz, Inc.
RMD0014949	Digitel Solutions llc
RMD0006141	DiRAD Technologies, Inc.
RMD0011902	Direct Response Marketing, Inc.
RMD0008424	DirectLink
RMD0007898	DirectMailers LLC
RMD0013071	directvoicellc
RMD0006007	Disaster Networks
RMD0004784	Discount CLEC Services Corporation
RMD0007252	Distributed Computing, Inc. dba Ten4pbx.com
RMD0005328	Diversify Solution LLC
RMD0008143	Dixie Net Communications
RMD0008726	dliivr Inc
RMD0013518	DML IT Solutions
RMD0010343	DMV Prepaid
RMD0007907	Dnipro LLC
RMD0008095	doncupon.com llc
RMD0004875	Double Eagle Communication Corp
RMD0009254	Dozier Technology Group dba Centric Technology Solutions
RMD0005800	DP Tech Group
RMD0006897	DPN Consulting
RMD0009072	Dravis Technologies LLC
RMD0009111	Drive Mouse Inc
RMD0014012	DriveCentric, LLC
RMD0013723	Drug Lift Corp
RMD0006120	DS Communications LLC
RMD0009207	DSSELL Invest Inc
RMD0011016	DTA PROFESSIONALS LLC
RMD0012106	Dtel Network LLC
RMD0005918	Dunnell Telephone Company, Inc.
RMD0001951	Duratel LLC
RMD0008681	DynaComm, Corp
RMD0011141	Dynamic Infrastructure, LLC
RMD0008192	Dynamic Network Support
RMD0007987	Dynamix Carrier Services, Inc
RMD0011079	E TECH COMMUNICATIONS, INC.
RMD0002652	e-Tel
RMD0008067	E2open, LLC.
RMD0008306	EarPing, LLC
RMD0015218	EarthGrid PBC
RMD0012246	East Water Leasing
RMD0003447	Eastern Oregon Telecom, LLC
RMD0015313	Easy Numbers LLC
RMD0008916	EatStreet, Inc.
RMD0008884	eAutoClub, Inc.
RMD0012366	EC Acquisition Holding, LLC
RMD0005816	Ecause Media Inc
RMD0014918	ECHO VERTEX LLC

RMD File No.	Business Name
RMD0006785	Ecomm Hosting, LLC
RMD0008283	ECSIS.NET, LLC DBA Electronic Communication Systems
RMD0009183	Ed Hana LLC
RMD0007900	Ednetics, Inc.
RMD0011157	Efficient Facilities International, Inc.
RMD0009764	Eicon Systems
RMD0011023	Eidolon Insights
RMD0008707	eKaleo, Inc.
RMD0008810	Ekinox Voice
RMD0008892	EKOTECHS, LLC.
RMD0007982	Eldre Solutions Group
RMD0005190	ElectSys Tech LLC
RMD0011331	Elevation Education Solutions, LLC
RMD0011454	ELI Global LLC
RMD0012616	ELITE Transit Solutions
RMD0011455	Elm Street Technology LLC
RMD0012640	Elmiris LLC
RMD0006153	Eltopia Communications, LLC
RMD0011411	Eltropy Inc
RMD0011793	EMAT Solutions LLC
RMD0009232	Emergence Communications, LLC
RMD0006328	Eminent Solutions Integration
RMD0011125	Emittr, Inc.
RMD0008226	Empirix
RMD0008292	ENC Access Investments llc
RMD0010345	ENCO Electronic Systems
RMD0013851	Encoderss
RMD0009302	Endecom Computer Services
RMD0005853	ENGAGE COMMUNICATIONS CORPORATION
RMD0011232	Enhanced Business Communications LLC
RMD0007857	Enhanced Recovery Services 2
RMD0009020	Enhanced Telecommunications & Data, Inc.
RMD0007917	Enterprise Network Systems, Inc
RMD0010970	Enterprise Solutions Consulting, Inc.
RMD0008295	EOX Technology Solutions Inc.
RMD0002764	Epcom World Industries
RMD0007453	ES Consulting
RMD0008811	Esdiac Global System, Inc
RMD0009509	Esquared Technology Advisors
RMD0008801	Essensys, Inc.
RMD0007245	eStream, Inc.
RMD0007064	eSudo Technology Solutions
RMD0008408	eTechnus Corp
RMD0006921	ETHIQS
RMD0001719	ETI Telecom Inc
RMD0008468	EVACOMM CORP
RMD0007846	Everglades Technologies, LLC
RMD0011429	EveryAction, Inc.

RMD File No.	Business Name
RMD0007564	EveryConnect
RMD0007710	Everyday Data, Inc
RMD0006555	Everything Wireless, LLC
RMD0012644	Evitui, Inc
RMD0002869	Evolution Collect, LLC
RMD0006961	Evolve Tele-Services, Inc
RMD0009282	Excelsus LLC.
RMD0008031	Excessum LLC DBA Shared Comm IT
RMD0006372	Executive Corporate, Inc.
RMD0008667	Executive Systems, Inc.
RMD0005808	Executive Telephony Solutions, Inc
RMD0012428	Exetel Comm LLC
RMD0006925	Exiant Communications LLC
RMD0004599	Exordium Networks Inc.
RMD0009025	exospec
RMD0008593	Expedia Telecom inc.
RMD0009163	Expeditech Inc
RMD0014358	Expedited Financial Help
RMD0008712	Extric LLC
RMD0009388	Eze Castle Integration, Inc.
RMD0007764	Fairview IT Management
RMD0007400	Falcon Internet
RMD0006799	Falcon Trading Systems
RMD0011412	Fame Computers
RMD0009490	Family Communication Inc.
RMD0015424	Fareena Marketting
RMD0008004	Farmers Fresh Mushrooms California Inc.
RMD0004790	FARMERS TELECOMMUNICATIONS, INC.
RMD0004788	Farmers Telephone Company, Inc.
RMD0009133	Farmspread, LLC
RMD0014980	Fastest Exit LLC
RMD0012390	Fax and automation LLC
RMD0004998	Fenero io Inc
RMD0011838	Feryis Inc.
RMD0006430	Fiber Connect, LLC.
RMD0007255	Fiberwave Technologies LLC
RMD0009279	Fibrotex USA, Inc.
RMD0008482	Fidalgo Networking, Inc.
RMD0012154	FILASCO AMERICA LLC
RMD0011857	Filter network Solutions
RMD0005439	FINANCIAL AND MANAGEMENT CORP. OF USA
RMD0009250	Fincosa LLC
RMD0015178	Fintech PBX
RMD0010189	FireTEXT
RMD0007993	First Call Computing
RMD0009755	First Nation Telecom
RMD0015929	First Tele Communications Inc
RMD0015295	Firstoutcomes, Inc

RMD File No.	Business Name
RMD0008085	Flash Wireless, LLC
RMD0013965	FLATEL WIRELESS
RMD0011110	Flexo Telecom LLC
RMD0009273	FLORIDA TELECOM LLC
RMD0005949	Florida Telephone Services
RMD0011531	FM VOIP Inc
RMD0013941	FMG Suite, LLC
RMD0007372	Fonebee LLC
RMD0015637	Fonelogix LLC
RMD0012984	FonSwitch, Inc.
RMD0009065	Food Dudes Delivery, LLC
RMD0003692	Foresthill Telephone Co
RMD0005356	Fortel Networks, Inc
RMD0005986	Forward Intellect LLC
RMD0005757	Foxtel PBX
RMD0009171	Framework Enterprise Systems, Inc.
RMD0007556	Frantic, LLC.
RMD0015179	Freedom Power Foundation
RMD0011517	FreshLime, Inc.
RMD0009629	FRINGE TECHNOLOGIES, INC.
RMD0012879	FROSMO UK LIMITED LLC
RMD0009813	FTA Systems, LLC.
RMD0005713	Full Suite Communications LP
RMD0011437	Funnel Leasing
RMD0008690	Fuse Networks LLC
RMD0007743	Futra Solutions Inc.
RMD0011804	FutureDigital360.com LLC
RMD0006868	Futurum Communications Corp
RMD0006022	G&C Interconnects, Ltd.
RMD0005171	G&C Technical Services, LLC
RMD0008347	G&M Holdings LLC
RMD0012350	GAB Telecom
RMD0007010	Gabbit, LLC
RMD0008997	Gabriel Health Inc
RMD0006726	GAK Solutions
RMD0011103	Galactic Technology Group
RMD0004161	Gallatin Wireless Internet, LLC
RMD0007426	Galveston Computer Solutions LLC
RMD0003616	Gateway Telnet, Inc.
RMD0010686	Gator Networking Services, Inc.
RMD0009030	gbcbusinessgroup
RMD0007672	GBIS Holdings, Inc.
RMD0009704	GECOMP
RMD0009004	GeKaBi Chub Cay Resort
RMD0005180	Gen-Tech Support, LLC
RMD0008434	General Computer Technologies, Inc.
RMD0007442	Genie Innovations, Inc.
RMD0014061	Genius Communications LLC

RMD File No.	Business Name
RMD0009467	Genuine Technical Resources LLC
RMD0014021	GET DEALS USA LLC
RMD0002709	Get L.L.C.
RMD0015234	gf leads
RMD0007171	Giago Enterprise LLC
RMD0007916	Gig Telecom
RMD0002401	Gila Local Exchange Carrier
RMD0002399	Gila River Telecommunications Inc.
RMD0006183	Gipe Enterprises, Inc.
RMD0005627	GitsTel Inc
RMD0009306	Givens Estates Inc.
RMD0007518	GLMX
RMD0006797	Global Oculus Corp.
RMD0011870	Global PC Net
RMD0009120	Global Satellite Engineering
RMD0013606	Global Services
RMD0012263	Global Technology For Business
RMD0008430	Global Technology Service Providers
RMD0009705	Global Technology Solutions, LLC
RMD0007920	Global Telecom Exchange
RMD0008078	Global Telecom Solutions, Inc.
RMD0005790	Global VoIP Inc
RMD0009724	GLOBALTECH FUTURES SOLUTIONS LLC
RMD0009381	Globaltekne Inc
RMD0011360	Globex Telecom
RMD0008047	GMK Marketing, LLC.
RMD0007806	GMT Solutions LLC
RMD0006634	GMV Syncromatics
RMD0015369	Go Voice voip
RMD0012935	Go Voip Dialing
RMD0009122	Go-Cort, Inc.
RMD0014883	GOIP GLOBALNET SOLUTIONS LLC
RMD0011324	GoKart LLC
RMD0006185	Good Sound Co
RMD0013604	Goodvibes Connecting LLC
RMD0006828	Gorvelle
RMD0005340	Government Marketplace LLC
RMD0008825	GPSU LLC
RMD0011362	Gradelink Corporation
RMD0007886	Granade, Inc.
RMD0007618	grand valley telecommunications
RMD0015157	Grateful LLC
RMD0002768	Great Choice Telecom LLC
RMD0007911	Great Lakes Telcom LTD
RMD0008040	GreaterTransmit
RMD0014354	Green Energy Alliance
RMD0011561	Green Light Construction
RMD0006576	GreenBean IT, Inc.

RMD File No.	Business Name
RMD0007667	Greenwire LLC
RMD0006638	GRNLK Corp
RMD0012567	Grocery Delivery Logistics
RMD0009281	Groove
RMD0011399	GROUP 1 AUTOMOTIVE INC
RMD0010732	Group CCI LLC
RMD0007815	GSC IT Solutions, Inc.
RMD0012383	gsmcall llc
RMD0006696	Gtcnetworks, LLC
RMD0010646	Gtek Computers & Wireless L.L.C.
RMD0006671	GTX Communications LLC
RMD0013797	Guadalupe Corporation
RMD0008063	Guentha Teknikal
RMD0006150	Gutierrez - Palmenberg, Inc.
RMD0006574	Haastech
RMD0007547	Halloo Communications, Inc.
RMD0009367	HaloPrivacy
RMD0001508	Hamilton Telephone Company
RMD0011354	Hammer Corp.
RMD0014812	Handcrafted Solutions Inc
RMD0008125	Hansen Network Solutions & Services
RMD0009036	Happilys LLC
RMD0011163	Happy Financial Group, Inc.
RMD0009646	HardConnect Communications
RMD0003236	Harlan Community Television Inc
RMD0004474	Harris Broadband LP
RMD0012514	HAWKDIAL LLC
RMD0008679	HAWKINS ENTERPRISE GROUP LLC
RMD0006636	HealthFirst Solutions
RMD0011363	Healthsmart Management services organization
RMD0008647	Hearst Corporation
RMD0005369	HEHE Enterprises, LLC
RMD0012449	Hello Flexy Inc
RMD0006879	henson communications
RMD0008455	HershyH Corp
RMD0013537	High Country Networks
RMD0007811	High Powered Help, Inc.
RMD0006872	HIGHCOMM LLC
RMD0009405	HIK COMMUNICATIONS
RMD0008041	Hiplink Software
RMD0008089	HiPoint Technology Services Inc
RMD0008709	Hiscall, Inc.
RMD0007087	HiTech Innovations, Inc.
RMD0009484	Hiya
RMD0009246	HMP Metrics, LLC.
RMD0007879	HOAManagement.com
RMD0005617	Holistic Practice Management LLC
RMD0007566	Home Town Telephone, LLC

RMD File No.	Business Name
RMD0008888	Homeaglow, Inc
RMD0006769	Homisco
RMD0006184	HopDial, LLC
RMD0004560	Hopi Telecommunications, Inc.
RMD0004682	Horizon Cable TV, Inc.
RMD0011146	Hospitality Wifi
RMD0007954	Host IT Solutions
RMD0013703	HOSTGSM COM LLC
RMD0008324	Hotel Genie
RMD0012337	Hough Consulting Services Inc
RMD0012685	Houston Techsys
RMD0011066	HPA Associates LLC
RMD0008107	HSE Contractors
RMD0009134	HUBB UCS CORP
RMD0008202	Hubcast Solutions, Inc
RMD0009729	Huffman Telcom Corp
RMD0002705	Hughes Network Systems, LLC
RMD0008671	HumaCore Technologies
RMD0012458	Hunter Carrier Services LLC
RMD0007888	Hybrid Impressions, Inc.
RMD0009094	Hybrid IT Services
RMD0011661	Hypercore Networks Inc
RMD0006431	Hyperion Works, LLC
RMD0009854	HyTec Telephone Installations, Inc.
RMD0015927	I Pure Marketing LLC
RMD0012619	I-Planet Energy Marketing LLC
RMD0014945	ICOE, LLC
RMD0007349	ICON Cloud Solutions, LLC
RMD0008481	iconectiv
RMD0006037	ICS Communications
RMD0008385	IFAX Services, Inc DBA IFS LLC, DBA Impact Telecomm Services
RMD0004314	Ifonoclast, Inc. DBA Phonevite
RMD0009714	igu ltd
RMD0007689	IKB Networks LLC
RMD0007434	IKN Incorporated
RMD0002211	Illinois Valley Cellular RSA 2-I Partnership
RMD0005882	Illum Telecommunication Limited
RMD0003298	iLOKA Inc. dba NewCloud Networks
RMD0012382	Imperial Technologies Inc
RMD0008713	Inatech Solutions Inc.
RMD0009886	inbound communication inc
RMD0008303	inbound inc
RMD0008842	InCare Technologies LLC
RMD0007703	INCONCERT USA, LLC
RMD0003449	Incorpus Telenetworks
RMD0009048	Indiana Telephone Company, Inc.
RMD0005291	Inet Technologies Inc dba iCallsystems

RMD File No.	Business Name
RMD0008531	Infinite Air Center
RMD0006767	Infinite Voip Corporation
RMD0013412	Infinity Marketing
RMD0005230	Infintiy SIp LLC
RMD0015164	Inflowcare LLC
RMD0008436	INFO DEPOTS LLC
RMD0010373	Info Technologies Inc.
RMD0007745	Infoline Audio Production, Corp.
RMD0008183	Infortech Corporation dba NETIVO
RMD0011130	InfoServ USA, Inc.
RMD0006554	Infostructure Inc
RMD0007148	Infotech Houston Solutions LLC
RMD0006100	Infradapt, LLC
RMD0006134	inGen Industries
RMD0011056	Inn Touch Systems
RMD0008826	Innacloud Technologies LLC
RMD0005280	Innova Fast Group LLC
RMD0004521	Innovare, LLC
RMD0012042	Innovation Tel
RMD0005481	Innovative Business Technologies, Inc.
RMD0006689	Innovative Scaling Technologies Inc.
RMD0009374	Innovative Solutions
RMD0008227	Innovative Solutions of Georgia
RMD0009031	Innovative Systems LLC
RMD0009824	Innovative Tech LLC
RMD0007966	Innovative Tech Pros
RMD0007194	Inphonite
RMD0008745	Insider Guide, LLC
RMD0007006	Insider Telecom LLC
RMD0008902	Insta-Info Inc.
RMD0012571	Instant Health Usa Insurance Agency INC
RMD0008568	INT
RMD0005555	Intake Desk LLC
RMD0015522	Intalogi
RMD0012306	Integrated Communication Solutions
RMD0005479	Integration Technologies
RMD0002490	IntegriCom, Inc.
RMD0005496	Integritek Holdings LLC
RMD0007335	Integrity Data Group
RMD0005391	Inteegrated, LLC
RMD0011113	IntelEstate Network Global, LLC
RMD0006475	Intelisys
RMD0006840	Intelligent Technical Solutions, Inc
RMD0012331	INTELLIVISION TECH
RMD0010642	INTENEXT TELECOM LLC
RMD0007621	Interactive Media Technologies, Inc.
RMD0007899	Interactivetel
RMD0005911	Interbusiness Corp

RMD File No.	Business Name
RMD0008665	Intercom Online
RMD0008454	Interfor Networks LLC
RMD0005435	InterLynx
RMD0002570	International Carrier Exchange Limited
RMD0013352	International Telecommunications Services LLC
RMD0004975	International Telnet, Inc.
RMD0008412	Internet Communication Network Services LLC
RMD0009035	Internet Technologies, Inc.
RMD0007685	Internos Group, LLC
RMD0012887	Interstellus LLC
RMD0007449	InTouch Calling, LLC
RMD0011737	Intracoastal Information Services, Inc.
RMD0007669	Intuity Unified Cloud LLC
RMD0008027	Inventi-Com LLC
RMD0005860	Invinovo inc.
RMD0005973	Invision Technologies, LLC
RMD0008051	Inyo Networks, Inc
RMD0011833	ionlake
RMD0005787	IP PBX Support, Inc
RMD0015598	iP Solution Technology
RMD0009186	IP2talk Inc
RMD0002328	ipcom LLC
RMD0006676	iPlum
RMD0006916	IPNetVoice
RMD0005399	IPPBX LLC
RMD0004050	IPro Media, Inc.
RMD0003884	ipSBS Managed Services, LLC
RMD0009420	IPVoice Plus, LLC
RMD0011814	IRIS Solutions, LLC
RMD0005352	IS Technologeis, Inc
RMD0005608	Island IT Solutions, LLC
RMD0006515	ISN Global Enterprises, Inc. dba CallTok
RMD0010725	ISUNET LLC
RMD0005303	IT Assurance
RMD0007121	IT Curves Inc
RMD0006699	IT Freedom, Inc.
RMD0007283	IT Less, Inc.
RMD0006596	IT Pros for Business
RMD0015850	IT Pros of MS LLC
RMD0015191	IT Satisfy LLC
RMD0005632	IT Support Specialists
RMD0012232	IT Technology Works Inc.
RMD0015212	IT VOIP SOLUTIONS
RMD0005359	iTait L.L.C.
RMD0013617	iTalkUSA Communications LLC
RMD0012895	ITConsultantsPR, Inc.
RMD0012668	ITD Telecom LLC
RMD0006623	ITDreamwire, LLC.

RMD File No.	Business Name
RMD0008104	iTech Las Vegas LLC
RMD0006547	ITED Networks, Inc. DBA KinteraComm
RMD0015899	iTEKNEFY LLC
RMD0008880	iTekz, LLC
RMD0008012	iTelework
RMD0008567	Ithryn Techologies, Inc.
RMD0011913	iTi Communications
RMD0005700	ITLogix, LLC
RMD0006477	ITOps Management LLC
RMD0013363	iTRUST,io LLC
RMD0011028	ITSuccess
RMD0012471	Iv Solutions llc
RMD0005866	ivcomputer corporation
RMD0013598	iWise Consulting, Inc.
RMD0009701	J14 MARKETING, INC.
RMD0006645	J2 IT Group LLC
RMD0014964	JAAN LLC
RMD0005656	Jack Bradford Consulting
RMD0009963	JAS Networks, Inc
RMD0011650	Javis Industries
RMD0008065	JAWA TECHNOLOGIES
RMD0009157	Jaxcom Inc.
RMD0015660	Jay Voice LLC
RMD0007430	JAZZCOMM SYSTEMS INC.
RMD0011881	JBP Enterprises, Inc DBA Palecek Consulting Group
RMD0011231	JD TELECOM
RMD0008414	JE Technology LLC
RMD0014868	Jeanne Telcom
RMD0008498	Jeremiah Connelly
RMD0006986	Jess LLC
RMD0011696	Jet Wave Corp.
RMD0006006	Jingler Networks LLC
RMD0011153	JKP Technologies
RMD0005217	JLA Communications, Inc dba Corporate Answer
RMD0010952	JLink Technology Solutions, LLC
RMD0007387	JMF Solutions, Inc
RMD0007179	JMI Technologies
RMD0007720	John Byington
RMD0008124	JohnsonCN
RMD0005856	Jomar Hosting, LLC
RMD0008092	Jonathon Soucier
RMD0011872	Joonto, Inc.
RMD0008666	JOYN COMMUNICATIONS LLC
RMD0009063	Jrb Surveillance Technologies
RMD0006446	JuJu Bell LLC
RMD0009869	Jumpsolinc
RMD0001465	Junction Cloud Connections, Inc.
RMD0015614	Juniper Technology LLC

RMD File No.	Business Name
RMD0007895	Jupiter Networks, Inc.
RMD0011403	Juvo Leads
RMD0004888	Juxto, LLC
RMD0012300	JVOIP LLC
RMD0009197	K & B Associates, PA
RMD0006777	K&E Consulting, INC.
RMD0006655	K13 Inc.
RMD0007932	K4 Mobility
RMD0006834	Kainos Technologies LLC
RMD0015183	Kaiser Telecom LLC
RMD0012302	Kallzer LLC
RMD0005177	Kaminski Engineering and Management
RMD0002528	Kandy Communications LLC
RMD0014990	KAZTEL LLC
RMD0008098	KCI Systems Inc
RMD0006451	Keep in Touch Systems, Inc.
RMD0009152	Kenect, LLC
RMD0006326	KENT FONTENOT COMMUNICATION, LLC
RMD0010754	KERCELI COMMS LLC
RMD0003689	Kerman Telephone Co
RMD0005634	Key Carrier Management Services LLC
RMD0009406	Key Communications LLC
RMD0007722	Keystone IT, Inc.
RMD0004416	KGT LLC
RMD0015623	Kia Voice LLC
RMD0011143	Kicktech
RMD0005714	Kinetic Voip, Incorporated
RMD0006827	Kinetix Broadband
RMD0009126	King Home Services LLC
RMD0006773	King Tech Repair LLC
RMD0012991	Kings and Associates Management LLC
RMD0007439	Kinly
RMD0006786	Kinol Sharie Leyh & Associates
RMD0008147	Kipsu, Inc.
RMD0006488	KJONGSys LLC
RMD0005096	KKGaming, Inc
RMD0011097	KLL TELECOM INC.
RMD0007365	KLOUDIP INC
RMD0004437	Klozer INC
RMD0008214	kmidia inc
RMD0009087	KNOBLOCH COMMUNICATIONS
RMD0009360	knoblochcommunications
RMD0009748	Knock, Inc.
RMD0013053	Knot Networks LLC
RMD0008426	KNOWLOM Tech, LLC
RMD0013760	KOL TELECOM SERVICES
RMD0007327	Komtalk LLC
RMD0012541	Konnect1

RMD File No.	Business Name
RMD0007984	Korwek Posey & Assoc
RMD0005997	KosmosCommunications LLC
RMD0011387	KPH Healthcare Services
RMD0005902	Ktech Network LLC
RMD0006865	Kulago Tech LLC
RMD0008402	Kunnect LLC
RMD0005142	KVH Industries, Inc.
RMD0005518	KW Corporation Inc
RMD0003915	KWK Communications, Inc.
RMD0009674	LA Computer World LLC
RMD0008918	LABRADOR AI, INC
RMD0002222	LaHarpe Telephone Company, Inc.
RMD0007356	Lake Linx Inc.
RMD0005381	Lalli Technology Group
RMD0011159	LAN TEL SERVICES
RMD0009016	Landvoice
RMD0005447	LANgineers, Inc.
RMD0011885	Laredo Connections, Inc
RMD0008941	LasVegas.Net
RMD0004871	Lata 1 Communications Inc.
RMD0012462	Launch Labs LLC
RMD0009026	LCB Solutions Corp
RMD0002923	LD Telecommunications, Inc.
RMD0002078	Leaco Rural Telephone Cooperative, Inc.
RMD0013622	LeadClicker
RMD0009216	Leadfermo LLC
RMD0011391	LeadsPedia, Inc.
RMD0015678	Leadzer
RMD0005701	Leap Network Inc
RMD0006957	Leapfrog Technology Group
RMD0013562	LeapXpert Inc
RMD0006686	Leavitt Group Enterprise
RMD0005164	lecsvoip llc
RMD0007606	Leda Tech
RMD0008748	LeFutur
RMD0011382	Legacy Security Services, Inc.
RMD0011088	Legrand Telecom
RMD0009897	Lenet LLC
RMD0008281	LENOX TECHNOLOGIES INC
RMD0007582	Level 3 Communications St. Croix, Inc.
RMD0006904	Level365 Holdings LLC
RMD0011010	Lexcom Systems Group USA
RMD0015596	Lexi voip
RMD0009255	LGT - Latin Global Telecom LLC
RMD0009086	Liberty Technical Solutions, LLC
RMD0008632	Lietz Development, Inc. dba Data-Tech
RMD0015285	Lightico LTD
RMD0005828	Liine, LLC

RMD File No.	Business Name
RMD0003989	LimeBox Networks, LLC.
RMD0011854	Limpidtel LLC
RMD0006698	Lincoln Communications Group
RMD0002656	LinkedIP LLC
RMD0008584	LinkedPhone LLC
RMD0002340	LINKGLOB LLC
RMD0012434	Linphones LLC
RMD0008080	LisbonCreek Systems, LLC
RMD0012535	List Media Inc
RMD0015031	LIT Enterprise Group LLC
RMD0009001	Litecom L.L.C.
RMD0005055	LL-Link
RMD0004647	Llamada Real Inc.
RMD0005330	Load2Go
RMD0008173	Loader Technologies
RMD0006306	Local Access LLC
RMD0001918	LOCAL INTERNET SERVICE COMPANY (LISCO)
RMD0007328	Local Stratus, LLC
RMD0007945	Local Techs
RMD0012020	LocalNPA
RMD0008953	Logical Concepts INC
RMD0007513	Logical Net Corporation
RMD0006583	London Computer Systems, Inc. (LCS)
RMD0004763	Lone Pine Communications
RMD0004629	Long Distance Access Inc.
RMD0008444	Long Distance Movers, Inc
RMD0013628	long island salsa bachata festival inc
RMD0013810	Loop Marketing, LLC
RMD0011506	Loop Start Technologies
RMD0008529	LorainTel
RMD0009784	Los Alamos Commnet Inc
RMD0004523	Louisville Geek LLC
RMD0011900	Lovo Systems LLC
RMD0005311	LowerCostCalls
RMD0008592	Lucre, Inc.
RMD0008087	Luma Health, Inc., also dba Luma Health Technologies
RMD0007585	Lumenos Technologies Inc
RMD0009468	LVCOM LLC
RMD0004526	LYCOM COMMUNICATIONS INC.
RMD0009192	lyonl networks, inc
RMD0007999	M & J Internet Inc.
RMD0006775	M Installations
RMD0008160	M Secure Net Corp.
RMD0008108	M-Theory Consulting Group LLC
RMD0008249	M2 Partners, Inc
RMD0009455	Machine Gila
RMD0001920	MADRID INTEGRATION SERVICES INC
RMD0008090	Madwire, LLC

RMD File No.	Business Name
RMD0008803	MagicSeth Productions, LLC
RMD0013523	MAGICTEL LLC
RMD0011826	Magnitude Management LLC
RMD0015555	MAGNUS SALES LLC
RMD0009172	Make Safe, LLC dba Trident Technology Systems
RMD0005488	MakingITHappen Services LLC
RMD0007602	makrodepot
RMD0008276	Managed Technologies, LLC
RMD0009436	mancomtec LLC
RMD0004561	Manti Tele Communication Company , Inc
RMD0014966	Manti Telephone Company
RMD0011091	Mantis Support, LLC
RMD0009407	Mapleline Communications LLC
RMD0013570	Marine Vsat Inc
RMD0009834	Marketcall
RMD0003234	MarketSpark, Inc.
RMD0009231	Marlimar Interactive
RMD0007534	Marmot Tech Solutions LLC
RMD0015910	Martinez Business Group
RMD0002908	Masters Telecom LLC
RMD0008037	Matrix Communications, Inc.
RMD0010996	MATTHEW BURNS COMPUTER SERVICES LLC
RMD0010995	MATTHEW BURNS COMPUTER SERVICES LLC
RMD0008660	Mavenir Systems Inc
RMD0011807	Mavis Tire Express Services Corp
RMD0007117	Maxi LLC
RMD0011641	MaxRev Interactive
RMD0009233	Mayaa llc
RMD0008371	Mayhem Innovations LLC.
RMD0012267	Mazan Technology Inc
RMD0004904	MCC Network Services, LLC
RMD0009161	MCE Systems
RMD0008465	MCEDD
RMD0008234	Mcfarland Clinic PC
RMD0009343	Mclain Communications
RMD0006855	Mconnect
RMD0011303	MDC Computer Company Inc.
RMD0007435	MDcentric Technologies Inc.
RMD0007289	MDG Consulting Group, Inc
RMD0011210	MDU1, LLC
RMD0008379	MEA Financial Enterprises
RMD0012426	MEBILLING, INC
RMD0008127	MEDIA ADVISOR PLUS
RMD0010187	Media Boil LLC d.b.a. Call Ocean
RMD0008719	Medial Axis Inc.
RMD0005405	Mediamatic Inc
RMD0008483	Medical Management of IL
RMD0007554	MedicalReputation.com LLC

RMD File No.	Business Name
RMD0005546	Medtel Communications LLC
RMD0007123	MEGAMAX VOICE & DATA, INC.
RMD0006788	MegaTech Services LLC
RMD0007382	Meimoun & Mammon LLC
RMD0007052	Mendocino Unified School District/Mendocino Community Network
RMD0015216	MERTECH DATA SYSTEMS, INC.
RMD0008657	Method Technologies, Inc.
RMD0011385	Metis Company
RMD0009333	Metispro Corp.
RMD0006115	MetroIP Communications, LLC
RMD0006033	MGD Technical
RMD0005205	MGI Computers
RMD0006899	MI COMMUNICATIONS GROUP
RMD0008381	Michigan Cable Partners, Inc.
RMD0005329	MichTel LLC
RMD0007596	MickTel LLC
RMD0009053	Micro Enterprise Technologies
RMD0007167	Micro Voip Telecom
RMD0008223	Micro-Comm, Inc.
RMD0010761	Micron Systems
RMD0003600	Micronesian Telecomm. Corp
RMD0009358	MID-STATE SUPPORT LLC
RMD0001675	Midwest Telecom Of America, Inc.
RMD0007313	Midwest VoIP
RMD0007357	millennium professional services
RMD0003128	Millry Telephone Co., Inc.
RMD0005965	Mindsprint
RMD0015971	MiriTel, Inc.
RMD0006948	MiSignal
RMD0003641	Missouri Telecom, Inc.
RMD0009129	MitoTec, LLC
RMD0009287	MITRE Corporation
RMD0006529	MJS Global, Inc.
RMD0005892	MO BETTA TECH
RMD0013344	Mobee Apps, LLC
RMD0009135	Mobiiworx Inc.
RMD0006932	Mobile Heartbeat LLC
RMD0012890	Mobile PC Guys, Inc
RMD0008894	MobileDollars, LLC
RMD0013603	Mobility Tech USA LLC
RMD0008854	Mocadi Networks, LLC
RMD0007570	Modento Inc.
RMD0007666	Moffatt Wireless LLC
RMD0007733	Mogility Networks
RMD0006888	MojoTxt LLC
RMD0005279	Monster Broadband
RMD0007515	Monster Telecom LLC

RMD File No.	Business Name
RMD0004622	Montana Opticom
RMD0013733	Montrose Mutual Telephone Co
RMD0005581	Moral Telecom
RMD0008256	Morris Communications
RMD0004681	MOSAIC NETWORKX LLC
RMD0009935	Mountain Communications, LLC
RMD0008302	Moxtel Inc.
RMD0013738	MR NETWORK LLC
RMD0008017	MS TEL Corp.
RMD0006614	Mscall
RMD0007928	MSPNETWORKS LLC
RMD0008449	MSRNE
RMD0005198	Mtech
RMD0007396	Multi-Media Communications LLC
RMD0009855	Multilocksmith Inc
RMD0015319	Multion Global Services LLC
RMD0004469	Multiphone Latin America, Inc
RMD0004782	Multiple Investors LLC
RMD0006267	MummaGraphics, Inc d/b/a Cool PBX Networks
RMD0010821	MY BUSINESS VOIP
RMD0009326	My Guy Solutions, LLC
RMD0008029	MyTechPro Business Services LLC
RMD0008113	N5 Cloud Services LLC
RMD0008484	Namo Solutions Inc
RMD0007281	Natel Inc.
RMD0009788	native American Veteran Assistance
RMD0004215	Native Network Inc
RMD0009952	Natural G.C. Inc.
RMD0007277	NC Businesssolutions INC
RMD0008415	NCWC
RMD0007996	nDeviX Corporation
RMD0003013	Nebraska Technology & Telecommunications, Inc.
RMD0011323	Nebula Voice LLC
RMD0006954	Neel Infotech
RMD0012958	Neil Wisozk
RMD0012069	Nelson Lake LLC
RMD0008927	neoCentric LLC
RMD0008072	NERDS SUPPORT, INC
RMD0013632	Net Speak Pro LLC
RMD0009056	Net Vision Communications LLC
RMD0008464	Net-Voice Telecom
RMD0012200	Net2Atlanta
RMD0005615	Netacom
RMD0007763	Netcom
RMD0005956	NETCOM Business IT Solutions
RMD0006990	NetCom Systems, Inc.
RMD0003569	Netcom VOIP Solutions, LLC
RMD0006520	netDirective Technologies, Inc.

RMD File No.	Business Name
RMD0010244	NETEO Inc.
RMD0009173	NetGain Information Systems Co.
RMD0007140	NetGrinch Inc
RMD0007475	Netmaker Communications
RMD0007910	Netovo Group, LLC
RMD0007765	NetPro1 LTD
RMD0008131	netprocomm Beyma
RMD0007990	NetstaffHR, Inc. dba Satchel Telecom
RMD0007827	Nettalk Voice Inc
RMD0006144	NETVOIX INC
RMD0005879	Network Advantage LLC
RMD0007254	Network Associates Inc
RMD0012074	Network Authority, LLC
RMD0002277	Network Brokers Corporation
RMD0001425	Network Communications International Corp. a/k/a NCIC Inmate Communications
RMD0009121	Network Innovation Solutions
RMD0009166	Network Sanitation Committee, LLC
RMD0005438	Network Services & Support Inc.
RMD0004662	Network USA, LLC
RMD0013971	Network Zone\ DBA Local @ Anywhere
RMD0007314	Networking Solutions & Services, LLC
RMD0007662	Networkitects, Inc.
RMD0011032	NetXS Leasing
RMD0009148	Never Busy LLC
RMD0007030	New England VOIP, LLC
RMD0015931	New Jersey MSA LLC
RMD0008363	New Success Inc.
RMD0010730	Newbreak Management Co. LLC dba Newbreak Communications
RMD0007925	Newcom, Inc.
RMD0004395	NewCore Wireless
RMD0011884	Newegg Commerce
RMD0004645	Nexel Technologies Corporation
RMD0007147	Nexera Communications Inc
RMD0012414	Nexgen Integrated Communications LLC
RMD0008218	Nexlar, LLC
RMD0008467	Next Communications, Inc.
RMD0008556	Next Generation Designs
RMD0009208	Next Level Techies, LLC
RMD0006860	Next Networks Inc.
RMD0008365	NextGi, LLC
RMD0013742	Nextonic Services
RMD0007701	Nextwave Wireless LLC
RMD0008473	Nexus IT Consultants LLC
RMD0005390	NfinityLink Communications, Inc.
RMD0006801	NOI Telecom
RMD0005832	Nortec Communications, Inc.
RMD0005734	North Florida Communications

RMD File No.	Business Name
RMD0008930	North Olympic Peninsula Data Centers, LLC
RMD0008165	Northside TV Corporation
RMD0011167	Northstar Information Technologies LLC
RMD0009176	Northwest Towers, LLC
RMD0008061	Novatech Systems LLC
RMD0013477	nSpeak LLC
RMD0004773	NTCI Carrier Services, Inc.
RMD0006474	Ntiva, Inc
RMD0008420	Nuance Communications, Inc
RMD0004598	Nushagak Electric & Telephone Cooperative, Inc.
RMD0008401	NuTech Services, LLC.
RMD0007819	NuWave Technology, Inc.
RMD0007013	NXTEP INTERNATIONAL, INC.
RMD0008409	NYGroup.com, LLC
RMD0006606	OA Systems, LLC
RMD0008457	Oak View Law Group
RMD0005168	OBACKS, INC
RMD0010339	OBERLOS
RMD0001477	OBHost LLC
RMD0008066	Ocala Remote Computer Services
RMD0009802	OctaDigiLab
RMD0006836	Office Hours Technologies, Inc.
RMD0007187	Ohio Telecom, Inc.
RMD0011567	OKG Tech LLC
RMD0012961	Oktacom Inc.
RMD0008212	Omega Group
RMD0014341	OMIND Technologies Inc
RMD0010926	Omni Media Cast Technologies LLC
RMD0006116	Ommispring, LLC
RMD0009237	On Call Business Communications
RMD0008148	ON DRIVE TECHS LLC
RMD0008493	ON TECH LLC
RMD0012492	OnCall Patrol LLC
RMD0014969	ONE DATA, INC
RMD0009215	One Eye LLC
RMD0009184	One For All Holdings, Inc.
RMD0006123	One Internet America, LLC
RMD0011304	One Too Many Ins Agcy Inc. DBA: Search & Save
RMD0011674	OneDAIS LLC
RMD0010179	Oneill Technologies
RMD0008697	Onemind Services LLC
RMD0008711	OnePointSync, LLC.
RMD0005490	OneStream Networks, LLC
RMD0008435	Onetree LLC
RMD0010876	Onlinecer Solutions LLC
RMD0008639	onShore Security LLC
RMD0006335	OnSiteIn90 LLC
RMD0006357	OnSolve, LLC

RMD File No.	Business Name
RMD0008224	Onux Technologies
RMD0005115	onyx us telecom llc
RMD0007871	Open Air Wireless
RMD0011162	Open Net, Inc.
RMD0008115	Open One Solutions, Inc.
RMD0001517	OpenSIP.com
RMD0007502	OpenText Corp
RMD0008314	Opertel, Inc.
RMD0006392	Opex Communications Inc
RMD0009442	OPSYS
RMD0004717	Optical Telecommunications Inc.
RMD0013860	Optimum VoIP
RMD0012734	Optivon of Florida, LLC
RMD0005094	Optus Networks Pty Limited
RMD0002428	Oregon-Idaho Utilities Inc
RMD0007522	Origin VoIP
RMD0013189	Ortus Tel LLC
RMD0007362	OTG GROUP CORP
RMD0002262	OTZ Telecommunications, LLC
RMD0002263	OTZ Telephone Cooperative, Inc.
RMD0002148	OTZ Telephone Cooperative, Inc.
RMD0009912	Outsourced Tech LLC
RMD0013571	Over The Top Marketing Corp.
RMD0008967	Overpass LLC
RMD0003736	OzarksGo
RMD0011818	Oztechs LLC
RMD0015302	Pa Parkam Group
RMD0007649	Pacific Office Automation
RMD0005598	Palmer Diversified Ventures, Inc.
RMD0009313	Pangea Systems, LLC
RMD0002196	Panobit, LLC
RMD0009018	Paragonvoip
RMD0009154	Parallel Cards Inc
RMD0009314	Paramount Emergency Medical Services
RMD0005685	PARISH COMMUNICATIONS
RMD0009277	Particle Communications Wholesale, Inc.
RMD0014125	Patient Prism, LLC
RMD0002058	PBX Interactive, LLC
RMD0006702	PBX LINES INC
RMD0011031	PBXHub LLC
RMD0001536	PBXIO LLC
RMD0009263	PC of Mind Technologies
RMD0007736	PCI Broadband
RMD0009012	PCTECH INC
RMD0005744	Pctek llc
RMD0009361	Peachtree Communications Inc
RMD0010443	Pearls Construction LLC
RMD0015153	Peblia, Inc.

RMD File No.	Business Name
RMD0009377	Peer Voip Services
RMD0001702	Peering Hub INC
RMD0008957	Peerlogic Inc
RMD0015047	Peers Global Solutions, LLC
RMD0008266	Penacity, LLC
RMD0009265	Pennsylvania Computer Connections inc
RMD0015712	Pennsylvania MSA LLC
RMD0009058	Peoples Utility Corporation
RMD0011393	Percentric Technologies LLC DBA Gnymble
RMD0007377	Peregrine Networks
RMD0012062	perfect call
RMD0004456	Perfect Pitch
RMD0012297	Perfect Storm LLC
RMD0008203	Perfect Transcription, Inc.
RMD0008532	PERQ Software, LLC
RMD0006017	Persistent Telecom Inc
RMD0005149	PHD Communications, LLC
RMD0006491	Phoenix Techforce LLC
RMD0008077	Phoenix Technology GroupLLC
RMD0007389	PHONESANYTIME
RMD0008142	phonesforward.com
RMD0006416	Phonicview inc
RMD0007892	Phonoscope.Inc
RMD0010981	Physicians Answering Group Exchange
RMD0005436	Pig Voice
RMD0006718	Pigeonly Inc.
RMD0007514	PINNACLE IP SOLUTIONS USA INC.
RMD0004528	Pinnacles Telephone Company
RMD0011809	Pioneer Technology, LLC
RMD0008182	PIPATREE SERVICES INC.
RMD0010630	Pistor & Associates
RMD0009226	PivaTel LLC
RMD0007979	PIXELRIVER TECHNOLOGY LLC
RMD0009258	PJL Telecom LLC
RMD0009474	Pkosh Communications LLC
RMD0003738	Plant Telenet, Inc.
RMD0008733	Platinum Century Investments LLC
RMD0011749	Platinum Voice Services
RMD0004648	PLD, LLC
RMD0013736	Pleedex LLC
RMD0007705	Plexus Technology Solutions, LLC
RMD0006670	PNSCO,LLC
RMD0006622	PocketiNet Communications Inc.
RMD0008386	Point Wireless Brokers, LLC dba eSquared Communication Consulting
RMD0005255	PointVoIP, LLC
RMD0010739	Polarstar LLC
RMD0005688	Pollyvoice, LLC

RMD File No.	Business Name
RMD0011768	PPLS INC
RMD0011466	Predator Studio LLC
RMD0012410	Preferred Telephone Systems, Inc.
RMD0008337	Premier Business Technologies, LLC
RMD0008537	Premier Printing Inc
RMD0006175	Premier Satellite
RMD0009369	PrestigeDRVoIP.Com Inc
RMD0007875	Primary Wave Local LLC
RMD0005194	PrimeCall
RMD0004817	Principle Telecom LLC dba Fluent Voice Networks
RMD0005610	PRINTING ESSENTIALS, LLC
RMD0001670	PriorityOne Telecommunications, Inc.
RMD0006525	Priorpoint LLC
RMD0015439	Prisma Networks, Inc
RMD0008819	PrismNet Ltd.
RMD0012249	Private National Mortgage Acceptance Company, LLC
RMD0007610	Pro Stars Entertainment Inc.
RMD0006433	PROCESAMOS LLC
RMD0007456	Procomm Voice and Data Solutions, Inc
RMD0008571	Producer Sensei LLC
RMD0009747	Progressive Telecom LLC
RMD0009091	Project Broadcast LLC
RMD0006978	ProMedia Inc.
RMD0015502	ProSites, INC
RMD0008634	ProStar Communications
RMD0012305	ProStratus
RMD0006759	Protected Harbor Inc.
RMD0006021	Provide Net, LLC
RMD0010238	Providerflow
RMD0005192	Proxyfone
RMD0008867	PRPC.COM, LLC
RMD0002839	PS LIGHTWAVE, INC.
RMD0007303	PSComm 360 Inc d/b/a iGlobal
RMD0008273	Ptera Inc
RMD0005408	Public Telephone Company
RMD0002522	PULSAR360 Corp.
RMD0008341	Puma Public Adjusters
RMD0011802	Pure funding inc
RMD0013645	Purple Rose Ltd
RMD0015263	Pw Partners Atlas Fund Ii Lp
RMD0008782	Pyrenees Technology, Ltd.
RMD0002232	PZ Telecommunication LLC
RMD0008822	qBit Networks
RMD0002684	qcVoice Inc
RMD0010735	Qos Communications llc
RMD0013607	QualityTech Connections
RMD0014832	Quantum Results US Corporation
RMD0005665	Quick Copper Communications, LLC

RMD File No.	Business Name
RMD0008561	Quiq, Inc
RMD0005012	Quonix Solutions, LLC
RMD0001588	Qwality Tel Inc.
RMD0005742	QxC Communications, Inc
RMD0002077	R.M.Greene,Inc.
RMD0009101	Radius Communications Inc.
RMD0004651	Ragz Internet Inc.
RMD0013565	Ran infotech
RMD0009489	RankHop, LLC
RMD0007740	Rapid Systems Corporation
RMD0006490	RAR Technology
RMD0008701	Raven Rock Networks, Inc.
RMD0007587	RAZA GLOBAL INC
RMD0008552	RC Tech & CCTV Corp.
RMD0008263	RCP Real Estate management Co.
RMD0004930	RDTEL, INC.
RMD0008933	REACH Alert LLC
RMD0005673	Reachme.com Inc
RMD0015676	readers and writers publication llc
RMD0008814	Real Capture LLC
RMD0006469	Real Mobile Inc
RMD0008560	RealConnect
RMD0011156	Realty Dynamics Equity Partners
RMD0002931	Rebeltec Communications LLC
RMD0006484	Red Barn Technology Group
RMD0008344	Red Road Telecom LLC
RMD0004800	Red Rock Communications, LLC
RMD0004273	Red Spectrum Communications LLC
RMD0008130	Redbud Technical Consulting, Inc.
RMD0002903	REDBURN INFRASTRUCTURE, LLC
RMD0015628	Reddy Voip
RMD0009365	Reiber Technologies
RMD0011014	ReLi Med Solutions LLC
RMD0006755	reliable calling inc
RMD0008922	ReminderDental
RMD0009429	Resource Computer Solutions
RMD0011905	Rewired LLC
RMD0007368	Reynwood Communications of NY/NJ, LLC
RMD0007002	RG Fiber
RMD0011406	Rhinogram
RMD0001955	Rhode Island Telephone Inc
RMD0007343	RHYNO Networks LLC
RMD0007959	Right Click, Inc.
RMD0011268	Ring-U, LLC
RMD0012459	Ring2Voice Inc
RMD0009238	RingCaptcha, Inc.
RMD0006895	RingLeader, Inc
RMD0012679	Ringless Portal

RMD File No.	Business Name
RMD0005287	RingMOR
RMD0002580	Ringover INC
RMD0004772	RingRx, LLC
RMD0006862	Rio Broadband, LLC
RMD0014087	Rise Advisory Inc
RMD0009661	Riser Technologies Inc
RMD0005074	Roamability LLC
RMD0008655	Robodial.Org, LLC
RMD0007025	Rocky Mountain Systems, Inc.
RMD0007406	Rokatel llc
RMD0005592	RoofX
RMD0010904	Roomongo, Inc.
RMD0009756	Round Top Wifi
RMD0005091	Royell Communications, Inc.
RMD0009312	RP Phone Services, LLC
RMD0009177	RTMB Technology
RMD0004848	Russell Communications, LLC
RMD0008186	Ryal IT
RMD0009296	Rysedorph IT INC
RMD0004376	Rystec Inc
RMD0008746	S-Mobile LLC
RMD0007118	S.V. Enterprises
RMD0015075	SA Enterprise LLC
RMD0009290	Sachi International, Inc
RMD0012613	Sachi Tech INC
RMD0007295	SageCom
RMD0011478	Salesforce Communications LLC
RMD0007390	Samespace Inc
RMD0010035	Sandhills Telecommunications Group Inc.
RMD0004708	Sandwich Isles Communications, Inc.
RMD0002434	Sangoma U.S., Inc.
RMD0007881	Santa Monica Systems, Inc.
RMD0011501	Santorini Solutions
RMD0013949	Sapieus Software Solutions
RMD0004503	Sapir 18 Inc
RMD0007292	Sarceno Network Consulting LLC
RMD0010755	Sateo, Inc.
RMD0007070	Savecom Telecom, Inc.
RMD0005706	SB&B AMERICAN COMMUNICATIONS
RMD0008453	SBS Indy
RMD0012198	Schuylkill Mobile Fone, Inc.
RMD0012521	Scorp Inc.
RMD0007578	Scott Murphy Incorporated
RMD0011849	Seagull Networks, Inc
RMD0009214	Seawolf Technologies Inc.
RMD0005338	SECOM Inc
RMD0008338	SECURE
RMD0001763	Secure IP Telecom, Inc

RMD File No.	Business Name
RMD0004752	SECURE UICC
RMD0008334	SecureNetMD, LLC
RMD0007484	Securesyscom, inc.
RMD0006991	Securus Contact Systems
RMD0006442	Segment Wireless LLC
RMD0015020	Seigler Technologies, LLC
RMD0005763	Seiontec Systems, LLC
RMD0008216	Selective Solutions LLC
RMD0007824	SendHub, Inc
RMD0009873	Sendlane Inc
RMD0008891	Sense Talent Labs, Inc.
RMD0008079	Serenova LLC
RMD0012379	Series Computers n Stuff Waco
RMD0012530	Servant Keeper, LLC.
RMD0002956	ServerPlus LLC.
RMD0003999	SERVICE AREA 5 CABLE, LLC
RMD0005051	Setson LLC
RMD0001910	Seventh Standard LLC
RMD0006584	SFM Networks LLC
RMD0011808	Shalai Beauty LLC
RMD0012133	Shanis Office
RMD0002939	Sharp Media Group, LLC
RMD0002623	Shift8 Networks, Inc. dba T3 Communications Inc.
RMD0010541	ShoreWaves LLC
RMD0006852	ShowingTime.com, Inc.
RMD0012799	shuttleq.com
RMD0007988	Siafu Telecommunications, LLC
RMD0006443	Sierra Experts
RMD0009371	Sigamur Tech
RMD0011305	Sight Beyond Sight LLC
RMD0013094	Sigma Solutions Inc.
RMD0007830	Signal Vine, Inc
RMD0008516	Signitel inc
RMD0005708	SILENT PARTNER COMMUNICATIONS, INC.
RMD0008648	Silicon Maine LLC
RMD0009356	Simeon Networks LLC
RMD0009217	Simple Communications, Inc
RMD0003589	Simple Phone Company
RMD0015953	Sims Real Estate
RMD0008743	Sineris Web Services, LLC
RMD0007217	SingleComm
RMD0010916	Singlewire Software
RMD0006838	Singo Solution, Inc
RMD0013798	SIP CONNECT
RMD0006659	SIP Global Phone, LLC
RMD0009628	sipcitytalkpad
RMD0012942	Sipdesk
RMD0006631	sipIQ LLC

RMD File No.	Business Name
RMD0006619	SipKonnnect LLC
RMD0015625	SIPNVOIP
RMD0012648	SIPOSIP COMMUNICATION LLC
RMD0007212	Siptrunk Communication
RMD0009264	Siteserver, Inc.
RMD0009874	SKISIP LIMITED
RMD0007441	SKT Technologies
RMD0005475	Skycom Healthcare
RMD0005636	SkyCreek
RMD0006955	Skyhawk Security LLC dba Skyhawk Group
RMD0005939	Skyline Technology
RMD0004461	SKYNET TELECOM, LLC
RMD0006014	SkyRider Communications, Inc.
RMD0005165	SkyRun Vacation Rentals
RMD0009450	Skytel Solutions, Inc
RMD0006237	SkyWerx Industries, LLC
RMD0006397	Skywire Technologies & Consulting
RMD0006853	Skyyhigh Communications
RMD0012205	Smart Carrier, LLC
RMD0007049	SmartAction
RMD0009681	SMARTBIZSOLS INC
RMD0015346	smisoft LLC
RMD0008543	Smith Operating Solutions, LLC
RMD0009008	SMS Global US LLC
RMD0007930	SMS Telecomm
RMD0011212	SMS-iT
RMD0004718	SNAP DIAL LLC
RMD0001733	SnowCrest Telephone, Inc
RMD0008198	SNRB Labs LLC
RMD0005431	Soapbox Systems Inc
RMD0015356	Soft care Solution
RMD0010961	Softbright, LLC
RMD0011284	Softotelecom LLC
RMD0008859	SOLD.com INC
RMD0012266	Solid Double LLC
RMD0011901	Solid Networking Solutions Corp.
RMD0006628	Solidus Technica
RMD0013031	Solutionreach, Inc.
RMD0008335	Solutions Express Ltd.
RMD0006505	Solvast Corporation
RMD0009737	Solvo USA, Inc.
RMD0012335	Sonic Spectrum, Inc.
RMD0007758	Sonic Systems Inc.
RMD0005621	Sonictel, Inc.
RMD0008410	SOTEK Solutions
RMD0006937	South Central Tower Co.
RMD0007503	Southeastern Technology Specialists, LLC
RMD0009041	Southern Fiber Worx, LLC

RMD File No.	Business Name
RMD0004616	SouthPoint Communications, LLC
RMD0005809	SPARK I/T Services LLC
RMD0006346	Sparkplug IP, LLC
RMD0006000	Spectrum Business Technologies
RMD0005312	Spectrum VoIP, Inc.
RMD0015199	Specular Financial
RMD0012181	Speedup-Network
RMD0008520	SpherePBX
RMD0007367	Spring I.T. Services, LLC
RMD0012241	SpringFin, LLC
RMD0006787	Sprocket Communications, LLC
RMD0005401	SPSA LLC
RMD0005101	Squaretalk LTD
RMD0006639	SRVC.US LLC
RMD0013600	Stacy Newsome LNCC
RMD0007486	Stage 2 Networks, LLC
RMD0011278	STAGESKY HOLDINGS CORP
RMD0003992	Star2Star Communications, LLC
RMD0014816	Starkline Global Telecom LLC
RMD0011377	Starling PBX Inc.
RMD0008939	Starnik
RMD0007590	StarterStep LLC
RMD0012158	Statewide Communications Inc.
RMD0004471	Stellar Private Cable Systems, Inc.
RMD0007915	Stephens Network Services LLC
RMD0008779	Storm Data Protection
RMD0009155	Stow Customs LLC
RMD0007757	Stowe Communications LLC
RMD0009647	Strathcore Inc
RMD0006407	StratoSwitch LLC
RMD0007074	STRAWBERRY COMMUNICATIONS
RMD0002948	Strongcord Infrastructure Systems Management, LLC
RMD0007992	StrongTel Communications
RMD0010898	Struxture Technologies
RMD0005686	StudioCart LLC DBA: Heartland Web Development
RMD0007355	Subrigo Corporation
RMD0012557	Summit Systems, Inc.
RMD0009071	Sumner Cable TV, Inc.
RMD0004667	Sun America Communications, L.L.C.
RMD0004948	Sun Star Telecom Corp.
RMD0007383	Sun Tech Solutions, Inc.
RMD0006313	Sunset HB
RMD0012642	Sunshine Marketing 4U LLC
RMD0008855	Superior IT Solutions Inc
RMD0001905	Superior Telephone Cooperative
RMD0006971	Supersource Inc
RMD0005336	SupportCloud
RMD0005349	SureTel LLC

RMD File No.	Business Name
RMD0006816	Surge Telecom
RMD0005760	Support Services Group
RMD0015117	SUSAN AND CO LLC
RMD0008058	Swell Broadband, Inc.
RMD0011325	Swift Telco LLC
RMD0015162	SwiftLink Telco, LLC
RMD0007600	Switchboard Labs, LLC
RMD0009093	Symple Market
RMD0005319	SymplyFi
RMD0010687	SYNDEO NETWORKS, INC
RMD0006002	Syneteks
RMD0009170	Syngenex LLC
RMD0012729	SYNO TECHNOLOGIES, LLC
RMD0008736	Syntec Business Systems Inc.
RMD0006617	Syntracom LLC
RMD0007746	Sysnet Communications
RMD0003982	T-Max Phone Systems Corp
RMD0013358	taconictelcom
RMD0008848	Tailored Management Services LLC
RMD0005513	Taler
RMD0001705	Talk Telecom
RMD0006079	TalkCycle LLC
RMD0007941	Talkroute Inc
RMD0002890	Tampa VoIP LLC
RMD0013581	Tanya David LLC
RMD0009067	TapClassifieds
RMD0008255	Tarrytech Computer Consultants
RMD0008861	TAS Solutions
RMD0009783	TAUTO, LLC
RMD0004897	Tavoca Inc
RMD0006566	TCC Networks Inc
RMD0008737	TCK Solutions LLC
RMD0009389	TCRO Systems, LLC
RMD0012436	Teal Communications Inc
RMD0006563	Team ITS, LLC
RMD0005959	Tech 911 Group Inc.
RMD0008245	Tech Bizz Solutions
RMD0007376	Tech Connection Incorporated
RMD0004612	Tech Friends, Inc.
RMD0011164	TECHBYWEB, LLC
RMD0015175	Techcom Connect, LLC
RMD0012301	Techlinkhub LLC
RMD0008439	TechNet Computing LLC
RMD0012381	Technical Consulting Specialists
RMD0007047	Technifax Business Systems
RMD0008057	Techno Advantage
RMD0009042	Technocentra Group LLC
RMD0010454	Technolgyi

RMD File No.	Business Name
RMD0008534	Technological Solutions LLC
RMD0009475	Technology Brokers Intl Corp
RMD0006552	Technology Solutions of MI
RMD0008169	Technosis Inc
RMD0008428	TECHNOTIME BUSINESS SOLUTIONS LLC
RMD0011077	Technovation Design
RMD0008910	TechnoVations of North Georgia LLC
RMD0011895	TechPro, Inc.
RMD0005079	Techshoster LLC
RMD0006688	Techsure, LLC
RMD0009105	TechWorks Group LLC
RMD0012304	Teckbit LLC
RMD0013356	TECOBI
RMD0012590	Teitco
RMD0006009	TekCollect
RMD0004672	Teksync Technologies, Inc.
RMD0012450	TEL X NETWORKS
RMD0006603	Tel-IT Technology Solutions
RMD0008219	Telanet, Inc.
RMD0008609	Telasco Communications Inc.
RMD0005552	Telco Business Solutions Inc
RMD0008151	Telco Experts LLC
RMD0011982	Telcoline LLC
RMD0004845	Telcom Savvy, LLC
RMD0013204	Telconnect LLC
RMD0003157	Tele Cloud LLC
RMD0009088	Tele Network, Inc.
RMD0015507	Tele Talk, LLC
RMD0015933	TELE-C COMMUNICATIONS CORPORATION
RMD0009006	TELEBEE INC
RMD0012539	Telebiz360
RMD0013667	Telecom Associates LLC
RMD0007605	Telecom Assurance, LLC
RMD0011422	Telecom Business Network
RMD0007239	Telecom House, Inc
RMD0009113	Telecom One, Inc.
RMD0010997	Telecom Supply Inc. DBA King Televoice
RMD0004338	TELECOM XCHANGE
RMD0015957	TELECOM EZ CORP
RMD0007271	TeleConnx Inc
RMD0011983	Telefonetica
RMD0013028	Telegent
RMD0006422	Telegia Communications Inc.
RMD0003855	TeleMessage
RMD0006441	Telenet International, LLC.
RMD0007370	Telepars Telecommunications Corp.
RMD0015956	TELEPATH COMMUNICATIONS CORPORATION
RMD0010993	Telephone Industries

RMD File No.	Business Name
RMD0008006	TELEPHONE YACHT, LLC
RMD0007553	Telephonetic LLC
RMD0015519	Telerings
RMD0011759	Telernet LLC
RMD0007560	Telespace, LLC
RMD0005711	TeleTech Corp
RMD0005923	Televoi, LLC
RMD0011851	TeleVoip ESC
RMD0001925	TELEVOX COMMUNICATIONS LLC
RMD0009712	TELEWANT LLC
RMD0007697	TeleWise, LLC
RMD0012173	Telfast LLC
RMD0004781	TeligentIP
RMD0008433	Telin Systems LLC
RMD0002416	Tellarc of Florida
RMD0011906	Tellennium
RMD0012561	Tellus 247
RMD0008478	Teloro
RMD0008028	TelServ Telecom, LLC
RMD0009288	Telsolution Networks
RMD0012573	TELTECH Advanced Phone Systems Corp
RMD0005570	Teltech Systems, Inc.
RMD0005731	Teltrex
RMD0006760	Teltrust, Corp.
RMD0015278	Telucum
RMD0007042	Telusion, Inc
RMD0008790	TELX COMPUTERS INC
RMD0005745	TELXP
RMD0004713	Tenny Journal Communications, Inc.
RMD0013706	Teocommunications
RMD0008018	TeQ I.Q. LLC
RMD0009875	TEQNIA LLC
RMD0011736	TERRA VOIP
RMD0008538	TerraNovaNet, Inc
RMD0007086	TessPay Inc.
RMD0007599	Text Aspect Inc.
RMD0009225	Text Request LLC
RMD0012415	TextByChoice
RMD0002252	TextNow, Inc.
RMD0009082	TextPower, Inc.
RMD0009780	Thatkey LLC
RMD0009249	The Bald Guy Enterprises Inc
RMD0007927	The Building IT Company
RMD0015892	THE CALL CENTER GROUP, LLC
RMD0009850	THE CALLR CORP.
RMD0005643	THE COMPUTER CONNECTION
RMD0008912	The Edge Group, LLC
RMD0001941	The Flat Planet Phone Company Inc.

RMD File No.	Business Name
RMD0009962	The Iserv Company
RMD0002199	The Jaspen Corporation
RMD0009761	The Net Calls, LLC
RMD0011863	The Network Pro, Inc.
RMD0005919	THE NOVA TELEPHONE COMPANY
RMD0006524	The Phone Works, Inc.
RMD0008710	The Prescription Computer Store DBA The Solution Center
RMD0010185	The Redcliffe Group
RMD0009819	The Sprout Network LLC
RMD0012537	The TAS Guy, LLC
RMD0009003	The Technology Depot
RMD0014827	The Telecom Solution
RMD0008858	The Web Group pf Bradenton LLC DBA Red1
RMD0011292	The4th Tech Solutions LLC
RMD0013542	TheCRM Corporation
RMD0007831	thePBX.net
RMD0008429	theschmied LLC
RMD0008674	theWISP.net, CORP
RMD0005289	Thing5 LLC
RMD0011380	Think Anew
RMD0004958	Thinksecurenet, LLC
RMD0007949	ThinkSpace IT
RMD0011289	Three Lanterns, LLC
RMD0011440	Thrivent Financial
RMD0009295	Tibx, LLC
RMD0007682	Tidewater Laskin Associates LLC
RMD0011871	Tidewater Techs LLC
RMD0013476	Tiera Enterprises
RMD0006181	Tierzero
RMD0005241	Tim Laren
RMD0004663	Tim Ron Enterprises, LLC
RMD0009064	TIP Systems
RMD0015518	Tiznel
RMD0010417	Tj Tech Solution llc
RMD0009355	TkFast, Inc.
RMD0013374	TLAB Ventures LLC
RMD0008260	TM TELCOMM CORP.
RMD0005082	TNC Communications, Inc.
RMD0008153	Tool Span LLC
RMD0005663	Top City Tech LLC
RMD0006072	Top Notch Networking, LLC
RMD0009966	Total Highspeed LLC
RMD0007358	Total Recall Solutions BH
RMD0004847	Total Technologies, LLC
RMD0008391	Total Telecom Solutions, LLC
RMD0005932	TotalBC, Inc.
RMD0013548	Touchpoint Restaurant Innovations, Inc
RMD0003561	Town of Pineville

RMD File No.	Business Name
RMD0005425	TPC COMM, CORP
RMD0007674	Trader PhD LLC
RMD0004339	Trailwave Fiber, Inc.
RMD0003021	Trak Telecom LLC
RMD0008476	Tranquil-IT
RMD0006238	TransAmerican Computer Consulting, LLC
RMD0011890	Transcom Consulting LLC
RMD0003291	Transtelco, Inc.
RMD0011320	Tranzyt LLC
RMD0008228	Triggerfish Corporation
RMD0005254	Trinity Telecom Services
RMD0007947	Trio Group LLC
RMD0012420	Tropical Inc
RMD0005738	Tru Mobility, Inc.
RMD0005334	True On Inc
RMD0012536	True Pinless, Inc.
RMD0007620	TruEnergy Services LLC
RMD0005792	TRUEWAY IT, LLC
RMD0003961	Truly Technologies, Inc
RMD0008984	Truman Arnold Companies DBA TAC-Air
RMD0009252	Trunk Tel LLCC
RMD0005539	TRUSTID, INC
RMD0012109	Truvisory Telecom LLC
RMD0004426	TRZ Communications Services, Inc.
RMD0007044	TSCI, Inc.
RMD0005759	TSI
RMD0006472	Tullahoma Utilities Board
RMD0010895	Turkana, LLC
RMD0008185	turnesville internal medicine
RMD0011976	Turnkey VoIP LLC
RMD0009400	Twigs INC
RMD0010125	TWO CANS AND SOME STRING INC.
RMD0008033	Two Ninjas Enterprises, LLC
RMD0005532	TXM Telecom Solutions LLC
RMD0008633	Txtwire Technologies
RMD0010180	TY COMMUNICATIONS
RMD0006420	U.S. Computer Corporation
RMD0009469	u3 communication
RMD0012911	Uber Wireless
RMD0007769	Ubiquita, Inc
RMD0006418	UJET, Inc.
RMD0009622	Ulmer Enterprises, Inc.
RMD0008908	Ulrich Barn Builders
RMD0005298	Ultimate Internet Access, Inc
RMD0009037	Unbound Systems LLC
RMD0015458	Uniccdialer LLC
RMD0011591	Unicorn Communication Inc
RMD0007402	UNIDES, Inc.

RMD File No.	Business Name
RMD0015323	Unified Data Services
RMD0005641	Unified Dispatch LLC
RMD0006779	Unified Telecom Inc
RMD0011497	Unified Telecommunication Solutions, LLC
RMD0003810	Unified Voice Communication LLC
RMD0013013	UNIFIED VOICOM MANAGEMENT LLC
RMD0007581	Unintended-Consequences, LLC
RMD0011394	Union Street Media
RMD0005921	UNIQUE SOFT LLC
RMD0008003	UNIT ASSISTANT Inc
RMD0004909	United Internet Services, LLC
RMD0009744	United Network Connections, LLC
RMD0011856	United Systems
RMD0008093	Universal E-Business Solutions, LLC
RMD0006594	Universal Telecom, LLC
RMD0005710	UniVision Incorporated
RMD0006516	Unlimited Net, LLC
RMD0010861	Upcasa Technology Services, LLC
RMD0008691	Urban Communications, Inc
RMD0009602	Urbanspotlite
RMD0010490	URTH ACCESS, LLC
RMD0008333	US DIRECTORY ASSISTANCE INC
RMD0009342	US MIBN INC
RMD0011971	USATOLLNA.COM, Inc.
RMD0006339	USDS
RMD0008872	UStronics.com, Inc
RMD0005703	UsVox
RMD0005602	UT&T LLC
RMD0009877	UTEL USA
RMD0011894	Ux Omnitech INC
RMD0009494	V and V Telecom LLC
RMD0007919	VA Communications
RMD0011390	VacVoip, LLC
RMD0009862	Valley View IT & Media Corporation
RMD0005461	Valstarr Asia
RMD0008865	ValuTel Communications, Inc.
RMD0008885	Van Berg Senior Insurance Services
RMD0004956	Vantage PC Inc.
RMD0012243	Varay Systems, LLC
RMD0006569	Varietel Communications, LLC DBA IT Unite Technologies
RMD0012250	VAULT SYSTEMS LLC
RMD0001716	VaultTel Solutions LLC
RMD0004762	VC Dreams USA, LLC DBA Strategic IT Partners
RMD0007001	VDAP
RMD0012487	VDTEL VOIP CORP
RMD0006883	VECTORWIDE IT
RMD0008013	Vectrafon, Inc.
RMD0007045	Velantro, Inc.

RMD File No.	Business Name
RMD0008221	Veloci Communications
RMD0015970	Velocity Tech Services, LLC
RMD0012484	Ventures Hosting LLC
RMD0015873	venus voip
RMD0001546	Verge Network Solutions, Inc.
RMD0004676	Vergx LLC
RMD0015520	Veriwave Telco, LLC
RMD0003953	Vertex Telecom, Inc
RMD0008893	Vibrant voice
RMD0008806	Vicidiem
RMD0004121	VinaKom Inc
RMD0010452	Vine Clouds Technologies
RMD0015170	Vintage VoIP
RMD0003952	Virginia Everywhere, LLC
RMD0009832	Virtare Health, Inc.
RMD0005993	Virtual Impressions Incorporated
RMD0015575	Virtual Office Communications dba Vozmia
RMD0011158	Virtual Sprout
RMD0007028	Virtual Voice Products USA, LLC
RMD0006558	Virtual Voice Versatility, LLC
RMD0009627	VirtueCom, Inc.
RMD0006794	Vision Telecom
RMD0006235	Visionary Communications, Inc
RMD0009185	Vistanet Telecommunications, Inc.
RMD0008286	Vivant
RMD0007468	VivaTel Inc
RMD0006503	Vivial Mobile
RMD0012409	Vix Technology (USA) Inc
RMD0004407	VoApps, Inc.
RMD0008928	VOCALCOLA, LLC
RMD0008926	Vocapex Inc
RMD0007061	Vocatech Inc.
RMD0009723	Vocodia Holdings Corp
RMD0006537	Vogtmann Engineering Inc
RMD0009920	VOICE & SMS TRADINGS
RMD0006053	Voice Carrier LLC
RMD0009457	Voice Enable
RMD0011309	Voice Fetch
RMD0015247	Voice Ninja
RMD0007272	Voice Promise, LLC
RMD0011995	Voice Radial
RMD0008210	Voice Titan LLC
RMD0004532	VoiceCo Networks, Inc.
RMD0003991	Voicecom Telecommunications, LLC
RMD0012277	VoiceFriend LLC d/b/a Icon
RMD0013188	VoicePRO Communications Inc.
RMD0011361	VoiceSpring LLC
RMD0006522	VoiceStep Telecom, LLC

RMD File No.	Business Name
RMD0013073	Voicetechpbx
RMD0013563	VOICEZONE COMMUNICATION
RMD0005883	Voigo Communications LLC
RMD0008257	Voip America LLC
RMD0007354	VOIP AWESOME INC
RMD0011828	VOIP CITI
RMD0011261	Voip Dialing, Inc
RMD0006471	Voip Ease, LLC
RMD0012470	VOIP Empire
RMD0008535	VOIP Extension, Inc.
RMD0015089	VoIP Instance, LLC
RMD0009717	Voip Network LLC
RMD0014715	VoIP Ocean LLC
RMD0005407	VOIP OFFICE
RMD0015675	VOIP PBX SERVICES
RMD0007572	VoIP Route INC
RMD0012938	Voip Services of Michigan
RMD0015627	Voip Studio
RMD0009840	VoIP Supply
RMD0014862	voip tech hub
RMD0012542	Voip Torque
RMD0009965	Voip Voice Telecom Inc
RMD0008828	Voip-IT Services, Inc.
RMD0014953	Voip4all
RMD0013228	Voipcom, LLC
RMD0009760	Voipinno.info, LLC
RMD0007278	VOIPIOT, LTD
RMD0004872	VoIPly, LLC
RMD0008622	VOIPOWORLD
RMD0008804	VoIPtastic LLC
RMD0013558	Voiptella Inc
RMD0005299	VOIPUS LLC
RMD0009754	Voipvip.net LLC
RMD0007563	Voiturio LLC
RMD0003770	Voixhub LLC
RMD0008638	Voko Communications LLC
RMD0008146	Volga
RMD0007721	Voltexeo
RMD0009149	Voluable Voice Communications
RMD0012580	Vopial Inc
RMD0012068	Vos Logic
RMD0001504	Votacall, Inc
RMD0007466	Vow Corporation
RMD0009800	VOX Tandem LLC
RMD0008007	VoxCloud8 Corporation
RMD0011911	Voxdom LLC
RMD0007517	Voximplant, Inc.
RMD0011256	VOXPACE LLC

RMD File No.	Business Name
RMD0012489	Voxtra
RMD0009697	Voyzze Communications, Inc.
RMD0007719	VPC-IT, Corp
RMD0012870	VPNet, Inc.
RMD0005977	VSFX, LLC
RMD0009080	VTSS Inc
RMD0008459	Vultik INC
RMD0008998	vUnity Inc
RMD0006999	W Cubed
RMD0012073	W1 Services, Inc.
RMD0005855	WAN Communications, Inc
RMD0003866	Warrior Hill, LLC
RMD0008315	Wasatch Technology Group, Inc
RMD0001949	WASHINGTON COUNTY RURAL TELEPHONE COOPERATIVE INC
RMD0010883	Washington Telco LLC
RMD0008070	Watertree Ventures LLC dba BuzzRX
RMD0009236	Watson Networks
RMD0012315	WaveNation, LLC
RMD0006643	Wavetech Systems, LLC.
RMD0010932	Wayne Metropolitan CAA
RMD0007751	Web Broker Solutions
RMD0001715	WebFire Communications Inc.
RMD0008071	Webitize Voice
RMD0006595	WebTech House LLC
RMD0008035	Wellteck IT
RMD0008053	West One, LLC
RMD0006911	WESTERN STATES TELEPORT, INC.
RMD0002208	Westgate Communications LLC
RMD0009353	Wesuki LLC
RMD0009447	wetel systems inc
RMD0011090	Weycorp, Inc.
RMD0009028	Whispir.com Inc
RMD0012511	WHITE OMEN IT CONSULTING, Inc.
RMD0003956	WhiteSky Communications, LLC.
RMD0007650	Whizkids Tech LLC
RMD0003357	Wildix, Inc.
RMD0002583	WILKES TELEPHONE MEMBERSHIP CORP
RMD0007163	Wilson Creek Communications, LLC
RMD0010161	Wilson Support Services LLC
RMD0005618	WiMacTel, Inc.
RMD0007771	Win.Net Telecommunications, Inc.
RMD0007226	Windfield Enterprises dba Kellin Communications
RMD0004557	Windstream Holdings II, LLC
RMD0015009	Wing Carrier LLC
RMD0006669	Winux LLC
RMD0009199	Wireless Of Maine LLC
RMD0005002	Wisp.net

RMD File No.	Business Name
RMD0007922	WLS Technology
RMD0009017	Wolketalk
RMD0007096	WonderLink Communications, LLC
RMD0008525	Wood's Performance Center, Inc.
RMD0003156	Woodstock Telephone Company
RMD0008758	WorkLLama LLC
RMD0011897	WorkSmart, Inc.
RMD0003287	World Surfer, Inc.
RMD0006585	WORLD VISION TELECOM VOIP
RMD0007681	World Voice Telecom LLC
RMD0007905	World-Link Communications, Inc
RMD0009738	WORLDCELLTEL.COM, INC.
RMD0009864	WPI Group Inc.
RMD0007051	Wrench Inc
RMD0013015	Wyoming Fiber Phone Inc
RMD0015949	XAirmet Corp.
RMD0006654	Xander Communications LLC
RMD0004905	Xclutel, LLC
RMD0007149	Xentric LLC
RMD0013590	Xicom LLC
RMD0005059	Xoom Telecom LLC
RMD0013246	Xpanse Networks LLC
RMD0009706	Xpertelecom Corporation
RMD0006298	Xpro Networks LLC
RMD0005961	xtDirect LLC
RMD0006768	Xtivity Solutions LLC
RMD0012491	XYBERMED CORPORATION
RMD0007935	YakPath LLC
RMD0009346	YanceyWorks
RMD0007953	Yellowknife Wireless Company, LLC
RMD0009397	Yeltek
RMD0010149	YLINX, LLC
RMD0005612	Yoko Networks
RMD0007829	York Telecom Corporation
RMD0005764	YOUR ONLY IT SOLUTION
RMD0006307	Your Voice Global Technologies Corp
RMD0007708	Zan Inc.
RMD0009775	Zap Systems Inc.
RMD0006447	Zaplee
RMD0011058	ZAR Network LLC
RMD0011410	zdSCADA, LP
RMD0008172	Zealous Services LLC
RMD0013400	Zeb Telecom
RMD0013512	Zebtelcom
RMD0007154	Zee Group
RMD0015181	zeekatel voip
RMD0004882	Zeribs Telecom LLC
RMD0014028	ZeroPoint Platforms Inc

RMD File No.	Business Name
RMD0009859	Ziggoo Technologies LLC
RMD0009178	Zing My Order LLC
RMD0006753	Zingo media group LLC
RMD0005915	ZipCrunch LLC
RMD0009691	Ziplingo, LLC
RMD0006657	ZK Tech Inc.
RMD0005424	Zoe Communications Inc.
RMD0009456	Zoho Corp
RMD0011371	Zone-tel
RMD0008904	Zonitel Solutions LLC
RMD0014887	Zoom Networks, LLC
RMD0006069	Zoom Telcom, LLC
RMD0013399	ZOOP MOBILITY COMPANY
RMD0011046	zPaper, Inc.
RMD0004741	Ztelecom LLC
RMD0005026	ZTelecom LLC
RMD0010487	Zurcher Tire
RMD0008411	zyis digital
RMD0011879	
RMD0005982	
RMD0011037	
RMD0008515	
RMD0005140	
RMD0008965	
RMD0004575	
RMD0012386	
RMD0008759	
RMD0008258	
RMD0007075	
RMD0005409	
RMD0012427	
RMD0011880	
RMD0008060	
RMD0013433	
RMD0012365	
RMD0008617	
RMD0012649	
RMD0012553	
RMD0007202	
RMD0011290	
RMD0014952	
RMD0010310	
RMD0006334	
RMD0009861	
RMD0006518	
RMD0005054	
RMD0008600	
RMD0008349	

RMD File No.	Business Name
RMD0008735	
RMD0013524	
RMD0008595	
RMD0007275	
RMD0004812	
RMD0013350	
RMD0008841	
RMD0010744	
RMD0005607	
RMD0009416	
RMD0008586	
RMD0005989	
RMD0010356	
RMD0008960	
RMD0012328	
RMD0008157	
RMD0008336	
RMD0013682	
RMD0009274	
RMD0007269	
RMD0013076	



PUBLIC NOTICE

Federal Communications Commission
45 L Street, NE
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>

DA 24-1236
Released: December 9, 2024

COMMENTS INVITED ON SECTION 214 APPLICATION(S) TO DISCONTINUE DOMESTIC NON-DOMINANT CARRIER TELECOMMUNICATIONS SERVICES

WC Docket No(s). 24-448

Comments Due: December 24, 2024

Unless otherwise specified, the following procedures and dates apply to the application(s) (the Section 214 Discontinuance Application(s)) listed in the Appendix.

The Wireline Competition Bureau (Bureau), upon initial review, has found the Section 214 Discontinuance Application(s) listed herein to be acceptable for filing and subject to the procedures set forth in Section 63.71 of the Commission's rules.¹ The application(s) request authority, under section 214 of the Communications Act of 1934, as amended,² and section 63.71 of the Commission's rules,³ to discontinue, reduce, or impair certain domestic telecommunications service(s) (Affected Service(s)) in specified geographic areas (Service Area(s)) as applicable and as fully described in each application.

In accordance with section 63.71(f) of the Commission's rules, the Section 214 Discontinuance Application(s) listed in the Appendix will be deemed granted automatically on **January 9, 2025**, the 31st day after the release date of this public notice, unless the Commission notifies any applicant(s) that their grant will not be automatically effective.⁴ We note that the date on which an application for Commission authorization is deemed granted may be different from the date on which applicants are authorized to discontinue, reduce, or impair service ("Authorized Date"). Any applicant whose application has been deemed granted may discontinue, reduce or impair their Affected Service(s) in their Service Area(s) on or after the authorized date(s) specified in the Appendix, in accordance with their filed representations. Accordingly, pursuant to section 63.71(f), and the terms outlined in each application, absent further Commission action, each applicant may discontinue, reduce or impair the Affected Service(s) in the Service Area(s) described in their application on or after the authorized discontinuance date(s) listed in the Appendix for that application. For purposes of computation of time when filing a petition for reconsideration, application for review, or petition for judicial review of the Commission's decision(s), the date of "public notice" shall be the later of the auto grant date stated above in this Public Notice, or the release date(s) of any further public notice(s) or order(s) announcing final Commission action, as

¹ 47 CFR § 63.71.

² 47 U.S.C. § 214.

³ 47 CFR § 63.71.

⁴ See 47 CFR § 63.71(f) (stating, in relevant part, that an application filed by a non-dominant carrier "shall be automatically granted on the 31st day... unless the Commission has notified the applicant that the grant will not be automatically effective.").

applicable. Should no petitions for reconsideration, applications for review, or petitions for judicial review be timely filed, the proceeding(s) listed in this Public Notice shall be terminated, and the docket(s) will be closed.

Comments objecting to any of the applications listed in the Appendix must be filed with the Commission on or before **December 24, 2024**. Comments should refer to the specific WC Docket No. and Comp. Pol. File No. listed in the Appendix for the particular Section 214 Discontinuance Application that the commenter intends to address. Comments should include specific information about the impact of the proposed discontinuance on the commenter, including any inability to acquire reasonable substitute service. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.⁵ Comments may be filed electronically using the Internet by accessing the ECFS: <http://apps.fcc.gov/ecfs>. Filers should follow the instructions provided on the Web site for submitting comments. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket number.

Parties who choose to file paper copies must file an original and one copy of each filing. Such filings can be sent by hand or messenger delivery, by commercial courier, or by the U.S. Postal Service. All filings must be addressed to the Secretary, Federal Communications Commission. Hand-delivered or messenger-delivered paper filings for the Commission's Secretary are accepted between 8:00 a.m. and 4:00 p.m. by the FCC's mailing contractor at 9050 Junction Drive, Annapolis Junction, MD 20701. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building. Commercial courier deliveries (any deliveries not by the U.S. Postal Service) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701. Filings sent by U.S. Postal Service First-Class Mail, Priority Mail, and Priority Mail Express must be sent to 45 L Street NE, Washington, DC 20554.

This proceeding shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.⁶ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

⁵ See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

⁶ 47 CFR § 1.1200 *et seq.*

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (TTY).

For further information, please see the contact(s) for the specific discontinuance proceeding you are interested in as listed in the Appendix. For further information on procedures regarding section 214 please visit <https://www.fcc.gov/encyclopedia/domestic-section-214-discontinuance-service>.

– FCC –

Appendix

- 1) **Applicant(s): Level 3 Telecom of Texas, LLC**
WC Docket No. 24-448, Comp. Pol. File No. 1956
Link – [https://www.fcc.gov/ecfs/search/search-filings/results?q=\(proceedings.name:\(%2224-448%22\)\)](https://www.fcc.gov/ecfs/search/search-filings/results?q=(proceedings.name:(%2224-448%22)))
Affected Service(s) – Basic Business Line Service; Complete Lines/Trunks Service (a/k/a Complete Lines DS0); Channel 12 Service; VersiPak Flex T-12; and Dedicated LD Access
Service Area(s) – at Lackland Air Force Base and in Live Oak, San Antonio, and Universal City, Texas
Authorized Date(s) – January 9, 2025
Contact(s) – Kimberly Jackson, (202) 418-7393 (voice), Kimberly.Jackson@fcc.gov, of the Competition Policy Division, Wireline Competition Bureau



PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, DC 20554

News Media Information 202-418-0500
Internet: www.fcc.gov

DA 24-1237

Released: December 9, 2024

WIRELESS TELECOMMUNICATIONS BUREAU AND OFFICE OF ENGINEERING AND TECHNOLOGY ANNOUNCE RENEWAL PROCEDURES FOR SPECTRUM ACCESS SYSTEM ADMINISTRATORS IN THE 3.5 GHZ BAND

GN Docket No. 15-319

I. INTRODUCTION

1. With this Public Notice, the Wireless Telecommunications Bureau (WTB) and the Office of Engineering and Technology (OET) announce the procedures that Spectrum Access System (SAS) administrators in the 3.55–3.7 GHz Band (3.5 GHz Band) must follow in order to renew their initial five-year certifications for full commercial deployment.¹ SAS administrators that seek to renew their terms must certify that they will satisfy all applicable compliance obligations in a filing with the Commission no fewer than 14 days before the expiration of their existing certifications.

II. BACKGROUND

2. SAS administrators must be authorized by the Commission to operate a SAS.² In the *2015 Report and Order*, the Commission directed WTB and OET, in consultation with the Department of Defense (DoD) and the National Telecommunications and Information Administration (NTIA), to oversee the review, certification, and approval of SAS administrators in the 3.5 GHz band.³ The *2015 Report and Order* required all prospective SAS administrators to complete a two-stage review process prior to their final certification.⁴

3. WTB and OET, in consultation with NTIA and DoD, have approved seven SAS administrators for full commercial deployment, and six of the SASs still operate today. On January 27, 2020, WTB and OET approved Federated Wireless, Inc. (Federated), Google, Sony, Inc. (Sony), and CommScope.⁵ WTB and OET later authorized Amdocs, Inc. (Amdocs) on April 21, 2020,⁶ Key Bridge

¹ 47 CFR § 96.63(e) (“[Each SAS Administrator designated by the Commission must] [p]rovide service for a five-year term. This term may be renewed at the Commission’s discretion.”).

² 47 CFR § 96.3 (defining a SAS administrator as “[a]n entity authorized by the Commission to operate an SAS in accordance with the rules and procedures set forth in § 96.63”).

³ See *Amendment of the Commission's Rules with Regard to Commercial Operations in the 3550-3650 MHz Band*, GN Docket No. 12-354, Report and Order and Second Further Notice of Proposed Rulemaking, 30 FCC Rcd 3959, 4067, paras. 369-373 (2015) (*2015 Report and Order*); see also 47 CFR §§ 0.241(j), 0.331(f).

⁴ See *2015 Report and Order*, 30 FCC Rcd at 4067, paras. 371-73; see also *Wireless Telecommunications Bureau and Office of Engineering and Technology Establish Procedure and Deadline for Filing Spectrum Access System (SAS) Administrator(s) and Environmental Sensing Capability (ESC) Operator(s) Applications*, GN Docket No. 15-319, Public Notice, 30 FCC Rcd 14170, 14174-77 (WTB/OET 2015) (*SAS Administrator Application Notice*).

⁵ See *Wireless Telecommunications Bureau and Office of Engineering and Technology Approve Four Spectrum Access System Administrators for Full Scale Commercial Deployment in the 3.5 GHz Band and Emphasize Licensee* (continued....)

Wireless LLC (Key Bridge) on March 9, 2021,⁷ and RED Technologies SAS (RED) on September 22, 2023.⁸ In April 2023, CommScope suspended operations as an SAS administrator.⁹

4. Consistent with the Commission's rules, all SAS administrators received approval to operate for a five-year term.¹⁰ The five-year terms for four SAS administrators (CommScope, Federated, Google, and Sony) expire January 27, 2025.¹¹ The five-year term may be renewed at the Commission's discretion pursuant to section 96.63.¹²

III. DISCUSSION

5. To qualify for renewal of their certification, each SAS administrator must comply with the procedures set forth herein. At a minimum, each SAS administrator seeking renewal must continue to comply with all relevant Commission rules and requirements, satisfy all obligations imposed upon their initial certification, comply with any and all subsequent adjustments to the federal-commercial sharing regime in the 3.5 GHz Band, and comply with any future changes to that regime or to the Commission's rules.¹³ Specifically, each SAS administrator must certify:

- Compliance with all current and future Commission rules and policies, as well as compliance with all instructions issued by WTB, OET, or the Enforcement Bureau (EB), including any processes for interference reporting, consistent with sections 0.241(j) and 0.331(f) of the Commission's rules¹⁴ applicable to SASs on an ongoing basis,¹⁵ Each SAS administrator must also comply with requests for additional information from the Commission, WTB, OET, or EB.

(Continued from previous page)

Compliance Obligations in the 3650-3700 MHz Band Under Part 96, GN Docket No. 15-319, Public Notice, 35 FCC Rcd 117 (WTB/OET 2020) (Federated, Commscope, Google, and Sony Authorization).

⁶ See *Wireless Telecommunications Bureau and Office of Engineering and Technology Approve Spectrum Access System Administrator Amdocs for Full Scale Commercial Deployment in the 3.5 GHz Band*, GN Docket No. 15-319, Public Notice, 35 FCC Rcd 3687 (WTB/OET 2020) (Amdocs Authorization).

⁷ See *Wireless Telecommunications Bureau and Office of Engineering and Technology Approve Spectrum Access System Administrator Key Bridge Wireless for Full Scale Commercial Deployment in the 3.5 GHz Band*, GN Docket No. 15-319, Public Notice, 36 FCC Rcd 4880 (WTB/OET 2021) (Key Bridge Authorization).

⁸ See *Wireless Telecommunications Bureau and Office of Engineering and Technology Approve Spectrum Access System Administrator Red Technologies for Full Scale Commercial Deployment in the 3.5 GHz Band, to Support Spectrum Manager Leasing, and to use Key Bridge Wireless LLC's Environmental Sensing Capability*, GN Docket No. 15-319, Public Notice, 38 FCC Rcd 8549 (WTB/OET 2021) (RED Authorization).

⁹ See Letter from H. Mark Gibson, Sr. Director, Regulatory Policy, CommScope Inc. to Marlene H. Dortch, Secretary, Federal Communications Commission in GN Docket No. 15-319 (Mar. 10, 2023) (CommScope ceased SAS operations on Apr. 1, 2023 but did not relinquish its certification).

¹⁰ 47 CFR § 96.63(e).

¹¹ Federated, Commscope, Google, and Sony Authorization.

¹² See 47 CFR §§ 0.241(j), 0.331(f).

¹³ See, e.g., Federated, Commscope, Google, and Sony Authorization, 35 FCC Rcd at 118-20, para. 5.

¹⁴ See 47 CFR §§ 0.241(j), 0.331(f) (delegating authority to WTB/OET to oversee the SAS approval process and facilitate the testing and development of multiple SAS operators).

¹⁵ See, e.g., 47 CFR §§ 96.53-96.65. In August 2024, the Commission issued a *Notice of Proposed Rulemaking and Declaratory Ruling* that sought comment on a broad range of issues in the 3.5 GHz band. *Promoting Investment in the 3550-3700 MHz band*, GN Docket No. 17-258, Notice of Proposed Rulemaking and Declaratory Ruling, FCC 24-86, 2024 WL 3873584 (adopted Aug. 5, 2024; released Aug. 16, 2024).

- The information on file with the Commission related to the business operations and ownership structure of the SAS and SAS administrator remains accurate.¹⁶ If any such information has changed, each SAS administrator must update the information on file with the Commission in their renewal application via a supplemental filing in GN Docket No. 15-319. If the SAS administrator experiences a material change to its ownership information, business structure, or financial capability to operate a SAS, after renewal, we expect the SAS administrator to discuss such changes with relevant WTB and OET staff prior to the change taking effect, and the SAS administrator must fully disclose this change in a supplemental filing in GN Docket No. 15-319.
- Consistent with existing requirements, if a SAS administrator plans to make substantive changes to its system, for example, to comply with new releases of industry standards, it must supplement or amend its filings to describe those changes. If no such changes are planned or known at the time of renewal, the SAS administrator must certify that it will supplement or amend its filings as soon as is practicable if such changes occur during its renewal term.¹⁷
- Compliance with any expanded SAS capabilities or obligations—including the provision of service in additional U.S. Territories and Possessions¹⁸ and the support of spectrum manager leasing¹⁹—authorized since their initial certification.
- Continued protection of current and future federal incumbent operations in and near the 3.5 GHz band, as set forth in the Commission’s rules and subsequent WTB/OET actions.²⁰ Examples of subsequent WTB/OET actions include the use of the Telecommunications Advanced Research and Dynamic Spectrum Sharing System (TARDyS3) scheduling portal for federal coordination,²¹ as well as the modified aggregate interference model to protect federal operations in the 3.5 GHz Band.²²

¹⁶ This includes information submitted by SAS administrators in response to the SAS Administrator Application Notice and subsequent WTB/OET PNs as well as any changes and supplements that information that were subsequently filed in GN Docket No. 15-319.

¹⁷ Before WTB and OET approves the use of new or modified SAS features, the SAS operator must demonstrate that the modified SAS will continue to comply with the Commission’s rules, and it may be required to submit its systems for additional testing. Upon request, the SAS operator must provide external testing interfaces to enable WTB and OET, in collaboration with NTIA and DoD, to verify that the proposed modifications comply with the relevant rules as specified by the Commission. *See* Federated, Commscope, Google, and Sony Authorization; Key Bridge Authorization; Amdocs Authorization; RED Authorization.

¹⁸ For example, Federated, Google, and Sony have received approval to operate in American Samoa. *See Wireless Telecommunications Bureau and Office of Engineering and Technology Approve Spectrum Access System Administrator Federated Wireless for Full Scale Commercial Deployment in the 3550-3650 MHz Band in American Samoa*, GN Docket No. 15-319, Public Notice, 36 FCC Rcd 8236 (WTB/OET 2021); *Wireless Telecommunications Bureau and Office of Engineering and Technology Approve Spectrum Access System Administrator Google for Full Scale Commercial Deployment in the 3.5 GHz Band in American Samoa*, GN Docket No. 15-319, Public Notice, 36 FCC Rcd 8467 (WTB/OET 2021); *Wireless Telecommunications Bureau and Office of Engineering and Technology Approve Spectrum Access System Administrator Sony, Inc. for Full Scale Commercial Deployment in the 3.5 GHz Band in American Samoa*, GN Docket No. 15-319, Public Notice, 37 FCC Rcd 9269 (WTB/OET 2022).

¹⁹ *See The Wireless Telecommunications Bureau and the Office of Engineering and Technology Approve Spectrum Access System Administrators Amdocs, Federated Wireless, Inc., Google, Key Bridge, and Sony, Corp. to Support Spectrum Manager Leasing*, GN Docket No. 15-319, Public Notice, 37 FCC Rcd 7934 (WTB/OET 2022).

²⁰ *See* 47 CFR § 96.15.

²¹ *See Promoting Investment in the 3550-3700 MHz Band; 3.5 GHz SAS and ESC Applications*, GN Docket Nos. 17-258 and 15-319, Order, 38 FCC Rcd 7628 (WTB/OET 2023); *see also* Letter from Charles Cooper, Assoc. Admin., Office of Spectrum Mgt., NTIA, to Ronald T. Repasi, Chief (Acting) OET, and Donald Stockdale, Jr., Chief, WTB, (continued....)

6. Satisfaction of the obligations set forth above will help to ensure that each approved SAS administrator will continue to comply with the Commission's rules. A SAS administrator's certification may be revoked at any time if the SAS administrator fails to comply with the Commission's rules and guidance on an ongoing basis.

7. SAS administrators that seek renewal of their terms to conduct full commercial operations must therefore certify their compliance with all such obligations in a filing with the Commission no fewer than 14 days before the expiration of their existing certifications.²³ Any SAS administrator that submits its filing seeking renewal no fewer than 14 days before the expiration of its existing certification may continue full commercial operations as presently authorized until WTB and OET act upon the renewal request, even if such action is not taken until after the expiration date of the SAS Administrator's current term. If a SAS administrator fails to submit a timely renewal filing, then WTB and OET may direct the SAS administrator to cease operations immediately and WTB and OET may take further action including, potentially, revoking the SAS administrator's certification.

8. WTB and OET, in consultation with NTIA and DoD, will review each SAS administrator's timely renewal filings, to make a finding as to whether the SAS administrator has satisfied the obligations in the Commission's part 96 rules and set forth in this Public Notice. WTB and OET will announce publicly the SAS administrators that are approved for renewal on a rolling basis.

IV. PROCEDURAL REQUIREMENTS

9. SAS Administrators should file their renewal requests and associated certifications and any supplements thereto, using the Commission's Electronic Comment Filing System, in GN Docket No. 15-319. SAS Administrators may request confidential treatment of information contained in their filings consistent with section 0.459 of the Commission's rules.²⁴

10. *People with Disabilities.* To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice).

11. *Additional Information.* For further information regarding this Public Notice, please contact Paul Powell, Associate Chief, Wireless Telecommunications Bureau, Mobility Division at paul.powell@fcc.gov or 202-418-1613, or Navid Golshahi, Electronics Engineer, Office of Engineering and Technology, Policy and Rules Division at navid.golshahi@fcc.gov or 202-418-2422.

By the Chief, Wireless Telecommunications Bureau, and the Acting Chief, Office of Engineering and Technology.

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FCC (Jan. 22, 2020), <https://www.ntia.doc.gov/fcc-filing/2015/ntia-letter-fcc-commercial-operations-3550-3650-mhz-band>; <https://www.fcc.gov/ecfs/filing/101220466714222>.

²² See *Wireless Telecommunications Bureau and Office of Engineering and Technology Approve Certified SAS Administrators to use Modified Aggregate Interference Model*, GN Docket Nos. 17-258 and 15-319, Public Notice, DA 24-643 (WTB/OET July 3, 2024).

²³ CommScope, Federated, Google, and Sony must therefore file their renewal certifications no later than Monday, January 13, 2025. Amdocs must file prior to April 7, 2025, Key Bridge prior to February 23, 2026, and RED prior to September 8, 2028.

²⁴ See 47 CFR § 0.459.



Federal Communications Commission
Washington, D.C. 20554

December 10, 2024

DA 24-1238
In Reply Refer to:
1800B3-ATS
Released: December 10, 2024

Trinity International University, Deerfield, IL Campus
c/o Paul Parello, Jr.
2065 Half Day Road
Deerfield, IL 60015
(sent by electronic mail)

Antioquia Pentecostal Church Inc.
c/o Jessica Gyllstrom, Esq.
Telecommunications Law Professionals PLLC
1025 Connecticut Avenue, NW
Suite 1011
Washington, DC 20036
(sent by electronic mail)

In re: **LPFM MX Group 40**

**Trinity International University,
Deerfield, IL Campus**
New LPFM, Deerfield, Illinois
Facility ID No. 787606
Application File No. 0000232979

Antioquia Pentecostal Church Inc.
New LPFM, Lincolnshire, Illinois
Facility ID No. 777976
Application File No. 0000231743

Petition to Deny

Dear Applicant and Objector:

We have before us the applications filed by Trinity International University, Deerfield, IL Campus (Trinity) and Antioquia Pentecostal Church Inc. (Antioquia) for construction permits for new low power FM (LPFM) stations at Deerfield, Illinois, and Lincolnshire, Illinois, respectively.¹ We also have before us a Petition to Deny the Trinity Application (Petition), filed by Antioquia.² For the reasons set forth below, we grant the Petition, dismiss the Trinity Application, and accept for filing the Antioquia Application as a singleton.

¹ Application File Nos. 0000232979 (filed Dec. 14, 2023) (Trinity Application) and 0000231743 (Antioquia Application) (filed Dec. 13, 2023).

² Pleading File No. 0000258068 (filed Nov. 15, 2024).

Background. Trinity and Antioquia filed their respective applications during the 2023 LPFM Filing Window.³ The Media Bureau identified the applications as LPFM MX Group 40,⁴ and the Commission identified the Trinity Application as the tentative selectee of the group.⁵

Trinity certifies that it is a nonprofit educational institution or organization and provides Articles of Incorporation showing that it is incorporated in the State of Illinois.⁶ In the Petition, Antioquia argues that the Trinity Application should be dismissed on the basis of a violation of the Signature Rule contained in section 73.3513(a)(3) of the Commission's rules (Rules).⁷ Antioquia notes that the Trinity Application is signed by Paul J. Parelo, Jr. (Parelo), who is identified as a "Media Services Manager," but is not identified as an officer or director of Trinity in the application.⁸ Antioquia also argues that Parelo is not identified as an officer or director of Trinity in its 2023 and 2024 filings with the Illinois Secretary of State.⁹

Antioquia also argues that the Trinity Application is defective because the Application fails to provide for the minimum facilities required under section 73.811(b) of the Rules.¹⁰ Antioquia states that Trinity's proposed station will operate with an effective radiated power (ERP) of 2 watts at a height above average terrain (HAAT) of 26.4 meters, which will produce a service contour that extends 2.166 kilometers.¹¹ Antioquia asserts that this is less than the minimum facilities specified in section 73.811(b), which requires a minimum of 50 watts ERP at 30 meters HAAT, or the equivalent necessary to produce a 60 dBu contour that extends at least 4.7 kilometers.¹²

³ *Media Bureau Announces Filing Procedures and Requirements for November 1 – November 8, 2023, Low Power FM Filing Window*, Public Notice, 38 FCC Rcd 6660 (MB 2023) (*Procedures Public Notice*). Based on a request from LPFM advocates, the Bureau subsequently delayed the window until December 6, 2023. *Media Bureau Announces Revised Dates for LPFM New Station Application Filing Window*, Public Notice, 38 FCC Rcd 9589 (MB 2023). The Bureau subsequently extended the close of the window until December 15, 2023. *Media Bureau Announces Extension of LPFM New Station Application Filing Window*, Public Notice, 38 FCC Rcd 11882 (MB 2023).

⁴ *Media Bureau Identifies Groups of Mutually Exclusive Applications Submitted in the December 2023 LPFM Filing Window*, Public Notice, 39 FCC Rcd 2355 (MB 2024).

⁵ *Commission Identifies Tentative Selectees in 93 Groups of Mutually Exclusive Applications Submitted in the December 2023 LPFM Window*, Public Notice, FCC 24-113 at Attach. A (Oct. 16, 2024).

⁶ See Application at Applicant Name, Type and Contact Information Section, Legal Certifications Section, and Attach. "TIU Articles of Incorp (Incl Amend from TC).pdf".

⁷ Petition at 2-3 (citing 47 CFR § 73.3513(a)(3) (Signature Rule); *Frank Rackley, Jr.*, Memorandum Opinion and Order, 35 FCC Rcd 681, 684, para. 10 (2020) (*Rackley*); *NCE MX Group 152*, Letter Order, DA 24-269 (MB Mar. 18, 2024); *NCE MX Group 152*, Letter Order, 38 FCC Rcd 9250 (MB 2023) (*NCE MX Group 152 Letter*).

⁸ Petition at 2-3. See also Trinity Application at Certification (signed by Paul J Parelo, Jr., Media Services Manager).

⁹ Petition at 2-3 and Exh. A.

¹⁰ 47 CFR § 73.811(b), LPFM power and antenna requirements.

¹¹ Petition at 3-4; see also Trinity Application at Attach. "Comprehensive Technical Exhibit - New LPFM Station Ch. 292 - Deerfield IL.pdf" (Technical Exhibit).

¹² Petition at 3-4 and Exh. B (citing 47 CFR § 73.811(b) ("LPFM stations may not operate with facilities less than 50 watts ERP at 30 meters HAAT or the equivalent necessary to produce a 60 dBu contour that extends at least 4.7 kilometers.")).

Trinity did not file an Opposition to the Petition.

Discussion. Pursuant to section 309(d) of the Communications Act of 1934, as amended (Act),¹³ petitions to deny and informal objections must provide properly supported allegations of fact that, if true, would establish a substantial and material question of fact that grant of the application would be *prima facie* inconsistent with the public interest.¹⁴

The Signature Rule requires that an application filed by a corporation—such as Trinity—must be signed by an officer.¹⁵ Here, the Trinity Application was signed by Paul J. Parelo, Jr., who is not identified as an officer of Trinity in the Trinity Application. The Commission has reaffirmed that violations of the Signature Rule are not curable.¹⁶ *Rackley* reaffirmed and emphasized that we adhere strictly to the Signature Rule requirements and that the Commission overturned prior cases where it had allowed applicants to amend applications to correct Signature Rule defects.¹⁷ Additionally, in the *Procedures Public Notice*, the Bureau advised applicants in the 2023 LPFM Filing Window what persons were authorized to sign applications.¹⁸ The Instructions to the Form 2100, Schedule 318 - LPFM Construction Permit Application likewise provided applicants with this information.¹⁹ The Trinity Application, which did not comply with the Signature Rule at the time it was filed, cannot be amended to correct this deficiency, and must therefore, be dismissed.²⁰

Additionally, as a separate and independent basis for dismissing the Trinity Application, we find that the application violates the minimum power and antenna height requirements set forth in section 73.811.²¹ Specifically, the proposed tower location has an antenna HAAT of 26 meters. Per section

¹³ 47 U.S.C. § 309(d).

¹⁴ See, e.g., *WWOR-TV, Inc.*, Memorandum Opinion and Order, 6 FCC Rcd 193, 197 n.10 (1990), *aff'd sub nom. Garden State Broad. L.P. v. FCC*, 996 F.2d 386 (D.C. Cir. 1993), *rehearing denied* (Sep. 10, 1993); *Gencom, Inc. v. FCC*, 832 F.2d 171, 181 (D.C. Cir. 1987); *Area Christian Television, Inc.*, Memorandum Opinion and Order, 60 RR 2d 862, 864, para. 6 (1986) (petitions to deny and informal objections must contain adequate and specific factual allegations sufficient to warrant the relief requested).

¹⁵ See 47 CFR § 73.3513(a)(3); see also *Mary Ann Salvatoriello*, Memorandum Opinion and Order, 6 FCC Rcd 4705 (1991), and *Central Florida Communications Group, Inc.*, Hearing Designation Order, 6 FCC Rcd 522, 523, para. 3 (MMB 1991).

¹⁶ See *Rackley*, 35 FCC Rcd at 684 (citing *Hardrock Concrete Placement Company*, Memorandum Opinion and Order, 16 FCC Rcd 2593, 2595-96, para. 8 (2001) (“The potential for abuse and uncertainty would be too great were we to accept applications that were not signed by the applicant. An applicant could easily deny making such signatures, and there would be no accountability in such a system.”)).

¹⁷ *Rackley*, 35 FCC Rcd at 684, para. 10 (“the Commission expressly overruled prior cases that allowed applications not signed in accordance with the Commission's Rules to be amended *nunc pro tunc* to comply with the Rules based on equitable considerations”).

¹⁸ *Procedures Public Notice*, 38 FCC Rcd at 6666 (“Depending on the nature of the applicant, the LPFM application must be electronically signed and certified as follows: (1) if a partnership, by a general partner; (2) if a corporation, by an officer; (3) for an unincorporated association, by a member who is an officer; and (4) if a governmental entity, by such duly elected or appointed official as is competent under the laws of the particular jurisdiction.”).

¹⁹ *Instructions – Form 2100, Schedule 318 – Low Power FM Station Construction Permit Application* at 2 and 17 (available at <https://www.fcc.gov/sites/default/files/Form318-instructions.pdf>).

²⁰ See *NCE MX Group 152 Letter*, 38 FCC Rcd at 9254.

²¹ 47 CFR § 73.811.

73.811(b), the minimum ERP for an LPFM proposal with a HAAT at or below 30 meters is 50 watts.²² However, the applicant proposes an ERP of just 2 watts.²³

Dismissing the Trinity Application renders the Antioquia Application a singleton. Accordingly, we will accept for filing the Antioquia Application.

Conclusion/Action. Accordingly, **IT IS ORDERED** that the Petition to Deny filed by Antioquia Pentecostal Church Inc. on November 15, 2024 (Pleading File No. 0000258068), **IS GRANTED**.

IT IS FURTHER ORDERED that the application of Trinity International University, Deerfield, IL Campus for a construction permit for a new low power FM station at Deerfield, Illinois (Application File No. 0000232979) **IS DISMISSED**.

IT IS FURTHER ORDERED that the application of Antioquia Pentecostal Church Inc. for a construction permit for a new low power FM station at Lincolnshire, Illinois (Application File No. 0000231743) **IS ACCEPTED FOR FILING**, establishing a deadline thirty (30) days hereafter for the filing of petitions to deny. If, after the petition to deny period has run, there is no substantial and material question concerning the grantability of the application, we intend, by public notice, **TO GRANT** the application of Antioquia Pentecostal Church Inc. (Application File No. 0000231743).

Sincerely,

Albert Shuldiner
Chief, Audio Division
Media Bureau

cc (via electronic mail):

Mr. John Galindo
Representative for Antioquia Pentecostal Church Inc.
(sent by electronic mail)

²² 47 CFR § 73.811(b).

²³ Trinity Application at Technical Exhibit.



**Federal Communications Commission
Washington, DC 20554**

December 10, 2024

DA-24-1239

SMALL ENTITY COMPLIANCE GUIDE

**Public Safety and Homeland Security Bureau Announces 15-Business Day Filing Window for
Cybersecurity Labeling Administrator and Lead Administrator Applications Under the
Cybersecurity Labeling for Internet of Things Program**

**DA 24-900
PS Docket No. 23-239
Released September 10, 2024**

In accordance with Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996, this Small Entity Compliance Guide (Guide) is intended to help small entities—small businesses, small organizations (non-profits), and small governmental jurisdictions—comply with the rules adopted in the above-referenced Federal Communications Commission (FCC or Commission) rulemaking dockets. This Guide is not intended to replace or supersede these rules, but to facilitate compliance with the rules. Although we have attempted to cover all parts of the rules that might be especially important to small entities, the coverage may not be exhaustive. This Guide cannot anticipate all situations in which the rules apply. Furthermore, the Commission retains the discretion to adopt case-by-case approaches, where appropriate, that may differ from this Guide. Any decision regarding a particular small entity will be based on the statute and any relevant rules.

In any civil or administrative action against a small entity for a violation of rules, the content of the Guide may be considered as evidence of the reasonableness or appropriateness of proposed fines, penalties or damages. Interested parties are free to file comments regarding this Guide in the above referenced docket and the appropriateness of its application to a particular situation. The Commission will then consider whether the recommendations or interpretations in the Guide are appropriate in that situation. The Commission may decide to revise this Guide without public notice to reflect changes in its approach to implementing a rule, or it may clarify or update the text of the Guide. Please direct comments and recommendations, or requests for further assistance, to the FCC's Consumer Center:

**1-888-CALL-FCC (1-888-225-5322)
Videophone: 1-844-4-FCC-ASL (1-844-432-2275)
Fax: 1-866-418-0232**

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I. OBJECTIVES OF THE PROCEEDING

The *September 2024 Public Notice* announced a 15-business day filing window for applications from entities seeking designation by the Federal Communications Commission's (FCC or Commission) as the Lead Administrator or Cybersecurity Label Administrator (CLA) in support of the Commission's voluntary cybersecurity labeling program for consumer wireless IoT products (IoT Labeling Program).¹ The IoT Labeling Program will provide consumers with easily understood, accessible information on the relative security of a consumer IoT product they are considering for purchase.² CLAs will be authorized by the Commission to authorize manufacturers whose products are found to be in compliance with the Commission's IoT cybersecurity labeling program rules to use the FCC IoT Label, which includes the U.S. Cyber Trust Mark.

The rules adopted in the *September 2024 Public Notice* require CLAs to share in the Lead Administrator's program expenses. To establish these expenses, the Lead Administrator must submit an estimate of its forward-looking costs including, separately, program stand-up costs and ongoing program costs to perform the Lead Administrator duties for the calendar year, which will be reviewed by the CLAs, the Commission's Public Safety and Homeland Security Bureau (Bureau), and the Office of the Managing Director (OMD) for reasonableness.³ Additionally, the Lead Administrator must implement internal controls to ensure it maintains best practices to protect against improper payments and to prevent fraud, waste, and abuse in its handling of funds.⁴ The CLAs' cost sharing responsibilities will be based on a methodology to be agreed upon by the CLAs and the Lead Administrator, and will be subject to Commission oversight.⁵ The Bureau will provide further guidance on CLA cost sharing after the CLAs and the Lead Administrator have been selected. The rules adopted in the Public Notice also require the Lead Administrator and CLAs to protect the confidentiality of non-public information received as part of an application for authority to use the FCC IoT Label and create, update, and implement a cybersecurity risk management plan.⁶

For the IoT Labeling Program to be meaningful to consumers, all CLAs, including both small businesses and other entities, must be subject to the same requirements. As the IoT Labeling Program becomes established in the minds of consumers, small entities may benefit from increased recognition of the U.S. Cyber Trust Mark on their IoT products and greater recognition in the market. Accordingly, the rules adopted in the *September 2024 Public Notice* further IoT Labeling Program's efficient and timely rollout and support the Commission's goals to increase the security of devices consumers bring into their homes and as part of a national IoT ecosystem.

II. COMPLIANCE REQUIREMENTS

A. Requirements for CLAs (§ 8.220(f)(12) – (14)).

The rules adopted in the *September 2024 Public Notice* add several CLA responsibilities. CLAs will be required to share the Lead Administrator's expenses incurred as a result of the Lead

¹ *Public Safety and Homeland Security Bureau Announces 15-Business Day Filing Window for Cybersecurity Labeling Administrator and Lead Administrator Applications Under the Cybersecurity Labeling for Internet of Things Program*, PS Docket No. 23-239, Public Notice, (Sept. 10, 2024) (*September 2024 Public Notice*). See also *Cybersecurity Labeling for Internet of Things*, PS Docket No. 23-239, Report and Order and Further Notice of Proposed Rulemaking, FCC 24-26, (Mar. 15, 2024) (*IoT Labeling Order*).

² See *IoT Labeling Order* at 2, para. 1.

³ *September 2024 Public Notice* at 9, para. 18.

⁴ *Id.*

⁵ *Id.* at 9, paras. 18-19.

⁶ *Id.* at 12-13, paras. 27-32.

Administrator's performance of its duties under the FCC IoT Labeling Program.⁷ The Lead Administrator's expenses that are subject to sharing by CLAs are those expenses determined to be reasonable by PSHSB and OMD.⁸ Each CLA will share in the Lead Administrator's expenses pursuant to a methodology agreed to by the CLAs and the Lead Administrator, subject to ongoing oversight by the Commission.⁹

CLAs shall maintain the confidentiality of non-public information received as part of an application for authority to use the FCC IoT Label, and will implement appropriate administrative, technical, procedural, and physical safeguards to protect the confidentiality of information received by the CLA, and protect against the unauthorized disclosure and unauthorized use of non-public information received as a result of its participation in the FCC IoT Labeling Program.¹⁰ In addition, CLAs must create, update, and implement a cybersecurity risk management plan identifying the cybersecurity risks the CLA faces, the controls used to mitigate those risks, and the steps taken to ensure that these controls are applied effectively to the CLA's operations.¹¹ The plan must also describe how the CLA employs its organizational resources and processes to ensure the confidentiality, integrity, and availability of its information and information systems.¹² As this is a new information collection, this requirement¹³ is not effective until the Office of Management and Budget has completed review under the Paperwork Reduction Act. The Commission will publish notice in the Federal Register announcing the effective date of this requirement.

B. Requirements for the Lead Administrator (§ 8.221(a)(11) – (14)).

The rules adopted in the *September 2024 Public Notice* add several Lead Administrator responsibilities. The Lead Administrator will be required to create, update, and implement a cybersecurity risk management plan identifying the cyber risks that the entity faces, the controls used to mitigate those risks, and the steps taken to ensure that these controls are applied effectively to its operations.¹⁴ The plan must also describe how the Lead Administrator employs its organizational resources and processes to ensure the confidentiality, integrity, and availability of its information and information systems. The Lead Administrator must provide the Bureau and OMD an estimate of its forward-looking costs including, separately, program stand-up costs and ongoing program costs to perform the Lead Administrator duties for the Lead Administrator's upcoming calendar year.¹⁵ The Lead Administrator will also be required to implement internal controls adequate to ensure its operations maintain best practices to protect against improper payments and to prevent fraud, waste, and abuse in its handling of funds.¹⁶ An annual, independently audited, statement of program expenditures and monies received from the CLAs due before the end of the Lead Administrator's calendar year must also be submitted to the Bureau and OMD by the Lead Administrator.¹⁷

III. RECORDKEEPING AND REPORTING REQUIREMENTS

The *September 2024 Public Notice* contains new recordkeeping and reporting requirements for

⁷ 47 CFR § 8.220(f)(12).

⁸ *Id.* § 8.221(f)(12)(i).

⁹ *Id.* § 8.221(f)(12)(ii).

¹⁰ *Id.* § 8.220(f)(13).

¹¹ *Id.* § 8.220(f)(14).

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.* § 8.221(a)(11).

¹⁵ *Id.* § 8.221(a)(12).

¹⁶ *Id.* § 8.221(a)(13).

¹⁷ *Id.* § 8.221(a)(14).

CLAs and the Lead Administrator including:

- Each CLA and the Lead Administrator must develop a cybersecurity risk management plan that is available to the Commission upon request.¹⁸
- The Lead Administrator must submit to the Bureau and OMD an estimate of its forward-looking costs including, separately, program stand-up costs and ongoing program costs to perform the Lead Administrator duties for the Lead Administrator's upcoming calendar year, which will be reviewed by the CLAs, the Bureau, and OMD for reasonableness, and if reasonable, will be used to estimate the overall CLA cost sharing obligation.¹⁹
- The Lead Administrator must submit to the Bureau and OMD an annual, independently audited, statement of program expenditures and monies received from the CLAs due before the end of the calendar year.²⁰

The full details and specifics of the reporting and recordkeeping requirements adopted in the *September 2024 Public Notice* are discussed in Section II of this guide under the Compliance Requirements.

IV. IMPLEMENTATION DATE

The following rules in the *September 2024 Public Notice* shall become effective on November 20, 2024 (30 days after publication of the text or summary thereof in the Federal Register): 47 CFR § 8.220(f)(12), (f)(13); and 47 CFR § 8.221(f)(11), (f)(12), f(13), and f(14).

The requirements of 47 CFR § 8.220(f)(14) in the *September 2024 Public Notice* requires approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act and shall become effective after the Commission publishes a notice in the Federal Register announcing OMB approval and the relevant effective date.

V. INTERNET LINKS

A copy of the *September 2024 Public Notice*, is available at: <https://docs.fcc.gov/public/attachments/DA-24-900A1.pdf>.

A copy of the Federal Register Summary of the *September 2024 Public Notice* is available at: <https://www.federalregister.gov/documents/2024/10/21/2024-23844/public-safety-and-homeland-security-bureau-announces-15-business-day-filing-window-for-cybersecurity>.

A copy of the correction to the Federal Register Summary of the *September 2024 Public Notice* is available at: <https://www.federalregister.gov/documents/2024/11/01/2024-25404/public-safety-and-homeland-security-bureau-announces-15-business-day-filing-window-for-cybersecurity>.

¹⁸ *Id.* § 8.220(f)(14); *Id.* § 8.221(a)(11).

¹⁹ *Id.* § 8.221(a)(12).

²⁰ *Id.* § 8.221(a)(14).

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

In the Matter of	)	
	)	
National Exchange Carrier Association, Inc.	)	WC Docket No. 05-337
	)	
2025 Modification of Average Schedule Universal	)	
Service Support Formula	)	WC Docket No. 10-90
	)	
High-Cost Universal Service Support	)	
	)	

ORDER

Adopted: December 11, 2024

Released: December 11, 2024

By the Deputy Division Chief, Telecommunications Access Policy Division, Wireline Competition Bureau:

I. INTRODUCTION

1. Pursuant to section 69.606(b) of the Commission's rules, the National Exchange Carrier Association, Inc. (NECA) has submitted the annual average schedule company high-cost loop support (HCLS) formula modifications for Commission review.¹ The Commission's rules require that this formula "simulate the disbursements that would be received . . . by a company that is representative of average schedule companies."² For the reasons discussed below, we approve NECA's proposed HCLS formula for 2025.

II. BACKGROUND

2. Pursuant to Part 54 of the Commission's rules, HCLS, also known as the loop expense adjustment, provides universal service support to carriers with high loop costs based on the extent that an individual company's cost per loop (CPL) exceeds the national average cost per loop (NACPL).³ Because average schedule companies are not required to perform company-specific cost studies—the basis upon which a carrier's expense adjustment is calculated—the Commission has permitted expense adjustments for average schedule companies to be calculated pursuant to a formula developed by NECA and approved annually by the Wireline Competition Bureau (Bureau).⁴ This formula is developed by NECA using data from a sample group of average schedule carriers and similarly situated companies that file cost data (cost

¹ 47 CFR § 69.606(b); *see also Federal-State Joint Board on Universal Service, National Exchange Carrier Association, Inc. 2005 Modification of Average Schedule Universal Service Formulas*, CC Docket No. 96-45, Order, 19 FCC Rcd 24998, 25002, para. 7 (WCB 2004) (*2005 Order*) (requiring NECA to file high-cost loop support formula and supporting data no later than September 1 annually).

² 47 CFR § 69.606.

³ *See* 47 CFR Part 54, Subpart M.

⁴ *See National Exchange Carrier Association, Inc. Proposed Modifications to the 1998-99 Interstate Average Schedule Formulas*, ASD 98-96, Order, 15 FCC Rcd 1819, 1819-20, para. 2 (1999). Average schedule companies have been permitted by the Commission to estimate their access settlements and universal service support through the use of average schedules to avoid company-specific cost studies. *See, e.g., ALLTEL Corp. v. FCC*, 838 F.2d 551, 553 (D.C. Cir. 1988).

companies) in addition to data (access line and exchange information) obtained from the entire population of average schedule carriers. Average schedule companies that participate in the NECA pools are required to report access line count data to NECA each month based on their billing of End User Common Line (EUCL) charges associated with basic local exchange service.⁵ Once approved, the newly derived formula is used to determine support amounts for all average schedule carriers.

3. In December 2014, the Commission adopted a Report and Order that modified the way HCLS expense adjustments are calculated starting July 1, 2015. The targeted change to the former HCLS rule was designed to provide a more equitable distribution of HCLS among carriers by reducing support proportionally among all HCLS recipients to remain within the shrinking HCLS cap, instead of eliminating support altogether for some companies while preserving support for other companies.⁶

4. In March 2016, the Commission adopted the *Rate-of-Return Reform Order*, which among other things, prescribed a new rate of return to be phased in over a six-year period, beginning July 1, 2016, and adopted limits on operating expenses to be recovered through high-cost support.⁷

5. On August 28, 2024, NECA filed proposed modifications to the current HCLS formula for average schedule companies and requested that they take effect on January 1, 2025 and remain in effect through December 31, 2025.⁸ The Bureau issued a public notice seeking comment on NECA's proposed formula.⁹ No comments were received.

III. DISCUSSION

6. Consistent with prior years, NECA proposes calculating 2025 HCLS payments for average schedule companies based on the relationship of CPL data of sample companies to values representing the number of loops per exchange (CPL calculations).¹⁰ To estimate current year costs, NECA applies forecasted growth factors to data collected from sample average schedule carriers one and two years prior to the current year. NECA then applies cost allocation factors—developed from the cost studies of similarly situated cost companies—to the account balances of each sample average schedule company to estimate a CPL for each of the sample companies. Thereafter, NECA uses regression analyses to predict CPLs for all average schedule carriers. Each average schedule company's derived CPL is then used to calculate the HCLS support amount consistent with section 54.1310 of the

⁵ See 2025 NECA Modification of the Average Schedule Universal Service High-Cost Loop Support Formula, WC Docket No. 05-337, at 7 (filed Aug. 28, 2024) (NECA 2025 Filing).

⁶ See *Connect America Fund et al.*, WC Docket No. 10-90 et al., Report and Order, 29 FCC Rcd 15644, 15680-84, paras. 102-14 (2014).

⁷ *Connect America Fund et al.*, WC Docket No. 10-90 et al., Report and Order, Order and Order on Reconsideration and Further Notice of Proposed Rulemaking, 31 FCC Rcd 3087 (2016) (*Rate-of-Return Reform Order*).

⁸ See NECA 2025 Filing.

⁹ See *Comment Sought on the 2025 Modification of Average Schedule Company Universal Service High-Cost Loop Support Formula*, WC Docket Nos. 05-337 and 10-90, Public Notice, DA 24-965 (WCB rel. Sep. 19, 2024).

¹⁰ See NECA 2025 Filing at 1-28; see also, e.g., *National Exchange Carrier Association, Inc.; 2024 Modifications of Average Schedule Universal Service Support Formula; High-Cost Universal Service Support*, WC Docket No. 05-337, Order, 38 FCC Rcd 11921, para. 6 (WCB 2023) (2024 Order); *National Exchange Carrier Association, Inc.; 2023 Modifications of Average Schedule Universal Service Support Formula; High-Cost Universal Service Support*, WC Docket No. 05-337, Order, DA 22-1273, para. 6 (WCB 2022) (2023 Order); *National Exchange Carrier Association, Inc.; 2022 Modifications of Average Schedule Universal Service Support Formula; High-Cost Universal Service Support*, WC Docket No. 05-337, Order, DA 21-1552, para. 6 (WCB 2021) (2022 Order); *National Exchange Carrier Association, Inc.; 2021 Modifications of Average Schedule Universal Service Support Formula; High-Cost Universal Service Support*, WC Docket No. 05-337, Order, 35 FCC Rcd 14019, 14021, para. 6 (WCB 2020) (2021 Order);

Commission's rules, as revised in 2014.¹¹ The current HCLS formula approved on December 14, 2023 is expected to provide \$4.93 million in payments to 56 average schedule study areas in 2024.¹² NECA's proposed formula for 2025 projects approximately \$6.02 million in payments to carriers serving 59 average schedule study areas, an increase of 22.1% over the payments pursuant to the approved 2023 formula.¹³ While the increase in support is significant relative to 2024 average schedule HCLS, 2025 average schedule HCLS is a small fraction—2.8 percent—of all total HCLS,¹⁴ and will therefore have minimal impact on the overall HCLS cap. We note that such fluctuations may be expected because, when an average schedule company's estimated CPL is close to the support threshold (as is the case with most average schedule companies), small changes in the CPL can have a relatively large effect on the company's HCLS support and whether it receives such support.¹⁵

7. We find that NECA's results and CPL calculations appear to be accurate and complete, and the proposed HCLS formula should reasonably approximate the CPL of the sample average schedule companies, and thereby allocate funds appropriately to average schedule companies.¹⁶ Therefore, we approve the HCLS formula as provided in NECA's August 28, 2024 submission.

¹¹ See NECA 2025 Filing at 1-28.

¹² These figures exclude average schedule companies that were included in NECA's 2024 Filing and the associated estimates provided in the *2024 Order*, but were authorized to receive Enhanced A-CAM and therefore did not receive HCLS in 2024. See *2024 Order*, 38 FCC Rcd 11921, n.12.

¹³ See NECA 2025 Filing at 1. At the time of NECA's 2025 filing, 67 average schedule carriers were eligible for HCLS, but 8 would receive no HCLS pursuant to the formula we adopt here. *Id.* at 2. In addition, 192 average schedule companies receive support pursuant the Alternative Connect America Model or Alaska Plan, and are not eligible for HCLS. See NECA 2025 Filing at 2 n.8.

¹⁴ *Id.* at 2.

¹⁵ For 2021, 2022, 2023 and 2024, approved high-cost loop average schedule formulas were estimated to result in total payments of \$4.022, \$6.034, \$6.88, and \$4.93 million, respectively. See *2021 Order*, 35 FCC Rcd at 14020, para. 6 n. 11; *2022 Order*, DA 21-1552 at 3, para. 6 n.11; *2023 Order*, DA 22-1273 at 3 para. 6 n.11, *2024 Order*, DA-23-1159 at 3 para 6 n. 12. We note that the current amount of support expected to be paid for 2024—\$4.93 million—is less than the amount that was projected when NECA submitted its original average schedule formula for 2024, due primarily to the ineligibility for HCLS of 13 average schedule companies that elected Enhanced A-CAM. See *2024 NECA Modification of the Average Schedule Universal Service High-Cost Loop Support Formula*, WC Docket No. 05-337 (filed Aug. 29, 2023). At that time, NECA estimated that the CPL formula would result in total payments of \$6.19 million for 2024. See *id.* at 1; NECA 2024 Filing at 1.

¹⁶ See, e.g., *2021 Order*, 35 FCC Rcd at 14021, para. 7; *2022 Order*, DA 21-1552 at 3, para. 7; *2023 Order*, DA 22-1273 at 3, para. 7; *2024 Order*, DA 23-1159 at 3, para. 7.

IV. ORDERING CLAUSE

8. Accordingly, IT IS ORDERED, pursuant to sections 0.91 and 0.291 of the Commission's rules, 47 CFR §§ 0.91, 0.291, that the average schedule cost per loop formula proposed by the National Exchange Carrier Association, Inc. on August 28, 2024 for high-cost loop support IS ADOPTED, as described herein, effective as of January 1, 2025.

FEDERAL COMMUNICATIONS COMMISSION

Jesse T. Jachman
Deputy Division Chief
Telecommunications Access Policy Division
Wireline Competition Bureau



PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, DC 20554

News Media Information 202-418-0500
Internet: www.fcc.gov
TTY: 888-835-5322

DA 24-1241
December 11, 2024

PUBLIC SAFETY AND HOMELAND SECURITY BUREAU ANNOUNCES CONDITIONALLY APPROVED CYBERSECURITY LABEL ADMINISTRATORS FOR THE INTERNET OF THINGS CYBERSECURITY LABELING PROGRAM

PS Docket No. 23-239

1. By this Public Notice, the Public Safety and Homeland Security Bureau (Bureau) announces the selection of conditionally approved Cybersecurity Label Administrators (CLAs) for the Federal Communications Commission's (FCC or Commission) Internet of Things Cybersecurity Labeling Program (IoT Labeling Program) which includes the U.S. government certification mark (U.S. Cyber Trust Mark).¹ CLAs are responsible for certifying use of the FCC IoT label and U.S. Cyber Trust Mark, and will be responsible for the day-to-day management of the program. The Commission retains ultimate control and oversight over the program as the IoT Labeling Program owner.²

2. The Bureau finds that each of the following applicants meets the Commission's program criteria and requirements and *conditionally approves* each of the following to serve as a CLA:

CSA America Testing & Certification, LLC	SGS North America Inc.
CTIA Certification LLC	Telecommunications Industry Association
DEKRA Certification Inc.	TÜV Rheinland of N.A.
Intertek Testing Services NA, Inc.	TÜV SÜD America
ioXt Alliance	UL LLC ³
Palindrome Technologies	

3. CLAs are responsible for sharing the Lead Administrator's costs in performing its Lead Administrator duties as on behalf of the program.⁴ CLAs will review for reasonableness the Lead Administrator's estimated forward-looking costs which have been submitted to the Bureau and the Office

¹ *Cybersecurity Labeling for Internet of Things*, PS Docket No. 23-239, Report and Order and Further Notice of Proposed Rulemaking, FCC 24-26, at 24, 27, paras. 42, 52 (2024) (*IoT Labeling Order*).

² *IoT Labeling Order* at 23, paras. 40-41 (Commission fosters public-private collaboration, including with regard to administration of the program, while retaining ultimate control and oversight of the program); *id.* at 30, para. 55. (subject to Commission oversight CLAs will evaluate and grant or deny requests to use the FCC IoT Label); 47 CFR § 8.220(f)(11).

³ The Bureau previously selected UL LLC to serve as Lead Administrator of the FCC's program. *Public Safety and Homeland Security Bureau Selects UL LLC to serve as Lead Administrator of the Internet of Things Cybersecurity Labeling Program*, Public Notice, PS Docket No. 23-239, DA 12-1214 (Dec. 4, 2024).

⁴ *IoT Labeling Order* at 47, para. 93.

of Managing Director (OMD), which will include program stand-up costs and ongoing program costs to perform the Lead Administrator's duties for the upcoming calendar year.⁵ If these estimated costs are determined by the Bureau and OMD to be reasonable, they will be used to estimate the overall CLA cost sharing obligation. Each CLA will work with the Lead Administrator and other CLAs, subject to Commission oversight, to develop a reasonable and equitable cost sharing methodology whereby CLAs will share in the Lead Administrator's expenses incurred as a result of the performance of its duties under this program. The cost sharing methodology will be subject to ongoing oversight by the Commission.⁶

4. Each CLA must undertake the duties outlined in the *IoT Labeling Order*, which include but are not limited to participation in the Lead Administrator-led 90-day stakeholder engagement process, participation in the development of a consumer outreach campaign, and only after the Trademark Use Agreement has been signed, execution of the consumer outreach campaign.⁷

5. Each entity's CLA approval is conditioned upon its execution of a Trademark Use Agreement⁸ with the FCC, and its commitment to obtain International Organization for Standardization/International Electrotechnical Commission (ISO/IEC) 17065 accreditation with the appropriate FCC program scope within six (6) months of the effective date of the Commission's adoption of IoT cybersecurity labeling standards and testing procedures.⁹ Conditionally approved CLAs are not authorized by the Commission to approve the use of the U.S. Cyber Trust Mark. The Bureau will only approve a CLA to accept and process manufacturer applications and authorize use of the FCC IoT Label, including the U.S. Cyber Trust Mark, *after* the CLA has executed the Trademark Use Agreement, demonstrated to the Bureau that it has obtained ISO/IEC 17065 accreditation with the FCC's program scope, and demonstrated compliance with other CLA requirements (e.g., development of a cybersecurity risk management plan).¹⁰ Further, to address national security concerns, the authority of CLAs to grant applications to use the FCC IoT Label under the IoT Labeling Program, will automatically terminate if the CLA subsequently becomes owned or controlled by or affiliated with an entity that produces equipment found on the Covered List, or otherwise added to any exclusionary list identified in the *IoT Labeling*

⁵ *Filing Window Notice* at 9, paras. 18-19.

⁶ We recognize UL Solutions will, in addition to its Lead Administrator role, also take on the role of CLA, and will also incur a CLA cost sharing obligation.

⁷ *IoT Labeling Order* at 27-32, paras. 51-58 (detailing the duties of the CLAs); *see also* 47 CFR § 8.220.

⁸ The Bureau has previously referred to this document as a "Licensing Agreement." *Public Safety and Homeland Security Bureau Announces 15-Business Day Filing Window for Cybersecurity Labeling Administrator and Lead Administrator Applications Under the Cybersecurity Labeling for Internet of Things Program*, Public Notice, PS Docket No. 23-239, DA 24-900 at 15, para. 33 (Sept. 10, 2024). This is the same agreement previously contemplated, with the name adjusted for clarity. This document will be referred to as a "Trademark Use Agreement" going forward. The Commission anticipates that it will periodically amend such Trademark Use Agreements as we gain experience in the program. The Trademark Use Agreements will not be transferable. That means that once executed, a CLA may not transfer the Trademark Use Agreement, or any interest in the Trademark Use Agreement, to another party. A purported transfer in violation of this would annul the Trademark Use Agreement, except that all rights pertaining to the Federal Communications Commission would be reserved.

⁹ *See* 47 C.F.R. § 8.220(c)(6) (The Commission will accept and conditionally approve a CLA application provided the entity obtains accreditation to ISO/IEC 17065 with the appropriate scope within six (6) months of the effective date by the adopted standards and testing procedures and otherwise meets the FCC's IoT Labeling Program requirements). *IoT Labeling Order* at 36, para. 64.

¹⁰ Upon a CLA's successful ISO/IEC 17065 accreditation and compliance with additional program requirements, PSHSB will release a Public Notice announcing that a CLA has moved from conditional approval to full approval and has authorization to accept and process manufacturer applications.

Order as precluding authorization as a CLA. The CLA's authority may also be terminated for failure to uphold the required competencies or accreditations enumerated in the *IoT Labeling Order*, including those addressing national security risks.¹¹ As noted above, CLAs are conditionally approved pending accreditation to ISO/IEC 17065 and the Commission's program scope. CLAs may apply for accreditation after the Commission has established accreditation program(s) with FCC-recognized accrediting bodies. Once a CLA has obtained the appropriate accreditation, it will notify the Bureau and request Bureau recognition. Once it has been recognized by the Bureau, a CLA will be authorized to approve applications for authority to affix the FCC IoT Label to products that comply with all of the Commission's program requirements.

6. Each of the parties listed above is advised that its selection does not constitute FCC or United States Government approval, acceptance, or endorsement of anything other than the organization's participation in the administration of the IoT Labeling Program, and they shall not so construe, claim, or imply such. By accepting their roles, each party similarly acknowledges that activities undertaken in connection with the administration of the IoT Labeling Program are voluntary and not intended to provide goods or services to the FCC or any other agency or instrumentality of the United States Government. The selected entities may not submit claims for compensation to the FCC or any other agency or instrumentality of the United States Government for activities related to its role as Lead Administrator and/or CLA. Moreover, each party's selection does not obligate funds for any particular expenditure, nor does it authorize the transfer of funds and/or resources. The Commission does not intend to commit funds on behalf of the FCC or any other agency or instrumentality of the U.S. Government for the administration of the IoT Labeling Program nor does it provide for the payment of funds by any agency or instrumentality of the U.S. Government to any entity.¹² Each selected party accepts the risk of loss in engaging in its respective roles in the Cyber Trust Mark Program.

7. For further information regarding this proceeding, please contact Drew Morin, Deputy Division Chief, Cybersecurity and Communications Reliability Division, Public Safety and Homeland Security Bureau by email to Drew.Morin@fcc.gov or Tara B. Shostek, Attorney Advisor, Cybersecurity and Communications Reliability Division, Public Safety and Homeland Security Bureau at Tara.Shostek@fcc.gov.

Action by the Chief, Public Safety and Homeland Security Bureau.

-FCC-

¹¹ *IoT Labeling Order* at 35, para. 63.

¹² As outlined in the *IoT Labeling Order*, "to the extent that the Lead Administrator may incur costs in performing its duties on behalf of the program as a whole, we expect these costs to be shared among CLAs as a whole." *IoT Labeling Order* at 47, para. 93.



PUBLIC NOTICE

Federal Communications Commission
45 L Street NE News Media Information 202 / 418-0500

Washington, D.C. 20554

Internet: <https://www.fcc.gov>

TTY: 1-888-835-5322

DA 24-1242

Released: December 11, 2024

**INFORMAL WORKING GROUP 1, INFORMAL WORKING GROUP 2, INFORMAL
WORKING GROUP 3, AND INFORMAL WORKING GROUP 4 OF THE WORLD
RADIOCOMMUNICATION CONFERENCE ADVISORY COMMITTEE SCHEDULE
THEIR MEETINGS**
OIA Docket No. 24-30

This notice advises interested persons that Informal Working Group 1 (IWG-1), Informal Working Group 2 (IWG-2), Informal Working Group 3 (IWG-3), and Informal Working Group 4 (IWG-4) of the 2027 World Radiocommunication Conference Advisory Committee (WRC-27 Advisory Committee) have scheduled meetings as set forth below. The meetings are open to the public.

The Commission's WRC-27 website (www.fcc.gov/wrc-27) contains the latest information on all scheduled meetings, meeting agendas, and WRC-27 Advisory Committee matters.

For further information on the attached meeting schedule, contact Gregory Baker, the Designated Federal Official for the Advisory Committee, gregory.baker@fcc.gov or WRC-27@fcc.gov (telephone: (202) 919-0758).

**WRC-27 ADVISORY COMMITTEE
SCHEDULE OF MEETINGS OF INFORMAL WORKING GROUPS 1, 2, 3 AND 4**

Informal Working Group 1: Maritime, Aeronautical and Radar Services

Chair— Kim Kolb, kim.1.kolb@boeing.com, telephone: (703) 220-2438

Vice Chair—Nicholas Shrout, njs@asri.aero, telephone: (443) 951-0335

FCC Representatives: Louis Bell, louis.bell@fcc.gov, telephone: (202) 418-1641; Allen Yang, allen.yang@fcc.gov, telephone: (202) 418-0738; Dante Ibarra, dante.ibarra@fcc.gov, telephone: (202) 418-0610; Gregory Baker, Gregory.Baker@fcc.gov, (202) 919-0758

IWG-1—Meetings:

Dates: January 15, 2025; January 29, 2025; February 26, 2025; March 12, 2025; and March 26, 2025

Time: 11:00 AM ET

<https://fcc-gov.zoomgov.com/j/1600529540?pwd=KJkOIAIvxMhKUuqmMw2WJb0b6omJ16.1>

Meeting ID: 160 052 9540

Passcode: 064497

+1 669 254 5252 US

+1 610 216 1590 US

Informal Working Group 2: Mobile and Fixed Services

Chair— Daudeline Meme, daudeline.meme@verizon.com, telephone: (202) 253-8362

Vice Chair— Reza Arefi, rezaa@apple.com, telephone: (202) 235-7298

FCC Representatives: Louis Bell, louis.bell@fcc.gov, telephone: (202) 418-1641; Dante Ibarra, dante.ibarra@fcc.gov, telephone: (202) 418-0610; Gregory Baker, Gregory.Baker@fcc.gov, (202) 919-0758

IWG-2—Meetings:

Dates: January 15, 2025; January 29, 2025; February 26, 2025; March 12, 2025; and March 26, 2025

Time: 2:00 PM ET

<https://fcc-gov.zoomgov.com/j/1600529540?pwd=KJkOIAIvxMhKUuqmMw2WJb0b6omJ16.1>

Meeting ID: 160 052 9540

Passcode: 064497

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+1 610 216 1590 US

Informal Working Group 3: Fixed-Satellite Service and Regulatory Matters

Chair – Alex Epshteyn, epshteyn@amazon.com, telephone: (703) 963-6136

Vice Chair – Ryan Henry, ryan.henry@ses.com, telephone: (202) 878-9360

FCC Representatives: Clay DeCell, clay.decell@fcc.gov, telephone: (202) 418-0803; Kathryn Medley, kathryn.medley@fcc.gov, telephone: (202) 418-1211; Eric Grodsky, eric.grodsky@fcc.gov, telephone: (202) 418-0563; Dante Ibarra, dante.ibarra@fcc.gov, telephone: (202) 418-0610; Gregory Baker, Gregory.Baker@fcc.gov, (202) 919-0758

IWG-3 – Meetings:

Dates: January 14, 2025; January 28, 2025; February 18, 2025; March 04, 2025; March 18, 2025; and March 25, 2025

Time: 2:00 PM ET

<https://fcc-gov.zoomgov.com/j/1609262841?pwd=J36aWoQ62Dv29yaqE2tivXXXWh5sqb.1>

Meeting ID: 160 926 2841

Passcode: 391180

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Informal Working Group 4: Mobile Satellite and Space Science Services

Chair – Damon Ladson dladson@hwglaw.com, telephone: (202) 730-1315

Vice Chair – George John, george.john@hoganlovells.com, telephone: (202) 673-6989

FCC Representatives: Dante Ibarra, dante.ibarra@fcc.gov, telephone: (202) 418-0610; Clay DeCell, clay.decell@fcc.gov, telephone: (202) 418-0803; Gregory Baker, Gregory.Baker@fcc.gov, (202) 919-0758

IWG-4 – Meetings:

Dates: January 14, 2025; January 28, 2025; February 18, 2025; March 4, 2025; March 18, 2025; and March 25, 2025

Time: 11:00 AM ET

<https://fcc-gov.zoomgov.com/j/1609262841?pwd=J36aWoQ62Dv29yaqE2tivXXXWh5sqb.1>

Meeting ID: 160 926 2841

Passcode: 391180

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- FCC -



Federal Communications Commission
Washington, D.C. 20554

December 11, 2024

DA 24-1243
In Reply Refer to:
1800B3-CEG
Released: December 11, 2024

Broadcast Learning Group
c/o Miguel Rosales
371 Putnam Pike, Ste 230
Smithfield, RI 02901

Aaron Read
97 Central Ave
East Providence, RI 02914

In re: **Broadcast Learning Group**
New LPFM, Woonsocket, RI
Facility ID No. 787799
Application File No. 231820

Informal Objection

Dear Applicant and Objector:

We have before us the above-referenced application (Application) for a construction permit for a new low power FM (LPFM) station at Woonsocket, Rhode Island (Station), filed by Broadcast Learning Group (BLG) on December 7, 2023, and amended on February 6, 2024. We also have an informal objection (Objection) to the Application filed by Aaron Read (Read) on December 27, 2023.¹ For the reasons set forth below, we deny the Objection and grant the Application.

Background. BLG filed the Application on December 7, 2023, during the 2023 LPFM filing window.² The Application was initially determined to be mutually exclusive with two other new LPFM applications.³ In the Application, BLG certified that it was eligible to be an LPFM licensee as a nonprofit educational institution but entitled to a point under the Point System Factors as a Tribe proposing to locate its transmitting antenna site on its Tribal Lands or a Tribal organization proposing to locate its transmitting antenna site on the Tribal Lands of the Tribe or Tribes that own or control more than 51 percent of the organization.⁴ BLG claimed an additional point by certifying that, for at least two years prior to filing the Application, it has existed as a nonprofit educational institution or organization and has

¹ Pleading File No. 234041. On January 26, 2024, BLG filed an opposition to the Objection (Opposition). Pleading File No. 236946.

² *Media Bureau Announces Filing Procedures and Requirements for November 1 – November 8, 2023, Low Power FM Filing Window*, Public Notice, DA 23-642 (MB July 31, 2023) (*Procedures Public Notice*). Based on a request from LPFM advocates, the Bureau subsequently delayed the window until December 6, 2023. *Media Bureau Announces Revised Dates for LPFM New Station Application Filing Window*, Public Notice, DA 23-984 (MB Oct. 17, 2023). The Bureau subsequently extended the close of the window until December 15, 2023. *Media Bureau Announces Extension of LPFM New Station Application Filing Window*, Public Notice, DA 23-1150 (MB Dec. 11, 2023).

³ Specifically, Application File Nos. 232640 and 232187, in MX Group 49. See *Media Bureau Identifies Groups of Mutually Exclusive Applications Submitted in the December 2023 LPFM Filing Window*, Public Notice, 39 FCC Rcd 2355, 2364, Attach. A, (MB 2024).

⁴ Application, Legal Certifications, Eligibility Certifications, and Point System Factors, Tribes or Tribal Organizations certification.

been physically headquartered, has had a campus, or has had seventy-five percent of its board members residing within 16.1 kilometers (10 miles), for the top 50 urban markets, or 32.1 kilometers (20 miles), outside the top 50 urban markets, of the coordinates of the proposed transmitting antenna.⁵

In the Objection, Read argues that the Application should be dismissed because: (1) BLG claims a point for being a Tribe or Tribal organization but submits no documentation in support of the claim; (2) BLG claims a point for having an “established community presence” at the time of filing, but its submitted date of incorporation was December 28, 2021, less than two years from the date of filing the Application; and (3) the channel availability study submitted with the Application is based on different technical parameters than those set out in the Application tech box.⁶

In the Opposition, BLG explains that it erroneously claimed Tribal points and referred to the wrong channel in its engineering exhibit and commits to amending both issues.⁷ On October 21, 2024, BLG amended its Point System Factors certification, deleting its claim to a Tribal point and specified Channel 236 in lieu of Channel 243 (October Amendment).

Discussion. Pursuant to section 309(d) of the Communications Act of 1934, as amended (Act),⁸ petitions to deny and informal objections must provide properly supported allegations of fact that, if true, would establish a substantial and material question of fact that grant of the application would be *prima facie* inconsistent with the public interest.⁹ The Objection does not meet this standard.

The Commission compares mutually exclusive groups of LPFM applications under the point system set forth in section 73.872 of the Commission’s rules.¹⁰ If mutually exclusive LPFM applications proceed to a point system analysis, the Commission will review the point submissions to compare the MX applications and tentatively select the application(s) with the highest point total from each MX group for grant.¹¹

The October Amendment was received prior to the December 16, 2024, deadline for major amendments to pending applications filed in the December 2023 LPFM filing window and therefore is timely.¹² Because BLG now seeks to operate on Channel 236, the Application is no longer mutually exclusive with any other new window-filed LPFM applications. Therefore, we do not proceed to an assessment or comparison of BLG’s claimed points. Moreover, we find that BLG has demonstrated that no interference is predicted to occur to Class A station WVLO(FM), Cridersville, Ohio (WVLO), despite prohibited contour overlap, due to a lack of population in the area where the Station’s signal would exceed

⁵ Application, Point System Factors, Established Community Presence.

⁶ Informal Objection at 1-2.

⁷ Opposition at 1.

⁸ 47 U.S.C. § 309(d).

⁹ See, e.g., *WWOR-TV, Inc.*, Memorandum Opinion and Order, 6 FCC Rcd 193, 197 n.10 (1990), *aff’d sub nom. Garden State Broad. L.P. v. FCC*, 996 F.2d 386 (D.C. Cir. 1993), *rehearing denied* (Sep. 10, 1993); *Gencom, Inc. v. FCC*, 832 F.2d 171, 181 (D.C. Cir. 1987); *Area Christian Television, Inc.*, Memorandum Opinion and Order, 60 RR 2d 862, 864, para. 6 (1986) (petitions to deny and informal objections must contain adequate and specific factual allegations sufficient to warrant the relief requested).

¹⁰ See 47 CFR § 73.872;

¹¹ *Procedures Public Notice* at 6.

¹² See *Commission Identifies Tentative Selectees in 93 Groups of Mutually Exclusive Applications Submitted in the December 2023 LPFM Filing Window*, Public Notice, FCC 24-113 (MB Oct. 16, 2024), at 10-11.

WVLO's signal by more than 40 dB.¹³ Therefore, we deny the Informal Objection and grant the Application.

Conclusion/Action. Accordingly, **IT IS ORDERED** that the informal objection filed by Aaron Read on December 27, 2023 (Pleading File No. 234041) **IS DENIED** and the application filed by Broadcast Learning Group on December 7, 2023, and amended on October 21, 2024, for a construction permit for a new low power FM station at Woonsocket, Rhode Island (Application File No. 231820) **IS GRANTED**.

Sincerely,

Albert Shuldiner
Chief, Audio Division
Media Bureau

¹³ See *Creation of a Low Power Radio Service*, Fifth Order on Reconsideration, 27 FCC Rcd 15402, 15429, para. 79 (2012) (citing *Living Way Ministries, Inc.*, Memorandum Opinion and Order, 17 FCC Rcd 17054, 17056, para. 5 (2002), *recon. denied*, Memorandum Opinion and Order, 23 FCC Rcd 15070 (2008)).



PUBLIC NOTICE

Federal Communications Commission
45 L Street N.E.
Washington, DC 20554

News Media Information 202 / 418-0500
Internet: <https://www.fcc.gov>

DA 24-1244

Released: December 11, 2024

INTERCONNECTED VOIP NUMBERING AUTHORIZATION APPLICATION FILED BY TDS METROCOM, LLC PURSUANT TO SECTION 52.15(g)(3) OF THE COMMISSION'S RULES

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 24-502¹

Comments Due: December 26, 2024

TDS Metrocom, LLC (TDS Metrocom or Applicant), an interconnected Voice over Internet Protocol (VoIP) provider, filed a Numbering Authorization Application (Application) pursuant to section 52.15(g)(3) of the Federal Communications Commission's rules, seeking authorization to obtain North American Numbering Plan telephone numbers directly from the Numbering Administrator.² In its Application, TDS Metrocom indicates that it intends to initially request numbers in Idaho, Montana and North Carolina but seeks authority to access numbering resources in all states in its footprint.³

In its Application, TDS Metrocom includes the contact information and acknowledgements required by section 52.15(g)(3)(i) of the Commission's rules.⁴ TDS Metrocom provides evidence that it will be capable of providing service within 60 days of the numbering resources activation date.⁵ TDS Metrocom also certifies that it complies with the contribution, regulatory fee, and 911 obligations set forth in section 52.15(g)(3)(i)(E).⁶ In addition, TDS Metrocom certifies that it has the financial, managerial, and technical expertise to provide reliable service.⁷ TDS Metrocom further certifies that none

¹ We assign WC Docket No. 24-502 for this Application and all related filings by the applicant and interested parties. See *Wireline Competition Bureau Announces Commencement Date and Process for Interconnected VoIP Providers to File Applications for Authorization to Obtain Telephone Numbers*, Public Notice, 31 FCC Rcd 949, 950 (WCB 2016); see also *Numbering Policies for Modern Communications et al.*, WC Docket No. 13-97 et al., Second Report and Order and Second Further Notice of Proposed Rulemaking, FCC 23-75 (rel. Sept. 22, 2023) (Second Report and Order).

² See Application of TDS Metrocom for Authorization to Obtain Numbering Resources, WC Docket No. 24-502 (filed October 11, 2024), <https://www.fcc.gov/ecfs/search/search-filings/filing/1011221676846> (Application).

³ Application at 1 (listing New Hampshire, New Mexico, Washington, and Wisconsin as additional states in its footprint); see also *Numbering Policies for Modern Communications et al.*, Report and Order, 30 FCC Rcd 6839, 6850, para. 24 & n.74 (2015) (*VoIP Direct Access to Numbers Order*).

⁴ Application at 2-6; see 47 CFR § 52.15(g)(3)(i)(A)-(C), (F).

⁵ Application at 4, Exhs. A-2, C; see 47 CFR § 52.15(g)(3)(i)(H).

⁶ Application at 4-5; see 47 CFR § 52.15(g)(3)(i)(K); see also *id.* §§ 1.1154, 52.17, 52.32, 64.604(c)(5)(iii); *id.* pts. 9 and 54, subpt. H.

⁷ Application at 5, Exh. E; see 47 CFR § 52.15(g)(3)(i)(F).

of its key management and technical personnel are being or have been investigated by the Commission, or any law enforcement or regulatory agency, for failure to comply with any law, rule, or order.⁸ TDS Metrocom certifies that no party to the Application is subject to a denial of Federal benefits pursuant to section 5301 of the Anti-Drug Abuse Act of 1988.⁹

Error! Reference source not found. TDS Metrocom also certifies that it will not use the numbers obtained pursuant to the authorization for illegal robocalling, illegal spoofing, or otherwise fraudulent purposes.¹⁰ TDS Metrocom **Error! Reference source not found.** certifies that it has fully complied with all applicable STIR/SHAKEN caller ID authentication and robocall mitigation program requirements.¹¹ TDS Metrocom certifies that it complies with the Commission's Access Stimulation rules.¹² TDS Metrocom provides evidence that it is compliant with FCC Form 499, FCC Form 477, and Broadband Data Collection filing requirements.¹³ TDS Metrocom makes the necessary ownership disclosures and certifications as required under 47 CFR §§ 63.18(h) and (i).¹⁴ Finally, TDS Metrocom makes a declaration under penalty of perjury that all statements in the application and any appendices are true and accurate.¹⁵

GENERAL INFORMATION

The Application identified herein has been found, upon initial review, to be acceptable for filing as a streamlined application. The Commission reserves the right to return any application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules and policies.

Filing Requirements. Interested parties may file comments **on or before the dates indicated on the first page of this document.** Comments may be filed using the Commission's Electronic Comment Filing System (ECFS).

- Electronic Filers: ☐ Comments may be filed electronically by accessing ECFS at ☐ <https://www.fcc.gov/ecfs/>. ☐ ☐
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing.
 - Filings can be sent by commercial overnight courier or by first-class or overnight U.S. Postal Service mail. **All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.** Hand-delivered or messenger-delivered paper filings for the Commission's Secretary are accepted between

⁸ Application at 5; *see* 47 CFR § 52.15(g)(3)(i)(K).

⁹ Application at 5; *see* 47 CFR § 52.15(g)(3)(i)(M); *see also* 21 U.S.C. § 862.

¹⁰ Application at 3; *see* 47 CFR § 52.15(g)(3)(ii)(D).

¹¹ Application at 3; *see* 47 CFR § 52.15(g)(3)(ii)(C).

¹² Application at 4; *see* 47 CFR § 52.15(g)(3)(ii)(F).

¹³ Application at 4; Exh. D; *see* 47 CFR § 52.15(g)(3)(ii)(D).

¹⁴ Application at 5; Exh. F; *see* 47 CFR § 52.15(g)(3)(ii)(L). Applicants have not specified foreign ownership pursuant to the information, disclosures, and certifications required by 47 CFR § 63.18(h) and (i).

¹⁵ Application at 6, Exh. G; *see* 47 CFR § 52.15(g)(3)(ii)(N).

8:00 a.m. and 4:00 p.m. by the FCC's mailing contractor at 9050 Junction Drive, Annapolis Junction, MD 20701. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.

- Commercial courier deliveries (any not sent by the U.S. Postal Service) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
- Filings sent by U.S. Postal Service First-Class Mail, Priority Mail, and Priority Mail Express must be sent to 45 L Street NE, Washington, DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (TTY).

In addition, e-mail one copy of each pleading to each of the following:

- 1) DAA@fcc.gov;
- 2) Margoux Newman, Competition Policy Division, Wireline Competition Bureau, Margoux.Newman@fcc.gov;
- 3) Jordan Marie Reth, Competition Policy Division, Wireline Competition Bureau, Jordan.Reth@fcc.gov.

Ex Parte Rules. The proceeding this Notice initiates shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.¹⁶ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules.

To allow the Commission to consider fully all substantive issues regarding the application in as timely and efficient a manner as possible, petitioners and commenters should raise all issues in their

¹⁶ 47 C.F.R. §§ 1.1200 *et seq.*

initial filings. New issues may not be raised in responses or replies.¹⁷ A party or interested person seeking to raise a new issue after the pleading cycle has closed must show good cause why it was not possible for it to have raised the issue previously. Submissions after the pleading cycle has closed that seek to raise new issues based on new facts or newly discovered facts should be filed within 15 days after such facts are discovered. Absent such a showing of good cause, any issues not timely raised may be disregarded by the Commission.

Please contact DAA@fcc.gov, Margoux Newman at Margoux.Newman@fcc.gov or Jordan Marie Reth at Jordan.Reth@fcc.gov for further information.

- FCC -

¹⁷ See 47 CFR § 1.45(c).



PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, DC 20554

News Media Information 202-418-0500
Internet: www.fcc.gov

DA 24-1245

Released: December 12, 2024

Proposed First Quarter 2025 Universal Service Contribution Factor

CC Docket No. 96-45

In this Public Notice, the Office of Managing Director (OMD) announces that the proposed universal service contribution factor for the first quarter of 2025 will be 0.363 or 36.3 percent.¹

Rules for Calculating the Contribution Factor

Contributions to the federal universal service support mechanisms are determined using a quarterly contribution factor calculated by the Federal Communications Commission (FCC or Commission).² The Commission calculates the quarterly contribution factor based on the ratio of total projected quarterly costs of the universal service support mechanisms to contributors' total projected collected end-user interstate and international telecommunications revenues, net of projected contributions.³

USAC Projections of Demand and Administrative Expenses

Pursuant to section 54.709(a)(3) of the Commission's rules,⁴ the Universal Service Administrative Company (USAC) submitted projections of demand and administrative expenses for the first quarter of 2025.⁵ Pursuant to the Commission's direction and the Commission's rules,⁶ the Wireline Competition Bureau (WCB), in consultation with OMD, previously directed USAC to carry forward any unused funds from prior funding years to the extent necessary to satisfy funding year 2025 Rural Health Care program demand. Further, for the first quarter 2025, WCB and OMD instructed USAC to apply \$48 million in unused funds to offset the \$168.83 million projected Rural Health Care program demand. This

¹ See 47 C.F.R. § 54.709(a).

² See *id.*

³ See 47 C.F.R. § 54.709(a)(2).

⁴ See 47 C.F.R. § 54.709(a)(3).

⁵ See Federal Universal Service Support Mechanisms Fund Size Projections for the First Quarter 2025, available at <<https://www.usac.org/fcc-filings>> (filed November 1, 2024) (*USAC Filing for First Quarter 2025 Projections*); See also Federal Universal Service Support Mechanisms Quarterly Contribution Base for the First Quarter 2025, available at <<https://www.usac.org/fcc-filings>> (filed December 2, 2024) (*USAC Filing for First Quarter 2025 Contribution Base*).

⁶ See 47 C.F.R. § 54.619(a)(5).

offset reduces the first quarter 2025 contribution factor to a level below what the contribution factor would be based on USAC's filings.⁷

Accordingly, the projected demand and expenses, after application of the Rural Health Care offset, are as follows:

Dollars in Millions				
USF Programs	Demand	Administrative Expenses	Prior Period Adjustments	Contribution Requirement
Schools & Libraries	\$631.83	\$20.03	\$5.29	\$657.15
Rural Health Care	\$120.83	\$7.90	\$0.77	\$129.50
High Cost	\$1,088.41	\$18.07	-\$20.08	\$1,086.40
Lifeline	\$287.15	\$22.84	-\$21.94	\$288.05
TOTAL	\$2,128.22	\$68.84	-\$35.96	\$2,161.10

USAC Projections of Industry Revenues

USAC submitted projected collected end-user telecommunications revenues for January 2025 through March 2025 based on information contained in the First Quarter 2025 Telecommunications Reporting Worksheet (FCC Form 499-Q).⁸ The amount is as follows:

Total Projected Collected Interstate and International End-User Telecommunications Revenues for First Quarter 2025: \$8.176992 billion.

Adjusted Contribution Base

To determine the quarterly contribution base, we decrease the first quarter 2025 estimate of projected collected interstate and international end-user telecommunications revenues by the projected revenue requirement to account for circularity and decrease the result by one percent to account for uncollectible contributions. Accordingly, the quarterly contribution base for the first quarter of 2025 is as follows:

Adjusted Quarterly Contribution Base for Universal Service Support Mechanism

(First Quarter 2025 Revenues - Projected Revenue Requirement) * (100% - 1%)

= (\$8.176992 billion – \$2.161100 billion) * 0.99

= \$5.955733 billion.

⁷ See Federal Universal Service Support Mechanisms Fund Size Projections for the First Quarter 2025, available at <<http://www.usac.org/fcc-filings>> (filed November 1, 2024) (*USAC Filing for First Quarter 2025 Projections*).

⁸ *USAC Filing for First Quarter 2025 Contribution Base* at 4.

Unadjusted Contribution Factor

Using the above-described adjusted contribution base and the total program collection (revenue requirement) from the table above, the proposed unadjusted contribution factor for the first quarter of 2025 is as follows:

Contribution Factor for Universal Service Support Mechanisms

Total Program Collection / Adjusted Quarterly Contribution Base

= \$2.161100 billion / \$5.955733 billion

= 0.362860

Unadjusted Circularity Factor

USAC will reduce each provider's contribution obligation by a circularity discount approximating the provider's contributions in the upcoming quarter. Accordingly, the proposed unadjusted circularity factor for the first quarter of 2025 is as follows:

Unadjusted Circularity Factor for Universal Service Support Mechanisms

= Total Program Collection / Projected First Quarter 2025 Revenues

= \$2.161100 billion / \$8.176992 billion

= 0.264290

Proposed Contribution Factor

The Commission has directed OMD to announce the contribution factor as a percentage rounded up to the nearest tenth of one percent.⁹ Accordingly, the proposed contribution factor for the first quarter of 2025 is as follows:

36.3%

⁹ See *Federal-State Joint Board on Universal Service, 1998 Biennial Regulatory Review – Streamlined Contributor Reporting Requirements Associated with Administration of Telecommunications Relay Service, North American Numbering Plan, Local Number Portability, and Universal Service Support Mechanisms, Telecommunications Services for Individuals with Hearing and Speech Disabilities, and the Americans with Disabilities Act of 1990, Administration of the North American Numbering Plan and North American Numbering Plan Cost Recovery Contribution Factor and Fund Size, Number Resource Optimization, Telephone Number Portability, Truth-in-Billing and Billing Format*, CC Docket Nos. 96-45, 98-171, 90-571, 92-237, 99-200, 95-116, 98-170, Order and Second Order on Reconsideration, 18 FCC Rcd 4818, 4826, para. 22 (2003) (*Second Order on Reconsideration*).

Proposed Circularity Discount Factor

The Commission also has directed OMD to account for contribution factor rounding when calculating the circularity discount factor.¹⁰ Accordingly, the proposed circularity factor for the first quarter of 2025 is as follows:

0.264573¹¹

Conclusion

If the Commission takes no action regarding the projections of demand and administrative expenses and the proposed contribution factor within the 14-day period following release of this Public Notice, they shall be deemed approved by the Commission.¹² USAC shall use the contribution factor to calculate universal service contributions for the first quarter of 2025. USAC will reduce each provider's contribution obligation by a circularity discount approximating the provider's contributions in the upcoming quarter.¹³ USAC includes contribution obligations less the circularity discount in invoices sent to contributors. Contribution payments are due on the dates shown on the invoice. Contributors will pay interest for each day for which the payments are late. Contributors failing to pay contributions in a timely fashion may be subject to the enforcement provisions of the Communications Act of 1934, as amended, and any other applicable law. In addition, contributors may be billed by USAC for reasonable costs of collecting overdue contributions.¹⁴

We also emphasize that carriers may not markup federal universal service line-item amounts above the contribution factor.¹⁵ Thus, carriers may not, during the first quarter of 2025, recover through a federal universal service line item an amount that exceeds 36.3 percent of the interstate telecommunications charges on a customer's bill.

In addition, under the limited international revenues exception (LIRE) in section 54.706(c) of the Commission's rules, a contributor to the universal service fund whose projected collected interstate end-user telecommunications revenues comprise less than 12 percent of its combined projected collected interstate and international end-user telecommunications revenues shall contribute based only on projected collected interstate end-user telecommunications revenues, net of projected contributions.¹⁶ The rule is intended to exclude from the contribution base the international end-user telecommunications revenues of any entity whose annual contribution, based on the provider's interstate and international end-

¹⁰ *Id.*

¹¹ The proposed circularity discount factor = $1 + [(\text{unadjusted circularity discount factor} - 1) * (\text{unadjusted contribution factor} / \text{proposed contribution factor})]$. The proposed circularity discount factor is calculated in a spreadsheet program, which means that internal calculations are made with more than 15 decimal places.

¹² See 47 C.F.R. § 54.709(a)(3).

¹³ USAC will calculate each individual contributor's contribution in the following manner: (1-Circulatory Factor) * (Contribution Factor*Revenue)

¹⁴ See 47 C.F.R. § 54.713.

¹⁵ See 47 C.F.R. § 54.712.

¹⁶ See 47 C.F.R. § 54.706.

user telecommunications revenues, would exceed the amount of its interstate end-user revenues.¹⁷ The proposed contribution factor exceeds 12 percent, which we recognize could result in a contributor being required to contribute to the universal service fund an amount that exceeds its interstate end-user telecommunications revenue. Should a contributor face this situation, the contributor may petition the Commission for waiver of the LIRE threshold.¹⁸

For further information, contact Daniel Daly at (202) 418-1832 or Chitra Venkatesan at (202) 418-1251, TTY (888) 835-5322, in the Office of Managing Director.

¹⁷ See *Federal-State Joint Board on Universal Service*, Sixteenth Order on Reconsideration, CC Docket No. 96-45, Eighth Report and Order, CC Docket No. 96-45, Sixth Report and Order, Docket No. 96-262, 15 FCC Rcd 1679, 1687-1692, paras. 17-29 (1999) (*Fifth Circuit Remand Order*).

¹⁸ Generally, the Commission's rules may be waived for good cause shown. 47 C.F.R. § 1.3. The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest. *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (*Northeast Cellular*). In addition, the Commission may consider considerations of hardship, equity, or more effective implementation of overall policy on an individual basis. *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); *Northeast Cellular*, 897 F.2d at 1166. Waiver of the Commission's rules is therefore appropriate only if special circumstances warrant a deviation from the general rule, and such deviation will serve the public interest. *Northeast Cellular*, 897 F.2d at 1166; 47 C.F.R. § 54.802(a).



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FEDERAL COMMUNICATIONS COMMISSION EXPANDS MAPPING BROADBAND HEALTH IN AMERICA PLATFORM

GN Docket No. 23-309

The Federal Communications Commission (FCC or Commission), through the Connect2Health^{FCC} Task Force (Task Force), announces the launch of updates and enhancements to its interactive, data visualization platform, *Mapping Broadband Health in America*. The 2024 release of the mapping platform culminates a multi-year process to address critical stakeholder feedback, including the public comments filed in response to the Commission's Notice of Inquiry in the above-captioned docket; to reflect and help shape the evolving broadband and health landscape; and to pave the way for a healthier, more-connected future for all Americans.¹ Additionally, the Task Force also seeks further public input and feedback on the updated platform, including the data and functionality.

Recognizing that broadband is a distinct social determinant of health and that advanced broadband-enabled technologies and solutions are an increasingly critical component of the health ecosystem in the United States, the 2024 version of the mapping platform significantly expands the available broadband connectivity data to permit more robust visualizations; introduces new maternal health, opioids, chronic disease, and social determinants of health metrics which underlie many of the public health crises facing our nation; and reimagines the user interface and functionality. These enhancements ensure that the agency's broadband health mapping platform remains a critical resource to help policymakers, Internet service providers, innovators, researchers, clinicians, community organizations, and other interested parties chart a concrete path to more improved health and health outcomes.

¹ In October 2023, the Commission adopted a Notice of Inquiry to solicit broad public input and feedback on critical issues around broadband and health, including future refinements and improvements to the mapping platform, to help all stakeholders better understand the current landscape and barriers to widespread use of broadband-enabled health solutions and services. *Broadband Connectivity and Maternal Health—Implementation of the Data Mapping to Save Moms' Lives Act*, GN Docket No. 23-309, Notice of Inquiry, 38 FCC Rcd 9959 (Oct. 20, 2023). Last year, the agency also hosted a roundtable event, in partnership with the U.S. Department of Health and Human Services, convening policymakers, telecommunications and public health experts, researchers and clinicians to develop a cross-agency, cross-sector roadmap on how to better mine and visualize broadband and health data to inform policies and improve outcomes. *Federal Communications Commission and U.S. Department of Health and Human Services Announce Agenda for Maternal Health and Broadband Roundtable on November 17, 2023*, GN Docket No. 23-309, Public Notice, 38 FCC Rcd 10519 (OGC Nov. 15, 2023). Additionally, the Commission sought input from key federal partners, including the Centers for Disease Control and Prevention, the Health Resources & Services Administration, the United States Department of Veterans Affairs, and the Indian Health Service, among others.

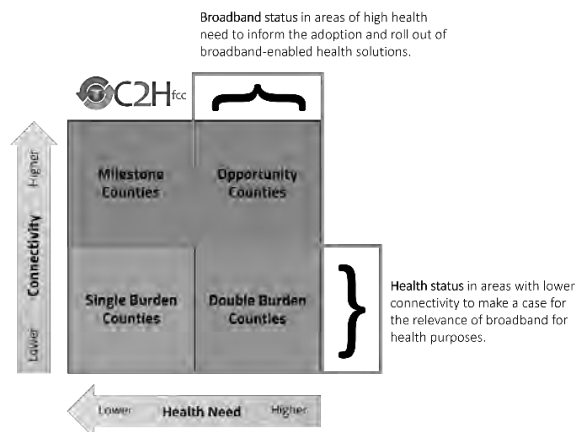
Mapping Broadband Health in America – Background

For nearly a decade, *Mapping Broadband Health in America*, a customizable data visualization platform, has allowed users to visualize, overlay, intersect, and analyze broadband and health data at the national, state and county levels. The goal is to enable users to ask and answer questions about both broadband and health in any state or county in the United States and to leverage a shared platform that provides relevant data and helps drive meaningful broadband and health policies and solutions.

The initial platform—created and released in 2016—included chronic disease, access to care, broadband, and other data.² Since its creation, the platform has generated significant interest among policymakers, researchers, and innovators, resulting in directives from Congress and requests from other stakeholders to incorporate other health data and more advanced analytical functionality.³ Most recently, in June 2023, the agency updated the platform to incorporate key maternal health metrics in response to the *Data Mapping to Save Moms’ Lives Act*,⁴ as well as opioid mortality and prescription rate data.⁵

Prior releases also introduced the Task Force County Categorization Framework (**Figure 1**) – an innovative analytic tool that categorizes counties based on their respective broadband connectivity and health metrics, enabling meaningful comparisons across geographies and effective identification of priority areas. For example, users can isolate “Double Burden” counties (areas with higher health need and lower broadband resources) and “Opportunity” counties, or those areas where existing broadband infrastructure could be leveraged immediately for health.

Figure 1. C2H Task Force County Categorization Framework



² Media Advisory, FCC, *FCC to Launch Broadband Health Mapping Tool* (Aug. 1, 2016), <https://www.fcc.gov/document/fcc-launch-broadband-health-mapping-tool-0>.

³ See Consolidated Appropriations Act of 2018, Pub. L. No. 115-141 div. E, tit. V, 132 Stat. 348, 562 (incorporating by reference the accompanying Explanatory Statements, 164 Cong. Rec. H2045, H2520 (daily ed. Mar. 22, 2018), concerning “Measuring the Potential Impact of Broadband Access on the Opioid Crisis,” where the “FCC is directed to use the Connect2Health tool to create a map overlaying drug abuse statistics with the level of Internet access to help address challenges in rural areas”); Data Mapping to Save Moms’ Lives Act, Pub. L. No. 117-247, 136 Stat. 2347 (2022) (*Data Mapping Act*) (instructing the agency to incorporate publicly available data on maternal mortality and severe maternal morbidity into the platform, in consultation with the Centers for Disease Control and Prevention).

⁴ *Data Mapping Act*, *supra* note 3.

⁵ See Press Release, FCC, *FCC Explores Role of Broadband Connectivity in Maternal Health Outcomes* (June 20, 2023), <https://www.fcc.gov/document/fcc-explores-broadband-connectivity-role-maternal-health-outcomes>.

2024 Release: Expanding Data and Analytic Functionality

Broadband. In addition to refreshing the broadband access, rural access and Internet adoption variables with the most up-to-date broadband data collected by the Commission, the platform now incorporates new dimensions of access and adoption. For the first time, users will be able to visualize and intersect various mobile access data with health data—to identify areas where consumers can utilize a continuous connection which can be critical for broadband-enabled health interventions like remote patient monitoring. The Internet adoption data has also been expanded to include metrics from the American Community Survey that quantify “high-speed” Internet adoption and device ownership to paint a more complete picture of where consumers have access to digital tools that can support connected care. Finally, the 2024 platform incorporates metrics from the FCC’s Rural Health Care program, allowing users to visualize funding data for rural health facilities and enable more-targeted intervention and support. **Table 1** below details the broadband connectivity data in the 2024 release (new variables in **bold**).

Table 1. Broadband Connectivity Data

BROADBAND CONNECTIVITY DATA			
Dimensions	Measures	Data Year	Release Year
Access	Fixed Broadband Access	2022	2024
	Mobile Access	2022	2024
	Fixed Broadband and Mobile Access	2022	2024
	Rural Fixed Broadband Access	2022	2024
	Rural Mobile Access	2022	2024
	Rural Fixed Broadband and Mobile Access	2022	2024
Adoption	Internet Adoption – Any Speed	2022	2024
	Broadband Adoption	2022	2024
	Internet Adoption – High Speed (Self-Report)	2016-2020	2023
Device Ownership	Households – Smartphone Only	2016-2020	2023
	Households – No Device	2016-2020	2023
	Households – Desktop or Laptop Only	2016-2020	2023
Funding	Rural Health Care Funding	2018-2023	2024

Sources: Broadband Data Collection; Internet Access Services Report; FCC Form 477 data program; U.S. Census Bureau American Community Survey; Universal Service Administrative Company Rural Health Care Commitments and Disbursements.

Illustrative insights from the expanded broadband data set include:

- 82.9 million Americans live in counties with below-average access to primary care physicians and where access to a rural fixed broadband connection is below the national median. (**Appendix – Map 1**).
- 18.2% of Americans (60.7 million people) live in areas with greater shortages of mental health providers and where at least one out of every ten households does not own a digital device (e.g., desktop, laptop, tablet, smartphone). (**Map 2**).

Maternal Health. Recent data show that over 80% of maternal deaths could be prevented. Recognizing that telehealth and other broadband-enabled solutions and technologies can be a part of the toolkit for improving maternal health and addressing preventable deaths, the 2024 release builds upon

prior functionality that allowed users to intersect broadband data with key maternal health outcomes (e.g., maternal death rates and severe maternal morbidity rates) and access-to-care metrics as required by the *Data Mapping to Save Moms' Lives Act*. Given the necessary data suppression inherent in publicly-available maternal mortality and severe maternal morbidity data at the county-level (to protect individual privacy), the platform now allows users to visualize key maternal health risk factors—including pre-pregnancy or gestational diabetes, pre-pregnancy or gestational hypertension, and pre-pregnancy obesity—which serve as critical indicators for poor maternal health outcomes. Similarly, and understanding that poor infant health outcomes have profound impacts on the mother's physical and mental health, the platform also includes data on infant mortality rate, preterm birth, and low birth weight (which is a recognized proxy for maternal mortality rates).⁶ The current release also introduces select cancer variables—with additional cancer data to be incorporated in a later version of the platform—including incidence and mortality rates of breast cancer, the most common form of cancer in pregnant and postpartum women.⁷ **Table 2** includes a list of all maternal health data in the 2024 release (new variables in **bold**). See also the *Broadband and Maternal Health Conceptual Framework* developed by the Task Force to guide this effort.

Table 2. Maternal Health Data

MATERNAL HEALTH DATA			
Health Dimensions and Factors	Health Measures	Data Year	Release Year
Outcomes	Maternal Deaths	2018-2021	2023
	Maternal Mortality Rate	2018-2021	2023
	Late Maternal Death Rate	2018-2021	2023
	Severe Maternal Morbidity Rate	2019	2023
	Infant Mortality Rate	2017-2019	2023
Risk Factors	Maternal Hypertension	2017-2019	2023
	Maternal Diabetes	2017-2019	2023
	Pre-Pregnancy Obesity	2017-2019	2023
	Low Birth Weight	2017-2019	2023
	Preterm Births	2017-2019	2023
	Smoking During Pregnancy	2017-2019	2023
	Breastfeeding Initiation	2017-2019	2023
Access to Care	Maternity Care Deserts	2019-2020	2023
	Mental Health Provider Shortage	2020-2023	2023
	Prenatal Care (First Trimester)	2017-2019	2023
Demographics	Race (Maternal Health)	2019	2023
	Ethnicity (Maternal Health)	2019	2023
	Maternal Age	2016-2021	2023

Sources: CDC WONDER Online Database; Agency for Health Research and Quality, Healthcare Cost and Utilization Project; March of Dimes; Health Resources and Services Administration.

Key broadband maternal health insights, powered by the new data sets and updated functionalities, include:

⁶ Chloe M. Barrera, Michael R. Kramer, Peter T. Merkt, Emily E. Petersen, Mary D. Brantley, Lindsay Eckhaus, Jennifer L. Beauregard and David A. Goodman, *County-Level Associations Between Pregnancy-Related Mortality Ratios and Contextual Sociospatial Indicators*, 139 *Obstetrics & Gynecology* 855 (May 2022), <https://pmc.ncbi.nlm.nih.gov/articles/PMC9015027/>.

⁷ National Cancer Institute, *Breast Cancer Treatment During Pregnancy* (Nov. 27, 2024), <https://www.cancer.gov/types/breast/hp/pregnancy-breast-treatment-pdq>.

- Nearly seven million Americans (in 562 Double Burden counties) live in “maternity care deserts”—areas that have no hospital, birthing center, or providers offering obstetric care—and below average rural fixed broadband access. Another five million Americans (in 451 Opportunity counties) live in maternity care deserts that have above-average access to rural fixed broadband services. **(Map 3).**
- 3.3 million Americans living in maternity care deserts with below-average rural fixed broadband are also more likely to experience food insecurity (a proxy variable for maternal mortality) and less likely to own a vehicle for transportation (exacerbating the access to care gap). **(Map 4).**
- Nearly 28 million people live in the 893 Double Burden counties with below-average Internet adoption and above-average rates of preterm birth (i.e., these Double Burden counties are areas with lower connectivity and higher health need); and another 104 million people live in 657 Opportunity counties with above-average rates of preterm birth and above-average internet adoption (i.e., these Opportunity counties are areas where existing infrastructure could be leveraged to improve health outcomes). **(Map 5).**
- Nearly 19 million people live in counties with above-average (greater than 9.8%) hypertension before or during pregnancy and below-average fixed and mobile broadband access; and 16 million people live in counties with above-average (greater than 7.3%) diabetes before or during pregnancy and below-average access to fixed and mobile broadband. While the number of Double Burden counties (875 and 764, respectively) is fairly consistent across these maternal health risk factors, **Map 6 (Hypertension)** and **Map 7 (Diabetes)** depict several geographic differences in the broadband health picture depending on the risk factor selected.

Chronic Disease, Opioids, and Social Determinants of Health. Chronic disease, like heart disease, cancer, obesity and diabetes, remains the leading cause of death in the United States;⁸ and while recent reports indicate opioid-related death trends are improving,⁹ opioids misuse and overdose continue to impact rural and underserved communities.¹⁰ The 2024 platform expands the chronic disease data set, including new risk factors and access to care variables. It also incorporates additional data on “social determinants of health” (SDOH), which are the non-medical conditions in the places people live, learn, work, worship, age and play that affect a wide range of health, functioning, and quality-of-life outcomes and risks,¹¹ as well as community factors (e.g., housing and transportation), social and economic metrics (e.g., food insecurity and poverty), and demographic variables. Utilizing the power of the platform and these new data sets, users can further investigate the role of broadband connectivity as a distinct social determinant of health, including the potential role of broadband as a “super” determinant of health (a framework pioneered by the Task Force) that influences and impacts other social determinant of health domains.¹² **Table 3** (Chronic Disease), **Table 4** (Opioids), and **Table 5** (Demographic, Socioeconomic

⁸ CDC, About Chronic Disease (Oct. 4, 2024), <https://www.cdc.gov/chronic-disease/about/index.html>.

⁹ CDC, U.S. Overdose Deaths Decrease in 2023, First Time Since 2018 (May 15, 2024), https://www.cdc.gov/nchs/pressroom/nchs_press_releases/2024/20240515.htm.

¹⁰ Holly Hedegaard and Merianne Rose Spencer, Urban-Rural Differences in Drug Overdose Death Rates, 1999–2019, NCHS Data Brief 403 (Mar. 2021), <https://www.cdc.gov/nchs/data/databriefs/db403-H.pdf>.

¹¹ See FCC, About Broadband Connectivity as a Social Determinant of Health, <https://www.fcc.gov/health/SDOH> (last visited Dec. 10, 2024).

¹² See HHS, ODPHP, Social Determinants of Health, <https://odphp.health.gov/healthypeople/priority-areas/social-determinants-health> (last visited Dec. 10, 2024) (explaining how SDOH factors can be grouped into five

and Community Health) provide lists of the full data sets available in the 2024 release (new variables in **bold**). *See also* the Broadband and Chronic Disease Conceptual Framework and Broadband and Opioids Conceptual Framework developed by the Task Force to guide these efforts.

Table 3. Chronic Disease Data

CHRONIC DISEASE DATA			
Health Dimensions and Factors	Health Measures	Data Year	Release Year
Outcomes	Diabetes	2021	2024
	Obesity	2021	2024
	Poor/Fair Health	2021	2024
	Sick Days	2021	2024
	Premature Death	2019-2021	2024
	Breast Cancer – Incidence	2017-2021	2024
	Breast Cancer – Mortality	2018-2022	2024
Access to Care	Physician Access	2021	2024
	Dental Providers	2022	2024
	Hospitals –Mammography Services	2021	2024
Quality of Care	Preventable Hospitalization	2021	2024
Risk Factors	Smoking	2021	2024
	Excessive Drinking	2021	2024
	Physical Inactivity	2021	2024
	Mammography Screening	2020	2024

Source: Robert Wood Johnson & University of Wisconsin Population Health Initiative County Health Rankings and Roadmaps; CDC Places; U.S. Cancer Statistics Data; Health Resources & Services Administration, Area Health Resource File.

“domains”). We note that prior Task Force research suggests that broadband plays a more direct and consequential role in health and can be regarded as a “super” determinant of health. Connect2HealthFCC, FCC, *Broadband Connectivity: A ‘Super’ Determinant of Health*, Staff Research Monograph (2019), <https://www.fcc.gov/ecfs/document/109020780702729/1>; *see also* Connect2Health FCC, FCC, *Advancing Broadband Connectivity as a Social Determinant of Health* (Feb. 7, 2022), <https://www.fcc.gov/health/SDOH>. *See also* Yosselin Turcios, *Digital Access: A Super Determinant of Health*, Substance Abuse & Mental Health Servs. Admin. Blog (Mar. 22, 2023), <https://www.samhsa.gov/blog/digital-access-super-determinant-health>. Given the broad policy implications of this determination, the Task Force has been working with strategic partners to advance broadband connectivity as a recognized social determinant of health and as an independent domain. *See* FCC, *Advancing Broadband Connectivity as a Social Determinant of Health*, <https://www.fcc.gov/health/SDOH> (last visited Dec. 10, 2024); *see also* Connect2HealthFCC, FCC, *Digital Health Symposium: Advancing Broadband Connectivity as a Social Determinant of Health*, <https://www.fcc.gov/news-events/events/2022/03/digital-health-symposium-advancing-broadband-connectivity-social> (last visited Dec. 10, 2024).

Table 4. Opioid Misuse and Prescription Rates Data

OPIOID OVERDOSE DATA			
Dimensions	Measure	Data Year(s)	Release Year
Outcomes	All Drugs – Death Rate	2015-2019	2023
	All Drugs – Death Rate Trends	2010-2019	
	All Opioids – Death Rate	2015-2019	
	All Opioids – Death Rate Trends	2010-2019	
	Prescription Opioids – Death Rate	2015-2019	
	Prescription Opioids – Death Rate Trends	2010-2019	
	Synthetic Opioids – Death Rate	2015-2019	
	Synthetic Opioids – Death Rate Trends	2010-2019	
	Heroin – Death Rate	2015-2019	
	Heroin – Death Rate Trends	2010-2019	
	Opioid Use Disorder	2020	
Risk Factors	Opioids Prescription Rate	2019	2023
	Opioids Prescription Trends	2019-2020	
	HIV Prevalence	2021	2024

Source: CDC WONDER Online Database; U.S. Opioid Dispensing Rate Maps; Agency for Healthcare Research and Quality; Robert Wood Johnson & University of Wisconsin Population Health Initiative County Health Rankings and Roadmaps.

Table 5. Demographics, Socioeconomic, and Community Health Data

DEMOGRAPHICS, SOCIOECONOMIC, AND COMMUNITY HEALTH DATA			
Dimensions	Measures	Data Year	Release Year
Population	Population	2020	2024
	Rural	2020	2024
	Urban	2020	2024
	Density	2020	2024
	Female	2022	2024
	Male	2022	2024
	Age	2022	2024
	Veteran Status	2016-2020	2024
	Race (All)	2016-2020	2024
	Ethnicity (All)	2016-2020	2024
Community Factors	Food Insecurity	2021	2024
	Social Vulnerability Index	2018-2022	2024
	Unemployment	2022	2024
	Median Household Income	2018-2022	2024
	Poverty	2022	2024
	Education	2018-2022	2024
	Distance to ER	2020	2024
	Households – No Vehicle	2016-2020	2024
	Poor Mental Health Days	2021	2024
	Injury Deaths	2017-2021	2024
Insurance	Severe Housing	2016-2020	2024
	Medicaid	2016-2020	2024
	Medicare	2016-2020	2024
	Private Insurance	2016-2020	2024
	Health Insurance	2019	2023

Source: U.S. Census Bureau; Robert Wood Johnson & University of Wisconsin Population Health Initiative County Health Rankings and Roadmaps; Agency for Health Research and Quality Social Determinants of Health Database; Centers for Disease Control and Prevention.

Additional insights utilizing the expanded data sets and the platform's enhanced analytic capability include:

- In over 400 counties with higher percentages of people who self-report poor or fair health, between 4-in-10 and 6-in-10 people do not have access to both a fixed and mobile broadband connection; and in another 300 counties, between 6-in-10 and 8-in-10 people do not have such access. **(Map 8).**
- Over 45 million Americans—clustered in the Northeast and upper Midwest—live in areas with higher rates of breast cancer (more than 143 diagnoses per 100,000 women) and above average access to fixed broadband connections, which could be used to help facilitate tele mammography screening. **(Map 9).**
- Over 35 million (approximately 10.6%) Americans live in counties with above average diabetes prevalence and where at least two out of every ten people do not have access to a fixed and mobile broadband connection. **(Map 10).**
- Over 31% of the 38.5 million Americans living in areas with below-average Internet adoption rates also live in counties with above-average prevalence of opioid use disorder. **(Map 11).**

Features and Functionality. To help users harness the new data and extract actionable insights, the 2024 release also includes advanced functionalities and analytic capability, responsive to stakeholder input and articulated needs. Likewise, a streamlined user experience and more intuitive controls make the updated platform easier to use. For example:

- While prior releases were necessarily deployed in separate “modules,” the 2024 release consolidates the chronic disease, opioid, and maternal health components into a unified platform, creating a centralized hub for all stakeholders to explore the intersection of broadband connectivity and health.
- The architecture underlying the platform has been redesigned to allow for increased flexibility, permitting the Commission to ingest and visualize new and updated data as it becomes available.
- Based on user selections, the platform now generates a quick snapshot of the broadband health picture in the user's selected geography.
- Likewise, users interested in homing in on a particular state or region can now leverage the “Isolate Geographies” feature, hiding other states to allow for more focused and targeted queries.
- The 2024 release is also more intelligent and analytic—dynamic charts and statistics update to the user's selected geography of interest and radar charts, and additional visualizations enable comparisons of the broadband health picture across geographic areas.
- Additionally, the 2024 release offers multiple entry points to the platform, including pre-populated sample maps for new users, while at the same time providing a robust and customized experience for those users who want to delve more deeply into the data.

About Connect2HealthFCC Task Force

The Commission's Connect2Health^{FCC} Task Force (which includes senior attorneys and physician and public health advisors with digital health, informatics, and data science expertise)¹³ advises and makes recommendations on health-related issues within the agency's purview (e.g., telehealth, Rural Health Care program); leads implementation of key statutory directives and requirements related to broadband and health; directs health-related initiatives that support the agency's broadband strategic goals; and represents the agency in various interagency fora.

The Task Force welcomes suggestions and feedback as it continues to enhance and update the mapping platform. Specifically, the Task Force invites comment on the updated platform, including (1) additional data sets and variables for potential inclusion, (2) other functionalities of interest that may enhance the user experience and improve analytic capability, (3) specific use cases where the platform can inform federal, state and local initiatives, and (4) other information or recommendations of interest to broadband and health stakeholders. To further a cross-sector, cross-disciplinary dialogue on the intersection of broadband connectivity and health, stakeholders are also encouraged to share sample maps of interest and key findings developed from the platform. Interested parties may submit comments and suggestions via e-mail to engageC2H@fcc.gov, with "Mapping" in the subject line. You may also file more formal comments or additional data or research for the public record via the FCC's Electronic Comment Filing System, if preferred, by submitting such filings in GN Docket No. 23-309.¹⁴

For further information about this Public Notice, please contact Ben Bartolome, Special Counsel, or Brayden Parker, Legal Advisor, Office of General Counsel, Connect2Health^{FCC} Task Force, via e-mail at engageC2H@fcc.gov.

For additional information about the Connect2Health^{FCC} Task Force, please visit the FCC's broadband health hub at www.fcc.gov/health.

To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530.

-FCC-

¹³ The Task Force is chaired by Michele Ellison, General Counsel and is staffed by: Karen Onyeije, Deputy General Counsel and Chief of Staff of the Task Force; Ben Bartolome, Special Counsel; Sheryl Wilkerson, Special Counsel; Dr. Chris Gibbons, Senior Health Advisor, and former Assistant Professor of Medicine, Public Health and Health Informatics at The Johns Hopkins University; Dr. David K. Ahern, Senior Health Advisor, Director of Digital Behavioral Health and Informatics Research at the Brigham and Women's Hospital and a member of the faculty of Harvard Medical School; Brayden Parker, Legal Advisor; and Irene Ly, Attorney Advisor.

¹⁴ See FCC Electronic Comment Filing System, Submit a Filing, <https://www.fcc.gov/ecfs/filings> (type "23-309" in the Proceedings box and select that docket from the drop down menu, complete the remaining filing information, and then attach your filing). If you submit a filing in the docket, please send a courtesy copy via e-mail to engageC2H@fcc.gov and insert "Mapping – comment filing" in the subject line.

APPENDIX

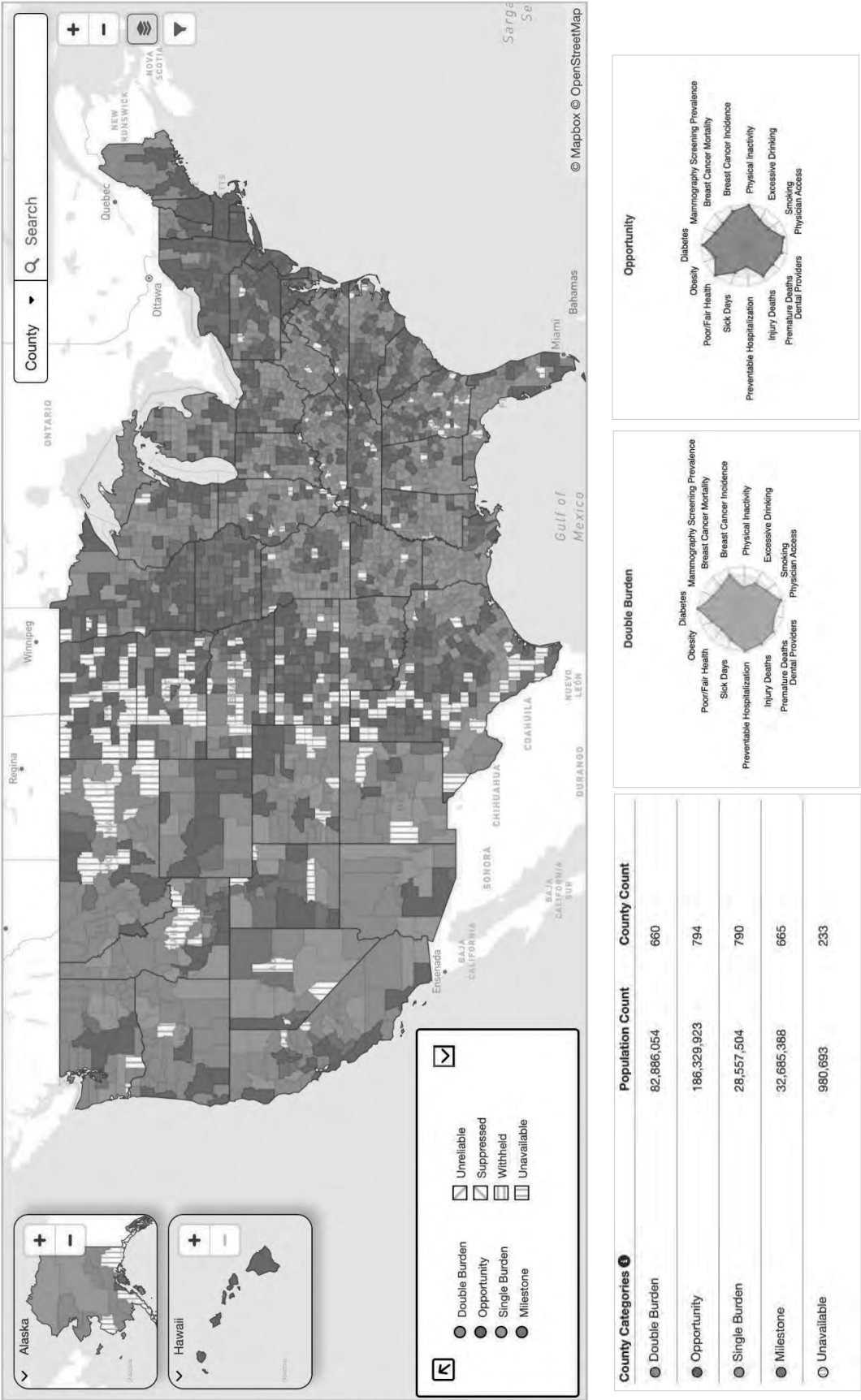
Sample Maps

The sample maps below were generated from the *Mapping Broadband Health in America Platform – 2024* which allows users to ask three fundamental questions about how broadband and health data intersect and where broadband can be leveraged to help improve health and health outcomes. These questions are linked to three distinct ways of viewing and manipulating the data to create custom visualizations: the OVERVIEW, BROADBAND, and HEALTH views.

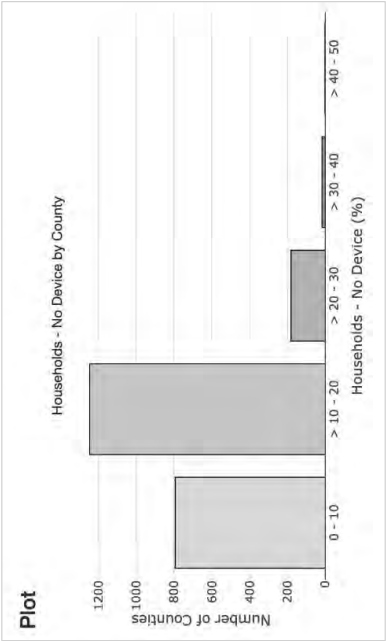
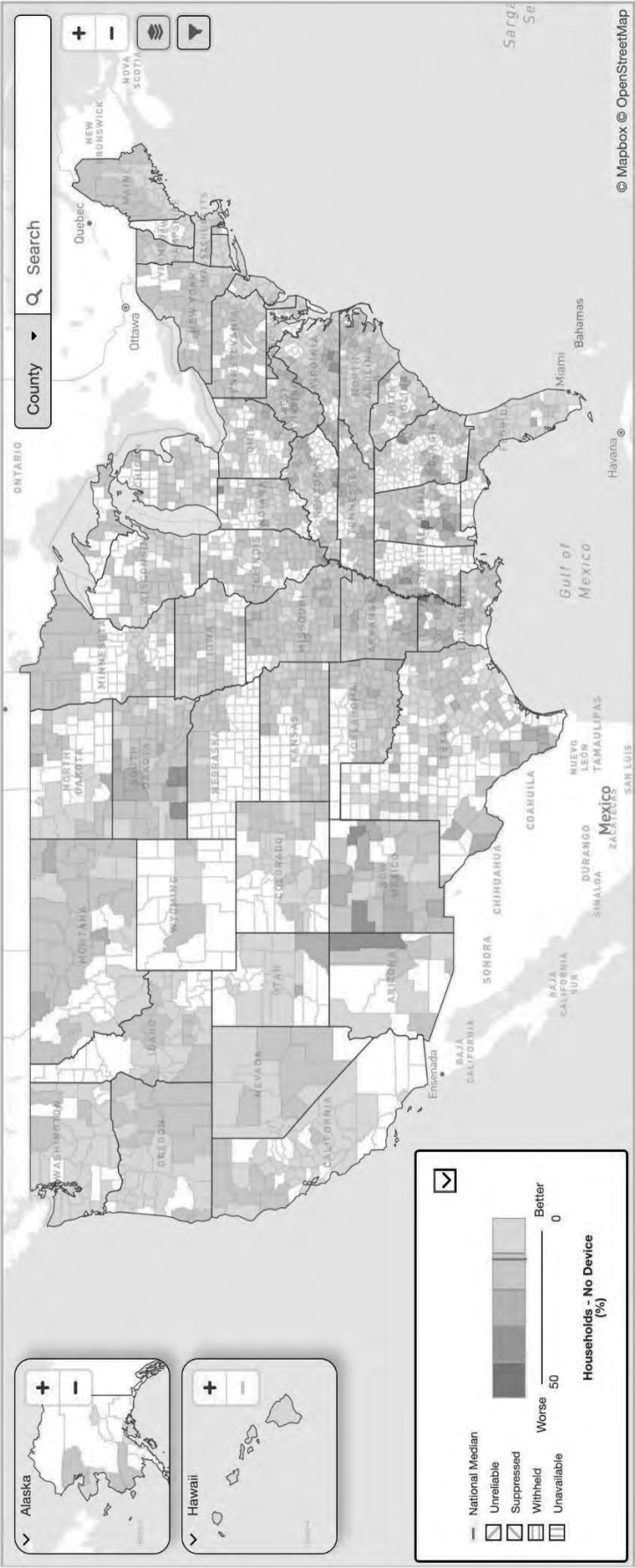
- *Where do broadband and health needs coincide?* Users can explore this question in OVERVIEW which categorizes geographic areas (states or counties) into one of four categories keyed to their level of broadband connectivity and population health outcomes: Double Burden, Opportunity, Single Burden, Milestone.
- *What is the broadband picture across different levels of health need?* Using filtering, the BROADBAND view visualizes the broadband picture based on selected health metrics. Users can then compare the broadband picture across different levels of health need.
- *What is the health picture in higher or lower connectivity areas?* Similarly, the HEALTH view visualizes the picture of health based on the user's selected broadband metrics (e.g., broadband access, rural access, Internet adoption).

Map 1.	OVERVIEW: Rural Fixed Broadband Access and Access to Primary Care Physicians
Map 2.	BROADBAND: Households—No Device Filtered by Above-Average Mental Health Provider Shortage
Map 3.	OVERVIEW: Rural Fixed Broadband Access and Maternity Care Deserts
Map 4.	OVERVIEW: Rural Fixed Broadband Access and Maternity Care Deserts; Filtered by Households – No Vehicle and Food Insecurity
Map 5.	OVERVIEW: Internet Adoption (Any Speed) and Preterm Birth
Map 6.	OVERVIEW: Fixed Broadband and Mobile Access and Maternal Hypertension
Map 7.	OVERVIEW: Fixed Broadband and Mobile Access and Maternal Diabetes
Map 8.	BROADBAND: Fixed Broadband and Mobile Access Filtered by Above-Average Poor/Fair Health
Map 9.	HEALTH: Breast Cancer Incidence Filtered by Above-Average Fixed Broadband Access
Map 10.	BROADBAND: Fixed Broadband and Mobile Access Filtered by Above-Average Diabetes
Map 11.	HEALTH: Opioid Use Disorder Filtered by Below-Average Rates of Internet Adoption (High Speed) (Self-Report)

Map 1. OVERVIEW: Rural Fixed Broadband Access and Access to Primary Care Physicians

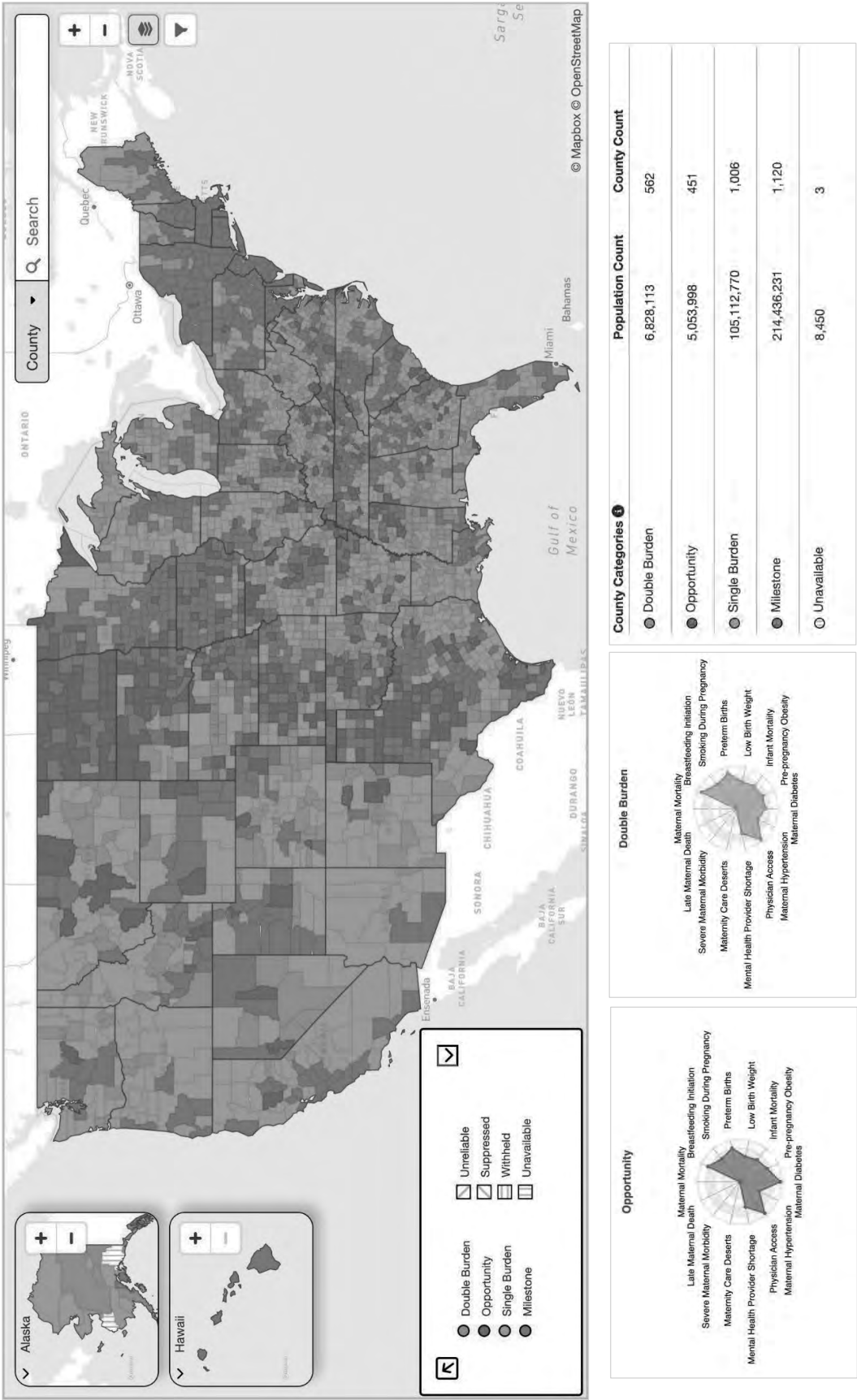


Map 2. BROADBAND: Households—No Device Filtered by Above-Average Mental Health Provider Shortage

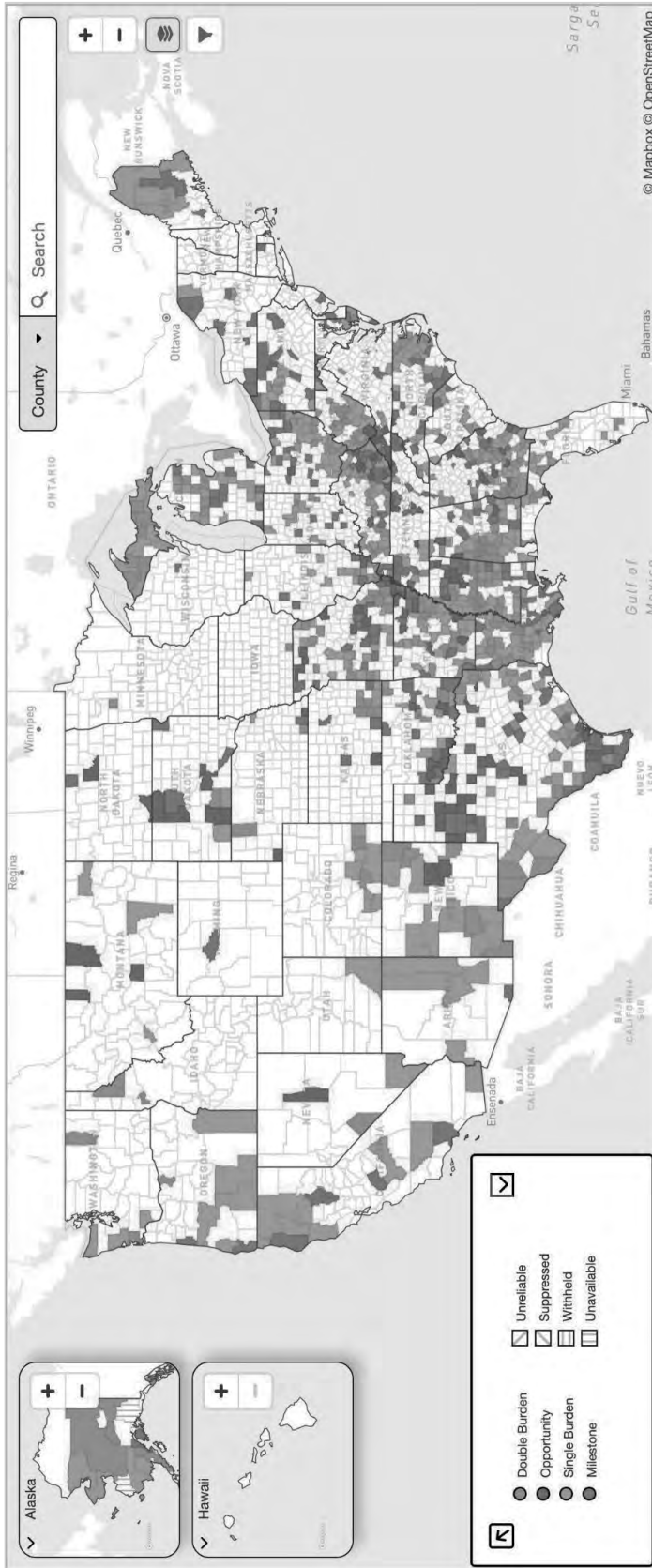


County Categories	Population Count	County Count
○ 0 - 10 %	190,298,927	794
○ > 10 - 20 %	61,162,489	1,246
○ > 20 - 30 %	2,691,029	181
● > 30 - 40 %	330,059	17
● > 40 - 50 %	15,970	2

Map 3. OVERVIEW: Rural Fixed Broadband Access and Maternity Care Deserts

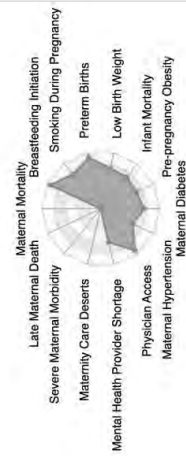


Map 4. OVERVIEW: Rural Fixed Broadband Access and Maternity Care Deserts; Filtered by Households – No Vehicle and Food Insecurity

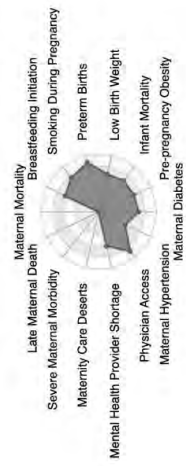


County Categories	Population Count	County Count
● Double Burden	3,213,059	238
● Opportunity	1,520,579	132
● Single Burden	34,927,954	389
● Milestone	49,520,871	252
○ Unreliable	8,450	3

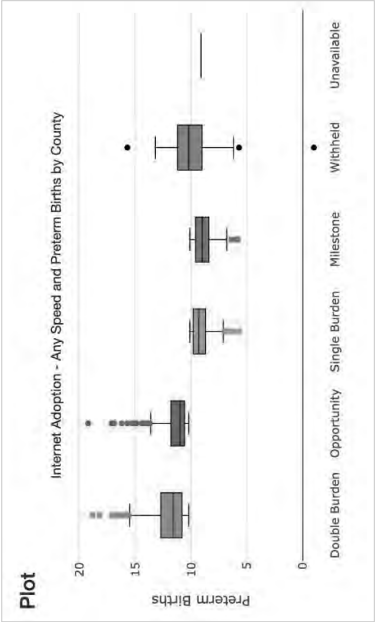
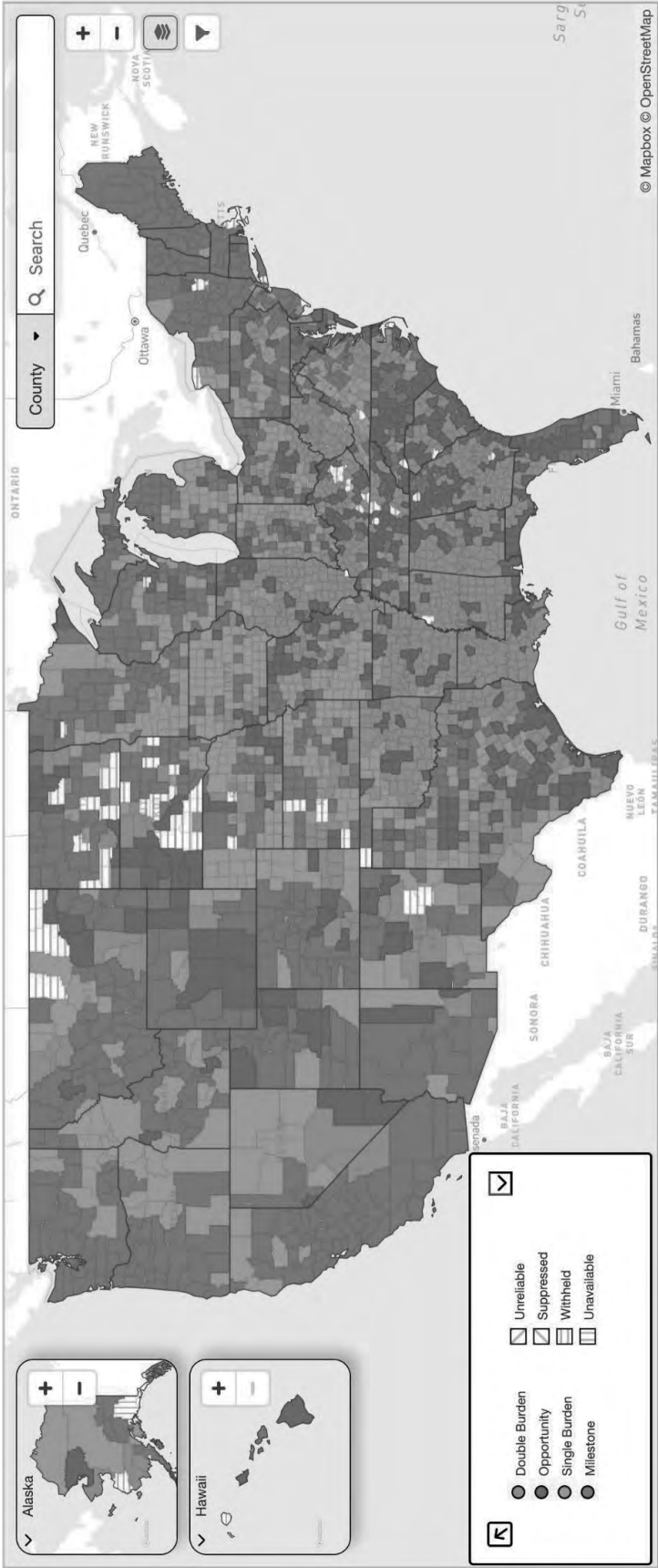
Double Burden



Opportunity

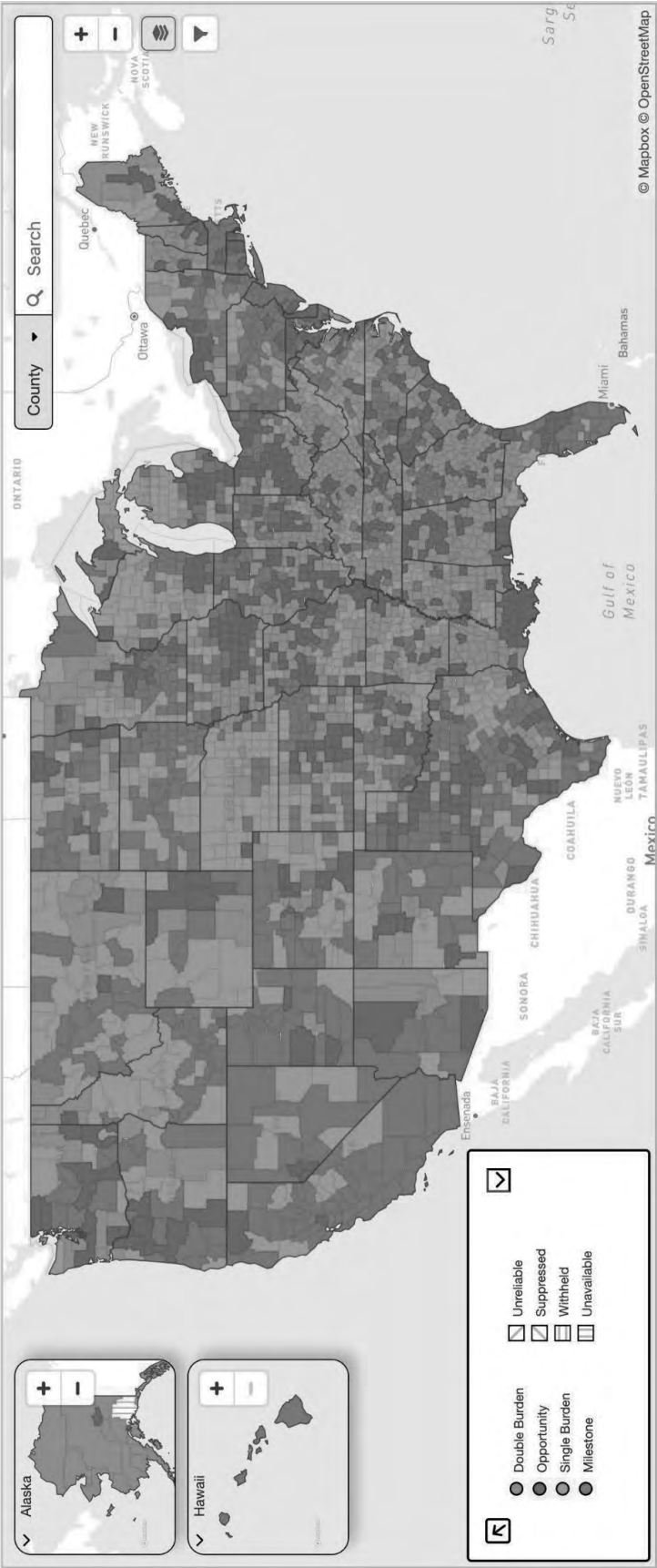


Map 5. OVERVIEW: Internet Adoption (Any Speed) and Preterm Birth

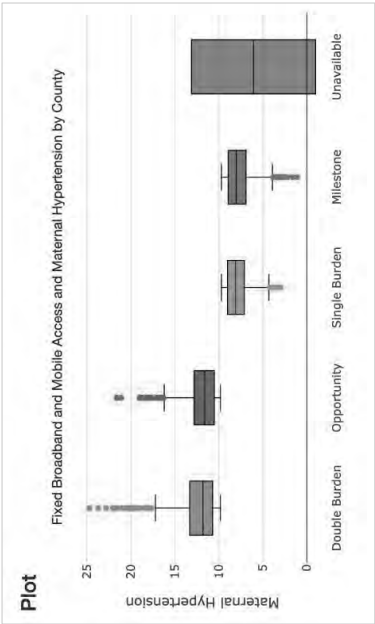


County Categories	Population Count	County Count
Double Burden	27,926,655	892
Opportunity	104,218,774	657
Single Burden	28,119,786	618
Milestone	167,850,737	894
Withheld	3,302,220	79
Unavailable	0	1

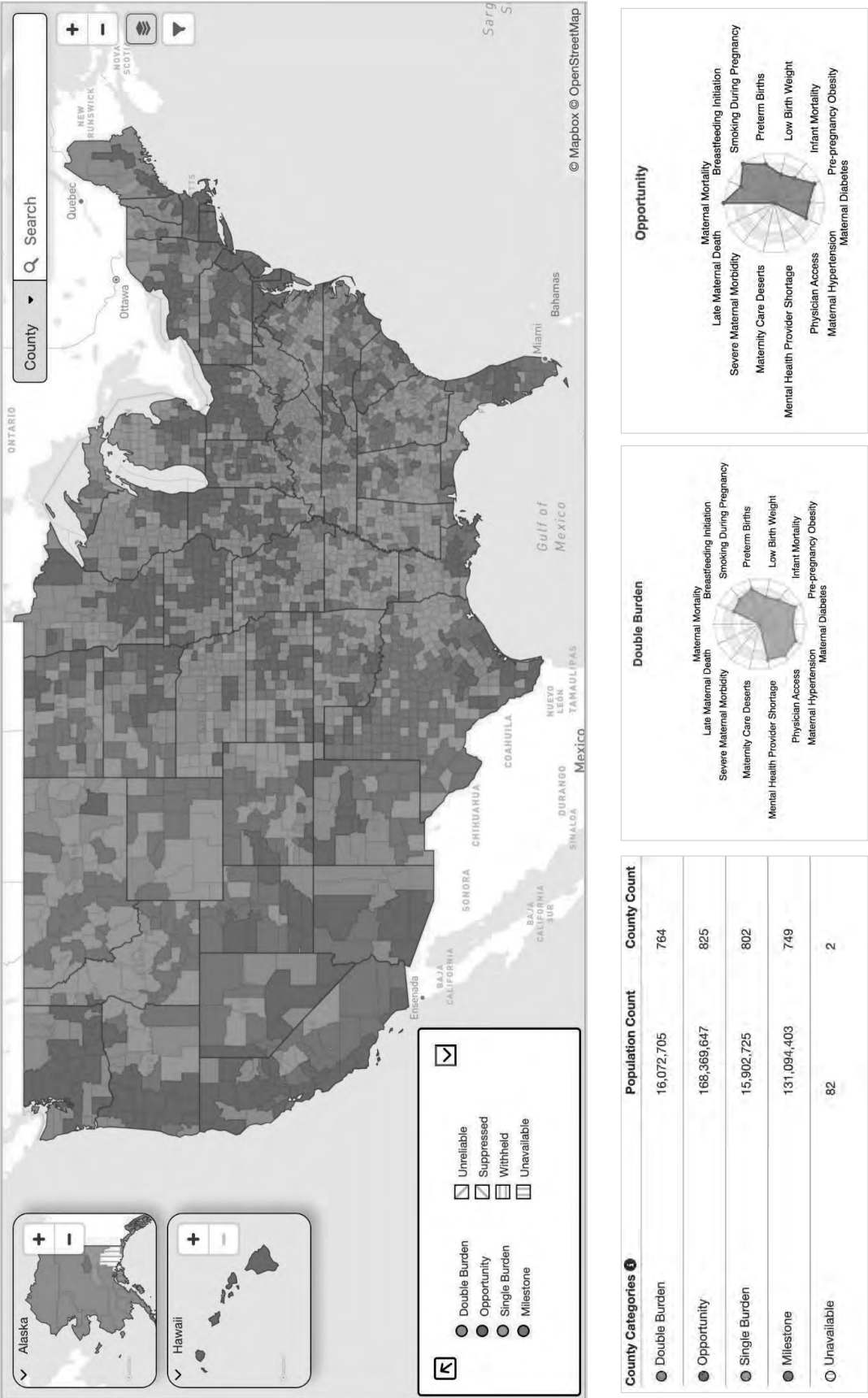
Map 6. OVERVIEW: Fixed Broadband and Mobile Access and Maternal Hypertension



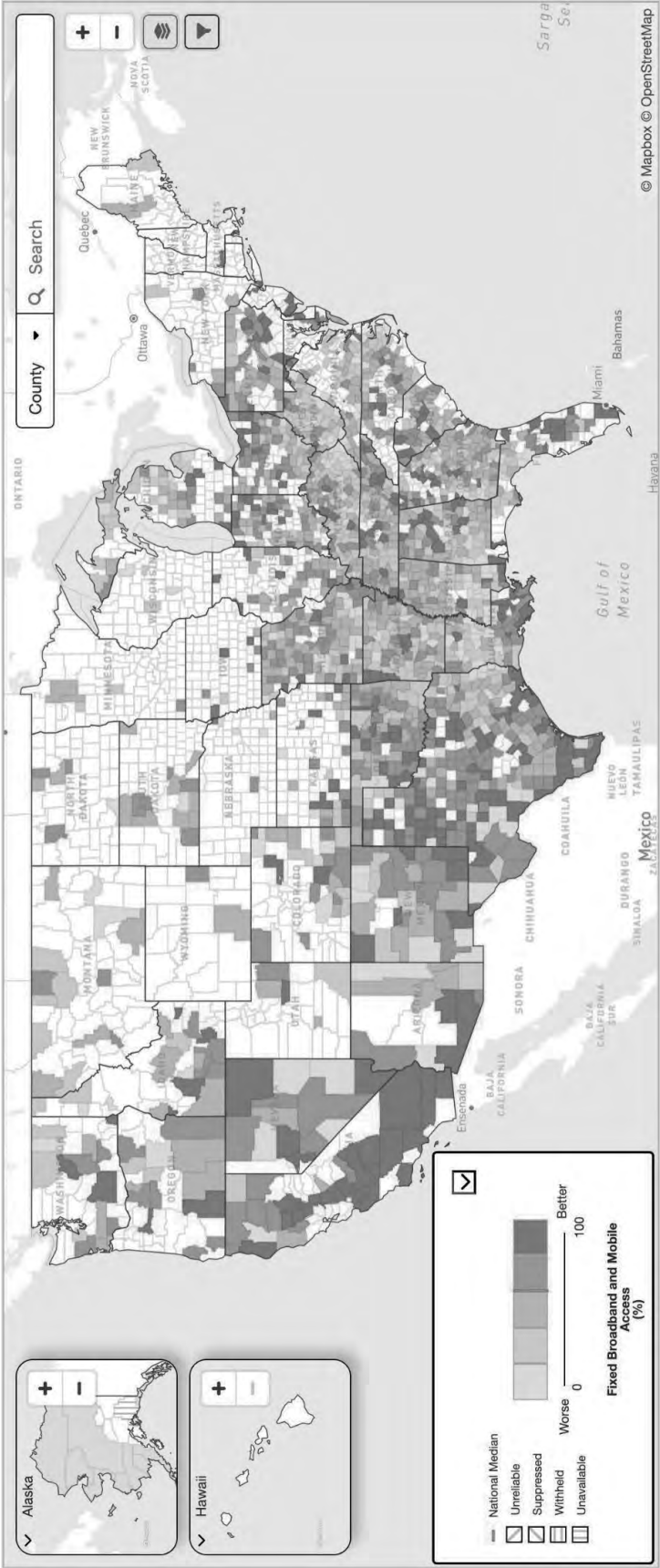
County Categories	Population Count	County Count
Double Burden	18,913,742	875
Opportunity	109,678,105	737
Single Burden	13,061,688	691
Milestone	189,785,945	837
Unavailable	82	2



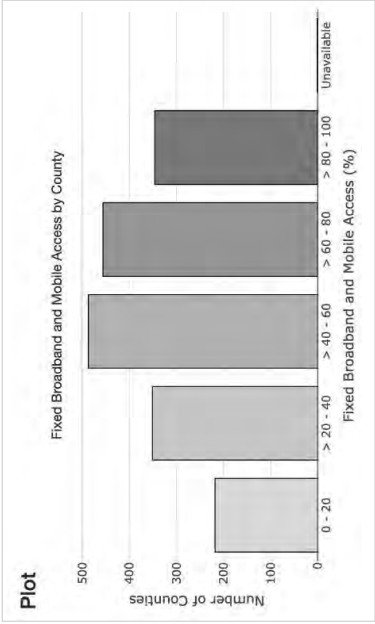
Map 7. OVERVIEW: Fixed Broadband and Mobile Access and Maternal Diabetes



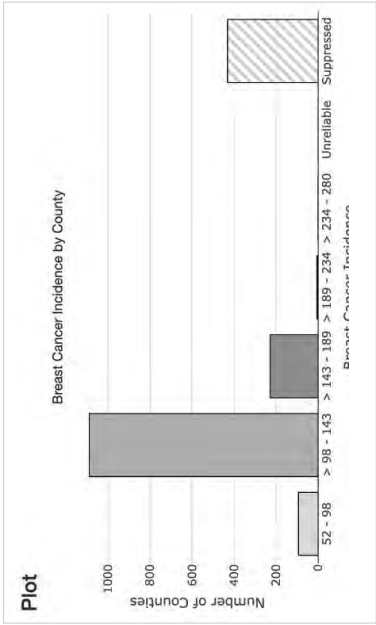
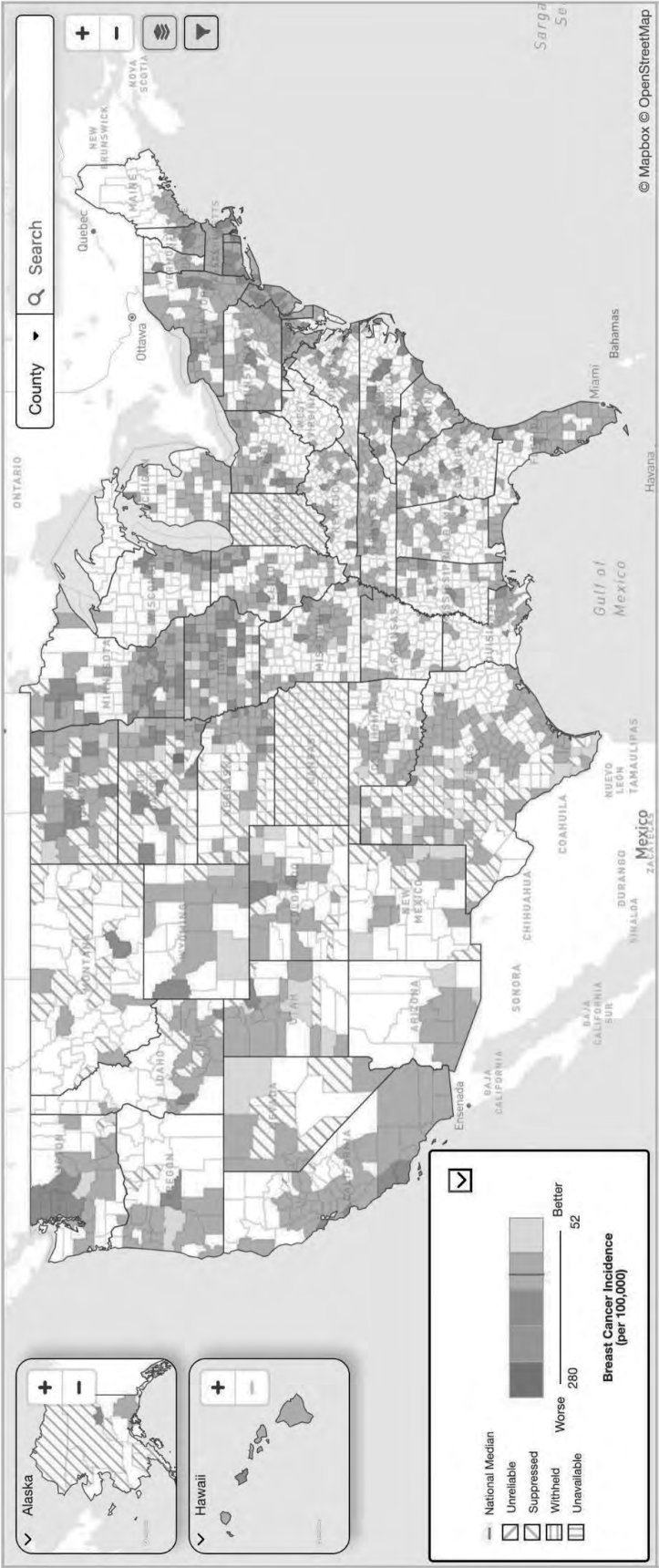
Map 8. BROADBAND: Fixed Broadband and Mobile Access Filtered by Above-Average Poor/Fair Health



County Categories	Population Count	County Count
○ 0 - 20 %	2,590,239	218
○ > 20 - 40 %	6,421,232	351
○ > 40 - 60 %	13,576,870	487
● > 60 - 80 %	20,605,475	456
● > 80 - 100 %	108,943,305	346
○ Unavailable	0	1

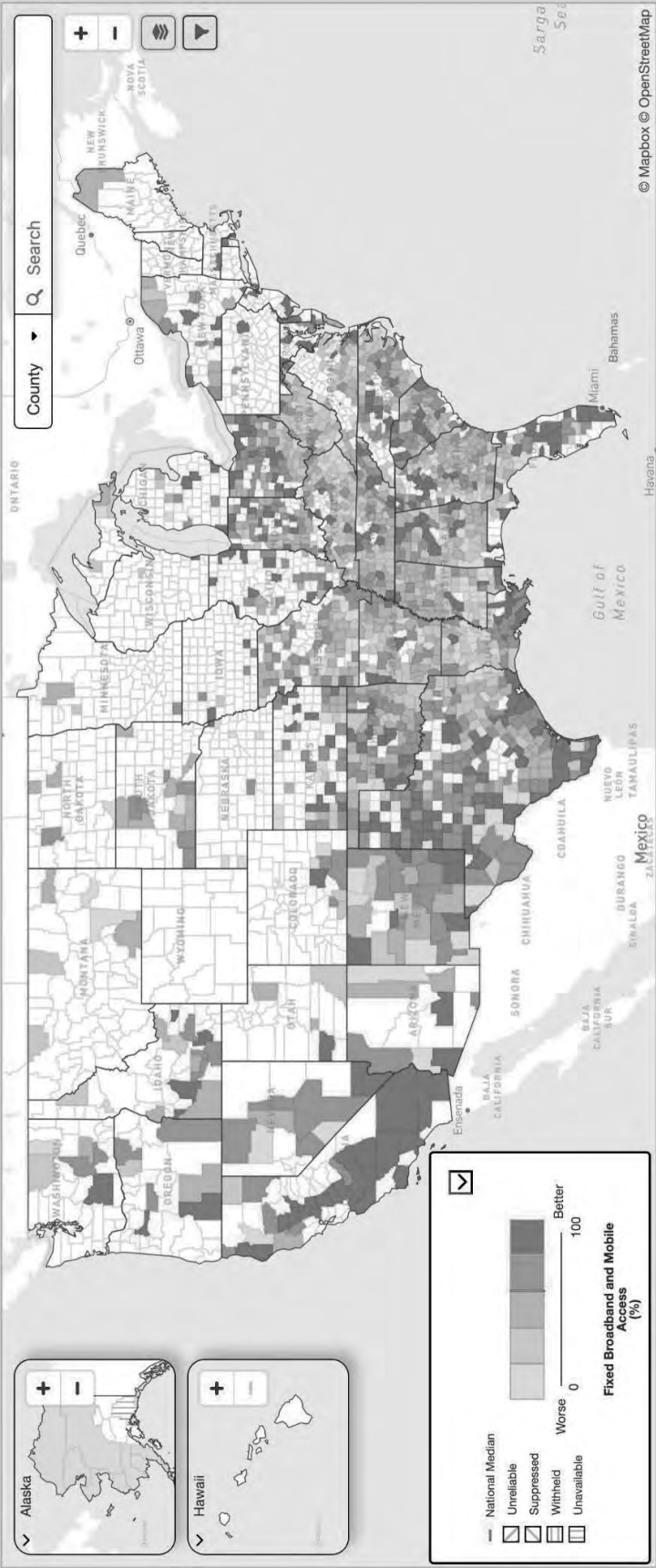


Map 9. HEALTH: Breast Cancer Incidence Filtered by Above-Average Fixed Broadband Access

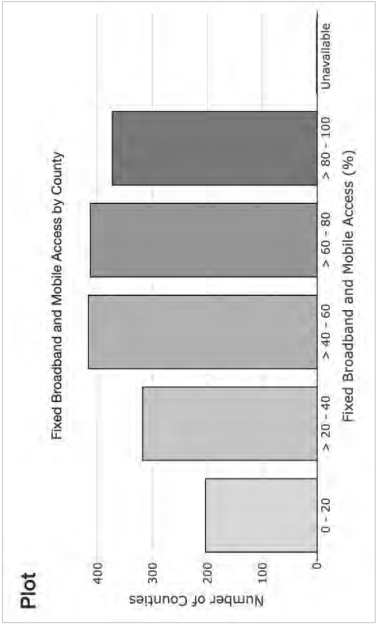


County Categories	Population Count	County Count
○ 52 - 98	4,115,556	94
● > 98 - 143	231,421,595	1,089
● > 143 - 189	45,411,056	228
● > 189 - 234	41,503	5
● > 234 - 280	2,747	1
○ Unreliable	0	0

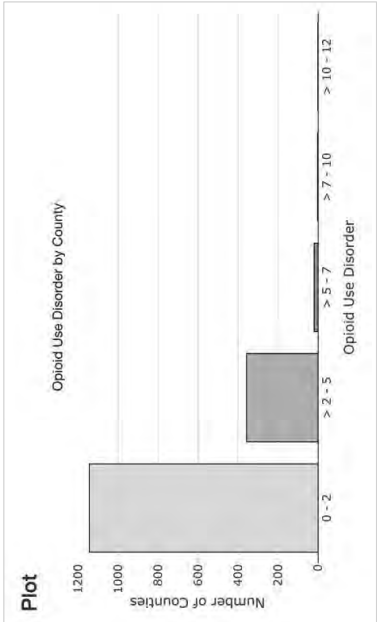
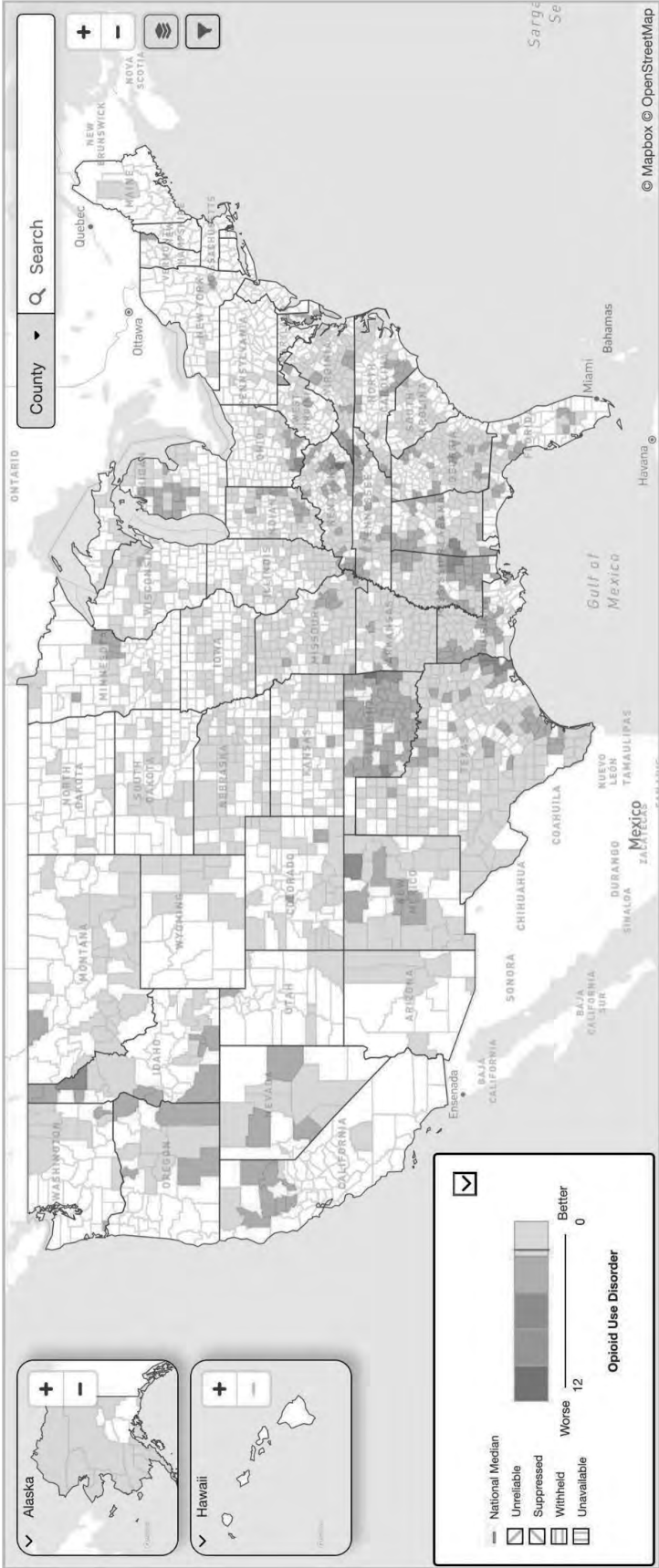
Map 10. BROADBAND: Fixed Broadband and Mobile Access Filtered by Above-Average Diabetes



County Categories	Population Count	County Count
0 - 20 %	2,423,258	203
> 20 - 40 %	5,763,023	318
> 40 - 60 %	11,681,493	417
> 60 - 80 %	18,900,546	413
> 80 - 100 %	132,125,506	373
Unavailable	0	1



Map 11. HEALTH: Opioid Use Disorder Filtered by Below-Average Rates of Internet Adoption (High Speed) (Self-Report)



County Categories	Population Count	County Count
○ 0 - 2	25,197,454	1,144
● > 2 - 5	10,757,946	358
● > 5 - 7	751,379	20
● > 7 - 10	83,423	3
● > 10 - 12	39,840	2

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

In the Matter of	)	
	)	
CALIFORNIA INTERNET, L.P. DBA	)	WT Docket No. 24-150
GEOLINKS	)	
	)	
Request for Modification of LMDS Licenses	)	

PROPOSED ORDER OF MODIFICATION

Adopted: December 12, 2024

Released: December 12, 2024

By the Chief, Broadband Division, Wireless Telecommunications Bureau

I. INTRODUCTION

1. In this *Proposed Order of Modification*, the Broadband Division (Division) of the Wireless Telecommunications Bureau (Bureau), at the request of California Internet, L.P. DBA GeoLinks (GeoLinks),¹ proposes to modify some of GeoLinks' Local Multipoint Distribution Service (LMDS) licenses to substitute unassigned frequencies currently held in Commission inventory for GeoLinks' existing geographically and spectrally separated license holdings. We find that the proposed modifications will promote the public interest, convenience, and necessity by providing GeoLinks with access to more contiguous spectrum, allowing it to improve network performance and lower equipment and deployment costs, which in turn benefits rural consumers who will be able to access robust and affordable broadband service more quickly. We also find that grant of the proposed modifications will increase the utility of the LMDS band overall, by returning spectrum to the Commission for future reassignment that could result in a more valuable set of LMDS licenses in the Commission's current inventory.

II. BACKGROUND

2. LMDS is a geographically-licensed service capable of supporting a variety of fixed point-to-point and point-to-multipoint applications, initially made available for auction in 1998 and 1999.² The band contains a unique band plan with two LMDS licenses in each Basic Trading Area (BTA) – the A Block and B Block licenses.³ The A Block licenses are comprised of 300 megahertz of total bandwidth, and the B Block licenses are comprised of 150 megahertz of total bandwidth.⁴ The A Block consists of the sub bands 29.10-29.25 GHz (the A2 Band) and 31.075-31.225 GHz (the A3 Band).⁵ The B Block

¹ California Internet, L.P. DBA GeoLinks, Request for Modification, WT Docket No. 24-150 (filed Mar. 18, 2024) (*GeoLinks Request*).

² *LMDS Auction Closes*, Public Notice, Auction No. 17, DA 98-572, 13 FCC Rcd 18217 (1998); *see also Local Multipoint Distribution Service Auction Closes*, Public Notice, Auction No. 23, DA 99-927, 14 FCC Rcd 8543 (1999).

³ *See* 47 CFR § 101.1005.

⁴ *See id.*

⁵ *See id.* The 27.5-28.35 GHz band was originally part of LMDS (as the A1 Band) but was converted to the Upper Microwave Flexible Use Service in 2016. *See* 47 CFR § 30.102.

consists of the sub bands 31.00-31.075 (the B1 Band) and 31.225-31.30 GHz (the B2 Band).⁶ As a result of the distinctive configuration of this band, a licensee must hold both the A and B block licenses to obtain more than 125 megahertz of contiguous LMDS spectrum.

3. GeoLinks is a telecommunications company that uses a combination of fixed wireless and fiber technology to serve commercial, residential, and community anchor institution customers in California and in parts of Nevada and Arizona.⁷ It currently holds 51 active LMDS licenses, which are the subject of this Order. GeoLinks acquired nearly all of its LMDS licenses from Cellco Partnership and Straight Path Spectrum, LLC (both wholly-owned subsidiaries of Verizon Communications Inc.) in 2021 and 2022.⁸ GeoLinks is a participant in the Commission's Connect America Fund Phase II (CAFI) and Rural Digital Opportunity Fund (RDOF) programs.⁹ With funding from these programs, GeoLinks asserts that it is "on track to offer service to nearly 47,000 locations across Arizona, California, and Nevada that lack access to high-speed broadband services."¹⁰

4. *Modification Request.* In its Request for Modification, GeoLinks asks the Commission to modify 32 of its 51 active LMDS licenses to substitute unassigned licenses currently held by the Commission, and proposes to return the remaining licenses to the Commission's inventory.¹¹ Of the 32 modifications, 30 involve changes in the geographic areas covered by the license; in other words, the modification sought would change the BTA in which the license authorizes operations. The remaining two requested modifications seek changes to both the BTA and frequency assignment within the LMDS band (from the B-Block to the A-Block).¹² GeoLinks proposes to return the remaining 19 active LMDS licenses to the Commission.¹³

5. GeoLinks asserts that the requested modifications would provide it with an LMDS license portfolio that is more contiguous and compact, making the expansion and operation of its high-speed wireless broadband network more efficient and more cost-effective.¹⁴ GeoLinks further states that it would surrender more licenses, more markets, and more MHz-pops than it would receive, and that consolidating A and B license blocks and gaining contiguous spectrum would result in more efficient and economic deployment targeted to rural and underserved areas in its core service areas.¹⁵ According to GeoLinks, the Commission would gain 19 licenses and 28.7 million MHz-POPs as a result of the proposed modifications and relinquishments.¹⁶

⁶ See 47 CFR § 101.1005.

⁷ *GeoLinks Request* at 4.

⁸ See ULS File Nos. 0009453478, 0009453483, 0009586193, 0010012142, and 0010012115. GeoLinks also acquired one LMDS license from Nsight Spectrum, LLC in 2021. See ULS File No. 0009746433.

⁹ *GeoLinks Request* at 5.

¹⁰ *Id.*

¹¹ *Id.* at 7.

¹² *Id.* Exhibit 1 to the *GeoLinks Request* provides details on the BTA (and where applicable, spectrum block) for the requested modification of each GeoLinks license.

¹³ *Id.* Exhibit 2 to the *GeoLinks Request* lists the 19 licenses that it proposes to return to inventory.

¹⁴ *Id.* at 3.

¹⁵ *Id.* at 2.

¹⁶ *Id.* at Exhibit 2.

6. *The Record.* The Wireless Telecommunications Bureau put GeoLinks' Request for Modification out for comment on May 17, 2024.¹⁷ Cambridge Broadband Networks Group (CBNG),¹⁸ WISPA – The Association for Broadband Without Boundaries (WISPA),¹⁹ and SAF Tehnika JSC (SAF)²⁰ filed comments in support of GeoLinks' request. Iridium Constellation LLC (Iridium) neither supported nor opposed the request,²¹ but noted certain limitations on GeoLinks operations under the applicable part 101 rules.

7. Both CBNG and SAF have been working with GeoLinks to develop technology for use in the LMDS bands. CBNG develops and deploys advanced millimeter-wave (mmW) solutions, particularly in the licensed point-to-multipoint microwave and mmW backhaul and fixed wireless access (FWA) markets.²² CBNG developed and sold equipment to GeoLinks and other LMDS licensees designed to operate separately on the A2/A3 blocks or on the B block and is working closely with GeoLinks to develop 5G FWA technology that combines the LMDS A3 and B bands, creating 300 megahertz of contiguous spectrum. CBNG states that grant of the requested modifications would enable GeoLinks to use this technology to provide greater bandwidth to customers than current LMDS products on the market can provide.²³

8. SAF develops high-capacity point-to-point (PTP) microwave radios that can deliver throughput of over 1 Gbps.²⁴ SAF began working with GeoLinks in 2022 to develop a version of SAF's Integra-X PTP radio for operation using LMDS bands, which can deliver over 4 Gbps of throughput and is well suited as a backhaul alternative to fiber, especially in more rural areas.²⁵ SAF argues that the proposed license modifications would allow GeoLinks to deploy LMDS spectrum to support a highly reliable, high-capacity broadband wireless solution in a far broader geographic area, and that having access to both the A and B blocks across GeoLinks' western footprint will also better support an architecture of high-capacity PTP radios for backhaul and point-to-multipoint systems for high-capacity residential access.²⁶

9. WISPA is a trade association that represents the interests of the evolving wireless internet service provider (WISP) ecosystem.²⁷ WISPA echoed GeoLinks' arguments in support of the modification request, and noted the benefit to the Commission of having more contiguous spectrum returned to its inventory that could be made available to future licensees.²⁸

¹⁷ *Wireless Telecommunications Bureau Seeks Comment on GeoLinks' Request for Modification of Local Multipoint Distribution Service Licenses*, Public Notice, DA 24-468, WT Docket No. 24-150 (rel. May 17, 2024).

¹⁸ Comments of Cambridge Broadband Networks Group, WT Docket No. 24-150 (June 17, 2024) (*CBNG Comments*).

¹⁹ Comments of WISPA – The Association for Broadband Without Boundaries, WT Docket No. 24-150 (June 17, 2024) (*WISPA Comments*).

²⁰ Reply Comments of SAF Tehnika JSC, WT Docket No. 24-150 (July 2, 2024) (*SAF Reply Comments*).

²¹ Comments of Iridium Constellation LLC, WT Docket No. 24-150 (June 17, 2024) (*Iridium Comments*).

²² *CBNG Comments* at 1.

²³ *Id.* at 2.

²⁴ *SAF Reply Comments* at 1.

²⁵ *Id.*

²⁶ *Id.* at 1-2.

²⁷ About WISPA, available at <https://www.wispa.org/about-us/> (last visited Aug. 27, 2024).

²⁸ *WISPA Comments* at 1-2.

10. Iridium noted for the record that, pursuant to section 101.103(h)(1)(i) of the Commission's rules, GeoLinks must accept any interference caused to its receive stations operating on frequencies in the 29.1-29.25 GHz band within a radius of 75 nautical miles of the geographic coordinates provided by a non-geostationary mobile satellite service (NGSO MSS) licensee for a protection zone (the "feeder link earth station complex protection zone"), and must not claim any interference protection from such earth station complexes.²⁹ In its reply comments, GeoLinks acknowledged Iridium's comments,³⁰ and expressed its commitment to ensuring compliance with all relevant Commission rules and regulations, including those identified by Iridium.³¹

III. DISCUSSION

11. Section 316(a)(1) of the Communications Act of 1934, as amended (Act), authorizes the Commission to modify any station license "if in the judgment of the Commission such action will promote the public interest, convenience, and necessity, or the provisions of this chapter [i.e., the Act] or of any treaty ratified by the United States will be more fully complied with."³² The Commission's authority to modify licenses under section 316(a)(1) is well established. The U.S. Court of Appeals for the District of Columbia Circuit has recognized the Commission's "broad power to modify licenses" under section 316(a)(1), explaining that the Commission "need only find that the proposed modification serves the public interest, convenience and necessity."³³

12. We have carefully reviewed the *GeoLinks Request* and the entire record before us and find that the proposed modifications will promote the public interest, convenience, and necessity under section 316(a)(1) of the Act. Significantly, the proposed modifications will enable GeoLinks to rationalize its LMDS spectrum holdings by providing access to more contiguous spectrum, which will allow GeoLinks to improve its network performance and lower its equipment and deployment costs, particularly in its CAF and RDOF markets.³⁴ This will benefit rural consumers who would be able to access robust and affordable broadband service more quickly.³⁵

13. The proposed modifications will also enable GeoLinks to expand its current footprint in a cost-effective manner to provide neighboring communities with high-speed service.³⁶ With access to

²⁹ *Iridium Comments* at 1. Iridium has a feeder link protection zone in the Phoenix, Arizona MSA that employs the 29.1-29.25 GHz band for Iridium's NGSO MSS feeder links. *Id.* at 1-2.

³⁰ 47 CFR § 101.103(h)(1)(i).

³¹ Reply Comments of California Internet, L.P. DBA GeoLinks, WT Docket No. 24-150 (July 2, 2024) (*GeoLinks Reply Comments*), at 3.

³² 47 U.S.C. § 316(a)(1).

³³ *California Metro Mobile Communications v. FCC*, 365 F.3d 38, 45 (D.C. Cir. 2004). *See also Establishing Rules and Policies for the Use of Spectrum for Mobile Satellite Services in the Upper and Lower L-Band*, Report and Order, IB Docket 96-132, 17 FCC Rcd 2704, 2714, para. 25 (2002) (citing *Rainbow Broadcasting Co. v. FCC*, 949 F.2d 405 (D.C. Cir. 1991), noting the court's finding that "the Commission is afforded significant latitude when it exercises its Section 316 authority") (subsequent history omitted).

³⁴ *GeoLinks Request* at 6. *See also WISPA Comments* at 3.

³⁵ *WISPA Comments* at 2; *CBNG Comments* at 2 (noting that grant of the proposed license modifications "would increase the utility of [CBNG's] technology by empowering GeoLinks to deploy it more efficiently in areas of the country desperately in need of better and more broadband options.").

³⁶ *GeoLinks Request* at 11. *See also SAF Reply Comments* at 1-2 (stating "[g]ranting the proposed license modifications would allow GeoLinks to deploy LMDS spectrum to support a highly reliable, high-capacity broadband wireless solution in a far broader geographic area.").

contiguous blocks of spectrum that can deliver gigabit-plus connections, the company will be better able to use its spectrum assets to meet its RDOF commitments.³⁷

14. Further, the proposed modifications will allow GeoLinks to better utilize existing backhaul and middle-mile infrastructure currently available in expansion areas, and eliminate the need for redundant network construction to either reach license areas or avoid interference in non-license areas.³⁸ Relatedly, GeoLinks will be less reliant on existing middle mile and backhaul connection points to reach RDOF award areas. This is particularly beneficial in very rural areas where such connection points are often limited.³⁹

15. Significantly, grant of the proposed modifications could increase the utility of the LMDS band overall, by returning spectrum to the Commission for future reassignment that could create synergies with existing LMDS licenses in inventory. This could result in a more valuable set of LMDS licenses in the Commission's current inventory, including several dozen geographic areas in which both LMDS blocks would newly be available.⁴⁰ In total, the Commission would end up with a net gain of LMDS spectrum inventory (19 additional licenses), 48 license areas in which both the A- and B-Block would become available, and more MHz-POPs (specifically, a net gain of 28,722,600).⁴¹ We agree with WISPA that a grant of GeoLinks' proposed modification would allow the Commission to better rationalize commercial spectrum holdings and its own spectrum inventory.⁴²

16. Further, grant of the requested modifications will not harm other licensees. We note that no party objected to GeoLinks proposal; only Iridium submitted comments into the record expressing any concern regarding interference issues. In response, GeoLinks acknowledged Iridium's comments on LMDS licensees' obligations,⁴³ and committed to ensuring compliance with all relevant Commission rules and regulations, including those identified by Iridium.⁴⁴ Also, none of the 32 requested modifications would result in GeoLinks acquiring rights that overlap with any active LMDS authorization, or otherwise create an encumbrance on another authorized licensee's rights.⁴⁵ GeoLinks also stated that the requested modifications would also not result in a loss of any rights for other stakeholders relying on the company's 51 licenses (e.g., spectrum lessees).⁴⁶

17. We also determine that grant of the proposed modifications is consistent with precedent in situations where the Commission has exchanged comparable spectrum and amended the geographic locations of licenses to rationalize a licensee's and the Commission's spectrum holdings.⁴⁷ For example, in 2016, the Commission issued a proposed order of modification "authorizing the use of spectrum from the Commission's inventory . . . [in] return [for] comparable spectrum" that would "become unassigned

³⁷ *GeoLinks Request* at 12.

³⁸ *Id.* at 11. See also *SAF Reply Comments* at 1-2 (stating "[h]aving access to both the A and B blocks across GeoLinks' western footprint will also better support an architecture of high-capacity PTP radios . . . for backhaul and point-to-multipoint systems for high-capacity residential access.").

³⁹ *GeoLinks Request* at 12.

⁴⁰ *Id.* at 6.

⁴¹ *Id.* at 12.

⁴² *WISPA Comments* at 2.

⁴³ 47 CFR § 101.103(h)(1)(i).

⁴⁴ *GeoLinks Reply Comments* at 3.

⁴⁵ *GeoLinks Request* at 10.

⁴⁶ *Id.* at 10.

⁴⁷ *Id.* at 14-19.

and available for future disposition as determined by the Commission.”⁴⁸ In that case, the Commission modified a license held by the Metropolitan Transportation Authority (MTA) by granting the use of then-unassigned spectrum in parts of New York and Connecticut not previously covered by MTA’s license.⁴⁹ In exchange, MTA returned to the Commission an equal amount of spectrum from other counties also covered by the license. In granting MTA’s request, the Commission concluded that: (1) Section 316 of the Act authorized it to effectuate the spectrum swap through its license modification authority; and (2) the swap would promote the public interest and enhance public safety by enabling MTA to complete its network deployment for positive train control (PTC).⁵⁰ The Commission also found that the public interest was served because the swap increased the Commission’s spectrum inventory by a net 46,951 MHz-POPs.⁵¹

18. Most recently, in 2023, the WTB granted a similar modification request from MTA. This time, the modification involved two MTA licenses. Specifically, WTB altered the geographic location of authorized frequencies by adding spectrum to one license while removing the same amount of spectrum from a different MTA license.⁵² Like before, the Commission swapped an identical amount of spectrum but increased the amount of MHz-POPs in its inventory – this time, 74,590 MHz-POPs – “for future disposition.”⁵³

19. Here, we find that GeoLinks’ proposal represents a combination of geographic and spectrum swaps with similar public interest benefits. First, compared to the total 121,541 MHz-POPs the Commission netted through both MTA modifications described above, this proposal would result in the Commission gaining a net 28,722,600 MHz-POPs. Also, unlike the MTA modifications, the proposed modifications here would result in the Commission gaining 19 LMDS licenses (as well as more geographically contiguous and paired spectrum blocks) for its inventory. Finally, like the MTA swaps, GeoLinks’ proposed use of the spectrum is not speculative. The spectrum would add capacity to GeoLinks’ existing and growing network. Similar to MTA’s need for new spectrum to expand PTC across its rail network and fill in coverage gaps, GeoLinks is targeting licenses that overlap with and fill in its RDOF support areas or otherwise complement its existing footprint.⁵⁴ We agree, and find that granting the GeoLinks proposal is consistent with past Commission decisions.

20. As discussed above, our decision that the proposed modifications would promote the public interest is based upon the specific circumstances presented by GeoLinks in this matter. These circumstances include GeoLinks’ plan to focus its operations within its core area; the unique nature of the LMDS band plan that makes it difficult to obtain a meaningful amount of contiguous spectrum; the

⁴⁸ *Metropolitan Transportation Authority*, Proposed Order of Modification and Order on Reconsideration, 31 FCC Rcd 1436, para. 3 (2016) (“2016 Swap Order”). See also *Metropolitan Transportation Authority*, Order of Modification, 31 FCC Rcd 8862 (WTB 2016).

⁴⁹ *2016 Swap Order*, 31 FCC Rcd at 8862, para. 3.

⁵⁰ *Id.* at 8863, para. 3.

⁵¹ The Commission also found that the public interest was served because the swap increased the Commission’s spectrum inventory by a net 46,951 MHz-POPs. *2016 Swap Order*, 31 FCC Rcd at 8883, para. 62.

⁵² *Metropolitan Transit Authority*, Order of Modification, DA 23-951, para. 1 (WTB MD rel. Oct. 13, 2023) (“2023 Swap Order”) (“[W]e modify (a) Station KIVD0002, by authorizing the use of an additional 250 kilohertz of spectrum from the Commission’s inventory in four counties in New York and Connecticut . . . and (b) Station KIVD0001, by deleting the authorization to use 250 kilohertz of spectrum in five New Jersey counties, returning it to the Commission’s inventory for future disposition as determined by the Commission.”).

⁵³ *2023 Swap Order* at para. 12.

⁵⁴ *GeoLinks Request* at 16.

impact that this band plan has had on LMDS network construction;⁵⁵ GeoLinks' proposal to return a number of licenses to the Commission; and the fact that the Commission will receive a net gain in spectrum under the proposal. Taken together, these circumstances support our finding that the proposed modification will promote the public interest, convenience, and necessity.

21. In view of the foregoing and pursuant to section 316(a)(1) of the Act, we hereby propose to modify GeoLinks' licenses as outlined in Exhibit 1 of this Proposed Order of Modification. Any modifications would be subject to the condition that GeoLinks turn in for cancellation the licenses listed in Exhibit 2 within 15 days after release of an *Order of Modification*.

22. Section 316(a)(1) of the Act provides that no proposed order of modification shall become final until the license holder has been provided at least 30 days to protest the proposed order; the Commission may establish a shorter period where the safety of life or property is involved.⁵⁶ We will provide GeoLinks 30 days from the release date of this Proposed Order of Modification to file a protest. Section 316(a)(2) of the Act provides that "[a]ny other licensee or permittee who believes its license or permit would be modified by the proposed action may also protest the proposed action before its effective date."⁵⁷ Section 316(a)(3) provides that "[a]ny protest filed . . . shall be subject to the requirements of section 309, for petitions to deny."⁵⁸ Section 309(d) in turn provides that a petition to deny must "show that the petitioner is a party in interest," that is, has standing, and that the Commission's action would be contrary to the public interest.⁵⁹

IV. CONCLUSION AND ORDERING CLAUSES

23. For the reasons stated above, we propose to modify the LMDS licenses as requested by GeoLinks and specified in Exhibit 1 of this *Proposed Order of Modification*.

24. Accordingly, IT IS ORDERED that, pursuant to sections 4(i), 303(r), and 316(a)(1) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(r), 316(a)(1), and section 1.87 of the Commission's Rules, 47 CFR § 1.87, this *Proposed Order of Modification* IS ADOPTED.

25. FURTHER, IT IS PROPOSED that, pursuant to sections 4(i) and 316(a) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 316(a), and section 1.87 of the Commission's Rules, 47 CFR § 1.87, the LMDS licenses specified in Exhibit 1 BE MODIFIED consistent with this *Proposed Order of Modification*.

26. IT IS FURTHER ORDERED that, pursuant to section 316(a)(1) of the Communications Act of 1934, as amended, 47 U.S.C. § 316(a)(1), the Wireless Telecommunications Bureau SHALL SEND this *Proposed Order of Modification* by certified mail, return receipt requested, to GeoLinks.

⁵⁵ The licenses in question have met their construction requirement through a demonstration of substantial service. See 47 CFR § 101.1011. GeoLinks will need to comply with the service and operational requirements applicable to LMDS licenses when it seeks renewal of these licenses. See 47 CFR §§ 1.907 (including LMDS in the definition of Covered Geographic Area Licenses), 1.949(d), *et seq.*

⁵⁶ 47 U.S.C. § 316(a)(1). See also 47 CFR § 1.87(a) (implementing 47 U.S.C. § 316(a)(1)).

⁵⁷ 47 U.S.C. § 316(a)(2). See also 47 CFR § 1.87(c) (implementing 47 U.S.C. § 316(a)(2)).

⁵⁸ 47 U.S.C. § 316(a)(3). See also 47 CFR § 1.87(d) (implementing 47 U.S.C. § 316(a)(3)).

⁵⁹ 47 U.S.C. § 309(d). See also 47 CFR § 1.939 (petitions to deny).

27. This action is taken under delegated authority pursuant to sections 0.131 and 0.331 of the Commission's Rules, 47 CFR §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Blaise A. Scinto
Chief, Broadband Division
Wireless Telecommunications Bureau

Exhibit 1

The licenses on the left side of the chart are the licenses as currently held by GeoLinks. Under the proposed modifications, the licenses would be modified as reflected on the right hand side of the chart. For example, the market for WPOH769 would change from Atlantic City, New Jersey to Bakersfield, California.

Market	BTA	Call Sign	A Block	B Block	MHz	MHZ/Pops	→	Market	BTA	Call Sign	A Block	B Block	MHz	MHZ/Pops
Atlantic City, NJ	025	WPOH769	x		300	111,544,200		Bakersfield, CA	028	WPOH769	X		300	251,889,300
Danville, VA	104	WPLM308	x		300	49,956,300		Eureka, CA	134	WPLM308	X		300	48,969,900
Huntsville, AL	198	WPLM431	x		300	179,160,000		Flagstaff, AZ	144		X		300	40,326,300
\Kingsport, TN- Johnson City, TN- Bristol, VA-TN	229	WPLM310	x		300	223,002,000		Gallup, NM	162		X		300	42,903,000
Knoxville, TN	232	WPOH981	x		300	377,687,400		Merced, CA	291		x		300	82,213,200
Martinsville, VA	284	WPLM309	x		300	25,938,600		Nogales, AZ	322	WPLM309	X		300	14,226,000
Presque Isle, ME	363	WPOH763	x		300	21,561,000		Prescott, AZ	362		X		300	63,309,900
Richmond-Petersburg, VA	374	WPOH972	x		300	425,352,900		Reno, NV	372	WPOH972	X		300	211,366,500
Roanoke, VA	376	WPLM307	x		300	211,990,500		Sierra Vista-Douglas, AZ	420	WPLM307	X		300	39,403,800
Anniston, AL	017	WPOH878		X	150	25,558,350		Visalia-Porterville-Hanford, CA	458	WPOH878	X		300	178,548,300

Bangor, ME	030	WPOH756		x	150	50,588,100		Yuma, AZ	486	WPOH756	X		300	58,725,300
Binghamton, NY	043	WPOH698		x	150	51,833,700		Bakersfield, CA	028	WPOH698		x	150	125,944,650
Bluefield, WV	048	WPOH825		x	150	24,056,550		El Centro-Calexico, CA	124	WPOH825		x	150	26,179,200
Blytheville, AR	049	WPOH869		x	150	9,716,400		Eureka, CA	134	WPOH869		x	150	24,484,950
Burlington, VT	063	WPOH697		x	150	63,868,650		Flagstaff, AZ	144	WPOH697		x	150	20,163,150
Charleston, WV	073	WPOH823		x	150	72,061,950		Fresno, CA	157	WPOH823		x	150	162,197,250
Cumberland, MD	100	WPOH778		x	150	25,394,550		Gallup, NM	162	WPOH778		x	150	21,451,500
Dothan-Enterprise, AL	115	WPOH875		x	150	36,875,700		Las Vegas, NV	245	WPOH875		x	150	330,229,350
Dover, DE	116	WPOH770		x	150	58,878,150		Merced, CA	291	WPOH770		x	150	41,106,600
El Dorado-Magnolia-Camden, AR	125	WPOH915		x	150	14,651,850		Modesto, CA	302	WPOH915		x	150	85,472,700
Fayetteville-Lumberton, NC	141	WPOH732		x	150	108,536,400		Nogales, AZ	322	WPOH732		x	150	7,113,000
Florence, AL	146	WPOH877		x	150	29,379,300		Phoenix, AZ	347	WPOH877		x	150	663,011,850
Fredericksburg, VA	156	WPOH781		x	150	32,439,900		Prescott, AZ	362	WPOH781		x	150	31,654,950
Goldsboro-Kinston, NC	165	WPOH740		x	150	39,297,750		Redding, CA	371	WPOH740		x	150	44,905,800
Greenville-Washington, NC	176	WPOH739		x	150	42,770,850		Reno, NV	372	WPOH739		x	150	105,683,250

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Hammond, LA	180	WPOH820		x	150	19,845,000	Salinas-Monterey, CA	397	WPOH820		x	150	62,258,550
Harrison, AR	182	WPOH917		x	150	14,629,050	Salt Lake City-Ogden, UT	399	WPOH917		x	150	289,099,950
Hot Springs, AR	193	WPOH914		x	150	22,458,750	San Luis Obispo, CA	405	WPOH914		x	150	40,445,550
Houma-Thibodaux, LA	195	WPOH816		x	150	42,937,350	Santa Barbara-Santa Maria, CA	406	WPOH816		x	150	63,584,250
Huntsville, AL	198	WPOH873		x	150	89,580,000	Sierra Vista-Douglas, AZ	420	WPOH873		x	150	19,701,900
Hyannis, MA	201	WPOH758		x	150	36,389,250	Tucson, AZ	447	WPOH758		x	150	147,039,450
Ithaca, NY	208	WPOH623		x	150	15,234,600	Yuma, AZ	486	WPOH623		x	150	29,362,650

Exhibit 2

License to be Relinquished by GeoLinks
(All B block licenses with 150 megahertz of spectrum)

Market	BTA	Call Sign	MHz-Pops
Jackson, TN	211	WPOH865	44,976,450
Jonesboro-Paragould, AR	219	WPOH912	29,775,000
Keene, NH	227	WPOH762	18,244,500
Kingsport, TN-Johnson City, TN-Bristol, VA-TN	229	WPOH921	111,501,000
Lewiston-Auburn, ME	251	WPOH757	34,403,700
Lufkin-Nacogdoches, TX	265	WPOH801	26,211,750
Lynchburg, VA	266	WPOH851	26,660,400
Marion, IN	280	WPOH889	15,442,350
Owensboro, KY	338	WPOH858	25,513,950
Paducah-Murray-Mayfield, KY	339	WPOH857	35,494,050
Parkersburg, WV-Marietta, OH	342	WPOH905	27,019,800
Pine Bluff, AR	348	WPOH913	21,492,450
Plattsburgh, NY	352	WPOH702	18,224,700
Poughkeepsie-Kingston, NY	361	WPOH696	71,997,150
Richmond-Petersburg, VA	374	WPOH848	212,676,450
Rocky Mount-Wilson, NC	382	WPOH741	35,043,900
Russellville, AR	387	WPOH916	16,421,850
Salisbury, MD	398	WPOH777	31,391,250
Watertown, NY	463	WPOH701	46,028,850



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
45 L STREET NE
WASHINGTON D.C. 20554

News media information 202-418-0500
Internet: <http://www.fcc.gov> (or <ftp.fcc.gov>)
TTY (202) 418-2555

DA No. 24-1248

Report No. SAT-01880

Friday December 13, 2024

Satellite Licensing Division and Satellite Programs and Policy Division Information

Actions Taken

The Commission, by its Space Bureau, took the following actions pursuant to delegated authority. The effective date of these actions is the release date of this Notice, except where an effective date is specified.

SAT-LOA-20240417-00081	E S3194	Impulse Space, Inc.	
Launch and Operating Authority			
Grant of Authority			Effective Date: 12/09/2024

Nature of Service: Other

On December 9, 2024, the Satellite Programs and Policy Division granted, with conditions, authority to Impulse Space Inc. to deploy and operate one non-geostationary orbit space station, to be known as Impulse-2, that will also deploy two customer satellites. Impulse is authorized to operate the space station at an altitude of 510 kilometers (+/- 20 kilometers) and an inclination of 97.5 degrees (+/- 2.0 degrees), with operations continuing as the space station deorbits, to an altitude as low as 450 kilometers. Impulse is authorized to operate in the following frequency bands: 2200-2290 MHz (space-to-Earth) (outside the United States only), 2025-2110 MHz (Earth-to-space), and 8450-8500 MHz (space-to-Earth).

SAT-STA-20241025-00236	E S2385	Intelsat License LLC	
Special Temporary Authority			
Grant of Authority			Effective Date: 12/11/2024

Application listed as granted in ICFS to reflect continuing operations pursuant to section 1.62 of the Commission's rules. 47 CFR § 1.62

SAT-STA-20241028-00237	E S3083	Intelsat License LLC	
Special Temporary Authority			
Grant of Authority			Effective Date: 12/11/2024

Application listed as granted in ICFS to reflect continuing operations pursuant to section 1.62 of the Commission's rules. 47 CFR § 1.62

SAT-STA-20241107-00254	E S2368	Intelsat License LLC	
Special Temporary Authority			
Grant of Authority			Effective Date: 12/11/2024

On December 11, 2024, the Satellite Programs and Policy Division granted, with conditions, special temporary authority to Intelsat License LLC, for an additional period of 30 days, to conduct telemetry, tracking and command (TT&C) operations necessary to deorbit Intelsat 1R from the 157.1° E.L. orbital location. Intelsat conducts TT&C using the following center frequencies: 11696 MHz and 11697 MHz (space-to-Earth); and 13995 MHz and 14498.5 MHz (Earth-to-space).

SAT-STA-20241125-00269	E	S2385	Intelsat License LLC	
Special Temporary Authority				
Grant of Authority				Effective Date: 12/11/2024

On December 11, 2024, the Satellite Programs and Policy Division granted, with conditions, special temporary authority to Intelsat License LLC, for an additional period of 30 days, to conduct telemetry, tracking and command operations necessary to deorbit Galaxy 14 from the 32.9° E.L. orbital location using the center frequencies of 4198.0 MHz and 4199.875 MHz (space-to-Earth), and 6420.5 MHz (Earth-to-space).

SAT-STA-20241126-00272	E	S3083	Intelsat License LLC	
Special Temporary Authority				
Grant of Authority				Effective Date: 12/11/2024

On December 11, 2024, the Satellite Programs and Policy Division granted, with conditions, special temporary authority to Intelsat License LLC, for an additional period of 30 days, to operate the Galaxy 34 satellite at 129.0° W.L. with new seasonal coverage in the 3700-4200 MHz (space-to-Earth) and 5925-6425 MHz (Earth-to-space) bands.

For more information concerning this Notice, contact the Satellite Licensing Division and Satellite Programs and Policy Division at (202) 418-0719.



PUBLIC NOTICE

Federal Communications Commission
45 L Street, NE
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>

DA 24-1249

Released: December 13, 2024

COMMENTS INVITED ON SECTION 214 APPLICATION(S) TO DISCONTINUE DOMESTIC NON-DOMINANT CARRIER TELECOMMUNICATIONS SERVICES

WC Docket No(s). 24-124

Comments Due: December 30, 2024

Unless otherwise specified, the following procedures and dates apply to the application(s) (the Section 214 Discontinuance Application(s)) listed in the Appendix.

The Wireline Competition Bureau (Bureau), upon initial review, has found the Section 214 Discontinuance Application(s) listed herein to be acceptable for filing and subject to the procedures set forth in Section 63.71 of the Commission's rules.¹ The application(s) request authority, under section 214 of the Communications Act of 1934, as amended,² and section 63.71 of the Commission's rules,³ to discontinue, reduce, or impair certain domestic telecommunications service(s) (Affected Service(s)) in specified geographic areas (Service Area(s)) as applicable and as fully described in each application.

In accordance with section 63.71(f) of the Commission's rules, the Section 214 Discontinuance Application(s) listed in the Appendix will be deemed granted automatically on **January 13, 2025**, the 31st day after the release date of this public notice, unless the Commission notifies any applicant(s) that their grant will not be automatically effective.⁴ We note that the date on which an application for Commission authorization is deemed granted may be different from the date on which applicants are authorized to discontinue, reduce, or impair service ("Authorized Date"). Any applicant whose application has been deemed granted may discontinue, reduce or impair their Affected Service(s) in their Service Area(s) on or after the authorized date(s) specified in the Appendix, in accordance with their filed representations. Accordingly, pursuant to section 63.71(f), and the terms outlined in each application, absent further Commission action, each applicant may discontinue, reduce or impair the Affected Service(s) in the Service Area(s) described in their application on or after the authorized discontinuance date(s) listed in the Appendix for that application. For purposes of computation of time when filing a petition for reconsideration, application for review, or petition for judicial review of the Commission's decision(s), the date of "public notice" shall be the later of the auto grant date stated above in this Public Notice, or the release date(s) of any further public notice(s) or order(s) announcing final Commission

¹ 47 CFR § 63.71.

² 47 U.S.C. § 214.

³ 47 CFR § 63.71.

⁴ See 47 CFR § 63.71(f) (stating, in relevant part, that an application filed by a non-dominant carrier "shall be automatically granted on the 31st day... unless the Commission has notified the applicant that the grant will not be automatically effective.").

action, as applicable. Should no petitions for reconsideration, applications for review, or petitions for judicial review be timely filed, the proceeding(s) listed in this Public Notice shall be terminated, and the docket(s) will be closed.

Comments objecting to any of the applications listed in the Appendix must be filed with the Commission on or before **December 30, 2024**.⁵ Comments should refer to the specific WC Docket No. and Comp. Pol. File No. listed in the Appendix for the particular Section 214 Discontinuance Application that the commenter intends to address. Comments should include specific information about the impact of the proposed discontinuance on the commenter, including any inability to acquire reasonable substitute service. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.⁶ Comments may be filed electronically using the Internet by accessing the ECFS: <http://apps.fcc.gov/ecfs>. Filers should follow the instructions provided on the Web site for submitting comments. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket number.

Parties who choose to file paper copies must file an original and one copy of each filing. Such filings can be sent by hand or messenger delivery, by commercial courier, or by the U.S. Postal Service. All filings must be addressed to the Secretary, Federal Communications Commission. Hand-delivered or messenger-delivered paper filings for the Commission's Secretary are accepted between 8:00 a.m. and 4:00 p.m. by the FCC's mailing contractor at 9050 Junction Drive, Annapolis Junction, MD 20701. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building. Commercial courier deliveries (any deliveries not by the U.S. Postal Service) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701. Filings sent by U.S. Postal Service First-Class Mail, Priority Mail, and Priority Mail Express must be sent to 45 L Street NE, Washington, DC 20554.

This proceeding shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.⁷ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations,

⁵ Comments are normally due 15 days after the Commission releases public notice of the proposed discontinuance. 47 CFR § 63.71(a). For purposes of computation of time, if the comment deadline falls on a weekend or officially recognized Federal legal holiday, however, comments will be due on the next business day. See 47 CFR § 1.4(e) and (j).

⁶ See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

⁷ 47 CFR § 1.1200 *et seq.*

and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (TTY).

For further information, please see the contact(s) for the specific discontinuance proceeding you are interested in as listed in the Appendix. For further information on procedures regarding section 214 please visit <https://www.fcc.gov/encyclopedia/domestic-section-214-discontinuance-service>.

– FCC –

Appendix

- 1) **Applicant(s): Cincinnati Bell Telephone Company LLC d/b/a altafiber Network Solutions and its subsidiary, Cincinnati Bell Extended Territories LLC d/b/a altafiber connected services (altafiber)**

WC Docket No. 24-124, Comp. Pol. File No. 1907

Link – [https://www.fcc.gov/ecfs/search/search-filings/results?q=\(proceedings.name:\(%2224-124%22\)\)](https://www.fcc.gov/ecfs/search/search-filings/results?q=(proceedings.name:(%2224-124%22)))

Affected Service(s) – Voice Grade 2W and 4W Analog Circuits; Digital Data Service (DDS) MercLink; DS1 MercNET 1.5; DS3 MercNet 45; Point-to-Point SONET with OC-3, OC-12, OC-48 and OC-192; Dedicated Ring SONET with OC-3, O-12, OC-48, and OC-192; Ethernet over SONET; Shared SONET; and 3 MB High Capacity Service, 4.5 MB High Capacity Service and 6 MB High Capacity Service

Service Area(s) – in the altafiber service areas within Ohio, Kentucky and Indiana

Authorized Date(s) – January 13, 2025

Contact(s) – Kimberly Jackson, (202) 418-7393 (voice), Kimberly.Jackson@fcc.gov, of the Competition Policy Division, Wireline Competition Bureau

Note: On or after January 13, 2025, altafiber plans to grandfather the Affected Service(s) in the affected Service Area(s) as follows: altafiber will no longer offer the Affected Service(s) to new customers, existing customers may retain, remove or disconnect the Affected Service(s), but existing customers will not be permitted to move the Affected Service(s) from one location to another in the Affected Service Area(s). On December 10, 2024, altafiber filed a supplemental letter to clarify certain details regarding the proposed discontinuance and to indicate that revised notices were mailed to customers on November 1, 2024.



PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, DC 20554

News Media Information 202 / 418-0500
Internet: <https://www.fcc.gov>
TTY: 1-888-835-5322

DA 24-1250

Released: December 13, 2024

**WIRELINE COMPETITION BUREAU AND OFFICE OF ECONOMICS AND
ANALYTICS ANNOUNCE RESULTS OF 2025 URBAN RATE SURVEY FOR FIXED
VOICE AND BROADBAND SERVICES, POSTING OF SURVEY DATA AND
EXPLANATORY NOTES, AND REQUIRED MINIMUM USAGE ALLOWANCE FOR
ELIGIBLE TELECOMMUNICATIONS CARRIERS**

WC Docket No. 10-90

By this Public Notice, the Wireline Competition Bureau (Bureau) and the Office of Economics and Analytics (Office) announce the 2025 reasonable comparability benchmarks for fixed voice and broadband services for eligible telecommunications carriers (ETCs) that are subject to broadband public interest obligations. These ETCs include incumbent local exchange rate-of-return carriers, Rural Broadband Experiment providers, CAF Phase II Auction (Auction 903) winners, Rural Digital Opportunity Fund Auction (Auction 904) winners, and Enhanced A-CAM providers as well as Universal Service support recipients.¹ In addition, we announce the posting of the fixed voice and broadband services data collected in the most recent urban rate survey, and explanatory notes regarding the data, on the Commission's website at <https://www.fcc.gov/economics-analytics/industry-analysis-division/urban-rate-survey-data-resources>. The Bureau and Office also announce the required minimum usage allowance for ETCs subject to public interest obligations for fixed broadband.

Voice Rates. Based on the survey results, the 2025 urban average monthly rate is \$30.67.² Therefore, the reasonable comparability benchmark for voice services, two standard deviations above the urban average, is \$55.55.³ Under the Commission's rules, each ETC, including competitive ETCs

¹ See *Connect America Fund et al.*, WC Docket No. 10-90 et al., Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663 (2011) (*USF/ICC Transformation Order*), *aff'd sub nom*, *In re: FCC 11-161*, 753 F.3d 1015 (10th Cir. 2014); *Rural Digital Opportunity Fund*, WC Docket No. 19-126, *Connect America Fund*, WC Docket No. 10-90, Report and Order, 35 FCC Rcd 686, 707, para. 42 (2020).

² The *USF/ICC Transformation Order* defined the average urban rate to include local end-user rates plus state regulated fees (specifically, state subscriber line charges (SLCs), state universal service, and mandatory extended area service charges). *USF/ICC Transformation Order*, 26 FCC Rcd at 17751, para. 238. The reasonable comparability benchmark for voice services applies to mainland providers and those in Alaska.

³ *Id.* at 17694, para. 84.

providing fixed voice services,⁴ must certify in the FCC Form 481 filed no later than July 1, 2026, that the pricing of its basic residential voice services is no more than \$55.55.⁵

Broadband Rates. Recipients of high-cost and/or Connect America Fund support that are subject to broadband performance obligations are required to offer broadband service at rates that are at or below the relevant reasonable comparability benchmark.⁶ Carriers subject to the Alaska Plan and Alaska Communication Systems are required to meet Alaska-specific benchmarks⁷ and certify that they are meeting the relevant reasonable comparability benchmark for their broadband service offering in the FCC Form 481 filed no later than July 1, 2026.⁸

Under the approach adopted by the Bureau in 2014, the reasonable comparability broadband benchmark varies, depending upon the supported service's download and upload bandwidths and usage allowance.⁹ Alaska-specific benchmarks were developed in the same manner using data from Alaska carriers serving Alaska urban areas.

The following table provides the 2025 benchmark for several different broadband service offerings, though providers will need to determine the benchmark for services with characteristics not shown in the table:¹⁰

⁴ The Bureau has adopted a benchmark only for fixed voice services because “the differences in rate plans and other attributes of fixed and mobile services would make it inordinately difficult to create a unified benchmark” that applied to both fixed and mobile services. *See Connect America Fund*, WC Docket No. 10-90, Order, 28 FCC Rcd 4242, para. 6 (WCB 2014).

⁵ 47 CFR § 54.313(a)(2); *see also USF/ICC Transformation Order*, 26 FCC Rcd at 18046-47, para. 1026. In the *USF/ICC Transformation Order*, the Commission required that as a condition of receiving high-cost support, ETCs must offer voice service in supported areas at rates that are reasonably comparable to rates for similar services in urban areas. *USF/Transformation Order*, 26 FCC Rcd at 17693, para. 81.

⁶ *USF/Transformation Order*, 26 FCC Rcd at 17695, para. 86.

⁷ *Connect America Fund et al.*, WC Docket No. 10-90 et al., Report and Order and Further Notice of Proposed Rulemaking, 31 FCC Rcd 10139, 10149, para. 28 (2016), and *Connect America Fund*, WC Docket No. 10-90, Order, 31 FCC Rcd 12086, 12091, para. 21 (2016).

⁸ 47 CFR § 54.313(a)(3). The Commission has directed the Bureau to develop an Alaska-specific reasonable comparability benchmark. *See Connect America Fund; Universal Service Reform–Mobility Fund; Connect America Fund–Alaska Plan*, WC Docket Nos. 10-90, 16-271, WT Docket No. 10-208, Report and Order and Further Notice of Proposed Rulemaking, 31 FCC Rcd 10139, 10149, para. 28 (2016); *Connect America Fund*, WC Docket No. 10-90, Order, 31 FCC Rcd 12086, 12092, para. 21 (2016). Once effective, during the Alaska Connect Fund Transition, “support recipients must continue to meet all public interest requirements established for the program from which they have been receiving funds.” *Connect America Fund, et al.*, WC Docket No. 10-90, et al., Report and Order and Further Notice of Proposed Rulemaking, FCC 24-116, 16, para. 31 (2024).

⁹ *Connect America Fund*, WC Docket No. 10-90, Report and Order, 29 FCC Rcd 13485 (WCB 2014).

¹⁰ We emphasize that carriers subject to broadband public interest obligations may offer services other than those meeting the defined benchmark and minimum usage allowance. As long as a carrier offers at least one broadband service plan that meets the relevant metrics, it may offer other plans and packages to meet the varying needs of consumers. 47 CFR § 54.313(a)(3). We note that usage allowance requirements do not apply to those areas that rely exclusively on satellite backhaul. *See USF/ICC Transformation Order*, 26 FCC Rcd at 17699-700, para. 101; *see also* 47 CFR § 54.313(g).

Download Bandwidth (Mbps)	Upload Bandwidth (Mbps)	Capacity Allowance (GB)	2025 U.S.	2025 Alaska
4	1	720	89.51	147.09
4	1	Unlimited	89.51	147.65
10	1	720	89.78	147.44
10	1	Unlimited	89.78	148.00
25	3	720	87.58	148.89
25	3	Unlimited	87.58	149.45
25	5	720	87.58	148.89
25	5	Unlimited	87.58	149.45
50	5	720	87.58	148.89
50	5	Unlimited	87.58	149.45
100	10	Unlimited	85.39	145.29
100	20	720	85.85	144.67
100	20	Unlimited	85.85	145.40
250	25	Unlimited	91.70	147.81
500	50	Unlimited	106.87	164.38
1000	100	Unlimited	122.63	182.24
1000	500	720	117.57	180.07
1000	500	Unlimited	117.57	180.07
1000	1000	Unlimited	116.85	180.00
2000	1000	Unlimited	145.80	209.03

*As noted below, the minimum usage allowance for carriers receiving support from the Rural Digital Opportunity Fund is 2 Terabytes (TB) for the Above-Baseline and Gigabit tiers.

To facilitate benchmark calculations, the Office will post an Excel file with a tool in which providers can enter the relevant variables to determine the benchmark for specific service characteristics at <https://www.fcc.gov/economics-analytics/industry-analysis-division/urban-rate-survey-data-resources>.

Minimum Usage Allowance. Under the *USF/ICC Transformation Order* and subsequent orders, ETCs subject to broadband public interest obligations must provide broadband with usage allowances reasonably comparable to those available through comparable offerings in urban areas.¹¹ In the 2016 *Rate-of-Return Reform Order*, the Commission specified that the required minimum usage allowance for rate-of-return carriers receiving model-based support would be 150 GB per month, or a usage allowance reflecting the average usage of a majority of fixed broadband customers, using Measuring Broadband America (MBA) data or a similar data source, whichever is higher.¹² The Commission delegated to the Bureau the task of setting a specific minimum usage allowance and stated that the minimum should be adjusted over time.¹³ For the reasons explained below, the Bureau adopts a minimum monthly usage allowance of 720 GB for 2025. However, the minimum usage allowance for carriers receiving support from the Rural Digital Opportunity Fund (RDOF) is either (i) the greater of 250 GB or the average usage calculated by the Bureau for the Minimum and Baseline tiers, or (ii) 2 Terabytes (TB) for the Above-Baseline and Gigabit tiers.¹⁴

Consistent with our process last year, for ETCs not subject to the 2 TB minimum usage allowance, we rely on OpenVault's Broadband Insights Reports as "a similar data source" of broadband usage.¹⁵ To ensure an accurate estimate of usage in 2025, we use average broadband data usage amounts as reported from OpenVault and employ regression analysis to forecast average broadband usage for the four quarters of 2025 and then take the average value of those predictions.¹⁶ Averaging the predicted broadband usage values for 2025 yields 720 GB per month after rounding. We therefore find that 720 GB is a reasonable minimum monthly usage allowance for 2025.

For further information, please contact Suzanne Yelen, Wireline Competition Bureau, at (202) 418-7400 or (202) 418-0484 (TTY), or at suzanne.yelen@fcc.gov.

- FCC -

¹¹ See *USF/ICC Transformation Order*, 26 FCC Rcd at 17699, para. 99. See 47 CFR §§ 54.308(a), 54.309(a).

¹² *Connect America Fund et al.*, Report and Order, Order and Order on Reconsideration, and Further Notice of Proposed Rulemaking, 31 FCC Rcd 3087, 3099, para. 27 (2016). See 47 CFR § 54.308(a)(1).

¹³ *USF/ICC Transformation Order*, 26 FCC Rcd at 17699, para. 99.

¹⁴ *Rural Digital Opportunity Fund*, WC Docket No. 19-126, *Connect America Fund*, WC Docket No. 10-90, Report and Order, 35 FCC Rcd 686, 702-703, para. 31 (2020).

¹⁵ See OpenVault, Broadband Insights Report, OVBI (3Q21), available at https://openvault.com/wp-content/uploads/2021/11/OVBI_3Q21_Report.pdf (stating that the averages are based on millions of machines).

¹⁶ See generally OpenVault, Uncover the Power of Data, Resources, OVBI, <https://openvault.com/resources/ovbi/>.

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

In the Matter of	)	
	)	
Requests for Review and Waiver of	)	
Decisions of the	)	
Universal Service Administrator by	)	
	)	
Fort Drum Regional Health Planning Organization	)	
Watertown, NY	)	
	)	
Rural Health Care Universal Service	)	WC Docket No. 02-60
Support Mechanism	)	

ORDER

Adopted: December 13, 2024

Released: December 13, 2024

By the Chief, Wireline Competition Bureau:

I. INTRODUCTION

1. In this Order, we grant in part and deny in part three pairs of appeals filed by the Fort Drum Regional Health Planning Organization (Fort Drum) on behalf of two of its regional health care initiatives, Adirondack Champlain Telemedicine Information Network (ACTION) and North Country Telemedicine Project (North Country) regarding the Commission’s rules for the Rural Health Care (RHC) Program for evergreen contracts¹ and site eligibility.² Fort Drum seeks review of four decisions by the Universal Service Administrative Company (USAC) regarding competitive bidding, two of which denied funding year 2020 requests that USAC designate service provider contracts as evergreen³ and two of

¹ Letter of Appeal on behalf of Adirondack Champlain Telemedicine Information Network, WC Docket No. 02-60 (filed May 26, 2022), <https://www.fcc.gov/ecfs/search/search-filings/filing/1052622027705> (ACTION Appeal I); Letter of Appeal on behalf of Adirondack Champlain Telemedicine Information Network, WC Docket No. 02-60 (filed Aug. 10, 2022), <https://www.fcc.gov/ecfs/search/search-filings/filing/10810061896688> (ACTION Appeal II); Letter of Appeal on behalf of North Country Telemedicine Project, WC Docket No. 02-60 (filed May 26, 2022), <https://www.fcc.gov/ecfs/search/search-filings/filing/10526028146508> (North Country Appeal I); Letter of Appeal on behalf of North Country Telemedicine Project, WC Docket No. 02-60 (filed Aug. 10, 2022), <https://www.fcc.gov/ecfs/search/search-filings/filing/10810880312012> (North Country Appeal II). ACTION Appeal I states that it serves “as a formal appeal of the denial of [ACTION’s] Funding Request 20853991” and North Country Appeal I states that it serves “as a formal appeal of the partial denial of [North Country’s] Funding Request 20867161.” ACTION Appeal I at 1; North Country Appeal I at 1. Both of the cited funding requests were in fact approved in full by USAC rather than denied. Accordingly, this Order will focus instead on the relief requested elsewhere in ACTION Appeal I and North Country Appeal I to reverse USAC’s designation of service contracts as not being evergreen. See ACTION Appeal I at 3; North Country Appeal I at 3.

² See Letter of Appeal on behalf of Adirondack Champlain Telemedicine Information Network, WC Docket No. 02-60 (filed Dec. 2, 2022), <https://www.fcc.gov/ecfs/search/search-filings/filing/1202258770536> (ACTION Appeal III); Letter of Appeal on behalf of North Country Telemedicine Project, WC Docket No. 02-60 (filed Dec. 2, 2022), <https://www.fcc.gov/ecfs/search/search-filings/filing/12022291409522> (North Country Appeal III).

³ Letter from Universal Service Administrative Company to Mr. Robert Hunt, Fort Drum Regional Health Planning Organization (Mar. 31, 2022) (declining to designate as evergreen the contract for services requested by ACTION (continued....))

which denied funding year 2021 funding requests under the RHC Program's Healthcare Connect Fund (HCF) Program for competitive bidding violations because USAC determined that no competitive bidding exemption applied.⁴ Fort Drum also seeks review of four other USAC decisions that certain sites were ineligible to receive support in the RHC Program, which resulted in partial denials of funding year 2018 through 2020 funding requests.⁵

2. Based on our *de novo* review of the record on the competitive bidding matter, we grant a waiver to designate the contracts at issue in the funding year 2020 funding requests as evergreen and grant the appeals for the funding year 2021 funding requests because the competitive bidding exemption for evergreen contracts now applies to them.⁶ Based on our *de novo* review of the record on the site eligibility matter, we grant Fort Drum's appeal for the sites in Appendix A that we find are eligible to receive support in the RHC Program and deny the appeals for the sites in Appendix B that we find are ineligible based on the documentation provided. While we find that Fort Drum has not demonstrated that the sites in Appendix B are eligible health care providers under the RHC Program rules, these sites may still participate in a consortium with eligible health care providers, and thereby benefit from being part of those health care networks and from the bulk discounts negotiated by the consortium, so long as they pay their "fair share."⁷

II. BACKGROUND

3. The HCF Program allows eligible rural health care providers to apply for universal service support for eligible broadband connectivity services and equipment.⁸ To be eligible to receive support in the RHC Program, an entity must be a "health care provider" as defined in section 254(h)(7)(B)

(Continued from previous page) _____
under funding request number (FRN) 20853991) (ACTION Decision I); Letter from Universal Service Administrative Company to Mr. Robert Hunt, North Country Telemedicine Project (Mar. 31, 2022) (declining to designate as evergreen the contract for services requested by North Country under FRN 20867161) (North Country Decision I).

⁴ Letter from Universal Service Administrative Company to Ms. Erika Flint, Fort Drum Regional Health Planning Organization (June 14, 2022) (denying ACTION funding request for FRN 21168161) (ACTION Decision II); Letter from Universal Service Administrative Company to Ms. Erika Flint, North Country Telemedicine Project (June 14, 2022) (denying North Country funding request for FRN 21171841) (North Country Decision II).

⁵ Letter from Universal Service Administrative Company to Ms. Erika Flint and Mr. Robert Hunt, North Country Telemedicine Project (Oct. 5, 2022) (denying North Country funding request for parts of FRNs 18437471 and 19617331) (North Country Decision III); Letter from Universal Service Administrative Company to Ms. Erika Flint and Mr. Robert Hunt, North Country Telemedicine Project (Oct. 5, 2022) (denying North Country funding request for parts of FRN 20867161) (North Country Decision IV); Letter from Universal Service Administrative Company to Ms. Erika Flint and Mr. Robert Hunt, Fort Drum Regional Health Planning Organization (Oct. 5, 2022) (denying ACTION funding request for part of FRN 19632511) (ACTION Decision III); Letter from Universal Service Administrative Company to Ms. Erika Flint and Mr. Robert Hunt, Fort Drum Regional Health Planning Organization (Oct. 5, 2022) (denying ACTION funding request for parts of FRNs 18428811 and 20853991) (ACTION Decision IV).

⁶ See 47 CFR § 54.723(a) ("The Wireline Competition Bureau shall conduct *de novo* review of request for review of decisions issue by the Administrator.").

⁷ See *Rural Health Care Support Mechanism*, WC Docket No. 02-60, Report and Order, 27 FCC Rcd 16678, 16699, 16709-10, paras. 45, 66 (2012) (*Healthcare Connect Fund Order*). The majority of members of an HCF Program consortium must be located in a rural area. See 47 CFR § 54.607(b). Effective funding year 2020, the Commission eliminated an exception to this rule that permitting non-rural health care providers that received a funding commitment in the RHC Pilot Program consortium that was not majority rural to continue to receive support in the HCF Program. See *Promoting Telehealth in Rural America*, WC Docket No. 17-310, Report and Order, 34 FCC Rcd 7335, 7406, para. 152 (2019) (*Promoting Telehealth Report and Order*).

⁸ See 47 CFR §§ 54.607-54.618.

of the Communications Act and implemented in the Commission's rules.⁹ Both the Communications Act and the Commission's rules specify that "health care providers" are: (1) post-secondary educational institutions offering health care instruction, teaching hospitals, and medical schools; (2) community health centers or health centers providing health care to migrants; (3) local health departments or agencies; (4) community mental health centers; (5) not-for-profit hospitals; (6) rural health clinics; (7) skilled nursing facilities; and (8) consortia of health care providers consisting of one or more entities falling into the first seven categories.¹⁰ In addition, eligible health care providers must be non-profit or public.¹¹ Eligible health care providers located in non-rural areas are eligible to receive support under the HCF Program by participating in HCF consortia for which a majority of sites are rural.¹²

4. To seek funding under the HCF Program, eligible health care providers or a consortium of eligible health care providers must submit an FCC Form 460 to USAC to obtain an eligibility determination from USAC for each health care provider site.¹³ On the FCC Form 460, the health care provider or the health care provider consortium must indicate the eligible health care provider type for each site and provide a brief explanation of why the site is eligible and qualifies as the specific health care provider type.¹⁴

5. The HCF Program rules require that eligible health care providers seek competitive bids for services and equipment eligible for support unless a competitive bidding exemption contained within the rules applies.¹⁵ HCF applicants that qualify for a competitive bidding exemption are not required to initiate a competitive bidding process by preparing a request for services form (FCC Form 461), and may instead proceed directly to submitting a funding request using the FCC Form 462.¹⁶ One such exemption involves evergreen contracts, which are multi-year contracts entered into by a health care provider as a result of competitive bidding and that include certain contractual terms and requirements.¹⁷ After USAC

⁹ 47 U.S.C. § 254(h)(7)(B); 47 CFR § 54.600(b). Prior to funding year 2019, site eligibility requirements were codified in section 54.600(a) of the Commission's rules. The language of the rule did not change when it was re-codified. Unless otherwise noted, citations in this Order are to the current version of the Commission's rules.

¹⁰ 47 U.S.C. § 254(h)(7)(B); 47 CFR § 54.600(b). The only distinction between the definitions in the Communications Act and the Commission's rules is that the Communications Act's explanation of eligible entities is in the plural whereas the Commission's rules explanation is in the singular.

¹¹ 47 U.S.C. § 254(h)(1)(A), (h)(2)(A), (h)(4); 47 CFR § 54.601(a).

¹² See 47 CFR § 54.607(b) ("An eligible non-rural health care provider site may receive universal service support only as part of a consortium that includes more than 50 percent eligible rural health care provider sites.").

¹³ See 47 CFR § 54.601(a)(2) ("Each separate site or location of a health care provider shall be considered an individual health care provider for purposes of calculating and limiting support under this subpart."); *Healthcare Connect Fund Order*, 27 FCC Rcd at 16773, para. 214.

¹⁴ See *Healthcare Connect Fund Order*, 27 FCC Rcd at 16773, para. 215; USAC website, FCC Form 460 Guide for Consortia, <https://www.usac.org/wp-content/uploads/rural-health-care/documents/forms-guides/FCC-Form-460-Guide-Consortium.pdf> (last visited Dec. 13, 2024); FCC Form 460 Instructions at 9 ("Provide a brief explanation of why this site qualifies as the organization type selected above is a required field. Provide a brief explanation of why the consortium qualifies (e.g. scope of consortium and services being sought).").

¹⁵ 47 CFR § 54.622(a) (competitive bidding requirements); § 54.622(i) (competitive bidding requirement exemptions).

¹⁶ See *id.* § 54.622(a); § 54.623; USAC, *Step 4: Submit Funding Requests*, <https://www.usac.org/rural-health-care/healthcare-connect-fund-program/step-4-submit-funding-requests/> (last visited Dec. 13, 2024).

¹⁷ 47 CFR § 54.622(i)(3). Prior to 2020, the evergreen contracts exemption was codified under section 54.642(h)(4). 47 CFR § 54.642(h)(4) (2019). USAC may designate a multi-year contract as evergreen if the contract: (1) is signed by the individual health care provider or consortium lead entity; (2) specifies the service type, bandwidth, and quantity; (3) specifies the term of the contract; (4) specifies the cost of services to be provided; and (5) includes the physical location or other identifying information of the health care provider sites purchasing from the contract. 47 CFR § 54.622(i)(3).

designates a contract as evergreen, an applicant with an evergreen contract need not undertake competitive bidding over the life of the contract because it has already undergone a competitive bidding process that identified and selected the most cost-effective service provider.¹⁸ The evergreen contract exemption thus protects the integrity of the Universal Service Fund while simultaneously streamlining the application process by removing unnecessary and duplicative competitive bidding.¹⁹

6. Fort Drum is a non-profit entity that promotes healthcare and illness prevention to residents of Jefferson, Lewis, and St. Lawrence Counties in New York.²⁰ In collaboration with local hospitals, primary care offices, and community-based organizations, Fort Drum undertakes initiatives to identify and fill gaps in its tri-county regional healthcare system.²¹ Two of its initiatives include ACTION and North Country, the entities that filed the funding requests at issue in these appeals.²²

III. DISCUSSION

7. Based on our review of the record, we grant Fort Drum’s appeals seeking to overturn USAC’s designation of its funding year 2020 services contracts as non-evergreen, waive the evergreen contract requirement that these funding year 2020 contracts be “multi-year” in nature, and grant Fort Drum’s appeals to allow for the evergreen contract competitive bidding exemption to apply to its funding year 2021 requests. We also grant Fort Drum’s appeals of USAC’s determinations that its health care sites are ineligible for the RHC Program to the extent that these sites serve as eligible community mental health centers, and deny the appeals as to the remaining sites that do not qualify as an eligible entity type under our rules.

A. Evergreen Contracts and Competitive Bidding

8. First, based on the unique circumstances present here, we grant Fort Drum’s appeal of the denial of evergreen status for its funding year 2020 one-year contracts with renewal options. On our own motion, we find that good cause exists to grant a waiver of the requirement – set forth in section 54.622(i)(3)(i) – that a contract must be “multi-year” in order to be designated an evergreen contract and based on this waiver we designate, *nunc pro tunc*, the contracts at issue in the funding year 2020 funding requests as evergreen. With this evergreen designation in place, the funding year 2021 funding requests now fall within the competitive bidding exemption for evergreen contracts. Accordingly, we grant Fort Drum’s appeals for funding year 2021.

1. Procedural History

9. *Funding requests.* In May 2019, ACTION and North Country each submitted an FCC Form 462 to USAC requesting support for services for funding year 2019.²³ In June 2020, ACTION and

¹⁸ *Id.* § 54.622(i)(3)(i). See also *Promoting Telehealth Report and Order*, 34 FCC Rcd at 7412, para. 165.

¹⁹ *Promoting Telehealth Report and Order*, 34 FCC Rcd at 7412, para. 165.

²⁰ Fort Drum Regional Health Planning Organization, *What is FDRHPO?*, <https://wni.1ef.myftpupload.com/what-is-fdrhpo/#> (last visited Dec. 13, 2024).

²¹ *Id.*

²² ACTION has been described as a proposed 239-mile network to link medical facilities in eight counties in central and upstate New York. Dan Heath, *Telemedicine broadband network construction to start* (July 19, 2011), https://www.pressrepublican.com/news/local_news/telemedicine-broadband-network-construction-to-start/article_d4d316a1-be71-5eb7-a2b6-827f686a6289.html (last visited Dec. 13, 2024). North Country is a partnership of hospitals, independent physicians, and community providers that seek “to align incentives across [Jefferson, Lewis, and St. Lawrence Counties in New York], create clinical programs and develop necessary health technology infrastructure.” North Country Initiative, *Our Work In Action*, <https://northcountryinitiative.org/> (last visited Dec. 13, 2024). We note that ACTION is no longer included among the initiatives listed on the Ford Drum website. See Fort Drum Regional Health Planning Organization, *Our Initiatives*, <https://wni.1ef.myftpupload.com/what-is-fdrhpo/#> (last visited Dec. 13, 2024).

North Country sought similar support for funding year 2020 by again filing requests with USAC shortly after the coronavirus pandemic began.²⁴ Each of the four funding requests included a copy of the applicable separate contract with service provider Development Authority of the North Country (DANC), which provided that the contract's term would run from July 1, 2019 through June 20, 2020 (for funding year 2019) or from July 1, 2020 through June 30, 2021 (for funding year 2020) unless one-year renewals were requested.²⁵ Each contract also stated that ACTION or North Country was required to give 90 days prior notice to DANC of its intent to renew services for up to four additional one-year terms, and that if any additional term was chosen, DANC would "extend the same pricing or lower as applicable under this Agreement for the length of the Additional Term."²⁶ Although ACTION and North Country requested an evergreen designation for the parties' respective DANC service contracts covering the funding year 2019 and 2020 funding requests,²⁷ USAC approved all four funding requests but designated the contracts as non-evergreen.²⁸

10. On June 1, 2021, ACTION and North Country submitted requests seeking funding year 2021 support that included a request for an evergreen contract competitive bidding exemption which listed their respective 2019 contracts with DANC as evergreen contracts.²⁹ The parties also included with

(Continued from previous page)

²³ ACTION Decision II at 3; North Country Decision II at 3. ACTION and North Country also submitted a network cost worksheet identifying each eligible expense item for which it sought support. Both parties engaged in competitive bidding for their funding years 2019 and 2020 services.

²⁴ ACTION Decision I at 3; North Country Decision I at 4. The parties again included network cost worksheets with their requests. Both parties engaged in competitive bidding for their funding years 2019 and 2020 services.

²⁵ See ACTION Decision I at 3; North Country Decision I at 4; ACTION Decision II at 3; North Country Decision II at 3. See also ACTION 2019 Service Contract by and between Fort Drum Regional Health Planning Organization and Development Authority of the North Country at 3 (signed May 21 and May 28, 2019) (2019 ACTION Service Contract); North Country 2019 Service Contract by and between Fort Drum Regional Health Planning Organization and Development Authority of the North Country at 3 (signed May 10 and 16, 2019) (2019 North Country Service Contract); ACTION 2020 Service Contract by and between Fort Drum Regional Health Planning Organization and Development Authority of the North Country at 3 (signed Apr. 20, 2020) (2020 ACTION Service Contract); North Country 2020 Service Contract by and between Fort Drum Regional Health Planning Organization and Development Authority of the North Country at 3 (signed Apr. 23, 2020) (2020 North Country Service Contract).

²⁶ See 2019 ACTION Service Contract at Section 3 (Term and Termination); 2019 North Country Service Contract at Section 3 (Term and Termination); 2020 ACTION Service Contract at Section 3 (Term and Termination); 2020 North Country Service Contract at Section 3 (Term and Termination).

²⁷ ACTION and North Country requested evergreen designation as part of the network cost worksheets included with their funding requests.

²⁸ Funding Commitment Letter from Rural Health Care Division, USAC to Adirondack-Champlain Telemedicine Information Network at 2-4 (Feb. 20, 2020) (approving funding for FRN 19632511); Funding Commitment Letter from Rural Health Care Division, USAC to North Country Telemedicine Project at 2-4 (Feb. 27, 2020) (approving funding for FRN 19617331); Funding Commitment Letter from Rural Health Care Division, USAC to Adirondack-Champlain Telemedicine Information Network at 5-6 (July 29, 2021) (approving funding for FRN 20853991); Funding Commitment Letter from Rural Health Care Division, USAC to North Country Telemedicine Project at 6-7 (July 1, 2021) (approving funding for FRN 20867161). We note the discrepancy between the June 20, 2020 end date of the 2019 DANC contracts and the June 30, 2020 funding end date included in the funding commitment letters that approved support for funding year 2019.

²⁹ ACTION FCC Form 462 for FRN 21168161 at Block 2; North Country FCC Form 462 for FRN 21171841 at Block 2. Fort Drum maintains that it was "advised" by USAC to use the funding year 2019 service contracts with DANC as the source of the ACTION and North Country evergreen contract exemption requests rather than the funding year 2020 service contracts because USAC had not yet completed its review of the ACTION and North Country funding year 2020 requests and because the language in the funding year 2019 contract "was identical to the FY2020 contract." ACTION Appeal II at 3; North Country Appeal II at 3.

their funding requests a copy of a letter indicating DANC's acknowledgment that its service contract was being extended through June 30, 2022 pursuant to the applicable DANC contract.³⁰

11. USAC denied support for ACTION and North Country's funding year 2021 requests because the requests sought an evergreen contract bidding exemption based on the funding year 2019 service contract that USAC designated as non-evergreen.³¹ Fort Drum appealed the funding year 2021 funding denials on behalf of ACTION and North Country, and separately appealed USAC's decision designating the funding year 2020 DANC contracts as non-evergreen. USAC denied all four appeals on the same grounds – namely, that the DANC service contracts were not multi-year agreements and thus could neither be designated as evergreen contracts nor relied upon for the evergreen contract competitive bidding exemption.³²

12. *Appeals.* Fort Drum's four appeals collectively request two connected forms of relief. First, Fort Drum asks in an initial pair of appeals that we designate the already-funded funding year 2020 service contracts with DANC as evergreen contracts.³³ Second, based on the assumption that the evergreen status of these contracts would have exempted ACTION and North from competitive bidding for funding year 2021, Fort Drum requests, in the second pair of two appeals, that we reverse USAC's decision to deny the funding year 2021 requests due to ACTION and North Country's failure to competitively bid the requested services.³⁴

13. Fort Drum contends that its reliance on exercising the extensions to the single-year funding year 2020 DANC contracts to exempt ACTION and North Country from conducting competitive bidding for funding year 2021 was a direct consequence of the turbulence it experienced during the early stages of the coronavirus pandemic.³⁵ Fort Drum states that high patient counts and reduced staffing diverted its limited resources away from administrative requirements in order to focus attention instead on responding to the more immediate health care demands imposed by the pandemic.³⁶ According to Fort Drum, these demands "directly influenced [its] decision to file a Form 462 [competitive bidding] exemption" by relying on the extensions in the single-year DANC contracts rather than undergo the many "time-intensive" steps necessary to prepare, submit, and consider a request for services for funding year 2021.³⁷ Had it known that the duration of a contract must be more than one year for the contract to be designated as evergreen, Fort Drum states that it would have worked with DANC to negotiate a contract term of at least two years, which would have made the contract eligible for an evergreen designation.³⁸

³⁰ See Letters from David M. Wolf, Director of Telecommunications, DANC, to Robert Hunt, Fort Drum (May 28, 2021); see also ACTION Decision II at 4; North Country Decision II at 4.

³¹ See ACTION Decision II at 4; North Country Decision II at 4.

³² ACTION Decision I at 4; North Country Decision I at 5; ACTION Decision II at 4; North Country Decision II at 4-5.

³³ ACTION Appeal I at 3; North Country Appeal I at 3. See also ACTION Appeal II at 4; North Country Appeal II at 4 ("we also ask that the contract for FY2020 be deemed Evergreen and the 1-year contract extension be approved by USAC").

³⁴ ACTION Appeal II at 4; North Country Appeal II at 4.

³⁵ See Letters from Erika F. Flint, Executive Director, Fort Drum Regional Health Planning Organization, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 02-60, at 2 (June 12, 2023); <https://www.fcc.gov/ecfs/document/106122856519033/1>; <https://www.fcc.gov/ecfs/document/1061296259686/1> (June 12, 2023 Supplement).

³⁶ *Id.* at 2-3.

³⁷ *Id.*

³⁸ ACTION Appeal I at 3; North Country Appeal I at 3.

2. Analysis

14. We first find that based on the unique circumstances here, good cause exists to waive the RHC Program rules regarding evergreen designations to allow the one-year, subsequently extended contracts supporting ACTION and North Country's funding year 2020 funding requests to be designated as evergreen. The record demonstrates that the coronavirus pandemic severely impacted ACTION and North Country's ability to initiate a new competitive bidding process before filing funding requests for funding year 2021. Further, under these resource constraints, ACTION and North Country mistakenly believed that exercising the optional extensions would make the contracts eligible for evergreen status. With the evergreen designation now established for the contracts at issue, we find that there was no competitive bidding violation for ACTION and North Country's funding year 2021 funding requests because the competitive bidding exemption for evergreen contracts applies to these funding requests.

a. Funding Year 2020 Appeals – Evergreen Designation

15. USAC originally determined the contracts at issue did not qualify for evergreen status because they were single year contracts with extension options. Section 54.622(i)(3) of our rules specifies that USAC “may designate a *multi-year* contract” as evergreen provided certain requirements are met, including specification of the term of the contract.³⁹ The multi-year nature of a service contract is an important condition of evergreen status. When it adopted the evergreen contract competitive bidding exemption, the Commission cited the lower prices to be realized from entering into a longer contract term.⁴⁰ Service providers are incentivized to offer lower rates if they are able to secure the commitment of a customer over multiple years, which in turn decreases the burden on the Universal Service Fund.⁴¹

16. Fort Drum competitively bid the two DANC contracts at issue, as required under HCF Program rules, before submitting its funding year 2020 funding requests for services. The initial terms for the two DANC contracts covering funding year 2020 were 12 months in length and thus not multi-year in nature as required for an evergreen contract designation.⁴² Although the DANC contracts included voluntary extensions, under program rules the extensions, by themselves, could not transform the single-year contracts into multi-year contracts eligible for evergreen status due to the fact that those extensions might never be exercised.

17. Nonetheless, given the unique circumstances here, we find that a waiver of section 54.622(i)(3)(i), which limits evergreen designations to multi-year contracts, is appropriate to allow evergreen designation for the contracts at issue. The Commission's rules may be waived for good cause shown.⁴³ The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest.⁴⁴ In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an

³⁹ 47 CFR § 54.622(i)(3) (emphasis added).

⁴⁰ *Healthcare Connect Fund Order*, 27 FCC Rcd at 16791, para. 262 (“[E]vergreen procedures likely will benefit participating [health care providers] by affording them: (1) lower prices due to longer contract terms; and (2) reduced administrative burdens due to fewer required [requests for services].”).

⁴¹ *Id.* at 16802, para. 296 (noting that funding over multiple years reduces rates).

⁴² See 2020 ACTION Service Contract and 2020 North Country Service Contract at 3 (providing the minimum initial term “shall commence on July 1, 2020 and end on June 30, 2021 unless the one-year renewals are requested”). The DANC service contracts covering funding year 2019 contained similar language. See 2019 ACTION Service Contract and 2019 North Country Service Contract at 3 (providing the minimum initial term “shall commence on July 1, 2019 and end on June 20, 2020 unless the one-year renewals are requested”).

⁴³ 47 CFR § 1.3.

⁴⁴ *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (*Northeast Cellular*).

individual basis.⁴⁵ Waiver of the Commission's rules is appropriate if both (i) special circumstances warrant a deviation from the general rule, and (ii) such deviation will serve the public interest.⁴⁶

18. The tremendous strain on Fort Drum's resources during the coronavirus pandemic created special circumstances that justify a waiver to permit evergreen designation for the contracts supporting ACTION and North Country's funding year 2020 requests. Fort Drum's administrative resources were understandably prioritized on combatting the coronavirus pandemic at the time ACTION and North Country filed their funding year 2021 funding requests. As explained above, in funding year 2020 Fort Drum entered into one-year contracts, with multiple extensions, after a competitive bidding process as required under HCF Program rules. However, USAC determined that the one-year contracts were ineligible for an evergreen designation.⁴⁷ Fort Drum mistakenly assumed that after exercising the extensions, the contracts qualified as evergreen contracts and could be used in funding year 2021 without a new competitive bidding process. Based on the record before us, Fort Drum's decision to rely on the extensions under these contracts rather than commit limited administrative resources to initiating a new competitive bidding process is understandable in the context of the unprecedented strain on resources that Fort Drum and its affiliated consortia experienced as they mounted a response to the coronavirus pandemic.⁴⁸ We therefore find that the specific exigencies detailed by Fort Drum resulting from the coronavirus pandemic presents in this case the special circumstances necessary to justify a waiver of the evergreen contract multi-year requirement for the contracts at issue.

19. Granting a waiver of the evergreen contract multi-year requirement based on these circumstances will also serve the public interest. The COVID-19 pandemic imposed unprecedented administrative hardships on health care providers that the Commission sought to mitigate through numerous rule waivers and other forms of relief.⁴⁹ According to Fort Drum, its service area of upstate New York was particularly hard hit and the resulting hospital workloads "put tremendous pressure on non-profit hospitals during the October 2020 through May 2021 timeframe."⁵⁰ Given these significant administrative challenges that taxed ACTION and North Country's resources, we find the public interest will be served by this waiver by enabling ACTION and North Country to receive funding for funding year 2021 based on the contracts at issue. The record also reveals no evidence of any waste, fraud, or

⁴⁵ *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); *Northeast Cellular*, 897 F.2d at 1166.

⁴⁶ *Northeast Cellular*, 897 F.2d at 1166.

⁴⁷ See 47 CFR § 54.622(i)(3) (requiring that evergreen contracts be multi-year agreements).

⁴⁸ See June 12, 2023 Supplement at 3 (stating that the "primary focus of all [Fort Drum] IT/Networking staff was in support of the hospital mission to manage the local COVID-19 pandemic" and that "[t]here was no 'free time' available to support . . . completing the Form 461/Form 462 filing requirements."). Fort Drum explains that "it was clear early in calendar year 2021" that the routine four- to six-month process for filling a Form 461 and Form 462 would take "significantly longer" because the pandemic precluded face-to-face meetings of Fort Drum consortium members, video conferencing capabilities were not universally available, and staffing shortages, increased workloads, and COVID-related illness resulted in "significant delays between questions asked and answered" via telephone, text, and email. *Id.*

⁴⁹ See, e.g., *Rural Health Care Support Mechanism*, WC Docket No. 02-60, Order, 35 FCC Rcd 2922 (WCB 2020) (extending the application filing window, easing competitive bidding requirements for health care providers with evergreen contracts, and extending several procedural deadlines); *Rural Health Care Universal Service Support Mechanism, Promoting Telehealth in Rural America*, WC Docket Nos. 02-60 and 17-310, Order, 36 FCC Rcd 1604 (WCB 2021) (extending application filing window for funding year 2021) (*2021 Filing Window Extension Order*).

⁵⁰ June 12, 2023 Supplement at 2 (explaining that "high patient volume, reduced staff and the inability to discharge patients from nursing homes began to overwhelm some facilities, particularly in the North Country [of New York State]" and "hospitalizations were up 150% in Upstate New York versus Downstate New York.") The Bureau has previously acknowledged the burdensome impact of the pandemic during the funding year 2021 filing period. *2021 Filing Window Extension Order*, 36 FCC Rcd at 1606 (explaining that the COVID-19 "challenges were dire" in 2020 and "they remain at least as exigent today with respect to the initial filing window for 2021.").

abuse on the part of the Fort Drum entities at issue.⁵¹ Further, the contracts at issue provided for no increase in price, and actually include the possibility of a cost decrease, under the exercised voluntary extensions.⁵²

20. We emphasize the limited scope of today's waiver, which exclusively concerns a discrete aspect of our competitive bidding rules involving the evergreen contract competitive bidding exemption, and which we grant only because of the coronavirus pandemic's substantial impact on Fort Drum's administrative resources. This decision does not relieve health care providers from their obligation to adhere to program requirements, including those requirements for competitive bidding and evergreen contracts.

b. Funding Year 2021 Appeals – Competitive Bidding Exemption

21. We also grant ACTION and North Country's appeals seeking review of USAC's decision to deny their funding year 2021 funding requests, which was premised on there being no competitive bidding exemption applicable to those funding requests.⁵³ With the evergreen designation for the contracts supporting these funding requests now in place through the waiver we issue today, we find that these funding requests are exempt from competitive bidding under the competitive bidding exemption for evergreen contracts codified in section 54.622(i)(3) of the Commission's rules. We remand these funding requests to USAC for further processing and make no finding as to the eligibility of the funding requests.

B. Site Eligibility Appeals

22. Next, we address Fort Drum's appeals of USAC's determinations that certain Fort Drum sites do not meet the requirements for eligibility in the RHC Program. We find that the sites listed in Appendix A are eligible for support in the RHC Program as community mental health centers under section 54.600(b)(4) of the Commission's rules and therefore grant Fort Drum's appeals related to those sites. However, based on the record, we find that Fort Drum has not demonstrated that the sites listed in Appendix B fall under any of the eligible entity types listed in section 54.600(b) of the Commission's rules and we therefore deny Fort Drum's appeals related to those sites.

1. Appeal History

23. Over the course of funding years 2018 through 2020, ACTION and North Country filed various FCC Forms 462 seeking support for individual non-rural sites and consortia that included non-rural sites that had participated in the RHC Pilot Program, a precursor to the HCF Program, that ran from funding years 2006 to 2012. On February 7, 2022, USAC issued a notification denying funding for certain sites on the basis that they were ineligible as rural health clinics because they were located in non-rural areas.⁵⁴ Fort Drum did not appeal the determination that these sites do not qualify as rural health clinics. However, Fort Drum filed appeals to USAC on March 4, 2022, March 11, 2022, and March 31, 2022, arguing that the sites were eligible to receive funding in the RHC Program under other eligible health care provider categories.⁵⁵ On October 5, 2022, USAC issued decisions granting appeals for some

⁵¹ See *Request for Review of the Decision of the Universal Service Administrator by Bishop Perry Middle School, New Orleans, LA, et al., Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 21 FCC Rcd 5316, 5324 (2006).

⁵² See 2019 ACTION Service Contract at Section 3 (Term and Termination); 2019 North Country Service Contract at Section 3 (Term and Termination); 2020 ACTION Service Contract at Section 3 (Term and Termination); 2020 North Country Service Contract at Section 3 (Term and Termination). As explained above, one of the core policy goals of encouraging evergreen contracts is the lower costs to be realized by health care providers due to longer contract terms. See *Healthcare Connect Fund Order*, 27 FCC Rcd at 16791, para. 262.

⁵³ See ACTION Appeal II and North Country Appeal II.

⁵⁴ See, e.g., Denial Notification for Funding Request No. 19632511 (Feb. 7, 2022); Denial Notification for Funding Request No. 20867161 (Feb. 14, 2022).

sites after finding that they are eligible to receive support in the RHC Program as different entity types than rural health clinics but denying the appeals for the sites currently on appeal, finding that they did not qualify as an eligible entity type.⁵⁶

24. On December 2, 2022, Fort Drum filed appeals to the Commission seeking review of USAC's decisions⁵⁷ and filed multiple supplements from June 2023 through September 2023.⁵⁸ In their appeals and supplements, Fort Drum contends that the sites at issue either qualify as an eligible entity type other than a rural health clinic or that the sites fall within an exemption (now expired) that permitted non-rural sites that participated in the RHC Pilot Program to continue participating in the HCF Program as part of a consortium that was not majority rural.⁵⁹

2. Analysis

25. *Eligible sites.* We grant Fort Drum's appeals for the sites listed in Appendix A. Based on the evidence Fort Drum provided in its initial appeal and supplements, we conclude that the sites listed in Appendix A are eligible as community mental health centers under section 254(h)(7)(B)(iv) of the Communications Act and section 54.600(b)(4) of the Commission's rules.

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⁵⁵ See Letter from Mr. Robert Hunt, Fort Drum Regional Health Planning Organization, on behalf of North Country Telemedicine Project to Rural Health Care Division, USAC (Mar. 4, 2022) (appealing denial of funding for FRNs 18437471 and 19617331); Letter from Mr. Robert Hunt, Fort Drum Regional Health Planning Organization, on behalf of North Country Telemedicine Project to Rural Health Care Division, USAC (Mar. 4, 2022) (appealing denial of funding for FRN 19632511); Letter from Mr. Robert Hunt, Assistant Project Coordinator, Fort Drum Regional Health Planning Organization, on behalf of North Country Telemedicine Project to Rural Health Care Division, USAC (Mar. 11, 2022) (appealing denial of funding for FRN 20867161); Letter from Robert Hunt, Fort Drum Regional Health Planning Organization, on behalf of Adirondack Champlain Telemedicine Information Network, to Rural Health Care Division, USAC (Mar. 31, 2022) (appealing denial of funding for FRNs 18428811 and 20853991).

⁵⁶ North Country Decision III; North Country Decision IV; ACTION Decision III; ACTION Decision IV.

⁵⁷ See ACTION Appeal III; North Country Appeal III.

⁵⁸ See Supplement to Letter of Appeal, Erika F. Flint and Robert P. Hunt, Fort Drum Regional Health Planning Organization, WC Docket No. 02-60 (dated June 12, 2023), <https://www.fcc.gov/ecfs/search/search-filings/filing/10612989722997> (ACTION June 12, 2023 Supplement); Supplement to Letter of Appeal, Erika F. Flint and Robert P. Hunt, Fort Drum Regional Health Planning Organization, WC Docket No. 02-60 (June 12, 2023), <https://www.fcc.gov/ecfs/search/search-filings/filing/10612250644232> (North Country June 12, 2023 Supplement); Supplement to Letter of Appeal, Erika F. Flint and Robert P. Hunt, Fort Drum Regional Health Planning Organization, WC Docket No. 02-60 (Aug. 7, 2023), <https://www.fcc.gov/ecfs/search/search-filings/filing/108082237406336> (ACTION Aug. 7, 2023 Supplement); Supplement to Letter of Appeal, Erika F. Flint and Robert P. Hunt, Fort Drum Regional Health Planning Organization, WC Docket No. 02-60 (Aug. 14, 2023), <https://www.fcc.gov/ecfs/search/search-filings/filing/10814215403966> (North Country Aug. 14, 2023 Supplement); Supplement to Letter of Appeal, Erika F. Flint and Robert P. Hunt, Fort Drum Regional Health Planning Organization, WC Docket No. 02-60 (Sept. 11, 2023), <https://www.fcc.gov/ecfs/search/search-filings/filing/1091204111472> (North Country Sept. 11, 2023 Supplement); Supplement to Letter of Appeal, Erika F. Flint and Robert P. Hunt, Fort Drum Regional Health Planning Organization, WC Docket No. 02-60 (Sept. 15, 2023), <https://www.fcc.gov/ecfs/search/search-filings/filing/10915125013788> (ACTION Sept. 15, 2023 Supplement).

⁵⁹ See *id.*; ACTION Appeal III at 3-4; North Country Appeal III at 3-4. See also *Healthcare Connect Fund Order*, 27 FCC Rcd at 16708, para. 62 (permitting non-rural health care providers that received a funding commitment in the RHC Pilot Program consortium that was not majority rural to continue to receive support in the HCF Program). The Commission subsequently eliminated this exemption for these "grandfathered" sites effective funding year 2020. See *Promoting Telehealth Report and Order*, 34 FCC Rcd at 7406, para. 152.

26. Although the RHC Program rules do not define “community mental health center,”⁶⁰ we can look to other federal statutes for guidance on what constitutes a community mental health center. Section 1913(c)(1) of the Public Health Service Act describes outpatient, emergency care, day treatment, screening, or rehabilitation services for mental health to individuals within a certain geographic area as criteria for determining whether a site is a community mental health center.⁶¹ The services provided by the health care providers listed in Appendix A fall squarely within the parameters of section 1913(c)(1). The Center for Recovery – Glens Falls and the Center for Recovery – Hudson Falls locations listed in Appendix A offer alcohol and substance abuse evaluations, counseling for individuals, group therapy, and medication therapy for mental health.⁶² The Behavioral Health Services/Ridge Commons location provides, among other things, outpatient mental health care for adults and children, and outpatient mental health clinical care for adults.⁶³ Accordingly, the health care providers listed in Appendix A are eligible for support in the RHC Program as community mental health centers.

27. *Ineligible sites.* Based on the record, we deny Fort Drum’s appeals for the sites listed in Appendix B because the provided information and documentation does not demonstrate that these sites are eligible health care providers under the types specified in section 254(h)(7)(B) of the Communications Act and section 54.600(b) of the Commission’s rules.⁶⁴

28. Fort Drum argues that these sites should be deemed eligible because: (1) they qualify as community health centers or health centers providing health care to migrants under section 54.600(b)(2) of the Commission’s rules;⁶⁵ (2) they qualify as not-for-profit hospitals under section 54.600(b)(5) of the Commission’s rules;⁶⁶ (3) the sites are “grandfathered” under the exemption to the consortium majority-rural requirement that the Commission created when the HCF Program was established;⁶⁷ and (4) the time it took for USAC to review Fort Drum’s Requests for Funding prevented Fort Drum from being able to

⁶⁰ See 47 CFR § 54.600(b); *Federal-State Joint Board on Universal Service*, Report and Order, 12 FCC Rcd 8776, 9118, para. 655 (1997) (*Universal Service Report and Order*) (adopting the Joint Board’s recommendation that “the Commission attempt no further clarification of the term ‘health care provider’” beyond the categories listed in the statute).

⁶¹ See 42 U.S.C. § 300x-2(c). The Social Security Act defines “community mental health center” as an entity that (1) provides mental health services under section 1913(c)(1) of the Public Health Service Act or provides similar services, (2) is licensed as a community mental health center, (3) provides 40% of services to individuals who are ineligible for partial hospitalization services, and (4) meets other conditions specified by the Department of Health and Human Services. See 42 U.S.C. § 1395x(ff)(3)(B). In this specific instance, we find that it is appropriate to use the Public Health Service Act’s definition because it is clear and cited in the Social Security Act. Although other federal statutes may provide helpful guidance for defining health care provider types, we recognize that there may be definitions or criteria that are not mentioned in federal statutes that could be appropriate to use to define certain health care provider types in other instances.

⁶² See ACTION Sept. 15, 2023 Supplement at 5.

⁶³ See *id.*

⁶⁴ 47 U.S.C. § 254(h)(7)(B); 47 CFR § 54.600(b).

⁶⁵ See 47 CFR § 54.600(b)(2). See also 47 U.S.C. § 254(h)(7)(B)(ii); ACTION Sept. 15, 2023 Supplement at 2-4; North Country Sept. 11, 2023 Supplement at 2-4; E-mail from Robert Hunt, Fort Drum Regional Health Planning Organization to Bryan Boyle, Federal Communications Commission (Sept. 26, 2023) (ACTION Sept. 26, 2023 Supplement).

⁶⁶ See 47 CFR § 54.600(b)(4). See also 47 U.S.C. § 254(h)(7)(B)(v); ACTION June 12, 2023 Supplement at 2; North Country June 12, 2023 Supplement at 2.

⁶⁷ See ACTION Appeal III at 2-4; North Country Appeal III at 2-4; ACTION Aug. 7, 2023 Supplement at 8-9; North Country Aug. 7, 2023 Supplement at 8-9. See also *Healthcare Connect Fund Order*, 27 FCC Rcd at 16708, para. 62.

re-configure its network to minimize cost-allocations, thereby maximizing the funding that it would have received.⁶⁸ We reject Fort Drum's arguments that these sites are eligible for the reasons explained below.

29. *Community health centers or health centers providing health care to migrants.* First, the documentation and information that Fort Drum provides does not demonstrate that the sites listed in Appendix B are eligible as community health centers or health centers providing health care to migrants. RHC Program rules and precedent do not define a "community health center or health center providing health care to migrants."⁶⁹ Fort Drum points to section 330 the Public Health Service Act's definition of "health center" to establish what constitutes a community health center or health center providing health care to migrants.⁷⁰ The Public Health Service Act defines "health center" as "an entity that serves a population that is medically underserved, or a special medically underserved population comprised of migratory and seasonal agricultural workers, the homeless, and residents of public housing, by providing, either through the staff and supporting resources of the center or through contracts or cooperative arrangements, required primary health services."⁷¹ A health care provider must submit an application to the Health Services and Resources Administration (HRSA) in order to receive funding as a health center under Section 330 or be designated as a health center look-alike, and must meet certain requirements including providing primary care services in underserved areas, providing care on a sliding fee scale based on ability to pay, and operating under a governing board that includes patients.⁷² HRSA supports a variety of health centers including community health centers, migrant health centers, health care for the unhoused, and health centers for residents of public housing.⁷³

30. Congress did not define "community health centers or health centers providing health care to migrants" in the Communications Act; however, consistent with the presumption that Congress uses terms consistently in different statutes,⁷⁴ we find that it is reasonable to use the Public Health Service Act's definition of "health center" to assess whether a site is a community health center or health center providing health care to migrants under RHC Program rules because it is used by other federal agencies. While the term "community health center" is a general term used to describe a variety of health centers and is not specifically defined in section 330 of the Public Health Service Act, the terms "community health center" and "health center" tend to be used interchangeably within the health care industry.⁷⁵ Most

⁶⁸ See ACTION Aug. 7, 2023 Supplement at 4-8; North Country Aug. 7, 2023 Supplement at 4-8.

⁶⁹ Cf. 54.600(b)(2) (stating that a community health center or health center providing health care to migrants is eligible without defining the term); *Universal Service Report and Order*, 12 FCC Rcd at 9118, para. 655 (adopting the Joint Board's recommendation that "the Commission attempt no further clarification of the term 'health care provider'" beyond the categories listed in the statute).

⁷⁰ ACTION Sept. 25, 2023 Supplement at 2-4; North Country Sept. 11, 2023 Supplement at 2-4. See also 42 U.S.C. § 254b(a)(1). As with community mental health centers, we find that that it is appropriate in this instance to look to other federal statutes to determine whether the sites at issue qualify as community health centers or health centers providing health care to migrants.

⁷¹ 42 U.S.C. § 254b(a)(1).

⁷² HRSA, *Become a Health Center*, <https://bphc.hrsa.gov/about-health-center-program/become-health-center> (last visited Dec. 13, 2024); see also 42 U.S.C. § 254b(k) (requiring the submission of an application for a health care center grant).

⁷³ HRSA, *What is a Health Center?*, <https://bphc.hrsa.gov/about-health-center-program/what-health-center> (last visited Dec. 13, 2024) (explaining that health centers serve "people and groups who find it difficult to access health care").

⁷⁴ *Hawaiian Airlines v. Norris*, 512 U.S. 246, 254-55 (1994) (defining a term within a collective bargaining agreement regulated under the Federal Aviation Act of 1958 based on a definition in the Railway Labor Act).

⁷⁵ See, e.g., HRSA, Health Center Program, *What is a Health Center?*, <https://www.bphc.hrsa.gov/about/what-is-a-health-center/index.html> (last visited Dec. 13, 2024); National Association of Community Health Centers, *What Is a* (continued....)

notably, the Department of Health and Human Services uses this definition for determining grant recipients.⁷⁶ Additionally, the Social Security Act uses section 330 in defining “federally qualified health center,” which is a type of health center that receives grant funding from HRSA.⁷⁷

31. To demonstrate that the sites at issue qualify as community health centers or health centers providing health care to migrants, Fort Drum points to the county-wide Health Professional Shortage Area (HPSA) designations for the counties where the sites in Appendix B are located. Fort Drum also provides general data on the number of migratory farm workers in its geographic area and provides specific data on the number of patients served by each site in a four-year period that do not have an address (a proxy for homelessness), do not have a social security number (a proxy for migrant status), and that are covered by Medicaid.⁷⁸ We find that the county-based HPSA designations Fort Drum cites do not demonstrate that these specific sites qualify as a community health center or health center providing care to migrants for purposes of the RHC Program rules. Eligibility determinations for the RHC Program require site-specific information.⁷⁹ Fort Drum argues that the sites at issue serve a medically underserved population because they are located in counties that are designated as HPSAs by the Department of Health and Human Services.⁸⁰ It contends that Jefferson County, Warren County, and Washington County, the counties in which the sites listed in Appendix B are located, “qualify as [an HPSA] for both primary care and behavioral health.”⁸¹ Although the limited HPSA designations for Jefferson County, Warren County, and Washington County for primary care and mental health services confirm the presence of a medically underserved population in the area, these designations are not specific to the sites at issue and the actual patients each site serves.⁸² Therefore, these county-wide

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Community Health Center?, <https://www.nachc.org/community-health-centers/what-is-a-health-center/> (last visited Dec. 13, 2024).

⁷⁶ See, e.g., 42 U.S.C. §§ 254b, 254b-2.

⁷⁷ See 42 U.S.C. § 1396d(l)(2)(B)(i).

⁷⁸ See ACTION Aug. 7, 2023 Supplement at 2-4; North Country Aug. 14, 2023 Supplement at 2-4; North Country Sept. 11, 2023 Supplement at 2-4; ACTION Sept. 15, 2023 Supplement at 2-4; ACTION Sept. 26, 2023 Supplement.

⁷⁹ *Request for Review of St. Vincent Health Suburban Health Organization, Indianapolis, Indiana*, WC Docket No. 02-60, 30 FCC Rcd 10778, 10782, para. 8 (WCB 2015) (*St. Vincent Order*) (“[T]he Commission requires that each health care provider site or location shall be considered an individual health care provider for purposes of calculating and limiting support under the RHC program.”).

⁸⁰ See ACTION Aug. 7, 2023 Supplement at 2-3; North Country Aug. 14, 2023 Supplement at 2.

⁸¹ See ACTION Aug. 7, 2023 Supplement at 2; North Country Aug. 14, 2023 Supplement at 2. See also ACTION Aug. 7, 2023 Supplement, Exh. 1, <https://www.fcc.gov/ecfs/document/108082237406336/1>; North Country Aug. 14, 2023 Supplement, Exh. 1, <https://www.fcc.gov/ecfs/document/10814215403966/1> (both exhibits listing an HPSA designation type of “Medicaid Eligible Population” for the relevant counties. See also Health Resources and Services Administration, *HPSA Find, Search*, <https://data.hrsa.gov/tools/shortage-area/hpsa-find> (HPSA Find) (select “New York” as State/Territory; “Jefferson County,” “Warren County,” and “Washington County” as counties and deselect “All Geographic HPSAs” and “All HPSA Facilities” as HPSA designation/population types) (last visited Dec. 13, 2024).

⁸² An HPSA designation can apply to a Medically Underserved Population, Medically Underserved Area, or specific facility that HRSA designates as having a shortage of health professionals. See U.S. Dept. of Health & Human Services, *Health Professional Shortage Areas (HPSAs) and Medically Underserved Areas/Populations (MUA/P) Shortage Designation Types*, <https://www.hhs.gov/guidance/document/hpsa-and-muap-shortage-designation-types> (last visited Dec. 13, 2024). Examples of Medically Underserved Populations that can be designated as HPSAs include Medicaid eligible populations, people with low incomes, migrant farmworkers, Native Americans/Alaska Natives and people experiencing homelessness. See *id.* Medically Underserved Areas include counties, census tracts, or other county or civil divisions. See *id.*

designations do not demonstrate that the sites in Appendix B are eligible as community health centers or health centers serving migrants.

32. We also find that the data Fort Drum provided concerning the percentage of Medicaid patients, and patients without addresses (a proxy for homelessness) or social security numbers (a proxy for migrant status) does not provide a sufficient basis to conclude that the sites at issue are community health centers or health centers serving migrants for purposes of the RHC Program rules. We expect that many non-profit health care providers nationwide, including providers that are not community health centers or health centers serving migrants, serve *some* patients in these categories. Therefore, merely serving *some* patients in these categories would not alone provide a sufficient basis to conclude that a site qualifies as a community health center or health center serving migrants for purposes of the RHC Program.

33. For the sites at issue, Fort Drum provided the proportion of Medicaid patients for each site in Appendix B: less than 1% (one site); 6% (one site); 11% to 14% (three sites); and 17% to 21% (five sites). While the data show that each site at issue serves some Medicaid patients, the number of Medicaid patients served by each site on a percentage basis is far less than the percentage of Medicaid patients served by the health care centers in New York State receiving awards from HRSA in 2023.⁸³ The median percentage of Medicaid patients served by the 63 New York health care centers receiving HRSA awards is 57.4%.⁸⁴ Only 10% of these health care centers served a proportion of Medicaid patients of 40.9% or less, and the site with the *lowest* percentage of Medicaid patients served was 26.3% – all of which exceed the percentage of Medicaid patients served at each of the Fort Drum sites.⁸⁵ Therefore, the comparably smaller number of Medicaid patients served by the Fort Drum sites listed in Appendix B does not provide a sufficient basis to conclude that these sites qualify as a community health center or health center serving migrants.

34. With respect to patients without addresses or social security numbers, Fort Drum provided no data on the proportion of patients in these categories for six of the sites at issue, and for the remaining four sites, Fort Drum provided the following numbers of patients without social security numbers over a four-year period: 18 (one site); six (two sites), and for patients without addresses ten (one site) and between three and six (two sites).⁸⁶ For one site, Fort Drum indicated five combined patients in these categories.⁸⁷ In all instances, the combined total of patients without addresses or social security numbers amounted to less than 1% of the patient population.⁸⁸ By comparison, approximately 4.4% of the patients served in 2023 by the 63 New York health centers receiving HRSA awards were homeless.⁸⁹ While the data provided by Fort Drum shows the sites at issue may have served some migrants and some unhoused individuals, here, as with the Medicaid patient data, this data alone does not provide a sufficient basis to conclude that these sites are eligible as community health centers or health centers serving migrants for purposes of the RHC Program. Moreover, there are no Medically Underserved Area

⁸³ See HRSA, *Health Center Program Uniform Data System (UDS) Data Overview, New York Program Awardee Data*, <https://data.hrsa.gov/tools/data-reporting/program-data?type=AWARDEE&state=NY> (last visited Dec. 13, 2024) (New York Program Awardee Data). HRSA data for Medicaid includes Children's Health Insurance Program (CHIP) data.

⁸⁴ See *id.*

⁸⁵ See *id.*

⁸⁶ See ACTION Sept. 15, 2023 Supplement at 3.

⁸⁷ See North Country Sept. 11, 2023 Supplement at 3.

⁸⁸ See ACTION Sept. 15, 2023 Supplement at 3; North Country Sept. 11, 2023 Supplement at 4.

⁸⁹ See New York Program Awardee Data.

designations for Jefferson County, Warren County, or Washington County that would apply to all medical providers within the counties.⁹⁰

35. We also looked to whether HRSA has designated the sites listed in Appendix B as health centers, including federally-qualified health centers (FQHCs) or FQHC look-alikes. FQHCs and FQHC look-alikes are safety net providers that typically provide outpatient medical services primarily to low-income patients.⁹¹ Eligibility to receive a grant under section 330 of the Public Health Service Act is a condition that qualifies a site as an FQHC⁹² or FQHC look-alike.⁹³ Community health centers and migrant health centers are examples of the types of providers that can become an FQHC or FQHC look-alike under Section 330 of the Public Health Service Act.⁹⁴ While lacking an FQHC or FQHC look-alike designation does not automatically preclude a health care provider from qualifying as a community health center or health center serving migrants under the RHC Program, an FQHC or FQHC designation is one factor that could support a determination that a health care provider qualifies as a community health center or health center serving migrants. None of the sites listed in Appendix B have been designated by HRSA as an FQHC or FQHC look-alike.⁹⁵

36. For the foregoing reasons, the information and documentation that Fort Drum provided does not provide a sufficient basis to conclude that the sites in Appendix B qualify as community health centers or health centers serving migrants for purposes of the RHC Program.

37. *Not-for-profit hospitals.* Second, the sites listed in Appendix B do not qualify as not-for-profit hospitals by virtue of being “hospital extension clinics” under New York state law.⁹⁶ According to Fort Drum, a hospital extension clinic is “a clinic which is a component of a general hospital sponsored ambulatory care program, or a diagnostic and treatment center sponsored ambulatory care program, offering services of a nonemergent nature and located on premises other than those of the hospital or diagnostic and treatment which operates it” and Fort Drum contends that hospital extension clinics are “logical extensions” of eligible not-for-profit hospitals.⁹⁷ In the 2015 *St. Vincent Health Order*, the Wireline Competition Bureau (“Bureau”) rejected the argument that sites are eligible as non-profit hospitals by virtue of affiliation with an eligible not-for-profit hospital.⁹⁸ The Bureau held that an

⁹⁰ See HRSA, *HPSA Find, Search*, <https://data.hrsa.gov/tools/shortage-area/hpsa-find> (select “New York” as State/Territory; “Jefferson County,” “Warren County,” and “Washington County” as counties and deselect “All Population HPSAs” and “All HPSA Facilities” as HPSA designation/population types) (last visited Dec. 13, 2024).

⁹¹ See, e.g., HRSA FQHC Fact Sheet at 1, <https://static1.squarespace.com/static/53023f77e4b0f0275ec6224a/t/5a29875a0d92972420c91437/1512671067129/fqhcfactsheet.pdf> (last visited Dec. 13, 2024).

⁹² See 42 U.S.C. § 1395x(aa)(4). Other criteria for designation as an FQHC under section 1395x(aa)(4) are receiving funding under a contract with a grant recipient under section 330, designation by the Secretary of the Department of Health and Human Services as being eligible to receive a section 330 grant, and being a health program or facility operated by certain Tribal entities under the Indian Self-Determination Act or the Indian Health Care Improvement Act. *Id.*

⁹³ FQHC look-alikes are health care providers that qualify as FQHCs but do not receive grants available to FQHCs. Health Resources and Services Administration, *Health Center Program Look-Alikes*, <https://www.hrsa.gov/opa/eligibility-and-registration/health-centers/fqhc-look-alikes> (last visited Dec. 13, 2024).

⁹⁴ See HRSA FQHC Fact Sheet at 1.

⁹⁵ Health Resources and Services Administration, *Federally Qualified Health Centers and Look-Alikes*, <https://data.hrsa.gov/data/reports/datagrid?gridName=FQHCs> (last visited Dec. 13, 2024) (select “New York” as State).

⁹⁶ See ACTION June 12, 2022 Supplement at 2; North Country June 12, 2022 Supplement at 2.

⁹⁷ *Id.*

⁹⁸ *St. Vincent Order*, 30 FCC Rcd at 10782, para. 7.

“ineligible entity’s relationship with an eligible entity is an insufficient basis for allowing an entity omitted from the list [of eligible entity types in the Communications Act] to qualify” for the RHC Program and that “each site must demonstrate that *by itself* it is an eligible entity.”⁹⁹ Just as in the *St. Vincent Health Order*, the basis for eligibility of the Fort Drum sites at issue is affiliation with an eligible not-for-profit hospital and the sites are located on different premises than the hospital. Because of the strikingly similar facts to the *St. Vincent Health Order*, we reach the same conclusion the Bureau reached in that order: that the hospital extension clinics here are not eligible as not-for-profit hospitals simply because of their affiliation with a non-profit hospital.

38. *RHC Pilot Program grandfathered rural sites.* Third, the mere fact that some non-rural health care providers were permitted to continue participating in consortia when the Commission shifted from the RHC Pilot Program to the HCF Program does not make the sites in Appendix B eligible as Fort Drum contends.¹⁰⁰ When the Commission created the HCF Program in 2012, it required that consortia in the HCF Program be comprised of a majority of rural sites.¹⁰¹ It established an exemption to the majority-rural requirement that permitted non-rural eligible sites that previously received a funding commitment for the RHC Pilot Program to continue participating in an HCF Program consortium that was not majority rural, which it referred to as “grandfathering” of those sites.¹⁰² Each site covered under this grandfathering still needed to qualify as an eligible health care provider type.

39. The majority-rural requirement, which addresses whether the consortium is majority rural, is not an issue in these appeals. Accordingly, the prior grandfathering for the majority-rural consortium requirement has no bearing on whether the sites in Appendix B are eligible to receive funding.

40. *Timing of recovery letters.* Fourth, we reject Fort Drum’s argument that this appeal should be granted because of delays in issuance of USAC’s recovery letters. There are no provisions in RHC Program rules that permit granting appeals simply due to the time it took to process appeals.¹⁰³

41. Even though the sites listed in Appendix B are ineligible for funding in the HCF Program, they are still permitted to participate in a consortium, and thereby benefit from being part of those health care networks and from the bulk discounts negotiated by the consortium. To do so, these sites must pay their “fair share,” *i.e.*, the undiscounted rate required to participate in a supported network, or share supported services or equipment, with an eligible health care provider.¹⁰⁴ Additionally, to the extent Fort Drum believes that these sites could fall within any other eligible category listed in section 54.600(b) of the Commission’s rules, Fort Drum may file a new FCC Form 460 for the site to seek an eligibility determination.¹⁰⁵

IV. ORDERING CLAUSES

42. ACCORDINGLY, IT IS ORDERED that, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and

⁹⁹ *Id.* at 10782, para. 8 (emphasis in original).

¹⁰⁰ See ACTION Appeal III; North Country Appeal III.

¹⁰¹ See *Healthcare Connect Fund Order*, 27 FCC Rcd at 16707, para. 61. Non-rural sites are not eligible to participate in the RHC Program unless they are members of a majority rural consortium. See 47 CFR § 54.607(b) (“An eligible non-rural health care provider site may receive universal service support *only* as part of a consortium that includes more than 50 percent eligible rural health care provider sites.”) (emphasis added).

¹⁰² See *Healthcare Connect Fund Order*, 27 FCC Rcd at 16707-08, para. 62. This exemption ended in funding year 2020. *Promoting Telehealth Report and Order*, 34 FCC Rcd at 7406, para. 152.

¹⁰³ See 47 CFR § 54.600 *et seq.*

¹⁰⁴ See *Healthcare Connect Fund Order*, 27 FCC Rcd at 16761, para. 181.

¹⁰⁵ See 47 CFR § 54.600(b).

sections 1.3 and 54.722(a) of the Commission's rules, 47 CFR §§ 1.3 and 54.722(a), the Requests for Review filed by Fort Drum on May 26 and August 10, 2022 are GRANTED to the extent provided herein.

43. IT IS FURTHER ORDERED, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and sections 0.91, 0.291, 1.3, and 54.722(a) of the Commission's rules, 47 CFR §§ 0.91, 0.291, 1.3, and 54.722(a), section 54.622(i)(3) of the Commission's rules, 47 CFR § 54.622(i)(3), IS WAIVED to the extent described herein.

44. ACCORDINGLY, IT IS ORDERED that, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and section 54.722(a) of the Commission's rules, 47 CFR § 54.722(a), the Requests for Review filed by Fort Drum on December 2, 2022 are GRANTED IN PART to the extent provided herein and DENIED IN PART to the extent provided herein.

45. IT IS FURTHER ORDERED that, pursuant to the authority delegated in section 1.102(b)(1) of the Commission's rules, 47 CFR § 1.102(b)(1), this order SHALL BE EFFECTIVE upon release.

FEDERAL COMMUNICATIONS COMMISSION

Trent B. Harkrader
Chief
Wireline Competition Bureau

APPENDIX A

Eligible Health Care Providers

Health Care Provider Name	HCP Number	Designation	Appeal
Behavioral Health Services/Ridge Commons	26567	Community Mental Health Center	ACTION Appeal III
Center for Recovery – Glens Falls	26573	Community Mental Health Center	ACTION Appeal III
The Center for Recovery – Hudson Falls	26585	Community Mental Health Center	ACTION Appeal III

APPENDIX B**Ineligible Sites**

Site Name	HCP Number	Appeal
Glens Falls Hospital Broad Street Campus	26566	ACTION Appeal III
Main Street Physical Therapy	26582	ACTION Appeal III
The Rehab Center & The Hearing Center	26581	ACTION Appeal III
GFH Sleep Lab	26574	ACTION Appeal III
SMC Urology Clinic	23820	North Country Appeal III
The Medical Center at Wilton	26578	ACTION Appeal III
Hudson Falls Internal Medicine	26579	ACTION Appeal III
Adirondack Cardiology Associates	44601	ACTION Appeal III
Advanced Imaging at Baybrook	26564	ACTION Appeal III
Fort Edward Family Medicine	26568	ACTION Appeal III



PUBLIC NOTICE

Federal Communications Commission
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DA 24-1252

Released: December 13, 2024

WIRELINE COMPETITION BUREAU PERFORMS REQUIRED EVALUATION OF STIR/SHAKEN IMPLEMENTATION EXTENSIONS PURSUANT TO SECTION 64.6304(F) OF THE COMMISSION'S RULES

WC Docket No. 17-97

In this Public Notice, the Wireline Competition Bureau (Bureau) performs its annual reevaluation of the remaining STIR/SHAKEN implementation extensions granted by the Commission as required by section 64.6304(f) of the Commission's rules.¹ Pursuant to the Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence (TRACED) Act, the Commission has directed that the Wireline Competition Bureau (Bureau), "in conjunction with an assessment of burdens and barriers to implementation of caller identification authentication technology, annually review the scope" of all STIR/SHAKEN implementation extensions previously granted by the Commission on the basis of undue hardship.² At this time, only two such STIR/SHAKEN implementation extensions remain—the extension for small voice service providers originating calls via satellite using U.S. North American Numbering Plan (NANP) numbers and the extension for providers that cannot obtain a Service Provider Code (SPC) token. As in our previous annual reevaluation, we find that these extensions remain necessary to avoid undue hardship for the limited number of providers that require them, and that retaining them does not present a significant barrier to the Commission's goal of full participation in STIR/SHAKEN.

I. BACKGROUND

The STIR/SHAKEN caller ID authentication framework helps protect consumers against illegally spoofed robocalls by enabling service providers to verify that the caller ID information transmitted with a particular call matches the caller's number.³ Consistent with Congress's direction in the TRACED Act, the Commission required voice service providers to fully implement STIR/SHAKEN in the Internet Protocol (IP) portions of their networks by June 30, 2021.⁴ The TRACED Act also directed the Commission to assess burdens or barriers to the implementation of STIR/SHAKEN,⁵ however, and

¹ Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act, Pub. L. No. 116-105, § 4(b)(5)(F), 133 Stat. 3274, 3279 (2019) (codified in 47 U.S.C. § 227b) (TRACED Act); *Call Authentication Trust Anchor*, WC Docket No. 17-97, Second Report and Order, 36 FCC Rcd 1859, 1896-97, paras. 71-73 (2020) (*Second Caller ID Authentication Report and Order*).

² See TRACED Act § 4(b)(5)(F); 47 CFR § 64.6304(f).

³ See *Call Authentication Trust Anchor*, WC Docket No. 17-97, Eighth Report and Order, FCC 24-120, para. 5 (Nov. 22, 2024) (*Eighth Caller ID Authentication Report and Order*).

⁴ TRACED Act § 4(b)(1)(A) (directing the Commission to require all voice service providers to implement STIR/SHAKEN in the IP portions of their networks no later than 18 months after the date of the enactment of the TRACED Act); 47 CFR § 64.6301; *Call Authentication Trust Anchor*, WC Docket No. 17-97, Report and Order and Further Notice of Proposed Rulemaking, 35 FCC Rcd 3241, 2352, para. 24 (2020) (*First Caller ID Authentication Report and Order and Further Notice*).

granted the Commission discretion to extend the implementation deadline for a “reasonable period of time” based upon a “public finding of undue hardship.”⁶

In the *Second Caller ID Authentication Report and Order*, the Commission performed its initial assessment and granted three categorical STIR/SHAKEN implementation extensions on the basis of undue hardship to: (1) small voice service providers with 100,000 or fewer voice subscriber lines; (2) voice service providers unable to obtain the SPC token necessary to participate in STIR/SHAKEN; and (3) services scheduled for section 214 discontinuance.⁷

The TRACED Act also requires the Commission to assess the burdens and barriers to implementation “as appropriate” after its initial assessment,⁸ and directs the Commission to, “not less frequently than annually after the first [extension] is granted,” reevaluate and potentially revise any extension granted on the basis of undue hardship.⁹ In making this assessment, the Commission must issue a public notice addressing “why such [extension] remains necessary” and “when the Commission expects to achieve the goal of full participation” in caller ID authentication.¹⁰ To comply with these obligations, the Commission directed the Bureau to annually assess the barriers to STIR/SHAKEN implementation and reevaluate the extensions granted for undue hardship, and to revise or extend them as necessary.¹¹ In so doing, the Commission permitted the Bureau to lengthen the extensions to which voice service providers are already subject, but prohibited it from terminating an extension prior to the extension’s originally set end date, or granting extensions for any providers or services that are not already subject to one.¹² If the Bureau decides to further lengthen a granted extension based on its assessments of burdens and barriers, it is permitted to decrease, but not expand, the scope of entities that are entitled to such an extension.¹³

The Bureau has now conducted three annual reevaluations.¹⁴ Two of the extensions originally granted have now expired. Specifically, the STIR/SHAKEN implementation extension for services scheduled for section 214 discontinuance ended on June 30, 2022,¹⁵ and the implementation extensions

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⁵ TRACED Act § 4(b)(5)(A).

⁶ *Id.* § 4(b)(5)(A)(ii).

⁷ *Second Caller ID Authentication Report and Order*, 36 FCC Rcd at 1877-83, paras. 39-51. Pursuant to Congress’s direction in the TRACED Act, voice service providers also have a continuing extension for the portions of their networks that rely on technology that cannot initiate, maintain, or terminate SIP calls. *See* TRACED Act § 4(b)(5)(B); 47 CFR § 64.6304(d); *Second Caller ID Authentication Report and Order*, 36 FCC Rcd at 1892-96, paras. 66-70. Because this extension was not granted on the basis of undue hardship, we do not address it further in this Public Notice. *See* TRACED Act § 4(b)(5)(F).

⁸ TRACED Act § 4(b)(5)(A)(i).

⁹ *Id.* § 4(b)(5)(F)(i).

¹⁰ *Id.* § 4(b)(5)(F)(iii).

¹¹ *Second Caller ID Authentication Report and Order*, 36 FCC Rcd at 1896, paras. 71-72.

¹² *Id.* at 1896, para. 72.

¹³ *Id.*

¹⁴ *See Wireline Competition Bureau Reevaluates STIR/SHAKEN Extensions Pursuant to Section 4(b)(5) of the TRACED Act*, WC Docket No. 17-97, Public Notice, DA 21-1593 (WCB Dec. 16, 2021) (*First Reevaluation of STIR/SHAKEN Extensions Public Notice*); *Wireline Competition Bureau Performs Required Evaluation Pursuant to Section 64.6304(f) of the Commission’s Rules*, WC Docket No. 17-97, Public Notice, DA 22-1342, at 3-6 (WCB Dec. 16, 2022) (*Second Reevaluation of STIR/SHAKEN Extensions Public Notice*); *Wireline Competition Bureau Performs Required Evaluation Pursuant to Section 64.6304(f) of the Commission’s Rules*, WC Docket No. 17-97, Public Notice, DA 23-1157 (WCB Dec. 15, 2023) (*Third Reevaluation of STIR/SHAKEN Extensions Public Notice*).

for non-facilities-based and facilities-based small voice service providers ended on June 30, 2022, and June 30, 2023, respectively.¹⁶

In the March 2023 *Sixth Caller ID Authentication Report and Order and Further Notice*, the Commission granted an additional, continuing extension to small voice service providers that originate calls via satellite using NANP numbers.¹⁷ The Commission found it appropriate to “provide an indefinite extension for STIR/SHAKEN implementation to these providers by applying the TRACED Act’s ‘undue hardship’ standard.”¹⁸ It cited record statements explaining that the design and functioning of satellite service make it uneconomical to execute the high volume calling plans undertaken by illegal robocallers.¹⁹ It stated that the record indicated that the number of satellite providers using NANP resources is “miniscule” and that balancing the benefits and burdens of STIR/SHAKEN implementation weighed in favor of an extension.²⁰ Eight months later, in its third annual reevaluation in December 2023, the Bureau was required to consider for the first time whether to revise this extension. The Bureau determined that the burdens and barriers to implementation faced by small satellite providers originating calls using NANP numbers had not changed since the Commission concluded that the extension was warranted earlier that year and therefore declined to revise the extension.²¹

In the *Sixth Caller ID Authentication Order and Further Notice*, the Commission also sought comment on whether to eliminate the implementation extension for providers that cannot obtain an SPC token.²² Because that issue remained pending before the Commission when the Bureau conducted its third annual reevaluation in December 2023, the Bureau concluded that the extension remained necessary without modifications to permit the Commission to complete its consideration of the issue based upon the record developed in response to *Sixth Caller ID Authentication Further Notice*.²³

On September 30, 2024, the Bureau released a Public Notice seeking comment to inform this fourth annual reevaluation of the remaining STIR/SHAKEN implementation extensions—for small satellite voice service providers originating calls with NANP numbers and for providers unable to obtain

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¹⁵ See 47 CFR § 64.6304(c) (providing a one-year implementation extension until June 30, 2022, for services scheduled for 214 discontinuance).

¹⁶ See 47 CFR § 64.6304(a)(1)(i) (limiting the extension for non-facilities-based small voice service providers to June 30, 2022). The Commission initially granted a two-year extension until June 30, 2023, for all small voice service providers to implement STIR/SHAKEN. *Second Caller ID Authentication Report and Order*, 36 FCC Rcd at 1877-82, paras. 40-48. However, the Commission shortened the extension for non-facilities-based small service providers to June 30, 2022, based on overwhelming record support and available evidence showing that this subset of providers were originating a large and disproportionate amount of robocalls, while retaining the full two-year extension for facilities-based providers. *Call Authentication Trust Anchor*, WC Docket No. 17-97, Fourth Report and Order, 36 FCC Rcd 17840, 17844, para. 9 (2021) (*Small Provider Order*).

¹⁷ *Call Authentication Trust Anchor*, WC Docket No. 17-97, Sixth Report and Order and Further Notice of Proposed Rulemaking, FCC 23-18, at 42-43, paras. 79-82 (2023) (*Sixth Caller ID Authentication Order and Further Notice*). The Commission also concluded that satellite providers originating calls using non-NANP numbers are not “voice service providers” within the meaning of the TRACED Act, and therefore, it did not reach the question of whether a STIR/SHAKEN implementation extension was necessary for such providers. *Id.* at 41-42, para. 78.

¹⁸ *Id.* at 42, para. 79.

¹⁹ *Id.* at 42-43, para. 81 and n.295.

²⁰ *Id.* at 42-43, para. 81. The Commission made clear that small voice service satellite providers with an extension must submit a certification to the Robocall Mitigation Database. *Id.* at 43, para. 82.

²¹ *Third Reevaluation of STIR/SHAKEN Extensions Public Notice* at 6-7.

²² *Sixth Caller ID Authentication Order and Further Notice* at 51, paras. 107-108.

²³ *Third Reevaluation of STIR/SHAKEN Extensions Public Notice* at 4-6.

the required token—granted on the basis of undue hardship.²⁴ In response to that Public Notice, we received one initial comment and no reply comments.

Following the release of the Public Notice seeking comment on the annual reevaluation, on November 21, 2024, the Commission adopted its *Eighth Caller ID Authentication Report and Order*, which authorized providers with a STIR/SHAKEN implementation obligation to work with third parties to perform the technological act of signing calls to fulfill their compliance obligations under the Commission’s rules, subject to the requirements that the provider with the STIR/SHAKEN implementation obligation: (1) makes all attestation level decisions, consistent with the STIR/SHAKEN technical standards; and (2) ensures that all calls are signed using its own certificate obtained from a STIR/SHAKEN Certificate Authority—not the certificate of a third party.²⁵ Pursuant to these rules, the *Eighth Caller ID Authentication Report and Order* required all providers with a STIR/SHAKEN implementation obligation to obtain their own SPC token and digital certificate regardless of whether calls are signed directly by the provider with the STIR/SHAKEN implementation obligation or by a third party.²⁶ At the same time, the Commission declined to eliminate the extension for providers that cannot obtain an SPC token.²⁷

II. DISCUSSION

After reviewing the record for this fourth annual reevaluation, we conclude that, at this time, the extensions for small satellite voice service providers originating calls with NANP numbers and for providers that cannot obtain the SPC token required to implement STIR/SHAKEN remain necessary, and that they do not serve as a significant impediment to the Commission’s goal of full participation in the STIR/SHAKEN caller ID authentication framework.²⁸ Indeed, important progress has been made toward that goal. All voice service providers with control over the network infrastructure necessary to implement STIR/SHAKEN are now required to do so for session internet protocol (SIP) calls unless they are subject to one of the two narrow extensions discussed herein.²⁹ The Commission has also adopted rules expanding STIR/SHAKEN implementation obligations to cover additional types of providers. Gateway providers were required to implement STIR/SHAKEN by June 30, 2023, and non-gateway intermediate providers that receive unauthenticated calls directly from domestic originating providers were required to authenticate those calls using STIR/SHAKEN as of December 31, 2023.³⁰ While we conclude that the

²⁴ *Wireline Competition Bureau Seeks Comment on Previously Granted STIR/SHAKEN Implementation Extensions Pursuant to Section 64.6304(f) of the Commission’s Rules*, WC Docket No. 17-97, Public Notice, DA 24-1019 (WCB Sept. 30, 2024) (*September 2024 Public Notice*).

²⁵ *Eighth Caller ID Authentication Report and Order* at 10-11, para. 14.

²⁶ *Id.* at 21-22, para. 28.

²⁷ *Id.* at 22, para. 29 n.137.

²⁸ The TRACED Act directs the Commission to “enable as promptly as reasonable full participation of all classes of providers of voice service” in the STIR/SHAKEN framework, and to report on when it expects to achieve the goal of full participation. TRACED Act § 4(b)(5)(D), (F); *Second Caller ID Authentication Report and Order*, 36 FCC Rcd at 1880-81, para. 45 (noting that the Commission’s “guiding principle” in setting the small voice service provider implementation deadline was to “achieve ubiquitous STIR/SHAKEN implementation . . . as quickly as possible”).

²⁹ See 47 CFR § 64.6304(a)(1)(iii), (b). Providers that lack control over the network infrastructure necessary to implement STIR/SHAKEN do not have an implementation obligation. See *First Caller ID Authentication Report and Order*, 35 FCC Rcd at 3260, para. 40. Further, pursuant to section 4(b)(5)(B) of the TRACED Act, voice service providers have an ongoing extension for the parts their networks that rely on technology that cannot initiate, maintain, and terminate SIP calls. See TRACED Act § 4(b)(5)(B); 47 CFR § 64.6304(d); see also *Second Caller ID Authentication Report and Order*, 36 FCC Rcd at 1892-96, paras. 66-70.

³⁰ See *Advanced Methods to Target and Eliminate Unlawful Robocalls*, *Call Authentication Trust Anchor*, CG Docket No. 17-59, WC Docket No. 17-97, Sixth Report and Order, Fifth Report and Order, Order on

(continued....)

extension for small satellite voice service providers originating calls with NANP numbers and the extension for providers unable to obtain an SPC token remain necessary at this time, the record demonstrates that the extensions are extremely limited in scope and do not create a significant barrier to achieving ubiquitous STIR/SHAKEN implementation.

A. Extension for Providers That Cannot Obtain an SPC Token

We find that the extension for providers that cannot obtain an SPC token remains necessary without modification. In order to participate in the STIR/SHAKEN framework, a provider must first obtain an SPC token issued by the STIR/SHAKEN Policy Administrator.³¹ This token must, in turn, be presented to a STIR/SHAKEN Certificated Authority in order to obtain the digital certificate that is used by the provider to authenticate caller ID information.³² Accordingly, in the *Second Caller ID Authentication Report and Order*, the Commission granted providers that are incapable of obtaining an SPC token due to Governance Authority policy an implementation extension until they are capable of obtaining a token.³³ In May 2021, the Governance Authority revised the STI-GA Token Access Policy to enable token access by some voice service providers previously unable to receive a token.³⁴ In its previous annual reevaluations, the Bureau concluded that the Governance Authority's revised policy resolved the main practical concerns underlying the extension, and found that token access no longer stood as a significant barrier to full participation in STIR/SHAKEN.³⁵ Nevertheless, the Bureau

(Continued from previous page)

Reconsideration, Order, Seventh Further Notice of Proposed Rulemaking, Fifth Further Notice of Proposed Rulemaking, 37 FCC Rcd. 6865, 6892, para. 59 (*Gateway Provider Order and Further Notice*); *Sixth Caller ID Authentication Order and Further Notice* at 8-16, paras. 15-27.

³¹ *Call Authentication Trust Anchor, Appeals of the STIR/SHAKEN Governance Authority Token Revocation Decisions*, WC Docket Nos. 17-97 and 21-291, Third Report and Order, 36 FCC Rcd 12878, 12879-81, paras. 4-6 (2021) (explaining the STIR/SHAKEN governance system and policy for obtaining SPC tokens). As the current Governance Authority, the Secure Telephone Identity Governance Authority defines the policies and procedures for the issuance and use of SPC tokens. *Second Caller ID Authentication Report and Order*, 36 FCC Rcd at 1864, para. 11 & n.37; see also Secure Telephone Governance Authority, STI Governance Authority, <https://sti-ga.atis.org> (last visited Nov. 25, 2023).

³² *Eighth Caller ID Authentication Report and Order* at 4-5, para. 7.

³³ 47 CFR § 64.6304(b); *Second Caller ID Authentication Report and Order*, 36 FCC Rcd at 1882-83, paras. 49-50. Recognizing that “a voice service provider may not be able to immediately come into compliance with its caller ID authentication obligations after it becomes eligible to receive” an SPC token, the Commission stated that it “will not consider a voice service provider that diligently pursues a certificate once it is able to receive on in violation of [its] rules.” *Id.* at 1882-83, para. 50. See also, *Gateway Provider Order and Further Notice*, 37 FCC Rcd at 6893, para. 61.

³⁴ *Caller ID Authentication Governance Framework Revised to Enable Earlier Participation by Providers Without Direct Access to Telephone Numbers*, WC Docket Nos. 13-97, 17-97, Public Notice, DA 21-549 (WCB May 10, 2021). The Governance Authority's original SPC token access policy for STIR/SHAKEN required, in part, that an entity have “direct access to telephone numbers from the North American Number Plan Administrator (NANPA) and National Pooling Administrator (NPA).” STI-Governance Authority (GA), Policy Decision Binder, Policy Decision 001: SPC Token Access Policy Version 1.0, at 5. Under the current Governance Authority policy, to obtain a token, a provider must: “(1) [h]ave a current form 499A on file with the FCC . . . ; (2) [h]ave been assigned an Operating Company Number (OCN) . . . ; [and] (3) [h]ave certified with the FCC that they have implemented STIR/SHAKEN or comply with the [Commission's] Robocall Mitigation Program requirements and are listed in the FCC [Robocall Mitigation Database], or . . . has direct access to telephone numbers from the Toll-Free Number Administrator (TFNA).” See STI-GA, Policy Decision Binder Version 5.1, Policy Decision 001: SPC Token Access Policy Version 1.2, at 5 (Oct. 20, 2023), <https://sti-ga.atis.org/wp-content/uploads/sites/14/2023/10/231020-STIGA-Board-Policy-Decision-Binder-FINAL.pdf>.

³⁵ See *First Reevaluation of STIR/SHAKEN Extensions Public Notice* at 4; *Second Reevaluation of STIR/SHAKEN Extensions* at 5-6; *Third Reevaluation of STIR/SHAKEN Extensions Public Notice* at 4-5.

concluded that it was necessary to retain the extension for the relatively small number of voice service providers that are still unable to obtain an SPC token, without which they cannot participate in the STIR/SHAKEN framework.³⁶

In the *Sixth Caller ID Authentication Further Notice*, the Commission sought comment on whether to eliminate the STIR/SHAKEN implementation extension for providers that cannot obtain an SPC token.³⁷ The Commission also sought comment on additional measures that may strengthen and expand the caller ID authentication regime, including a variety of issues related to third-party caller ID authentication, and “whether any changes should be made to the Commission’s rules to permit, prohibit, or limit” the use of third party authentication solutions.³⁸ In so doing, the Commission asked whether it should prohibit providers from certifying to having implemented STIR/SHAKEN in the Robocall Mitigation Database unless they sign calls with their own SPC token.³⁹ Similarly, the Commission asked whether it should require third parties to sign calls using the provider’s SPC token, if it were to explicitly authorize third-party authentication, and whether the ability to obtain SPC tokens was likely to present a barrier to providers’ compliance with these requirements.⁴⁰ Notably, several parties filed comments in response to the *Sixth Caller ID Authentication Further Notice* addressing SPC token access in the context of third-party caller ID authentication practices.⁴¹

Based on the record developed in response to the *Sixth Caller ID Authentication Further Notice*, the Commission adopted the *Eighth Caller ID Authentication Report and Order*, in which it authorized providers with a STIR/SHAKEN implementation obligation to “engage third parties to perform the technological act of signing calls . . . subject to two conditions: (1) the provider with the implementation obligation must make all attestation-level decisions, consistent with the requirements of the technical standards; and (2) all calls must be signed using the certificate of the provider with the implementation obligation.”⁴² The *Eighth Caller ID Authentication Report and Order* also explicitly required all providers with a STIR/SHAKEN implementation obligation to obtain their own SPC token from the STIR/SHAKEN Policy Administrator.⁴³

In adopting these rules, the Commission declined to modify the extension for providers that

³⁶ *First Reevaluation of STIR/SHAKEN Extensions Public Notice* at 4; *Second Reevaluation of STIR/SHAKEN Extensions* at 6 (noting that “there may still be entities meeting the definition of a provider of ‘voice service’ that are unable to obtain a token, and thus unable to comply with the STIR/SHAKEN rules”).

³⁷ *Sixth Caller ID Authentication Order and Further Notice* at 51, paras. 107-108.

³⁸ *Id.* at 47-51, paras. 97-106.

³⁹ *Id.* at 50, para. 103.

⁴⁰ *Id.*

⁴¹ See e.g., New York State Public Service Commission (NYPSC) Comments, WC Docket No. 17-97, at 2 (rec. June 5, 2023) (arguing that the Commission should eliminate the extension and require providers that cannot obtain an SPC token to use third-party authentication methods); NTCA Comments, WC Docket No. 17-97, at 3 (rec. June 6, 2023) (stating that “the low cost of obtaining tokens . . . is certainly outweighed by the benefit of closing a serious security vulnerability”); CTIA Reply, WC Docket No. 17-97, at 6 (rec. July 5, 2023) (arguing that requiring originating providers to obtain their own SPC tokens will encourage innovation in STIR/SHAKEN); ZipDX Reply, WC Docket No. 17-97, at 4 (rec. July 2, 2023) (arguing that “the cost to obtain and maintain a token is revenue-based and will be small for a small reseller”); but see INCOMPAS Reply, WC Docket No. 17-97, at 6 (rec. July 5, 2023) (arguing that requiring all providers to obtain a token will “necessitate changes with both the industry’s token access policies and the Commission’s current administration of voice service providers”).

⁴² *Eighth Caller ID Authentication Report and Order* 15-16, para. 20.

⁴³ *Id.*

cannot obtain an SPC token.⁴⁴ The Commission observed that the most recent submissions to the Robocall Mitigation Database, in which providers could claim that they qualified for an extension of the STIR/SHAKEN implementation requirement on the ground that they could not obtain an SPC token, were currently under review by the Bureau. This review, the Commission explained, would allow the Bureau to “determine the number of providers still relying on the SPC token extension and the merit of the justifications submitted by those claiming the extension.”⁴⁵ The Commission concluded it would “be better able to determine whether to retain or eliminate the SPC token extension at that time.”⁴⁶

We conclude that the SPC token extension should remain in effect so that the Commission may consider whether to retain the extension based on the staff’s assessment of the number of providers still claiming the extension and the merit of these claims. Retaining the extension in the interim will ensure that no provider is subjected to a regulatory obligation that it cannot fulfill. Moreover, based on the record in response to the *Sixth Caller ID Authentication Further Notice*, we expect to find that very few providers still rely on this extension, and that the lack of participation in STIR/SHAKEN by any such providers is not a significant barrier to the Commission’s goal of ubiquitous implementation of STIR/SHAKEN. Once the staff’s assessment is complete, we will consider the results of the assessment in determining the necessity of retaining the extension.

B. Extension for Small Satellite Providers Originating Calls Using NANP Numbers

As in the previous annual reevaluation,⁴⁷ we find that the extension for small satellite providers originating calls using NANP numbers remains necessary and that no modifications are needed at this time. In the *Sixth Caller ID Authentication Report and Order*, the Commission concluded that an indefinite implementation extension was appropriate for such providers because “satellite service costs make the high-volume calling necessary for robocallers uneconomical,” there was “little evidence that satellite providers or their users are responsible for illegal robocalls,” and the number of satellite subscribers using NANP resources was “miniscule.”⁴⁸ The Commission concluded that the balance of benefits and burdens counseled “against requiring such providers to implement” STIR/SHAKEN.⁴⁹ In the previous reevaluation, the Commission determined there was “no evidence to suggest that the burdens and barriers to implementation faced by small satellite providers originating calls using NANP numbers [had] changed since the Commission concluded that the extension was warranted.”⁵⁰

We again decline to modify the extension for small satellite providers using NANP numbers. The only comments filed on this issue were submitted by the Satellite Industry Association (SIA), which supports retaining the extension.⁵¹ SIA points out that traceback reports show that satellite providers have not received any traceback requests, demonstrating that small satellite providers using NANP numbers are not a source of illegal robocalls.⁵² Indeed, as SIA argues, the high costs for satellite voice services make

⁴⁴ *Id.* at 22, para. 29 n.137.

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ See *Third Reevaluation of STIR/SHAKEN Extensions Public Notice* at 6-7.

⁴⁸ See *Sixth Caller ID Authentication Order and Further Notice* at 42-43, para. 81; Satellite Industry Association (SIA) Comments, CG Docket No. 17-59, WC Docket No. 17-97 at 8, 15-18 (rec. Aug. 17, 2022); YouMail, Inc. Comments, CG Docket No. 17-59, WC Docket No. 17-97 at 5, n.10 (rec. Aug. 16, 2022).

⁴⁹ See *Sixth Caller ID Authentication Order and Further Notice* at 42-43, paras. 80-82.

⁵⁰ *Third Reevaluation of STIR/SHAKEN Extensions Public Notice* at 6.

⁵¹ SIA Comments, WC Docket No. 17-97 (rec. Oct. 21, 2024).

⁵² *Id.* at 3.

using these services for illegal robocalls impractical.⁵³ SIA also asserts that the extension does not materially impact the Commission's efforts to deploy STIR/SHAKEN because the number of satellite voice describers remains *de minimis*.⁵⁴ No party counters these assertions. We will continue to annually reevaluate the extension to ensure that the Commission will be able to promptly act to prevent any "unforeseen abuses"⁵⁵ and take any reasonable measures to enable full participation in the STIR/SHAKEN framework by small satellite voice service providers as promptly as reasonable.⁵⁶

C. Other Issues

Contact Information. For further information, please contact Janice Gorin, Attorney Advisor, Competition Policy Division, Wireline Competition Bureau, at 202-418-0637 or by email at Janice.Gorin@fcc.gov.

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⁵³ See *id.* at 3-4; *Sixth Caller ID Authentication Order and Further Notice* at para. 81.

⁵⁴ See *id.* at 2-3, 5.

⁵⁵ *Sixth Caller ID Authentication Order and Further Notice* at 43, para. 82.

⁵⁶ TRACED Act § 4(b)(5)(D), (F).



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DA 24-1253

Released: December 16, 2024

MEDIA BUREAU ANNOUNCES DISCONTINUANCE OF CONSOLIDATED DATA BASE SYSTEM (CDBS) PUBLIC ACCESS SEARCH FUNCTION

CDBS Public Access to Sunset January 2, 2025

As part of its ongoing effort to update the Commission's application filing systems and to transition Media Bureau filings from the Consolidated Data Base System (CDBS) to the Licensing and Management System (LMS), by this *Public Notice*, the Media Bureau announces that the CDBS Public Access Search function will be discontinued effective January 2, 2025. The vast majority of all CDBS-filed applications and associated attachments have been transferred to LMS, and may be viewed using the LMS search function at <https://enterpriseefiling.fcc.gov/dataentry/public/tv/publicSearchLanding.html>. Persons seeking information regarding broadcast applications filed in either LMS or in CDBS should search LMS. As of January 2, 2025, there will be no public search available solely for CDBS. In the event that needed CDBS applications are not available in LMS, please contact James Bradshaw (audio applications) or Kevin Harding (video applications) at the email addresses below.

For further information contact James Bradshaw, Audio Division, Media Bureau, james.bradshaw@fcc.gov; Rudy Bonacci, Audio Division, Media Bureau, rodolfo.bonacci@fcc.gov; Albert Shuldiner, Audio Division, Media Bureau, albert.shuldiner@fcc.gov; or Kevin Harding, Video Division, Media Bureau, kevin.harding@fcc.gov. Press inquiries should be directed to Nancy Murphy, nancy.murphy@fcc.gov, at (202) 418-1043.

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DA 24-1254

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NOTICE OF INTERCONNECTED VOIP NUMBERING AUTHORIZATION APPLICATIONS DISMISSED WITHOUT PREJUDICE

The following applications have been submitted to the Wireline Competition Bureau (Bureau), pursuant to section 52.15(g)(3) of the Commission's rules, seeking authorization to obtain North American Numbering Plan telephone numbers directly from the Numbering Administrator:¹

Interconnected VoIP Numbering Authorization Application Filed by HDC Alpha, LLC, Pursuant to Section 52.15(g)(3) of the Commission's Rules, WC Docket No. 19-313 (Oct. 8, 2019), Public Notice, DA 21-15 (WCB Jan. 6, 2021), Public Notice, DA 21-100 (WCB Feb. 1, 2021);

Interconnected VoIP Numbering Authorization Application Filed by HDC Beta, LLC, Pursuant to Section 52.15(g)(3) of the Commission's Rules, WC Docket No. 19-314 (Oct. 8, 2019), Public Notice, DA 21-16 (WCB Jan. 6, 2021), Public Notice, DA 21-101 (WCB Feb. 1, 2021).

In September 2023, the Commission adopted new rules clarifying and strengthening its direct access rules, requiring numbering authorization applicants to make new certifications and disclosures.²

Pursuant to section 52.15(g)(3)(vii)(A) of the rules, these applications are dismissed for failure to satisfy the qualification requirements for a Commission authorization.³ The Bureau requested that the applications be updated with specific additional information, including with the new required certifications and disclosures.⁴ To date, no supplements to the Applications have been filed, thus Applicants have not complied with the Bureau's request for additional information. While the applications were placed on public notice prior to the adoption of the requirements in the *Second Report and Order*, the Bureau has broad discretion to seek additional specific information to determine if Applicants are qualified to hold a direct access authorization. Applicants must provide additional information requested by the Bureau "during and after its initial review of a direct access application," and "failure to respond to such a request or other official correspondence may result in rejection of the

¹ See 47 CFR § 52.15(g)(3).

² See *Numbering Policies for Modern Communications et al.*, WC Docket No. 13-97 et al., Second Report and Order and Second Further Notice of Proposed Rulemaking, FCC 23-75, 38 FCC Rcd 8951 (2023) (*Second Report and Order*) (stating that the Commission authorizes the Bureau to reject applications, and that "by reject we mean either dismiss or deny depending on the specifics of any particular application and the reason for its rejection"); see also Federal Communications Commission, *Numbering Policies for Modern Communications*, 89 Fed. Reg. 64832 (Aug. 8, 2024) (announcing an August 8, 2024 effective date for the new rules); 47 CFR § 52.15(g)(3)(ii)(C)-(F), (I), (L), (N).

³ See 47 CFR. § 52.15(g)(3)(vii)(A).

⁴ See 47 CFR. § 52.15(g)(3)(ii)(C)-(F), (I), (K)-(L), (N).

application without prejudice.”⁵ In accordance with section 52.15(g)(3)(vii) of the Commission’s rules,⁶ the Bureau therefore dismisses without prejudice the applications as incomplete and for failure to respond to requests for additional specific information related to the Applicants’ qualifications. Applicants may in the future refile their applications with the information necessary to comply with the Commission’s filing requirements.

Please contact Jordan Reth at Jordan.Reth@fcc.gov for further information.

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⁵ 47 CFR § 52.15(g)(3)(vi). *See also* 47 CFR § 1.65 (indicating that an applicant has a responsibility to maintain the continuing substantial accuracy and completeness in all significant respects of information furnished in a pending application).

⁶ *See* 47 CFR § 52.15(g)(3)(vii).



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DA 24-1255

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NOTICE OF INTERCONNECTED VOIP NUMBERING AUTHORIZATION¹ APPLICATIONS DISMISSED WITHOUT PREJUDICE

The following applications have been submitted to the Wireline Competition Bureau (Bureau), pursuant to section 52.15(g)(3) of the Commission's rules, seeking authorization to obtain North American Numbering Plan telephone numbers directly from the Numbering Administrator:²

Interconnected VoIP Numbering Authorization Application Filed by Backbone Communications, Inc., Pursuant to Section 52.15(g)(3) of the Commission's Rules, WC Docket No. 16-361 (October 11, 2016);

Interconnected VoIP Numbering Authorization Application Filed by Freeway Communications, LLC, Pursuant to Section 52.15(g)(3) of the Commission's Rules, WC Docket No. 17-88 (March 22, 2017);

Interconnected VoIP Numbering Authorization Application Filed by Technology Innovations Lab, LLC, Pursuant to Section 52.15(g)(3) of the Commission's Rules, INBOX-52.15 (June 23, 2020);

Interconnected VoIP Numbering Authorization Application Filed by Single Point Global Pursuant to Section 52.15(g)(3) of the Commission's Rules, INBOX-52.15 (March 16, 2021);

Interconnected VoIP Numbering Authorization Application Filed by T3 Communications, Inc. Pursuant to Section 52.15(g)(3) of the Commission's Rules, WC Docket No. 21-165 (April 12, 2021);

Interconnected VoIP Numbering Authorization Application Filed by Digital Network Access Communications Pursuant to Section 52.15(g)(3) of the Commission's Rules, WC Docket No. 21-317 (July 29, 2021);

Interconnected VoIP Numbering Authorization Application Filed by SimpleVoIP Pursuant to Section 52.15(g)(3) of the Commission's Rules, WC Docket No. 23-408 (November 10, 2023);

¹ See *Wireline Competition Bureau Announces Commencement Date and Process for Interconnected VoIP Providers to File Applications for Authorization to Obtain Telephone Numbers*, Public Notice, 31 FCC Rcd 949, 950 (WCB 2016) (Report and Order); see also *Numbering Policies for Modern Communications et al.*, WC Docket No. 13-97 et al., Second Report and Order and Second Further Notice of Proposed Rulemaking, FCC 23-75 (rel. Sept. 22, 2023) (Second Report and Order).

² See 47 CFR § 52.15(g)(3).

Interconnected VoIP Numbering Authorization Application Filed by VoIP Stir PR LLC Pursuant to Section 52.15(g)(3) of the Commission's Rules, WC Docket No. 23-409 (November 17, 2023).

After a preliminary review of the applications, the Bureau determined that the applications did not include all of the information required by the Commission's rules.³ The Bureau, pursuant to its normal practice of informally requesting supplemental information from the Applicants via email or telephone conference, requested that the applicants in each of the above-listed applications file an amendment or provide specific, additional information to complete their applications.⁴ To date, the applicants have not complied with the requests. As a result, the Commission has not released public notices accepting the applications for filing.⁵ The Commission delegated authority to the Bureau to dismiss an application when it determines that the applicant cannot satisfy the qualifications for a direct access authorization.⁶ The Bureau cannot determine whether the listed applicants satisfy the qualifications for a direct access authorization without the specific information it requested. The applications are therefore incomplete as filed, and the Bureau dismisses them without prejudice. Applicants may in the future refile their applications with the information necessary to comply with the Commission's filing requirements.⁷

Please contact Jordan Reth, Competition Policy Division, Wireline Competition Bureau, at Jordan.Reth@fcc.gov, or (202) 418-1418.

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³ See 47 CFR § 52.15(g). In September 2023, the Commission adopted new rules clarifying and strengthening its direct access rules, requiring numbering authorization applicants to make new certifications and disclosures. See Second Report and Order, 8957-80, paras. 13-55. These new rules became effective on August 8, 2024.

⁴ See, e.g., 47 CFR § 52.15(g)(3)(ii)(H) (Backbone Communications, Inc., Freeway Communications, Inc., SinglePoint Global, T3 Communications, Inc., Digital Network Access Communications, SimpleVoIP, LLC, and VoIP Stir PR, LLC, failed to respond to staff requests to provide sufficient documentation as proof of their facilities readiness); see, e.g., 47 CFR 52.15(g)(3)(vi) (T3 Communications, Inc. and Digital Network Access Communications failed to respond to additional information requests by staff concerning their status regarding foreign ownership).

⁵ See 47 CFR 52.15(g)(3)(ii).

⁶ See Report and Order, 30 FCC Rcd at 6857-58, paras. 38-40 (2015); Second Report and Order, 38 FCC Rcd at 8982-83, para. 62 and n.207 (2023) (stating that the Commission authorizes the Bureau to reject applications, and that "by reject we mean either dismiss or deny depending on the specifics of any particular application and the reason for its rejection."). See also 47 CFR § 1.65.

⁷ Applicants were either notified or on notice that subsequent to the filing of their applications, the Commission had instituted an application processing fee for all direct access applications to which they would be subject if they choose to refile their applications upon dismissal. See *Wireline Competition Bureau Reminds Applicants of the Effective Date of New Application Processing Fees*, Public Notice, DA 21-1578A1 at 1-2 (WCB Dec. 15, 2021).



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OFFICE OF ENGINEERING AND TECHNOLOGY APPROVES REQUEST FROM COMSEARCH TO MODIFY THEIR AFC SYSTEM

ET Docket No. 21-352

By this Public Notice, the Office of Engineering and Technology (OET) hereby approves a request filed by Comsearch to modify their AFC system which determines available frequency ranges and maximum power levels for 6 GHz standard power devices.¹

On February 23rd, 2024, OET issued a Public Notice approving Comsearch as an automated frequency coordination (AFC) system operator.² In the Public Notice, OET required that each AFC operator file a notice “informing OET and the public of any modification to its AFC system that can change the available frequency ranges and maximum power levels determined by its AFC system” and “receive OET approval prior to implementing any proposed modification.”³ Pursuant to the Public Notice, Comsearch submitted a filing on October 3rd, 2024, seeking OET’s permission to modify its AFC system to incorporate two new changes.⁴ In the filing, Comsearch explained that it was requesting to modify its AFC system to shift the grid that is superimposed on the Standard Power device’s horizontal area of location uncertainty by 0.5 second in latitude and longitude, such that the grid point locations are at the center of the digitized terrain and clutter classification data pixels.⁵ The April 2020 Report and Order (*6 GHz Order*) required using one arc-second digital elevation terrain data for propagation models.⁶ One arc-second datasets are derived from smaller scale topographic maps with more granular elevation data, and they allow for more accurate calculations of the terrain effects on propagation.⁷ According to Comsearch, the proposed change leads “to less ambiguity and better alignment with the Wi-Fi Alliance AFC System Compliance test plan (Test Plan).”⁸ Comsearch pointed out that the modified AFC system would produce test results that are in compliance with the expected results defined in the Test Plan.⁹ Comsearch also requested to update its AFC system to process AFC system inquiries using frequency

¹ Letter Comsearch to Marlene H. Dortch, Secretary, Federal Communications Commission, ET Docket No. 21.352 (filed October 03, 2024) (*AFC Letter*).

² Public Notice, *OET Announces Approval of Seven 6 GHz Band Automated Frequency Coordination Systems for Commercial Operation and Seeks Comment on C3 Spectra’s Proposed AFC System*, DA 24-166, ET Docket No. 21-352 (rel. Feb. 23, 2024).

³ *Id.* at para. 13.

⁴ *See AFC Letter*.

⁵ *Id.* at 1.

⁶ *6 GHz Order*, 35 FCC Rcd at 3876, para. 66.

⁷ *Id.*

⁸ *AFC Letter* at 1.

⁹ *Id.*

ranges in addition to channels.¹⁰ Comsearch ran regression tests using the test plan and confirmed available frequencies and power levels that would be reported by its modified AFC system are fully in compliance with the Commission's Rules.¹¹

Comsearch provided a test log showing results for 102 test vectors.¹² Upon review of Comsearch's updated test log, we find that the results are consistent with those from other AFC systems except in a few cases where Comsearch's AFC system provided more conservative results.¹³ We also find that the test results for AFC system inquiries based on frequency ranges align with results.¹⁴ Based on the test data submitted by Comsearch, we determine that the proposed changes are acceptable, and the updated AFC results are in compliance with our rules. Therefore, we approve Comsearch's request to modify its AFC as described and use the updated AFC system for commercial operation.

By the Acting Chief, Office of Engineering and Technology

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¹⁰ *Id.*

¹¹ *Id.*

¹² *AFC Letter* at 3.

¹³ Broadcom AFC SUT Test Report, ET Docket No. 21-352, at 91-94 (filed Oct. 3, 2023); Wi-Fi Alliance AFC SUT Test Report, ET Docket No. 21-352, at 91-94 (filed Oct. 5, 2023); Comsearch test_log-2024-10-01.txt (printed as PDF), ET Docket No. 21-352, at 20 (filed Oct. 3, 2024). For the test vector titled AFCS.FSP.10, Comsearch's AFC system provides a maximum PSD of -8 dBm for 6048-6079 MHz, while Broadcom's and Wi-Fi Alliance's AFC systems, respectively, provide about -4.7 dBm.

¹⁴ Broadcom AFC SUT Test Report at 488; Comsearch test_log-2024-10-01.txt (printed as PDF) at 47. For the test vector titled AFCS.FSP.11, the inquired frequency ranges are 5925-6425 MHz and 6525-6875 MHz, which are consistent with Broadcom's test vector AFCS.FSP.11. In this case, also, Comsearch's AFC maximum PSD results are more conservative than Broadcom's results.



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BROADBAND DATA TASK FORCE ANNOUNCES OPENING OF SIXTH BROADBAND DATA COLLECTION FILING WINDOW AND RELEASE OF UPDATED BROADBAND SERVICEABLE LOCATION FABRIC

WC Docket Nos. 11-10, 19-195

By this Public Notice, the Broadband Data Task Force announces that the sixth Broadband Data Collection (BDC) filing window for submitting broadband availability and other data as of December 31, 2024, will open on January 2, 2025. In addition, the December 2024 update of the Broadband Serviceable Location Fabric (Fabric) is being made available to existing Fabric licensees in advance of the opening of the window.

Beginning on January 2, 2025, facilities-based broadband service providers may submit data into the BDC system at <https://bdc.fcc.gov/bdc>, specifying where they made mass-market broadband Internet access service available as of December 31, 2024.¹ Such entities, as well as providers of fixed and mobile voice services, must also submit their December 31, 2024, subscription data required under Form 477 into the BDC system at <https://bdc.fcc.gov/bdc>.² All availability and subscription data must be submitted **no later than March 3, 2025**.³

¹ *Establishing the Digital Opportunity Data Collection; Modernizing the FCC Form 477 Data Program*, WC Docket Nos. 19-195, 11-10, Third Report and Order, 36 FCC Rcd 1126, 1130-31, 33-34, paras. 10-11 & n.42, 16-17 (2021). Facilities-based broadband providers must have one or more end-user connections in service. The Broadband DATA Act requires the Commission to collect broadband Internet access service data from each “provider of fixed or mobile broadband Internet access service.” Broadband Deployment Accuracy and Technological Availability Act, Pub. L. No. 116-130, 134 Stat. 228 (2020) (codified at 47 U.S.C. §§ 641-646), § 641(11). See *Broadband Data Task Force and Office of Economics and Analytics Announce Inaugural Broadband Data Collection Filing Dates*, Public Notice, DA 22-182 (BDTF/OEA Feb. 22, 2022).

² While broadband providers are no longer required to file broadband deployment information using FCC Form 477, we remind them that they must also continue to file Form 477 subscribership and voice service availability data in the BDC system at <http://bdc.fcc.gov>.

³ Providers are required to submit broadband availability data for all locations where, as of December 31, 2024, they have a subscriber or can otherwise provide fixed broadband service within 10 days at a standard installation charge, or, in the case of mobile service providers, maps depicting their mobile broadband coverage area(s) as of that date. This availability data must include locations or areas that were previously removed through the challenge, verification, or audit processes if the provider claims that broadband service was available at such locations or areas as of December 31, 2024. We note, however, that data demonstrating the availability of service to support restoring such locations or areas to the National Broadband Map will not be collected during the upcoming filing window. As stated in the Commission’s *Fourth Report & Order, Declaratory Ruling, and Further Notice of Proposed Rulemaking*, the Broadband Data Task Force, together with the relevant Bureaus and Offices, will conduct a notice and comment process seeking input on what types of technology-specific data would support restoring a location or area that was previously removed from the Map. *Establishing the Digital Opportunity Data Collection; Modernizing the FCC Form 477 Data Program*, WC Docket Nos. 19-195, 11-10, Fourth Report and Order, Declaratory Ruling, and Further Notice of Proposed Rulemaking, FCC 24-72, at 12, 15-17, paras. 28-29, 36-40 (2024).

A recorded webinar demonstrating how to use the BDC system is available at the “Education” tab at <https://www.fcc.gov/BroadbandData/resources#education>. More information on how to log in, navigate the BDC system, and submit data can be found in the BDC System User Guide. Related video tutorials and help articles are available in the BDC Help Center at <https://www.fcc.gov/BroadbandData/Help>. Information about the categories of broadband providers that must file availability data, the types of entities that may submit verified availability data, and what data must be filed can be found at <https://www.fcc.gov/BroadbandData/filers>.

The Fabric serves as the foundation for the collection of fixed broadband availability data in the BDC. The updated Fabric is being made available to Fabric licensees prior to January 2, 2025, and must be used by filers of fixed broadband availability for their availability data as of December 31, 2024. Providers who are already licensees of the Fabric and all other Fabric licensees (including state, local, and Tribal government and other third-party entities) will receive an email from CostQuest, the FCC’s Fabric contractor, providing them with links to access to the December 2024 Fabric data. Entities that have not yet entered into a license agreement with CostQuest for Fabric data (including Internet service providers, state, local or Tribal governmental entities, or other entities wishing to use the Fabric data for purposes of participating in the BDC or non-commercial academic/public policy broadband research) may do so by following the instructions for obtaining access to the Fabric at the BDC Help Center.⁴

The new version of the Fabric incorporates data from updated data sources and other improvement efforts conducted by the FCC and CostQuest, as well as the results of Fabric challenges submitted by state, Tribal, and local governments, broadband service providers, and the public through the National Broadband Map. Changes from previous versions of the Fabric include additional Broadband Serviceable Locations and corrections to addresses, unit counts, building types, land use, and geographic coordinates.⁵

We encourage filers to submit their availability data as of December 31, 2024, as early as possible in the filing window. This will give filers an opportunity to address any problems with their data identified by the BDC system in time to make any necessary corrections in advance of the March 3, 2025, deadline. Failure to timely file required data in the new BDC system may lead to enforcement action and/or penalties as set forth in the Communications Act and other applicable laws.⁶

For additional information and questions regarding the Broadband Data Collection, please visit the BDC website at <https://www.fcc.gov/BroadbandData>.

– FCC –

⁴ Information about the Fabric and how service providers, governmental entities, and third parties can access it may be found in the BDC Help Center at <https://www.fcc.gov/broadbanddata/fabrichelp>.

⁵ Information about the Fabric and methodology can be found at: <https://www.fcc.gov/BroadbandData/resources> under the “Key Reference Documents” tab.

⁶ See *All Facilities-Based Broadband Internet Access Service Providers Must File Complete and Accurate Data in the Broadband Data Collection*, WC Docket Nos. 19-195, 11-10, Enforcement Advisory, DA 22-639, at 2-3 (EB June 15, 2022).

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

In re Applications of	)	NAL/Acct. No. MB-202441410021
	)	
Route 66 Broadcasting, LLC	)	FRN: 0007683287
	)	Facility ID No. 56339
for Consent to Transfer of Control of Station	)	Application File No. 0000205739
KZKE(FM), Seligman, Arizona, from Joseph E.	)	
Hart (Deceased) (Transferor) to Trisha K. Hart,	)	
Trustee of the 2 Bits Family Trust, et al.	)	
(Transferees)	)	
	)	
and	)	
	)	
Grand Canyon Gateway Broadcasting, LLC	)	FRN: 0006969737
	)	Facility ID Nos. 64357 and 201680
for Consent to Transfer of Control of Stations	)	Application File No. 0000205736, et al.
KYET(AM), Golden Valley, Arizona, and	)	
K222CZ, Golden Valley, Arizona, from Joseph E.	)	
Hart (Deceased) (Transferor) and Rhonda K. Hart	)	
(Deceased) (Transferor) to Trisha K. Hart, Trustee	)	
of the 2 Bits Family Trust, et al. (Transferees)	)	

ORDER

Adopted: December 23, 2024

Released: December 23, 2024

By the Chief, Audio Division, Media Bureau:

1. In this Order, we adopt the attached Consent Decree entered into by the Media Bureau (Bureau) and the above-referenced licensees (collectively, the Licensees). The Consent Decree resolves issues arising from the Bureau's review of the captioned applications (Voluntary Transfer Applications).¹

2. In the course of processing the Voluntary Transfer Applications, the Bureau staff found that unauthorized transfers of control occurred prior to the filing of the Applications. Pursuant to the terms of the Consent Decree, Licensees stipulate that they violated section 310(d) of the Communications Act of 1934, as amended (the Act),² and sections 73.3540 and 73.3541 of the Commission's rules (Rules).³ Licensees submit financial documentation to the Bureau, including federal tax returns for the years 2020-2022, to support a reduction of the Consent Decree's civil penalty based upon Licensees' inability to pay. The \$7,500 civil penalty set forth in the Consent Decree reflects consideration of Licensees' documented inability to pay.

3. The Consent Decree requires, among other things, that the Licensees make a seven thousand five hundred dollar (\$7,500) civil penalty payment to the United States Treasury and undertake

¹ Application File Nos. 0000205739, and 0000205736 et al. (filed Dec. 20, 2022). *See* Broadcast Applications, Public Notice, Report No. PN-1-221222-01, at 5 (MB Dec. 22, 2022); Broadcast Applications, Public Notice, Report No. PN-1-221229-01, at 2-3 (MB Dec. 29, 2022).

² 47 U.S.C. § 310(d).

³ 47 CFR §§ 73.3540, 73.3541.

a three-year compliance plan to prevent future, similar violations. A copy of the Consent Decree is attached hereto and incorporated by reference.

4. After reviewing the terms of the Consent Decree, we find that the public interest will be served by its approval and by terminating all pending proceedings relating to the Bureau's investigation of potential violations of the Rules and the Act in connection with the Voluntary Transfer Applications.

5. Based on the record before us, we conclude that nothing in the record creates a substantial and material question of fact as to whether the Licensees possess the basic qualifications to be Commission licensees.

6. ACCORDINGLY, IT IS ORDERED that, pursuant to section 4(i) of the Act,⁴ and by the authority delegated by sections 0.61 and 0.283 of the Rules,⁵ the Consent Decree attached hereto IS ADOPTED without change, addition, or modification.

7. IT IS FURTHER ORDERED that the investigation by the Bureau of the matters noted above IS TERMINATED.

8. IT IS FURTHER ORDERED that copies of this Order shall be sent, by First Class and Certified Mail, Return Receipt Requested, to counsel for the Licensees, Seth L. Williams, Esq., 1300 North 17th Street, Suite 1100, Arlington, VA 22209.

9. IT IS FURTHER ORDERED that pursuant to section 73.3526(e)(10) of the Rules,⁶ a copy of this Order and Consent Decree and as otherwise required all related investigatory materials SHALL BE RETAINED in each of the above-captioned Stations' online public inspection file until grant of the next license renewal application.

FEDERAL COMMUNICATIONS COMMISSION

Albert Shuldiner
Chief, Audio Division
Media Bureau

⁴ 47 U.S.C. § 4(i).

⁵ 47 CFR §§ 0.61, 0.283.

⁶ *Id.* § 73.3526(e)(10).

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

In re Applications of	)	NAL/Acct. No. MB-202441410021
	)	
Route 66 Broadcasting, LLC	)	FRN: 0007683287
	)	Facility ID No. 56339
for Consent to Transfer of Control of Station	)	Application File No. 0000205739
KZKE(FM), Seligman, Arizona, from Joseph E.	)	
Hart (Deceased) (Transferor) to Trisha K. Hart,	)	
Trustee of the 2 Bits Family Trust, et al.	)	
(Transferees)	)	
	)	
and	)	
	)	
Grand Canyon Gateway Broadcasting, LLC	)	FRN: 0006969737
	)	Facility ID Nos. 64357 and 201680
for Consent to Transfer of Control of Stations	)	Application File No. 0000205736, et al.
KYET(AM), Golden Valley, Arizona, and	)	
K222CZ, Golden Valley, Arizona, from Joseph E.	)	
Hart (Deceased) (Transferor) and Rhonda K. Hart	)	
(Deceased) (Transferor) to Trisha K. Hart, Trustee	)	
of the 2 Bits Family Trust, et al. (Transferees)	)	

CONSENT DECREE

I. INTRODUCTION

1. This Consent Decree is entered into by and between the Media Bureau (Bureau) of the Federal Communications Commission and the Licensees (as defined below), for the purpose of terminating the Bureau's investigation concerning compliance with section 310(d) of the Communications Act of 1934, as amended, 47 U.S.C. § 310(d), and sections 73.3540 and 73.3541 of the Commission's rules, 47 CFR §§ 73.3540 and 73.3541.

II. DEFINITIONS

2. For purposes of this Consent Decree, the following definitions shall apply:
- (a) "Act" means the Communications Act of 1934, as amended, 47 U.S.C. § 151 *et. seq.*;
 - (b) "Adopting Order" means the order of the Bureau adopting this Consent Decree;
 - (c) "Bureau" means the Media Bureau of the Federal Communications Commission;
 - (d) "Civil Penalty" means the payment Licensees have agreed to pay to the United States Treasury;
 - (e) "Commission" or "FCC" means the Federal Communications Commission and all of its bureaus and offices;
 - (f) "Effective Date" means the date on which the Bureau releases the Adopting Order;
 - (g) "GCGB" means Grand Canyon Gateway Broadcasting, LLC, licensee of stations KYET(AM), Golden Valley, Arizona, and K222CZ, Golden Valley, Arizona;

- (h) “Investigation” means the Bureau’s investigation of information contained in the Voluntary Transfer Applications, as detailed herein;
- (i) “Involuntary Transfer of Control Rule” means 47 CFR § 73.3541;
- (j) “Licensees” mean collectively, Route 66 Broadcasting, LLC, Grand Canyon Gateway Broadcasting, LLC, and their affiliates, subsidiaries, predecessors-in-interest, and successors-in-interest;
- (k) “Parties” means the Licensees and the Bureau;
- (l) “Route 66” means Route 66 Broadcasting, LLC, licensee of station KZKE(FM), Seligman, Arizona;
- (m) “Trust” means the 2 Bits Family Trust;
- (n) “Rules” means the Commission’s regulations found in Title 47 of the Code of Federal Regulations;
- (o) “Violations” mean the violations of the Voluntary Transfer of Control Rule, Involuntary Transfer of Control Rule, and section 310(d) of the Act;
- (p) “Voluntary Transfer Applications” means the FCC Form 2100, Schedule 315 applications for consent to the voluntary transfer of control of the licensees of the broadcast stations associated with Application File Nos. 0000205739 and 0000205736 et al.; and
- (q) “Voluntary Transfer of Control Rule” means 47 CFR § 73.3540.

III. BACKGROUND

3. Section 310(d) of the Act, provides in pertinent part:

No construction permit or station license, or any rights thereunder, shall be transferred, assigned, or disposed of in any manner, voluntarily or involuntarily, directly or indirectly, or by transfer of control of any corporation holding such permit or license, to any person except upon application to the Commission and upon finding by the Commission that the public interest, convenience, and necessity will be served thereby.⁷

4. The Voluntary and Involuntary Transfer of Control Rules implement section 310(d) of the Act.⁸ The Voluntary Transfer of Control Rule states, in pertinent part, that “[p]rior consent of the FCC must be obtained for a voluntary assignment or transfer of control.”⁹ The Involuntary Transfer of Control Rule stipulates that:

The FCC shall be notified in writing promptly of the death or legal disability of an individual permittee or licensee, a member of a partnership, or a person directly or indirectly in control of a corporation which is a permittee or licensee.

Within 30 days after the occurrence of such death or legal disability, an application on FCC Form 316 shall be filed requesting consent to involuntary assignment of such permit or license or for involuntary transfer of control of such corporation to a person or entity legally qualified to succeed to the foregoing interests under the laws of the place having jurisdiction over the estate

⁷ 47 U.S.C. § 310(d).

⁸ 47 CFR §§ 73.3540, 73.3541.

⁹ *Id.* § 73.3540(a).

involved.¹⁰

It is well-settled that “control” as used in the Act and the Voluntary and Involuntary Transfer of Control Rules encompasses all forms of control, actual or legal, direct or indirect, negative or affirmative, and that passage of *de facto* as well as *de jure* control requires the prior consent of the Commission.¹¹

5. Joseph Hart held 100% of the voting and equity interest in Route 66. Joseph Hart and Rhonda Hart each held a 50% voting and equity interest in GCGB. On November 5, 2012, Joseph Hart assigned his interest in Route 66 to the Trust without prior Commission consent.¹² On the same day, Joseph Hart and Rhonda Hart each assigned their interest in GCGB to the Trust without prior Commission consent.¹³ Joseph Hart and Rhonda Hart served as the initial co-trustees of the Trust, each with the ability to bind the Trust.¹⁴ After Joseph Hart passed away on September 11, 2022, the Licensees did not promptly notify the Commission of his death, or file applications for the transfer of control to Rhonda Hart, as sole trustee of the Trust, within 30 days.¹⁵ On October 20, 2022, Trisha Hart became co-trustee of the Trust,¹⁶ thus acquiring control of the Licensees, without prior Commission consent. On December 20, 2022, the Licensees filed the Voluntary Transfer Applications.¹⁷

6. Based on the foregoing, the Bureau commenced the Investigation and suspended processing of the Voluntary Transfer Applications. The Parties acknowledge that any proceedings that might result from the Violations would be time-consuming and require a substantial expenditure of public and private resources. In order to conserve such resources, resolve the matters, and promote compliance with the Rules, the Parties are entering into this Consent Decree, in consideration of the mutual commitments made herein.

IV. TERMS OF AGREEMENT

7. **Adopting Order.** The provisions of this Consent Decree shall be incorporated by the Bureau in an Adopting Order.

8. **Jurisdiction.** Licensees agree that the Bureau has jurisdiction over them and the matters contained in this Consent Decree and the authority to enter into and adopt this Consent Decree.

9. **Effective Date; Violations.** The Parties agree that this Consent Decree shall become effective on the Effective Date as defined herein. Upon the Effective Date, the Adopting Order and this Consent Decree shall have the same force and effect as any other order of the Commission. Licensees agree that they are required to comply with each individual condition of this Consent Decree. Each specific condition is a separate condition of the Consent Decree as approved. Any violation of the Adopting Order or the terms of this Consent Decree shall constitute a separate violation of a Commission order, entitling the Commission to exercise any rights and remedies attendant to enforcement of a

¹⁰ *Id.* § 73.3541.

¹¹ *See, e.g., Stereo Broadcasters, Inc.*, 55 FCC 2d 819, 821 (1975) (citing *WWIZ, Inc.*, 36 FCC 561 (1964)), *modified*, 59 FCC 2d 1002 (1976).

¹² *See* Application File No. 0000205739, Attach., Agreement Exhibit.

¹³ *See* Application File No. 0000205736, Attach., Agreement Exhibit.

¹⁴ *See supra* notes 6-7.

¹⁵ *Id.*

¹⁶ *Id.* As co-trustees, Trisha Hart and Rhonda Hart each had the ability to act independently of the other co-trustee.

¹⁷ *See* Broadcast Applications, Public Notice, Report No. PN-1-221222-01, at 5 (MB Dec. 22, 2022); Broadcast Applications, Public Notice, Report No. PN-1-221229-01, at 2-3 (MB Dec. 29, 2022). On December 6, 2023, Rhonda Hart passed away, making Trisha Hart the sole trustee of the Trust. *See, e.g.,* Application File No. 0000205736, Attach., Amendment Exhibit.

Commission order.

10. Termination of Investigation. In express reliance on the covenants and representations in this Consent Decree and to avoid further expenditure of public resources, the Bureau agrees to terminate the Investigation. In consideration for the termination of the Investigation, the Licensees agree to the terms, conditions, and procedures contained herein.

11. The Bureau further agrees that, in the absence of new material evidence, it will not use the Violations or the existence of this Consent Decree in any action against Licensees concerning the matters that were the subject of the Investigation, provided that the Licensees satisfy all of their obligations under this Consent Decree. In the event that the Licensees fail to satisfy any of their obligations under this Consent Decree, the Bureau may take any enforcement action available pursuant to the Act and the Rules with respect to each Violation, and/or the violation of this Consent Decree.

12. Admission of Liability. Licensees stipulate that their actions described in Paragraph 5 violated section 310(d) of the Act and sections 73.3540 and 73.3541 of the Rules.

13. Civil Penalty. Licensees agree to collectively pay the Civil Penalty to the United States Treasury in the amount of seven thousand five hundred dollars (\$7,500) as follows: Licensees shall pay the Civil Penalty in three consecutive quarterly installments (each an Installment Payment). The first Installment Payment in the amount of two thousand five hundred dollars (\$2,500) is due within thirty (30) calendar days of the Effective Date. Thereafter, subsequent Installment Payments of two thousand five hundred dollars (\$2,500) will be due within one hundred and twenty (120) calendar days from the Effective Date, and two hundred and ten (210) calendar days from the Effective Date. Licensees acknowledge and agree that upon execution of this Consent Decree, the Civil Penalty shall become a “Claim” or “Debt” as defined in section 3701(b)(1) of the Debt Collection Improvement Act of 1996.¹⁸

14. Payment. Licensees will also send electronic notification of payment to Joseph Cohen at Joseph.Cohen@fcc.gov and Olivia Hill at Olivia.Hill@fcc.gov on the date said payment is made. Payment of the Civil Penalty must be made by credit card, ACH (Automated Clearing House) debit from a bank account using CORES (the Commission’s online payment system),¹⁹ or by wire transfer. The Commission no longer accepts Civil Penalty payments by check or money order. Below are instructions that payors should follow based on the form of payment selected:²⁰

- Payment by wire transfer must be made to ABA Number 021030004, receiving bank TREAS/NYC, and Account Number 27000001. A completed FCC Form 159 must be faxed to the Federal Communications Commission at 202-418-2843 or e-mailed to RROGWireFaxes@fcc.gov on the same business day the wire transfer is initiated. Failure to provide all required information in Form 159 may result in payment not being recognized as having been received. When completing FCC Form 159, enter the Account Number in block number 23A (call sign/other ID), enter the letters “FORF” in block number 24A (payment type code), and enter in block number 11 the FRN(s) captioned above (Payor FRN).²¹ For additional detail and wire transfer instructions, go to <https://www.fcc.gov/licensing-databases/fees/wire-transfer>.
- Payment by credit card must be made by using the Commission’s Registration System (CORES) at <https://apps.fcc.gov/core/userLogin.do>. To pay by credit card, log-in using the FCC Username associated to the FRN captioned above. If payment must be split across

¹⁸ Debt Collection Improvement Act of 1996, Pub. L. No. 104-134, 110 Stat. 1321, 1358 (Apr. 26, 1996).

¹⁹ Payments made using CORES do not require the submission of an FCC Form 159.

²⁰ For questions regarding payment procedures, please contact the Financial Operations Group Help Desk by phone at 1-877-480-3201 (option #6), or by e-mail at ARINQUIRIES@fcc.gov.

²¹ Instructions for completing the form may be obtained at <https://www.fcc.gov/Forms/Form159/159.pdf>.

FRNs, complete this process for each FRN. Next, select “Manage Existing FRNs | FRN Financial | Bills & Fees” from the CORES Menu, then select FRN Financial and the view/make payments option next to the FRN. Select the “Open Bills” tab and find the bill number associated with the NAL/Acct. No. The bill number is the NAL Acct. No. (e.g., NAL/Acct. No. 1912345678 would be associated with FCC Bill Number 1912345678). After selecting the bill for payment, choose the “Pay by Credit Card” option. Please note that there is a \$24,999.99 limit on credit card transactions.

- Payment by ACH must be made by using the Commission’s Registration System (CORES) at <https://apps.fcc.gov/core/paymentFrnLogin.do>. To pay by ACH, log-in using the FCC Username associated to the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select “Manage Existing FRNs | FRN Financial | Bills & Fees” on the CORES Menu, then select FRN Financial and the view/make payments option next to the FRN. Select the “Open Bills” tab and find the bill number associated with the NAL/Acct. No. The bill number is the NAL/Acct. No. (e.g., NAL/Acct. No. 1912345678 would be associated with FCC Bill Number 1912345678). Finally, choose the “Pay from Bank Account” option. Please contact the appropriate financial institution to confirm the correct Routing Number and the correct account number from which payment will be made and verify with that financial institution that the designated account has authorization to accept ACH transactions.

15. **Compliance Officer.** Within 30 calendar days after the Effective Date, Licensees shall designate a Compliance Officer who will administer the Compliance Plan, supervise Licensees’ compliance with the Act and the Rules, and serve as the point of contact on behalf of Licensees for all FCC-related compliance matters.

16. **Compliance Plan.** Licensees agree that they shall, within 30 calendar days after the Effective Date, develop, implement, and maintain for a period of three (3) years a Compliance Plan designed to ensure future compliance with the Act and the Rules. The Compliance Plan shall contain, at a minimum, the following elements:

- a. **Compliance Manual.** The Compliance Plan shall include a Compliance Manual that is distributed to employees and others who perform duties for the Licensees that triggers or may trigger compliance-related responsibilities. The Compliance Manual shall include: (1) an overview of the Commission’s requirements with respect to applications for assignment or transfer of control of FCC licenses, including the need for prior approval for license assignments and transfers of control as set forth in the Rules; and (2) a description of the regulatory requirements applicable to the accurate reporting of information in assignment and transfer of control applications as set forth in the Rules. Licensees shall update the Compliance Manual from time to time to reflect changes to relevant sections of the Act, Rules, and Commission orders, and as otherwise needed.
- b. **Compliance Training Program.** Within 90 days of the Effective Date, Licensees shall begin administering a Compliance Training Program for employees and others who perform duties for the Licensees related to assignment and transfer of control applications. This Compliance Training Program shall be completed for all such employees within one hundred and twenty (120) days of the Effective Date. This Compliance Training Program shall also be presented to new employees who are engaged in such activities, within the first sixty (60) calendar days of employment. This Compliance Training Program shall track the Compliance Manual, focusing on proper implementation of the Compliance Manual.
- c. **Compliance Reports.** Licensees shall submit a Compliance Report to the Commission

90 days after the Effective Date and annually thereafter on the anniversary of the Effective Date for a period of three (3) years. Each Compliance Report will include a certification by the Compliance Officer, as an agent of and on behalf of Licensees, attesting to personal knowledge that: (1) Licensees have complied with subsections (a) and (b) of this Paragraph; and (2) Licensees are not aware of any instances of non-compliance with the Consent Decree, section 310(d) of the Act, or sections 73.3540 and 73.3541 of the Rules. The certification must comply with section 1.16 of the Rules and be subscribed to as true under penalty of perjury in substantially the form set forth therein. If the Compliance Officer cannot provide the requisite certification, then the Compliance Officer shall provide the Commission with a detailed explanation of: (i) any instances of non-compliance with this Consent Decree and the Act or Rules, and (ii) the steps that Licensees have taken or will take to remedy each instance of non-compliance and ensure future compliance, and the schedule on which proposed remedial actions will be taken. A copy will be served on Christopher Clark, Assistant Chief, Audio Division, FCC Media Bureau, at Christopher.Clark@fcc.gov.

17. **Qualifications; Agreement to Grant.** The Bureau finds that its Investigation raises no substantial and material questions of fact as to whether the Licensees possess the basic qualifications, including those relating to character, to hold a Commission license or authorization. Accordingly, the Bureau agrees to grant the Voluntary Transfer Applications after the Effective Date, provided that the following conditions have been met: 1) the first payment of the Civil Penalty, referenced in paragraph 13 of this Decree, has been fully and timely satisfied; and 2) there are no issues other than the Violations that would preclude grant of the Voluntary Transfer Applications.

18. **Waivers.** Licensees agree to waive any and all rights they may have to seek administrative or judicial reconsideration, review, appeal, or stay, or to otherwise challenge the validity of this Consent Decree and the Adopting Order, provided the Consent Decree is adopted without change, addition or modification. If any Party (or the United States on behalf of the Commission), brings a judicial action to enforce the terms of the Consent Decree or Adopting Order, no Party will contest the validity of the Consent Decree or Adopting Order, and Licensees will waive any statutory right to a *trial de novo*. Licensees further agree to waive any claims they may otherwise have under the Equal Access to Justice Act²² relating to the Consent Decree or Adopting Order.

19. **Severability.** The Parties agree that if a court of competent jurisdiction renders any of the provisions of this Consent Decree unenforceable, such unenforceability shall not render unenforceable the Consent Decree, but rather the entire Consent Decree shall be construed as if not containing the particular unenforceable provision or provisions, and the rights and obligations of the Parties shall be construed and enforced accordingly.

20. **Invalidity.** In the event that this Consent Decree in its entirety is rendered invalid by any court of competent jurisdiction, it will become null and void and may not be used in any manner in any legal proceeding.

21. **Subsequent Rule or Order.** The Parties agree that if any provision of this Consent Decree conflicts with any subsequent Rule or order adopted by the Commission (except an order specifically intended to revise the terms of this Consent Decree to which Licensees do not expressly consent), such provision will be superseded by such Rule or order.

22. **Successors and Assigns.** Licensees agree that the provisions of this Consent Decree shall be binding on its successors, assigns, and transferees.

23. **Final Settlement.** The Parties agree and acknowledge that this Consent Decree shall

²² 5 U.S.C. § 504; 47 CFR §§ 1.1501-1530.

constitute a final settlement between the Parties with respect to the Investigation.

24. **Termination Date.** The obligations to which the Licensees are subject pursuant to this Consent Decree shall terminate 60 days after the filing of the final Compliance Report referenced above, provided the Bureau is satisfied that the Licensees have demonstrated substantial compliance with its obligations to the terms of the Consent Decree. If the Bureau is not satisfied that the Licensees have demonstrated substantial compliance with the terms of the Consent Decree, the Bureau may, within its sole discretion and authority, extend the termination date of this Consent Decree for up to an additional 24 months.

25. **Modifications.** This Consent Decree cannot be modified or amended without the advance written consent of all Parties.

26. **Paragraph Headings.** The headings of the paragraphs in this Consent Decree are inserted for convenience only and are not intended to affect the meaning or interpretation of this Consent Decree.

27. **Authorized Representative.** Each Party represents and warrants to the other Party that it has full power and authority to enter into this Consent Decree. Each person signing this Consent Decree on behalf of a Party hereby represents that he or she is fully authorized by the Party to execute this Consent Decree and to bind the Party to its terms and conditions.

28. **Counterparts.** This Consent Decree may be signed in counterparts and/or electronically and, when so executed, the counterparts, taken together, will constitute a legally binding and enforceable instrument whether executed electronically or by original signatures.

**MEDIA BUREAU
FEDERAL COMMUNICATIONS COMMISSION**



By: _____
Albert Shuldiner, Chief, Audio Division

Date: 12/20/2024

**Route 66 Broadcasting, LLC and Grand Canyon
Gateway Broadcasting, LLC**

By: _____
LLC Member

Date: _____

constitute a final settlement between the Parties with respect to the Investigation.

24. **Termination Date.** The obligations to which the Licensees are subject pursuant to this Consent Decree shall terminate 60 days after the filing of the final Compliance Report referenced above, provided the Bureau is satisfied that the Licensees have demonstrated substantial compliance with its obligations to the terms of the Consent Decree. If the Bureau is not satisfied that the Licensees have demonstrated substantial compliance with the terms of the Consent Decree, the Bureau may, within its sole discretion and authority, extend the termination date of this Consent Decree for up to an additional 24 months.

25. **Modifications.** This Consent Decree cannot be modified or amended without the advance written consent of all Parties.

26. **Paragraph Headings.** The headings of the paragraphs in this Consent Decree are inserted for convenience only and are not intended to affect the meaning or interpretation of this Consent Decree.

27. **Authorized Representative.** Each Party represents and warrants to the other Party that it has full power and authority to enter into this Consent Decree. Each person signing this Consent Decree on behalf of a Party hereby represents that he or she is fully authorized by the Party to execute this Consent Decree and to bind the Party to its terms and conditions.

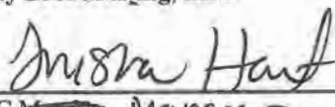
28. **Counterparts.** This Consent Decree may be signed in counterparts and/or electronically and, when so executed, the counterparts, taken together, will constitute a legally binding and enforceable instrument whether executed electronically or by original signatures.

**MEDIA BUREAU
FEDERAL COMMUNICATIONS COMMISSION**

By: _____
Albert Shuldiner, Chief, Audio Division

Date: _____

**Route 66 Broadcasting, LLC and Grand Canyon
Gateway Broadcasting, LLC**

By: 
LLC Member Manager

Date: 12-18-2024

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

In re Applications of	)	
	)	
Television Improvement Association	)	FRN: 0006678197
For Renewal of License for TV Translator	)	Facility ID Nos. 65111, 65113, 65119, and
Stations K27EE-D, Ukiah, CA; Station K31GK-	)	65120
D, Ukiah, CA; Station K21CD-D, Ukiah, CA;	)	LMS File Nos. 0000205783, 0000205786,
and Station K17CG-D, Ukiah, CA	)	0000205850, and 0000205785

ORDER

Adopted: December 17, 2024

Released: December 17, 2024

By the Chief, Video Division, Media Bureau:

1. In this Order, we adopt the attached Consent Decree entered into by the Video Division, Media Bureau (Bureau) and Television Improvement Association (Licensee), licensee of TV translator stations K27EE-D, Ukiah, California; K31GK-D, Ukiah, California; K21CD-D, Ukiah, California; and K17CG-D, Ukiah, California (Stations). The Consent Decree resolves issues arising from the Bureau's review of the captioned license renewal applications (Applications) for the Stations.¹ In particular, the Consent Decree resolves the Bureau's investigation involving the Licensee's compliance with section 73.3539(a) of the Commission's Rules (Rules),² which sets forth the requirement for broadcast stations to timely file their license renewal applications. The Bureau and Licensee have negotiated the attached Consent Decree in which the Licensee stipulates that it violated section 73.3539(a) of the Rules,³ and provides that the Licensee implement a compliance plan to ensure future compliance.

2. After reviewing the terms of the Consent Decree, we find that the public interest will be served by its approval and by terminating all pending proceedings relating to the Bureau's consideration of potential violations of the Rules. Based on the record before us, we conclude that nothing in that record creates a substantial and material question of fact as to whether the Licensee possesses the basic qualifications to remain a Commission licensee and that grant of the Applications is consistent with section 309(k)(1) of the Act.⁴ In accordance with the Consent Decree, we grant the Renewal

¹ Applications of Television Improvement Association for Renewal of License, LMS File Nos. 0000205783, 0000205786, 0000205850, 0000205785 (filed Dec. 21-22, 2022), as amended Jan. 17, 2024 (Applications). The Stations are low-power digital translator television stations.

² See 47 CFR § 73.3539(a).

³ *Id.*

⁴ 47 U.S.C. § 309(k)(1). In evaluating an application for license renewal, the Commission's decision is governed by section 309(k) of the Act. 47 U.S.C. § 309(k). That section provides that the Commission shall grant the renewal application if, upon consideration of the application and pleadings, it finds that: (1) the station has served the public interest, convenience, and necessity; (2) there have been no serious violations of the Act or the Rules; and (3) there have been no other violations which, taken together, constitute a pattern of abuse. See 47 U.S.C. § 309(k)(1). If, however, the licensee fails to meet that standard, the Commission may deny the application—after notice and opportunity for a hearing under section 309(e) of the Act—or grant the application “on terms and conditions as are appropriate, including renewal for a term less than the maximum otherwise permitted.” 47 U.S.C. § 309(k)(2)-(3).

Applications conditioned upon satisfaction of the Consent Decree. A copy of the Consent Decree is attached hereto and incorporated by reference.

3. **ACCORDINGLY, IT IS ORDERED** that, pursuant to section 4(i) of the Communications Act of 1934, as amended,⁵ and by the authority delegated by sections 0.61, 0.204, and 1.93(b) of the Rules,⁶ the Consent Decree attached hereto **IS ADOPTED** without change, addition, or modification, and incorporated by reference.

4. **IT IS FURTHER ORDERED** that, pursuant to section 309(k) of the Communications Act of 1934, as amended,⁷ the applications of Television Improvement Association for renewal of licenses, as captioned above, shall be granted consistent with the terms and conditions of the attached Consent Decree.

5. **IT IS FURTHER ORDERED** that, the investigation by the Bureau regarding the matters discussed above **IS TERMINATED**, subject to the terms of the attached Consent Decree and the Licensee **IS ADMONISHED** for its violations of section 73.3539(a) of the Commission's Rules.⁸

6. **IT IS FURTHER ORDERED** that copies of this Order shall be sent, by First Class and Certified Mail, Return Receipt Requested, to Television Improvement Association, P.O. Box 342, Ukiah, CA 95482. A copy will also be sent to the Licensee's representative, Lane Charpentier, by e-mail to lane@tiaukiah.org.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman
Chief, Video Division
Media Bureau

⁵ 47 U.S.C. § 154(i).

⁶ 47 CFR §§ 0.61, 0.204, and 1.93(b).

⁷ 47 U.S.C. § 309(k).

⁸ 47 CFR § 73.3539(a).

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

In re Applications of	)	
	)	
Television Improvement Association	)	FRN: 0006678197
For Renewal of License for TV Translator Stations	)	Facility ID Nos. 65111, 65113, 65119, and
K27EE-D, Ukiah, CA; Station K31GK-D, Ukiah,	)	65120
CA; Station K21CD-D, Ukiah, CA; and Station	)	LMS File Nos. 0000205783, 0000205786,
K17CG-D, Ukiah, CA	)	0000205850, and 0000205785

CONSENT DECREE

1. The Video Division, Media Bureau of the Federal Communications Commission (hereafter “Bureau,” as defined below) and Television Improvement Association (hereafter “Licensee,” as defined below), by their authorized representatives, hereby enter into this Consent Decree for the purpose of terminating the Bureau’s investigation into the Licensee’s compliance with section 73.3539(a) of the Commission’s rules (hereafter “Rules,” as defined below), which requires broadcast stations to timely file their license renewal applications.¹ To resolve these matters, the Licensee agrees to implement a comprehensive Compliance Plan to ensure its future compliance with section 73.3539(a) of the Rules. The Bureau agrees to terminate its investigation, and grant the Stations’ pending license renewal applications, subject to the terms and conditions set forth below.

I. DEFINITIONS

2. For the purposes of this Consent Decree, the following definitions shall apply:
- (a) “Act” means the Communications Act of 1934, as amended, 47 U.S.C. § 151 *et seq.*
 - (b) “Adopting Order” means an Order of the Bureau adopting the terms of this Consent Decree without change, addition, deletion, or modification.
 - (c) “Applications” means applications of Television Improvement Association for renewal of the television broadcast licenses for stations K27EE-D, Ukiah, CA, LMS File No. 0000205783; K31GK-D, Ukiah, CA, LMS File No. 0000205786; K21CD-D, Ukiah, CA, LMS File No. 0000205850; and K17CG-D, Ukiah, CA, LMS File No. 0000205785.
 - (d) “Bureau” means the Media Bureau of the Federal Communications Commission.
 - (e) “Commission” or “FCC” means the Federal Communications Commission and all of its bureaus and offices.
 - (f) “Compliance Plan” means the processes and procedures developed by the Licensee in an effort to ensure compliance with 47 CFR § 73.3539(a) of the Rules (Renewal Rule).
 - (g) “Covered Employees” means all employees, volunteers, and agents of the Licensee, who are responsible for performing, supervising, overseeing, or managing activities related to the filing of timely renewal applications as required by the Renewal Rule.
 - (h) “Division” means the Media Bureau’s Video Division.
 - (i) “Effective Date” means the date by which both the Bureau and the Licensee have signed the Consent Decree.

¹ 47 CFR § 73.3539(a).

- (j) “Investigation” means the Bureau’s examination of the Licensee’s apparent violations of 47 CFR § 73.3539(a).
- (k) “Renewal Rule” means 47 CFR § 73.3539(a).
- (l) “Licensee” means Television Improvement Association and its affiliates, subsidiaries, predecessors-in-interest, and successors-in-interest.
- (m) “Parties” means the Licensee and the Bureau, each of which is a “Party.”
- (n) “Rules” means the Commission’s regulations found in Title 47 of the Code of Federal Regulations.
- (o) “Stations” means collectively K27EE-D, Ukiah, California (Facility ID No. 65111); K31GK-D, Ukiah, California (Facility ID No. 65113); K21CD-D, Ukiah, California (Facility ID No. 65119); and K17CG-D, Ukiah, California (Facility ID No. 65120).

II. BACKGROUND

3. Section 73.3539(a) of the Rules requires that applications for renewal of license for broadcast stations must be filed “not later than the first day of the fourth full calendar month prior to the expiration date of the license sought to be renewed.”² The Applications should have been filed by August 1, 2022, the first day of the fourth full calendar month prior to the Stations’ license expiration date of December 1, 2022.³ However, the Licensee failed to file the Applications, and the Stations’ licenses expired and were cancelled on December 1, 2022.⁴ On December 21, 2022, the Bureau reinstated the licenses and the Licensee filed the Applications on December 21 and 22, 2022, over four months late.

4. The Licensee is a small non-profit television broadcast facility in rural northern California serving Ukiah, California providing a variety of commercial and noncommercial programming not otherwise available to over-the-air viewers in the Stations’ coverage area. Viewers have long relied on the Stations’ signals for essential information, such as weather, local news, emergency alert system (EAS) warnings, and other emergency reporting. Without these Stations, over-the-air access to such information would be severely limited and many viewers would unlikely be able to receive access to the full power programming rebroadcast by the Stations.

5. In consideration of the facts and nature of the Stations in this case, the Licensee’s history of compliance, and the Licensee’s agreement to implement a compliance plan to prevent future violations of the Renewal Rule, the Bureau has negotiated the terms of this Consent Decree with the Licensee that terminates the Investigation and grants the Applications, subject to the terms and conditions set forth below. As part of the Consent Decree, the Licensee has agreed to implement and maintain a Compliance Plan designed to ensure its future compliance with the Renewal Rule.

III. TERMS OF AGREEMENT

6. **Adopting Order.** The Parties agree that the provisions of this Consent Decree shall be incorporated by reference by the Bureau in an Adopting Order without change, addition, deletion, or modification.

² *Id.*

³ See 47 CFR §§ 73.1020 (2023), 73.3539(a); *Media Bureau Announces Procedures for 2020-2023 Television License Renewal Cycle*, Public Notice, 35 FCC Rcd 3656 (MB 2020).

⁴ See Letter from Barbara A. Kreisman, Chief, Video Division, FCC, Media Bureau, to Television Improvement Association (Sept. 1, 2022) (stating that “[i]f we do not receive your applications by 11:59 p.m. (local time) on December 1, 2022, the date the licenses expire, we will cancel the above-referenced stations’ license authorizations and you will be required to permanently cease operation of the stations.”).

7. **Jurisdiction.** The Licensee agrees that the Bureau has jurisdiction over it and the matters contained in this Consent Decree and has the authority to enter into and adopt this Consent Decree.

8. **Effective Date.** The Parties agree that this Consent Decree shall become effective on the Effective Date, as defined herein. As of the Effective Date, the Parties agree that this Consent Decree shall have the same force and effect as any other order of the Commission.

9. **Violations.** The Parties agree that any violation of the Adopting Order or the terms of this Consent Decree, in whole or in part, shall constitute a separate violation of a Commission order, entitling the Commission, or its delegated authority to exercise any rights and remedies attendant to the enforcement of a Commission order.

10. **Admission of Liability.** The Licensee admits, for the purpose of this Consent Decree and for Commission civil enforcement purposes, that it violated section 73.3539(a) of the Rules, as described in Paragraph 3 of this Consent Decree.⁵ Further, the Licensee admits that its actions were willful and repeated violations of the Renewal Rule. By entering into this Consent Decree, the Licensee makes no other admission of liability of any Communications Law, and the Bureau makes no finding of any other liability or violation.

11. **Termination of Investigation.** In express reliance on the covenants and representations in this Consent Decree and to avoid further expenditure of public resources, the Bureau agrees to terminate the Investigation and to take the actions specified in Paragraph 14. In consideration for the termination of the Investigation, the Licensee agrees to the terms, conditions, and procedures contained herein, including the actions specified in Paragraphs 15-18 of this Consent Decree.

12. The Bureau agrees that, in the absence of new material evidence, that it will not use the facts developed in the Investigation through the Effective Date, or the existence of this Consent Decree, to institute, on its own motion or in response to any petition to deny or other third-party objection, any new proceeding, formal or informal, or take any action on its own motion against the Licensee concerning the matters that were the subject of the Investigation. The Bureau also agrees that, in the absence of new material evidence, it will not use the facts developed in the Investigation through the Effective Date, or the existence of this Consent Decree, to institute on its own motion any proceeding, formal or informal, or to set for hearing the question of the Licensee's basic qualifications to be a Commission licensee or to hold Commission licenses or authorizations.⁶

13. **Subsequent Investigations.** This Consent Decree shall not prevent the Commission or its delegated authority from investigating new evidence of noncompliance by the Licensee with the Rules or Act or from adjudicating complaints or other adjudicatory pleadings filed by third parties against the Licensee for alleged violations of the Communications Laws or for any alleged misconduct, regardless of when such misconduct took place. Further, except as expressly provided herein, the Licensee acknowledges that the Commission and its delegated authority (including the Bureau) retains the discretion and authority to propose sanctions against the Licensee, including the issuance of notices of apparent liability for forfeiture, for any apparent willful and/or repeated violation by the Licensee of the Rules or Act. The Commission's adjudication of any complaints or potential violations will be based solely on the record developed in subsequent proceedings. The Licensee also acknowledges that the Commission or its delegated authority may consider the Licensee's admission of liability in this Consent Decree in proposing any future forfeiture against the Licensee in the event the Licensee is determined to

⁵ 47 CFR § 73.3539(a).

⁶ See 47 CFR § 1.93(b).

have apparently committed a violation of the Act, the Rules, or of any orders of the Commission after the Effective Date, whether related to the timely filing of applications or otherwise.⁷

14. **Grant of Applications.** In the Adopting Order, the Bureau has determined that grant of the Applications is in the public interest, convenience, and necessity, and consistent with 47 U.S.C. § 309(k)(1). The Bureau agrees to grant the Applications, for a full license term of eight years from the prior license expiration date, concurrent with adoption of this Consent Decree.

15. **Compliance Plan.** For purposes of settling the matters set forth herein, the Licensee agrees that it shall, within sixty (60) calendar days after the Effective Date of this Consent Decree, develop and implement a Compliance Plan to ensure future compliance with the Rules, including, but not limited to the timely filing of all required applications. The Compliance Plan shall solely apply to the Stations, as defined in Paragraph 2(o) of this Consent Decree. The Compliance Plan shall contain, at a minimum, the elements set forth in Paragraphs 16-18.

16. **Compliance Officer.** Within thirty (30) calendar days after the Effective Date, the Licensee shall designate a person on a paid or volunteer basis to serve as a Compliance Officer and to discharge the duties set forth below. The Compliance Officer shall report directly to the Licensee's Board of Directors, President, or equivalent senior officer(s) on a regular basis, and shall be responsible for implementing and administering the Compliance Plan, keeping the Compliance Plan updated with the current Rules, and ensuring that the Licensee complies with the terms and conditions of the Compliance Plan and Consent Decree. Prior to the implementation date of the Compliance Plan, the Compliance Officer shall obtain knowledge of all Rules that apply to the Licensee, including but not limited to the obligations for filing required applications with the Commission.⁸ The name and contact information (mailing address, phone number, and electronic mail address) of the Compliance Officer must be submitted to the Bureau within thirty (30) calendar days after the Effective Date by electronic mail at VideoCompliance@fcc.gov. In the event of a change in the Compliance Officer, the Licensee shall designate a new Compliance Officer and inform the Bureau by electronic mail at VideoCompliance@fcc.gov within thirty (30) calendar days of the change. The notification must include the name and contact information (physical mailing address, phone number, and electronic mail address) of the new Compliance Officer.

17. **Compliance Training Program.** The Licensee shall establish and implement a Compliance Training Program on compliance with the Rules, including but not limited to those related to the filing of applications. As part of the Compliance Training Program, Covered Employees shall be advised of the Licensee's obligation to submit Compliance Declarations as required by Paragraph 18. All Covered Employees shall receive initial training under the Compliance Training Program within ninety (90) calendar days after the Effective Date, except that any person who becomes a Covered Employee at any time after such initial training is provided shall receive training under the Compliance Training Program within thirty (30) calendar days after the date they become a Covered Employee. The Compliance Officer shall provide the Compliance Training Program to all Covered Employees on at least an annual basis, and shall review and revise the Compliance Training Program, as necessary, to ensure that it remains current, complete, and effective.

18. **Compliance Declaration.** By **January 30, 2025**, and on an semi-annual basis thereafter – by **July 15** for the six month period covering January 1 to June 30 and **January 15** for the six month

⁷ Pursuant to section 503(b)(2)(E) of the Act, in exercising its forfeiture authority, the Commission may consider, among other things, "any history of prior offenses" by the licensee. 47 U.S.C. § 503(b)(2)(E); see *Forfeiture Policy Statement and Amendment of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines*, Report and Order, 12 FCC Rcd 17087 (1997), *recon. denied*, 15 FCC Rcd 303 (1999). See 47 CFR § 1.80(b)(11), Table 3 (criteria for upward and downward adjustments of base forfeiture amounts).

⁸ A list of rules that are applicable to TV Translator stations can be found in 47 CFR part 74, subpart G. The Compliance Officer should review these rules prior to assuming his or her duties.

period covering July 1 to December 31 – the Licensee must certify to the Bureau by electronic mail to Bureau staff at VideoCompliance@fcc.gov compliance with the terms of this Consent Decree, including the Compliance Plan, and the Rules that apply to TV Translator stations during the previous six month period.⁹ The certification must comply with 47 CFR § 1.16, and be substantially in the form set forth therein. The Bureau may, within its sole discretion, require the Licensee to submit documentation or material that supports the Compliance Officer's certification. For any instance of noncompliance, the Licensee must explain in detail: (i) each instance of noncompliance; (ii) the steps that have or will be taken, including a timeframe, to remedy such noncompliance, and (iii) the steps that have or will be taken, including a timeframe, to prevent future noncompliance.

19. **Termination Date.** The obligations to which the Licensee is subject pursuant to this Consent Decree shall terminate following grant of the Licensee's subsequent license renewal application ("Termination Date"), provided the Bureau is satisfied that the Licensee has demonstrated substantial compliance with its obligations. If the Bureau is not satisfied that the Licensee has demonstrated substantial compliance with its obligations, the Bureau may, within its sole discretion and authority, extend the Termination Date for an additional license term and/or grant the Station's next license renewal application for a period shorter than a full license term.¹⁰

20. **Waivers.** As of the Effective Date, the Licensee waives any and all rights it may have to seek administrative or judicial reconsideration, review, appeal, or stay, or to otherwise challenge or contest the validity of this Consent Decree and the Adopting Order. The Licensee shall retain the right to challenge Commission interpretation of the Consent Decree or any terms contained herein. If either Party (or the United States on behalf of the Commission) brings a judicial action to enforce the terms of the Consent Decree or Adopting Order, neither the Licensee nor the Commission shall contest the validity of the Consent Decree or the Adopting Order, and the Licensee shall waive any statutory right to a trial *de novo*. The Licensee hereby agrees to waive any claims it may have under the Equal Access to Justice Act¹¹ relating to the matters addressed in this Consent Decree.

21. **Severability.** The Parties agree that if any of the provisions of the Consent Decree shall be held unenforceable by any court of competent jurisdiction, such unenforceability shall not render unenforceable the entire Consent Decree, but rather the entire Consent Decree shall be construed as if not containing the particular unenforceable provision or provisions, and the rights and obligations of the Parties shall be construed and enforced accordingly.

22. **Invalidity.** In the event that this Consent Decree in its entirety is rendered invalid by any court of competent jurisdiction, it shall become null and void and may not be used in any manner in any legal proceeding.

23. **Subsequent Rule or Order.** The Parties agree that if any provision of this Consent Decree conflicts with any subsequent Rule or Order adopted by the Commission (except an order specifically intended to revise the terms of this Consent Decree to which the Licensee does not expressly consent) or any federal law or regulation, that provision will be superseded by such Rule or Order.

24. **Successors and Assigns.** The Licensee agrees that the provisions of this Consent Decree shall be binding on its successors, assigns, and transferees unless otherwise agreed to by the Commission or Bureau.

25. **Final Settlement.** The Parties agree and acknowledge that this Consent Decree shall constitute a final settlement between the Parties with respect to the Investigation.

⁹ In the event the deadline falls on a weekend or holiday, the filing is due on the next business day. See 47 CFR § 1.4.

¹⁰ See 47 U.S.C. § 309(k)(2).

¹¹ See 5 U.S.C. § 504; 47 CFR §§ 1.1501-1.1530.

26. **Modifications.** This Consent Decree cannot be modified without the advance written consent of both Parties.

27. **Paragraph Headings.** The headings of the paragraphs in this Consent Decree are inserted for convenience only and are not intended to affect the meaning or interpretation of this Consent Decree.

28. **Authorized Representative.** Each Party represents and warrants to the other that it has full power and authority to enter into this Consent Decree. Each person signing this Consent Decree on behalf of a Party hereby represents that he or she is fully authorized by the Party to execute this Consent Decree and to bind the Party to its terms and conditions.

29. **Counterparts.** This Consent Decree may be signed in counterpart (including electronically or by facsimile). Each counterpart, when executed and delivered, shall be an original, and all of the counterparts together shall constitute one and the same fully executed instrument.

Federal Communications Commission

By:

Barbara A. Kreisman
Chief, Video Division
Media Bureau

Date

By:

Lane Charpentier
Television Improvement Association

Date



PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, DC 20554

News Media Information 202-418-0500
Internet: www.fcc.gov

DA 24-1260
December 17, 2024

**PUBLIC SAFETY AND HOMELAND SECURITY BUREAU ANNOUNCES APRIL 15, 2025
EFFECTIVE AND COMPLIANCE DATE FOR CERTAIN
RULES GOVERNING REPORTING OF 911 AND 988 SERVICE OUTAGES**

**PS Docket Nos. 13-75, 15-80 and 23-5
ET Docket No. 04-35
WC Docket No. 18-336**

By this Public Notice, the Public Safety and Homeland Security Bureau announces that on April 15, 2025, service providers will be required to comply with the Federal Communications Commission's (Commission) requirements for reporting service outages that impact 911 and 988 service. On November 18, 2022, the Commission released a *Second Report and Order* adopting amendments to the rules governing outage reporting to ensure that 911 special facilities, including Public Safety Answering Points (PSAPs), receive timely and actionable information about 911 service outages that potentially affect them.¹ In addition, on July 21, 2023, the Commission released a *Report and Order* adopting amendments to the Commission's rules to help ensure that the public has access to the 988 Suicide & Crisis Lifeline if a service outage occurs.²

Some of these rule amendments included information collection requirements subject to approval by the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act (PRA) prior to becoming effective.³ On November 5, 2024, OMB approved the information collections associated with both the *Second Report and Order* and the *Report and Order* (OMB Control No. 3060-0484). The Commission published notice of this approval in the Federal Register on December 16, 2024,⁴ setting an effective date for these amendments by which date compliance is required of April 15, 2025.⁵

¹ See *Amendments to Part 4 of the Commission's Rules Concerning Disruptions to Communications; Improving 911 Reliability*, New Part 4 of Commission's Rules Concerning Disruptions to Communications, PS Docket Nos. 15-80 and 13-75, ET Docket No. 04-35, Second Report and Order, 37 FCC Rcd 13847 (2022) (*Second Report and Order*).

² *Ensuring the Reliability and Resiliency of the 988 Suicide & Crisis Lifeline; Amendments to Part 4 of the Commission's Rules Concerning Disruptions to Communications; Implementation of the National Suicide Hotline Improvement Act of 2018*, PS Docket Nos. 23-5 and 15-80, WC Docket No. 18-336, Report and Order, 38 FCC Rcd 6917 (July 21, 2023) (*Report and Order*).

³ *Second Report and Order*, 37 FCC Rcd at 13863, para. 32; *Report and Order*, 37 FCC Rcd at 6948-49, para. 56.

⁴ *Disruptions to Communications; Improving 911 Reliability; Ensuring the Reliability and Resiliency of the 988 Suicide & Crisis Lifeline; Rules Concerning Disruptions to Communications; Implementation of the National Suicide Hotline Improvement Act of 2018*, 89 Fed. Reg. 101500-01 (Dec. 16, 2024).

⁵ As required by the *Second Report and Order*, the effective date and compliance date are 120 days following publication of the notice, which is April 15, 2025. *Second Report and Order* 37 FCC Rcd at 13863-64, paras. 32-33. This compliance date also comports with the *Report and Order*, in which the Commission stated that compliance with the rule amendments requiring originating service providers (OSPs) and covered 988 service providers to adopt 988 reporting and notice procedures would be the latest of (1) 30 days after the Commission issues a Public Notice announcing that OMB has completed review of any new information collection requirements associated with the

(continued....)

Effective April 15, 2025, originating service providers (OSPs)⁶ and covered 911 service providers are required to provide a 911 outage notification to a potentially affected 911 special facility, including PSAPs, as soon as possible, but no later than within 30 minutes of discovering that they have experienced on any facilities that they own, operate, lease, or otherwise utilize, an outage that potentially affects a 911 special facility.⁷ In addition, the Commission requires both OSPs and covered 911 service providers to exercise special diligence to identify, maintain, and, on an annual basis, confirm current contact information appropriate for 911 outage notification for each 911 special facility that serves areas that the service provider serves.⁸ Covered 988 service providers (a new category of service provider) and OSPs are also required to report outages that potentially affect the 988 Suicide and Crisis Lifeline in the Commission's Network Outage Reporting System (NORS). These entities must also directly notify the Substance Abuse and Mental Health Services Administration (SAMHSA), the Department of Veterans Affairs (VA), and the 988 Lifeline administrator about outages that potentially affect a 988 special facility, and exercise special diligence to maintain accurate, up-to-date contact information for 988 special facilities, just as the Commission's rules require for 911 special facilities.⁹

For further information, contact Tara Shostek, Attorney Advisor, Public Safety and Homeland Security Bureau at tara.shostek@fcc.gov.

- FCC -

adopted Report and Order; (2) nine months after the publication of the summary of the Report and Order in the Federal Register; or (3) the date the Commission's updated 911 outage reporting and notification rules (adopted in the *Second Report and Order*) go into effect. *Report and Order* at 37 FCC Rcd at 6947-48, para. 54. Because the latest of these conditions is the effective date of the Commission's updated 911 outage reporting and notification rules, compliance with the 988 outage reporting and notice procedures is also required on April 15, 2025.

⁶ The term OSP refers to cable, satellite, wireless, wireline, interconnected voice over internet protocol (VoIP) providers, which despite the reference to "originating" service providers, are subject to the Commission's part 4 outage reporting rules including when they experience an outage in a location other than their call origination networks (e.g., in "middle mile" or wholesale transport network facilities). *Second Report and Order*, 37 FCC Rcd at 13848, note 5.

⁷ See *Second Report and Order*, 37 FCC Rcd at 13870, Appendix A.

⁸ See *Second Report and Order*, 37 FCC Rcd at 13852, para. 9.

⁹ See *Report and Order*, 38 FCC Rcd at 6931, 6934.

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

In the Matter of	)	
	)	
Lifeline and Link Up Reform and Modernization	)	WC Docket No. 11-42
	)	
Telecommunications Carriers Eligible for	)	WC Docket No. 09-197
Universal Service Support	)	
	)	
Conexon Connect, LLC Amended Petition for	)	
Expanded Designation as an Eligible	)	
Telecommunications Carrier in Florida Pursuant	)	
to Section 214(e)(6) of the Communications Act	)	
of 1934 for the Limited Purpose of Offering	)	
Federal Lifeline Benefits on Tribal Lands and	)	
Non-Tribal Lands	)	
	)	
Updated Supplement to Scott County Telephone	)	
Cooperative, Inc. Petition for Designation as an	)	
Eligible Telecommunications Carrier	)	
Pursuant to Section 214(e)(6) of the	)	
Communications Act of 1934, as amended	)	
for Lifeline Support	)	

ORDER

Adopted: December 16, 2024**Released: December 16, 2024**

By the Chief, Wireline Competition Bureau:

I. INTRODUCTION

1. In this Order, the Wireline Competition Bureau (Bureau) grants the petitions of two carriers to expand their designation as eligible telecommunications carriers (ETCs) to allow them to provide Lifeline-only service in additional areas: Conexon Connect, LLC (Conexon) Amended Petition for Expanded Designation as an Eligible Telecommunications Carrier in Florida¹ for the Limited Purpose of Offering Lifeline Benefits and Scott County Telephone Cooperative, Inc. (SCTC) Petition for Designation as an Eligible Telecommunications Carrier for Lifeline Support in Tennessee and Virginia.² Both carriers are facilities-based carriers and will provide Lifeline service over their own networks.³

¹ See Conexon Connect, LLC Petition for Expanded Designation as an Eligible Telecommunications Carrier in Florida Pursuant to Section 214(e)(6) of the Communications Act of 1934 for Limited Purpose of Offering Federal Lifeline Benefits on Tribal and Non-Tribal Lands, WC Docket No. 09-197 (filed May 10, 2024), <https://www.fcc.gov/ecfs/document/1051023581374/1> (Conexon Amended ETC Petition).

² See Updated Supplement to Scott County Telephone Cooperative, Inc. Petition for Designation as an Eligible Telecommunications Carrier Pursuant to Section 214(e)(6) of the Communications Act of 1934, as amended for Lifeline Support, WC Docket No. 09-197 (filed May 30, 2024), <https://www.fcc.gov/ecfs/document/1053080142075/1> (SCTC Updated ETC Petition).

2. Petitioner Conexon was designated by the Federal Communications Commission (FCC or Commission) as a High-Cost ETC on October 14, 2021, but only in certain areas in Florida for which Conexon was authorized to receive support under the Rural Digital Opportunity Fund (RDOF) program.⁴ Here, Conexon now seeks Lifeline-only ETC designation status from the Commission to participate in the federal Lifeline program in the proposed expanded Lifeline-only ETC designation areas in Florida which are identified in Exhibit A to this Order.⁵

3. Petitioner SCTC received authorization by the Bureau on June 8, 2021 for a high-cost ETC designation in RDOF-supported census blocks in Tennessee and Virginia where SCTC serves as a competitive local exchange carrier (CLEC) and where SCTC would be authorized to receive RDOF support.⁶ In the instant matter, SCTC requests designation as a Lifeline-only ETC throughout the rest of its CLEC territory in Virginia and Tennessee, identified in Exhibit B to this Order.⁷

4. In granting these ETC designations, the Bureau finds that the petitioners meet the eligibility requirements to receive universal service support, as set forth in section 214(e)(6) of the Communications Act of 1934, as amended (Act), and related Commission rules.⁸

II. BACKGROUND

A. Rural Digital Opportunity Fund Auction (Auction 904)

5. On January 30, 2020, the Commission adopted the framework for the RDOF, to award support through a reverse descending clock auction.⁹ At the conclusion of Auction 904, there were 180 winning bidders including SCTC and the Rural Electric Cooperative Consortium (which assigned some of its winning bids to Conexon).¹⁰ To become authorized to receive RDOF support, each winning bidder was required to ensure that they are technically and financially qualified to offer supported services and have met all regulatory prerequisites and conditions for receiving Universal Service Fund (USF)

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³ Conexon Amended ETC Petition at 2-3; SCTC Updated ETC Petition at 7.

⁴ See *Telecommunications Carriers Eligible for Universal Service Support*, WC Docket No. 09-197, Connect America Fund, WC Docket No. 10-90, Order, 36 FCC Rcd 14512, 14518 (WCB 2021) (*Second RDOF ETC Designation Order*); *Rural Digital Opportunity Fund Support Authorized for 2,008 Winning Bids*, AU Docket No. 20-34 et al., Public Notice, 36 FCC Rcd 17198, Attach. A (WCB/OEA 2021) (authorizing Conexon to receive RDOF support in Florida); see also Conexon Amended ETC Petition at 1, 3.

⁵ See *infra*. Exhibits A; see also Conexon Amended ETC Petition at Exhibits A and B.

⁶ See *Telecommunications Carriers Eligible for Universal Service Support et al.*, WC Docket No. 09-197 et al., Order, 36 FCC Rcd 9384, 9396-9397 (WCB 2021) (*Auction 904 ETC Designation Order*); *Rural Digital Opportunity Fund Support Authorized for 2,576 Winning Bids*, AU Docket Nos. 23-34, 17-182, WC Docket Nos. 19-126, 10-90, Public Notice, 37 FCC Rcd 1617, Attach. A (2022) (authorizing SCTC to receive RDOF support in Tennessee and Virginia); see also SCTC Updated ETC Petition at 2.

⁷ See *infra*. Exhibit B; see also SCTC Updated ETC Petition at Exhibit A.

⁸ 47 U.S.C. § 214(e)(6); 47 CFR § 54.202.

⁹ See *Rural Digital Opportunity Fund et al.*, WC Docket No. 19-126 et al., Report and Order, 35 FCC Rcd 686 (2020) at 689-690, para. 8 (*Auction 904 Report and Order*); see also *Rural Digital Opportunity Fund*, WC Docket No. 19-126, Order on Reconsideration, 35 FCC Rcd 10820 (2020).

¹⁰ See *Rural Digital Opportunity Fund Phase I Auction (Auction 904) Closes; Winning Bidders Announced; FCC Form 683 Due January 29, 2021*, WC Docket No. 19-126 et al., Public Notice, 35 FCC Rcd 13888, 13925-13926 (RBATF, OEA, WCB 2020) (*Auction 904 Closing Public Notice*); Historical Auction 904 Long-Form Applicants Data, <https://www.fcc.gov/files/historical-authorized-auction-904-long-form-applicants-data> (detailing assignment(s) of winning bids to specific authorized long-form applicants).

support.¹¹ Applicants were required to submit documentation of ETC designation(s) and a letter certifying that the designations cover all relevant census blocks in a state.¹²

B. Lifeline Program

6. The Lifeline program provides support to reimburse providers for offering supported services at discounted prices to qualifying low-income households, with more support directed at such households on Tribal lands.¹³ Services eligible for reimbursement include voice and broadband Internet access service meeting certain requirements.¹⁴ In a given geographic area, a carrier may be designated as an ETC and become eligible to receive funding from both the high-cost and low-income components of the USF, or it may be designated as a Lifeline-only ETC that is only eligible to receive USF support from the Lifeline program (Lifeline-only ETC designation).¹⁵ Where a petitioner indicates that it is seeking an ETC designation in areas not eligible for high-cost support, as does Conexon and SCTC, the Commission considers such areas for a Lifeline-only ETC designation.¹⁶ ETCs are obligated to offer Lifeline-supported services throughout their designated service areas.¹⁷

C. Requirements for FCC ETC Designation

7. Section 254(e) of the Communications Act of 1934, as amended (the Act), provides that “only an eligible telecommunications carrier designated under section 214(e) shall be eligible to receive specific federal universal service support.”¹⁸ Congress gives primary authority for ETC designations to state commissions.¹⁹ The Commission has authority only when “a common carrier [is] providing telephone exchange service and exchange access that is not subject to the jurisdiction of a State commission.”²⁰ The petitioning carrier must demonstrate that the Commission has jurisdiction and may do so by submitting an “affirmative statement from the state commission or a court of competent

¹¹ 47 CFR § 1.21004; *Auction 904 Report and Order*, 35 FCC Rcd at 696, para. 22. Winning bidders had the opportunity to assign some or all their winning bids to one or more related entities. *Rural Digital Opportunity Fund Phase I Auction Scheduled for October 29, 2020; Notice and Filing Requirements and Other Procedures for Auction 904*, AU Docket No. 20-34 et al., Public Notice, 35 FCC Rcd 6077, 6164-65, paras. 288-93 (2020) (*Auction 904 Procedures Public Notice*).

¹² 47 CFR § 54.804(b)(5); *Auction 904 Closing Public Notice*, 35 FCC Rcd at 13894, 13900-01.

¹³ See *Lifeline and Link Up Reform and Modernization et al.*, WC Docket Nos. 11-42 et al., Report and Order and Further Notice of Proposed Rulemaking, 27 FCC Rcd 6656, 6663, para. 14 (2012).

¹⁴ See 47 CFR § 54.401.

¹⁵ 47 CFR § 54.201(a)(1); *id.* § 54.101(d).

¹⁶ *Auction 904 Closing Public Notice*, 35 FCC Rcd at 13901 n.72 (explaining that petitioners may, in addition to seeking a high-cost designation in winning bid areas, seek a Lifeline-only ETC designation in areas not eligible for high-cost support for the limited purpose of becoming eligible to receive only Lifeline support in such areas and requiring these petitioners to submit with their ETC application a map or other information delineating these Lifeline-only areas, and other information specifically required by the Commission’s Lifeline rules); Conexon Amended ETC Petition at 1, 3; SCTC Updated ETC Petition at 2.

¹⁷ See 47 U.S.C. § 214(e)(1)(A); 47 CFR § 54.101(a) (providing that voice service is the supported service); 47 CFR § 54.403(a) (setting forth Lifeline support eligibility requirements).

¹⁸ 47 U.S.C. § 254(e).

¹⁹ *Id.* § 214(e)(2).

²⁰ *Id.* § 214(e)(6).

jurisdiction that the carrier is not subject to the state commission's jurisdiction."²¹ The Bureau has also stated, as to all ETC designations, that "[i]f a state law expressly articulates that it does not have jurisdiction over a relevant type of technology, Commission staff would consider such a statute relevant in its determination of Commission jurisdiction."²² The Commission has delegated authority to the Bureau to consider appropriate ETC designation requests.²³

8. A petition for ETC designation by the Commission must include: (1) a certification that the petitioner offers or intends to offer all services designated for support by the Commission pursuant to section 254(c) of the Act; (2) a certification that the petitioner offers or intends to offer the supported services either using its own facilities or a combination of its own facilities and resale of another carrier's services;²⁴ (3) a description of how the petitioner advertises the availability of the supported services and the charges therefor using media of general distribution;²⁵ (4) a detailed description of the geographic service area for which the petitioner requests to be designated as an ETC;²⁶ and (5) a certification that neither the petitioner, nor any party to the application, is subject to a denial of federal benefits pursuant to the Anti-Drug Abuse Act of 1988.²⁷

9. In addition, a petitioner must demonstrate its ability to meet certain service standards. A petitioner seeking an ETC designation must: (1) certify that it will comply with the service requirements applicable to the support that it receives; (2) demonstrate its ability to remain functional in emergency situations; and (3) demonstrate its ability to satisfy applicable consumer protection and service quality standards.²⁸ An ETC seeking Lifeline-only designation must also: (1) demonstrate its financial and technical capability to provide Lifeline-supported services in accordance with applicable Commission rules; and (2) submit information describing the terms and conditions of any voice telephony plans offered to Lifeline subscribers.²⁹

10. Conexon and SCTC are not required to submit a five-year service plan, but need only demonstrate its ability to meet applicable consumer protection and service quality standards for Lifeline-supported services in Lifeline-only eligible areas.³⁰ Prior to designating a carrier as an ETC pursuant to

²¹ See *Federal-State Joint Board on Universal Service et al.*, CC Docket No. 96-45, Twelfth Report and Order, Memorandum Opinion and Order, and Further Notice of Proposed Rulemaking, 15 FCC Rcd 12208, 12267, para. 120 (2000); 47 U.S.C. § 214(e)(6).

²² *WCB Reminds Connect America Fund Phase II Auction Applicants of the Process for Obtaining a Federal Designation as an Eligible Telecommunications Carrier*, WC Docket Nos. 09-197 and 10-90, Public Notice, 33 FCC Rcd 6696, 6697 (WCB 2018) (*Auction 903 ETC Public Notice*).

²³ See *Procedures for FCC Designation of Eligible Telecommunications Carriers Pursuant to Section 214(e)(6) of the Communications Act*, CC Docket No. 96-45, Public Notice, 12 FCC Rcd 22947, 22948 (1997).

²⁴ 47 U.S.C. § 214(e)(1); 47 CFR § 54.201(d)(1).

²⁵ 47 U.S.C. § 214(e)(1); 47 CFR § 54.201(d)(2).

²⁶ An ETC's "service area" is set by the designating authority and is the geographic area within which an ETC has universal service obligations and may receive universal service support. 47 U.S.C. § 214(e)(5); 47 CFR § 54.207(a).

²⁷ 21 U.S.C. § 862; 47 CFR § 1.2002(a)-(b).

²⁸ 47 CFR §§ 54.202(a)(1)(i) & (a)(3).

²⁹ *Id.* § 54.202(a)(4)-(6).

³⁰ See 47 CFR §§ 54.202(a)(ii); see also *Auction 904 Closing Public Notice*, 35 FCC Rcd at 13901, n.71 (extending to Auction 904 long-form applicants the same waivers of 54.202 requirements as provided to Auction 903 long-form applicants under the same rationales); *WCB Reminds Connect America Fund Phase II Auction Applicants of the Process for Obtaining a Federal Designation as an Eligible Telecommunications Carrier*, WC Docket Nos. 09-197 and 10-90, Public Notice, 33 FCC Rcd 6696, 6699-6700 (WCB 2019).

section 214(e)(6) of the Act, the Commission must determine whether such designation is in the public interest.³¹ When making a public interest determination, the Commission historically has considered the benefits of increased consumer choice and the unique advantages and disadvantages of the applicant's service offering.³² Because the petitioners that are the subject of this Order seek expanded designation in areas which are not eligible for high-cost support, petitioners must demonstrate that Lifeline-only ETC designations in those areas would serve the public interest.³³

D. Petitions for ETC Designation

11. Conexon and SCTC previously sought and were granted ETC designations to become eligible to receive RDOF support.³⁴ Their current petitions are meant to amend and supplement those original petitions.³⁵ In their description of their service areas, the petitioners included areas adjacent to their RDOF support areas that were not eligible for RDOF support.³⁶ In these adjacent areas, the petitioners can only receive a Lifeline-only designation. The Bureau released a public notice soliciting comments on Conexon's and SCTC's petitions that are the subject of this Order.³⁷ No comments addressing the merits of the subject petitions or the associated ETC designation were filed.

III. DISCUSSION

12. We find that the petitioners, Conexon and SCTC, satisfy the Commission's requirements for a Lifeline-only ETC designation. We previously designated petitioner Conexon as a high-cost ETC in Tennessee and Florida³⁸ and also designated petitioner SCTC as a high-cost ETC in Tennessee and Virginia.³⁹ These high-cost ETC designations were conditioned upon and limited to the high-cost areas where the Commission authorized the petitioners to receive RDOF support and effective only upon such authorization.⁴⁰ In these areas, petitioners must meet RDOF requirements, Lifeline requirements, and other service obligations attendant to their high-cost designations, as specified in the Act and the Commission's rules.⁴¹ In other areas included in Conexon's and SCTC's petitions that are not eligible for high-cost support and where the petitioners have demonstrated their ability to meet Lifeline requirements, we designate Conexon and SCTC as Lifeline-only ETCs.⁴² In these areas, petitioners must offer Lifeline-supported services to low-income consumers consistent with the requirements of the Act and the

³¹ 47 U.S.C. § 214(e)(6); 47 CFR § 54.202(b).

³² See, e.g., *Virgin Mobile ETC Designation Order in the States of Alabama, Connecticut, Delaware, New Hampshire and the District of Columbia*, WC Docket 09-197, Order, 25 FCC Rcd 17797, 17799, para. 6 (WCB 2010).

³³ See 47 CFR § 54.202(b).

³⁴ See *Second RDOF ETC Designation Order*, 36 FCC Rcd at 14518, 14526; see also *Auction 904 ETC Designation Order*, 36 FCC Rcd at 9396-9397.

³⁵ Conexon Amended ETC Petition at 1, 3; SCTC Updated ETC Petition at 2.

³⁶ See *infra*. Exhibits A and B.

³⁷ *Wireline Competition Bureau Seeks Comment on Petitions Filed by Conexon Connect LLC and Scott County Telephone Cooperative, Inc.*, Docket No. 09-197, Public Notice, DA 24-516 (WCB 2024).

³⁸ See *Second RDOF ETC Designation Order*, 36 FCC Rcd at 14526.

³⁹ See *Auction 904 ETC Designation Order*, 36 FCC Rcd 9384, 9396-9397.

⁴⁰ See *Second RDOF ETC Designation Order*, 36 FCC Rcd at 14518, para. 13; see also *Auction 904 ETC Designation Order*, 36 FCC Rcd at 9388, para. 11.

⁴¹ 47 CFR § 54.202(a)(1)(i); *id.* § 54.101.

⁴² See *infra*. Exhibits A and B; Conexon Amended ETC Petition at Exhibits A and B; SCTC Updated ETC Petition at Exhibit A.

Commission's rules and in accordance with all representations and commitments made in their amended ETC petitions.⁴³

A. Commission Authority

13. The petitioners demonstrate that the Commission has the requisite authority to designate them as ETCs pursuant to section 214(e)(6) of the Act. The petitioners have submitted an affirmative statement of the relevant state authority declining to assert jurisdiction and/or relevant state regulations specifically excluding from state regulatory authority the services offered by the petitioners.⁴⁴ Accordingly, we find that the Bureau, acting under the Commission's delegation of authority, may designate the petitioners as ETCs for purposes of eligibility for Lifeline-only support.

B. Eligibility Requirements

14. *Offering the Services Supported by the Universal Service Support Mechanisms.* We find that the petitioners establish through the required certifications and related filings that they will offer the services supported by the federal universal service support mechanisms.⁴⁵ Specifically, the petitioners have committed to offering services on a common carrier basis and have specified that their voice service meets the requirements of section 54.101(a) of the Commission's rules.⁴⁶

15. *Compliance with Service Requirements Applicable to Lifeline Services.* The petitioners commit to offering Lifeline discounts to qualifying low-income consumers, consistent with the Commission's rules.⁴⁷ The petitioners are seeking a Lifeline-only designation in Lifeline-only eligible areas and specifically commit to meeting Lifeline consumer enforcement and certification standards and describes how it intends to meet such standards.⁴⁸ We emphasize that all ETCs receiving Lifeline support must report certain information to the Commission, USAC, and the local regulatory authority, pursuant to section 54.422 of the Commission's rules.⁴⁹

16. *Offering the Supported Services Using a Carrier's Own Facilities.* The petitioners certify that they will offer supported services using their own facilities or a combination of their own

⁴³ See Conexon Amended ETC Petition at 4-9; *see also* SCTC Updated ETC Petition at 5-10.

⁴⁴ See Conexon Amended ETC Petition at 4-5 (citing 2011 Fla. HB 1231(2011), Fla. Stat. § 364.011 (2021), Fla. CS/SB 478 (2024) and noting that the Florida Public Service Commission lacks jurisdiction over ETC petitions filed by broadband and/or Voice over Internet Protocol service providers); *see also* SCTC Updated ETC Petition at 4-5 (citing Tenn. Code Ann. § 7-59-307(d) (2019) and Tenn. Code Ann. § 65-5-203 (2019) declining jurisdiction over the regulation of interconnected VoIP and broadband services and Va. Code Ann. § 56-1.3 (2006) declining jurisdiction over the regulation of VoIP services)).

⁴⁵ 47 U.S.C. § 214(e)(1)(A); 47 CFR § 54.201(d)(1).

⁴⁶ 47 U.S.C. § 214(e)(1), (6); 47 CFR § 54.101(a) (eligible voice telephony service must provide voice grade access to the public switched network or its functional equivalent). Both Conexon and SCTC commit to offering services on a common carrier basis and to providing Lifeline subscribers with voice grade access to the public switched network. *See* SCTC Updated ETC Petition at 5-6; *see also* Conexon Amended ETC Petition at 10 (referencing and reaffirming commitments made in Petition of Conexon Connect, LLC for Eligible Telecommunications Carrier Designation in Florida and Tennessee, WC Docket No. 09-197 (filed Jan. 4, 2021), <https://www.fcc.gov/ecfs/document/10104181254647/1> (Conexon Original ETC Petition)).

⁴⁷ *See* 47 CFR § 54.400 et seq.; Conexon Amended ETC Petition at 4-9; SCTC Updated ETC Petition at 9-11.

⁴⁸ 47 CFR § 54.410 (setting forth the Commission's rules on subscriber eligibility determination and certification); Conexon Amended ETC Petition at 4-9; SCTC Updated ETC Petition at 9-11.

⁴⁹ *See* 47 CFR § 54.422; *see also id.* § 54.410.

facilities and resale of another carrier's services.⁵⁰ Facilities are the ETC's "own" if the ETC has an exclusive right to use the facilities to provide the supported services or when service is provided by any affiliate within the holding company structure.⁵¹ An ETC may satisfy its obligation to "offer" supported voice service (or its functional equivalent, including VoIP) through a third-party vendor but cannot simply rely on the availability of over-the-top voice options.⁵² Instead, the ETC must remain legally responsible, through a managed service solution, that ensures that the service meets consumer protection and service quality standards.⁵³

17. *Advertising Supported Services.* The petitioners commit to advertising the availability of the supported services and related charges using media of general distribution.⁵⁴ We emphasize that, as part of this commitment, an ETC must advertise the availability of its services and charges in a manner reasonably designed to reach Lifeline-eligible consumers.⁵⁵

18. *Ability to Remain Functional in Emergency Situations.* The petitioners state that they can remain functional in emergency situations.⁵⁶ The petitioners also state that they have sufficient back-up power to ensure functionality in the designated service areas without an external power source, can re-route traffic around damaged facilities, and can manage traffic spikes resulting from emergency situations.⁵⁷

19. *Anti-Drug Abuse Act Certification.* The petitioners submit a certification that satisfies the requirements of the Anti-Drug Abuse Act of 1988, as codified in sections 1.2001-1.2003 of the Commission's rules.⁵⁸

⁵⁰ 47 U.S.C. § 214(e)(1)(A); 47 CFR § 54.201(d)(1); Conexon Amended ETC Petition at 2-3; SCTC Updated ETC Petition at 7.

⁵¹ *Auction 903 ETC Public Notice*, 33 FCC Rcd at 6698; *see also* 47 U.S.C. § 153(2) (defining an affiliate as "a person that (directly or indirectly) owns or controls, is owned or controlled by, or is under common ownership or control with, another person").

⁵² *Auction 903 ETC Public Notice*, 33 FCC Rcd at 6699 (citing *Connect America Fund et al.*, WC Docket Nos. 10-90, 14-58, 14-259, Order on Reconsideration, 33 FCC Rcd 1380, 1387-88, para. 20 (2018) (rejecting arguments contending that "because VoIP is provided over broadband networks and over-the-top voice options are available, broadband service providers need only offer broadband as a standalone service," and requiring carriers to "offer VoIP over their broadband network on a standalone basis"); *cf. Phase II Challenge Process Order*, 28 FCC Rcd 7224, n.21 (explaining that a broadband provider would be considered to be providing voice service if it did so through an affiliated competitive local exchange company or "through a managed voice solution obtained from a third party vendor ... , so long as the broadband provider is the entity responsible for dealing with any customer problems, and it provides quality of service guarantees to end user customers")).

⁵³ *Auction 903 ETC Public Notice*, 33 FCC Rcd at 6699.

⁵⁴ 47 U.S.C. § 214(e)(1)(B); 47 CFR § 54.201(d)(2); Conexon Amended ETC Petition at 8, 10; Petition of Conexon Connect LLC for Eligible Telecommunications Carrier Designation in Florida and Tennessee, WC Docket No. 09-197, at 6 (filed Jan. 4, 2021); SCTC Updated ETC Petition at 7.

⁵⁵ 47 CFR § 54.405.

⁵⁶ Conexon Amended ETC Petition at 5; SCTC Updated ETC Petition at 8.

⁵⁷ 47 CFR § 54.202(a)(2); Conexon Amended ETC Petition at 5; SCTC Updated ETC Petition at 8.

⁵⁸ 47 CFR § 1.2002; Conexon Amended ETC Petition at 10; SCTC Updated ETC Petition at 15.

20. *Consumer Protection and Service Quality Standards in Lifeline-Only Eligible Areas.*

The petitioners seeking a Lifeline-only designation in Lifeline-only eligible areas commit to abiding by all applicable state and federal consumer protection and service quality standards, including specific obligations under the Act and its implementing rules, in Lifeline-only eligible areas.⁵⁹

21. *Technical and Financial Ability to Offer Lifeline Services in Lifeline-Only Eligible Areas.*

The petitioners are seeking Lifeline-only ETC designations in Lifeline-only eligible areas and demonstrate the technical and financial ability to offer Lifeline-supported voice and broadband Internet access services in Lifeline-only eligible areas.⁶⁰

22. *Terms and Conditions of Service Plans in Lifeline-only Eligible Areas.*

Conexon and SCTC sufficiently describe the terms and conditions of service plans that they will make available to the public in Lifeline-only eligible areas.⁶¹

C. Public Interest Analysis

23. We conclude that the petitioners' participation in universal service programs would be in the public interest and would provide numerous benefits to consumers. The petitioners will offer advanced services to underserved areas at competitive prices.⁶² Pursuant to the grant of their Lifeline-only designations, the petitioners commit to offering Lifeline-supported services and to meeting or exceeding Lifeline requirements.⁶³ Given these commitments and all associated representations made in the petitions, granting the Lifeline-only ETC designations will help ensure increased consumer choice, affordability, and improved quality of service in these areas. Accordingly, based on the information, representations, and certifications in their petitions, we find that the petitioners have met all applicable conditions and prerequisites for ETC designation and that granting the petitions serves the public interest.

D. Regulatory Oversight

24. Under section 254(e) of the Act, the petitioners must use universal service support "only for the provision, maintenance, and upgrading of facilities and services for which the support is intended."⁶⁴ Under section 214(e) of the Act, the petitioners must provide supported services throughout the service area for which they receive an ETC designation.⁶⁵ An ETC receiving Lifeline support uses that support as intended when it reduces the price of its services by the amount of the support for the eligible consumer.⁶⁶ In addition, the ETC must file annual reports that include, among other things, a certification of compliance with applicable minimum service standards, service quality standards, and consumer protection rules.⁶⁷

⁵⁹ 47 CFR § 54.202(a)(3); Conexon Amended ETC Petition at 5-6; SCTC Updated ETC Petition at 9.

⁶⁰ 47 CFR § 54.202(a)(4); Conexon Amended ETC Petition at 2-3, 6; SCTC Updated ETC Petition at 9-10.

⁶¹ 47 CFR § 54.202(a)(5), (6); Conexon Amended ETC Petition at 6-7; SCTC Updated ETC Petition at 11.

⁶² Conexon Amended ETC Petition at 7, 10-12 and Exhibits A & B; SCTC Updated ETC Petition at 11, 14-15 and Exhibit A.

⁶³ Conexon Amended ETC Petition at 6-8; SCTC Updated ETC Petition at 7, 9-10.

⁶⁴ 47 U.S.C. § 254(e).

⁶⁵ *Id.* § 214(e).

⁶⁶ See *Petition of TracFone Wireless, Inc. for Forbearance from 47 U.S.C. § 214(e)(1)(A) and 47 C.F.R. § 54.201(i)*, CC Docket No. 96-45, Order, 20 FCC Rcd 15095, 15105-06, para. 26 (2005).

⁶⁷ 47 CFR § 54.422(b)(3); see also *id.* §§ 54.416, 54.422 (requiring an officer of the company to certify that the ETC has policies and procedures in place to ensure that its Lifeline subscribers are eligible to receive Lifeline services and that it will comply with all federal Lifeline certification procedures).

25. We find that reliance on petitioners' representations and commitments to meet these and other regulatory requirements made in its petition is reasonable and consistent with the public interest and the Act. We conclude that fulfillment of these additional reporting requirements will further the Commission's goal of ensuring that the petitioners satisfy their obligation under section 214(e) of the Act to provide supported services throughout its designated service areas.

26. The Commission may initiate an inquiry on its own motion to examine any ETC's records and documentation to ensure that the universal service support the ETC receives is being used "only for the provision, maintenance, and upgrading of facilities and services" in the areas in which it is designated as an ETC.⁶⁸ Petitioners must provide such records and documentation to the Commission and USAC upon request.⁶⁹ If a petitioner fails to fulfill the requirements of the Act, the Commission's rules, and the terms of this Order after it begins receiving universal service support, the Commission has authority to revoke the petitioner's ETC designation.⁷⁰ The Commission also may assess forfeitures for violations of Commission rules and orders.⁷¹

27. As the Bureau has previously explained, a carrier that cannot appropriately use universal service support must relinquish its ETC designation pursuant to section 214(e)(4) of the Act and section 54.205 of the Commission's rules.⁷² For ETCs designated by the Commission, the ETC must file a notice of relinquishment in WC Docket No. 09-197, Telecommunications Carriers Eligible for Universal Service Support, using the Commission's Electronic Comment Filing System (ECFS). The Bureau will release an order approving the relinquishment if the relinquishing ETC demonstrates that the affected area will continue to be served by at least one ETC.⁷³ The ETC must then send a copy of its relinquishment notice and a copy of the relinquishment order (within one week of its release) to USAC. A carrier that intends to discontinue service must first seek authorization to discontinue service under section 63.71 of the Commission's rules.⁷⁴ In addition, ETCs seeking to transfer control of their domestic authorizations to operate pursuant to section 214 of the Act or to engage in the sale of assets under section 214 must first receive approval from the Commission in accordance with sections 63.03 and 63.04 of the Commission's rules governing the procedures for domestic transfer of control/asset applications.⁷⁵ Transfers of control and assignments of international section 214 authorizations are separately subject to section 63.24 of the Commission's rules.⁷⁶ Except where the Commission has forbore from the application of section 214, this requirement applies to all transfers of control or asset acquisitions involving ETCs.

IV. ORDERING CLAUSES

28. Accordingly, IT IS ORDERED that, pursuant to the authority contained in section 214(e)(6) of the Communications Act of 1934, as amended, 47 U.S.C. § 214(e)(6), and the authority delegated in sections 0.91 and 0.291 of the Commission's rules, 47 CFR §§ 0.91, 0.291, that Conexon

⁶⁸ 47 U.S.C. §§ 220, 403.

⁶⁹ 47 CFR § 54.417.

⁷⁰ *Federal-State Joint Board on Universal Service; Western Wireless Corp. Petition for Preemption of an Order of the South Dakota Public Utilities Commission*, CC Docket No. 96-45, Declaratory Ruling, 15 FCC Rcd 15168, 15174, para. 15 (2000).

⁷¹ See 47 U.S.C. § 503(b).

⁷² 47 U.S.C. § 214(a); 47 CFR § 54.205.

⁷³ 47 U.S.C. § 214(e)(4).

⁷⁴ 47 CFR § 63.71.

⁷⁵ 47 U.S.C. § 214; 47 CFR §§ 63.03; 63.04.

⁷⁶ 47 CFR § 63.24.

Connect, LLC and Scott County Telephone Cooperative, Inc. ARE DESIGNATED AS ELIGIBLE TELECOMMUNICATIONS CARRIERS ELIGIBLE ONLY FOR LIFELINE SUPPORT IN AREAS NOT ELIGIBLE FOR HIGH-COST SUPPORT, to the extent described in this Order.

29. IT IS FURTHER ORDERED that a copy of this Order SHALL BE TRANSMITTED to the relevant state commission and to the Universal Service Administrative Company.

30. IT IS FURTHER ORDERED that, pursuant to section 1.102(b)(1) of the Commission's rules, 47 CFR § 1.102(b)(1), this order SHALL BE effective upon release.

FEDERAL COMMUNICATIONS COMMISSION

Trent B. Harkrader
Chief
Wireline Competition Bureau

EXHIBIT A

**2010 Census Blocks Where Conexon Connect, LLC is
Granted a Lifeline-Only ETC Designation**

Census Block ID	Census Block ID	Census Block ID	Census Block ID
120050002011001	120050002011022	120050002011023	120050002011024
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Census Block ID	Census Block ID	Census Block ID	Census Block ID
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120130102003161	120130102003162	120130102003164	120130102003165
120130102003166	120130102003167	120130102003168	120130102003172
120130102003175	120130102003177	120130102003179	120130102003182
120130102003186	120130102003187	120130102003188	120130102003189
120130102003190	120130102003193	120130102003195	120130102003196
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120130102003245	120130102003250	120130102003251	120130102003257
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120430002002083	120430002002087	120430002002092	120430002002093
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Census Block ID	Census Block ID	Census Block ID	Census Block ID
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120459601001046	120459601001047	120459601001048	120459601001049
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120459601001072	120459601001075	120459601001076	120459601001077
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120459601002063	120459601002064	120459601002071	120459601002072
120459601002077	120459601002078	120459601002079	120459601002081
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120459601002087	120459601002089	120459601002090	120459601002091
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120459601002105	120459601002106	120459601002107	120459601002108
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120459601002113	120459601002114	120459601002115	120459601002116
120459601002117	120459601002118	120459601002119	120459601002120
120459601002121	120459601002122	120459601002123	120459601002124
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120459601003019	120459601003020	120459601003021	120459601003022
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120459601003031	120459601003032	120459601003033	120459601003034

Census Block ID	Census Block ID	Census Block ID	Census Block ID
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120459601003048	120459601003049	120459601003050	120459601003051
120459601003052	120459601003053	120459601003054	120459601003055
120459601003056	120459601004000	120459601004001	120459601004002
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120459601005243	120459601005244	120459601005246	120459601005259
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120459601005318	120459601005319	120459601005320	120459601005321
120459601005326	120459601005327	120459601005328	120459601005340
120459601005341	120459601005342	120459601005343	120459601005348
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Census Block ID	Census Block ID	Census Block ID	Census Block ID
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120510001003069	120510002002001	120510002002002	120510002002003
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Census Block ID	Census Block ID	Census Block ID	Census Block ID
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120510003004029	120510003004030	120510003004032	120510003004033
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120510003004039	120510003004040	120510003004041	120510003004042
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120510003004051	120510003004052	120510003004053	120510003004054
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120510003004066	120510003004067	120510003004068	120510003004070
120510003004071	120510003004072	120510003004074	120510003004075
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120510003004174	120510006001044	120510006001045	120510006001047
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Census Block ID	Census Block ID	Census Block ID	Census Block ID
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120510006002043	120510006002044	120510006002046	120510006002048
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120510006002060	120510006002061	120510006002062	120510006002063
120510006002064	120510006002065	120510006002066	120510006002067
120510006002069	120510006002070	120510006002071	120510006002072
120510006002073	120510006002074	120510006002075	120510006002076
120510006002077	120510006002078	120510006002079	120510006002080
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Census Block ID	Census Block ID	Census Block ID	Census Block ID
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120510006002222	120510006002224	120510006002225	120510006002226
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120510006002243	120510006002244	120510006002245	120510006002246
120510006002247	120510006002248	120510006002249	120510006002250
120510006002252	120510006002253	120510006002254	120510006002255
120510006002257	120510006002258	120510006002259	120510006002260
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120510006002306	120510006002307	120510006002308	120510006002311
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120510006002330	120510006002331	120510006002332	120510006002333
120510006002335	120510006002337	120510006002341	120510006002342
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120510006002348	120510006002349	120510006002350	120510006002351
120510006002352	120510006002353	120510006002354	120510006002355
120510006002356	120510006002357	120510006002358	120559610001001
120559610001003	120559610001006	120559610001007	120559610001011
120559610001012	120559610001014	120559610001016	120559610001038
120559610001051	120559610001054	120559610001055	120559610001057
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Census Block ID	Census Block ID	Census Block ID	Census Block ID
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120559610001086	120559610001087	120559610001088	120559610001089
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120559610001094	120559610001096	120559610001106	120559610001107
120559610001108	120559610001109	120559610001110	120559610001111
120559610001112	120559610001114	120559610001116	120559610001118
120559610001119	120559610001120	120559610001131	120559610002000
120559610002015	120559610002016	120559610002017	120559610002018
120559610002032	120559610002033	120559610002035	120559610002037
120559610002039	120559610002040	120559610002041	120559610002043
120559610002044	120559610002045	120559610002046	120559610002048
120559610002049	120559610002050	120559610002051	120559610002052
120559610002053	120559610002054	120559610002055	120559610002056
120559610002057	120559610002058	120559610002060	120559610002061
120559610002062	120559610002068	120559610002071	120559610002072
120559610002079	120559610003041	120559610003054	120559612004000
120559612004001	120559612004002	120559612004004	120559612004005
120559612004006	120559612004007	120559612004008	120559612004009
120559612004012	120559612004027	120559612004028	120559612004029
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120559613011079	120559613011080	120559613011086	120559613011087
120559613011101	120559613011102	120559613011107	120559613011111
120559613011112	120559613011113	120559613011114	120559613011115
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120559613011125	120559613011126	120559613011127	120559613011134
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120559613011146	120559613011147	120559613011151	120559613011152
120559613021084	120559613021089	120559613021090	120559613021091
120559613022002	120559613022005	120559613022007	120559613022010
120559613022025	120559613022026	120559613022031	120559613022032
120559613022034	120559613022035	120559613022037	120559613022038
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120559613022045	120559613022048	120559613022049	120559613022050
120559613022051	120559613022052	120559613022053	120559613022054
120559613022055	120559613022056	120559613022057	120559613022059
120559613022060	120559613023055	120559613023065	120559613023070
120559613023072	120559613023073	120559613023074	120559613023075
120559613023076	120559613023078	120559613023079	120559613023082
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120559614001004	120559614001006	120559614001007	120559614001008

Census Block ID	Census Block ID	Census Block ID	Census Block ID
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120559614001036	120559614001044	120559614001045	120559614001047
120559614001048	120559614001049	120559614001050	120559614001051
120559614001052	120559614001053	120559614001054	120559614001055
120559614001056	120559614001058	120559614001059	120559614001060
120559614001061	120559614001062	120559614001063	120559614001064
120559614001066	120559614001067	120559614001068	120559614001073
120559614002000	120559614002001	120559614002002	120559614002003
120559614002011	120559614002013	120559614002015	120559614002016
120559614002017	120559614002019	120559614002030	120559615001001
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120559615001017	120559615001024	120559615001031	120559615001036
120559615001072	120559615001075	120559615001081	120559615001083
120559615001084	120559615001085	120559615002002	120559615002004
120559615002018	120559615002021	120559615002022	120559615002032
120559615002036	120559615002037	120559615002038	120559615002039
120559615002040	120559615002041	120559615002042	120559615002043
120559615002045	120559615002049	120559615002050	120559615002053
120559615002057	120559615002059	120559615002060	120559615002061
120559615002062	120559615002063	120559615002065	120559615002071
120559615002072	120559615005001	120559615005002	120559615005003
120559615005005	120559615005006	120559615005008	120559615005009
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120559615005031	120559615005038	120559615005039	120559615005040
120559615005053	120559616011001	120559616011002	120559616011006
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120559616011026	120559616011027	120559616011031	120559616011032
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120559616011046	120559616011048	120559616011049	120559616011050
120559616011053	120559616011055	120559616011056	120559616011057
120559616011058	120559616011059	120559616011060	120559616011063
120559616011064	120559616011065	120559616011066	120559616011068
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120559616011073	120559616011075	120559616011077	120559616011078
120559616011079	120559616011086	120559616011087	120559616011088
120559616011090	120559616011092	120559616011093	120559616011094
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Census Block ID	Census Block ID	Census Block ID	Census Block ID
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120559616011126	120559616011145	120559616011154	120559616011155
120559616011156	120559616011159	120559616011163	120559616011164
120559616011165	120559616011166	120559616011167	120559616011168
120559616011169	120559616011170	120559616011171	120559616011190
120559616011201	120559616011204	120559616011205	120559616011206
120559616011207	120559616011208	120559616011209	120559616011210
120559616011211	120559616021000	120559616021001	120559616021004
120559616021005	120559616021006	120559616021069	120559616021071
120559616021076	120559617001001	120559617004001	120559617004004
120559617004007	120559617004015	120559617004016	120559617004019
120559617004021	120559617004024	120559617004025	120559617004045
120559617004046	120559617004050	120559617004052	120559800001013
120599601001003	120599601001004	120599601001005	120599601001008
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120599601001015	120599601001016	120599601001029	120599601001034
120599601001037	120599601001038	120599601001041	120599601001042
120599601001060	120599601001062	120599601001064	120599601001075
120599601001084	120599601001094	120599601001096	120599601002000
120599601002004	120599601002013	120599601002016	120599601002019
120599601002020	120599601002024	120599601002027	120599601002034
120599601002039	120599601002042	120599601002044	120599601002047
120599601002051	120599601002058	120599601002060	120599601002061
120599601002064	120599601002065	120599601002066	120599601002067
120599601002077	120599601002079	120599601002085	120599601002087
120599601002089	120599601002092	120599601002095	120599601002106
120599601003002	120599601003029	120599601003031	120599601003047
120599601003051	120599601003054	120599601003060	120599601003074
120599601003077	120599601003078	120599601003082	120599601003084
120599601003087	120599602001016	120599602001024	120599602001048
120599602001051	120599602001059	120599602001072	120599602002017
120599602002032	120599602002057	120599602002075	120599602003010
120599602003012	120599602003044	120599602003049	120599602003051
120599602003054	120599602003055	120599602004003	120599602004010
120599602004016	120599602004018	120599602004019	120599602004024
120599602004033	120599602004034	120599602004035	120599602004036
120599602004037	120599602004038	120599602004042	120599602004052
120599602004061	120599602004062	120599602004063	120599602004064

Census Block ID	Census Block ID	Census Block ID	Census Block ID
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120599602004072	120599602004073	120599602004078	120599602004087
120599602004113	120599602005004	120599602005006	120599602005007
120599602005014	120599602005034	120599602005077	120599602005170
120599603001000	120599603001001	120599603001003	120599603001005
120599603001012	120599603001015	120599603001018	120599603001031
120599603001036	120599603001044	120599603001046	120599603001048
120599603001051	120599603001053	120599603001061	120599603001063
120599603001068	120599603002006	120599603002010	120599603002011
120599603002014	120599603002015	120599603002022	120599603002030
120599603002031	120599603002032	120599603002037	120599603002038
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120599603002051	120599603002060	120599603002068	120599603002069
120599603002072	120599603002082	120599603002083	120599603002089
120599603002096	120599603002102	120599603002104	120599603002110
120599603002112	120599603002118	120599603002124	120599603002126
120599603002128	120599603002129	120599603002130	120599603002131
120599603002136	120599603002137	120599603002139	120599603002145
120599604001000	120599604001002	120599604001016	120599604001019
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120599604001039	120599604001041	120599604001043	120599604001045
120599604001056	120599604001058	120599604001064	120599604002002
120599604002005	120599604002007	120599604002009	120599604002011
120599604002021	120599604002023	120599604002024	120599604002032
120599604002038	120599604002039	120599604002040	120599604004011
120599604004012	120599604004013	120599604004014	120599604004016
120599604004018	120599604004025	120599604004026	120599604004027
120599604004032	120599604004034	120599604004038	120599604004039
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120599604004049	120599604004050	120599604004055	120599604005001
120599604005007	120599604005014	120599604005019	120632101001018
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120632101001054	120632101001056	120632101001057	120632101001059
120632101001061	120632101001062	120632101001068	120632101001070
120632101001071	120632101001080	120632101001085	120632101001089
120632101001091	120632101001095	120632101002005	120632101002018
120632101002025	120632101002026	120632101002045	120632101002062
120632101002073	120632101003004	120632101003008	120632101003009
120632101003018	120632101003020	120632101003034	120632101003035
120632101003062	120632101003063	120632102001003	120632102001005

Census Block ID	Census Block ID	Census Block ID	Census Block ID
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120632102001052	120632102001055	120632102001057	120632102001059
120632102001071	120632102002000	120632102002011	120632102002015
120632102002017	120632102002018	120632102002020	120632102002029
120632102002032	120632102002033	120632102002045	120632102002046
120632102002048	120632102002050	120632102002052	120632102002055
120632102002058	120632102002060	120632102002061	120632102002063
120632102002070	120632102002071	120632102002076	120632102002078
120632103001011	120632103001013	120632103001021	120632103001022
120632103002000	120632103002001	120632103002003	120632103002024
120632103002026	120632103002027	120632103002031	120632103002040
120632103002042	120632103002043	120632103002044	120632103002045
120632103002047	120632103002050	120632103002051	120632103002052
120632103002053	120632103002054	120632103002055	120632103002056
120632103002057	120632103002058	120632103002060	120632103002064
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120632103002087	120632103002088	120632103002090	120632103003000
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120632103003016	120632103003023	120632103003025	120632103003026
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120632103003032	120632103003033	120632103003035	120632103003042
120632103003043	120632103003044	120632103003045	120632103003046
120632103003047	120632103003048	120632103003049	120632103003056
120632103003057	120632103003059	120632103003064	120632103003065
120632103003066	120632103003067	120632103003068	120632103003069
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120632103004007	120632103004023	120632103004024	120632103004025
120632103005000	120632103005001	120632103005002	120632103005005
120632103005006	120632103005011	120632103005012	120632103005022
120632104001019	120632104001024	120632104001025	120632104001027
120632104001031	120632104001035	120632104001037	120632104001038
120632104001053	120632104001058	120632104001061	120632104001063
120632104001076	120632104001110	120632104001125	120632104001126

Census Block ID	Census Block ID	Census Block ID	Census Block ID
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120632104002014	120632104002017	120632104002018	120632104002019
120632104002025	120632104002026	120632104002027	120632104002028
120632104002031	120632104002056	120632104003000	120632104003006
120632104003010	120632104003060	120632104003065	120632104003070
120632104003071	120632104003073	120632104003075	120632104003076
120632104003090	120632104003101	120632104003102	120632104003108
120632105001015	120632106001004	120632106001008	120632106001012
120632106001015	120632106001040	120632107003000	120632107003003
120632107003007	120632107003011	120632107003012	120632107003016
120632107003028	120632107003033	120632108001001	120632108001003
120632108001004	120632108001031	120632108001034	120632108001035
120632108001047	120632108001049	120632108001051	120632108001060
120632108001061	120632108001067	120632108001072	120632108001087
120632108001088	120632108001094	120632108001095	120632108002002
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120632108002014	120632108002015	120632108002020	120632108002025
120632108002034	120632108002035	120632108002036	120632108002037
120632108002047	120632108002052	120632108002057	120632108002059
120632108002060	120632108002061	120632108002062	120632108002068
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120632108002086	120632108002087	120632108002091	120632108003002
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120632109002094	120632109003004	120632109003005	120632109003006
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120632109003012	120632109003013	120632109003014	120632109003015
120632109003016	120632109003017	120632109003018	120632109003019
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120632109003136	120632109003137	120632109003138	120632109003139
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120632109003145	120632109003146	120632109003147	120632109003148
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120632109003155	120632109003156	120632110001005	120632110001007
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120632110001063	120632110001064	120632110001070	120632110001072
120632110001073	120632110001074	120632110001076	120632110001080
120632110001083	120632110001084	120632110001085	120632110001086
120632110001087	120632110001088	120632110001089	120632110001090
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120632110001100	120632110001103	120632110001105	120632110001109
120632110001113	120632110002000	120632110002001	120632110002003
120632110002005	120632110002008	120632110002009	120632110002010
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120632110002042	120632110002043	120632110002044	120632110002046
120632110002047	120632110002050	120632110002051	120632110002052
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120632110002058	120632110002059	120632110002062	120632110002072
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120632110002100	120632110002109	120632110002119	120632110002124
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120632111001038	120632111001102	120632111001108	120632111001109
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120632111002073	120632111002080	120632111002082	120632111002089
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120632111003025	120632111003028	120632111003031	120632111003033
120632111003035	120632111003036	120632111003040	120632111003041
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Census Block ID	Census Block ID	Census Block ID	Census Block ID
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120632111004232	120632111004233	120632111004234	120632111004237
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120632111004260	120632111004261	120632111004262	120632111004263
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Census Block ID	Census Block ID	Census Block ID	Census Block ID
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Census Block ID	Census Block ID	Census Block ID	Census Block ID
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120791102002042	120791102002044	120791102002047	120791102002048
120791102002050	120791102002051	120791102002052	120791102002065
120791102002069	120791102002070	120791102002071	120791102002072
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Census Block ID	Census Block ID	Census Block ID	Census Block ID
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121239502005187	121239502005188	121239502005189	121239502005192
121239502005193	121239502005194	121239502005195	121239502005197
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121239502005289	121239502005291	121239502005293	121239502005294
121239502005295	121239502005296	121239502005321	121239502005322
121239502005325	121239502005326	121239502005327	121239502005328
121239502005329	121239502005330	121239502005333	121239502005336
121239502005339	121239502005341	121239502005342	121239502005343
121239502005344	121239502005345	121239502005346	121239502005353
121239502005354	121239502005356	121239502005357	121239502005358
121239502005359	121239502005360	121239502005361	121239502005363
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121239502005403	121239502005405	121239502005406	121239502005407
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121239502005499	121239502005500	121239502005503	121239502005504
121239502005508	121239502005509	121239502005518	121239502005526
121239502005527	121239502005535	121239502005536	121239502005537
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121239504002017	121239504002021	121239504002023	121239504002024
121239504002025	121239504002032	121239504002049	121239504002056
121239504002062	121239504002063	121239504002064	121239504002066
121239504002068	121239504002069	121239504002070	121239504002071
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121239504003143	121239504003144	121239504003145	121239504003146
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121239504003202	121239504003203	121239504003204	121239504003206
121239504003207	121239504003208	121239504003210	121239504003213
121239504003214	121239504003215	121239504003216	121239504003218
121239504003219	121239504003221	121239504003222	121239504003225
121239504003229	121239504003230	121239504003232	121239504003233
121239504003236	121239504003238	121239504003242	121239504003244
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121239504003313	121239504003314	121239504003317	121239504003323
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121239504004046	121239504004048	121239504004051	121239504004053
121239504004054	121239504004055	121239504004058	121239504004059
121239504004064	121239504004067	121239504004068	121239504004069
121239504004070	121239504004071	121239504004142	121239504004153
121239504004155	121239504004157	121239504004159	121239504004162
121239504004164	121239504004165	121239504004166	121239504004171
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121239504004261	121239504004262	121239504004263	121239504004264
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121339701021062	121339701021103	121339701021104	121339701031000
121339701031002	121339701031005	121339701031014	121339701031016
121339701031021	121339701041001	121339701041003	121339701041006
121339701041011	121339701041024	121339701041031	121339701041036
121339701041039	121339701041042	121339701041043	121339701041052
121339701041053	121339701041057	121339701041064	121339701041069
121339701041074	121339701041075	121339701042004	121339701042005
121339701042006	121339701042007	121339701042009	121339701042010
121339701042012	121339701042020	121339701042022	121339701043025
121339702001009	121339702001010	121339702001011	121339702001012
121339702001029	121339702001030	121339702001033	121339702001035
121339702001039	121339702001041	121339702001044	121339702001052
121339702001056	121339702001068	121339702001079	121339702002001
121339702002002	121339702002005	121339702002006	121339702002015
121339702002018	121339702002021	121339702002022	121339702002024
121339702002030	121339702002040	121339702002041	121339702002042
121339702002054	121339702002058	121339702002064	121339702002069
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121339702002152	121339702002153	121339702002154	121339702002156
121339702002157	121339702002160	121339702002179	121339702002206
121339703011039	121339703011040	121339703011045	121339703011051
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121339703011100	121339703011101	121339703011103	121339703011104
121339703011127	121339703011158	121339703011200	121339703011204
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121339703011511	121339703011512	121339703021045	121339703021090
121339703021116	121339703021125	121339703021126	121339703021129
121339703021134	121339703021138	121339703021140	121339703021153

Census Block ID	Census Block ID	Census Block ID	Census Block ID
121339703021155	121339703021156	121339703021158	121339703021162
121339703021167	121339703021174	121339703021181	121339703021185
121339703021187	121339703021190	121339703021192	121339703021193
121339703021200	121339703021201	121339703021204	121339703021207
121339703021210	121339703021212	121339703021213	121339703021222
121339703021230	121339703021231	121339703021232	121339703021238
121339703021244	121339703021247	121339703022039	121339703022040
121339703022052	121339703022055	121339703022059	121339703022065
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121339703022112	121339703022113	121339703022114	121339703022116
121339703022117	121339703022118	121339703022119	121339703022120
121339703022121	121339703022130	121339703022131	121339703022132
121339703022133	121339703022134	121339703022135	121339703022137
121339703022138	121339703022143	121339703022145	121339703022146
121339703022148	121339703022152	121339703022157	121339703023012
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121339703023058	121339703023059	121339703023060	121339703023063
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121339703032060	121339703032061	121339703032062	121339703032072
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121339703032080	121339703032131	121339703032137	121339703032139
121339703032142	121339703032143	121339703032144	121339703032148
121339703032150	121339703032154	121339703032156	121339703032158
121339703032159	121339703032170	121339703032172	121339703032174
121339703032175	121339703032177	121339703032181	121339703032182
121339703032184	121339703032186	121339703032190	121339703032200
121339703032248	121339703032268		

EXHIBIT B**2020 Census Blocks Where Scott County Telephone Cooperative, Inc. is
Granted a Lifeline-Only ETC Designation**

Census Block ID	Census Block ID	Census Block ID	Census Block ID	State
470259701001000	470259701002014	470259702001008	470259702002000	Tennessee
470259701001001	470259701002015	470259702001009	470259702002001	Tennessee
470259701001002	470259701002016	470259702001010	470259702002002	Tennessee
470259701001003	470259701002017	470259702001011	470259702002003	Tennessee
470259701001004	470259701002018	470259702001012	470259702002004	Tennessee
470259701001005	470259701002019	470259702001013	470259702002005	Tennessee
470259701001006	470259701002020	470259702001014	470259702002006	Tennessee
470259701001007	470259701002021	470259702001015	470259702002007	Tennessee
470259701001008	470259701002022	470259702001016	470259702002008	Tennessee
470259701001009	470259701002023	470259702001020	470259702002009	Tennessee
470259701001010	470259701002024	470259702001021	470259702002010	Tennessee
470259701001011	470259701002025	470259702001022	470259702002011	Tennessee
470259701001012	470259701002026	470259702001023	470259702002012	Tennessee
470259701001013	470259701002027	470259702001024	470259702002013	Tennessee
470259701001014	470259701002028	470259702001025	470259702002014	Tennessee
470259701001015	470259701002029	470259702001026	470259702002015	Tennessee
470259701001016	470259701002030	470259702001027	470259702002016	Tennessee
470259701001017	470259701002031	470259702001028	470259702002017	Tennessee
470259701001018	470259701002032	470259702001029	470259702002018	Tennessee
470259701001019	470259701002033	470259702001030	470259702002019	Tennessee
470259701001020	470259701002034	470259702001031	470259702002020	Tennessee
470259701001021	470259701002035	470259702001032	470259702002021	Tennessee
470259701001022	470259701002036	470259702001034	470259702002022	Tennessee
470259701001023	470259701002037	470259702001035	470259702002023	Tennessee
470259701001024	470259701002038	470259702001036	470259702002024	Tennessee
470259701001025	470259701002039	470259702001037	470259702002025	Tennessee
470259701001026	470259701002040	470259702001038	470259702002026	Tennessee
470259701001027	470259701002041	470259702001039	470259702002027	Tennessee
470259701001028	470259701002042	470259702001040	470259702002028	Tennessee
470259701001029	470259701002043	470259702001041	470259702002029	Tennessee
470259701001030	470259701002044	470259702001042	470259702002030	Tennessee
470259701001031	470259701002045	470259702001043	470259702002031	Tennessee
470259701002000	470259701002046	470259702001044	470259702002032	Tennessee
470259701002001	470259701002047	470259702001045	470259702002033	Tennessee
470259701002002	470259701002048	470259702001046	470259702002034	Tennessee
470259701002003	470259701002049	470259702001047	470259702002035	Tennessee
470259701002004	470259701002050	470259702001048	470259702002036	Tennessee

470259701002005	470259701002051	470259702001049	470259702002037	Tennessee
470259701002006	470259702001000	470259702001050	470259702002038	Tennessee
470259701002007	470259702001001	470259702001051	470259702002039	Tennessee
470259701002008	470259702001002	470259702001052	470259702002040	Tennessee
470259701002009	470259702001003	470259702001053	470259702002041	Tennessee
470259701002010	470259702001004	470259702001054	470259702002042	Tennessee
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Federal Communications Commission
Washington, D.C. 20554

December 17, 2024

DA-24-1262

In Reply Refer to:

1800B3-CEG

Released: December 17, 2024

MCRALDIA
c/o Manuel Ramirez
357 Main St
Newington, CT 06111

In re: **New LPFM, Newington, Connecticut**
Facility ID No. 788171
Application File No. 232170

Petition for Reconsideration

Dear Applicant:

We have before us a petition for reconsideration (Petition) filed by MCRALDIA on August 12, 2024.¹ MCRALDIA seeks reconsideration of the dismissal of the above-referenced application (Application) for a new low power FM (LPFM) station at Newington, Connecticut.² The Application was dismissed because it violated the minimum distance separation (spacing) requirements set out in section 73.807 of the Commission's rules (Rules).³ MCRALDIA submits a proposed amendment resolving the spacing issue and accordingly requests a waiver of section 73.870(c) of the Rules, which prohibits new LPFM applicants from amending to cure a spacing violation.⁴ For the reasons set out below, we deny MCRALDIA's waiver request and deny the Petition.

Background. The Application was filed on December 8, 2023, during the 2023 LPFM filing window.⁵ In the Application, MCRALDIA recognized that it did not satisfy the spacing requirements and instead submitted a contour overlap protection study.⁶ On July 12, 2024, the Audio Division, Media Bureau (Bureau) rejected MCRALDIA's alternative showing, explaining "nothing in the rules allows for the use of a contour overlap methodology . . . an LPFM station cannot be authorized unless the minimum

¹ Pleading File No. 251440.

² See *MCRALDIA*, Letter Decision, Application File No. 232170, Attach. entitled "mcraldia 807 dismissal" (MB July 12, 2024) (*Dismissal Letter*). The *Dismissal Letter* was placed on public notice on July 16, 2024. *Broadcast Actions*, Public Notice, Report No. PN-2-240716-01 (MB July 16, 2024).

³ See 47 CFR § 73.807.

⁴ See 47 CFR § 73.870(c) (providing that any new LPFM application that fails to meet the minimum distance separation requirements will be dismissed without any opportunity to amend).

⁵ See generally, *Media Bureau Announces Filing Procedures and Requirements for November 1 – November 8, 2023, Low Power FM Filing Window*, Public Notice, DA 23-642 (MB July 31, 2023) (*Procedures Public Notice*). Based on a request from LPFM advocates, the Bureau subsequently delayed the window until December 6, 2023. *Media Bureau Announces Revised Dates for LPFM New Station Application Filing Window*, Public Notice, DA 23-984 (MB Oct. 17, 2023). The Bureau subsequently extended the close of the window until December 15, 2023. *Media Bureau Announces Extension of LPFM New Station Application Filing Window*, Public Notice, DA 23-1150 (MB Dec. 11, 2023).

⁶ Application, Exhibit entitled "Newington Engineering Exhibit" at 1.

distance separations are met.”⁷ Accordingly, the Bureau dismissed the Application because the proposed facility did not meet the minimum distance separation requirements. The Bureau noted that, under section 73.870(c) of the Rules, a new LPFM application cannot be amended to correct a spacing defect.⁸

On August 12, 2024, MCRALDIA filed the Petition, requesting waiver of section 73.870(c) to allow it to amend the Application.⁹ MCRALDIA supports this waiver request primarily on the basis that section 73.870(c) is a “draconian” rule that is inconsistent with the amendment policy for other services and at odds with the Commission’s goal of keeping the LPFM service simple.¹⁰ It also contends that waiver is in the public interest because the Station would provide targeted programming to meet “the needs of the burgeoning Latino population in the area that has no other Spanish language public radio service,” arguing that such local programming is no longer being adequately provided as a result of the elimination of the main studio rule.¹¹ Finally, MCRALDIA factually distinguishes its waiver request as relating to short-spacing to an FM translator (a “co-equal secondary service”) rather than a full service FM station.¹²

Discussion. The Commission will consider a petition for reconsideration only when the petitioner shows either a material error in the Commission's original order or raises additional facts not known or existing at the time of the petitioner's last opportunity to present such matters.¹³ The Commission's rules may be waived for good cause shown.¹⁴ When an applicant seeks waiver of a rule, it must plead with particularity the facts and circumstances which warrant such action.¹⁵ The Commission must give waiver requests “a hard look,” but an applicant for waiver “faces a high hurdle even at the starting gate”¹⁶ and must support its waiver request with a compelling showing.¹⁷ Waiver is appropriate only if both (1) special circumstances warrant a deviation from the general rule, and (2) such deviation better serves the public interest.¹⁸

Here, MCRALDIA does not demonstrate a material error in the *Dismissal Letter* and does not recite any special circumstances that would warrant deviation from section 73.870(c). Rather, it simply

⁷ *Dismissal Letter* at 1-2 (noting that the MCRALDIA’s proposed spacing was 36 kilometers but the required spacing is 39 kilometers).

⁸ *Dismissal Letter* at 2, n.6.

⁹ Petition at 2-3.

¹⁰ Petition at 3-13.

¹¹ Petition at 14-18. MCRALDIA also asserts that processing a new future application would be more burdensome and time-consuming for all parties than processing a correction to an existing application. Petition at 19.

¹² Petition at 22.

¹³ 47 CFR § 1.106(c), (d); *WWIZ, Inc.*, Memorandum Opinion and Order, 37 FCC 685, 686 (1964).

¹⁴ 47 CFR § 1.3.

¹⁵ *WAIT Radio v. FCC*, 418 F.2d 1153, 1157, para. 2 (D.C. Cir. 1969) (*WAIT Radio*).

¹⁶ *WAIT Radio*, 418 F.2d at 1157, para. 2.

¹⁷ *Greater Media Radio Co., Inc.*, Memorandum Opinion and Order, 15 FCC Rcd 7090, 7094, para. 9 (1999) (citing *Stoner Broadcasting System, Inc.*, Memorandum Opinion and Order, 49 FCC 2d 1011, 1012 (1974)).

¹⁸ *NetworkIP, LLC v. FCC*, 548 F.3d 116, 125-128 (D.C. Cir. 2008) (citing *Northeast Cellular Telephone Co.*, 897 F.2d 1164, 1166 (1990)).

attacks the rule itself, which: (1) was duly adopted in 2000 as part of a notice-and-comment rulemaking;¹⁹ and (2) is now long final and no longer subject to further challenges on reconsideration.²⁰ When section 73.870(c) was adopted, the Commission explained that a rule prohibiting curative amendments for LPFM applications that fail to protect existing stations would “increase the speed and efficiency with which LPFM applications can be processed by the staff.”²¹ To the extent that MCALDIA is asking us to change the operation or applicability of section 73.870(c) in this proceeding, we note that such a request is not only untimely but inconsistent with the Commission’s longstanding policy of altering fundamental components of broadly applicable regulatory schemes in the context of rulemaking proceedings, not adjudications.²² We further note that many LPFM rules differ from those in other broadcast services, and that even for other secondary services, such as FM translators, the relevant statutory framework does not require identical licensing procedures.²³ Therefore, although MCALDIA discusses at length the various alleged shortcomings of the policy set out in section 73.870(c), it is not necessary or appropriate to address them further in this individual proceeding.

The other factors cited by MCALDIA in support of its waiver request—namely, providing localized content and relating to short-spacing to an FM translator station—are also broadly applicable and therefore cannot be considered “special circumstances” warranting waiver. LPFM stations are intended to provide highly localized service, so MCALDIA is not unique in that respect. And many potential new LPFM stations could be short-spaced to existing FM translator stations. Neither factor justifies waiver in this case.

Conclusion/Actions. For the reasons stated above, IT IS ORDERED that the petition for reconsideration filed by MCALDIA on August 12, 2024, Pleading File No. 251440, IS DENIED.

Sincerely,

Albert Shuldiner
Chief, Audio Division
Media Bureau

¹⁹ See *Creation of a Low Power Radio Service*, Report and Order, 15 FCC Rcd 2205, 2257, para. 132 (2000) (*First LPFM Order*); 5 U.S. Code § 553 – Rule making (Administrative Procedure Act).

²⁰ See 47 CFR § 1.429.

²¹ *First LPFM Order*, 15 FCC Rcd at 2257, para. 132.

²² See, e.g., *Sunburst Media L.P.*, Memorandum Opinion and Order, 17 FCC Rcd 1366, 1368, para. 6 (2022); see also *Community Television of Southern California v. Gottfried*, 459 U.S. 498, 511 (1983) (“[R]ulemaking is generally better, fairer, and more effective method of implementing a new industry-wide policy than the uneven application of conditions in isolated [adjudicatory] proceedings.”).

²³ See, e.g., *Foundation for a Beautiful Life, Inc.*, 36 FCC Rcd 15933, 15945-46, paras. 16-17 (2021).



Federal Communications Commission
Washington, D.C. 20554

December 17, 2024

DA 24-1263
In Reply Refer to:
1800B3-ALV
Released: December 17, 2024

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Mr. Albert Adam David
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(sent by electronic mail)

In re: **NCE MX Group 93**

Optima Enrichment, Inc.
New NCE FM, Delafield, Wisconsin
Facility ID No. 768344
Application File No. 0000167847

Waterloo Christian Radio Corporation
New NCE FM, Ixonia, Wisconsin
Facility ID No. 766001
Application File No. 0000167128

Informal Objection

Dear Applicants and Objector:

We have before us two mutually exclusive applications filed by Optima Enrichment, Inc. (Optima) and Waterloo Christian Radio Corporation (WCRC) for construction permits for new noncommercial educational (NCE) FM stations at Delafield and Ixonia, Wisconsin.¹ We also have before us an Informal Objection (Objection) to the WCRC Application, filed by Albert Adam David (David),² and related responsive pleadings.³ For the reasons set forth below, we deny the Objection and direct Optima and WCRC, the tentative selectees in NCE MX Group 93, to electronically submit, by January 26, 2025, a time-sharing agreement in accordance with section 73.7003(c)(4) of the Commission's rules.⁴

Background. Optima and WCRC filed their respective applications during the 2021 NCE FM filing window.⁵ The Media Bureau identified the Optima and WCRC applications, along with two other applications,⁶ as NCE MX Group 93.⁷ In the *First Comparative Order*, the Commission determined that Optima and WCRC had comparable fair distribution of service claims,⁸ and therefore, analyzed the applications under the point system.⁹ The Commission awarded five points to Optima and WCRC, including three points each as established local applicants.¹⁰ Optima and WCRC proceeded to the tie-breaker analysis, and the Commission ultimately designated Optima the tentative selectee in NCE MX Group 93 based on the third and final tie-breaker – prior NCE applications.¹¹

In the *Sixth Comparative Order*, the Commission determined that Optima was improperly designated the tentative selectee based on the third tie-breaker analysis and rescinded its prior tentative

¹ Application File Nos. 0000167847 (Optima Application); 0000167128 (WCRC Application).

² Pleading File No. 0000245938 (filed June 7, 2024).

³ WCRC filed an Opposition on June 17, 2024. Pleading File No. 0000246322. David filed a Reply to the Opposition on June 19, 2024. Pleading File No. 0000246428.

⁴ See 47 CFR § 73.7003(c)(4).

⁵ *Media Bureau Announces NCE FM New Station Application Filing Window; Window Open from November 2, 2021, to November 9, 2021*, MB Docket No. 20-343, Public Notice, 36 FCC Rcd 7449 (MB 2021).

⁶ See Application File Nos. 0000167074, filed by The Family Radio Network, Inc. (FRN), and 0000166752, filed by Community Public Radio, Inc. (CPR).

⁷ *Media Bureau Identifies Groups of Mutually Exclusive Applications Submitted in the November 2021, Filing Window for New Noncommercial Educational Stations; Opens Window to Accept Settlements and Technical Amendments*, Public Notice, 36 FCC Rcd 16452 (MB 2021).

⁸ See *Comparative Consideration of 27 Groups of Mutually Exclusive Applications for Permits to Construct New Noncommercial Educational FM Stations*, Memorandum Opinion and Order, 37 FCC Rcd 9869, 9883 (2022) (*First Comparative Order*).

⁹ FRN did not claim a fair distribution preference and was therefore excluded from further analysis. CPR had a comparable fair distribution of service claim, proceeded to the point system analysis, but received fewer points than Optima and WCRC. See *First Comparative Order*, 37 FCC Rcd at 9883-84. The CPR and FRN applications will ultimately be dismissed upon grant of the tentative selectee applications in NCE MX Group 93.

¹⁰ *First Comparative Order*, 37 FCC Rcd at 9883-84.

¹¹ See 47 CFR § 73.7003(c)(3); *First Comparative Order*, 37 FCC Rcd at 9884.

selection of the Optima Application.¹² Because a tie remained between WCRC and Optima, the Commission proceeded to the tie-breaker of last resort – time-sharing. Specifically, the Commission identified both WCRC and Optima as the new tentative selectees of NCE MX Group 93, accepted the two applications for filing, and directed the applicants to submit, within 90 days of the release of the *Sixth Comparative Order*, a voluntary time-sharing agreement compliant with section 73.7003(c)(4) of the Commission’s rules.¹³ In the *Sixth Comparative Order*, the Commission also noted that David had filed an Objection to the WCRC Application.¹⁴ The Commission explained, however, that it does not review objections at the preliminary tentative selectee stage, but would consider the merits of David’s Objection after the WCRC Application is accepted for filing.¹⁵

In his Objection, David asserts that WCRC was not entitled to points as an established local applicant. Specifically, David notes that “the date that the applicant provided for the question as to when they qualified as local was November 8, 2021, the same date that the application was submitted.”¹⁶ David argues that this “demonstrates by their own admission that they have not met the definition of a local applicant for the two years prior to the filing of their application.”¹⁷

In its Opposition, WCRC explains that it mistakenly entered the wrong date, the date it filed the application, in response to the question regarding “established local presence.”¹⁸ WCRC argues that it is evident from the rest of the application that this was a “clearly unintended and erroneous response,”¹⁹ and that it qualifies for points as an established local applicant. Specifically, WCRC states that it explained in its application that it has been the licensee of WULD-LP, Waterloo, Wisconsin, since 2016, and submitted an exhibit to “demonstrate that WCRC’s headquarters from which WULD-LP operates is within the 25 mile radius of the proposed community of license.”²⁰ WCRC also notes that documentation submitted with its LPFM application shows that it was incorporated on October 13, 2013.²¹ Finally, WCRC argues that while its “clerical error is unfortunate, there is no justification for prohibiting a clarifying corrective amendment.”²² On June 18, 2024, WCRC amended its application to clarify that it has been local since October 13, 2013, and provide additional information to support its established local applicant claim.²³

In his Reply, David argues that the fact that WCRC holds a LPFM license does not demonstrate that it qualifies as an established local applicant because an “operator of an LPFM station can apply for a

¹² See *Comparative Consideration of Three Groups of Mutually Exclusive Applications for Permits to Construct New Noncommercial Educational FM Stations*, Memorandum Opinion and Order, FCC 24-115, at paras. 15-18 (Oct. 28, 2024) (*Sixth Comparative Order*).

¹³ See 47 CFR §73.7003(c)(4); *Sixth Comparative Order* at paras. 18, 36.

¹⁴ *Sixth Comparative Order* at para. 18, note 60.

¹⁵ *Id.*

¹⁶ Objection at 1.

¹⁷ *Id.* at 2.

¹⁸ Opposition at 2.

¹⁹ *Id.*

²⁰ *Id.* at 1.

²¹ *Id.* at 2.

²² *Id.* at 3.

²³ WCRC Application at “Purpose of Amendment of June 18, 2024.pdf”.

station anywhere in the country.”²⁴ David also argues that WCRC did not, in its initial application, provide “any organizational information about the establishment of the applicant and the duration of time it has been local,” and its amendment to support its comparative claim should not be considered.²⁵

Discussion. Pursuant to section 309(d) of the Communications Act of 1934, as amended (Act),²⁶ petitions to deny and informal objections must provide properly supported allegations of fact that, if true, would establish a substantial and material question of fact that grant of the application would be *prima facie* inconsistent with the public interest.²⁷

We find that WCRC was properly awarded points as an established local applicant. Specifically, to qualify for the three “established local applicant”²⁸ points, an applicant must certify that it has been local and established in the community to be served continuously for at least two years immediately prior to the application filing.²⁹ To be considered local, a non-governmental applicant must have a physical headquarters, campus, or 75% of its governing board members residing within 25 miles of the reference coordinates of the proposed community of license.³⁰ An applicant claiming points as an “established local applicant” must submit substantiating documentation with its application to illustrate how it qualifies as local and established.³¹ There is, however, flexibility in the type of documentation an applicant may provide.³²

WCRC certified in its application that it qualified as an “established local applicant” and timely submitted documentation to support its claim.³³ Specifically, to demonstrate that it qualifies as local, WCRC submitted a map to illustrate that its headquarters in Waterloo is less than 20 miles from Ixonia, its proposed community of license.³⁴ To verify that it was established locally for at least two years prior to filing the application, WCRC noted that it has been the licensee of WULD-LP, Waterloo, Wisconsin, since 2016,³⁵ and referenced its prior granted LPFM application.³⁶ We find this was sufficient to confirm

²⁴ Reply at 1.

²⁵ *Id.* at 2.

²⁶ 47 U.S.C. § 309(d).

²⁷ See, e.g., *WWOR-TV, Inc.*, Memorandum Opinion and Order, 6 FCC Rcd 193, 197 n.10 (1990), *aff’d sub nom. Garden State Broad. L.P. v. FCC*, 996 F.2d 386 (D.C. Cir. 1993), *rehearing denied* (Sep. 10, 1993); *Gencom, Inc. v. FCC*, 832 F.2d 171, 181 (D.C. Cir. 1987); *Area Christian Television, Inc.*, Memorandum Opinion and Order, 60 RR 2d 862, 864, para. 6 (1986) (petitions to deny and informal objections must contain adequate and specific factual allegations sufficient to warrant the relief requested).

²⁸ See 47 CFR § 73.7000 (defining “established local applicant” and “local applicant”).

²⁹ See *id.* § 73.7003(b)(1).

³⁰ See *id.* § 73.7000; see also *Media Bureau Announces NCE FM New Station Filing Procedures and Requirements for November 2-9, 2021, Window*, Public Notice, 36 FCC Rcd 11458, 11465 (2021) (*Procedures Notice*).

³¹ *Procedures Notice*, 36 FCC Rcd at 11465.

³² See, e.g., *First Comparative Order*, 37 FCC Rcd at 9875.

³³ WCRC Application at Point System Factors/Tiebreakers Section, Established Local Applicant question.

³⁴ *Id.* at “Distance from applicant to Community of License.doc” and “Community of LicenseMap (Ixonia).pdf”.

³⁵ WCRC Application at “Attributable Interests.docx” and “Divestiture Commitment.docx”. WCRC pledges to divest WULD-LP prior to commencement of on-air operations of the proposed NCE FM station.

³⁶ WCRC Application at “Educational Qualifications.docx”. WCRC references File No. BNPL-20131114AJH, which contains a copy of its Articles of Incorporation, dated October 13, 2013.

that WCRC qualified for points as an established local applicant.

Moreover, the fact that WCRC initially entered the date it filed its application in response to the “Established Community Presence” question, which directs an applicant to provide the date on which it qualified as local, is irrelevant.³⁷ A response to the “Established Community Presence” question, which is separate and distinct from the “Established Local Applicant” point criterion, is reviewed and analyzed only in the event MX applicants proceed to mandatory/involuntary time-sharing.³⁸ Further, it was evident from WCRC’s “Established Local Applicant” certification, and the information provided to verify its point claim, that WCRC had been local and established for well over two years before filing its application, and therefore, qualified for the three localism points.

Accordingly, we deny the David Objection and affirm the tentative selection of the WCRC Application and Optima Application in NCE MX Group 93.

Conclusion/Action. Accordingly, **IT IS ORDERED** that the Informal Objection filed by Albert Adam David on June 7, 2024 (Pleading File No. 0000245938), **IS DENIED**.

IT IS FURTHER ORDERED that Optima Enrichment, Inc. and Waterloo Christian Radio Corporation, the tentative selectees in NCE MX Group 93, electronically submit, by January 26, 2025, a time-sharing agreement, in accordance with section 73.7003(c)(4) of the Commission’s rules, 47 CFR § 73.7003(c)(4).³⁹

Sincerely,

Albert Shuldiner
Chief, Audio Division
Media Bureau

³⁷ See WCRC Application at Point System Factors/Tiebreakers Section, Established Community Presence question.

³⁸ See 47 CFR § 73.7003(c)(5)(ii). If a tie among MX applications is not resolved through voluntary time-sharing, the applicants proceed to mandatory/involuntary time-sharing. When assigning hours, the Commission gives preference to the applicant that has been local for the longest uninterrupted period of time. To determine the preference, the Commission reviews applicants’ answers to the “Established Community Presence” question, a component of the Involuntary Time Share Information subsection.

³⁹ If Optima and WCRC are unable to reach a voluntary time-sharing agreement, they will proceed to mandatory time-sharing, in accordance with section 73.7003(c)(5) of the Commission’s rules. See 47 CFR § 73.7003(c)(5).



PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, DC 20554

News Media Information 202-418-0500
Internet: www.fcc.gov
TTY: 888-835-5322

DA 24-1264

Released: December 17, 2024

EXTENSION OF CONDITIONAL CERTIFICATIONS OF CAPTIONCALL, LLC, AND SORENSON COMMUNICATIONS, LLC, TO PROVIDE TELECOMMUNICATIONS RELAY SERVICES

CG Docket Nos. 03-123 and 10-51

By the Chief, Consumer and Governmental Affairs Bureau:

By this Public Notice, the Consumer and Governmental Affairs Bureau (Bureau) extends until June 30, 2025, the conditional certification for CaptionCall, LLC (CaptionCall), to provide Internet Protocol Captioned Telephone Service (IP CTS) supported by the Interstate Telecommunications Relay Service Fund (TRS Fund).¹ The Bureau also extends until June 30, 2025, the conditional certification for Sorenson Communications, LLC (Sorenson), to provide Video Relay Service (VRS) supported by the TRS Fund.²

On March 23, 2022, the Bureau granted conditional certifications to CaptionCall and Sorenson for the provision of IP CTS and VRS, respectively, following the acquisition of majority ownership of both CaptionCall and Sorenson by Ariel GP Holdco, LLC (Ariel).³ Both conditional certifications were granted for a period of two years, until March 23, 2024, and subsequently extended through December 31,

¹ See *Structure and Practices of the Video Relay Service Program*, CG Docket No. 10-51, Second Report and Order and Order, 26 FCC Rcd 10898, 10914-15, para. 37 (2011) (authorizing conditional certification). IP CTS is a form of Internet-based TRS that permits an individual who can speak but who has difficulty hearing over the telephone to use a telephone and an Internet Protocol-enabled device via the Internet to simultaneously listen to the other party and read captions of what the other party is saying. See 47 CFR § 64.601(a)(25) (defining IP CTS). Captions may be displayed on a specialized IP CTS device or an off-the-shelf computer, tablet, or smartphone. Internet-based TRS providers obtain certification from the Federal Communications Commission to be eligible to receive compensation from the TRS Fund. *Id.* § 64.606.

² VRS is a form of Internet-based TRS that uses a broadband Internet connection between the VRS user and the communications assistant (CA) to enable a person using American Sign Language to communicate over video with another party through a CA. During a VRS call, the CA relays the communications between the two parties, signing what the other party says to the deaf or hard of hearing user and responding in voice to the other party to the call. See 47 CFR § 64.601(a)(53) (defining VRS).

³ See *Grant of Conditional Certification for CaptionCall, LLC, to Provide Internet Protocol Captioned Telephone Services After Its Acquisition by Ariel GP Holdco, LLC*, CG Docket No. 03-123, 37 FCC Rcd 3995 (CGB 2022); *Grant of Conditional Certification for Sorenson Communications, LLC, to Provide Video Relay Service After Its Acquisition by Ariel GP Holdco, LLC*, CG Docket Nos. 03-123 and 10-51, 37 FCC Rcd 3990 (CGB 2022).

2024.⁴ On April 18, 2022, Ariel filed separate applications for full certification of CaptionCall⁵ and Sorenson⁶ as providers of IP CTS and VRS, respectively, eligible for compensation from the TRS Fund under the Ariel ownership. On October 29, 2024, the Bureau released a Public Notice seeking comment on CaptionCall's and Sorenson's applications for full certification.⁷ The Private Equity Stakeholder Project filed comments regarding Sorenson's VRS application, and Sorenson filed reply comments.

The Bureau requires additional time to evaluate CaptionCall's and Sorenson's applications for full certification. Therefore, we extend until June 30, 2025, CaptionCall's and Sorenson's conditional certifications to provide IP CTS and VRS, respectively. These extensions are without prejudice to the Commission's final determination on the full certification applications. The extensions are effective upon release of this Public Notice.

People with Disabilities. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Bureau at 202-418-0530 (voice).

Additional Information. For further information regarding this Notice, please contact William Wallace, Disability Rights Office, Consumer and Governmental Affairs Bureau, at 202-418-2716 or by e-mail to William.Wallace@fcc.gov.

– FCC –

⁴ See *Extension of Conditional Certifications of CaptionCall, LLC, and Sorenson Communications, LLC, to Provide Telecommunications Relay Services*, CG Docket Nos. 03-123 and 10-51, Public Notice, 39 FCC Rcd 2937 (CGB 2024).

⁵ See Application of CaptionCall, LLC, as Majority-Owned and Controlled by Ariel GP Holdco, LLC, for Certification to Provide Internet Protocol Captioned Telephone Service, CG Docket No. 03-123 (filed Apr. 18, 2022) (redacted); Supplemental Update to CaptionCall, LLC's Internet-Based TRS Certification Application for Internet Protocol Captioned Telephone Service, CG Docket No. 03-123 (filed Sept. 17, 2024) (disclosing certain previously redacted information); Supplemental Update to CaptionCall, LLC's Internet-Based TRS Certification Application for Internet Protocol Captioned Telephone Service, CG Docket No. 03-123 (filed Dec. 5, 2024) (updating list of officers and directors).

⁶ See Application of Sorenson Communications, LLC, as Majority-Owned and Controlled by Ariel GP Holdco, LLC, for Certification to Provide Video Relay Service, CG Docket Nos. 10-51 and 03-123 (filed Apr. 18, 2022) (redacted); Supplemental Update to Sorenson Communications, LLC's Internet-Based TRS Certification Application for Video Relay Service, CG Docket No. 03-123 (filed Sept. 17, 2024) (disclosing certain previously redacted information); Supplemental Update to Sorenson Communications, LLC's Internet-Based TRS Certification Application for Video Relay Service, CG Docket No. 03-123 (filed Dec. 5, 2024) (updating list of officers and directors).

⁷ See *Comment Sought on Application of Sorenson Communications, LLC, for Certification as a Provider of Video Relay Service; Comment Sought on Applications of CaptionCall, LLC, for Certification as a Provider of Internet Protocol Captioned Telephone Service*, CG Docket Nos. 10-51 and 03-123, DA 24-1113 (Oct. 29, 2024).

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

In the Matter of	)	
	)	
Telecommunications Relay Services and	)	CG Docket No. 03-123
Speech-to-Speech Services for Individuals with	)	
Hearing and Speech Disabilities	)	
	)	
Hamilton Internet-Based TRS Certification	)	
Application	)	

ORDER

Adopted: December 17, 2024

Released: December 17, 2024

By the Chief, Consumer and Governmental Affairs Bureau:

I. INTRODUCTION

1. The Consumer and Governmental Affairs Bureau (CGB or Bureau) of the Federal Communications Commission (FCC or Commission) grants Hamilton Relay, Inc. (Hamilton), full certification of eligibility to receive compensation from the Interstate Telecommunications Relay Services (TRS) Fund for the provision of Internet Protocol Captioned Telephone Service (IP CTS).¹ This grant of full certification authorizes Hamilton to provide IP CTS using Communications Assistants (CAs) and Automatic Speech Recognition (ASR) for a five-year period, through December 17, 2029.²

II. BACKGROUND

A. The Certification Process

2. The Commission's certification process for Internet-based TRS providers is set forth in section 64.606 of our rules and was established to ensure that providers receiving TRS Fund compensation are qualified to provide service in compliance with the TRS rules.³ Applicants must submit specific documentation to the Commission (described further below), and certification shall be granted upon a determination that the provider will meet all applicable mandatory minimum TRS standards and has adequate procedures and remedies for ensuring compliance with Commission rules.⁴ The

¹ TRS are "telephone transmission services that provide the ability for an individual who is deaf, hard of hearing, deaf-blind, or who has a speech disability" to communicate with others via wire or radio "in a manner that is functionally equivalent to the ability of a hearing individual who does not have a speech disability." 47 CFR § 64.601(a)(45). The TRS Fund compensates eligible providers of Internet-based and interstate TRS for their reasonable costs of providing these services. *See id.* § 64.604(c)(5)(iii). IP CTS, a form of TRS, "permits an individual who can speak but who has difficulty hearing over the telephone to use a telephone and an internet Protocol-enabled device via the internet to simultaneously listen to the other party and read captions of what the other party is saying. With IP CTS, the connection carrying the captions between the relay service provider and the relay service user is via the internet, rather than the public switched telephone network." *Id.* § 64.601(a)(25).

² 47 CFR § 64.606(c)(2) (providing that certifications granted under section 64.606 of the Commission's rules remain in effect for five years).

³ *See* 47 CFR § 64.606; *Structure and Practices of the Video Relay Service Program*, Second Report and Order, 26 FCC Rcd 10898, 10902-03, paras. 8-9 (2011) (*2011 Internet-based TRS Certification Order*).

⁴ 47 CFR § 64.606(a)(2), (b)(2); *2011 Internet-based TRS Certification Order*, 26 FCC Rcd at 10909-13, paras. 23-34; *see also Structure and Practices of the Video Relay Service Program; et al.*, CG Docket Nos. 10-51, *et al.*,

(continued....)

Commission may grant conditional certification where additional time is needed to complete evaluation of an applicant's qualifications or verify information contained in the application.⁵

3. After certification, Internet-based TRS providers must file annual reports updating the information in their application to demonstrate continuing compliance with the Commission's mandatory minimum TRS standards.⁶ Each provider also must include within its annual report a compliance plan describing the provider's policies and procedures for complying with Commission rules prohibiting IP CTS providers from engaging in the unauthorized and unnecessary use of IP CTS.⁷

B. Hamilton's Application

4. Hamilton initially applied for IP CTS certification in 2011.⁸ Hamilton had interim eligibility to receive TRS Fund compensation for the provision of IP CTS pursuant to the Commission's *2011 Internet-based TRS Certification Order*.⁹ On July 9, 2021, Hamilton amended its application to request approval to provide fully automatic IP CTS in addition to, and in combination with, its CA-assisted service.¹⁰ On April 20, 2022, the Commission granted Hamilton conditional certification to provide ASR-only IP CTS for a two-year period, through April 19, 2024.¹¹

(Continued from previous page)

Memorandum Opinion and Order, Order, and Further Notice of Proposed Rulemaking, 26 FCC Rcd 14895 (2011) (clarifying and modifying the certification requirements adopted in the *2011 Internet-based TRS Certification Order*).

⁵ *2011 Internet-based TRS Certification Order*, 26 FCC Rcd at 10914-15, para. 37.

⁶ 47 CFR § 64.606(g).

⁷ *See id.* § 64.604(c)(13).

⁸ *See* Application of Hamilton Relay, Inc. as a Provider of Internet Relay Services and Internet Protocol Captioned Telephone Service, CG Docket Nos. 10-51 and 03-123 (Dec. 5, 2011) (*Application*), <https://www.fcc.gov/ecfs/document/6016877168/1>; Minor Amendment to Application of Hamilton Relay, Inc. for Certification as a Provider of Internet Relay Services and Internet Protocol Captioned Telephone Service, CG Docket Nos. 10-51 and 03-123 (filed May 8, 2012), <https://www.fcc.gov/ecfs/document/6017034795/1> (*First Amendment*); Second Amendment to Application of Hamilton Relay, Inc., for Certification as a Provider of Internet Relay Services and Internet Protocol Captioned Telephone Service, CG Docket Nos. 10-51 and 03-123 (filed January 16, 2013); Third Amendment to Application of Hamilton Relay, Inc. for Certification as a Provider of Internet Relay Services and Internet Protocol Captioned Telephone Service, CG Docket Nos. 10-51 and 03-123 (filed July 11, 2013), <https://www.fcc.gov/ecfs/document/6017458129/1> (*Third Amendment*); Fourth Amendment to Application of Hamilton Relay, Inc. for Certification as a Provider of Internet Protocol Captioned Telephone Service, CG Docket Nos. 10-51 and 03-123 (filed Dec. 2, 2014) (*Fourth Amendment*); Fifth Amendment to Application of Hamilton Relay, Inc. for Certification as a Provider of Internet Protocol Captioned Telephone Service, CG Docket Nos. 10-51 and 03-123 (filed Dec. 11, 2017), <https://www.fcc.gov/ecfs/document/121296654516/1> (*Fifth Amendment*) (providing a confidential, updated number of employees by position); Sixth Amendment to Application of Hamilton Relay, Inc. as a Provider of Internet Protocol Captioned Telephone Service, CG Docket Nos. 10-51 and 03-123 (filed July 9, 2021), <https://www.fcc.gov/ecfs/document/1070942156998/1> (*Sixth Amendment*); Seventh Amendment to Application of Hamilton Relay, Inc. for Certification as a Provider of Internet Protocol Captioned Telephone Service, CG Docket Nos. 10-51 and 03-123 (filed Mar. 24, 2022), <https://www.fcc.gov/ecfs/document/103250348902238/1> (*Seventh Amendment*); Eighth Amendment to Application of Hamilton Relay, Inc. for Certification as a Provider of Internet Protocol Captioned Telephone Service, CG Docket Nos. 10-51 and 03-123 (filed Jan. 13, 2023), <https://www.fcc.gov/ecfs/document/10113285203338/1> (*Eighth Amendment*). Hamilton also provided updates to its application in its 2018-2024 Annual Reports.

⁹ The Commission granted interim eligibility, pending action on timely applications for certification, to TRS providers that were then providing Internet-based TRS under contract with a certified state program. *2011 Internet-based TRS Certification Order*, 26 FCC Rcd at 10921-22, paras. 57-59.

¹⁰ *Sixth Amendment*. When an applicant is conditionally certified to provide Internet-based TRS, the original application remains in pending status until full certification is granted. *See 2011 Internet-based TRS Certification Order*, 26 FCC Rcd at 10914-15, para. 37; *see also Purple Conditional Certification*, 29 FCC Rcd at 13728, n. 2; (continued....)

5. On March 14, 2023, the Bureau sought comment on Hamilton's December 2011 Application (as amended).¹² No party filed comments or replies. On December 5, 2023, Hamilton filed the annual report required by section 64.606(g) with updates to its pending certification application.¹³

III. DISCUSSION

6. Hamilton's amended application provides all the information and documentation required by the Commission's certification rules, including: (1) a description of the services to be provided;¹⁴ (2) a detailed description of how Hamilton will meet all non-waived mandatory minimum standards applicable to IP CTS;¹⁵ (3) a description of Hamilton's organizational structure, including the names of its 10 percent or more equity interest holders, the names of persons with the power to vote 10 percent or more of the securities of Hamilton, and the names of its executives, officers and members of its board;¹⁶ (4) a confidential list of the number of its full-time and part-time employees involved in Hamilton's IP CTS operations by position;¹⁷ (5) a confidential list of all sponsorship arrangements relating to the provision of Internet-based TRS;¹⁸ (6) a description of Hamilton's complaint procedures;¹⁹ (7) a statement that Hamilton will file annual compliance reports;²⁰ and (8) a certification by Hamilton's CEO confirming the accuracy and completeness of the information contained in the application.²¹ Further, since 2018,

(Continued from previous page) _____

Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, CG Docket No. 03-123, 36 FCC Rcd at 7246, 7246, n. 2 (CGB 2021) (*ClearCaptions ASR-Only Order*).

¹¹ *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Memorandum Opinion and Order, 37 FCC Rcd 5227, 33, 35, paras. 17, 21 (CGB 2022) (*Hamilton ASR-Only Certification*) (granting conditional certification to provide fully automatic IP CTS for two years, through April 19, 2024).

¹² *Comment Sought on Amended Application of Hamilton for Certification as a Provider of Internet Protocol Captioned Telephone Service*, CG Docket No. 03-123, Public Notice, DA 23-214 (Mar. 14, 2023), <https://docs.fcc.gov/public/attachments/DA-23-214A1.pdf>.

¹³ Hamilton Relay, Inc., Annual IP CTS Report, CG Docket Nos. 03-123 and 10-51 (Dec. 5, 2023), attached to Letter from David A. O'Connor, Counsel to Hamilton, to Marlene H. Dortch, Secretary, FCC, CG Docket Nos. 10-51 and 03-123 (Dec. 5, 2023) (Hamilton 2023 Report) (redacted), <https://www.fcc.gov/ecfs/document/1205210427862/1>.

¹⁴ *Application* at 2; *Sixth Amendment* at 2 (providing ASR-based IP CTS); *see also* 47 CFR § 64.606(a)(2)(i); *see also* Hamilton 2023 Report at 1-2; *Third Amendment* at 1-2 (noting that Hamilton no longer provides Internet Relay Services, and limiting its application to IP CTS).

¹⁵ *Application* at 3; *First Amendment* (regarding 911 service); *Third Amendment* at 2; *Fourth Amendment* at 5-7, 9-12 (compliance with recently adopted rules); *Sixth Amendment* (ASR-based IP CTS); *Seventh Amendment* (regarding ASR-based IP CTS); Hamilton 2018 Annual Report (compliance with rules adopted in 2018); *see also* 47 CFR § 64.606(a)(2)(ii); *see also* Hamilton 2023 Report at 3-5.

¹⁶ *See Eighth Amendment* at 2-3; *see also* 47 CFR § 64.606(a)(2)(ii)(B).

¹⁷ *Application* at 5; *Fifth Amendment*, at 3 (providing a confidential, updated number of employees by position); *see also* 47 CFR § 64.606(a)(2)(ii)(C); *see also* Hamilton 2023 Report at 2.

¹⁸ *Application* at 5; *Fifth Amendment* at 3 (providing a confidential, updated list of all sponsorship agreements); *see also* 47 CFR § 64.606(a)(2)(ii)(E); *see also* Hamilton 2023 Report at 2-3.

¹⁹ *Application* at 39; *see also* 47 CFR § 64.606(a)(2)(iii).

²⁰ *Application* at 40; *see also* 47 CFR § 64.606(a)(2)(iv).

²¹ *Application* at 42; *see also* 47 CFR § 64.606(a)(2)(v).

Hamilton has filed the required annual reports, to demonstrate compliance with the TRS rules and update the information contained in its applications.²²

7. Based on our review and investigation of the amended application, Hamilton's annual reports, and other relevant information regarding Hamilton's actual provision of IP CTS, we find that Hamilton will provide IP CTS in compliance with the applicable mandatory minimum TRS standards.²³ We also find that Hamilton makes available adequate procedures and remedies for compliance with such minimum standards and the requirements of section 64.606. Therefore, we certify Hamilton as eligible to receive compensation from the Fund for the provision of IP CTS using CAs and ASR. This certification shall remain in effect for a period of five years.²⁴

8. We emphasize that Hamilton must continue to operate in compliance with all relevant Commission rules and orders. As with other grants of TRS certification, the Commission reserves the right to conduct ongoing monitoring of the operations of Hamilton to ensure continuing compliance and to review any additional documentation necessary to ascertain the veracity of the assertions made in its applications and updates.²⁵ The Commission also reserves the right to investigate compliance by Hamilton with the Commission's rules and orders and to take enforcement action for past or future violations, including suspension or revocation of this certification, if circumstances warrant.²⁶ This may include unannounced on-site visits to Hamilton's headquarters, offices, or call centers for the purpose of ensuring continued compliance with the certification requirements and the Commission's rules.

9. We remind Hamilton that, pursuant to section 64.606(c)(2) of the Commission's rules, a provider seeking renewal of its certification must submit the required documentation at least 90 days prior to the expiration of its current certification.²⁷

IV. PROCEDURAL MATTERS

10. *People with Disabilities.* To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at 202-418-0530.

11. *Additional Information.* For further information regarding this item, please contact Ross Slutsky by telephone at (202) 418-0356, or by email at Ross.Slutsky@fcc.gov. Individuals who use videophones and are fluent in American Sign Language (ASL) may call the FCC's ASL Consumer Support Line at (844) 432-2275.

V. ORDERING CLAUSES

12. IT IS ORDERED that, pursuant to the authority contained in sections 4(i) and 4(j) and 225 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j) and 225, and sections 0.141 and 0.361 of the Commission's rules, 47 CFR §§ 0.141, 0.361 and 1.3, this Order IS ADOPTED.

²² See Hamilton 2023 Report (filed Dec. 5, 2023); Hamilton Annual TRS Report, CG Docket Nos. 10-51 and 03-123 (filed December 6, 2022) (Hamilton 2022 Annual Report); Hamilton Annual TRS Report, CG Docket Nos. 10-51 and 03-123 (filed December 7, 2021); Hamilton Annual TRS Report, CG Docket Nos. 10-51 and 03-123 (filed December 7, 2020); Hamilton Annual TRS Report, CG Docket Nos. 10-51 and 03-123 (filed December 5, 2019); Hamilton Annual TRS Report, CG Docket Nos. 10-51 and 03-123 (filed December 6, 2018).

²³ Other relevant information includes, but is not limited to, audit reports, complaint logs, call record and speed of answer compliance data, certifications, and performance testing reports.

²⁴ See 47 CFR § 64.606(c)(2). Accordingly, Hamilton's new certification will expire on December 17, 2029.

²⁵ See *Internet-based TRS Certification Order*, 26 FCC Rcd at 10900, para. 2.

²⁶ See 47 CFR § 64.606(e)(2).

²⁷ 47 CFR § 64.606(c)(2).

13. IT IS FURTHER ORDERED that, pursuant to section 1.102(b)(1) of the Commission rules, 47 CFR § 1.102(b)(1), this Order SHALL BE EFFECTIVE upon release.

FEDERAL COMMUNICATIONS COMMISSION

Alejandro Roark
Chief
Consumer and Governmental Affairs Bureau



PUBLIC NOTICE

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DIRECT VIDEO CALLING CAN ENHANCE ACCESSIBILITY OF CONSUMER CALL CENTERS

CG Docket Nos. 03-123 and 10-51

This Public Notice highlights how government agencies, businesses, and others can use Direct Video Calling (DVC) to enhance access to customer service and other consumer-facing call centers for people with disabilities.

American Sign Language (ASL) is the third most commonly used language in the United States.¹ For sign language users, making direct telephone contact with the federal government can be especially frustrating. DVC, an Internet-based communication service, enables direct video conversations between two or more callers using ASL.² With DVC, sign language users can place video calls to consumer support lines and communicate directly with support staff who are fluent in ASL. The Federal Communications Commission (FCC or Commission) encourages public and private sector entities to offer DVC as an option for ASL users to communicate with call centers to ask questions, obtain information, and conduct relevant business. This approach has been successfully used by numerous public and private sector organizations. On July 30, 2024, the Commission conducted a Public Forum on DVC access to federal government programs and services, which highlighted the availability of DVC on consumer support lines operated by the FCC, the U.S. Department of Health and Human Services (HHS), and the U.S. Equal Employment Opportunity Commission (EEOC).³

DVC allows sign language users to engage in direct, rather than interpreted communication (including unfiltered communication of visual cues, which are particularly important to persons with hearing and speech disabilities), where each call participant has native fluency in ASL.⁴ The availability

¹ *Amendment to Part 11 of the Commission's Rules Regarding the Emergency Alert System*, PS Docket No. 15-94, FCC 24-23, Notice of Proposed Rulemaking, 39 FCC Rcd 1949, 1961, para. 25 & n.67 (2024) (noting that more than half a million people in the United States use ASL as their native language).

² *See Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Structure and Practices of the Video Relay Service Program*, CG Docket Nos. 03-123 and 10-51, Order and Declaratory Ruling, 32 FCC Rcd 775, 775, para. 1 n.1 (WTB CGB 2017) (*VTCSecure Waiver Order*).

³ The forum included a review of Executive Orders mandating accessibility of federal programs and services, an overview of the regulatory framework for DVC, a demonstration of direct video calls to the FCC's ASL Consumer Support Line, and two panel discussions—one on the benefits of implementing DVC and a second on how to implement DVC in call centers. The archived webcast and related materials are available at: www.fcc.gov/dvc.

⁴ *See Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; E911 Requirements for IP-Enabled Service Providers*, CG Docket No. 03-123, CC Docket No. 98-67, and WC Docket No. 05-196, Second Report and Order and Order on Reconsideration, 24 FCC Rcd 791, 821-22, para. 67 (2008) (*Second TRS Numbering Order*).

of DVC in customer support call centers provides ASL users direct, visual, and reciprocal communication with both public and private sector entities.⁵

DVC as an Alternative to TTYs. Many years ago, the only way a person who is deaf or hard of hearing could make a phone call was via text telephony (TTY), an analog communication protocol developed in the mid-20th century, long before the advent of cellphones and IP-based communication.⁶ To allow direct communication with deaf or hard of hearing consumers, many business organizations and government agencies obtained TTY telephone numbers, which even today are posted next to voice customer service numbers as a suggested means for direct communication. However, direct TTY calls require users to take turns typing text and following specific call etiquette rules during the conversation, which can significantly lengthen calls. In addition, TTYs were designed for use on the copper switched network, and are often unreliable on IP-based networks. With the prevalence of IP-based technology today, the use of TTYs by the deaf and hard of hearing community has declined greatly, and TTY technology is considered antiquated and obsolete.⁷ Yet, many public and private entities continue to rely on TTY as their only method of direct telephone communication with those consumers who need an alternative to voice.

DVC, in which video calls to customer service lines are answered by individuals whose first language is ASL, offers an up-to-date alternative to TTY lines for persons who use ASL. Because ASL has its own vocabulary and grammatical structure, a DVC call allows ASL users to speak more naturally in their native language, rather than requiring them to use English vocabulary and grammar in a text-based conversation on TTY.

DVC as an Alternative to Relay Service. With the transition to Internet Protocol (IP)-based networks, TRS has been modernized to include Internet-based methods of communication for individuals with hearing and speech disabilities. In fact, ASL users are more likely to contact a customer support center through Video Relay Service (VRS) than via TTY.⁸ With VRS, persons with hearing and speech disabilities who use ASL can use video devices to make telephone calls. A video link allows the ASL user to view, and sign with, a CA, who has a voice telephone connection to the other party to the call. The CA interprets and relays the conversation back and forth between the two parties.

⁵ See *VTCSecure Waiver Order*, 32 FCC Rcd at 779, para. 9.

⁶ A consumer could use a TTY device to place a call either directly (to another TTY user) or via a TTY-based relay service. With text-based TTY relay service, the TTY user places a call to a relay center, where a communications assistant (CA) receives the text on a TTY device, places a voice telephone call to the hearing party, and relays the conversation back and forth, voicing the TTY user's text communication to the hearing party and typing the hearing party's voiced communication to the TTY user.

⁷ Usage of TTY devices—which operate only on the copper-based Public Switched Telephone Network (PSTN) -- has significantly dropped, and real-time text (RTT) technology is available as a successor to TTYs on wireless IP-based networks. See 47 CFR Part 67; www.fcc.gov/rtt; *Transition from TTY to Real-Time Text Technology*, CG Docket No. 16-145 and GN Docket No. 15-178, Notice of Proposed Rulemaking, 31 FCC Rcd 6247, 6354-56, paras. 11-12 (2016) (describing limitations and declining use of TTYs).

⁸ The decline in TTY usage and heavy reliance on VRS is evidenced in annual reports from the TRS Fund administrator. Ten years ago, for Fund Year 2013-2014, the administrator projected demand for interstate TTY Relay minutes at just over 3 million, and for VRS, 123.3 million minutes. Rolka Loube Salzer Associates LLC, Interstate Telecommunications Relay Services Fund: Payment Formulas and Fund Size Estimate, CG Docket Nos. 03-123 and 10-51, Ex. 2 (May 1, 2013). For Fund Year 2023-2024, the administrator projected just over 727,000 interstate TTY minutes, and 117.5 million VRS minutes. Rolka Loube Associates LLC, Interstate Telecommunications Relay Services Fund: Payment Formulas and Fund Size Estimate Supplemental Comment, CG Docket Nos. 03-123 and 10-51, Ex. 2 (June 26, 2023). While statistics on overall use of TTY for direct calling are not available, anecdotal evidence suggests that such use is also rare today.

DVC offers an important alternative to VRS, enabling point-to-point conversations to occur between two callers, both using sign language, without the need for assistance by a third-party relay service. Accordingly, public and private entities that currently receive a substantial volume of VRS calls may consider adding a DVC line.

When implemented, DVC can become the preferred means of communication for ASL users. DVC is currently available on a number of public and private sector consumer support lines, including Comcast's help line, the Commission's ASL Consumer Support Line, the EEOC's ASL Contact Line,⁹ HHS's Disability Information and Access Line,¹⁰ and the 988 Suicide & Crisis Lifeline.¹¹ In presentations at the FCC's Public Forum, Comcast reported that it gradually expanded its help lines with DVC since 2019 and now serves 2,000 to 3,000 DVC callers each month. Another presenter stated that, in the first 10 months after DVC became available, the 988 Suicide and Crisis Lifeline served about 30,000 DVC callers. These examples demonstrate the practicability and benefits of offering DVC as an alternative means of accessing public-sector consumer support.

Expanded use of the DVC alternative could greatly increase its benefits, as sign language users make thousands of calls weekly to federal government support lines. For example, according to data maintained by the TRS Fund administrator, over a recent 12-month period:

- The Social Security Administration's consumer support line (800-772-1213) handled 153,971 VRS calls, totaling 4,842,479 minutes;
- The Direct Express consumer support line (888-741-1115), offered by the U.S. Department of the Treasury, handled 137,326 VRS calls, totaling 453,278 minutes;
- The United States Postal Service consumer support line (800-275-8777) handled 29,122 VRS calls, totaling 450,191 minutes;
- The Medicare hotline (800-MEDICARE) received 21,550 VRS calls, totaling 377,707 minutes; and
- The Internal Revenue Service hotline (880-829-1040) received 19,882 VRS calls, totaling 241,620 minutes.

Adopting DVC could substantially reduce the average duration of these consumer support calls—and increase consumer satisfaction in dealing with federal agencies.¹²

By making DVC available on its consumer help lines, a federal agency can bring to thousands of consumers the benefits of direct engagement. Implementing DVC can help ensure that the federal agencies are “accountable for designing and delivering services with a focus on the actual experience of the people whom it is meant to serve,” and deliver their services “more equitably and effectively, especially for those who have been historically underserved.”¹³

⁹ See EEOC, “EEOC Launches Direct Video Access to ASL Speakers for the Deaf and Hard of Hearing,” Press Release (Dec. 11, 2015).

¹⁰ See Administration for Community Living (ACL), “HHS Launches Hotline to Improve Access to COVID-19 Vaccines for People with Disabilities,” Press Announcement (June 8, 2021).

¹¹ Substance Abuse and Mental Health Services Administration (SAMHSA), “988 Suicide & Crisis Lifeline Adds American Sign Language Services for Deaf and Hard of Hearing Callers,” Press Announcement (Sept. 8, 2023).

¹² A federal agency or enterprise organization can obtain information on the volume of VRS calls to their consumer service lines by contacting the FCC's Disability Rights Office at DRO@fcc.gov.

¹³ Exec. Order 14058, “Transforming Federal Government Experience and Service Delivery to Rebuild Trust in Government,” 86 FR 71357, 71357 (Dec. 13, 2021).

Other Benefits of Direct Video Calling. DVC provides many benefits, as highlighted by panelists at the Commission's DVC Public Forum and by the Commission's Disability Advisory Committee (DAC):¹⁴

- DVC reduces the likelihood that call center representatives who are unfamiliar with or reluctant to use relay services will hang up on sign language users.
- Because both parties to a DVC call are ASL users, DVC allows callers to converse naturally, using facial, bodily actions, and other non-verbal information as necessary to convey thoughts and emotions.
- DVC allows customer service calls to be resolved efficiently and effectively, with fewer callbacks.
- Like Spanish language support lines, DVC provides direct customer support in the preferred language of many consumers who are deaf or hard of hearing.
- DVC promotes diversity, equity, and inclusion by creating job opportunities for sign language users who have hearing or speech disabilities.
- By handling customer service calls more expeditiously and satisfactorily, DVC can increase customer retention and contribute to enterprise growth.

Steps to Promote DVC. The Commission has taken steps to make DVC easy to implement. In June 2014, the Commission launched its own ASL Consumer Support Line to receive video calls and inquiries from consumers using sign language.¹⁵ In 2017, the Commission granted VTCSecure direct access to the TRS Numbering Directory to establish DVC in customer support call centers.¹⁶ In 2019, the Commission amended its rules to facilitate the routing of calls from VRS users to DVC customer support lines.¹⁷

The Commission also authorized enterprises and government agencies to use the same customer support telephone number for voice and video calls by entering the unified number into the TRS Numbering Directory.¹⁸ With a unified number, a call from a videophone can be automatically routed to a video service line staffed by an ASL-fluent agent in the customer support call center, while calls to the same customer service number from voice users continue to be routed to voice lines.¹⁹

¹⁴ See DVC Forum panelists' discussions via webcast at www.fcc.gov; see also Recommendation of the Federal Communications Commission Disability Advisory Committee on Direct Video Calling, at 2-3 (Sept. 7, 2023) (DAC DVC Report), <https://www.fcc.gov/ecfs/document/109131639123320/2>. The DAC is a Federal Advisory Committee with members from advocacy groups for individuals with disabilities, government agencies, and enterprise organizations familiar with the use and benefits of DVC.

¹⁵ For more information, visit: <https://www.fcc.gov/fcc-asl-consumer-support-line>. Other federal agencies have followed suit. See www.fcc.gov/dvc for the latest list of DVC-enabled federal agencies.

¹⁶ See *VTCSecure Waiver Order*, 32 FCC Rcd at 779-801, paras. 9-11.

¹⁷ See *Structure and Practices of the Video Relay Service Program; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket Nos. 10-51 and 03-123, Report and Order and Further Notice of Proposed Rulemaking, 34 FCC Rcd 3396, 3403-08, paras. 11-21 (2019) (*2019 VRS Improvements Order*).

¹⁸ See *2019 VRS Improvements Order*, 34 FCC Rcd at 3407, para. 20. The use of single unified support numbers for DVC is available today.

¹⁹ See *id.* at 3407-08, para. 21 (requiring customer service representative to transfer DVC call to relay services should the consumer prefer that option).

Implementing DVC. The telephone numbers and IP addresses of VRS or DVC videophones must be registered in the TRS Numbering Directory.²⁰ All VRS providers and Qualified Direct Video Entities²¹ have access to the TRS Number Directory to register telephone numbers for videophones that can be used for VRS or DVC. Currently, the Commission has certified five VRS providers: Bond Communications, Inc.; Convo Communications, LLC; Sorenson Communications, LLC (branded as Sorenson VRS); Tive, LLC; and ZP Better Together (branded as Purple Communications, Inc., and ZVRS).²²

The Commission has also certified four Qualified Direct Video Entities: nWise AB, Communications Service for the Deaf, Inc. (CSD), VTCSecure, and 360 Direct Video.²³ Both individual agencies and enterprises, as well as DVC platform providers, are eligible to apply for approval as a Qualified Direct Video Entity.

Ease of Implementing DVC. Implementing DVC technology is relatively inexpensive and easy. DVC is enabled by using an automated video technology that interacts with callers with an automatic call distribution (ACD) platform that operates similarly to an audio interactive voice response (IVR)/ACD platform in a call center environment. This automated videophone technology allows incoming video calls to be routed to customer support positions equipped with a video phone or a web application on a desktop, laptop, tablet, or other mobile device. Since DVC is an Internet-based service, organizations and agencies implementing DVC in their call centers must ensure that their customer service telephone numbers are associated with an IP address. By registering telephone numbers in the TRS Numbering Directory, the telephone number will be associated with the IP address for the DVC videophone, and calls to that telephone number will be directed to the videophone.²⁴

In sum, to deploy DVC, entities need, at a minimum, high-speed Internet connection, videoconferencing equipment (*e.g.*, camera and a video screen), a call center platform, an Internet-based TRS-issued telephone number, and at least one person who is a native user of ASL to staff the line. The market provides many commercially available options for DVC. DVC call center solutions are

²⁰ See *id.* at 3403, para. 11; 47 CFR § 64.613(c)(2).

²¹ A “Qualified Direct Video Entity” is an individual or entity that is approved by the Commission for access to the TRS Numbering Directory, that is engaged in direct video customer support, and (1) is the end-user customer that has been assigned a telephone number used for direct video customer support calls or (2) is the designee of such entity. 47 CFR § 64.601(a)(37). “Direct video customer support,” in turn, is a “telephone customer support operation that enables callers with hearing or speech disabilities to engage in real-time direct video communication in ASL with ASL speakers in a call center operation.” *Id.* § 64.601(a)(16). Contact information for Qualified Direct Video Entities is available at <https://www.fcc.gov/qdve>.

²² All VRS providers are authorized to assign geographically appropriate NANP telephone numbers and enter call routing information for users in the TRS Numbering Directory. See 47 CFR § 64.611(a)(1). Contact information for VRS providers is available at <https://www.fcc.gov/general/internet-based-trs-providers>.

²³ See *360 Direct Video Approved to Access the TRS Numbering Directory as a Qualified Direct Video Entity*, CG Docket Nos. 03-123 and 10-51, Public Notice, DA 24-619 (June 28, 2024); *nWise AB Approved to Access the TRS Number Directory as a Qualified Direct Video Entity*, CG Docket Nos. 10-51 and 03-123, Public Notice, 37 FCC Rcd 1046 (CGB 2022); *Communications Service for the Deaf, Inc., Approved to Access the TRS Number Directory as a Qualified Direct Video Entity*, CG Docket Nos. 10-51 and 03-123, Public Notice, 36 FCC Rcd 9462 (CGB 2021); *VTC Waiver Order*, 32 FCC Rcd at 779-80, paras. 9-11.

²⁴ The Directory contains records mapping each user’s North American Number Plan (NANP) telephone number to a Uniform Resource Identifier (URI) that contains a server domain name or the IP address of the user’s device. See 47 CFR § 64.613(a)(1)-(2).

customizable based on the needs of an organization or agency from a single videophone to a multi-line full service call center solution.²⁵

Points to Consider and DVC Best Practices. The FCC’s Disability Advisory Committee recommends that business organizations and government agencies that implement DVC follow certain best practices:²⁶

- When the DVC service is offline, DVC calls should be answered via video mail with an option for the customer to either leave a message for a call-back or be transferred to VRS if a hearing customer service agent is available.
- Organizations and agencies should include a web-based “widget” on their websites that alerts ASL users that a DVC service is available and may be accessed by clicking the widget or by calling the organization’s toll-free number.
- Training for and support services provided to DVC agents who are deaf should be provided in ASL, and operations personnel—e.g., supervisors, and human resource personnel—should be familiar with the needs of deaf individuals to effectively support these employees.
- Organizations and agencies implementing DVC should analyze call volumes from deaf consumers to develop an effective staffing model to ensure that calls from ASL users are handled efficiently and expeditiously.
- Calls made through DVC should have the same level of security, privacy, and confidentiality as voice calls and calls made through VRS.
- Organizations and agencies implementing DVC should ensure that their IT systems provide Internet speeds suitable for video communication, enable three-way video communications or overlays of text on the video stream, and provide the capability to resize video windows or mute a call.

Panelists at the Commission’s July 2024 DVC Forum made additional recommendations. For example:²⁷

- Organizations and agencies should consult with deaf and hard of hearing employees on how to best serve their community.
- Add a video in sign language on the organization’s or agency’s web site to explain to ASL-using customers how to obtain information and connect with customer service.

General information about DVC is available at: www.fcc.gov/dvc. For questions regarding DVC, contact: Bill Wallace, Attorney Advisor, Disability Rights Office, Consumer and Governmental Affairs Bureau, at 202-418-2716, William.Wallace@fcc.gov, or DVC@fcc.gov.

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²⁵ See DAC DVC Report at 3-4.

²⁶ See *id.* at 8-9.

²⁷ Additional recommendations are included in the archived 2024 DVC Forum webcast and related materials found at www.fcc.gov.



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Released: December 17, 2024

THE ENFORCEMENT BUREAU ORDERS 2,411 VOICE SERVICE PROVIDERS TO SHOW CAUSE BY DECEMBER 31, 2024 WHY THEY SHOULD NOT BE REMOVED FROM THE ROBOCALL MITIGATION DATABASE

By this Public Notice, the Enforcement Bureau (Bureau) announces that on December 17, 2024 a summary of the Bureau's order (Order) directing 2,411 voice service providers and gateway providers (each, a Company; collectively, the Companies) to show cause why they should not be removed from the Robocall Mitigation Database (RMD) was published in the Federal Register.¹ **Each Company** named in Appendix A to the Order **must file its response by December 31, 2024.**² Each Company³ must cure the deficiencies in its RMD certification and notify the Bureau that the deficiencies have been cured or file a response explaining why the Bureau should not remove the Company's certification from the RMD.⁴ If any Company fails to cure the deficiency or provide a sufficient explanation why its certification is not deficient by the deadline, the Bureau will release an order removing the Company's certification from the RMD.⁵ Removal from the RMD would require all intermediate providers and voice service providers to stop accepting all traffic directly from the Company.⁶

Background. The Commission required all voice service providers to provide compliant certifications in the RMD pursuant to rules that took effect on February 26, 2024.⁷ On March 29, 2024, the Wireline Competition Bureau notified each Company that its certification was not in compliance with the new rules.⁸ The Companies were given until April 29, 2024, to come into compliance or face removal from the RMD.⁹ Each Company failed to update its certification and was referred to the Bureau which

¹ 2,411 Robocall Mitigation Database Filers, Order, DA 24-1235, 2024 WL 5090088, at *1 (OHMSV Dec. 10, 2024) (Appendix A to the Order identifies each of the Companies by name), <https://docs.fcc.gov/public/attachments/DA-24-1235A1.pdf>.

² *Id.*; Call Authentication Trust Anchor, WC Docket No. 17-97, Sixth Report and Order and Further Notice of Proposed Rulemaking, 38 FCC Rcd 2573, 2604, para. 60 (2023) (*Sixth Caller ID Authentication Order*).

³ See Attachment A.

⁴ *Sixth Caller ID Authentication Order*, 38 FCC Rcd at 2604, para. 60.

⁵ *Id.*

⁶ 47 CFR § 64.6305(g)(1), (3).

⁷ See Wireline Competition Bureau Announces Robocall Mitigation Database Filing Deadlines and Instructions and Additional Compliance Dates, WC Docket No. 17-97, Public Notice, 39 FCC Rcd 383, 383-87 (WCB 2024); Fed. Commc'ns Comm'n, *Advanced Methods to Target and Eliminate Unlawful Robocalls, Call Authentication Trust Anchor*, 89 Fed. Reg. 4833, 4833 (Jan. 25, 2024) (establishing February 26, 2024 as the effective date for the amendments to section 64.6305).

⁸ E-mail from Robocall Mitigation Database Team (Mar. 29, 2024) (on file in EB-TCD-24-00036891).

⁹ *Id.*

initiated removal proceedings against the Companies with the release of the Order on December 10, 2024.¹⁰ The Order gave each Company 14 calendar days from the publication of a summary of the Order in the Federal Register to submit a written response to the Bureau that either informs the Bureau that the Company has updated its RMD certification to correct the deficiency or explains why its certification should not be removed from the RMD.¹¹ The summary of the Order was published in the Federal Register on December 17, 2024. Copies of the order were also emailed to the robocall mitigation contact identified in each Company's RMD certification.

Consequences for failure to respond. If any Company fails either to cure the deficiencies in its certification and notify the Bureau that it has cured, or to adequately explain why it should not be removed from the RMD by December 31, 2024, the Bureau will release an order removing the Company from the RMD.¹² Once the Bureau removes a Company's certification from the RMD, all voice service providers and intermediate providers will be required to cease accepting calls directly from that Company.¹³

For further information, please contact the Enforcement Bureau at EnforcementBureauTCD@fcc.gov or (202) 418-7433.

– FCC –

¹⁰ 2,411 Robocall Mitigation Database Filers, Order, DA 24-1235, 2024 WL 5090088, at *2, para. 5 (OHMSV Dec. 10, 2024).

¹¹ *Id.* at *4, para. 10.

¹² *Sixth Caller ID Authentication Order*, 38 FCC Rcd at 2604, para. 60.

¹³ 47 CFR § 64.6305(g)(1), (3).

ATTACHMENT A

RMD File No.	Business Name
RMD0005048	0026223164
RMD0008019	1klick
RMD0005554	24/7 Networks, LLC
RMD0006859	247 IT Professional Solutions Corp.
RMD0008463	2n1 Tech Solutions, Inc.
RMD0006674	3 Atlantic Systems
RMD0005306	360 Communications, INC
RMD0010917	360 CONNECTED LC
RMD0005477	360TechLLC dba Brewtech
RMD0007723	3D Diagnostix
RMD0009227	3i Tech Works, Inc
RMD0007775	3Packet.com Inc.
RMD0006966	4 SIWI LLC
RMD0005974	48TELCOM, LLC
RMD0011280	4ip Technology
RMD0006982	4IT Inc.
RMD0007665	4QuartersIT
RMD0003493	4Voice LLC
RMD0012993	50 Stars IT Technologies
RMD0009347	805 IT guys
RMD0006843	844SpeakEZ, LLC
RMD0007016	86Borders, LLC
RMD0011560	888 Management
RMD0005863	903 Broadband
RMD0007069	9x9 Technologies Inc
RMD0007958	A Bargain Service Inc.
RMD0015506	A.Shammah Corporation
RMD0010499	A.T.C. Voice Data Inc.
RMD0007882	A3 Communications, Inc.
RMD0012242	AAA American Leasing LLC
RMD0007320	AAA Communications Inc
RMD0006609	AAA Security Communications
RMD0012191	Abbax Technologies, Inc.
RMD0012934	Abe Media LLC.
RMD0007237	Abine, Inc.
RMD0009715	Absolute Logic
RMD0008100	ACACIA CAPITAL GROUP LLC
RMD0014819	ACASPro Software
RMD0008470	Access Business Technologies, LLC
RMD0005924	Access Technology, Inc.
RMD0008588	Acclaim Telecom Services
RMD0006987	ACCT Solutions LLC
RMD0008405	AccuCloud, Inc
RMD0011052	Accurate Translation
RMD0015635	Acer Tech
RMD0012551	ACHH LLC

RMD File No.	Business Name
RMD0012582	Acoustic 247
RMD0005839	Acrosonic Corporation
RMD0006090	ACS Business Systems, Inc.
RMD0004585	AcuCall
RMD0007284	Adalis Companies, Inc.
RMD0006452	Adaptive Communications LLC
RMD0006453	Adaptive Fiber LLC
RMD0009205	ADCOM Technologies, LLC
RMD0006995	Adept Communication and Data Company, Inc
RMD0011263	Administrative Claim Service, Inc.
RMD0005027	ADNET GROUP LLC.
RMD0007300	Adrem Ventures, LLC
RMD0007089	ADSMLB Inc.
RMD0009769	Advance Telecom Group Inc
RMD0001948	Advanced Communications L.L.C
RMD0008817	Advanced Data and Network Solutions
RMD0014356	Advanced Financial Help
RMD0007704	Advanced IT Solutions Corp
RMD0005193	Advanced Messaging Services, LLC
RMD0005529	ADVANCED NETWORKS CORP
RMD0015217	ADVANCED SATELLITE SYSTEMS, INC.
RMD0008696	Advanced Stream Broadband
RMD0005274	Advanced Tech Support LLC
RMD0003628	Advanced Tel Inc.
RMD0007931	Advanced Voice Technologies LLC
RMD0008261	Advantage Media Partners
RMD0007014	Advantage Telephone Communications
RMD0010433	Aero Communications, LLC
RMD0005053	Aero North Communications, Inc.
RMD0012902	Aertechhub LLC
RMD0007421	aethernet llc
RMD0006893	AffecTel LLC
RMD0007017	Affinity Technology Solutions LLC
RMD0004617	Agility Communications Group. LLC
RMD0011555	Agnes Sophisticated Hair LLC
RMD0008846	Agudath Israel of America
RMD0011397	AI MACHINES INC
RMD0015380	AI TELECOM LLC
RMD0009268	AIE Solutions, Inc.
RMD0012494	AIRBYTES COMMUNICATIONS
RMD0008591	AIRNORTH COMMUNICATIONS INC
RMD0009074	AirOne Solutions Group, LLC
RMD0001420	Airus, Inc.
RMD0009293	AJTEL Communications Network Grroup
RMD0001530	AKA Management, Inc.
RMD0009996	AKS Infotech
RMD0009506	AKV TECHNOLOGIES LLC
RMD0013516	Alabama Telephone LLC
RMD0004704	Alcazar Networks, Inc.

RMD File No.	Business Name
RMD0011421	Alderwood Labs Inc.
RMD0015954	ALF Telcom
RMD0014339	Alia Network Corporation
RMD0012953	alianznetwork
RMD0005332	ALL IT, LLC
RMD0006938	All My Sons Business Development, LLC
RMD0006922	All Services Are Provided
RMD0011770	AllCloud IP
RMD0005778	Allegiant Networks, LLC
RMD0005446	Alliance Global Communications
RMD0010924	Alliance Truck LLC
RMD0015493	Alliant Financial
RMD0008231	Allied International Corp. IT
RMD0002622	Allied Telecom Group, LLC
RMD0008181	Allison Royce & Associates, Inc.
RMD0013633	AllSeeingConnect LLC
RMD0006707	Allstate Telecom, Inc
RMD0008877	Alltech Computer & IT Services, Inc
RMD0013222	Allworx
RMD0001432	Aloha Tone
RMD0009670	Alot Technologies, LLC
RMD0005449	Alpha Computer Group USA
RMD0006330	Alpha Medix GP Inc dba Adjecta Technologies
RMD0013929	ALPHA ROUTE LLC
RMD0002453	ALSAT Home Electronics, LLC
RMD0009753	Altamaha Electric Membership Corp.
RMD0012251	Altigen Communications, Inc
RMD0004730	Alto Networks LLC
RMD0008441	AluChem, Inc.
RMD0005931	Aluma Tel
RMD0007551	Alvaria, Inc.
RMD0001969	AMA Communications, LLC
RMD0007032	Amazing 7 LLC
RMD0015516	AMB COMMUNICATIONS LLC
RMD0003349	Ambient Telephonics, LLC
RMD0009099	AMD Cargo Express and accessories
RMD0006106	Amerassist A/R
RMD0005885	America Internet & Communications
RMD0007181	American Business Information Systems
RMD0007738	American Health Connection, Inc.
RMD0006018	American Phone Services
RMD0007068	American Samoa Telecommunications Authority
RMD0008000	American Voice and Data INC
RMD0006821	American Voice Mail, Inc.
RMD0006483	AmeriFirst
RMD0006691	Amford Media LLC
RMD0010077	AMG Technology Investment Group, LLC d/b/a Nextlink Internet
RMD0007459	Amnet Systems

RMD File No.	Business Name
RMD0007043	Amsys Innovative Solutions, LLC
RMD0009046	Amtel Corporation
RMD0007677	Andia Inc
RMD0012329	Andrew Byrd Networks LLC
RMD0014729	Anon Telecom
RMD0008106	Answer Advantage DBA US Voice
RMD0008105	Answer Advantage LLC
RMD0006713	Answer Technology Group, LLC
RMD0004108	Anuvu Operations LLC
RMD0014254	Any Call ID
RMD0006509	Anza Electric Cooperative, Inc.
RMD0012543	AOC Connect, LLC
RMD0009424	AON Networks Inc
RMD0007768	Apexz LLC dba WTMi
RMD0006822	AplusVoIP
RMD0007331	Apollo Networks, Inc
RMD0007940	Apps Communications, Inc.
RMD0007913	AQfterHours Upgrades
RMD0008390	Arctele Communications, Inc.
RMD0015686	Arctic Fox Networks Inc
RMD0005762	Ardee Trading International Corp
RMD0009204	Ardiah Managed Services llc
RMD0008740	Area 51 Data Solutions
RMD0008931	Ariacal LLC
RMD0009401	ARIJTEL
RMD0004558	Aristotle Unified Communications, LLC
RMD0003312	Articul8, LLC
RMD0008597	ASAP Computer Support Corp
RMD0011355	Ascensus College Savings Recordkeeping Services, LLC
RMD0009942	Ashcor Technologies LLC
RMD0005402	ASL Services Holdings, LLC
RMD0010860	Aspen Leaf Networks, LLC
RMD0008798	Aspire Holdings Group LLC
RMD0014412	AST Telecom, LLC d/b/a Bluesky
RMD0009741	aSTEAM Village
RMD0011352	Astro Telco LLC
RMD0002034	Astro Telecommunications LLC
RMD0008194	ATCVoIP LLC
RMD0012486	Atlas Direct Marketing LLC
RMD0007048	Atlas Networks Corporation
RMD0006500	Atom AMPD, LLC
RMD0006353	ATTENTIVE IT, INC.
RMD0006876	Auction123
RMD0012948	Audonix Network
RMD0005022	Augutech
RMD0009483	AUM LLC
RMD0006282	AUM TECH, INC
RMD0006727	AURAVOX, LLC
RMD0006314	Austen Consultants, LLC

RMD File No.	Business Name
RMD0011447	Autel US, Inc
RMD0013549	Automatrix Dealer Software Inc.
RMD0013027	AutoVitals, Inc.
RMD0012608	AVAJEN, LLC
RMD0006841	Avantive Solutions
RMD0013234	Avatel Technologies Inc
RMD0007340	AVC Corporation
RMD0008999	Awesome Telenet, Inc.
RMD0006780	AxisInternet, Inc.
RMD0008961	AXT LLC
RMD0008357	Axvoice Inc.
RMD0008994	Axxess Consult Inc
RMD0002110	Axxess Networks LLC
RMD0003031	Axxis Communication Inc.
RMD0011433	Azar LLC
RMD0004961	Backbone Communications
RMD0015610	bajaj wing
RMD0001786	Ballard Rural Telephone Cooperative Corporation, Inc.
RMD0008521	Banccorpp
RMD0003612	Baraga Telephone Company
RMD0015653	Baraga Telephone Company Inc.
RMD0007638	Bardstown Internet Service Inc
RMD0006426	Barronnet Inc.
RMD0005281	BayLink Voicemail Service
RMD0008505	Bays-Et Highspeed
RMD0007663	BBJR LLC
RMD0007654	BBTelephony, LLC
RMD0003486	BCI Mississippi Broadband, LLC
RMD0010842	BCONTACT LLC
RMD0011805	BCS CallProcessing, Inc.
RMD0006741	BCT Consulting
RMD0010353	Bear River Communications, LLC
RMD0007440	BEE RAD TECH LLC
RMD0012697	BEEMBOX LLC
RMD0005376	BEEON.NET
RMD0004029	Bel Air Internet
RMD0003305	Belhaven Cable TV
RMD0007135	Believe Wireless LLC
RMD0007702	Belles Camp Communications
RMD0009471	beltalk solutions LLC
RMD0013247	Benchmark Communications, LLC
RMD0012603	Benchmark Systems, Inc.
RMD0006468	Beneffy Corp.
RMD0007609	Berryville Holdings, LLC
RMD0011402	BEST-HOSTED-VOIP.COM CORP
RMD0003170	Bestline Communications, LP
RMD0008874	BestText, LLC
RMD0005497	Besttier LLC
RMD0011293	BetterBytes

RMD File No.	Business Name
RMD0005944	Beulahland Communications, LLC
RMD0009752	BeyondTalkyTalk
RMD0008486	BH Herbal Solutions
RMD0005364	Big Inc. dba Phonz+
RMD0008618	Big Tree Telecom
RMD0011205	BinaryPattern LLC
RMD0011149	Bingotelecom Incorporated
RMD0012999	Bit by Bit Computer Consultants Inc
RMD0011333	BitaVoice LLC
RMD0012689	Bitboyz llc
RMD0005972	BITVOIP INC
RMD0011800	Bizco Inc
RMD0009700	Bizringer, Inc
RMD0008981	Blackhawk Acquisition, LLC
RMD0006959	Blaze Broadband LLC
RMD0005680	Blaze Management, LLC
RMD0004946	Blended Technology Solutions
RMD0006322	Blitz Telecom Services LLC
RMD0015210	BLM Networks
RMD0002966	Block Line Systems LLC
RMD0008512	Blu-Shift Wireless
RMD0008290	Blue Casa Telephone, LLC
RMD0009779	Blue Diamond Communications Inc
RMD0009787	Blue Dolphin Media, inc
RMD0011072	Blue Ocean Digital, LLC
RMD0007033	Blue Star Services
RMD0012627	Blue Storm Network
RMD0008672	Blue Water Networks
RMD0008769	BlueBird Communications, LLC
RMD0005416	BluegrassNet
RMD0008134	Bluestem Network, LLC
RMD0005718	BlueTel
RMD0009635	BlueTide Communications
RMD0011853	BMS Tele LLC
RMD0005187	Bo Ex Ventures
RMD0007989	BOGLE VINEYARDS
RMD0005363	Bohannan Huston Inc
RMD0014785	Bohannon LLC
RMD0012290	Boingo Wireless, Inc.
RMD0006960	Bombshell Software
RMD0004546	Boomsourcing, LLC
RMD0011359	Boostly, Inc
RMD0013728	Boston Lane Limousine LLC
RMD0002964	Bowling Green Municipal Utilities, General Services Division
RMD0006265	Boyd Systems
RMD0009785	Braden Business Systems, Inc.
RMD0011112	Brain Communications Inc
RMD0011173	BrainHi Inc.
RMD0008879	Bravo Price Corp

RMD File No.	Business Name
RMD0012595	Bray Telecom LLC
RMD0006156	BrescoBroadBand
RMD0003283	Bretton Woods Tel.Co., Inc.
RMD0011131	Brevium Corporation
RMD0015092	BRIAN INFORMATIETECHNOLOGIE LLC
RMD0012127	Bridgecom, LLC
RMD0004766	Bridger Cable TV
RMD0012452	Bridger Systems LLC
RMD0009730	Bright Packet, Inc.
RMD0008353	BrightArrow Technologies, Inc.
RMD0015962	BrightFlow Technologies
RMD0008207	BrightIP Inc
RMD0001426	Brightlink Communications, LLc
RMD0011398	Brilltech LLC
RMD0008082	Briskco, Inc
RMD0015969	brizzlenet
RMD0004703	Broad Sky Networks LLC
RMD0009106	Broadband Office Solutions, LLC
RMD0004341	Broadband VI, LLC
RMD0005942	Broadband Voice, LLC
RMD0007749	Broadcast Voice Networks, Inc. dba BVN Telecom Group
RMD0004666	Broadplex LLC
RMD0001593	BroadRiver Communication Corporation
RMD0014170	Broadtela
RMD0008310	Broker Exchange Telecom, LLC
RMD0015120	BROWN-FORMAN CORPORATION
RMD0006493	BSDTELECOM
RMD0005179	BSI, The Answer Group Inc.
RMD0005947	BTI Communications Inc.
RMD0003082	Buckeye Cablevision, Inc.
RMD0007908	Buehner-Fry Inc.
RMD0001582	BullsEye Telecom, Inc.
RMD0012519	Business First IT
RMD0011541	Business Focused Internet Systems, Inc
RMD0008850	Business Growth Elite, Inc
RMD0008725	Business Information Solutions, Inc.
RMD0006564	Business Telephone Innovation LLC.
RMD0007361	BuzNet Communications
RMD0014690	Buzz Consulting Company LLC
RMD0008849	BVM Communication LLC
RMD0007991	Bytescribe, Inc.
RMD0005379	C2C VoIP, LLC.
RMD0013646	C2P Tech Group LLC
RMD0006481	C3 Teknologies, LLC
RMD0008407	CABA Solutions, LLC
RMD0013576	Cable Internet bill
RMD0014698	CABLE INTERNET BILL LLC
RMD0006337	Cable Systems LLC
RMD0002721	CABLEVISION LIGHTPATH INC

RMD File No.	Business Name
RMD0003947	Cal-Ore Communications, Inc.
RMD0009348	Calico IT
RMD0005987	Call 4 Health Inc.
RMD0012239	Call Center Tech LLC
RMD0007524	Call Complete
RMD0009278	Call Factor, Inc.
RMD0007970	Call IQ
RMD0008802	Call Management Products, Inc.
RMD0002887	Call One, Inc.
RMD0005799	Call Universal Inc.
RMD0013585	Call Wave LLC
RMD0008969	Call.Net, LLC
RMD0012411	Caller Technologies, LLC
RMD0006332	Caller-IP
RMD0003693	CallerReady LLC
RMD0003040	CallFire, Inc.
RMD0009005	CallingVault Advisors, Inc.
RMD0005980	Callnet Corporation of Utah
RMD0007601	CallPerfect
RMD0012703	Callsto
RMD0003161	Callvox
RMD0011165	CallWin LLC
RMD0012554	CallZ Telecom
RMD0011233	Callza, LLC
RMD0009508	Capital Energy Holdings, Inc.
RMD0006743	Capraro Technologies
RMD0004636	Caprus Digital LLC
RMD0011708	CapStone Communications
RMD0009630	Carden IT Services, LLC
RMD0011487	Cardstock, LLC
RMD0008488	Carl Brown
RMD0002131	Carolina Mountain Cablevision, Inc.
RMD0001542	Carolina West Wireless, Inc.
RMD0005818	Carrier Exchange, Inc.
RMD0004952	Carrier One Inc
RMD0011381	CartStack LLC
RMD0005975	Caryco Tech
RMD0002610	CAS Communications, LLC
RMD0004479	Casey Mutual Telephone Company
RMD0007507	Caspian Technology Concepts
RMD0007375	Caucus Digital LLC
RMD0007863	Cbcom, LLC
RMD0006709	CC PHONE
RMD0007508	CCPTECH
RMD0006980	CCS Wireless, Inc.
RMD0005890	CCTSG LLC
RMD0007906	CDS Office Technologies
RMD0008474	Central Point Networks, LLC.
RMD0012265	Central Voice & Data LLC

RMD File No.	Business Name
RMD0005249	Centro Global Solutions
RMD0006132	CFBTEL
RMD0006142	CFX BUSINESS SOLUTIONS INC
RMD0007690	CGS-B/ItsCirrus
RMD0011909	Chandler Initiatives, LLC
RMD0005015	CHANESTE SA
RMD0006701	Changing Technologies Solutions, LLC
RMD0012579	Chatmantics Inc
RMD0003893	Chatmoss Cablevision, Inc.
RMD0008005	Chattertel.com, LLC
RMD0007302	Cherry Voice Inc.
RMD0007219	ChickenTec LLC
RMD0006902	Chs Tech Solutions LLC
RMD0007785	Cinethesys
RMD0004949	Circle Telephone & Electric
RMD0008554	Circls, LLC
RMD0008179	Circuit ID
RMD0012508	citamed
RMD0006653	City Communications, Inc.
RMD0001916	City of Fort Collins, Colorado
RMD0002068	City of San Bruno
RMD0003832	City of Thomasville Utilities
RMD0004799	CITY OF WYANDOTTE DEPT. OF MUNICIPAL SERVICE
RMD0007037	CITYLINK TELECOMMUNICATIONS NM, LLC
RMD0012981	CKH TECHNOLOGY SAERVICES LLC
RMD0009845	Clarity Communication LLC
RMD0007612	Clarity Technologies Group, LLC
RMD0006421	Clear Perceptions-Graphics Inc.
RMD0009241	ClearConverse Incorporated
RMD0005595	ClearFiber Inc
RMD0008421	Clearline Connections
RMD0010486	Clearplot Technologies, INC
RMD0006194	Clearstream LLC
RMD0009140	Clever Real Estate INC
RMD0014967	CLEVEROTEL
RMD0005114	Clevertel Communications
RMD0010079	CLICK ENTERTAINMENT USA INC
RMD0012048	Clicktel inc.
RMD0011795	Clicktofax
RMD0015620	Clientbook Inc
RMD0007378	CLM Consulting
RMD0009770	Cloak Communications LLC
RMD0007874	Cloud 9 Business Solutions, Inc.
RMD0004576	Cloud Call Center PBX Solutions, LLC
RMD0005309	Cloud Central LLC
RMD0002828	Cloud Choice Voice Inc
RMD0007153	Cloud Compliance Solutions
RMD0003639	Cloud Connect LLC

RMD File No.	Business Name
RMD0007011	Cloud Investments LLC
RMD0009404	Cloud Network Systems Inc
RMD0009330	Cloud One PBX LLC
RMD0011518	Cloud Technologies, Inc
RMD0003296	Cloud4 Inc
RMD0011441	Cloudi LLC
RMD0005644	CloudNet Management LLC
RMD0008839	CloudNett LLC
RMD0006679	Cloudtel Technologies Inc
RMD0007725	CMC Network Solutions
RMD0003636	CND Acquisition Corp
RMD0008519	Coastal Mountain Home Buyers
RMD0005263	COCHIN STATIC INC
RMD0007750	Codeava Technologies Inc.
RMD0006370	Columbia Industries Inc
RMD0015547	Combry
RMD0007115	ComData Solutions, Inc.
RMD0007195	Comm Suite LLC
RMD0007851	Comm-Works Holdings LLC
RMD0009477	Commonsun Inc
RMD0009168	Commrocket Telecom
RMD0005646	Commsol Corporation
RMD0008427	Communication Construction Services, Inc
RMD0015919	COMMUNICATIONS AND TELEPHONE SYSTEMS
RMD0003186	Community Cable & Broadband, Inc.
RMD0004013	community cable and broadband l l c
RMD0009485	Community Coupons Franchising Inc.
RMD0008739	Community Phone
RMD0009650	commventures llc
RMD0011840	Complete I.T. Corp
RMD0005653	CompLogic, LLC
RMD0006796	Compsol
RMD0011209	Computer Central of Wilson, Inc.
RMD0007737	Computer Instruments, Inc.
RMD0008673	Computer Now
RMD0011948	Computer Pros of Illinois, Inc.
RMD0009383	Computer Services and Solutions, Inc.
RMD0006951	Computer Technologies Group
RMD0007561	Computers, Electronics, Office Etc.
RMD0011908	COMTALK TELECOM LLC
RMD0006735	Comtech21, LLC
RMD0009201	Concept Interactive Inc.
RMD0008129	Conference America, Inc.
RMD0015583	Confianza Technologies LLC
RMD0008243	Configure, Inc.
RMD0009709	Connect America Group, Inc
RMD0006946	Connect Cause
RMD0007588	Connect Your Home
RMD0005920	Connected

RMD File No.	Business Name
RMD0001539	ConnectMe, L.L.C.
RMD0006290	ConnectTo Communications Inc.
RMD0008963	ConnX Inc.
RMD0007497	Conquer
RMD0007944	Conquest Solutions
RMD0012634	Constellation Technology Solutions, Inc
RMD0008919	Consumer Agent Portal, LLC dba TrustedChoice.com
RMD0012371	Contact America LLC
RMD0011425	Content Guru Inc.
RMD0013748	Content Pro LLC
RMD0004657	Conterra Ultra Broadband, LLC
RMD0004669	Conterra Wireless Broadband, LLC
RMD0009657	Contivio.com Corporation
RMD0009677	Contravoip LLC
RMD0006732	Controlled Network Solutions LLC.
RMD0003548	Converged Networks. LLC
RMD0006764	Convergence Communications
RMD0007929	Convergence Technology Solutions CORP.
RMD0007918	ConvergentWorks, LLC
RMD0009051	ConvergeOne Corp.
RMD0006492	Copetek LLC
RMD0010994	Copper Cliffs Communications LLC
RMD0005351	Copper State Telecom
RMD0007247	CopperNet Systems, Inc
RMD0009124	Core Four Technology dba Third Wave Technology
RMD0008980	CoreCC, LLC
RMD0005998	CoreVox LLC
RMD0009971	Coro Corvina LLC
RMD0008959	Corporate Tools LLC
RMD0006273	Cortel Communications
RMD0006874	Cortel Technologies LLC
RMD0012997	Cosmic Network LLC
RMD0011098	Couch Software Inc.
RMD0007102	Cover Networks, LLC
RMD0001747	Covoda Communications, Inc.
RMD0009423	Creative Computer Communications, LLC
RMD0013386	Creceer solutions
RMD0008899	CREDIT MEDICS RX
RMD0007873	Critical Hosting Solutions LLC
RMD0006044	CrossTalk Solutions, LLC
RMD0006791	CrowdCircle, Inc.
RMD0007506	Crown Enterprises
RMD0011858	Crown Point Telephone Corp
RMD0012688	Crump Communications, LLC
RMD0011883	Crystal Computer Consulting
RMD0007323	CSB Technologies
RMD0009637	CSR Training 247
RMD0008096	CSRMS
RMD0011912	CSX Cloud LLC

RMD File No.	Business Name
RMD0007539	ctechnets llc
RMD0009251	CTI Networks, Inc
RMD0006600	Cuero Computer Center, LLC
RMD0002831	Cumby Telephone Coop., Inc.
RMD0008162	Custom Cable LLLP
RMD0006907	Custom TeleConnect, Inc.
RMD0005662	Cutting Edge Computers Inc.
RMD0012055	CVC , Inc
RMD0004607	Cyber Mesa Computer Systems Incorporated
RMD0006497	Cyber Solutions INC
RMD0008925	Cybertex Solutions
RMD0005671	Cyburity
RMD0009125	Cynderbox
RMD0008171	Cynjut Consulting Services LLC
RMD0009695	D & P Digital Forensics LLC
RMD0003450	D Network Services LLC
RMD0009842	Dagobah Systems Inc
RMD0008646	Daily Tel
RMD0011313	DAKS Services LLC
RMD0013575	Damovo USA Inc.
RMD0009206	Daniels Business Services
RMD0007961	Danitech Corp
RMD0005272	Data Consulting Group
RMD0005223	Data Cube Systems, Inc
RMD0007107	Data Day Consulting Inc.
RMD0009994	Data Stream Mobile Technology Inc.
RMD0009472	Data Voice Options, LLC
RMD0010944	Datacrates
RMD0005912	Datahouse Technology, LLC
RMD0007029	DATAINSTREAM
RMD0007035	Dataspindle LLC
RMD0006359	Datatel Communications Inc
RMD0007813	Davey Holdings LLC
RMD0006429	Davosec LLC
RMD0011386	DBA Media, LLC
RMD0003545	DCP Services,Inc
RMD0011030	Dealer Lead Track LLC
RMD0008340	DealerPeak
RMD0015377	DEALSCO
RMD0013382	DeansList Inc
RMD0002590	Decatur Telephone Company, Inc.
RMD0006140	Dedicated IT, LLC
RMD0002298	Deerfield Farmers' Telephone Company
RMD0009662	Dega Systems Inc.
RMD0009721	Del Mar Corporation
RMD0013842	Deltapath, Inc.
RMD0013006	DELTRANET LLC
RMD0005028	DEMOPOLIS CATV CO.
RMD0005847	Denson Technologies

RMD File No.	Business Name
RMD0012145	Dental HIPAA & IT
RMD0008032	DENTON INTERNET
RMD0008118	Deseret Digital Media
RMD0006325	Design I.T. Solutions, LLC
RMD0004659	Detel Wireless, LLC
RMD0012296	Dexwell, Inc
RMD0003484	DFJB,LLC
RMD0015609	DGCALL, INC.
RMD0007635	Diagnotes, Inc.
RMD0012010	Dial Them Up LLC
RMD0011007	Dial Vista
RMD0011365	DIAL WORLD
RMD0005404	Dial09
RMD0008577	Dialect, LLC
RMD0001970	Dialog Telecommunications Inc.
RMD0008133	Dialpath Networks, LLC
RMD0007110	DIALPYX LLC
RMD0012614	Dialzer LLC
RMD0008309	Didopoly, LLC
RMD0013421	DigiClick Corp
RMD0009795	DIGICONNECT LLC
RMD0012979	Digit Network
RMD0007598	Digitaz, Inc.
RMD0005182	Digital Agent, LLC
RMD0009393	Digital Cashbox
RMD0002687	Digital Connections, Inc.
RMD0007027	Digital Crisis LLC
RMD0007131	Digital Division LLC
RMD0007294	Digital Lion LLC.
RMD0004453	Digital Network Access Communications Inc.
RMD0007359	Digital Operation Management, LLC
RMD0008062	Digital Pocket, LLC
RMD0011310	DIGITAL PURVEY LLC
RMD0007311	Digital Solutions Group, Inc
RMD0007983	Digital Telegraph Consulting, LLC
RMD0002938	Digital West Networks, Inc.
RMD0009980	DigitalBrainz, Inc.
RMD0014949	Digitel Solutions llc
RMD0006141	DiRAD Technologies, Inc.
RMD0011902	Direct Response Marketing, Inc.
RMD0008424	DirectLink
RMD0007898	DirectMailers LLC
RMD0013071	directvoicellc
RMD0006007	Disaster Networks
RMD0004784	Discount CLEC Services Corporation
RMD0007252	Distributed Computing, Inc. dba Ten4pbx.com
RMD0005328	Diversify Solution LLC
RMD0008143	Dixie Net Communications
RMD0008726	dlivr Inc

RMD File No.	Business Name
RMD0013518	DML IT Solutions
RMD0010343	DMV Prepaid
RMD0007907	Dnipro LLC
RMD0008095	doncupon.com llc
RMD0004875	Double Eagle Communication Corp
RMD0009254	Dozier Technology Group dba Centric Technology Solutions
RMD0005800	DP Tech Group
RMD0006897	DPN Consulting
RMD0009072	Dravis Technologies LLC
RMD0009111	Drive Mouse Inc
RMD0014012	DriveCentric, LLC
RMD0013723	Drug Lift Corp
RMD0006120	DS Communications LLC
RMD0009207	DSSELL Invest Inc
RMD0011016	DTA PROFESSIONALS LLC
RMD0012106	Dtel Network LLC
RMD0005918	Dunnell Telephone Company, Inc.
RMD0001951	Duratel LLC
RMD0008681	DynaComm, Corp
RMD0011141	Dynamic Infrastructure, LLC
RMD0008192	Dynamic Network Support
RMD0007987	Dynamix Carrier Services, Inc
RMD0011079	E TECH COMMUNICATIONS, INC.
RMD0002652	e-Tel
RMD0008067	E2open, LLC.
RMD0008306	EarPing, LLC
RMD0015218	EarthGrid PBC
RMD0012246	East Water Leasing
RMD0003447	Eastern Oregon Telecom, LLC
RMD0015313	Easy Numbers LLC
RMD0008916	EatStreet, Inc.
RMD0008884	eAutoClub, Inc.
RMD0012366	EC Acquisition Holding, LLC
RMD0005816	Ecause Media Inc
RMD0014918	ECHO VERTEX LLC
RMD0006785	Ecomm Hosting, LLC
RMD0008283	ECSIS.NET, LLC DBA Electronic Communication Systems
RMD0009183	Ed Hana LLC
RMD0007900	Ednetics, Inc.
RMD0011157	Efficient Facilities International, Inc.
RMD0009764	Eicon Systems
RMD0011023	Eidolon Insights
RMD0008707	eKaleo, Inc.
RMD0008810	Ekinox Voice
RMD0008892	EKOTECHS, LLC.
RMD0007982	Eldre Solutions Group
RMD0005190	ElectSys Tech LLC
RMD0011331	Elevation Education Solutions, LLC
RMD0011454	ELI Global LLC

RMD File No.	Business Name
RMD0012616	ELITE Transit Solutions
RMD0011455	Elm Street Technology LLC
RMD0012640	Elmiris LLC
RMD0006153	Eltopia Communications, LLC
RMD0011411	Eltropy Inc
RMD0011793	EMAT Solutions LLC
RMD0009232	Emergence Communications, LLC
RMD0006328	Eminent Solutions Integration
RMD0011125	Emitrr, Inc.
RMD0008226	Empirix
RMD0008292	ENC Access Investments llc
RMD0010345	ENCO Electronic Systems
RMD0013851	Encoderss
RMD0009302	Endecom Computer Services
RMD0005853	ENGAGE COMMUNICATIONS CORPORATION
RMD0011232	Enhanced Business Communications LLC
RMD0007857	Enhanced Recovery Services 2
RMD0009020	Enhanced Telecommunications & Data, Inc.
RMD0007917	Enterprise Network Systems, Inc
RMD0010970	Enterprise Solutions Consulting, Inc.
RMD0008295	EOX Technology Solutions Inc.
RMD0002764	Epcom World Industries
RMD0007453	ES Consulting
RMD0008811	Esdiac Global System, Inc
RMD0009509	Esquared Technology Advisors
RMD0008801	Essensys, Inc.
RMD0007245	eStream, Inc.
RMD0007064	eSudo Technology Solutions
RMD0008408	eTechnus Corp
RMD0006921	ETHIQS
RMD0001719	ETI Telecom Inc
RMD0008468	EVACOMM CORP
RMD0007846	Everglades Technologies, LLC
RMD0011429	EveryAction, Inc.
RMD0007564	EveryConnect
RMD0007710	Everyday Data, Inc
RMD0006555	Everything Wireless, LLC
RMD0012644	Evitui, Inc
RMD0002869	Evolution Collect, LLC
RMD0006961	Evolve Tele-Services, Inc
RMD0009282	Excelsus LLC.
RMD0008031	Excessum LLC DBA Shared Comm IT
RMD0006372	Executive Corporate, Inc.
RMD0008667	Executive Systems, Inc.
RMD0005808	Executive Telephony Solutions, Inc
RMD0012428	Exetel Comm LLC
RMD0006925	Exiant Communications LLC
RMD0004599	Exordium Networks Inc.
RMD0009025	exospec

RMD File No.	Business Name
RMD0008593	Expedia Telecom inc.
RMD0009163	Expeditech Inc
RMD0014358	Expedited Financial Help
RMD0008712	Extric LLC
RMD0009388	Eze Castle Integration, Inc.
RMD0007764	Fairview IT Management
RMD0007400	Falcon Internet
RMD0006799	Falcon Trading Systems
RMD0011412	Fame Computers
RMD0009490	Family Communication Inc.
RMD0015424	Fareena Marketing
RMD0008004	Farmers Fresh Mushrooms California Inc.
RMD0004790	FARMERS TELECOMMUNICATIONS, INC.
RMD0004788	Farmers Telephone Company, Inc.
RMD0009133	Farmspread, LLC
RMD0014980	Fastest Exit LLC
RMD0012390	Fax and automation LLC
RMD0004998	Fenero io Inc
RMD0011838	Feryis Inc.
RMD0006430	Fiber Connect, LLC.
RMD0007255	Fiberwave Technologies LLC
RMD0009279	Fibrotex USA, Inc.
RMD0008482	Fidalgo Networking, Inc.
RMD0012154	FILASCO AMERICA LLC
RMD0011857	Filter network Solutions
RMD0005439	FINANCIAL AND MANAGEMENT CORP. OF USA
RMD0009250	Fincosa LLC
RMD0015178	Fintech PBX
RMD0010189	FireTEXT
RMD0007993	First Call Computing
RMD0009755	First Nation Telecom
RMD0015929	First Tele Communications Inc
RMD0015295	Firstoutcomes, Inc
RMD0008085	Flash Wireless, LLC
RMD0013965	FLATEL WIRELESS
RMD0011110	Flexo Telecom LLC
RMD0009273	FLORIDA TELECOM LLC
RMD0005949	Florida Telephone Services
RMD0011531	FM VOIP Inc
RMD0013941	FMG Suite, LLC
RMD0007372	Fonebee LLC
RMD0015637	Fonelogix LLC
RMD0012984	FonSwitch, Inc.
RMD0009065	Food Dudes Delivery, LLC
RMD0003692	Foresthill Telephone Co
RMD0005356	Fortel Networks, Inc
RMD0005986	Forward Intellect LLC
RMD0005757	Foxtel PBX
RMD0009171	Framework Enterprise Systems, Inc.

RMD File No.	Business Name
RMD0007556	Frantic, LLC.
RMD0015179	Freedom Power Foundation
RMD0011517	FreshLime, Inc.
RMD0009629	FRINGE TECHNOLOGIES, INC.
RMD0012879	FROSMO UK LIMITED LLC
RMD0009813	FTA Systems, LLC.
RMD0005713	Full Suite Communications LP
RMD0011437	Funnel Leasing
RMD0008690	Fuse Networks LLC
RMD0007743	Futra Solutions Inc.
RMD0011804	FutureDigital360.com LLC
RMD0006868	Futurum Communications Corp
RMD0006022	G&C Interconnects, Ltd.
RMD0005171	G&C Technical Services, LLC
RMD0008347	G&M Holdings LLC
RMD0012350	GAB Telecom
RMD0007010	Gabbit, LLC
RMD0008997	Gabriel Health Inc
RMD0006726	GAK Solutions
RMD0011103	Galactic Technology Group
RMD0004161	Gallatin Wireless Internet, LLC
RMD0007426	Galveston Computer Solutions LLC
RMD0003616	Gateway Telnet, Inc.
RMD0010686	Gator Networking Services, Inc.
RMD0009030	gbcbusinessgroup
RMD0007672	GBIS Holdings, Inc.
RMD0009704	GECOMP
RMD0009004	GeKaBi Chub Cay Resort
RMD0005180	Gen-Tech Support, LLC
RMD0008434	General Computer Technologies, Inc.
RMD0007442	Genie Innovations, Inc.
RMD0014061	Genius Communications LLC
RMD0009467	Genuine Technical Resources LLC
RMD0014021	GET DEALS USA LLC
RMD0002709	Get L.L.C.
RMD0015234	gf leads
RMD0007171	Giago Enterprise LLC
RMD0007916	Gig Telecom
RMD0002401	Gila Local Exchange Carrier
RMD0002399	Gila River Telecommunications Inc.
RMD0006183	Gipe Enterprises, Inc
RMD0005627	GitsTel Inc
RMD0009306	Givens Estates Inc.
RMD0007518	GLMX
RMD0006797	Global Oculus Corp.
RMD0011870	Global PC Net
RMD0009120	Global Satellite Engineering
RMD0013606	Global Services
RMD0012263	Global Technology For Business

RMD File No.	Business Name
RMD0008430	Global Technology Service Providers
RMD0009705	Global Technology Solutions, LLC
RMD0007920	Global Telecom Exchange
RMD0008078	Global Telecom Solutions, Inc.
RMD0005790	Global VoIP Inc
RMD0009724	GLOBALTECH FUTURES SOLUTIONS LLC
RMD0009381	Globaltekne Inc
RMD0011360	Globex Telecom
RMD0008047	GMK Marketing, LLC.
RMD0007806	GMT Solutions LLC
RMD0006634	GMV Syncromatics
RMD0015369	Go Voice voip
RMD0012935	Go Voip Dialing
RMD0009122	Go-Cort, Inc.
RMD0014883	GOIP GLOBALNET SOLUTIONS LLC
RMD0011324	GoKart LLC
RMD0006185	Good Sound Co
RMD0013604	Goodvibes Connecting LLC
RMD0006828	Gorvelle
RMD0005340	Government Marketplace LLC
RMD0008825	GPSU LLC
RMD0011362	Gradelink Corporation
RMD0007886	Granade, Inc.
RMD0007618	grand valley telecommunications
RMD0015157	Grateful LLC
RMD0002768	Great Choice Telecom LLC
RMD0007911	Great Lakes Telcom LTD
RMD0008040	GreaterTransmit
RMD0014354	Green Energy Alliance
RMD0011561	Green Light Construction
RMD0006576	GreenBean IT, Inc.
RMD0007667	Greenwire LLC
RMD0006638	GRNLK Corp
RMD0012567	Grocery Delivery Logistics
RMD0009281	Groove
RMD0011399	GROUP 1 AUTOMOTIVE INC
RMD0010732	Group CCI LLC
RMD0007815	GSC IT Solutions, Inc.
RMD0012383	gsmcall llc
RMD0006696	Gtcnetworks, LLC
RMD0010646	Gtek Computers & Wireless L.L.C.
RMD0006671	GTX Communications LLC
RMD0013797	Guadalupe Corporation
RMD0008063	Guentha Teknikal
RMD0006150	Gutierrez - Palmenberg, Inc.
RMD0006574	Haastech
RMD0007547	Halloo Communications, Inc.
RMD0009367	HaloPrivacy
RMD0001508	Hamilton Telephone Company

RMD File No.	Business Name
RMD0011354	Hammer Corp.
RMD0014812	Handcrafted Solutions Inc
RMD0008125	Hansen Network Solutions & Services
RMD0009036	Happilys LLC
RMD0011163	Happy Financial Group, Inc.
RMD0009646	HardConnect Communications
RMD0003236	Harlan Community Television Inc
RMD0004474	Harris Broadband LP
RMD0012514	HAWKDIAL LLC
RMD0008679	HAWKINS ENTERPRISE GROUP LLC
RMD0006636	HealthFirst Solutions
RMD0011363	Healthsmart Management services organization
RMD0008647	Hearst Corporation
RMD0005369	HEHE Enterprises, LLC
RMD0012449	Hello Flexy Inc
RMD0006879	henson communications
RMD0008455	HershyH Corp
RMD0013537	High Country Networks
RMD0007811	High Powered Help, Inc.
RMD0006872	HIGHCOMM LLC
RMD0009405	HIK COMMUNICATIONS
RMD0008041	Hiplink Software
RMD0008089	HiPoint Technology Services Inc
RMD0008709	Hiscall, Inc.
RMD0007087	HiTech Innovations, Inc.
RMD0009484	Hiya
RMD0009246	HMP Metrics, LLC.
RMD0007879	HOAManagement.com
RMD0005617	Holistic Practice Management LLC
RMD0007566	Home Town Telephone, LLC
RMD0008888	Homeaglow, Inc
RMD0006769	Homisco
RMD0006184	HopDial, LLC
RMD0004560	Hopi Telecommunications, Inc.
RMD0004682	Horizon Cable TV, Inc.
RMD0011146	Hospitality Wifi
RMD0007954	Host IT Solutions
RMD0013703	HOSTGSM COM LLC
RMD0008324	Hotel Genie
RMD0012337	Hough Consulting Services Inc
RMD0012685	Houston Techsys
RMD0011066	HPA Associates LLC
RMD0008107	HSE Contractors
RMD0009134	HUBB UCS CORP
RMD0008202	Hubcast Solutions, Inc
RMD0009729	Huffman Telcom Corp
RMD0002705	Hughes Network Systems, LLC
RMD0008671	HumaCore Technologies
RMD0012458	Hunter Carrier Services LLC

RMD File No.	Business Name
RMD0007888	Hybrid Impressions, Inc.
RMD0009094	Hybrid IT Services
RMD0011661	Hypercore Networks Inc
RMD0006431	Hyperion Works, LLC
RMD0009854	HyTec Telephone Installations, Inc.
RMD0015927	I Pure Marketing LLC
RMD0012619	I-Planet Energy Marketing LLC
RMD0014945	ICOE, LLC
RMD0007349	ICON Cloud Solutions, LLC
RMD0008481	iconectiv
RMD0006037	ICS Communications
RMD0008385	IFAX Services, Inc DBA IFS LLC, DBA Impact Telecomm Services
RMD0004314	Ifonoclast, Inc. DBA Phonevite
RMD0009714	igu ltd
RMD0007689	IKB Networks LLC
RMD0007434	IKN Incorporated
RMD0002211	Illinois Valley Cellular RSA 2-I Partnership
RMD0005882	Illum Telecommunication Limited
RMD0003298	iLOKA Inc. dba NewCloud Networks
RMD0012382	Imperial Technologies Inc
RMD0008713	Inatech Solutions Inc.
RMD0009886	inbound communication inc
RMD0008303	inbound inc
RMD0008842	InCare Technologies LLC
RMD0007703	INCONCERT USA, LLC
RMD0003449	Incorpus Telenetworks
RMD0009048	Indiana Telephone Company, Inc.
RMD0005291	Inet Technologies Inc dba iCallsystems
RMD0008531	Infinite Air Center
RMD0006767	Infinite Voip Corporation
RMD0013412	Infinity Marketing
RMD0005230	Infintiy SIp LLC
RMD0015164	Inflowcare LLC
RMD0008436	INFO DEPOTS LLC
RMD0010373	Info Technologies Inc.
RMD0007745	Infoline Audio Production, Corp.
RMD0008183	Infortech Corporation dba NETIVO
RMD0011130	InfoServ USA, Inc.
RMD0006554	Infostructure Inc
RMD0007148	Infotech Houston Solutions LLC
RMD0006100	Infradapt, LLC
RMD0006134	inGen Industries
RMD0011056	Inn Touch Systems
RMD0008826	Innacloud Technologies LLC
RMD0005280	Innova Fast Group LLC
RMD0004521	Innovare, LLC
RMD0012042	Innovation Tel
RMD0005481	Innovative Business Technologies, Inc.

RMD File No.	Business Name
RMD0006689	Innovative Scaling Technologies Inc.
RMD0009374	Innovative Solutions
RMD0008227	Innovative Solutions of Georgia
RMD0009031	Innovative Systems LLC
RMD0009824	Innovative Tech LLC
RMD0007966	Innovative Tech Pros
RMD0007194	Inphonite
RMD0008745	Insider Guide, LLC
RMD0007006	Insider Telecom LLC
RMD0008902	Insta-Info Inc.
RMD0012571	Instant Health Usa Insurance Agency INC
RMD0008568	INT
RMD0005555	Intake Desk LLC
RMD0015522	Intalogi
RMD0012306	Integrated Communication Solutions
RMD0005479	Integration Technologies
RMD0002490	IntegriCom, Inc.
RMD0005496	Integritek Holdings LLC
RMD0007335	Integrity Data Group
RMD0005391	Intelegrated, LLC
RMD0011113	IntelEstate Network Global, LLC
RMD0006475	Intelisys
RMD0006840	Intelligent Technical Solutions, Inc
RMD0012331	INTELLIVISION TECH
RMD0010642	INTENEXT TELECOM LLC
RMD0007621	Interactive Media Technologies, Inc.
RMD0007899	Interactivetel
RMD0005911	Interbusiness Corp
RMD0008665	Intercom Online
RMD0008454	Interfor Networks LLC
RMD0005435	InterLynx
RMD0002570	International Carrier Exchange Limited
RMD0013352	International Telecommunications Services LLC
RMD0004975	International Telnet, Inc.
RMD0008412	Internet Communication Network Services LLC
RMD0009035	Internet Technologies, Inc.
RMD0007685	Internos Group, LLC
RMD0012887	Interstellus LLC
RMD0007449	InTouch Calling, LLC
RMD0011737	Intracoastal Information Services, Inc.
RMD0007669	Intuity Unified Cloud LLC
RMD0008027	Inventi-Com LLC
RMD0005860	Invinovo inc.
RMD0005973	Invision Technologies, LLC
RMD0008051	Inyo Networks. Inc
RMD0011833	ionlake
RMD0005787	IP PBX Support, Inc
RMD0015598	iP Solution Technology
RMD0009186	IP2talk Inc

RMD File No.	Business Name
RMD0002328	ipcom LLC
RMD0006676	iPlum
RMD0006916	IPNetVoice
RMD0005399	IPPBX LLC
RMD0004050	IPro Media, Inc.
RMD0003884	ipSBS Managed Services, LLC
RMD0009420	IPVoice Plus, LLC
RMD0011814	IRIS Solutions, LLC
RMD0005352	IS Technologeis, Inc
RMD0005608	Island IT Solutions, LLC
RMD0006515	ISN Global Enterprises, Inc. dba CallTok
RMD0010725	ISUNET LLC
RMD0005303	IT Assurance
RMD0007121	IT Curves Inc
RMD0006699	IT Freedom, Inc.
RMD0007283	IT Less, Inc.
RMD0006596	IT Pros for Business
RMD0015850	IT Pros of MS LLC
RMD0015191	IT Satisfy LLC
RMD0005632	IT Support Specialists
RMD0012232	IT Technology Works Inc.
RMD0015212	IT VOIP SOLUTIONS
RMD0005359	iTait L.L.C.
RMD0013617	iTalkUSA Communications LLC
RMD0012895	ITConsultantsPR, Inc.
RMD0012668	ITD Telecom LLC
RMD0006623	ITDreamwire, LLC.
RMD0008104	iTech Las Vegas LLC
RMD0006547	ITED Networks, Inc. DBA KinteraComm
RMD0015899	iTEKNEFY LLC
RMD0008880	iTekz, LLC
RMD0008012	iTelework
RMD0008567	Ithryn Techologies, Inc.
RMD0011913	iTi Communications
RMD0005700	ITLogix, LLC
RMD0006477	ITOps Management LLC
RMD0013363	iTRUST.io LLC
RMD0011028	ITSuccess
RMD0012471	Iv Solutions llc
RMD0005866	ivcomputer corporation
RMD0013598	iWise Consulting, Inc.
RMD0009701	J14 MARKETING, INC.
RMD0006645	J2 IT Group LLC
RMD0014964	JAAN LLC
RMD0005656	Jack Bradford Consulting
RMD0009963	JAS Networks, Inc
RMD0011650	Javis Industries
RMD0008065	JAWA TECHNOLOGIES
RMD0009157	Jaxcom Inc.

RMD File No.	Business Name
RMD0015660	Jay Voice LLC
RMD0007430	JAZZCOMM SYSTEMS INC.
RMD0011881	JBP Enterprises, Inc DBA Palecek Consulting Group
RMD0011231	JD TELECOM
RMD0008414	JE Technology LLC
RMD0014868	Jeanne Telcom
RMD0008498	Jeremiah Connelly
RMD0006986	Jess LLC
RMD0011696	Jet Wave Corp.
RMD0006006	Jingler Networks LLC
RMD0011153	JKP Technologies
RMD0005217	JLA Communications, Inc dba Corporate Answer
RMD0010952	JLink Technology Solutions, LLC
RMD0007387	JMF Solutions, Inc
RMD0007179	JMI Technologies
RMD0007720	John Byington
RMD0008124	JohnsonCN
RMD0005856	Jomar Hosting, LLC
RMD0008092	Jonathon Soucier
RMD0011872	Joonto, Inc.
RMD0008666	JOYN COMMUNICATIONS LLC
RMD0009063	Jrb Surveillance Technologies
RMD0006446	JuJu Bell LLC
RMD0009869	Jumpsolinc
RMD0001465	Junction Cloud Connections, Inc.
RMD0015614	Juniper Technology LLC
RMD0007895	Jupiter Networks, Inc.
RMD0011403	Juvo Leads
RMD0004888	Juxto, LLC
RMD0012300	JVOIP LLC
RMD0009197	K & B Associates, PA
RMD0006777	K&E Consulting, INC.
RMD0006655	K13 Inc.
RMD0007932	K4 Mobility
RMD0006834	Kainos Technologies LLC
RMD0015183	Kaiser Telecom LLC
RMD0012302	Kallzer LLC
RMD0005177	Kaminski Engineering and Management
RMD0002528	Kandy Communications LLC
RMD0014990	KAZTEL LLC
RMD0008098	KCI Systems Inc
RMD0006451	Keep in Touch Systems, Inc.
RMD0009152	Kenect, LLC
RMD0006326	KENT FONTENOT COMMUNICATION, LLC
RMD0010754	KERCELI COMMS LLC
RMD0003689	Kerman Telephone Co
RMD0005634	Key Carrier Management Services LLC
RMD0009406	Key Communications LLC
RMD0007722	Keystone IT, Inc.

RMD File No.	Business Name
RMD0004416	KGT LLC
RMD0015623	Kia Voice LLC
RMD0011143	Kicktech
RMD0005714	Kinetic Voip, Incorporated
RMD0006827	Kinetix Broadband
RMD0009126	King Home Services LLC
RMD0006773	King Tech Repair LLC
RMD0012991	Kings and Associates Management LLC
RMD0007439	Kinly
RMD0006786	Kinol Sharie Leyh & Associates
RMD0008147	Kipsu, Inc.
RMD0006488	KJONGSys LLC
RMD0005096	KKGaming, Inc
RMD0011097	KLL TELECOM INC.
RMD0007365	KLOUDIP INC
RMD0004437	Klozer INC
RMD0008214	kmdia inc
RMD0009087	KNOBLOCH COMMUNICATIONS
RMD0009360	knoblochcommunications
RMD0009748	Knock, Inc.
RMD0013053	Knot Networks LLC
RMD0008426	KNOWLOM Tech, LLC
RMD0013760	KOL TELECOM SERVICES
RMD0007327	Komtalk LLC
RMD0012541	Konnect1
RMD0007984	Korwek Posey & Assoc
RMD0005997	KosmosCommunications LLC
RMD0011387	KPH Healthcare Services
RMD0005902	Ktech Network LLC
RMD0006865	Kulago Tech LLC
RMD0008402	Kunnect LLC
RMD0005142	KVH Industries, Inc.
RMD0005518	KW Corporation Inc
RMD0003915	KWK Communications, Inc.
RMD0009674	LA Computer World LLC
RMD0008918	LABRADOR AI, INC
RMD0002222	LaHarpe Telephone Company, Inc.
RMD0007356	Lake Linx Inc.
RMD0005381	Lalli Technology Group
RMD0011159	LAN TEL SERVICES
RMD0009016	Landvoice
RMD0005447	LANgineers, Inc.
RMD0011885	Laredo Connections, Inc
RMD0008941	LasVegas.Net
RMD0004871	Lata 1 Communications Inc.
RMD0012462	Launch Labs LLC
RMD0009026	LCB Solutions Corp
RMD0002923	LD Telecommunications, Inc.
RMD0002078	Leaco Rural Telephone Cooperative, Inc.

RMD File No.	Business Name
RMD0013622	LeadClicker
RMD0009216	Leadferno LLC
RMD0011391	LeadsPedia, Inc.
RMD0015678	Leadzer
RMD0005701	Leap Network Inc
RMD0006957	Leapfrog Technology Group
RMD0013562	LeapXpert Inc
RMD0006686	Leavitt Group Enterprise
RMD0005164	lecsvoip llc
RMD0007606	Leda Tech
RMD0008748	LeFutur
RMD0011382	Legacy Security Services, Inc.
RMD0011088	Legrand Telecom
RMD0009897	Lenet LLC
RMD0008281	LENOX TECHNOLOGIES INC
RMD0007582	Level 3 Communications St. Croix, Inc.
RMD0006904	Level365 Holdings LLC
RMD0011010	Lexcom Systems Group USA
RMD0015596	Lexi voip
RMD0009255	LGT - Latin Global Telecom LLC
RMD0009086	Liberty Technical Solutions, LLC
RMD0008632	Lietz Development, Inc. dba Data-Tech
RMD0015285	Lightico LTD
RMD0005828	Liine, LLC
RMD0003989	LimeBox Networks, LLC.
RMD0011854	Limpidtel LLC
RMD0006698	Lincoln Communications Group
RMD0002656	LinkedIP LLC
RMD0008584	LinkedPhone LLC
RMD0002340	LINKGLOB LLC
RMD0012434	Linphones LLC
RMD0008080	LisbonCreek Systems, LLC
RMD0012535	List Media Inc
RMD0015031	LIT Enterprise Group LLC
RMD0009001	Litecom L.L.C.
RMD0005055	LL-Link
RMD0004647	Llamada Real Inc.
RMD0005330	Load2Go
RMD0008173	Loader Technologies
RMD0006306	Local Access LLC
RMD0001918	LOCAL INTERNET SERVICE COMPANY (LISCO)
RMD0007328	Local Stratus, LLC
RMD0007945	Local Techs
RMD0012020	LocalNPA
RMD0008953	Logical Concepts INC
RMD0007513	Logical Net Corporation
RMD0006583	London Computer Systems, Inc. (LCS)
RMD0004763	Lone Pine Communications
RMD0004629	Long Distance Access Inc.

RMD File No.	Business Name
RMD0008444	Long Distance Movers, Inc
RMD0013628	long island salsa bachata festival inc
RMD0013810	Loop Marketing, LLC
RMD0011506	Loop Start Technologies
RMD0008529	LorainTel
RMD0009784	Los Alamos Commnet Inc
RMD0004523	Louisville Geek LLC
RMD0011900	Lovo Systems LLC
RMD0005311	LowerCostCalls
RMD0008592	Lucre, Inc.
RMD0008087	Luma Health, Inc., also dba Luma Health Technologies
RMD0007585	Lumenos Technologies Inc
RMD0009468	LVCOM LLC
RMD0004526	LYCOM COMMUNICATIONS INC.
RMD0009192	lyonl networks, inc
RMD0007999	M & J Internet Inc.
RMD0006775	M Installations
RMD0008160	M Secure Net Corp.
RMD0008108	M-Theory Consulting Group LLC
RMD0008249	M2 Partners, Inc
RMD0009455	Machne Gila
RMD0001920	MADRID INTEGRATION SERVICES INC
RMD0008090	Madwire, LLC
RMD0008803	MagicSeth Productions, LLC
RMD0013523	MAGICTEL LLC
RMD0011826	Magnitude Management LLC
RMD0015555	MAGNUS SALES LLC
RMD0009172	Make Safe, LLC dba Trident Technology Systems
RMD0005488	MakingITHappen Services LLC
RMD0007602	makrodepot
RMD0008276	Managed Technologies, LLC
RMD0009436	mancomtec LLC
RMD0004561	Manti Tele Communication Company , Inc
RMD0014966	Manti Telephone Company
RMD0011091	Mantis Support, LLC
RMD0009407	Mapleline Communications LLC
RMD0013570	Marine Vsat Inc
RMD0009834	Marketcalls
RMD0003234	MarketSpark, Inc.
RMD0009231	Marlimar Interactive
RMD0007534	Marmot Tech Solutions LLC
RMD0015910	Martinez Business Group
RMD0002908	Masters Telecom LLC
RMD0008037	Matrix Communications, Inc.
RMD0010996	MATTHEW BURNS COMPUTER SERVICES LLC
RMD0010995	MATTHEW BURNS COMPUTER SERVICES LLC
RMD0008660	Mavenir Systems Inc
RMD0011807	Mavis Tire Express Services Corp
RMD0007117	Maxi LLC

RMD File No.	Business Name
RMD0011641	MaxRev Interactive
RMD0009233	Mayaa llc
RMD0008371	Mayhem Innovations LLC.
RMD0012267	Mazan Technology Inc
RMD0004904	MCC Network Services, LLC
RMD0009161	MCE Systems
RMD0008465	MCEDD
RMD0008234	Mcfarland Clinic PC
RMD0009343	Mclain Communications
RMD0006855	Mconnect
RMD0011303	MDC Computer Company Inc.
RMD0007435	MDcentric Technologies Inc.
RMD0007289	MDG Consulting Group, Inc
RMD0011210	MDU1, LLC
RMD0008379	MEA Financial Enterprises
RMD0012426	MEBILLING, INC
RMD0008127	MEDIA ADVISOR PLUS
RMD0010187	Media Boil LLC d.b.a. Call Ocean
RMD0008719	Medial Axis Inc.
RMD0005405	Mediamatic Inc
RMD0008483	Medical Management of IL
RMD0007554	MedicalReputation.com LLC
RMD0005546	Medtel Communications LLC
RMD0007123	MEGAMAX VOICE & DATA, INC.
RMD0006788	MegaTech Services LLC
RMD0007382	Meimoun & Mammon LLC
RMD0007052	Mendocino Unified School District/Mendocino Community Network
RMD0015216	MERTECH DATA SYSTEMS, INC.
RMD0008657	Method Technologies, Inc.
RMD0011385	Metis Company
RMD0009333	Metispro Corp.
RMD0006115	MetroIP Communications, LLC
RMD0006033	MGD Technical
RMD0005205	MGI Computers
RMD0006899	MI COMMUNICATIONS GROUP
RMD0008381	Michigan Cable Partners, Inc.
RMD0005329	MichTel LLC
RMD0007596	MickTel LLC
RMD0009053	Micro Enterprise Technologies
RMD0007167	Micro Voip Telecom
RMD0008223	Micro-Comm, Inc.
RMD0010761	Micron Systems
RMD0003600	Micronesia Telecomm. Corp
RMD0009358	MID-STATE SUPPORT LLC
RMD0001675	Midwest Telecom Of America, Inc.
RMD0007313	Midwest VoIP
RMD0007357	millennium professional services
RMD0003128	Millry Telephone Co., Inc.

RMD File No.	Business Name
RMD0005965	Mindsprint
RMD0015971	MiriTel, Inc.
RMD0006948	MiSignal
RMD0003641	Missouri Telecom, Inc.
RMD0009129	MitoTec, LLC
RMD0009287	MITRE Corporation
RMD0006529	MJS Global, Inc.
RMD0005892	MO BETTA TECH
RMD0013344	Mobee Apps, LLC
RMD0009135	Mobiiworx Inc.
RMD0006932	Mobile Heartbeat LLC
RMD0012890	Mobile PC Guys, Inc
RMD0008894	MobileDollars, LLC
RMD0013603	Mobility Tech USA LLC
RMD0008854	Mocadi Networks, LLC
RMD0007570	Modento Inc.
RMD0007666	Moffatt Wireless LLC
RMD0007733	Mogility Networks
RMD0006888	MojoTxt LLC
RMD0005279	Monster Broadband
RMD0007515	Monster Telecom LLC
RMD0004622	Montana Opticom
RMD0013733	Montrose Mutual Telephone Co
RMD0005581	Moral Telecom
RMD0008256	Morris Communications
RMD0004681	MOSAIC NETWORKX LLC
RMD0009935	Mountain Communications, LLC
RMD0008302	Moxtel Inc.
RMD0013738	MR NETWORK LLC
RMD0008017	MS TEL Corp.
RMD0006614	Mscall
RMD0007928	MSPNETWORKS LLC
RMD0008449	MSRNE
RMD0005198	Mtech
RMD0007396	Multi-Media Communications LLC
RMD0009855	Multilocksmith Inc
RMD0015319	Multion Global Services LLC
RMD0004469	Multiphone Latin America, Inc
RMD0004782	Multiple Investors LLC
RMD0006267	MummaGraphics, Inc d/b/a Cool PBX Networks
RMD0010821	MY BUSINESS VOIP
RMD0009326	My Guy Solutions, LLC
RMD0008029	MyTechPro Business Services LLC
RMD0008113	N5 Cloud Services LLC
RMD0008484	Namo Solutions Inc
RMD0007281	Natel Inc.
RMD0009788	native American Veteran Assistance
RMD0004215	Native Network Inc
RMD0009952	Natural G.C. Inc.

RMD File No.	Business Name
RMD0007277	NC Businesssolutions INC
RMD0008415	NCWC
RMD0007996	nDeviX Corporation
RMD0003013	Nebraska Technology & Telecommunications, Inc.
RMD0011323	Nebula Voice LLC
RMD0006954	Neel Infotech
RMD0012958	Neil Wisozk
RMD0012069	Nelson Lake LLC
RMD0008927	neoCentric LLC
RMD0008072	NERDS SUPPORT, INC
RMD0013632	Net Speak Pro LLC
RMD0009056	Net Vision Communications LLC
RMD0008464	Net-Voice Telecom
RMD0012200	Net2Atlanta
RMD0005615	Netacom
RMD0007763	Netcom
RMD0005956	NETCOM Business IT Solutions
RMD0006990	NetCom Systems, Inc.
RMD0003569	Netcom VOIP Solutions, LLC
RMD0006520	netDirective Technologies, Inc.
RMD0010244	NETEO Inc.
RMD0009173	NetGain Information Systems Co.
RMD0007140	NetGrinch Inc
RMD0007475	Netmaker Communications
RMD0007910	Netovo Group, LLC
RMD0007765	NetPro1 LTD
RMD0008131	netprocomm Beyma
RMD0007990	NetstaffHR, Inc. dba Satchel Telecom
RMD0007827	Nettalk Voice Inc
RMD0006144	NETVOIX INC
RMD0005879	Network Advantage LLC
RMD0007254	Network Associates Inc
RMD0012074	Network Authority, LLC
RMD0002277	Network Brokers Corporation
RMD0001425	Network Communications International Corp. a/k/a NCIC Inmate Communications
RMD0009121	Network Innovation Solutions
RMD0009166	Network Sanitation Committee, LLC
RMD0005438	Network Services & Support Inc.
RMD0004662	Network USA, LLC
RMD0013971	Network Zone\ DBA Local @ Anywhere
RMD0007314	Networking Solutions & Services, LLC
RMD0007662	Networkitects, Inc.
RMD0011032	NetXS Leasing
RMD0009148	Never Busy LLC
RMD0007030	New England VOIP, LLC
RMD0015931	New Jersey MSA LLC
RMD0008363	New Success Inc.

RMD File No.	Business Name
RMD0010730	Newbreak Management Co. LLC dba Newbreak Communications
RMD0007925	Newcom, Inc.
RMD0004395	NewCore Wireless
RMD0011884	Newegg Commerce
RMD0004645	Nexel Technologies Corporation
RMD0007147	Nexera Communications Inc
RMD0012414	Nexgen Integrated Communications LLC
RMD0008218	Nexlar, LLC
RMD0008467	Next Communications, Inc.
RMD0008556	Next Generation Designs
RMD0009208	Next Level Techies, LLC
RMD0006860	Next Networks Inc.
RMD0008365	NextGi, LLC
RMD0013742	Nextonic Services
RMD0007701	Nextwave Wireless LLC
RMD0008473	Nexus IT Consultants LLC
RMD0005390	NfinityLink Communications, Inc.
RMD0006801	NOI Telecom
RMD0005832	Nortec Communications, Inc.
RMD0005734	North Florida Communications
RMD0008930	North Olympic Peninsula Data Centers, LLC
RMD0008165	Northside TV Corporation
RMD0011167	Northstar Information Technologies LLC
RMD0009176	Northwest Towers, LLC
RMD0008061	Novatech Systems LLC
RMD0013477	nSpeak LLC
RMD0004773	NTCI Carrier Services, Inc.
RMD0006474	Ntiva, Inc
RMD0008420	Nuance Communications, Inc
RMD0004598	Nushagak Electric & Telephone Cooperative, Inc.
RMD0008401	NuTech Services, LLC.
RMD0007819	NuWave Technology, Inc.
RMD0007013	NXTEP INTERNATIONAL, INC.
RMD0008409	NYGroup.com, LLC
RMD0006606	OA Systems, LLC
RMD0008457	Oak View Law Group
RMD0005168	OBACKS, INC
RMD0010339	OBERLOS
RMD0001477	OBHost LLC
RMD0008066	Ocala Remote Computer Services
RMD0009802	OctaDigiLab
RMD0006836	Office Hours Technologies, Inc.
RMD0007187	Ohio Telecom, Inc.
RMD0011567	OKG Tech LLC
RMD0012961	Oktacom Inc.
RMD0008212	Omega Group
RMD0014341	OMIND Technologies Inc
RMD0010926	Omni Media Cast Technologies LLC

RMD File No.	Business Name
RMD0006116	Omnispring, LLC
RMD0009237	On Call Business Communications
RMD0008148	ON DRIVE TECHS LLC
RMD0008493	ON TECH LLC
RMD0012492	OnCall Patrol LLC
RMD0014969	ONE DATA, INC
RMD0009215	One Eye LLC
RMD0009184	One For All Holdings, Inc.
RMD0006123	One Internet America, LLC
RMD0011304	One Too Many Ins Agcy Inc. DBA: Search & Save
RMD0011674	OneDAIS LLC
RMD0010179	Oneill Technologies
RMD0008697	Onemind Services LLC
RMD0008711	OnePointSync, LLC.
RMD0005490	OneStream Networks, LLC
RMD0008435	Onetree LLC
RMD0010876	Onlinecer Solutions LLC
RMD0008639	onShore Security LLC
RMD0006335	OnSiteIn90 LLC
RMD0006357	OnSolve, LLC
RMD0008224	Onux Technologies
RMD0005115	onyx us telecom llc
RMD0007871	Open Air Wireless
RMD0011162	Open Net, Inc.
RMD0008115	Open One Solutions, Inc.
RMD0001517	OpenSIP.com
RMD0007502	OpenText Corp
RMD0008314	Operrtel, Inc.
RMD0006392	Opex Communications Inc
RMD0009442	OPSYS
RMD0004717	Optical Telecommunications Inc.
RMD0013860	Optimum VoIP
RMD0012734	Optivon of Florida, LLC
RMD0005094	Optus Networks Pty Limited
RMD0002428	Oregon-Idaho Utilities Inc
RMD0007522	Origin VoIP
RMD0013189	Ortus Tel LLC
RMD0007362	OTG GROUP CORP
RMD0002262	OTZ Telecommunications, LLC
RMD0002263	OTZ Telephone Cooperative, Inc.
RMD0002148	OTZ Telephone Cooperative, Inc.
RMD0009912	Outsourced Tech LLC
RMD0013571	Over The Top Marketing Corp.
RMD0008967	Overpass LLC
RMD0003736	OzarksGo
RMD0011818	Oztechs LLC
RMD0015302	Pa Parkam Group
RMD0007649	Pacific Office Automation
RMD0005598	Palmer Diversified Ventures, Inc.

RMD File No.	Business Name
RMD0009313	Pangea Systems, LLC
RMD0002196	Panobit, LLC
RMD0009018	Paragonvoip
RMD0009154	Parallel Cards Inc
RMD0009314	Paramount Emergency Medical Services
RMD0005685	PARISH COMMUNICATIONS
RMD0009277	Particle Communications Wholesale, Inc.
RMD0014125	Patient Prism, LLC
RMD0002058	PBX Interactive, LLC
RMD0006702	PBX LINES INC
RMD0011031	PBXHub LLC
RMD0001536	PBXIO LLC
RMD0009263	PC of Mind Technologies
RMD0007736	PCI Broadband
RMD0009012	PCTECH INC
RMD0005744	Pctek llc
RMD0009361	Peachtree Communications Inc
RMD0010443	Pearls Construction LLC
RMD0015153	Peblla, Inc.
RMD0009377	Peer Voip Services
RMD0001702	Peering Hub INC
RMD0008957	Peerlogic Inc
RMD0015047	Peers Global Solutions, LLC
RMD0008266	Penacity, LLC
RMD0009265	Pennsylvania Computer Connections inc
RMD0015712	Pennsylvania MSA LLC
RMD0009058	Peoples Utility Corporation
RMD0011393	Percentric Technologies LLC DBA Gnymble
RMD0007377	Peregrine Networks
RMD0012062	perfect call
RMD0004456	Perfect Pitch
RMD0012297	Perfect Storm LLC
RMD0008203	Perfect Transcription, Inc.
RMD0008532	PERQ Software, LLC
RMD0006017	Persistent Telecom Inc
RMD0005149	PHD Communications, LLC
RMD0006491	Phoenix Techforce LLC
RMD0008077	Phoenix Technology GroupLLC
RMD0007389	PHONESANYTIME
RMD0008142	phonesforward.com
RMD0006416	Phonicview inc
RMD0007892	Phonoscope, Inc
RMD0010981	Physicians Answering Group Exchange
RMD0005436	Pig Voice
RMD0006718	Pigeonly Inc.
RMD0007514	PINNACLE IP SOLUTIONS USA INC.
RMD0004528	Pinnacles Telephone Company
RMD0011809	Pioneer Technology, LLC
RMD0008182	PIPATREE SERVICES INC.

RMD File No.	Business Name
RMD0010630	Pistor & Associates
RMD0009226	PivaTel LLC
RMD0007979	PIXELRIVER TECHNOLOGY LLC
RMD0009258	PJL Telecom LLC
RMD0009474	Pkosh Communications LLC
RMD0003738	Plant Telenet, Inc.
RMD0008733	Platinum Century Investments LLC
RMD0011749	Platinum Voice Services
RMD0004648	PLD, LLC
RMD0013736	Pleedex LLC
RMD0007705	Plexus Technology Solutions, LLC
RMD0006670	PNSCO, LLC
RMD0006622	PocketiNet Communications Inc.
RMD0008386	Point Wireless Brokers, LLC dba eSquared Communication Consulting
RMD0005255	PointVoIP, LLC
RMD0010739	Polarstar LLC
RMD0005688	Pollyvoice, LLC
RMD0011768	PPLS INC
RMD0011466	Predator Studio LLC
RMD0012410	Preferred Telephone Systems, Inc.
RMD0008337	Premier Business Technologies, LLC
RMD0008537	Premier Printing Inc
RMD0006175	Premier Satellite
RMD0009369	PrestigeDRVoIP.Com Inc
RMD0007875	Primary Wave Local LLC
RMD0005194	PrimeCall
RMD0004817	Principle Telecom LLC dba Fluent Voice Networks
RMD0005610	PRINTING ESSENTIALS, LLC
RMD0001670	PriorityOne Telecommunications, Inc.
RMD0006525	Priorpoint LLC
RMD0015439	Prisma Networks, Inc
RMD0008819	PrismNet Ltd.
RMD0012249	Private National Mortgage Acceptance Company, LLC
RMD0007610	Pro Stars Entertainment Inc.
RMD0006433	PROCESAMOS LLC
RMD0007456	Procomm Voice and Data Solutions, Inc
RMD0008571	Producer Sensei LLC
RMD0009747	Progressive Telecom LLC
RMD0009091	Project Broadcast LLC
RMD0006978	ProMedia Inc.
RMD0015502	ProSites, INC
RMD0008634	ProStar Communications
RMD0012305	ProStratus
RMD0006759	Protected Harbor Inc.
RMD0006021	Provide Net, LLC
RMD0010238	Providerflow
RMD0005192	Proxifone
RMD0008867	PRPC.COM, LLC

RMD File No.	Business Name
RMD0002839	PS LIGHTWAVE, INC.
RMD0007303	PSComm 360 Inc d/b/a iGlobal
RMD0008273	Ptera Inc
RMD0005408	Public Telephone Company
RMD0002522	PULSAR360 Corp.
RMD0008341	Puma Public Adjusters
RMD0011802	Pure funding inc
RMD0013645	Purple Rose Ltd
RMD0015263	Pw Partners Atlas Fund Ii Lp
RMD0008782	Pyrenees Technology, ltd.
RMD0002232	PZ Telecommunication LLC
RMD0008822	qBit Networks
RMD0002684	qcVoice Inc
RMD0010735	Qos Communications llc
RMD0013607	QualityTech Connections
RMD0014832	Quantum Results US Corporation
RMD0005665	Quick Copper Communications, LLC
RMD0008561	Quiq, Inc
RMD0005012	Quonix Solutions, LLC
RMD0001588	Qwality Tel Inc.
RMD0005742	QxC Communications, Inc
RMD0002077	R.M.Greene,Inc.
RMD0009101	Radius Communications Inc.
RMD0004651	Ragz Internet Inc.
RMD0013565	Ran infotech
RMD0009489	RankHop, LLC
RMD0007740	Rapid Systems Corporation
RMD0006490	RAR Technology
RMD0008701	Raven Rock Networks, Inc.
RMD0007587	RAZA GLOBAL INC
RMD0008552	RC Tech & CCTV Corp.
RMD0008263	RCP Real Estate management Co.
RMD0004930	RDTEL, INC.
RMD0008933	REACH Alert LLC
RMD0005673	Reachme.com Inc
RMD0015676	readers and writers publication llc
RMD0008814	Real Capture LLC
RMD0006469	Real Mobile Inc
RMD0008560	RealConnect
RMD0011156	Realty Dynamics Equity Partners
RMD0002931	Rebeltec Communications LLC
RMD0006484	Red Barn Technology Group
RMD0008344	Red Road Telecom LLC
RMD0004800	Red Rock Communications, LLC
RMD0004273	Red Spectrum Communications LLC
RMD0008130	Redbud Technical Consulting, Inc.
RMD0002903	REDBURN INFRASTRUCTURE, LLC
RMD0015628	Reddy Voip
RMD0009365	Reiber Technologies

RMD File No.	Business Name
RMD0011014	ReLi Med Solutions LLC
RMD0006755	reliable calling inc
RMD0008922	ReminderDental
RMD0009429	Resource Computer Solutions
RMD0011905	Rewired LLC
RMD0007368	Reynwood Communications of NY/NJ, LLC
RMD0007002	RG Fiber
RMD0011406	Rhinogram
RMD0001955	Rhode Island Telephone Inc
RMD0007343	RHYNO Networks LLC
RMD0007959	Right Click, Inc.
RMD0011268	Ring-U, LLC
RMD0012459	Ring2Voice Inc
RMD0009238	RingCaptcha, Inc.
RMD0006895	RingLeader, Inc
RMD0012679	Ringless Portal
RMD0005287	RingMOR
RMD0002580	Ringover INC
RMD0004772	RingRx, LLC
RMD0006862	Rio Broadband, LLC
RMD0014087	Rise Advisory Inc
RMD0009661	Riser Technologies Inc
RMD0005074	Roamability LLC
RMD0008655	Robodial.Org, LLC
RMD0007025	Rocky Mountain Systems, Inc.
RMD0007406	Rokatel llc
RMD0005592	RoofX
RMD0010904	Roomongo, Inc.
RMD0009756	Round Top Wifi
RMD0005091	Royell Communications, Inc.
RMD0009312	RP Phone Services, LLC
RMD0009177	RTMB Technology
RMD0004848	Russell Communications, LLC
RMD0008186	Ryal IT
RMD0009296	Rysedorph IT INC
RMD0004376	Rystec Inc
RMD0008746	S-Mobile LLC
RMD0007118	S.V. Enterprises
RMD0015075	SA Enterprise LLC
RMD0009290	Sachi International, Inc
RMD0012613	Sachi Tech INC
RMD0007295	SageCom
RMD0011478	Salesforce Communications LLC
RMD0007390	Samespace Inc
RMD0010035	Sandhills Telecommunications Group Inc.
RMD0004708	Sandwich Isles Communications, Inc.
RMD0002434	Sangoma U.S., Inc.
RMD0007881	Santa Monica Systems, Inc.
RMD0011501	Santorini Solutions

RMD File No.	Business Name
RMD0013949	Sapieus Software Solutions
RMD0004503	Sapir 18 Inc
RMD0007292	Sarceno Network Consulting LLC
RMD0010755	Sateo, Inc.
RMD0007070	Savecom Telecom, Inc.
RMD0005706	SB&B AMERICAN COMMUNICATIONS
RMD0008453	SBS Indy
RMD0012198	Schuylkill Mobile Fone, Inc.
RMD0012521	Scorp Inc.
RMD0007578	Scott Murphy Incorporated
RMD0011849	Seagull Networks, Inc
RMD0009214	Seawolf Technologies Inc.
RMD0005338	SECOM Inc
RMD0008338	SECURE
RMD0001763	Secure IP Telecom, Inc
RMD0004752	SECURE UICC
RMD0008334	SecureNetMD, LLC
RMD0007484	Securesyscom, inc.
RMD0006991	Securus Contact Systems
RMD0006442	Segment Wireless LLC
RMD0015020	Seigler Technologies, LLC
RMD0005763	Seiontec Systems, LLC
RMD0008216	Selective Solutions LLC
RMD0007824	SendHub, Inc
RMD0009873	Sendlane Inc
RMD0008891	Sense Talent Labs, Inc.
RMD0008079	Serenova LLC
RMD0012379	Series Computers n Stuff Waco
RMD0012530	Servant Keeper, LLC.
RMD0002956	ServerPlus LLC.
RMD0003999	SERVICE AREA 5 CABLE, LLC
RMD0005051	Setson LLC
RMD0001910	Seventh Standard LLC
RMD0006584	SFM Networks LLC
RMD0011808	Shalai Beauty LLC
RMD0012133	Shanis Office
RMD0002939	Sharp Media Group, LLC
RMD0002623	Shift8 Networks, Inc. dba T3 Communications Inc.
RMD0010541	ShoreWaves LLC
RMD0006852	ShowingTime.com, Inc.
RMD0012799	shuttleq.com
RMD0007988	Siafu Telecommunications, LLC
RMD0006443	Sierra Experts
RMD0009371	Siganur Tech
RMD0011305	Sight Beyond Sight LLC
RMD0013094	Sigma Solutions Inc.
RMD0007830	Signal Vine, Inc
RMD0008516	Signitel inc
RMD0005708	SILENT PARTNER COMMUNICATIONS, INC.

RMD File No.	Business Name
RMD0008648	Silicon Maine LLC
RMD0009356	Simeon Networks LLC
RMD0009217	Simple Communications, Inc
RMD0003589	Simple Phone Company
RMD0015953	Sims Real Estate
RMD0008743	Sineris Web Services, LLC
RMD0007217	SingleComm
RMD0010916	Singlewire Software
RMD0006838	Singo Solution, Inc
RMD0013798	SIP CONNECT
RMD0006659	SIP Global Phone, LLC
RMD0009628	sipcitytalkpad
RMD0012942	Sipdesk
RMD0006631	sipIQ LLC
RMD0006619	SipKonnnect LLC
RMD0015625	SIPNVOIP
RMD0012648	SIPOSIP COMMUNICATION LLC
RMD0007212	Siptrunk Communication
RMD0009264	Siteserver, Inc.
RMD0009874	SKISIP LIMITED
RMD0007441	SKT Technologies
RMD0005475	Skycom Healthcare
RMD0005636	SkyCreek
RMD0006955	Skyhawk Security LLC dba Skyhawk Group
RMD0005939	Skyline Technology
RMD0004461	SKYNET TELECOM, LLC
RMD0006014	SkyRider Communications, Inc.
RMD0005165	SkyRun Vacation Rentals
RMD0009450	Skytel Solutions, Inc
RMD0006237	SkyWerx Industries, LLC
RMD0006397	Skywire Technologies & Consulting
RMD0006853	Skyhigh Communications
RMD0012205	Smart Carrier, LLC
RMD0007049	SmartAction
RMD0009681	SMARTBIZSOLS INC
RMD0015346	smisoft LLC
RMD0008543	Smith Operating Solutions, LLC
RMD0009008	SMS Global US LLC
RMD0007930	SMS Telecomm
RMD0011212	SMS-iT
RMD0004718	SNAP DIAL LLC
RMD0001733	SnowCrest Telephone, Inc
RMD0008198	SNRB Labs LLC
RMD0005431	Soapbox Systems Inc
RMD0015356	Soft care Solution
RMD0010961	Softbright, LLC
RMD0011284	Softotelecom LLC
RMD0008859	SOLD.com INC
RMD0012266	Solid Double LLC

RMD File No.	Business Name
RMD0011901	Solid Networking Solutions Corp.
RMD0006628	Solidus Technica
RMD0013031	Solutionreach, Inc.
RMD0008335	Solutions Express Ltd.
RMD0006505	Solvast Corporation
RMD0009737	Solvo USA, Inc.
RMD0012335	Sonic Spectrum, Inc.
RMD0007758	Sonic Systems Inc.
RMD0005621	Sonictel, Inc.
RMD0008410	SOTEK Solutions
RMD0006937	South Central Tower Co.
RMD0007503	Southeastern Technology Specialists, LLC
RMD0009041	Southern Fiber Worx, LLC
RMD0004616	SouthPoint Communications, LLC
RMD0005809	SPARK I/T Services LLC
RMD0006346	Sparkplug IP, LLC
RMD0006000	Spectrum Business Technologies
RMD0005312	Spectrum VoIP, Inc.
RMD0015199	Specular Financial
RMD0012181	Speedup-Network
RMD0008520	SpherePBX
RMD0007367	Spring I.T. Services, LLC.
RMD0012241	SpringFin, LLC
RMD0006787	Sprocket Communications, LLC
RMD0005401	SPSA LLC
RMD0005101	Squaretalk LTD
RMD0006639	SRVC.US LLC
RMD0013600	Stacy Newsome LNCC
RMD0007486	Stage 2 Networks, LLC
RMD0011278	STAGESKY HOLDINGS CORP
RMD0003992	Star2Star Communications, LLC
RMD0014816	Starkline Global Telecom LLC
RMD0011377	Starling PBX Inc.
RMD0008939	Starnik
RMD0007590	StarterStep LLC
RMD0012158	Statewide Communications Inc.
RMD0004471	Stellar Private Cable Systems, Inc.
RMD0007915	Stephens Network Services LLC
RMD0008779	Storm Data Protection
RMD0009155	Stow Customs LLC
RMD0007757	Stowe Communications LLC
RMD0009647	Strathcore Inc
RMD0006407	StratoSwitch LLC
RMD0007074	STRAWBERRY COMMUNICATIONS
RMD0002948	Strongcord Infrastructure Systems Management, LLC
RMD0007992	StrongTel Communications
RMD0010898	Struxture Technologies
RMD0005686	StudioCart LLC DBA: Heartland Web Development
RMD0007355	Subrigo Corporation

RMD File No.	Business Name
RMD0012557	Summit Systems, Inc.
RMD0009071	Sumner Cable TV, Inc.
RMD0004667	Sun America Communications, L.L.C.
RMD0004948	Sun Star Telecom Corp.
RMD0007383	Sun Tech Solutions, Inc.
RMD0006313	Sunset HB
RMD0012642	Sunshine Marketing 4U LLC
RMD0008855	Superior IT Solutions Inc
RMD0001905	Superior Telephone Cooperative
RMD0006971	Supersource Inc
RMD0005336	SupportCloud
RMD0005349	SureTel LLC
RMD0006816	Surge Telecom
RMD0005760	Surpport Services Group
RMD0015117	SUSAN AND CO LLC
RMD0008058	Swell Broadband, Inc.
RMD0011325	Swift Telco LLC
RMD0015162	SwiftLink Telco, LLC
RMD0007600	Switchboard Labs, LLC
RMD0009093	Symple Market
RMD0005319	SymplyFi
RMD0010687	SYNDEO NETWORKS, INC
RMD0006002	Syneteks
RMD0009170	Syngenex LLC
RMD0012729	SYNO TECHNOLOGIES, LLC
RMD0008736	Syntec Business Systems Inc.
RMD0006617	Syntracom LLC
RMD0007746	Sysnet Communications
RMD0003982	T-Max Phone Systems Corp
RMD0013358	taconictelcom
RMD0008848	Tailored Management Services LLC
RMD0005513	Taler
RMD0001705	Talk Telecom
RMD0006079	TalkCycle LLC
RMD0007941	Talkroute Inc
RMD0002890	Tampa VoIP LLC
RMD0013581	Tanya David LLC
RMD0009067	TapClassifieds
RMD0008255	Tarrytech Computer Consultants
RMD0008861	TAS Solutions
RMD0009783	TAUTO, LLC
RMD0004897	Tavoca Inc
RMD0006566	TCC Networks Inc
RMD0008737	TCK Solutions LLC
RMD0009389	TCRO Systems, LLC
RMD0012436	Teal Communications Inc
RMD0006563	Team ITS, LLC
RMD0005959	Tech 911 Group Inc.
RMD0008245	Tech Bizz Solutions

RMD File No.	Business Name
RMD0007376	Tech Connection Incorporated
RMD0004612	Tech Friends, Inc.
RMD0011164	TECHBYWEB, LLC
RMD0015175	Techcom Connect, LLC
RMD0012301	Techlinkhub LLC
RMD0008439	TechNet Computing LLC
RMD0012381	Technical Consulting Specialists
RMD0007047	Technifax Business Systems
RMD0008057	Techno Advantage
RMD0009042	Technocentra Group LLC
RMD0010454	Technolgyi
RMD0008534	Technological Solutions LLC
RMD0009475	Technology Brokers Intl Corp
RMD0006552	Technology Solutions of MI
RMD0008169	Technosis Inc
RMD0008428	TECHNOTIME BUSINESS SOLUTIONS LLC
RMD0011077	Technovation Design
RMD0008910	TechnoVations of North Georgia LLC
RMD0011895	TechPro, Inc.
RMD0005079	Techshoster LLC
RMD0006688	Techsure, LLC
RMD0009105	TechWorks Group LLC
RMD0012304	Teckbit LLC
RMD0013356	TECOBI
RMD0012590	Teitco
RMD0006009	TekCollect
RMD0004672	Teksync Technologies, Inc.
RMD0012450	TEL X NETWORKS
RMD0006603	Tel-IT Technology Solutions
RMD0008219	Telanet, Inc.
RMD0008609	Telasco Communications Inc.
RMD0005552	Telco Business Solutions Inc
RMD0008151	Telco Experts LLC
RMD0011982	Telcoline LLC
RMD0004845	Telcom Savvy, LLC
RMD0013204	Telconnect LLC
RMD0003157	Tele Cloud LLC
RMD0009088	Tele Network, Inc.
RMD0015507	Tele Talk, LLC
RMD0015933	TELE-C COMMUNICATIONS CORPORATION
RMD0009006	TELEBEE INC
RMD0012539	Telebiz360
RMD0013667	Telecom Associates LLC
RMD0007605	Telecom Assurance, LLC
RMD0011422	Telecom Business Network
RMD0007239	Telecom House, Inc
RMD0009113	Telecom One, Inc.
RMD0010997	Telecom Supply Inc. DBA King Televoice
RMD0004338	TELECOM XCHANGE

RMD File No.	Business Name
RMD0015957	TELECOMEZ CORP
RMD0007271	TeleConnx Inc
RMD0011983	Telefonetica
RMD0013028	Telegent
RMD0006422	Telegia Communications Inc.
RMD0003855	TeleMessage
RMD0006441	Telenet International, LLC.
RMD0007370	Telepars Telecommunications Corp.
RMD0015956	TELEPATH COMMUNICATIONS CORPORATION
RMD0010993	Telephone Industries
RMD0008006	TELEPHONE YACHT, LLC
RMD0007553	Telephonetic LLC
RMD0015519	Telerings
RMD0011759	Telernet LLC
RMD0007560	Telespace, LLC
RMD0005711	TeleTech Corp
RMD0005923	Televoi, LLC
RMD0011851	TeleVoip ESC
RMD0001925	TELEVOX COMMUNICATIONS LLC
RMD0009712	TELEWANT LLC
RMD0007697	TeleWise, LLC
RMD0012173	Telfast LLC
RMD0004781	TeligentIP
RMD0008433	Telin Systems LLC
RMD0002416	Tellarc of Florida
RMD0011906	Tellennium
RMD0012561	Tellus 247
RMD0008478	Teloro
RMD0008028	TelServ Telecom, LLC
RMD0009288	Telsolution Networks
RMD0012573	TELTECH Advanced Phone Systems Corp
RMD0005570	Teltech Systems, Inc.
RMD0005731	Teltrex
RMD0006760	Teltrust, Corp.
RMD0015278	Telucom
RMD0007042	Telusion, Inc
RMD0008790	TELX COMPUTERS INC
RMD0005745	TELXP
RMD0004713	Tenny Journal Communications, Inc.
RMD0013706	Teocommunications
RMD0008018	TeQ I.Q. LLC
RMD0009875	TEQNIA LLC
RMD0011736	TERRA VOIP
RMD0008538	TerraNovaNet, Inc
RMD0007086	TessPay Inc.
RMD0007599	Text Aspect Inc.
RMD0009225	Text Request LLC
RMD0012415	TextByChoice
RMD0002252	TextNow, Inc.

RMD File No.	Business Name
RMD0009082	TextPower, Inc.
RMD0009780	Thatkey LLC
RMD0009249	The Bald Guy Enterprises Inc
RMD0007927	The Building IT Company
RMD0015892	THE CALL CENTER GROUP, LLC
RMD0009850	THE CALLR CORP.
RMD0005643	THE COMPUTER CONNECTION
RMD0008912	The Edge Group, LLC
RMD0001941	The Flat Planet Phone Company Inc.
RMD0009962	The Iserv Company
RMD0002199	The Jaspen Corporation
RMD0009761	The Net Calls, LLC
RMD0011863	The Network Pro, Inc.
RMD0005919	THE NOVA TELEPHONE COMPANY
RMD0006524	The Phone Works, Inc.
RMD0008710	The Prescription Computer Store DBA The Solution Center
RMD0010185	The Redcliffe Group
RMD0009819	The Sprout Network LLC
RMD0012537	The TAS Guy, LLC
RMD0009003	The Technology Depot
RMD0014827	The Telecom Solution
RMD0008858	The Web Group pf Bradenton LLC DBA Red1
RMD0011292	The4th Tech Solutions LLC
RMD0013542	TheCRM Corporation
RMD0007831	thePBX.net
RMD0008429	theschmied LLC
RMD0008674	theWISP.net, CORP
RMD0005289	Thing5 LLC
RMD0011380	Think Anew
RMD0004958	Thinksecurenet, LLC
RMD0007949	ThinkSpace IT
RMD0011289	Three Lanterns, LLC
RMD0011440	Thrivent Financial
RMD0009295	Tibx, LLC
RMD0007682	Tidewater Laskin Associates LLC
RMD0011871	Tidewater Techs LLC
RMD0013476	Tiera Enterprises
RMD0006181	Tierzero
RMD0005241	Tim Laren
RMD0004663	Tim Ron Enterprises, LLC
RMD0009064	TIP Systems
RMD0015518	Tiznel
RMD0010417	Tj Tech Solution llc
RMD0009355	TkFast, Inc.
RMD0013374	TLAB Ventures LLC
RMD0008260	TM TELCOMM CORP.
RMD0005082	TNC Communications, Inc.
RMD0008153	Tool Span LLC
RMD0005663	Top City Tech LLC

RMD File No.	Business Name
RMD0006072	Top Notch Networking, LLC
RMD0009966	Total Highspeed LLC
RMD0007358	Total Recall Solutions BH
RMD0004847	Total Technologies, LLC
RMD0008391	Total Telecom Solutions, LLC
RMD0005932	TotalBC, Inc.
RMD0013548	Touchpoint Restaurant Innovations, Inc
RMD0003561	Town of Pineville
RMD0005425	TPC COMM, CORP
RMD0007674	Trader PhD LLC
RMD0004339	Trailwave Fiber, Inc.
RMD0003021	Trak Telecom LLC.
RMD0008476	Tranquil-IT
RMD0006238	TransAmerican Computer Consulting, LLC
RMD0011890	Transcom Consulting LLC
RMD0003291	Transtelco, Inc.
RMD0011320	Tranzyt LLC
RMD0008228	Triggerfish Corporation
RMD0005254	Trinity Telecom Services
RMD0007947	Trio Group LLC
RMD0012420	Tropical Inc
RMD0005738	Tru Mobility, Inc.
RMD0005334	True On Inc
RMD0012536	True Pinless, Inc.
RMD0007620	TruEnergy Services LLC
RMD0005792	TRUEWAY IT, LLC
RMD0003961	Truly Technologies, Inc
RMD0008984	Truman Arnold Companies DBA TAC-Air
RMD0009252	Trunk Tel LLCC
RMD0005539	TRUSTID, INC
RMD0012109	Truvisory Telecom LLC
RMD0004426	TRZ Communications Services, Inc.
RMD0007044	TSCI, Inc.
RMD0005759	TSI
RMD0006472	Tullahoma Utilities Board
RMD0010895	Turkana, LLC
RMD0008185	turnesville internal medicine
RMD0011976	Turnkey VoIP LLC
RMD0009400	Twigs INC
RMD0010125	TWO CANS AND SOME STRING INC.
RMD0008033	Two Ninjas Enterprises, LLC
RMD0005532	TXM Telecom Solutions LLC
RMD0008633	Txtwire Technologies
RMD0010180	TY COMMUNICATIONS
RMD0006420	U.S. Computer Corporation
RMD0009469	u3 communication
RMD0012911	Uber Wireless
RMD0007769	Ubiquita, Inc
RMD0006418	UJET, Inc.

RMD File No.	Business Name
RMD0009622	Ulmer Enterprises, Inc.
RMD0008908	Ulrich Barn Builders
RMD0005298	Ultimate Internet Access, Inc
RMD0009037	Unbound Systems LLC
RMD0015458	Uniccdialer LLC
RMD0011591	Unicorn Communication Inc
RMD0007402	UNIDES, Inc.
RMD0015323	Unified Data Services
RMD0005641	Unified Dispatch LLC
RMD0006779	Unified Telecom Inc
RMD0011497	Unified Telecommunication Solutions, LLC
RMD0003810	Unified Voice Communication LLC
RMD0013013	UNIFIED VOICOM MANAGEMENT LLC
RMD0007581	Unintended-Consequences. LLC
RMD0011394	Union Street Media
RMD0005921	UNIQUE SOFT LLC
RMD0008003	UNIT ASSISTANT Inc
RMD0004909	United Internet Services, LLC
RMD0009744	United Network Connections, LLC
RMD0011856	United Systems
RMD0008093	Universal E-Business Solutions, LLC
RMD0006594	Universal Telecom, LLC
RMD0005710	UniVision Incorporated
RMD0006516	Unlimited Net, LLC
RMD0010861	Upcasa Technology Services, LLC
RMD0008691	Urban Communications, Inc
RMD0009602	Urbanspotlite
RMD0010490	URTH ACCESS, LLC
RMD0008333	US DIRECTORY ASSISTANCE INC
RMD0009342	US MIBN INC
RMD0011971	USATOLLNA.COM, Inc.
RMD0006339	USDS
RMD0008872	UStronics.com, Inc
RMD0005703	UsVox
RMD0005602	UT&T LLC
RMD0009877	UTEL USA
RMD0011894	Ux Omnitech INC
RMD0009494	V and V Telecom l.l.c
RMD0007919	VA Communications
RMD0011390	VacVoip ,llc
RMD0009862	Valley View IT & Media Corporation
RMD0005461	Valstarr Asia
RMD0008865	ValuTel Communications, Inc.
RMD0008885	Van Berg Senior Insurance Services
RMD0004956	Vantage PC Inc.
RMD0012243	Varay Systems, LLC
RMD0006569	Varietel Communications, LLC DBA IT Unite Technologies
RMD0012250	VAULT SYSTEMS LLC
RMD0001716	VaultTel Solutions LLC

RMD File No.	Business Name
RMD0004762	VC Dreams USA, LLC DBA Strategic IT Partners
RMD0007001	VDAP
RMD0012487	VDTEL VOIP CORP
RMD0006883	VECTORWIDE IT
RMD0008013	Vectrafon, Inc.
RMD0007045	Velantro, Inc.
RMD0008221	Veloci Communications
RMD0015970	Velocity Tech Services, LLC
RMD0012484	Ventures Hosting LLC
RMD0015873	venus voip
RMD0001546	Verge Network Solutions, Inc.
RMD0004676	Vergx LLC
RMD0015520	Veriwave Telco, LLC
RMD0003953	Vertex Telecom, Inc
RMD0008893	Vibrant voice
RMD0008806	Vicidiem
RMD0004121	VinaKom Inc
RMD0010452	Vine Clouds Technologies
RMD0015170	Vintage VoIP
RMD0003952	Virginia Everywhere, LLC
RMD0009832	Virtare Health, Inc.
RMD0005993	Virtual Impressions Incorporated
RMD0015575	Virtual Office Communications dba Vozmia
RMD0011158	Virtual Sprout
RMD0007028	Virtual Voice Products USA, LLC
RMD0006558	Virtual Voice Versatility, LLC
RMD0009627	VirtueCom, Inc.
RMD0006794	Vision Telecom
RMD0006235	Visionary Communications, Inc
RMD0009185	Vistanet Telecommunications, Inc.
RMD0008286	Vivant
RMD0007468	VivaTel Inc
RMD0006503	Vivial Mobile
RMD0012409	Vix Technology (USA) Inc
RMD0004407	VoApps, Inc.
RMD0008928	VOCALCOLA, LLC
RMD0008926	Vocapex Inc
RMD0007061	Vocatech Inc.
RMD0009723	Vocodia Holdings Corp
RMD0006537	Vogtmann Engineering Inc
RMD0009920	VOICE & SMS TRADINGS
RMD0006053	Voice Carrier LLC
RMD0009457	Voice Enable
RMD0011309	Voice Fetch
RMD0015247	Voice Ninja
RMD0007272	Voice Promise, LLC
RMD0011995	Voice Radial
RMD0008210	Voice Titan LLC
RMD0004532	VoiceCo Networks, Inc.

RMD File No.	Business Name
RMD0003991	Voicecom Telecommunications, LLC
RMD0012277	VoiceFriend LLC d/b/a Icon
RMD0013188	VoicePRO Communications Inc.
RMD0011361	VoiceSpring LLC
RMD0006522	VoiceStep Telecom, LLC
RMD0013073	Voicetechpbx
RMD0013563	VOICEZONE COMMUNICATION
RMD0005883	Voigo Communications LLC
RMD0008257	Voip America LLC
RMD0007354	VOIP AWESOME INC
RMD0011828	VOIP CITI
RMD0011261	Voip Dialing, Inc
RMD0006471	Voip Ease, LLC
RMD0012470	VOIP Empire
RMD0008535	VOIP Extension, Inc.
RMD0015089	VoIP Instance, LLC
RMD0009717	Voip Network LLC
RMD0014715	VoIP Ocean LLC
RMD0005407	VOIP OFFICE
RMD0015675	VOIP PBX SERVICES
RMD0007572	VoIP Route INC
RMD0012938	Voip Services of Michigan
RMD0015627	Voip Studio
RMD0009840	VoIP Supply
RMD0014862	voip tech hub
RMD0012542	Voip Torque
RMD0009965	Voip Voice Telecom Inc
RMD0008828	Voip-IT Services, Inc.
RMD0014953	Voip4all
RMD0013228	Voipcom, LLC
RMD0009760	Voipinno.info, LLC
RMD0007278	VOIPIOT, LTD
RMD0004872	VoIPLy, LLC
RMD0008622	VOIPOWORLD
RMD0008804	VoIPtastic LLC
RMD0013558	Voiptella Inc
RMD0005299	VOIPUS LLC
RMD0009754	Voipvip.net LLC
RMD0007563	Voiturio LLC
RMD0003770	Voixhub LLC
RMD0008638	Voko Communications LLC
RMD0008146	Volga
RMD0007721	Voltexo
RMD0009149	Voluable Voice Communications
RMD0012580	Vopial Inc
RMD0012068	Vos Logic
RMD0001504	Votacall, Inc
RMD0007466	Vow Corporation
RMD0009800	VOX Tandem LLC

RMD File No.	Business Name
RMD0008007	VoxCloud8 Corporation
RMD0011911	Voxdom LLC
RMD0007517	Voximplant, Inc.
RMD0011256	VOXPACE LLC
RMD0012489	Voxtra
RMD0009697	Voyzze Communications, Inc.
RMD0007719	VPC-IT, Corp
RMD0012870	VPNet, Inc.
RMD0005977	VSFX, LLC
RMD0009080	VTSS Inc
RMD0008459	Vultik INC
RMD0008998	vUnity Inc
RMD0006999	W Cubed
RMD0012073	W1 Services, Inc.
RMD0005855	WAN Communications, Inc
RMD0003866	Warrior Hill, LLC
RMD0008315	Wasatch Technology Group, Inc
RMD0001949	WASHINGTON COUNTY RURAL TELEPHONE COOPERATIVE INC
RMD0010883	Washington Telco LLC
RMD0008070	Watertree Ventures LLC dba BuzzRX
RMD0009236	Watson Networks
RMD0012315	WaveNation, LLC
RMD0006643	Wavetech Systems, LLC.
RMD0010932	Wayne Metropolitan CAA
RMD0007751	Web Broker Solutions
RMD0001715	WebFire Communications Inc.
RMD0008071	Webitize Voice
RMD0006595	WebTech House LLC
RMD0008035	Wellteck IT
RMD0008053	West One, LLC
RMD0006911	WESTERN STATES TELEPORT, INC.
RMD0002208	Westgate Communications LLC
RMD0009353	Wesuki LLC
RMD0009447	wetel systems inc
RMD0011090	Weycorp, Inc.
RMD0009028	Whispir.com Inc
RMD0012511	WHITE OMEN IT CONSULTING, Inc.
RMD0003956	WhiteSky Communications, LLC.
RMD0007650	Whizkids Tech LLC
RMD0003357	Wildix, Inc.
RMD0002583	WILKES TELEPHONE MEMBERSHIP CORP
RMD0007163	Wilson Creek Communications, LLC
RMD0010161	Wilson Support Services LLC
RMD0005618	WiMacTel, Inc.
RMD0007771	Win.Net Telecommunications, Inc.
RMD0007226	Windfield Enterprises dba Kellin Communications
RMD0004557	Windstream Holdings II, LLC
RMD0015009	Wing Carrier LLC

RMD File No.	Business Name
RMD0006669	Winux LLC
RMD0009199	Wireless Of Maine LLC
RMD0005002	Wisp.net
RMD0007922	WLS Technology
RMD0009017	Wolketalk
RMD0007096	WonderLink Communications, LLC
RMD0008525	Wood's Performance Center, Inc.
RMD0003156	Woodstock Telephone Company
RMD0008758	WorkLLama LLC
RMD0011897	WorkSmart, Inc.
RMD0003287	World Surfer, Inc.
RMD0006585	WORLD VISION TELECOM VOIP
RMD0007681	World Voice Telecom LLC
RMD0007905	World-Link Communications, Inc
RMD0009738	WORLDCALLTEL.COM, INC.
RMD0009864	WPI Group Inc.
RMD0007051	Wrench Inc
RMD0013015	Wyoming Fiber Phone Inc
RMD0015949	XAirnet Corp.
RMD0006654	Xander Communications LLC
RMD0004905	Xclutel, LLC
RMD0007149	Xentric LLC
RMD0013590	Xicomm LLC
RMD0005059	Xoom Telecom LLC
RMD0013246	Xpanse Networks LLC
RMD0009706	Xpertelecom Corporation
RMD0006298	Xpro Networks LLC
RMD0005961	xtDirect LLC
RMD0006768	Xtivity Solutions LLC
RMD0012491	XYBERMED CORPORATION
RMD0007935	YakPath LLC
RMD0009346	YanceyWorks
RMD0007953	Yellowknife Wireless Company, LLC
RMD0009397	Yeltek
RMD0010149	YLINX, LLC
RMD0005612	Yoko Networks
RMD0007829	York Telecom Corporation
RMD0005764	YOUR ONLY IT SOLUTION
RMD0006307	Your Voice Global Technologies Corp
RMD0007708	Zan Inc.
RMD0009775	Zap Systems Inc.
RMD0006447	Zaplee
RMD0011058	ZAR Network LLC
RMD0011410	zdSCADA, LP
RMD0008172	Zealous Services LLC
RMD0013400	Zeb Telecom
RMD0013512	Zebtelcom
RMD0007154	Zee Group
RMD0015181	zeekatel voip

RMD File No.	Business Name
RMD0004882	Zeribs Telecom LLC
RMD0014028	ZeroPoint Platforms Inc
RMD0009859	Ziggoo Technologies LLC
RMD0009178	Zing My Order LLC
RMD0006753	Zingo media group LLC
RMD0005915	ZipCrunch LLC
RMD0009691	Ziplingo, LLC
RMD0006657	ZK Tech Inc.
RMD0005424	Zoe Communications Inc.
RMD0009456	Zoho Corp
RMD0011371	Zone-tel
RMD0008904	Zonitel Solutions LLC
RMD0014887	Zoom Networks, LLC
RMD0006069	Zoom Telcom, LLC
RMD0013399	ZOOP MOBILITY COMPANY
RMD0011046	zPaper, Inc.
RMD0004741	Ztelecom LLC
RMD0005026	ZTelecom LLC
RMD0010487	Zurcher Tire
RMD0008411	zyis digital
RMD0011879	
RMD0005982	
RMD0011037	
RMD0008515	
RMD0005140	
RMD0008965	
RMD0004575	
RMD0012386	
RMD0008759	
RMD0008258	
RMD0007075	
RMD0005409	
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RMD0011880	
RMD0008060	
RMD0013433	
RMD0012365	
RMD0008617	
RMD0012649	
RMD0012553	
RMD0007202	
RMD0011290	
RMD0014952	
RMD0010310	
RMD0006334	
RMD0009861	
RMD0006518	
RMD0005054	
RMD0008600	

RMD File No.	Business Name
RMD0008349	
RMD0008735	
RMD0013524	
RMD0008595	
RMD0007275	
RMD0004812	
RMD0013350	
RMD0008841	
RMD0010744	
RMD0005607	
RMD0009416	
RMD0008586	
RMD0005989	
RMD0010356	
RMD0008960	
RMD0012328	
RMD0008157	
RMD0008336	
RMD0013682	
RMD0009274	
RMD0007269	
RMD0013076	



PUBLIC NOTICE

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DA 24-1268

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**DOMESTIC SECTION 214 APPLICATION GRANTED FOR THE
ACQUISITION OF CERTAIN ASSETS OF COMMNET WIRELESS, LLC BY
GALLATIN WIRELESS INTERNET, LLC D/B/A WISPWEST**

WC Docket No. 24-223

By this Public Notice, the Wireline Competition Bureau (Bureau) grants, as conditioned, an application filed by Commnet Wireless, LLC (Commnet) and Gallatin Wireless Internet, LLC, d/b/a Wispwest (Wispwest) (together, the Applicants), pursuant to section 214(a) of the Communications Act of 1934, as amended, and sections 63.03-04 of the Commission's rules,¹ requesting consent for the acquisition of a part of Commnet's Rural Digital Opportunity Fund (RDOF) support and related buildout and service obligations for certain designated census blocks, constituting a complete census block group, in Study Area Code 489014 in Park County, Montana (Assigned Census Blocks) by Wispwest.²

On August 16, 2024, the Bureau released a Public Notice seeking comment on the Application.³ The Bureau did not receive comments or petitions in opposition to the Application.

Applicants

Commnet, a Delaware limited liability company, provides voice and broadband services in portions of the western United States.⁴ Commnet is an Eligible Telecommunications Carrier (ETC) for

¹ See 47 U.S.C. § 214(a); 47 CFR §§ 63.03-04.

² See Domestic Section 214 Application for the Acquisition of Certain Assets of Commnet Wireless, LLC, by Gallatin Wireless, LLC, d/b/a Wispwest, WC Docket No. 24-223 (filed Jul. 26, 2024) (Application). Applicants provide information on the individual census block included in the Assigned Census Block. Application, Exh. 1 at 1-6. The Bureau will define this service area based on the published list of Rural Digital Opportunity Fund-eligible census blocks associated with the complete census block group, thus superseding any possible discrepancies in the Application's description of such area. See Historical Authorized Auction 904 Long-Form Applicants Data, <https://www.fcc.gov/auction/904>. On October 24, 2024, Wispwest filed redacted details of Wispwest's post-consummation network design, redacted audited financials for the years of 2021 through 2023, and a copy of a letter demonstrating a bank's commitment to issue a letter of credit to Wispwest related to this proceeding. Letter from Thomas J. Dougherty Jr., Counsel for Gallatin Wireless Internet, LLC, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 24-223 (filed Oct. 24, 2024) (Supplement). Any action on this domestic section 214 application is without prejudice to Commission action on other related, pending applications.

³ See *Domestic Section 214 Application Filed for the Acquisition of Certain Assets of Commnet Wireless, LLC by Gallatin Wireless Internet, LLC d/b/a Wispwest*, WC Docket No. 24-223, Public Notice, DA 24-830 (WCB 2024).

⁴ Application at 2. Commnet is an indirect 94.4% owned subsidiary of ATN International, Inc. (ATN), a publicly traded Massachusetts corporation. *Id.* at 2-3. Commnet, together with sister subsidiaries of ATN, provide services principally in rural areas across the West and Southwest of the United States, as well as in the United States, Virgin Islands and Alaska. *Id.* at 3.

the Assigned Census Blocks.⁵ On February 14, 2022, the Bureau authorized Commnet to receive, with respect to the Assigned Census Blocks, \$5,964,913.70 over ten years to serve 2,078 locations in 224 census blocks in Montana.⁶ Applicants state that Commnet is not providing any RDOF-funded service in the Assigned Census Blocks.⁷

Wispswest, a Montana limited liability company, provides voice and broadband services to approximately 5300 customers in Montana, using hybrid fiber and fixed-wireless infrastructure, with 4G LTE and FPGA-based technologies, using band 41 and band 48 licensed frequencies, as well as unlicensed spectrum.⁸ Applicants state that Wispswest holds band 48 PAL channels in all counties in Montana in which it operates and will utilize those holdings for this RDOF transfer.⁹ Applicants state that Wispswest is wholly owned by BHT Investment Holdings, LLC (BHT), a Wyoming limited liability company.¹⁰ Applicants state that other than what is disclosed in the Application, neither Wispswest nor BHT holds a 10% or greater interest in any other provider of domestic telecommunications services.¹¹

Wispswest has submitted specific information to demonstrate its ability to meet RDOF public interest requirements, including, among other information: (1) a project overview demonstrating Wispswest's ability to timely construct a network capable of meeting service standards;¹² (2) recent audited financial statements;¹³ and (3) a letter from a qualifying bank indicating its intention to issue a letter of credit (LOC) for the appropriate amount.¹⁴ Wispswest has also filed an application with the

⁵ *Id.* at 3. On June 1, 2021, the Montana Public Service Commission (Montana PSC) issued an Order Granting Designation of Commnet as an ETC for the Assigned Census Blocks (Docket No. 2021.03.030, Order No. 7777a). *Id.*

⁶ See *Rural Digital Opportunity Fund Support Authorized for 2,576 Winning Bids*, Public Notice, AU Docket No. 20-34 and WC Docket Nos. 19-126 and 10-90, 37 FCC Rcd 1617, 1627 at Attach. A (WCB 2022). Applicants state that, of the \$5,964,913.70 amount, \$ 2,418,171.80, was attributable to the Assigned Census Blocks herein. Application at 3; *id.*, Exh. 1 at 1.

⁷ Application at 2.

⁸ *Id.* at 3-4.

⁹ *Id.* at 4.

¹⁰ *Id.* at 10. Applicants state that BHT is held by the following United States entities and citizens: Colonnade Venture Partners, LLC (Colonnade Venture) (30%); Neil Schlenker (30%); Kelly Fowler (30%); Lolo Investments (10%). *Id.* at 10-11. Colonnade Venture, in turn, is held by the following United States citizens: Eric Steinman (76%); Glenn Ishihara (20%); and Don Evans (4%). *Id.* Lolo Investments is wholly owned by Chris Davidson, a United States citizen. *Id.* Applicants note that the same ownership group that owns BHT also owns: (1) BHT Investments, LLC, a Wyoming limited liability company, which wholly owns Bush-Tell, Inc., an Alaska corporation and incumbent local exchange carrier (LEC) serving ten villages in southwestern Alaska (approximately 555 access lines); and (2) BHT Holdings, a Wyoming corporation, which owns 100% of Tri-County Telephone Association, Inc., a rural incumbent LEC serving the counties of Washakie, Big Horn and Hot Springs in Wyoming and Carbon County in Montana (approximately 2,695 incumbent LEC access lines and 1,730 competitive LEC access lines, or 4,425 total access lines). *Id.* at 11-12.

¹¹ *Id.* at 4.

¹² Supplement at Exh. I.

¹³ *Id.* at Exh. II.

¹⁴ *Id.* at Exh. III. In the domestic section 214 context, we evaluate each carrier's qualifications to receive support on a case-by-case basis based on the entire record in the proceeding. In general, however, we expect carriers that have not participated in the relevant high cost auction to provide the information submitted by Wispswest, as described above. While this information is similar to that required of program support applicants, we are not at this time, absent special circumstances, requesting all the information required of applicants. For example, we have not routinely required that the technological information submitted by assignee to be supported by the certification of a professional engineer nor have we required the submission of audited statements for multiple years. See *Rural*

(continued....)

Montana Public Service Commission to be designated as an ETC with respect to the Assigned Census Blocks in Montana.¹⁵

Description of the Proposed Transaction

Pursuant to the terms of the proposed transaction, on June 25, 2024, the Applicants entered into an agreement under which Commnet agreed to assign the RDOF obligations and corresponding unspent RDOF support it has received and is eligible to receive in the future for the Assigned Census Blocks to Wispwest, and Wispwest agreed to accept those funds and assume those obligations, subject to any required regulatory approvals.¹⁶ In connection with the proposed transaction, Wispwest states that it will be filing an application with the Montana PSC this month seeking to be designated as an ETC with respect to the Assigned Census Blocks, so that it may lawfully take assignment of Commnet's RDOF obligations and its prospective RDOF rights.¹⁷

Discussion

We find, upon consideration of the record, that a grant of the Application will serve the public interest, convenience, and necessity. To make this determination under Commission precedent, we consider whether the proposed transaction could result in public interest harms by substantially frustrating or impairing the objectives or implementation of the Act or related statutes.¹⁸ We then employ a balancing test weighing any potential public interest harms of the proposed transaction against any potential public interest benefits.¹⁹ The Applicants bear the burden of proving, by a preponderance of the evidence, that the proposed transaction, on balance, serves the public interest.²⁰

(Continued from previous page)

Digital Opportunity Fund et al., WC Docket No. 19-126 et al., Report and Order, 35 FCC Rcd 686, 722, para. 80 (2020) (*Rural Digital Opportunity Fund Order*) (requiring RDOF support applicants to submit audited financial statements); *id.* at 726, para. 90 (requiring RDOF support recipients to submit a description of the technology and system design); 47 CFR § 54.804.

¹⁵ Application at 12; Supplement at 2 (referencing the Montana Public Service Commission Case Number 2024.10.105).

¹⁶ Application at 12. Applicants provide a further explanation of the proposed transaction in the Application. *Id.* at 4-6.

¹⁷ *Id.* at 4.

¹⁸ See, e.g., *Application of Verizon Communications Inc. and América Móvil S.A.B. de C.V. for Consent to Transfer Control of International Section 214 Authorization*, GN Docket No. 21-112, IBFS File No. ITC-T/C-20200930-00173, Memorandum Opinion and Order, 36 FCC Rcd 16994, 17001, para. 21 (Nov. 22, 2021) (*Verizon-TracFone Order*) (citing *China Mobile International (USA) Inc., Application for Global Facilities-Based and Global Resale International Telecommunications Authority Pursuant to Section 214 of the Communications Act of 1934, as Amended*, ITC-214-20110901-00289, Memorandum Opinion and Order, 34 FCC Rcd 3361, 3366, para. 9 (2019); *Applications for Consent to the Assignment and/or Transfer of Control of Licenses, Adelphia Communications Corporation (and Subsidiaries, Debtors-in-Possession), Assignors, to Time Warner Cable Inc. (Subsidiaries), Assignees; Adelphia Communications Corporation, (and Subsidiaries, Debtors-in-Possession), Assignors and Transferors et al.*, MB Docket No. 05-192, Memorandum Opinion and Order, 21 FCC Rcd 8203, 8219-21, paras. 27-28 (2006) (*Adelphia-TWC Order*)).

¹⁹ See *Verizon-TracFone Order*, 36 FCC Rcd at 17001, para. 21 (citing *Applications of AT&T Inc. and DIRECTV for Consent to Assign or Transfer Control of Licenses and Authorizations*, MB Docket No. 14-90, Memorandum Opinion and Order, 30 FCC Rcd 9131, 9140, para. 18 (2015) (*AT&T-DIRECTV Order*)) (further citations omitted).

²⁰ See *Verizon-TracFone Order*, 36 FCC Rcd at 17001, para. 21 (citing *AT&T-DIRECTV Order*, 30 FCC Rcd at 9140, para. 18; *Adelphia-TWC Order*, 21 FCC Rcd at 8217, para. 23; *Application of EchoStar Communications Corp., General Motors Corp., and Hughes Electronics Corp., Transferors, and EchoStar Communications Corp., Transferee*, CS Docket No. 01-348, Hearing Designation Order, 17 FCC Rcd 20559, 20574, para. 25 (2002)) (further citations omitted).

We find that there are no potential public interest harms identified in the record. First, the proposed transaction will not result in a reduction of competition. Commnet is not providing any RDOF-funded service in the Assigned Census Blocks.²¹ Accordingly, the transaction will not result in any loss or impairment of service for either of the Applicants' subscribers, and we therefore expect no potential harm to any customers or competition resulting from the proposed transaction.

Second, Wispwest commits to meeting all public interest and performance obligations associated with the receipt of the transferred support,²² and the record indicates that Wispwest has the technical, financial, and managerial expertise to do so.²³ Applicants state that Wispwest has deployed broadband networks and served customers since 2003 in rural areas of Montana, including areas close to or within the Assigned Census Blocks, and it is uniquely situated to efficiently deploy RDOF supported voice and broadband service in the Assigned Census Blocks.²⁴ Applicants state that Wispwest has the necessary managerial and operational expertise to meet Commnet's RDOF buildout milestones and performance obligations with respect to the Assigned Census Blocks.²⁵ Applicants state that the proposed transaction will not result in any adverse alteration to the buildout plans Commnet submitted to the Commission in order to be authorized to receive RDOF funding and that Wispwest commits to meeting the buildout milestones and performance obligations established for the Assigned Census Blocks, including the 40% buildout milestone required by December 31, 2025.²⁶ Applicants further state that Wispwest is not taking on any debt repayment obligations or otherwise increasing substantially its costs to deploy service.²⁷ Overall, we conclude that the record in this proceeding does not support a finding of a public interest harm.

We next consider whether the proposed transaction is likely to generate verifiable, transaction-specific public interest benefits.²⁸ Applicants must provide evidence of a claimed benefit to allow the Commission to verify its likelihood and magnitude.²⁹ Where potential harms appear unlikely, as is the case with the Application before us here, the Commission accepts a lesser degree of magnitude and likelihood than when harms are present.³⁰

Applicants note that all of the Assigned Census Blocks are in Park County, Montana where Wispwest has an existing broadband network serving customers.³¹ Applicants state that "Wispwest has already been operating a broadband network in close proximity to the Assigned Census Blocks, such that Wispwest can timely meet the initial RDOF construction threshold in advance of the initial RDOF milestone deadline, as well as timely meet all other RDOF deadlines with respect to the Assigned Census Block locations."³² The Commission has specified that ensuring consumers receive new or additional

²¹ Application at 2.

²² *See id.* at 3-8.

²³ Application at 8-9; Supplement at Exh I.

²⁴ Application at 6.

²⁵ *Id.* at 6-7.

²⁶ *Id.*

²⁷ *Id.*

²⁸ *See AT&T/DIRECTV Order*, 30 FCC Rcd at 9237, paras. 273-74.

²⁹ *See id.* at 9237-38, paras. 275-76.

³⁰ *See id.*

³¹ Application at 7.

³² *Id.* at 4.

services is an important public interest factor,³³ and accelerating private sector deployment of advanced services is one of the aims of the Act.³⁴ In light of the Applicants' commitments to meet all of Commnet's federal high-cost funding obligations³⁵ and the fact that Applicants are prepared to accelerate facilities-based service offerings,³⁶ we find it likely that the proposed transaction would result in some public interest benefits. Absent any potential harms, and considering that the proposed transaction is likely to yield some benefits, we find, on balance, that the proposed transaction serves the public interest.

Conditional Authorization of RDOF Support

As stated above, we have found that Wispwest has sufficiently demonstrated its managerial, financial, and technological capabilities to meet its RDOF obligations to serve the Assigned Census Blocks, and accordingly, we conditionally authorize Wispwest to receive the support associated with the Assigned Census Blocks conditioned upon satisfaction of the following prerequisites within three months from the release date of this public notice: (1) designation as an ETC in the Assigned Census Blocks for the purpose of becoming eligible to receive the transferred support and submission of proof of such designation; (2) approval of an irrevocable LOC securing the requisite amount of support for the Assigned Census Blocks; (3) submission and approval of a new supporting bankruptcy opinion letter; and (4) submission of a notice of consummation of the transaction and satisfaction of all other prerequisites for authorization (Completion Notice).³⁷

When submitting this information, Wispwest must follow the following procedures:

Proof of ETC Designation. Wispwest must submit proof of ETC designation to the Universal Service Administrative Agency (USAC) at hcinfo@usac.org and OGC-LOC@usac.org, and in the Commission's Electronic Comment Filing System (ECFS) under WC Docket No. 24-223. Applicants should also email a copy of such submission directly to Gregory Kwan at gregory.kwan@fcc.gov and to Nissa Laughner at nissa.laughner@fcc.gov.

Letter of Credit and Opinion Letter. Wispwest must submit a hard copy of the LOC and a hard copy of the Opinion Letter to the Universal Service Administrative Agency (USAC), at the following address: Universal Service Administrative Company (USAC), High Cost Program, Rural Digital Fund LOC, Attn: Stephen Snowman and Daniel Havivi, 700 12th Street, NW, Suite 900, Washington, DC 20005, and electronic copies of the hard copies of the LOC and the Opinion Letter to USAC at hcinfo@usac.org and OGC-LOC@usac.org.

Completion Notice. Wispwest must submit an electronic copy of the Completion Notice to USAC at hcinfo@usac.org and OGC-LOC@usac.org, and file an electronic copy in the Commission's Electronic Comment Filing System (ECFS) under WC Docket No. 24-223. Applicants should also email a copy of this notice directly to Gregory Kwan at gregory.kwan@fcc.gov and to Nissa Laughner at nissa.laughner@fcc.gov.

If and when all of these prerequisites are satisfied, the authorization of Wispwest to receive the

³³ See, e.g., *AT&T-DIRECTV Order*, 30 FCC Rcd at 9140, para. 19.

³⁴ See *Verizon-TracFone Order*, 36 FCC Rcd at 17001, para. 22 (citing 47 U.S.C. §§ 254, 332(c)(7), 1302; Telecommunications Act of 1996, Pub. L. No. 104-104, Preamble, 110 Stat. 56 (1996) (one purpose of the Act is to "accelerate rapidly private sector deployment of advanced telecommunications and information technologies and services")).

³⁵ Application at 6-8.

³⁶ *Id.* at 7.

³⁷ If Applicants fail to consummate the transaction within this time frame, they must file notice of the failure within ten 10 calendar days of the end of such time frame in the Commission's Electronic Comment Filing System (ECFS) under WC Docket Nos. 24-223. If Wispwest does not meet one or more of the conditions before the 90 day period specified above expires, the Bureau will reassess Wispwest's qualifications for authorization.

support associated with the Assigned Census Blocks will become effective. Until such authorization, Commnet must maintain an irrevocable LOC securing the support for the Assigned Census Blocks and will retain sole responsibility for complying with the universal service fund requirements for the Assigned Census Block Group (CBG). Once Wispwest is authorized, all support and related transferrable assets associated with the Assigned Census Blocks, including any disbursements for the Assigned CBG received by Commnet pending the effective date of Wispwest's authorization or thereafter, must be transferred to Wispwest.³⁸ If, because of the timing of the authorization, USAC cannot modify the payment system to transfer any support payments following authorization, Commnet must, consistent with its obligation to transfer all support and associated assets associated with the Assigned Census Blocks, transfer the full amount of support that Commnet has received post-authorization within 10 days of the receipt of such support.

We remind Wispwest that that once it satisfies all conditions of authorization, it assumes sole responsibility for complying with universal service fund requirements and Commission rules, regardless of any preexisting or reasonably foreseeable conditions that could impact its ability to meet its obligations in the future, including technical, marketplace, and on-the-ground conditions.³⁹ Indeed, any carrier seeking authorization to receive high cost support pursuant to a section 214 authorization must conduct the proper due diligence prior to consummation of the transaction and, in doing so, must assume all risks and consequences of noncompliance with program requirements, including default recovery of support and potential forfeiture penalties.⁴⁰ In addition, Wispwest must meet all administrative, performance, and deployment obligations and deadlines,⁴¹ including the requirement to deploy voice and broadband service meeting minimum standards to the requisite number of locations by specific service milestones.⁴²

³⁸ Once Wispwest is authorized to receive the support, USAC will transfer all future support payments to Wispwest as of the next month following the authorization or as soon as reasonably practical thereafter. Unless parties to the transaction satisfy all conditions of authorization and give notice of such satisfaction in accordance with the above listed procedures on or before the 10th date of the month, USAC will likely be unable to transfer the next end-of-month payment to the authorized support recipient. We note that there may also be other extenuating circumstances that might nonetheless cause a delay in the transfer of the payment.

³⁹ See, e.g., *Authorization of Atlink Services, LLC to Receive Connect America Fund (CAF) Phase II Auction Support Transferred from Cherokee Telephone Company Pursuant to a Commission Approved Transaction*, WC Docket No. 10-90, Public Notice, 37 FCC Rcd 6158, 6159 (WCB 2022).

⁴⁰ See *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 717-18, para. 68 (stressing that it is RDOF bidders' "sole responsibility" to complete due diligence by conducting adequate research and analysis before participating in the RDOF auction); *id.* at 725, para. 84 (requiring RDOF short-form applicants to certify that they are solely responsible for compliance with all RDOF requirements).

⁴¹ The Bureau has provided a summary of the various obligations of authorized RDOF support recipients in prior authorization public notices. As stated in these public notices, the summary is not intended to be comprehensive, and all authorized parties are responsible for conducting the due diligence required to comply with universal service fund requirements and the Commission's rules. See, e.g., *Rural Digital Opportunity Fund Support Authorized for 1,345 Winning Bids*, AU Docket No. 20-34, WC Docket Nos. 19-126 and 10-90, Public Notice, 37 FCC Rcd 4897, 4898-4905 (WCB 2022). We note that in addition to the requirements and rules specified in the public notices, RDOF support recipients must test and certify compliance with the relevant performance requirements in accordance with the uniform framework that has been adopted for measuring and reporting on high cost performance requirements. See *Rural Digital Opportunity Fund Phase I Auction Scheduled for October 29, 2020; Notice and Filing Requirements and Other Procedures for Auction 904*, AU Docket No. 20-34 et al., Public Notice, 35 FCC Rcd 6077, 6083, para.15 (2020); *Connect America Fund*, WC Docket No. 10-90, Order, 33 FCC Rcd 6509, 6530-33, paras. 56-67 (WCB 2018); *Connect America Fund*, WC Docket No. 10-90, Order on Reconsideration, 34 FCC Rcd 10109, 10110, para. 4 (2019) (expanding performance measure testing requirements); see generally *Connect America Fund*, WC Docket No. 10-90, Order, WC Docket No. 10-90, Order, 35 FCC Rcd 14658 (WCB 2020) (clarifying certain requirements).

⁴² Specifically, RDOF support recipients must deploy service to an increasing percentage of the CAM-estimated number of locations as of December 31st of each year beginning with a 40% milestone as of the third year of

(continued....)

Grant of the Application

We find, upon consideration of the record, that the proposed transfer will serve the public interest, convenience, and necessity.⁴³ This grant of the Application is conditioned as set out in this Public Notice. This Application is granted in conjunction with the conditional authorization of Wispwest to receive RDOF support as set out in this Public Notice.

Pursuant to section 214(a) of the Act, 47 U.S.C. § 214(a), and sections 0.91, 0.291, 63.03, and 63.04 of the Commission's rules, 47 CFR §§ 0.91, 0.291, 63.03, and 63.04, the Bureau hereby grants the Application discussed in this Public Notice, subject to Applicants' compliance with all applicable obligations.

Pursuant to section 1.103 of the Commission's rules, 47 CFR § 1.103, the consent granted herein is effective upon the release of this Public Notice. Petitions for reconsideration under section 1.106 or applications for review under section 1.115 of the Commission's rules, 47 CFR §§ 1.106, 1.115, may be filed within 30 days of the date of this Public Notice.

For further information regarding the grant of the Application, please contact Gregory Kwan at gregory.kwan@fcc.gov. For further information regarding the conditional RDOF support authorization, please contact Nissa Laughner at nissa.laughner@fcc.gov.

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receiving support (2025), 60% as of the fourth year (2026), 80% as of the fifth year (2027), and 100% as of the sixth year (2028). 47 CFR § 54.802(c); *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 709-12, paras. 45-55. The Commission will then adjust the initial defined deployment obligation assigned to each RDOF support recipient based on its determination of the number of locations within the supported area without an increase or decrease in support, subject to a 35% margin. 47 CFR § 54.802(c); *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 710-11, paras. 49-50.

⁴³ See 47 U.S.C. § 214(a); 47 CFR § 63.03.



PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, DC 20554

News Media Information 202-418-0500
Internet: www.fcc.gov

DA 24-1269

Released: December 18, 2024

COMMENT SOUGHT ON APPLICATION OF ZP BETTER TOGETHER AND TELEPERFORMANCE GROUP FOR CONDITIONAL CERTIFICATION AS A PROVIDER OF VIDEO RELAY SERVICE

CG Docket Nos. 10-51 and 03-123

Comments Due: January 8, 2025

Reply Comments Due: January 21, 2025

The Consumer and Governmental Affairs Bureau (Bureau) seeks comment on an application filed by ZP Better Together, LLC (ZP), and Teleperformance Group, Inc., for conditional certification as a provider of Video Relay Service (VRS) supported by the Interstate Telecommunications Relay Service Fund (TRS Fund).¹

ZP, which is indirectly owned and controlled by Kinderhook Reinvestment Fund IV2, L.P. (Kinderhook), holds a conditional certification to provide VRS under its current ownership.² Teleperformance proposes to acquire indirect ownership and control of ZP. Conditional certification would allow ZP, after acquisition by Teleperformance, to remain eligible to receive compensation from the TRS Fund for providing VRS on an interim basis, pending the filing of, and Commission action on, an application for full certification that will be filed after Teleperformance's proposed acquisition of ZP is consummated.³

ZP and Teleperformance have redacted portions of their application for which they request confidential treatment. Access to the redacted material is governed by the Third Protective Order in this docket.⁴

¹ Application of ZP Better Together, LLC and Teleperformance Group, Inc. for Conditional VRS Certification, CG Docket Nos. 10-51 and 03-123 (filed December 9, 2024), <https://www.fcc.gov/ecfs/search/search-filings/filing/120956087893> (Application); Revised Application of ZP Better Together, LLC and Teleperformance Group, Inc. for Conditional VRS Certification, CG Docket Nos. 10-51 and 03-123 (filed December 17, 2024), <https://www.fcc.gov/ecfs/search/search-filings/filing/1217217863051> (removing redactions to the ownership structure of the post-transaction entity).

² See *Notice of Grant of Conditional Certification for CSDVRS, LLC to Provide Video Relay Service After Its Acquisition by Kinderhook Capital Fund IV, L.P.*, Public Notice, 29 FCC Red 16237, CG Docket Nos. 03-123 & 10-51 (CGB 2014).

³ Application at 3-6 (detailing the proposal); *Consumer and Governmental Affairs Bureau Clarifies the Transferability of Telecommunications Relay Service (TRS) Provider Certification*, CG Docket No. 03-123, Public Notice, 23 FCC Red 10438 (CGB 2008) (clarifying that Commission certifications to provide TRS cannot be transferred, and if an acquiring entity is not already eligible to receive compensation from the TRS Fund, it must be certified before it can offer service for which it seeks compensation from the Fund).

⁴ See *Misuse of Internet Protocol (IP) Captioned Telephone Service; Structure and Practices of the Video Relay Service Program; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing* (continued....)

Filing Requirements. Interested parties may file comments on or before the dates indicated above. All filings must reference CG Docket Nos. 10-51 and 03-123. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS).⁵

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <https://www.fcc.gov/ecfs/filings>.
- Paper Filers:
 - Parties who choose to file by paper must file an original and one copy of each filing.
 - Filings can be sent, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
 - Hand-delivered or messenger-delivered paper filings for the Commission's Secretary are accepted between 8:00 a.m. and 4:00 p.m. by the FCC's mailing contractor at 9050 Junction Drive, Annapolis Junction, MD 20701. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
 - Commercial courier deliveries (any deliveries not by the U.S. Postal Service Express) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
 - U.S. Postal Service first-class, Express, and Priority mail must be sent to 45 L Street, NE, Washington, DC 20554.

Ex Parte Rules. The proceeding this Notice initiates shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.⁶ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

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and Speech Disabilities, CG Docket Nos. 13-24, 10-51, and 03-123, Order and Third Protective Order, 33 FCC Rcd 6802, 6803, para. 4 (CGB 2018).

⁵ *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322 (1998).

⁶ 47 CFR §§ 1.1200 *et seq.*

People with Disabilities. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Bureau at 202-418-0530 (voice).

Additional Information. For further information regarding this Notice, please contact Ike Ofobike, Disability Rights Office, Consumer and Governmental Affairs Bureau, at 202-418-1028 or by e-mail to Ike.Ofobike@fcc.gov.

– FCC –



PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, DC 20554

News Media Information 202-418-0500
Internet: www.fcc.gov

DA 24-1270

Released: December 18, 2024

**DOMESTIC SECTION 214 APPLICATION GRANTED FOR THE
ACQUISITION OF CERTAIN ASSETS OF BRIGHTSPEED OF VIRGINIA, LLC
BY CENTRAL VIRGINIA SERVICES, INC.**

WC Docket No. 24-311

By this Public Notice, the Wireline Competition Bureau grants, as conditioned, an application filed by Brightspeed of Virginia, LLC (Brightspeed VA) and Central Virginia Services, Inc. (CVSI) (collectively, Applicants), pursuant to section 214(a) of the Communications Act of 1934, as amended, and sections 63.03-04 of the Commission's rules,¹ requesting consent for the transfer of Brightspeed's Rural Digital Opportunity Fund (RDOF) support and related buildout and service obligations associated solely with Census Block Group No. 511139302003 (Transferring CBG) to CVSI.²

On October 24, 2024, the Bureau released a Public Notice seeking comment on the Application.³ The Bureau did not receive comments or petitions in opposition to the Application.

Applicants and Description of Transaction

Brightspeed VA, a Virginia limited liability company, is a wholly-owned subsidiary of Connect Holding II d/b/a Brightspeed (Brightspeed).⁴ Brightspeed VA is designated as an Eligible Telecommunications Carrier (ETC) in Virginia and provides broadband and telecommunications services, primarily as an incumbent local exchange carrier (LEC), but it is not the incumbent LEC in the Transferring CBG.⁵ The Commission authorized Brightspeed VA to receive \$12,518,109.10 in RDOF support⁶ of which, Applicants state, \$2,351,220.00 was allocated for an estimated 679 locations in the Transferring CBG, which is entirely in Madison County, Virginia.⁷

¹ See 47 U.S.C. § 214(a); 47 CFR §§ 63.03-04.

² See Domestic Section 214 Application for Acquisition of Certain Assets of Brightspeed of Virginia, LLC by Central Virginia Services, Inc., WC Docket No. 24-311 (filed Sept. 24, 2024) (Application). Applicants filed a supplement to the Application on October 3, 2024. Letter from Todd B. Lantor, Counsel to Central Virginia Services, Inc., to Marlen H. Dortch, Secretary, FCC, WC Docket No. 24-311 (filed Oct. 3, 2024) (Supplement). Any action on this domestic section 214 application is without prejudice to Commission action on other related, pending applications.

³ See *Domestic Section 214 Application Filed for the Acquisition of Certain Assets of Brightspeed of Virginia, LLC By Central Virginia Services, Inc.*, WC Docket No. 24-311, Public Notice, DA 24-1044 (WCB 2024) (Public Notice).

⁴ Application at 2-3.

⁵ *Id.* at 3.

⁶ *Rural Digital Opportunity Fund Support Authorized for 830 Winning Bids*, AU Docket No. 20-34 et al., Public Notice, 37 FCC Red 6072, Attach. A at 2-3 (WCB/OEA 2022) (authorizing Brightspeed sub nom. Central Telephone Company of Virginia to receive RDOF support to serve certain eligible areas in Virginia). Central
(continued....)

CVSI, a Virginia corporation, provides high-speed, fiber-optic internet and interconnected VoIP-based voice services in portions of central Virginia.⁸ Applicants state that CVSI provides gigabit-tier level of broadband and interconnected VoIP-based voice services across its entire broadband service areas.⁹ On June 8, 2021, the Commission released an Order conditionally expanding CVSI's ETC designation in Virginia¹⁰ and CVSI was subsequently authorized to receive \$33,958,890.50 in RDOF support in Virginia to provide service to 28,339 locations in these areas.¹¹ CVSI is a wholly-owned subsidiary of Central Virginia Electric Cooperative (CVEC), a rural electric cooperative, which is owned by its members and controlled by its board of directors (all U.S. citizens).¹² Applicants state that no individual or entity holds a ten percent or greater interest in CVSI.¹³

Pursuant to the terms of the proposed transaction, Brightspeed VA would transfer the RDOF obligations and the majority of past and future RDOF funding associated with the Transferring CBG to CVSI,¹⁴ which has agreed to accept all future RDOF compliance obligations for the Transferring CBG, subject to regulatory approval.¹⁵ Applicants state that, post-consummation, CVSI will "undertake the deployment of the RDOF-support network and integrate such activities and operations into its own ongoing operations and RDOF deployment."¹⁶

(Continued from previous page)

Telephone Company of Virginia d/b/a CenturyLink changed its name to Brightspeed after it was acquired from Lumen Technologies, Inc. on October 1, 2022. Application at 3; *Lumen Technologies, Inc. and Connect Holding LLC Application for Consent to Transfer Control*, WC Docket No. 21-350, Memorandum Opinion and Order and Declaratory Ruling, 37 FCC Rcd 9523 (WCB, IB, WTB 2022).

⁷ Application at 3-4; Supplement at 1. We note that the Commission has directed the Bureau to adopt revised location obligations no later than the end of program's sixth year using a listing of all qualifying locations within eligible areas. See *Rural Digital Opportunity Fund et al.*, WC Dockets 19-126, 10-90, Order, 35 FCC Rcd 686, 709, para. 45 (2020). The Study Area Code (SAC) currently associated with the Transferring CBG is 190254 (Brightspeed VA).

⁸ Application at 4.

⁹ *Id.* at 3-4.

¹⁰ *Id.* at 5. CVSI has been designated as an ETC by the Commission in areas where it has been authorized to receive support awarded through the Connect America Fund (CAF) Phase II auction and the Rural Digital Opportunity Fund auction. *Telecommunications Carriers Eligible for Universal Service Support, et al.*, WC Docket Nos. 09-197, 10-90, Order, 34 FCC Rcd 1966 (WCB 2019) (designating CVSI as an ETC in areas where it is eligible receive CAF Phase II Auction support in Virginia); *Telecommunications Carriers Eligible for Universal Service Support, et al.*, WC Docket Nos. 09-197, 10-90, Order, 33 FCC Rcd 9384 (WCB 2021) (designating CVSI as an ETC where it is eligible to receive Rural Digital Opportunity Fund support in Virginia).

¹¹ *Rural Digital Opportunity Fund Support Authorized for 1,345 Winning Bids*, AU Docket No. 20-34, WC Docket Nos. 19-126, 10-90, Public Notice, 37 FCC Rcd 4897, Attach. A at 2-6 (AU/WCB 2022) (*RDOF Eighth Authorization*) (authorizing CVSI to receive RDOF support for SAC 199021).

¹² Application at 5; Supplement at 1.

¹³ Application at 12.

¹⁴ Brightspeed VA states that pursuant to the terms of the transaction, it will "retain \$189,431 [of the total RDOF support associated with the Transferring CBG] for RDOF planning costs previously incurred." but will not retain any RDOF support associated with its pre-authorization expenses. *Id.* at 2.

¹⁵ *Id.* at 5-7, 10.

¹⁶ *Id.* at 6.

Discussion

We find, upon consideration of the record, that a grant of the Application will serve the public interest, convenience, and necessity. To make this determination under Commission precedent, we consider whether the proposed transaction could result in public interest harms by substantially frustrating or impairing the objectives or implementation of the Act or related statutes.¹⁷ We then employ a balancing test weighing any potential public interest harms of the proposed transaction against any potential public interest benefits.¹⁸ The Applicants bear the burden of proving, by a preponderance of the evidence, that the proposed transaction, on balance, serves the public interest.¹⁹

We find that there are no potential public interest harms identified in the record. First, the proposed transaction will not result in a reduction of competition. Applicants state that “[Brightspeed VA] has no assets, services, or subscribers in or around the Assigned CGB.”²⁰ Accordingly, the transaction will not result in any loss of impairment of service for either Applicant’s subscribers and will have no adverse effect on competition.²¹

Second, Applicants state that the Commission previously determined that CVSI is qualified to receive RDOF support and is sufficiently qualified to acquire the Transferring CBG.²² CVSI commits to meeting all public interest and performance obligations associated with the receipt of the transferred RDOF support,²³ and the record indicates that CVSI has the technical, financial, and managerial expertise to do so.²⁴ In this regard, CVSI attests that it “will be solely responsible for complying with Universal Service Fund requirements and Commission rules post-consummation, regardless of any preexisting or reasonably foreseeable conditions that could impact its ability to meet its obligations in the future in the newly acquired supported area.”²⁵ Specifically, Applicants maintain that CVSI has “both the necessary

¹⁷ See, e.g., *Application of Verizon Communications Inc. and América Móvil S.A.B. de C.V. for Consent to Transfer Control of International Section 214 Authorization*, GN Docket No. 21-112, IBFS File No. ITC-T/C-20200930-00173, Memorandum Opinion and Order, 36 FCC Rcd 16994, 17001, para. 21 (2021) (*Verizon-TracFone Order*) (citing *China Mobile International (USA) Inc., Application for Global Facilities-Based and Global Resale International Telecommunications Authority Pursuant to Section 214 of the Communications Act of 1934, as Amended*, ITC-214-20110901-00289, Memorandum Opinion and Order, 34 FCC Rcd 3361, 3366, para. 9 (2019); *Applications for Consent to the Assignment and/or Transfer of Control of Licenses, Adelphia Communications Corporation (and Subsidiaries, Debtors-in-Possession), Assignors, to Time Warner Cable Inc. (Subsidiaries), Assignees; Adelphia Communications Corporation, (and Subsidiaries, Debtors-in-Possession), Assignors and Transferors et al.*, MB Docket No. 05-192, Memorandum Opinion and Order, 21 FCC Rcd 8203, 8219-21, paras. 27-28 (2006) (*Adelphia-TWC Order*)).

¹⁸ See *Verizon-TracFone Order*, 36 FCC Rcd at 17001, para. 21 (citing *Applications of AT&T Inc. and DIRECTV for Consent to Assign or Transfer Control of Licenses and Authorizations*, MB Docket No. 14-90, Memorandum Opinion and Order, 30 FCC Rcd 9131, 9140, para. 18 (2015) (*AT&T-DIRECTV Order*)) (further citations omitted).

¹⁹ See *Verizon-TracFone Order*, 36 FCC Rcd at 17001, para. 21 (citing *AT&T-DIRECTV Order*, 30 FCC Rcd at 9140, para. 18; *Adelphia-TWC Order*, 21 FCC Rcd at 8217, para. 23; *Application of EchoStar Communications Corp., General Motors Corp., and Hughes Electronics Corp., Transferors, and EchoStar Communications Corp., Transferee*, CS Docket No. 01-348, Hearing Designation Order, 17 FCC Rcd 20559, 20574, para. 25 (2002)) (further citations omitted).

²⁰ Application at 2.

²¹ *Id.* at 2.

²² See *id.*; *RDOF Eighth Authorization Public Notice*, 37 FCC Rcd 4897, Attach. A.

²³ Application at 5-7, 10.

²⁴ *Id.* at 7-9.

industry experience and requisite financial means to take on the responsibility of deploying RDOF-supported voice and broadband service in the Transferring CBG,”²⁶ and that CVSI “is not taking on any debt repayment obligations or otherwise increasing substantially its costs to deploy service and will continue to have the same access to financial resources following consummation of this transaction.”²⁷ In addition, Applicants have confirmed that “[t]he transaction will not result in any adverse alteration to the buildout plans,” and that “[t]here will be no changes in the fiber-to-the-premises technology being used by both Applicants in executing their respective RDOF buildout plans.”²⁸ Applicants state that CVSI “will offer the same level of service in the Assigned CGB as it currently offers in its existing broadband service area” and “will meet or exceed RDOF requirements.”²⁹ Overall, we conclude that the record in this proceeding does not support a finding of a public interest harm.

We next consider whether the proposed transaction is likely to generate verifiable, transaction-specific public interest benefits.³⁰ Applicants must provide evidence of a claimed benefit to allow the Commission to verify its likelihood and magnitude.³¹ Where potential harms appear unlikely, as is the case with the Application before us here, the Commission accepts a lesser degree of magnitude and likelihood than when harms are present.³²

Applicants assert that the proposed transaction will create efficiencies from the Transferring CBG’s “proximity to [CVSI’s] broadband service area, as well as [CVSI’s] existing and planned future operations resources, and infrastructure.” Applicants contend that CVSI is “well-positioned to complete the required buildout for the provision of RDOF-supported broadband and voice services in advance of the deadline dictated by the Commission’s RDOF rules.”³³ Applicants aver that CVSI “can achieve economies of scale and leverage its labor force, infrastructure, and operational capabilities to build out the Transferring CBG rapidly and cost-effectively as it expands its broadband operations.”³⁴ Further, Applicants state that CVSI has “begun connecting consumer locations in Madison County and is planning to expand its fiber network to serve all unserved locations in Madison County, Virginia.”³⁵ Based on CVSI’s geographic proximity to the Transferring CBG and asserted economic efficiencies, Applicants argue that CVSI will be better positioned to deploy its fiber network more efficiently and quickly than absent the transaction, resulting in improved access to advanced services for customers.³⁶

The Commission has specified that ensuring consumers receive new or additional services is an important public interest factor,³⁷ and accelerating private sector deployment of advanced services is one

(Continued from previous page)

²⁵ *Id.* at 10.

²⁶ *Id.* at 7.

²⁷ *Id.* at 6.

²⁸ *Id.* at 8.

²⁹ *Id.* at 9.

³⁰ See *AT&T/DIRECTV Order*, 30 FCC Rcd at 9237, paras. 273-74.

³¹ See *id.* at 9237-38, paras. 275-76.

³² See *id.*

³³ Application at 8.

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.*

³⁷ See, e.g., *AT&T-DIRECTV Order*, 30 FCC Rcd at 9140, para. 19.

of the aims of the Act.³⁸ In light of CVSI's commitments to meet all of its federal high-cost support obligations³⁹ and the fact that CVSI is already approved to receive RDOF support in nearby areas of Virginia, we find it likely that the proposed transaction would result in some public interest benefits. Absent any potential harms, and considering that the proposed transaction is likely to yield some benefits, we find, on balance, that the proposed transaction serves the public interest.

Conditional Authorization of RDOF Support

As stated above, we find that CVSI has sufficiently demonstrated its managerial, financial, and technological capabilities to meet its RDOF obligations to serve the Transferring CBG, and accordingly, we conditionally authorize CVSI to receive the support associated with the Transferring CBG (\$2,351,220) to be added to its existing authorized amount, conditioned upon CVSI's satisfaction of the following prerequisites within 90 days from the release date of this public notice: (1) expansion of its ETC designation to include the Transferring CBG;⁴⁰ (2) submission and approval of an irrevocable letter of credit (LOC) from a qualifying bank securing the requisite amount of support for the Transferring CBG; (3) submission and approval of a new supporting Bankruptcy Opinion Letter (Opinion Letter); and (4) submission of a notice of consummation of the transaction and satisfaction of all other prerequisites for authorization (Completion Notice).⁴¹

When submitting this information, CVSI must comply with the following procedures:

Letter of Credit and Opinion Letter. CVSI must submit a hard copy of the LOC and a hard copy of the Opinion Letter to the Universal Service Administrative Agency (USAC), at the following address: Universal Service Administrative Company (USAC), High Cost Program, Rural Digital Fund LOC, Attn: Stephen Snowman and Daniel Havivi, 700 12th Street, NW, Suite 900, Washington, DC 20005, and electronic copies of the hard copies of the LOC and the Opinion Letter to USAC at hcinfo@usac.org and OGC-LOC@usac.org.

Completion Notice. CVSI must submit an electronic copy of the Completion Notice to USAC at hcinfo@usac.org and OGC-LOC@usac.org, and file an electronic copy in the Commission's Electronic Comment Filing System (ECFS) under WC Docket No. 24-311. Applicants should also email a copy of this notice directly to Dennis Johnson at dennis.johnson@fcc.gov and to Nissa Laughner at nissa.laughner@fcc.gov.

If and when all of these prerequisites are satisfied, the authorization of CVSI to receive the support associated with the Transferring CBG will become effective. Until such authorization, Brightspeed must maintain an irrevocable LOC securing the support for the Transferring CBG and will retain sole responsibility for complying with the universal service fund requirements for the Assigned CBG. Once CVSI is authorized, all support and related transferrable assets associated with the

³⁸ See *Verizon-TracFone Order*, 36 FCC Rcd at 17002, para. 22 (citing 47 U.S.C. §§ 254, 332(c)(7), 1302; Telecommunications Act of 1996, Pub. L. No. 104-104, Preamble, 110 Stat. 56 (1996) (one purpose of the Act is to "accelerate rapidly private sector deployment of advanced telecommunications and information technologies and services")).

³⁹ Application at 5-7, 10.

⁴⁰ CVSI has submitted a petition to expand its ETC designation in Virginia to include the Transferred CBG, which remains pending before the Commission. Petition of Central Virginia Services, Inc. for Expanded Eligible Telecommunications Carrier Designation, WC Docket No. 09-197 (filed Sept. 25, 2024); *Wireline Competition Bureau Seeks Comment on Central Virginia Services, Inc.'s Petition for Expansion of its Eligible Telecommunications Carrier Designation*, WC Docket No. 09-197, DA 24-1212 (WCB Dec. 3, 2024).

⁴¹ If Brightspeed and CVSI fail to consummate the transaction within this time frame, they must file notice of the failure within 10 calendar days of the end of such time frame in the Commission's Electronic Comment Filing System (ECFS) under WC Docket Nos. 24-134. If CVSI does not meet one or more of the conditions before the 90 day period specified above expires, the Bureau will reassess CVSI's qualifications for authorization.

Transferring CBG, including any disbursements for the Assigned CBG received by Brightspeed pending the effective date of CVSI's authorization or thereafter, must be transferred to CVSI.⁴² If, because of the timing of the authorization, USAC cannot modify the payment system to transfer any support payments following authorization, Brightspeed must, consistent with its obligation to transfer all support and associated assets associated with the Transferring CBG, transfer the full amount of support that Brightspeed has received post-authorization within 10 days of the receipt of such support.

We remind CVSI that that once it satisfies all conditions of authorization, it assumes sole responsibility for complying with universal service fund requirements and Commission rules, regardless of any preexisting or reasonably foreseeable conditions that could impact its ability to meet its obligations in the future, including technical, marketplace, and on-the-ground conditions.⁴³ Indeed, any carrier seeking authorization to receive high cost support pursuant to a section 214 authorization must conduct the proper due diligence prior to consummation of the transaction and, in doing so, must assume all risks and consequences of noncompliance with program requirements, including default recovery of support and potential forfeiture penalties.⁴⁴ In addition, CVSI must meet all administrative, performance, and deployment obligations and deadlines,⁴⁵ including the requirement to deploy voice and broadband service meeting minimum standards to the requisite number of locations by specific service milestones.⁴⁶

⁴² Once CVSI is authorized to receive the support, USAC will transfer all future support payments to CVSI as of the next month following the authorization or as soon as reasonably practical thereafter. Unless parties to the transaction satisfy all conditions of authorization and give notice of such satisfaction in accordance with the above listed procedures on or before the 10th date of the month, USAC will likely be unable to transfer the next end-of-month payment to the authorized support recipient. We note that there may also be other extenuating circumstances that might nonetheless cause a delay in the transfer of the payment.

⁴³ See, e.g., *Authorization of Atlink Services, LLC to Receive Connect America Fund (CAF) Phase II Auction Support Transferred from Cherokee Telephone Company Pursuant to a Commission Approved Transaction*, WC Docket No. 10-90, Public Notice, 37 FCC Rcd 6158, 6159 (WCB 2022).

⁴⁴ See *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 717-18, para. 68 (stressing that it is RDOF bidders' "sole responsibility" to complete due diligence by conducting adequate research and analysis before participating in the RDOF auction); *id.* at 725, para. 84 (requiring RDOF short-form applicants to certify that they are solely responsible for compliance with all RDOF requirements).

⁴⁵ The Bureau has provided a summary of the various obligations of authorized RDOF support recipients in prior authorization public notices. As stated in these public notices, the summary is not intended to be comprehensive, and all authorized parties are responsible for conducting the due diligence required to comply with universal service fund requirements and the Commission's rules. See, e.g., *Rural Digital Opportunity Fund Support Authorized for 1,345 Winning Bids*, AU Docket No. 20-34, WC Docket Nos. 19-126 and 10-90, Public Notice, 37 FCC Rcd 4897, 4898-4905 (WCB 2022). We note that in addition to the requirements and rules specified in the public notices, RDOF support recipients must test and certify compliance with the relevant performance requirements in accordance with the uniform framework that has been adopted for measuring and reporting on high cost performance requirements. See *Rural Digital Opportunity Fund Phase I Auction Scheduled for October 29, 2020; Notice and Filing Requirements and Other Procedures for Auction 904*, AU Docket No. 20-34 et al., Public Notice, 35 FCC Rcd 6077, 6083, para.15 (2020); *Connect America Fund*, WC Docket No. 10-90, Order, 33 FCC Rcd 6509, 6530-33, paras. 56-67 (WCB 2018); *Connect America Fund*, WC Docket No. 10-90, Order on Reconsideration, 34 FCC Rcd 10109, 10110, para. 4 (2019) (expanding performance measure testing requirements); see generally *Connect America Fund*, WC Docket No. 10-90, Order, WC Docket No. 10-90, Order, 35 FCC Rcd 14658 (WCB 2020) (clarifying certain requirements).

⁴⁶ Specifically, RDOF support recipients must deploy service to an increasing percentage of the CAM-estimated number of locations as of December 31st of each year beginning with a 40% milestone as of the third year of receiving support (2025), 60% as of the fourth year (2026), 80% as of the fifth year (2027), and 100% as of the sixth year (2028). 47 CFR § 54.802(c); *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 709-12, paras. 45-55. The Commission will then adjust the initial defined deployment obligation assigned to each RDOF support recipient based on its determination of the number of locations within the supported area without an increase or decrease in
(continued....)

Grant of Application

We find, upon consideration of the record, that the proposed transfer will serve the public interest, convenience, and necessity.⁴⁷ This grant of the Application is conditioned as set out in this Public Notice. The Application is granted in conjunction with the conditional authorization of CVSI to receive RDOF support as set out in this Public Notice.

Therefore, pursuant to section 214 of the Act, 47 U.S.C. § 214, and sections 0.91, 0.291, 63.03, and 63.04 of the Commission's rules, 47 CFR §§ 0.91, 0.291, 63.03, and 63.04, the Bureau hereby grants the Application discussed in this Public Notice, subject to Applicants' compliance with all applicable obligations.

Pursuant to section 1.103 of the Commission's rules, 47 CFR § 1.103, the grant is effective upon release of this Public Notice.⁴⁸ Petitions for reconsideration under section 1.106 or applications for review under section 1.115 of the Commission's rules, 47 CFR §§ 1.106, 1.115, may be filed within 30 days of the date of this Public Notice.

For further information, please contact Dennis Johnson, Wireline Competition Bureau, Competition Policy Division, (202) 418-0809.

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support, subject to a 35% margin. 47 CFR § 54.802(c); *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 710-11, paras. 49-50.

⁴⁷ See 47 U.S.C. § 214(a); 47 CFR § 63.03.

⁴⁸ We direct Applicants to submit, within 90 days of closing the proposed transaction, a notice in WC Docket No. 24-311 that the proposed transaction has closed, with the consummation date, and also provide a courtesy copy of the notice to hcinfo@usac.org.



PUBLIC NOTICE

Federal Communications Commission
45 L Street, NE
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>

DA 24-1271

Released: December 18, 2024

COMMENTS INVITED ON SECTION 214 APPLICATION(S) TO DISCONTINUE DOMESTIC NON-DOMINANT CARRIER TELECOMMUNICATIONS AND/OR INTERCONNECTED VOIP SERVICES

WC Docket No(s). 24-696

Comments Due: January 2, 2025

Unless otherwise specified, the following procedures and dates apply to the application(s) (the Section 214 Discontinuance Application(s)) listed in the Appendix.

The Wireline Competition Bureau (Bureau), upon initial review, has found the Section 214 Discontinuance Application(s) listed herein to be acceptable for filing and subject to the procedures set forth in Section 63.71 of the Commission's rules.¹ The application(s) request authority, under section 214 of the Communications Act of 1934, as amended,² and section 63.71 of the Commission's rules,³ to discontinue, reduce, or impair certain domestic telecommunications service(s) (Affected Service(s)) in specified geographic areas (Service Area(s)) as applicable and as fully described in each application.

In accordance with section 63.71(f) of the Commission's rules, the Section 214 Discontinuance Application(s) listed in the Appendix will be deemed granted automatically on **January 18, 2025**, the 31st day after the release date of this public notice, unless the Commission notifies any applicant(s) that their grant will not be automatically effective.⁴ We note that the date on which an application for Commission authorization is deemed granted may be different from the date on which applicants are authorized to discontinue, reduce, or impair service ("Authorized Date"). Any applicant whose application has been deemed granted may discontinue, reduce or impair their Affected Service(s) in their Service Area(s) on or after the authorized date(s) specified in the Appendix, in accordance with their filed representations. Accordingly, pursuant to section 63.71(f), and the terms outlined in each application, absent further Commission action, each applicant may discontinue, reduce or impair the Affected Service(s) in the Service Area(s) described in their application on or after the authorized discontinuance date(s) listed in the Appendix for that application. For purposes of computation of time when filing a petition for reconsideration, application for review, or petition for judicial review of the Commission's decision(s), the date of "public notice" shall be the later of the auto grant date stated above in this Public

¹ 47 CFR § 63.71.

² 47 U.S.C. § 214.

³ 47 CFR § 63.71.

⁴ See 47 CFR § 63.71(f) (stating, in relevant part, that an application filed by a non-dominant carrier "shall be automatically granted on the 31st day... unless the Commission has notified the applicant that the grant will not be automatically effective.").

Notice, or the release date(s) of any further public notice(s) or order(s) announcing final Commission action, as applicable. Should no petitions for reconsideration, applications for review, or petitions for judicial review be timely filed, the proceeding(s) listed in this Public Notice shall be terminated, and the docket(s) will be closed.

Comments objecting to any of the applications listed in the Appendix must be filed with the Commission on or before **January 2, 2025**. Comments should refer to the specific WC Docket No. and Comp. Pol. File No. listed in the Appendix for the particular Section 214 Discontinuance Application that the commenter intends to address. Comments should include specific information about the impact of the proposed discontinuance on the commenter, including any inability to acquire reasonable substitute service. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.⁵ Comments may be filed electronically using the Internet by accessing the ECFS: <http://apps.fcc.gov/ecfs>. Filers should follow the instructions provided on the Web site for submitting comments. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket number.

Parties who choose to file paper copies must file an original and one copy of each filing. Such filings can be sent by hand or messenger delivery, by commercial courier, or by the U.S. Postal Service. All filings must be addressed to the Secretary, Federal Communications Commission. Hand-delivered or messenger-delivered paper filings for the Commission's Secretary are accepted between 8:00 a.m. and 4:00 p.m. by the FCC's mailing contractor at 9050 Junction Drive, Annapolis Junction, MD 20701. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building. Commercial courier deliveries (any deliveries not by the U.S. Postal Service) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701. Filings sent by U.S. Postal Service First-Class Mail, Priority Mail, and Priority Mail Express must be sent to 45 L Street NE, Washington, DC 20554.

This proceeding shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.⁶ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

⁵ See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

⁶ 47 CFR § 1.1200 *et seq.*

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (TTY).

For further information, please see the contact(s) for the specific discontinuance proceeding you are interested in as listed in the Appendix. For further information on procedures regarding section 214 please visit <https://www.fcc.gov/encyclopedia/domestic-section-214-discontinuance-service>.

– FCC –

Appendix

- 1) **Applicant(s): CenturyLink Communications, LLC (CenturyLink)**
WC Docket No. 24-696, Comp. Pol. File No. 1966
Link – [https://www.fcc.gov/ecfs/search/search-filings/results?q=\(proceedings.name:\(%2224-696%22\)\)](https://www.fcc.gov/ecfs/search/search-filings/results?q=(proceedings.name:(%2224-696%22)))
Affected Service(s) – Engage Voice over Internet Protocol Service
Service Area(s) – in all 50 states, the District of Columbia and Puerto Rico
Authorized Date(s) – January 18, 2025
Contact(s) – Kimberly Jackson, (202) 418-7393 (voice), Kimberly.Jackson@fcc.gov, of the Competition Policy Division, Wireline Competition Bureau
Note: On December 17, 2024, CenturyLink filed an amendment letter to indicate that the customer notice mailed to affected customers fully complies with the Commission’s rules.



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
45 L STREET NE
WASHINGTON D.C. 20554

News media information 202-418-0500
Internet: <http://www.fcc.gov> (or <ftp.fcc.gov>)
TTY (202) 418-2555

DA No. 24-1272

Report No. TEL-02412

Thursday December 19, 2024

International Authorizations Granted

Section 214 Applications (47 CFR §§ 63.18, 63.24); Section 310(b) Petitions (47 CFR § 1.5000)

The following applications have been granted pursuant to the Commission's processing procedures set forth in sections 63.12 and 63.20 of the Commission's rules. 47 CFR §§ 63.12, 63.20.

Unless otherwise noted, these grants authorize the applicants to: (1) become a facilities-based international common carrier subject to 47 CFR §§ 63.21, 63.22 and/or a resale-based international common carrier subject to 47 CFR §§ 63.21, 63.23; (2) assign or transfer control of international section 214 authority in accordance with 47 CFR § 63.24.

THIS PUBLIC NOTICE SERVES AS EACH NEWLY AUTHORIZED CARRIER'S SECTION 214 CERTIFICATE. It contains general and specific conditions, which are set forth below. Newly authorized carriers should carefully review the terms and conditions of their authorizations. Failure to comply with general or specific conditions of an authorization, or with other relevant Commission rules and policies, could result in fines and forfeitures.

Petitions for reconsideration under section 1.106 or applications for review under section 1.115 of the Commission's rules, 47 CFR §§ 1.106, 1.115, in regard to the grant of any of these applications may be filed within 30 (thirty) days of this public notice. See 47 CFR § 1.4(b)(2).

ITC-214-20240227-00042		E	Surf Telecom llc
International Telecommunications Certificate			
Service(s):		Global or Limited Global Resale Service	
Grant of Authority		Date of Action: 12/16/2024	
Surf Telecom LLC (Surf Telecom) has filed an application for authority to provide resale services in accordance with section 63.18(e)(2) of the Commission's rules. 47 CFR § 63.18(e)(2).			
Surf Telecom is wholly owned by Yon Moreira da Silva Jr., a citizen of Brazil.			
On December 10, 2024, the National Telecommunications and Information Administration informed the Commission that the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector (Committee) "has reviewed the application and has no recommendation at this time to the Commission approving the application and no objection to the Commission granting it" and that the Committee "reserves the right to review any resulting authorization in the future to identify any additional or new risks to U.S. national security or law enforcement interests."			
ITC-214-20240322-00053		E	Members Mobile Inc.
International Telecommunications Certificate			
Service(s):		Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service	
Grant of Authority		Date of Action: 12/16/2024	
Members Mobile Inc. (Members Mobile) has filed an application for authority to provide facilities-based service in accordance with section 63.18(e)(1) of the Commission's rules and resale service in accordance with section 63.18(e)(2) of the Commission's rules. 47 CFR § 63.18(e)(1), (2). The Applicant filed a supplement on April 9, 2024.			
Members Mobile is a Delaware corporation. The direct 10% or greater owners of Members Mobile are Brandt Enterprises Inc. (Brandt Enterprises), a Connecticut corporation (38.3%), Red Queen Venture Holdings SLU (Red Queen), an Andorra entity (38.3%), and Acceleration-2 GmbH (Acceleration), an Austria entity (13.9%).			
Brandt Enterprises Profit Sharing Plan and Trust (Brandt Trust) has a 99.7% ownership interest in Brandt Enterprises. Gary G. Brandt, a U.S. citizen, has a 0.3% direct interest in Brandt Enterprises and is the 100% beneficiary and trustee of Brant Trust and votes 100% of the shares of Brand Trust.			
Luis Jimenez-Tunon, a citizen of Spain, is the sole owner of Red Queen.			
Peter Nussbaumer and Karl-Heinz-Dorfmeister, both citizens of Austria, each have a 50% ownership interest in Acceleration.			
On December 10, 2024, the National Telecommunications and Information Administration informed the Commission that the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector (Committee) "has reviewed the application and has no recommendation at this time to the Commission approving the application and no objection to the Commission granting it" and that the Committee "reserves the right to review any resulting authorization in the future to identify any additional or new risks to U.S. national security or law enforcement interests."			
ITC-214-20240718-00114		E	New Age Networks
International Telecommunications Certificate			
Service(s):		Other (Section 63.18(e)(6))	
Grant of Authority		Date of Action: 12/13/2024	
New Age Networks LLC (New Age) filed an application for authority to provide resale service in accordance with section 63.18(e)(2) of the Commission's rules. 47 CFR § 63.18(e)(2).			
New Age, a Texas limited liability company, is wholly owned by DeMarcus Randle, a U.S. citizen.			
ITC-214-20241017-00167		E	Vortex Networks, Inc.
International Telecommunications Certificate			
Service(s):		Global or Limited Global Facilities-Based Service, Global or Limited Global Resale Service	
Grant of Authority		Date of Action: 12/13/2024	
Vortex Networks Inc. (Vortex) filed an application for authority to provide resale service in accordance with section 63.18(e)(2) of the Commission's rules. 47 CFR § 63.18(e)(2).			
Vortex, a California corporation, is wholly owned by Wei Xue, a U.S. citizen.			

ITC-ASG-20241105-00170 E

Elkhart Cellular, Inc

Assignment

Grant of Authority

Date of Action: 12/16/2024

Current Licensee: Leap Wireless International, Inc.

FROM: Leap Wireless International, Inc.

TO: Elkhart Cellular, Inc

On November 5, 2024, Elkhart Cellular, Inc. (Elkhart) filed a notification of the pro forma assignment of an international section 214 authority for global resale service (ITC-214-20011011-00527) from Leap Wireless International, Inc. (Leap) to Elkhart, effective July 31, 2015. The Applicants filed a supplement on December 16, 2024.

Leap is a direct wholly owned subsidiary of LWI Holdco Inc. (LWI Holdco), which has a majority interest and control of Elkhart. At the time of the assignment on July 31, 2015, Leap held a 16.61% indirect interest in Elkhart through its 95.59% interest in AT&T Mobility Spectrum, LLC (AT&T Mobility Spectrum), which has a 17.38% interest in Elkhart. LWI Holdco held a 98.29% indirect interest in Elkhart, 16.61% through Leap and 81.68% through its wholly owned subsidiary, AT&T Mobility Wireless Operations Holdings II, Inc., which held a direct 81.68% interest in Elkhart. At this time, LWI Holdco still holds 98.29% interest in Elkhart, a direct 81.68% interest and a 16.61% indirect interest through Leap and AT&T Mobility Spectrum. LWI Holdco, AT&T Mobility Spectrum, Leap, and Elkhart are all indirect subsidiaries of, and controlled by, AT&T, Inc. All of these entities are Delaware corporations.

SURRENDER

ITC-214-19971014-00621

MCI International LLC

On December 16, 2024, MCI International LLC notified the Commission of the surrender of its international section 214 authorization.

ITC-214-20051216-00504

Callis Communications, Inc.

On December 6, 2024, Callis Communications, Inc. notified the Commission of the surrender of its international section 214 authorization.

CONDITIONS APPLICABLE TO INTERNATIONAL SECTION 214 AUTHORIZATIONS

(1) These authorizations are subject to the Exclusion List for International Section 214 Authorizations, which identifies restrictions on providing service to particular countries or using particular facilities. The most recent Exclusion List is at the end of this Public Notice. The list applies to all U.S. international carriers, including those that have previously received global or limited global section 214 authority, whether by Public Notice or specific written order. Carriers are advised that the attached Exclusion List is subject to amendment at any time pursuant to the procedures set forth in Streamlining the International Section 214 Authorization Process and Tariff Requirements, IB Docket No. 95-118, 11 FCC Rcd 12884 (1996), para. 18. A copy of the current Exclusion List is maintained in the FCC Reference Information Center and is available at <https://www.fcc.gov/exclusion-list-international-section-214-authorizations>. It is also attached to each Public Notice that grants international Section 214 authority.

(2) The export of telecommunications services and related payments to countries that are subject to economic sanctions may be restricted. For information concerning current restrictions, call the Office of Foreign Assets Control, U.S. Department of the Treasury, (202) 622-2520.

(3) Carriers shall comply with the requirements of Section 63.11 of the Commission's rules, which requires notification by, and in certain circumstances prior notification by, U.S. carriers acquiring an affiliation with foreign carriers. 47 CFR § 63.11. A carrier that acquires an affiliation with a foreign carrier will be subject to possible reclassification as a dominant carrier on an affiliated route pursuant to the provisions of section 63.10 of the rules. 47 CFR § 63.10.

(4) A carrier may provide switched services over its authorized resold private lines in the circumstances specified in section 63.23(d) of the rules. 47 CFR § 63.23(d).

(5) Carriers shall comply with the "No Special Concessions" rule, section 63.14. 47 CFR § 63.14.

(6) Carriers regulated as dominant for the provision of a particular communications service on a particular route for any reason other than a foreign carrier affiliation under section 63.10 of the rules, 47 CFR § 63.10, shall file tariffs pursuant to Section 203 of the Communications Act, as amended, 47 U.S.C. § 203, and Part 61 of the Commission's Rules. 47 CFR Part 61. Carriers shall not otherwise file tariffs except as permitted by section 61.19 of the rules. 47 CFR § 61.19. Except as specified in section 20.15 with respect to commercial mobile radio service providers, 47 CFR § 20.15, carriers regulated as non-dominant, as defined in section 61.3, 47 CFR § 61.3, and providing detariffed international services pursuant to section 61.19, must comply with all applicable public disclosure and maintenance of information requirements in sections 42.10 and 42.11. 47 CFR §§ 42.10, 42.11.

(7) International facilities-based service providers must file and maintain a list of U.S.-international routes on which they have direct termination arrangements with a foreign carrier. 47 CFR § 63.22(h). A new international facilities-based service provider or one without existing direct termination arrangements must file its list within thirty (30) days of entering into a direct termination arrangement(s) with a foreign carrier(s). Thereafter, international facilities-based service providers must update their lists within thirty (30) days after adding a termination arrangement for a new foreign destination or discontinuing an arrangement with a previously listed destination. See Process For The Filing Of Routes On Which International Service Providers Have Direct Termination Arrangements With A Foreign Carrier, ITC-MS-20181015-00182, Public Notice, 33 FCC Rcd 10008 (IB 2018). The route list must be filed through the International Communications Filing System (ICFS). <https://www.fcc.gov/icfs>

(8) Any U.S. Carrier that owned, leased or holds an indefeasible right of use (IRU) for bare capacity on a submarine cable between the United States and any foreign point must file a Circuit Capacity Report to provide information about the submarine cable capacity it holds. 47 CFR § 43.82(a)(2). See <https://www.fcc.gov/circuit-capacity-data-us-international-submarine-cables>.

(9) Carriers should consult section 63.19 of the rules when contemplating a discontinuance, reduction or impairment of service. 47 CFR § 63.19.

(10) If any carrier is reselling service obtained pursuant to a contract with another carrier, the services obtained by contract shall be made generally available by the underlying carrier to similarly situated customers at the same terms, conditions and rates. 47 U.S.C. § 203.

(11) To the extent the applicant is, or is affiliated with, an incumbent independent local exchange carrier, as those terms are defined in section 64.1902 of the rules, it shall provide the authorized services in compliance with the requirements of section 64.1903. 47 CFR §§ 64.1902, 64.1903.

(12) Except as otherwise ordered by the Commission, a carrier authorized here to provide facilities-based service that (i) is classified as dominant under section 63.10 of the rules, 47 CFR § 63.10, for the provision of such service on a particular route and (ii) is affiliated with a carrier that collects settlement payments for terminating U.S. international switched traffic at the foreign end of that route may not provide facilities-based switched service on that route unless the current rates the affiliate charges U.S. international carriers to terminate traffic are at or below the Commission's relevant benchmark adopted in International Settlement Rates, IB Docket No. 96-261, Report and Order, 12 FCC Rcd 19806 (1997). See also Report and Order on Reconsideration and Order Lifting Stay in IB Docket No. 96-261, FCC 99-124 (rel. June 11, 1999). For the purposes of this rule, "affiliated" and "foreign carrier" are defined in 63.09. 47 CFR § 63.09.

(13) Carriers shall comply with the Communications Assistance for Law Enforcement Act (CALEA), see 47 CFR §§ 1.20000 et seq.

(14) Carriers shall make communications to, from, or within the United States, as well as records thereof, available in a form and location that permits them to be subject to a valid and lawful request or legal process in accordance with U.S. law, including but not limited to:

(A) The Wiretap Act, 18 U.S.C. 2510 et seq.;

(B) The Stored Communications Act, 18 U.S.C. 2701 et seq.;

(C) The Pen Register and Trap and Trace Statute, 18 U.S.C. 3121 et seq.; and

(D) Other court orders, subpoenas or other legal process;

(15) Every carrier must designate an agent for service in the District of Columbia. see 47 U.S.C. § 413, 47 CFR §§ 1.47(h), 63.18(q), 64.1195.

(16) Every carrier must designate a point of contact who is located in the United States and is a U.S. citizen or lawful U.S. permanent resident, for the execution of lawful requests and as an agent for legal service of process. 47 CFR § 63.18(q).

(17) Each carrier shall notify the Commission of any change in its contact information within thirty (30) days. 47 CFR § 63.18(q). Such notification shall be filed in the file number(s) for the international section 214 authorization(s) through the International Communications Filing System (ICFS).

Exclusion List for International Section 214 Authorizations

The following is a list of countries and facilities not covered by grant of global section 214 authority under section 63.18(e)(1) of the Commission's Rules. 47 CFR § 63.18(e)(1). Carriers desiring to serve countries or use facilities listed as excluded hereon shall file a separate section 214 application pursuant to section 63.18(e)(3) of the Commission's Rules. See 47 CFR § 63.22(c).

Countries:

None.

Facilities:

Any non-U.S.-licensed space station that has not received Commission approval to operate in the U.S. market pursuant to the procedures adopted in the Commission's DISCO II Order, IB Docket No. 96-111, Report and Order, FCC 97-399, 12 FCC Rcd 24094, 24107-72 paragraphs 30-182 (1997) (DISCO II Order). Information regarding non-U.S.-licensed space stations approved to operate in the U.S. market pursuant to the Commission's DISCO II procedures is maintained at <https://www.fcc.gov/approved-space-station-list>.

This list is subject to change by the Commission when the public interest requires. The most current version of the list is maintained at <https://www.fcc.gov/exclusion-list-international-section-214-authorizations>.

For additional information, contact the Office of International Affairs, Telecommunications and Analysis Division at (202) 418-1480 or at FCC-OIA-TAD@fcc.gov.

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

In the Matter of	)	
	)	
Unidos Para Cristo, Inc.	)	Facility ID 4931
Licensee of KIJJN(AM),	)	
Farwell, Texas	)	FRN: 0019429083

ORDER TO PAY OR TO SHOW CAUSE

Adopted: December 19, 2024**Released: December 19, 2024**

By the Chief, Media Bureau and the Managing Director, Office of Managing Director:

INTRODUCTION

1. By this Order to Pay or to Show Cause, we initiate a proceeding to revoke the license held by Unidos Para Cristo, Inc. (Licensee) for KIJJN(AM), Farwell, Texas (Station) for failure to pay delinquent regulatory fees and associated interest, administrative costs, and penalties owed to the Federal Communications Commission (Commission). For the reasons set forth below, we direct Licensee to pay the overdue regulatory fees, including any associated interest, penalties, and administrative costs, or show cause why the payment demanded is inapplicable or should otherwise be waived or deferred.

DISCUSSION

2. Under section 9 of the Communications Act of 1934, as amended (Act), and section 1.1151 of the Commission's rules (Rules), the Commission is required to "assess and collect regulatory fees" to recover the cost of carrying out the functions of the Commission."¹ When the required payment is received late or is incomplete, the Commission must assess a penalty equal to "25 percent of the amount of the fee which was not paid in a timely manner."²

3. For fiscal year (FY) 2013, the deadline for paying regulatory fees was September 20, 2013;³ for FY 2014, it was September 23, 2014;⁴ for FY 2015, it was September 24, 2015;⁵ for FY 2016, it was September 27, 2016;⁶ for FY 2017, it was September 26, 2017;⁷ for FY 2018, it was September 25,

¹ 47 U.S.C. § 159(a)(1); 47 CFR § 1.1151.

² 47 U.S.C. § 159A(c)(1); 47 CFR § 1.1164.

³ *Payment Methods and Procedures for Fiscal Year 2013 Regulatory Fees*, Public Notice, DA 13-1796, 28 FCC Rcd 12635 (OMD September 4, 2013).

⁴ *Payment Methods and Procedures for Fiscal Year 2014 Regulatory Fees*, Public Notice, DA 14-1283, 29 FCC Rcd 10500 (OMD September 5, 2014).

⁵ *Payment Methods and Procedures for Fiscal Year 2015 Regulatory Fees*, Public Notice, DA 15-1013, 30 FCC Rcd 9941 (OMD September 11, 2015).

⁶ *Payment Methods and Procedures for Fiscal Year 2016 Regulatory Fees*, Public Notice, 2016 WL 4625515 (OMD September 6, 2016).

⁷ *Payment Methods and Procedures for Fiscal Year 2017 Regulatory Fees*, Public Notice, 2017 WL 3953380 (OMD September 6, 2017).

2018;⁸ for FY 2019, it was September 27, 2019;⁹ for FY 2020, it was September 28, 2020,¹⁰ for FY 2021, it was September 27, 2021,¹¹ for FY 2022, it was September 30, 2022;¹² for FY 2023, it was September 20, 2023;¹³ and for FY 2024, it was September 26, 2024.¹⁴ When Licensee failed to pay or only partially paid its regulatory fees by those deadlines, the Commission assessed charges that included the statutory late payment penalties required by section 9A(c)(1) of the Act¹⁵ and section 1.1164 of the Rules,¹⁶ and interest and administrative costs set forth in section 3717 of the Debt Collection Improvement Act of 1996 (the DCIA) and section 1.1940 of the Rules.¹⁷

4. The Commission's records show that Licensee currently has unpaid regulatory fee debt of \$3,262.02 for FY 2013; \$3,112.20 for FY 2014; \$2,957.41 for FY 2015; \$2,541.25 for FY 2016; \$2,548.50 for FY 2017; \$2,017.30 for FY 2018; \$2,070.87 for FY 2019; \$1,916.78 for FY 2020; \$1,541.35 for FY 2021; \$1,695.00 for FY 2022; \$2,017.30 for FY 2023; and \$1,812.50 for FY 2024 for a total of \$27,492.48. Additional interest and other charges will continue to accrue on this debt until it is paid in full. The Commission sent Licensee a demand letter in accordance with the requirements of the DCIA demanding payment of Licensee's delinquent regulatory fees.¹⁸ When Licensee did not pay its regulatory fee debts, the Commission transferred the debt to the United States Department of Treasury (Treasury) for collection.¹⁹ At the Commission's request, the Treasury has returned the FYs 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, and 2024 regulatory fee debts to the Commission for further collection.

5. The Commission has authority under section 9A(c)(4) of the Act to revoke licenses and authorizations for failure to pay regulatory fees (or related interest and penalties) in a timely fashion. Accordingly, we require Licensee to file with the Media Bureau documented evidence within sixty (60) calendar days of the date of this Order that full payment of all outstanding regulatory fee debt has been made or show cause why the payment is inapplicable or should be waived or deferred.²⁰ Licensee is

⁸ *Payment Methods and Procedures for Fiscal Year 2018 Regulatory Fees*, Public Notice (OMD August 30, 2018), available at <https://docs.fcc.gov/public/attachments/DOC-353883A1.pdf>.

⁹ *Regulatory Fee Filing Window Extended to Friday, September 27, 2019*, Public Notice, DA 19-941, 34 FCC Rcd 8580 (OMD September 23, 2019).

¹⁰ *Regulatory Fee Filing Window is Extended to Monday, September 28, 2020*, Public Notice, DA 20-1131, 35 FCC Rcd 10466 (OMD September 24, 2020). *Payment Methods and Procedures for Fiscal Year 2020 Regulatory Fees*, Public Notice, DA 20-1032, 35 FCC Rcd 9456 (OMD September 4, 2020).

¹¹ *Payment Methods and Procedures for Fiscal Year 2021 Regulatory Fees*, Public Notice, DA 21-1112, 36 FCC Rcd 13423 (OMD September 7, 2021).

¹² *Fiscal Year 2022 Regulatory Fee Filing Deadline Extended to Friday, September 30, 2022, for All Regulatory Fee Payors*, Public Notice, DA 22-1023, 2022 WL 4597483 (OMD September 28, 2022).

¹³ *Payment Methods and Procedures for Fiscal Year 2023 Regulatory Fees*, Public Notice, DA 23-765 (OMD August 28, 2023).

¹⁴ *Payment Methods and Procedures for Fiscal Year 2024 Regulatory Fees*, Public Notice DA 24-917 (OMD September 11, 2024).

¹⁵ 47 U.S.C. § 159A(c)(1).

¹⁶ 47 CFR § 1.1164.

¹⁷ 31 U.S.C. § 3717; 47 CFR § 1.1940.

¹⁸ See 31 U.S.C. § 3711; 31 CFR § 901.2. In addition to the demand letter, the Media Bureau notified Licensee of its delinquency in paying the Station's regulatory fees. Email from Robin Lott, Audio Division, FCC Media Bureau, to Mike Rodriguez, Unidos Para Cristo, Inc. (Apr. 10, 2023, 5:33 PM EDT).

¹⁹ See 31 U.S.C. § 3711(g); 31 CFR §§ 285.12(c), 901.1; 47 CFR § 1.1917.

²⁰ The Commission may waive, reduce, or defer payment of fee debt where good cause is shown and where waiver, reduction or deferral would promote the public interest. The Commission interprets this provision narrowly,

hereby notified that failure to provide such evidence of payment or to show cause within the time specified may result in revocation of Licensee's license for the Station.

6. Under section 9A(c)(4)(C)(i) of the Act and section 1.1164(f)(1) of the Rules,²¹ an adjudicatory hearing will not be designated unless Licensee presents a substantial and material question of fact. Further, disposition of any adjudicatory hearing will be based upon written evidence only, and Licensee will bear the burden to introduce evidence and to provide proof in any such hearing.²² Unless the Licensee substantially prevails in the hearing, the Commission may assess the Licensee for the costs of such hearing.²³

7. To the extent that Licensee is a respondent in other administrative proceedings, both before this agency and other federal agencies, action in this proceeding is without prejudice to action in those proceedings. Further, the existence of any such proceedings and matters raised therein are not considered in this proceeding.

ORDERING CLAUSES

8. Accordingly, **IT IS ORDERED** that, pursuant to section 9A(c)(4) of the Act and sections 0.11, 0.61, 0.231, 0.283 and 1.1164(f) of the Rules, Unidos Para Cristo, Inc., is hereby **ORDERED TO PAY TO THE FEDERAL COMMUNICATIONS COMMISSION** within sixty (60) calendar days of the date of this Order the outstanding regulatory fees for FYs 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022 2023, and 2024 **OR SHOW CAUSE** to the Commission within sixty (60) calendar days of the date of this Order why these regulatory fees are inapplicable to Licensee or should otherwise be waived or deferred.

9. **IT IS FURTHER ORDERED** that payment of the delinquent regulatory fee debt must be made through the Commission's Registration System (CORES)²⁴ or by wire transfer, and must include the FRNs referenced above. Additional wire transfer instructions are as follows:

ABA Routing Number 021030004

Receiving Bank:
TREAS NYC
33 Liberty St.
New York, NY 10045

(BNF) Beneficiary: FCC
Account #: 27000001
OBI Field (skip one space between each information item)

Unidos Para Cristo, Inc., must provide the Payer FRN (if different than the FRN referenced above) and a contact phone number.

Unidos Para Cristo, Inc., must fax a copy of the wire transfer confirmation to the FCC at (202)

granting relief only when a requesting party has shown extraordinary circumstances outweighing the public interest in recovering the cost of the Commission's regulatory services. A party seeking a waiver for financial hardship must conclusively prove financial hardship, providing copies of all such financial documents as are necessary to show that it lacks sufficient funds to pay its regulatory fees and maintain its service to the public. *Assessment and Collection of Regulatory Fees for Fiscal Year 2019*, MD Docket 19-105, Report and Order and Further Notice of Proposed Rulemaking, 34 FCC Rcd 8189, 8207-08, paras. 49-51 (2019).

²¹ 47 U.S.C. § 159A(c)(4)(C)(i); 47 CFR § 1.1164(f)(1).

²² 47 U.S.C. § 159A(c)(4)(C)(ii); 47 CFR § 1.1164(f)(2).

²³ 47 U.S.C. § 159A(c)(4)(C)(ii)(iii); 47 CFR § 1.1164(f)(3).

²⁴ <https://apps.fcc.gov/cores/userLogin.do>

418-2843 or send the wire transfer confirmation copy to the FCC via email to RROGWireFaxes@fcc.gov on the same day the wire transfer is initiated.

10. **IT IS FURTHER ORDERED** that Unidos Para Cristo, Inc., must submit a completed FCC Form 159 (Remittance Advice) at the time of payment. The FCC Form 159 must be faxed to the FCC at (202) 418-2843. An FCC Form 159 and detailed instructions for completing the form may be obtained at <http://www.fcc.gov/Forms/Forms 159/159.pdf>. When completing the FCC Form 159, Unidos Para Cristo, Inc., must enter its FRN in block number 23A (call sign/other ID) and enter the following payment codes for the fiscal years involved in block number 24A (payment type code): 1337 (for FY 2013); 1437 (for FY 2014); 1537 (for FY 2015); 1637 (for FY 2016); 1737 (for FY 2017); 1837 (for FY 2018); 1937 (for FY 2019); 2037 (for FY 2020); 2137 (for FY 2021); 2237 (for FY 2022); 2337 (for FY 2023); and 2437 (for FY 2024).

11. Any written response must include a detailed factual statement supported by appropriate documentation and affidavits pursuant to section 1.16 of the Commission's rules.²⁵ The written response must be filed with the Office of the Secretary, Federal Communications Commission, 45 L Street NE, Washington DC 20554, ATTN: Albert Shuldiner, Chief, Audio Division, Media Bureau. Filings can be sent by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. A copy must be emailed to Alexander.Sanjenis@fcc.gov and Olivia.Hill@fcc.gov.

- Hand-delivered or messenger-delivered paper filings for the Commission's Secretary are accepted between 8:00 a.m. and 4:00 p.m. by the FCC's mailing contractor at 9050 Junction Drive, Annapolis Junction, MD 20701. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.²⁶
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
- Postal Service first-class, Express, and Priority mail must be addressed to 45 L Street, NE, Washington, DC 20554.

12. **IT IS FURTHER ORDERED** that a copy of this Order shall be sent by registered mail, return receipt requested, to Unidos Para Cristo, Inc., c/o Mike Rodriguez, P.O. Box 458, Farwell, TX 79325, and to its counsel, Anthony T. Lepore, Esq., P.O. Box 823662, South Florida, FL 33082.

²⁵ 47 CFR § 1.16.

²⁶ Hand-delivered or messenger delivered paper filings continue to NOT be accepted at FCC Headquarters.

FEDERAL COMMUNICATIONS COMMISSION

Holly Saurer
Chief, Media Bureau

Mark Stephens
Managing Director, Office of Managing Director



PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, DC 20554

News Media Information 202 / 418-0500
Internet: <https://www.fcc.gov>

DA 24-1274

Released: December 19, 2024

CHAIRWOMAN ROSENWORCEL NAMES EIGHT MEMBERS TO THE BOARD OF DIRECTORS OF THE UNIVERSAL SERVICE ADMINISTRATIVE COMPANY

CC Docket Nos. 96-45, 97-21

Federal Communications Commission Chairwoman Jessica Rosenworcel hereby appoints eight members to the Board of Directors of the Universal Service Administrative Company (USAC) pursuant to section 54.703(c)(3) of the Commission's rules.¹ Each appointee was nominated in response to a Public Notice issued earlier this year soliciting nominations for the Board positions listed below.² The terms for these positions begin on January 1, 2025, and expire in either one, two, or three years depending on the position, as indicated below.

Chairwoman Rosenworcel appoints the following individuals to the USAC Board of Directors:

- Anisa Green, Director – Federal Regulatory, AT&T as the Representative for interexchange carriers with annual operating revenues of more than \$3 billion (term expires on December 31, 2027);
- Dan Kettwich, Founder, President, and CEO of ADS Advanced Data Services, Inc. as the Representative for rural health care providers that are eligible to receive supported services under section 54.601 of the Commission's rules (term expires on December 31, 2027);
- Sarah Freeman, Commissioner, Indiana Utility Regulatory Commission as the Representative for state telecommunications regulators (term expires on December 31, 2027);
- Kenneth Mason, Industry Consultant as the Representative for incumbent local exchange carriers (non-Bell Operating Companies) with more than \$40 million in annual revenues (term expires on December 31, 2027);
- David Schuler, Executive Director of AASA, The School Superintendents Association as the Representative for schools that are eligible to receive discounts pursuant to section 54.501 of the Commission's rules (term expires on December 31, 2027);

¹ 47 CFR § 54.703(c)(3).

² See *Wireline Competition Bureau Seeks Nominations for Eight Board Member Positions on the Universal Service Administrative Company Board of Directors*, CC Docket Nos. 96-45, 97-21, Public Notice, DA 24-867 (WCB 2024).

- Julie Tritt Schell, E-Rate Coordinator, State of Pennsylvania as the Representative for schools that are eligible to receive discounts pursuant to section 54.501 of the Commission's rules (term expires on December 31, 2025);³
- Olivia Wein, Senior Attorney, National Consumer Law Center as the Representative for information service providers (term expires on December 31, 2027);
- Brian Dalhover, Head of SLED Engineering & Policy, Zayo Group LLC as the Representative for interexchange carriers with annual operating revenues of \$3 billion or less (term expires on December 31, 2026).⁴

The USAC Board of Directors will hold its next meetings on January 27 and 28, 2025.⁵ All Board of Directors quarterly meetings are open to the public.⁶ For further information, please contact Philip Bonomo (philip.bonomo@fcc.gov), Assistant Division Chief, Telecommunications Access Policy Division, Wireline Competition Bureau (202-418-2778).

- FCC -

³ This position has a one-year term expiring on December 31, 2025. It completes the three-year term currently served by Dr. Daniel A. Domenech, who resigned from the position effective December 31, 2024.

⁴ This position has a two-year term expiring on December 31, 2026. It completes the three-year term currently served by Michael Skrivan, who has continued as the representative for interexchange carriers with annual operating revenues of \$3 billion or less after no nominations were received in response to a 2023 request for nominations for that position.

⁵ USAC, *About, Leadership, Quarterly Meeting Schedule*, <https://www.usac.org/about/leadership/quarterly-meeting-schedule/> (last visited Dec. 19, 2024).

⁶ 47 CFR § 54.703(e).



Federal Communications Commission
Washington, D.C. 20554

December 19, 2024

DA 24-1275

In Reply Refer to:

1800B3-ATS

Released: December 19, 2024

Mississippi College
c/o Reid Vance
PO Box 4019
Clinton, MS 39058
(sent by electronic mail)

People's Advocacy Institute
c/o Brooke Flord
625 N State Street
Jackson, MS 39202
(sent by electronic mail)

Crazy Faith Foundation Ltd
c/o Freddrick Bridges
3737 Robinson Rd, Bldg C
Jackson, MS 39209
(sent by electronic mail)

In re: **LPFM MX Group 57**

Mississippi College

New LPFM, Clinton, Mississippi
Facility ID No. 788208
Application File No. 0000232163

People's Advocacy Institute

New LPFM, Jackson, Mississippi
Facility ID No. 788189
Application File No. 0000233159

Crazy Faith Foundation Ltd

New LPFM, Jackson, Mississippi
Facility ID No. 788380
Application File No. 0000232323

Informal Objection

Dear Applicants:

We have before us the applications filed by Mississippi College (MC), People's Advocacy Institute (PAI), and Crazy Faith Foundation Ltd. (CFF) for construction permits for new low power FM

(LPFM) stations in Clinton, Mississippi, and Jackson, Mississippi.¹ We also have before us an Informal Objection to the PAI Application (Objection), filed by MC.² For the reasons set forth below, we grant the Objection, dismiss the PAI Application, grant the MC Application, and dismiss the CFF Application.

Background. MC, PAI, and CFF filed their respective applications during the 2023 LPFM Filing Window.³ The Media Bureau identified the applications as LPFM MX Group 57,⁴ and the Commission identified the MC Application and the PAI Application as the tentative selectees of the group on a timesharing basis.⁵

PAI certifies that it is a nonprofit educational institution or organization and provides Articles of Incorporation showing that it is incorporated in the State of Mississippi.⁶ In the Objection, MC argues that the PAI Application should be dismissed on the basis of a violation of the Signature Rule contained in section 73.3513(a)(3) of the Commission's rules (Rules).⁷ MC notes that the PAI Application is signed by Brooke Floyd (Floyd), who is not identified as a party to the application.⁸ PAI did not file an Opposition to the Objection.

Discussion. Pursuant to section 309(d) of the Communications Act of 1934, as amended (Act),⁹ petitions to deny and informal objections must provide properly supported allegations of fact that, if true, would establish a substantial and material question of fact that grant of the application would be *prima facie* inconsistent with the public interest.¹⁰

¹ Application File Nos. 0000232163 (filed Dec. 8, 2023) (MC Application), 0000233159 (PAI Application) (filed Dec. 15, 2023), 0000232323 (CFF Application) (filed Dec. 11, 2023).

² Pleading File No. 0000258933 (filed Dec. 6, 2024).

³ *Media Bureau Announces Filing Procedures and Requirements for November 1 – November 8, 2023, Low Power FM Filing Window*, Public Notice, 38 FCC Rcd 6660 (MB 2023) (*Procedures Public Notice*). Based on a request from LPFM advocates, the Bureau subsequently delayed the window until December 6, 2023. *Media Bureau Announces Revised Dates for LPFM New Station Application Filing Window*, Public Notice, 38 FCC Rcd 9589 (MB 2023). The Bureau subsequently extended the close of the window until December 15, 2023. *Media Bureau Announces Extension of LPFM New Station Application Filing Window*, Public Notice, 38 FCC Rcd 11882 (MB 2023).

⁴ *Media Bureau Identifies Groups of Mutually Exclusive Applications Submitted in the December 2023 LPFM Filing Window*, Public Notice, 39 FCC Rcd 2355 (MB 2024).

⁵ *Commission Identifies Tentative Selectees in 93 Groups of Mutually Exclusive Applications Submitted in the December 2023 LPFM Window*, Public Notice, FCC 24-113 at Attach. A (Oct. 16, 2024).

⁶ See PAI Application at Applicant Name, Type and Contact Information Section, Legal Certifications Section, and Attach. "PAI Certificate of Incorporation.pdf".

⁷ Objection at 1; see also 47 CFR § 73.3513(a)(3) (Signature Rule).

⁸ Objection at 1. See also PAI Application at Parties to the Application Section and Certification (signed by Brooke Floyd, Contact Representative).

⁹ 47 U.S.C. § 309(d).

¹⁰ See, e.g., *WWOR-TV, Inc.*, Memorandum Opinion and Order, 6 FCC Rcd 193, 197 n.10 (1990), *aff'd sub nom. Garden State Broad. L.P. v. FCC*, 996 F. 2d 386 (D.C. Cir. 1993), *rehearing denied* (Sep. 10, 1993); *Gencom, Inc. v. FCC*, 832 F.2d 171, 181 (D.C. Cir. 1987); *Area Christian Television, Inc.*, Memorandum Opinion and Order, 60 RR 2d 862, 864, para. 6 (1986) (petitions to deny and informal objections must contain adequate and specific factual allegations sufficient to warrant the relief requested).

The Signature Rule requires that an application filed by a corporation—such as PAI—must be signed by an officer.¹¹ Here, the PAI Application was signed by Brooke Floyd, who is not identified as an officer of PAI in the PAI Application.¹² The Commission has reaffirmed that violations of the Signature Rule are not curable.¹³ *Rackley* reaffirmed and emphasized that we adhere strictly to the Signature Rule requirements and that the Commission overturned prior cases where it had allowed applicants to amend applications to correct Signature Rule defects.¹⁴ Additionally, in the *Procedures Public Notice*, the Bureau advised applicants in the 2023 LPFM Filing Window what persons were authorized to sign applications.¹⁵ The Instructions to the Form 2100, Schedule 318 - LPFM Construction Permit Application likewise provided applicants with this information.¹⁶ The PAI Application, which did not comply with the Signature Rule at the time it was filed, cannot be amended to correct this deficiency, and must therefore, be dismissed.¹⁷

Dismissing the PAI Application renders the Mississippi Application as the sole remaining tentative selectee. Accordingly, we grant the Mississippi Application and dismiss the non-tentative selectee CFF Application.

Conclusion/Action. Accordingly, **IT IS ORDERED** that the Informal Objection filed by Mississippi College on December 6, 2024 (Pleading File No. 0000258933), **IS GRANTED**.

IT IS FURTHER ORDERED that the application of People’s Advocacy Institute for a construction permit for a new low power FM station at Jackson, Mississippi (Application File No. 0000233159) **IS DISMISSED**.

IT IS FURTHER ORDERED that the application of Mississippi College for a construction permit for a new low power FM station at Clinton, Mississippi (Application File No. 0000232163) **IS GRANTED**.

¹¹ See 47 CFR § 73.3513(a)(3); see also *Mary Ann Salvatoriello*, Memorandum Opinion and Order, 6 FCC Rcd 4705 (1991), and *Central Florida Communications Group, Inc.*, Hearing Designation Order, 6 FCC Rcd 522, 523, para. 3 (MMB 1991).

¹² Floyd is also not identified as an officer or director of PAI in its filings with the State of Mississippi. See *Secretary of State, State of Mississippi, Business Services*, <https://corp.sos.ms.gov/corp/portal/c/page/corpBusinessIdSearch/portal.aspx#clear=1> (last visited Dec. 17, 2024).

¹³ See *Frank Rackley, Jr.*, Memorandum Opinion and Order, 35 FCC Rcd 681, 684, para. 10 (2020) (*Rackley*) (citing *Hardrock Concrete Placement Company*, Memorandum Opinion and Order, 16 FCC Rcd 2593, 2595-96, para. 8 (2001) (“The potential for abuse and uncertainty would be too great were we to accept applications that were not signed by the applicant. An applicant could easily deny making such signatures, and there would be no accountability in such a system.”)).

¹⁴ *Rackley*, 35 FCC Rcd at 684, para. 10 (“the Commission expressly overruled prior cases that allowed applications not signed in accordance with the Commission’s Rules to be amended *nunc pro tunc* to comply with the Rules based on equitable considerations”).

¹⁵ *Procedures Public Notice*, 38 FCC Rcd at 6666 (“Depending on the nature of the applicant, the LPFM application must be electronically signed and certified as follows: (1) if a partnership, by a general partner; (2) if a corporation, by an officer; (3) for an unincorporated association, by a member who is an officer; and (4) if a governmental entity, by such duly elected or appointed official as is competent under the laws of the particular jurisdiction.”).

¹⁶ *Instructions – Form 2100, Schedule 318 – Low Power FM Station Construction Permit Application* at 2 and 17 (available at <https://www.fcc.gov/sites/default/files/Form318-instructions.pdf>).

¹⁷ See *NCE MX Group 152*, Letter Order, 38 FCC Rcd 9250, 9254 (MB 2023).

IT IS FURTHER ORDERED that the application of Crazy Faith Foundation Ltd for a construction permit for a new low power FM station at Jackson, Mississippi (Application File No. 0000232323) **IS DISMISSED.**

Sincerely,

Albert Shuldiner
Chief, Audio Division
Media Bureau

cc (via electronic mail):

Mr. Paul Bame
Representative for People's Advocacy Institute
(sent by electronic mail)

Ms. Michelle Bradley
Representative for Crazy Faith Foundation Ltd
(sent by electronic mail)



PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <https://www.fcc.gov>
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DA 24-1276

Released: December 19, 2024

CONSUMER AND GOVERNMENTAL AFFAIRS ADVISORY

BROADBAND PROVIDERS MUST PROMINENTLY DISPLAY ACCURATE LABELS FOR BROADBAND SERVICES AT ALL POINTS OF SALE

CG Docket No 22-2

With this advisory, the Consumer and Governmental Affairs Bureau of the Federal Communications Commission reminds broadband Internet service providers (ISPs or providers) that they must display accurate broadband labels, for both wireless and wired retail standalone broadband services, at all points of sale.¹ We issue this advisory to emphasize key aspects of the label requirements to assist provider compliance and to ensure consumers receive the benefits of the labels.

Providers must display the label at all “points of sale.”² Points of sale are ISP websites and any alternate channels through which the service in question is sold, including ISP-owned retail locations, third-party retail locations, and over the phone.³ On ISP websites, the label must appear on the primary advertising web page that identifies the plans available to the consumer, i.e., once the consumer has entered any required location information. ISPs must display labels in close proximity to the associated plan advertisement.⁴ Directing consumers to a weblink or displaying a thumbnail icon, both of which require additional consumer action to access labels, does not satisfy Commission rules.⁵ The Commission monitors consumer complaints and other sources of information about label display, and we remind providers they are subject to potential Commission investigation and enforcement for failure to satisfy the rules.⁶

¹ Large providers were required to display the broadband labels at all points of sale by April 10, 2024. Smaller providers, i.e., those with fewer than 100,000 subscribers, were required to do so by October 10, 2024. *Consumer And Governmental Affairs Bureau Announces Compliance Dates of April 10, 2024 and October 10, 2024 For Broadband Label Rules*, CG Docket No. 22-2, Public Notice, 38 FCC Rcd 9341 (CGB 2023).

² 47 CFR § 8.1(a)(2).

³ *Id.*

⁴ *Id.*

⁵ *Empowering Broadband Consumers Through Transparency*, CG Docket No. 22-2, Report and Order and Further Notice of Proposed Rulemaking, 37 FCC Rcd 13686, 13714, para. 91 (2022) (*Broadband Label Report and Order*).

⁶ *Broadband Label Report and Order*, 37 FCC Rcd at 13720-21, paras. 111-114.

Providers as well as consumers can find more information, including a model template for each label, on the Commission's website at: <https://www.fcc.gov/broadbandlabels>.

Below are certain other requirements with respect to the labels and their display.⁷

- Labels must include information about pricing, introductory rates, data allowances, and performance metrics.⁸ For example, providers must display the base monthly price for the offering and, when there is an introductory rate, also must display the rate that applies after the introductory period has ended.⁹
- Providers are required to display only the “retail” monthly price, i.e., the price a provider offers broadband to customers before applying discounts. The provider may link from the label to a webpage explaining any discounts, such as autopay, or may also separately inform consumers about discounts as part of their marketing materials. Providers offering broadband bundled with other services may note that via a link in the section of the label where they describe other discounts.¹⁰
- Labels must itemize all recurring monthly fees and discretionary fees and state that additional government taxes will apply to each plan. Labels must include the name and cost of each one-time fee assessed by the provider. Providers also must identify any one-time fees the provider will impose if the customer cancels their broadband service before the end of a contract term, and must provide a link to a full explanation of when such fee is triggered.¹¹
- Providers must disclose any charges or reductions in service for any data used in excess of the amount included in the plan.¹²
- Labels must include speed and latency metrics. Specifically, providers must display their typical upload and download speeds and typical latency.¹³ Other important information such as network management practices and privacy policies must be provided in a link from the label.¹⁴
- Labels must be accessible to persons with disabilities at all points of sale. Labels must be in English and in any other languages in which the provider markets its services in the United States.¹⁵

⁷ For a complete list of the requirements, please see section 8.1(a) of the Commission's rules, the [Broadband Label Report and Order](#) and the [Order on Reconsideration](#). Broadband providers that do not meet these requirements are subject to potential FCC investigation and enforcement action.

⁸ *Broadband Label Report and Order*, 37 FCC Rcd at 13690, 13693-97, paras. 12, 22-36.

⁹ *Id.* at 13693-94, paras. 23-25. More information is available on the Commission's website, <https://www.fcc.gov/broadbandlabels>.

¹⁰ *Id.* at 13695, paras. 29-31. *Broadband Label Report and Order*, 37 FCC Rcd at 13694-95, para. 27.

¹¹ *Id.* at 13695-96, paras. 32-36.

¹² *Id.* at 13696, para. 35.

¹³ *Id.* at 13697-99, paras. 37-41.

¹⁴ *Id.* at 13700-13703, paras. 47-57.

¹⁵ *Id.* at 13711-13, paras. 81-87; 47 CFR §§ 8.1(a)(1), (4).

- Providers must include at the bottom of all broadband labels a link to the Commission’s website: <https://www.fcc.gov/consumers>. This website has a template for the broadband label, in various formats.¹⁶
- Information included in the label must be made available in a machine-readable format, posted on the ISP’s website.¹⁷ Machine readable means providing data in a format that can be easily processed by a computer without human intervention while ensuring no semantic meaning is lost. Machine readable specifications are on our website.¹⁸
- Providers must archive for two years labels that have been removed from websites or alternate sales channels and provide such labels to the Commission or existing customers upon request.¹⁹

The Commission welcomes additional input from consumers about the labels and their experiences with them. Consumers can also file comments electronically using our Electronic Comment Filing System, <https://www.fcc.gov/ecfs/filings/standard>, or <https://www.fcc.gov/ecfs/filings/express>. When filing comments, the “proceeding” is 22-2. Consumers can also file informal complaints about broadband labels online at <https://consumercomplaints.fcc.gov/hc/en-us>.

Accessible Formats. To request this Public Notice in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), contact the Consumer and Governmental Affairs Bureau at 202-418-0530 or by email at fcc504@fcc.gov.

Additional Information. For further information, contact Mika Savir, Attorney Advisor, Consumer Policy Division, Consumer and Governmental Affairs Bureau, at 202 418 0384 or mika.savir@fcc.gov.

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¹⁶ *Broadband Label Report and Order*, 37 FCC Rcd at 13704-05, paras. 59-61. For an example, see [Sample Broadband Label](#).

¹⁷ 47 CFR § 8.1(a)(3).

¹⁸ 47 CFR § 8.1(a)(3); *Broadband Label Report and Order*, 37 FCC Rcd at 13707-710, paras. 68-77. See also <https://www.fcc.gov/broadbandlabels>.

¹⁹ *Broadband Label Report and Order*, 37 FCC Rcd at 13717-18, paras. 100-104; 47 CFR § 8.1(a)(5).

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

In the Matter of	)	
	)	
Incarcerated People’s Communications Services; Implementation of the Martha Wright-Reed Act	)	WC Docket No. 23-62
	)	
Rates for Interstate Inmate Calling Services	)	WC Docket No. 12-375

ORDER

Adopted: December 19, 2024

Released: December 19, 2024

By the Chief, Wireline Competition Bureau:

I. INTRODUCTION

1. By this Order, we grant in part Securus Technologies, LLC’s request to waive the Commission’s per-minute pricing rules as applied to video IPCS to enable Securus to continue offering uninterrupted video incarcerated people’s communications services (IPCS) while it completes development of a new video IPCS platform that is able to bill on a per-minute basis.¹ For the reasons discussed below, we find there is good cause to grant Securus’s waiver request in part until September 1, 2025.

II. BACKGROUND

2. The *2024 IPCS Order* implemented the expanded authority granted to the Commission by the Martha Wright-Reed Just and Reasonable Communications Act of 2022 (Martha Wright-Reed Act or Act),² adopting comprehensive reforms that will significantly reduce the financial burdens incarcerated people face to communicate with their loved ones.³ The Act amended the Communications Act of 1934, as amended, (Communications Act) to require that the Commission “establish a compensation plan to ensure that all [IPCS] providers are fairly compensated and all rates and charges are just and reasonable

¹ See Petition of Securus Technologies, LLC for Waiver to Extend the Compliance Date for 47 C.F.R. § 64.6080 as Applied to Video Calling Services, WC Docket No. 23-62 (filed Dec. 6, 2024) (Securus Waiver Petition or Petition); Declaration of Jessica Lust in Support of Securus Technologies, LLC’s Petition for Waiver, WC Docket No. 23-62 (filed Dec. 6, 2024) (Lust Declaration). Because Securus seeks relief from the Commission’s per-minute pricing rules as applied to video IPCS to enable it to continue offering its per session video IPCS services while it develops a per-minute capable billing platform, the waiver we grant today encompasses all of the Commission’s new rules applicable to the video IPCS per-minute pricing requirement – sections 64.6010(a) and 64.6080 of the rules. 47 CFR §§ 64.6010(a), 64.6080.

² Martha Wright-Reed Just and Reasonable Communications Act of 2022, Pub. L. No. 117-338, 136 Stat. 6156 (2022).

³ See generally *Incarcerated People’s Communications Services; Implementation of the Martha Wright-Reed Act; Rates for Interstate Inmate Calling Services*, WC Docket Nos. 23-62, 12-375, Report and Order, Order on Reconsideration, Clarification and Waiver, and Further Notice of Proposed Rulemaking, FCC 24-75 (rel. July 22, 2024) (*2024 IPCS Order*).

for completed” IPCS communications.⁴ Consistent with this Congressional mandate, in the *2024 IPCS Order*, the Commission reduced existing per-minute rate caps for all incarcerated people’s audio communication services, and established, for the first time, interim per-minute rate caps for incarcerated people’s video communications services.⁵ As of November 19, 2024, providers that choose to offer video IPCS must offer such video IPCS at per-minute rates.⁶ As of that date, providers also must refrain from imposing per-call, per-connection, or per-communication charges on consumers for any IPCS communication, including video IPCS.⁷

3. On December 6, 2024, Securus filed a petition seeking a time limited waiver of the per minute pricing rules as applied to video IPCS up to and including September 1, 2025.⁸ Securus offers video IPCS in hundreds of facilities using “one of three different platforms—its legacy video platform, its NextGen platform that is being deployed, and the video platform used by its affiliate JPay.”⁹ According to Securus, “[e]ach of these platforms has its own separate billing system, and each of these platforms is capable of billing users of video IPCS only on a per-session basis.”¹⁰

4. Securus offers three principal reasons for why good cause exists to grant the waiver. First, Securus notes that it “has repeatedly communicated the issues it would face in complying with 47 C.F.R. § 64.6080 as applied to video calling services, including well before the compliance deadline.”¹¹ Securus points to its July 15, 2024 *ex parte* filed prior to Commission’s adoption of the *2024 IPCS Order*, in which it explained that it “currently charges video calls on flat-rate per session basis” and that it “will need to completely overall [sic] its video billing system to shift to per minute billing.”¹² Then, Securus notes that it made clear in a petition for stay pending judicial review, that “it would be unable to meet the 60-day compliance deadline for per-minute billing as the requirement applied to video IPCS.”¹³

⁴ 47 U.S.C. § 276(b)(1)(A). The Martha Wright-Reed Act also amended the Communications Act to include video calling among the types of IPCS communications. *See* Martha Wright-Reed Act §§ 2(a)(2), (b) ; 47 U.S.C. §§ 153(1)(E); 276(d).

⁵ *See, e.g., 2024 IPCS Order* at 60-61, para.119.

⁶ 47 CFR § 64.6010(a). *See also Wireline Competition Bureau Announces Effective Dates of 2024 Incarcerated People’s Communications Services Order and Comment Dates for 2024 Incarcerated People’s Communications Services Further Notice of Proposed Rulemaking*, Public Notice, DA 24-969, at 1 (WCB Sept. 20, 2024). Providers are also permitted to offer video IPCS under Alternate Pricing plans but must first offer a per minute pricing plan before an Alternate Pricing Plan is permitted. *2024 IPCS Order* at 229-46, paras. 427-64.

⁷ 47 CFR § 64.6080. “Per-call, per-connection, or per-communication charge” is defined as “a one-time fee charged to a Consumer of IPCS at call or communication initiation.” 47 CFR § 64.6000.

⁸ Securus Waiver Petition at 2. No party has filed an opposition to, or comments on, Securus’s Waiver Petition. 47 CFR § 1.45. We acknowledge that Securus filed its waiver petition after the Commission’s rules adopted in the *2024 IPCS Order* went into effect on November 19, 2024. We nevertheless find it in the public interest to grant the waiver request retroactive to November 19, 2024 as set forth herein.

⁹ Lust Declaration at 1, para. 3; Securus Waiver Petition at 2-3.

¹⁰ Lust Declaration at 1, para. 3; Securus Waiver Petition at 1.

¹¹ Securus Waiver Petition at 2.

¹² Letter from Michal H. Pryor, Brownstein Hyatt Farber Schreck, LLC, Counsel for Securus Technologies, LLC, to Marlene H. Dortch, Secretary, FCC, WC Docket Nos. 23-62 and 12-375, at 27 (filed July 15, 2024) (Securus July 15, 2024 *Ex Parte*); Securus Waiver Petition at 2-3 (discussing the July 15, 2024 *ex parte*).

¹³ Securus Waiver Petition at 3. *See also* Securus Technologies, LLC, Petition for Stay Pending Judicial Review, WC Docket Nos. 23-62 and 12-375 (filed Sept. 26, 2024); Declaration of Alex Dougherty In Support of Securus Technologies, LLC’s Motion for Stay Pending Appeal, WC Docket Nos. 23-62 and 12-375 (filed Sept. 26, 2024).

5. Second, Securus explains that it “began diligently pursuing its efforts to migrate its video calling services to platforms capable of per-minute billing as soon as practicable.”¹⁴ Within “mere days after the Commission released the Order—and well before Federal Register publication—Securus started the process of migrating its video IPCS offerings to per-minute billing.”¹⁵ After beginning its migration efforts, Securus “discovered that migrating all three of its video platforms to per-minute billing would be cost-prohibitive” and that such a migration would not be completed until late 2025.¹⁶

6. Given these implementation difficulties, Securus concluded that “the most efficient method of migration involves developing a new IPCS video platform which can bill on a per-minute basis.”¹⁷ Securus estimates that development of its new video IPCS platform will cost less and could be completed sooner.¹⁸ While Securus has already started the engineering work to develop its new video IPCS billing platform, Securus explains that “substantial engineering work remains.”¹⁹ In addition to the engineering work, “Securus must renegotiate a host of contracts” as “many of Securus’ contracts contain terms tying customers to a single video IPCS platform (Securus’ legacy video, NextGen, or JPay) and to billing on a per-session basis.”²⁰

7. Third, Securus argues that a denial of its request for waiver will be harmful to the public.²¹ Since Securus does not currently have a video IPCS billing platform that can bill on a per-minute basis, “Securus will either have to stop offering this service to incarcerated persons altogether, or it must offer the service without charge (and, therefore, at a loss).”²² According to Securus, either course of action “would likely expose Securus to claims that it is in breach of contract.”²³ And the loss of video IPCS “would harm incarcerated persons and their family and friends.”²⁴ Securus explains that in the absence of a waiver, it began offering video IPCS for free at all facilities in which it provides video IPCS but a few prisons and jails directed Securus “to turn off its video IPCS altogether, rather than permitting Securus to offer that service for free.”²⁵

III. DISCUSSION

8. We find good cause to waive the Commission’s per-minute pricing rules for Securus as they apply to video IPCS up to September 1, 2025.²⁶ The Commission may waive its rules “on its own

¹⁴ Securus Waiver Petition at 4.

¹⁵ Securus Waiver Petition at 4; Lust Declaration at 2, para. 5 (noting that Securus began its efforts to migrate its video IPCS to per-minute billing on July 30, 2024).

¹⁶ Lust Declaration at 2, para. 6.

¹⁷ Securus Waiver Petition at 4; Lust Declaration at 2, para. 7.

¹⁸ Lust Declaration at 2, para. 7.

¹⁹ Securus Waiver Petition at 5; Lust Declaration at 2, para. 9 (providing examples of the engineering work that remains to be done).

²⁰ Securus Waiver Petition at 5-6; Lust Declaration at 3, para. 11.

²¹ See Securus Waiver Petition at 6.

²² Securus Waiver Petition at 6.

²³ Securus Waiver Petition at 6.

²⁴ Securus Waiver Petition at 6.

²⁵ Lust Declaration at 3, para. 12.

²⁶ This waiver applies only to Securus. It does not apply to any other IPCS provider or any IPCS provider that may be served by Securus or its affiliates. Additionally, we do not interpret Securus’ waiver petition as a request to offer an alternate pricing plan for video IPCS and therefore expressly do not consider the per-session pricing (continued....)

motion or on petition” for good cause shown.²⁷ The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest.²⁸ In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.²⁹ Waiver of the Commission’s rules is appropriate if both (i) special circumstances warrant a deviation from the general rule and (ii) such deviation will serve the public interest.³⁰

9. First, we find that Securus has demonstrated that its waiver request presents special circumstances that warrant a deviation from those rules. As Securus explains, none of its three existing video IPCS platforms are capable of billing on a per-minute basis.³¹ And while Securus explains that it has begun to develop a new video IPCS billing platform with such capabilities, it claims that substantial engineering work remains.³² Beyond these technical challenges, Securus also explains that it must “renegotiate a host of customer contracts to migrate its customers” to the new billing platform.³³ Because Securus is “contractually obligated to provide video IPCS” in certain facilities, it “cannot simply stop providing the service due to an inability to bill on a per-minute basis without breaching its contractual obligations.”³⁴ Thus, absent a waiver, “Securus either will find itself facing breach of contract claims if it stops providing the service, or it will have to offer video IPCS for free . . . and incarcerated persons in the facilities it serves will be at risk of losing a valuable communications option.”³⁵ We find that these circumstances constitute special circumstances meeting the first prong of our waiver standard. We grant this waiver until September 1, 2025, given Securus’s expected completion timeline for the new per-minute pricing platform. We find it reasonable to expect that migration to such platform can be accomplished within this timeframe based on the representations made in Securus’s Petition.³⁶

10. Second, a waiver of the per-minute pricing rules as described herein will serve the public interest. The availability of IPCS—including video IPCS—brings many “wide-ranging and well-documented” benefits to incarcerated people and their loved ones.³⁷ Reduction or elimination of service thus deprives incarcerated people and their loved ones of those benefits. Indeed, as Securus argues, “the

(Continued from previous page)

arrangements Securus will offer under this limited waiver as subject to section 64.6140 of the Commission’s rules applicable to alternate pricing plans. 47 CFR § 64.6140.

²⁷ 47 CFR § 1.3.

²⁸ *Northeast Cellular Tel. Co. v. FCC*, 894 F.2d 1164, 1166 (D.C. Cir. 1990) (*Northeast Cellular*).

²⁹ *WAIT Radio v. FCC*, 418 F.2d 1154, 1159 (D.C. Cir. 1969); *Northeast Cellular*, 897 F.2d at 1166.

³⁰ *Northeast Cellular*, 897 F.2d at 1166.

³¹ See, e.g., Securus Waiver Petition at 3.

³² Securus Waiver Petition at 6.

³³ Securus Waiver Petition at 6.

³⁴ Securus Waiver Petition at 1.

³⁵ Securus Waiver Petition at 1.

³⁶ The Commission has previously imposed as short as 90-day deadlines for the implementation of per-minute rate caps in this proceeding. See, e.g., *Rates for Inmate Calling Services*, WC Docket No. 12-375, Report and Order and Further Notice of Proposed Rulemaking, 28 FCC Rcd 14107, 14147, para. 72 (2013) (requiring per-minute pricing for the first time based on the Commission’s initial interim rate caps); *Rates for Interstate Inmate Calling Services*, WC Docket No. 12-375, Third Report and Order, Order on Reconsideration, and Fifth Further Notice of Proposed Rulemaking, 36 FCC Rcd 9519, 9623-24, paras. 230-31 (2021) (requiring per-minute pricing based on the Commission’s subsequent interim rate caps).

³⁷ See, e.g., *2024 IPCS Order* at 18-19, para. 29.

loss of video calling services . . . would harm incarcerated persons and their family and friends.”³⁸ Securus demonstrates that not all correctional facilities will necessarily continue to allow access to video IPCS absent a waiver, given that some correctional facilities have already directed Securus to turn off its video IPCS rather than allowing Securus to offer the service for free.³⁹ Although we continue to find that, given the benefits that allowing access to IPCS offers “for communities and correctional institutions alike,” it is “highly unlikely” that access will be curtailed to any significant degree as a result of the Commission’s reforms,⁴⁰ we find good cause, based on Securus’s particular showing here, to grant Securus’s “limited and temporary” waiver request to ensure that Securus can offer video IPCS at all the facilities it serves, on a per-session basis as necessary, while it completes development of its new video IPCS platform.⁴¹ This is particularly important during this holiday season when incarcerated people and their families and loved ones may rely more heavily on video IPCS than at other times of the year. Thus, we conclude that the second prong of our waiver standard has been satisfied and that a limited one-time waiver of the Commission’s per-minute pricing rules as applied to video IPCS is appropriate under the circumstances presented here.

11. We do, however, condition our grant of Securus’s waiver request. The IPCS rules adopted in the *2024 IPCS Order* ensure that the rates and charges for IPCS, including video IPCS, are just and reasonable, as directed by the Martha Wright-Reed Act.⁴² Consistent with the Commission’s implementation of the Martha Wright-Reed Act and in light of the public interest in ensuring rate stability for IPCS consumers served by Securus during the duration of the waiver we grant today, we require, as a condition of grant of this waiver, that the rates Securus charges for its per session video IPCS during the time the waiver is in effect, do not exceed Securus’s rates in effect as of the date of this Order.

IV. ORDERING CLAUSES

12. Accordingly, IT IS ORDERED, pursuant to the authority contained in sections 1, 2, 4(i)-(j), 201(b), 218, 220, 225, 255, 276, 403, and 716 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 152, 154(i)-(j), 201(b), 218, 220, 225, 255, 276, 403, and 617, sections 0.91, 0.291, and 1.3 of the Commission’s rules, 47 CFR §§ 0.91, 0.291, and 1.3, and the Martha Wright-Reed Just and Reasonable Communications Act of 2022, Pub. L. No. 117-338, 136 Stat 6156 (2022), that this Order in WC Docket Nos. 23-62 and 12-375 IS ADOPTED and that sections 64.6010(a) and 64.6080 of the Commission’s rules, 47 CFR §§ 64.6010(a), 64.6080, ARE WAIVED subject to the condition imposed and to the limited extent specified herein until September 1, 2025.

13. IT IS FURTHER ORDERED, that the Petition for Waiver to Extend the Compliance Date for 47 CFR § 64.6080 as Applied to Video Calling Services filed by Securus on December 6, 2024 IS GRANTED IN PART as described herein.

14. IT IS FURTHER ORDERED, that pursuant to section 1.102(b)(1) of the Commission’s rules, 47 CFR § 1.102(b)(1), this Order SHALL BE EFFECTIVE upon release.

FEDERAL COMMUNICATIONS COMMISSION

³⁸ Securus Waiver Petition at 6.

³⁹ Lust Declaration at 3, para. 12.

⁴⁰ *2024 IPCS Order* at 167, para. 312.

⁴¹ Securus Waiver Petition at 2.

⁴² Martha Wright-Reed Act § 2(a); 47 U.S.C. § 276(b)(1)(A).

Trent B. Harkrader
Chief
Wireline Competition Bureau

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

In the Matter of	)	
	)	
Connect America Fund	)	WC Docket No. 10-90
	)	
The Rural Digital Opportunity Fund Auction	)	AU Docket No. 20-34
(Auction 904)	)	
	)	
Rural Digital Opportunity Fund	)	WC Docket No. 19-126
	)	

ORDER

Adopted: December 19, 2024

Released: December 19, 2024

By the Chief, Wireline Competition Bureau:

1. In this Order, the Wireline Competition Bureau (Bureau) grants RiverStreet Communications of Virginia, Inc. (RiverStreet) a limited waiver of the Commission's Rural Digital Opportunity Fund (RDOF) service milestone and non-compliance rules.¹ We will relieve RiverStreet of RDOF obligations to serve all the eligible census blocks within the census block groups (CBGs) covered by RiverStreet's authorized winning bids in New Kent County (New Kent), Virginia (New Kent RDOF CBGs). This relief will prevent duplication with Cox Communications' (Cox) enforceable buildout commitment supported by federal and county funding to offer at a minimum broadband service at 1 Gbps/500 Mbps speeds to serve all the locations within these CBGs.

2. This limited waiver will further our interagency coordination efforts by avoiding duplication of public funding and maximizing the use of public funds to support high-speed broadband service to as many unserved consumers as possible. We direct the Universal Service Administrative Company (USAC) to adjust RiverStreet's future RDOF support to account for the removal of the New Kent RDOF CBGs from RiverStreet's service area and proceed to recover any support that has been disbursed for these areas on a pro rata, per location basis.

I. BACKGROUND

3. RDOF support recipients must offer voice and broadband service meeting the relevant performance requirements to all of the locations in their service areas subject to very limited exceptions.² Relevant here, an RDOF recipient authorized in 2022 must offer the required services to 40% of the required number of locations by December 31, 2025, and an additional 20% of the required number of locations each year until the RDOF recipient must serve 100% of the estimated location total by

¹ RiverStreet Communications of Virginia, Inc., Request for Waiver, WC Docket No. 10-90 et al. (filed Nov. 15, 2024) (RiverStreet Petition).

² 47 CFR § 54.802(c)(1); *Rural Digital Opportunity Fund et al.*, WC Docket No. 19-126 et al., Report and Order, 35 FCC Rcd 686, 709-11, paras. 45-52 (2020) (*RDOF Order*).

December 31, 2028.³ The initial required location totals are based on Connect America Cost Model (CAM) estimates.⁴ The Commission directed the Bureau to use an updated data source to determine the actual number of locations on the ground and publish revised location counts prior to the sixth year service milestone.⁵ If more locations than the original estimated total are identified during the support term, RDOF support recipients will have two more years to serve the additional locations subject to limited exceptions.⁶ The Commission imposes non-compliance measures if the requirements are not met, which includes reporting, support withholding, and support recovery that scales with the extent of non-compliance.⁷

4. On December 7, 2020, Wilkes Telephone Membership Corporation was announced as an RDOF winning bidder and assigned its winning bids in Virginia to its wholly owned subsidiary RiverStreet.⁸ RiverStreet was authorized in February 2022 to receive \$39,777,711 in RDOF support over 10 years to offer voice and broadband service at a minimum of 1 Gbps/500 Mbps speeds to 24,213 locations in Virginia.⁹

5. In August 2022, New Kent “approve[d] an agreement” with Cox “to expand fiber optic high speed broadband services to every household and business in New Kent County,” including all locations in RiverStreet’s New Kent RDOF CBGs at speeds of at least 1 Gigabit/500 Mbps.¹⁰ The project is funded in part using county and Federal American Rescue Plan Act funding.¹¹ In September 2024, after learning that Cox intended to serve all of the locations in the affected CBGs, RiverStreet notified the FCC that it did not intend to serve its New Kent RDOF CBGs.¹²

6. *RiverStreet Petition for Waiver.* On November 15, 2024, RiverStreet submitted a petition seeking waiver of the RDOF requirements to be relieved of its obligation to serve its New Kent RDOF CBGs without penalty.¹³ RiverStreet explained that it would serve the public interest to grant RiverStreet’s requested waiver because Cox had an enforceable commitment to serve all locations in the New Kent RDOF CBGs at a minimum at the same broadband speeds RiverStreet was committed to offer pursuant to its RDOF obligations and grant of the waiver would resolve the duplication of funds in this

³ 47 CFR § 54.802(c)(1); *RDOF Order*, 35 FCC Rcd at 709, para. 45.

⁴ *RDOF Order*, 35 FCC Rcd at 709, para. 45.

⁵ *Id.* The Bureau sought comment on using the Broadband Serviceable Location Fabric as the source for the revised location counts. *Wireline Competition Bureau Seeks Comment on Leveraging the Broadband Serviceable Location Fabric for High-Cost Support Mechanism Deployment Obligations*, WC Docket No. 10-90 et al., Public Notice, 39 FCC Rcd 399 (WCB 2024).

⁶ 47 CFR § 54.802(c)(1)(i); *RDOF Order*, 35 FCC Rcd at 709-11, paras. 45, 49-50.

⁷ *See, e.g.*, 47 CFR §§ 54.320(c) & (d), 54.804(c)(4)(i), 54.806(b) & (c); *RDOF Order*, 35 FCC Rcd at 713-16, paras. 58-64.

⁸ *Rural Digital Opportunity Fund Phase I Auction (Auction 904) Closes; Winning Bidders Announced; FCC Form 683 Due January 29, 2021*, AU Docket No. 20-34 et al., 35 FCC Rcd 13888 (WCB 2020).

⁹ *Rural Digital Opportunity Fund Support Authorized for 2,576 Winning Bids*, AU Docket No. 20-34 et al., Public Notice, 37 FCC Rcd 1617 (WCB 2022).

¹⁰ New Kent County, Virginia, Broadband, <https://www.co.new-kent.va.us/688/11187/Broadband> (last visited Dec. 18, 2024) (New Kent County Website); Letter from Tamarah Holmes, Ph.D., Associate Director, Virginia Office of Broadband, to FCC Staff (Nov. 8, 2024) (attached as Exh. 1 to RiverStreet Petition) (VA Office of Broadband Letter).

¹¹ New Kent County Website; VA Office of Broadband Letter.

¹² RiverStreet Petition at 2; Letter from Carri Bennet, Counsel to RiverStreet Communications of Virginia, Inc., to Trent Harkrader, Chief, Wireline Competition Bureau, FCC (filed Sept. 19, 2024) (RiverStreet Letter).

¹³ *See generally* RiverStreet Petition.

area.¹⁴ RiverStreet also acknowledged that it would not receive any further support for the New Kent RDOF CBGs and would repay the RDOF support it had already received to serve this area.¹⁵

II. DISCUSSION

7. Generally, the Commission's rules may be waived for good cause shown.¹⁶ Waiver of the Commission's rules is appropriate only if both: (1) special circumstances warrant a deviation from the general rule, and (2) such deviation will serve the public interest.¹⁷

8. We find good cause to provide a limited waiver of sections 54.320(d)(1), 54.802(c), 54.804(c)(4)(i), and 54.806(c)(1) of the Commission's rules to the extent described herein, to remove from RiverStreet's RDOF supported service area all of the eligible census blocks within its New Kent RDOF CBGs as identified in Appendix A.¹⁸ We will update the Broadband Funding Map to reflect that RiverStreet no longer has an RDOF service obligation in these areas.¹⁹ As a condition of this waiver, we instruct USAC to adjust RiverStreet's ongoing support and recover support for the New Kent RDOF CBGs on a pro rata basis as described in more detail below. RiverStreet otherwise remains subject to its RDOF obligations in its remaining RDOF-supported areas.²⁰

9. While the Commission's rules require that a RDOF recipient serve 100% of the locations covered by its authorized winning bids subject to only limited exceptions,²¹ we find special circumstances justify deviating from this requirement. Cox has an enforceable buildout obligation to serve every location in RiverStreet's New Kent RDOF CBGs.²² RiverStreet could not have learned of New Kent's agreement with Cox when conducting the required due diligence prior to bidding because the agreement was entered into after RiverStreet had been awarded and authorized to receive RDOF support in New Kent.²³ Moreover, New Kent's agreement is being funded in part with county and federal funds, leading to a duplication of public funding in these areas.²⁴

10. We also conclude it serves the public interest to provide a limited waiver of the relevant rules. To further our objective of ensuring that consumers are not left without access to broadband as a

¹⁴ *Id.* at 3-4.

¹⁵ *Id.* at 3.

¹⁶ 47 CFR § 1.3.

¹⁷ See *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (citing *WAIT Radio v. FCC*, 418 F.2d 1153, 1157-59 (D.C. Cir. 1969), *cert. denied*, 93 S.Ct. 461 (1972)).

¹⁸ 47 CFR §§ 54.320(d)(1), 54.802(c), 54.804(c)(4)(i), 54.806(c)(1). See also RiverStreet Letter.

¹⁹ FCC, Broadband Funding Map, <https://fundingmap.fcc.gov/home> (last visited Dec. 18, 2024).

²⁰ RiverStreet Petition at 3 ("RiverStreet does not seek a waiver of its compliance obligations with respect to any other locations in its RDOF-supported areas and intends to meet all of its obligations with respect to those areas.").

²¹ 47 CFR § 54.802(c)(1); *RDOF Order*, 35 FCC Rcd at 709-11, paras. 45-52.

²² New Kent County Website; VA Office of Broadband Letter. See also RiverStreet Petition at 3 (noting the RiverStreet's RDOF award and Cox's agreement with New Kent "has resulted in duplicative funding and duplicative obligations for RiverStreet and Cox to serve overlapping locations in the same CBGs").

²³ New Kent County Website; VA Office of Broadband Letter. See also *Rural Digital Opportunity Fund Phase I Auction Scheduled for October 29, 2020; Notice and Filing Requirements and Other Procedures for Auction 904*, AU Docket No. 20-34 et al., Public Notice, 35 FCC Rcd 6077, 6126, para. 133 (2020) (requiring all RDOF bidders to certify in their short-form applications that they have the "sole responsibility for investigating and evaluating all technical and marketplace factors that may have a bearing on the level of [RDOF] support [they] submit[] as a bid, and that if the applicant wins support, it will be able to build and operate facilities in accordance with the [RDOF] obligations and the Commission's rules generally").

²⁴ New Kent County Website; VA Office of Broadband Letter.

result of this limited waiver, we are relieving RiverStreet of the obligation to serve only CBGs that are fully overlapped by Cox's enforceable buildout commitment with New Kent. Cox is required to offer broadband at speeds of at least 1 Gbps/500 Mbps, which is equivalent to the minimum speeds RiverStreet is required to offer pursuant to its RDOF obligations.²⁵ Our waiver also furthers the Commission's responsibility to coordinate with other agencies and deduplicate funding so that only one source of public funding is used to support the provision of broadband to these locations, maximizing the use of public funding.²⁶

11. As a condition of this waiver, we direct USAC to stop paying RiverStreet RDOF support for its New Kent RDOF CBGs by reducing RiverStreet's ongoing RDOF support in Virginia on a pro rata basis based on the CAM-estimated number of locations in the CBGs.²⁷ We also direct USAC to recover from RiverStreet support that has already been disbursed to RiverStreet for its New Kent RDOF CBGs on a pro rata basis based on the CAM-estimated number of locations in the CBGs, and to send an invoice to RiverStreet as soon as practicable.²⁸ RiverStreet will have six months from the date of USAC's invoice to repay the support. Once RiverStreet has timely paid the required support recovery, we will remove the model-estimated locations associated with RiverStreet's New Kent RDOF CBGs from RiverStreet's RDOF deployment obligation in Virginia. RiverStreet will also be able to reduce the value of its letter of credit to reflect its reduced support amount moving forward.²⁹

²⁵ New Kent County Website; VA Office of Broadband Letter; RiverStreet Petition at 3.

²⁶ As required by the Broadband Interagency Coordination Act, the Federal Communications Commission, U.S. Department of Agriculture (USDA), and the U.S. Department of Commerce's National Telecommunication and Information Administration (NTIA) announced in January 2021 they had entered into an agreement to provide for sharing information about existing or planned projects that have received, or will receive, funding through the Commission's high-cost programs and programs administered by NTIA and the USDA. Broadband Interagency Coordination Act of 2020, Pub. L. No. 116-260, § 904, 134 Stat. 1182, 3214 (codified at 47 U.S.C. § 1308 *et seq.*); Press Release, FCC, FCC, NTIA and USDA Announce Interagency Agreement to Coordinate Broadband Funding Deployment (June 25, 2021), <https://www.fcc.gov/document/fcc-ntia-usda-interagency-agreement-broadband-funding-deployment>. In an effort to further facilitate broadband deployment funding coordination, in May 2022, the FCC, USDA, and NTIA entered into an interagency agreement with the Department of Treasury. See Press Release, FCC, FCC, NTIA, USDA and Treasury Announce Interagency Agreement to Collaborate on Federal Broadband Funding (May 12, 2022), <https://www.fcc.gov/document/fcc-ntia-usda-treasury-announce-broadband-info-sharing-agreement>. In May 2024, the four agencies extended the interagency agreement for an additional four years. Federal Communications Commission, Memorandum of Understanding Between FCC, NTIA, USDA, and Treasury, <https://www.fcc.gov/document/memorandum-understanding-between-fcc-ntia-usda-and-treasury> (Jul. 23, 2024). See also RiverStreet Petition at 3-4; *Connect America Fund et al.*, WC Docket No. 10-90 et al., Order, DA 24-889, at 5, para. 10 (WCB Sept. 4, 2024) (*Resound Tribal Deduplication Order*).

²⁷ The CAM estimated there are 1,183 locations in RiverStreet's New Kent RDOF CBGs. Future monthly support payments will be reduced pro rata based on the number of CAM-estimated locations associated with RiverStreet's New Kent RDOF CBGs so that subject to support withholding pursuant to any applicable non-compliance tiers, RiverStreet's new monthly support will be approximately \$315,285 in Virginia.

²⁸ We direct USAC to recover support as follows: (all RDOF disbursements up to when USAC stopped payments for RiverStreet's New Kent RDOF CBGs/total number of originally authorized locations) x (1,183 locations in the New Kent RDOF CBGs). Because RiverStreet is not defaulting in these areas, we are waiving the Commission's rules to remove these CBGs from RiverStreet's RDOF supported service area, and we will not subject RiverStreet to the other support recovery required by section 54.806(c) of these rules for the New Kent RDOF CBGs, which includes recovering additional support using a multiplier calculation and recovering 5 or 10 percent of RiverStreet's total authorized support in the state depending on the extent of non-compliance. 47 CFR § 54.806(c).

²⁹ 47 CFR § 54.804(c)(1). Carriers that are out of compliance and that move to the Tier 1 non-compliance tier or come into compliance with their service milestones are entitled to receive withheld or recovered support pursuant to section 54.320(d)(1) of the Commission's rules. 47 CFR § 54.320(d)(1). For any support that was withheld or recovered prior to USAC stopping support for overlapped CBGs, USAC should reduce the support that is restored

(continued....)

12. If a timely payment is not made, we will not remove the locations from RiverStreet's RDOF obligation, RiverStreet will remain subject to the Commission's service milestone and non-compliance rules in this area, and support recovery will occur at the end of the deployment period.³⁰ If RiverStreet then fails to pay the required support recovery at the end of the deployment period, RiverStreet will potentially be subject to action by the Enforcement Bureau and under federal law concerning debts owed to the government.³¹

13. If RiverStreet makes a timely payment, we will not include the locations covered by RiverStreet's New Kent RDOF CBGs when we publish revised location counts by the end of the six-year deployment period.³² RiverStreet will also not be subject to the section 54.802(c)(1)(iii) requirement to offer service to locations that are newly built in the New Kent RDOF CBGs after the Bureau adopts revised location counts.³³

14. This lack of inclusion in the revised location counts means that RiverStreet will not be subject to any additional support recovery for the locations in the New Kent RDOF CBGs pursuant to section 54.806(c)(1)(ii) of the Commission's rules.³⁴ While this decision could benefit RiverStreet because there may be more locations in the census blocks than estimated by the cost model that will not be factored into its support recovery, there also may be fewer locations in the New Kent RDOF CBGs than estimated and RiverStreet will not have an opportunity to reduce its support recovery to reflect that there are fewer locations than estimated in the CBGs.

15. It is more administratively efficient to recover support and stop future support in the overlapped areas now because there is a model-estimated location count associated with each CBG. We find on balance that the benefits of recovering support and stopping support for areas that RiverStreet will not serve now, the administrative simplicity of using the model-estimated location count without having to conduct a later true-up process, and the fact that Cox has an enforceable buildout commitment to serve the full CBGs, outweigh any potential harm caused by not factoring into RiverStreet's support recovery the actual number of locations covered by the New Kent RDOF CBGs at the time the Bureau publishes revised location counts.³⁵

(Continued from previous page) _____

on a pro rata basis so that a carrier does not receive withheld or recovered support that was allocated to CBGs it is no longer obligated to serve.

³⁰ See, e.g., 47 CFR §§ 54.320(c), (d), 54.806(b), (c).

³¹ See, e.g., Debt Collection Act of 1982, Pub. L. No. 97-365, 96 Stat. 1749 (codified at 31 U.S.C. § 3701 *et seq.*); Debt Collection Improvement Act of 1996, Pub. L. No. 104-134, 110 Stat. 1321 (codified at 31 U.S.C. §§ 3701-3720E); 47 CFR §§ 54.320(c), 54.806(b).

³² 47 CFR § 54.802(c)(1); *RDOF Order*, 35 FCC Rcd at 709-11, paras. 45-51.

³³ 47 CFR § 54.802(c)(1)(iii); *RDOF Order*, 35 FCC Rcd at 711, para. 52 (requiring RDOF carriers to “offer service on reasonable request to locations built subsequently” to the Bureau's updated location totals unless the locations are built after milestone year eight or subject to other limited exceptions).

³⁴ 47 CFR § 54.806(c)(1)(ii); *RDOF Order*, 35 FCC Rcd at 715, para. 61.

³⁵ We distinguish this situation from the limited waiver we granted Resound Networks, LLC (Resound), relieving it of its RDOF obligation to serve areas in Oklahoma and Arizona that are overlapped by the Tonkawa Tribe of Indians of Oklahoma and Cocopah Tribe of Arizona's Tribal Broadband Connectivity Program (TBCP) Round 1 awards. See *Resound Tribal Deduplication Order*. For those overlaps, we deduplicated the funding on a more granular, sub-CBG basis because the Tribes had been awarded TBCP funds to deploy broadband networks to serve their members, and the Tribal boundaries did not align with Resound's RDOF CBGs. *Id.* at 4, 5-6, paras. 9, 11. See also *id.* at 4 (“[T]he Commission has recognized that ‘engagement with Tribal governments over the deployment and provision of services over Tribal lands’ is ‘important and necessary’ and such engagement provides Tribal governments the opportunity to communicate their ‘needs and priorities’ to high-cost carriers.”). In that matter, only partial CBGs were overlapped and there was a low risk to the public funds so we decided to wait until we adopt

(continued....)

16. RiverStreet remains subject to all eligible telecommunications carrier (ETC) obligations in its New Kent RDOF CBGs unless and until it follows the relevant procedures to relinquish its designations in these areas.³⁶ Additionally, RiverStreet cannot discontinue voice service in its New Kent RDOF CBGs without Commission approval.³⁷

III. ORDERING CLAUSES

17. Accordingly, IT IS ORDERED, pursuant to sections 1, 4(i), 5(c), and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 155(c), 254, and sections 0.91, 0.291, and 1.3 of the Commission's rules, 47 CFR §§ 0.91, 0.291, 1.3, that this Order IS ADOPTED.

18. IT IS FURTHER ORDERED that the petition for waiver filed by RiverStreet Communications of Virginia, Inc. is GRANTED and sections 54.320(d)(1), 54.802(c), 54.804(c)(4)(i) and 54.806(c)(1) of the Commission's rules, 47 CFR §§ 54.320(d)(1), 54.802(c), 54.804(c)(4)(i), and 54.806(c)(1), ARE WAIVED to the extent described herein.

19. IT IS FURTHER ORDERED that, pursuant to the limited waiver granted by the Bureau, the Administrator will recover high-cost support from RiverStreet Communications of Virginia, Inc. as described herein.

20. IT IS FURTHER ORDERED that, pursuant to section 1.102(b)(1) of the Commission's rules, 47 CFR § 1.102(b)(1), this Order SHALL BE EFFECTIVE upon release.

FEDERAL COMMUNICATIONS COMMISSION

Trent B. Harkrader
Chief
Wireline Competition Bureau

(Continued from previous page) _____
updated location counts before adjusting Resound's location totals, stopping support, and recovering support for the overlapped areas. *Id.* at 5-6, para. 11. Here, because there are no Tribal considerations and the overlapped area covers the full CBGs, we are deduplicating the full CBGs.

³⁶ 47 U.S.C. § 214(e)(4).

³⁷ 47 U.S.C. § 214(a); 47 CFR § 63.71.

Appendix A

Eligible Census Blocks within the Census Block Groups Covered by RiverStreet's Rural Digital Opportunity Fund Winning Bids in New Kent County

511277001001002	511277002001082	511277003002015	511277003003064
511277001001004	511277002001088	511277003002019	511277003003086
511277001001008	511277002001106	511277003002020	511277003003094
511277001001012	511277002001107	511277003002021	511277003003104
511277001001013	511277002002001	511277003002024	511277003003113
511277001001019	511277002002011	511277003002029	511277003003127
511277001001020	511277002002012	511277003002033	511277003003131
511277001001022	511277002002014	511277003002036	511277003003133
511277001001023	511277002002019	511277003002037	511277003003145
511277001001027	511277002002035	511277003002038	511277003003146
511277001001031	511277002002037	511277003002041	511277003003151
511277001001033	511277002002040	511277003002046	511277003003153
511277001001035	511277002002041	511277003002047	511277003003154
511277001001038	511277002002042	511277003002049	511277003003155
511277001001039	511277002002045	511277003002050	511277003003156
511277001001040	511277002002048	511277003002051	511277003003158
511277001001044	511277002002051	511277003002052	511277003003159
511277001001047	511277002002052	511277003002055	511277003003160
511277002001005	511277002002057	511277003002062	511277003003165
511277002001012	511277002002059	511277003002063	511277003003166
511277002001013	511277002002062	511277003002066	511277003003168
511277002001019	511277002002065	511277003002069	511277003003171
511277002001020	511277002002066	511277003002071	511277003003172
511277002001024	511277003001002	511277003002072	511277003003173
511277002001025	511277003001008	511277003002074	511277003003176
511277002001029	511277003001009	511277003002076	511277003003177
511277002001038	511277003001011	511277003002081	511277003003182
511277002001041	511277003001014	511277003002082	511277003003184
511277002001042	511277003001015	511277003002087	511277003003187
511277002001044	511277003001018	511277003002097	511277003003188
511277002001047	511277003001027	511277003002104	511277003003189
511277002001063	511277003001053	511277003002105	511277003003193
511277002001064	511277003001066	511277003002109	511277003003198
511277002001065	511277003001089	511277003003000	511277003003199
511277002001073	511277003001090	511277003003009	511277003003211
511277002001076	511277003001091	511277003003019	511277003003212
511277002001077	511277003001094	511277003003020	511277003003216
511277002001078	511277003001108	511277003003042	511277003003227
511277002001079	511277003001109	511277003003047	511277003003229
511277002001080	511277003001114	511277003003053	511277003003230
511277002001081	511277003002011	511277003003056	



PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
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DA 24-1279

Released: December 26, 2024

WIRELINE COMPETITION BUREAU AND OFFICE OF MANAGING DIRECTOR ANNOUNCE ADDITIONAL CONGRESSIONAL FUNDING FOR THE SECURE AND TRUSTED COMMUNICATIONS NETWORKS REIMBURSEMENT PROGRAM

WC Docket No. 18-89

By this Public Notice, the Wireline Competition Bureau (Bureau) and the Office of Managing Director (OMD) announce that on December 23, 2024, the Spectrum and Secure Technology and Innovation Act of 2024 was signed into law as part of the Servicemember Quality of Life Improvement and National Defense Authorization Act for Fiscal Year 2025 (2025 NDAA). Under this law, Congress authorized the Commission to borrow up to \$3.08 billion from the Treasury Department to fully fund the Secure and Trusted Communications Networks Reimbursement Program (Reimbursement Program or Program).¹ Consistent with the 2025 NDAA, the Commission will take quick steps to secure the additional funding through the borrowing authority granted by Congress. Other than providing additional funding, the 2025 NDAA does not make any changes to the requirements, processes, or procedures for the Reimbursement Program.

The Commission established the Reimbursement Program pursuant to the Secure and Trusted Communications Networks Act of 2019 (Secure and Trusted Communications Networks Act).² In 2020, Congress passed the Consolidated Appropriations Act, 2021, which amended the Secure and Trusted Communications Networks Act,³ and appropriated \$1.9 billion to the Commission to “carry out” the Secure and Trusted Communications Networks Act.⁴ The Program reimburses eligible providers for costs

¹ Servicemember Quality of Life Improvement and National Defense Authorization Act for Fiscal Year 2025, H.R. 5009, 118th Cong. (2024) (2025 NDAA), available at <https://www.congress.gov/bill/118th-congress/house-bill/5009/text>. The legislation amends section 4(k) of the Secure and Trusted Communications Networks Act of 2019 to increase the Commission’s permitted expenditures to \$4.98 billion and directs that “not later than 90 days after the date of enactment of this Act, the Commission may borrow from the Treasury of the United States an amount not to exceed \$3,080,000,000 to carry out the Secure and Trusted Communications Networks Act of 2019.”

² Secure and Trusted Communications Networks Act of 2019, Pub. L. No. 116-124, § 4(a)-(c), 134 Stat. 158 (2020) (codified as amended at 47 U.S.C. §§ 1601–1609) (Secure and Trusted Communications Networks Act). See *Protecting Against National Security Threats to the Communications Supply Chain Through FCC Programs*, WC Docket No. 18-89, Second Report and Order, 35 FCC Rcd 14284 (2020) (2020 Supply Chain Order); *Protecting Against National Security Threats to the Communications Supply Chain Through FCC Programs*, WC Docket No. 18-89, Third Report and Order, 36 FCC Rcd 11958 (2021) (2021 Supply Chain Order); 47 CFR §§ 1.50004 et seq. Information related to the FCC’s supply chain proceeding and the Reimbursement Program is available at <https://www.fcc.gov/supplychain>.

³ Consolidated Appropriations Act, 2021, Pub. L. No. 116–260, § 901, 134 Stat. 1182 (2020) (CAA).

⁴ CAA § 906. Section 906 provides that “[t]here is appropriated to the Federal Communications Commission, out of amounts in the Treasury not otherwise appropriated, for fiscal year 2021, to remain available until expended— . . . (2) \$1,900,000,000 to carry out the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1601 et seq.) (continued....)

incurred in the removal, replacement, and disposal of communications equipment or services produced or provided by Huawei Technologies Company⁵ or ZTE Corporation.⁶ Because demand for funds exceeded available funding, the Program requires additional funding. In the Bureau's bi-annual Reports to Congress, the Bureau has continued to make Congress aware of the funding shortfall and the impacts on Program recipients.⁷

Allocation Information. Congress in the 2025 NDAA instructed the Commission to borrow the additional program funds from the Treasury Department. Consistent with the Office of Management and Budget and Treasury procedures, the Commission will expeditiously submit a request to borrow the funds. Once approved, the Bureau and OMD will then release a Public Notice announcing the date on which the additional funding will be available for distribution. When the borrowing process is complete and the Commission is able to make allocations with the newly available funds, the Bureau will allocate funding to each approved applicant who has not received notice that its funding has been reclaimed, up to the full amount of their approved cost estimates. Additionally, the Bureau will notify recipients when their full allocations are reflected in the Supply Chain Reimbursement Program portal. Recipients should ensure that their contact information in the portal is and continues to be up to date. Both before and after the release of the Public Notice announcing additional funding for distribution, the Fund Administrator and the Bureau will continue to administer the Program and process requests for reimbursement consistent with existing processes.⁸

Ongoing Program Implementation. While the Commission takes steps to implement the 2025 NDAA's additional funding, recipients can and should continue their work to remove, replace, and dispose of covered communications equipment and services. The Secure and Trusted Communications Networks Act, as implemented through the Commission's rules, requires recipients to remove, replace, and dispose of all Huawei and/or ZTE communications equipment and services that were in their networks as of the date of the submission of the application even if the recipient received a prorated allocation.⁹ In addition, and consistent with the Secure and Trusted Communications Networks Act, the

(Continued from previous page) _____

seq.), of which \$1,895,000,000 shall be used to carry out the program established under section 4 of that Act (47 U.S.C. 1603)."

⁵ See generally *Protecting Against National Security Threats to the Communications Supply Chain Through FCC Programs – Huawei Designation*, PS Docket No. 19-351, Order, 35 FCC Rcd 6604 (PSHSB 2020) (*Huawei Designation Order*).

⁶ See generally *Protecting Against National Security Threats to the Communications Supply Chain Through FCC Programs – ZTE Designation*, PS Docket No. 19-352, Order, 35 FCC Rcd 6633 (PSHSB 2020) (*ZTE Designation Order*).

⁷ Wireline Competition Bureau, *Secure and Trusted Communications Networks Reimbursement Program Report* (Jan. 11, 2023), <https://www.fcc.gov/document/supply-chain-reimbursement-program-report>; Wireline Competition Bureau, *Secure and Trusted Communications Networks Reimbursement Program Second Report* (July 10, 2023), <https://www.fcc.gov/document/supply-chain-reimbursement-program-second-report>; Wireline Competition Bureau, *Secure and Trusted Communications Networks Reimbursement Program Third Report* (Jan. 5, 2024), <https://www.fcc.gov/document/supply-chain-reimbursement-program-report>; Wireline Competition Bureau, *Secure and Trusted Communications Networks Reimbursement Program Fourth Report* (July 1, 2024), <https://www.fcc.gov/document/supply-chain-reimbursement-program-fourth-report>.

⁸ Each Reimbursement Program recipient must file at least one reimbursement claim to receive a funding disbursement within one year of the approval of its Application Request for Funding Allocation. 47 CFR § 1.50004(g)(1). The Bureau will allocate funding up to the full amount of the approved allocations for all approved recipients that have not received notice that their funding has been reclaimed.

⁹ 47 U.S.C. § 1603(e)(4)(A)(iii) (recipient must file a final certification to show removal, replacement, and disposal of "all" covered equipment and services); 47 CFR 1.50004(m)(1); see also 47 U.S.C. § 1603(d)(4)(A)(i)(I) (applicant must certify it has a plan to remove "any" covered equipment and services); 47 CFR § 1.50004(a)(3)(i)(A).

Commission's rules require Reimbursement Program participants to complete the removal, replacement, and disposal process within one year from the initial disbursement of funds, subject to the grant of any individual extension.¹⁰ We remind recipients that the Supply Chain Reimbursement Program portal permits recipients to submit invoices beyond their allocation amount. We encourage recipients to submit all relevant invoices for the work completed under the Reimbursement Program.

Additional Information and Resources. Recipients with questions may contact the Fund Administrator Help Desk by email at SCRPFundAdmin@fcc.gov or by calling (202) 418-7540 from 9:00 AM ET to 5:00 PM ET, Monday through Friday, except for Federal holidays. General information and Commission documents regarding the Reimbursement Program are available on the Reimbursement Program webpage, <https://www.fcc.gov/supplychain/reimbursement>.

- FCC -

¹⁰ 2020 Supply Chain Order, 35 FCC Rcd at 14354, para. 169 (establishing a one-year timeline for removal, replacement, and disposal). The initial disbursement is deemed to occur on the date on which the Commission first distributes reimbursement funds to the recipient. *Id.* (establishing a one-year timeline for removal, replacement, and disposal).



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
45 L STREET NE
WASHINGTON D.C. 20554

News media information 202-418-0500
Internet: <http://www.fcc.gov> (or <ftp.fcc.gov>)
TTY (202) 418-2555

DA No. 24-1280

Report No. SAT-01881

Friday December 20, 2024

Satellite Licensing Division and Satellite Programs and Policy Division Information

Actions Taken

The Commission, by its Space Bureau, took the following actions pursuant to delegated authority. The effective date of these actions is the release date of this Notice, except where an effective date is specified.

SAT-AMD-20231127-00290	E S2912	Planet Labs PBC	
Amendment			
Granted in Part/ Deferred in Part			Effective Date: 12/19/2024

Nature of Service: Earth Exploration Satellite Service

See ICFS File No. SAT-MOD-20231031-00269 for a description of the action taken.

SAT-MOD-20231031-00269	E S2912	Planet Labs PBC	
Modification			12/19/2024 - 02/28/2029
Granted in Part/ Deferred in Part			Effective Date: 12/19/2024

Nature of Service: Earth Exploration Satellite Service

On December 19, 2024, the Satellite Programs and Policy Division granted-in-part and deferred-in-part the request of Planet Labs PBC to modify the license of its Pehcan non-geostationary orbit satellite system. Specifically, the Division modified a condition on Planet's license regarding duty cycles for operations in the 2025-2110 MHz band (Earth-to-space).

SAT-MOD-20240724-00160	E S2946	Spire Global, Inc.	
Modification			12/13/2024 -
Grant of Authority			Effective Date: 12/13/2024

Nature of Service: Earth Exploration Satellite Service, Mobile Satellite Service, Other

On December 13, 2024, the Satellite Programs and Policy Division granted, with conditions, authority to Spire Global, Inc. to deploy and operate one 6U satellite as part of its licensed LEMUR non-geostationary satellite orbit system.

SAT-STA-20241028-00238	E S2382	Intelsat License LLC	
Special Temporary Authority			
Grant of Authority			Effective Date: 12/18/2024

On December 18, 2024, the Satellite Programs and Policy Division granted, with conditions, special temporary authority to Intelsat License LLC, for an additional period of 60 days, to operate Intelsat 10 at the 66.10° E.L. orbital location. Intelsat 10 operates in the 3700-4200 MHz, 11.45-11.7 GHz, 12.25-12.75 GHz (space-to-Earth), 5925-6425 MHz and 14.0-14.5 GHz (Earth-to-space) frequency bands. Intelsat conducts telemetry, tracking, and command operations with Intelsat 10 using the following center frequencies: 11699.0 MHz, 12747.5 MHz, 12748.5 MHz, 12749.5 MHz (space-to-Earth); and 14000.5 MHz, 14499.5 MHz (Earth-to-space).

SAT-STA-20241029-00241	E	S2253	Intelsat License LLC	
Special Temporary Authority				
Grant of Authority				Effective Date: 12/18/2024

On December 18, 2024, the Satellite Programs and Policy Division granted, with conditions, special temporary authority to Intelsat License LLC, for a period of 120 days, to conduct telemetry, tracking and command (TT&C) operations necessary to deorbit Galaxy 11 from the 166.3° E.L. orbital location. Intelsat conducts TT&C operations using the following center frequencies: 11.701 GHz and 11.702 GHz (space-to-Earth); and 14.0005 GHz and 14.4985 GHz (Earth-to-space).

SAT-STA-20241108-00256	E	S3143	Intelsat License LLC	
Special Temporary Authority				
Grant of Authority				Effective Date: 12/18/2024

On December 18, 2024, the Satellite Programs and Policy Division granted, with conditions, special temporary authority to Intelsat License LLC, for an additional period of 60 days, to operate the Galaxy 35 space station at the 93.1° W.L. orbital location. Galaxy 35 operates in the 3700-4200 MHz (space-to-Earth) and 5925-6425 MHz (Earth-to-space) bands. Intelsat conducts telemetry, tracking and command operations with Galaxy 35 using the following center frequencies: 4196.75 MHz, 4198.25 MHz (space-to-Earth); and 6422.0 MHz and 6424.5 MHz (Earth-to-space).

SAT-STA-20241211-00278	E	S2912	Planet Labs PBC	
Special Temporary Authority				
Grant of Authority				Effective Date: 12/19/2024

Application listed as granted in ICFS to reflect continuing operations pursuant to section 1.62 of the Commission's rules.

SAT-STA-20241212-00280	E	S2368	Intelsat License LLC	
Special Temporary Authority				
Grant of Authority				Effective Date: 12/13/2024

On December 13, 2024, the Satellite Programs and Policy Division granted, with conditions, special temporary authority to Intelsat License LLC, for an additional period of 30 days, to conduct telemetry, tracking and command (TT&C) operations necessary to deorbit Intelsat 1R from the 157.1° E.L. orbital location. Intelsat conducts TT&C operations with Intelsat 1R using the following center frequencies: 11696 MHz and 11697 MHz (space-to-Earth); and 13995 MHz and 14498.5 MHz (Earth-to-space).

SAT-T/C-20241101-00244	E	S2115	Globalstar Licensee LLC	
Transfer of Control				
Consummated				Effective Date: 11/05/2024

Current Licensee: Globalstar Licensee LLC
FROM: Globalstar Licensee LLC
TO: Globalstar Licensee LLC

No. of Station(s) listed: 1

For more information concerning this Notice, contact the Satellite Licensing Division and Satellite Programs and Policy Division at (202) 418-0719.



PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, DC 20554

News Media Information 202-418-0500
Internet: www.fcc.gov

DA 24-1281

Released: December 20, 2024

**DOMESTIC SECTION 214 APPLICATION FILED FOR THE
ACQUISITION OF CERTAIN ASSETS OF FIBERLIGHT OF VIRGINIA, LLC BY
CENTRAL VIRGINIA SERVICES, INC.**

NON-STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket. No. 24-688

Comments Due: January 3, 2025

Reply Comments Due: January 10, 2025

By this Public Notice, the Wireline Competition Bureau (Bureau) seeks comment from interested parties on an application filed by FiberLight of Virginia, LLC (FiberLight) and Central Virginia Services, Inc. d/b/a Firefly Broadband (CVSI) (collectively, Applicants), pursuant to section 214(a) of the Communications Act of 1934, as amended, and sections 63.03-04 of the Commission's rules,¹ requesting consent for the transfer of Rural Digital Opportunity Fund (RDOF) support and related buildout and service obligations associated solely with Census Block Group No. 511139301001 (Transferring CBG), a subpart of an original RDOF award to FiberLight.²

FiberLight, a Virginia limited liability company, is a wholly-owned subsidiary FiberLight LLC, a Delaware limited liability company.³ FiberLight provides intrastate telecommunications services exclusively in Virginia.⁴ FiberLight is designated as an Eligible Telecommunications Carrier (ETC) in Virginia and the Commission authorized FiberLight to receive \$1,067,075.80 in RDOF support in Virginia,⁵ of which, Applicants state, \$138,898.80 was allocated for an estimated 463 locations in the

¹ See 47 U.S.C. § 214(a); 47 CFR §§ 63.03-04.

² Domestic Section 214 Application for the Consent to Assign Rural Digital Opportunity Fund Support and Related Buildout and Service Obligations of FiberLight of Virginia, LLC to Central Virginia Services, Inc., WC Docket No. 24-688 (filed Dec. 5, 2024) (Application).

³ Application at 2. The Study Area Code (SAC) currently associated with the Transferring CBG is 199031. Post-consummation, the Transferring CBG would be transferred to the study area code associated with CVSI's authorized RDOF support in the same state, i.e., SAC 199021. Application at 1. *Rural Digital Opportunity Fund Support Authorized for 1,345 Winning Bids*, AU Docket No. 20-34, WC Docket Nos. 19-126, 10-90, Public Notice, 37 FCC Rcd 4897, Attach. A at 2-6 (AU/WCB 2022) (*RDOF Eighth Authorization*) (authorizing CVSI to receive RDOF support for SAC 199021); *Rural Digital Opportunity Fund Support Authorized for 1,605 Winning Bids*, AU Docket No. 20-34 et al., 37 FCC Rcd 8331, Attach. A. at 1 (WCB/OEA 2022) (*RDOF Eleventh Authorization*) (authorizing FiberLight to receive RDOF support for SAC 199031).

⁴ Application at 3.

⁵ *Id.* at 2. *RDOF Eleventh Authorization*, 37 FCC Rcd at Attach. A at 1.

Transferring CBG.⁶ FiberLight LLC constructs and operates fiber optic networks.⁷ Applicants provide a description of FiberLight's ownership and ownership charts in the Application, which includes multiple foreign interest holders.⁸

CVSI, a Virginia corporation, provides VoIP-based voice services in portions of central Virginia.⁹ Applicants state that CVSI provides gigabit-tier level of broadband and interconnected VoIP-based voice services across its entire broadband service areas.¹⁰ CVSI is a designated ETC in areas of Virginia where it has been authorized to receive CAF Phase II and RDOF support¹¹ and CVSI is authorized to receive \$33,958,890.50 in RDOF support in Virginia to provide service to 28,339 locations.¹² CVSI is a wholly-owned subsidiary of Central Virginia Electric Cooperative (CVEC), a rural electric cooperative, which is owned by its members and controlled by its board of directors (all U.S. citizens).¹³ Applicants state that no other individual or entity holds a ten percent or greater interest in CVSI.¹⁴

Applicants assert that the proposed transaction is in the public interest.¹⁵ Applicants contend that the proposed transaction will not remove a competitor from the marketplace, rather the "transaction will further facilitate the implementation of the Commission's important RDOF program goals."¹⁶ CVSI maintains that, because of the close proximity of the Transferring CGB to CVSI's broadband service area, CVSI is "well-positioned to complete the required buildout for the provision of RDOF-supported

⁶ Application at 1. FiberLight states that it plans to relinquish its ETC designation in Virginia following the consummation of this proposed transaction. *Id.* at 3. The Bureau has confirmed that the Applicants have correctly identified the support amount associated with the Transferring CBG and the initial CAM-estimated number of locations to be served. We note that the Bureau has been directed to adopt revised location obligations no later than the end of program's sixth year using a listing of all qualifying locations within eligible areas. *See Rural Digital Opportunity Fund et al.*, WC Dockets 19-126, 10-90, Order, 35 FCC Rcd 686, 709, para. 45 (2020).

⁷ Application at 2-3.

⁸ *Id.* at 11-24, Exhibit B (Current Ownership Structure of FiberLight, LLC and Related Entities) at 1-6.

⁹ *Id.* at 3.

¹⁰ *Id.* at 3-4.

¹¹ *Id.* at 4. *See Telecommunications Carriers Eligible for Universal Service Support, et al.*, WC Docket Nos. 09-197, 10-90, Order, 33 FCC Rcd 9384 (WCB 2021) (expanding CVSI's VA ETC designation in order to make CVSI eligible to receive RDOF support awarded through the RDOF Auction); *Telecommunications Carriers Eligible for Universal Service Support, et al.*, WC Docket Nos. 09-197, 10-90, Order, 34 FCC Rcd 1966 (WCB 2019) (designating CVSI as an ETC in order to make CVSI eligible to receive CAF Phase II support); *see also Connect America Fund Phase II Auction Support Authorized for 856 Winning Bids*, AU Docket No. 17-182, WC Docket No. 10-90, Public Notice, 34 FCC Rcd 4725, Attach. A at 2-5 (AU/WCB 2019) (authorizing CVSI to receive CAF Phase II support).

¹² Application at 4. *See RDOF Eighth Authorization*, 37 FCC Rcd at Attach. A at 2-6. On December 18, 2024, the Bureau released a public notice granting a petition for the transfer of control of RDOF support and related buildout and service obligations from Brightspeed of Virginia, LLC to CVSI. *See Domestic Section 214 Application Granted for the Acquisition of Certain Assets of Brightspeed of Virginia, LLC by Central Virginia Services, Inc.*, WC Docket No. 24-311, Public Notice, DA 24-1270 (WCB 2024). CVSI has submitted a petition for expansion of its VA ETC designation to include areas to be transferred from Brightspeed and FiberLight, which remains pending. Petition of Central Virginia Services, Inc. for Expanded Eligible Telecommunications Carrier Designation, WC Docket No. 09-197 (filed Sept. 25, 2024), as supplemented, Letter to Marlene H. Dortch, Secretary, Federal Communications Commission, from Todd B. Lantor, Counsel to Central Virginia Services, Inc. (filed Nov. 6, 2024).

¹³ Application at 3-4.

¹⁴ *Id.* at 24.

¹⁵ *Id.* at 6.

¹⁶ *Id.* at 8.

broadband and voice services in advance of the deadlines established in the Commission's RDOF rules.¹⁷

Because the proposed transaction is more complex than those accepted for streamlined treatment, and in order to analyze whether the proposed transaction would serve the public interest, we accept the Application for non-streamlined treatment.¹⁸

Domestic Section 214 Filed for the Consent to Assign Rural Digital Opportunity Fund Support and Related Buildout and Service Obligations Of FiberLight of Virginia, LLC to Central Virginia Services, Inc., WC Docket No. 24-688 (filed Dec. 5, 2024).

GENERAL INFORMATION

The application identified herein has been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules and policies.

Interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <https://www.fcc.gov/ecfs/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing.
 - Filings can be sent by hand or messenger delivery, by commercial courier, or by the U.S. Postal Service. **All filings must be addressed to the Secretary, Federal Communications Commission.**
 - Hand-delivered or messenger-delivered paper filings for the Commission's Secretary are accepted between 8:00 a.m. and 4:00 p.m. by the FCC's mailing contractor at 9050 Junction Drive, Annapolis Junction, MD 20701. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
 - Commercial courier deliveries (any deliveries not by the U.S. Postal Service) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
 - Filings sent by U.S. Postal Service First-Class Mail, Priority Mail, and Priority Mail Express must be sent to 45 L Street NE, Washington, DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (TTY).

In addition, e-mail one copy of each pleading to each of the following:

- 1) Dennis Johnson, Competition Policy Division, Wireline Competition Bureau, dennis.johnson@fcc.gov; and
- 2) Jim Bird, Office of General Counsel, jim.bird@fcc.gov.

The proceeding in this Notice shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business

¹⁷ *Id.* at 7.

¹⁸ 47 CFR § 63.03(c)(1)(v).

days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b), 47 CFR § 1.1206(b). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

To allow the Commission to consider fully all substantive issues regarding the application in as timely and efficient a manner as possible, petitioners and commenters should raise all issues in their initial filings. New issues may not be raised in responses or replies.¹⁹ A party or interested person seeking to raise a new issue after the pleading cycle has closed must show good cause why it was not possible for it to have raised the issue previously. Submissions after the pleading cycle has closed that seek to raise new issues based on new facts or newly discovered facts should be filed within 15 days after such facts are discovered. Absent such a showing of good cause, any issues not timely raised may be disregarded by the Commission.

For further information, please contact Dennis Johnson at (202) 418-0809.

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¹⁹ See 47 CFR § 1.45(c).



PUBLIC NOTICE

Federal Communications Commission
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Internet: <https://www.fcc.gov>
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DA 24-1282

Released: December 20, 2024

WIRELINE COMPETITION BUREAU RELEASES DOWNLOAD DATA FILE SPECIFICATIONS FOR THE DOMESTIC VIOLENCE HOTLINE DATABASE

WC Docket No. 22-238

On November 16, 2023, as part of its implementation of the Safe Connections Act of 2022, the Commission adopted the *Safe Connections Act Report and Order* establishing rules protecting the privacy of calls and text messages made by survivors to domestic violence hotlines and directing agency staff to build a database to identify germane calls and text messages.¹ The Commission delegated to the Wireline Competition Bureau (Bureau) the responsibility of publishing the specifications for the database that service providers² will use to identify which calls and text messages are bound for domestic violence hotlines and for determining the compliance deadline.³ This Public Notice serves as the publication of the specifications for the database download file that Service Providers will use to determine calls and text messages bound for domestic violence hotlines. As a result of today's publication, Service Providers should be prepared to comply with the obligation to protect the privacy of calls and text messages to domestic violence hotlines by August 20, 2025.⁴

The domestic violence hotline database download file will be a comma-delimited text file with the following fields for each record:

¹ *Supporting Survivors of Domestic and Sexual Violence* et al., WC Docket No. 22-238 et al., Report and Order, 38 FCC Rcd 11280 (2023) (*Safe Connections Act Report and Order*). See also Safe Connections Act of 2022, Pub. L. No. 117-223, 116 Stat. 2280 (Safe Connections Act or SCA).

² Service providers subject to the obligation to protect the privacy of calls and text messages made by survivors to domestic violence hotlines include providers of private mobile service and commercial mobile services and wireline, fixed wireless and fixed satellite providers of voice service (together referred to as Service Providers). 47 CFR § 64.6408(a).

³ See 47 CFR § 64.6408(b); *Safe Connections Act Report and Order*, 38 FCC Rcd at 11350, paras. 137-38 (establishing a deadline 12 months from the date of the *Safe Connections Act Report and Order* in the Federal Register); 88 FR 84406 (Dec. 5, 2023) (Federal Register publication).

⁴ See *Safe Connections Act Report and Order*, 38 FCC Rcd at 11350, paras. 137-38 (“[T]he compliance deadline will be no earlier than eight months after the Bureau has published the database download file specification, which should be the final detail necessary for service providers to complete design of their systems.”); 47 CFR § 64.6408(b). Further, the Commission stated that the compliance deadline will be no earlier than two months after the Bureau announces that the database administrator has made the initial database download file available for testing. *Safe Connections Act Report and Order*, 38 FCC Rcd at 11351, para. 138. The Commission explained that to the extent that the date of either of these announcements causes the deadline to be later than 12 months after Federal Register publication, the Bureau should provide notice of the new compliance deadline for implementation. *Safe Connections Act Report and Order*, 38 FCC Rcd at 11351, para. 138.

Field No.	Field Description	Type	Notes
1	Unique Record Identifier	Integer	7 digits with leading zeros as necessary
2	Hotline Telephone Number	Integer	10 digits
3	Date of Addition	Integer	8 digits representing the year followed by the month, followed by the day (YYYYMMDD) on which the record was added to the download file

When the download file is updated, a new complete version of the download file will be created. Files that solely consist of incremental changes to the download file will not be made available.⁵ While the Bureau is not announcing the download file naming convention at this time,⁶ it anticipates that the file name will be consistent across versions with the exception of a four-digit integer representing the version number (with leading zeroes as necessary), and an eight-digit integer representing the version creation date in YYYYMMDD format, followed by a six-digit integer representing the version creation time in HHMMSS (hour (military time), minute, second) format.⁷

The Bureau will later be releasing an additional public notice (or multiple public notices) announcing the download file naming convention, the means by which Service Providers can arrange secure access to the download file (such as how to arrange for credentials for such access), and the availability of the initial database download file for testing.⁸ The Bureau has not yet determined the method by which the download file will be securely accessed once a Service Provider has provided its credentials to the platform used to make the download file available, although it anticipates that secure file transfer protocol (SFTP) will be featured among the available options.

Not all Service Providers are subject to the potential August 20, 2025, compliance deadline. The Commission established a different compliance deadline for small service providers, defined as providers that have 100,000 or fewer voice service subscriber lines (counting the total of all business and residential fixed subscriber lines and mobile phones and aggregated over all of the provider's affiliates), and provided at least 14 months after the Bureau publishes this Public Notice for compliance.⁹ Although small Service Providers are entitled to the benefits of this extended deadline, the Bureau encourages small Service Providers to comply with the obligation to protect the privacy of calls and text messages to domestic violence hotlines earlier than such date to the extent possible.¹⁰

⁵ To the extent that Service Providers choose to make incremental changes to their own internal copies of the download file rather than reloading the fresh versions of the download file into their systems, it will be their responsibility to determine which records have been deleted.

⁶ Such an announcement is not a precondition for Service Provider compliance.

⁷ For example, the file name for an initial version of the download file created on September 1, 2025 at 1:15 pm might be the following: domestic_violence_hotline_database_download_file_0001_20250901_131500.csv. Using the same example, the file name for a second version of the download file created on October 1, 2025 at 10:30 am would then be the following: domestic_violence_hotline_database_download_file_0002_20251001_103000.csv. All times would be Eastern, Standard or Daylight, as appropriate for Washington, D.C.

⁸ As discussed above, the compliance deadline will be no earlier than two months after the Bureau releases a public notice announcing that the database administrator has made the initial database download file available for testing.

⁹ *Safe Connections Act Report and Order*, 38 FCC Rcd at 11351, paras. 139, 141; 47 CFR § 64.6408(c).

¹⁰ Exercising an abundance of caution, the Commission stated in the *Safe Connections Act Report and Order* that the compliance deadline for small Service Providers will be no earlier than two months after the Bureau announces that the database administrator has made the initial database download file available for testing for larger Service Providers. *Id.*

Contact Person. For further information about this proceeding, please contact Edward Krachmer, FCC Wireline Competition Bureau, Competition Policy Division, 45 L Street, N.E., Washington, DC 20554, 202-418-1525, Edward.Krachmer@fcc.gov.

- FCC -



PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, DC 20554

News Media Information 202-418-0500
Internet: www.fcc.gov

DA 24-1283

Released: December 20, 2024

DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF ROOME TELECOMMUNICATIONS, INC. TO ALYRICA NETWORKS INC.

NON-STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 24-708

Comments Due: January 3, 2025

Reply Comments Due: January 10, 2025

By this Public Notice, the Wireline Competition Bureau seeks comment from interested parties on an application filed by Varcomm Holdings Inc. (Varcomm) and Alyrica Networks Inc. (Alyrica) (collectively, Applicants), pursuant to section 214(a) of the Communications Act of 1934, as amended, and sections 63.03-04 of the Commission's rules,¹ requesting approval for the transfer of control of Roome Telecommunications, Inc. (Roome) to Alyrica.²

Roome provides service as a rural incumbent local exchange carrier (LEC) in a single exchange in and around the city of Halsey, Oregon.³ Roome is designated as an Eligible Telecommunications carrier (ETC) in Oregon and is authorized to receive Connect America Fund – Inter-carrier Compensation (CAF-ICC) support and Enhanced Alternative Connect America Cost Model I (Enhanced A-CAM) support in Study Area Code (SAC) 532375 (Transferring SAC).⁴ Roome is a wholly-owned subsidiary of Varcomm, a California holding company.⁵ Varcomm is owned by Eric N. Votaw (55% voting and equity interest) and Jennifer Vellucci (45% voting and equity interest), both U.S. citizens.⁶

Alyrica, an Oregon corporation, provides broadband, voice and other services to approximately

¹ See 47 U.S.C. § 214(a); 47 CFR §§ 63.03-04.

² Domestic Section 214 Application Filed for the Transfer of Control of Roome Telecommunications, Inc., WC Docket No. 24-708 (filed Dec. 13, 2024) (Application). Applicants filed a supplement to the Application on December 20, 2024. Letter from Stephen E. Coran, Counsel to Alyrica Networks Inc., to Marlene H. Dortch, Secretary, FCC, WC Docket No. 24-708 (filed Dec. 20, 2024) (Supplement). Any action on this domestic section 214 application is without prejudice to Commission action on other related, pending applications.

³ Application at 3.

⁴ *Id.* at 1-3. Roome also participates in the Lifeline program. *Id.* at 6.

⁵ *Id.* at 3. Varcomm also wholly-owns Ducor Telephone Company, a rural LEC that provides local exchange service and exchange access service in three small communities in Tulare and Tehama counties in California. *Id.*

⁶ *Id.*

10,541 residential and business subscribers in and around Philomath, Oregon.⁷ Applicants state that Alyrica's current network offers voice and 100/20 Mbps service to approximately 80% of the Roome Enhanced A-CAM locations.⁸ Applicants further state that Alyrica has deployed both fiber and fixed wireless technologies in its network and plans to complete the remaining deployment, post-transaction, using licensed fixed wireless technology on the "Tarana Wireless G1" platform.⁹ Applicants state that the following U.S. citizens hold a ten percent or greater direct equity and voting interest in Alyrica: Kevin Sullivan (49.13%); and Joseph Sullivan (49.13%).¹⁰ Applicants state that neither Alyrica nor any of its affiliates hold a ten percent or greater interest in any other telecommunications provider.¹¹

Pursuant to the terms of the proposed transaction, Alyrica agrees to acquire 100% of Varcomm's shares in Roome.¹² The Applicants state that, after consummation of the proposed transaction, Roome will continue to exist and operate under the same name and will continue to provide rural LEC service in its SAC.¹³ Alyrica states that, post-consummation, it will assume Roome's CAF-ICC and Enhanced A-CAM obligations.¹⁴

Applicants assert that the proposed transaction is in the public interest.¹⁵ Alyrica states that the proposed transaction will be "seamless and virtually transparent to consumers of Roome" and that it does not plan to change the rates, terms, and conditions of supported services.¹⁶ Applicants maintain that although Roome's service area and Alyrica's service area overlap, there will be "no negative impact on competition," because "other carriers provide competitive services in the market."¹⁷ Moreover, Applicants contend that "consumers will benefit from Alyrica's deployment and operational efficiencies and its experience in deploying and providing competitive and affordable voice and broadband service to rural Oregonians."¹⁸

Because the proposed transaction is more complex than those accepted for streamlined treatment, and in order to analyze whether the proposed transaction would serve the public interest, we accept the Application for non-streamlined treatment.¹⁹

Domestic Section 214 Filed for the Transfer of Control of Roome Telecommunications, Inc.,
WC Docket No. 24-610 (filed Dec. 13, 2024).

GENERAL INFORMATION

The application identified herein has been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any application if, upon further examination, it is determined

⁷ *Id.* at 4. Applicants state that Alyrica does not receive Universal Service Fund support. *Id.* at 5.

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.* at 10-11.

¹¹ *Id.* at 11.

¹² *Id.* at 4.

¹³ *Id.*

¹⁴ *Id.* Applicants state that Roome will continue to provide Lifeline services post-consummation. Supplement at 1.

¹⁵ Application at 6.

¹⁶ *Id.* at 4.

¹⁷ *Id.* at 7-8.

¹⁸ *Id.* at 7.

¹⁹ 47 CFR § 63.03(c)(1)(v).

to be defective and not in conformance with the Commission's rules and policies.

Interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <https://www.fcc.gov/ecfs/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing.
 - Filings can be sent by hand or messenger delivery, by commercial courier, or by the U.S. Postal Service. **All filings must be addressed to the Secretary, Federal Communications Commission.**
 - Hand-delivered or messenger-delivered paper filings for the Commission's Secretary are accepted between 8:00 a.m. and 4:00 p.m. by the FCC's mailing contractor at 9050 Junction Drive, Annapolis Junction, MD 20701. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
 - Commercial courier deliveries (any deliveries not by the U.S. Postal Service) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
 - Filings sent by U.S. Postal Service First-Class Mail, Priority Mail, and Priority Mail Express must be sent to 45 L Street NE, Washington, DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (TTY).

In addition, e-mail one copy of each pleading to each of the following:

- 1) Dennis Johnson, Competition Policy Division, Wireline Competition Bureau, dennis.johnson@fcc.gov; and
- 2) Jim Bird, Office of General Counsel, jim.bird@fcc.gov.

The proceeding in this Notice shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b), 47 CFR § 1.1206(b). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

To allow the Commission to consider fully all substantive issues regarding the application in as timely and efficient a manner as possible, petitioners and commenters should raise all issues in their initial filings. New issues may not be raised in responses or replies.²⁰ A party or interested person

²⁰ See 47 CFR § 1.45(c).

seeking to raise a new issue after the pleading cycle has closed must show good cause why it was not possible for it to have raised the issue previously. Submissions after the pleading cycle has closed that seek to raise new issues based on new facts or newly discovered facts should be filed within 15 days after such facts are discovered. Absent such a showing of good cause, any issues not timely raised may be disregarded by the Commission.

For further information, please contact Dennis Johnson at (202) 418-0809.

-FCC-



PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, DC 20554

News Media Information 202 / 418-0500
Internet: <https://www.fcc.gov>
TTY: 1-888-835-5322

DA 24-1284

Released: December 20, 2024

**WIRELINE COMPETITION BUREAU SEEKS COMMENT ON CENTRAL VIRGINIA
SERVICES, INC.'S PETITION FOR EXPANSION OF ITS ELIGIBLE
TELECOMMUNICATIONS CARRIER DESIGNATION**

WC Docket No. 09-197

Comment Date: January 20, 2025

Reply Comment Date: February 4, 2025

The Wireline Competition Bureau (WCB or Bureau) seeks comment on the petition of Central Virginia Services, Inc. (CVSI) to expand its Eligible Telecommunications Carrier (ETC) designated service area in Virginia to include census block group (CBG) number 511139301001 (Assigned CBG),¹ a subpart of an original Rural Digital Opportunity Fund (RDOF) award authorized to Fiberlight of Virginia, LLC (Fiberlight).² In connection with this request, CVSI has sought WCB's approval of a section 214 authorization transfer application to assign the RDOF support associated with this CBG in addition to all rights, obligations, and conditions associated with this support, which remains pending.³ Accordingly, the expansion of CVSI's ETC designated service area to include the Assigned CBG will be conditioned upon approval of its 214 Transfer Application and its authorization to receive the associated support.

ETC designation in all areas eligible for universal service support is a prerequisite to receiving high cost and Lifeline support.⁴ To receive an ETC designation, a petitioner must, in addition to meeting high cost program requirements and other related obligations as specified below, offer the Lifeline discount on all qualifying services in areas where it receives high cost support, deploy a network capable of delivering service that meets the Lifeline program's minimum service standards, and commercially

¹ Petition of Central Virginia Services, Inc. for Expanded Eligible Telecommunications Carrier Designation, WC Docket No. 09-197 (filed Sept. 25, 2024) (ETC Petition), as supplemented, Letter to Marlene H. Dortch, Secretary - Federal Communications Commission, from Todd B. Lantor, Counsel to Central Virginia Services, Inc. at 2-3, Attach. A (filed Nov. 6, 2024) (Letter Supplement). The Bureau has confirmed that the 56 census blocks listed in Letter Supplement constitute a complete CBG eligible for RDOF support. CVSI has been designated as an ETC by the Commission in areas where it has been authorized to receive support awarded through the Connect America Fund (CAF) Phase II auction and the RDOF auction. *Telecommunications Carriers Eligible for Universal Service Support, et al.*, WC Docket Nos. 09-197, 10-90, Order, 34 FCC Red 1966 (WCB 2019) (designating CVSI to receive CAF Phase II support in Virginia); *Telecommunications Carriers Eligible for Universal Service Support, et al.*, WC Docket Nos. 09-197, 10-90, Order, 33 FCC Red 9384 (WCB 2021) (designating CVSI to receive RDOF support in Virginia).

² *Rural Digital Opportunity Fund Support Authorized for 1,605 Winning Bids*, AU Docket No. 20-34 et al., Public Notice, 37 FCC Red 8331, Attach. A (Authorized Long-Form Applicants and Winning Bids) (WCB/OEA 2022) (authorizing Fiberlight to receive RDOF support).

³ See Joint Domestic 214 Application for Consent to Assign Rural Digital Opportunity Fund Support and Related Buildout and Service Obligations, WC Docket No. 24-688 (filed Dec. 5, 2024) (214 Transfer Application).

⁴ 47 U.S.C. § 254(e).

offer such service pursuant to its high cost obligations.⁵

Requirements for FCC ETC Designation

Section 254(e) of the Communications Act of 1934, as amended (the Act), provides that “only an eligible telecommunications carrier designated under section 214(e) shall be eligible to receive specific federal universal service support.”⁶ Congress gives primary authority for ETC designations to state commissions.⁷ The Federal Communications Commission (FCC or Commission) has authority only when “a common carrier [is] providing telephone exchange service and exchange access that is not subject to the jurisdiction of a State commission.”⁸ The petitioner for ETC designation must demonstrate that the FCC has jurisdiction and may do so by submitting an “affirmative statement from the state commission or a court of competent jurisdiction that the carrier is not subject to the state commission’s jurisdiction.”⁹ The Commission has delegated authority to the Bureau to consider appropriate ETC designation requests.¹⁰

A petition for ETC designation by the FCC must include: (1) a certification that the petitioner offers or intends to offer all services designated for support by the Commission pursuant to section 254(c) of the Act; (2) a certification that the petitioner offers or intends to offer the supported services either using its own facilities or a combination of its own facilities and resale of another carrier’s services;¹¹ (3) a description of how the petitioner advertises the availability of the supported services and the charges therefor using media of general distribution;¹² (4) a detailed description of the geographic service area for which the petitioner requests to be designated as an ETC;¹³ and (5) a certification that neither the petitioner, nor any party to the petition, is subject to a denial of federal benefits pursuant to the Anti-Drug Abuse Act of 1988.¹⁴

In addition, a petitioner must demonstrate its ability to meet certain service standards. A petitioner seeking an ETC designation for purposes of becoming eligible to receive high cost support must: (1) certify that it will comply with the service requirements applicable to the support that it receives; (2) demonstrate its ability to remain functional in emergency situations; and (3) demonstrate its ability to satisfy applicable consumer protection and service quality standards.¹⁵ To receive a Lifeline-

⁵ 47 CFR part 54, subparts D, K, L, M.

⁶ 47 U.S.C. § 254(e).

⁷ *Id.* § 214(e)(2).

⁸ *Id.* § 214(e)(6).

⁹ See *Federal-State Joint Board on Universal Service et al.*, CC Docket No. 96-45, Twelfth Report and Order, Memorandum Opinion and Order, and Further Notice of Proposed Rulemaking, 15 FCC Rcd 12208, 12267, para. 120 (2000); 47 U.S.C. § 214(e)(6).

¹⁰ See *Procedures for FCC Designation of Eligible Telecommunications Carriers Pursuant to Section 214(e)(6) of the Communications Act*, CC Docket No. 96-45, Public Notice, 12 FCC Rcd 22947, 22948 (1997).

¹¹ 47 U.S.C. § 214(e)(1); 47 CFR § 54.201(d)(1).

¹² 47 U.S.C. § 214(e)(1); 47 CFR § 54.201(d)(2).

¹³ An ETC’s “service area” is set by the designating authority and is the geographic area within which an ETC has universal service obligations and may receive universal service support. 47 U.S.C. § 214(e)(5); 47 CFR § 54.207(a). Although section 214(e)(5) of the Act, 47 U.S.C. § 214(e)(5), requires conformance of a competitive ETC’s service area and an incumbent rural telephone company’s service area, the Commission has separately forbore from imposing such requirements on RDOF support recipients. See *Rural Digital Opportunity Fund; Connect America Fund*, WC Docket Nos. 19-126, 10-90, Report and Order, 35 FCC Rcd 686, 728, paras. 93-94 (2020).

¹⁴ 21 U.S.C. § 862; 47 CFR § 1.2002(a)–(b).

¹⁵ See 47 CFR § 54.202(a).

only ETC designation, a petitioner must specifically commit to meeting Lifeline consumer enforcement and certification standards and describe how it intends to meet such standards.¹⁶ Further, prior to designating a petitioner as an ETC pursuant to section 214(e)(6) of the Act, the Commission must determine whether such designation is in the public interest.¹⁷

Filing Requirements. Interested parties may file comments on or before January 20, 2025 and reply comments on or before February 4, 2025.¹⁸ Comments may be filed using the Commission's Electronic Comment Filing System (ECFS).¹⁹

- *Electronic Filers:* Comments may be filed electronically using the Internet by accessing the ECFS: <https://www.fcc.gov/ecfs>.
- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing.
 - Filings can be sent by hand or messenger delivery, by commercial courier, or by the U.S. Postal Service. All filings must be addressed to the Secretary, Federal Communications Commission.
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 - Filings sent by U.S. Postal Service First-Class Mail, Priority Mail, and Priority Mail Express must be sent to 45 L Street NE, Washington, DC 20554.

Additional Copies. Parties should send a copy of their filings to by e-mail to Nissa.Laughner@fcc.gov.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (TTY).

¹⁶ *Id.* § 54.410 (setting forth the Commission's rules on subscriber eligibility determinations and certifications).

¹⁷ 47 U.S.C. § 214(e)(6); 47 CFR § 54.202(b). For RDOF support recipients, the Bureau waived certain requirements in section 54.202 of the Commission's rules and adopted a presumption that designation will serve the public interest. *Rural Digital Opportunity Fund Phase I Auction (Auction 904) Closes; Winning Bidders Announced; FCC Form 683 Due January 29, 2021*, Public Notice, 35 FCC Rcd 13888, 13901n.71 (RBATF, OEA, WCB 2020) (extending to RDOF support recipients the same waivers of certain requirements in section 54.202 of the Commission's rules and the same presumption that designation will serve the public interest as it had previously extended to CAF Phase II Auction support recipients); *WCB Reminds Connect America Fund Phase II Auction Applicants of the Process for Obtaining a Federal Designation as an Eligible Telecommunications Carrier*, WC Docket Nos. 09-197 and 10-90, Public Notice, 33 FCC Rcd 6696, 6699-6700 (WCB 2019). Because CVSI will stand in the shoes of the original authorized support recipient for the assigned CBG if it receives approval of its 214 Transfer Application and is separately authorized to receive the support for the assigned CBG, the Bureau finds that CVSI is in the same position as an RDOF support awardee with respect to its request for expanded ETC designation and is entitled to the same waivers and presumption that were extended to the RDOF support awardees.

¹⁸ All filings relating to this Public Notice should refer *only* to the docket listed above.

¹⁹ See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

Permit but Disclose Ex Parte Communications. The proceeding this Notice initiates shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s ex parte rules.²⁰ Persons making ex parte presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral ex parte presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the ex parte presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during ex parte meetings are deemed to be written ex parte presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written ex parte presentations and memoranda summarizing oral ex parte presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission’s ex parte rules.

For additional information on this proceeding, please contact Nissa Laughner Nissa.Laughner@fcc.gov of the Wireline Competition Bureau, Telecommunications Access Policy Division, (202) 418-7400.

-FCC-

²⁰ 47 CFR §§ 1.1200 *et seq.*

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

In the Matter of

Paramount Global

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File Nos.: EB-IHD-24-00036782

EB-IHD-23-00035899

EB-IHD-23-00035485

CD Acct. No.: 202532080003

FRN: 0003612447

ORDER

Adopted: December 20, 2024**Released: December 20, 2024**

By the Chief, Enforcement Bureau:

1. The Enforcement Bureau (Bureau) of the Federal Communications Commission (Commission or FCC) has entered into a Consent Decree to resolve its investigations into whether entities owned, operated or controlled by Paramount Global (collectively, Paramount Global) violated laws governing the Emergency Alert System (EAS)¹ by improperly transmitting or causing to be transmitted EAS codes or the Attention Signal, or recordings or simulations thereof (collectively, EAS Tones), during (i) the CBS Television Network program *Young Sheldon* broadcast on May 18, 2023, (ii) the CBS syndicated television program *Entertainment Tonight* broadcast on October 25, 2023, and (iii) the CBS News Radio program *Top of the Hour* broadcast on June 6, 2024, each in the absence of an actual emergency, authorized Emergency Alert System test, or qualified public service announcement. These laws preserve and protect the ability of EAS Tones to be heeded and perform important functions during actual emergencies, such as gaining the listener's or viewer's attention prior to the transmission of potentially life-saving information and conveying specially coded signals to activate critical emergency equipment. To settle this matter, Paramount Global (i) admits that it violated laws governing the EAS in connection with the CBS syndicated television program *Entertainment Tonight* broadcast on October 25, 2023; (ii) admits that it violated laws governing the EAS in connection with the CBS News Radio program *Top of the Hour* broadcast on June 6, 2024; and (iii) admits certain facts regarding the CBS Television Network program *Young Sheldon* broadcast on May 18, 2023. In addition, Paramount Global agrees to implement a compliance plan and to pay a \$244,952 civil penalty.

2. After reviewing the terms of the Consent Decree and evaluating the facts before us, we find that the public interest would be served by adopting the Consent Decree and terminating the referenced investigations regarding Paramount Global's compliance with section 11.45 of the Commission's rules.²

¹ 47 CFR § 11.45.

² 47 CFR § 11.45.

3. In the absence of material new evidence relating to this matter, we do not set for hearing the question of Paramount Global's basic qualifications to hold or obtain any Commission license or authorization.³

4. Accordingly, **IT IS ORDERED** that, pursuant to section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and the authority delegated by sections 0.111 and 0.311 of the Commission's rules, 47 CFR §§ 0.111, 0.311, the attached Consent Decree **IS ADOPTED** and its terms incorporated by reference.

5. **IT IS FURTHER ORDERED** that the above-captioned matters **ARE TERMINATED** in accordance with the terms of the attached Consent Decree.

6. **IT IS FURTHER ORDERED** that a copy of this Order and Consent Decree shall be sent by first class mail and certified mail, return receipt requested, to John Bagwell, SVP and Associate General Counsel, Paramount Global, 1515 Broadway, New York, NY 10036, and to Kathleen A. Kirby, Ari S. Meltzer, and Kyle M. Gutierrez, Wiley Rein LLP, 2050 M St. NW, Washington, D.C. 20036.

FEDERAL COMMUNICATIONS COMMISSION

Peter S. Hyun
Acting Chief
Enforcement Bureau

³ See 47 CFR § 1.93(b).

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

In the Matter of

Paramount Global

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File Nos.: EB-IHD-24-00036782

EB-IHD-23-00035899

EB-IHD-23-00035485

CD Acct. No.: 202532080003

FRN: 0003612447

CONSENT DECREE

1. The Enforcement Bureau (Bureau) of the Federal Communications Commission (Commission or FCC) and Paramount Global, by their authorized representatives, hereby enter into this Consent Decree for the purpose of terminating the Bureau's investigations into whether entities owned, operated or controlled by Paramount Global violated section 11.45 of the Commission's rules¹ in connection with transmitting or causing to be transmitted Emergency Alert System tones during (i) the CBS Television Network program *Young Sheldon* broadcast on May 18, 2023, (ii) the CBS Media Ventures syndicated television program *Entertainment Tonight* broadcast on October 25, 2023, and (iii) the CBS News Radio program *Top of the Hour* broadcast on June 6, 2024, in the absence of an actual emergency, authorized Emergency Alert System test, or qualified public service announcement. To resolve this matter, Paramount Global agrees to implement a compliance plan and pay a \$244,952 civil penalty.

I. DEFINITIONS

2. For the purposes of this Consent Decree, the following definitions shall apply:
- (a) "Act" means the Communications Act of 1934, as amended.²
 - (b) "Adopting Order" means an order of the Bureau adopting the terms of this Consent Decree without change, addition, deletion, or modification.
 - (c) "Affiliate" means a person that (directly or indirectly) owns or controls, is owned or controlled by, or is under common ownership or control with, another person. For purposes of this definition, "own" means to own an equity interest (or the equivalent thereof) of more than 10%. *See* 47 U.S.C. § 153.
 - (d) "Bureau" means the Enforcement Bureau of the Federal Communications Commission.
 - (e) "CD Acct No." means account number 202532080003, associated with payment obligations described in paragraph 22 of this Consent Decree.
 - (f) "Commission" and "FCC" mean the Federal Communications Commission and all of its bureaus and offices.
 - (g) "Communications Laws" means collectively, the Act, the Rules, and the published and promulgated orders and decisions of the Commission to which Paramount

¹ 47 CFR § 11.45.

² 47 U.S.C. § 151 *et seq.*

Global is subject by virtue of its business activities, including but not limited to the EAS Rules.

- (h) “Compliance Plan” means the compliance obligations, program, and procedures described in this Consent Decree at paragraph 18.
- (i) “Covered Employees” means all Paramount Global division employees and agents whose function is to produce or distribute programming for broadcast over television or radio who perform, supervise, oversee, or manage the performance of, duties that relate to Paramount Global’s responsibilities under the Communications Laws, including but not limited to the EAS Rules.
- (j) “EAS” means the Emergency Alert System.
- (k) “EAS Rules” means the rules and regulations embodied in part 11 of the Rules, including but not limited to section 11.45 of the Rules;³ other Communications Laws related to the EAS; and the published and promulgated orders and decisions of the Commission regarding the proper use of EAS Tones.
- (l) “EAS Tones” means any part of the four-part message used to activate an emergency alert, specifically: the Preamble and EAS Header Codes (collectively, EAS Header Codes); audio Attention Signal (Attention Signal); message; and Preamble and EAS End Of Message (EOM) Codes (collectively, EAS EOM Codes), as defined in section 11.31 of the Rules,⁴ as well as any simulations thereof.
- (m) “Effective Date” means the date by which both the Bureau and Paramount Global have signed the Consent Decree and the Bureau has released an Adopting Order.
- (n) “Investigations” means the investigations commenced by the Bureau in File Nos. EB-IHD-24-00036782, EB-IHD-23-00035899, and EB-IHD-23-00035485 regarding whether Paramount Global violated the EAS Rules.
- (o) “Operating Procedures” means the standard internal operating procedures and compliance policies established by Paramount Global to implement the Compliance Plan.
- (p) “Parties” means Paramount Global and the Bureau, each of which is a “Party.”
- (q) “Rules” means the Commission’s regulations found in Title 47 of the Code of Federal Regulations.
- (r) “Paramount Global” means Paramount Global and its Affiliates, subsidiaries, divisions of Affiliates and subsidiaries, predecessors-in-interest, and successors-in-interest, including but not limited to CBS Broadcasting Inc., The CBS Television Network, CBS News Radio, and CBS Media Ventures.

³ 47 CFR. § 11.45.

⁴ *Id.* § 11.31.

- (s) “Self-Report Email” means an email sent to the Commission pursuant to section 11.45(b) of the Commission’s rules.⁵

II. BACKGROUND

3. Section 11.45 of the Rules provides that “[n]o person may transmit or cause to transmit the EAS codes or Attention Signal, or a recording or simulation thereof, in any circumstance other than in an actual National, State or Local Area emergency or authorized test of the EAS; or as specified in [sections] 10.520(d), 11.46, and 11.61 of this chapter.”⁶

4. The EAS is the national public warning system that requires broadcasters, cable television operators, wireline video service providers, satellite digital audio radio service providers, and direct broadcast satellite providers to supply the communications capability to the President of the United States to address the American public during a national emergency. Federal, state, and local authorities may also use the EAS to deliver emergency information, such as AMBER alerts and weather information targeted to specific areas. The Commission has repeatedly warned that the use of simulated or actual EAS Tones for non-authorized purposes—such as commercial or entertainment purposes—can lead to dangerous “alert fatigue” whereby the public becomes desensitized to the alerts, questioning whether the alerts are for a real, imminent threat or some other cause. Moreover, because the EAS Tones include operative data elements, the misuse of simulated or actual EAS Tones may result in false activations of the EAS that can spread false information or lock out legitimate activations of the EAS. Unauthorized use of the EAS Tones thus presents a substantial threat to public safety.⁷

5. Paramount Global is a Delaware Corporation and multinational media and entertainment company headquartered in New York, New York.⁸

6. CBS News Radio, File No. EB-IHD-24-00036782. On June, 7, 2024, Paramount Global sent a Self-Report Email to the Commission indicating that CBS News Radio, in distributing a news story concerning an event at Universal Studios, may have improperly transmitted or caused to be transmitted an EAS tone or simulation thereof on June 6, 2024.⁹ The Bureau sent a letter of inquiry to Paramount Global

⁵ *Id.* § 11.45(b) (providing that “[n]o later than twenty-four (24) hours of an EAS Participant’s discovery (*i.e.*, actual knowledge) that it has transmitted or otherwise sent a false alert to the public, the EAS Participant shall send an email to the Commission at the FCC Ops Center at FCCOPS@fcc.gov, informing the Commission of the event and of any details that the EAS Participant may have concerning the event.”).

⁶ *Id.* § 11.45(a). Section 10.520(d)(1) of the Rules provides, in pertinent part, that “[n]o person may transmit or cause to transmit the WEA common audio attention signal, or a recording or simulation thereof, in any circumstance other than in an actual National, State or Local Area emergency or authorized test, except as designed and used for Public Service Announcements.” *Id.* § 10.520(d)(1). Section 11.46 of the Rules provides, in pertinent part, that “EAS Participants may use the EAS Attention Signal and a simulation of the EAS codes as provided by FEMA in EAS Public Service Announcements (PSAs) (including commercially-sponsored announcements, infomercials, or programs) provided by federal, state, and local government entities, or non-governmental organizations, to raise public awareness about emergency alerting.” *Id.* § 11.46. Section 11.61 of the Rules provides, in pertinent part, that “EAS Participants shall conduct tests [of EAS procedures] at regular intervals.” *Id.* § 11.61.

⁷ *See, e.g., Fox Corporation d/b/a Fox Television Stations, LLC et al.*, Notice of Apparent Liability for Forfeiture, 38 FCC Rcd 777, 777-78, at paras. 2-3 (2023) (forfeiture paid).

⁸ *See, e.g.,* Letter from Kathleen A. Kirby, Wiley Rein LLP, Counsel to Paramount Global, to Drew Tobias, Kenneth Scheibel, Patrick McGrath, Federal Communications Commission, Enforcement Bureau, Investigations and Hearings Division, at 9 (Jul. 31, 2024) (on file in File No. EB-IHD-24-00036782) (CBS News Radio LOI Response).

⁹ Email from John W. Bagwell, Senior Vice President and Associate General Counsel, Paramount Global, to FCC Operations Center (June 7, 2024) (on file in File No. EB-IHD-24-00036782) (CBS News Radio Self-Report Email).

on July 1, 2024,¹⁰ to which Paramount Global timely responded on July 31, 2024.¹¹ According to Paramount Global, on June 6, 2024, CBS News Radio employees prepared and distributed to approximately 400 affiliated radio stations for immediate and simultaneous broadcast at 4:00 PM ET a “Top of the Hour” newscast containing approximately three seconds of the EAS Attention Signal or an indistinguishable facsimile thereof (the Programming). A CBS News Radio employee obtained the audio clip containing the Attention Signal from a video posted by Universal Studios on YouTube. The employee failed to recognize the EAS Attention Signal for what it was, and no other employee of CBS News Radio reviewed the clip before it was distributed for simultaneous broadcast by CBS News Radio’s network affiliated radio stations. Most of those radio stations then broadcast the Programming. The distribution of the Programming and subsequent transmissions were not in connection with an actual emergency, authorized test of the EAS, or qualified public service announcement. Following the 4:00 PM ET newscast, CBS News Radio deleted the story from its digital systems and did not include it in any subsequent newscasts.¹²

7. CBS-Entertainment Tonight, File No. EB-IHD-23-00035899. On October 25, 2023, Paramount Global sent a Self-Report Email to the FCC regarding its distribution on October 24, 2023 of an episode of its daily syndicated newsmagazine program *Entertainment Tonight* (October 24 ET Episode).¹³ The CBS-ET Self-Report Email stated that “a brief excerpt of the broadcast EAS tones, lasting approximately one second, appears to have been aired during the October 24, 2023 episode of the program *Entertainment Tonight*.”¹⁴ The Bureau sent a letter of inquiry to Paramount Global on December 11, 2023,¹⁵ to which Paramount Global timely responded on February 9, 2024.¹⁶ The investigation confirmed the statement made by Paramount Global in its CBS-ET Self-Report Email. In particular, the first syndicated feed of the October 24 ET episode contained a roughly one-second sound effect consisting of either an actual EAS Attention Signal or an indistinguishable facsimile thereof. Paramount Global obtained the video clip containing the Attention Signal from a third party as part of an electronic press kit for an upcoming film. Paramount Global transmitted the first syndicated feed of the October 24 ET Episode to numerous of its own television stations and affiliated television stations that then broadcast the October 24 ET Episode. None of the transmissions of the October 24 ET Episode was in connection with an actual emergency, authorized test of the EAS, or qualified public service announcement.

¹⁰ Letter from Patrick M. McGrath, Division Chief, Investigations and Hearings Division, Enforcement Bureau, FCC, to Christa A. D’Alimonte, Executive Vice President, General Counsel, and Secretary, Paramount Global, and John Bagwell, SVP and Associate General Counsel, Paramount Global (July 1, 2024) (on file in File No. EB-IHD-24-00036782) (CBS News Radio LOI).

¹¹ CBS News Radio LOI Response.

¹² *Id.* at 1-4, 9-15, Exhibit B.

¹³ Email from Martha Heller, Vice President of Government Relations and Regulatory Counsel, Paramount Global, to FCC Operations Center (Oct. 24, 2023) (on file in EB-IHD-23-00035899) (CBS-ET Self-Report Email).

¹⁴ *Id.*

¹⁵ Letter of Inquiry from Patrick M. McGrath, Chief, Investigations and Hearings Division, Enforcement Bureau, FCC, to Christa A. D’Alimonte, Executive Vice President, General Counsel, and Secretary, Paramount Global and John Bagwell, SVP and Associate General Counsel, Paramount Global and ViacomCBS, Inc. (Dec. 11, 2023) (on file in EB-IHD-23-00035899) (CBS-ET LOI).

¹⁶ Letter from Kathleen A. Kirby, Ari S. Meltzer, and Kyle M. Gutierrez, Wiley Rein LLP, Counsel to CBS, to Drew Tobias, Kenneth Scheibel, and Patrick McGrath, Investigations and Hearings Division, Enforcement Bureau, FCC (Feb. 9, 2024) (CBS-ET LOI Response).

Paramount Global removed the sound effect from subsequent syndicated feeds of the October 24 ET Episode.¹⁷

8. CBS-Young Sheldon, File No. EB-IHD-23-00035485. On May 18, 2023, the CBS Television Network transmitted to CBS owned stations and affiliated stations an episode of the program *Young Sheldon* (May 18 YS Episode), which was then immediately broadcast by those stations.¹⁸ Promptly thereafter, the Commission became aware that the May 18 YS Episode might have included an improper use of EAS Tones.¹⁹ The Bureau sent to Paramount Global a letter of inquiry on July 27, 2023 and a supplemental letter of inquiry on January 10, 2024,²⁰ to which Paramount Global timely responded on August 28, 2023 and January 22, 2024, respectively.²¹

9. The sounds at issue occur during a scene in the May 18 YS Episode in which certain characters are driving in a car in severe weather and become aware, via language and distinctive sounds on their car radio, of an impending tornado. What the characters (and thus the viewing/listening audience) heard from the car radio was, in succession (i) scripted dialogue consisting of a dramatic interpretation of a National Weather Service Tornado Warning; (ii) a sequence of five artificial noises (simultaneous with scripted dialogue between the characters on screen); (iii) scripted dialogue between the characters on screen (with sirens and scripted dialogue consisting of a dramatic interpretation of a National Weather Service Tornado Warning in the background); (iv) a sequence of five artificial noises (simultaneous with scripted dialogue between the characters on screen); and (v) scripted dialogue of a dramatic interpretation of the beginning of a National Weather Service warning.²² Paramount Global transmitted the May 18 YS Episode to its own television stations and to CBS Television Network affiliated television stations across the country, in the absence an actual emergency, authorized test of the EAS, or qualified public service announcement.²³

¹⁷ *Id.* at 2-6, 10, 14-20, 22, Exhibit A.

¹⁸ See, e.g., Letter from Kathleen A. Kirby, Ari S. Meltzer, and Kyle M. Gutierrez, Wiley Rein LLP, Counsel to Paramount Global, to Jennifer Lewis, Frederick Giroux, and Patrick McGrath, Investigations and Hearings Division, Enforcement Bureau, FCC, at 6 (Aug. 28, 2023) (on file in EB-IHD-23-00035485) (CBS-YS LOI Response). Letter from Kathleen A. Kirby, Ari S. Meltzer, and Kyle M. Gutierrez, Wiley Rein LLP, Counsel to Paramount Global, to Alex Starr, Kenneth Scheibel, and Patrick McGrath, Investigations and Hearings Division, Enforcement Bureau, FCC, at 3-5, Exhibit A (Jan. 22, 2024) (on file in EB-IHD-23-00035485) (CBS-YS Supplemental LOI Response). On May 20, 2023, Paramount Global filed a Self-Report Email stating: “This email is to notify the FCC that an episode of *Young Sheldon* broadcast on the CBS Network on Thursday, May 18, 2023 included a scene in which characters in a vehicle encounter severe weather. For clarity, the sound effects utilized in the episode were not the Emergency Alert System tones, but we are nonetheless reporting this out of an abundance of caution.” See CBS-YS LOI Response at 21.

¹⁹ See, e.g., CBS-YS LOI Response at 6 (stating that “Paramount [Global] understands that some CBS affiliates elected to submit reports to the FCC Operations Center about [the May 18 YS Episode]”).

²⁰ Letter from Patrick M. McGrath, Chief, Investigations and Hearings Division, Enforcement Bureau, FCC, to Christa A. D’Alimonte, Executive Vice President, General Counsel, and Secretary, Paramount Global and Mr. John Bagwell, SVP and Associate General Counsel, ViacomCBS Inc. (July 27, 2023) (on file in EB-IHD-23-00035485) (CBS-YS LOI); Email from Kenneth Scheibel, Assistant Chief, Investigations and Hearings Division, Enforcement Bureau, FCC, to Christa A. D’Alimonte, Executive Vice President, General Counsel, and Secretary, Paramount Global, John Bagwell, SVP and Associate General Counsel, ViacomCBS Inc., and Kathleen A. Kirby, Ari S. Meltzer, Kyle M. Gutierrez, Wiley Rein LLP, Counsel to Paramount Global and CBS (Jan. 10, 2024) (on file in EB-IHD-23-00035485) (CBS-YS Supplemental LOI).

²¹ See CBS-YS LOI Response; CBS-YS Supplemental LOI Response.

²² See, e.g., CBS-YS LOI Response at 1-2, 5-6; CBS-YS Supplemental LOI Response at 1-3.

²³ See, e.g., CBS-YS LOI Response at 16-20; CBS-YS Supplemental LOI Response at 1-3.

10. To resolve the Investigations, the parties now enter into this Consent Decree to ensure Paramount Global's future compliance with the EAS Rules.

III. TERMS OF AGREEMENT

11. **Adopting Order.** The provisions of this Consent Decree shall be incorporated by the Bureau in an Adopting Order.

12. **Jurisdiction.** Paramount Global agrees for the purposes of this Consent Decree that the Bureau has jurisdiction over it and the matters contained in this Consent Decree and has the authority to enter into and adopt this Consent Decree.

13. **Effective Date; Violations.** The Parties agree that this Consent Decree shall become effective on the Effective Date as defined herein. As of the Effective Date, the Parties agree that this Consent Decree shall have the same force and effect as any other order of the Commission.

14. **Termination of Investigations.** In express reliance on the covenants and representations in this Consent Decree and to avoid further expenditure of public resources, the Bureau agrees to terminate the Investigations. In consideration for the termination of the Investigations, Paramount Global agrees to the terms, conditions, and procedures contained herein. The Bureau further agrees that, in the absence of new material evidence, it will not use the facts developed in the Investigations through the Effective Date, or the existence of this Consent Decree, to institute any new proceeding on its own motion against Paramount Global concerning the matters that were the subjects of the Investigations, or to set for hearing the question of Paramount Global's basic qualifications to be a Commission licensee or hold Commission licenses or authorizations based on the matters that were the subject of the Investigations.²⁴

15. **Admission of Liability.** Paramount Global admits for the purpose of this Consent Decree and for Commission civil enforcement purposes, and in express reliance on the provisions of paragraph 14 herein, that its actions described in paragraphs 6 and 7 of this Consent Decree violated the EAS Rules.

16. **Admission of Facts.** Paramount Global admits for the purpose of this Consent Decree and for Commission civil enforcement purposes, and in express reliance on the provisions of paragraph 14 herein, that paragraphs 8-9 contain a true and accurate description of the facts underlying the Investigation embodied in File No. EB-IHD-23-00035485. No other admissions regarding the Investigation embodied in File No. EB-IHD-23-00035485 are made by Paramount Global.

17. **Compliance Officer.** Within thirty (30) calendar days after the Effective Date, Paramount Global shall designate a senior corporate manager with the requisite corporate and organizational authority to serve as a Compliance Officer and to discharge the duties set forth below. The person designated as the Compliance Officer shall be responsible for developing, implementing, and administering the Compliance Plan and ensuring that Paramount Global complies with the terms and conditions of the Compliance Plan and this Consent Decree. In addition to the general knowledge of the Communications Laws necessary to discharge his or her duties under this Consent Decree, the Compliance Officer shall have specific knowledge of the EAS Rules prior to assuming his/her duties.

18. **Compliance Plan.** For purposes of settling the matters set forth herein, Paramount Global agrees that it shall, within ninety (90) calendar days after the Effective Date, develop and implement a Compliance Plan designed to ensure future compliance with the Communications Laws and

²⁴ See 47 CFR § 1.93(b).

with the terms and conditions of this Consent Decree. With respect to the EAS Rules, Paramount Global will implement, at a minimum, the following procedures:

- (a) **Operating Procedures.** Within ninety (90) calendar days after the Effective Date, Paramount Global shall establish Operating Procedures that all Covered Employees must follow to help ensure Paramount Global's compliance with the EAS Rules. Paramount Global's Operating Procedures shall include internal procedures and policies specifically designed to ensure that Paramount Global does not transmit EAS Tones or simulations thereof absent an emergency or authorized EAS test. Paramount Global shall also develop a Compliance Checklist that describes the steps that a Covered Employee must follow to ensure compliance with the EAS Rules.
- (b) **Compliance Manual.** Within ninety (90) calendar days after the Effective Date, the Compliance Officer shall develop and distribute a Compliance Manual to all Covered Employees. The Compliance Manual shall explain the EAS Rules and set forth the Operating Procedures that Covered Employees shall follow to help ensure Paramount Global's compliance with the EAS Rules. Paramount Global shall periodically review and revise the Compliance Manual as necessary to ensure that the information set forth therein remains current, complete and accurate. Paramount Global shall distribute any revisions to the Compliance Manual promptly to all Covered Employees.
- (c) **Compliance Training Program.** Paramount Global shall establish and implement a Compliance Training Program on compliance with the EAS Rules and the Operating Procedures. As part of the Compliance Training Program, Covered Employees shall be advised of Paramount Global's obligation to report any noncompliance with the EAS Rules under paragraph 19 of this Consent Decree and shall be instructed on how to disclose noncompliance to the Compliance Officer. All Covered Employees shall be trained pursuant to the Compliance Training Program within ninety (90) calendar days after the Effective Date, except that: (i) any person who becomes a Covered Employee at any time after the initial Compliance Training Program shall be trained within thirty (30) calendar days after the date such person becomes a Covered Employee; and (ii) any Covered Employee who is on leave during the applicable training period shall be trained within thirty (30) calendar days after the date such person returns from leave. Paramount Global shall repeat compliance training on an annual basis, and shall periodically review and revise the Compliance Training Program as necessary to ensure that it remains current and complete and to enhance its effectiveness.

19. **Reporting Noncompliance.** Paramount Global shall report any noncompliance with the EAS Rules and with the terms and conditions of this Consent Decree within fifteen (15) calendar days after discovery of such noncompliance. Such reports shall include a detailed explanation of: (i) each instance of noncompliance; (ii) the steps that Paramount Global has taken or will take to remedy such noncompliance; (iii) the schedule on which such remedial actions will be taken; and (iv) the steps that Paramount Global has taken or will take to prevent the recurrence of any such noncompliance. All reports of noncompliance shall be submitted to Christopher Sova, Acting Chief, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, 45 L Street NE, Washington, D.C. 20554, or his successor or designee (as may be identified by the Bureau to Paramount Global), with a copy submitted electronically to Christopher.Sova@fcc.gov, Kenneth.Scheibel@fcc.gov, Drew.Tobias@fcc.gov, and Alex.Starr@fcc.gov.

20. **Compliance Reports.** Paramount Global shall file compliance reports with the Commission one hundred and twenty (120) calendar days after the Effective Date, twelve (12) months after the Effective Date, twenty-four (24) months after the Effective Date, and thirty-six (36) months after the Effective Date.

- (a) Each Compliance Report shall include a detailed description of Paramount Global's efforts during the relevant period to comply with the terms and conditions of this Consent Decree and the EAS Rules. In addition, each Compliance Report shall include a certification by the Compliance Officer, as an agent of and on behalf of Paramount Global, stating that the Compliance Officer has personal knowledge that Paramount Global: (i) has established and implemented the Compliance Plan; (ii) has utilized the Operating Procedures since the implementation of the Compliance Plan; and (iii) is not aware of any instances of noncompliance with the terms and conditions of this Consent Decree, including the reporting obligations set forth in paragraph 19 of this Consent Decree.
- (b) The Compliance Officer's certification shall be accompanied by a statement explaining the basis for such certification and shall comply with section 1.16 of the Rules and be subscribed to as true under penalty of perjury in substantially the form set forth therein.²⁵
- (c) If the Compliance Officer cannot provide the requisite certification, the Compliance Officer, as an agent of and on behalf of Paramount Global, shall provide the Commission with a detailed explanation of the reason(s) why and describe fully: (i) each instance of noncompliance; (ii) the steps that Paramount Global has taken or will take to remedy such noncompliance, including the schedule on which the proposed remedial actions will be taken; and (iii) the steps that Paramount Global has taken or will take to prevent the recurrence of any such noncompliance, including the schedule on which such preventive action will be taken.
- (d) All Compliance Reports shall be submitted to Christopher Sova, Acting Chief, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, 45 L Street NE, Washington, D.C. 20554, or his successor or designee (as may be identified by the Bureau to Paramount Global), with a copy submitted electronically to Christopher.Sova@fcc.gov, Kenneth.Scheibel@fcc.gov, Drew.Tobias@fcc.gov, and Alex.Starr@fcc.gov.

21. **Termination Date.** Unless stated otherwise, the requirements set forth in paragraphs 17 through 20 of this Consent Decree shall expire thirty-six (36) months after the Effective Date.

22. **Civil Penalty.** Paramount Global will pay a civil penalty to the United States Treasury in the amount of \$244,952 within thirty (30) calendar days of the Effective Date. Paramount Global acknowledges and agrees that upon execution of this Consent Decree, the Civil Penalty shall become a "Claim" or "Debt" as defined in 31 U.S.C. § 3701(b)(1).²⁶ Upon an Event of Default, all procedures for collection as permitted by law may, at the Commission's discretion, be initiated. Paramount Global shall send electronic notification of payment to Christopher.Sova@fcc.gov, Kenneth.Scheibel@fcc.gov, Drew.Tobias@fcc.gov, and Alex.Starr@fcc.gov on the date said payment is made. Payment of the Civil Penalty must be made by credit card using the Commission's Registration System (CORES) at

²⁵ *Id.* § 1.16.

²⁶ Debt Collection Improvement Act of 1996, Pub. L. No. 104-134, 110 Stat. 1321, 1358 (Apr. 26, 1996).

<https://apps.fcc.gov/cores/userLogin.do>, ACH (Automated Clearing House) debit from a bank account, or by wire transfer from a bank account. The Commission no longer accepts Civil Penalty payments by check or money order. Below are instructions that payors should follow based on the form of payment selected:²⁷

- Payment by wire transfer must be made to ABA Number 021030004, receiving bank TREAS/NYC, and Account Number 27000001. In the OBI field, enter the FRN(s) captioned above and the letters “FORF”. In addition, a completed Form 159²⁸ or printed CORES form²⁹ must be faxed to the Federal Communications Commission at 202-418-2843 or e-mailed to RROGWireFaxes@fcc.gov on the same business day the wire transfer is initiated. Failure to provide all required information in Form 159 or CORES may result in payment not being recognized as having been received. When completing FCC Form 159 or CORES, enter the Account Number in block number 23A (call sign/other ID), enter the letters “FORF” in block number 24A (payment type code), and enter in block number 11 the FRN(s) captioned above (Payor FRN).³⁰ For additional detail and wire transfer instructions, go to <https://www.fcc.gov/licensing-databases/fees/wire-transfer>.
- Payment by credit card must be made by using CORES at <https://apps.fcc.gov/cores/userLogin.do>. To pay by credit card, log-in using the FCC Username associated to the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select “Manage Existing FRNs | FRN Financial | Bills & Fees” from the CORES Menu, then select FRN Financial and the view/make payments option next to the FRN. Select the “Open Bills” tab and find the bill number associated with the CD Acct. No. The bill number is the CD Acct. No. with the first two digits excluded (e.g., CD 1912345678 would be associated with FCC Bill Number 12345678). After selecting the bill for payment, choose the “Pay by Credit Card” option. Please note that there is a \$24,999.99 limit on credit card transactions.
- Payment by ACH must be made by using CORES at <https://apps.fcc.gov/cores/userLogin.do>. To pay by ACH, log in using the FCC Username associated to the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select “Manage Existing FRNs | FRN Financial | Bills & Fees” on the CORES Menu, then select FRN Financial and the view/make payments option next to the FRN. Select the “Open Bills” tab and find the bill number associated with the CD Acct. No. The bill number is the CD Acct. No. with the first two digits excluded (e.g., CD 1912345678 would be associated with FCC Bill Number 12345678). Finally, choose the “Pay from Bank Account” option. Please contact the appropriate financial institution to confirm the correct Routing Number and the correct account number from which payment will be made and verify with that financial institution that the designated account has authorization to accept ACH transactions.

²⁷ For questions regarding payment procedures, please contact the Financial Operations Group Help Desk by phone at 1-877-480-3201 (option #6).

²⁸ FCC Form 159 is accessible at <https://www.fcc.gov/licensing-databases/fees/fcc-remittance-advice-form-159>.

²⁹ Information completed using the Commission’s Registration System (CORES) does not require the submission of an FCC Form 159. CORES is accessible at <https://apps.fcc.gov/cores/userLogin.do>.

³⁰ Instructions for completing the form may be obtained at <http://www.fcc.gov/Forms/Form159/159.pdf>.

23. **Event of Default.** Paramount Global agrees that an Event of Default shall occur upon the failure by Paramount Global to pay the full amount of the Civil Penalty on or before the due date specified in this Consent Decree.

24. **Interest, Charges for Collection, and Acceleration of Maturity Date.** After an Event of Default has occurred under this Consent Decree, the then unpaid amount of the Civil Penalty shall accrue interest, computed using the U.S. Prime Rate in effect on the date of the Event of Default plus 4.75%, from the date of the Event of Default until payment in full. Upon an Event of Default, the then unpaid amount of the Civil Penalty, together with interest, any penalties permitted and/or required by the law, including but not limited to 31 U.S.C. § 3717 and administrative charges, plus the costs of collection, litigation, and attorneys' fees, shall become immediately due and payable, without notice, presentment, demand, protest, or notice of protest of any kind, all of which are waived by Paramount Global.

25. **Waivers.** As of the Effective Date, Paramount Global waives any and all rights it may have to seek administrative or judicial reconsideration, review, appeal or stay, or to otherwise challenge or contest the validity of this Consent Decree and the Adopting Order. Paramount Global shall retain the right to challenge Commission interpretation of the Consent Decree or any terms contained herein. If either Party (or the United States on behalf of the Commission) brings a judicial action to enforce the terms of the Consent Decree or the Adopting Order, neither Paramount Global nor the Commission shall contest the validity of the Consent Decree or the Adopting Order, and Paramount Global shall waive any statutory right to a trial *de novo*. Paramount Global hereby agrees to waive any claims it may otherwise have under the Equal Access to Justice Act³¹ relating to the matters addressed in this Consent Decree.

26. **Severability.** The Parties agree that if any of the provisions of the Consent Decree shall be held unenforceable by any court of competent jurisdiction, such unenforceability shall not render unenforceable the entire Consent Decree, but rather the entire Consent Decree shall be construed as if not containing the particular unenforceable provision or provisions, and the rights and obligations of the Parties shall be construed and enforced accordingly.

27. **Invalidity.** In the event that this Consent Decree in its entirety is rendered invalid by any court of competent jurisdiction, it shall become null and void and may not be used in any manner in any legal proceeding.

28. **Subsequent Rule or Order.** The Parties agree that if any provision of the Consent Decree conflicts with any subsequent Rule or order adopted by the Commission (except an order specifically intended to revise the terms of this Consent Decree to which Paramount Global does not expressly consent) that provision will be superseded by such Rule or order.

29. **Successors and Assigns.** Paramount Global agrees that the provisions of this Consent Decree shall be binding on its successors, assigns, and transferees.

30. **Final Settlement.** The Parties agree and acknowledge that this Consent Decree shall constitute a final settlement between the Parties with respect to the Investigations. The Parties further agree that, with respect to the Investigation embodied in File No. EB-IHD-23-00035485, this Consent Decree does not constitute either an adjudication on the merits or a factual or legal finding regarding any compliance or noncompliance with the requirements of the Communications Laws.

31. **Modifications.** This Consent Decree cannot be modified without the advance written consent of both Parties.

³¹ See 5 U.S.C. § 504; 47 CFR §§ 1.1501–1.1530.

32. **Paragraph Headings.** The headings of the paragraphs in this Consent Decree are inserted for convenience only and are not intended to affect the meaning or interpretation of this Consent Decree.

33. **Authorized Representative.** Each Party represents and warrants to the other that it has full power and authority to enter into this Consent Decree. Each person signing this Consent Decree on behalf of a Party hereby represents that he or she is fully authorized by the Party to execute this Consent Decree and to bind the Party to its terms and conditions.

34. **Counterparts.** This Consent Decree may be signed in counterparts (including electronically or by facsimile). Each counterpart, when executed and delivered, shall be an original, and all of the counterparts together shall constitute one and the same fully executed instrument.

Peter S. Hyun
Acting Chief
Enforcement Bureau

Date

Caryn K. Groce
EVP, Acting General Counsel and Secretary
Paramount Global

Date

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

In the Matter of

Paramount Global

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File Nos.: EB-IHD-24-00036782

EB-IHD-23-00035899

EB-IHD-23-00035485

CD Acct. No.: 202532080003

FRN: 0003612447

CONSENT DECREE

1. The Enforcement Bureau (Bureau) of the Federal Communications Commission (Commission or FCC) and Paramount Global, by their authorized representatives, hereby enter into this Consent Decree for the purpose of terminating the Bureau's investigations into whether entities owned, operated or controlled by Paramount Global violated section 11.45 of the Commission's rules¹ in connection with transmitting or causing to be transmitted Emergency Alert System tones during (i) the CBS Television Network program *Young Sheldon* broadcast on May 18, 2023, (ii) the CBS Media Ventures syndicated television program *Entertainment Tonight* broadcast on October 25, 2023, and (iii) the CBS News Radio program *Top of the Hour* broadcast on June 6, 2024, in the absence of an actual emergency, authorized Emergency Alert System test, or qualified public service announcement. To resolve this matter, Paramount Global agrees to implement a compliance plan and pay a \$244,952 civil penalty.

I. DEFINITIONS

2. For the purposes of this Consent Decree, the following definitions shall apply:
- (a) "Act" means the Communications Act of 1934, as amended.²
 - (b) "Adopting Order" means an order of the Bureau adopting the terms of this Consent Decree without change, addition, deletion, or modification.
 - (c) "Affiliate" means a person that (directly or indirectly) owns or controls, is owned or controlled by, or is under common ownership or control with, another person. For purposes of this definition, "own" means to own an equity interest (or the equivalent thereof) of more than 10%. *See* 47 U.S.C. § 153.
 - (d) "Bureau" means the Enforcement Bureau of the Federal Communications Commission.
 - (e) "CD Acct No." means account number 202532080003, associated with payment obligations described in paragraph 22 of this Consent Decree.
 - (f) "Commission" and "FCC" mean the Federal Communications Commission and all of its bureaus and offices.
 - (g) "Communications Laws" means collectively, the Act, the Rules, and the published and promulgated orders and decisions of the Commission to which Paramount

¹ 47 CFR § 11.45.

² 47 U.S.C. § 151 *et seq.*

Global is subject by virtue of its business activities, including but not limited to the EAS Rules.

- (h) “Compliance Plan” means the compliance obligations, program, and procedures described in this Consent Decree at paragraph 18.
- (i) “Covered Employees” means all Paramount Global division employees and agents whose function is to produce or distribute programming for broadcast over television or radio who perform, supervise, oversee, or manage the performance of, duties that relate to Paramount Global’s responsibilities under the Communications Laws, including but not limited to the EAS Rules.
- (j) “EAS” means the Emergency Alert System.
- (k) “EAS Rules” means the rules and regulations embodied in part 11 of the Rules, including but not limited to section 11.45 of the Rules;³ other Communications Laws related to the EAS; and the published and promulgated orders and decisions of the Commission regarding the proper use of EAS Tones.
- (l) “EAS Tones” means any part of the four-part message used to activate an emergency alert, specifically: the Preamble and EAS Header Codes (collectively, EAS Header Codes); audio Attention Signal (Attention Signal); message; and Preamble and EAS End Of Message (EOM) Codes (collectively, EAS EOM Codes), as defined in section 11.31 of the Rules,⁴ as well as any simulations thereof.
- (m) “Effective Date” means the date by which both the Bureau and Paramount Global have signed the Consent Decree and the Bureau has released an Adopting Order.
- (n) “Investigations” means the investigations commenced by the Bureau in File Nos. EB-IHD-24-00036782, EB-IHD-23-00035899, and EB-IHD-23-00035485 regarding whether Paramount Global violated the EAS Rules.
- (o) “Operating Procedures” means the standard internal operating procedures and compliance policies established by Paramount Global to implement the Compliance Plan.
- (p) “Parties” means Paramount Global and the Bureau, each of which is a “Party.”
- (q) “Rules” means the Commission’s regulations found in Title 47 of the Code of Federal Regulations.
- (r) “Paramount Global” means Paramount Global and its Affiliates, subsidiaries, divisions of Affiliates and subsidiaries, predecessors-in-interest, and successors-in-interest, including but not limited to CBS Broadcasting Inc., The CBS Television Network, CBS News Radio, and CBS Media Ventures.

³ 47 CFR. § 11.45.

⁴ *Id.* § 11.31.

- (s) “Self-Report Email” means an email sent to the Commission pursuant to section 11.45(b) of the Commission’s rules.⁵

II. BACKGROUND

3. Section 11.45 of the Rules provides that “[n]o person may transmit or cause to transmit the EAS codes or Attention Signal, or a recording or simulation thereof, in any circumstance other than in an actual National, State or Local Area emergency or authorized test of the EAS; or as specified in [sections] 10.520(d), 11.46, and 11.61 of this chapter.”⁶

4. The EAS is the national public warning system that requires broadcasters, cable television operators, wireline video service providers, satellite digital audio radio service providers, and direct broadcast satellite providers to supply the communications capability to the President of the United States to address the American public during a national emergency. Federal, state, and local authorities may also use the EAS to deliver emergency information, such as AMBER alerts and weather information targeted to specific areas. The Commission has repeatedly warned that the use of simulated or actual EAS Tones for non-authorized purposes—such as commercial or entertainment purposes—can lead to dangerous “alert fatigue” whereby the public becomes desensitized to the alerts, questioning whether the alerts are for a real, imminent threat or some other cause. Moreover, because the EAS Tones include operative data elements, the misuse of simulated or actual EAS Tones may result in false activations of the EAS that can spread false information or lock out legitimate activations of the EAS. Unauthorized use of the EAS Tones thus presents a substantial threat to public safety.⁷

5. Paramount Global is a Delaware Corporation and multinational media and entertainment company headquartered in New York, New York.⁸

6. CBS News Radio, File No. EB-IHD-24-00036782. On June, 7, 2024, Paramount Global sent a Self-Report Email to the Commission indicating that CBS News Radio, in distributing a news story concerning an event at Universal Studios, may have improperly transmitted or caused to be transmitted an EAS tone or simulation thereof on June 6, 2024.⁹ The Bureau sent a letter of inquiry to Paramount Global

⁵ *Id.* § 11.45(b) (providing that “[n]o later than twenty-four (24) hours of an EAS Participant’s discovery (*i.e.*, actual knowledge) that it has transmitted or otherwise sent a false alert to the public, the EAS Participant shall send an email to the Commission at the FCC Ops Center at FCCOPS@fcc.gov, informing the Commission of the event and of any details that the EAS Participant may have concerning the event.”).

⁶ *Id.* § 11.45(a). Section 10.520(d)(1) of the Rules provides, in pertinent part, that “[n]o person may transmit or cause to transmit the WEA common audio attention signal, or a recording or simulation thereof, in any circumstance other than in an actual National, State or Local Area emergency or authorized test, except as designed and used for Public Service Announcements.” *Id.* § 10.520(d)(1). Section 11.46 of the Rules provides, in pertinent part, that “EAS Participants may use the EAS Attention Signal and a simulation of the EAS codes as provided by FEMA in EAS Public Service Announcements (PSAs) (including commercially-sponsored announcements, infomercials, or programs) provided by federal, state, and local government entities, or non-governmental organizations, to raise public awareness about emergency alerting.” *Id.* § 11.46. Section 11.61 of the Rules provides, in pertinent part, that “EAS Participants shall conduct tests [of EAS procedures] at regular intervals.” *Id.* § 11.61.

⁷ *See, e.g., Fox Corporation d/b/a Fox Television Stations, LLC et al.*, Notice of Apparent Liability for Forfeiture, 38 FCC Red 777, 777-78, at paras. 2-3 (2023) (forfeiture paid).

⁸ *See, e.g.,* Letter from Kathleen A. Kirby, Wiley Rein LLP, Counsel to Paramount Global, to Drew Tobias, Kenneth Scheibel, Patrick McGrath, Federal Communications Commission, Enforcement Bureau, Investigations and Hearings Division, at 9 (Jul. 31, 2024) (on file in File No. EB-IHD-24-00036782) (CBS News Radio LOI Response).

⁹ Email from John W. Bagwell, Senior Vice President and Associate General Counsel, Paramount Global, to FCC Operations Center (June 7, 2024) (on file in File No. EB-IHD-24-00036782) (CBS News Radio Self-Report Email).

on July 1, 2024,¹⁰ to which Paramount Global timely responded on July 31, 2024.¹¹ According to Paramount Global, on June 6, 2024, CBS News Radio employees prepared and distributed to approximately 400 affiliated radio stations for immediate and simultaneous broadcast at 4:00 PM ET a “Top of the Hour” newscast containing approximately three seconds of the EAS Attention Signal or an indistinguishable facsimile thereof (the Programming). A CBS News Radio employee obtained the audio clip containing the Attention Signal from a video posted by Universal Studios on YouTube. The employee failed to recognize the EAS Attention Signal for what it was, and no other employee of CBS News Radio reviewed the clip before it was distributed for simultaneous broadcast by CBS News Radio’s network affiliated radio stations. Most of those radio stations then broadcast the Programming. The distribution of the Programming and subsequent transmissions were not in connection with an actual emergency, authorized test of the EAS, or qualified public service announcement. Following the 4:00 PM ET newscast, CBS News Radio deleted the story from its digital systems and did not include it in any subsequent newscasts.¹²

7. CBS-Entertainment Tonight, File No. EB-IHD-23-00035899. On October 25, 2023, Paramount Global sent a Self-Report Email to the FCC regarding its distribution on October 24, 2023 of an episode of its daily syndicated newsmagazine program *Entertainment Tonight* (October 24 ET Episode).¹³ The CBS-ET Self-Report Email stated that “a brief excerpt of the broadcast EAS tones, lasting approximately one second, appears to have been aired during the October 24, 2023 episode of the program *Entertainment Tonight*.”¹⁴ The Bureau sent a letter of inquiry to Paramount Global on December 11, 2023,¹⁵ to which Paramount Global timely responded on February 9, 2024.¹⁶ The investigation confirmed the statement made by Paramount Global in its CBS-ET Self-Report Email. In particular, the first syndicated feed of the October 24 ET episode contained a roughly one-second sound effect consisting of either an actual EAS Attention Signal or an indistinguishable facsimile thereof. Paramount Global obtained the video clip containing the Attention Signal from a third party as part of an electronic press kit for an upcoming film. Paramount Global transmitted the first syndicated feed of the October 24 ET Episode to numerous of its own television stations and affiliated television stations that then broadcast the October 24 ET Episode. None of the transmissions of the October 24 ET Episode was in connection with an actual emergency, authorized test of the EAS, or qualified public service announcement.

¹⁰ Letter from Patrick M. McGrath, Division Chief, Investigations and Hearings Division, Enforcement Bureau, FCC, to Christa A. D’Alimonte, Executive Vice President, General Counsel, and Secretary, Paramount Global, and John Bagwell, SVP and Associate General Counsel, Paramount Global (July 1, 2024) (on file in File No. EB-IHD-24-00036782) (CBS News Radio LOI).

¹¹ CBS News Radio LOI Response.

¹² *Id.* at 1-4, 9-15, Exhibit B.

¹³ Email from Martha Heller, Vice President of Government Relations and Regulatory Counsel, Paramount Global, to FCC Operations Center (Oct. 24, 2023) (on file in EB-IHD-23-00035899) (CBS-ET Self-Report Email).

¹⁴ *Id.*

¹⁵ Letter of Inquiry from Patrick M. McGrath, Chief, Investigations and Hearings Division, Enforcement Bureau, FCC, to Christa A. D’Alimonte, Executive Vice President, General Counsel, and Secretary, Paramount Global and John Bagwell, SVP and Associate General Counsel, Paramount Global and ViacomCBS, Inc. (Dec. 11, 2023) (on file in EB-IHD-23-00035899) (CBS-ET LOI).

¹⁶ Letter from Kathleen A. Kirby, Ari S. Meltzer, and Kyle M. Gutierrez, Wiley Rein LLP, Counsel to CBS, to Drew Tobias, Kenneth Scheibel, and Patrick McGrath, Investigations and Hearings Division, Enforcement Bureau, FCC (Feb. 9, 2024) (CBS-ET LOI Response).

Paramount Global removed the sound effect from subsequent syndicated feeds of the October 24 ET Episode.¹⁷

8. CBS-Young Sheldon, File No. EB-IHD-23-00035485. On May 18, 2023, the CBS Television Network transmitted to CBS owned stations and affiliated stations an episode of the program *Young Sheldon* (May 18 YS Episode), which was then immediately broadcast by those stations.¹⁸ Promptly thereafter, the Commission became aware that the May 18 YS Episode might have included an improper use of EAS Tones.¹⁹ The Bureau sent to Paramount Global a letter of inquiry on July 27, 2023 and a supplemental letter of inquiry on January 10, 2024,²⁰ to which Paramount Global timely responded on August 28, 2023 and January 22, 2024, respectively.²¹

9. The sounds at issue occur during a scene in the May 18 YS Episode in which certain characters are driving in a car in severe weather and become aware, via language and distinctive sounds on their car radio, of an impending tornado. What the characters (and thus the viewing/listening audience) heard from the car radio was, in succession (i) scripted dialogue consisting of a dramatic interpretation of a National Weather Service Tornado Warning; (ii) a sequence of five artificial noises (simultaneous with scripted dialogue between the characters on screen); (iii) scripted dialogue between the characters on screen (with sirens and scripted dialogue consisting of a dramatic interpretation of a National Weather Service Tornado Warning in the background); (iv) a sequence of five artificial noises (simultaneous with scripted dialogue between the characters on screen); and (v) scripted dialogue of a dramatic interpretation of the beginning of a National Weather Service warning.²² Paramount Global transmitted the May 18 YS Episode to its own television stations and to CBS Television Network affiliated television stations across the country, in the absence an actual emergency, authorized test of the EAS, or qualified public service announcement.²³

¹⁷ *Id.* at 2-6, 10, 14-20, 22, Exhibit A.

¹⁸ *See, e.g.*, Letter from Kathleen A. Kirby, Ari S. Meltzer, and Kyle M. Gutierrez, Wiley Rein LLP, Counsel to Paramount Global, to Jennifer Lewis, Frederick Giroux, and Patrick McGrath, Investigations and Hearings Division, Enforcement Bureau, FCC, at 6 (Aug. 28, 2023) (on file in EB-IHD-23-00035485) (CBS-YS LOI Response). Letter from Kathleen A. Kirby, Ari S. Meltzer, and Kyle M. Gutierrez, Wiley Rein LLP, Counsel to Paramount Global, to Alex Starr, Kenneth Scheibel, and Patrick McGrath, Investigations and Hearings Division, Enforcement Bureau, FCC, at 3-5, Exhibit A (Jan. 22, 2024) (on file in EB-IHD-23-00035485) (CBS-YS Supplemental LOI Response). On May 20, 2023, Paramount Global filed a Self-Report Email stating: “This email is to notify the FCC that an episode of *Young Sheldon* broadcast on the CBS Network on Thursday, May 18, 2023 included a scene in which characters in a vehicle encounter severe weather. For clarity, the sound effects utilized in the episode were not the Emergency Alert System tones, but we are nonetheless reporting this out of an abundance of caution.” *See* CBS-YS LOI Response at 21.

¹⁹ *See, e.g.*, CBS-YS LOI Response at 6 (stating that “Paramount [Global] understands that some CBS affiliates elected to submit reports to the FCC Operations Center about [the May 18 YS Episode]”).

²⁰ Letter from Patrick M. McGrath, Chief, Investigations and Hearings Division, Enforcement Bureau, FCC, to Christa A. D’Alimonte, Executive Vice President, General Counsel, and Secretary, Paramount Global and Mr. John Bagwell, SVP and Associate General Counsel, ViacomCBS Inc. (July 27, 2023) (on file in EB-IHD-23-00035485) (CBS-YS LOI); Email from Kenneth Scheibel, Assistant Chief, Investigations and Hearings Division, Enforcement Bureau, FCC, to Christa A. D’Alimonte, Executive Vice President, General Counsel, and Secretary, Paramount Global, John Bagwell, SVP and Associate General Counsel, ViacomCBS Inc., and Kathleen A. Kirby, Ari S. Meltzer, Kyle M. Gutierrez, Wiley Rein LLP, Counsel to Paramount Global and CBS (Jan. 10, 2024) (on file in EB-IHD-23-00035485) (CBS-YS Supplemental LOI).

²¹ *See* CBS-YS LOI Response; CBS-YS Supplemental LOI Response.

²² *See, e.g.*, CBS-YS LOI Response at 1-2, 5-6; CBS-YS Supplemental LOI Response at 1-3.

²³ *See, e.g.*, CBS-YS LOI Response at 16-20; CBS-YS Supplemental LOI Response at 1-3.

10. To resolve the Investigations, the parties now enter into this Consent Decree to ensure Paramount Global's future compliance with the EAS Rules.

III. TERMS OF AGREEMENT

11. **Adopting Order.** The provisions of this Consent Decree shall be incorporated by the Bureau in an Adopting Order.

12. **Jurisdiction.** Paramount Global agrees for the purposes of this Consent Decree that the Bureau has jurisdiction over it and the matters contained in this Consent Decree and has the authority to enter into and adopt this Consent Decree.

13. **Effective Date; Violations.** The Parties agree that this Consent Decree shall become effective on the Effective Date as defined herein. As of the Effective Date, the Parties agree that this Consent Decree shall have the same force and effect as any other order of the Commission.

14. **Termination of Investigations.** In express reliance on the covenants and representations in this Consent Decree and to avoid further expenditure of public resources, the Bureau agrees to terminate the Investigations. In consideration for the termination of the Investigations, Paramount Global agrees to the terms, conditions, and procedures contained herein. The Bureau further agrees that, in the absence of new material evidence, it will not use the facts developed in the Investigations through the Effective Date, or the existence of this Consent Decree, to institute any new proceeding on its own motion against Paramount Global concerning the matters that were the subjects of the Investigations, or to set for hearing the question of Paramount Global's basic qualifications to be a Commission licensee or hold Commission licenses or authorizations based on the matters that were the subject of the Investigations.²⁴

15. **Admission of Liability.** Paramount Global admits for the purpose of this Consent Decree and for Commission civil enforcement purposes, and in express reliance on the provisions of paragraph 14 herein, that its actions described in paragraphs 6 and 7 of this Consent Decree violated the EAS Rules.

16. **Admission of Facts.** Paramount Global admits for the purpose of this Consent Decree and for Commission civil enforcement purposes, and in express reliance on the provisions of paragraph 14 herein, that paragraphs 8-9 contain a true and accurate description of the facts underlying the Investigation embodied in File No. EB-IHD-23-00035485. No other admissions regarding the Investigation embodied in File No. EB-IHD-23-00035485 are made by Paramount Global.

17. **Compliance Officer.** Within thirty (30) calendar days after the Effective Date, Paramount Global shall designate a senior corporate manager with the requisite corporate and organizational authority to serve as a Compliance Officer and to discharge the duties set forth below. The person designated as the Compliance Officer shall be responsible for developing, implementing, and administering the Compliance Plan and ensuring that Paramount Global complies with the terms and conditions of the Compliance Plan and this Consent Decree. In addition to the general knowledge of the Communications Laws necessary to discharge his or her duties under this Consent Decree, the Compliance Officer shall have specific knowledge of the EAS Rules prior to assuming his/her duties.

18. **Compliance Plan.** For purposes of settling the matters set forth herein, Paramount Global agrees that it shall, within ninety (90) calendar days after the Effective Date, develop and implement a Compliance Plan designed to ensure future compliance with the Communications Laws and

²⁴ See 47 CFR § 1.93(b).

with the terms and conditions of this Consent Decree. With respect to the EAS Rules, Paramount Global will implement, at a minimum, the following procedures:

- (a) **Operating Procedures.** Within ninety (90) calendar days after the Effective Date, Paramount Global shall establish Operating Procedures that all Covered Employees must follow to help ensure Paramount Global's compliance with the EAS Rules. Paramount Global's Operating Procedures shall include internal procedures and policies specifically designed to ensure that Paramount Global does not transmit EAS Tones or simulations thereof absent an emergency or authorized EAS test. Paramount Global shall also develop a Compliance Checklist that describes the steps that a Covered Employee must follow to ensure compliance with the EAS Rules.
- (b) **Compliance Manual.** Within ninety (90) calendar days after the Effective Date, the Compliance Officer shall develop and distribute a Compliance Manual to all Covered Employees. The Compliance Manual shall explain the EAS Rules and set forth the Operating Procedures that Covered Employees shall follow to help ensure Paramount Global's compliance with the EAS Rules. Paramount Global shall periodically review and revise the Compliance Manual as necessary to ensure that the information set forth therein remains current, complete and accurate. Paramount Global shall distribute any revisions to the Compliance Manual promptly to all Covered Employees.
- (c) **Compliance Training Program.** Paramount Global shall establish and implement a Compliance Training Program on compliance with the EAS Rules and the Operating Procedures. As part of the Compliance Training Program, Covered Employees shall be advised of Paramount Global's obligation to report any noncompliance with the EAS Rules under paragraph 19 of this Consent Decree and shall be instructed on how to disclose noncompliance to the Compliance Officer. All Covered Employees shall be trained pursuant to the Compliance Training Program within ninety (90) calendar days after the Effective Date, except that: (i) any person who becomes a Covered Employee at any time after the initial Compliance Training Program shall be trained within thirty (30) calendar days after the date such person becomes a Covered Employee; and (ii) any Covered Employee who is on leave during the applicable training period shall be trained within thirty (30) calendar days after the date such person returns from leave. Paramount Global shall repeat compliance training on an annual basis, and shall periodically review and revise the Compliance Training Program as necessary to ensure that it remains current and complete and to enhance its effectiveness.

19. **Reporting Noncompliance.** Paramount Global shall report any noncompliance with the EAS Rules and with the terms and conditions of this Consent Decree within fifteen (15) calendar days after discovery of such noncompliance. Such reports shall include a detailed explanation of: (i) each instance of noncompliance; (ii) the steps that Paramount Global has taken or will take to remedy such noncompliance; (iii) the schedule on which such remedial actions will be taken; and (iv) the steps that Paramount Global has taken or will take to prevent the recurrence of any such noncompliance. All reports of noncompliance shall be submitted to Christopher Sova, Acting Chief, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, 45 L Street NE, Washington, D.C. 20554, or his successor or designee (as may be identified by the Bureau to Paramount Global), with a copy submitted electronically to Christopher.Sova@fcc.gov, Kenneth.Scheibel@fcc.gov, Drew.Tobias@fcc.gov, and Alex.Starr@fcc.gov.

20. **Compliance Reports.** Paramount Global shall file compliance reports with the Commission one hundred and twenty (120) calendar days after the Effective Date, twelve (12) months after the Effective Date, twenty-four (24) months after the Effective Date, and thirty-six (36) months after the Effective Date.

- (a) Each Compliance Report shall include a detailed description of Paramount Global's efforts during the relevant period to comply with the terms and conditions of this Consent Decree and the EAS Rules. In addition, each Compliance Report shall include a certification by the Compliance Officer, as an agent of and on behalf of Paramount Global, stating that the Compliance Officer has personal knowledge that Paramount Global: (i) has established and implemented the Compliance Plan; (ii) has utilized the Operating Procedures since the implementation of the Compliance Plan; and (iii) is not aware of any instances of noncompliance with the terms and conditions of this Consent Decree, including the reporting obligations set forth in paragraph 19 of this Consent Decree.
- (b) The Compliance Officer's certification shall be accompanied by a statement explaining the basis for such certification and shall comply with section 1.16 of the Rules and be subscribed to as true under penalty of perjury in substantially the form set forth therein.²⁵
- (c) If the Compliance Officer cannot provide the requisite certification, the Compliance Officer, as an agent of and on behalf of Paramount Global, shall provide the Commission with a detailed explanation of the reason(s) why and describe fully: (i) each instance of noncompliance; (ii) the steps that Paramount Global has taken or will take to remedy such noncompliance, including the schedule on which the proposed remedial actions will be taken; and (iii) the steps that Paramount Global has taken or will take to prevent the recurrence of any such noncompliance, including the schedule on which such preventive action will be taken.
- (d) All Compliance Reports shall be submitted to Christopher Sova, Acting Chief, Investigations and Hearings Division, Enforcement Bureau, Federal Communications Commission, 45 L Street NE, Washington, D.C. 20554, or his successor or designee (as may be identified by the Bureau to Paramount Global), with a copy submitted electronically to Christopher.Sova@fcc.gov, Kenneth.Scheibel@fcc.gov, Drew.Tobias@fcc.gov, and Alex.Starr@fcc.gov.

21. **Termination Date.** Unless stated otherwise, the requirements set forth in paragraphs 17 through 20 of this Consent Decree shall expire thirty-six (36) months after the Effective Date.

22. **Civil Penalty.** Paramount Global will pay a civil penalty to the United States Treasury in the amount of \$244,952 within thirty (30) calendar days of the Effective Date. Paramount Global acknowledges and agrees that upon execution of this Consent Decree, the Civil Penalty shall become a "Claim" or "Debt" as defined in 31 U.S.C. § 3701(b)(1).²⁶ Upon an Event of Default, all procedures for collection as permitted by law may, at the Commission's discretion, be initiated. Paramount Global shall send electronic notification of payment to Christopher.Sova@fcc.gov, Kenneth.Scheibel@fcc.gov, Drew.Tobias@fcc.gov, and Alex.Starr@fcc.gov on the date said payment is made. Payment of the Civil Penalty must be made by credit card using the Commission's Registration System (CORES) at

²⁵ *Id.* § 1.16.

²⁶ Debt Collection Improvement Act of 1996, Pub. L. No. 104-134, 110 Stat. 1321, 1358 (Apr. 26, 1996).

<https://apps.fcc.gov/cores/userLogin.do>, ACH (Automated Clearing House) debit from a bank account, or by wire transfer from a bank account. The Commission no longer accepts Civil Penalty payments by check or money order. Below are instructions that payors should follow based on the form of payment selected:²⁷

- Payment by wire transfer must be made to ABA Number 021030004, receiving bank TREAS/NYC, and Account Number 27000001. In the OBI field, enter the FRN(s) captioned above and the letters “FORF”. In addition, a completed Form 159²⁸ or printed CORES form²⁹ must be faxed to the Federal Communications Commission at 202-418-2843 or e-mailed to RROGWireFaxes@fcc.gov on the same business day the wire transfer is initiated. Failure to provide all required information in Form 159 or CORES may result in payment not being recognized as having been received. When completing FCC Form 159 or CORES, enter the Account Number in block number 23A (call sign/other ID), enter the letters “FORF” in block number 24A (payment type code), and enter in block number 11 the FRN(s) captioned above (Payor FRN).³⁰ For additional detail and wire transfer instructions, go to <https://www.fcc.gov/licensing-databases/fees/wire-transfer>.
- Payment by credit card must be made by using CORES at <https://apps.fcc.gov/cores/userLogin.do>. To pay by credit card, log-in using the FCC Username associated to the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select “Manage Existing FRNs | FRN Financial | Bills & Fees” from the CORES Menu, then select FRN Financial and the view/make payments option next to the FRN. Select the “Open Bills” tab and find the bill number associated with the CD Acct. No. The bill number is the CD Acct. No. with the first two digits excluded (e.g., CD 1912345678 would be associated with FCC Bill Number 12345678). After selecting the bill for payment, choose the “Pay by Credit Card” option. Please note that there is a \$24,999.99 limit on credit card transactions.
- Payment by ACH must be made by using CORES at <https://apps.fcc.gov/cores/userLogin.do>. To pay by ACH, log in using the FCC Username associated to the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select “Manage Existing FRNs | FRN Financial | Bills & Fees” on the CORES Menu, then select FRN Financial and the view/make payments option next to the FRN. Select the “Open Bills” tab and find the bill number associated with the CD Acct. No. The bill number is the CD Acct. No. with the first two digits excluded (e.g., CD 1912345678 would be associated with FCC Bill Number 12345678). Finally, choose the “Pay from Bank Account” option. Please contact the appropriate financial institution to confirm the correct Routing Number and the correct account number from which payment will be made and verify with that financial institution that the designated account has authorization to accept ACH transactions.

²⁷ For questions regarding payment procedures, please contact the Financial Operations Group Help Desk by phone at 1-877-480-3201 (option #6).

²⁸ FCC Form 159 is accessible at <https://www.fcc.gov/licensing-databases/fees/fcc-remittance-advice-form-159>.

²⁹ Information completed using the Commission’s Registration System (CORES) does not require the submission of an FCC Form 159. CORES is accessible at <https://apps.fcc.gov/cores/userLogin.do>.

³⁰ Instructions for completing the form may be obtained at <http://www.fcc.gov/Forms/Form159/159.pdf>.

23. **Event of Default.** Paramount Global agrees that an Event of Default shall occur upon the failure by Paramount Global to pay the full amount of the Civil Penalty on or before the due date specified in this Consent Decree.

24. **Interest, Charges for Collection, and Acceleration of Maturity Date.** After an Event of Default has occurred under this Consent Decree, the then unpaid amount of the Civil Penalty shall accrue interest, computed using the U.S. Prime Rate in effect on the date of the Event of Default plus 4.75%, from the date of the Event of Default until payment in full. Upon an Event of Default, the then unpaid amount of the Civil Penalty, together with interest, any penalties permitted and/or required by the law, including but not limited to 31 U.S.C. § 3717 and administrative charges, plus the costs of collection, litigation, and attorneys' fees, shall become immediately due and payable, without notice, presentment, demand, protest, or notice of protest of any kind, all of which are waived by Paramount Global.

25. **Waivers.** As of the Effective Date, Paramount Global waives any and all rights it may have to seek administrative or judicial reconsideration, review, appeal or stay, or to otherwise challenge or contest the validity of this Consent Decree and the Adopting Order. Paramount Global shall retain the right to challenge Commission interpretation of the Consent Decree or any terms contained herein. If either Party (or the United States on behalf of the Commission) brings a judicial action to enforce the terms of the Consent Decree or the Adopting Order, neither Paramount Global nor the Commission shall contest the validity of the Consent Decree or the Adopting Order, and Paramount Global shall waive any statutory right to a trial *de novo*. Paramount Global hereby agrees to waive any claims it may otherwise have under the Equal Access to Justice Act³¹ relating to the matters addressed in this Consent Decree.

26. **Severability.** The Parties agree that if any of the provisions of the Consent Decree shall be held unenforceable by any court of competent jurisdiction, such unenforceability shall not render unenforceable the entire Consent Decree, but rather the entire Consent Decree shall be construed as if not containing the particular unenforceable provision or provisions, and the rights and obligations of the Parties shall be construed and enforced accordingly.

27. **Invalidity.** In the event that this Consent Decree in its entirety is rendered invalid by any court of competent jurisdiction, it shall become null and void and may not be used in any manner in any legal proceeding.

28. **Subsequent Rule or Order.** The Parties agree that if any provision of the Consent Decree conflicts with any subsequent Rule or order adopted by the Commission (except an order specifically intended to revise the terms of this Consent Decree to which Paramount Global does not expressly consent) that provision will be superseded by such Rule or order.

29. **Successors and Assigns.** Paramount Global agrees that the provisions of this Consent Decree shall be binding on its successors, assigns, and transferees.

30. **Final Settlement.** The Parties agree and acknowledge that this Consent Decree shall constitute a final settlement between the Parties with respect to the Investigations. The Parties further agree that, with respect to the Investigation embodied in File No. EB-IHD-23-00035485, this Consent Decree does not constitute either an adjudication on the merits or a factual or legal finding regarding any compliance or noncompliance with the requirements of the Communications Laws.

31. **Modifications.** This Consent Decree cannot be modified without the advance written consent of both Parties.

³¹ See 5 U.S.C. § 504; 47 CFR §§ 1.1501–1.1530.

32. **Paragraph Headings.** The headings of the paragraphs in this Consent Decree are inserted for convenience only and are not intended to affect the meaning or interpretation of this Consent Decree.

33. **Authorized Representative.** Each Party represents and warrants to the other that it has full power and authority to enter into this Consent Decree. Each person signing this Consent Decree on behalf of a Party hereby represents that he or she is fully authorized by the Party to execute this Consent Decree and to bind the Party to its terms and conditions.

34. **Counterparts.** This Consent Decree may be signed in counterparts (including electronically or by facsimile). Each counterpart, when executed and delivered, shall be an original, and all of the counterparts together shall constitute one and the same fully executed instrument.

Peter S. Hyun
Acting Chief
Enforcement Bureau

Date

Caryn K. Groce
EVP, Acting General Counsel and Secretary
Paramount Global

Date

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

In the Matter of	)	
	)	
The Uniendo a Puerto Rico and the Connect USVI Fund	)	WC Docket No. 18-143
	)	
Connect America Fund	)	WC Docket No. 10-90

ORDER AND PUBLIC NOTICE

Comment: January 13, 2025

Reply Comment: January 21, 2025

Adopted: December 20, 2024

Released: December 20, 2024

By the Chief, Wireline Competition Bureau:

1. In this Order, we grant in part Broadband VI (BBVI) a limited waiver of the Commission's Connect USVI Fund's deployment milestone rules for eligible service areas in the U.S. Virgin Islands (USVI).¹ BBVI is unable to meet the 40% deployment milestone by the December 31, 2024, deadline due to unforeseen and unpredictable circumstances in obtaining the permits needed for deployment. Based on these circumstances, we take action to give BBVI until March 31, 2025, to meet this milestone and, contemporaneously, seek public comment on BBVI's request for a waiver of the 40% milestone until December 31, 2025. Our grant of this limited waiver for a three-month period serves the public interest because it would allow BBVI to remain in compliance despite these unforeseen circumstances that have delayed deployment as it continues to work towards meeting its obligation to serve all locations in USVI, while we also seek comment on BBVI's Petition for a one-year waiver until December 31, 2025.

I. BACKGROUND

2. In 2017, Hurricanes Irma and Maria destroyed telecommunications networks in Puerto Rico and the U.S. Virgin Islands, leaving many residents isolated and unable to connect with family or emergency service personnel. In response to the hurricanes, the Commission created the Bringing Puerto Rico Together Fund and the Connect USVI Fund to support state-of-the-art mobile and fixed networks that will stand the test of time and provide digital opportunity to all Americans living in Puerto Rico and the U.S. Virgin Islands.²

3. For USVI, the Commission adopted a comprehensive Universal Service Fund mechanism that would make fixed voice and broadband services available to all locations in the territory.³ The Commission employed a single-round competitive proposal process to select applicants based on the

¹ Broadband VI, LLC, Petition for Waiver of Connect USVI Fund Deployment Obligations, WC Docket Nos. 18-143, 10-90 (filed Oct. 28, 2024) (BBVI Petition).

² *The Uniendo a Puerto Rico Fund and the Connect USVI Fund et al.*, WC Docket No. 18-143, Report and Order and Order on Reconsideration, 34 FCC Rcd 9109 (2019) (*2019 PR USVI Order*); *The Uniendo a Puerto Rico Fund and the Connect USVI Fund*, WC Docket No. 18-143, Order and Notice of Proposed Rulemaking, 33 FCC Rcd 5404 (2018) (establishing the two stages of the Bringing Puerto Rico Together Fund and the Connect USVI Fund).

³ *Id.*

lowest score for a series of weighted, objective criteria for price and network performance, including speed, latency, and usage allowance.⁴ The competitive proposal process also placed significant weight on resiliency and redundancy to account for the heightened risk of natural disasters in the territory.⁵ The applicant with the lowest overall score for each of the two supported geographic areas in the USVI won high-cost support for an area.⁶

4. Following the competitive process, the Bureau announced BBVI as the winning carrier of the two geographic areas of USVI and authorized it to receive support for fixed services.⁷ BBVI is required to deploy a network that is capable of delivering speeds and usage allowances that meet or exceed—and latency that meets or falls below—the relevant standards to all locations within the geographic area.⁸ Further, BBVI is required to deploy broadband facilities to all locations within the USVI to meet the Commission’s goals of ensuring resilient service to all residences and small businesses.⁹ Using the most recent data available at the time, the Bureau determined there were approximately 46,039 locations in the USVI where BBVI must make voice and broadband services available.¹⁰ BBVI must begin offering mass-market service to 40% of the locations in its service area by December 31, 2024, with an additional 20% deployment required each subsequent year and 100% deployment to all locations by December 31, 2027.¹¹

5. The Commission takes compliance with the terms and conditions of the Connect USVI Fund seriously and adopted non-compliance measures if the requirements are not met. If a carrier fails to meet the interim service milestones, it will be subject to additional reporting requirements, withholding of support, and potentially recovery of support already paid.¹²

⁴ 2019 PR USVI Order, 34 FCC Rcd at 9114-18, paras. 11-15; see also *The Uniendo a Puerto Rico Fund and the Connect USVI Fund Notice and Filing Requirements and Other Procedures for Stage 2 Fixed Competitive Proposal Process*, WC Docket No. 18-143, Public Notice, 35 FCC Rcd 218, 220, 252-55, paras. 2, 124-34 (2020).

⁵ 2019 PR USVI Order, 34 FCC Rcd at 9124-30, paras. 27-33.

⁶ *Id.* at 9117, para. 14.

⁷ *Wireline Competition Bureau Announces Winning Applicants for the Connect USVI Fund Stage 2 Competitive Process*, WC Docket No. 18-143, Public Notice, 35 FCC Rcd 12921 (WCB 2020).

⁸ 2019 PR USVI Order, 34 FCC Rcd at 9121, para. 22.

⁹ *Id.* at 9143, para. 59.

¹⁰ *Wireline Competition Bureau Releases Updated List of Reserve Prices and Location Counts for the Uniendo a Puerto Rico Fund and Connect USVI Fund Stage 2 Fixed Support Competitive Proposal Process*, WC Docket No. 18-143, Public Notice, 35 FCC Rcd 8228, Attach. (2020).

¹¹ 47 CFR § 54.1506; *Connect USVI Fund Stage 2 Support Authorized for Broadband VI*, Public Notice, WC Docket No. 18-143, 36 FCC Rcd 9407 (WCB 2021) (*USVI Fixed Authorization Notice*). The Commission recognized when adopting the requirement that all locations be served in the USVI that specific data available at that time regarding the number of actual locations might be inaccurate and that population shifts following the Hurricanes could affect the number of locations. 2019 PR USVI Order, 34 FCC Rcd at 9143, para. 60. The Commission established a location adjustment process to resolve discrepancies between the estimated number of locations identified by the Bureau and the actual total number of all locations, to which the winning applicant must deploy qualifying voice and broadband. 2019 PR USVI Order, 34 FCC Rcd at 9144-46, paras. 63-66. The Bureau recently sought comment on using the data included in the Broadband Serviceable Location Fabric to update and verify compliance with the deployment obligations for several High Cost mechanisms, including the Connect USVI Fund. *Wireline Competition Bureau Seeks Comment on Leveraging the Broadband Serviceable Location Fabric for High-Cost Support Mechanism Deployment Obligations*, WC Docket Nos. 10-90 et al., Public Notice, 39 FCC Rcd 399 (WCB 2024).

¹² 47 CFR §§ 54.320(d)(1); 54.1506; 54.1508(e)(1). Carriers are also subject to other non-compliance measures including, but not limited to, the Commission’s enforcement procedures and penalties, reductions in support

(continued....)

6. On October 28, 2024, BBVI filed its petition for waiver seeking a one-year extension of the 40% deployment milestone until December 31, 2025. On November 21, 2024, Virgin Islands Telephone Corporation dba Viya, the incumbent local exchange carrier in the USVI, requested the Commission to seek public comment on BBVI's waiver request.¹³

II. DISCUSSION

7. Generally, the Commission's rules may be waived for good cause shown.¹⁴ Waiver of the Commission's rules is appropriate only if both: (1) special circumstances warrant a deviation from the general rule, and (2) such deviation will serve the public interest.¹⁵

8. We grant a limited three-month waiver to the extent described herein of sections 54.320(d)(1), 54.1506, and 54.1508(e) of the Commission's rules and the requirement that BBVI meet its 40% milestone by December 31, 2024.¹⁶ We extend the deadline by which BBVI must meet its 40% milestone until March 31, 2025. However, following a period for public comment as further provided below, we will consider whether a waiver until December 31, 2025, as requested in BBVI's Petition, is warranted. Importantly, we make clear that our grant of this limited waiver does not modify future milestone deadlines provided by the *2019 PR-USVI Order* and our rules. Under the limited waiver we grant today, BBVI must still timely meet its 60%, 80%, and 100% milestones.¹⁷

9. We find good cause to provide a limited waiver of the Commission's 40% service milestone and support recovery rules until March 31, 2025. In its waiver petition, BBVI reports network construction delays because it has not yet secured all of the necessary permits. Consistent with precedent, we conclude special circumstances exist.¹⁸ The Commission specifically adopted non-compliance measures and support recovery rules to encourage compliance with service milestones. BBVI's Petition outlines its capital expenditures and the steps it has taken and continues to take to obtain the permits necessary to fulfill its deployment milestones and obligations.

10. While BBVI has made progress and is continuing to work with local permitting authorities, it has not yet secured all of the necessary permits to meet the 40% milestone. Accordingly, BBVI is unable to meet the 40% deployment milestone by the end of December 2024. Waiving the 40% milestone until March 31, 2025, will give BBVI time to continue working with local permitting authorities to secure the additional permits and make progress towards its required interim milestone. This limited waiver allows for time to fully develop the record regarding the BBVI's request for a longer waiver period while allowing BBVI to maintain its full resources.¹⁹

(Continued from previous page) —————
amounts, potential revocation of Eligible Telecommunications Carrier (ETC) designation, and suspension or debarment. See 47 CFR §§ 54.320(c), 54.1506; 54.1508(e)(1).

¹³ Letter from Phillip Marchesiello, Virgin Island Telephone Corporation dba Viya, to Marlene H Dortch, Secretary, FCC, WC Docket Nos. 18-143, 10-90 (filed Nov. 21, 2024) (Viya Letter).

¹⁴ 47 CFR § 1.3.

¹⁵ See *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (citing *WAIT Radio v. FCC*, 418 F.2d 1153, 1157-59 (D.C. Cir. 1969), cert. denied, 93 S.Ct. 461 (1972)).

¹⁶ See 47 CFR §§ 54.320(d)(1), 54.1506, and 54.1508(e).

¹⁷ See BBVI Petition at 1, n.3. By meeting its 60% milestone, BBVI will inherently meet its 40% milestone as well.

¹⁸ *East Kentucky Network, LLC d/b/a Appalachian Wireless, United States Cellular Corporation, GCI Communication Corp., Union Telephone Company, Requests for Waiver of the Performance Rules for Mobility Fund Phase I and Tribal Mobility Fund Phase I*, Order, 36 FCC Rcd 178, 190-91, para. 28 (WCB/WTB/OEA 2021) (*Appalachian Wireless Order*). See generally *PTI Pacifica, Inc., Request for Waiver and Extension of Time of Mobility Fund Phase I Construction Deadline*, Order, 38 FCC Rcd 2405, 2410 n.51 (WCB/WTB/OEA 2023).

¹⁹ See *supra* note 13.

11. To support the partial grant, we note that notwithstanding the delays described in its petition,²⁰ BBVI expects to reach approximately 20% of its deployment obligation by the end of 2024, having sought and received 34 construction permits with local agencies.²¹ BBVI has further outlined the measures it has taken to engage and work cooperatively with local officials to obtain an additional 16 permits needed to continue its network construction and meet the 40% deployment milestone, and has also described the significant capital expenditures it has made in its network while working to secure the necessary permits.²² BBVI has acquired and put in place, for example, materials and equipment, as well as employing personnel from the mainland, to construct its network.²³ Further, BBVI has actively engaged with the local agencies to discuss its permits and the required FCC deployment milestones.²⁴ Finally, BBVI is a successful and diligent participant in the Bringing Puerto Rico Together Fund,²⁵ where it has already reported deployment to 834,236 locations, which is approximately 91% of its required locations, as of December 31, 2023, significantly ahead of its required milestones.²⁶

12. Moreover, in line with precedent, we conclude that it serves the public interest to partially grant BBVI's request and extend its 40% milestone deadline to March 31, 2025. The extension of the milestone deadline allows BBVI to maintain its full complement of resources while it continues to take steps to obtain the necessary regulatory approvals to continue construction of its fixed network for the benefit of all residents in USVI. Similar to the Bureau's previous grants of waiver requests of deployment deadlines, we find that even with proper planning, unforeseeable delays that can neither be avoided nor controlled, particularly in some of the hardest to serve areas, may sometimes occur, and a three-month extension is reasonable under the present circumstances.²⁷ Consistent with program rules, we encourage BBVI to report deployment on a rolling basis.

III. PUBLIC NOTICE SEEKING COMMENT

13. The Bureau seeks comment from interested parties on the BBVI waiver petition to extend the 40% milestone deadline until December 31, 2025.

14. *Filing Requirements.* Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. All filings must refer to **WC Docket Nos. 18-143; 10-90**.²⁸

²⁰ See BBVI Petition at 3-12.

²¹ See *id.* at 7.

²² *Id.* at 10.

²³ *Id.* at 10-11.

²⁴ See, e.g., Letter from Ulises Pin, Counsel to Broadband VI, LLC, Morgan Lewis, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket Nos. 10-90 et al. (filed June 10, 2024); Letter from Ulises Pin, Counsel to Broadband VI, LLC, Morgan Lewis, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket Nos. 10-90 et al. (filed Oct. 3, 2024).

²⁵ Liberty Latin America Ltd. is the ultimate corporate parent to multiple wireline and wireless telecommunications, broadband, and video services companies operating in the U.S. Virgin Islands, Puerto Rico and other areas of Latin America and the Caribbean, including BBVI and Liberty Communications of PR, LLC, a winning applicant of the Bringing Puerto Rico Together Fund. See *Domestic 214 Application Granted for the Transfer of Control of Broadband VI, LLC to Liberty Mobile USVI, Inc.*, Public Notice, WC Docket No. 21-386, 36 FCC Rcd 17330, 17331-32 (WCB 2021).

²⁶ See BBVI Petition at 11. See also Universal Service Administrative Company, *Connect America Fund Map*, <https://data.usac.org/publicreports/caf-map/> (last visited Dec. 2, 2024).

²⁷ See *supra* note 18.

²⁸ All filings relating to this Public Notice should refer *only* to the dockets listed here.

15. Electronic Filers: Comments may be filed electronically using the Commission's online Electronic Comment Filing System (ECFS): <https://www.fcc.gov/ecfs/>.²⁹

16. *Paper Filers*: Parties who choose to file by paper must file an original and one copy of each filing.

- Filings can be sent by hand or messenger delivery, by commercial courier, or by the U.S. Postal Service. **All filings must be addressed to the Secretary, Federal Communications Commission.**
- Hand-delivered or messenger-delivered paper filings for the Commission's Secretary are accepted between 8:00 a.m. and 4:00 p.m. by the FCC's mailing contractor at 9050 Junction Drive, Annapolis Junction, MD 20701. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Commercial courier deliveries (any deliveries not by the U.S. Postal Service) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
- Filings sent by U.S. Postal Service First-Class Mail, Priority Mail, and Priority Mail Express must be sent to 45 L Street NE, Washington, DC 20554.

17. *People with Disabilities*: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530.

18. *Permit but Disclose Ex Parte Communications*. For the purposes of the Commission's *ex parte* rules, the petition addressed within this Public Notice will be treated as initiating a permit-but-disclose proceeding under the Commission's *ex parte* rules.³⁰ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

²⁹ See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

³⁰ 47 CFR §§ 1.1200 *et seq.*

IV. ORDERING CLAUSES

19. Accordingly, IT IS ORDERED, pursuant to sections 1, 4(i), 5(c), and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 155(c), 254, and sections 0.91, 0.291, and 1.3 of the Commission's rules, 47 CFR §§ 0.91, 0.291, 1.3, that this Order IS ADOPTED.

20. IT IS FURTHER ORDERED that the petition for waiver of Broadband VI is GRANTED IN PART as described herein.

21. IT IS FURTHER ORDERED that, pursuant to section 1.102(b)(1) of the Commission's rules, 47 CFR § 1.102(b)(1), this Order SHALL BE EFFECTIVE upon release.

FEDERAL COMMUNICATIONS COMMISSION

Trent B. Harkrader
Chief
Wireline Competition Bureau



Federal Communications Commission
Washington, D.C. 20554

December 20, 2024

Ms. Radha Sekar
Chief Executive Officer
Universal Service Administrative Company
700 12th Street, N.W., Suite 900
Washington, D.C. 20005

Dear Ms. Sekar:

By this letter, as part of our ongoing oversight of the Universal Service Administrative Company (USAC), we provide guidance to USAC regarding its application of the Federal Communications Commission's (Commission or FCC) E-Rate competitive bidding rules to requests for Wi-Fi hotspots and mobile wireless Internet service delivered via Wi-Fi hotspots.¹ Applicants seeking E-Rate support for these services must engage in competitive bidding for such devices and services and enter into a new contract at the conclusion of the competitive bidding process. More specifically, we clarify that this obligation to sign a new contract at the close of competitive bidding applies even if the applicant has a preexisting contract under which it is entitled to receive Wi-Fi hotspots and accompanying mobile wireless Internet service outside of the E-Rate program.

In the *Wi-Fi Hotspots Report and Order* adopted earlier this year, the Commission made changes to the E-Rate program to enable eligible schools and libraries to create Wi-Fi hotspot lending programs by making the off-premises use of Wi-Fi hotspots and services eligible for E-Rate support.² In doing so, the Commission adopted a budget mechanism,³ funding caps,⁴ and other requirements for schools and libraries seeking such support.⁵ In particular, the Commission required that services be competitively bid prior to requesting E-Rate support pursuant to the Commission's competitive bidding rules.⁶ The Commission further explained that "[Emergency Connectivity Fund]-funded Wi-Fi hotspot contracts are not grandfathered, but applicants may seek competitive bids for services to be delivered via ECF- or other separately-funded Wi-Fi hotspots."⁷

Following these changes, applicants have raised questions regarding the applicability of the 2002 *Kalamazoo Reconsideration Order* to contracts for Wi-Fi hotspots and associated mobile wireless Internet service. In the *Kalamazoo Reconsideration Order*, the Wireline Competition Bureau found that, in certain limited circumstances, applicants may request E-Rate support for service under an existing contract after going through the FCC's required competitive bidding process.⁸ In response to such

¹ See Memorandum of Understanding Between the Federal Communications Commission and the Universal Service Administrative Company at IV.A.1 (Oct. 17, 2024).

² *Addressing the Homework Gap through the E-Rate Program*, WC Docket No. 21-31, Report and Order and Further Notice of Proposed Rulemaking, FCC 24-76, 2024 WL 3617369 (July 29, 2024) (*Wi-Fi Hotspots Report and Order*).

³ See *id.*, generally, at *12, para. 30.

⁴ See *id.* at **14-15, paras. 33-35.

⁵ See, e.g., *id.* at *17, para. 40 (setting annual limits on funding).

⁶ *Id.*

⁷ *Id.* at n.156.

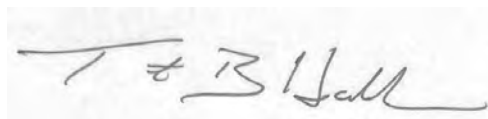
⁸ *Request for Review of the Decision of the Universal Service Administrator by Kalamazoo Public Schools*, Order on Reconsideration, 17 FCC Rcd 22154, 22157, paras. 5-6 (WCB 2002) (*Kalamazoo Reconsideration Order*).

questions, we now clarify that applicants requesting support for Wi-Fi hotspots and/or services to be delivered via Wi-Fi hotspots must conduct a competitive bidding process consistent with the FCC competitive bidding requirements by posting an FCC Form 470,⁹ waiting at least 28 days,¹⁰ selecting the most cost-effective service offering(s) using the price of eligible equipment and/or services as the primary factor,¹¹ and entering into a new signed contract for these services/equipment before requesting E-Rate support for Wi-Fi hotspots and/or services.¹²

We are concerned that applicants will have an incentive to remain with an existing provider rather than carefully considering all other bids received. We also note that because ECF applicants were not required to pay for a share of the costs or use price as the primary factor in their vendor selection process, like required in the E-Rate program, that contracts entered into during the COVID-19 pandemic may not have been the most cost-effective offering given the ongoing public health emergency and supply chain issues during the pandemic.¹³ Requiring a new contract is therefore the best interpretation of the Commission's direction not to grandfather existing contracts for Wi-Fi hotspots and service that were entered into during the pandemic when competitive bidding and gift rule requirements, including using price as the primary factor, were often waived because of the ongoing public health emergency.¹⁴ We therefore direct USAC not to apply the *Kalamazoo Reconsideration Order* precedent to requests for Wi-Fi hotspots and/or the services, and to find a competitive bidding violation if the applicant relies on a previously signed contract.

We trust that this guidance will be helpful to USAC in processing applications. The Bureau is available to answer any questions you may have.

Sincerely,



Trent B. Harkrader
Chief
Wireline Competition Bureau

(discussing relevant precedent where the Bureau concluded that a school district had carefully considered other proposals before continuing service under an existing contract).

⁹ 47 CFR § 54.503(c).

¹⁰ 47 CFR § 54.503(c)(4).

¹¹ 47 CFR § 54.511.

¹² 47 CFR § 54.504(a).

¹³ *Establishing the Emergency Connectivity Fund to Close the Homework Gap*, WC Docket No. 21-93, 36 FCC Rcd 8698, 8730, para. 68 (2021) (adopting reasonable support amounts in lieu of requiring specific competitive bidding requirements as schools and libraries had to purchase the ECF eligible equipment “often on short notice and during a time when demand was high for tablets, laptops, and Wi-Fi hotspots, and supply chains were disrupted leading some schools and libraries to pay premium prices for needed equipment” and because reimbursement was for 100% of the costs associated for eligible equipment and services).

¹⁴ See *Wi-Fi Hotspots Report and Order*, 2024 WL 3617369, *17 at n.156.

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

In the Matter of	)	
	)	
Accessible Emergency Information, and Apparatus	)	MB Docket No. 12-107
Requirements for Emergency Information and	)	
Video Description: Implementation of the Twenty-	)	
First Century Communications and Video	)	
Accessibility Act of 2010	)	

MEMORANDUM OPINION AND ORDER

Adopted: December 20, 2024

Released: December 20, 2024

By the Chief, Media Bureau:

I. INTRODUCTION

1. In this Memorandum Opinion and Order, we address the National Association of Broadcasters (NAB) request for an expedited retroactive extension of the waiver of a rule that requires television broadcasters to provide an aural representation of visual, non-textual emergency information that is displayed during non-newscast programming, such as radar maps or other graphics, on a secondary audio stream (Request).¹ For the reasons discussed below, we grant the Request for a six-month period (from November 26, 2024 through May 27, 2025) or until there is a ruling on the underlying NAB petition for rulemaking and waiver extension, whichever is sooner. We note that this action will maintain the status quo that existed prior to the expiration of the waiver on November 26, 2024 while the underlying petition is considered and this action does not prejudice the issues pending in that underlying petition.

II. BACKGROUND

2. Section 79.2(b)(2)(ii) of the Commission's rules requires that emergency information provided visually during non-newscast video programming be made audibly accessible to individuals who are blind or visually impaired through the use of a secondary audio stream (the Audible Crawl Rule).² Although the Audible Crawl Rule includes a compliance deadline of May 26, 2015, the Media Bureau has granted NAB's successive waiver requests pertaining to aural representations of visual, non-textual emergency information, the most recent of which expired on November 26, 2024.³ On November

¹ Request for Expedited Retroactive Extension of Waiver of the National Association of Broadcasters, MB Docket No. 12-107 (filed Nov. 27, 2024).

² 47 CFR § 79.2(b)(2)(ii).

³ See *Accessible Emergency Information, and Apparatus Requirements for Emergency Information and Video Description: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010*; *Video Description: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010*, MB Docket Nos. 12-107 and 11-43, Memorandum Opinion and Order, 30 FCC Rcd 5012, 5021-22, para. 16 (MB 2015) (2015 Waiver Order); *Accessible Emergency Information, and Apparatus Requirements for Emergency Information and Video Description: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010*, MB Docket No. 12-107, Memorandum Opinion and Order, 31 FCC Rcd 12540 (MB 2016) (2016 Waiver Order); *Accessible Emergency Information, and Apparatus Requirements for Emergency* (continued....)

15, 2024, NAB filed a petition requesting modification of the Audible Crawl Rule and a waiver of the rule for 18 months.⁴ On November 25, 2024, the Bureau sought comment on the Petition; comments are due December 26, 2024, and reply comments are due January 9, 2025.⁵

3. On November 27, 2024, NAB filed the Request, which indicates that because the waiver expired during the comment period on the Petition, “numerous large television station groups have ceased the display of such weather maps and similar visual images,” which “will harm the public.”⁶ According to NAB, compliance with the rule remains impossible, and a temporary waiver extension “will benefit all viewers by allowing broadcasters to maximize their news reporting capabilities during severe weather and other emergencies.”⁷ The Request states that the American Council of the Blind (ACB) has informed NAB that it supports the Request.⁸ The Bureau sought comment on the Request.⁹ Four comments and three reply comments all support the proposed retroactive temporary extension; no commenter opposes it.¹⁰

4. We evaluate the retroactive waiver request pursuant to the general waiver authority in section 1.3 of the Commission’s rules.¹¹ Waiver of the Commission’s rules is appropriate only if both (i)

Information and Video Description: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010, MB Docket No. 12-107, Memorandum Opinion and Order, 33 FCC Rcd 5059 (MB 2018) (2018 Waiver Order); *Accessible Emergency Information, and Apparatus Requirements for Emergency Information and Video Description: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010*, MB Docket No. 12-107, Memorandum Opinion and Order, 38 FCC Rcd 4982 (MB 2023) (2023 Waiver Order).

⁴ See Petition for Rulemaking and Extension of Waiver of the National Association of Broadcasters, MB Docket No. 12-107 (filed Nov. 15, 2024) (Petition).

⁵ See Media Bureau Seeks Comment on National Association of Broadcasters Petition for Rulemaking and Extension of Waiver of Accessible Emergency Requirements, Public Notice, MB Docket No. 12-107, DA 24-1184 (rel. Nov. 25, 2024).

⁶ See Request at 2.

⁷ *Id.* at 2-3.

⁸ *Id.* at 1.

⁹ See Media Bureau Seeks Comment on National Association of Broadcasters Request for Expedited Retroactive Waiver Extension, Public Notice, MB Docket No. 12-107, DA 24-1231 (rel. Dec. 6, 2024). Comments were due December 13, 2024, and reply comments were due December 18, 2024.

¹⁰ See Comments of Gray Local Media, Inc., MB Docket No. 12-107 (filed Dec. 13, 2024) (Gray Comments); Comments of Block Communications, Inc., CMG Media Corporation, Cowles Company, Imagicomm Communications, Mitts Telecasting Company, LLC, Nexstar Media Inc., Sun Broadcasting, Inc., The E.W. Scripps Company, and WBOC, Inc., MB Docket No. 12-107 (filed Dec. 13, 2024) (Joint Broadcasters Comments); Comments of American Broadcasting Cos., Inc., CBS Broadcasting, Inc., Fox Corporation, and NBCUniversal Media, LLC, MB Docket No. 12-107 (filed Dec. 13, 2024) (Network Commenters Comments); Comments of Society of Broadcast Engineers, Inc., MB Docket No. 12-107 (filed Dec. 13, 2024) (SBE Comments); Reply Comments of One Ministries, Inc., MB Docket No. 12-107 (filed Dec. 16, 2024) (OMI Reply); Reply Comments of LPTV Broadcasters Association, MB Docket No. 12-107 (filed Dec. 17, 2024) (LPTVBA Reply); Reply Comments of ABC Television Affiliates Association, CBS Television Network Affiliates Association, FBC Television Affiliates Association, and NBC Television Affiliates, MB Docket No. 12-107 (filed Dec. 18, 2024) (Affiliates Associations Reply).

¹¹ 47 CFR § 1.3 (“The provisions of this chapter may be suspended, revoked, amended, or waived for good cause shown, in whole or in part, at any time by the Commission, subject to the provisions of the Administrative Procedure Act and the provisions of this chapter. Any provision of the rules may be waived by the Commission on its own motion or on petition if good cause therefor is shown.”). We note that the Commission generally delegated authority to the Media Bureau and the Consumer and Governmental Affairs Bureau to consider waiver requests of the rules adopted in the *Emergency Information Order. Accessible Emergency Information, and Apparatus*

(continued....)

special circumstances warrant a deviation from the general rule, and (ii) such deviation will serve the public interest.¹²

III. DISCUSSION

5. We continue to recognize the critical importance of making emergency information accessible to individuals who are blind or visually impaired. At the same time, we note that NAB states that numerous broadcasters have amended the practices they used during the period the rule was subject to prior waivers (from 2015-2024) and ceased the use of graphics subject to the Audible Crawl Rule. NAB states this “will lead to diminished useful information about emergencies for all Americans, including deaf and hard of hearing individuals who may rely on the visual emergency information conveyed by radar maps and similar images.”¹³ Commenters also indicate that some broadcasters now have ceased the use of such graphics.¹⁴ Moreover, we note that our prior waivers, like the comments on the record in support of the Request, indicate that the critical details of an emergency provided in graphic form are in most instances duplicative of information conveyed in textual crawls, which are already aurally described and accessible to individuals who are blind or visually impaired.¹⁵

6. Accordingly, based on the record in this proceeding, in light of the pendency of the Petition, the fact that a temporary retroactive waiver would maintain the status quo, and the fact that no commenter opposed the Request, we conclude that special circumstances warrant a further temporary waiver from this aspect of the Audible Crawl Rule for a brief period. Consistent with prior waivers, we continue to strongly encourage broadcasters to provide the critical details of graphically displayed emergency information in an accessible manner whenever possible during the pendency of this waiver.¹⁶

7. Although the Request asked for the temporary waiver to extend until the underlying

Requirements for Emergency Information and Video Description: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010; Video Description: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010, MB Docket Nos. 12-107 and 11-43, Report and Order and Further Notice of Proposed Rulemaking, 28 FCC Rcd 4871, 4932, para. 99 (2013) (*Emergency Information Order*). See 47 CFR §§ 0.61, 0.283, and 1.3.

¹² *NetworkIP, LLC v. FCC*, 548 F.3d 116, 127 (D.C. Cir. 2008); *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

¹³ Request at 2.

¹⁴ See Gray Comments at 2 (“While Gray believes it is in the public interest to provide visual, non-textual information to viewers, it worries that doing so could place it in violation of the current Audible Crawl rule. Therefore, Gray directed its stations to remove all maps and other non-textual information from its emergency crawls when the FCC allowed its waiver to expire.”); Joint Broadcasters Comments at 1 (“[A]s long as the Audible Crawl Rule is in effect, broadcasters cannot air critical emergency information without incurring the risk of substantial regulatory sanctions.”); Network Commenters Comments at 1-2 (“[E]ach day [the Audible Crawl Rule] remains in effect without waiver risks diminution of visual coverage of emergency information that could otherwise benefit the public.”); SBE Comments at 4 (noting that a number of broadcast groups “have stopped displaying such graphical content due to compliance concerns”); Affiliates Associations Reply at 3 (“Many local broadcasters have altogether ceased providing graphic emergency information in order to avoid unintended violation of the Rule and the enforcement sanctions that could follow.”) (footnote omitted); LPTVBA Reply at 1-2 (“[S]wift grant of the requested waiver extension would serve the public interest by enabling broadcasters to continue to provide (or to resume providing) visual, non-textual emergency information (such as weather radar maps) to the public during non-news broadcast video programming without risking enforcement action.”).

¹⁵ See SBE Comments at 2 (granting the waiver request would “simply preserve the years-long status quo from prior to the waiver’s recent expiration, during which broadcasters in nearly all cases already made accessible the critical details of emergencies”); Affiliates Associations Reply at 3-4; *2018 Waiver Order*, 33 FCC Rcd at 5065, para. 14; *2023 Waiver Order*, 38 FCC Rcd at 4986, para. 8.

¹⁶ See *2018 Waiver Order*, 33 FCC Rcd at 5066, para. 14; *2023 Waiver Order*, 38 FCC Rcd at 4987, para. 9.

Petition is resolved,¹⁷ we grant the waiver for a specific six month period (from November 26, 2024 through May 27, 2025) or until there is a ruling on the underlying Petition, whichever is sooner.¹⁸ Commenters present a variety of views on the appropriate timeframe for the waiver.¹⁹ We believe that grant of a temporary waiver that does not include a specific time period would be inconsistent with our prior actions in this area and would require consideration of the arguments at issue in the Petition which is currently open for comment. We thus conclude that a maximum of six months is the best approach.

IV. ORDERING CLAUSES

8. Accordingly, **IT IS ORDERED** that, pursuant to the authority found in sections 4(i), 4(j), and 713 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), and 613, and sections 0.61, 0.283, and 1.3 of the Commission's rules, 47 CFR §§ 0.61, 0.283, and 1.3, this Memorandum Opinion and Order **IS ADOPTED**.

9. **IT IS FURTHER ORDERED** that the request for retroactive waiver of section 79.2(b)(2)(ii) of the Commission's rules, 47 CFR § 79.2(b)(2)(ii), filed by the National Association of Broadcasters **IS GRANTED** until the sooner of May 27, 2025 or the date on which there is a ruling on the November 15, 2024 NAB Petition.

10. To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at 202-418-0530.

FEDERAL COMMUNICATIONS COMMISSION

Holly Saurer
Chief, Media Bureau

¹⁷ Request at 2-3.

¹⁸ By adopting a waiver that is retroactive to November 26, 2024, we ensure that stations will not be subject to any enforcement action resulting from failure to provide an aural representation of visual, non-textual emergency information on a secondary audio stream that has occurred since that date. *See* Joint Broadcasters Comments at 4-5 (requesting the Bureau to ensure "that any stations that chose to incur the risk of enforcement by continuing to provide graphical, non-textual information in their broadcasts [] need not worry about being punished in the future for serving the public interest"); SBE Comments at 5 (waiving the rule "on a retroactive basis will shield stations that are currently running the risk of continuing to provide non-textual emergency information despite the aforementioned regulatory uncertainty").

¹⁹ *See, e.g.*, Request at 1 (indicating that the request is "for a brief retroactive extension of the waiver"); Gray Comments at 2 ("The FCC has previously granted extensions in 18-month intervals, and an additional extension will provide the Commission with time to consider the NAB's pending Petition to modify the Audible Crawl rule."); Joint Broadcasters Comments at 2 (urging the Bureau "to grant NAB's request for a retroactive waiver and then further waive the Audible Crawl Rule until such time as the technology needed to comply with the rule becomes readily available"); SBE Comments at 1 (supporting a waiver "for a period lasting until the Commission makes a final determination regarding the rule modifications raised in NAB's pending Petition"); Affiliates Associations Reply at 4 ("[A] further waiver need not be indefinite (or yet another 18-month extension in a decade-long series) but only long enough to preserve the status quo while the Commission considers the proposal in NAB's Petition.") (footnote omitted).



PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, DC 20554

News Media Information 202-418-0500
Internet: www.fcc.gov

DA 24-1289

Released: December 20, 2024

WIRELESS TELECOMMUNICATIONS BUREAU GRANTS 900 MHZ BROADBAND SEGMENT APPLICATIONS

WT Docket No. 17-200

By this Public Notice, the Wireless Telecommunications Bureau (Bureau) announces the grant of nine 900 MHz broadband segment license applications (see Appendix). On May 13, 2020, the Commission realigned the 900 MHz band to make available six megahertz of low-band spectrum for the development of critical wireless broadband technologies and services, while reserving the remaining four megahertz of spectrum for continued narrowband operations.¹ In accordance with the *900 MHz Report and Order*,² the Bureau began accepting 900 MHz broadband segment applications on May 27, 2021.³

The Bureau finds the 900 MHz broadband segment applications listed in the Appendix to be complete and in conformance with the Commission's rules. No petitions to deny these applications were filed, and the applications sufficiently demonstrate conformance with the eligibility conditions (Eligibility Certification) and requirements for transitioning the 900 MHz band in the particular county requested (Transition Plan).⁴ Furthermore, the Commission has received full anti-windfall payments for the licenses listed in the Appendix, as required by section 27.1503(c)(2).⁵ Therefore, the Bureau finds that granting the applications for the 900 MHz broadband segment licenses listed in the Appendix serves the public interest, convenience, and necessity.

Accordingly, by this Public Notice, we announce the grant of the licenses listed in the Appendix. We grant these licenses pursuant to section 309(a) of the Communications Act, 47 U.S.C. § 309(a), and sections 0.131 and 0.331 of the Commission's rules, 47 CFR §§ 0.131, 0.331. These new 900 MHz broadband licensees may begin operation in the applicable counties, subject to protection of covered incumbents.⁶

¹ *Review of the Commission's Rules Governing the 896–901/935–940 MHz Band*, WT Docket No. 17-200, Report and Order, Order of Proposed Modification, and Order, 35 FCC Rcd 5183 (2020) (*900 MHz Report and Order*).

² *Id.* at para. 113.

³ See *Wireless Telecommunications Bureau to Accept 900 MHz Broadband Segment Applications Beginning May 27, 2021*, WT Docket No. 17-200, Public Notice, 36 FCC Rcd 7377 (WTB 2021) (*900 MHz Broadband Segment Applications Public Notice*).

⁴ 47 CFR § 27.1503; see also *900 MHz Broadband Segment Applications Public Notice*, Attach. A.

⁵ 47 CFR § 27.1503(c)(2).

⁶ A Covered Incumbent is any 900 MHz site-based licensee in the broadband segment that is required under section 90.621(b) to be protected by a broadband licensee with a base station at any location within the county, or any 900 MHz geographic-based Specialized Mobile Radio (SMR) licensee in the broadband segment whose license area completely or partially overlaps the county. 47 CFR § 27.1501(g).

We remind licensees that they should review the Commission's part 27 rules and all Commission orders and public notices establishing rules and policies for the 900 MHz band.⁷ Each licensee is solely responsible for complying with all FCC rules and regulations associated with these licenses.

This Public Notice includes one appendix, which is included at the end of this document:

Appendix – 900 MHz Broadband Segment Licenses Granted – Sorted by Licensee

Applicants who have questions concerning this Public Notice may contact Morgan Mendenhall of the Wireless Telecommunications Bureau, Mobility Division, (202) 418-0154, morgan.mendenhall@fcc.gov.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice).

-FCC-

⁷ See 47 CFR pt. 27; see also *900 MHz Report and Order*, 35 FCC Rcd 5183; *900 MHz Broadband Segment Applications Public Notice*.

APPENDIX

900 MHZ BROADBAND SEGMENT LICENSES

APPLICATIONS GRANTED

SORTED BY LICENSEE

Licensee Name	File Number	FRN	Market/County Number (FIPS)	Market Description	Mandatory Relocation ¹
PDV Spectrum Holding Company, LLC	0011259997	0023948573	D48109	Culberson County, TX	N/A
PDV Spectrum Holding Company, LLC	0011291172	0023948573	D48009	Archer County, TX	N/A
PDV Spectrum Holding Company, LLC	0011296811	0023948573	D29001	Adair County, MO	N/A
PDV Spectrum Holding Company, LLC	0011296758	0023948573	D48023	Baylor County, IA	N/A
PDV Spectrum Holding Company, LLC	0011296774	0023948573	D29019	Boone County, MO	N/A
PDV Spectrum Holding Company, LLC	0011258655	0023948573	D48353	Nolan County, TX	N/A
PDV Spectrum Holding Company, LLC	0011259719	0023948573	D48135	Ector County, TX	N/A
PDV Spectrum Holding Company, LLC	0011259730	0023948573	D48329	Midland County, TX	N/A
PDV Spectrum Holding Company, LLC	0011282581	0023948573	D48005	Angelina County, TX	N/A

¹ Section 27.1504 permits a broadband licensee to relocate mandatorily certain incumbents from the 900 MHz broadband section. 47 CFR § 27.1504. Incumbent licensees identified for mandatory relocation by new licensees will appear in this column. When there are no incumbent licensees identified for mandatory relocation, N/A will appear.



PUBLIC NOTICE

Federal Communications Commission
45 L St., N.E.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

DA 24-1290

Released: December 23, 2024

Media Bureau Announces Federal Register Publication of Second Report and Order in *Program Originating FM Booster Stations*

MB Docket No. 20-401

On November 22, 2024, the Commission released a *Second Report and Order and Order on Reconsideration* in this proceeding to establish processing, licensing, and service rules that will allow voluntary, limited use of FM booster stations to originate content.¹

By this *Public Notice*, the Media Bureau announces that the *Booster Second R&O* was published in the *Federal Register* on December 13, 2024,² and the *Booster Second R&O* becomes effective 30 days thereafter, on January 13, 2025. The Media Bureau notes, however, that only the amendments of sections 11.21, 73.860, 74.1204(a) and (i), 74.1231, 74.1232, and 74.1290³ will become effective on January 13, 2025.⁴ Those rules concern compliance with emergency alert system requirements, permissible service parameters, licensing requirements, and political programming. Changes to the other rules adopted in the *Booster Second R&O*, specifically changes to sections 73.3526, 73.3527, 73.1204(f), and 74.1206,⁵ which contain new or modified information collection requirements that require approval by the Office of Management and Budget under the Paperwork Reduction Act, will become effective on the date specified in a notice published at a later date in the *Federal Register* announcing such approval. The Media Bureau will release a *Public Notice* at that time announcing the effective date of the remaining rule changes.⁶

For additional information on this proceeding, contact Irene Bleiweiss, Irene.Bleiweiss@fcc.gov, (202) 418-2785 or Albert Shuldiner, Albert.Shuldiner@fcc.gov, of the Media Bureau, Audio Division, (202) 418-2700. Press inquiries should be directed to Nancy Murphy (202) 418-1043, Nancy.Murphy@fcc.gov.

By the Chief, Media Bureau

--FCC--

¹ *Amendment of Section 74.123(i) of the Commission's Rules on FM Broadcast Booster Stations*, MB Docket No. 20-401, Second Report and Order and Order on Reconsideration, FCC 24-121 (rel. Nov. 22, 2024) (*Booster Second R&O*).

² *Program Originating FM Booster Stations*, 89 Fed. Reg. 100868 (Dec. 13, 2024).

³ 47 CFR §§ 11.21, 73.860, 74.1204(a) and (i), 74.1231, 74.1232, 74.1290.

⁴ *Booster Second R&O* at 31, para. 87.

⁵ 47 CFR §§ 73.3526, 73.3527, 73.1204(f), 74.1206.

⁶ *Id.*

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

In the Matter of	)	
	)	
Telecommunications Relay Services and Speech-	)	CG Docket No. 03-123
to-Speech Services for Individuals with Hearing	)	
and Speech Disabilities	)	
	)	
Internet-based TRS Certification Application of	)	
Mezmo Corporation to Provide IP Relay Service	)	

ORDER

Adopted: December 23, 2024

Released: December 23, 2024

By the Chief, Consumer and Governmental Affairs Bureau:

I. INTRODUCTION

1. By this Order, the Consumer and Governmental Affairs Bureau (Bureau) of the Federal Communications Commission (Commission) conditionally grants certification to Mezmo Corporation (dba InnoCaption) (InnoCaption), to receive compensation from the Interstate Telecommunications Relay Services (TRS) Fund for providing Internet Protocol Relay Service (IP Relay), pending verification that its actual provision of IP Relay meets or exceeds the Commission's minimum TRS standards.¹ This grant of conditional certification authorizes InnoCaption to provide TRS Fund-supported IP Relay through December 23, 2026, or the date of grant or denial of full certification, whichever occurs earlier.

II. BACKGROUND

2. IP Relay permits telephone communication "in text using an Internet Protocol-enabled device via the internet, rather than using a text telephone (TTY) and the public switched telephone network."² To date, IP Relay has been provided by having a communications assistant (CA) intermediating between the parties to the call. In a typical IP Relay call, a person with a hearing or speech disability (the IP Relay user) types a text communication, which the CA converts to voice for the other party. The CA then converts the other party's voiced response to text for the IP Relay user.

3. InnoCaption currently is fully certified to provide Internet Protocol Captioned Telephone Service (IP CTS).³ Its "hybrid" IP CTS offering allows users to switch between a fully automatic mode,

¹ See *Structure and Practices of the Video Relay Service Program*, CG Docket No. 10-51, Second Report and Order and Order, 26 FCC Rcd 10898, 10914-15, para. 37 (2011) (*2011 Internet-based TRS Certification Order*) (authorizing conditional certification).

² 47 CFR § 64.601(a)(26).

³ See generally *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Misuse of Internet Protocol (IP) Captioned Telephone Service; Mezmo Corporation d/b/a InnoCaption Certification to Provide Internet Protocol Captioned Telephone Service (IP CTS)*, CG Docket Nos. 03-123 and 13-24, Order, 37 FCC Rcd 14420 (CGB 2022).

using only automated speech recognition (ASR) to produce telephone captions, and a CA-assisted mode in which the captions are typed by stenographers.⁴

4. InnoCaption now requests certification to also provide IP Relay.⁵ As with its IP CTS offering, InnoCaption proposes to provide IP Relay using either ASR-only or human stenographers, at the IP Relay user's option, to transcribe the other party's communications for the IP Relay user.⁶ InnoCaption additionally proposes to use a text-to-speech engine in lieu of a CA to relay the IP Relay user's text communications to the hearing party.⁷ The IP Relay user would be able to select among different automatic text-to-speech voice options, and the service would generate an audible sound for the other party while the user is typing a response. Upon pressing "send," the text-to-speech engine would read the text aloud with the user's chosen voice option.⁸

5. InnoCaption further states: "upon receiving certification InnoCaption intends on engaging with our IP Relay user community to provide updates based on feedback to ensure the solution is constantly evolving alongside advances in telecommunications technology."⁹ InnoCaption's proposed IP Relay will be delivered via a web portal on computers or an Android or iOS-compatible application on a user's existing smartphone or tablet, as part of InnoCaption's existing solution that currently provides IP CTS.¹⁰

6. On November 2, 2022, the Bureau released a Public Notice seeking comment on the Application.¹¹ On December 2, a coalition of accessibility advocacy and research organizations (AARO) filed comments in support of the Application.¹² AARO argues that InnoCaption's proposed IP Relay would provide a service "enabling them to better suit their users' diverse needs" without directing users to

⁴ See generally *Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket Nos. 13-24 and 03-123, Memorandum Opinion and Order, 35 FCC Rcd 14193 (CGB 2020) (*InnoCaption IP CTS Conditional Certification Order*).

⁵ Internet-based TRS Certification Application of Mezmo Corporation to Provide IP Relay Service, CG Docket No. 03-123 (filed Aug. 12, 2022), <https://www.fcc.gov/ecfs/document/1081243555350/1> (Application). InnoCaption has redacted portions of its application for which it requests confidential treatment. Access to the redacted material is governed by the Third Protective Order in this docket. See *Misuse of Internet Protocol (IP) Captioned Telephone Service; Structure and Practices of the Video Relay Service Program; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket Nos. 13024, 10-51, and 03-123, Order and Third Protective Order, 33 FCC Rcd 6802, 6803, para. 4 (2018).

⁶ See Application at 8.

⁷ See *id.* Thus, if the IP Relay user opts for ASR to transcribe the hearing party's voice communications, the service would be fully automatic.

⁸ See *id.*

⁹ *Id.*

¹⁰ See *id.* at 7.

¹¹ *Comment Sought on Application of Mezmo Corporation dba InnoCaption for Certification as a Provider of Internet Protocol Relay Service*, CG Docket No. 03-123, Public Notice, 37 FCC Rcd 13065 (CGB 2022).

¹² The comments were filed in CG Docket No. 03-123. See Comments of Telecommunications for the Deaf and Hard of Hearing, Inc. (TDI), Hearing Loss Association of America (HLAA), National Association of the Deaf (NAD), and Rehabilitation Engineering Research Center on Technology for the Deaf and Hard of Hearing, Gallaudet University (DHH-RERC) (collectively, AARO), Comments on the Application of InnoCaption for Certification as a Provider of Internet Protocol Relay Service, at 2 (rec. Dec. 2, 2022) (AARO Comments) ("[T]he Commission should approve InnoCaption's application to provide IP Relay services in conjunction with its currently certified IP CTS offering.").

the sole certified IP Relay provider currently operating.¹³ Additionally, AARO urges the Commission to create an oversight regime with objective metrics for IP CTS and IP Relay offerings relying on ASR.¹⁴ While noting that “nothing in InnoCaption’s application concerns us with respect to their planned deployment,” AARO cautions that “[t]he Commission should be vigilant in assessing applications for IP Relay services to ensure that the infrastructure and technology described in the application is appropriate for IP Relay service and not merely an attempt by the provider to avail themselves of the higher compensation rates for IP Relay services relative to IP CTS.”¹⁵

7. On September 17, 2024, the Association of Late-Deafened Adults (ALDA) and Deaf Seniors of America (DSA) filed a letter, in which, without specifically mentioning InnoCaption’s application, they “urge[d] the Commission to consider certificating new entrants to advance innovation and functional equivalence.”¹⁶ On November 26, Deaf Equality and TDIforAccess filed a letter on behalf of multiple consumer advocacy and research groups, similarly urging the Commission “to certify additional qualified IP Relay providers and thereby expand choice and enhance service for those who rely on this critical service.”¹⁷

III. CERTIFICATION

8. We conditionally grant InnoCaption’s application, subject to verification—based on actual operating experience—that InnoCaption’s provision of IP Relay will meet or exceed the minimum TRS standards and that it complies with the conditions stated herein.¹⁸

9. *Eligibility of Fully Automatic IP Relay for TRS Fund Support.* In granting conditional certification to InnoCaption for the provision of its fully automatic IP CTS, the Bureau relied on a prior Commission ruling that the provision of IP CTS using only ASR to generate captions, without the involvement of a CA, meets the statutory definition of TRS¹⁹ and is eligible for compensation from the TRS Fund if provided in compliance with applicable mandatory minimum TRS standards.²⁰ To date, the

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.* at 3.

¹⁶ See Letter from Laura Sinclair, President, Ass’n of Late-Deafened Adults, to Marlene H. Dortch, Secretary, FCC, CG Docket No. 03-123 (filed Sept. 17, 2024) (ALDA and DSA Letter).

¹⁷ Letter from Zainab Alkebsi, Chief Policy Officer, Deaf Equality, to Marlene H. Dortch, Secretary, FCC, CG Docket No. 03-123, at 2 (filed Nov. 26, 2024) (Deaf Equality and TDI Letter). ALDA, NAD, Cerebral Palsy and Deaf Organization, Global Alliance of Speech-to-Text Captioning, National Hispanic Latino Association of the Deaf, American Association of the DeafBlind, ADARA, Gallaudet University Alumni Association, Registry of Interpreters for the Deaf, Inc., AccesSOS, and DHH-RERC also signed the letter as “supporting organizations.” See *id.* at 1.

¹⁸ See *2011 Internet-based TRS Certification Order*, 26 FCC Rcd at 10914-15, para. 37. We note that our conclusions herein regarding the eligibility of a fully automatic IP Relay service for TRS Fund support are provisional. The question whether the TRS Fund should support this type of service may be revisited by the Commission in the future. We anticipate that InnoCaption’s performance pursuant to this conditional certification may help inform any such future determination. Cf. *Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket Nos. 13-24 and 03-123, Report and Order, Declaratory Ruling, Further Notice of Proposed Rulemaking, and Notice of Inquiry, 33 FCC Rcd 5800, 5829-30, para. 52 (2018) (*2018 ASR Declaratory Ruling*) (“[A]s IP CTS providers begin offering fully automated ASR, we will be able to gather data that can inform our adoption of further measures to improve its utility.”).

¹⁹ 47 U.S.C. § 225(a)(3) (defining TRS as “telephone transmission services that provide the ability” to engage in communication by wire or radio “in a manner that is functionally equivalent” to voice communications service).

²⁰ See *2018 ASR Declaratory Ruling*, 33 FCC Rcd at 5827, para. 48.

Commission has not made a comparable ruling regarding the fully automatic provision of IP Relay. However, the Commission's findings and reasoning in its 2018 ruling appear to be applicable to IP Relay in numerous respects.

10. First, the reasoning underlying the Commission's conclusions that the fully automatic provision of IP CTS is authorized by statute and by the Commission's current rules appears to be equally applicable to the fully automatic provision of IP Relay. As noted in the *2018 ASR Declaratory Ruling*, section 225 of the Communications Act is neutral as to the technology and method used to achieve functional equivalent relay services, and expressly directs the Commission to encourage technological innovation in TRS.²¹ In addition, like the definition of IP CTS, the definition of IP Relay in the Commission's rules does not specify whether the functions necessary to provide the service shall be generated automatically or with human assistance.²²

11. Further, the Commission's finding in the *2018 ASR Declaratory Ruling* that fully automatic IP CTS can achieve functional equivalence is particularly relevant here, as there are important similarities between IP CTS and IP Relay with respect to the role played by automation of the CA function.²³ For example, the speech-to-text feature of InnoCaption's proposed IP Relay service relies on the same ASR engine as the captioning feature of its IP CTS offering.²⁴ Accordingly, we find support in the Commission's IP CTS ruling for a determination that, with respect to the conversion of speech to text, the use of ASR technology for IP Relay is likely to provide similar benefits for IP Relay as it does for IP CTS.²⁵ For the same reasons cited by the Commission with respect to IP CTS, it appears that use of ASR for IP Relay will substantially reduce transcription delays, and thus help achieve near-simultaneous communication, to a substantially greater extent than is possible when relying solely on CAs.²⁶ In addition, the substantially lower costs of operation for ASR can enable more efficient provision of IP Relay, allow enhanced call privacy, and improve the availability of IP Relay during exigent circumstances.²⁷ Finally, the accuracy of ASR technology has improved greatly since 2018, when the Commission deemed that, in general, its degree of accuracy was high enough so that, coupled with its advantages in speed and privacy, ASR had already become "a viable alternative to the use of human relay

²¹ *Id.* at 5831, para. 58 (citing 47 U.S.C. § 225(a)(3), (d)(2)).

²² 47 CFR § 64.601(a)(26); *cf.* *2018 ASR Declaratory Ruling*, 33 FCC Rcd at 5830-31, para. 55. Also applicable here is the Commission's determination that, although the TRS rules' definition of "Internet-based TRS," 47 CFR § 64.601(a)(16), contains a reference to CAs, "the operative part of this definition focuses on the need for a caller to use the Internet to connect to TRS, rather than a requirement for a CA to be on every TRS call," and that, accordingly, this definition does not preclude authorization of a form of Internet-based TRS that does not rely on CAs. *2018 ASR Declaratory Ruling*, 33 FCC Rcd at 5831, para. 56.

²³ The Commission has found that IP CTS and IP Relay share a number of service characteristics. *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Internet-based Captioned Telephone Service*, CG Docket No. 03-123, Declaratory Ruling, 22 FCC Rcd 379, 391, para. 29 (2007) (*2007 IP CTS Declaratory Ruling*). Indeed, in recognizing the original (analog) form of captioned telephone service as a form of TRS compensable from the Fund, the Commission recognized that it provides the same functionality as Voice Carry Over (VCO) service used with traditional text-based TRS. *Id.* at 383, para. 9. By the same token, IP CTS provides the same functionality as VCO service used with IP Relay (the Internet version of traditional text-based TRS).

²⁴ *See* Application at 10 (discussing the speed of InnoCaption's singular ASR engine and citing InnoCaption's amendment to its application for conditional certification of fully automatic IP CTS); *see also* Amendment to Application of Mezmo Corporation for Certification as a Provider of IP Captioned Telephone Services, CG Docket Nos. 13-24 and 03-123 (filed Mar. 13, 2020).

²⁵ *See 2018 ASR Declaratory Ruling*, 33 FCC Rcd at 5827-30, paras. 49-52.

²⁶ *See id.* at 5827-28, paras. 49-50.

²⁷ *See id.* at 5828, para. 50.

intermediaries.”²⁸ With respect to this particular application, test results for InnoCaption’s ASR (as well as the option for the consumer to use a CA) support the likelihood that its IP Relay service will achieve a high level of accuracy in the conversion of speech to text.²⁹

12. The *2018 ASR Declaratory Ruling* did not specifically address the other side of a CA’s function in IP Relay, the conversion of text to speech. However, automating the text-to-speech function appears likely to produce similar benefits to those of ASR by improving the real-time quality and efficiency of IP Relay conversations, enhancing call privacy, and improving service reliability.³⁰

13. Finally, as an additional factor in support of allowing the fully automatic provision of IP Relay, we find it important that the companies currently proposing to offer fully automatic IP Relay³¹ are the first new applicants to provide IP Relay in more than a decade. Since the exit of several IP Relay providers in 2013-14, there has been only one operating IP Relay provider, and numerous consumer advocacy groups have urged the Commission to expand the options available to IP Relay users.³² As these groups discuss, IP Relay is unique in that it “allows users to make and receive calls using any internet-connected device, such as a computer or smartphone, using text rather than voice,” offering “independence from audible responses” and enabling “seamless communication across various settings - whether for work, social interaction, or essential services.”³³ Indeed, IP Relay is “often the sole means of relay services for certain populations within these communities including but not limited to those who are DeafBlind or those who rely on text communications and are not able or comfortable to use their voice during telecommunication calls.”³⁴ We agree with these consumer advocates that conditionally certifying new applicants who demonstrate their qualifications is likely to benefit all IP Relay users by providing more options, creating the competitive incentive for existing and new providers to offer improved service and enhanced features.³⁵

14. *Sufficiency of the Application.* InnoCaption’s application is facially sufficient to satisfy the Commission’s certification requirements. The application and related submissions provide all the information and documentation specified by the Commission’s certification rules, including: (1) a description of the services to be provided;³⁶ (2) a detailed description of how InnoCaption will meet all

²⁸ *Id.* at 5828-29, para. 51.

²⁹ See *infra* paras. 17-18.

³⁰ See, e.g., Application at 8 (explaining how InnoCaption’s TTS engine would allow users to “not need to rely on a human intermediary to read aloud the text to the other party”); cf. *2018 ASR Declaratory Ruling*, 33 FCC Rcd at 5827-28, paras. 49-50.

³¹ In addition to InnoCaption, Nagish, Inc., has applied for certification to provide IP Relay as a fully automatic service. See Internet-based TRS Certification Application of Nagish, Inc., CG Docket No. 03-123 (filed June 23, 2022), <https://www.fcc.gov/ecfs/document/106231030902855/1>; Amendment to Internet-Based Certification Application of Nagish, Inc., CG Docket No. 03-123 (filed Aug. 16, 2023); Second Amendment to Internet-Based Certification Application of Nagish, Inc., CG Docket No. 03-123 (filed June 14, 2024); Third Amendment to Internet-Based Certification Application of Nagish, Inc., CG Docket No. 03-123 (filed Sept. 19, 2024).

³² See ALDA and DSA Letter at 1 (emphasizing “the need to incentivize ‘potential new IP Relay providers to enter the market’ after several providers exited the market in 2013-2014” and the importance of IP Relay for DeafBlind individuals); Deaf Equality and TDI Letter at 1 (“strongly urg[ing] the Federal Communications Commission . . . to expand the number of certified providers of Internet Protocol Relay . . . services with all due haste”).

³³ Deaf Equality and TDI Letter at 1.

³⁴ *Id.* at 1; see also ALDA and DSA Letter at 1 (stating that “IP Relay is an especially important service for individuals who are DeafBlind”).

³⁵ Deaf Equality and TDI Letter at 2.

³⁶ 47 CFR § 64.606(a)(2)(i); Application at 6-8.

non-waived mandatory minimum standards applicable to IP Relay;³⁷ (3) a description of InnoCaption's organizational structure, including the names of its 10 percent or more equity interest holders, the names of persons with the power to vote 10 percent or more of the securities of InnoCaption, and the names of its executives, officers and members of its board;³⁸ (4) a confidential list of the number of its full-time and part-time employees involved in InnoCaption's IP Relay operations by position;³⁹ and (5) a confidential list of all sponsorship arrangements relating to the provision of Internet-based TRS.⁴⁰ InnoCaption also provides a description of its complaint procedures, confirmation that it will file annual compliance reports demonstrating continued compliance with the TRS rules, and verification by a senior executive as to the accuracy and completeness of the information provided.⁴¹ Further, as discussed below, the application and supporting information, including the results of testing of speed and accuracy by the Commission's National Test Lab,⁴² sufficiently support InnoCaption's specific claims regarding the efficacy of its use of ASR and text-to-speech technology in meeting the Commission's minimum TRS standards for speed of answer, service continuity, text speed, accuracy, readability, clarity, privacy, and emergency call handling.⁴³

15. *Speed of Answer.* InnoCaption has made a sufficient showing that with its hybrid IP Relay, including its fully automatic service, it will meet or exceed the minimum TRS standards relating to speed of answer.⁴⁴ According to the application, InnoCaption ensures that CAs are scheduled "to ensure that based on projected call volumes the likelihood of a user receiving a busy response from the network is functionally equivalent to what a voice caller would experience in similar circumstances on the voice telephone network."⁴⁵ For InnoCaption calls using ASR, the calls "can be answered immediately" by a "virtual" CA, and InnoCaption may "quickly increase the number of available virtual CAs at any time to meet demand and utilization trends."⁴⁶

16. *Service Continuity.* We also find that InnoCaption has demonstrated that it will be able to maintain service continuity in the provision of IP Relay. TRS providers must have redundancy features

³⁷ 47 CFR § 64.606(a)(2)(ii); Application at 9-19.

³⁸ 47 CFR § 64.606(a)(2)(ii)(B); Application at 20; Letter from Cristina O. Duarte, InnoCaption, to Marlene H. Dortch, Secretary, FCC, CG Docket No. 03-123, Attach. 3, Compliance with Non-Waived Mandatory Minimum Standards, at 2 (filed June 17, 2022) (2022 Annual Report) (included with the Application as Attach. A).

³⁹ 47 CFR § 64.606(a)(2)(ii)(C); 2022 Annual Report at 3.

⁴⁰ 47 CFR § 64.606(a)(2)(ii)(E); 2022 Annual Report at 4.

⁴¹ See Application at 21-22 (complaint procedures); *id.* at 23 (annual filing); *id.* at 25 (verification).

⁴² See generally FCC Telecommunications Relay Services Project, Captioning Device Performance Testing, InnoCaption Automatic Speech Recognition (ASR) Assessment (July 2020), CG Docket Nos. 13-24 and 03-123 (filed Nov. 13, 2020) (NTL Test Report). The National Test Lab is operated by MITRE Corporation (MITRE) as part of the CMS Alliance to Modernize Healthcare, a Federally Funded Research and Development Center sponsored by the Centers for Medicare & Medicaid Services (CMS). See CMS Alliance to Modernize Healthcare, Internet Protocol Caption Telephone Service (IP CTS) Devices: Summary of Phase I Activities, at 1 (July 24, 2017), CG Docket Nos. 13-24 and 03-123 (filed by CGB Apr. 11, 2018).

⁴³ Cf. 2018 ASR Declaratory Ruling, 33 FCC Rcd at 5834-35, para. 63 (noting that applicants to provide ASR-based IP CTS must support all claims regarding their use of ASR and its efficacy).

⁴⁴ See 47 CFR § 64.604(b)(2)(ii) (requiring IP Relay providers to answer 85% of calls within 10 seconds, measured daily).

⁴⁵ Application at 15-16.

⁴⁶ 2022 Annual Report at 6.

functionally equivalent to the equipment in telephone company central offices.⁴⁷ InnoCaption states that its service operates 24 hours per day, every day, is “fully redundant,” and employs uninterruptible power sources for emergency use.⁴⁸

17. *Speech-to-Text Speed.* As noted above, the speech-to-text feature of its IP Relay service relies on the same process as the captioning feature of its IP CTS offering.⁴⁹ InnoCaption states that its prospective CAs must meet a minimum requirement of 180 words per minute at 95% accuracy, while InnoCaption’s ASR engine has been successfully tested at speeds of up to 240 words per minute.⁵⁰ When granting conditional IP CTS certification for InnoCaption’s fully automatic IP CTS, we found that InnoCaption’s application sufficiently supported its claim that both its ASR platform and its CAs would transcribe captions in real time and in compliance with the current TRS standards relating to captioning speed or delay.⁵¹ As noted in the *InnoCaption IP CTS Conditional Certification Order*,⁵² NTL testing also supports InnoCaption’s claims regarding its speech-to-text speed. Based on this documentation, we conclude that the speech-to-text functionality of InnoCaption’s proposed IP Relay service will meet the Commission’s minimum standards with respect to the speed of conversion of speech to text.

18. *Accuracy and Readability.* Although the TRS rules do not currently provide quantitative standards for accuracy and readability, the typing, grammar, and spelling of speech transcriptions must be “competent,” and conversations must be relayed “verbatim,” with no intentional alteration of content unless a user specifically requests summarization.⁵³ When granting conditional IP CTS certification to InnoCaption, we found that InnoCaption’s application sufficiently supported its claim that its ASR platform would meet or exceed the Commission’s competence and “verbatim” requirements.⁵⁴ Based on the same documentation, we make a similar finding with respect to the speech-to-text function of InnoCaption’s IP Relay service. In testing by NTL, InnoCaption’s word error rate for various call scenarios ranged from 4.2% to 12.0% for InnoCaption’s fully automatic IP CTS, whereas the average word error rates for CA-assisted providers (other than InnoCaption) were higher, ranging from 8.0% to 19.7% for the same call scenarios.⁵⁵

19. *Text-to-Speech Accuracy and Clarity.* Likewise, the TRS rules do not note any quantitative standards regarding the clarity of an IP Relay service’s provided voice communications but state that “CAs must possess clear and articulate voice communications.”⁵⁶ InnoCaption states that its

⁴⁷ See 47 CFR § 64.604(b)(4)(ii) (“TRS shall have redundancy features functionally equivalent to the equipment in normal central offices, including uninterruptible power for emergency use.”).

⁴⁸ Application at 16.

⁴⁹ *Id.* at 7-10 (noting commonalities between InnoCaption’s IP CTS and proposed IP Relay and discussing the characteristics of InnoCaption’s stenographer CAs and ASR engine used for both services).

⁵⁰ See *id.* at 9-10.

⁵¹ See *InnoCaption IP CTS Conditional Certification Order*, 35 FCC Rcd at 14198, paras. 10-11. In addition to the minimum typing speed standard of 60 words per minute, which is generally applicable to text-based TRS, IP CTS is subject to a requirement that captions must be delivered “fast enough so that they keep up with the speed of the other party’s speech.” *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Internet-based Captioned Telephone Service*, CG Docket No. 03-123, Declaratory Ruling 22 FCC Rcd 379, 388-89, para. 22 & n.69 (2007) (*2007 IP CTS Declaratory Ruling*). The Commission has not indicated that IP Relay is subject to this additional standard.

⁵² See *InnoCaption IP CTS Conditional Certification Order*, 35 FCC Rcd at 14198, para. 11 (citing NTL Test Report at 3).

⁵³ 47 CFR § 64.604(a)(1)(ii), (2)(ii).

⁵⁴ See *InnoCaption IP CTS Conditional Certification Order*, 35 FCC Rcd at 14199-200, paras. 12-14.

⁵⁵ NTL Test Report at 3.

text-to-speech technology uses “a natural sounding human voice selected by the consumer” and generates speech audio “verbatim.”⁵⁷

20. *Requested Voice Gender.* The Commission’s rules require that TRS providers, including IP Relay providers, “make best efforts to accommodate a TRS user’s requested CA gender when a call is initiated and, if a transfer occurs, at the time the call is transferred to another CA.”⁵⁸ InnoCaption states that its “current limited TTS functionality . . . provides the option to select between the following voices: male, female (higher pitch), or female (mid pitch).”⁵⁹ We find that InnoCaption adequately accommodates users’ requests to use a voice of a particular gender.

21. *Privacy.* The Commission’s confidentiality requirements for TRS call content prohibit the disclosure or retention of call content for any purpose, either locally or in the cloud.⁶⁰ In addition, providers must protect the privacy of customer information.⁶¹ Our rules obligate a provider to protect call content and customer information regardless of the specific persons or entities (e.g., CAs, other employees, vendors, or agents) that a provider may designate to handle such information on its behalf.⁶² InnoCaption’s application adequately describes how it assesses its vendors and how it protects user call data and other sensitive information.⁶³

22. *Emergency Call Handling.* Under the Commission’s TRS standard for emergency call handling, an IP Relay provider must ensure that 911 calls are given priority over non-911 calls.⁶⁴ In addition, when responsible for placing or routing voice calls to the public switched telephone network, an IP Relay provider must ensure that the call is routed, and required caller information delivered to the appropriate public safety answering point (PSAP).⁶⁵ InnoCaption sufficiently establishes that it will handle emergency calls in accordance with these rules.⁶⁶ According to InnoCaption, its product routes emergency calls to the user’s local PSAP.⁶⁷ InnoCaption first routes 911 calls to a live CA for providing captions, after which the user may switch to using ASR for the speech-to-text component of the IP Relay service, and the user is then able to use the text-to-speech feature to communicate with the PSAP.⁶⁸ InnoCaption further notes that IP Relay users would “receive a pop-up reminding them how to unmute

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⁵⁶ 47 CFR § 64.604(a)(1)(ii).

⁵⁷ Application at 8, 12.

⁵⁸ 47 CFR § 64.604(a)(1)(vi).

⁵⁹ Application at 8.

⁶⁰ See 47 CFR § 64.604(a)(2)(i) (prohibiting CAs from disclosing or retaining call content except as authorized by 47 U.S.C. § 605); cf. *2018 ASR Declaratory Ruling*, 33 FCC Rcd at 5832-33, para. 60 (clarifying that rules prohibiting TRS CAs from disclosing the content of a relayed conversation or keeping records of the content beyond the duration of a call apply to ASR-based IP CTS).

⁶¹ See 47 CFR §§ 64.2001-64.2011 (restricting disclosure and use of customer proprietary network information); see also *id.* § 9.14(b)(2)(vi) (limiting disclosure and use of information obtained while handling 911 calls).

⁶² See, e.g., *2018 ASR Declaratory Ruling*, 33 FCC Rcd at 5832-33, para. 60. As the Commission has noted previously, the use of ASR can enhance call privacy by eliminating the need for a human CA to listen to a call. *Id.* at 5828, para. 50.

⁶³ Application at 11-12.

⁶⁴ 47 CFR § 9.14(b)(2)(ii).

⁶⁵ *Id.* § 9.14(b)(2)(i), (e).

⁶⁶ Application at 14-15.

⁶⁷ *Id.* at 14.

⁶⁸ *Id.*

the microphone in the event they would like the PSAP to be able to hear environmental noises during the call.⁶⁹

23. *Conditional Certification.* We grant InnoCaption certification on a conditional basis, to provide IP Relay for a period not to exceed two years from the effective date of this order, pending further verification based on actual performance that its service complies with the Commission's minimum TRS standards and the conditions specified herein and whether such performance indicates that the TRS Fund's support of fully automatic IP Relay services is in the public interest. Because a key part of InnoCaption's proposed IP Relay service will rely on fully automatic captioning and text-to-speech technology, we believe the best course is to collect additional information, through observing InnoCaption's service in operation, to confirm that this service will meet or exceed the minimum TRS standards.⁷⁰

24. To assist the Bureau in its final determination of InnoCaption's qualifications to provide IP Relay, we require InnoCaption to provide quarterly reports of consumer complaints filed with the Commission in the same format and with the same degree of detail required in the log of consumer complaints that providers must file annually with the Commission.⁷¹ The first reports shall be due May 1, 2025, and shall cover the period from the commencement of service through March 30, 2025.⁷² Subsequent reports shall be filed on the first day of the second month of each calendar quarter and shall cover the preceding calendar quarter. For example, the second reports shall be due August 1, 2025, and shall cover the period from April 1 through June 30, 2025. InnoCaption shall continue to file reports on a quarterly schedule until the expiration of this conditional certification, or until Commission action granting or denying full certification, whichever occurs earlier.

25. Pending a decision on full certification, the Bureau may request additional information in order to complete our review of InnoCaption's application, such as the results and protocols for performance tests conducted by InnoCaption or independent third parties.⁷³ We also require InnoCaption

⁶⁹ *Id.* at 14-15.

⁷⁰ See 2011 *Internet-based TRS Certification Order*, 26 FCC Rcd at 10914-15, para. 37 (reserving the right to grant conditional certification "where the Commission, upon initial review of the application, determines that the application facially meets the certification requirements, but that the Commission needs to verify some of the information contained in the application"). Cf. 2018 *ASR Declaratory Ruling*, 33 FCC Rcd at 5834-35, para. 63 (stating that "no application to provide ASR will be approved unless the applicant demonstrates that the specific ASR technology described in the application meets applicable FCC requirements"); *id.* at 5835, para. 64 (noting that certification of an ASR-only provider may be granted on a conditional basis to enable assessment of an applicant's actual performance).

⁷¹ See 47 CFR § 64.604(c)(1); cf. 2018 *ASR Declaratory Ruling*, 33 FCC Rcd at 5835, para. 64 (noting that to the extent deemed necessary, certification of a provider may be conditioned on the submission of periodic data to help confirm whether ASR-only IP CTS is providing functionally equivalent service).

⁷² InnoCaption's first report shall specify the date of commencement of service.

⁷³ Cf. 2018 *ASR Declaratory Ruling*, 33 FCC Rcd at 5834-35, para. 63 (citing test results as an example of supporting information an ASR applicant might provide). See also *Notice of Conditional Grant of Application of Miracom USA, Inc., for Certification as a Provider of Internet Protocol Captioned Telephone Service Eligible for Compensation from the Telecommunications Relay Services Fund*, CG Docket Nos. 03-123, 10-51, and 13-24, Public Notice, 29 FCC Rcd 5105, 5106-10 (CGB 2014) (*Miracom Certification*) (conditioning certification on submission of additional information, including quarterly testing and reports). With some exceptions, such as speed of answer, the Commission's minimum TRS standards do not currently include quantitative metrics. However, testing with respect to various performance criteria, such as latency and accuracy of captions, may be helpful in the overall evaluation of this application for the purpose of deciding whether to grant full certification. Further, the Commission has proposed to adopt quantified standards for caption delay and accuracy, which, if adopted, would be applicable to all IP CTS providers, including those applying for certification or authorized under conditional certification. See *Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Structure and Practices of the* (continued....)

to report promptly any changes in the information previously provided to the Commission in its application and supplemental filings, including, for example, any changes in service agreements and suppliers, procedures for registering and screening prospective users, or the manner in which InnoCaption provides service.

26. Pursuant to this grant of conditional certification, InnoCaption may provide Fund-supported IP Relay in the manner described in its application, for a period not to exceed two years, pending a final determination of InnoCaption's qualifications. This conditional certification is issued without prejudice to such final determination, which is dependent on verification of the information provided in InnoCaption's application and supplemental filings, as well as the additional information provided pursuant to this order, and on the veracity of the applicant's representations that it will provide service in compliance with all pertinent Commission requirements. To assist in reaching a final determination, the Bureau may conduct one or more unannounced site visits to InnoCaption's premises and may request additional documentation relating to InnoCaption's provision of IP Relay. Conversion to full certification will be granted if, based on a review of the applicant's documentation and other relevant information, the Commission finds that InnoCaption is in compliance with applicable Commission rules and orders and is qualified to receive compensation from the Fund for the provision of IP Relay. If, at any time during the period in which InnoCaption is operating pursuant to this conditional certification, the Commission determines that InnoCaption has failed to provide sufficient supporting documentation for any of the assertions in its application, determines that any of those assertions cannot be supported, or finds evidence of any apparent rule violation, fraud, waste, or abuse, the Commission will take appropriate action, which may include the denial of InnoCaption's application. In the event of such denial, InnoCaption's conditional certification will automatically terminate thirty-five (35) days after such denial.⁷⁴

27. *Preventing Misuse.* We remind InnoCaption and all other TRS providers that IP Relay is intended to provide a service functionally equivalent to voice telephone service, and must not be provided as a substitute for transcription of in-person meetings or conversations.⁷⁵ We also remind InnoCaption that "it must institute procedures to verify the accuracy of registration information, including the [IP Relay's user's] name and mailing address, before issuing the [user] a ten-digit telephone number."⁷⁶ Further, although our rules do not prohibit InnoCaption from enabling its registered users to save transcriptions as they appear on a device, they do prohibit an IP Relay provider itself from retaining call transcripts or subsequently providing transcripts to IP Relay users beyond the duration of the call.⁷⁷

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Video Relay Service Program, CG Docket Nos. 13-24, 03-123, and 10-51, Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking, 35 FCC Rcd 10866, 10898-902, paras. 66-77 (2020).

⁷⁴ See *2011 Internet-based TRS Certification Order*, 26 FCC Rcd at 10914-15, para. 37.

⁷⁵ For example, Communication Access Realtime Translation (CART) is often used to generate captions for live meetings, speeches, and other in-person situations where the provision of TRS Fund-supported relay services is not permitted. See *Miracom Certification*, 29 FCC Rcd at 5110; see also *Structure and Practices of the Video Relay Service Program; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket Nos. 10-51 and 03-123, Report and Order and Further Notice of Proposed Rulemaking, 28 FCC Rcd 8618, 8691, para. 180 & n.465 (2013) (explaining that the use of TRS Fund-supported VRS to substitute for video remote interpreting—a service that is used when an interpreter cannot be physically present to interpret for two or more persons who are in the same location—is not permitted).

⁷⁶ *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; E911 for IP-Enabled Service Providers*, CG Docket No. 03-123, CC Docket No. 98-67, WC Docket No. 05-196, Second Report and Order and Order on Reconsideration, 24 FCC Rcd 791, 809, para. 37 (2008).

⁷⁷ See 47 CFR § 64.604(a)(2)(i). There is a limited exception applicable only to speech-to-speech services.

Finally, we remind InnoCaption that its marketing of this service must conform with the Commission's rules.⁷⁸

28. *Compensation.* Providers of IP Relay are currently compensated under a single formula, in the amount of \$2.1252 per minute for Fund Year 2024-25.⁷⁹ Newly certified IP Relay providers should not assume or expect that the current compensation formula will remain applicable or that any revised formula(s) will necessarily allow them to recover their cost of service, even if they serve a special population or use a new, more expensive method of providing service.⁸⁰ Further, and especially given the current disparity between the compensation rates for IP Relay and IP CTS, we stress that providers offering both types of services from the same platform must take care, when submitting requests for compensation to the TRS Fund administrator, to ensure the appropriate billing of minutes of use for each service. For example, providers must not bill the TRS Fund at the IP Relay compensation rate for minutes of service that include only transcription of a caller's speech, without any conversion of the registered user's communications from text to speech.

IV. PROCEDURAL MATTERS

29. *People with Disabilities:* To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice) or 202-418-0432 (TTY).

30. *Additional Information.* For further information regarding this item, please contact Stephen Wang, Disability Rights Office, Consumer and Governmental Affairs Bureau, at 202-418-1634 or by e-mail to Stephen.Wang@fcc.gov.

V. ORDERING CLAUSES

31. Accordingly, IT IS ORDERED that, pursuant to sections 1, 2, 4(i), 4(j), and 225 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 152, 154(i), 154(j), 225, sections 0.141, 0.361, 1.3, and 64.606(b)(2) of the Commission's rules, 47 CFR §§ 0.141, 0.361, 1.3, 64.606(b)(2), the application of Mezmo Corporation (dba InnoCaption), for certification to provide IP Relay is GRANTED as conditioned in this Order.

32. IT IS FURTHER ORDERED that, pursuant to section 1.102(b)(1) of the Commission rules, 47 CFR § 1.102(b)(1), this Order SHALL BE EFFECTIVE upon release.

FEDERAL COMMUNICATIONS COMMISSION

Alejandro Roark, Chief
Consumer and Governmental Affairs Bureau

⁷⁸ See, e.g., 47 CFR § 64.604(c)(8), (11), (13). In the context of IP CTS, the Commission has noted that the ease and convenience of using the service, while facilitating its use by people who need it for effective communication, also creates a risk that IP CTS will be used when it is not needed. See *2018 ASR Declaratory Ruling*, 33 FCC Rcd at 5805, para. 9.

⁷⁹ See *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Structure and Practices of the Video Relay Service Program*, CG Docket Nos. 03-123 and 10-51, Order, DA 24-620, at 4, para. 9 (CGB June 28, 2024).

⁸⁰ See *Miracom Certification*, 29 FCC Rcd at 5108 n.19 ("Compensation rates are determined in light of the minimum standards as set by the Commission. Although the Commission may periodically reassess those standards in light of new services and technologies, a TRS provider cannot unilaterally impose a higher standard or secure a higher compensation rate simply by utilizing a new, more expensive method of providing service.").

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

In the Matter of	)	
	)	
Telecommunications Relay Services and Speech-	)	CG Docket No. 03-123
to-Speech Services for Individuals with Hearing	)	
and Speech Disabilities	)	
	)	
Internet-based TRS Certification Application of	)	
Nagish Inc.	)	

ORDER

Adopted: December 23, 2024

Released: December 23, 2024

By the Chief, Consumer and Governmental Affairs Bureau:

I. INTRODUCTION

1. By this Order, the Consumer and Governmental Affairs Bureau (Bureau) of the Federal Communications Commission (Commission) conditionally grants certification to Nagish, Inc. (Nagish), to receive compensation from the Interstate Telecommunications Relay Services (TRS) Fund for providing Internet Protocol Relay Service (IP Relay), pending verification that its actual provision of IP Relay meets or exceeds the Commission's minimum Telecommunications Relay Service (TRS) standards.¹ This grant of conditional certification authorizes Nagish to provide TRS Fund-supported IP Relay through December 23, 2026, or the date of grant or denial of full certification, whichever occurs earlier. The Bureau also dismisses Nagish's request for waiver of certain TRS rules.²

II. BACKGROUND

2. IP Relay permits telephone communication "in text using an Internet Protocol-enabled device via the internet, rather than using a text telephone (TTY) and the public switched telephone network."³ To date, IP Relay has been provided by having a communications assistant (CA) intermediating between the parties to the call. In a typical IP Relay call, a person with a hearing or speech disability (the IP Relay user) types a text communication, which the CA converts to voice for the other party. The CA then converts the other party's voiced response to text for the IP Relay user.

3. Nagish, which currently holds a conditional certification to provide Internet Protocol Captioned Telephone Service (IP CTS), requests certification to also provide IP Relay.⁴ As with its IP

¹ See *Structure and Practices of the Video Relay Service Program*, CG Docket No. 10-51, Second Report and Order and Order, 26 FCC Rcd 10898, 10914-15, para. 37 (2011) (*2011 Internet-based TRS Certification Order*) (authorizing conditional certification).

² See 47 CFR § 64.604(a)(i)-(iii), 64.604(b).

³ *Id.* § 64.601(a)(26).

⁴ Internet-based TRS Certification Application of Nagish, Inc., CG Docket No. 03-123 (filed June 23, 2022), <https://www.fcc.gov/ecfs/document/106231030902855/1> (Application); Amendment to Internet-Based Certification Application of Nagish, Inc., CG Docket No. 03-123 (filed Aug. 16, 2023) (First Amendment to Application); Second Amendment to Internet-Based Certification Application of Nagish, Inc., CG Docket No. 03-123 (filed June 14, 2024) (Second Amendment to Application); Third Amendment to Internet-Based Certification Application of (continued....)

CTS offering, Nagish proposes to provide IP Relay on a fully automatic basis, i.e., using text-to-speech technology to deliver the IP Relay users' communications to hearing call participants and using automatic speech recognition (ASR) to deliver hearing parties' communications to IP Relay users, without any reliance on communications assistants (CAs).⁵ Nagish also requests waiver of certain mandatory minimum TRS standards.⁶

4. Nagish's proposed IP Relay will be delivered via an over-the-top Android- or iOS-compatible application downloaded onto a customer's existing mobile device.⁷ Nagish states that it has contracts with various vendors to render speech into text using ASR and can incorporate new ASR vendors as needed.⁸ According to the application, each ASR provider is subjected to extensive initial evaluation testing involving an array of call conditions⁹ and is regularly tested "both manually and in an automated fashion."¹⁰ Additionally, Nagish explains that its proposed IP Relay's text-to-speech technology uses voices that "have been carefully chosen to ensure that voice callers communicating with IP Relay users who cannot speak are comprehensible to voice callers who do not rely on speech synthesizers on a regular basis."¹¹ Nagish states that an independent testing firm, Cositics, LLC, has tested its proposed IP Relay service.¹²

5. On October 12, 2022, the Bureau released a Public Notice seeking comment on Nagish's application and waiver request.¹³ On November 14, ClearCaptions, LLC, and a coalition of accessibility

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Nagish, Inc., CG Docket No. 03-123 (filed Sept. 19, 2024) (Third Amendment to Application). Nagish has redacted portions of its application, including its subsequent amendments, for which it requests confidential treatment. Access to the redacted material is governed by the Third Protective Order in this docket. *See Misuse of Internet Protocol (IP) Captioned Telephone Service; Structure and Practices of the Video Relay Service Program; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket Nos. 13-24, 10-51, and 03-123, Order and Third Protective Order, 33 FCC Rcd 6802, 6803, para. 4 (2018).

⁵ See Application at 9. When filed, the application sought certification to provide a dual Internet Protocol Captioned Telephone Service (IP CTS) and IP Relay service. The Bureau earlier granted conditional certification to Nagish to provide IP CTS on a fully automatic basis. *See Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Order, 39 FCC Rcd 92 (CGB 2024) (*Nagish IP CTS Conditional Certification Order*). IP CTS is a form of Internet-based telecommunications relay service that allows individuals with hearing loss to both read captions and use their residual hearing to understand a telephone conversation. *See* 47 CFR § 64.601(a)(25) (defining IP CTS). Captions may be displayed on a specialized IP CTS device or an off-the-shelf computer, tablet, or smartphone. Internet-based TRS providers obtain certification from the Commission to be eligible to receive compensation from the TRS Fund. *Id.* § 64.606.

⁶ Application at 12-13, 16.

⁷ *Id.* at 5, 9.

⁸ *Id.* at 6-7.

⁹ *Id.* at 7.

¹⁰ *Id.*

¹¹ *Id.* at 9.

¹² *Id.* See also *id.* Exh. B, Cositics IP Relay Test Results (redacted in public version). Nagish has authorized the Commission to make these test results public. Letter from Michael Scott, Deputy Division Chief, Disability Rights Office, Consumer and Governmental Affairs Bureau, FCC, to Marlene Dortch, Secretary, FCC, CG Docket No. 03-123 (filed Dec. 19, 2024) (CGB Dec. 19 Filing) (noting correspondence from Nagish's counsel providing authorization and attaching the Cositics IP Relay Test Results).

¹³ *Comment Sought on Application of Nagish, Inc., for Certification as a Provider of Internet Protocol Captioned Telephone Service and Internet Protocol Relay Service*, CG Docket No. 03-123, Public Notice, 37 FCC Rcd 11610 (CGB 2022).

advocacy and research organizations (AARO) filed comments.¹⁴ Neither commenter opposes Nagish's application, and, in fact, AARO notes that "Nagish's integrated IP Relay and IP CTS offerings are a promising approach to user choice."¹⁵ However, AARO raises general concerns about the use of ASR for TRS.¹⁶ AARO also recommends that the Commission review carefully the adequacy of Nagish's ability to ensure privacy and quality of service.¹⁷ Similarly raising concerns about the exclusive use of ASR, ClearCaptions recommends that the Commission review carefully the adequacy of Nagish's ASR platform, the use of artificial intelligence, and quality assurance practices.¹⁸ ClearCaptions asserts that, although "[t]esting IP Relay with scripted calls partially demonstrates the capability of ASR-based IP Relay . . . real-life calls are more challenging . . . and require additional development to ensure similar performance results."¹⁹ ClearCaptions further questions how Nagish intends to correctly bill the correct TRS service if users are able to switch between IP CTS and IP Relay during calls and whether Nagish "has adequate IP Relay registration procedures in place, especially given prior instances of fraudulent registration in IP Relay."²⁰

6. In reply comments, Nagish argues that its application "meets or exceeds the standards articulated in the Commission's rules and orders to be a certificated [TRS] Fund-supported provider of both IP CTS and IP Relay."²¹ Nagish explains that its engineers conduct rigorous quality tests daily and that its users have the ability to report caption issues after every call.²² Regarding concerns about accurate billing and potentially fraudulent registration, Nagish states that its software categorizes calls by service by the second to ensure accurate billing, as required, and notes its "robust identification verification and fraud prevention measures."²³ Nagish later provided updated information in a supplemental filing.²⁴

7. Nagish's ASR platform was tested for caption delay and accuracy by the Commission's National Test Lab (NTL),²⁵ and the Bureau granted Nagish a conditional certification to provide its

¹⁴ Comments and reply comments were filed in CG Docket No. 03-123. *See* Comments of ClearCaptions, LLC (ClearCaptions) (rec. Nov. 14, 2022) (ClearCaptions Comments); Hearing Loss Association of America (HLAA), Telecommunications for the Deaf and Hard of Hearing, Inc. (TDI), National Association for the Deaf (NAD), and Rehabilitation Engineering Research Center on Technology for the Deaf and Hard of Hearing (DHH-RERC) (collectively, AARO), Comments on the Application of Nagish, Inc. for Certification as a Provider of Internet Protocol Captioned Telephone Service and Internet Protocol Relay Service (rec. Nov. 14, 2022) (AARO Comments).

¹⁵ AARO Comments at 4.

¹⁶ *Id.* at 2, 4.

¹⁷ *Id.* at 2-5.

¹⁸ ClearCaptions Comments at 2-5.

¹⁹ *Id.* at 3.

²⁰ *Id.* at 6-7.

²¹ Nagish, Inc. Reply Comments at 2 (rec. Nov. 29, 2022) (Nagish Reply Comments).

²² *Id.* at 4.

²³ *Id.*

²⁴ *See* First Amendment to Application.

²⁵ *See* FCC TRS National Test Lab, Internet Protocol Captioned Telephone Service Testing – Nagish, Version 1.1, CG Docket No. 03-123 (posted by CGB, Oct. 27, 2023) (NTL Test Report). The National Test Lab (NTL) is operated by MITRE Corporation as part of the CMS Alliance to Modernize Healthcare, a Federally Funded Research and Development Center sponsored by the Centers for Medicare & Medicaid Services (CMS). *See* CMS Alliance to Modernize Healthcare, Internet Protocol Caption Telephone Service (IP CTS) – Summary of Phase 2 Usability Testing Results (2016), CG Docket Nos. 03-123 and 13-24, at i-ii (posted by CGB, Apr. 11, 2018); CMS Alliance to Modernize Healthcare, Internet Protocol Caption Telephone Service (IP CTS) Devices: Summary of (continued....)

proposed IP CTS service on January 4, 2024.²⁶ Subsequently, Nagish submitted additional supplements to its Application on June 14, and September 19, 2024.²⁷

8. On September 17, 2024, the Association of Late-Deafened Adults (ALDA) and Deaf Seniors of America (DSA) filed a letter in support of Nagish's Application to provide IP Relay service.²⁸ On November 26, Deaf Equality and TDIforAccess filed a letter on behalf of multiple consumer advocacy and research groups, urging the Commission "to certify additional qualified IP Relay providers and thereby expand choice and enhance service for those who rely on this critical service."²⁹

III. CERTIFICATION

9. We conditionally grant Nagish's application, subject to verification—based on actual operating experience—that Nagish's provision of IP Relay will meet or exceed the minimum TRS standards and that it complies with the conditions stated herein.³⁰

10. *Eligibility of Fully Automatic IP Relay for TRS Fund Support.* In granting conditional certification to Nagish for the provision of IP CTS, the Bureau relied on a prior Commission ruling that the provision of IP CTS using only ASR to generate captions, without the involvement of a CA, meets the statutory definition of TRS³¹ and is eligible for compensation from the TRS Fund if provided in compliance with applicable mandatory minimum TRS standards.³² To date, the Commission has not made a comparable ruling regarding the fully automatic provision of IP Relay. However, the Commission's findings and reasoning in its 2018 ruling appear to be applicable to IP Relay in numerous respects.

11. First, the reasoning underlying the Commission's conclusions that the fully automatic provision of IP CTS is authorized by statute and by the Commission's current rules appears to be equally

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Phase 1 Activities (2017), CG Docket Nos.03-123 and 13-24, at 10 (posted by CGB, Apr. 11, 2018) (NTL Phase 1 Summary).

²⁶ See generally *Nagish IP CTS Conditional Certification Order*.

²⁷ See Second Amendment to Application; Third Amendment to Application.

²⁸ See Letter from Laura Sinclair, President, Ass'n of Late-Deafened Adults, to Marlene H. Dortch, Secretary, FCC, CG Docket No. 03-123 (filed Sept. 17, 2024) (ALDA and DSA Letter).

²⁹ Letter from Zainab Alkebsi, Chief Policy Officer, Deaf Equality, to Marlene H. Dortch, Secretary, FCC, CG Docket No. 03-123, at 2 (filed Nov. 26, 2024) (Deaf Equality and TDI Letter). ALDA, NAD, Cerebral Palsy and Deaf Organization, Global Alliance of Speech-to-Text Captioning, National Hispanic Latino Association of the Deaf, American Association of the DeafBlind, ADARA, Gallaudet University Alumni Association, Registry of Interpreters for the Deaf, Inc., AccesSOS, and DHH-RERC also signed the letter as "supporting organizations." See *id.* at 1.

³⁰ See *2011 Internet-based TRS Certification Order*, 26 FCC Rcd at 10914-15, para. 37. We note that our conclusions herein regarding the eligibility of a fully automatic IP Relay for TRS Fund support are provisional. The question whether the TRS Fund should support this type of service may be revisited by the Commission in the future. We anticipate that Nagish's performance pursuant to this conditional certification may help inform any such future determination. *Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket Nos. 13-24 and 03-123, Report and Order, Declaratory Ruling, Further Notice of Proposed Rulemaking, and Notice of Inquiry, 33 FCC Rcd 5800, 5829-30, para. 52 (2018) (*2018 ASR Declaratory Ruling*) ("[A]s IP CTS providers begin offering fully automated ASR, we will be able to gather data that can inform our adoption of further measures to improve its utility.").

³¹ 47 U.S.C. § 225(a)(3) (defining TRS as "telephone transmission services that provide the ability" to engage in communication by wire or radio "in a manner that is functionally equivalent" to voice communications service).

³² See *2018 ASR Declaratory Ruling*, 33 FCC Rcd at 5827, para. 48.

applicable to the fully automatic provision of IP Relay. As noted in the *2018 ASR Declaratory Ruling*, section 225 of the Communications Act is neutral as to the technology and method used to achieve functional equivalent relay services, and expressly directs the Commission to encourage technological innovation in TRS.³³ In addition, like the definition of IP CTS, the definition of IP Relay in the Commission's rules does not specify whether the functions necessary to provide the service shall be generated automatically or with human assistance.³⁴

12. Further, the Commission's finding in the *2018 ASR Declaratory Ruling* that fully automatic IP CTS can achieve functional equivalence is particularly relevant here, as there are important similarities between IP CTS and IP Relay with respect to the role played by automation of the CA function.³⁵ For example, the speech-to-text feature of Nagish's proposed IP Relay service relies on the same ASR process, and will be supported by the same vendors, as the captioning feature of its IP CTS offering.³⁶ Accordingly, we find support in the Commission's IP CTS ruling for a determination that, with respect to the conversion of speech to text, the use of ASR technology for IP Relay is likely to provide similar benefits for IP Relay as it does for IP CTS.³⁷ For the same reasons cited by the Commission with respect to IP CTS, it appears that use of ASR for IP Relay will substantially reduce transcription delays, and thus help achieve near-simultaneous communication, to a substantially greater extent than is possible when relying solely on CAs.³⁸ In addition, the substantially lower costs of operation for ASR can enable more efficient provision of IP Relay, allow enhanced call privacy, and improve the availability of IP Relay during exigent circumstances.³⁹ Finally, the accuracy of ASR technology has improved greatly since 2018, when the Commission deemed that, in general, its degree of accuracy was high enough so that, coupled with its advantages in speed and privacy, ASR had already become "a viable alternative to the use of human relay intermediaries."⁴⁰ With respect to this particular application, test results for Nagish's ASR support the likelihood that its IP Relay service will achieve a high level of accuracy in the conversion of speech to text.⁴¹

³³ *Id.* at 5831, para. 58 (citing 47 U.S.C. § 225(a)(3), (d)(2)).

³⁴ 47 CFR § 64.601(a)(26); *cf.* *2018 ASR Declaratory Ruling*, 33 FCC Rcd at 5828-29, para. 55. Also applicable here is the Commission's determination that, although the TRS rules' definition of "Internet-based TRS," 47 CFR § 64.601(a)(16), contains a reference to CAs, "the operative part of this definition focuses on the need for a caller to use the Internet to connect to TRS, rather than a requirement for a CA to be on every TRS call," and that, accordingly, this definition does not preclude authorization of a form of Internet-based TRS that does not rely on CAs. *2018 ASR Declaratory Ruling*, 33 FCC Rcd at 5831, para. 56.

³⁵ The Commission has found that IP CTS and IP Relay share a number of service characteristics. *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Internet-based Captioned Telephone Service*, CG Docket No. 03-123, Declaratory Ruling, 22 FCC Rcd 379, 391, para. 29 (2007) (*2007 IP CTS Declaratory Ruling*). Indeed, in recognizing the original (analog) form of captioned telephone service as a form of TRS compensable from the Fund, the Commission recognized that it provides the same functionality as Voice Carry Over (VCO) service used with traditional text-based TRS. *Id.* at 383, para. 9. By the same token, IP CTS provides the same functionality as VCO service used with IP Relay (the Internet version of traditional text-based TRS).

³⁶ See Application at 5-9, 13-14 (discussing Nagish's singular ASR engine as part of both its IP CTS and IP Relay offerings); Application Exh. A, Nagish ASR Architecture (redacted).

³⁷ See *2018 ASR Declaratory Ruling*, 33 FCC Rcd at 5827-30, paras. 49-52.

³⁸ See *id.* at 5827-28, paras. 49-50.

³⁹ See *id.* at 5828, para. 50.

⁴⁰ *Id.* at 5828-29, para. 51.

⁴¹ See *infra* paras. 18-21.

13. The 2018 ASR Declaratory Ruling did not specifically address the other side of a CA's function in IP Relay, the conversion of text to speech. However, automating the text-to-speech function appears likely to produce similar benefits to those of ASR by improving the real-time quality and efficiency of IP Relay conversations, enhancing call privacy, and improving service reliability.⁴²

14. Finally, as an additional factor in support of allowing the fully automatic provision of IP Relay, we find it important that the companies currently proposing to offer fully automatic IP Relay⁴³ are the first new applicants to provide IP Relay in more than a decade. Since the exit of several IP Relay providers in 2013-14, there has been only one operating IP Relay provider, and numerous consumer advocacy groups have urged the Commission to expand the options available to IP Relay users.⁴⁴ As these groups discuss, IP Relay is unique in that it "allows users to make and receive calls using any internet-connected device, such as a computer or smartphone, using text rather than voice," offering "independence from audible responses" and enabling "seamless communication across various settings - whether for work, social interaction, or essential services."⁴⁵ Indeed, IP Relay is "often the sole means of relay services for certain populations within these communities including but not limited to those who are DeafBlind or those who rely on text communications and are not able or comfortable to use their voice during telecommunication calls."⁴⁶ We agree with these consumer advocates that conditionally certifying new applicants who demonstrate their qualifications is likely to benefit all IP Relay users by providing more options, creating the competitive incentive for existing and new providers to offer improved service and enhanced features.⁴⁷

15. *Sufficiency of the Application.* Nagish's application is facially sufficient to satisfy the Commission's certification requirements. The application and amendments provide all the information and documentation specified by the Commission's certification rules, including: (1) a description of the services to be provided;⁴⁸ (2) a detailed description of how Nagish will meet all non-waived mandatory minimum standards applicable to IP Relay;⁴⁹ (3) a description of Nagish's organizational structure, including the names of its 10 percent or more equity interest holders, the names of persons with the power to vote 10 percent or more of the securities of Nagish, and the names of its executives, officers and members of its board;⁵⁰ (4) a confidential list of the number of its full-time and part-time employees involved in Nagish's IP Relay operations by position;⁵¹ and (5) a confidential list of all sponsorship

⁴² See, e.g., Application at 13-17; cf. 2018 ASR Declaratory Ruling, 33 FCC Rcd at 5827-28, paras. 49-50.

⁴³ In addition to Nagish, Mezmo Corporation (dba InnoCaption) has applied for certification to provide IP Relay, including as a fully automatic service. See Internet-based TRS Certification Application of Mezmo Corporation to Provide IP Relay Service, CG Docket No. 03-123 (filed Aug. 12, 2022), <https://www.fcc.gov/ecfs/document/108124355350/1>.

⁴⁴ See ALDA and DSA Letter at 1 (emphasizing "the need to incentivize 'potential new IP Relay providers to enter the market' after several providers exited the market in 2013-2014" and the importance of IP Relay for DeafBlind individuals); Deaf Equality and TDI Letter at 1 ("strongly urg[ing] the Federal Communications Commission . . . to expand the number of certified providers of Internet Protocol Relay . . . services with all due haste").

⁴⁵ Deaf Equality and TDI Letter at 1.

⁴⁶ *Id.* at 1; see also ALDA and DSA Letter at 1 (stating that "IP Relay is an especially important service for individuals who are DeafBlind").

⁴⁷ Deaf Equality and TDI Letter at 2.

⁴⁸ 47 CFR § 64.606(a)(2)(i); Application at 8-10.

⁴⁹ 47 CFR § 64.606(a)(2)(ii); Application at 12-20.

⁵⁰ 47 CFR § 64.606(a)(2)(ii)(B); Second Amendment to Application at 1-4; Third Amendment to Application at 1.

⁵¹ 47 CFR § 64.606(a)(2)(ii)(C); Second Amendment to Application at 3.

arrangements relating to the provision of Internet-based TRS.⁵² Nagish also provides a description of its complaint procedures, confirmation that it will file annual compliance reports demonstrating continued compliance with the TRS rules, and verification by a senior executive as to the accuracy and completeness of the information provided.⁵³ Further, as discussed below, the application and supporting information, including the results of independent testing of speed and accuracy,⁵⁴ sufficiently support Nagish's specific claims regarding the efficacy of its use of ASR and text-to-speech technology in meeting the Commission's minimum TRS standards for speed of answer, service continuity, text speed, accuracy, readability, clarity, privacy, and emergency call handling.⁵⁵

16. *Speed of Answer.* Nagish has made a sufficient showing that with its fully automatic service, it will meet or exceed the minimum TRS standards relating to speed of answer.⁵⁶ According to the application, all calls are answered within one second.⁵⁷ Additionally, Nagish states that the probability of a busy response is functionally equivalent to what a voice caller would experience in attempting to reach a party through the public switched telephone network.⁵⁸ It further maintains that there is adequate staffing and network facilities to ensure it can maintain appropriate speed-of-answer times under projected calling volume.⁵⁹

17. *Service Continuity.* We also find that Nagish has demonstrated that it will be able to maintain service continuity in the provision of IP Relay. TRS providers must have redundancy features functionally equivalent to the equipment in telephone company central offices.⁶⁰ Nagish's application states that the company will operate its service 24 hours per day, every day, and employs an uninterruptible power source for emergency use.⁶¹ The applicant's reliance on multiple ASR vendors⁶² provides additional assurance of service continuity.

18. *Speech-to-Text Speed.* As noted above, the speech-to-text feature of its IP Relay service relies on the same process, and is supported by the same vendors, as the captioning feature of its IP CTS offering.⁶³ When granting conditional IP CTS certification to Nagish, we found that Nagish's application sufficiently supported its claim that its ASR platform would transcribe captions in real time and in

⁵² 47 CFR § 64.606(a)(2)(ii)(E); Second Amendment to Application at 3-4.

⁵³ See Application at 33-34 (complaint procedures); *id.* at 34 (annual filing); First Amendment to Application (verification).

⁵⁴ See generally NTL Test Report; see also Application Exh. B, Cositics IP Relay Test Results (redacted in public version); CGB Dec. 19 Filing (publishing the Cositics IP Relay Test Results).

⁵⁵ Cf. 2018 ASR Declaratory Ruling, 33 FCC Red at 5834-35, para. 63 (noting that applicants to provide ASR-based IP CTS must support all claims regarding their use of ASR and its efficacy).

⁵⁶ See 47 CFR § 64.604(b)(2)(ii) (requiring IP Relay providers to answer 85% of calls within 10 seconds, measured daily).

⁵⁷ Application at 17.

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ See 47 CFR § 64.604(b)(4)(ii) ("TRS shall have redundancy features functionally equivalent to the equipment in normal central offices, including uninterruptible power for emergency use.").

⁶¹ Application at 17.

⁶² *Id.* at 6-7.

⁶³ See *id.* at 5-9, 13-14 (discussing Nagish's singular ASR engine as part of both its IP CTS and IP Relay offerings); Application Exh. A, Nagish ASR Architecture (redacted in public version).

compliance with the current TRS standards relating to captioning speed or delay.⁶⁴ Based on the same documentation, we make a similar finding with respect to the speech-to-text function of Nagish's IP Relay service. As noted in the *Nagish IP CTS Conditional Certification Order*,⁶⁵ NTL testing supports Nagish's assertion that speech will be converted to text in real time and in compliance with the typing speed standard of 60 words per minute.⁶⁶ Based on this documentation, we conclude that the speech-to-text functionality of Nagish's proposed IP Relay service will meet the Commission's minimum standards with respect to the speed of conversion of speech to text.

19. *Voicing Speed.* Although the Commission's rules do not specify a minimum TRS standard for the speed with which text is converted to voice, we note that Nagish states that its "text-to-speech engine consistently processes typed content with little to no latency."⁶⁷

20. *Accuracy and Readability.* Although the TRS rules do not currently provide quantitative standards for accuracy and readability, the typing, grammar, and spelling of speech transcriptions must be "competent," and conversations must be relayed "verbatim," with no intentional alteration of content unless a user specifically requests summarization.⁶⁸ When granting conditional IP CTS certification to Nagish, we found that Nagish's application sufficiently supported its claim that its ASR platform would meet or exceed the Commission's competence and "verbatim" requirements.⁶⁹ Based on the same documentation, we make a similar finding with respect to the speech-to-text function of Nagish's IP Relay service. In testing by NTL, Nagish's Word Error Rate for three call scenarios ranged from 2.1% to 9.6%, comparable to other providers' aggregated Word Error Rate results, which averaged from 2.0% to 7.4% in the same call scenarios.⁷⁰

21. *Text-to-Speech Accuracy and Clarity.* Likewise, the TRS rules do not note any quantitative standards regarding the clarity of an IP Relay service's provided voice communications but state that "CAs must possess clear and articulate voice communications."⁷¹ Nagish states that its text-to-speech technology uses "high-quality voices . . . carefully chosen to ensure that voice callers

⁶⁴ See *Nagish IP CTS Conditional Certification Order*, 39 FCC Rcd at 95, para. 9. In addition to the minimum typing speed standard of 60 words per minute, which is generally applicable to text-based TRS, IP CTS is subject to a requirement that captions must be delivered "fast enough so that they keep up with the speed of the other party's speech." *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Internet-based Captioned Telephone Service*, CG Docket No. 03-123, Declaratory Ruling 22 FCC Rcd 379, 388-89, para. 22 & n.69 (2007) (*2007 IP CTS Declaratory Ruling*). The Commission has not indicated that IP Relay is subject to this additional standard.

⁶⁵ *Nagish IP CTS Conditional Certification Order*, 39 FCC Rcd at 95, para. 9.

⁶⁶ Nagish has redacted its claimed words-per-minute upper limit. See Application at 13 (confidential version). However, the test calls used in NTL's assessment featured overall speech-to-text rates between 89 and 118 words per minute and active speech-to-text rates between 156 and 168 words per minute. NTL Test Report, Appx. B at 11, Appx. D at 15. Nagish's performance in these tests confirms that its transcription speed well exceeds 60 words per minute.

⁶⁷ Application at 13. See also Application Exh. B, Cositics IP Relay Test Results (redacted); CGB Dec. 19 Filing (publishing the Cositics IP Relay Test Results).

⁶⁸ 47 CFR § 64.604(a)(1)(ii), (2)(ii).

⁶⁹ See *Nagish IP CTS Conditional Certification Order*, 39 FCC Rcd at 95-96, para. 10.

⁷⁰ NTL Test Report at 2. See also *Nagish IP CTS Conditional Certification Order*, 39 FCC Rcd at 95-96, para. 10. We find that NTL's testing sufficiently addresses commenters' concerns regarding the quality of Nagish's speech transcriptions. See AARO Comments at 3; ClearCaptions Comments at 2-3. We also note that today's conditional certification is limited to two years, during which we will collect additional information to confirm that this service will meet or exceed the Commission's minimum TRS standards. See *infra* para. 26.

⁷¹ 47 CFR § 64.604(a)(1)(ii).

communicating with IP Relay users who cannot speak are comprehensible to voice callers who do not rely on speech synthesizers on a regular basis,⁷² and properly vocalizes punctuation—for example, by adding longer pauses for periods than for commas.⁷³ Nagish also includes with its Application test results for its proposed IP Relay service from an independent testing entity, Cositics, LLC.⁷⁴ These test results sufficiently confirm that Nagish’s fully automatic IP Relay service will accurately, clearly, and articulately convert a user’s text to speech.⁷⁵

22. *Requested Voice Gender.* The Commission’s rules require that TRS providers, including IP Relay providers, “make best efforts to accommodate a TRS user’s requested CA gender when a call is initiated and, if a transfer occurs, at the time the call is transferred to another CA.”⁷⁶ Nagish states that its IP Relay service would allow users to select among “masculine, feminine, and neutral” voices when registering and through application settings.⁷⁷ We find that Nagish adequately accommodates users’ requests to use a voice of a particular gender.

23. *Privacy.* The Commission’s confidentiality requirements for TRS call content prohibit the disclosure or retention of call content for any purpose, either locally or in the cloud.⁷⁸ In addition, providers must protect the privacy of customer information.⁷⁹ Our rules obligate a provider to protect call content and customer information regardless of the specific persons or entities (e.g., CAs, other employees, vendors, or agents) that a provider may designate to handle such information on its behalf.⁸⁰ Nagish’s application adequately describes how it assesses its vendors and how it protects user call data and other sensitive information.⁸¹

24. *Emergency Call Handling.* Under the Commission’s TRS standard for emergency call handling, an IP Relay provider must ensure that 911 calls are given priority over non-911 calls.⁸² In addition, when responsible for placing or routing voice calls to the public switched telephone network, an IP Relay provider must ensure that the call is routed, and required caller information delivered to the appropriate public safety answering point (PSAP).⁸³ Nagish sufficiently establishes that it will handle emergency calls in accordance with these rules.⁸⁴ According to Nagish, its product routes emergency

⁷² Application at 9.

⁷³ *Id.* at 13.

⁷⁴ *Id.* at 9; Application Exh. B, Cositics IP Relay Test Results (redacted); CGB Dec. 19 Filing (publishing the Cositics IP Relay Test Results).

⁷⁵ See Application Exh. B, Cositics IP Relay Test Results (redacted); CGB Dec. 19 Filing.

⁷⁶ 47 CFR § 64.604(a)(1)(vi).

⁷⁷ Application at 14.

⁷⁸ See 47 CFR § 64.604(a)(2)(i) (prohibiting CAs from disclosing or retaining call content except as authorized by 47 U.S.C. § 605); cf. 2018 ASR Declaratory Ruling, 33 FCC Rcd at 5832-33, para. 60 (clarifying that rules prohibiting TRS CAs from disclosing the content of a relayed conversation or keeping records of the content beyond the duration of a call apply to ASR-based IP CTS).

⁷⁹ See 47 CFR §§ 64.2001-64.2011 (restricting disclosure and use of customer proprietary network information); see also 47 CFR § 9.14(b)(2)(vi) (limiting disclosure and use of information obtained while handling 911 calls).

⁸⁰ See, e.g., 2018 ASR Declaratory Ruling, 33 FCC Rcd at 5832-33, para. 60. As the Commission has noted previously, the use of ASR can enhance call privacy by eliminating the need for a human CA to listen to a call. *Id.* at 5828, para. 50.

⁸¹ Application at 14-15 (confidential version). Nagish’s explanation in the confidential version of its Application sufficiently addresses the privacy concerns raised by a commenter. See AARO Comments at 3-4.

⁸² 47 CFR § 9.14(b)(2)(ii).

⁸³ *Id.* § 9.14(b)(2)(i), (e).

calls to the appropriate PSAP based on the user's Registered Location information.⁸⁵ As a mobile phone app, Nagish's software may also have access to the user's geolocation, if the user grants such permission.⁸⁶ Nagish also states that it will prioritize incoming emergency calls over non-emergency calls and will only share information obtained via such calls with emergency call handlers, emergency response or law enforcement personnel, as required.⁸⁷

25. *Response to Additional Concerns Raised in Comments.* Consistent with the Bureau's grant of a conditional certification to Nagish for IP CTS,⁸⁸ as well as with other conditional certifications to TRS applicants proposing fully automatic services without the use of any CAs,⁸⁹ we decline suggestions that we require Nagish to offer CA-assisted IP Relay in addition to its proposed fully automatic IP Relay service.⁹⁰ We also find that Nagish adequately addresses commenters' concerns regarding accurate billing and potentially fraudulent registration,⁹¹ and if any such issues become apparent, the Bureau will have an opportunity to reevaluate such concerns before granting Nagish a full certification for its IP Relay service. We stress that billing of an individual's calls also needs to be consistent with an individual's registration as a user of IP CTS, IP Relay, or both.

26. *Conditional Certification.* We grant Nagish certification on a conditional basis, to provide IP Relay for a period not to exceed two years from the effective date of this order, pending further verification based on actual performance that its service complies with the Commission's minimum TRS standards and the conditions specified herein and whether such performance indicates that the TRS Fund's support of fully automatic IP Relay services is in the public interest. Because Nagish's proposed IP Relay service will rely solely on fully automatic captioning and text-to-speech technology, we believe the best course is to collect additional information, through observing Nagish's service in operation, to confirm that this service will meet or exceed the minimum TRS standards.⁹²

27. To assist the Bureau in its final determination of Nagish's qualifications to provide IP Relay, we require Nagish to provide quarterly reports of consumer complaints filed with the Commission in the same format and with the same degree of detail required in the log of consumer complaints that

(Continued from previous page)

⁸⁴ Application at 17-18.

⁸⁵ *Id.*

⁸⁶ *Id.*

⁸⁷ *Id.*

⁸⁸ See *Nagish IP CTS Conditional Certification Order*, 39 FCC Rcd at 96-97, para. 13.

⁸⁹ See *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Memorandum Opinion and Order, 35 FCC Rcd 4568 (CGB 2020) (*MachineGenius Certification Order*); *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Memorandum Opinion and Order, 35 FCC Rcd 5635 (CGB 2020) (granting Clarity, LLC conditional certification to provide ASR-only IP CTS).

⁹⁰ See ClearCaptions Comments at 4.

⁹¹ See Nagish Reply Comments at 4 (explaining that its billing software categorizes calls by service by the second to ensure call detail records are true and accurate).

⁹² See *2011 Internet-based TRS Certification Order*, 26 FCC Rcd at 10914-15, para. 37 (reserving the right to grant conditional certification "where the Commission, upon initial review of the application, determines that the application facially meets the certification requirements, but that the Commission needs to verify some of the information contained in the application"). Cf. *2018 ASR Declaratory Ruling*, 33 FCC Rcd at 5834-35, para. 63 (stating that "no application to provide ASR will be approved unless the applicant demonstrates that the specific ASR technology described in the application meets applicable FCC requirements"); *id.* at 5835, para. 64 (noting that certification of an ASR-only provider may be granted on a conditional basis to enable assessment of an applicant's actual performance).

providers must file annually with the Commission.⁹³ The first reports shall be due May 1, 2025, and shall cover the period from the commencement of service through March 30, 2025.⁹⁴ Subsequent reports shall be filed on the first day of the second month of each calendar quarter and shall cover the preceding calendar quarter. For example, the second reports shall be due August 1, 2025, and shall cover the period from April 1 through June 30, 2025. Nagish shall continue to file reports on a quarterly schedule until the expiration of this conditional certification, or until Commission action granting or denying full certification, whichever occurs earlier.

28. Pending a decision on full certification, the Bureau may request additional information in order to complete our review of Nagish's application, such as the results and protocols for performance tests conducted by Nagish or independent third parties.⁹⁵ We also require Nagish to report promptly any changes in the information previously provided to the Commission in its application and supplemental filings, including, for example, any changes in service agreements and suppliers, procedures for registering and screening prospective users, or the manner in which Nagish provides service.

29. Pursuant to this grant of conditional certification, Nagish may provide Fund-supported IP Relay in the manner described in its application, for a period not to exceed two years, pending a final determination of Nagish's qualifications. This conditional certification is issued without prejudice to such final determination, which is dependent on verification of the information provided in Nagish's application and supplemental filings, as well as the additional information provided pursuant to this order, and on the veracity of the applicant's representations that it will provide service in compliance with all pertinent Commission requirements. To assist in reaching a final determination, the Bureau may conduct one or more unannounced site visits to Nagish's premises and may request additional documentation relating to Nagish's provision of IP Relay. Conversion to full certification will be granted if, based on a review of the applicant's documentation and other relevant information, the Commission finds that Nagish is in compliance with applicable Commission rules and orders and is qualified to receive compensation from the Fund for the provision of IP Relay. If, at any time during the period in which Nagish is operating pursuant to this conditional certification, the Commission determines that Nagish has failed to provide sufficient supporting documentation for any of the assertions in its application, determines that any of those assertions cannot be supported, or finds evidence of any apparent rule violation, fraud, waste, or abuse, the Commission will take appropriate action, which may include the

⁹³ See 47 CFR § 64.604(c)(1); cf. *2018 ASR Declaratory Ruling*, 33 FCC Rcd at 5835, para. 64 (noting that to the extent deemed necessary, certification of a provider may be conditioned on the submission of periodic data to help confirm whether ASR-only IP CTS is providing functionally equivalent service).

⁹⁴ Nagish's first report shall specify the date of commencement of service.

⁹⁵ Cf. *2018 ASR Declaratory Ruling*, 33 FCC Rcd at 5834-35, para. 63 (citing test results as an example of supporting information an ASR applicant might provide). See also *Notice of Conditional Grant of Application of Miracom USA, Inc., for Certification as a Provider of Internet Protocol Captioned Telephone Service Eligible for Compensation from the Telecommunications Relay Services Fund*, CG Docket Nos. 03-123, 10-51, and 13-24, Public Notice, 29 FCC Rcd 5105, 5106-10 (CGB 2014) (*Miracom Certification*) (conditioning a provider's certification on submission of additional information, including quarterly testing and reports). With some exceptions, such as speed of answer, the Commission's minimum TRS standards do not currently include quantitative metrics. However, testing with respect to various performance criteria, such as latency and accuracy of captions, may be helpful in the overall evaluation of this application for the purpose of deciding whether to grant full certification. Further, the Commission has proposed to adopt quantified standards for caption delay and accuracy, which, if adopted, would be applicable to all IP CTS providers, including those applying for certification or authorized under conditional certification. See *Misuse of Internet Protocol (IP) Captioned Telephone Service; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Structure and Practices of the Video Relay Service Program*, CG Docket Nos. 13-24, 03-123, and 10-51, Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking, 35 FCC Rcd 10866, 10898-902, paras. 66-77 (2020).

denial of Nagish's application. In the event of such denial, Nagish's conditional certification will automatically terminate thirty-five (35) days after such denial.⁹⁶

30. *Preventing Misuse.* We remind Nagish and all other TRS providers that IP Relay is intended to provide a service functionally equivalent to voice telephone service, and must not be provided as a substitute for transcription of in-person meetings or conversations.⁹⁷ We also remind Nagish that "it must institute procedures to verify the accuracy of registration information, including the [IP Relay's user's] name and mailing address, before issuing the [user] a ten-digit telephone number."⁹⁸ Further, although our rules do not prohibit Nagish from enabling its registered users to save transcriptions as they appear on a device, they do prohibit an IP Relay provider itself from retaining call transcripts or subsequently providing transcripts to IP Relay users beyond the duration of the call.⁹⁹ Finally, we remind Nagish that its marketing of this service must conform with the Commission's rules.¹⁰⁰

31. *Compensation.* Providers of IP Relay are currently compensated under a single formula, in the amount of \$2.1252 per minute for Fund Year 2024-25.¹⁰¹ Newly certified IP Relay providers should not assume or expect that the current compensation formula will remain applicable or that any revised formula(s) will necessarily allow them to recover their cost of service, even if they serve a special population or use a new, more expensive method of providing service.¹⁰² Further, and especially given the current disparity between the compensation rates for IP Relay and IP CTS, we stress that providers offering both types of services from the same platform must take care, when submitting requests for compensation to the TRS Fund administrator, to ensure the appropriate billing of minutes of use for each service. For example, providers must not bill the TRS Fund at the IP Relay compensation rate for minutes of service that includes only transcription of a caller's speech, without any conversion of the registered user's communications from text to speech.

⁹⁶ See 2011 *Internet-based TRS Certification Order*, 26 FCC Rcd at 10914-15, para. 37.

⁹⁷ For example, Communication Access Realtime Translation (CART) is often used to generate captions for live meetings, speeches, and other in-person situations where the provision of TRS Fund-supported relay services is not permitted. See *Miracom Certification*, 29 FCC Rcd at 5110; see also *Structure and Practices of the Video Relay Service Program*; *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket Nos. 10-51 and 03-123, Report and Order and Further Notice of Proposed Rulemaking, 28 FCC Rcd 8618, 8691, para. 180 & n.465 (2013) (explaining that the use of TRS Fund-supported VRS to substitute for video remote interpreting—a service that is used when an interpreter cannot be physically present to interpret for two or more persons who are in the same location—is not permitted).

⁹⁸ *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; E911 for IP-Enabled Service Providers*, CG Docket No. 03-123, CC Docket No. 98-67, WC Docket No. 05-196, Second Report and Order and Order on Reconsideration, 24 FCC Rcd 791, 809, para. 37 (2008).

⁹⁹ See 47 CFR § 64.604(a)(2)(i). There is a limited exception applicable only to speech-to-speech services.

¹⁰⁰ See, e.g., 47 CFR § 64.604(c)(8), (c)(11), (c)(13). In the context of IP CTS, the Commission has noted that the ease and convenience of using the service, while facilitating its use by people who need it for effective communication, also creates a risk that IP CTS will be used when it is not needed. See 2018 *ASR Declaratory Ruling*, 33 FCC Rcd at 5805, para. 9.

¹⁰¹ See *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Structure and Practices of the Video Relay Service Program*, CG Docket Nos. 03-123 and 10-51, Order, DA 24-620, at 4, para. 9 (CGB June 28, 2024).

¹⁰² See *Miracom Certification*, 29 FCC Rcd at 5108 n.19 ("Compensation rates are determined in light of the minimum standards as set by the Commission. Although the Commission may periodically reassess those standards in light of new services and technologies, a TRS provider cannot unilaterally impose a higher standard or secure a higher compensation rate simply by utilizing a new, more expensive method of providing service.").

IV. REQUEST FOR WAIVERS

32. For the reasons stated below, the Bureau dismisses Nagish's requests for waiver of certain TRS rules, to the extent that such requests relate to Nagish's provision of IP Relay.¹⁰³

33. *Waiver standard.* A Commission rule may be waived for "good cause shown."¹⁰⁴ In particular, a waiver is appropriate where the particular facts make strict compliance inconsistent with the public interest.¹⁰⁵ In addition, we may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.¹⁰⁶ Such a waiver is appropriate if special circumstances warrant a deviation from the general rule and such deviation will serve the public interest.¹⁰⁷

34. *Discussion.* Nagish seeks waiver of 47 CFR § 64.604(a)(i)-(iii), which addresses CA qualifications, "to the extent that the rules apply to CAs only."¹⁰⁸ In the context of IP CTS, the Commission has held that ASR-only systems are capable of complying with these rules, making a waiver unnecessary.¹⁰⁹ For the same reasons, we conclude that IP Relay services relying on ASR and automated text-to-speech are also capable of such compliance.

35. Nagish also requests waiver of any technical standards "applicable to CAs that do not apply to fully ASR-based" service offerings.¹¹⁰ We are not aware of any provisions in the Commission's rules that are applicable to IP Relay and that meet this description. We therefore dismiss Nagish's request for waiver.

V. PROCEDURAL MATTERS

36. *People with Disabilities:* To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice) or 202-418-0432 (TTY).

37. *Additional Information.* For further information regarding this item, please contact Stephen Wang, Disability Rights Office, Consumer and Governmental Affairs Bureau, at 202-418-1634 or by e-mail to Stephen.Wang@fcc.gov.

VI. ORDERING CLAUSES

38. Accordingly, IT IS ORDERED that, pursuant to sections 1, 2, 4(i), 4(j), and 225 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 152, 154(i), 154(j), 225, sections 0.141, 0.361, 1.3, and 64.606(b)(2) of the Commission's rules, 47 CFR §§ 0.141, 0.361, 1.3, 64.606(b)(2), the application of Nagish, Inc., for certification to provide IP Relay is GRANTED as conditioned in this Order.

¹⁰³ Application at 12-13, 16.

¹⁰⁴ 47 CFR § 1.3.

¹⁰⁵ *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (*Northeast Cellular*).

¹⁰⁶ *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969), *cert. denied*, 409 U.S. 1027 (1972); *Northeast Cellular*, 897 F.2d at 1166.

¹⁰⁷ *Northeast Cellular*, 897 F.2d at 1166.

¹⁰⁸ Application at 13.

¹⁰⁹ See, e.g., *MachineGenius Certification Order*, 35 FCC Rcd at 4579, para. 26. The Bureau also found that Nagish demonstrated that its ASR-only IP CTS will meet or exceed the relevant standards. See *Nagish IP CTS Conditional Certification Order*, 39 FCC Rcd at 100, para. 22.

¹¹⁰ Application at 16. Technical standards are contained in 47 CFR § 64.604(b).

39. IT IS FURTHER ORDERED that the Request for Waiver of Nagish, Inc. is DISMISSED to the extent described herein.

40. IT IS FURTHER ORDERED that, pursuant to section 1.102(b)(1) of the Commission rules, 47 CFR § 1.102(b)(1), this Order SHALL BE EFFECTIVE upon release.

FEDERAL COMMUNICATIONS COMMISSION

Alejandro Roark, Chief
Consumer and Governmental Affairs Bureau



PUBLIC NOTICE

Federal Communications Commission
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DA 24-1293

Released: December 23, 2024

WIRELESS TELECOMMUNICATIONS BUREAU AND OFFICE OF ENGINEERING AND TECHNOLOGY ANNOUNCE THE APPROVAL AND REGISTRATION OF ADDITIONAL AND MODIFIED ENVIRONMENTAL SENSING CAPABILITY SENSORS FOR THE 3.5 GHZ BAND

GN Docket No. 15-319

With this *Public Notice*, the Wireless Telecommunications Bureau (WTB) and the Office of Engineering and Technology (OET) (collectively, WTB/OET) of the Federal Communications Commission (Commission or FCC) approve new and modified Environmental Sensing Capability (ESC) sensor deployment and coverage plans (ESC Sensor Registrations) for Federated Wireless, Inc. (Federated Wireless).¹ Specifically, WTB/OET approve Federated Wireless's recently filed registration materials for dynamic protection areas (DPAs) in Hawaii.² WTB/OET, in close consultation with the National Telecommunications and Information Administration (NTIA) and the Department of Defense (DoD), have reviewed and approved the new and updated ESC Sensor Registrations, which sufficiently describe the proposed coverage for the DPAs³ listed below.

¹ Federated Wireless is an approved ESC operator. *Wireless Telecommunications Bureau and Office of Engineering and Technology Announce the Approval of Environmental Sensing Capabilities for the 3.5 GHz Band*, GN Docket No. 15-319, Public Notice, 34 FCC Rcd 2792 (WTB/OET 2019) (*2019 ESC Operator Approval Public Notice*). WTB/OET have established procedures for submitting ESC Sensor Registrations for approval. See *Wireless Telecommunications Bureau and Office of Engineering and Technology Establish Procedure for Registering Environmental Sensing Capability Sensors*, GN Docket No. 15-319, Public Notice, 33 FCC Rcd 10016 (WTB/OET 2018) (*ESC Sensor Registration Public Notice*); *Wireless Telecommunications Bureau and Office of Engineering and Technology Announce the Approval and Registration of Additional Environmental Sensing Capability Sensors of ESC Operators for the 3.5 GHz Band*, GN Docket No. 15-319, Public Notice, 34 FCC Rcd 11048, 11050 (WTB/OET 2019) (*November 2019 ESC Sensor Registration Public Notice*); *Wireless Telecommunications Bureau and Office of Engineering and Technology Announce the Approval and Registration of Additional Environmental Sensing Capability Sensors of ESC Operators for the 3.5 GHz Band*, GN Docket No. 15-319, Public Notice, 2024 WL 2800777, *1 (WTB/OET 2024) (*May 2024 ESC Sensor Registration Public Notice*) (WTB/OET approved Federated's ESC sensors for DPAs Hawaii 1-9 and Pearl Harbor).

² See Letter from Jennifer M. McCarthy, Vice President, Legal Advocacy, Federated Wireless, Inc. to Marlene H. Dortch, Secretary, FCC, GN Docket No. 15-319 (filed December 13, 2024) (withdrawing its April 2024 registration materials for DPAs Hawaii 2-4 and replacing them with updating and superseding registration materials). Federated submitted its ESC Sensor Registrations to WTB/OET consistent with the process described in the *ESC Sensor Registration Public Notice*, as updated in the *November 2019 ESC Sensor Registration Public Notice* and requested confidentiality. See *id.*

³ DPAs are pre-defined protection areas that extend beyond the coastline or that enclose a protected terrestrial radar facility, which may be activated or deactivated as necessary to protect DoD radar systems. *Promoting Investment in the 3550-3700 MHz Band*, GN Docket No. 17-258, Order, 33 FCC Rcd 4987 (WTB/OET 2018). NTIA depicts the DPAs in Attachment A of a letter sent by Paige R. Atkins, NTIA, to Julius P. Knapp and Donald K. Stockdale Jr. of (continued....)

Federated Wireless is authorized to operate its ESC sensors consistent with the information—including sensor locations, configuration, and DPA coverage—submitted to, and approved by, WTB/OET.⁴ In addition, each ESC operator must operate in conjunction with at least one Spectrum Access System (SAS) that has been approved for commercial deployment by the Commission.⁵ Before providing commercial service for any given DPA, each ESC operator must file a notification in GN Docket No. 15-319, which must affirm that the approved sensors covering the DPA are constructed and operational and must list the approved SASs with which the ESC is communicating.

Federated has satisfied the sensor coverage requirements for the following DPAs: Hawaii 2, Hawaii 3, and Hawaii 4. Federated Wireless is permitted to update its ESC Sensor Registrations at any time in accordance with the process established in the *ESC Sensor Registration Public Notice*, and it must provide updates on an ongoing basis if any changes are made to the parameters of their approved ESC sensor deployments. WTB/OET will continue to approve ESC Sensor Registrations on a rolling basis as described in the *ESC Sensor Registration Public Notice*.⁶ We remind ESC operators that, going forward, they must file ESC Sensor Registrations and any supplements with the Commission using the Commission's Electronic Comment Filing System.⁷ See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998). ESC operators may request confidential treatment of information contained in their filings consistent with section 0.459 of the Commission's rules.⁸ All such filings should refer to **GN Docket 15-319**. These modified procedural requirements supersede those set forth in the *ESC Sensor Registration Public Notice*.⁹

By the Chief, Wireless Telecommunications Bureau, and the Acting Chief, Office of Engineering and Technology.

- FCC -

(Continued from previous page) _____
the FCC on May 17, 2018. This letter and the specific coordinates for the DPAs are available at <https://www.ntia.doc.gov/fcc-filing/2015/ntia-letter-fcc-commercial-operations-3550-3650-mhz-band>.

⁴ 2019 *ESC Operator Approval Public Notice*, 34 FCC Rcd at 2794, para. 5 (citing *ESC Sensor Registration Public Notice*, 33 FCC Rcd at 10016); see also *Amendment of the Commission's Rules with Regard to Commercial Operations in the 3550-3650 MHz Band*, GN Docket No. 12-354, Report and Order and Second Further Notice of Proposed Rulemaking, 30 FCC Rcd 3959 at 4070-71, para. 386 (2015 *Report and Order* and 2015 *FNPRM*, respectively).

⁵ 2019 *ESC Operator Approval Public Notice*, 34 FCC Rcd at 2794, para. 5 (citing *ESC Sensor Registration Public Notice*, 33 FCC Rcd at 10016).

⁶ *ESC Sensor Registration Public Notice*, 33 FCC Rcd at 10017.

⁷ November 2019 *ESC Sensor Registration Public Notice*, 34 FCC Rcd at 11050.

⁸ See 47 CFR § 0.459.

⁹ *ESC Sensor Registration Public Notice*, 33 FCC Rcd at 10018.



PUBLIC NOTICE

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DA No. 24-1294

Report No. FCN-00128

Friday December 27, 2024

Foreign Carrier Affiliation Notification

Pursuant to the Commission's rules, the U.S. international carriers and submarine cable landing licensees listed below filed with the Commission a notification of the affiliation they have or propose to have with foreign carriers. These notifications are filed pursuant to Sections 63.11 and 1.768 of the Commission's rules, 47 CFR §§ 63.11 and 1.768.

FCN-NEW-20240320-00001 E ComputerTel, Inc.

Notification

Pursuant to section 63.11(c) of the Commission's rules, 47 CFR § 63.11(c), on March 20, 2024, ComputerTel, Inc. (ComputerTel) notified the Commission that it became affiliated with Directo Telecom SA de C.V. (Directo Telecom), a carrier in Mexico, on November 24, 2009. ComputerTel holds an international section 214 authorization to provide facilities-based and resale service (ITC-214-20010425-00238). According to ComputerTel, it qualifies to be classified as non-dominant on the U.S.-Mexico route under section 63.10(a)(3) and (4) of the Commission's rules, 47 CFR § 63.10(a)(3), (4), because Directo Telecom lacks 50% market share in the international transport and local access markets in Mexico, and ComputerTel only provides service to Mexico through the resale of unaffiliated U.S. facilities-based carriers.

Other Companies:

Directo Telecom SA de C.V. f/k/a TALKTEL S.A. de C.V. - Mexico

FCN-NEW-20240320-00002 E All Access Inc. d/b/a TIPIDCalls

Notification

Pursuant to section 63.11(c) of the Commission's rules, 47 CFR § 63.11(c), on March 20, 2024, All Access Inc. d/b/a TIPIDCalls (All Access) notified the Commission that it became affiliated with Directo Telecom SA de C.V. (Directo Telecom), a carrier in Mexico, on November 24, 2009. All Access holds an international section 214 authorization to provide facilities-based and resale service (ITC-214-20060405-00188). According to All Access, it qualifies to be classified as non-dominant on the U.S.-Mexico route under section 63.10(a)(3) and (4) of the Commission's rules, 47 CFR § 63.10(a)(3), (4), because Directo Telecom lacks 50% market share in the international transport and local access markets in Mexico, and All Access only provides service to Mexico through the resale of unaffiliated U.S. facilities-based carriers.

Other Companies:

Directo Telecom SA de C.V. f/k/a TALKTEL S.A. de C.V. - Mexico

FCN-NEW-20240320-00003 E International Communication Services, Inc. d/b/a Directo.com

Notification

Pursuant to section 63.11(c) of the Commission's rules, 47 CFR § 63.11(c), on March 20, 2024, International Communication Services, Inc. d/b/a Directo.com (ICS) notified the Commission that it became affiliated with Directo Telecom SA de C.V. (Directo Telecom), a carrier in Mexico, on November 24, 2009. ICS holds an international section 214 authorization to provide facilities-based and resale service (ITC-214-20060405-00189). According to ICS, it qualifies to be classified as non-dominant on the U.S.-Mexico route under section 63.10(a)(3) and (4) of the Commission's rules, 47 CFR § 63.10(a)(3), (4), because Directo Telecom lacks 50% market share in the international transport and local access markets in Mexico, and ICS only provides service to Mexico through the resale of unaffiliated U.S. facilities-based carriers. ICS states that it discontinued service to Mexico in 2017.

Other Companies:

Directo Telecom SA de C.V. f/k/a TALKTEL S.A. de C.V. - Mexico

FCN-NEW-20240404-00004 P GU Holdings Inc.

Notification

Pursuant to section 1.768(c) of the Commission's rules, 47 CFR § 1.768(c), on April 4, 2024, GU Holdings Inc. (GU Holdings) notified the Commission that its affiliate, Perch Infrastructure Pty Ltd (Perch), became a carrier in Australia on March 6, 2024. GU Holdings is a licensee on the JGA South Cable System (JGA South) (SCL-LIC-20190502-00016) which lands in Australia. According to GU Holdings, it qualifies to be classified as non-dominant on the U.S.-Australia route under section 1.768(b)(1)(ii) of the Commission's rules, 47 CFR § 1.768(b)(1)(ii), because Perch currently owns no facilities in Australia and under section 63.10(a)(3) of the Commission's rules, 47 CFR § 63.10(a)(3), because Perch lacks 50% market share in the international transport and local access markets in Australia.

FCN-NEW-20240426-00005	E	France Telecom Long Distance USA, LLC d/b/a Orange Carriers USA
Notification		
Pursuant to section 63.11(c) of the Commission's rules, 47 CFR § 63.11(c), on April 26, 2024, France Telecom Long Distance USA, LLC d/b/a Orange Carriers USA (FTLD), notified the Commission that it became affiliated with MASORANGE, a carrier in Spain, on March 26, 2024. FTLD holds international section 214 authorizations to provide facilities-based and resale service (ITC-214-19991215-00782, ITC-214-19991215-00783 and ITC-214-19991215-00784). According to FTLD, it qualifies to be classified as non-dominant on the U.S.-Spain route under section 63.10(a)(3) of the Commission's rules, 47 CFR § 63.10(a)(3), because MASORANGE lacks 50% market share in the international transport and local access markets in Spain.		
FCN-NEW-20240426-00006	E	Orange Business Services U.S., Inc.
Notification		
Pursuant to section 63.11(c) of the Commission's rules, 47 CFR § 63.11(c), on April 26, 2024, Orange Business Services U.S., Inc. (OBS US), notified the Commission that it became affiliated with MASORANGE, a carrier in Spain, on March 26, 2024. OBS US holds an international section 214 authorization to provide facilities-based and resale service (ITC-214-19980317-00193). According to OBS US, it qualifies to be classified as non-dominant on the U.S.-Spain route under section 63.10(a)(3) of the Commission's rules, 47 CFR § 63.10(a)(3), because MASORANGE lacks 50% market share in the international transport and local access markets in Spain.		
FCN-NEW-20240506-00007	E	Bandwidth.com CLEC, LLC
Notification		
Pursuant to section 63.11(c) of the Commission's rules, 47 CFR § 63.11(c), on May 6, 2024, Bandwidth.com CLEC, LLC (Bandwidth.com), notified the Commission that its subsidiaries listed below were authorized as carriers in the identified countries. Bandwidth.com holds an international section 214 authorization to provide facilities-based and resale service (ITC-214-20030807-00413). The following subsidiaries are now carriers in the listed countries: (1) Bandwidth Communications Canada, Inc. - Canada; (2) Voxbone Telekomunikasyon ve Iletisim Hiz. Tic Ltd - Turkey; (3) Voxbone El Salvador S.A. DE C.V. - El Salvador; (4) Voxbone Panama Inc. - Panama; and (5) Voxbone, SA - Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Canada, Chile, China, Colombia, Croatia, Cyprus, Czech Rep., Denmark, Dominican Republic, Egypt, Estonia, Finland, France, Georgia, Germany, Greece, Hong Kong, Hungary, Ireland, Israel, Italy, Japan, Jordan, Latvia, Lithuania, Luxembourg, Malaysia, Malta, New Zealand, Norway, Peru, Philippines, Poland, Portugal, Qatar, Romania, Saudi Arabia, Singapore, Slovakia, Slovenia, South Africa, South Korea, Spain, Sweden, Switzerland, Taiwan, Thailand, United Kingdom, Vietnam. According to Bandwidth.com, it qualifies to be classified as non-dominant on those routes under section 63.10(a)(3) of the Commission's rules, 47 CFR § 63.10(a)(3), because each of its subsidiaries lacks 50% market share in the international transport and local access markets in the relevant country.		

For further information concerning this matter, please contact David Krech, Telecommunications and Analysis Division, Office of International Affairs, (202) 418-1480.

Unless otherwise specified, interested parties may file comments with respect to these notifications within 14 days of the date of this public notice (see Section 1.4(b)(4)). The notifying carrier may respond within 10 days after any such pleadings are filed, and the parties that filed such pleadings may reply within 5 days. See Section 63.52(c), 1.45(c)-(j). It is requested that such comments refer to the notification file number shown above. A copy of the notification is available for public inspection in the Reference Information Center, Court Yard Level, 445 12th Street, S.W., Washington, D.C. 20554. People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530.



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DA No. 24-1295

Report No. SAT-01883

Friday December 27, 2024

Satellite Licensing Division and Satellite Programs and Policy Division Information

Actions Taken

The Commission, by its Space Bureau, took the following actions pursuant to delegated authority. The effective date of these actions is the release date of this Notice, except where an effective date is specified.

SAT-APL-20240329-00069	E S3047	Myriota Pty Ltd	
Amendment to PDR/PPL			
Grant of Authority			Effective Date: 12/20/2024

Nature of Service: Mobile Satellite Service

See ICFS File Nos. SAT-MPL-20231018-00254 for a description of the action taken.

SAT-LOA-20240516-00104	E S3198	Turion Space Corp.	
Launch and Operating Authority			
Grant of Authority			Effective Date: 12/26/2024

Nature of Service: Other

On December 26, 2024, the Satellite Programs and Policy Division granted, with conditions, the application of Turion Space Corporation (Turion) to construct, deploy, and operate the DROID.002 non-geostationary orbit satellite in the space operations and space research service at an altitude of 525 kilometers for space situational awareness (SSA) data to assist with space-object imaging. Turion is authorized to operate using a center frequency of 8210.0 MHz with a bandwidth of 70.0 MHz for non-conforming space research services (space-to-Earth); a center frequency of 2057.0 MHz and 2059.0 MHz with a bandwidth of 0.128 MHz and 0.019 MHz for its space operations services (Earth-to-space); and center frequencies of 2240.0 MHz and 2243.0 MHz with a bandwidth of 0.512 MHz and 0.096 MHz for its space operations service (space-to-Earth) (outside US&P only). The application was granted under the streamlined small satellite procedures, 47 CFR § 25.122.

SAT-MPL-20231018-00254	E S3047	Myriota Pty Ltd	
Modification to PDR/PPL			
Grant of Authority			Effective Date: 12/20/2024

Nature of Service: Mobile Satellite Service

On December 20, 2024, the Satellite Programs and Policy Division granted, with conditions, modification of Myriota Pty Ltd's grant of U.S. market access for a non-voice, non-geostationary (NVNG) mobile satellite service (MSS), to make changes to its orbital parameters and the design of various spacecraft.

For more information concerning this Notice, contact the Satellite Licensing Division and Satellite Programs and Policy Division at (202) 418-0719.

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

In the Matter of	)	
	)	
ClearSKY Systems, Inc.	)	File No.: EB-IHD-20-00031639
	)	NAL/Acct. No.: 202132080023
	)	FRN: 0025446428

FORFEITURE ORDER

Adopted: December 30, 2024

Released: December 30, 2024

By the Acting Chief, Enforcement Bureau:

I. INTRODUCTION

1. The Connect America Fund (CAF) Phase II Auction (Auction 903) was created to increase access to broadband services in unserved and underserved areas in the United States. In furtherance of this goal, the Federal Communications Commission (FCC or Commission) awarded financial support to Auction 903 winners who committed to provide robust voice and broadband service to locations in unserved and underserved areas.¹ On February 25, 2021, the Enforcement Bureau (Bureau) issued a *Notice of Apparent Liability for Forfeiture (NAL)* for \$56,370.71 against ClearSKY Systems, Inc. (ClearSKY or Company) for apparently willfully violating the Commission's rules and orders when it defaulted on its winning bids in Auction 903 and failed to submit complete information in its FCC Form 683 (Long-Form Application).² On April 7, 2021, ClearSKY responded to the *NAL (NAL Response)*, requesting rescission of the proposed forfeiture and termination of the investigation, arguing that the proposed forfeiture penalty was time-barred and the Company's default did not disrupt Auction 903.³ After considering the Company's *NAL Response*, we reject ClearSKY's arguments and find no reason to cancel or rescind the proposed forfeiture penalty. We therefore affirm the \$56,370.71 forfeiture penalty proposed in the *NAL*.

II. BACKGROUND

2. *Legal Background.* Auction 903 was implemented to award up to \$198 million annually for 10 years to service providers that committed to offer voice and broadband services to fixed locations in unserved high-cost areas.⁴ In 2016, the Commission issued an order adopting a number of requirements, including those for the post-auction Long-Form Application review process that would apply to Auction 903, and warned participants that failure to meet the Commission's requirements would result in a forfeiture.⁵ In 2018, the Commission issued a public notice announcing more detailed procedures, terms, and conditions for participation in Auction 903, including mandatory deadlines and

¹ The Connect America Fund Phase II is part of the Commission's reform and modernization of its universal service support programs. Connect America Fund Phase II Auction (Auction 903), <https://www.fcc.gov/auction/903> (last visited Nov. 13, 2024).

² *ClearSKY Systems, Inc.*, Notice of Apparent Liability for Forfeiture, 36 FCC Rcd 4121 (EB 2021) (*NAL*).

³ *ClearSKY Systems, Inc.*, Response to Notice of Apparent Liability for Forfeiture (filed Apr. 7, 2021) (on file in EB-IHD-20-00031639) (*NAL Response*).

⁴ See *Connect America Fund Phase II Auction Scheduled for July 24, 2018; Notice and Filing Requirements and Other Procedures for Auction 903*, AU Docket No. 17-182, WC Docket No. 10-90, Public Notice, 33 FCC Rcd 1428, 1430, para. 1 (2018) (*Auction 903 Procedures Public Notice*).

⁵ *Connect America Fund et al.*, WC Docket Nos. 10-90, 14-58, 14-259, Report and Order and Further Notice of Proposed Rulemaking, 31 FCC Rcd 5949, 5988-6001, paras. 114, 117, 142-145 (2016) (*CAF Phase II Auction Order*).

forfeiture penalties for auction defaults in addition to certain deadline waivers.⁶ After Auction 903 closed in August 2018, the Commission released a public notice announcing the winning bidders and establishing deadlines for the submission of additional information by the auction winners.⁷ The Commission retained authority to deem a winning bidder in default of its Auction 903 obligations if it failed to meet certain documentation requirements and/or if it failed to be technically and financially qualified.⁸ Section 1.21004 of the Commission's rules reiterates that a winning bidder that fails to file an application by the applicable deadline or for any reason is not subsequently authorized to receive support has defaulted on its bid and is thus liable for a default penalty or a forfeiture.⁹ Under section 503(b)(6)(b) of the Communications Act of 1934 (Act), as amended, a notice of apparent liability must be issued no more than one year after a violation occurs.¹⁰

3. *Factual background.* ClearSKY is an Illinois-based Internet service provider that provides broadband service for residential, business, and corporate purposes.¹¹ When Auction 903 concluded in August 2018, the Commission announced that ClearSKY was a winning bidder, being allotted \$127,414.20 of support over 10 years to serve 207 locations in Illinois.¹² As a winning bidder, ClearSKY was required to meet a series of sequential deadlines to complete the information required for authorization of Auction 903 support. The initial portion of the Long-Form Application (FCC Form 683) was due by October 15, 2018, and it required a variety of information including, but not limited to, applicant information, information about the areas in which it was already designated as an eligible telecommunications carrier (ETC), and various certifications.¹³ There were additional deadlines for submission of other information required for the Long-Form Application. November 5, 2018, was the deadline for its submission of letter of credit commitment letters and detailed technology and system design descriptions; and February 25, 2019, was the deadline for submitting audited financial statements from the prior fiscal year, designation as a high-cost ETC, and a certification that such designation would cover all areas where the applicant would receive support.¹⁴ ClearSKY submitted its Long-Form Application, but, upon review, Commission staff found deficiencies that needed to be cured.¹⁵

4. The Company engaged in communications with the Wireline Competition Bureau (WCB) concerning the deficiencies in its Long-Form Application and the information needed to rectify those

⁶ See *Auction 903 Procedures Public Notice*, 33 FCC Rcd at 1430, 1519-21, paras. 1, 289, 311, 314.

⁷ See *Connect America Fund Phase II Auction (Auction 903) Closes; Winning Bidders Announced; FCC Form 683 Due October 15, 2018*, AU Docket No. 17-182, WC Docket No. 10-90, Public Notice, 33 FCC Rcd 8257, 8260-63, paras 1, 15-16, Attach. A (WTB and WCB 2018) (*Auction 903 Closing Public Notice*).

⁸ *Auction 903 Closing Public Notice*, at 8263-8264, para. 17 (“Timely submitted applications will be reviewed by Commission staff for completeness and compliance with the Commission’s rules and to determine if the long-form applicant has demonstrated that it is technically and financially qualified to fulfill its Phase II public interest obligations if authorized to receive support. Commission staff will notify a long-form applicant if additional information is required. . . . If a long-form applicant *ultimately fails to provide all the required information or demonstrate that it is technically and financially qualified*, WCB will release a public notice identifying the applicant and the winning bids that are considered in default.”) (emphasis added).

⁹ 47 CFR § 1.21004(a), (c).

¹⁰ 47 U.S.C. § 503(b)(6)(B).

¹¹ See *NAL*, *supra* note 2, at 4122-4123, para. 4.

¹² See *Auction 903 Closing Public Notice*, at 8272, para. 1 & Attach. A.

¹³ *Id.* at 8260-64, paras. 15-16.

¹⁴ *Id.*

¹⁵ See Letter from Kris Anne Monteith, Chief, Wireline Competition Bureau, Federal Communications Commission, to Matthew Goluba, ClearSKY Systems, Inc., at 1 (Jan. 27, 2020) (Monteith Letter).

deficiencies.¹⁶ Accordingly, the Commission did not immediately declare ClearSKY in default. In a January 27, 2020 letter (Monteith Letter), WCB identified the missing information in ClearSKY's Long-Form Application and required that ClearSKY correct these "significant deficiencies" by February 26, 2020.¹⁷ WCB issued the Monteith Letter "after having repeatedly discussed [the Long-Form] [A]pplication's deficiencies with [ClearSKY]."¹⁸

5. On February 10, 2020, ClearSKY sent a letter (ClearSKY Letter) to WCB requesting "consideration in releasing [the Company] from [its Auction 903] obligation."¹⁹ The Company stated that it was "outbid" on the service locations it desired most, and was left with only "a few census blocks, on the edge of [its] area[.]"²⁰ Despite "appl[ying] for all the census blocks in [its] market area," and "bid[ding] for 20MHz services as [it] knew that was attainable" since that made "financial sense" with Auction 903 funding, ClearSKY asserted that it "should not be penalized" for only winning "the blocks that nobody wanted."²¹ The ClearSKY Letter did not correct ClearSKY's Long-Form Application, and ClearSKY took no additional steps to correct or complete its Long-Form Application by February 26, 2020. On March 5, 2020, WCB declared ClearSKY in default and stated that it would refer the Company to the Bureau.²² In a February 25, 2021 *NAL*, the Bureau proposed a \$56,370.71 forfeiture against ClearSKY for apparently willfully violating section 1.21004(a) of the Commission's rules by defaulting on its winning bids in Auction 903 and failing to file timely audited financial documentation needed to complete its Long-Form Application.²³

6. On April 7, 2021, ClearSKY submitted its *NAL Response*, arguing that the *NAL* was time-barred because the statute of limitations expired on February 25, 2020, one year after the February 25, 2019 deadline for Long-Form Applications set forth in the *Auction 903 Closing Public Notice*.²⁴ ClearSKY further argued that WCB was not authorized to "set a 'new deadline' via" the Monteith Letter,²⁵ but even assuming *arguendo* that it could, ClearSKY's default must be considered to have occurred no later than February 10, 2020, when it sent the ClearSKY Letter, in which case the statute of limitations would have expired on February 10, 2021.²⁶ Lastly, ClearSKY contends that, even if the *NAL* is timely, the proposed forfeiture is unwarranted because any default by the Company did not disrupt the Commission's Auction 903 process.²⁷ ClearSKY does not dispute the *NAL*'s findings that it defaulted on its bids by failing to fulfill its Auction 903 obligations and that it failed to submit the required audited financial statements in violation of section 1.21004(a) of the Commission's rules and the procedures

¹⁶ See Monteith Letter at 1. The specific deficiencies were delineated in the Monteith Letter as well as the *NAL*. See generally Monteith Letter; *NAL*, *supra* note 2, at 4124, para. 7 & n.27.

¹⁷ Monteith Letter at 1.

¹⁸ *Id.* at 1.

¹⁹ Letter from Donna Olson, President, ClearSKY Systems Inc., to Heidi Lankau, Attorney Advisor, Wireline Competition Bureau, Federal Communications Commission (Feb. 10, 2020) (ClearSKY Letter).

²⁰ *Id.*

²¹ *Id.*

²² See *Connect America Fund Phase II Auction Support for 150 Winning Bids Ready to be Authorized; Listed Auction 903 Long-Form Applications Must Submit Letters of Credit and Legal Counsel's Opinion Letters by Thursday, March 19, 2020*, AU Docket No. 17-182, WC Docket No. 10-90, Public Notice, 35 FCC Rcd 1911, 1913 (WCB 2020) (*Auction 903 Support Authorization and Default Notice*).

²³ See *NAL*, *supra* note 2, at 4121, 4128, paras. 1, 20.

²⁴ *NAL Response*, *supra* note 3, at 4 & n.18; see also *Auction 903 Closing Public Notice*, *supra* note 7, at 8263, para. 16.

²⁵ *NAL Response*, *supra* note 3, at 5.

²⁶ *Id.* at 3-11.

²⁷ *Id.* at 11-13.

established for Auction 903.

III. DISCUSSION

7. The Bureau finds that the *NAL* was issued in a timely manner, that ClearSKY defaulted on its bids by failing to satisfy its Auction 903 obligations, and that ClearSKY failed to cure the deficiencies in its Long-Form Application, including submission of its audited financial statements, in a timely manner.

8. The Bureau proposed a forfeiture in this case in accordance with section 503(b)(2)(B) of the Act,²⁸ section 1.80 of the Commission's rules,²⁹ and the Commission's *1997 Forfeiture Policy Statement*.³⁰ Under section 503(b)(2)(E) of the Act, the Bureau considers the "nature, circumstances, extent, and gravity of the violation and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require."³¹ The Bureau has fully considered ClearSKY's *NAL Response* and, as discussed below, has determined that the Company's arguments for rescission are unavailing. We therefore affirm the \$56,370.71 forfeiture proposed in the *NAL*.

A. The *NAL* was Timely Issued.

9. WCB gave ClearSKY numerous opportunities to meet its Auction 903 obligations. WCB engaged in discussions with the Company to allow it to correct its Long-Form Application deficiencies "after having repeatedly discussed . . . [these] deficiencies with [the Company], most recently on August 13, 2019."³² WCB explicitly warned ClearSKY that if it failed to cure the deficiencies, ClearSKY would be deemed in default.³³ WCB subsequently declared the Company in default on March 5, 2020.³⁴ ClearSKY's violations accrued on March 5, 2020, and the Bureau's one-year statute of limitations clock began to run. Thus, the *NAL* issued on February 25, 2021, was timely issued within the one-year statute of limitations.³⁵

10. It is within WCB's authority to determine that ClearSKY was in default in accordance with the Auction 903 procedures. The Commission delegated WCB authority to conduct an extensive review of all Long-Form Applications for compliance and completeness, and to make the determination as to which entities were or were not technically and financially qualified to be awarded support.³⁶ If

²⁸ 47 U.S.C. § 503(b)(2)(B).

²⁹ 47 CFR § 1.80.

³⁰ *The Commission's Forfeiture Policy Statement and Amendment of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines*, CI Docket No. 95-6, Report and Order, 12 FCC Rcd 17087 (1997) (*Forfeiture Policy Statement*), *recons. denied*, Memorandum Opinion and Order, 15 FCC Rcd 303 (1999).

³¹ 47 U.S.C. § 503(b)(2)(E).

³² Monteith Letter, *supra* note 15, at 1.

³³ *Id.* at 1-2.

³⁴ See *Auction 903 Support Authorization and Default Notice*, *supra* note 24.

³⁵ See 47 U.S.C. § 503(b)(6).

³⁶ *CAF Phase II Auction Order*, *supra* note 5, at 5980, para. 92 (explaining that "[a]fter the auction, [the Commission] would conduct a *more extensive review* of the winning bidders' qualifications to receive support through 'long-form' applications. Such an approach balances the need to collect essential information with administrative efficiency, and will provide the Commission with assurance that interested entities are qualified to meet the terms and conditions of the Phase II competitive bidding process if awarded support.") (emphasis added); see also *Auction 903 Procedures Public Notice*, *supra* note 4, at 1512, para. 289 ("After a long-form applicant's application has been reviewed and is considered complete, . . . a public notice will be released authorizing the long-form applicant to receive Phase II support."); *Auction 903 Closing Public Notice*, *supra* note 7, at 8263-8264, para. 17 ("Timely submitted applications will be reviewed by Commission staff for completeness and compliance with the

WCB determined that an entity was not so qualified or otherwise failed to meet the Auction 903 requirements, it would deem that entity in default of its Auction 903 obligations through a public notice, as it did with ClearSKY.³⁷ Until such time that WCB made a determination, whether a long-form applicant was in violation of the Auction 903 requirements was a pending matter.³⁸ Prior to WCB's complete review of the Long-Form Application, no final decision could have been made concerning the applicant's authorization for support in Auction 903.

11. Once WCB determined that ClearSKY failed to meet the Auction 903 requirements, WCB released the *Auction 903 Support Authorization and Default Notice* stating that ClearSKY was not authorized to receive support for its winning bids and was "in default and subject to forfeiture."³⁹ WCB's decision was final, and the Company had no further opportunity to cure the deficiencies in its Long-Form Application through additional negotiations, submissions, or otherwise.⁴⁰ The Company was obligated to pay the forfeiture, as agreed upon as a condition of participating in Auction 903.⁴¹ In this context, the

Commission's rules and to determine if the long-form applicant has demonstrated that it is technically and financially qualified to fulfill its Phase II public interest obligations if authorized to receive support. *Commission staff will notify a long-form applicant if additional information is required.*") (emphasis added).

³⁷ See *Auction 903 Procedures Public Notice*, *supra* note 4, at 1520-1521, para. 314 ("A winning bidder or long-form applicant will be considered in default and will be subject to forfeiture if it fails to timely file a long-form application, fails to meet the document submission deadlines, is found ineligible or unqualified to receive Phase II support by the Bureaus on delegated authority, and/or otherwise defaults on its winning bids or is disqualified for any reason prior to the authorization of support. *Any such determination by the Bureaus shall be final*, and a winning bidder or long-form applicant shall have no opportunity to cure through additional submissions, negotiations, or otherwise. Agreeing to such payment in the event of a default is a condition for participating in bidding in the Phase II auction.") (emphasis added); *Auction 903 Closing Public Notice*, *supra* note 7, at 8265, para. 20 (same); see also *Auction 903 Closing Public Notice*, *supra* note 7, at 8263-8264, para. 17 ("If a long-form applicant ultimately fails to provide all the required information or demonstrate that it is technically and financially qualified, WCB will release a public notice identifying the applicant and the winning bids that are considered in default.").

³⁸ All entities have a general duty to maintain the accuracy and completeness of information furnished in a pending application. 47 CFR § 1.65(a). In Auction 903, the Commission warned applicants of this duty for their Short-Form Applications and it applied with equal measure to the Long-Form Application. *Connect Am. Fund Phase II Auction Scheduled for July 24, 2018 Notice & Filing Requirements & Other Procs. for Auction 903*, AU Docket No. 17-182, WC Docket No. 10-90, Public Notice, 33 FCC Rcd 1428, 1488, para. 172 (2018). The Commission considered a Long-Form Application to be "pending from the time it is accepted for filing by the Commission until a Commission grant or denial of the long-form application is no longer subject to reconsideration by the Commission or to review by any court." *Id.* at 1488, para. 172 & n.355. ClearSKY had an ongoing duty to correct the deficiencies that were identified in the Monteith Letter, and it failed to do so despite repeated opportunities presented by Commission staff.

³⁹ See *Auction 903 Support Authorization and Default Notice*, *supra* note 24, at 1913.

⁴⁰ See *Auction 903 Procedures Public Notice*, *supra* note 4, at 1520-1521, para. 314 ("A winning bidder or long-form applicant will be considered in default and will be subject to forfeiture if it fails to timely file a long-form application, fails to meet the document submission deadlines, is found ineligible or unqualified to receive Phase II support by the Bureaus on delegated authority, and/or otherwise defaults on its winning bids or is disqualified for any reason prior to the authorization of support. *Any such determination by the Bureaus shall be final*, and a winning bidder or long-form applicant shall have no opportunity to cure through additional submissions, negotiations, or otherwise. Agreeing to such payment in the event of a default is a condition for participating in bidding in the Phase II auction.") (emphasis added).

⁴¹ *Id.*

statute of limitations is tied to the date that WCB announces that an auction participant defaulted on its auction obligations.⁴²

12. ClearSKY instead attempts to tie the statute of limitations to WCB's deadline for the initial portion of the Long-Form Application and to the deadlines set for providing additional information such as audited financial statements.⁴³ ClearSKY also makes various arguments that WCB acted arbitrarily or WCB's actions constituted an abuse of discretion when WCB offered ClearSKY the opportunity to cure the deficiencies in its Long-Form Application by February 26, 2020.⁴⁴ ClearSKY's arguments miss the mark. As discussed above, the relevant date for statute-of-limitations purposes is March 5, 2020, the date on which WCB announced that ClearSKY was in default. To the extent that ClearSKY generally disputes WCB's authority to review deficiencies in ClearSKY's Long-Form Application and request information by a time certain, those arguments are meritless.⁴⁵ WCB acted within its authority when it required that ClearSKY submit additional information by a date certain to address the deficiencies in its Long-Form Application information, as delineated in the Monteith Letter.⁴⁶

13. Alternatively, ClearSKY argues that its default occurred no later than February 10, 2020, when it "notified WCB that it would default on all nine of its winning bids" in the ClearSKY Letter.⁴⁷ ClearSKY maintains that WCB's Monteith Letter presented the Company with two options if it wished to default: (1) to notify WCB of its intent to default and thus be deemed in default as of the date of such notice, or (2) not to give such notice and thereby be subject to default for failing to complete the Long-Form Application as of February 26, 2020, the deadline stated in the Monteith letter for submission of application information.⁴⁸ ClearSKY's contention relies exclusively on interpretation of the following passage in the Monteith Letter:

Notify us as soon as possible if ClearSKY intends to default and will no longer pursue its application. *Otherwise*, as noted above, unless the missing information and documentation listed herein is uploaded and submitted to ClearSKY's [Long-Form Application] prior to 6:00 p.m. ET

⁴² See, e.g., *Jonew E. of the Outer Banks, Inc.*, Notice of Apparent Liability for Forfeiture, 7 FCC Rcd 7309 (1992) (stating that the period of the violation began when the then-Mass Media Bureau ruled that the company violated a Commission rule).

⁴³ See *NAL Response*, *supra* note 3, at 3-9. ClearSKY also cites a 1998 Bureau-level Order for the proposition that "defaults occur wat [sic] the point when an applicant misses the previously announced deadline for submission." *Id.* at 5 (citing *PinPoint Communications, Inc.*, Order, 13 FCC Rcd 18730 (WTB 1998)). ClearSKY conflates the decision made in the Order. In *PinPoint Communications, Inc.*, the company sought a waiver of a Commission rule requiring successful bidders for Local Multipoint Distribution Service licenses to submit long-form applications within ten business days of being notified it is a winning bidder, a deadline which the company missed. *Pinpoint Communications, Inc.*, at 18730, para. 1. However, the company's waiver request was denied and in assessing a default payment for the company's late filed long-form application, the Wireless Telecommunications Bureau determined the Company was in default for "fil[ing] its long-form application six days after the filing deadline[.]" *Id.* at 18730, para. 10.

⁴⁴ *NAL Response*, *supra* note 3, at 4-8.

⁴⁵ As discussed herein, the Long-Form Application review process contemplated a time period in which WCB would conduct an extensive review of Long-Form Applications for compliance and completeness to ensure that winning bidders were technically and financially qualified. In this process, WCB could seek additional information and grant a long-form applicant the opportunity to correct defects identified by WCB. 47 CFR § 54.315(b).

⁴⁶ 47 CFR §§ 54.315(b), 1.21004(b); *CAF Phase II Auction Order*, *supra* note 5, at 5980, para. 92; *Auction 903 Closing Public Notice*, *supra* note 7, at 8263-8264, para. 17.

⁴⁷ *NAL Response*, *supra* note 3, at 9 (quoting *NAL*, *supra* note 2, at para. 8).

⁴⁸ *Id.* at 10.

on Wednesday, February 26, 2020, ClearSKY will be deemed in default.⁴⁹

14. According to ClearSKY, WCB's "use of the word 'otherwise' means that if and only if [WCB] did not receive a notice from ClearSKY as to its intent to default prior to February 26, 2020, that date would be the default date."⁵⁰ ClearSKY is mistaken.

15. As an initial matter, ClearSKY's letter stated that the Company "would appreciate consideration in releasing us from this obligation."⁵¹ Based on this language, it was unclear that the Company would not comply with the Long-Form Application requirements or whether it was engaging in negotiations with WCB regarding the Company's obligations. Moreover, even assuming *arguendo* that ClearSKY was expressing its intent to default, an intention to default is not actual default, and whether a bidder in Auction 903 is in default is determined by the Commission. Indeed, WCB warned the Company twice in the Monteith Letter that failure to cure the Long-Form Application deficiencies would result the Company being "deemed in default," a determination to be made by WCB.⁵² ClearSky evidently recognized that WCB retained authority to declare a default because it merely requested "consideration in releasing [it] from [its Auction 903] obligation."⁵³

16. Nevertheless, ClearSKY points to the *NAL* as proof that the default date should be February 10, 2020, by citing to two sentences: (1) "[b]y withdrawing its application for support, the Company defaulted on all nine of its winning bids for Auction 903" and (2) "[u]pon receiving notification from [ClearSKY] of its intent to default on all of its bids, WCB referred [ClearSKY] to the . . . Bureau for enforcement action."⁵⁴ From these statements, ClearSKY concludes that the Bureau determined in the *NAL* that "the date of ClearSKY's withdrawal of its Long-Form Application was February 10, 2020, and hence it was the default date."⁵⁵ However, there is no such finding contained within the *NAL*. By stating that the default occurred when ClearSKY "withdr[ew] its application for support," the *NAL* is referring to the whole of ClearSKY's conduct in the Long-Form Application process, culminating in the Company failing to cure the deficiencies in its Long-Form Application, not to the Company's ClearSKY Letter, dated February 10, 2020, in which the Company asked to be released from its Auction 903 obligations.⁵⁶

17. As stated in the *Auction 903 Procedures Public Notice*, a winning bidder or long-form applicant "will be considered in default and will be subject to forfeiture if it . . . fails to meet the document submission deadlines, . . . otherwise defaults on its winning bids" and/or "certifies in its short-form application that it will submit audited financial statements during the [L]ong-[F]orm [A]pplication process, but such statements are ultimately not submitted[.]"⁵⁷ As explained in the *Auction 903 Procedures Public Notice*, WCB determines whether a default has occurred and its determination would be in "a public notice identifying the applicant and the winning bids that are considered in default"⁵⁸ and

⁴⁹ Monteith Letter, *supra* note 15, at 2 (emphasis added).

⁵⁰ *NAL Response*, *supra* note 3, at 10.

⁵¹ ClearSKY Letter, *supra* note 21.

⁵² Monteith Letter, *supra* note 15, at 1-2.

⁵³ ClearSKY Letter, *supra* note 21. If the Company was already in default then the possibility of being deemed in default would not have been presented.

⁵⁴ *NAL Response*, *supra* note 3, at 10 (quoting *NAL*, *supra* note 2, at paras. 8, 10).

⁵⁵ *Id.* at 10.

⁵⁶ See *NAL*, *supra* note 2, at para. 10.

⁵⁷ *Auction 903 Procedures Public Notice*, *supra* note 4, at 1443, 1521, paras. 44, 314.

⁵⁸ *Auction 903 Closing Public Notice*, *supra* note 7, at 8263-8264, para. 17.

“[a]ny such determination [of default] by [it] shall be final.”⁵⁹ On March 5, 2020, WCB announced that the Company was in default. As such, the forfeiture proposed in the Bureau’s *NAL*, issued on February 25, 2021, was within the statute of limitations.⁶⁰

B. Harms Caused to Auction 903 Are Important Considerations but Are Not Determinative to Assessing a Forfeiture.

18. In the February 25, 2021 *NAL*, the Bureau concluded that ClearSKY apparently violated section 1.21004(a) of the Commission’s rules by defaulting on its winning bids in Auction 903 and by failing to complete its Long-Form Application in a timely manner.⁶¹ ClearSKY does not dispute that it violated the rule and is in default of its obligations as an Auction 903 winning bidder. Instead, it argues that a forfeiture should not be imposed because its actions were not “disruptive to the integrity and efficiency of the auction’s process,” as the Bureau asserted.⁶² The Bureau had observed that ClearSKY’s Auction 903 default was disruptive to the auction process and negatively impacted residents in the nine geographical areas in which the Company submitted winning bids.⁶³ These observations reflected the ramifications of ClearSKY’s actions on the geographical areas where the Company defaulted and the people who live in those areas as well as the importance of compliance with the Auction 903 requirements.

19. Compliance by all Auction 903 applicants is critical to the efficiency and integrity of the auction process. As discussed in the *NAL*, ClearSKY’s actions resulted in delay of funds that could have been disbursed to another provider, thereby delaying deployment of broadband service in the census blocks covered by its winning bids. Commission staff also expended significant time and resources working with the Company in providing various opportunities to come into compliance with its Auction 903 obligations.

20. All Auction 903 applicants were otherwise notified that the Commission would impose forfeitures for violations of the auction requirements.⁶⁴ In this case, a determination of forfeiture for default by an Auction 903 winning bidder such as ClearSKY requires only consideration of whether the bidder fails to meet the Long-Form Application document submission deadlines and/or otherwise fails to meet its auction obligations.⁶⁵ Consideration of the impact of the winning bidder’s default on the auction itself—i.e., whether it results in any disruption to the auction—is not a determinative factor in the default or forfeiture assessment. Notably, ClearSKY concedes that its arguments concerning disruption to Auction 903 are merely submitted “in the interest of providing a thorough response to the *NAL*,” and ClearSKY makes no contention that they support its statute of limitations arguments or otherwise undermine the material conclusions of the *NAL*.⁶⁶ Therefore, arguments concerning lack of disruption to Auction 903 do not support rescission or cancellation of the forfeiture proposed in the *NAL*.

II. CONCLUSION

21. Based on the record before us, we conclude that ClearSKY willfully violated section 1.21004(a) of the Commission’s rules by defaulting on its winning bids in Auction 903 and failing to

⁵⁹ *Auction 903 Procedures Public Notice*, *supra* note 4, at 1520-1521, para. 314.

⁶⁰ 47 U.S.C. § 503(b)(6)(B).

⁶¹ *NAL*, *supra* note 2, at paras. 9-20.

⁶² *NAL Response*, *supra* note 3, at 11.

⁶³ *NAL*, *supra* note 2, at paras. 10-12.

⁶⁴ *See supra* note 40.

⁶⁵ *See* 47 CFR § 1.21004(a); *Auction 903 Procedures Public Notice*, *supra* note 4, at 1520, para. 314.

⁶⁶ *NAL Response*, *supra* note 3, at 11 (citing *NAL supra* note 2, at para. 11).

complete its Auction 903 Long-form Application.⁶⁷ We decline to cancel or rescind the forfeiture proposed in the *NAL*. Thus, we conclude that ClearSKY is liable for a \$56,370.71 forfeiture for its violations.

III. ORDERING CLAUSES

22. Accordingly, **IT IS ORDERED** that, pursuant to section 503(b) of the Act, 47 U.S.C. § 503(b), and section 1.80 of the Commission's rules, 47 CFR § 1.80, ClearSKY Systems, Inc., **IS LIABLE FOR A MONETARY FORFEITURE** in the amount of fifty-six thousand, three-hundred and seventy dollars and seventy-one cents (\$56,370.71) for willfully violating section 1.21004(a) of the Commission's rules, 47 CFR § 1.21004(a).

23. Payment of the forfeiture shall be made in the manner provided for in section 1.80 of the Commission's rules within thirty (30) calendar days after the release of this Forfeiture Order. ClearSKY Systems, Inc. shall send electronic notification of payment to IHDTelecom@fcc.gov, on the date said payment is made. If the forfeiture is not paid within the period specified, the case may be referred to the U.S. Department of Justice for enforcement of the forfeiture pursuant to section 504(a) of the Act.

24. In order for ClearSKY Systems, Inc. to pay the proposed forfeiture, ClearSKY Systems, Inc. shall notify IHDTelecom@fcc.gov, of its intent to pay, whereupon an invoice will be posted in the Commission's Registration System (CORES) at <https://apps.fcc.gov/cores/userLogin.do>. Payment of the forfeiture must be made by credit card using CORES at <https://apps.fcc.gov/cores/userLogin.do>, ACH (Automated Clearing House) debit from a bank account, or by wire transfer from a bank account. The Commission no longer accepts forfeiture payments by check or money order. Below are instructions that payors should follow based on the form of payment selected:⁶⁸

- Payment by wire transfer must be made to ABA Number 021030004, receiving bank TREAS/NYC, and Account Number 27000001. In the OBI field, enter the FRN(s) captioned above and the letters "FORF". In addition, a completed Form 159⁶⁹ or printed CORES form⁷⁰ must be faxed to the Federal Communications Commission at 202-418-2843 or e-mailed to RROGWireFaxes@fcc.gov on the same business day the wire transfer is initiated. Failure to provide all required information in Form 159 or CORES may result in payment not being recognized as having been received. When completing FCC Form 159 or CORES, enter the Account Number in block number 23A (call sign/other ID), enter the letters "FORF" in block number 24A (payment type code), and enter in block number 11 the FRN(s) captioned above (Payor FRN).⁷¹ For additional detail and wire transfer instructions, go to <https://www.fcc.gov/licensing-databases/fees/wire-transfer>.
- Payment by credit card must be made by using CORES at <https://apps.fcc.gov/cores/userLogin.do>. To pay by credit card, log-in using the FCC Username associated to the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select "Manage Existing FRNs | FRN Financial | Bills & Fees" from the CORES Menu, then select FRN Financial and the view/make payments option next to the FRN. Select the "Open Bills" tab and find the bill number associated with the NAL Acct. No. The bill number is the NAL Acct. No. with the first two digits excluded (e.g., NAL 1912345678 would be associated with FCC Bill Number 12345678). After selecting the bill for payment,

⁶⁷ 47 CFR § 1.21004(a).

⁶⁸ For questions regarding payment procedures, please contact the Financial Operations Group Help Desk by phone at 1-877-480-3201 (option #1).

⁶⁹ FCC Form 159 is accessible at <https://www.fcc.gov/licensing-databases/fees/fcc-remittance-advice-form-159>.

⁷⁰ Information completed using the Commission's Registration System (CORES) does not require the submission of an FCC Form 159. CORES is accessible at <https://apps.fcc.gov/cores/userLogin.do>.

⁷¹ Instructions for completing the form may be obtained at <http://www.fcc.gov/Forms/Form159/159.pdf>.

choose the “Pay by Credit Card” option. Please note that there is a \$24,999.99 limit on credit card transactions.

- Payment by ACH must be made by using CORES at <https://apps.fcc.gov/cores/userLogin.do>. To pay by ACH, log in using the FCC Username associated to the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select “Manage Existing FRNs | FRN Financial | Bills & Fees” on the CORES Menu, then select FRN Financial and the view/make payments option next to the FRN. Select the “Open Bills” tab and find the bill number associated with the NAL Acct. No. The bill number is the NAL Acct. No. with the first two digits excluded (e.g., NAL 1912345678 would be associated with FCC Bill Number 12345678). Finally, choose the “Pay from Bank Account” option. Please contact the appropriate financial institution to confirm the correct Routing Number and the correct account number from which payment will be made and verify with that financial institution that the designated account has authorization to accept ACH transactions.

25. Any request for making full payment over time under an installment plan should be sent to: Chief Financial Officer—Financial Operations, Federal Communications Commission, 45 L Street, NE, Washington, D.C. 20554.⁷² Questions regarding payment procedures should be directed to the Financial Operations Group Help Desk by phone, 1-877-480-3201, or by e-mail, ARINQUIRIES@fcc.gov.

26. **IT IS FURTHER ORDERED** that a copy of this Forfeiture Order shall be sent by certified mail, return receipt requested, to Donna J. Olson, Chief Executive Officer, ClearSKY Systems, Inc., 7085 W Waupecan Rd, Verona, IL 60479, and Ronald E. Quirk, Esq., Counsel to ClearSKY Systems, Inc., Marashlian & Donahue PLLC, 1430 Spring Hill Rd., Tysons, VA 22102.

FEDERAL COMMUNICATIONS COMMISSION

Peter S. Hyun
Acting Chief
Enforcement Bureau

⁷² See 47 CFR § 1.1914.

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

In the Matter of	)	
	)	
Ryan Root d/b/a Root Automation and 4Fast.net	)	File No.: EB-IHD-21-00031877
	)	NAL/Acct. No.: 202132080017
	)	FRN: 0025097031

FORFEITURE ORDER

Adopted: December 30, 2024**Released: December 30, 2024**

By the Acting Chief, Enforcement Bureau:

I. INTRODUCTION

1. The Federal Communications Commission (Commission or FCC) has long recognized that violations of the FCC Form 477 filing requirements are significant because it is a critical fact-gathering instrument that informs the Commission's efforts to advance broadband availability. In its February 25, 2021 Notice of Apparent Liability for Forfeiture (*NAL*), the Enforcement Bureau (Bureau) proposed a \$20,000 forfeiture against Ryan Root d/b/a Root Automation and 4Fast.net (Ryan Root or Company) for apparently violating sections 1.7001 and 1.7002 of the Commission's rules by failing to file the FCC Form 477 twenty times and late filing one time.¹ On March 18, 2021, the Company filed its response to the *NAL* requesting that the forfeiture be waived.² After reviewing the record in this matter, we find no reason to cancel the proposed penalty,³ and we affirm the \$20,000 forfeiture.

II. BACKGROUND

2. *Legal Framework.*⁴ In 2000, the Commission began collecting information about broadband deployment and local telephone competition through FCC Form 477.⁵ In 2005, the Commission required "all facilities-based providers" of fixed and mobile broadband connections to end-users to submit counts of broadband connections in FCC Form 477.⁶ Fixed wireless facilities-based broadband providers have been required to file both "deployment" and "subscription" data on their FCC

¹ *Ryan Root d/b/a Root Automation & 4fast.net*, Notice of Apparent Liability for Forfeiture, 36 FCC Rcd 4423 (EB 2021) (*NAL*).

² Letter from Ryan Root, Owner, Root Automation, to Jeffrey Gee, Chief, Investigations and Hearings Division, FCC Enforcement Bureau (Mar. 18, 2021) (on file in in EB-IHD-21-00031877) (*NAL Response*).

³ The Company requests a "waiver" of the forfeiture. The Enforcement Bureau has authority to cancel or reduce a proposed forfeiture or require that it be paid in full. 47 CFR § 1.80(g)(4). The Bureau will consider the Company's request to be one requesting cancellation of the forfeiture.

⁴ For purposes of this *Forfeiture Order*, the rules existing up through 2020 will apply to the violations discussed herein.

⁵ See *Local Competition and Broadband Reporting*, CC Docket No. 99-301, Report and Order, 15 FCC Rcd 7717, 7719-20, 7766 paras. 3, 107 (2000); see also 47 U.S.C. § 1302(b) (requiring the Commission to determine and report annually on "whether advanced telecommunications capability is being deployed to all Americans in a reasonable and timely fashion").

⁶ *Local Telephone Competition and Broadband Reporting*, WC Docket No. 04-141, Report and Order, 19 FCC Rcd 22340, 22345, 22355-56 paras. 8, 38 (2004) (emphasis in original); *FCC Announces Electronic Posting of OMB-Approved Form 477 for the September 1, 2005 Filing and Data Collection Workshop to be Held on June 29, 2005*, Public Notice, 20 FCC Rcd 10454, 10456 (WCB 2005); see also 47 CFR § 1.7001(b) (2005).

Form 477 filings from 2014 until 2022.⁷ Over the years, the Commission has underscored the importance of timely and accurate filings through enforcement advisories and enforcement action.⁸ The Commission reminded providers that failure to comply with the FCC Form 477 requirements may lead to enforcement action.⁹

3. *Factual Background.*¹⁰ On February 25, 2021, the Bureau issued an *NAL* proposing a \$20,000 forfeiture against the Company for its apparent willful and repeated violations of sections 1.7001 and 1.7002 of the Commission's rules by failing to file the FCC Form 477 twenty times and filing one late.¹¹ Between February 25, 2021 and April 14, 2021, the Company sent Bureau staff e-mails expressing the Company's various grievances with the Commission and addressing matters unrelated to the *NAL*.¹² On March 18, 2021, the Company submitted a formal response to the *NAL*.¹³

4. In response to the *NAL*, the Company continued to raise grievances against the Commission.¹⁴ The Company further expressed its disagreement "with the legal synopsis of why the 477

⁷ See 47 CFR § 1.7001 (2014); *Modernizing the FCC Form 477 Data Program*, WC Docket No. 11-10, Report and Order, 28 FCC Rcd 9887, 9888, 9896-97, 9902-08, 9913-18, paras. 3, 20, 32-41, 56-68 (2013); *Additional Information for Form 477 Filers on New Data Submission Interface*, WC Docket No. 11-10, Public Notice, 29 FCC Rcd 3174 (WCB 2014); *Wireline Competition Bureau Releases Data Specifications for Form 477 Data Collection*, WC Docket No. 11-10, Public Notice, 28 FCC Rcd 12665 (WCB 2013). In 2022, the Commission sunset the collection of broadband data through FCC Form 477. *Establishing the Digital Opportunity Data Collection Modernizing the FCC Form 477 Data Program*, WC Docket Nos. 19-195 and 11-10, Order, 37 FCC Rcd 14957, 14957, para. 1 (2022) (sunsetting the collection of broadband deployment data through FCC Form 477 effective upon publication of the Order in the Federal Register) (*BDC Order*); see also 87 Fed. Reg. 76949-59 (Dec. 16, 2022). The Commission continues to collect broadband and voice subscription data using FCC Form 477, but filers are required to submit their data through the Broadband Data Collection (BDC) system. *BDC Order* at 14957, para. 1.

⁸ See *Barrier Communications Corporation d/b/a BarrierFree*, Notice of Apparent Liability for Forfeiture, 35 FCC Rcd 10186 (2020) (*BarrierFree NAL*); *Rio Verde Wireless, LLC*, Notice of Apparent Liability for Forfeiture, 30 FCC Rcd 2196 (EB 2015), *cancelled by Order*, 30 FCC Rcd 10597 (EB 2015) (consent decree admitting violations and paying civil penalty); see also *FCC Enforcement Advisory – Providers Must File a Complete and Accurate Form 477 Report Every Six Months*, Public Notice, 30 FCC Rcd 10853 (EB 2015); *FCC Enforcement Advisory – Providers Are Reminded that They Must File Complete and Accurate Form 477 Reports Every Six Months*, Public Notice, 26 FCC Rcd 16769 (EB 2011).

⁹ See 47 CFR § 1.7001(f); see, e.g., *Your Town Online, Inc.*, Notice of Apparent Liability for Forfeiture, 36 FCC Rcd 4409, 4411-12, para. 8 (EB 2021) (concluding that the company violated the Commission's rules when it failed to file any FCC Form 477); *Barrierfree NAL*, 35 FCC Rcd at 10197, para. 28 (concluding that the company failed to file FCC Form 477 numerous times in violation of the Commission's rules).

¹⁰ The *NAL* includes a more complete discussion of the facts and history of this case and is incorporated herein by reference. See generally *NAL*, *supra* note 1.

¹¹ *Id.* at 4423, para. 1. Two filings due on March 2, 2020, and September 1, 2020, respectively, were within the one-year statute of limitations. *Id.* at 4425, para. 8. An upward adjustment of \$7,000 was imposed on the base forfeiture of \$3,000 as a result of the Company's history of non-compliance. *Id.* at 4426-27, para. 12.

¹² See E-mail from Ryan Root, Owner, Root Automation, to Victoria Randazzo, Honors Attorney, Investigations and Hearings Division, FCC Enforcement Bureau (Feb. 27, 2021) (on file in EB-IHD-21-00031877); E-mail from Ryan Root, Owner, Root Automation, to Victoria Randazzo, Honors Attorney, Investigations and Hearings Division, FCC Enforcement Bureau (Feb. 25, 2021) (on file in EB-IHD-21-00031877); E-mail from Ryan Root, Owner, Root Automation, to Victoria Randazzo, Honors Attorney, Investigations and Hearings Division, FCC Enforcement Bureau, *et seq.* (Apr. 14, 2021) (on file in EB-IHD-21-00031877).

¹³ See generally *NAL Response*, *supra* note 2.

¹⁴ *Id.* at 1 (stating that the Commission "refus[ed] to obey the law with regards to handling legal entities and the handling of part 101 licensing issues"; the Commission "failed in its duty in working with Ryan, [the owner of Root Automation]"; the Commission "willfully and continually conducts itself illegally not like a government entity as it (continued....)

process exists.”¹⁵ The Company also claimed that it attempted to make a FCC Form 477 filing but the Commission “refused to admit the data Ryan, [owner of Root Automation], submitted because [the Commission] claimed they could not accept any of it unless all of it passed their screening process,” and the Company attempted to submit information “to the CPUC through their broadband mapping program.”¹⁶ The Company also provided “public comments” it purportedly tried to submit “as part of the 477 filing the FCC rejected.”¹⁷ The comments relay the Company’s dissatisfaction with the Commission’s handling of spectrum.¹⁸ The Company further argued that the Commission should “be investigated for crimes” against the Company and the United States.¹⁹ The Company asserts that it “is not able to submit any FCC 477 information at this point” because it “is unable to satisfactorily trust that the FCC is acting legally[.]”²⁰ The Company requested that the “fee be waived entirely.”²¹

III. DISCUSSION

5. The Bureau proposed a forfeiture in this case in accordance with section 503(b) of the Communications Act of 1934, as amended (Act),²² section 1.80 of the Commission’s rules,²³ and the Commission’s *Forfeiture Policy Statement*.²⁴ When we assess forfeitures, section 503(b)(2)(E) requires that we take into account the “nature, circumstances, extent, and gravity of the violation and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require.”²⁵ We have fully considered the Company’s response to the *NAL* and find the Company’s assertions for cancellation of the forfeiture to be unpersuasive.

6. The Company does not dispute that it committed the relevant violations. Rather, the Company refuses to comply with the Commission’s rules because it is under the belief that the Commission has acted illegally and should be investigated for crimes.²⁶ The Company makes vague reference to an attempt to file information with the Commission, but fails to describe in detail the communications and did not otherwise provide any corroborating evidence that such communications

legally should”; and the Commission “should be entirely dissolved and each person working for it should be investigated for their illegal actions within it and held liable to both criminal and civil courts.”).

¹⁵ *Id.* at 2.

¹⁶ *Id.* at 2-3.

¹⁷ *Id.* at 3.

¹⁸ *Id.* at 3.

¹⁹ *Id.* at 4.

²⁰ *Id.* at 4.

²¹ *Id.* at 4. We construe the Company’s reference to a “fee” to be the forfeiture proposed in the *NAL*.

²² 47 U.S.C. § 503(b).

²³ 47 CFR § 1.80.

²⁴ *The Commission’s Forfeiture Policy Statement and Amendment of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines*, CI Docket No. 95-6, Report and Order, 12 FCC Rcd 17087 (1997), *recons. denied*, Memorandum Opinion and Order, 15 FCC Rcd 303 (1999).

²⁵ 47 U.S.C. § 503(b)(2)(E).

²⁶ *NAL Response*, *supra* note 2, at 4. In many places the *NAL Response* is vague, disjointed, or otherwise hard to follow. To the best of our understanding, the *NAL Response* raises allegations of Commission misconduct in proceedings or contexts unrelated to the instant enforcement proceeding. The Commission’s behavior in those other proceedings or contexts has no bearing on the Company’s FCC Form 477 violations at issue here, and thus, this forfeiture proceeding is not the proper forum to address those non-germane allegations.

occurred.²⁷ The record otherwise demonstrates that Company failed to comply with the FCC Form 477 filing requirements. Additionally, to the extent the Company makes the unsupported claim that the Commission could obtain the relevant information from the California Public Utilities Commission, that claim (even if accurate) does not relieve the Company of its independent obligation to comply with the Commission's rules, and to submit with its response to the *NAL* all information it would like the Commission to consider.²⁸ Finally, we decline to reduce or cancel the \$20,000 proposed forfeiture. The Company's failure to file or file timely FCC Form 477 occurred over the course of several years from 2010 through 2020. This deprived the Commission of critical broadband and subscription data from the Company for at least 11 years. This conduct is particularly egregious in light of the importance of such information in the Commission's efforts to assess the state of and deployment of broadband availability in the United States. In light of the nature, circumstances, extent, and gravity of the violations, including the Company's history of noncompliance, we decline to reduce or cancel the proposed forfeiture.²⁹

7. Based on the record before us and in light of the applicable statutory factors, we conclude that Ryan Root willfully and repeatedly violated sections 1.7001 and 1.7002 of the Commission's rules by failing to file the FCC Form 477 twenty times and filing one late. We therefore affirm the \$20,000 forfeiture proposed in the *NAL*.

IV. ORDERING CLAUSES

8. Accordingly, **IT IS ORDERED** that, pursuant to section 503(b) of the Act, 47 U.S.C. § 503(b), and sections .0111, 0.204, 0.311, and 1.80 of the Commission's rules, 47 CFR §§ 0.111, 0.204, 0.311, 1.80, Ryan Root d/b/a Root Automation and 4Fast.net **IS LIABLE FOR A MONETARY FORFEITURE** in the amount of twenty thousand dollars (\$20,000) for willfully and repeatedly violating sections 1.7001 and 1.7002 of the Commission's rules, 47 CFR §§ 1.7001, 1.7002.

9. Payment of the forfeiture shall be made in the manner provided for in section 1.80 of the Commission's rules within thirty (30) calendar days after the release of this Forfeiture Order.³⁰ Ryan Root d/b/a Root Automation and 4Fast.net shall send electronic notification of payment to IHDTelecom@fcc.gov on the date said payment is made. If the forfeiture is not paid within the period specified, the case may be referred to the U.S. Department of Justice for enforcement of the forfeiture pursuant to section 504(a) of the Act.³¹

10. In order for Ryan Root d/b/a Root Automation and 4Fast.net to pay the proposed forfeiture, Ryan Root d/b/a Root Automation and 4Fast.net shall notify IHDTelecom@fcc.gov of his intent to pay, whereupon an invoice will be posted in the Commission's Registration System (CORES) at <https://apps.fcc.gov/cores/userLogin.do>. Payment of the forfeiture must be made by credit card using CORES at <https://apps.fcc.gov/cores/userLogin.do>, ACH (Automated Clearing House) debit from a bank account, or by wire transfer from a bank account. The Commission no longer accepts forfeiture payments

²⁷ *Id.* at 3-4. Instead, Commission records indicate that the Company received numerous FCC Form 477 filing reminders as a courtesy, and Commission staff responded to the Company's various correspondence, between July 2019 and March 2020, in efforts to assist the Company in completing its December 31, 2018, and June 30, 2019 filings, respectively. See Information in File No. EB-IHD-21-00031877. Ultimately, the Company informed Commission staff that it would not file any data. *Id.*

²⁸ *NAL Response*, *supra* note 2, at 4; see also 47 CFR § 1.80(g)(3) ("Any showing as to why the forfeiture should not be imposed or should be reduced shall include a detailed factual statement and such documentation and affidavits as may be pertinent.").

²⁹ 47 U.S.C. § 503(b)(2)(E).

³⁰ 47 CFR § 1.80.

³¹ 47 U.S.C. § 504(a).

by check or money order. Below are instructions that payors should follow based on the form of payment selected:³²

- Payment by wire transfer must be made to ABA Number 021030004, receiving bank TREAS/NYC, and Account Number 27000001. In the OBI field, enter the FRN(s) captioned above and the letters “FORF”. In addition, a completed Form 159³³ or printed CORES form³⁴ must be faxed to the Federal Communications Commission at 202-418-2843 or e-mailed to RROGWireFaxes@fcc.gov on the same business day the wire transfer is initiated. Failure to provide all required information in Form 159 or CORES may result in payment not being recognized as having been received. When completing FCC Form 159 or CORES, enter the Account Number in block number 23A (call sign/other ID), enter the letters “FORF” in block number 24A (payment type code), and enter in block number 11 the FRN(s) captioned above (Payor FRN).³⁵ For additional detail and wire transfer instructions, go to <https://www.fcc.gov/licensing-databases/fees/wire-transfer>.
- Payment by credit card must be made by using CORES at <https://apps.fcc.gov/cores/userLogin.do>. To pay by credit card, log-in using the FCC Username associated to the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select “Manage Existing FRNs | FRN Financial | Bills & Fees” from the CORES Menu, then select FRN Financial and the view/make payments option next to the FRN. Select the “Open Bills” tab and find the bill number associated with the NAL Acct. No. The bill number is the NAL Acct. No. with the first two digits excluded (e.g., NAL 1912345678 would be associated with FCC Bill Number 12345678). After selecting the bill for payment, choose the “Pay by Credit Card” option. Please note that there is a \$24,999.99 limit on credit card transactions.
- Payment by ACH must be made by using CORES at <https://apps.fcc.gov/cores/userLogin.do>. To pay by ACH, log in using the FCC Username associated with the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select “Manage Existing FRNs | FRN Financial | Bills & Fees” on the CORES Menu, then select FRN Financial and the view/make payments option next to the FRN. Select the “Open Bills” tab and find the bill number associated with the NAL Acct. No. The bill number is the NAL Acct. No. with the first two digits excluded (e.g., NAL 1912345678 would be associated with FCC Bill Number 12345678). Finally, choose the “Pay from Bank Account” option. Please contact the appropriate financial institution to confirm the correct Routing Number and the correct account number from which payment will be made and verify with that financial institution that the designated account has authorization to accept ACH transactions.

11. Any request for making full payment over time under an installment plan should be sent to: Chief Financial Officer – Financial Operations, Federal Communications Commission, 45 L Street NE, Washington, D.C. 20554. Questions regarding payment procedures should be directed to the Financial Operations Group Help Desk by telephone, 1-877-480-3201, or by e-mail, ARINQUIRIES@fcc.gov.

12. **IT IS FURTHER ORDERED** that a copy of this Forfeiture Order shall be sent by first class mail and certified mail, return receipt requested, to Ryan Root d/b/a Root Automation and 4Fast.net, PO Box 308, Grenada, CA 96038; Ryan Root d/b/a Root Automation and 4Fast.net, 6421 Siskiyou Blvd,

³² For questions regarding payment procedures, please contact the Financial Operations Group Help Desk by phone at 1-877-480-3201 (option #6).

³³ FCC Form 159 is accessible at <https://www.fcc.gov/licensing-databases/fees/fcc-remittance-advice-form-159>.

³⁴ Information completed using the Commission’s Registration System (CORES) does not require the submission of an FCC Form 159. CORES is accessible at <https://apps.fcc.gov/cores/userLogin.do>.

³⁵ Instructions for completing the form may be obtained at <http://www.fcc.gov/Forms/Form159/159.pdf>.

Grenada, CA 96038; and Ryan Root d/b/a Root Automation and 4Fast.net, 1916 Fort Jones Rd, Yreka, CA 96097, and by e-mail to rroot@rootautomation.com.³⁶

FEDERAL COMMUNICATIONS COMMISSION

Peter S. Hyun
Acting Chief
Enforcement Bureau

³⁶ The addresses delineated herein are being used in efforts to ensure that this *Forfeiture Order* reaches its intended recipient as there is conflicting information concerning the Company's address in the Commission's records.

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

In the Matter of

Western Iowa Wireless, Inc.

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File No.: EB-IHD-21-00031879

NAL/Acct. No.: 202132080018

FRN: 0021977418

FORFEITURE ORDER

Adopted: December 30, 2024**Released: December 30, 2024**

By the Acting Chief, Enforcement Bureau:

I. INTRODUCTION

1. The Federal Communications Commission (Commission or FCC) has long recognized that violations of the FCC Form 477 filing requirements are significant because it is a critical fact-gathering instrument that informs the Commission's efforts to advance broadband availability. In its February 25, 2021 Notice of Apparent Liability for Forfeiture (*NAL*), the Enforcement Bureau (Bureau) proposed a \$10,000 forfeiture against Western Iowa Wireless, Inc. (WIAW or Company) for apparently violating sections 1.7001 and 1.7002 of the Commission's rules by failing to file the FCC Form 477 sixteen times and late filing five times.¹ On March 29, 2021, WIAW filed a response to the *NAL* requesting a reduction of the proposed forfeiture.² After reviewing the record in this matter, we find no reason to reduce the proposed penalty, and we affirm the \$10,000 forfeiture.

II. BACKGROUND

2. *Legal Framework.*³ In 2000, the Commission began collecting information about broadband deployment and local telephone competition through FCC Form 477.⁴ In 2005, the Commission required "all facilities-based providers" of fixed and mobile broadband connections to end-users to submit counts of broadband connections in FCC Form 477.⁵ Fixed wireless facilities-based broadband providers have been required to file both "deployment" and "subscription" data on their FCC Form 477 filings from 2014 until 2022.⁶ Over the years, the Commission has underscored the importance

¹ *Western Iowa Wireless, Inc.*, Notice of Apparent Liability for Forfeiture, 36 FCC Rcd 4402 (EB 2021) (*NAL*).

² See Response to Notice of Apparent Liability, from Chris Corrin, President, Western Iowa Wireless, Inc., to FCC Enforcement Bureau (Mar. 29, 2021) (on file in EB-IHD-21-00031879) (*NAL Response*).

³ For purposes of this *Forfeiture Order*, the rules existing up through 2020 will apply to the violations discussed herein.

⁴ See *Local Competition and Broadband Reporting*, CC Docket No. 99-301, Report and Order, 15 FCC Rcd 7717, 7719-20, 7766 paras. 3, 107 (2000); see also 47 U.S.C. § 1302(b) (requiring the Commission to determine and report annually on "whether advanced telecommunications capability is being deployed to all Americans in a reasonable and timely fashion").

⁵ *Local Telephone Competition and Broadband Reporting*, WC Docket No. 04-141, Report and Order, 19 FCC Rcd 22340, 22345, 22355-56 paras. 8, 38 (2004) (emphasis in original); *FCC Announces Electronic Posting of OMB-Approved Form 477 for the September 1, 2005 Filing and Data Collection Workshop to be Held on June 29, 2005*, Public Notice, 20 FCC Rcd 10454, 10456 (WCB 2005); see also 47 CFR § 1.7001(b) (2005).

⁶ See 47 CFR § 1.7001 (2014); *Modernizing the FCC Form 477 Data Program*, WC Docket No. 11-10, Report and Order, 28 FCC Rcd 9887, 9888, 9896-97, 9902-08, 9913-18, paras. 3, 20, 32-41, 56-68 (2013); *Additional* (continued....)

of timely and accurate filings through enforcement advisories and enforcement action.⁷ The Commission has warned providers that failure to comply with the FCC Form 477 requirements may lead to enforcement action.⁸

3. *Factual Background.*⁹ On February 25, 2021, the Bureau issued the *NAL* proposing a \$10,000 forfeiture against the Company for its apparent willful and repeated violations of sections 1.7001 and 1.7002 of the Commission's rules by failing to file the FCC Form 477 sixteen times and late filing five times.¹⁰ On March 29, 2021, the Company submitted a formal response to the *NAL*.¹¹

4. In response to the *NAL*, the Company stated that it is a "small company with limited finances" and argued that the forfeiture should be reduced because the Company voluntarily disclosed the violations and took corrective actions to ensure that going forward it would timely file its FCC Form 477.¹² The Company's corrective actions included implementing software, designating a qualified employee to make filings, and having the president of the Company oversee the filing process.¹³

III. DISCUSSION

5. The Bureau proposed a forfeiture in this case in accordance with section 503(b) of the Communications Act of 1934, as amended (Act),¹⁴ section 1.80 of the Commission's rules,¹⁵ and the

Information for Form 477 Filers on New Data Submission Interface, WC Docket No. 11-10, Public Notice, 29 FCC Rcd 3174 (WCB 2014); *Wireline Competition Bureau Releases Data Specifications for Form 477 Data Collection*, WC Docket No. 11-10, Public Notice, 28 FCC Rcd 12665 (WCB 2013). In 2022, the Commission sunset the collection of broadband data through FCC Form 477. *Establishing the Digital Opportunity Data Collection Modernizing the FCC Form 477 Data Program*, WC Docket Nos. 19-195 and 11-10, Order, 37 FCC Rcd 14957, 14957, para. 1 (2022) (sunsetting the collection of broadband deployment data through Form 477 effective upon publication of the Order in the Federal Register) (*BDC Order*); *see also* 87 Fed. Reg. 76949-59 (Dec. 16, 2022). The Commission continues to collect broadband and voice subscription data using FCC Form 477, but filers are required to submit their data through the Broadband Data Collection (BDC) system. *BDC Order* at 14957, para. 1.

⁷ *See Barrier Communications Corporation d/b/a BarrierFree*, Notice of Apparent Liability for Forfeiture, 35 FCC Rcd 10186 (2020) (*BarrierFree NAL*); *Rio Verde Wireless, LLC*, Notice of Apparent Liability for Forfeiture, 30 FCC Rcd 2196 (EB 2015), *cancelled by* Order, 30 FCC Rcd 10597 (EB 2015) (consent decree admitting violations and paying civil penalty); *see also FCC Enforcement Advisory – Providers Must File a Complete and Accurate Form 477 Report Every Six Months*, Public Notice, 30 FCC Rcd 10853 (EB 2015); *FCC Enforcement Advisory – Providers Are Reminded that They Must File Complete and Accurate Form 477 Reports Every Six Months*, Public Notice, 26 FCC Rcd 16769 (EB 2011).

⁸ *See* 47 CFR § 1.7001(f); *see, e.g., Your Town Online, Inc.*, Notice of Apparent Liability for Forfeiture, 36 FCC Rcd 4409, 4411-12, para. 8 (EB 2021) (*Your Town Online NAL*) (concluding that the company violated the Commission's rules when it failed to file any FCC Form 477); *Barrierfree NAL* at 10197, para. 28 (concluding that the company failed to file FCC Form 477 numerous times in violation of the Commission's rules).

⁹ The *NAL* includes a more complete discussion of the facts and history of this case and is incorporated herein by reference. *See generally NAL*, *supra* note 1.

¹⁰ *Id.* at 4402, para. 1. One filing due on March 2, 2020 was within the on-year statute of limitations. *Id.* at 4405, para. 8. An upward adjustment of \$7,000 was imposed on the base forfeiture of \$3,000 as a result of the Company's history of non-compliance and the impact on the Commission's reports and analyses as a result of the missing data. *Id.* at 4406, para. 12.

¹¹ *See NAL Response*, *supra* note 2.

¹² *Id.* at 1.

¹³ *Id.*

¹⁴ 47 U.S.C. § 503(b).

¹⁵ 47 CFR § 1.80.

Commission's *Forfeiture Policy Statement*.¹⁶ When we assess forfeitures, section 503(b)(2)(E) requires that we take into account the "nature, circumstances, extent, and gravity of the violation and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require."¹⁷

6. The Commission may adopt upward or downward adjustments to forfeitures when appropriate.¹⁸ Under section 1.80 of the Commission's rules, we may adjust a forfeiture upward for egregious misconduct, ability to pay and relative disincentive, an intentional violation, substantial harm, prior violations of Commission requirements, substantial economic gain, or repeated or continuous violations.¹⁹ We may adjust a forfeiture downward for a minor violation, good faith or voluntary disclosure, a history of overall compliance, or an inability to pay.²⁰ As discussed herein, we have fully considered the Company's response to the *NAL* and find the Company's assertions for reduction of the forfeiture to be unpersuasive.

7. The *NAL* proposed a forfeiture of \$10,000 against the Company, consisting of a \$3,000 base forfeiture for the one violation that occurred within the one-year statute of limitations and a \$7,000 upward adjustment for the company's history of noncompliance.²¹ This amount comports with forfeitures assessed in substantially similar cases.²² However, the Company asserts that an upward adjustment of \$7,000 to the \$3,000 base forfeiture is excessive.²³ Contrary to the Company's assertions, this upward adjustment to the base forfeiture is not excessive as we have previously imposed such an adjustment for violations of the FCC Form 477 requirements.²⁴

8. The Company further argues that a reduction of the forfeiture is warranted because it

¹⁶ *The Commission's Forfeiture Policy Statement and Amendment of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines*, CI Docket No. 95-6, Report and Order, 12 FCC Rcd 17087 (1997) (*Forfeiture Policy Statement*), *recons. denied*, Memorandum Opinion and Order, 15 FCC Rcd 303 (1999).

¹⁷ 47 U.S.C. § 503(b)(2)(E).

¹⁸ *Forfeiture Policy Statement* at 17110, para. 53 (citing 47 U.S.C. § 503(b)(2)(E)).

¹⁹ 47 CFR § 1.80(b)(11), Tbl. 3 to para. (b)(11). *See also Forfeiture Policy Statement* at 17098-99, para. 22 (noting that "[a]lthough we have adopted the base forfeiture amounts as guidelines to provide a measure of predictability to the forfeiture process, we retain our discretion to depart from the guidelines and issue forfeitures on a case-by-case basis, under our general forfeiture authority contained in Section 503 of the Act").

²⁰ 47 CFR § 1.80(b)(11), Tbl. 3 to para. (b)(11).

²¹ *See supra* note 17. Section 312(f)(1) of the Act defines "willful" as the "conscious and deliberate commission or omission of [any] act, irrespective of any intent to violate" the law. 47 U.S.C. § 312(f)(1). The legislative history to section 312(f)(1) of the Act clarifies that this definition of willful applies to both sections 312 and 503(b) of the Act, and the Commission has so interpreted the term in the section 503(b) context. *Application for Rev. of S. California Broad. Co. Licensee, Radio Station Kiev(Am) Glendale, California*, Memorandum Opinion and Order, 6 FCC Rcd 4387 (1991). The Company's failure to timely file its FCC Form 477 here was a willful failure to comply with the Commission's rules within the meaning of the Act.

²² *See Your Town Online NAL*, *supra* note 8, at 4412-13, para. 12 (proposing a forfeiture of \$10,000 per violation inclusive of an upward adjustment from the base forfeiture for each failure to timely file an FCC Form 477); *Ryan Root d/b/a Root Automation & 4fast.net*, Notice of Apparent Liability for Forfeiture, 36 FCC Rcd 4423 (EB 2021) (proposing a forfeiture of \$10,000 per violation inclusive of an upward adjustment from the base forfeiture for each failure to timely file an FCC Form 477); *Rio Verde Wireless, LLC*, Notice of Apparent Liability for Forfeiture, 30 FCC Rcd 2196, 2201, paras. 17-18 (IHD 2015) (proposing a forfeiture of \$10,000 for failing to timely file one FCC Form 477 inclusive of an upward adjustment due to the company's history of noncompliance), *consent decree*, 30 FCC Rcd 10597 (EB 2015).

²³ *NAL Response*, *supra* note 2, at 1 (arguing that the upward adjustment was excessive).

²⁴ *See supra* note 22.

voluntarily disclosed the violations.²⁵ We consider a voluntary disclosure of a violation of the Act or the Commission's rules to be a mitigating factor for a downward adjustment of a base forfeiture amount if two conditions are met: (1) the disclosing company has taken corrective measures prior to a Commission inquiry or initiation of an enforcement action;²⁶ and (2) there was not a lengthy delay between the time that the company learned of the violation and the time it brought the violation to the Commission's attention.²⁷ The Commission has denied requests for a forfeiture reduction on the basis of a voluntary disclosure when there was not prompt remedial action.²⁸

9. In this case, neither of these conditions have been met. First, the Company's violations came into focus in connection with the Company seeking to participate in the challenge process for the Rural Digital Opportunity Fund Phase I Auction (Auction 904). In that context, the Company sought to exclude areas from eligibility for funding in the auction because the Company purportedly already served these areas, despite the Company having not reported such service on recent FCC Form 477 filings, as required by the Commission's rules.²⁹ The Company only recognized the gravity of the matter when Commission staff, responding to the Company's defective challenge, reminded the Company of its FCC Form 477 filing obligations and provided assistance with its belated and missing filings.³⁰ WIAW did not

²⁵ NAL Response, *supra* note 2, at 1.

²⁶ *Unipoint Techs., Inc. d/b/a Comfi.com d/b/a Masterbell.com d/b/a Pushline.com a/k/a Commc'ns Fid.*, Forfeiture Order, 29 FCC Rcd 1633, 1640-41, para. 23 (2014) (citing *Emery Tel.*, Memorandum Opinion and Order, 13 FCC Rcd 23854, 23858, para. 10 (1998) (reduced forfeiture because carrier voluntarily disclosed violations and promptly cured its deficiency); *All City Paging, Inc.*, Notice of Apparent Liability for Forfeiture, 9 FCC Rcd 6485, 6486, para. 5 (1994) (reduced forfeiture due to voluntary disclosure and other factors); *Emigrant Storage LLC*, Notice of Apparent Liability for Forfeiture, 27 FCC Rcd 8917, 8920, para. 9 (EB 2012) (downward adjustment for voluntary disclosure where "[e]fforts to come into compliance preceded the Bureau's investigation and the initiation of enforcement action"); *Cricket Commc'ns, Inc.*, Order and Notice of Apparent Liability for Forfeiture, 26 FCC Rcd 989, 994, para. 10 (EB 2011) (reducing forfeiture "because Cricket [had] made voluntary disclosures to Commission staff ... and [had undertaken] corrective measures after learning of its violations, but prior to any Commission inquiry or initiation of enforcement action.") (*Unipoint Forfeiture Order*).

²⁷ *Unipoint Forfeiture Order* at 1641, para. 23 (citing *Local Phone Servs., Inc.*, Notice of Apparent Liability for Forfeiture, 21 FCC Rcd 9974, 9980-81, paras. 17-20 (2006) (no downward adjustment for self-disclosure because violator had failed to timely cure its violations); *Mitchell Elec. Membership Coop., Camilla, Georgia*, Notice of Apparent Liability for Forfeiture, 22 FCC Rcd 5538, 5541, para. 11 (EB 2007) (denying downward adjustment of forfeiture for voluntary disclosure because the company allowed six months to elapse before taking remedial action)).

²⁸ *Unipoint Forfeiture Order* at 1641, para. 23 (citing *CB Radio, Inc.*, Memorandum Opinion and Order, 22 FCC Rcd 8836, 8839-40, para. 9 (2007) ("It is well established that post-investigational efforts to correct a violation do not mitigate the forfeiture or warrant a reduction in the assessed forfeiture amount."); *Exec. Broad. Corp.*, Memorandum Opinion and Order, 3 FCC2d 699, 700, para. 6 (1966) (rejecting licensee's argument for reduction of a forfeiture where the "violations were not corrected until detected by the Commission")); *see also id.* at 1641-42 (noting that the Commission has previously rejected downward adjustments where "lengthy delays" in attempting to cure a violation "evinced a lack of diligence," and the Enforcement Bureau has done so where disclosure came fewer than four months after discovery of a violation.) (citing *Sutro Corp.*, Memorandum Opinion and Order, 19 FCC Rcd 15274, 15277, para. 10 (2004) (also noting that delayed remediation efforts are not the type "of good faith efforts to comply that would entitle [the company] to . . . mitigation of the assessed forfeiture amount"); *Miller Breweries East, Inc.*, Notice of Apparent Liability for Forfeiture, 23 FCC Rcd 127, 130-31, para. 12 (EB 2008) (allowing no reduction when three months passed between filing of an application and disclosure, and five months passed between discovery and disclosure); *Steamboat Ski & Resort Corp.*, Notice of Apparent Liability for Forfeiture, 22 FCC Rcd 15168, 15171-72, para. 11 (EB 2007) (allowing no reduction when 46 days passed between discovery and disclosure)).

²⁹ *Rural Digital Opportunity Fund Phase I Auction (Auction 904) Rural Digital Opportunity Fund Connect Am. Fund*, AU Docket No. 20-34, WC Docket Nos. 19-126, 10-90, Order, 35 FCC Rcd 11288, 11292, para. 12 (WCB & OEA 2020) (*WIAW PFR Denial Order*).

³⁰ *Id.* at 11290-91, paras. 8-9.

separately notify the Commission or the Bureau of its missed filings, or otherwise affirmatively voluntarily disclose its violations.³¹ The Company only took corrective action in response to staff inquiries in conjunction with its challenge. Moreover, the Company's belated filings occurred long after the Company knew that it had not filed as required. The Company had been in operation since 2008, first filed FCC Form 477 data in 2012, and, as of 2020, had failed to file the required data numerous times.³² Thus, there was a lengthy delay between the time that the company learned of the violation and the time it brought the violation to the Commission's attention. Accordingly, a reduction in the forfeiture on the basis of a voluntary disclosure would not be appropriate in this case.

10. Nonetheless, the Company asserts that it made efforts to rectify its internal procedures to ensure that it would make timely FCC Form 477 filings.³³ It states that it "implemented a software utility to help automate certain aspects of the process and hired an individual to update all of our customer profiles to assure accurate location information."³⁴ The Company's president also began overseeing the filing process and took on some of the filing responsibilities.³⁵ However, these remedial actions were not prompt. The actions only came after Commission staff notified the Company, *vis-à-vis* Auction 904 and the *NAL*, that there were numerous FCC Form 477 filing violations. Any corrective action the Company has taken to come into compliance is to be expected by the Commission and cannot be a mitigating factor for reduction of the forfeiture.³⁶ All entities are required to know and abide by the Commission's rules.³⁷

11. The Company did not otherwise show an inability to pay³⁸ or present arguments or evidence to support reducing the forfeiture based on other statutory factors.³⁹ Thus, we impose the

³¹ See, e.g., *Lexington Coal Co., LLC*, Notice of Apparent Liability for Forfeiture, 34 FCC Rcd 244, 249, para. 13 (EB 2019) (declining to provide a downward adjustment where the company "never affirmatively disclosed its violations to the Enforcement Bureau, but instead attempted to belatedly file the required application without separately disclosing its lapse to the Commission.").

³² *WIAW PFR Denial Order* at 11290, para. 6 & n.18.

³³ *NAL Response*, *supra* note 2, at 1.

³⁴ *Id.*

³⁵ *Id.*

³⁶ See, e.g., *Westel, Inc.*, Notice of Apparent Liability for Forfeiture and Order, 2023 WL 4682651, at *15, para. 28 & n.125 (2023) ("Corrective action taken by an investigation target to come into compliance with Commission requirements is expected, and does not nullify or mitigate a forfeiture penalty."); *Air-Tel, LLC*, Forfeiture Order, 36 FCC Rcd 8867, 8875, para. 21 (2021) ("The Commission has long held that compliance with the Act and the Commission's rules by a licensee is expected and that coming into compliance in response to a Commission investigation does not warrant lenient enforcement."); *PTT Phone Cards, Inc.*, Forfeiture Order, 30 FCC Rcd 14701, 14704, para. 12 (2015) (stating that the Commission expects regulatees to come into compliance with Commission rules "as a matter of course."); *Carrera Commc'ns, LP*, Notice of Apparent Liability for Forfeiture, 20 FCC Rcd 13307, 13313, para. 16 & n.45 (2005) ("The Commission has repeatedly held that post-investigation corrective measures are not sufficient to avoid enforcement action.").

³⁷ See, e.g., *Southern California Broadcasting Co.*, Memorandum Opinion and Order, 6 FCC Rcd 4387, para. 3 (1991), *recon. denied*, 7 FCC Rcd 3454 (1992) (stating that "inadvertence ... is at best, ignorance of the law, which the Commission does not consider a mitigating circumstance") (internal citation omitted); see also *Townsquare Media of El Paso, Inc.*, Notice of Apparent Liability for Forfeiture, 35 FCC Rcd 6661, 6662, para. 12 & n.37 (EB 2020) ("It is immaterial whether ... violations were inadvertent, the result of ignorance of the law, or the product of administrative oversight.") (internal citations omitted).

³⁸ The Company states that it is amenable to the base forfeiture of \$3,000. *NAL Response*, *supra* note 2, at 1.

³⁹ 47 CFR § 1.80(b)(11), Tbl. 3. The Company stated that it was a small company with limited finances. However, that representation alone is insufficient to meet the relevant standard to show an inability to pay. The Commission will not consider reducing or canceling a forfeiture in response to a claimed inability to pay unless an entity submits: (1) federal tax returns for the most recent three-year period; (2) financial statements prepared according to generally accepted accounting practices ("GAAP"); or (3) some other reliable and objective documentation that accurately (continued....)

forfeiture of \$10,000 for the Company's violation of sections 1.7001 and 1.7002 of the Commission's rules by failing to file the FCC Form 477 in a timely manner on numerous occasions.

IV. CONCLUSION

12. Based on the record before us and in light of the applicable statutory factors, we conclude that WIAW willfully and repeatedly violated sections 1.7001 and 1.7002 of the Commission's rules by failing to file the FCC Form 477 sixteen times and late filing five times. We decline to reduce the \$10,000 forfeiture proposed in the *NAL* and affirm the amount.

V. ORDERING CLAUSES

13. Accordingly, **IT IS ORDERED** that, pursuant to section 503(b) of the Act, 47 U.S.C. § 503(b), and sections .0111, 0.204, 0.311, and 1.80 of the Commission's rules, 47 CFR §§ 0.111, 0.204, 0.311, 1.80, Western Iowa Wireless, Inc. **IS LIABLE FOR A MONETARY FORFEITURE** in the amount of ten thousand dollars (\$10,000) for willfully and repeatedly violating sections 1.7001 and 1.7002 of the Commission's rules, 47 CFR §§ 1.7001, 1.7002.

14. Payment of the forfeiture shall be made in the manner provided for in section 1.80 of the Commission's rules within thirty (30) calendar days after the release of this Forfeiture Order.⁴⁰ Western Iowa Wireless, Inc. shall send electronic notification of payment to IHDTelecom@fcc.gov on the date said payment is made. If the forfeiture is not paid within the period specified, the case may be referred to the U.S. Department of Justice for enforcement of the forfeiture pursuant to section 504(a) of the Act.⁴¹

15. In order for Western Iowa Wireless, Inc. to pay the proposed forfeiture, Western Iowa Wireless, Inc. shall notify IHDTelecom@fcc.gov of its intent to pay, whereupon an invoice will be posted in the Commission's Registration System (CORES) at <https://apps.fcc.gov/cores/userLogin.do>. Payment of the forfeiture must be made by credit card using CORES at <https://apps.fcc.gov/cores/userLogin.do>, ACH (Automated Clearing House) debit from a bank account, or by wire transfer from a bank account. The Commission no longer accepts forfeiture payments by check or money order. Below are instructions that payors should follow based on the form of payment selected:⁴²

- Payment by wire transfer must be made to ABA Number 021030004, receiving bank TREAS/NYC, and Account Number 27000001. In the OBI field, enter the FRN(s) captioned above and the letters "FORF". In addition, a completed Form 159⁴³ or printed CORES form⁴⁴ must be faxed to the Federal Communications Commission at 202-418-2843 or e-mailed to RROGWireFaxes@fcc.gov on the same business day the wire transfer is initiated. Failure to provide all required information in Form 159 or CORES may result in payment not being recognized as having been received. When completing FCC Form 159 or CORES, enter the Account Number in block number 23A (call sign/other ID), enter the letters "FORF" in block number 24A (payment type code), and enter in block number 11 the FRN(s) captioned above

reflects the licensee's current financial status. *PTT Phone Cards, Inc.*, Forfeiture Order, 30 FCC Rcd 1470, 14706, para. 16 (2015). In analyzing financial hardship claims, the Commission's long-established standard is to consider a company's gross revenues. *Id.* The Company did not provide the Commission such information, despite an express instruction to do so in the *NAL*. *NAL*, *supra* note 1, at 4408, para. 20.

⁴⁰ 47 CFR § 1.80.

⁴¹ 47 U.S.C. § 504(a).

⁴² For questions regarding payment procedures, please contact the Financial Operations Group Help Desk by phone at 1-877-480-3201 (option #6).

⁴³ FCC Form 159 is accessible at <https://www.fcc.gov/licensing-databases/fees/fcc-remittance-advice-form-159>.

⁴⁴ Information completed using the Commission's Registration System (CORES) does not require the submission of an FCC Form 159. CORES is accessible at <https://apps.fcc.gov/cores/userLogin.do>.

(Payor FRN).⁴⁵ For additional detail and wire transfer instructions, go to <https://www.fcc.gov/licensing-databases/fees/wire-transfer>.

- Payment by credit card must be made by using CORES at <https://apps.fcc.gov/cores/userLogin.do>. To pay by credit card, log-in using the FCC Username associated with the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select “Manage Existing FRNs | FRN Financial | Bills & Fees” from the CORES Menu, then select FRN Financial and the view/make payments option next to the FRN. Select the “Open Bills” tab and find the bill number associated with the NAL Acct. No. The bill number is the NAL Acct. No. with the first two digits excluded (e.g., NAL 1912345678 would be associated with FCC Bill Number 12345678). After selecting the bill for payment, choose the “Pay by Credit Card” option. Please note that there is a \$24,999.99 limit on credit card transactions.
- Payment by ACH must be made by using CORES at <https://apps.fcc.gov/cores/userLogin.do>. To pay by ACH, log in using the FCC Username associated with the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select “Manage Existing FRNs | FRN Financial | Bills & Fees” on the CORES Menu, then select FRN Financial and the view/make payments option next to the FRN. Select the “Open Bills” tab and find the bill number associated with the NAL Acct. No. The bill number is the NAL Acct. No. with the first two digits excluded (e.g., NAL 1912345678 would be associated with FCC Bill Number 12345678). Finally, choose the “Pay from Bank Account” option. Please contact the appropriate financial institution to confirm the correct Routing Number and the correct account number from which payment will be made and verify with that financial institution that the designated account has authorization to accept ACH transactions.

16. Any request for making full payment over time under an installment plan should be sent to: Chief Financial Officer – Financial Operations, Federal Communications Commission, 45 L Street NE, Washington, D.C. 20554. Questions regarding payment procedures should be directed to the Financial Operations Group Help Desk by telephone, 1-877-480-3201, or by e-mail, ARINQUIRIES@fcc.gov.

17. **IT IS FURTHER ORDERED** that a copy of this Forfeiture Order shall be sent by first class mail and certified mail, return receipt requested, to Western Iowa Wireless, Inc., c/o Scott J Rogers, Peters Law Firm PC, 233 Pearl St P.O. Box 107G, Council Bluffs, IA 51502, and Chris Corrin, President, Western Iowa Wireless, Inc., 33553 270th Street, Neola, IA 51559.

FEDERAL COMMUNICATIONS COMMISSION

Peter S. Hyun
Acting Chief
Enforcement Bureau

⁴⁵ Instructions for completing the form may be obtained at <http://www.fcc.gov/Forms/Form159/159.pdf>.

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

In the Matter of	)	
	)	
Entravision Holdings, LLC	)	Facility ID No. 34577
	)	NAL/Acct. No. 202441420023
Licensee of Class A Television Station	)	FRN: 0001529627
KRNS-CD, Reno, Nevada	)	LMS File No. 0000192633

**MEMORANDUM OPINION AND ORDER AND
NOTICE OF APPARENT LIABILITY FOR FORFEITURE**

Adopted: December 30, 2024

Released: December 30, 2024

By the Chief, Video Division, Media Bureau:

I. INTRODUCTION

1. The Media Bureau (Bureau) has before it the application (Application) of Entravision Holdings, LLC (Licensee), for renewal of its license for Class A television station KRNS-CD, Reno, Nevada (Station).¹ In this *Notice of Apparent Liability for Forfeiture (NAL)*, we find that the Licensee apparently willfully and repeatedly violated the Commission's rules (Rules) by failing to timely upload the Station's quarterly issues/programs lists to its online public inspection file (OPIF) in violation of section 73.3526(e)(11)(i) of the Rules.² Based upon our review of the facts and circumstances before us, we conclude that the Licensee is apparently liable for a monetary forfeiture in the amount of five thousand dollars (\$5,000).

II. BACKGROUND

2. Section 73.3526(e)(11)(i) of the Rules requires every Class A television station to place in its OPIF, on a quarterly basis, an issues/programs list that details programs that have provided the station's most significant treatment of community issues during the preceding three month period and must include a brief narrative of the issues addressed, as well as the time, date, duration, and title of each program in which the issues were treated.³ Issues/programs lists must be placed in the station's OPIF by the tenth day of the succeeding calendar quarter and copies must be retained until final action on the station's next license renewal application.⁴

3. On June 1, 2022, the Licensee timely filed its Application. In its Application, the Licensee disclosed that it late filed documents to its OPIF, including late filed issues/programs lists.⁵ The Licensee stated these failures were due to "prior employees of the Station that failed to carry out the

¹ Application of Entravision Holdings, LLC for Renewal of License, File No. 0000192633 (filed June 1, 2022; amended Dec. 23, 2024) (Application).

² 47 CFR § 73.3526(e)(11)(i).

³ *Id.*

⁴ *Id.*

⁵ Application at Attach., Updated Renewal Statement. In this attachment, the Licensee also reported late filings of 29 political advertising orders. *Id.* Those violations are addressed by the terms of a prior consent decree between the Bureau and the Licensee and thus are not considered in this *NAL*. See *Consent Decree of Entravision Holdings LLC*, Order, DA 21-1534 (MB Dec. 9, 2021); Application at Attach., Updated Renewal Statement.

uploading process in the manner required by the licensee.”⁶ The Licensee stated it is working to ensure future compliance and has now placed a new “management-level employee” in charge of its OPIF and provided the employee training and supervision.⁷ A Bureau staff inspection of the Station’s OPIF revealed that the Licensee failed to timely upload a total of ten issues/programs lists by the deadline established in section 73.3526(e)(11)(i) of the Rules during the prior license term. Specifically, it uploaded three issues/programs lists between one day and thirteen days late, one issues/programs list nine months late, and six issues/programs lists between one and one-half years late and nearly three years late.

III. DISCUSSION

4. This *NAL* is issued pursuant to section 503(b)(1)(B) of the Communications Act of 1934, as amended (the Act), which states a person who is found to have willfully or repeatedly failed to comply with any provision of the Act or any rule, regulation, or order issued by the Commission, shall be liable to the United States for a forfeiture penalty.⁸ Section 312(f)(1) of the Act defines willful as “the conscious and deliberate commission or omission of [any] act, irrespective of any intent to violate” the law.⁹ The legislative history to section 312(f)(1) of the Act clarifies that this definition of willful applies to both sections 312 and 503(b) of the Act,¹⁰ and the Commission has so interpreted the term in the section 503(b) context.¹¹ Section 312(f)(2) of the Act provides that “[t]he term ‘repeated,’ when used with reference to the commission or omission of any act, means the commission or omission of such act more than once or, if such commission or omission is continuous, for more than one day.”¹²

5. *Apparent Violation.* In total, the Licensee failed to upload in a timely manner to the Station’s OPIF copies of the Station’s issue/programs lists for ten quarters, with three issues/programs lists between one day and thirteen days late, one issues/programs list nine months late, and six issues/programs lists between one and one-half years late and nearly three years late. We therefore find that the Licensee has apparently willfully and repeatedly violated section 73.3526(e)(11)(i) of the Rules.¹³

6. *Proposed Forfeiture.* The Commission’s *Forfeiture Policy Statement* and section 1.80(b)(10) of the Rules establish a base forfeiture amount of \$10,000 for public file violations.¹⁴ In determining the appropriate forfeiture amount, we may adjust the base amount upward or downward by considering the factors enumerated in section 503(b)(2)(E) of the Act, including “the nature, circumstances, extent and gravity of the violation, and, with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require.”¹⁵

⁶ Application at Attach., Updated Renewal Statement.

⁷ *Id.*

⁸ See 47 U.S.C. § 503(b)(1)(B); see also 47 CFR § 1.80(a)(2).

⁹ 47 U.S.C. § 312(f)(1).

¹⁰ See H.R. Rep. No. 97-765, at 51 (1982) (Conf. Rep.).

¹¹ See *Southern California Broadcasting Co.*, Memorandum Opinion and Order, 6 FCC Rcd 4387, 4388, para. 5 (1991) (*Southern California*), recon. denied, 7 FCC Rcd 3454 (1992).

¹² 47 U.S.C. § 312(f)(2).

¹³ See 47 CFR § 73.3526(e)(11)(i).

¹⁴ See *Forfeiture Policy Statement and Amendment of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines*, Report and Order, 12 FCC Rcd 17087, 17113-15 (1997) (*Forfeiture Policy Statement*), recon. denied, 15 FCC Rcd 303 (1999); 47 CFR § 1.80(b), paragraph (b)(11), Table 1.

¹⁵ 47 U.S.C. § 503(b)(2)(E). See also *Forfeiture Policy Statement*, 12 FCC Rcd at 17100–01; 47 CFR § 1.80(b), paragraph (b)(11), Table 3.

7. In this case, the Licensee failed to timely upload to its OPIF issue/programs lists for a total of ten quarters, in violation of section 73.3526(e)(11)(i) of the Rules.¹⁶ While the Licensee states that its repeated failure to timely upload its issue/programs lists was because of “prior employees” “failure to carry out the uploading process in a timely manner,”¹⁷ we note that applicants and licensees are responsible for the errors or oversights of their employees.¹⁸ It is also well settled Commission precedent that administrative oversight is not an excuse for failure to comply with the Commission’s rules or a mitigating circumstance.¹⁹ Taking into consideration factors required by section 503(b)(2)(E) of the Act and the *Forfeiture Policy Statement*, we find that under the facts of this case a forfeiture in the amount of \$5,000 is appropriate for the Licensee’s apparent failure to timely upload its issues/programs lists.

8. *License Renewal Application.* In evaluating an application for license renewal, the Commission’s decision is governed by section 309(k) of the Act.²⁰ That section provides that if, upon consideration of the application and pleadings, we find that: (1) the station has served the public interest, convenience, and necessity; (2) there have been no serious violations of the Act or the Rules; and (3) there have been no other violations which, taken together, constitute a pattern of abuse, we are to grant the renewal application.²¹ If, however, the licensee fails to meet that standard, the Commission may deny the application—after notice and opportunity for a hearing under section 309(e) of the Act—or grant the application “on terms and conditions as are appropriate, including renewal for a term less than the maximum otherwise permitted.”²²

9. We find that the Licensee’s apparent violation of section 73.3526(e)(11)(i) of the Rules does not constitute a “serious violation” warranting designation of the Application for evidentiary hearing. Moreover, we find no evidence of violations that, when considered together, constitute a pattern of abuse.²³ Further, based on our review of the Application, we find that the Station served the public interest, convenience, and necessity during the subject license term. We will therefore grant the

¹⁶ See 47 CFR § 73.3526(e)(11)(i).

¹⁷ Application at Attach., Public Inspection File Statement KRNS-CD.

¹⁸ See, e.g., *Roy E. Henderson*, Memorandum Opinion and Order, 33 FCC Rcd 3385, 3387-88, para. 6 (2018) (rejecting argument that licensee’s engineer was to blame for station’s unauthorized operations).

¹⁹ See, e.g., *Southern California Broadcasting Co.*, Memorandum Opinion and Order, 6 FCC Rcd 4387, para. 3 (1991), recon. denied, 7 FCC Rcd 3454 (1992) (stating that “inadvertence . . . is at best, ignorance of the law, which the Commission does not consider a mitigating circumstance”) (internal cite omitted); *Standard Comm’cns Corp.*, Memorandum Opinion and Order, 1 FCC Rcd 358, 358, para. 4 (1986) (stating that “employee acts or omissions, such as clerical errors in failing to file required forms, do not excuse violations”).

²⁰ 47 U.S.C. § 309(k).

²¹ 47 U.S.C. § 309(k)(1).

²² 47 U.S.C. §§ 309(k)(2), (k)(3).

²³ For example, we do not find here that the Licensee’s Station operation “was conducted in an exceedingly careless, inept and negligent manner and that the licensee is either incapable of correcting or unwilling to correct the operating deficiencies.” See *Heart of the Black Hills Stations*, Decision, 32 FCC 2d 196, 198, para. 6 (1971). Nor do we find on the record here that “the number, nature and extent” of the violations indicate that “the licensee cannot be relied upon to operate [the station] in the future in accordance with the requirements of its licenses and the Commission’s Rules.” *Id.* at 200, paras. 10–11. See also *Center for Study and Application of Black Econ. Dev.*, Hearing Designation Order, 6 FCC Rcd 4622 (1991); *Calvary Educ. Broad. Network, Inc.*, Hearing Designation Order, 7 FCC Rcd 4037 (1992).

Application by separate staff action if there are no issues other than those set forth in this *NAL* that would preclude grant of the Application.²⁴

IV. ORDERING CLAUSES

10. Accordingly, **IT IS ORDERED**, pursuant to section 503(b) of the Communications Act of 1934, as amended, 47 U.S.C. § 503(b), and sections 0.61, 0.204, 0.283, and 1.80 of the Commission's rules, 47 CFR §§ 0.61, 0.204, 0.283, and 1.80, that **Entravision Holdings, LLC**, is hereby **NOTIFIED** of its **APPARENT LIABILITY FOR FORFEITURE** in the amount of **five thousand dollars (\$5,000)** for its apparent willful and repeated violation of section 73.3526(e)(11)(i) of the Commission's rules, 47 CFR § 73.3526(e)(11)(i). Alternatively, Entravision Holdings, LLC, may choose to voluntarily revert KRNS-CD to low power television status, and it would no longer be apparently liable for the forfeiture amount described herein.²⁵

11. **IT IS FURTHER ORDERED** that, pursuant to section 1.80 of the Commission's rules, 47 CFR § 1.80, **within thirty (30) days of the release date of this *NAL*, Entravision Holdings, LLC, SHALL PAY the full amount of the proposed forfeiture or SHALL FILE** a written statement seeking reduction or cancellation of the proposed forfeiture.

12. Payment of the forfeiture must be made by credit card, ACH (Automated Clearing House) debit from a bank account using CORES (the Commission's online payment system),²⁶ or by wire transfer. Payments by check or money order to pay a forfeiture are no longer accepted. **Upon payment, the Licensee must send notice that payment has been made to VideoNAL@fcc.gov.** Below are instructions that payors should follow based on the form of payment selected:²⁷

- Payment by wire transfer must be made to ABA Number 021030004, receiving bank TREAS/NYC, and Account Number 27000001. A completed FCC Form 159 must be faxed to the Federal Communications Commission at 202-418-2843 or e-mailed to RROGWireFaxes@fcc.gov on the same business day the wire transfer is initiated. Failure to provide all required information in Form 159 may result in payment not being recognized as having been received. When completing FCC Form 159, enter the Account Number in block number 23A (call sign/other ID), enter the letters "FORF" in block number 24A (payment type code), and enter in block number 11 the FRN(s) captioned above (Payor FRN).²⁸ For additional detail and wire transfer instructions, go to <https://www.fcc.gov/licensing-databases/fees/wire-transfer>.
- Payment by credit card must be made by using the Commission's Registration System (CORES) at <https://apps.fcc.gov/core/userLogin.do>. To pay by credit card, log-in using the FCC Username associated to the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select "Manage Existing FRNs | FRN Financial | Bills & Fees" from the CORES Menu, then select FRN Financial and the view/make payments option next to the FRN. Select the "Open Bills" tab and find the bill

²⁴ Our action today addresses known apparent violations from the date the prior license renewal application was granted through the adoption date of this item. Any violations that are discovered or may occur following the adoption date of this item and prior to the grant of the current Application would be separate violations and potentially subject to additional Commission action.

²⁵ In order to revert the Station from Class A to low power status, the Licensee must notify the Commission in writing and request a change in status. See 47 CFR § 73.6001(d). In this instance, the Licensee should amend the Application to make such a request in an attachment and send a copy of the request to VideoNAL@fcc.gov.

²⁶ Payments made using CORES do not require the submission of an FCC Form 159.

²⁷ For questions regarding payment procedures, please contact the Financial Operations Group Help Desk by phone at 1-877-480-3201 (option #6), or by e-mail at ARINQUIRIES@fcc.gov.

²⁸ Instructions for completing the form may be obtained at <https://www.fcc.gov/Forms/Form159/159.pdf>.

number associated with the *NAL*. The bill number is the NAL Acct. No. (e.g., NAL/Acct. No. 1912345678 would be associated with FCC Bill Number 1912345678) captioned above. After selecting the bill for payment, choose the “Pay by Credit Card” option. Please note that there is a \$24,999.99 limit on credit card transactions.

- Payment by ACH must be made by using the Commission’s Registration System (CORES) at <https://apps.fcc.gov/cores/paymentFrnLogin.do>. To pay by ACH, log in using the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select “Manage Existing FRNs | FRN Financial | Bills & Fees” on the CORES Menu, then select FRN Financial and the view/make payments option next to the FRN. Select the “Open Bills” tab and find the bill number associated with the NAL. The bill number is the NAL/Acct. No. (e.g., NAL/Acct. No. 1912345678 would be associated with FCC Bill Number 1912345678) captioned above. Finally, choose the “Pay from Bank Account” option. Please contact the appropriate financial institution to confirm the correct Routing Number and the correct account number from which payment will be made and verify with that financial institution that the designated account has authorization to accept ACH transactions.

13. Any request for making full payment over time under an installment plan should be sent to: Chief Financial Officer—Financial Operations, 45 L Street, NE, Washington, DC 20554.²⁹ Requests can be sent by hand or messenger delivery, by commercial courier, or by the U.S. Postal Service in the manner specified above. **A copy of the request must also be sent to VideoNAL@fcc.gov.** Questions regarding payment procedures should be directed to the Financial Operations Group Help Desk by phone, 1-877-480-3201 (option #6), or by e-mail at ARINQUIRIES@fcc.gov.

14. The written response seeking reduction or cancellation of the proposed forfeiture, if any, must include a detailed factual statement supported by appropriate documentation and affidavits pursuant to sections 1.16 and 1.80(g)(3) of the Rules, 47 CFR §§ 1.16 and 1.80(g)(3). The written response must be filed with the Office of the Secretary, Federal Communications Commission, 45 L Street, NE, Washington, DC 20554, ATTN: Barbara A. Kreisman, Chief, Video Division, Media Bureau and **MUST INCLUDE** the NAL/Acct. No. referenced above. **A copy must also be emailed to VideoNAL@fcc.gov to assist in processing the response.**

- Filings can be sent by hand or messenger delivery, by commercial courier, or by the U.S. Postal Service. All filings must be addressed to the Secretary, Federal Communications Commission.
 - Hand-delivered or messenger-delivered paper filings for the Commission’s Secretary are accepted between 8:00 a.m. and 4:00 p.m. by the FCC’s mailing contractor at 9050 Junction Drive, Annapolis Junction, MD 20701. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.³⁰
 - Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
 - Postal Service first-class, Express, and Priority mail must be addressed to 45 L Street, NE, Washington, DC 20554.

15. The Commission will not consider reducing or canceling a forfeiture in response to a claim of inability to pay unless the respondent submits: (1) federal tax returns for the most recent three-year period; (2) financial statements prepared according to generally accepted accounting practices (GAAP); or (3) some other reliable and objective documentation that accurately reflects the respondent’s

²⁹ See 47 CFR § 1.1914.

³⁰ Hand-delivered or messenger delivered paper filings continue to NOT be accepted at FCC Headquarters.

current financial status. Any claim of inability to pay must specifically identify the basis for the claim by reference to financial documentation submitted. Inability to pay, however, is only one of several factors that the Commission will consider in determining the appropriate forfeiture, and we have discretion to not reduce or cancel the forfeiture if other prongs of 47 U.S.C. § 503(b)(2)(E) support that result.³¹

16. **IT IS FURTHER ORDERED**, that a copy of this *NAL* shall be sent, by First Class and Certified Mail, Return Receipt Requested, to Mark Boelke, Entravision Holdings, LLC, 2425 Olympic Boulevard, Suite 6000 West, Santa Monica, CA 90404, and by email to mboelke@entravision.com. A copy will also be sent to the Licensee's legal counsel, Ari Meltzer, Wiley Rein LLP, 2050 M Street NW, Washington, DC 20036 and by e-mail to ameltzer@wiley.law.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman
Chief, Video Division
Media Bureau

³¹ See, e.g., *Adrian Abramovich*, Forfeiture Order, 33 FCC Rcd 4663, 4678-79, paras. 44-45 (2018).

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

In the Matter of	)	
	)	
Telecommunications Carriers Eligible for	)	
Universal Service Support	)	WC Docket No. 09-197
	)	
	)	

ORDER

Adopted: December 30, 2024

Released: December 30, 2024

By the Chief, Telecommunications Access Policy Division, Wireline Competition Bureau:

1. In this Order, we approve the request of Point Broadband Fiber Holding, LLC (Point Broadband) to partially relinquish its Eligible Telecommunications Carrier (ETC) designation in Alabama for Study Area Code (SAC) 259050 (Assigned Census Blocks).¹ Point Broadband seeks this relinquishment in connection with the Bureau’s approval, and the consummation, of a transaction transferring a portion of its Rural Digital Opportunity Fund (RDOF) support where it was designated as an ETC and the associated obligations to R.M. Greene, Inc. aka Beam (Beam),² and the Wireline Competition Bureau’s (Bureau) grant of Beam’s ETC petition for a designated service area containing the Assigned Census Blocks.³

2. To obtain universal service funds, a carrier must be designated as an ETC under section 214(e)(1) of the Communications Act, as amended (Act).⁴ Although section 214(e)(2) grants states the primary role in designating ETCs, section 214(e)(6) provides that the Federal Communications Commission (Commission) should designate ETCs in limited circumstances, i.e., where the carrier is not subject to the jurisdiction of a state.⁵ Section 214(e)(4) of the Act provides that in the case of a carrier designated as an ETC by the Commission pursuant to section 214(e)(6), the Commission shall permit an ETC to relinquish its designation “in any area served by more than one [ETC]” so long as “the remaining

¹ Notice of Point Broadband of Partial Relinquishment of ETC Designation, WC Docket No. 09-197, at 1 (filed June 13, 2024) (Relinquishment Petition); *Auction 904 ETC Designation Order*, WC Docket No. 09-197, Order, 36 FCC Rcd 9384, 9395 (WCB 2021) (conditionally designating Point as an ETC to become eligible to receive RDOF support in areas where it would be eligible to receive support upon authorization); *RDOF Support Authorized for 466 Winning Bids*, WC Docket No. 20-34, Public Notice, 36 FCC Rcd 13574, 13599 (WCB 2021) (authorizing Point to receive RDOF support). See Application of Point Broadband Fiber Holding, LLC and R.M. Greene, Inc. aka Beam for Partial Assignment of Domestic Section 214 Authorization, WC Docket No. 22-344 at Exh. 1 (List of census blocks to be assigned pursuant to the transaction) (filed Sept. 21, 2022).

² *Domestic Section 214 Application Granted for the Transfer of Control of Certain Authorizations of Point Broadband Fiber Holding, LLC to R.M. Greene, Inc. aka Beam*, WC Docket No. 22-344, Public Notice, 38 FCC Rcd 5791 (WCB 2023) (*Transfer Public Notice*).

³ *Telecommunications Carriers Eligible for Universal Service Support et. al.*, WC Docket. No. 09-197, Order, 38 FCC Rcd 5781 (WCB 2023) (*Beam ETC Designation Order*).

⁴ 47 U.S.C. § 214(e)(1).

⁵ *Id.* § 214(e)(6).

[ETCs] ensure that all customers served by the relinquishing carrier will continue to be served.”⁶ Consistent with this statutory provision, once the requesting ETC makes the required showing under section 214(e)(4), the Commission must grant the request for relinquishment.

3. On June 21, 2023, the Bureau approved an application to partially transfer a domestic section 214 authorization from Point Broadband to Beam (together, Parties).⁷ As a result of this approval, Parties received consent for the transfer of certain assets from Point Broadband to Beam, including RDOF support and obligations in certain areas in Alabama eligible for the transferred RDOF support, subject to, and conditioned upon, the Bureau’s grant of Beam’s ETC petition and its authorization to receive this support.⁸ On June 21, 2023, the Bureau designated Beam as an ETC for a designated area containing the Assigned Census Blocks, conditioned upon, and limited by, its authorization to receive this support and effective only upon such authorization.⁹ The transaction was consummated on December 1, 2023,¹⁰ and on March 12, 2024, the Bureau authorized Beam to receive the transferred support.¹¹ At this time, USAC assigned to Beam Study Area Code (SAC 259064) for the ETC designated area.¹²

4. On June 13, 2024, Point Broadband filed a petition to partially relinquish its ETC designation in the ETC designated area.¹³ Point Broadband states in its petition that Beam has become an ETC eligible to receive support for a designated service area containing the Assigned Census Blocks as successor-in-interest to Point Broadband’s RDOF support and obligations in that area.¹⁴ Further, Point Broadband states that to its knowledge, Beam will continue to serve customers in the Assigned Census Blocks.¹⁵ We note that pursuant to the terms of the RDOF rules, Beam must provide voice service throughout the Assigned Blocks, either through its own facilities or a combination of its own and other ETC’s facilities, starting the first day of the month following its authorization to receive the RDOF support for this area.¹⁶ In its approval of the Parties’ transfer of the domestic section 214 authorization, the Bureau stated that Point Broadband had no subscribers in the Assigned Census Blocks.¹⁷ Based on these circumstances, we conclude that it is appropriate to grant Point Broadband’s petition to relinquish its ETC designation in the designated service area for the Assigned Census Blocks transferred to Beam.¹⁸

⁶ *Id.* § 214(e)(4).

⁷ *Transfer Public Notice*, 38 FCC Rcd at 5791.

⁸ *Id.* at 5791.

⁹ *Beam ETC Designation Order*, 38 FCC Rcd at 5781.

¹⁰ Relinquishment Petition at 1.

¹¹ *Authorization Beam to Receive Rural Digital Opportunity Fund Support Transferred from Point Broadband Fiber Holding, LLC*, WC Docket No. 10-90, Public Notice, 39 FCC Rcd 2286 (WCB 2024).

¹² *See id.*

¹³ Relinquishment Petition at 1. On November 1, 2024, the Bureau sought comment on Point Broadband’s Relinquishment Petition. *Wireline Competition Bureau Seeks Comment on Point Broadband Fiber Holdings, LLC’s Petition for Relinquishment of Eligible Telecommunications Carrier Designation*, WC Docket No. 09-197, Public Notice, DA 24-1121 (WCB Nov. 1, 2024). The Bureau received no comments.

¹⁴ *Id.* at 3.

¹⁵ *Id.*

¹⁶ *See Rural Digital Opportunity Fund et al.*, WC Docket No. 19-126 et al., Report and Order, 35 FCC Rcd 686, 745, para. 139 (2020).

¹⁷ *Transfer Public Notice*, 38 FCC Rcd at 5791.

¹⁸ *See, e.g., Telecommunications Carriers Eligible for Universal Service et al.*, WC Docket Nos. 09-197, 10-90, Order, DA 23-1190 (WCB rel. Dec. 20, 2023) (granting relinquishment where a former ETC transferred RDOF (continued....))

5. Accordingly, IT IS ORDERED that, pursuant to the authority contained in section 214(e)(4) of the Communications Act of 1934, as amended, 47 U.S.C. § 214(e)(4), and the authority delegated in section 0.91 and 0.291 of the Commission's Rules, 47 CFR §§ 0.91, 0.291, Point Broadband Fiber Holdings, LLC's Notice of Point Broadband of Partial Relinquishment of ETC Designation in its designated service area in Alabama is GRANTED and RELINQUISHED.

6. IT IS FURTHER ORDERED that POINT BROADBAND FIBER HOLDING, LLC SHALL TRANSMIT a copy of this order to the Universal Service Administrative Company (USAC).

7. IT IS FURTHER ORDERED that, pursuant to section 1.102(b)(1) of the Commission's rules, 47 CFR § 1.102(b)(1), this order SHALL BE EFFECTIVE upon release.

FEDERAL COMMUNICATIONS COMMISSION

Nicholas E. Page
Chief
Telecommunications Access Policy Division
Wireline Competition Bureau

(Continued from previous page) _____

support and obligations to a new ETC pursuant to a 214 transaction and where the former ETC had not undertaken any deployment activities in the designated area, had not provided services as of the relinquishment, and had no subscribers in the relevant state).



PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, DC 20554

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Internet: www.fcc.gov
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DA 24-1301
December 30, 2024

FCC RELEASES CIRCUIT CAPACITY DATA FOR U.S.-INTERNATIONAL SUBMARINE CABLES AS OF DECEMBER 31, 2023

The Office of International Affairs today released circuit capacity data for U.S.-international submarine cables as of December 31, 2023.¹ Pursuant to section 43.82 of the Commission's rules, cable landing licensees and common carriers must file annual Circuit Capacity Reports through the Commission's [online filing system](https://www.fcc.gov/circuit-capacity-data-us-international-submarine-cables).² The data include:

- **Cable Capacity Operator Reports** - Submarine cable landing licensees must file capacity information for each cable system as of December 31st of the current reporting period (available capacity) and two years from the current reporting period (planned capacity).
- **Cable Capacity Holder Reports** - Submarine cable landing licensees and common carriers that owned or leased capacity on a submarine cable between the United States and any foreign point must file capacity information as of December 31st for the following categories: (1) Owned Capacity; (2) Net Indefeasible Rights-of-Use (IRUs); (3) Net Inter-Carrier Leaseholds (ICLs); (4) Net Capacity Held (categories 1-3); (5) Activated Capacity; and (6) Non-Activated Capacity.³

The circuit capacity data as of December 31, 2023 are presented through the Tables and Attachments set out below and can be downloaded at <https://www.fcc.gov/circuit-capacity-data-us-international-submarine-cables>.

- **Table 1 – Section 43.82 Circuit Capacity Filers (2023)** – Entities that filed a cable operator and/or capacity holder report.
- **Table 2 – Number of Reports Filed by Submarine Cable Operators (2023)**
- **Table 3 – Submarine Cable Operator Reports (in Gbps) (2023/2025)** – Available and planned capacity for each U.S.-international submarine cable, with regional totals.
- **Table 4 – Submarine Cable Operator Capacity Trend Data (in Gbps)** – Detailed capacity trend data for each U.S.-international submarine cable.
- **Table 5 – Submarine Cable Capacity Holder Reports by Region (2023)** – Capacity holder data (i.e., cable capacity leased or owned by all filing entities) on a regional basis.

¹ 47 CFR § 43.82. Current circuit capacity data, as well as data for reporting year 2016 and years following, can be viewed on the FCC website. See FCC, *Circuit Capacity Data for U.S.-International Submarine Cables*, <https://www.fcc.gov/circuit-capacity-data-us-international-submarine-cables>.

² 47 CFR § 43.82. Individual cable operator data and capacity holder data are withheld from public distribution for those filing entities that requested confidential treatment.

³ Filing Manual for Section 43.82 Circuit Capacity Reports at 6-7, paras. 32-34 (IB Feb. 2020), <https://docs.fcc.gov/public/attachments/DOC-362660A1.pdf>. The aggregate capacity holder data represent data for U.S.-international submarine cables that were in service as of the end of the reporting period.

- **Table 6 – Comparison of Capacities Reported from Cable Operator Reports and Capacity Holder Reports (2023)** – Comparison of total available capacity reported in the cable operator reports with total owned capacity in the capacity holder reports, on a regional basis.
- **Attachment A** – U.S.-International Submarine Cables – Landing Points by Region, Cable, and Foreign Landing Point as of December 31, 2023
- **Attachment B** – U.S.-International Submarine Cables – Landing Points by Region, Foreign Landing Point, and Cable as of December 31, 2023
- **Attachment C** – U.S.-International Submarine Cables – Landing Points by Number of Landing Points Per Country and Region and a Frequency Table Summarizing Foreign Landing Points Per Country as of December 31, 2023

For additional information, contact Stacey Ashton, Telecommunications and Analysis Division, Office of International Affairs, Stacey.Ashton@fcc.gov, (202) 418-2214.

- FCC -

2023 Circuit Capacity Data For U.S.-International Submarine Cables

Table	1 Section 43.82 Circuit Capacity Filers (2023) – Entities that filed a cable operator and/or capacity holder report.
Table	2 Number of Reports Filed By Submarine Cable Operators (2023)
Table	3 Submarine Cable Operator Reports (in Gbps) (2023/2025) – Available and planned capacity for each U.S.-international submarine cable, with regional totals.
Table	4 Submarine Cable Operator Capacity Trend Data (in Gbps) – Detailed capacity trend data for each U.S.-international submarine cable.
Table	5 Submarine Cable Capacity Holder Reports by Region (2023) – Capacity holder data (i.e., cable capacity leased or owned by all filing entities) on a regional basis.
Table	6 Comparison of Capacities Reported from Cable Operator Reports and Capacity Holder Reports (2023) – Comparison of total available capacity reported in the cable operator reports with total owned capacity in the capacity holder reports, on a regional basis.
Attachment A	U.S.-International Submarine Cables – Landing Points by Region, Cable, and Foreign Landing Point as of December 31, 2023
Attachment B	U.S.-International Submarine Cables – Landing Points by Region, Foreign Landing Point, and Cable as of December 31, 2023
Attachment C	U.S.-International Submarine Cables – Landing Points by Number of Landing Points Per Country and Region and a Frequency Table Summarizing Foreign Landing Points Per Country as of December 31, 2023

Source: Office of International Affairs, Federal Communications Commission

For definitions of terms and instructions on filing procedures, please refer to the [Filing Manual \(Feb. 2020\)](#)

For further information on current and past reports, see <https://www.fcc.gov/circuit-capacity-data-us-international-submarine-cables>

Table 1
Section 43.82 Circuit Capacity Filers (2023)

No.	Entities	Submarine Cable Operator Reports	Submarine Cable Capacity Holder Reports
1	AARNet Pty Ltd		✓
2	ALGAR TELECOM S/A		✓
3	AMCS LLC		✓
4	American Samoa Hawaii Cable, LLC	✓	✓
5	American Samoa Telecommunications Authority		✓
6	ANGOLA CABLES		✓
7	Antel		✓
8	Antelecom N.V.		✓
9	Antilles Crossing-St. Croix, Inc.	✓	✓
10	Aqua Comms (Americas) Inc	✓	✓
11	ARCOS-1 USA, Inc.	✓	✓
12	Arelion U.S. Inc.		✓
13	AT&T Corp.	✓	✓
14	Atlantic Teleconnection Operating Company Limited		✓
15	Australia-Japan Cable (Guam) Limited	✓	✓
16	Bharti Airtel (USA) Ltd.		✓
17	Bharti Airtel Limited		✓
18	BT Americas Inc.		✓
19	Cable and Wireless (BVI) Limited		✓
20	Cable and Wireless Americas Systems Inc.	✓	✓
21	Cable Andino, Inc.		✓
22	Caribbean Crossings Ltd.	✓	✓
23	Cedar Cable Ltd.	✓	✓
24	CenturyLink Communications, LLC		✓
25	China Mobile International Limited		✓
26	China Telecom Global Limited		✓
27	China Telecommunications Corporation		✓
28	China United Network Communications Group Company Limited		✓
29	Chunghwa Telecom Co., Ltd.		✓
30	Cirion Technologies Solutions, LLC	✓	✓
31	City of Ketchikan	✓	✓
32	Claro S.A. (Embratel)		✓
33	COGENT COMMUNICATIONS HOLDINGS INC	✓	✓
34	COLT Telecommunications	✓	✓
35	Columbus Networks USA, Inc.	✓	✓
36	Crosslake Fiber USA LP	✓	✓
37	Crown Castle Fiber LLC		✓
38	CWC New Cayman Limited	✓	✓
39	Deutsche Telekom North America, Inc.		✓

No.	Entities	Submarine Cable Operator Reports	Submarine Cable Capacity Holder Reports
40	DOCOMO PACIFIC, INC.		✓
41	Edge Cable Holdings USA, LLC	✓	✓
42	EXA Infrastructure US LLC	✓	✓
43	FLAG Telecom Limited	✓	✓
44	France Telecom Long Distance USA, LLC d/b/a Orange Carriers USA		✓
45	Global Caribbean Network	✓	✓
46	Global Transit 2 Limited		✓
47	Global Transit Limited		✓
48	GlobeNet Cabos Submarinos America, Inc.	✓	✓
49	GTI Corporation		✓
50	GU Holdings Inc.	✓	✓
51	Hannon Armstrong KCS Funding, LLC		✓
52	Hawaiian Telecom Services Company, Inc.	✓	
53	Hawaiki Submarine Cable USA LLC	✓	✓
54	HUB Advanced Networks, LLC		✓
55	KDDI America, Inc.		✓
56	KT Corporation		✓
57	Latam Telecommunications, L.L.C.	✓	✓
58	Ledcor Industries (USA) Inc.	✓	
59	Level 3 Communications, LLC		✓
60	Marine Cable Corporation		✓
61	Megaport (USA), Inc.		✓
62	Microsoft Infrastructure Group, LLC		✓
63	Microsoft Operations Pte Ltd	✓	✓
64	National Telecom Public Company Limited		✓
65	Network i2i Limited		✓
66	Neutral Networks USA LLC	✓	✓
67	NTT America, Inc.		✓
68	NTT Ltd Japan Corporation	✓	✓
69	ONATI Honotua Division (U.S.)	✓	✓
70	Optibulk Havfrue AS		✓
71	Orange Business Services U.S., Inc.		✓
72	Pacific Carriage Limited Inc.	✓	✓
73	PC Landing Corp.	✓	✓
74	PCCW Global, Inc.		✓
75	PLDT Inc.		✓
76	PPC 1 Limited	✓	✓
77	PT Telekomunikasi Indonesia International		✓
78	PTI Pacifica Inc.		✓
79	Puerto Rico Telephone Company, Inc.		✓
80	Reach Services USA		✓
81	Rogers Telecom (US) Inc.		✓

No.	Entities	Submarine Cable Operator Reports	Submarine Cable Capacity Holder Reports
82	RTI JGA Pte. Ltd.	✓	✓
83	Seabras 1 USA, LLC	✓	✓
84	Seren Juno Network Co., Ltd.	✓	
85	SETAR N.V.		✓
86	Singapore Telecom USA, Inc.		✓
87	SMITCOMS, Inc.	✓	✓
88	SoftBank Corp.		✓
89	StarHub Ltd		✓
90	TA Resources N.V.		✓
91	Tata Communications (America) Inc.	✓	✓
92	Telefonica Larga Distancia de Puerto Rico, Inc.		✓
93	TeleGuam Holdings, LLC		✓
94	Telekom Malaysia Bhd		✓
95	Telstra Incorporated	✓	✓
96	Telxius Cable USA, Inc.	✓	✓
97	The Bahamas Telecommunications Company Limited	✓	✓
98	TI Sparkle North America, Inc.		✓
99	Truestone, LLC	✓	✓
100	UNIFIED NATIONAL NETWORKS		✓
101	Verizon Business Global LLC dba Verizon Business	✓	✓
102	VNPT		✓
103	Zayo Group, LLC		✓
	TOTAL	43	100

Table 2
Number of Reports Filed by Submarine Cable Operators (2023)

No.	Entities	Cable Reports
1	American Samoa Hawaii Cable, LLC	1
2	Antilles Crossing-St. Croix, Inc.	1
3	Aqua Comms (Americas) Inc	2
4	ARCOS-1 USA, Inc.	1
5	AT&T Corp.	4
6	Australia-Japan Cable (Guam) Limited	1
7	Cable and Wireless Americas Systems Inc.	1
8	Caribbean Crossings Ltd.	1
9	Cedar Cable Ltd.	1
10	Cirion Technologies Solutions, LLC	2
11	City of Ketchikan	1
12	COGENT COMMUNICATIONS HOLDINGS INC	1
13	COLT Telecommunications	2
14	Columbus Networks USA, Inc.	1
15	Crosslake Fiber USA LP	1
16	CWC New Cayman Limited	1
17	Edge Cable Holdings USA, LLC	2
18	EXA Infrastructure US LLC	1
19	FLAG Telecom Limited	1
20	Global Caribbean Network	1
21	GlobeNet Cabos Submarinos America, Inc.	1
22	GU Holdings Inc.	9
23	Hawaiian Telcom Services Company, Inc.	1
24	Hawaiki Submarine Cable USA LLC	1
25	Latam Telecommunications, L.L.C.	1
26	Ledcor Industries (USA) Inc.	1
27	Microsoft Operations Pte Ltd	1
28	Neutral Networks USA LLC	1
29	NTT Ltd Japan Corporation	1
30	ONATI Honotua Division (U.S.)	1
31	Pacific Carriage Limited Inc.	2
32	PC Landing Corp.	1
33	PPC 1 Limited	1
34	RTI JGA Pte. Ltd.	1
35	Seabras 1 USA, LLC	1
36	Seren Juno Network Co., Ltd.	1
37	SMITCOMS, Inc.	1
38	Tata Communications (America) Inc.	2
39	Telstra Incorporated	1
40	Telxius Cable USA, Inc.	4
41	The Bahamas Telecommunications Company Limited	1
42	Truestone, LLC	1
43	Verizon Business Global LLC dba Verizon Business	1
TOTAL		63

Table 3
Submarine Cable Operator Reports (in Gbps) (2023/2025)

No.	Cable System	Available Capacity as of 12/31/2023	Planned Capacity as of 12/31/2025
	Americas Region		
1	América Móvil Submarine Cable System (AMX1)	90,000.0	90,000.0
2	AmeriCan-1	*	*
3	Americas II	*	*
4	Antilles Crossing	*	*
5	ARCOS-1	*	*
6	BAHAMAS II	*	*
7	Bahamas Internet Cable System (BICS)	748.0	948.0
8	BRUSA	144,000.0	144,000.0
9	CFX-1 Cable System (CFX-1)	*	*
10	Challenger Bermuda (CB-1)	*	*
11	Crosslake Fibre	*	*
12	Curie	*	*
13	Firmina	*	*
14	Gemini Bermuda System	*	*
15	Global Caribbean Network (GCN)	240.0	600.0
16	GlobeNet	*	*
17	KetchCan1 Submarine Fiber Cable System	*	*
18	Maya-1	*	*
19	Monet Cable System	*	*
20	Neutral Networks Laredo Cable	1,382,400.0	1,382,400.0
21	Pacific Caribbean Cable System (PCCS)	144,000.0	144,000.0
22	Pan American Crossing (PAC)	*	*
23	Seabras-1	*	*
24	SMPR-1	0.0	40.0
25	South America-1 (SAm-1)	48,000.0	48,000.0
26	South American Crossing (SAC)	*	*
27	Taino-Carib Cable System	*	*
	Total Americas Region	4,742,367.9	5,771,104.9
	Atlantic Region		
1	AEConnect-1 Cable System	*	*
2	Amitié	*	*
3	Apollo Cable	*	*
4	Atlantic Crossing 1 (AC-1)	*	*
5	Dunant	*	*
6	FLAG Atlantic-1	*	*
7	Grace Hopper	*	*
8	GTT Atlantic Cable System	*	*
9	Havfrue	*	*
10	MAREA	178,000.0	178,000.0
11	TGN Atlantic	*	*

No.	Cable System	Available Capacity as of 12/31/2023	Planned Capacity as of 12/31/2025
12	Yellow	*	*
	Total Atlantic Region	1,598,090.0	1,635,380.0
	Pacific Region		
1	Asia America Gateway (AAG)	*	*
2	Australia-Japan Cable	*	*
3	Echo	*	*
4	FASTER Cable System	*	*
5	GOKI Cable Network	*	*
6	HANTRUI	*	*
7	Hawaiki Cable System	*	*
8	Honotua Cable System	*	*
9	Japan-Guam-Australia (JGA) North System (JGA North)	*	*
10	Japan-Guam-Australia (JGA) South System (JGA South)	*	*
11	JUNO	*	*
12	JUPITER	*	*
13	New Cross-Pacific (NCP)	*	*
14	Pacific Crossing-1 (PC-1)	*	*
15	Pacific Light Cable Network (PLCN)	*	*
16	PPC-1	*	*
17	Samoa American Samoa Cable System **	*	*
18	Southeast Asia-US (SEA-US)	*	*
19	Southern Cross Cable Network	*	*
20	Southern Cross NEXT	*	*
21	Telstra Endeavour	*	*
22	TGN Pacific	*	*
23	Trans-Pacific Express (TPE) Cable Network	6,810.0	6,910.0
24	Unity Cable System	*	*
	Total Pacific Region	766,230.0	1,392,400.0
	All Regions		
	Americas Region	4,742,367.9 (66.7%)	5,771,104.9 (65.6%)
	Atlantic Region	1,598,090.0 (22.5%)	1,635,380.0 (18.6%)
	Pacific Region	766,230.0 (10.8%)	1,392,400.0 (15.8%)
	Total	7,106,687.9 (100.0%)	8,798,884.9 (100.0%)
* Filer requested confidential treatment of its Submarine Cable Operator Report data. Regional totals include both public and confidential data.			
** The name changed from American Samoa Hawaii Cable System to Samoa American Samoa Cable System.			

Table 4
Submarine Cable Operator Capacity Trend Data (in Gbps)

CABLES													Planned 2024
AMERICAS REGION													
America's Most Innovative Cable System (AMOXI)													
AmeriCm-1	159.3	159.3	159.3	159.3	159.3	159.3	159.3	159.3	159.3	159.3	159.3	159.3	159.3
America II	80	80	80	80	80	80	80	80	80	80	80	80	80
Aurilio-1 ***	5	5	10	20	20	60	60	90	90	90	90	90	90
Aurilio-2 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-3 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-4 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-5 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-6 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-7 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-8 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-9 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-10 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-11 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-12 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-13 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-14 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-15 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-16 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-17 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-18 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-19 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-20 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-21 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-22 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-23 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-24 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-25 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-26 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-27 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-28 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-29 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-30 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-31 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-32 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-33 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-34 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-35 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-36 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-37 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-38 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-39 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-40 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-41 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-42 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-43 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-44 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-45 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-46 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-47 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-48 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-49 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-50 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-51 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-52 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-53 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-54 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-55 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-56 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-57 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-58 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-59 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-60 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-61 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-62 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-63 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-64 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-65 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-66 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-67 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-68 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-69 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-70 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-71 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-72 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-73 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-74 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-75 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-76 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-77 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-78 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-79 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-80 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-81 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-82 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-83 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-84 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-85 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-86 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-87 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-88 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-89 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-90 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-91 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-92 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-93 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-94 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-95 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-96 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-97 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-98 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-99 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-100 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-101 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-102 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-103 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-104 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-105 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-106 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-107 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-108 ***	30	20	20	20	30	30	40	80	320	320	320	320	320
Aurilio-109 ***	30	20	20										

[illegible]

Table 5
Submarine Cable Capacity Holder Reports by Region (2023)

Capacity Holders in Gbps Units								
Region	Owned Capacity (a)	Net IRUs (b)	Net Inter-Carrier Leaseholds (c)	Net Capacity Held (d)=(a)+(b)+(c)=(e)+(f)	Activated Capacity (e)	Non-Activated Capacity (f)	Activated % (g)	Non-Activated % (h)
Americas	4,599,875.0	-129,513.9	-56,475.3	4,413,885.8	190,937.1	4,222,948.7	4.3%	95.7%
Atlantic	1,481,690.0	-326,324.3	-64,513.3	1,090,852.4	479,274.9	611,577.5	43.9%	56.1%
Pacific	692,105.2	-32,918.6	-17,358.9	641,827.7	297,549.8	344,277.9	46.4%	53.6%
Total	6,773,670.2	-488,756.8	-138,347.5	6,146,565.9	967,761.8	5,178,804.1	15.7%	84.3%

The aggregate capacity holder data represent data for U.S.-international submarine cables that were in service as of the end of the reporting period.

Table 6
Comparison of Capacities Reported from Cable Operator Reports and Capacity Holder Reports (2023)

Region	Submarine Cable Operator Reports (Gbps) (Available Capacity)	Submarine Cable Capacity Holder Reports (Gbps) (Owned Capacity)	Discrepancy	Percent Captured by Holder Reports	Percent Not Captured by Holder Reports
Americas	4,742,367.9	4,599,875.0	142,492.9	97.0%	3.0%
Atlantic	1,598,090.0	1,481,690.0	116,400.0	92.7%	7.3%
Pacific	766,230.0	692,105.2	74,124.8	90.3%	9.7%
Total	7,106,687.9	6,773,670.2	333,017.7	95.3%	4.7%

Attachment A
U.S.-International Submarine Cables – Landing Points
by Region, Cable, and Foreign Landing Point as of December 31, 2023

No.	Region	Cable Name	Foreign Landing Point
1	Americas	América Móvil Submarine Cable System (AMX1)	Brazil
2	Americas	América Móvil Submarine Cable System (AMX1)	Colombia
3	Americas	América Móvil Submarine Cable System (AMX1)	Dominican Republic
4	Americas	América Móvil Submarine Cable System (AMX1)	Guatemala
5	Americas	América Móvil Submarine Cable System (AMX1)	Mexico
6	Americas	AmeriCan-I	Canada
7	Americas	Americas II	Brazil
8	Americas	Americas II	Curaçao
9	Americas	Americas II	French Guiana
10	Americas	Americas II	Martinique
11	Americas	Americas II	Trinidad and Tobago
12	Americas	Americas II	Venezuela
13	Americas	Antilles Crossing	Barbados
14	Americas	Antilles Crossing	Saint Lucia
15	Americas	ARCOS-I	Bahamas
16	Americas	ARCOS-I	Belize
17	Americas	ARCOS-I	Colombia
18	Americas	ARCOS-I	Costa Rica
19	Americas	ARCOS-I	Curaçao
20	Americas	ARCOS-I	Dominican Republic
21	Americas	ARCOS-I	Guatemala
22	Americas	ARCOS-I	Honduras
23	Americas	ARCOS-I	Mexico
24	Americas	ARCOS-I	Nicaragua
25	Americas	ARCOS-I	Panama
26	Americas	ARCOS-I	Turks and Caicos Islands
27	Americas	ARCOS-I	Venezuela
28	Americas	BAHAMAS II	Bahamas
29	Americas	Bahamas Internet Cable System (BICS)	Bahamas
30	Americas	BRUSA	Brazil
31	Americas	Challenger Bermuda (CB-I)	Bermuda
32	Americas	CFX-I Cable System (CFX-1)	Colombia
33	Americas	CFX-I Cable System (CFX-1)	Jamaica
34	Americas	Crosslake Fibre	Canada
35	Americas	Curie	Chile
36	Americas	Firmina	Argentina
37	Americas	Firmina	Brazil
38	Americas	Firmina	Uruguay
39	Americas	Gemini Bermuda System	Bermuda
40	Americas	Global Caribbean Network (GCN)	Guadeloupe
41	Americas	Global Caribbean Network (GCN)	Saint Barthelemy
42	Americas	Global Caribbean Network (GCN)	Saint Martin
43	Americas	GlobeNet	Bermuda
44	Americas	GlobeNet	Brazil
45	Americas	GlobeNet	Colombia
46	Americas	GlobeNet	Venezuela
47	Americas	KetchCan I Submarine Fiber Cable System	Canada

Attachment A
U.S.-International Submarine Cables – Landing Points
by Region, Cable, and Foreign Landing Point as of December 31, 2023

No.	Region	Cable Name	Foreign Landing Point
48	Americas	Maya-1	Cayman Islands
49	Americas	Maya-1	Colombia
50	Americas	Maya-1	Costa Rica
51	Americas	Maya-1	Honduras
52	Americas	Maya-1	Mexico
53	Americas	Maya-1	Panama
54	Americas	Monet Cable System	Brazil
55	Americas	Neutral Networks Laredo Cable	Mexico
56	Americas	Pacific Caribbean Cable System (PCCS)	Aruba
57	Americas	Pacific Caribbean Cable System (PCCS)	British Virgin Islands
58	Americas	Pacific Caribbean Cable System (PCCS)	Colombia
59	Americas	Pacific Caribbean Cable System (PCCS)	Ecuador
60	Americas	Pacific Caribbean Cable System (PCCS)	Panama
61	Americas	Pan American Crossing (PAC)	Costa Rica
62	Americas	Pan American Crossing (PAC)	Mexico
63	Americas	Pan American Crossing (PAC)	Panama
64	Americas	Pan American Crossing (PAC)	Venezuela
65	Americas	Seabras-1	Brazil
66	Americas	SMPR-1	Sint Maarten
67	Americas	South America-1 (SAM-1)	Argentina
68	Americas	South America-1 (SAM-1)	Brazil
69	Americas	South America-1 (SAM-1)	Chile
70	Americas	South America-1 (SAM-1)	Colombia
71	Americas	South America-1 (SAM-1)	Ecuador
72	Americas	South America-1 (SAM-1)	Guatemala
73	Americas	South America-1 (SAM-1)	Peru
74	Americas	South American Crossing (SAC)	Argentina
75	Americas	South American Crossing (SAC)	Brazil
76	Americas	South American Crossing (SAC)	Chile
77	Americas	South American Crossing (SAC)	Colombia
78	Americas	South American Crossing (SAC)	Panama
79	Americas	South American Crossing (SAC)	Peru
80	Americas	Taino-Carib Cable System	British Virgin Islands
No.	Region	Cable Name	Foreign Landing Point
1	Atlantic	AEConnect Cable Network	Iceland
2	Atlantic	AEConnect Cable Network	Ireland
3	Atlantic	Amitié	France
4	Atlantic	Amitié	United Kingdom
5	Atlantic	Apollo Cable	France
6	Atlantic	Apollo Cable	United Kingdom
7	Atlantic	Atlantic Crossing (AC-1)	Germany
8	Atlantic	Atlantic Crossing (AC-1)	Netherlands
9	Atlantic	Atlantic Crossing (AC-1)	United Kingdom
10	Atlantic	Dunant	France
11	Atlantic	FLAG Atlantic-1	France

Attachment A
U.S.-International Submarine Cables – Landing Points
by Region, Cable, and Foreign Landing Point as of December 31, 2023

No.	Region	Cable Name	Foreign Landing Point
12	Atlantic	FLAG Atlantic-I	United Kingdom
13	Atlantic	Grace Hopper	Spain
14	Atlantic	Grace Hopper	United Kingdom
15	Atlantic	GTT Atlantic	Canada
16	Atlantic	GTT Atlantic	Ireland
17	Atlantic	GTT Atlantic	United Kingdom
18	Atlantic	Havfrue	Denmark
19	Atlantic	Havfrue	Ireland
20	Atlantic	Havfrue	Norway
21	Atlantic	MAREA	Spain
22	Atlantic	TGN Atlantic	United Kingdom
23	Atlantic	Yellow	United Kingdom
No.	Region	Cable Name	Foreign Landing Point
1	Pacific	Asia America Gateway (AAG)	Brunei
2	Pacific	Asia America Gateway (AAG)	Hong Kong
3	Pacific	Asia America Gateway (AAG)	Malaysia
4	Pacific	Asia America Gateway (AAG)	Philippines
5	Pacific	Asia America Gateway (AAG)	Singapore
6	Pacific	Asia America Gateway (AAG)	Thailand
7	Pacific	Asia America Gateway (AAG)	Vietnam
8	Pacific	Australia-Japan Cable	Australia
9	Pacific	Australia-Japan Cable	Japan
10	Pacific	Echo	Indonesia
11	Pacific	Echo	Singapore
12	Pacific	FASTER Cable System	Japan
13	Pacific	FASTER Cable System	Taiwan
14	Pacific	GOKI Cable Network	Japan
15	Pacific	HANTRUI	Federated States of Micronesia
16	Pacific	HANTRUI	Republic of the Marshall Islands
17	Pacific	Hawaiki Cable System	Australia
18	Pacific	Hawaiki Cable System	New Zealand
19	Pacific	Honotua Cable System	French Polynesia
20	Pacific	Japan-Guam-Australia (JGA) North System (JGA North)	Japan
21	Pacific	Japan-Guam-Australia (JGA) South System (JGA South)	Australia
22	Pacific	JUNO	Japan
23	Pacific	JUPITER	Japan
24	Pacific	JUPITER	Philippines
25	Pacific	New Cross-Pacific (NCP)	China
26	Pacific	New Cross-Pacific (NCP)	Japan
27	Pacific	New Cross-Pacific (NCP)	South Korea
28	Pacific	New Cross-Pacific (NCP)	Taiwan
29	Pacific	Pacific Crossing-1 (PC-1)	Japan
30	Pacific	Pacific Light Cable Network (PLCN)	Philippines
31	Pacific	Pacific Light Cable Network (PLCN)	Taiwan
32	Pacific	PPC-1	Australia

Attachment A
U.S.-International Submarine Cables – Landing Points
by Region, Cable, and Foreign Landing Point as of December 31, 2023

No.	Region	Cable Name	Foreign Landing Point
33	Pacific	PPC-1	Papua New Guinea
34	Pacific	Samoa American Samoa Cable System	Samoa
35	Pacific	Southeast Asia-US (SEA-US)	Indonesia
36	Pacific	Southeast Asia-US (SEA-US)	Philippines
37	Pacific	Southern Cross Cable Network	Australia
38	Pacific	Southern Cross Cable Network	Fiji
39	Pacific	Southern Cross Cable Network	New Zealand
40	Pacific	Southern Cross NEXT	Australia
41	Pacific	Southern Cross NEXT	Fiji
42	Pacific	Southern Cross NEXT	Kiribati
43	Pacific	Southern Cross NEXT	New Zealand
44	Pacific	Southern Cross NEXT	Samoa
45	Pacific	Southern Cross NEXT	Tokelau
46	Pacific	Telstra Endeavour	Australia
47	Pacific	TGN Pacific	Japan
48	Pacific	Trans-Pacific Express (TPE) Cable Network	China
49	Pacific	Trans-Pacific Express (TPE) Cable Network	Japan
50	Pacific	Trans-Pacific Express (TPE) Cable Network	South Korea
51	Pacific	Trans-Pacific Express (TPE) Cable Network	Taiwan
52	Pacific	Unity Cable System	Japan
155	Total Landing Points		

Source: FCC records

Attachment B
U.S.-International Submarine Cables – Landing Points
by Region, Foreign Landing Point, and Cable as of December 31, 2023

No.	Region	Foreign Landing Point	Cable Name
1	Americas	Argentina	Firmina
2	Americas	Argentina	South America-I (SAM-I)
3	Americas	Argentina	South American Crossing (SAC)
4	Americas	Aruba	Pacific Caribbean Cable System (PCCS)
5	Americas	Bahamas	ARCOS-I
6	Americas	Bahamas	BAHAMAS II
7	Americas	Bahamas	Bahamas Internet Cable System (BICS)
8	Americas	Barbados	Antilles Crossing
9	Americas	Belize	ARCOS-I
10	Americas	Bermuda	Challenger Bermuda (CB-I)
11	Americas	Bermuda	Gemini Bermuda System
12	Americas	Bermuda	GlobeNet
13	Americas	Brazil	América Móvil Submarine Cable System (AMX1)
14	Americas	Brazil	Americas II
15	Americas	Brazil	BRUSA
16	Americas	Brazil	Firmina
17	Americas	Brazil	GlobeNet
18	Americas	Brazil	Monet Cable System
19	Americas	Brazil	Seabras-I
20	Americas	Brazil	South America-I (SAM-I)
21	Americas	Brazil	South American Crossing (SAC)
22	Americas	British Virgin Islands	Pacific Caribbean Cable System (PCCS)
23	Americas	British Virgin Islands	Taino-Carib Cable System
24	Americas	Canada	AmeriCan-I
25	Americas	Canada	Crosslake Fibre
26	Americas	Canada	KetchCanI Submarine Fiber Cable System
27	Americas	Cayman Islands	Maya-I
28	Americas	Chile	Curie
29	Americas	Chile	South America-I (SAM-I)
30	Americas	Chile	South American Crossing (SAC)
31	Americas	Colombia	América Móvil Submarine Cable System (AMX1)
32	Americas	Colombia	ARCOS-I
33	Americas	Colombia	CFX-I Cable System (CFX-I)
34	Americas	Colombia	GlobeNet
35	Americas	Colombia	Maya-I
36	Americas	Colombia	Pacific Caribbean Cable System (PCCS)
37	Americas	Colombia	South America-I (SAM-I)
38	Americas	Colombia	South American Crossing (SAC)
39	Americas	Costa Rica	ARCOS-I
40	Americas	Costa Rica	Maya-I
41	Americas	Costa Rica	Pan American Crossing (PAC)
42	Americas	Curaçao	Americas II
43	Americas	Curaçao	ARCOS-I
44	Americas	Dominican Republic	América Móvil Submarine Cable System (AMX1)
45	Americas	Dominican Republic	ARCOS-I
46	Americas	Ecuador	Pacific Caribbean Cable System (PCCS)
47	Americas	Ecuador	South America-I (SAM-I)

Attachment B
U.S.-International Submarine Cables – Landing Points
by Region, Foreign Landing Point, and Cable as of December 31, 2023

No.	Region	Foreign Landing Point	Cable Name
48	Americas	French Guiana	Americas II
49	Americas	Guadeloupe	Global Caribbean Network (GCN)
50	Americas	Guatemala	América Móvil Submarine Cable System (AMX1)
51	Americas	Guatemala	ARCOS-I
52	Americas	Guatemala	South America-1 (SAM-1)
53	Americas	Honduras	ARCOS-I
54	Americas	Honduras	Maya-1
55	Americas	Jamaica	CFX-1 Cable System (CFX-1)
56	Americas	Martinique	Americas II
57	Americas	Mexico	América Móvil Submarine Cable System (AMX1)
58	Americas	Mexico	ARCOS-I
59	Americas	Mexico	Maya-1
60	Americas	Mexico	Neutral Networks Laredo Cable
61	Americas	Mexico	Pan American Crossing (PAC)
62	Americas	Nicaragua	ARCOS-I
63	Americas	Panama	ARCOS-I
64	Americas	Panama	Maya-1
65	Americas	Panama	Pacific Caribbean Cable System (PCCS)
66	Americas	Panama	Pan American Crossing (PAC)
67	Americas	Panama	South American Crossing (SAC)
68	Americas	Peru	South America-1 (SAM-1)
69	Americas	Peru	South American Crossing (SAC)
70	Americas	Saint Barthelemy	Global Caribbean Network (GCN)
71	Americas	Saint Lucia	Antilles Crossing
72	Americas	Saint Martin	Global Caribbean Network (GCN)
73	Americas	Sint Maarten	SMPR-1
74	Americas	Trinidad and Tobago	Americas II
75	Americas	Turks and Caicos Islands	ARCOS-I
76	Americas	Uruguay	Firmina
77	Americas	Venezuela	Americas II
78	Americas	Venezuela	ARCOS-I
79	Americas	Venezuela	GlobeNet
80	Americas	Venezuela	Pan American Crossing (PAC)
No.	Region	Foreign Landing Point	Cable Name
1	Atlantic	Canada	GTT Atlantic
2	Atlantic	Denmark	Havfrue
3	Atlantic	France	Amitié
4	Atlantic	France	Apollo Cable
5	Atlantic	France	Dunant
6	Atlantic	France	FLAG Atlantic-1
7	Atlantic	Germany	Atlantic Crossing (AC-1)
8	Atlantic	Iceland	AEConnect Cable Network
9	Atlantic	Ireland	AEConnect Cable Network
10	Atlantic	Ireland	GTT Atlantic
11	Atlantic	Ireland	Havfrue
12	Atlantic	Netherlands	Atlantic Crossing (AC-1)

Attachment B
U.S.-International Submarine Cables – Landing Points
by Region, Foreign Landing Point, and Cable as of December 31, 2023

No.	Region	Foreign Landing Point	Cable Name
13	Atlantic	Norway	Havfrue
14	Atlantic	Spain	Grace Hopper
15	Atlantic	Spain	MAREA
16	Atlantic	United Kingdom	Amitié
17	Atlantic	United Kingdom	Apollo Cable
18	Atlantic	United Kingdom	Atlantic Crossing (AC-1)
19	Atlantic	United Kingdom	FLAG Atlantic-1
20	Atlantic	United Kingdom	Grace Hopper
21	Atlantic	United Kingdom	GTT Atlantic
22	Atlantic	United Kingdom	TGN Atlantic
23	Atlantic	United Kingdom	Yellow
No.	Region	Foreign Landing Point	Cable Name
1	Pacific	Australia	Australia-Japan Cable
2	Pacific	Australia	Hawaiki Cable System
3	Pacific	Australia	Japan-Guam-Australia (JGA) South System
4	Pacific	Australia	PPC-1
5	Pacific	Australia	Southern Cross Cable Network
6	Pacific	Australia	Southern Cross NEXT
7	Pacific	Australia	Telstra Endeavour
8	Pacific	Brunei	Asia America Gateway (AAG)
9	Pacific	China	New Cross-Pacific (NCP)
10	Pacific	China	Trans-Pacific Express (TPE) Cable Network
11	Pacific	Federated States of Micronesia	HANTRUI
12	Pacific	Fiji	Southern Cross Cable Network
13	Pacific	Fiji	Southern Cross NEXT
14	Pacific	French Polynesia	Honotua Cable System
15	Pacific	Hong Kong	Asia America Gateway (AAG)
16	Pacific	Indonesia	Echo
17	Pacific	Indonesia	Southeast Asia-US (SEA-US)
18	Pacific	Japan	Australia-Japan Cable
19	Pacific	Japan	FASTER Cable System
20	Pacific	Japan	GOKI Cable Network
21	Pacific	Japan	Japan-Guam-Australia (JGA) North System
22	Pacific	Japan	JUNO
23	Pacific	Japan	JUPITER
24	Pacific	Japan	New Cross-Pacific (NCP)
25	Pacific	Japan	Pacific Crossing-1 (PC-1)
26	Pacific	Japan	TGN Pacific
27	Pacific	Japan	Trans-Pacific Express (TPE) Cable Network
28	Pacific	Japan	Unity Cable System
29	Pacific	Kiribati	Southern Cross NEXT
30	Pacific	Malaysia	Asia America Gateway (AAG)
31	Pacific	New Zealand	Hawaiki Cable System
32	Pacific	New Zealand	Southern Cross Cable Network
33	Pacific	New Zealand	Southern Cross NEXT
34	Pacific	Papua New Guinea	PPC-1

Attachment B
U.S.-International Submarine Cables – Landing Points
by Region, Foreign Landing Point, and Cable as of December 31, 2023

No.	Region	Foreign Landing Point	Cable Name
35	Pacific	Philippines	Asia America Gateway (AAG)
36	Pacific	Philippines	JUPITER
37	Pacific	Philippines	Pacific Light Cable Network (PLCN)
38	Pacific	Philippines	Southeast Asia-US System (SEA-US)
39	Pacific	Republic of the Marshall Islands	HANTRUI
40	Pacific	Samoa	Samoa American Samoa Cable System
41	Pacific	Samoa	Southern Cross NEXT
42	Pacific	Singapore	Asia America Gateway (AAG)
43	Pacific	Singapore	Echo
44	Pacific	South Korea	New Cross-Pacific (NCP)
45	Pacific	South Korea	Trans-Pacific Express (TPE) Cable Network
46	Pacific	Taiwan	FASTER Cable System
47	Pacific	Taiwan	New Cross-Pacific (NCP)
48	Pacific	Taiwan	Pacific Light Cable Network (PLCN)
49	Pacific	Taiwan	Trans-Pacific Express (TPE) Cable Network
50	Pacific	Thailand	Asia America Gateway (AAG)
51	Pacific	Tokelau	Southern Cross NEXT
52	Pacific	Vietnam	Asia America Gateway (AAG)
155	Total Landing Points		

Source: FCC records

Attachment C
U.S.-International Submarine Cables – Landing Points
by Number of Landing Points Per Country and Region
as of December 31, 2023

No. of Landing Points Per Country	Country	Region
11	Japan	Pacific
9	Brazil	Americas
8	Colombia	Americas
8	United Kingdom	Atlantic
7	Australia	Pacific
5	Mexico	Americas
5	Panama	Americas
4	France	Atlantic
4	Philippines	Pacific
4	Taiwan	Pacific
4	Venezuela	Americas
3	Argentina	Americas
3	Bahamas	Americas
3	Bermuda	Americas
3	Canada	Americas
3	Chile	Americas
3	Costa Rica	Americas
3	Guatemala	Americas
3	Ireland	Atlantic
3	New Zealand	Pacific
2	British Virgin Islands	Americas
2	China	Pacific
2	Curaçao	Americas
2	Dominican Republic	Americas
2	Ecuador	Americas
2	Fiji	Pacific
2	Honduras	Americas
2	Indonesia	Pacific
2	Peru	Americas
2	Samoa	Pacific
2	Singapore	Pacific
2	South Korea	Pacific
2	Spain	Atlantic
1	Aruba	Americas
1	Barbados	Americas
1	Belize	Americas
1	Brunei	Pacific
1	Canada	Atlantic
1	Cayman Islands	Americas
1	Denmark	Atlantic
1	Federated States of Micronesia	Pacific

No. of Landing Points Per Country		
1	French Guiana	Americas
1	French Polynesia	Pacific
1	Germany	Atlantic
1	Guadeloupe	Americas
1	Hong Kong	Pacific
1	Iceland	Atlantic
1	Jamaica	Americas
1	Kiribati	Pacific
1	Malaysia	Pacific
1	Martinique	Americas
1	Netherlands	Atlantic
1	Nicaragua	Americas
1	Norway	Atlantic
1	Papua New Guinea	Pacific
1	Republic of the Marshall Islands	Pacific
1	Saint Barthelemy	Americas
1	Saint Lucia	Americas
1	Saint Martin	Americas
1	Sint Maarten	Americas
1	Thailand	Pacific
1	Tokelau	Pacific
1	Trinidad and Tobago	Americas
1	Turks and Caicos Islands	Americas
1	Uruguay	Americas
1	Vietnam	Pacific

Source: FCC Records

Frequency Table
Summarizing Foreign Landing Points Per Country

No. of Landing Points Per Country	Number of Countries Per Region		
	Americas	Atlantic	Pacific
1	16	6	11
2	6	1	6
3	7	1	1
4	1	1	2
5	2		
6			
7			1
8	1	1	
9	1		
10			
11			1

Source: FCC Records



PUBLIC NOTICE

Federal Communications Commission
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DA 24-1302

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STREAMLINED RESOLUTION OF REQUESTS UNDER THE SECURE AND TRUSTED COMMUNICATIONS NETWORKS REIMBURSEMENT PROGRAM

WC Docket No. 18-89

By this Public Notice, the Wireline Competition Bureau (Bureau) grants, pursuant to delegated authority, the following petitions requesting to extend certain deadlines under the Secure and Trusted Communications Networks Reimbursement Program (Reimbursement Program or Program).

As directed by the Secure and Trusted Communications Networks Act of 2019, as amended (Secure Networks Act), the Commission established the Reimbursement Program to reimburse providers of advanced communications service with ten million or fewer customers for reasonable costs incurred in the removal, replacement, and disposal of covered communications equipment or services from their networks that pose a national security risk, i.e., communications equipment or services produced or provided by Huawei Technologies Company (Huawei) or ZTE Corporation (ZTE), that were obtained by providers on or before June 30, 2020.¹ The Reimbursement Program was initially funded by a \$1.9 billion congressional appropriation,² which was less than the \$5.6 billion in collective funds requested by applicants to the Program.³ Because demand exceeded available funding, the Secure Networks Act

¹ Secure and Trusted Communications Networks Act of 2019, Pub. L. No. 116-124, § 4(a)-(c), 134 Stat. 158 (2020) (codified as amended at 47 U.S.C. §§ 1601-1609). The Commission adopted rules implementing the Secure Networks Act on December 10, 2020. *Protecting Against National Security Threats to the Communications Supply Chain Through FCC Programs*, WC Docket No. 18-89, Second Report and Order, 35 FCC Rcd 14284 (2020) (2020 *Supply Chain Order*). On July 13, 2021, the Commission amended its rules, consistent with amendments to the Secure Networks Act included in the Consolidated Appropriations Act, 2021. *Protecting Against National Security Threats to the Communications Supply Chain Through FCC Programs*, WC Docket No. 18-89, Third Report and Order, 36 FCC Rcd 11958, 11959, para. 2 (2021) (2021 *Supply Chain Order*). The Commission later clarified that, for purposes of the Reimbursement Program, covered communications equipment or services are limited to the communications equipment or services produced or provided by Huawei or ZTE that were obtained by providers on or before June 30, 2020. See 2021 *Supply Chain Order*, 36 FCC Rcd at 11959, 11965, paras. 2 and 18; see also generally *Protecting Against National Security Threats to the Communications Supply Chain Through FCC Programs – Huawei Designation*, PS Docket No. 19-351, Order, 35 FCC Rcd 6604 (PSHSB 2020); *Protecting Against National Security Threats to the Communications Supply Chain Through FCC Programs – ZTE Designation*, PS Docket No. 19-352, Order, 35 FCC Rcd 6633 (PSHSB 2020).

² Consolidated Appropriations Act, 2021, Pub. L. No. 116-260, § 906, 134 Stat. 1182 (2020) (CAA). Section 906 provides that “[t]here is appropriated to the Federal Communications Commission, out of amounts in the Treasury not otherwise appropriated, for fiscal year 2021, to remain available until expended— . . . (2) \$1,900,000,000 to carry out the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1601 et seq.), of which \$1,895,000,000 shall be used to carry out the program established under section 4 of that Act (47 U.S.C. 1603).”

³ See *Wireline Competition Bureau Announces the Grant of Applications for the Secure and Trusted Communications Networks Reimbursement Program*, WC Docket No. 18-89, Public Notice, DA 22-774, at 1-2 (WCB July 18, 2022) (*SCRIP Granted Applications Public Notice*) (explaining that “[e]ach applicant was required to (continued....)

required the Bureau to implement a prioritization scheme where funding was allocated first to approved applicants with 2,000,000 or fewer customers (Priority 1 applicants).⁴ Demand from Priority 1 applicants alone exceeded the congressional appropriation, and Commission rules therefore required that allocations to Priority 1 applicants be pro-rated on an equal basis.⁵ Consequently, recipients received funding allocations for approximately 39.5% of their reasonable and supported estimated costs for removing, replacing, and disposing of covered communications equipment and services.⁶ On December 18, 2024, Congress passed the Servicemember Quality of Life Improvement and National Defense Authorization Act for Fiscal Year 2025 (2025 NDAA).⁷ The President signed this legislation into law on December 23, 2024. This legislation authorizes the Commission to borrow \$3.08 billion to carry out the Program.⁸ The Bureau will work with the Office of the Managing Director to expeditiously secure this funding and make it available to Program recipients.⁹

Reimbursement Program recipients must complete the removal, replacement, and disposal of covered communications equipment and services within one year from the initial disbursement of funds to the recipient.¹⁰ Pursuant to section 4(d)(6)(C) of the Secure Networks Act, the Commission may grant recipients extensions of this term on an individual basis.¹¹ The Commission delegated authority to the Bureau to grant or deny individual petitions for an extension of a recipient's term.¹² The Bureau "may grant an extension for up to six months after finding, that due to no fault of such recipient, such recipient is unable to complete the permanent removal, replacement, and disposal by the end of the term," and "may grant more than one extension request to a recipient if circumstances warrant."¹³ This can occur, for example, due to the initial lack of funding to fully reimburse recipients, which could require recipients to revise their plans in ways that cause them to need more time to remove, replace, and dispose of covered

(Continued from previous page) _____

include in its application estimates for the costs that it will reasonably incur for the permanent removal, replacement, and disposal of covered communications equipment and services" and identifying that, across all filed applications, applicants sought a total of "approximately \$5.6 billion in gross program support").

⁴ See 47 U.S.C. § 1603(d)(5)(C); 47 CFR § 1.50004(f)(1); *SCRIP Granted Applications Public Notice* at 2-3.

⁵ The Commission's rules provide that "[i]f there is insufficient funding to fully fund all requests in a particular prioritization category, then the [Bureau] will pro-rate the available funding among all eligible providers in that prioritization category." 47 CFR § 1.50004(f)(1); see also 47 U.S.C. § 1603(d)(5)(A) ("[T]he Commission shall make reasonable efforts to ensure that reimbursement funds are distributed equitably among all applicants for reimbursements under the Program according to the needs of the applicants, as identified by the applications of the applicants.").

⁶ See 47 CFR § 1.50004(f)(1); see also *SCRIP Granted Applications Public Notice* at 2-3.

⁷ Servicemember Quality of Life Improvement and National Defense Authorization Act for Fiscal Year 2025, H.R. 5009, 118th Cong. (2024) (2025 NDAA), <https://www.congress.gov/bill/118th-congress/house-bill/5009/text>.

⁸ 2025 NDAA, § 5404(c)(1).

⁹ See *Wireline Competition Bureau and Office of Managing Director Announce Additional Congressional Funding for the Secure and Trusted Communications Networks Reimbursement Program*, WC Docket No. 18-89, Public Notice, DA 24-1279 (WCB Dec. 26, 2024) (*SCRIP Additional Funding Public Notice*).

¹⁰ 47 U.S.C. § 1603(d)(6)(A); 47 CFR § 1.50004(h).

¹¹ See 47 U.S.C. § 1603(d)(6)(C).

¹² See 47 U.S.C. § 1603(d)(6)(C); 47 CFR § 1.50004(h)(2) ("Individual extensions. Prior to the expiration of the removal, replacement and disposal term, a Reimbursement Program recipient may petition the Wireline Competition Bureau for an extension of the term. The Wireline Competition Bureau may grant an extension for up to six months after finding, that due to no fault of such recipient, such recipient is unable to complete the permanent removal, replacement, and disposal by the end of the term. The Wireline Competition Bureau may grant more than one extension request to a recipient if circumstances warrant.").

¹³ 47 CFR § 1.50004(h)(2); see also *2020 Supply Chain Order*, 35 FCC Rcd at 14354-56, paras. 171, 173 and n.501.

equipment, in addition to delays in receiving the necessary equipment to replace their covered equipment, which likewise can require a recipient to need more time to meet its obligations under the Reimbursement Program.¹⁴

The Bureau strongly encourages recipients that intend to file a petition for an extension to do so as promptly as possible after determining that their circumstances meet the standard for an extension established in the statute and the Commission's implementing rules, and well in advance of the recipient's deadline, so the Bureau is able to fully consider and grant or deny the petition before the recipient's term expires. We remind recipients that requests for term extensions must specify both the specific grounds for the request and the underlying facts and circumstances on which the recipient relies in asserting those grounds. The Commission directed the Bureau to review individual extension requests on a case-by-case basis and to consider all factors when evaluating the request.¹⁵ To this end, the facts and circumstances in an individual request should include the specific obstacles faced by the recipient, how they affected the recipient's ability to meet its term deadline, why the inability to meet the deadline exists through no fault of the recipient, and steps taken by the recipient to mitigate the impacts of the obstacles as it works towards meeting its removal, replacement, and disposal obligations. Recipients should also explain whether they expect to meet their new deadline if the Bureau grants their extension request. Consistent with rule 1.50004(h)(2), which permits the Bureau to grant more than one extension request "if circumstances warrant,"¹⁶ recipients making a second or subsequent extension request should ensure that the facts and circumstances described cover the time period since their prior extension request was made and explain progress made since that request. Requests that lack adequate support may be denied or the recipient may be required to provide additional support, which could delay a decision on the request.

Recipients should continually make progress toward completing their projects by the end of their removal, replacement, and disposal term. The Bureau will evaluate the sufficiency of each individual extension request at the time it is filed in determining whether to grant or deny it. We emphasize that a recipient's statutory obligation to complete the permanent removal, replacement, and disposal of covered communications equipment or services exists regardless of the amount of funding it may receive through the Reimbursement Program pursuant to the Secure Networks Act. The Secure Networks Act and the Commission's rules require each Reimbursement Program recipient to remove, replace, and dispose of "all" its covered equipment and services.¹⁷ Similarly, the Reimbursement Program FAQs (at 25) state

¹⁴ See, e.g., *Protecting Against National Security Threats to the Communications Supply Chain Through FCC Programs*, WC Docket No. 18-89, Order, DA 23-875, para. 7 (WCB Sept. 22, 2023) (*Stealth Extension Order*) (granting an extension based on supply chain issues); *Protecting Against National Security Threats to the Communications Supply Chain Through FCC Programs*, WC Docket No. 18-89, Order, DA 23-938, paras. 12-16 (WCB Oct. 10, 2023) (*WorldCell et al. Extension Order*) (granting extensions based on both funding issues and supply chain issues); *Protecting Against National Security Threats to the Communications Supply Chain Through FCC Programs*, WC Docket No. 18-89, Order, DA 23-1016, paras. 12-16 (WCB Oct. 27, 2023) (*Point/SI Wireless Extension Order*) (granting extensions based on both funding issues and supply chain issues); *Protecting Against National Security Threats to the Communications Supply Chain Through FCC Programs*, WC Docket No. 18-89, Order, DA 23-1110, paras. 8-11 (WCB Nov. 28, 2023) (*Triangle Telephone/Triangle Communication Extension Order*) (granting extension of time requests by Triangle Telephone Cooperative Association Inc. and Triangle Communication System, Inc. based on supply chain issues); *Protecting Against National Security Threats to the Communications Supply Chain Through FCC Programs*, WC Docket No. 18-89, Order, DA 23-1196, para. 5 (WCB Dec. 21, 2023) (*GigSky Extension Order*) (granting extension of time request by GigSky, Inc. based on funding issues).

¹⁵ *2021 Supply Chain Order*, 36 FCC Rcd at 11998, para. 99.

¹⁶ 47 CFR § 1.50004(h)(2).

¹⁷ 47 U.S.C. § 1603(e)(4)(A)(iii) (recipient must file a final certification to show removal, replacement, and disposal of "all" covered equipment and services); 47 CFR 1.50004(m)(1); 47 U.S.C. § 1603(d)(4)(A)(i)(I) (applicant must certify it has a plan to remove "any" covered equipment and services); 47 CFR § 1.50004(a)(3)(i)(A).

that “[p]roviders are expected to remove, replace, and dispose of all Huawei and/or ZTE communications equipment and services in their networks as of the date of the submission of the application even if they receive a prorated allocation from the Reimbursement Program due to funding constraints.”¹⁸

Consistent with the Commission’s goal of streamlining its internal review processes,¹⁹ and further pursuant to our delegated authority,²⁰ we announced in our *January 2024 Streamlined Resolution Public Notice* that we would, with that Public Notice, begin issuing a Public Notice, as necessary but not more frequently than monthly, disposing of pending petitions that seek an extension of an applicants’ removal, replacement, and disposal terms, do not involve complicated and/or controversial issues, and can be addressed in a manner consistent with Commission and/or Bureau precedent.²¹ Accordingly, we hereby grant the pending petitions listed below for an extension of a recipient’s term to remove, replace, and dispose of its covered equipment.²²

Recipient – Board of Trustees, Northern Michigan University, SCRP0001040

Grounds for individual term extension – The Board of Trustees, Northern Michigan University (NMU) requests a second six-month extension of the deadline to remove, replace, and dispose of its covered equipment and services.²³ It asserts that its ability to complete the removal, replacement, and disposal of covered equipment and services by the application deadline of January 20, 2025 has, through no fault of its own, been materially affected by, among other

¹⁸ FCC, *Secure and Trusted Communications Networks Reimbursement Program: Frequently Asked Questions*, <https://docs.fcc.gov/public/attachments/DA-24-234A2.pdf> (last visited Dec. 30, 2024). Within 10 days following the expiration of the removal, replacement, and disposal term, a recipient must file a final certification with the Commission indicating whether it has fully complied with all terms and conditions of the Reimbursement Program. 47 U.S.C. § 1603(e)(4)(A); 47 CFR § 1.50004(m)(1).

¹⁹ See *Report on FCC Process Reform*, GN Docket No. 14-25 (Staff Working Group, Feb. 14, 2014) (*Process Reform Report*).

²⁰ See 47 CFR §§ 0.91, 0.291, 1.50004(h)(2).

²¹ *Streamlined Resolution of Requests Under the Secure and Trusted Communications Networks Reimbursement Program*, WC Docket No. 18-89, Public Notice, 39 FCC Rcd 460, 462 (WCB Jan. 31, 2024) (*January 2024 Streamlined Resolution Public Notice*). This approach further speeds the disposition of petitions seeking extension of the removal, replacement, and disposal term and to ensure the continued efficient administration of the Reimbursement Program, while at the same time fulfilling our obligation to thoroughly review the record before us. *Id.* Prior to issuance of the *January 2024 Streamlined Resolution Public Notice*, we had resolved petitions for extensions of recipients’ removal, replacement, and disposal terms in stand-alone orders addressing each petition. The Bureau routinely resolves other matters in the manner of the *January 2024 Streamlined Resolution Public Notice*, as appropriate. See, e.g., *Streamlined Process for Resolving Requests for Review of Decisions by the Universal Service Administrative Company*, CC Docket Nos. 96-45 and 02-6, WC Docket Nos. 02-60, 06-122, 08-71, 10-90, 11-42, and 14-58, Public Notice, 29 FCC Rcd 11094 (WCB 2014) (stating that the Bureau will resolve certain Universal Service Fund matters in a streamlined public notice).

²² This Public Notice does not take positions on the merits of grounds raised by requestors other than those identified and discussed herein. In addition, we expressly reject any suggestion in the requests that a recipient is required to meet its statutorily mandated removal, replacement, and disposal obligations only if full funding is made available by Congress.

²³ Request of Board of Trustees, Northern Michigan University for Extension of Time for Application SCRP0001040, WC Docket No. 18-89 (filed Oct. 25, 2024) (NMU Extension Request). NMU previously filed for a six-month extension for the same application number. See Request of Board of Trustees, Northern Michigan University for Extension of Time for Application SCRP0001040, WC Docket No. 18-89 (filed Apr. 19, 2024). The Bureau granted that request on April 30, 2024. See *Streamlined Resolution of Requests Under the Secure and Trusted Communications Networks Reimbursement Program*, WC Docket No. 18-89, Public Notice, DA 24-407 at 4 (WCB Apr. 30, 2024) (*April 2024 Streamlined Resolution Public Notice*).

things, supply chain issues.²⁴ In particular, NMU states it has experienced significant delays in replacing customer premises equipment (CPE) units because multiple deliveries of those units contained a high percentage of defective equipment and therefore had to be re-shipped months later.²⁵ These units also require software updates from the manufacturer before NMU can begin mass testing and deployment.²⁶ NMU asserts that as a result of these delays, which were outside its control, its expected completion date for CPE swaps—assuming no issues arise during the testing process—is now spring of 2025, which is beyond its current term deadline.²⁷ The Bureau finds NMU’s showing persuasive and that its situation is consistent with the situation of other recipients that have been granted extensions on similar grounds of supply chain issues,²⁸ and accordingly grants the requested extension.

New RRD term expiration dates – NMU’s deadline to remove, replace, and dispose of covered equipment and services in its network under 47 CFR § 1.50004(h)(2) IS EXTENDED from January 20, 2025 to July 20, 2025.

Recipient – Copper Valley Wireless, LLC, SCRP0001157

Grounds for individual term extension – Copper Valley Wireless, LLC (Copper Valley) requests a second six-month extension of the deadline to remove, replace, and dispose of its covered equipment and services.²⁹ It asserts that its ability to complete the removal, replacement, and disposal of covered equipment and services by the application deadline of January 21, 2025 has, through no fault of its own, been materially affected by, among other things, supply chain issues.³⁰ Copper Valley states that due to limited resources within Alaska, its contractor was only able to allocate two separate tower/construction crews to Copper Valley during the initial construction season, and only one construction crew in subsequent construction seasons.³¹ It adds that delivery of equipment to Alaska requires the use of long and multiple modes of transport to reach remote sites, which further delays progress when construction seasons are so short.³² Copper Valley states that while it has now obtained all necessary permits and approvals has therefore continued to make progress, the delays caused by supply chain issues mean it still will

²⁴ NMU Extension Request at 3-4.

²⁵ *Id.*

²⁶ *Id.* at 4.

²⁷ *Id.*

²⁸ See, e.g., *Stealth Extension Order* at 3-5, paras. 6-11; *WorldCell et al. Extension Order* at 7-8, paras. 16-19; *Point/SI Wireless Extension Order* at 6-7, paras. 15-18; *Triangle Extension Order* at 4-5, paras. 8-11; *January 2024 Streamlined Resolution Public Notice* at 4-5.

²⁹ Request of Copper Valley Wireless, LLC for Extension of Time for Application SCRP0001157, WC Docket No. 18-89 (filed Dec. 4, 2024) (Copper Valley Extension Request). Copper Valley previously filed for a six-month extension for the same application number. See Request of Copper Valley Wireless, LLC for Extension of Time for Application SCRP0001157, WC Docket No. 18-89 (filed July 3, 2024). The Bureau granted that request in July 2024. See *Streamlined Resolution of Requests Under the Secure and Trusted Communications Networks Reimbursement Program*, WC Docket No. 18-89, Public Notice, DA 24-742 at 4-5 (WCB July 31, 2024) (*July 2024 Streamlined Resolution Public Notice*).

³⁰ Copper Valley Extension Request at 3-4.

³¹ *Id.* at 3.

³² *Id.*

be unable to meet its current deadline.³³ The Bureau finds Copper Valley's showing persuasive and that its situation is consistent with the situation of other recipients that have been granted extensions on similar grounds of supply chain issues,³⁴ and accordingly grants the requested extension for the application number listed above.

New RRD term expiration dates – Copper Valley's deadline to remove, replace, and dispose of covered equipment and services in its network under 47 CFR § 1.50004(h)(2) IS EXTENDED from January 21, 2025 to July 21, 2025.

Recipient – Flat Wireless, LLC, SCRP0001103

Grounds for individual term extension – Flat Wireless, LLC (Flat Wireless) requests a second six-month extension of the deadline to remove, replace, and dispose of its covered equipment and services.³⁵ It asserts that its ability to complete the removal, replacement, and disposal of covered equipment and services by the application deadline of January 14, 2025 has, through no fault of its own, been materially affected by the lack of full funding.³⁶ Flat Wireless states that the funding shortfall has limited its ability to deploy a replacement network with a comparable footprint and network capabilities to its existing network.³⁷ It adds that the funding shortfall has limited its deployment efforts, which has resulted in delays and additional costs that have necessarily extended its project timeline beyond the current term expiration date.³⁸ Flat Wireless states that to mitigate the adverse impacts of the funding shortfall, it ordered different replacement equipment and has adopted a hosted core solution to reduced costs.³⁹ It also states that, despite the funding shortfall, it has completed both the removal and disposal of its covered equipment, but needs additional time to complete the deployment of its replacement equipment.⁴⁰ The Bureau finds Flat Wireless's showing persuasive and that its situation is consistent with the situation of other recipients that have been granted extensions on similar grounds of the lack of

³³ *Id.*

³⁴ See, e.g., *Stealth Extension Order* at 3-5, paras. 6-11; *WorldCell et al. Extension Order* at 7-8, paras. 16-19; *Point/SI Wireless Extension Order* at 6-7, paras. 15-18; *Triangle Extension Order* at 4-5, paras. 8-11; *January 2024 Streamlined Resolution Public Notice* at 4-5. See also *2021 Supply Chain Order*, 36 FCC Rcd at 11998, paras. 98-99 (recognizing possible need for term extensions by SCRP recipients in Alaska due to limits on equipment availability and construction seasons).

³⁵ Request of Flat Wireless, LLC for Extension of Time for Application SCRP0001103, WC Docket No. 18-89 (filed Dec. 16, 2024) (Flat Wireless Extension Request); Supplement to Request of Flat Wireless, LLC for Extension of Time, WC Docket No. 18-89 (filed Dec. 17, 2024) (Flat Wireless Supplement). Flat Wireless previously filed for a six-month extension for the same application number. See Request of Flat Wireless, LLC for Extension of Time for Application SCRP0001103, WC Docket No. 18-89 (filed May 22, 2024). The Bureau granted that request on June 28, 2024. See *Streamlined Resolution of Requests Under the Secure and Trusted Communications Networks Reimbursement Program*, WC Docket No. 18-89, Public Notice, DA 24-625 at 5-6 (WCB June 28, 2024) (*June 2024 Streamlined Resolution Public Notice*).

³⁶ See Flat Wireless Extension Request at 2.

³⁷ Flat Wireless Supplement at 1.

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ *Id.*

full funding,⁴¹ and accordingly grants the requested extension.

New RRD term expiration dates – Flat Wireless’s deadline to remove, replace, and dispose of covered equipment and services in its network under 47 CFR § 1.50004(h)(2) IS EXTENDED from January 14, 2025 to July 14, 2025.

Recipient – Gogo Business Aviation LLC, SCRP0001134

Grounds for individual term extension – Gogo Business Aviation LLC (Gogo) requests a second six-month extension of the deadline to remove, replace, and dispose of its covered equipment and services.⁴² It asserts that its ability to complete the removal, replacement, and disposal of covered equipment and services by the application deadline of January 21, 2025 has, through no fault of its own, been materially affected by, among other things, supply chain issues.⁴³ Gogo states that although it has continued to make progress and is meeting important milestones identified in the timeline it has submitted, it continues to face unique challenges regarding its network.⁴⁴ In particular, rather than rely on commercial off-the-shelf parts and equipment, Gogo states that much of its replacement ground network will rely on newly developed software and hardware that require lab testing and FCC equipment authorization.⁴⁵ However, Gogo’s ground-based equipment vendor is continuing to face delays from component manufacturers due to long lead times, which affects the delivery of replacement network equipment at scale.⁴⁶ In addition, although Gogo has worked with its vendor to separate the original systems’ critical design review into separate milestones rather than a full solution, allowing Gogo to submit equipment orders in phases, progress has been such that Gogo has not yet been able to submit a complete equipment order.⁴⁷ Finally, Gogo states that in replacing its current airborne equipment, it must rely upon a network of highly specialized partner maintenance and repair organizations (MROs), but that, like the rest of the aviation market in general, its MRO partner network continues to face supply chain constraints and labor shortages, which has delayed Gogo’s progress.⁴⁸ The Bureau finds Gogo’s showing persuasive and that its situation is consistent with the situation of other recipients that have been granted extensions on

⁴¹ See, e.g., *WorldCell et al. Extension Order* at 5-7, paras. 11-15; *Point/SI Wireless Extension Order* at 5-6, paras. 12-14; *GigSky Extension Order* at 2, paras. 4-5; *January 2024 Streamlined Resolution Public Notice* at 5.

⁴² Request of Gogo Business Aviation LLC for Extension of Time for Application SCRP0001034, WC Docket No. 18-89 (filed Dec. 11, 2024) (Gogo Extension Request). Gogo previously filed for a six-month extension for the same application number. See Request of Gogo Business Aviation LLC for Extension of Time for Application SCRP0001034, WC Docket No. 18-89 (filed Mar. 22, 2024). The Bureau granted that request on March 29, 2024. See *Streamlined Resolution of Requests Under the Secure and Trusted Communications Networks Reimbursement Program*, WC Docket No. 18-89, Public Notice, DA 24-313 at 5 (WCB Mar. 29, 2024) (*March 2024 Streamlined Resolution Public Notice*).

⁴³ Gogo Extension Request at 1-2.

⁴⁴ *Id.* at 1.

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *Id.* at 2.

⁴⁸ *Id.*

similar grounds of supply chain issues,⁴⁹ and accordingly grants the requested extension.

New RRD term expiration dates – Gogo’s deadline to remove, replace, and dispose of covered equipment and services in its network under 47 CFR § 1.50004(h)(2) IS EXTENDED from January 21, 2025 to July 21, 2025.

Recipient – Hargray Communications Group LLC, SCRP0001101

Grounds for individual term extension – Hargray Communications Group LLC (Hargray) requests a second six-month extension of the deadline to remove, replace, and dispose of its covered equipment and services.⁵⁰ It asserts that its ability to complete the removal, replacement, and disposal of covered equipment and services by its application deadline of January 13, 2025 has, through no fault of its own, been materially affected by, among other things, supply chain issues and limited site access due to third-party restrictions.⁵¹

Hargray states that, “at the outset,” it “proactively acquired all necessary replacement equipment,” including for its network core.⁵² However, it asserts that “despite careful planning and procurement” it has “experienced recurring issues with . . . ‘out of the box’ failures” in key core components that are “vital to [its] system architecture.”⁵³ It claims that it has worked closely with its suppliers to troubleshoot and fix the problems, but that doing so has “consumed considerable time and resources.”⁵⁴ Similarly, Hargray’s most recent quarterly status update explains that “despite having all equipment in stock” it has “continuously had out-of-box failures” on certain equipment “leading to multiple delays with implementation of [its] DWDM network.”⁵⁵ Hargray states that it worked diligently to mitigate these equipment difficulties by coordinating with suppliers to troubleshoot the problems, but that the associated delays “reinforc[e] the need for an extension.”⁵⁶

Regarding third-party permission and access, Hargray states that in order to remove CPE prior to its disposal, it needs to obtain approvals from individual property managers.⁵⁷ Hargray asserts, however, that because it operates in “high-tourism” regions, it faces difficulties beyond its control

⁴⁹ See, e.g., *Stealth Extension Order* at 3-5, paras. 6-11; *WorldCell et al. Extension Order* at 7-8, paras. 16-19; *Point/SI Wireless Extension Order* at 6-7, paras. 15-18; *Triangle Extension Order* at 4-5, paras. 8-11; *January 2024 Streamlined Resolution Public Notice* at 4-5.

⁵⁰ Request of Hargray Communications Group, LLC for Extension of Time for Application SCRP0001101, WC Docket No. 18-89 (filed Nov. 4, 2024) (Hargray Extension Request). Hargray previously filed for a six-month extension for the same application number. See Request of Hargray Communications Group, LLC for Extension of Time for Application SCRP0001101, WC Docket No. 18-89 (filed May 14, 2024). The Bureau granted that request on May 24, 2024. See *Streamlined Resolution of Requests Under the Secure and Trusted Communications Networks Reimbursement Program*, WC Docket No. 18-89, Public Notice, DA 24-494 at 5-6 (WCB May 24, 2024) (*May 2024 Streamlined Resolution Public Notice*).

⁵¹ See Hargray Extension Request at 2-4.

⁵² *Id.* at 3.

⁵³ *Id.* at 3.

⁵⁴ *Id.* at 3.

⁵⁵ Hargray Oct. 2024 Status Update, WC Docket No. 18-89, at 4.

⁵⁶ Hargray Extension Request at 3.

⁵⁷ See *id.*

in removing CPE in a timely manner.⁵⁸ Specifically, it states that “even in the current off-peak season, securing access to these properties remains a hurdle due to occupancy patterns and required coordination with property management teams,” resulting in “narrow windows” in which it can remove equipment, which has delayed its progress towards program completion such that it needs a term extension.⁵⁹ Hargray states that despite coordinating with property managers, it made “frequent scheduling adjustments” so that the CPE could be removed within the limited available time windows.⁶⁰ These efforts demonstrate the delays due to third-party permission and access were factors outside of Hargray’s control.⁶¹ The Bureau finds Hargray’s showing persuasive and that its situation is consistent with the situation of other recipients that have been granted extensions on similar grounds of supply chain issues⁶² and third-party permission and access,⁶³ and accordingly grants the requested extension.

New RRD term expiration dates – Hargray’s deadline to remove, replace, and dispose of covered equipment and services in its network under 47 CFR § 1.50004(h)(2) IS EXTENDED from January 13, 2025 to July 13, 2025.

Recipient – LigTel Communications Inc., SCRP0001155

Grounds for individual term extension – LigTel Communications Inc. (LigTel) requests a second six-month extension of the deadline to remove, replace, and dispose of its covered equipment and services.⁶⁴ It asserts that its ability to complete the removal, replacement, and disposal of covered equipment and services by the application deadline of January 22, 2025 has, through no fault of its own, been materially affected by among other things, supply chain issues.⁶⁵

⁵⁸ *Id.*

⁵⁹ *Id.* at 2.

⁶⁰ *Id.* at 3.

⁶¹ We also note that in its earlier extension request, Hargray explained that these access issues would impact areas in both Hilton Head and Statesboro, while the present request only mentions Hilton Head by name, indicating progress since the last request. *Compare* First Hargray Extension Request at 2-3 *with* Hargray Extension Request at 3-4.

⁶² *See, e.g., Stealth Extension Order* at 3-5, paras. 6-11; *WorldCell et al. Extension Order* at 7-8, paras. 16-19; *Point/SI Wireless Extension Order* at 6-7, paras. 15-18; *Triangle Extension Order* at 4-5, paras. 8-11; *January 2024 Streamlined Resolution Public Notice* at 4-5.

⁶³ *See Protecting Against National Security Threats to the Communications Supply Chain Through FCC Programs*, WC Docket No. 18-89, Order, DA 24-709, at 4, paras. 8-9 (WCB, July 22, 2024) (granting SCRP term extension due to delays caused by difficulty recovering covered equipment from a large number of customers, which required access to customer premises). In addition, the Wireless Telecommunications Bureau has previously concluded that an extension of time to complete a construction deadline was warranted where the petitioner must rely on a third party to perform a task as a condition precedent to meeting its deadline. *See Sonya R. Dutton*, Letter, 24 FCC Rcd 11574 (WTB, 2009) (granting Verizon an extension of time under section 1.946(e) of the Commission’s rules, 47 CFR § 1.946(e), because of delays of a third party in constructing a facility that was the necessary condition precedent for Verizon to meet its deadline, and concluding that these delays were “beyond its control” and that Verizon had been otherwise diligent in constructing the site).

⁶⁴ Request of LigTel Communications Inc. for Extension of Time for Application SCRP0001155, WC Docket No. 18-89 (filed Dec. 4, 2024) (LigTel Extension Request); Supplement to Request of LigTel Communications Inc. for Extension of Time, WC Docket No. 18-89 (filed Dec. 18, 2024) (LigTel Supplement). LigTel previously filed for a six-month extension for the same application number. *See* Request of LigTel Communications Inc. for Extension of Time for Application SCRP0001155, WC Docket No. 18-89 (filed July 3, 2024). The Bureau granted that request in July 2024. *See July 2024 Streamlined Resolution Public Notice* at 6.

⁶⁵ *See* Ligtel Extension Request at 2.

LigTel states that from the beginning of the Program it has encountered challenges finding contractors with crews and availability to engage to timely complete its tower and outside plant efforts.⁶⁶ It also states that it has experienced longer-than-expected lead times on equipment and materials, particularly fiber-optic cabling and fiber to the premises (FTTP) electronics,⁶⁷ and that delays “dragged throughout nearly an entire year.”⁶⁸ The Bureau finds LigTel’s showing persuasive and that its situation is consistent with the situation of other recipients that have been granted extensions on similar grounds of supply chain issues,⁶⁹ and accordingly grants the requested extension.

New RRD term expiration dates – LigTel’s deadline to remove, replace, and dispose of covered equipment and services in its network under 47 CFR § 1.50004(h)(2) IS EXTENDED from January 22, 2025 to July 22, 2025.

Recipient – Nemont Telephone Cooperative Inc., SCRP0001084

Grounds for individual term extension – Nemont Telephone Cooperative, Inc. (Nemont) requests a second six-month extension of the deadline to remove, replace, and dispose of covered equipment and services.⁷⁰ It asserts that its ability to complete the removal, replacement, and disposal of covered equipment and services by the application deadline of February 26, 2025 has, through no fault of its own, been materially affected by, among other things, supply chain issues.⁷¹ As a threshold matter, Nemont notes that it has made good progress since its last extension, completing the installation of a new switching core and the remaining RAN equipment.⁷² Nevertheless, it states the delay in installing this equipment, caused by adjustments made due to the funding shortfall, meant that testing of a new equipment could not begin until the third quarter of 2024.⁷³ Nemont further states that it has experienced compatibility issues while integrating the new switching core with third-party providers for certain services. In August 2024, for example, Nemont began testing and resolution work anticipated to take four to six weeks, but due to supply chain delays, the work ended up taking 12 weeks.⁷⁴ In particular, Nemont states that there were instances where it needed to update IP addresses, which had to be coordinated through a vendor, and each separate issue took two to four weeks to resolve, during

⁶⁶ *Id.*

⁶⁷ LigTel Extension Request at 2.

⁶⁸ LigTel Supplement at 1.

⁶⁹ See, e.g., *Stealth Extension Order* at 3-5, paras. 6-11; *WorldCell et al. Extension Order* at 7-8, paras. 16-19; *Point/SI Wireless Extension Order* at 6-7, paras. 15-18; *Triangle Extension Order* at 4-5, paras. 8-11; *January 2024 Streamlined Resolution Public Notice* at 4-5.

⁷⁰ Request of Nemont Telephone Cooperative Inc., for Extension of Time for Application SCRP0001084, WC Docket No. 18-89 (filed Dec. 10, 2024) (Nemont Extension Request). Nemont previously filed for a six-month extension for the same application number. See Request of Nemont Telephone Cooperative Inc. for Extension of Time for Application SCRP0001084, WC Docket No. 18-89 (filed June 28, 2024). The Bureau granted that request in July 2024. See *July 2024 Streamlined Resolution Public Notice* at 7-8.

⁷¹ Nemont Extension Request at 1-2.

⁷² *Id.*

⁷³ *Id.* at 2.

⁷⁴ *Id.*

which testing could not continue.⁷⁵ In addition, Nemont states that in migrating customers to new equipment, it must interact with each customer to coordinate the movement of their service from the old network to the new network, and that when issues arise, it must work with the vendor and that these issues often take up to five business days to resolve.⁷⁶ Nemont states that such issues have caused it to extend its estimated time frame to complete the migration of customers by three months.⁷⁷ At this time, Nemont anticipates the migration process will be completed in March 2025 and expects to begin removal and disposal of covered equipment as soon as the migration is finished and it is warm enough to do so, likely in April 2025.⁷⁸ The Bureau finds Nemont's showing persuasive and that its situation is consistent with the situation of other recipients that have been granted extensions on similar grounds of supply chain issues,⁷⁹ and accordingly grants the requested extension.

New RRD term expiration dates – Nemont's deadline to remove, replace, and dispose of covered equipment and services in its network under 47 CFR § 1.50004(h)(2) IS EXTENDED from February 26, 2025 to August 26, 2025.

Recipient – Pine Belt Cellular, Inc. SCRP0001038

Grounds for individual term extension – Pine Belt Cellular, Inc. (Pine Belt) requests a second six-month extension of the deadline to remove, replace, and dispose of its covered equipment and services.⁸⁰ It asserts that its ability to complete the removal, replacement, and disposal of covered equipment and services by the application deadline of January 17, 2025 has, through no fault of its own, been materially affected by, among other things, supply chain issues.⁸¹ Pine Belt states that although it has made progress replacing some equipment, it has experienced difficulties and delays in the delivery and installation of certain equipment and services. In particular, it says it has faced delays involving key hardware needed to replace the core of its network, as well as delays in obtaining the experienced skilled labor necessary to work on both the core and the radio access network.⁸² With respect to the core, Pine Belt states that the installation of several essential servers was delayed many months, which caused the core replacement to be pushed out by more than a year from the initial timeline.⁸³ In addition, the labor shortage resulted in Pine

⁷⁵ *Id.*

⁷⁶ *Id.*

⁷⁷ *Id.*

⁷⁸ *Id.* at 3.

⁷⁹ See, e.g., *Stealth Extension Order* at 3-5, paras. 6-11; *WorldCell et al. Extension Order* at 7-8, paras. 16-19; *Point/SI Wireless Extension Order* at 6-7, paras. 15-18; *Triangle Extension Order* at 4-5, paras. 8-11; *January 2024 Streamlined Resolution Public Notice* at 4-5.

⁸⁰ Request of Pine Belt Cellular, Inc. for Extension of Time for Application SCRP0001038, WC Docket No. 18-89 (filed Nov. 14, 2024) (Pine Belt Extension Request) and Supplement to Request of Pine Belt Cellular, Inc. for Extension of Time for Application SCRP0001038, WC Docket No. 18-89 (filed Dec. 9, 2024) (Pine Belt Supplement). Pine Belt previously filed for a six-month extension for the same application number. See Request of Pine Belt Cellular, Inc. for Extension of Time for Application SCRP0001038, WC Docket No. 18-89 (filed Apr. 4, 2024). The Bureau granted that request in April 2024. See *April 2024 Streamlined Resolution Public Notice* at 7.

⁸¹ Pine Belt Supplement at 1.

⁸² *Id.*

⁸³ *Id.*

Belt taking much longer than initially projected to complete all work up to the proper standards.⁸⁴ The Bureau finds Pine Belt's showing persuasive and that its situation is consistent with the situation of other recipients that have been granted extensions on similar grounds of supply chain issues,⁸⁵ and accordingly grants the requested extension.

New RRD term expiration dates – Pine Belt's deadline to remove, replace, and dispose of covered equipment and services in its network under 47 CFR § 1.50004(h)(2) IS EXTENDED from January 17, 2025 to July 17, 2025.

Recipient – Santel Communications Cooperative Inc., SCRP0001151

Grounds for individual term extension – Santel Communications Cooperative Inc. (Santel) requests a second six-month extension of the deadline to remove, replace, and dispose of its covered equipment and services.⁸⁶ It asserts that its ability to complete the removal, replacement, and disposal of covered equipment and services by the application deadline of January 25, 2025 has, through no fault of its own, been materially delayed due to, among other things, supply chain issues.⁸⁷ Santel states that it has experienced supply chain shipment delays, particularly related to its purchase of fiber-optic cabling, that were "exponentially longer" than the lead times originally quoted to it.⁸⁸ In particular, Santel states that lead times in receiving equipment have been significantly longer than were originally anticipated and quoted by its vendors, and that delivery of fiber optics took over the five months.⁸⁹ Santel further states that it has encountered delays from third parties in obtaining central office equipment, which pushed back its ability to convert customers to its new equipment by an additional month and a half.⁹⁰ Despite these issues, Santel states that has continued to work towards meeting its program obligations and anticipates being able to complete them by July 2025, which would be within the period allowed by the proposed extension.⁹¹ The Bureau finds Santel's showing persuasive and that its situation is consistent with the situation of other recipients that have been granted extensions on similar grounds of supply chain issues⁹² and third-party permission and access,⁹³ and accordingly grants the requested

⁸⁴ *Id.*

⁸⁵ See, e.g., *Stealth Extension Order* at 3-5, paras. 6-11; *WorldCell et al. Extension Order* at 7-8, paras. 16-19; *Point/SI Wireless Extension Order* at 6-7, paras. 15-18; *Triangle Extension Order* at 4-5, paras. 8-11; *January 2024 Streamlined Resolution Public Notice* at 4-5.

⁸⁶ Request of Santel Communications Cooperative, Inc. for Extension of Time for Application SCRP0001151, WC Docket No. 18-89 (filed Dec. 4, 2024) (Santel Extension Request); Supplement to Request of Santel Communications Cooperative, Inc. for Extension of Time for Application SCRP0001151, WC Docket No. 18-89 (filed Dec. 19, 2024) (Santel Supplement). Santel previously filed for a six-month extension for the same application number. See Request of Santel Communications Cooperative, Inc. for Extension of Time for Application SCRP0001151, WC Docket No. 18-89 (filed July 3, 2024). The Bureau granted that request in July 2024. See *July 2024 Streamlined Resolution Public Notice* at 9.

⁸⁷ See Santel Extension Request at 2.

⁸⁸ *Id.*

⁸⁹ Santel Supplement at 1.

⁹⁰ *Id.*

⁹¹ *Id.* at 1-2.

⁹² See, e.g., *Stealth Extension Order* at 3-5, paras. 6-11; *WorldCell et al. Extension Order* at 7-8, paras. 16-19; *Point/SI Wireless Extension Order* at 6-7, paras. 15-18; *Triangle Extension Order* at 4-5, paras. 8-11; *January 2024 Streamlined Resolution Public Notice* at 4-5.

extension.

New RRD term expiration dates – Santel’s deadline to remove, replace, and dispose of covered equipment and services in its network under 47 CFR § 1.50004(h)(2) IS EXTENDED from January 25, 2025 to July 25, 2025.

Recipient – Union Telephone Co., SCRP0001087, SCRP0001089, SCRP0001090, SCRP0001092, SCRP0001096, SCRP0001098

Grounds for individual term extension – Union Telephone Co. (Union Telephone) requests a second six-month extension of the deadline to remove, replace, and dispose of covered equipment and services for the SCRP application numbers listed above.⁹⁴ It asserts that its ability to complete the removal, replacement, and disposal of covered equipment and services by the term deadlines for these applications has, through no fault of its own, been materially affected by, among other things, supply chain issues.⁹⁵ Regarding supply chain issues, Union Telephone states it has faced material shortages and delays.⁹⁶ In particular, it states that it had to change vendors early in the program and that progress was delayed because the vendor it used was affected by Covid 19-related chip production issues, which it estimates to have pushed out its build timeline by six to eight months.⁹⁷ Then, Union Telephone adds, delays continued to occur as timelines for the delivery of all equipment have increased throughout the industry. For example, Union Telephone states that what used to take four to six weeks now tends to take 12 to 16 weeks.⁹⁸ Consequently, Union Telephone states it will not be able to comply with its current term deadlines, even though it has continued to make every effort to complete its SCRP obligations by adjusting its staffing and completing many tasks with in-house labor.⁹⁹ The Bureau finds Union Telephone’s showing persuasive and that its situation is consistent with the situation of other recipients that have been granted extensions on similar grounds of supply chain issues,¹⁰⁰ and accordingly grants the requested extensions for the application numbers listed above.

New RRD term expiration dates – Union Telephone’s deadlines to remove, replace, and dispose of covered equipment and services in its network under 47 CFR § 1.50004(h)(2) ARE EXTENDED as follows:

(Continued from previous page) _____

⁹³ *Puerto Rico Tel. Extension Order* at 4, paras. 8-9.

⁹⁴ Request of Union Telephone Co. for Extension of Time for Applications SCRP0001087, SCRP0001089, SCRP0001090, SCRP0001092, SCRP0001096, SCRP0001098, WC Docket No. 18-89 (filed Nov. 16, 2024) (Union Telephone Extension Request). Union Telephone previously filed for a six-month extension for the same application numbers. *See* Requests of Union Telephone Co. for Extension of Time for Applications SCRP0001087, SCRP0001089, SCRP0001090, SCRP0001092, SCRP0001096, SCRP0001098, WC Docket No. 18-89 (filed May 23, 2024). The Bureau granted that request in June 2024. *See June 2024 Streamlined Resolution Public Notice* at 11-12.

⁹⁵ Union Telephone Extension Request at 3-5.

⁹⁶ *Id.* at 1.

⁹⁷ *Id.* at 3-4.

⁹⁸ *Id.* at 3-4.

⁹⁹ *Id.* at 3.

¹⁰⁰ *See, e.g., Stealth Extension Order* at 3-5, paras. 6-11; *WorldCell et al. Extension Order* at 7-8, paras. 16-19; *Point/SI Wireless Extension Order* at 6-7, paras. 15-18; *Triangle Extension Order* at 4-5, paras. 8-11; *January 2024 Streamlined Resolution Public Notice* at 4-5.

- SCRP0001087 – from January 15, 2025 to July 15, 2025
- SCRP0001089 – from January 6, 2025 to July 6, 2025
- SCRP0001090 – from January 15, 2025 to July 15, 2025
- SCRP0001092 – from January 13, 2025 to July 13, 2025
- SCRP0001096 – from January 14, 2025 to July 14, 2025
- SCRP0001098 – from January 14, 2025 to July 14, 2025

Recipient – Windy City Cellular, SCRP0001015

Grounds for individual term extension – Windy City Cellular (Windy City) requests a second six-month extension of the deadline to remove, replace, and dispose of its covered equipment and services.¹⁰¹ It asserts that its ability to complete the removal, replacement, and disposal of covered equipment and services by the application deadline of January 27, 2025 has, through no fault of its own, been materially affected by, among other things, supply chain issues.¹⁰² Windy City states that it has completed the removal of all covered communications equipment and transferred it to the recycler for disposal, but that that completion of these tasks involved significant delays and complications, and that replacement of the covered equipment will require more time and an extended deadline.¹⁰³ In particular, Windy City states that all the replacement antennas it received for one of its locations were defective and had to be replaced, that the damaged antennas were not discovered until after Windy City received its last extension in May 2024, and that it took several months to sort out the warranty and shipping details and issues regarding the damaged antennas, which were not received until September 20, 2024.¹⁰⁴ Windy City estimates that the delay caused between the discovery of the damaged antennas to the completion of the second shipment of replacements delayed its schedule by nearly five months.¹⁰⁵ Nevertheless, Windy City states that it expects to fully complete its SCRP obligations by the end of July 2025.¹⁰⁶ The Bureau finds Windy City’s showing persuasive and that its situation is consistent with the situation of other recipients that have been granted extensions on similar grounds of supply chain issues,¹⁰⁷ and accordingly grants the requested extension.

New RRD term expiration dates – Windy City’s deadline to remove, replace, and dispose of covered equipment and services in its network under 47 CFR § 1.50004(h)(2) IS EXTENDED from January 27, 2025 to July 27, 2025.

The deadline for filing petitions for reconsideration or applications for review concerning the

¹⁰¹ Request of Windy City Cellular for Extension of Time for Application SCRP0001015, WC Docket No. 18-89 (filed Dec. 11, 2024) (Windy City Extension Request). Windy City previously filed for a six-month extension for the same application number. *See* Request of Windy City Cellular for Extension of Time for Application SCRP0001015, WC Docket No. 18-89 (filed May 30, 2024). The Bureau granted that request in June 2024. *See June 2024 Streamlined Resolution Public Notice* at 12-13.

¹⁰² Windy City Extension Request at 1-2.

¹⁰³ *Id.*

¹⁰⁴ *Id.* at 2.

¹⁰⁵ *Id.*

¹⁰⁶ *Id.* at 3.

¹⁰⁷ *See, e.g., Stealth Extension Order* at 3-5, paras. 6-11; *WorldCell et al. Extension Order* at 7-8, paras. 16-19; *Point/SI Wireless Extension Order* at 6-7, paras. 15-18; *Triangle Extension Order* at 4-5, paras. 8-11; *January 2024 Streamlined Resolution Public Notice* at 4-5.

disposition of any of these extension requests is 30 days from the release date of this Public Notice.¹⁰⁸

For additional information concerning this Public Notice, please contact Ty Covey in the Competition Policy Division, Wireline Competition Bureau, at ty.covey@fcc.gov or (202) 418-1372.

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¹⁰⁸ See 47 CFR §§ 1.106(f), 1.115(d); *see also* 47 CFR § 1.4(b)(2) (setting forth the method for computing the amount of time within which persons or entities must act in response to deadlines established by the Commission).

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

In the Matter of	)	
	)	
Unlicensed Use of the 6 GHz Band	)	ET Docket No. 18-295
	)	
Expanding Flexible Use in Mid-Band Spectrum	)	GN Docket No. 17-183
Between 3.7 and 24 GHz	)	

THIRD REPORT AND ORDER

Adopted: December 11, 2024

Released: December 13, 2024

By the Commission: Chairwoman Rosenworcel and Commissioner Starks issuing separate statements.

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I. INTRODUCTION

1. In 2020, the Commission adopted rules making unlicensed device access to 1200 megahertz across the 6 GHz band (5.925-7.125 GHz) more flexible, resulting in increased unlicensed device usage. These rules unleashed a torrent of new devices taking advantage of the newer Wi-Fi 6 and 6E standards to provide users across the U.S. with a better Wi-Fi user experience. More recently, in 2023, the Commission expanded 6 GHz band unlicensed use to permit an additional class of unlicensed

access points—very low power (VLP) devices. VLP devices are intended to provide high data rate connections across short distances.

2. Today, we expand unlicensed VLP device operation to the entire 6 GHz band. This will provide additional spectrum for high-throughput, low latency operations for these versatile portable devices. Specifically, our actions today pave the way for these devices to use the latest standards and to take advantage of larger channels across the 6 GHz band. We expect that VLP devices will be instrumental in supporting cutting-edge applications, such as augmented and virtual reality and body-worn technologies, that will help businesses, enhance learning opportunities, advance healthcare opportunities, and bring new entertainment experiences. As we expand the spectrum available for VLP devices, we adopt the same power levels and other technical and operational requirements that apply to VLP devices in the U-NII-5 and U-NII-7 portions of the 6 GHz band, which are designed to prevent the licensed services that operate in the 6 GHz band from experiencing harmful interference. In this way, we facilitate more intensive use of our valuable spectrum resources, thereby enabling exciting new technologies to be deployed to American consumers, while ensuring that incumbent services are protected from harmful interference.

II. BACKGROUND

3. The 6 GHz band has allocations for the Fixed Service, Mobile Service, and Fixed Satellite Service (FSS) across four sub-bands.¹ These four sub-bands—which we refer to as U-NII-5, U-NII-6, U-NII-7, and U-NII-8, respectively—are delineated based on the prevalence and characteristics of the incumbent licensed services that operate in each sub-band as denoted in Table 1.² Fixed microwave service licensees, specifically those operating point-to-point microwave links that support a variety of critical services provided by utilities, commercial and private entities, and public safety agencies, are the largest user group in the 6 GHz band.³ These fixed microwave service licensees make significant use of the U-NII-5 and U-NII-7 bands, and also operate in relatively smaller numbers in the U-NII-8 band.⁴ The microwave links provide backhaul for commercial wireless providers (such as traffic between commercial wireless base stations and wireline networks), coordinate railroad train movements, control natural gas and oil pipelines, manage electric grids, as well as carry long-distance telephone calls.⁵

¹ *Unlicensed Use of the 6 GHz Band; Expanding Flexible Use in Mid-Band Spectrum Between 3.7 and 24 GHz*, Notice of Proposed Rulemaking, 33 FCC Rcd at 10496, 10499-501, paras. 8-13 (2018) (*Notice*); *Unlicensed Use of the 6 GHz Band; Expanding Flexible Use in Mid-Band Spectrum Between 3.7 and 24 GHz*, Report and Order and Further Notice of Proposed Rulemaking, 35 FCC Rcd at 3852, 3855, para. 7 (2020) (*6 GHz First Order*), *rev'd in part, aff'd in part, and remanded*, *AT&T Servs. Inc., v. FCC*, 21 F.4th 841, 853-54 (D.C. Cir. 2020) (affirming *6 GHz First Order* and reversing and remanding to address issue of whether to “reserve a sliver of the 6 GHz band for licensed mobile operation”).

² *Notice*, 35 FCC Rcd at 10499-501, 10503-04, paras. 8-12, 20.

³ *Notice*, 35 FCC Rcd at 10499, para. 8, Figure 1.

⁴ As of September 19, 2024, the FCC databases indicate that there were 31,942 call signs for fixed microwave links in U-NII-5, 353 in U-NII-6, 16,241 in U-NII-7, and 5,110 in U-NII-8. The predominant usage in the U-NII-5 and U-NII-7 bands is common carrier, industrial/business pool, and public safety pool fixed point-to-point links. The U-NII-6 band is dominated by mobile industrial/business pool and public safety pool microwave and TV Pickup operations.

⁵ *6 GHz First Order*, 35 FCC Rcd at 3855, para. 7 (citing Fixed Wireless Communications Coalition Comments at 3 (filed Oct. 2, 2017)).

Table 1: Predominant Licensed Uses of the 6 Gigahertz Band

Sub-band	Frequency Range (GHz)	Primary Allocation	Predominant Licensed Services
U-NII-5	5.925-6.425	Fixed FSS	Fixed Microwave FSS (uplinks)
U-NII-6	6.425-6.525	Mobile FSS	Broadcast Auxiliary Service Cable Television Relay Service FSS (uplinks)
U-NII-7	6.525-6.875	Fixed FSS	Fixed Microwave FSS (uplinks/downlinks)
U-NII-8	6.875-7.125	Fixed Mobile FSS	Fixed Microwave Broadcast Auxiliary Service Cable Television Relay Service FSS (uplinks/downlinks) (6.875-7.075 GHz only)

4. The Broadcast Auxiliary Service (BAS) and Cable Television Relay Service (CARS) operate in the U-NII-6 band on a mobile basis, and in the U-NII-8 band on both a fixed and mobile basis.⁶ Licensees use BAS and CARS pick-up stations to transmit programming material from special events or remote locations, including electronic news gathering, back to the studio or other central receive locations.⁷ Television broadcast related microwave links, such as television studio transmitter links, television inter-city relay links, and television translator relay links, operate primarily one-way point-to-point systems in the U-NII-8 band.⁸ Additionally, Low Power Auxiliary Stations (i.e., wireless microphones), which operate on an itinerant basis, are authorized to operate in the U-NII-8 band on a secondary basis for uses such as portable cameras, wireless microphones, cues, and backstage communications.⁹

5. The Fixed Satellite Service (FSS) is allocated in the Earth-to-space direction in all four sub-bands, except for the 7.075-7.125 GHz portion of the U-NII-8 band.¹⁰ FSS operations are heaviest in the U-NII-5 band, which is paired with the 3.7-4.2 GHz frequency band in the space-to-Earth direction to comprise the “conventional C band.”¹¹ Predominant FSS uses of these frequencies include content

⁶ 47 CFR §§ 74.602(a), (i), 78.18(a)(5), 78.18(a)(7). We also note that, although less prevalent, the rules permit mobile private operational, common carrier, and local television transmission service operations in these bands. *See id.* §§ 101.101, 101.147, 101.801, 101.803.

⁷ 47 CFR §§ 74.631, 78.11(e).

⁸ Most systems are comprised of a single point-to-point link without a corresponding return link. 47 CFR § 74.631 and review of ULS licensing records for TV Studio Transmitter (TS), TV Intercity Relay (TI), and TV Translator Relay (TT) licenses.

⁹ 47 CFR §§ 74.802(a)(1), 74.803(c). Wireless microphone users may operate on a licensed basis under Part 74 in the 6.875-6.9 GHz and 7.1-7.125 GHz bands. *See Promoting Spectrum Access for Wireless Microphone Operations; Expanding the Economic and Innovation Opportunities of Spectrum through Incentive Auctions*, Report and Order, 30 FCC Rcd at 8739, 8789-90, paras. 131-32 (2015).

¹⁰ 47 CFR § 2.106.

¹¹ 47 CFR § 25.103; *see Expanding Flexible Use of the 3.7 to 4.2 GHz Band*, Report and Order and Order of Proposed Modification, 35 FCC Rcd at 2343, 2406, paras. 147-48 (2020) (*C-Band Order*). In the *C-Band Order*, the Commission adopted rules to make 280 megahertz of mid-band spectrum available for flexible use (plus a 20 megahertz guard band) throughout the contiguous United States by transitioning existing satellite services out of the lower portion of the 3.7–4.2 GHz band and into the upper 200 megahertz of the band (i.e., 4.0–4.2 GHz). *C-Band Order*, 35 FCC Rcd at 2345, para. 4. Specifically, the *C-Band Order* established a December 5, 2025 deadline, by (continued....)

distribution to television and radio broadcasters, including transportable antennas to cover live news and sports events, cable television and small master antenna systems, and telephone and data backhaul traffic.¹² The 7.025-7.075 GHz portion of the U-NII-8 band also hosts feeder uplinks to Satellite Digital Audio Radio Service space stations.¹³ Additionally, portions of the UNII-7 and U-NII-8 bands are allocated for FSS space-to-Earth operations for Mobile-Satellite Service feeder links between 6.700 GHz and 7.075 GHz.¹⁴

6. In addition to these licensed incumbent services, an international footnote in the table of frequency allocations urges that we take “all practicable steps” to protect the radio astronomy service in the 6650-6675.2 MHz range from harmful interference.¹⁵ Finally, low-power unlicensed ultra-wideband (UWB) and wideband systems operate in the 6 GHz band under our part 15 rules.¹⁶ Like all other part 15 devices, UWB and wideband devices operate on a non-interference basis and must accept interference from and are not permitted to cause harmful interference to authorized stations.¹⁷

7. On April 23, 2020, the Commission adopted a Report and Order and Further Notice of Proposed Rulemaking (*6 GHz First Order*) that expanded unlicensed operations in the 6 GHz band (5.925-7.125 GHz).¹⁸ The *6 GHz First Order* adopted rules for two categories of unlicensed operations—standard-power operations and low-power indoor (LPI) operations.¹⁹ Standard-power access points and fixed client devices are limited to two portions of the 6 GHz band—the U-NII-5 band (5.925-6.425 GHz) and the U-NII-7 band (6.525-6.875 GHz)—and are required to operate under the control of an automated frequency coordination (AFC) system.²⁰ Low-power indoor access points can operate across the entire 6

(Continued from previous page)

which incumbent space station operators were to complete transitioning their operations to the upper 200 megahertz of the band, but it also provided an opportunity for accelerated band clearing by allowing eligible space station operators to voluntarily commit to relocate on a two-phased accelerated schedule, with a Phase I deadline of December 5, 2021, and a Phase II deadline of December 5, 2023. *Id.* at 2408, 2414, paras. 155, 171; *see* 47 CFR § 27.1412(b)(1)–(2). All five eligible space station operators elected accelerated relocation, *Wireless Telecommunications Bureau Announces Accelerated Clearing in the 3.7–4.2 GHz Band*, GN Docket No. 18-122, Public Notice, 35 FCC Rcd at 5517 (WTB 2020), and completed both phases of the relocation process.

¹² *Notice*, 33 FCC Rcd at 10501, para. 12.

¹³ 47 CFR § 25.214(c)(5).

¹⁴ As shown in the Table of Frequency Allocations, international footnotes 5.458A and 5.458B apply to these bands and, as discussed *infra*, we are reinstating the text of these footnotes, which had been inadvertently removed, in section 2.106 of the rules. International footnote 5.458B provides that space-to-Earth satellite use of 6700-7075 MHz is limited to feeder links for non-geostationary satellite systems of the mobile-satellite service. Currently no licensed FSS space-to-Earth stations in U-NII-7, and the 7.025-7.075 GHz allocation is limited to two grandfathered satellite systems with three grandfathered locations. 47 CFR § 2.106(d)(172).

¹⁵ 47 CFR § 2.106(c)(342).

¹⁶ 47 CFR § 15.250; *id.* pt. 15, subpt. F. Unlicensed UWB operations are permitted in many different frequency bands. *See id.* pt. 15, subpt. F. Wideband operations are mostly limited to the 6 GHz band. 47 CFR § 15.250 (limiting wideband operations to the 5.925-7.250 GHz band). For both the wideband and ultra-wideband systems permitted under the part 15 rules, the maximum EIRP allowed is –41.3 dBm/MHz, except for certain vehicular radar systems, which are restricted to –61.3 dBm/MHz EIRP. *See id.* §§ 15.509(d), 15.510(d)(3), 15.511(c), 15.513(d), 15.517(c), 15.519(c), 15.250(d)(1).

¹⁷ 47 CFR § 15.5(b).

¹⁸ *6 GHz First Order*.

¹⁹ *Id.* at 3860, paras. 17-18.

²⁰ 47 CFR §§ 15.403, 15.407(k)(1); *6 GHz First Order*, 35 FCC Rcd at 3860, 3862, 3923, paras. 17-18, tbl. 3, 22, 192. Only standard-power and fixed-client 6 GHz unlicensed devices are required to operate pursuant to an AFC system. 47 CFR § 15.407(k)(1). Standard-power devices may operate both outdoors and indoors at power levels above the low-power indoor device power limits. *Id.* § 15.407(a)(4); *6 GHz First Order*, 35 FCC Rcd at 3862, para. (continued....)

GHz band, but at lower power levels than standard power operations, and must incorporate a contention-based protocol.²¹ Client devices operate under the control of either a standard-power or low-power indoor access point and communicate using power levels that depend on the type of access point to which they are connected.²²

8. On November 1, 2023, the Commission released a Second Report and Order that allowed unlicensed very low power (VLP) devices to operate in the U-NII-5 and U-NII-7 portions of the 6 GHz band (*6 GHz Second Order*).²³ The VLP devices are authorized to operate anywhere, indoors and outdoors, without being under the control of an AFC system.²⁴ The VLP devices are limited to power levels that allow them to coexist with incumbent operations in the band: 14 dBm EIRP and a -5 dBm/MHz EIRP power spectral density.²⁵ VLP devices are also required to employ a transmit power control mechanism that has the capability to operate at least 6 dB below the -5 dBm/MHz EIRP PSD level and must employ a contention-based protocol.²⁶ VLP devices are prohibited from operating as part of a fixed outdoor infrastructure, such as poles or buildings.²⁷ Also, VLP devices are required to prioritize operations above 6105 MHz prior to operating on frequencies between 5925 MHz and 6105 MHz to ensure that services below the U-NII-5 band are protected from potential harmful interference.²⁸ In the *6 GHz Second Order*, the Commission required emissions from VLP devices in the U-NII-5 and U-NII-7 bands to comply with the transmission emission mask adopted in the *6 GHz First Order*.²⁹ The power spectral density must be suppressed by 20 dB at one megahertz outside of an unlicensed device's channel edge, suppressed by 28 dB at one channel bandwidth from an unlicensed device's channel center, and suppressed by 40 dB at one and one-half times the channel bandwidth away from an unlicensed device's channel center.³⁰ At frequencies between one megahertz outside an unlicensed device's channel edge and one channel bandwidth from the center of the channel, the limits must be linearly interpolated between the 20 dB and 28 dB suppression levels.³¹ At frequencies between one and one and one-half times an unlicensed device's channel bandwidth from the center of the channel, the limits must be linearly interpolated between the 28 dB and 40 dB suppression levels.³² Emissions removed from the channel center by more than one and one-half times the channel bandwidth, but within the U-NII-5 and U-NII-7

(Continued from previous page)

22. A fixed client device is "intended as customer premise equipment that is permanently attached to a structure, operates only on channels provided by an AFC, has a geolocation capability, and complies with antenna pointing angle requirements." *Id.* § 15.403.

²¹ *6 GHz First Order*, 35 FCC Rcd at 3860, 3889, paras. 18, 101.

²² *Id.* at 3860, para. 18.

²³ *Unlicensed Use of the 6 GHz Band; Expanding Flexible Use in Mid-Band Spectrum Between 3.7 and 24 GHz*, Second Report and Order, Second Further Notice of Proposed Rulemaking, and Memorandum Opinion and Order on Remand, ET Docket No. 18-295, GN Docket No. 17-183, 38 FCC Rcd 10523, 10532, para. 18 (2023) (*6 GHz Second Order* or *6 GHz Second FNPRM*).

²⁴ *See id.* at 10, 39, paras. 18, 67.

²⁵ 47 CFR § 15.407(a)(9); *6 GHz Second Order*, 38 FCC Rcd at 10534, para. 24.

²⁶ 47 CFR § 15.407(d)(6), (d)(10); *6 GHz Second Order*, 38 FCC Rcd at 10556, 10561, paras. 56, 67.

²⁷ 47 CFR § 15.407(d)(8); *6 GHz Second Order*, 38 FCC Rcd at 10555-56, para. 55.

²⁸ 47 CFR § 15.407(d)(9); *6 GHz Second Order*, 38 FCC Rcd at 105572 para. 94.

²⁹ *6 GHz First Order*, 35 FCC Rcd at 3924-25, para. 196.

³⁰ *6 GHz First Order*, 35 Rcd at 3925, para. 196.

³¹ *Id.*

³² *Id.*

bands, must be suppressed by at least 40 dB.³³ We are adopting the same emission limits for VLP devices operating in the U-NII-6 and U-NII-8 bands. For emissions limits at the edge of the U-NII-5 and U-NII-8 bands, 6 GHz VLP devices must comply with a -27 dBm/MHz EIRP limit at frequencies below the bottom of the U-NII-5 band (5.925 GHz) and above the upper edge of the U-NII-8 band (7.125 GHz). Consistent with the rules adopted in the *6 GHz Second Order* for LPI and standard power devices, VLP devices will be prohibited from operating in low flying aircraft and unmanned aircraft systems.³⁴ For aircraft above 10,000 feet, VLP devices can operate across the 5.925-6.425 GHz band.³⁵ We will also continue to prohibit VLP devices from operating on oil platforms.³⁶ Similarly, in the *6 GHz Second Order*, VLP devices will continue to be permitted to operate on boats.³⁷

9. In the Second Further Notice of Proposed Rulemaking (*6 GHz Second FNPRM*) adopted concurrently with the *6 GHz Second Order*, the Commission proposed to expand VLP operation to the U-NII-6 (6.425-6.525 GHz) and U-NII-8 (6.875-7.125 GHz) portions of the 6 GHz band, with no requirement that the devices be kept indoors or be under the control of an AFC system.³⁸ The *6 GHz Second FNPRM* also proposed to permit VLP operation at higher power levels while under the control of a geofencing system.³⁹ The geofencing system would utilize Commission databases to create exclusion zones to protect incumbent licensed services.⁴⁰ In addition, because the current 6 GHz unlicensed rules prohibit direct communication between client devices,⁴¹ the *6 GHz Second FNPRM* sought comment on allowing such communications between client devices to 6 GHz unlicensed low-power indoor access points.⁴² In this Third Report and Order, we only address the *6 GHz Second FNPRM* proposal to expand VLP operation to the U-NII-6 and U-NII-8 portions of the 6 GHz band while deferring the remaining issues to future Commission actions.⁴³

10. The Commission received comments from numerous parties in favor of allowing unlicensed VLP operations in the 6 GHz band, as well as from parties representing the interests of incumbent licensees raising concerns about potential harmful interference from the proposed unlicensed VLP operations in the U-NII-6 and U-NII-8 bands. In response to the *6 GHz Second FNPRM*, 6 GHz band unlicensed device proponents—including Apple, Broadcom, Google, Intel Corporation, Meta Platforms, Microsoft Corporation, Qualcomm,⁴⁴ the Wi-Fi Alliance,⁴⁵ the Wireless Broadband Alliance,⁴⁶

³³ *Id.*

³⁴ *6 GHz Second Order*, 38 FCC Rcd at 10573, para. 97.

³⁵ *Id.*; 47 CFR § 15.407(d)(1)(iv).

³⁶ 47 CFR § 15.407(d)(1)(i); *6 GHz Second Order*, 38 FCC Rcd at 10573, para. 96.

³⁷ *6 GHz Second Order*, 38 FCC Rcd at 10573, para. 96.

³⁸ *6 GHz Second FNPRM*, 38 FCC Rcd at 10576, 10600-01, paras. 104, 173. At the time the VLP rules were adopted, the record did not contain enough information on the harmful interference risk to incumbent services in the U-NII-6 and U-NII-8 bands from VLP operations to determine whether to allow VLP operations in those bands.

³⁹ *6 GHz Second FNPRM*, 38 FCC Rcd at 10576, para. 104.

⁴⁰ *Id.* at 10583-84, paras. 121, 123.

⁴¹ 47 CFR § 15.407(d)(5) (stating that “[c]lient devices are prohibited from connecting directly to another client device”).

⁴² *6 GHz Second Order*, 38 FCC Rcd at 10608-09, paras. 191-94.

⁴³ To be clear, we are not here addressing the other issues raised in the *6 GHz Second FNPRM*, and they remain open for resolution in this proceeding. For the reasons discussed in this *Third Report and Order*, we believe that the benefits of expanding VLP operation to the entire 6 GHz band are clear enough at this time that such expansion should not be delayed pending resolution of other issues in this docket.

⁴⁴ Apple, Broadcom et al. Comments at 4 (a group of companies that includes Apple Inc., Broadcom Inc., Google LLC, Intel Corporation, Meta Platforms, Inc., Microsoft Corporation, and Qualcomm Inc.). This group of
(continued....)

the Japan Electronics and Information Technology Industries Association,⁴⁷ and the Consumer Technology Association (CTA)⁴⁸—support the Commission’s proposal for authorizing unlicensed VLP device operations across the 6 GHz band. They emphasize that such operations will support a host of immersive, real-time applications in areas such as healthcare, high accuracy location, advanced connectivity, innovative game experiences, and augmented reality/virtual-reality devices, among other uses. CTA points out that providing high-speed connections for some of the most advanced applications, including wearables and augmented and virtual reality (AR/VR), will help businesses, enhance learning opportunities, advance healthcare opportunities, and bring new entertainment experiences.⁴⁹ Several commenters also assert that technical rules can be established to protect incumbent spectrum users from harmful interference.⁵⁰ Apple, Broadcom, et al. submitted several technical studies to support their contention that VLP devices will not cause harmful interference to licensed incumbent users.⁵¹

11. Commenters representing incumbent users express various concerns about the potential for harmful interference to their operations from unlicensed VLP operations. Commenting parties include the National Public Safety Telecommunications Council on behalf of public safety microwave incumbents,⁵² Sirius XM Radio,⁵³ the National Association of Broadcasters (NAB)⁵⁴ on behalf of local radio and television stations and broadcast networks, and the National Academy of Sciences’ Committee on Radio Frequencies regarding radio astronomy observatories.⁵⁵ In its comment, Electric Power Research Institute (EPRI) states that incumbent microwave operators will incur significant costs in trying to locate VLP interference sources if the protection scheme is ineffective in providing adequate protection.⁵⁶ According to EPRI, “VLP sources being outdoor and portable or vehicular mobile[] will make locating the offending device extremely difficult if not impossible.”⁵⁷ MEMA also expressed

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companies made two comment filings on March 27, 2024. One filing contains their comments on a range of topics in the 6 GHz *Second FNPRM*. We shall refer to these comments as the “Apple, Broadcom et al. Comments.” The other filing addresses only direct communication between 6 GHz unlicensed client devices, which we shall refer to as the “Apple, Broadcom et al. C2C Comments.” This group submitted several joint filings in this proceeding. Several of these companies also submitted individual filings on behalf of their companies. We also note that, at times, joint filings made by Apple, Broadcom, and other companies include variations in the composition of the group, depending on the particular filing(s).

⁴⁵ Wi-Fi Alliance Comments at 2-6.

⁴⁶ Wireless Broadband Alliance Comments at 4.

⁴⁷ Japan Electronics and Information Technology Industries Association Comments at 1.

⁴⁸ Consumer Technology Association (CTA) Comments at 1-2.

⁴⁹ *Id.* at 1.

⁵⁰ Federated Wireless Comments at 2-3; IEEE 802 LAN/MAN Standards Committee (LMSC) Comments at 3.

⁵¹ Apple, Broadcom, et al. July 30, 2024 *Ex Parte*. Presentation at 3; Letter from Christopher Szymanski, Thomas Derham, Broadcom to Marlene H. Dortch, Secretary, FCC, ET Docket No.18-295 at 5 (filed Sept. 11, 2023) (2023 *VLP/ENG Study Ex Parte*); Apple, Broadcom, et al. July 31, 2024 *Ex Parte*; Apple, Broadcom, et al. June 28, 2024 *Ex Parte* at 4.

⁵² National Public Safety Telecommunications Council (NPSTC) Comments at 5-8.

⁵³ Sirius XM Radio Comments at 9-16.

⁵⁴ National Association of Broadcasters (NAB) Comments at 3-13.

⁵⁵ National Academy of Sciences’ Committee on Radio Frequencies Comments at 5-10 (CORF Comments).

⁵⁶ Electric Power Research Institute (EPRI) Comments at 3.

⁵⁷ *Id.*

interference concerns in its filing, pointing out that higher transmitting power in VLP devices could “increase the potential for interference with vehicle safety systems communications.”⁵⁸

III. DISCUSSION

12. We adopt rules to permit VLP devices to operate across the U-NII-6 and U-NII-8 portions of the 6 GHz band at the same power levels we adopted for VLP operations in the U-NII-5 and U-NII-7 bands: -5 dBm/MHz EIRP power spectral density (PSD) and 14 dBm EIRP. This will expand the spectrum available for VLP devices to 1200 megahertz, thereby permitting the use of up to seven 160-megahertz channels or three 320-megahertz channels. VLP devices will enable new innovative uses and will provide opportunities to enhance nascent applications, such as augmented reality/virtual reality, in-car connectivity, wearable on-body devices, healthcare monitoring, short-range mobile hotspots, high accuracy location and navigation, and automation.⁵⁹ The rules we are adopting are designed to support innovation to bring exciting new applications to market while protecting the important licensed services that operate in the U-NII-6 and U-NII-8 portions of the 6 GHz band from harmful interference. We conclude that VLP operation at the power levels we are permitting will have an insignificant potential for causing harmful interference to licensed users of the band.

13. In expanding VLP operations to the U-NII-6 and U-NII-8 portions of the 6 GHz band, we are adopting the same rules that the Commission previously adopted for VLP devices operating in the U-NII-5 and U-NII-7 bands. For example, VLP devices in the U-NII-6 and U-NII-8 bands must operate at the same power levels, employ a contention-based protocol, and implement transmit power control.⁶⁰

A. Protecting Mobile Services

14. The U-NII-6 and U-NII-8 bands are used for electronic newsgathering (ENG) and other video broadcasting-related applications by licensees operating under the part 74 broadcast auxiliary services, part 78 Cable Television Relay Service, and part 101 Local Television Transmission Service.⁶¹ Additionally, Low Power Auxiliary Stations (i.e., wireless microphones), which operate on an itinerant basis, are authorized to operate in the U-NII-8 band on a secondary basis for uses such as portable cameras, wireless microphones, cues, and backstage communications.⁶² The *6 GHz Second FNPRM* specifically requested information on three categories of mobile 6 GHz band equipment: (i) outdoor ENG central receive sites; (ii) outdoor ENG truck receivers (transmissions from portable cameras and microphones to a receiver on a truck); and (iii) low-power short range mobile devices.⁶³ Commenters in response to the *6 GHz Second FNPRM* discussed the interference potential of VLP devices to outdoor ENG central receive sites and transmissions from portable cameras to outdoor ENG truck receivers.⁶⁴ No commenters provided feedback regarding other types of mobile 6 GHz equipment or use scenarios, such as low-power short range mobile devices. Because no commenters have raised concerns or suggested other use cases, we direct our examination of the potential for VLP devices to cause harmful interference

⁵⁸ MEMA Comments at 2.

⁵⁹ Apple, Broadcom et al. Comments at 4-5 (rec. June 29, 2020); Wi-Fi Alliance Comments at 4-8 (rec. June 29, 2020).

⁶⁰ See, e.g., 47 CFR §§ 15.407(a)(9), 15.407(d)(6), 15.407(d)(10).

⁶¹ 47 CFR pt. 74, subpt. F, pt. 78, pt. 101, subpt. J.

⁶² 47 CFR §§ 74.802(a)(1), 74.803(c). Wireless microphone users may operate on a licensed basis under part 74 in the 6.875-6.9 GHz and 7.1-7.125 GHz bands. See *Promoting Spectrum Access for Wireless Microphone Operations; Expanding the Economic and Innovation Opportunities of Spectrum through Incentive Auctions*, Report and Order, 30 FCC Rcd 8739, 8789-90, paras. 131-32 (2015).

⁶³ *6 GHz Second FNPRM*, 38 FCC Rcd at 10601-04, paras. 175-82.

⁶⁴ See NAB Comments; NAB Reply 2-7; Apple, Broadcom et al. Comments at 7-19; Apple, Broadcom et al. Reply at 7-15; Apple, Broadcom, et al. July 31, 2024 *Ex Parte*; Apple, Broadcom, et al. June 28, 2024 *Ex Parte*.

to mobile applications to the three specific use cases discussed in the *6 GHz Second FNPRM*. As discussed in more detail below, we conclude that there is an insignificant risk that VLP device operation in the U-NII-6 and U-NII-8 bands will cause harmful interference to licensed mobile operations for these use cases.

15. Limiting our discussion to these three use cases closely mirrors the approach the Commission followed when adopting rules to permit unlicensed 6 GHz band low-power indoor devices to operate in the U-NII-6 and U-NII-8 bands. For low-power indoor devices, the Commission considered three distinct use cases as representative of mobile use of those portions of the 6 GHz band: (i) an ENG truck transmitting to a central receive site; (ii) portable cameras transmitting to an outdoor ENG truck receiver; and (iii) portable cameras transmitting to an indoor receive site.⁶⁵ These were the three use cases that were examined in an engineering study conducted by Alion (Alion Study) that was provided by NAB.⁶⁶ The first two of these use cases are identical to the cases in the *6 GHz Second FNPRM*, while the *6 GHz Second FNPRM* discusses a slightly broader third case. Given the Commission's past approach to considering the interference potential of 6 GHz unlicensed devices to mobile operations, we believe that discussing the three use cases raised in the *6 GHz Second FNPRM* adequately addresses mobile operations in the band.

1. ENG Central Receive Sites

16. The communications link between ENG trucks and a central receive site shares many of the characteristics of a fixed microwave link.⁶⁷ Specifically, the link uses directional antennas to send signals between two fixed locations that are mostly above the local clutter.⁶⁸ The *6 GHz Second FNPRM* proposed to permit VLP devices to operate in the U-NII-6 and U-NII-8 bands and sought comment on whether VLP devices could operate at up to -5 dBm/MHz EIRP PSD and 14 dBm EIRP in those bands while keeping the risk of harmful interference to ENG central receive sites to an insignificant level.⁶⁹ The *6 GHz Second FNPRM* also sought comment on whether the same type of analysis discussed in the *6 GHz Second Order* showing an insignificant harmful interference risk to fixed microwave receive sites would be appropriate with respect to ENG central receive sites, or whether there are inherent differences between BAS/CARS operations as compared to fixed point-to-point operations that must be considered when analyzing the harmful interference risk, e.g., differences in antenna beamwidth and gain, typical antenna heights or receive antenna locations.⁷⁰

17. NAB expresses concerns about potential interference to ENG central receive sites from VLP devices in the U-NII-6 and U-NII-8 bands.⁷¹ In making its comments, NAB considered a study filed by Apple, Broadcom, et al. on September 11, 2023, which found that VLP devices would not cause harmful interference to ENG central receive sites.⁷² NAB concedes that “in a Monte Carlo analysis that

⁶⁵ *6 GHz First Order*, 35 FCC Rcd at 3912-15, paras. 159-68.

⁶⁶ *Id.* at 3910, para. 152 (citing Alion Study, NAB Dec. 5, 2019 *Ex Parte*).

⁶⁷ *6 GHz Second Order*, 38 FCC Rcd at 10601, para. 175.

⁶⁸ *Id.*

⁶⁹ *Id.*

⁷⁰ *Id.*

⁷¹ NAB Comments at 8-10.

⁷² *Id.* at 3-4, 8-10 (citing Apple, Broadcom, and Meta Sept. 11, 2023 *Ex Parte*). The study consisted of a Monte Carlo simulation addressing the potential for VLP devices operating at -5 dBm/MHz to exceed -6 dB I/N for two specific ENG central receive sites. Apple, Broadcom, and Meta Sept. 11, 2023 *Ex Parte* at 2-3. The simulation used the same two ENG central receive sites and technical parameters that were used in a Monte Carlo Alion Study simulation previously submitted by NAB that examined the potential for 6 GHz band unlicensed access points to interfere with ENG receivers. Apple, Broadcom, and Meta Sept. 11, 2023 *Ex Parte* at 2.

relies on reasonable assumptions, some number, even a large number, of simulations might yield no degradation or interference to an ENG receiver,” but states that Apple, Broadcom, et al.’s claim of absolutely no interference to ENG receivers, ever, is “plainly and facially unreasonable.”⁷³ NAB states that “[m]any hypothetical VLP transmitters located near [an] ENG receive antenna would certainly present signals exceeding -6 dB above the receiver noise floor,” and argues as an example that the Washington, D.C. Old Post Office site considered in the Alion Study would have a received signal level 34 dB above the -6 dB I/N criterion from a VLP device located 500 meters away.⁷⁴ NAB disputes Apple, Broadcom, et al.’s claim that “‘ENG links typically are configured to operate with a significantly higher signal-to-noise ratio than needed to successfully operate,’” stating that this is “unfounded and inaccurate” because “ENG links are not ‘configured’ to operate in some excessive or overengineered manner . . . and often operate within a few dB of failure.”⁷⁵

18. On June 28, 2024, Apple, Broadcom, and Meta submitted an additional study performed by RKF Engineering on the potential for interference from VLP devices to ENG central receive sites in the 6 GHz band.⁷⁶ RKF performed a Monte Carlo analysis with 100,000 iterations over the contiguous United States to investigate the likelihood of harmful interference to ENG central receiver sites from VLP devices in the U-NII-6 and U-NII-8 bands.⁷⁷ A Monte Carlo simulation uses random sampling and statistical modeling to estimate mathematical functions and mimic the operations of complex systems.⁷⁸ The simulation examined all 567 ENG central receive sites listed in the FCC’s Universal Licensing System for the continental United States as a representative sample of all ENG central receive sites.⁷⁹ RKF states that “[t]he analysis demonstrates that the risk that VLP devices will cause exceedances of -6 dB I/N is extremely low,” and is in fact “lower than [in] other scenarios where the Commission has determined that sharing between 6 GHz [Radio Local Area Network (RLAN)] devices and incumbent licensees presented an ‘insignificant’ risk of harmful interference by the FCC’s definition.”⁸⁰ It states that 95% of ENG receive sites “had no exceedance over 100,000 simulation iterations,” and that “[t]he risk of harmful interference from VLP devices to [ENG receive sites] was exceedingly small with a 0.0001% average probability of an exceedance across all [ENG receive sites].”⁸¹

19. On November 7, 2024, Apple, Broadcom et al. submitted updated results for the June 28, 2024 study. NAB pointed out that it might be possible that the June 28, 2024 study had inverted the antenna pattern for the ENG central receive sites to have positive gain above the horizon instead of below the horizon.⁸² Apple, Broadcom et al. agreed with NAB that the antenna pattern used in the June 28, 2024 study was incorrect and submitted new simulation results with the antenna pattern correctly implemented.⁸³ The revised simulation indicates the probability of exceeding -6 dB I/N across all ENG

⁷³ NAB Comments at 8.

⁷⁴ *Id.* at 9.

⁷⁵ *Id.*

⁷⁶ Apple, Broadcom, and Meta June 28, 2024 *Ex Parte*; *Report on Frequency Sharing Between Very Low Power RLAN Devices and Broadcast Central Receive Stations in the 6 GHz Band* by RKF Engineering Solutions, LLC. (June 2024 Apple, Broadcom, and Meta Report).

⁷⁷ June 2024 Apple, Broadcom, and Meta Report at iii.

⁷⁸ Harrison RL, *Introduction To Monte Carlo Simulation*, AIP Conf Proc. 2010;1204:17–21. doi:10.1063/1.3295638.

⁷⁹ June 2024 Apple, Broadcom, and Meta Report at iii. Not all ENG central receive sites are listed in the Universal Licensing System.

⁸⁰ *Id.* at iv.

⁸¹ *Id.*

⁸² NAB Oct. 28, 2024 *Ex Parte* at 6-8; NAB Nov. 14, 2024 *Ex Parte* at 2.

⁸³ Apple, Broadcom et al. Nov. 7, 2024 *Ex Parte* at 3-5.

central receive sites was 0.0005%, which Apple, Broadcom et al. contend is below what the Commission found to be acceptable for low-power indoor operation in the U-NII-6 and U-NII-8 bands.⁸⁴ The revised simulation also indicates that the probability of exceeding -6 dB I/N for the ENG receive site with the highest probability of exceedance increased from 0.007% to 0.009%, which Apple, Broadcom et al. point out is much lower than the 0.04% exceedance probability for the worst-case link in the San Francisco study that the Commission relied on in the *6 GHz Second Order*.⁸⁵

20. We find that the June 28, 2024 computer simulations based on Monte Carlo analysis submitted by Apple, Broadcom, and Meta, as corrected by the Apple, Broadcom et al. November 7, 2024 filing, provides sufficient support for permitting VLP operation at up to -5 dBm/MHz EIRP power spectral density (PSD) and 14 dBm EIRP across the U-NII-6 and U-NII-8 portions of the 6 GHz band.⁸⁶ Relying on this computer simulation is consistent with a directive the Commission made in a 2023 Policy Statement to follow a data-driven approach to spectrum management rather than placing dispositive weight on worst-case examples that may be rare or never occur in practice.⁸⁷ Relying on Monte Carlo computer simulations is also consistent with the Commission's previous actions in adopting rules for unlicensed 6 GHz low-power indoor devices and for VLP devices in the U-NII-5 and U-NII-7 bands. For the low-power indoor device rules, the Commission characterized a Monte Carlo computer simulation submitted by CableLabs as "the best evidence in the record of the impact that unlicensed low-power indoor devices will have on incumbent operations," and for the VLP rules the Commission found that Monte Carlo computer simulations submitted by Apple, Broadcom et al. and by Apple provided sufficient support for permitting VLP operation in the U-NII-5 and U-NII-7 bands.⁸⁸

21. The Commission previously found that a well-designed computer simulation can simultaneously model many probabilistic factors that determine whether harmful interference may occur.⁸⁹ In the case of ENG central receive sites in the U-NII-6 and U-NII-8 bands, these factors include VLP device location variability in relation to the ENG receiver, height of the VLP device, whether the VLP device is operating co-channel to the ENG receiver, the VLP power level, and the radio propagation environment.⁹⁰ In examining the potential for harmful interference to occur to ENG central receive sites from VLP devices, the characteristics of the receivers and antennas must also be considered.⁹¹ ENG central receive sites use directional antennas typically located on tall towers or building rooftops,⁹² but unlike fixed microwave antennas their directivity may be variable to accommodate ENG signals from multiple directions. In addition, other factors that affect the potential for VLP devices to cause harmful interference include body loss, the use of transmit power control (TPC), and antenna polarization mismatch.⁹³

⁸⁴ *Id.* at 3-4 (citing *6 GHz First Order*, 35 FCC Rcd. at 3912, para. 160).

⁸⁵ *Id.* at 4 (citing *6 GHz Second Order*, 38 FCC Rcd. at 10552, para. 49).

⁸⁶ See Apple, Broadcom et al. Feb. 28, 2023 *Ex Parte*; Apple Feb. 13, 2023 *Ex Parte*.

⁸⁷ See *Principles for Promoting Efficient Use of Spectrum and Opportunities for New Services; Promoting Efficient Use of Spectrum through Improved Receiver Interference Immunity Performance*, ET Docket Nos. 23-122 and 22-137, Policy Statement, 38 FCC Rcd at 3682, 3692-94, paras. 36-47 (2023).

⁸⁸ *6 GHz First Order*, 35 FCC Rcd at 3896, para. 120; *6 GHz Second Order*, 38 FCC Rcd at 10534, para. 25.

⁸⁹ *6 GHz Second Order*, 38 FCC Rcd at 10535, para. 26.

⁹⁰ *Id.*

⁹¹ *Id.*

⁹² *Id.*

⁹³ *6 GHz First Order* 35 FCC Rcd at 3880, para.75; *6 GHz Second Order*, 38 FCC Rcd at 10545-46, 10550-51, paras. 40, 47.

22. Based on Apple, Broadcom, and Meta's June 28, 2024 study, as corrected by the Apple, Broadcom et al. November 7, 2024 filing, we conclude that there is an insignificant risk of harmful interference occurring to ENG central receiver sites from VLP devices operating in the U-NII-6 and U-NII-8 bands. This simulation provides a detailed description of all the assumptions used in performing a Monte Carlo analysis to determine the likelihood of harmful interference to ENG central receive sites from VLP devices operating in the U-NII-6 and U-NII-8 bands. With the exception of certain assumptions specific to ENG central receive sites described below, it uses the same assumptions as the San Francisco simulation that the Commission relied upon in the *6 GHz Second Order* when it adopted rules for VLP devices in the U-NII-5 and U-NII-7 bands.⁹⁴ It assumes a -5 dBm/MHz PSD VLP EIRP and a 14 dBm maximum EIRP, power reduction from TPC based on a Gaussian distribution with a 3 dB mean that is truncated at 0 dB and 6 dB, body loss based on a Gaussian distribution with a 4 dB mean that is truncated at 0 dB and 8 dB, and a VLP device height of 1.5 meters in 90% of cases with higher elevation (e.g., on balconies) in 10% of cases.⁹⁵ To determine the number of active VLP devices in each simulation iteration, the study used the same assumptions as for the San Francisco study regarding the percentage of people outdoors (6%), the percentage of people outdoors using VLP devices (25%), the percentage of VLP devices operating in unlicensed bands (90%), the percentage of those devices capable of using the 6 GHz band (50%), the percentage of the devices actually using the 6 GHz band (65%), and the percentage of devices actively transmitting at any instant (2%).⁹⁶ Multiplying these percentages by the total United States population results in 29,661 active VLP devices for each iteration.⁹⁷ The study also used the same propagation models previously specified by the Commission and used in prior studies, i.e., free space path loss at distances less than 30 meters, WINNER II LOS at distances between 30 meters and 50 meters, WINNER II Combined LOS/NLOS at distances between 50 meters and 1 kilometer, and ITM at distances greater than 1 kilometer.⁹⁸

23. Apple, Broadcom, and Meta's June 28, 2024 study used ENG receive site antenna information for the 567 receive sites listed in the Commission's ULS, specifically, the center frequency, bandwidth, location, antenna height above ground, and maximum antenna gain.⁹⁹ In analyzing the ULS data, RKF discovered that 99 of these sites had an apparently erroneous antenna height of exactly 6.1 meters listed when in fact the antenna height was much greater because it was mounted on a building or tall tower.¹⁰⁰ RKF believed that it was more appropriate to perform the analysis by excluding the sites with apparently erroneous antenna height information, but also provided results showing the effect of including these sites.¹⁰¹ Apple, Broadcom, and Meta's June 2024 study uses the same parameters and assumptions as NAB's Alion Study for ENG central receive sites, specifically, Vislink ProScan III antenna patterns (azimuth and elevation), a 4 dB receiver noise figure, and a 1 dB feeder loss.¹⁰²

⁹⁴ June 2024 Apple, Broadcom, and Meta Report at iii; *6 GHz Second Order*, 38 FCC Rcd at 10535-37, paras. 27-28.

⁹⁵ June 2024 Apple, Broadcom, and Meta Report at 12-15; *6 GHz Second Order*, 38 FCC Rcd at 10535-37, 10545-46, 10550-10551, paras. 27-28, 40, 47.

⁹⁶ June 2024 Apple, Broadcom, and Meta Report at 9; *6 GHz Second Order*, 38 FCC Rcd at 10541-42, para. 35; Apple, Broadcom et al. Feb. 28, 2023 *Ex Parte* at 9.

⁹⁷ June 2024 Apple, Broadcom, and Meta Report at 9. This compares with 1146 active devices in each iteration of the San Francisco simulation. *6 GHz Second Order*, 38 FCC Rcd at 10542, para. 35.

⁹⁸ June 2024 Apple, Broadcom, and Meta Report at 16; *6 GHz Second Order*, 38 FCC Rcd at 10535-36, para. 27.

⁹⁹ June 2024 Apple, Broadcom, and Meta Report at iii, 6-7.

¹⁰⁰ *Id.* at iv.

¹⁰¹ *Id.* at iv, 19-20.

¹⁰² *Id.* at 6-7.

24. Apple, Broadcom, and Meta's June 28, 2024 study, as corrected by the Apple, Broadcom et al. November 7, 2024 filing, shows that the average probability of exceeding the -6 dB I/N interference protection criterion in a given iteration is only 0.0005% per central receive site.¹⁰³ Further, the study showed the worst-case probability for a single receive site to exceed this metric is only 0.009%.¹⁰⁴ Based on the results of this study, which uses assumptions and parameters that are consistent with those the Commission previously accepted, we find that the risk of harmful interference to ENG central receive sites is insignificant. We note that these results showing an extremely low harmful interference likelihood are consistent with those of the September 11, 2023 study submitted by Apple, Broadcom, et al., which analyzed the potential for interference from VLP devices at two ENG central receive sites.¹⁰⁵ We recognize the limitations of Apple, Broadcom, and Meta's latest analysis in that not every ENG central receive site is listed in the ULS, but we believe that the sample size is large enough to represent the harmful interference potential of VLP devices in the U-NII-6 and U-NII-8 bands. Regardless of whether the analysis includes or excludes the 99 receive sites listed in the ULS that have apparently incorrect height information, our conclusion is the same in that the likelihood that the -6 dB I/N ratio will be exceeded at ENG central receive sites is very low and presents only an insignificant harmful interference risk.¹⁰⁶

25. NAB takes issue with several aspects of Apple, Broadcom, and Meta's June 28, 2024 study. NAB faults the study for placing VLP devices at locations throughout the entire contiguous United States, which it notes includes locations more than 30 kilometers from ENG central receive sites. NAB claims that interference would not be possible at such distances.¹⁰⁷ NAB also claims that the study does not include enough active VLP devices in each iteration. It points out that by using only approximately 30,000 VLP devices across the contiguous United States, it only evaluates potential interference from an average of one device in every 100 square miles.¹⁰⁸ We disagree with NAB regarding the merit of its criticism. Apple, Broadcom, and Meta's June 28, 2024 study, as corrected by the Apple, Broadcom et al. November 7, 2024 filing, provides I/N statistics at ENG central receive sites resulting from VLP operations. We believe that the methodology employed, which randomly placed the active VLP devices based on population density, was appropriate for evaluating the potential interference environment to generate these I/N statistics. The study used appropriate assumptions to determine that 30,000 VLP devices will be transmitting at a time. As noted, active VLP devices were placed based on population density, and because the study accounts for receivers in densely populated areas, the number of active VLP devices near ENG central receive sites evaluated during each iteration is likely to be far higher than NAB's calculated average. We agree with Apple, Broadcom et al. that the inclusion of VLP devices in the simulation that are distant from ENG central receive sites does not change the properly modeled density of VLP devices close to the ENG central receive sites, which is based on user density.¹⁰⁹ Thus, NAB's argument does not reflect the nature of how VLP devices were actually placed for evaluation. Relatedly, we also note that the fact that many VLP devices will not be located within 30 kilometers of an

¹⁰³ *Id.* at 20; Apple, Broadcom et al. Nov. 7, 2024 *Ex Parte* at 3. In choosing to use the -6 dB I/N interference protection criterion, the Commission noted in the *6 GHz First Order* that the metric was supported by several microwave incumbents and that it was not making a determination that any signal received with an I/N greater than -6 dB would constitute harmful interference. *See 6 GHz First Order*, 35 FCC Red at 3878, para. 71.

¹⁰⁴ June 2024 Apple, Broadcom, and Meta Report at 20; Apple, Broadcom et al. Nov. 7, 2024 *Ex Parte* at 4.

¹⁰⁵ Apple, Broadcom, and Meta Sept. 11, 2023 *Ex Parte* at 3.

¹⁰⁶ June 2024 Apple, Broadcom, and Meta Report at 19-20.

¹⁰⁷ NAB Oct. 28, 2024 *Ex Parte* at 6; NAB Nov. 14, 2024 *Ex Parte* at 2.

¹⁰⁸ *Id.* at 7.

¹⁰⁹ Apple, Broadcom et al. Nov. 7, 2024 *Ex Parte* at 2.

ENG central receiver site reflects the reality that the majority of VLP devices active at any given time will not be operating near these locations.¹¹⁰

26. We disagree with NAB's contention that a VLP device operating at 500 meters from the Old Post Office Building in Washington D.C. would produce a received signal level that exceeds the -6 dB I/N threshold by 34 dB at an ENG receiver located there.¹¹¹ We reiterate that exceeding a -6 dB I/N does not constitute harmful interference, rather, if the probability of exceeding this level is extremely low, then the probability of actual harmful interference is insignificant.¹¹² NAB does not describe how it calculated its result, but based on the magnitude we believe that NAB used a methodology inconsistent with previous Commission orders, resulting in an unrealistically high I/N ratio. Its result appears to be consistent with the use of free-space propagation modeling, whereas the Commission previously rejected free-space propagation modeling at distances greater than 30 meters,¹¹³ stating that free space propagation has limited applicability beyond that distance because it ignores environmental clutter and over long distances can result in extremely conservative calculations that under predict the amount of actual path loss.¹¹⁴ The Commission found that the WINNER II model is more appropriate for distances between 30 meters and 1 kilometer because it accounts for obstructions from urban and suburban clutter, which the free space model does not.¹¹⁵ Also, NAB's stated value of -104 dBm/10 MHz for ENG receiver sensitivity appears to be too low.¹¹⁶ We calculate that this level would be the thermal noise floor of a receiver with a 10 megahertz bandwidth, meaning it does not include the receiver noise figure.¹¹⁷ The Alion Study specifies that a receiver noise figure of 4 dB along with a line loss of 1 dB should be included in calculating potential interference to ENG receivers.¹¹⁸ Additionally, NAB failed to include other mitigating factors that the Commission previously found were appropriate, specifically, 3 dB for TPC, 4 dB for body loss, 3 dB for antenna polarization mismatch, and 5 dB for antenna pattern mismatch.¹¹⁹ Taking all these factors into account, we calculate that the received signal strength in NAB's example would be -129 dBm, compared to a receiver noise floor of -100 dBm (including noise figure), significantly less than the -6 dB I/N metric.¹²⁰

¹¹⁰ *Id.* 2 (“[T]he fact that the vast majority of VLP devices will not operate in locations where they could cause harmful interference is a key finding of the study”).

¹¹¹ NAB Comments at 9.

¹¹² *6 GHz First Order*, 35 FCC Rcd at 3878, para. 71.

¹¹³ 47 CFR § 15.407(l)(1)(i).

¹¹⁴ *6 GHz First Order*, 35 FCC Rcd at 3875, para. 64.

¹¹⁵ 47 CFR § 15.407(l)(1)(ii); *6 GHz First Order*, 35 FCC Rcd at 3875, para. 65.

¹¹⁶ See NAB Comments at 9.

¹¹⁷ The thermal noise floor of a receiver (in watts) is calculated by the equation $P = kTB$, where P is the noise power, k is Boltzmann's constant, T is the temperature in kelvin, and B is the bandwidth in hertz. For a bandwidth of 10 megahertz and temperature of 293 kelvin (20 degrees Celsius), the noise floor is -103.9 dBm.

¹¹⁸ Alion Study, NAB Dec. 5, 2019 *Ex Parte* at 3.

¹¹⁹ *6 GHz First Order*, 35 FCC Rcd at 3880, para. 75; *6 GHz Second Order*, 38 FCC Rcd at 10545-46, 10550-10551, 10562-63, paras. 40, 47, 71.

¹²⁰ Assuming a VLP device operates with a PSD of -5 dBm/MHz EIRP, its power within a 10 MHz bandwidth would be 10 dB (10 times) greater, or 5 dBm. Using the WINNER II model the Commission previously specified must be used at distances from more than 30 meters up to and including 1 kilometer, the path loss (combined LOS/NLOS) at 500 meters would be 143 dB, which is approximately 40 dB greater than free space path loss. Assuming a 25 dB antenna gain as NAB indicated and a feeder loss of 1 dB, the power at the receiver would be 5 dBm - 143 dB + 25 dB - 1 dB = -114 dBm. The receiver noise floor would be the -104 thermal noise floor plus a 4 dB noise figure, or -100 dBm, so the I/N ratio would be -14 dB. Including additional mitigating factors that NAB did not include, specifically, 3 dB for TPC, 4 dB for body loss, 3 dB for antenna polarization mismatch, and 5 dB for
(continued....)

27. In sum, Apple, Broadcom, and Meta's latest study performed in the same manner and using the same assumptions as previous studies (with the exception of those specific to ENG receivers) that the Commission found acceptable for permitting VLP devices in the U-NII-5 and U-NII-7 bands shows that the likelihood of VLP devices in the U-NII-6 and U-NII-8 bands exceeding -6 dB I/N at an ENG central receive site is extremely low.¹²¹ In addition, our calculations show that even in what NAB indicates would be a worst-case scenario, a VLP device would likely not exceed -6 dB I/N. Thus, we conclude that the risk of harmful interference from VLP devices to ENG central receive sites in the U-NII-6 and U-NII-8 bands is insignificant. Because this interference risk is so low in the absence of any of the additional factors or mitigation measures suggested by Apple, Broadcom, et al. that could further reduce the likelihood of harmful interference (i.e., that links have a significantly higher signal-to-noise ratio than needed to successfully operate, the locations of ENG trucks can be moved to get a better line of sight to a fixed receive site, and ENG power levels can be increased), we do not address NAB's arguments on the validity of the Apple, Broadcom, et al.'s statements.¹²²

28. NAB's points regarding interference matters in other bands and outside the record of this proceeding do not add support to its claims of potential interference described here, and we have adequately addressed those for purposes of this rulemaking. Specifically, NAB claims that it has repeatedly demonstrated that broadcasters have lost access to licensed spectrum in the 2.4 GHz band "due to ruinous interference from unlicensed devices" that "has continued unabated for nearly 25 years."¹²³ The Commission has previously concluded that the record in this proceeding "contains no substantial evidence of harmful interference to broadcast operations in the 2.4 GHz band" and noted the absence of interference complaints regarding the 2.4 GHz band.¹²⁴ No commenter to this proceeding offers new information regarding such interference claims, and we decline to revisit them on our own motion. NAB also contends that even when interference occurs among licensed users, such as alleged interference to private land mobile systems in spectrum bands shared with broadcast television stations, the Commission has not consistently investigated or resolved these conflicts.¹²⁵ NAB claims that rather than take action to resolve these longstanding interference problems, the Commission has demurred. According to NAB, this past FCC inaction raises concerns that if the risk of interference is not addressed now it will go unaddressed in the future.¹²⁶ The Commission takes seriously its responsibility to prevent harmful interference from occurring. We have concluded that permitting VLP devices to operate in the U-NII-6 and U-NII-8 bands will present an insignificant harmful interference risk to licensed mobile operations. Therefore, we have adequately addressed NAB's interference concerns and NAB's allegations concerning the Commission's inaction regarding interference in other bands do not provide grounds to alter our course. Nonetheless, the Commission also remains committed to resolving harmful incidents in the unlikely possibility that they occur.

(Continued from previous page)

antenna discrimination results in an additional 15 dB reduction in the calculated receive level to -129 dBm, or a -29 dB I/N ratio.

¹²¹ Apple, Broadcom, et al.'s June 2024 study uses the parameters from NAB's Alion Study for fixed ENG receivers, specifically, it used Vislink ProScan III antenna patterns (azimuth and elevation), a 4 dB receiver noise figure, and a 1 dB feeder loss. June 2024 Apple, Broadcom, and Meta Report at 6-7.

¹²² Apple, Broadcom, and Meta Sept. 11, 2023 *Ex Parte* at 5-6; NAB Comments at 9-10.

¹²³ NAB Oct. 30, 2024 *Ex Parte* at 12.

¹²⁴ 6 GHz Second Order, 38 FCC Rcd at 10615, 10616-17, paras. 208, 211-12.

¹²⁵ NAB Oct. 30, 2024 *Ex Parte* at 12-13.

¹²⁶ *Id.* at 13.

2. ENG Truck Receivers

29. Electronic newsgathering (ENG) trucks are generally situated near a news or sporting event and receive signals from hand-held cameras or other portable news gathering equipment.¹²⁷ According to the Alion Study previously submitted by NAB, the ENG truck receive antenna may be omni-directional or sectoral with adjustable height from 5 to 50 feet and the signals may use various bandwidths between 3 and 20 megahertz.¹²⁸ The *6 GHz Second FNPRM* proposed to permit VLP devices to operate in the U-NII-6 and U-NII-8 bands and sought comment on whether the devices can operate at up to -5 dBm/MHz EIRP PSD and 14 dBm EIRP while minimizing the risk of harmful interference to ENG truck receivers.¹²⁹ The *6 GHz Second FNPRM* asked what is the appropriate metric for evaluating the harmful interference risk to an ENG truck receiver; if signal-to-interference-plus-noise ratio (SINR) is used as a metric what value or range of values should be used; and is there a connection between reliance on an I/N metric for evaluating ENG trucks connecting to a central receive site and evaluating the risk to a truck receiver based on SINR?¹³⁰ The *6 GHz Second FNPRM* also requested information on the typical bandwidth and coding rates used by ENG truck receivers and how close a random VLP device can come to a ENG truck receiver under normal operating conditions.¹³¹

30. According to Apple, Broadcom et al., a SINR of 1 dB is necessary for the link between a camera and a portable ENG truck receiver to operate without harmful interference.¹³² As described in their comments,¹³³ the parties base this claim on empirical SINR measurements that Broadcom previously submitted showing the level necessary to maintain an error-free video signal for different signal bandwidths, coding rates, and unlicensed device activity factors.¹³⁴ These measurements show that there would be no audio or video defects with an SINR of at least 1 dB for an unlicensed device activity factor of 2% and a video signal of 10 megahertz bandwidth.¹³⁵ Apple, Broadcom et al. note that the *6 GHz First Order* relied on these Broadcom measurements in authorizing low-power indoor operations in the U-NII-6 and U-NII-8 bands.¹³⁶ Apple, Broadcom et al. claim that while the Commission, in the *6 GHz First Order*, discussed studies that apply a 10 dB SINR threshold for interference, it did not adopt this 10 dB SINR as an interference threshold.¹³⁷ Instead, they note that the Commission observed that the Broadcom measurements found ““that for a 10% activity factor the [ENG] link required a signal-to-interference-plus-noise of between 2 and 9 dB.””¹³⁸ Apple, Broadcom et al. point out that the Commission has more recently determined that a more realistic 2% activity factor should be assumed for VLP devices.¹³⁹ Therefore, they claim that Broadcom’s measurements demonstrate that with a VLP duty

¹²⁷ *6 GHz Second FNPRM*, 38 FCC Rcd at 10602, para. 177.

¹²⁸ Alion Study, NAB Dec. 5, 2019 *Ex Parte* at 5.

¹²⁹ *6 GHz Second FNPRM*, 38 FCC Rcd at 10603, para. 179.

¹³⁰ *Id.*

¹³¹ *Id.*

¹³² Apple, Broadcom et al. Comments at 20-21.

¹³³ *Id.*

¹³⁴ Broadcom Feb. 28, 2020 *Ex Parte* at 2.

¹³⁵ See Apple, Broadcom et al. Comments at 21. The bit error rate would be less than 1×10^{-8} , which, according to Broadcom, would result in no audio or video defects. Broadcom Feb. 28, 2020 *Ex Parte* at 1-2.

¹³⁶ Apple, Broadcom et al. Comments at 21 (citing *6 GHz First Order*, 35 FCC Rcd at 3914, para. 164).

¹³⁷ Apple, Broadcom et al. Comments at 21.

¹³⁸ *Id.* (quoting *6 GHz First Order*, 35 FCC Rcd at 3914, para. 164).

¹³⁹ *Id.* (citing *6 GHz Second Order*, 38 FCC Rcd at 10541-42, para. 35).

cycle of 2%, the portable equipment to ENG truck receiver link only requires an SINR of 1 dB.¹⁴⁰ Apple, Broadcom et al. also suggest that assuming broadcasters would use a 10 megahertz bandwidth signal rather than an 8 megahertz bandwidth signal is more realistic as this would be more robust and support higher throughput.¹⁴¹ But, even with an 8 megahertz bandwidth, they state that the ENG Truck Receiver Studies show harmful interference is extremely unlikely because only a 7 dB SINR would be needed for a 2% activity factor and a SINR below 10 dB is only possible in a small area very close to the truck receiver and only when the truck receiver is not elevated.¹⁴²

31. Apple, Broadcom et al. claim that the record demonstrates that VLP devices will not pose a significant interference risk to the link between mobile transmitters and ENG truck receivers.¹⁴³ To support this claim, they refer to a set of related technical studies submitted by Broadcom and Apple, Broadcom et al. (collectively, “ENG Truck Receiver Studies”).¹⁴⁴ The ENG Truck Receiver Studies use a link budget methodology to calculate the SINR for an ENG camera transmitting at a fixed location 94 meters from an ENG truck receiver receiving interference from a single VLP device. The ENG Truck Receiver Studies present plots of the variation of SINR with VLP device location within a 94-meter radius of the ENG truck receiver for truck antenna heights of 1.5, 2.5, 5, 10, and 15 meters.¹⁴⁵ The ENG Truck Receiver Studies assume that a portable ENG camera transmits with either 20 dBm or 23 dBm of power from a fixed location 94 meters away from the ENG truck receiver and that the ENG truck receiver uses a 10 megahertz bandwidth, has a 4 dB noise figure, and uses the ITU-R F.1336-4 antenna pattern used in the Alion Study.¹⁴⁶ The ENG Truck Receiver Studies use a free space propagation model, assume that the VLP device transmits at -5 dBm/MHz, 4 dB of body loss, a power reduction of 3 dB from transmit power control, an attenuation of 5 dB from the mismatch between the VLP device’s antenna pattern and the ENG receiver, and a 3 dB loss from polarization mismatch between the VLP device antenna and truck receiver.¹⁴⁷ Apple, Broadcom et al. claim that the ENG Truck Receiver Studies show that a SINR below 1 dB only occurs when the VLP device is operating within a few meters of the ENG truck receiver and the ENG truck receiver antenna is located at the same height as the VLP device.¹⁴⁸ Apple, Broadcom et al. view such a scenario as unlikely because the receive antenna would likely be

¹⁴⁰ *Id.* at 22.

¹⁴¹ *Id.*

¹⁴² *Id.* at 22-23.

¹⁴³ *Id.* at 15; Apple, Broadcom et al. Sept. 5, 2024 *Ex Parte* at 1-2.

¹⁴⁴ Apple, Broadcom et al. Comments at 15 (referring to Broadcom, Sept. 11, 2023 *Ex Parte* and Broadcom, Sept. 27, 2023 *Ex Parte*). The Apple, Broadcom et al. Comments repeat the results from the two studies previously filed by Broadcom for ENG truck receiver antenna heights of 1.5, 5, 10, and 15 meters and provide results for an antenna height of 2.5 meters. Apple, Broadcom et al. Comments at 15-19. The results for a 1.5 meter height, which is referred to as “0 m Elevation v. VLP Transmitter” in the Apple, Broadcom et al. Comments, were first presented in a September 11, 2023 filing by Broadcom, Broadcom, Sept. 11, 2023 *Ex Parte* at 3, and the results for 5, 10, and 15 meter receiver heights were first presented in a September 27, 2023 filing by Broadcom, Broadcom, Sept. 27, 2023 *Ex Parte* at 2-3. More recently, Apple, Broadcom, et al. presented higher resolution plots of the SINR from these previous studies for ENG truck antenna heights of 2.5 and 5 meters as well as presented results for these two antenna heights at ENG camera transmitter power levels of 20 dBm and 23 dBm. Apple, Broadcom, et al. Sept. 5, 2024 *Ex Parte*, Presentation at 15-22. In our discussion, we will use data from the September 5, 2024 filing for the 2.5 and 5 meter height ENG truck receive antennas. Hereinafter, all these filings will be referred to collectively as the “ENG Truck Receiver Studies.”

¹⁴⁵ Apple, Broadcom et al. Comments at 17-19.

¹⁴⁶ *Id.* at 11, 16; Apple, Broadcom, et al. Sept. 5, 2024 *Ex Parte*, Presentation at 4, 6-13; Alion Study, NAB Dec. 5, 2019 *Ex Parte* at 6.

¹⁴⁷ Apple, Broadcom et al. Comments at 16.

¹⁴⁸ *Id.* at 15-19.

located on top of the truck or on a telescoping mast, and the VLP device would operate so close to the truck receiver that it could easily be observed and controlled.¹⁴⁹ They claim that “in every realistic scenario” the SINR will be above 8 dB.¹⁵⁰ They also point out that for antenna heights above 2.5 meters, the SINR is greater than 10 dB at all locations.¹⁵¹ According to Apple, Broadcom et al., the results of the ENG Truck Receiver Studies are conservative because 94 meters is an unusually long distance for ENG transmissions, the ENG receiver would be elevated on a mast especially where the ENG transmitter is located so far from the receiver, and ENG transmitters commonly use an antenna with 3 dB of gain to transmit at 23 dBm instead of 20 dBm.¹⁵² Apple, Broadcom et al. contend that if the ENG receiver is elevated to 5 meters, the SINR would be at least 15 dB for all locations at least one meter from the truck.¹⁵³

32. Apple, Broadcom et al. also suggest that the Commission adopt a requirement that VLP devices operating in the U-NII-6 and U-NII-8 bands be required to employ a contention-based protocol as is required for the U-NII-5 and U-NII-7 bands.¹⁵⁴ They point out that the Commission previously acknowledged that the contention-based protocol will protect incumbents by “avoid[ing] co-frequency interference with other services sharing the band.”¹⁵⁵ According to Information Technology Industry Council, a VLP device that is near an ENG truck receiver will also be close enough to an ENG camera transmitter for the contention-based protocol to detect the signal and select an alternative channel.¹⁵⁶

33. NAB criticizes Broadcom for assuming both the VLP devices and ENG truck receiver are located at fixed locations with the ENG transmitter always 94 meters away from the truck receiver.¹⁵⁷ According to NAB the purpose of using a radio link for ENG is to allow the camera transmitter to move in real time and a Monte Carlo simulation should consider a variety of possible scenarios.¹⁵⁸ NAB also faults the ENG Truck Receiver Studies for assuming static line-of-sight conditions, claiming that the probability that the signals from both the ENG camera and the VLP device will be simultaneously faded is situation-dependent and that fades can be greater than 10 dB.¹⁵⁹ NAB characterizes the 5 dB VLP/ENG antenna mismatch and 3 dB body loss used by Broadcom as “unexplained and unjustified” and claims that Apple, Broadcom et al.’s measurements allow for less body loss 20 percent of the time.¹⁶⁰ NAB claims that it was improper for Broadcom to include body loss, antenna mismatch, and polarization loss

¹⁴⁹ *Id.* at 19.

¹⁵⁰ Apple, Broadcom, et al. Sept. 5, 2024 *Ex Parte* at 2. This is apparently referring to an ENG truck receiver antenna height of 2.5 meters. Apple, Broadcom, et al. Sept. 5, 2024 *Ex Parte* at 1-2; Apple, Broadcom, et al. Sept. 5, 2024 *Ex Parte*, Presentation at 7.

¹⁵¹ Apple, Broadcom et al. Comments at 19.

¹⁵² Apple, Broadcom, et al. Sept. 5, 2024 *Ex Parte* at 2.

¹⁵³ *Id.*

¹⁵⁴ Apple, Broadcom et al. Comments at 20.

¹⁵⁵ *Id.* (quoting *6 GHz First Order*, 35 FCC Rcd at 3889, para. 102).

¹⁵⁶ Information Technology Industry Council Comments at 2.

¹⁵⁷ NAB Comments at 7. NAB’s Comments also criticize the ENG Truck Receiver Studies for only using a single ENG antenna height, but this apparently is the result of NAB examining only one of Broadcom’s two filings — i.e., the September 11, 2023 filing that presented results for ENG truck antenna and VLP devices with identical heights. NAB Comments at n.10, 5.

¹⁵⁸ NAB Comments at 7.

¹⁵⁹ *Id.*; NAB Oct. 28, 2024 *Ex Parte* at 9.

¹⁶⁰ NAB Comments at 7; NAB Oct. 28, 2024 *Ex Parte* at 10.

for the link between the VLP device and ENG truck receiver but not include these losses for the link between the ENG camera and ENG truck receiver.¹⁶¹

34. NAB also criticizes Broadcom's use of SINR instead of a -6 dB I/N as has been used by the Commission.¹⁶² NAB explains that SINR may be appropriate for static conditions where the signal paths are well characterized and the systems well engineered, but both ENG and VLP operations are variable in time and location, which indicates the appropriate protection criteria is one that preserves the incumbent's noise floor.¹⁶³ Regarding use of a 1 dB SINR threshold as an interference threshold, NAB states that Apple, Broadcom et al. neither provide the assumed ENG link parameters (modulation type, error correction code, bandwidth, etc.), nor describe the bandwidth of the Wi-Fi interference.¹⁶⁴ NAB believes that the 1 dB SINR threshold employed by Apple, Broadcom et al. is not realistic based on bench measurements and decades of ENG field experience by broadcasters.¹⁶⁵ NAB points to bench and field tests conducted by the Department of Defense and its contractors for the 2 GHz band that demonstrate a SINR threshold of 11.3 dB is needed to avoid harmful interference from a co-channel interferer with a 3.2 megahertz bandwidth.¹⁶⁶ NAB suggest that because 6 GHz and 2 GHz ENG systems use identical modulation, coding, and bandwidth, this result is applicable to the 6 GHz band and that wider bandwidth Wi-Fi signals would have more interference potential.¹⁶⁷ NAB also claims that these measurements indicate the duty cycle of the interfering signal has little effect because once a link is broken it requires a significant interference-free interval to reestablish.¹⁶⁸

35. According to NAB, for Apple, Broadcom et al.'s claim that VLP devices will not pose a significant harmful interference risk to be viable, "the following confluence of circumstances must hold as well: an atypically low height of the ENG receiving antenna; 4 dB of continuous body loss; antenna pattern and polarization mismatches of 5 dB and 3 dB; operation with continuous transmit power reduction; and static free-space conditions for both the ENG transmitter and VLP devices."¹⁶⁹ NAB contends that for all of these conditions to be simultaneously true, a series of providential conditions would have to occur.¹⁷⁰ NAB also points out that Broadcom's claims that VLP devices causing interference are likely to leave the area quickly ignore the fact that newsworthy events frequently transpire in proximity to crowds, meaning that ENG receivers can easily receive harmful interference from nearby VLP devices.¹⁷¹ Because VLP devices are not required to operate through an access point, there would not be any way to shut down operations if interference were to occur during breaking news

¹⁶¹ NAB Oct. 30, 2024 *Ex Parte* at 10.

¹⁶² *Id.*

¹⁶³ *Id.* at 7-8.

¹⁶⁴ NAB Reply at 7.

¹⁶⁵ *Id.*

¹⁶⁶ *Id.* at 8 (citing Army Spectrum Management Office CIO/G-6. "Electromagnetic Compatibility Evaluation of TRR Equipment to ENG Equipment (Aug. 30, 2016)).

¹⁶⁷ *Id.* at 8.

¹⁶⁸ *Id.*

¹⁶⁹ *Id.* at 5-6.

¹⁷⁰ *Id.* at 6. NAB contends that "for all of these assumptions to be simultaneously true, a series of providential conditions would have to occur: radiation from the VLP device would have to be continuously blocked by the body of the user; the VLP device antenna would have to be tilted at an idiosyncratic angle to minimize coupling between the VLP and ENG antennas; the device would always have to operate at reduced transmit power; and the device would have to be held motionless while in use." *Id.*

¹⁷¹ NAB Comments at 4 (referring to the Broadcom Sept. 11, 2023 *Ex Parte*).

event.¹⁷² NAB also explains that assertions that news gathering operations are opportunistic with respect to channel selection are incorrect and irrelevant because television stations in most markets have defined channel plans and VLP device operation is also opportunistic.¹⁷³ The Society of Broadcast Engineers (SBE) states that the studies proffered by VLP supporters are flawed as demonstrated by NAB, in that they do not account for the full range of mobile BAS operations and rest on mere assumptions.¹⁷⁴ SBE also points to comments of the Electric Power Research Institute (EPRI) which claim that real-world testing has shown results differing from those predicted by Monte Carlo simulations provided by VLP proponents and call for the models and inputs of the studies to be made public.¹⁷⁵

36. NAB claims that an ENG truck receiver with an antenna height of 15 meters would receive a signal from a VLP device located 100 meters distant that exceeds the -6 dB I/N criterion established by the Commission by more than 34 dB.¹⁷⁶ For this ENG truck receiver and VLP device, NAB calculates that the desired-to-undesired (D/U) ratio would be 12 dB under static conditions for a signal from a camera transmitter located 4 meters from the truck receiver.¹⁷⁷ According to NAB, this would leave the ENG receiver only 0.7 dB from failure under static conditions based on measurements showing a D/U ratio of 11.3 dB is required to achieve zero uncorrected errors.¹⁷⁸ NAB claims that this 0.7 dB margin for a typical link configuration is unacceptably low because some configurations will fall short of the median value and the link will not close.¹⁷⁹ NAB notes that in addition both transmitters are likely to be in motion, resulting in statistical fading due to multipath effects, which increase the likelihood of harmful interference.¹⁸⁰

37. Apple, Broadcom et al. respond to NAB that there is no record support for NAB's claim that an 11.3 dB D/U ratio is required for error-free ENG operation, noting that NAB's citation is to an NAB conference related to the 2 GHz band.¹⁸¹ Apple, Broadcom et al. fault NAB for failing to address the Broadcom measurement data that directly contradicts this claim and that the Commission relied on in the *6 GHz First Order*.¹⁸² Apple, Broadcom et al. claim that the ENG Truck Receiver Studies employ a more conservative methodology than a Monte Carlo approach because they used an ENG transmitter 94 meters from the receiver while a Monte Carlo approach would have included a large number of shorter distances.¹⁸³ Apple, Broadcom et al. note that NAB raised the same objection regarding fading about a 2020 ENG study by Broadcom that it raises about the ENG Truck Receiver Studies and that the Commission rejected this contention in the *6 GHz First Order*.¹⁸⁴ Apple, Broadcom et al. also note that the assumption of 5 dB from the mismatch between the VLP device's antenna pattern and the ENG

¹⁷² *Id.* at 5.

¹⁷³ *Id.* at 8.

¹⁷⁴ Society of Broadcast Engineers Reply 5 (citing NAB Comments at Section II).

¹⁷⁵ *Id.* at 5 (citing Electric Power Research Institute Comments at 3).

¹⁷⁶ NAB Comments at 5-6.

¹⁷⁷ *Id.* at 6.

¹⁷⁸ *Id.* (citing Russell, R. and Weller, R., "ENG and DoD: Update on 2 GHz Sharing," Proc. NAB BEIT Conference (2023)).

¹⁷⁹ NAB Reply at 6-7.

¹⁸⁰ NAB Comments at 6; NAB Reply at 7; NAB Oct. 28, 2024 *Ex Parte* at 8 ("Multipath fading occurs even over very short distances and cannot be ignored!").

¹⁸¹ Apple, Broadcom et al. Reply at 9.

¹⁸² *Id.* at 9-10.

¹⁸³ *Id.* at 10.

¹⁸⁴ *Id.* at 10-11 (citing *6 GHz First Order*, 35 FCC Red at 3914, para. 164).

receiver and 4 dB for body loss that NAB criticizes are consistent with assumptions upon which the Commission has previously relied.¹⁸⁵

38. *Discussion.* We conclude that VLP devices can operate without creating a significant risk of harmful interference to communication links between portable ENG transmitters and ENG truck receivers. We base this conclusion on many factors, including the large power differential between portable ENG transmitters and VLP devices, the requirement that VLP devices employ a contention-based protocol, and the low probability that a VLP device will overlap the ENG signal in frequency because of the large amount of spectrum available for VLP operations. The results of the ENG Truck Receiver Studies provide additional support for our conclusion.

39. The consequences of the large power differential between ENG portable transmitters and VLP devices is illustrated by examining in detail the example provided by NAB of an ENG truck receiver with a 15 foot high antenna receiving signals from a VLP device located 100 meters away and an ENG portable camera transmitter located 4 meters away.¹⁸⁶ This situation represents one of the worst potential interference cases because the VLP device is in the main beam of the ENG truck receiver antenna while the ENG portable camera transmitter is far below the antenna's main beam. According to the antenna pattern for an ENG truck receiver used in a Alion Study previously submitted by NAB, the antenna gain toward the VLP device would be 10.1 dB while the gain would be only -8.9 dB toward the ENG portable camera signal, assuming both transmitters are at a 1.5 meter height.¹⁸⁷ This 19 dB difference in antenna gain is greater than the difference in propagation loss of 17.1 dB between the two locations using a free space path loss model, which illustrates that moving the VLP device closer to the truck receiver would not result in the VLP device's interference potential being appreciably worse.¹⁸⁸

40. In providing this example, NAB has considered only the antenna gain and propagation loss in calculating the received power from these two transmitters.¹⁸⁹ In the *6 GHz First Order*, when the Commission examined a set of link budget examples provided by AT&T, it treated statistical quantities such as polarization loss and antenna discrimination using median or average values.¹⁹⁰ As was done in the *6 GHz First Order*, we believe that for a static link budget analysis it is appropriate to treat such statistical quantities using median values when calculating signal levels for NAB's example case.¹⁹¹ Using mean values for these parameters, we evaluate the received signal power from the VLP device—operating at -5 dBm/MHz EIRP PSD and 14 dBm EIRP—at the ENG truck receiver to be -88.8 dBm.¹⁹² For the ENG camera transmitter, NAB used 20 dBm as the transmit power.¹⁹³ As Apple, Broadcom et al. point out, ENG camera transmitters commonly use antennas with 3 dB of gain which would increase the transmit EIRP to 23 dBm.¹⁹⁴ This results in -57.6 dBm received signal power at the ENG truck

¹⁸⁵ *Id.* at 11-12 (citing *6 GHz First Order*, 35 FCC Rcd at 3898, para. 125; *6 GHz Second Order*, 38 FCC Rcd at 10544-45, para. 39).

¹⁸⁶ NAB Comments at 5-6.

¹⁸⁷ Alion Study, NAB Dec. 5, 2019 *Ex Parte* at 8.

¹⁸⁸ The free space path loss from the VLP device to the ENG truck receiver would be 88.8 dB while the path loss from the ENG camera transmitter would be 71.7 dB.

¹⁸⁹ NAB Comments at 5-6, n.16, n.18.

¹⁹⁰ *6 GHz First Order*, 35 FCC Rcd at 3898-3901, paras. 127-29.

¹⁹¹ *Id.* at 3900-01, para. 129, tbl. 5; *6 GHz Second Order*, 38 FCC Rcd at 10544-45, 10549-51, paras. 39, 46-47.

¹⁹² Received Power = (VLP Tx power in 10 megahertz) – (Path Loss) – (ENG Antenna Gain) – (Body Loss) – (Polarization Mismatch) – (VLP device antenna pattern) – (Transmit Power Control) = 5 dBm – 88.8 dB + 10.1 dB – 4 dB – 3 dB – 5 dB – 3 dB = -88.8 dBm.

¹⁹³ NAB Comments at n.18.

¹⁹⁴ Apple, Broadcom et. al. Sept. 5, 2024 *Ex Parte* at 2.

receiver.¹⁹⁵ The resulting D/U ratio is 31.2 dB, which greatly exceeds the 11.3 dB D/U ratio that NAB states is necessary to avoid harmful interference.¹⁹⁶ Even if the ENG portable camera transmits with only 20 dBm of power, the resulting 28.2 dB D/U ratio would greatly exceed the 11.3 dB D/U ratio.¹⁹⁷ Regarding NAB's concern that fading is likely to occur from the motion of the devices thereby increasing the interference likelihood, given that both the ENG transmitter and VLP device are likely to be stationary or possibly moving slowly and that the distances between transmitters and the receiver are less than 100 meters, we expect that any fading that occurs would be mild and less than 10 dB in magnitude.¹⁹⁸ These large D/U ratios indicate that even with that level of fading the D/U ratio would remain above 11.3 dB. This illustrates that VLP devices operating at the power level that we are permitting under our rules are unlikely to cause harmful interference to this type of ENG operation. In addition, for this particular example, the signal from the VLP device is likely to experience more clutter loss than the signal from the ENG transmitter due to the greater distance, which suggests that the D/U ratio would be even greater.

41. The fact that we are requiring the VLP devices to employ a contention-based protocol also lessens the risk that harmful interference will occur to ENG operations.¹⁹⁹ For the scenarios discussed in both NAB's examples and the ENG Truck Receiver Studies, the portable ENG transmitter is likely to be within a relatively close distance to the truck receivers—i.e., 100 meters or less. VLP devices that present a harmful interference risk are also likely to be within such a distance of the ENG truck receiver. Consequently, the VLP devices and portable ENG transmitters will operate in close proximity to each other. In such situations, the VLP device should be able to detect when a portable ENG transmitter is operating nearby on the same channel. Because the portable ENG transmitter operates continuously when sending a video signal, we would expect that the contention-based protocol used by the VLP device will cause it to vacate the channel used by the portable ENG transmitter and thereby further lessen the potential for harmful interference to occur.

42. Because there is 1200 megahertz of 6 GHz band spectrum available for VLP device operation under the rules adopted in this Order, it is unlikely that a VLP device will transmit co-channel with a portable ENG camera transmitter. This provides additional protection against harmful interference occurring. For a VLP device using a 20 megahertz bandwidth, there is a 1.7% chance of channel overlap with an ENG transmitter operating in a 10 megahertz bandwidth.²⁰⁰ For VLP devices using a 160 megahertz bandwidth, the likelihood of channel overlap would be 11.8%.²⁰¹

¹⁹⁵ Received Power = (VLP Tx power in 10 megahertz) – (Path Loss) – (ENG Antenna Gain) = 23 dBm – 71.7 dB – 8.9 dB = -57.6 dBm.

¹⁹⁶ NAB Comments at 6; NAB Nov. 14, 2024 *Ex Parte*.

¹⁹⁷ Amplifiers are available to increase the power level for these cameras to 30 dBm, which would provide an even higher D/U ratio. DBS Barrel Booster Amplifier Specification, DOMO Broadcast Systems, <https://www.dombroadcast.com/wp-content/uploads/2022/12/DBS-Barrel-Booster-V2.pdf> (providing 30 dBm output power for a 20 dBm input power); HEVC 4K UHD Camera Transmitter HCAM Datasheet, Vislink Technologies, https://www.vislink.com/wp-content/uploads/2022/11/Vislink-HCAM-Datasheet-11_01_22.pdf (provides up to 100 mW (20 dBm) of transmit power without the barrel booster option).

¹⁹⁸ NAB Comment at 6. No information submitted on the record addresses the extent of fading that may occur other than NAB's unsupported contention that such fading may be greater than 10 dB. *Id.* at 7.

¹⁹⁹ 47 CFR § 15.407(d)(6); *6 GHz First Order* at 3889, para. 101; *6 GHz Second Order*, 38 FCC Rcd at 10561, para. 67.

²⁰⁰ Because 17.5 of the 59 20-megahertz channels in the Wi-Fi 6 GHz band channel plan overlap the U-NII-6 and U-NII-8 bands, there is a 29.6% likelihood of a VLP device operating in these bands. If a VLP device operates in these bands, there would be a 5.7% chance the 10 megahertz bandwidth signal would overlap the VLP signal (20/350). This results in a 1.7% of overlap (5.7% $\times$ 29.6%) = 1.7%.

43. We are basing our conclusion that there is an insignificant risk of harmful interference occurring to ENG truck receivers from VLP operations on the factors discussed above: the power differential between VLP devices and portable ENG transmitters, the use of a contention-based protocol by VLP devices, and the large amount of spectrum available for VLP operations in the 6 GHz band. In addition to these factors, we also recognize that the ENG Truck Receiver Studies provide additional evidence to support this conclusion. Despite NAB and SBE's contentions, we believe that the assumptions used in the ENG Truck Receiver Studies are appropriate. The 4 dB for body loss, 3 dB power reduction from transmit power control, 5 dB attenuation from the mismatch between the VLP device's antenna pattern and the ENG truck receiver, and 3 dB loss from polarization mismatch between the VLP device antenna and the ENG truck receiver are consistent with the assumptions that the Commission concluded were appropriate in the *6 GHz First Order* and/or the *6 GHz Second Order*.²⁰² We also believe that Broadcom was correct not to include these losses for the ENG camera to ENG truck receiver link. As shown in the pictures submitted by NAB, the portable ENG cameras use an external antenna that is not body worn and is located on the back of the camera that is at least half a foot from the operator's body. Because this antenna is located several wavelengths away from body, body loss is expected to be insignificant.²⁰³ As the vertical orientation of the antenna does not change as the camera operator moves, there is unlikely to be polarization loss. Antenna pattern mismatch is not a significant factor for large external antennas that have omni-directional patterns such as the camera antennas. The ENG Truck Receiver Studies assume a receiver bandwidth, noise figure, and antenna pattern that were taken from the Alion Study previously submitted by NAB, which included an interference analysis for an ENG portable camera transmitting to an ENG truck receiver.²⁰⁴ In addition, contrary to NAB's contention, Broadcom does indicate the ENG camera's modulation, coding rates, and signal bandwidths used in its SINR measurement study.²⁰⁵ While Broadcom does not specify the unlicensed device signal bandwidth when conducting these measurements, we presume that the unlicensed device's signal fully overlaps the 8- or 10-megahertz ENG signals examined based on the 20-megahertz minimum Wi-Fi bandwidth.

44. In examining the ENG Truck Receiver Studies, we appreciate that a 94-meter distance

(Continued from previous page)

²⁰¹ In the Wi-Fi 6 GHz band channel plan, one of the seven available 160-megahertz channels overlaps U-NII-6, one partially overlaps U-NII-8 by 30 megahertz, and one is totally contained in U-NII-8. This results in a probability of overlap between the VLP and 10-megahertz wide ENG signal of: $(1/7)[(100/350)+(160/350)+(30/350)] = 0.118$.

²⁰² *6 GHz First Order*, 35 FCC Rcd at 3900-01, para. 129, tbl. 5; *6 GHz Second Order*, 38 FCC Rcd at 10544-45, 10549-51, paras. 39, 46-47. The *6 GHz First Order* did not consider body loss and transmit power control as these would be inappropriate for devices that cannot be battery powered, but the *6 GHz Second Order* did find these factors appropriate for a VLP device analysis. 47 CFR § 15.403 (Indoor Access Point definition); *6 GHz Second Order*, 38 FCC Rcd at 10544-46, 10549-51, paras. 39-40, 46-47. For antenna pattern mismatch (i.e. antenna discrimination), in the *6 GHz First Order* the Commission found 5 dB was appropriate for a link budget analysis, but explicitly using this factor was unnecessary for the Monte Carlo analysis discussed in the *6 GHz Second Order* because one of the simulations used an antenna pattern developed by the European Conference of Postal and Telecommunications Administrators (CEPT) SE45 working group and the other used an antenna pattern for client devices from the ECC 302 report rather than a fixed value. *6 GHz First Order*, 35 FCC Rcd at 3900-01, para. 129; *6 GHz Second Order*, 38 FCC Rcd at 10535-36, 10548-49, paras. 27, 45. Use of an antenna pattern is possible in a Monte Carlo simulation but cannot be done in a link budget analysis such as the ENG Truck Receiver Studies. A 3 dB attenuation for polarization mismatch was used in the link budget analysis the Commission conducted in the 6 GHz First Order while one of the computer simulations examined in the 6 GHz Second R&O used a probability distribution for polarization mismatch. *6 GHz First Order*, 35 FCC Rcd at 3900-01, para. 129; *6 GHz Second Order*, 38 FCC Rcd at 10538-39, paras. 29-30; Apple Feb. 13, 2023 *Ex Parte* at 11.

²⁰³ NAB Oct. 21, 2024 *Ex Parte* at 5.

²⁰⁴ Broadcom Sept. 11, 2023 *Ex Parte* at 2; Alion Study, NAB Dec. 5, 2019 *Ex Parte* at 5, 7-8.

²⁰⁵ Broadcom Feb. 28, 2020 *Ex Parte* at 1; NAB Reply at 7.

between the ENG portable camera transmitter and ENG truck receiver is at the outer range of what is likely to occur in practice.²⁰⁶ Given this large distance between the ENG portable camera transmitter and the ENG truck receiver, we would expect that the ENG truck receiver would use an elevated antenna—at least 5 meters in height—in order to increase the available margin by elevating the signal path over any obstacles.²⁰⁷ At such a height, the ENG Truck Receiver Studies indicate that the SINR would be greater than 11 dB for VLP devices located anywhere within 94 meters of the ENG truck receiver when the camera is transmitting at 20 dBm and greater than 14 dB if the camera transmits at 23 dBm.²⁰⁸ When the ENG truck is being used to relay video signals to a central receive site, it would likely use a 15-meter antenna height to rise above any ground clutter and to achieve a line-of-sight link to the ENG central receive site, which would result in a SINR of over 23 dB.²⁰⁹ Even if a 2.5-meter antenna height were used, as would be the case for a receiver on the roof of the truck, the area where a VLP device would result in a SINR that is lower than 10 dB is small and the SINR remains above 8 dB everywhere for an ENG camera transmitting at 20 dBm.²¹⁰

45. We cannot endorse use of an SINR of 1 dB as an indication of whether there is an insignificant risk of harmful interference occurring when examining the results of the ENG Truck Receiver Studies, as suggested by Apple, Broadcom et al. According to the SINR measurements submitted by Broadcom, a 1 dB SINR is needed to ensure error-free video signals when a Wi-Fi device with a 2% activity factor when a 10 megahertz bandwidth video signal is used.²¹¹ While this appears to be a valid result for a static channel, we agree with NAB that fading may affect the signals received from the ENG transmitter and VLP device. No information submitted on the record addresses the extent of fading that may occur other than NAB's unsupported contention that such fading may be greater than 10 dB.²¹² Given that the portable ENG camera transmitter and body worn VLP devices are likely to be stationary or moving slowly and that the distances between transmitters and the receiver are less than 100 meters, we expect that any fading that occurs would be mild and less than 10 dB in magnitude. Even with this level of fading the ENG Truck Receiver Studies support our conclusion that there is an insignificant risk that harmful interference will occur to the ENG truck receivers. The ENG Truck Receiver Studies indicate that for an ENG truck receiver antenna elevation of at least 5 meters, the SINR remains above 11 dB when the ENG transmitter is transmitting at 20 dBm and the SINR is above 14 dB when the ENG transmitter is transmitting at 23 dBm.²¹³ We note that an 11 dB SINR is only slightly lower than the 11.3 dB SINR at which NAB claims bench and field tests demonstrate to be the median threshold for no harmful interference.²¹⁴ The SINR increases to at least 23 dB when the ENG truck receiver antenna is raised to 15 meters as would often occur for relaying a video signal to an ENG central receive site.²¹⁵ While the ENG Truck Receiver Studies indicate the SINR can be as low as 8 dB if the ENG truck receiver height is only 2.5 meters, we note that NAB states that with robust modulation and coding the

²⁰⁶ Apple, Broadcom et al. Sept. 5, 2024 *Ex Parte* at 2 (“is an unusually long distance for ENG transmissions.”).

²⁰⁷ We agree with Apple, Broadcom et al. that use of an antenna on top of the truck would be an unusual situation with the ENG transmitter located so far from the truck receiver. Apple, Broadcom et al. Sept. 5, 2024 *Ex Parte* at 2.

²⁰⁸ Apple, Broadcom et al. Comments at 18; Apple, Broadcom, et al. Sept. 5, 2024 *Ex Parte*, Presentation at 9, 13.

²⁰⁹ Apple, Broadcom et al. Comments at 19; NAB Comments at 5 (referring to 15 meters as “a common height”).

²¹⁰ Apple, Broadcom et al. Comments at 17; Apple, Broadcom, et al. Sept. 5, 2024 *Ex Parte*, Presentation at 7.

²¹¹ Broadcom Feb. 28, 2020 *Ex Parte* at 2.

²¹² NAB Comment at 7.

²¹³ Apple, Broadcom, et al. Sept. 5, 2024 *Ex Parte*, Presentation at 6-7.

²¹⁴ NAB Reply at 8. Because NAB's claims are based on an Army Spectrum Management Office document which is not part of the record, we cannot judge the accuracy of this claim.

²¹⁵ Apple, Broadcom et al. Comments at 19.

required SINR can be reduced to 7.3 dB.²¹⁶ In addition, Apple, Broadcom, et. al. show that the SINR will exceed 8 dB in every scenario examined and that SINRs of less than 11 dB are quite rare, providing an additional basis for our conclusion that the risk of harmful interference to mobile receivers is insignificant.²¹⁷

46. We do not believe that the ENG Truck Receiver Studies' examination of the SINR produced by VLP devices instead of I/N is improper, as NAB suggests. In the *6 GHz First Order*, the Commission agreed with the technical study findings provided by CableLabs and Apple, Broadcom et al. that examined the potential for interference from 6 GHz low-power indoor devices to ENG truck receivers, which used SINR as a measure of interference potential.²¹⁸ It also adopted a -6 dB I/N ratio for use by the automated frequency coordination (AFC) systems that manage spectrum access by 6 GHz standard power access points.²¹⁹ The Commission made the decision to use I/N for this purpose based on implementation simplicity and because it was used by most commenters in their analyses.²²⁰ In making this decision, the Commission clearly stated that it was not "making a determination that any signal received with an I/N greater than -6 dB would constitute harmful interference."²²¹ The Commission did not prohibit (or imply that it was prohibiting) the use of other signal quality measurements besides I/N as an indication as to whether harmful interference may occur. In examining a study that uses SINR, we are not implying that any SINR below a particular level constitutes harmful interference.

47. We agree with NAB that a Monte Carlo simulation that considers a wide variety of situations would have been more informative than the approach employed by the ENG Truck Receiver Studies. We acknowledge the limitations of the ENG Truck Receiver Studies in only considering one location for the ENG camera transmitter rather than examining more scenarios as could have been done in a Monte Carlo simulation. Despite this limitation, we conclude the ENG Truck Receiver Studies provide additional support for concluding that there is an insignificant harmful interference risk to ENG receivers from VLP devices.

48. We disagree with SBE that the evidence to support VLP operations is flawed because the various studies submitted for the record do not account for the full range of mobile operations.²²² As explained above, we are limiting our discussion to three use cases—ENG central receive sites, ENG truck receivers, and low-power short range devices—consistent with the *6 GHz Second FNPRM* and the approach followed for low-power devices in the *6 GHz First Order*.²²³ As neither SBE nor any other commenters have suggested other use cases beyond these three cases, we believe the approach we are following is reasonable. We also disagree with SBE that the technical studies from Apple, Broadcom et al. are flawed because EPRI claims real-world test have shown differing results from previous Monte Carlo simulations.²²⁴ The measurement studies that EPRI cites all claim that interference is occurring from unlicensed devices at particular fixed locations because the I/N ratio is greater than -6 dB.²²⁵ Because Monte Carlo simulations are designed to examine the likelihood of interference occurring in

²¹⁶ *Id.* at 17; NAB Reply at 8. Because NAB's claims are based on an Army Spectrum Management Office document which is not part of the record, we cannot judge the accuracy of these claim.

²¹⁷ Apple, Broadcom, et al. Sept. 5, 2024 *Ex Parte*, Presentation at 6-13, 15-22, 24.

²¹⁸ *6 GHz First Order*, 35 FCC Rcd at 3914, para. 166.

²¹⁹ *Id.* at 3878, paras. 70-71.

²²⁰ *Id.* at 3878, para. 70.

²²¹ *Id.* at 3878, para. 71 (internal quotation marks omitted).

²²² SBE Reply at 5.

²²³ *See supra* paras. 14-1514-15.

²²⁴ SBE Reply at 5 (citing Electric Power Research Institute Comments at 3).

²²⁵ Electric Power Research Institute Comments at 1, 3.

general and the simulations have indicate that it is not impossible for an I/N over -6 dB to occur, the fact that there may exist locations where the I/N exceeds -6 dB does mean that the results differ from the Monte Carlo simulations. In addition, the Commission has not indicated that the occurrence of an I/N of greater the -6 dB indicates that harmful interference is occurring.²²⁶ We also reject EPRI's suggestion that the models and inputs of the Monte Carlo simulations be made publicly available for the same reasons the Commission rejected a similar request in the *6 GHz Second Order*.²²⁷ We believe that Apple, Broadcom et al. and Broadcom have provided sufficient information for knowledgeable engineers to understand the algorithms and models used in the technical studies they have submitted and find it noteworthy that no opponent of VLP expansion to U-NII-6 and U-NII-8 have conducted their own similar technical studies.

49. In reaching our conclusion that VLP devices will not present a significant risk of causing harmful interference to ENG truck receivers, we are not relying on the opportunistic nature of ENG operations or on the assumption that VLP devices causing interference are likely to leave the areas quickly. Mobile ENG operations by broadcasters are conducted on a primary basis and licensees have the right to operate on any channel permitted by their license and are not expected to need to adjust their operating frequency to avoid VLP devices. We also do not find that NAB's concern that there would be no way to shut down VLP devices that cause interference during a breaking news event provides justification for prohibiting VLP devices in the U-NII-6 and U-NII-8 bands because the record supports our conclusion that the risk of such harmful interference occurring would be insignificant.²²⁸ Because of the difference in power levels between the ENG operations and VLP devices, the use of a contention-based protocol by VLP devices, and the large amount of spectrum available for VLP operations, we expect there to be an insignificant risk that harmful interference will occur to ENG truck receivers. This conclusion is further supported by the ENG Truck Receiver Studies.

3. Low-power Short Range Mobile Devices

50. No commenters provided technical studies or described specific use cases for low-power short range mobile devices. Low-power short range mobile devices include portable cameras and microphones as well as Low-power Auxiliary Stations, which operate on an itinerant basis and transmit over distances of approximately 100 meters for uses such as wireless microphones, cue and control communications, and TV camera synchronization signals.²²⁹ While we refer to these devices as low-power short range mobile devices, they operate at significantly higher power than VLP devices—portable ENG cameras typically operate at 20 dBm and Low-power Auxiliary Stations may operate at up to 30 dBm.²³⁰ The *6 GHz Second FNPRM* suggested that these low-power short range mobile devices be protected by a combination of a required contention-based protocol and the low probability of a VLP device operating on the same channel in a nearby location.²³¹ We conclude that these measures will adequately protect low-power short range mobile devices from harmful interference from VLP devices.

51. The *6 GHz First Order* discussed a simulation submitted by Apple, Broadcom et al. that simulated ENG equipment operating indoors within the U.S. House of Representatives chamber, a scenario which had been explored in the Alion Study submitted by NAB.²³² To confirm that the energy

²²⁶ *6 GHz First Order*, 35 FCC Rcd at 3878, para. 71.

²²⁷ Electric Power Research Institute Comments at 3; *6 GHz Second Order*, 38 FCC Rcd at 10552-54, paras. 51-52.

²²⁸ NAB Comments at 5.

²²⁹ *6 GHz Second FNPRM*, 38 FCC Rcd at 10601, para. 174.

²³⁰ NAB Comments at 6 n.18 (using a ENG camera power of 20 dBm); Apple, Broadcom, et al. Sept. 5, 2024 *Ex Parte*, Presentation at 4; 47 CFR § 74.861(d)(1).

²³¹ *6 GHz Second FNPRM*, 38 FCC Rcd at 10603, para. 180.

²³² *6 GHz First Order*, 35 FCC Rcd at 3915, para. 168 (discussing Apple, Broadcom et al. Feb. 28, 2020, *Ex Parte* at 11); Alion Study, NAB Dec. 5, 2019 *Ex Parte* at 15-20.

sensing employed by the contention-based protocol in the 802.11 specification could be used to mitigate interference to indoor ENG receivers, the simulation calculated the received power level from ENG transmitters at 20 unlicensed access point locations operating within the U.S. House of Representatives chamber.²³³ The results of this simulation demonstrate that, even at the lowest ENG transmit power level, all unlicensed access points would detect the ENG signal at greater than the -62 dBm threshold used in the 802.11 specification and therefore not transmit co-channel with the ENG transmitters.²³⁴ While this simulation was limited to low-power ENG cameras and associated receivers, it should equally apply to other low-power short range mobile devices that operate with similar power levels and at similar distances. This simulation illustrates that unlicensed VLP devices using such a contention-based protocol have the capability to sense the energy from nearby low-power mobile devices and avoid using the same channel. In addition, for the same reasons as discussed above regarding ENG truck receivers, the 1200 megahertz of 6 GHz band spectrum available for VLP device operation makes it unlikely that even absent a contention-based protocol, these devices would transmit co-channel with low-power short range mobile devices.²³⁵

4. Reservation of Spectrum for ENG

52. We note that NAB requests that the Commission “adopt a 55 MHz carve-out at the top of the U-NII-8 band at which no VLP operations are permitted, at least until there is significant experience to determine such a carve-out is unnecessary.”²³⁶ NAB has made similar requests previously in this proceeding,²³⁷ and in both instances the Commission chose not to adopt NAB’s suggestion.²³⁸ In this case, NAB repeats prior concerns without providing any new information that addresses any changes in operational parameters. As we have thoroughly addressed interference considerations related to VLP operations in the U-NII-6 and U-NII-8 bands herein and found that such operations will have an insignificant potential for causing harmful interference to ENG operations, we decline to adopt NAB’s suggestion.

B. Protecting Fixed Services

53. The operational and technical characteristics of the limited number of fixed microwave links in the U-NII-6 and U-NII-8 bands are consistent with those in the U-NII-5 and U-NII-7 bands. Because we are adopting identical technical rules for VLP operation in the U-NII-6 and U-NII-8 bands as apply in U-NII-5 and U-NII-7 bands, the Commission’s conclusion in the *6 GHz Second Order* that VLP operations will not present a significant risk of harmful interference to fixed microwave links applies equally to the U-NII-6 and U-NII-7 bands.²³⁹

54. Apple, Broadcom et al. and the IEEE 802 LAN/MAN Standards Committee support this contention, suggesting that the previously conducted studies demonstrate that there will be no harmful interference to incumbent fixed microwave services in the U-NII-6 and U-NII-8 bands.²⁴⁰ AT&T raises concerns that the simulation studies the Commission previously relied upon remain unfiled and untested

²³³ Apple, Broadcom et al. Feb. 28, 2020, *Ex Parte* at 11-13.

²³⁴ *Id.* at 13.

²³⁵ *See supra* para. 42.

²³⁶ NAB Comments at 13; *accord id.* at 3; NAB Reply at 1-2, 11; NAB Oct. 30, 2024 *Ex Parte* at 2; NAB Nov. 14, 2024 *Ex Parte* at 3; *see* EIBASS Reply at 1; SBE Reply at 3; SBE Nov. 8, 2024 *Ex Parte* at 1-3.

²³⁷ NAB Apr. 10, 2020 *Ex Parte* at 2; NAB Reply, ET Docket No. 18-295, Public Notice DA 22-253, 6-8 (filed June 9, 2022).

²³⁸ *6 GHz First Order*, 35 FCC Rcd at 3912, para. 158; *6 GHz Second Order*, 38 FCC Rcd at 10616-17, para. 212.

²³⁹ *6 GHz Second Order*, 38 FCC Rcd at 10534, para. 24.

²⁴⁰ Apple, Broadcom et al. Comments at 2; IEEE 802 LAN/MAN Standards Committee (Paul Nikolich) Comments at 3.

and contends it is poor public policy to rely on studies that have not been filed for public review.²⁴¹ The Fixed Wireless Communications Coalition (FWCC) states that the record was insufficient to act on the proposals prior to the *6 GHz Second FNPRM* and remains insufficient to support Commission action because the comments “were either non-substantive or rehashed information previously submitted [in] the record.”²⁴² Several microwave licensees and their representatives urge the Commission to gain real-world experience or require testing with VLP devices before further liberalizing the rules.²⁴³ The American Petroleum Institute (API) raises several specific concerns regarding the technical studies that the Commission relied upon in its decision to permit VLP in the U-NII-5 and U-NII-7 bands.²⁴⁴ API claims that for the Houston area microwave link simulation (Houston Simulation) submitted by Apple, using an antenna based on the Commission’s rules instead of the 44 dBi gain antenna with the ITU-R F.1245 pattern relied upon by Apple, would have resulted in more predicted interference.²⁴⁵ API also criticizes the Houston Simulation’s use of 1.3 dB cable loss (i.e., feeder loss) for microwave systems, claiming that most modern microwave systems utilize receivers with the radio directly connected to the antenna that may have less than 0.5 of coupling loss.²⁴⁶ Regarding the Commission’s discussion of a link budget analysis submitted by Nokia, API suggest that the Commission should not have included a 2 dB feeder loss and that what API refers to as “antenna polarization mismatch” should have been 1.5 dB instead of 5 dB.²⁴⁷

55. In responding to AT&T’s previous request that the code for the simulation studies be publicly disclosed, the Commission in the *6 GHz Second Order* explained that both Apple, Broadcom et al. and Apple provided sufficient information regarding their simulations.²⁴⁸ We see no reason to reconsider this finding or the Commission’s reliance on these simulations in concluding that VLP devices will not result in a significant risk of harmful interference to fixed microwave receivers. We also do not agree with FWCC’s general contention about the sufficiency of the record to support our expansion of VLP operations to the U-NII-6 and U-NII-8 bands. Given that the VLP operations we are now authorizing in the U-NII-6 and U-NII-8 bands are identical to what we currently permit in the adjacent much larger U-NII-5 and U-NII-7 bands, we see no reason to pause our rulemaking for some unspecified time to gain experience with VLP devices as suggested by some of the microwave licensees.

56. Regarding API’s concerns, the *6 GHz Second Order* explained that the Houston Simulation’s use of the ITU-R F.1245 antenna pattern with a 44 dBi gain was appropriate because it represents an “average” antenna, which would provide a reasonable estimate of microwave link interference performance.²⁴⁹ The goal of a Monte Carlo simulation is to obtain overall statistics on the potential for harmful interference to occur to all microwave links. Hence, we disagree with API’s contention that a pattern based strictly on what is permitted by our rules would be more appropriate, as

²⁴¹ AT&T Comment at 5-6.

²⁴² FWCC Reply at 2.

²⁴³ AT&T Comments at 6; Evergy Reply at 3 (asking “the Commission to require systematic testing . . . under the existing rules before further expanding unlicensed operations”); Utilities Technology Council and Edison Electric Institute Comments at 5 (arguing that “[t]he Commission should refrain from further expanding unlicensed operations in the 6 GHz band . . . until such time that it has a better understanding of the interference environment that is created by the unlicensed operations it has already authorized”); APCO Reply at 2 (“Real-world operational experience and testing should guide any future decision making . . .”).

²⁴⁴ American Petroleum institute Comments at 2-4.

²⁴⁵ *Id.* at 2-3.

²⁴⁶ *Id.* at 3.

²⁴⁷ *Id.* at 3-4.

²⁴⁸ *6 GHz Second Order*, 38 FCC Rcd at 10553-54, para. 52.

²⁴⁹ *Id.* at 10547, para. 43.

this would likely result in a worst-case overprediction of harmful interference occurring rather than overall interference statistics. Regarding the Houston Simulation's 1.3 dB feeder loss, AT&T previously raised the same concern that some microwave radios are mounted directly to the antenna and have no feeder loss.²⁵⁰ The *6 GHz Second Order* explained that using 1.3 dB feeder loss was a reasonable approach as the simulation is designed to model the interference potential in general rather than explore the interference risk for a particular microwave receiver.²⁵¹

57. We also do not agree with API's concerns regarding the Nokia link budget analysis. Contrary to API's contention, the 5 dB loss the Commission applied was for "RLAN/FS antenna pattern mismatch between unlicensed devices and microwave receivers" rather than for a polarization mismatch.²⁵² This 5 dB value was used by the Commission in link budget analyses in the *6 GHz First Order* for analyzing potential interference from low-power indoor devices to microwave receivers and is based on the antenna patterns of typical indoor enterprise and consumer access points.²⁵³ In those analyses, the Commission applied a separate attenuation for polarization loss.²⁵⁴ The Commission also used a 2 dB feeder loss for the link budget analysis in the *6 GHz First Order*.²⁵⁵ The *6 GHz Second Order* explained that because the Nokia analysis is a link budget that assumes the same type of microwave antennas and that the VLP devices likely have similar antenna patterns to the low-power indoor devices, these assumptions are appropriate for examining the Nokia analysis.²⁵⁶ We also note that even after the Commission applied these adjustments for antenna pattern mismatch and feeder loss, Nokia's suggested VLP power would be -11 dBm/MHz EIRP, which is significantly lower than the -5 dBm/MHz EIRP limit the Commission adopted for VLP devices.²⁵⁷ As the Commission explained, a Monte Carlo analysis rather than a static link budget analysis is a more realistic indication of the potential for VLP devices to cause harmful interference.²⁵⁸ Hence, even if the Commission had not applied the 7 dB of adjustment to the Nokia analysis, it would not have changed its conclusion regarding the risk of harmful interference occurring to microwave receivers from VLP devices.

C. Protecting the Fixed-Satellite Services

1. Fixed-Satellite Service Uplinks

58. In the *6 GHz First Order*, the Commission authorized standard power devices in the U-NII-5 and U-NII-7 portions of the 6 GHz band and low-power indoor unlicensed devices across the entire 6 GHz band.²⁵⁹ To protect FSS uplinks that operate in all except the upper fifty megahertz of the 6 GHz band, the Commission required outdoor standard power access points to limit their maximum EIRP above a 30 degree elevation angle to 21 dBm.²⁶⁰ However, the Commission determined no restrictions were necessary for low power indoor devices because of these device's relatively low EIRP as well as

²⁵⁰ AT&T Aug. 29, 2023 *Ex Parte* at 11.

²⁵¹ *6 GHz Second Order*, 38 FCC Rcd at 10551, para. 48.

²⁵² *Id.* at 10563, para. 73.

²⁵³ *6 GHz First Order*, 35 FCC Rcd at 3898, 3900, paras. 125, 129, tbl. 5.

²⁵⁴ *Id.* at 3900, para. 129, tbl. 5.

²⁵⁵ *Id.* at 3901, para. 129, tbl. 5.

²⁵⁶ *6 GHz Second Order*, 38 FCC Rcd at 10563, n.328.

²⁵⁷ *Id.* at 10563, para. 73.

²⁵⁸ *Id.* at 10563-64, paras. 73, 75.

²⁵⁹ *6 GHz First Order*, 35 FCC Rcd at 3860, paras. 17-18.

²⁶⁰ *Id.* at 3886, para. 92; accord 47 CFR § 15.407(a)(4).

building attenuation due to the indoor operation.²⁶¹ Similarly, in the *6 GHz Second Order*, the Commission determined that VLP devices operating in the U-NII-5 and U-NII-7 bands did not require any restrictions because VLP devices are limited to no more than 14 dBm.²⁶² In the *6 GHz Second FNPRM*, the Commission proposed expanding VLP access to the entire 6 GHz band but made no specific proposal regarding protecting FSS Earth-to-space operations.²⁶³

59. Sirius XM urges the Commission to prohibit outdoor VLP devices in the upper U-NII-8 band, as they may disrupt Satellite Digital Audio Radio Service (SDARS) operations.²⁶⁴ While SDARS is not a part of the FSS, its ground stations use a portion of the U-NII-8 band to transmit digital audio signals to Sirius XM's geostationary satellite constellation.²⁶⁵ Sirius XM points out that the only analysis provided by unlicensed proponents of interference to FSS receivers was a 2018 study conducted by RKF Engineering (2018 RKF Study) that addressed FSS, but not SDARS.²⁶⁶ According to Sirius XM, SDARS is different than FSS because it must deliver a reliable signal to consumer-grade antennas rather than the large high-gain antennas used by C-band FSS operations.²⁶⁷ Sirius XM previously criticized the assumptions used by the 2018 RKF Study and further calls into question a number of its assumptions. Specifically, Sirius points out that the 2018 RKF Study assumed a 2% outdoor use factor while more recent simulations have assumed a 6% outdoor use factor, that the Study used an estimate of 6 GHz band unlicensed devices that is far lower than more recent estimates of connected devices from Cisco, and that device activity factors have been trending higher due to increased video streaming.²⁶⁸ Sirius points out that the interference levels from VLP devices would be 40 times higher than low-power indoor devices due to the lack of building attenuation.²⁶⁹ Sirius XM also cautions that once interference occurs to SDARS, there would not be a practical enforcement mechanism to resolve it.²⁷⁰ Sirius contends that the risk of harm to the valuable SDARS service outweighs the benefit of satisfying an undemonstrated need for more spectrum for outdoor VLP device use.²⁷¹ Sirius XM renews its previous proposal that the Commission prescribe a maximum aggregate increase in the uplink noise floor and prohibit the manufacture, importation, and sale of additional unlicensed devices if a -23 dB I/N is exceeded.²⁷² It also suggests that VLP devices be required to prioritize other parts of the 6 GHz spectrum outside of the SDARS uplink band.²⁷³

60. Apple, Broadcom et al. respond that Sirius XM presents no detailed analysis of the interference risk to its system, nor any concrete interference protection requirements.²⁷⁴ Apple, Broadcom

²⁶¹ *Id.* at 3916, para. 171.

²⁶² *6 GHz Second Order*, 38 FCC Red at 10567, para. 82.

²⁶³ *Id.* at 10600-01, 10604, paras. 173, 183-84.

²⁶⁴ Sirius XM Comments at 4.

²⁶⁵ Sirius XM Comments at 2-3.

²⁶⁶ *Id.* at 9-10; Sirius XM Reply at 7-8.

²⁶⁷ Sirius XM Comments at 9-10 (citing Frequency Sharing for Radio Local Area Networks in the 6 GHz Band, prepared by RKF Engineering Services, LLC, Attachment to *Ex Parte* Filing of Apple Inc. et al., GN Docket No. 17-183, filed Jan. 25, 2018 ("2018 RKF Report")).

²⁶⁸ *Id.* at 10-11 (citing Sirius XM Radio June 22 2018 *Ex Parte*, Docket No. 17-183).

²⁶⁹ Sirius XM Reply at 6; Sirius XM Oct. 9, 2024 *Ex Parte* at 1-2.

²⁷⁰ Sirius XM Comments at 13-18.

²⁷¹ *Id.* at 18.

²⁷² *Id.* at 22-23; Sirius XM Oct. 9, 2024 *Ex Parte* at 2.

²⁷³ Sirius XM Reply at 15; Sirius XM Oct. 9, 2024 *Ex Parte* at 2.

²⁷⁴ Apple, Broadcom et al. Reply at 16.

et al. contend that Sirius XM's satellites are no different from other 6 GHz FSS operations in that they receive aggregate interference over a large footprint and receive interference from numerous existing terrestrial licensees and that the record demonstrates these other devices contribute orders of magnitude more energy than unlicensed devices will.²⁷⁵ According to Apple, Broadcom et al., high power 6 GHz licensees will continue to be the dominant interferers to Sirius XM's uplinks, not VLP devices.²⁷⁶ They point to the 2018 RKF Study on the potential for interference from standard-power devices operating at 4 Watts (36 dBm) and claim that interference from VLP devices would be even fainter than the -20 dB I/N predicted.²⁷⁷

61. *Discussion.* We believe that our previous conclusion that FSS uplinks in the U-NII-5 and U-NII-7 bands will not have a significant risk of experiencing harmful interference from VLP devices applies equally to FSS uplinks in the U-NII-6 and U-NII-8 bands, including to Sirius XM's SDARS system. This conclusion is based on the fact that VLP devices, which can operate with up to 14 dBm EIRP, will transmit with significantly less power than the 21 dBm power permitted above 30 degrees elevation for standard power access points.²⁷⁸ Sirius XM's SDARS operations in the U-NII-8 band have the same characteristics as 6 GHz FSS systems. As with 6 GHz band FSS systems, its satellites operate in geostationary orbits and have receive beams that cover the entire United States.²⁷⁹ Its satellites potentially receive interference from other licensed users that share the 6 GHz band just as 6 GHz FSS uplinks. As to Sirius XM's observation that the power received from outdoor VLP devices can be significantly higher than the power from low-power indoor devices due to the lack of building attenuation, the power from outdoor VLP devices would be significantly less than that of standard power access points, which our rules permit to operate outdoors and which the Commission previously found are unlikely to cause harmful interference to FSS receivers.²⁸⁰

62. We note that Sirius XM has not produced any technical analysis regarding the Commission's proposal to permit U-NII-8 VLP operations. Instead, Sirius XM refers back to its previous critique of the 2018 RKF Study, which was available to the Commission prior to adopting the rules for 6 GHz band standard power and low-power indoor devices. The only new points regarding the 2018 RKF Study that Sirius XM now raises are that more recent technical studies regarding VLP devices filed by unlicensed proponents assume a 6% outdoor use factor instead of 2%, that Cisco recent estimates of connected devices are higher than the 2018 RKF Study, and that unlicensed device activity factors will continue to increase due to video downloads. We note that the 6% and 2% outdoor use factors to which Sirius refers have different meanings in the 2018 RKF Study than in the more recent VLP simulation Sirius references. The 2018 RKF Study assumed that 2% of the "RLANs" are outdoors while the Apple, Broadcom, et al. simulation of VLP use in San Francisco assumed 6% of the people were outdoors with 25% of those people using VLP devices and only 2% of those devices active at any given time.²⁸¹ The two simulations also had different foci: The 2018 RKF Study simulated radio local area networks, including Wi-Fi access points, both indoor and outdoor across the entire United States while the Apple, Broadcom, et al. simulation only considered outdoor VLP use in San Francisco.²⁸² Given the different meanings of these outdoor use factors, we cannot directly compare whether the two simulations in fact

²⁷⁵ *Id.* at 17.

²⁷⁶ *Id.* at 18.

²⁷⁷ *Id.* at 18.

²⁷⁸ *6 GHz Second Order*, 38 FCC Rcd at 10567, para. 82.

²⁷⁹ "Many C-band Satellites have receive beams that encompass the entire contiguous United States." Intelsat and SES Americom Comments at 3 (Feb. 15, 2019).

²⁸⁰ Sirius XM Reply at 6; *6 GHz First Order*, 35 FCC Rcd at 3886-87, paras. 91-92.

²⁸¹ 2018 RKF Report at 14; Apple, Broadcom et al. Feb. 28, 2023 *Ex Parte* at 8.

²⁸² 2018 RKF Report at 12; Apple, Broadcom et al. Feb. 28, 2023 *Ex Parte* at 5-8.

represent a different level of outdoor device use. Because of the different scope of these two simulations, we believe it was appropriate to use different methodologies for modeling the number of outdoor devices. The Cisco connected device data Sirius XM points to is for all Internet-connected devices in general and not for 6 GHz VLP devices in particular. As for the contention regarding increasing device activity factor because of growing video activity on the Internet, the Commission stated in the *6 GHz Second Order*, which was adopted in 2023, that assuming a 2% activity factor for VLP devices is reasonable for analytical purposes and we see no reason to reconsider this conclusion.²⁸³ Given the limited new technical information that has been presented, we are not convinced that we should reconsider our conclusion as to the likelihood of interference occurring to FSS uplinks.

63. Sirius's concern about the lack of any practical enforcement mechanism if harmful interference were to occur also does not give us reason to limit VLP access to the U-NII-8 band. We are concluding, based on the currently available technical evidence, that there is an insignificant risk that harmful interference will occur to 6 GHz FSS systems and SDARS systems and thus there is no basis to prevent the introduction of an exciting new service to the public. As the demand for spectrum continues to grow, we believe that it is in the public interest to continue to find ways to more intensively use the valuable spectrum resource, so long as we also conclude that the evidence presented in the record shows the likelihood for harmful interference to remain insignificant.

64. Because we have concluded that the likelihood of harmful interference occurring to Sirius XM's system from VLP devices is insignificant, we see no reason to adopt an aggregate interference threshold as Sirius XM suggests. We also do not find it appropriate to require VLP devices to prioritize operations in portions of the 6 GHz band outside of the SDARS uplink spectrum because the record does not support that Sirius XM will experience a harmful interference problem from VLP device operations.

2. Fixed-Satellite Service Downlinks

65. Portions of the U-NII-7 and U-NII-8 bands are allocated for FSS space-to-Earth (downlink) operations.²⁸⁴ However, no such earth stations are currently licensed in the U-NII-7 band. The U-NII-8 space-to-Earth allocation is limited to use by non-geostationary Mobile-Satellite Service feeder links.²⁸⁵ Globalstar operates earth station receive sites in the U-NII-8 band at Clifton TX, Naalehu, HI, Wasilla, AK, Reno NV, Sebring, FL, and Barrio of Las Palmas, Cabo Rojo, PR.²⁸⁶

66. In the *6 GHz Second FNPRM*, the Commission sought comment on whether any restrictions on VLP devices are necessary to protect space-to-Earth stations.²⁸⁷ The Commission recognized that VLP devices operate at significantly lower power spectral density levels than the geofenced VLP devices it also proposed to permit in the *6 GHz Second FNPRM*; therefore, it sought comment on how this difference impacts the analysis of potential harmful interference.²⁸⁸ Globalstar, the only stakeholder in the U-NII-8 band for FSS downlink transmission, expresses concern that a new class of higher-power, geofenced VLP devices could cause harmful interference and suggests that the geofencing system protect their earth stations.²⁸⁹ However, Globalstar does not address VLP operations

²⁸³ Sirius XM at 11; Comments at *6 GHz Second Order*, 38 FCC Rcd at 10541-42, para. 35.

²⁸⁴ 47 CFR § 25.214(c)(5).

²⁸⁵ As shown in the Table of Frequency Allocations, international footnotes 5.458A and 5.458B apply to this band and, as discussed *infra*, we are reinstating the text of these footnotes, which had been inadvertently removed, in section 2.106 of the rules. International footnote 5.458B provides that space-to-Earth satellite use of 6700-7075 MHz is limited to feeder links for non-geostationary satellite systems of the mobile-satellite service.

²⁸⁶ Globalstar Comments at 3-4.

²⁸⁷ *6 GHz Second FNPRM*, 38 FCC Rcd at 10604, para. 184.

²⁸⁸ *Id.*

²⁸⁹ Globalstar Comments at 4-5.

of the type previously authorized in the U-NII-5 and U-NII-7 bands.²⁹⁰

67. In the *6 GHz First Order*, we concluded that the low probability of harmful interference to FSS space-to-Earth stations from low-power indoor devices in the U-NII-8 band was due to the indoor restriction and a transmit EIRP below 30 dBm.²⁹¹ While a majority of VLP use cases are expected to be indoors, there will undoubtedly be scenarios in which VLP operations occur outdoors.²⁹² In these cases, VLP transmissions will still be attenuated by transmit power control (TPC) and body loss. Additionally, at 1.5 meters at which most VLP devices will be operated there will be significant clutter loss. These losses will bring the effective EIRP below that of a low-power access points effective EIRP.²⁹³ We also note that Globalstar has raised no interference concerns regarding VLP operation in U-NII-8 at the current VLP power levels. Therefore, we conclude that no restrictions on VLP devices are necessary to protect FSS space-to-Earth operations.

D. Protecting Passive Services

68. CORF expresses concerns about potential interference from VLP devices to the radio astronomy service and to the Earth Exploration Satellite Service (EESS) in the U-NII-6, U-NII-7, and U-NII-8 bands.²⁹⁴ Several radio astronomy observatories located in remote areas observe methanol spectral lines in the 6.65-6.6752 GHz portion of the U-NII-7 band.²⁹⁵ Remote sensing using the EESS, which CORF states is critical to weather prediction and the study of climate change and of the Earth in general, operates in the 6.425-7.250 GHz band, which includes all of the U-NII-6, U-NII-7, and U-NII-8 bands.²⁹⁶ CORF argues that the methodology the Commission used in the *6 GHz Second Order* to calculate VLP power limits in the U-NII-7 band by extrapolating the low-power indoor power limits was not appropriate in that the Commission failed to properly take into account differences between the two types of devices, including power levels and building entry loss.²⁹⁷ CORF requests that certain frequencies around the 6.65-6.6752 GHz band be made unavailable to VLP devices in areas close to radio astronomy sites, but suggests that these frequencies could be made available in areas where the spectrum is congested but are sufficiently removed from radio astronomy sites to avoid causing interference.²⁹⁸

69. With regard to the EESS in the U-NII-6, U-NII-7, and U-NII-8 bands, CORF argues that a 14 dBm EIRP VLP device would exceed the ITU-R RS.2017 -166 dBW interference threshold in a 200 MHz bandwidth.²⁹⁹ It states that a single 14 dBm EIRP VLP device within a receiver's antenna beam and

²⁹⁰ See Globalstar Comments.

²⁹¹ *6 GHz First Order*, 35 FCC Rcd at 3916-17, para. 171; see also *6 GHz Second FNPRM*, 38 FCC Rcd at 10604, para. 183.

²⁹² *6 GHz Second Order*, 38 FCC Rcd at 10541-42, para. 35.

²⁹³ An LPI access point's effective EIRP is the max 30 dBm attenuated to 9.5 dBm by 20.5 building entry loss. 47 CFR 15.407(a)(5); *6 GHz First Order*, 35 FCC Rcd at 3894, n.297. In an outdoor scenario, in most cases, a VLP device operating at a max EIRP of 14 dBm will experience attenuation on average of 4 dB body loss and 3 dB of power reduction due to TPC, thus rendering it with an effective EIRP of 7 dBm. See *supra* paras. 2525, 4343; *6 GHz Second Order*, 38 FCC Rcd at 10544-46, 10549-51, paras. 39-40, 46-47.

²⁹⁴ CORF Comments at 5, 10.

²⁹⁵ *6 GHz First Order*, 35 FCC Rcd at 3884, para. 87.

²⁹⁶ CORF Comments at 10.

²⁹⁷ *Id.* at 7.

²⁹⁸ *Id.* at 7-9.

²⁹⁹ *Id.* at 11; International Telecommunications Union Recommendation ITU-R RS.2017-0, *Performance and interference criteria for satellite passive remote sensing*, https://www.itu.int/dms_pubrec/itu-r/rec/rs/R-REC-RS.2017-0-201208-I!!PDF-E.pdf, Table 2, at 5.

passband could result in a signal that exceeds the ITU-R RS.2017 threshold by as much as 33 dB.³⁰⁰ CORF further states that VLP devices in the U-NII-5 band would have a negligible effect on sensing operations in the bands where the EESS operates.³⁰¹ As a result, CORF states that geofencing could be used with devices programmed to avoid the U-NII-6, U-NII-7, and U-NII-8 bands in oceanic zones, including in coastal waters, and non-geofenced usage could be restricted to the U-NII-5 band only.³⁰²

70. *Discussion.* We decline to restrict the frequencies that may be used by VLP devices in the U-NII-7 band to protect radio astronomy operations. That request is outside the scope of this Order, which addresses VLP operations in only the U-NII-6 and U-NII-8 bands. However, we note that in the *6 GHz Second Order* the Commission already considered and rejected CORF's request to prohibit use of certain frequencies by VLP devices to protect radio astronomy operations, stating that the interference potential for VLP devices in the U-NII-7 band is even lower than for low-power indoor devices that were already permitted to operate at higher power levels than those adopted for VLP devices.³⁰³ We continue to believe that VLP devices in the U-NII-7 band are unlikely to interfere with radio astronomy operations, noting that CORF's analysis, in which it questioned the validity of extrapolating the low power indoor device power limit to determine the appropriate VLP device power limit, suggests a greater value for building entry loss (30 dB) than the Commission previously found to be appropriate (20.5 dB).³⁰⁴ Additionally, CORF failed to consider mitigating factors that reduce the potential for interference, including, 3 dB for the use of TPC, 4 dB for body loss, and 2% (17 dB) activity factor correction.³⁰⁵

71. We find that we can permit VLP devices to operate in the U-NII-6 and U-NII-8 bands while protecting the EESS. In the *6 GHz Second Order*, the Commission permitted VLP devices to operate in the U-NII-7 band where the EESS also operates, subject to a prohibition on their use on oil platforms to protect ocean temperature sensing activities.³⁰⁶ The power levels we are permitting for VLP devices in the U-NII-6 and U-NII-8 bands are the same as those we permit for VLP devices in the U-NII-7 band, and as discussed below, we are maintaining the prohibition on operation on oil platforms. Consequently, EESS operations in the U-NII-6 and U-NII-8 bands will be protected to the same extent that they are in the U-NII-7 band.

72. CORF's analysis of potential interference in the U-NII-6 and U-NII-8 bands overstates VLP device interference potential to the EESS.³⁰⁷ In particular, CORF's analysis fails to consider certain mitigating factors that the Commission previously found to be appropriate. When using the Commission's previously assumed factors of 5 dB for antenna pattern mismatch, 3 dB for antenna polarization loss, 20.5 dB for building entry loss, 3 dB for the use of TPC, and 4 dB for body loss, we calculate a 4.2 dB protection margin.³⁰⁸ It should be noted that this calculation does not take into account clutter loss that can exist. Furthermore, given that EESS observation times are in the order of

³⁰⁰ CORF Comments at 11-12.

³⁰¹ *Id.* at 12.

³⁰² *Id.* at 12.

³⁰³ *6 GHz Second Order*, 38 FCC Rcd at 10567-68, para. 84.

³⁰⁴ *Id.* at 10559-60 at 37, para. 64. This extrapolation requires an assumption for building entry loss. A higher building entry loss as CORF suggests would result in a lower calculated VLP device power level.

³⁰⁵ *Id.* at 10541-42, 10545-46, 10550-51, paras. 35, 40, 47.

³⁰⁶ *Id.* at 10573, para. 96. The Commission found it was not necessary to prohibit operation of VLP devices on boats to protect the EESS. *Id.*

³⁰⁷ CORF Comments at 11-12.

³⁰⁸ *6 GHz First Order*, 35 FCC Rcd at 3880, para. 75; *6 GHz Second Order*, 38 FCC Rcd at 10545-46, 10550-51, 10559-60, 10562-63, paras. 40, 47, 64, 71. CORF acknowledges that building entry loss and beam directionality (antenna mismatch) are appropriate in a VLP analysis. CORF Comments at 12.

milliseconds while Wi-Fi transmissions are generally in the order of microseconds, we believe that using the average power instead of peak power is appropriate. With a conservative 2% activity factor assumption (a 17 dB reduction), the protection margin evaluates to 21.2 dB.³⁰⁹

73. Given the limited footprint of EESS satellites, the significant protection margin that exists, and that large numbers of VLP devices generally are not transmitting simultaneously on boats in an area, we believe that continuing to allow VLP devices to operate on boats in the ocean will not result in any significant risk to EESS operations.³¹⁰ For these same reasons, we do not see a need to impose restrictions on VLP devices over large lakes and rivers, as CORF suggests.³¹¹ We will continue to prohibit 6 GHz devices, including VLP devices, from operating on oil platforms because oil platform locations tends to be concentrated in areas where the passive and active sensing of EESS operations are conducted.³¹²

E. Technical Rules

74. In the *6 GHz Second Order*, the Commission adopted rules that permitted VLP devices to operate in the U-NII-5 and U-NII-7 bands at power levels up to -5 dBm/MHz EIRP PSD and 14 dBm EIRP.³¹³ The Commission determined that the risk of harmful interference to incumbent services in those bands was insignificant for VLP devices operating at that power level.³¹⁴ As a natural outgrowth of that determination, in the *6 GHz Second FNPRM*, the Commission proposed to permit VLP devices to operate in the U-NII-6 and U-NII-8 bands without geofencing.³¹⁵ In this Third Report and Order, we are adopting this proposal.

75. Many of the proponents arguing to expand VLP operations to the U-NII-6 and U-NII-8 bands without geofencing suggest no changes to the technical rules governing VLP U-NII-5 and U-NII-7 operations.³¹⁶ Several commenters, as discussed in more detail below, suggest modification to the rules that will apply to VLP operation throughout the 6 GHz band. To the extent that we did not seek comment on those rule changes in the *6 GHz Second FNPRM*, we are not able to consider applying them to U-NII-5 and U-NII-7 VLP operations. In addition, we believe that having uniform rules that apply to all VLP operations will be of great benefit because it will make product development easier and lead to economies of scale that will reduce cost. For this reason, we are adopting identical technical rules for VLP operations in the U-NII-6 and U-NII-8 bands as currently apply to such operations in the U-NII-5 and U-NII-7 bands.

76. However, the *6 GHz Second FNPRM* did seek comment on making several changes to the VLP rules. The Commission sought comment on any adjustment needed to the VLP device rules to adequately protect C-V2X operations in vehicles.³¹⁷ The Commission also sought comment on relaxing the restrictions regarding VLP use on aircraft and on oil platforms and on providing additional flexibility

³⁰⁹ *6 GHz Second Order*, 38 FCC Rcd at 10541-42, para. 35.

³¹⁰ Contrary to CORF's comments, the rules adopted in the *6 GHz Second Order* do not prohibit the operation of VLP devices on boats. *Id.* at 10573, para. 96; *see also* CORF Comments at 13.

³¹¹ CORF Comments at 13.

³¹² *6 GHz Second Order*, 38 FCC Rcd at 10573, para. 96.

³¹³ *Id.* at 10532, para. 18.

³¹⁴ *Id.* at 10552, 10555, paras. 50,54.

³¹⁵ *Id.* at 10600-01, para. 173.

³¹⁶ Apple, Broadcom et al. Comments at 5-22; Apple, Broadcom et al. Reply at 4-15; Wireless Broadband Alliance Comments at 2; Dynamic Spectrum Alliance Comments at 6-8; Computer & Communications Industry Association Comments at 1.

³¹⁷ *6 GHz Second FNPRM*, 38 FCC Rcd at 10605-06, para. 186.

for in-vehicle use.³¹⁸ We defer action on all of these *6 GHz Second FNPRM* proposals.³¹⁹

77. *VLP Power Levels.* The Wi-Fi Alliance and the IEEE 802 LAN/MAN Standards Committee support increasing the permitted power for VLP devices to 1 dBm/MHz with a total EIRP of 14 dBm without use of a geofencing system.³²⁰ IEEE 802 LAN/MAN Standards Committee states this would contribute to global harmonization of VLP devices and claims that this increased power spectral density for 20 and 40 megahertz wide channels would not cause any risk to incumbent services as these channel sizes may not be widely used.³²¹ The Commission determined the power levels for VLP devices in the *6 GHz Second Order* based on an extensive record examining the potential for these devices to cause harmful interference to microwave receivers. No commenters submitted additional technical analysis examining interference to microwave receivers, and the simulation submitted by Apple, Broadcom, et al. of interference to ENG central receive sites assumed a VLP power of -5 dBm/MHz.³²² Therefore, the record does not support adjusting the power for VLP device operations.

78. *Firmware Download.* AT&T suggests that all new unlicensed devices be required to accept mandatory firmware updates that alter their operating parameters, which will allow unlicensed performance to be changed in the future, enhancing efficiency and improving spectrum management.³²³ AT&T claims this would be consistent with NTIA's Commerce Spectrum Management Advisory Committee's recommendation that rules for unlicensed devices be designed to avoid creating obstacles to future reallocation of the band.³²⁴ APCO also supports requiring, wherever possible, that unlicensed devices be capable of modification through over-the-air firmware updates as the harm resulting from interference from unlicensed devices is potentially irreversible.³²⁵ Sirius XM also advocates that new unlicensed devices be capable of changing operating parameters through over-the-air firmware updates to address interference to its satellite radio system from unlicensed devices that are in the hands of consumers.³²⁶ Utilities Technology Council recommends that the Commission require all new unlicensed devices to accept mandatory firmware updates that alter their operating parameters to allow devices to be changed in the future for enhanced efficiency and improved spectrum management.³²⁷

79. While AT&T and others assert that requiring unlicensed devices to be capable of firmware updates could have many benefits, such as permitting devices to adjust their operations to account for changing priorities in spectrum demand and evolving technology capabilities or to address interference issues, such a mandate could be complex and was not raised in the *6 GHz Second FNPRM*. Accordingly, we do not have a record to explore such a mandate. Given our conclusion that there is an insignificant risk that harmful interference will occur due to the operation of VLP devices in the U-NII-6 and U-NII-8 bands we do not believe such a mandate is necessary. Therefore, we will not impose a

³¹⁸ *Id.* at 10599-10600, paras. 168-72.

³¹⁹ To be clear, we are not addressing these other issues raised in the *6 GHz Second FNPRM* here, and they remain open for resolution in this proceeding. For the reasons discussed in this *Third Report and Order*, we believe that the benefits of expanding VLP operation to the entire 6 GHz band are clear enough at this time that such expansion should not be delayed pending resolution of other issues in this docket.

³²⁰ Wi-Fi Alliance Comments at n.38; IEEE 802 LAN/MAN Standards Committee (Paul Nikolich) Comments at 3-4.

³²¹ IEEE 802 LAN/MAN Standards Committee (Paul Nikolich) Comments at 4.

³²² Apple, Broadcom et al. June 28, 2024 *Ex Parte* at 8.

³²³ AT&T Comments at 6-7.

³²⁴ *Id.* at 7.

³²⁵ APCO Reply at 3.

³²⁶ Sirius XM Oct. 9, 2024 *Ex Parte* at 2; Sirius XM Nov. 5, 2024 *Ex Parte* at 5-6.

³²⁷ Utilities Technology Council Nov. 28, 2024 *Ex Parte* at 2.

firmware update mandate on VLP devices. However, we note that the vast majority of today's devices have capability for firmware updates as manufacturers routinely make changes and upgrades to correct bugs, enable more efficient operation, or add capabilities. Thus, even absent a Commission mandate, we expect that most, if not all, VLP devices will have the ability to receive firmware updates, including updates to change a device's ability to transmit on certain frequencies, if such an update is necessary.³²⁸

80. *Transmit Power Control (TPC)*. The VLP rules require that VLP devices employ a TPC mechanism that has the capability to operate at least 6 dB below the maximum -5 dBm/MHz EIRP PSD.³²⁹ The Ultra Wide Band Alliance suggests that the Commission expand the TPC requirement beyond the 6 dB level.³³⁰ The Ultra Wide Band Alliance notes there are many benefits to using only the power required for a given link, such as reducing the area that could be impacted, increasing device density, and increasing the overall capacity of the band.³³¹ While the Ultra Wide Band Alliance encourages the Commission to consider technical requirements for use of TPC that will "encourage innovation in intelligent TPC as part of link adaptation schemes," it does not provide any concrete proposal on what specific TPC rules the Commission should require.³³² Without a specific proposal, we are unable to evaluate the merits of their request or the impact it would have on VLP operations.

F. Benefits and Cost

81. In the *6 GHz Second FNPRM*, the Commission sought comment on whether allowing VLP devices in the U-NII-6 and U-NII-8 bands will yield comparable benefits to those that stem from allowing VLP devices in the U-NII-5 and U-NII-7 bands in the *6 GHz Second Order*.³³³ The Commission tentatively concluded that at a minimum the benefits would be in proportion to the amount of spectrum in the U-NII-6 and U-NII-8 bands relative to the amount of spectrum in the U-NII-5 and U-NII-7 bands.³³⁴ No commenter objected to this methodology so we will estimate benefits on that basis.

82. The *6 GHz Second Order* found a lower bound of the benefit of opening the U-NII-5 and U-NII-7 bands to unlicensed use to be \$2 billion.³³⁵ We expect unlicensed uses in the U-NII-6 and U-NII-8 bands to be similar, but with less megahertz of spectrum involved compared to the U-NII-5 and U-NII-7 bands. To approximate a new lower bound of benefits, we therefore multiply the ratio of the sum of megahertz of spectrum in the U-NII-6 and U-NII-8 bands to the sum of megahertz of spectrum in the U-NII-5 and U-NII-7 MHz bands by \$2 billion, resulting in \$820 million of expected benefits.³³⁶ This lower bound also does not include any benefits that may come from creating a large contiguous band of spectrum for unlicensed use, which may allow greater speed and decreased latency. In any case, these benefits will be well in excess of the costs that we estimate.

³²⁸ Sirius XM Nov. 27, 2024 *Ex Parte* at 1.

³²⁹ 47 CFR § 15.407(d)(10).

³³⁰ Ultra Wide Band (UWB) Alliance Comments at 6.

³³¹ *Id.* at 7. The Ultra Wide Band Alliance states that the ability to set power below the currently mandated 8 dBm EIRP would benefit all users. *Id.* at 7-8. We are uncertain what 8 dBm mandate they are referring to.

³³² *Id.* at 7.

³³³ *6 GHz Second FNPRM*, 38 FCC Rcd at 10600-01, para. 173.

³³⁴ *Id.* at 10601, para. 173.

³³⁵ *6 GHz Second Order*, 38 FCC Rcd at 10575-6, para. 102.

³³⁶ The U-NII-5 band contains 500 megahertz of spectrum, the U-NII-6 band contains 100 megahertz, the U-NII-7 band contains 350 megahertz, and the U-NII-8 band contains 250 megahertz. The ratio of the sum of megahertz of spectrum in the U-NII-6 and U-NII-8 bands to the sum of megahertz of spectrum in the U-NII-5 and U-NII-7 bands is therefore $(100 \text{ MHz} + 250 \text{ MHz}) / (500 \text{ MHz} + 350 \text{ MHz}) = 0.41$. The estimated benefits of unlicensed use in the U-NII-6 and U-NII-8 bands is therefore $0.41 \times \$2 \text{ billion} = \$820 \text{ million}$.

83. Because any changes to the design of VLP devices will be voluntary for device manufacturers, the rules that we promulgate do not have net cost implications for the existing unlicensed device ecosystem. Manufacturers will change designs only if the additional revenue from taking advantage of the U-NII-6 and U-NII-8 bands outweighs the costs of redesign. And because the harmful interference risk to incumbent operators is insignificant and we are not imposing any specific requirements on any incumbent operator, there are also no cost implications on them. Thus, by promulgating these rules to enable VLP devices to operate in the U-NII-6 and U-NII-8 portions of the 6 GHz band, significant economic benefits will be bestowed on the American public.

G. Table of Frequency Allocations

84. Finally, we take this opportunity to reinstate the text of international footnotes 5.458A and 5.458B in the Table of Frequency Allocations (Table), section 2.106 of our rules.³³⁷ This text was inadvertently removed when we implemented formatting changes to accommodate the Office of the Federal Register's publication guidelines, even though the underlying citations to these footnotes continued to be printed in the graphical portion of the Table under both the International Table and the United States Table columns.³³⁸ Because this change is editorial and does not alter the substance of these pre-existing footnotes, we find good cause to conclude that notice and comment are not necessary for its adoption.

IV. PROCEDURAL MATTERS

85. *Regulatory Flexibility Act.* The Regulatory Flexibility Act of 1980, as amended (RFA),³³⁹ requires that an agency prepare a regulatory flexibility analysis for notice-and-comment rulemaking, unless the agency certifies that “the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.”³⁴⁰ Accordingly, we have prepared a Final Regulatory Flexibility Analysis (FRFA) concerning the possible impact of the rule and policy changes contained in this *Third Report and Order* on small entities. The FRFA is set forth in Appendix B.

86. *People with Disabilities:* To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530.

87. *Paperwork Reduction Act.* This document does not contain new or modified information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104-13. In addition, therefore, it does not contain any new or modified information collection burden “for small business concerns with fewer than 25 employees,” pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, 44 U.S.C. § 3506(c)(4).

88. *Congressional Review Act.* The Commission has determined, and the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, concurs, that this rule is “major” under the Congressional Review Act, 5 U.S.C. § 804(2). The Commission will send a copy of this *Third Report and Order* to Congress and the Government Accountability Office pursuant to 5 U.S.C. § 801(a)(1)(A).

89. *Additional Information.* For additional information on this proceeding, contact Nicholas Oros of the Office of Engineering and Technology, Policy and Rules Division, at 202-418-0636 or Nicholas.Oros@fcc.gov.

³³⁷ 47 C.F.R. § 2.106(b)(458)(i) and (ii).

³³⁸ 47 C.F.R. § 2.106(a) at p. 44, 6700-7075 GHz block (International Table) and 6700-6875 GHz, 6875-7025 GHz, and 7025-7075 GHz blocks (United States Table).

³³⁹ 5 U.S.C. §§ 601–612. The RFA has been amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Pub. L. No. 104-121, Title II, 110 Stat. 857 (1996).

³⁴⁰ 5 U.S.C. § 605(b).

V. ORDERING CLAUSES

90. Accordingly, IT IS ORDERED, pursuant to sections 2, 4(i), 302, and 303 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 152, 154(i), 302a, 303, this *Third Report and Order* is hereby ADOPTED.

91. IT IS FURTHER ORDERED that the amendments of the Commission's rules as set forth in Appendix A ARE ADOPTED, effective 60 days from the date of publication in the Federal Register.

92. IT IS FURTHER ORDERED that the Office of the Secretary, SHALL SEND a copy of this *Third Report and Order*, including the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

93. IT IS FURTHER ORDERED that the Office of Managing Director, Performance Program Management, SHALL SEND a copy of this *Third Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, 5 U.S.C. § 801(a)(1)(A).

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

APPENDIX A**Final Rules**

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR parts 2 and 15 as follows:

PART 2 – FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

1. The authority citation for part 2 continues to read as follows:

AUTHORITY: 47 U.S.C. 154, 302a, 303, and 336, unless otherwise noted.

2. Amend § 2.106(b)(458) by adding paragraphs (i) and (ii) to read as follows:

§ 2.106 Table of Frequency Allocations.

* * * * *

(b) * * *

(458) * * *

(i) 5.458A In making assignments in the band 6700-7075 MHz to space stations of the fixed-satellite service, administrations are urged to take all practicable steps to protect spectral line observations of the radio astronomy service in the band 6650-6675.2 MHz from harmful interference from unwanted emissions.

(ii) 5.458B The space-to-Earth allocation to the fixed-satellite service in the band 6700-7075 MHz is limited to feeder links for non-geostationary satellite systems of the mobile-satellite service and is subject to coordination under No. 9.11A. The use of the band 6700-7075 MHz (space-to-Earth) by feeder links for non-geostationary satellite systems in the mobile-satellite service is not subject to No. 22.2.

* * * * *

PART 15 – RADIO FREQUENCY DEVICES

3. The authority citation for part 15 continues to read as follows:

Authority: 47 U.S.C. 154, 302a, 303, 304, 307, 336, 544a, and 549.

4. Amend §15.403 by revising the definition of “Very low power device” to read as follows:

§ 15.403 Definitions.

* * * * *

Very low power device. For the purpose of this subpart, a device that operates in the 5.925-7.125 GHz band and has an integrated antenna. These devices do not need to operate under the control of an access point.

* * * * *

5. Amend §15.407 by revising paragraphs (a)(9) and (d)(10) to read as follows:

§ 15.407 General technical requirements.

(a) * * *

- (9) For very low power devices operating in the 5.925-7.125 GHz band, the maximum power spectral density must not exceed -5 dBm e.i.r.p in any 1-megahertz band and the maximum e.i.r.p must not exceed 14 dBm.

* * * * *

(d) * * *

- (10) Very low power devices operating in the 5.925-7.125 GHz band shall employ a transmit power control (TPC) mechanism. A very low power device is required to have the capability to operate at least 6 dB below the maximum EIRP PSD value of -5 dBm/ MHz.

APPENDIX B

Final Regulatory Flexibility Analysis

1. As required by the Regulatory Flexibility Act of 1980, as amended (RFA),¹ an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the *Unlicensed Use of the 6 GHz Band*, 2nd Further Notice of Proposed Rulemaking (*Notice*) released in November 2023.² The Commission sought written public comment on the proposals in the *Notice*, including comment on the IRFA.³ No comments were filed addressing the IRFA. This present Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA.⁴

A. Need for, and Objectives of, the Third Report and Order

2. In the *Third Report and Order*, the Commission is expanding unlicensed very low power (VLP) device operation to the entire 6 GHz band (5925-7125 MHz). This pivotal move will provide greater flexibility to small and other entities that provide or use VLP devices by making additional spectrum available for these versatile portable devices, thereby empowering groundbreaking applications such as augmented and virtual reality. Currently VLP devices are restricted to the U-NII-5 (5925-6425 MHz) and U-NII-7 (6525-6874 MHz) portions of the 6 GHz band. Opening up the U-NII-6 (6425-6525 MHz) and U-NII-8 (6875-7125 MHz) portions of the band for VLP devices will create benefits in proportion to the amount of spectrum in U-NII-6 and U-NII-8 bands comparative to the amount of spectrum in the U-NII-5 and U-NII-7 bands. In addition, the adopted rules will maintain the same power levels and operational requirements as currently apply to VLP devices in the U-NII-5 and U-NII-7 bands. The innovations provided by VLP devices through expanded use of the 6 GHz band will significantly benefit small and other businesses, enhance occasions for learning, advance healthcare opportunities, and create new entertainment experiences, thus paving the way for more intensive use of valuable spectrum resources and the deployment of transformative new technologies for American consumers.

B. Summary of Significant Issues Raised by Public Comments in Response to the IRFA

3. There were no comments filed that specifically addressed the proposed rules and policies presented in the IRFA.

C. Response to Comments by Chief Counsel for Advocacy of the Small Business Administration

4. Pursuant to the Small Business Jobs Act of 2010, which amended the RFA, the Commission is required to respond to any comments filed by the Chief Counsel for Advocacy of the Small Business Administration (SBA), and to provide a detailed statement of any change made to the proposed rules as a result of those comments.⁵

5. The Chief Counsel did not file any comments in response to the proposed rule(s) in this proceeding.

¹ 5 U.S.C. § 603. The RFA, 5 U.S.C. §§ 601-612, has been amended by the Small Business Regulatory Enforcement Fairness Act of 1996, (SBREFA) Pub. L. No. 104-121, Title II, 110 Stat. 857 (1996).

² *Unlicensed Use of the 6 GHz Band*, ET Docket No. 18-295, 2nd Notice of Proposed Rulemaking, FCC 23-86, (rel. Nov. 1, 2023) (*Notice*).

³ See generally *Notice*.

⁴ 5 U.S.C. § 604.

⁵ *Id.* § 604 (a)(3).

D. Description and Estimate of the Number of Small Entities To Which the Rules Will Apply

6. The RFA directs agencies to provide a description of, and, where feasible, an estimate of the number of small entities that may be affected by rules adopted herein.⁶ The RFA generally defines the term “small entity” as having the same meaning as the terms “small business,” “small organization,” and “small governmental jurisdiction.”⁷ In addition, the term “small business” has the same meaning as the term “small business concern” under the Small Business Act.⁸ A “small business concern” is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.⁹

7. *Small Businesses, Small Organizations, Small Governmental Jurisdictions.* Our actions, over time, may affect small entities that are not easily categorized at present. We therefore describe, at the outset, three broad groups of small entities that could be directly affected herein.¹⁰ First, while there are industry specific size standards for small businesses that are used in the regulatory flexibility analysis, according to data from the Small Business Administration’s (SBA) Office of Advocacy, in general a small business is an independent business having fewer than 500 employees.¹¹ These types of small businesses represent 99.9% of all businesses in the United States, which translates to 33.2 million businesses.¹²

8. Next, the type of small entity described as a “small organization” is generally “any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.”¹³ The Internal Revenue Service (IRS) uses a revenue benchmark of \$50,000 or less to delineate its annual electronic filing requirements for small exempt organizations.¹⁴ Nationwide, for tax year 2022, there were approximately 530,109 small exempt organizations in the U.S. reporting revenues of \$50,000 or less according to the registration and tax data for exempt organizations available from the IRS.¹⁵

⁶ *Id.* § 604(a)(4).

⁷ *Id.* § 601(6).

⁸ *Id.* § 601(3) (incorporating by reference the definition of “small-business concern” in the Small Business Act, 15 U.S.C. § 632). Pursuant to 5 U.S.C. § 601(3), the statutory definition of a small business applies “unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the Federal Register.”

⁹ 15 U.S.C. § 632.

¹⁰ 5 U.S.C. § 601(3)-(6).

¹¹ See SBA, Office of Advocacy, “What’s New With Small Business?,” <https://advocacy.sba.gov/wp-content/uploads/2023/03/Whats-New-Infographic-March-2023-508c.pdf> (Mar. 2023).

¹² *Id.*

¹³ 5 U.S.C. § 601(4).

¹⁴ The IRS benchmark is similar to the population of less than 50,000 benchmark in 5 U.S.C § 601(5) that is used to define a small governmental jurisdiction. Therefore, the IRS benchmark has been used to estimate the number of small organizations in this small entity description. See Annual Electronic Filing Requirement for Small Exempt Organizations – Form 990-N (e-Postcard), “Who must file,” <https://www.irs.gov/charities-non-profits/annual-electronic-filing-requirement-for-small-exempt-organizations-form-990-n-e-postcard>. We note that the IRS data does not provide information on whether a small exempt organization is independently owned and operated or dominant in its field.

¹⁵ See Exempt Organizations Business Master File Extract (EO BMF), “CSV Files by Region,” <https://www.irs.gov/charities-non-profits/exempt-organizations-business-master-file-extract-eo-bmf>. The IRS Exempt Organization Business Master File (EO BMF) Extract provides information on all registered tax-exempt/non-profit organizations. The data utilized for purposes of this description was extracted from the IRS EO (continued....)

9. Finally, the small entity described as a “small governmental jurisdiction” is defined generally as “governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than fifty thousand.”¹⁶ U.S. Census Bureau data from the 2022 Census of Governments¹⁷ indicate there were 90,837 local governmental jurisdictions consisting of general purpose governments and special purpose governments in the United States.¹⁸ Of this number, there were 36,845 general purpose governments (county,¹⁹ municipal, and town or township²⁰) with populations of less than 50,000 and 11,879 special purpose governments (independent school districts²¹) with enrollment populations of less than 50,000.²² Accordingly, based on the 2022 U.S. Census of Governments data, we estimate that at least 48,724 entities fall into the category of “small governmental jurisdictions.”²³

10. *Fixed Microwave Services.* Fixed microwave services include common carrier,²⁴ private-operational fixed,²⁵ and broadcast auxiliary radio services.²⁶ They also include the Upper Microwave

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BMF data for businesses for the tax year 2022 with revenue less than or equal to \$50,000 for Region 1-Northeast Area (71,897), Region 2-Mid-Atlantic and Great Lakes Areas (197,296), and Region 3-Gulf Coast and Pacific Coast Areas (260,447) that includes the continental U.S., Alaska, and Hawaii. This data includes information for Puerto Rico (469).

¹⁶ 5 U.S.C. § 601(5).

¹⁷ 13 U.S.C. § 161. The Census of Governments survey is conducted every five (5) years compiling data for years ending with “2” and “7”. See also Census of Governments, <https://www.census.gov/programs-surveys/economic-census/year/2022/about.html>.

¹⁸ See U.S. Census Bureau, 2022 Census of Governments – Organization Table 2. Local Governments by Type and State: 2022 [CG2200ORG02], <https://www.census.gov/data/tables/2022/econ/gus/2022-governments.html>. Local governmental jurisdictions are made up of general purpose governments (county, municipal and town or township) and special purpose governments (special districts and independent school districts). See also tbl.2. CG2200ORG02 Table Notes_Local Governments by Type and State_2022.

¹⁹ See *id.* at tbl.5. County Governments by Population-Size Group and State: 2022 [CG2200ORG05], <https://www.census.gov/data/tables/2022/econ/gus/2022-governments.html>. There were 2,097 county governments with populations less than 50,000. This category does not include subcounty (municipal and township) governments.

²⁰ See *id.* at tbl.6. Subcounty General-Purpose Governments by Population-Size Group and State: 2022 [CG2200ORG06], <https://www.census.gov/data/tables/2022/econ/gus/2022-governments.html>. There were 18,693 municipal and 16,055 town and township governments with populations less than 50,000.

²¹ See *id.* at tbl.10. Elementary and Secondary School Systems by Enrollment-Size Group and State: 2022 [CG2200ORG10], <https://www.census.gov/data/tables/2022/econ/gus/2022-governments.html>. There were 11,879 independent school districts with enrollment populations less than 50,000. See also tbl.4. Special-Purpose Local Governments by State Census Years 1942 to 2022 [CG2200ORG04], CG2200ORG04 Table Notes_Special Purpose Local Governments by State_Census Years 1942 to 2022.

²² While the special purpose governments category also includes local special district governments, the 2022 Census of Governments data does not provide data aggregated based on population size for the special purpose governments category. Therefore, only data from independent school districts is included in the special purpose governments category.

²³ This total is derived from the sum of the number of general purpose governments (county, municipal and town or township) with populations of less than 50,000 (36,845) and the number of special purpose governments - independent school districts with enrollment populations of less than 50,000 (11,879), from the 2022 Census of Governments - Organizations tbls. 5, 6 & 10.

²⁴ See 47 CFR Part 101, Subparts C and I.

²⁵ See *id.* Subparts C and H.

²⁶ Auxiliary Microwave Service is governed by Part 74 of Title 47 of the Commission’s Rules. See 47 CFR Part 74. Available to licensees of broadcast stations and to broadcast and cable network entities, broadcast auxiliary

(continued....)

Flexible Use Service (UMFUS),²⁷ Millimeter Wave Service (70/80/90 GHz),²⁸ Local Multipoint Distribution Service (LMDS),²⁹ the Digital Electronic Message Service (DEMS),³⁰ 24 GHz Service,³¹ Multiple Address Systems (MAS),³² and Multichannel Video Distribution and Data Service (MVDDS),³³ where in some bands licensees can choose between common carrier and non-common carrier status.³⁴ Wireless Telecommunications Carriers (*except* Satellite)³⁵ is the closest industry with a SBA small business size standard applicable to these services. The SBA small size standard for this industry classifies a business as small if it has 1,500 or fewer employees.³⁶ U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated in this industry for the entire year.³⁷ Of this number, 2,837 firms employed fewer than 250 employees.³⁸ Thus under the SBA size standard, the Commission estimates that a majority of fixed microwave service licensees can be considered small.

11. The Commission's small business size standards with respect to fixed microwave services involve eligibility for bidding credits and installment payments in the auction of licenses for the various frequency bands included in fixed microwave services. When bidding credits are adopted for the auction of licenses in fixed microwave services frequency bands, such credits may be available to several types of small businesses based average gross revenues (small, very small and entrepreneur) pursuant to the competitive bidding rules adopted in conjunction with the requirements for the auction and/or as identified in Part 101 of the Commission's rules for the specific fixed microwave services frequency bands.³⁹

12. In frequency bands where licenses were subject to auction, the Commission notes that as a general matter, the number of winning bidders that qualify as small businesses at the close of an auction does not necessarily represent the number of small businesses currently in service. Further, the Commission does not generally track subsequent business size unless, in the context of assignments or transfers, unjust enrichment issues are implicated. Additionally, since the Commission does not collect data on the number of employees for licensees providing these services, at this time we are not able to

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microwave stations are used for relaying broadcast television signals from the studio to the transmitter, or between two points such as a main studio and an auxiliary studio. The service also includes mobile TV pickups, which relay signals from a remote location back to the studio.

²⁷ See 47 CFR Part 30.

²⁸ See 47 CFR Part 101, Subpart Q.

²⁹ See *id.* Subpart L.

³⁰ See *id.* Subpart G.

³¹ See *id.*

³² See *id.* Subpart O.

³³ See *id.* Subpart P.

³⁴ See 47 CFR §§ 101.533, 101.1017.

³⁵ See U.S. Census Bureau, *2017 NAICS Definition*, "517312 Wireless Telecommunications Carriers (*except* Satellite)," <https://www.census.gov/naics/?input=517312&year=2017&details=517312>.

³⁶ See 13 CFR § 121.201, NAICS Code 517312 (as of 10/1/22, NAICS Code 517112).

³⁷ See U.S. Census Bureau, *2017 Economic Census of the United States, Employment Size of Firms for the U.S.: 2017*, Table ID: EC1700SIZEEMPFIEM, NAICS Code 517312, <https://data.census.gov/cedsci/table?y=2017&n=517312&tid=ECNSIZE2017.EC1700SIZEEMPFIEM&hidePreview=false>. At this time, the 2022 Economic Census data is not available.

³⁸ *Id.* The available U.S. Census Bureau data does not provide a more precise estimate of the number of firms that meet the SBA size standard.

³⁹ See 47 CFR §§ 101.538(a)(1)-(3), 101.1112(b)-(d), 101.1319(a)(1)-(2), and 101.1429(a)(1)-(3).

estimate the number of licensees with active licenses that would qualify as small under the SBA's small business size standard.

13. *Public Safety Radio Licensees.* As a general matter, Public Safety Radio Pool licensees include police, fire, local government, forestry conservation, highway maintenance, and emergency medical services.⁴⁰ Because of the vast array of public safety licensees, the Commission has not developed a small business size standard specifically applicable to public safety licensees. Wireless Telecommunications Carriers (*except* Satellite)⁴¹ is the closest industry with a SBA small business size standard applicable to these services. The SBA small business size standard for this industry classifies a business as small if it has 1,500 or fewer employees.⁴² U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated in this industry for the entire year.⁴³ Of this number, 2,837 firms employed fewer than 250 employees.⁴⁴ Thus under the SBA size standard, the Commission estimates that a majority of licensees in this industry can be considered small.

14. With respect to local governments, in particular, since many governmental entities comprise the licensees for these services, we include under public safety services the number of government entities affected. According to Commission records as of December 2021, there were approximately 127,019 active licenses within these services.⁴⁵ Included in this number were 3,577 active licenses in the Public Safety 4.9 GHz band.⁴⁶ Since the Commission does not collect data on the number of employees for licensees providing these services, at this time we are therefore not able to estimate the

⁴⁰ See subparts A and B of Part 90 of the Commission's Rules, 47 CFR §§ 90.1-90.22. Police licensees serve state, county, and municipal enforcement through telephony (voice), telegraphy (code), and teletype and facsimile (printed material). Fire licensees are comprised of private volunteer or professional fire companies, as well as units under governmental control. Public Safety Radio Pool licensees also include state, county, or municipal entities that use radio for official purposes. State departments of conservation and private forest organizations comprise forestry service licensees that set up communications networks among fire lookout towers and ground crews. State and local governments are highway maintenance licensees that provide emergency and routine communications to aid other public safety services to keep main roads safe for vehicular traffic. Emergency medical licensees use these channels for emergency medical service communications related to the delivery of emergency medical treatment. Additional licensees include medical services, rescue organizations, veterinarians, persons with disabilities, disaster relief organizations, school buses, beach patrols, establishments in isolated areas, communications standby facilities, and emergency repair of public communications facilities.

⁴¹ See U.S. Census Bureau, *2017 NAICS Definition*, "517312 Wireless Telecommunications Carriers (*except* Satellite)," <https://www.census.gov/naics/?input=517312&year=2017&details=517312>.

⁴² See 13 CFR § 121.201, NAICS Code 517312 (as of 10/1/22, NAICS Code 517112).

⁴³ See U.S. Census Bureau, *2017 Economic Census of the United States, Employment Size of Firms for the U.S.: 2017*, Table ID: EC1700SIZEEMPFIIRM, NAICS Code 517312, <https://data.census.gov/cedsci/table?y=2017&n=517312&tid=ECNSIZE2017.EC1700SIZEEMPFIIRM&hidePrevie w=false>. At this time, the 2022 Economic Census data is not available.

⁴⁴ *Id.* The available U.S. Census Bureau data does not provide a more precise estimate of the number of firms that meet the SBA size standard.

⁴⁵ Based on a FCC Universal Licensing System search on December 13, 2021. <https://wireless2.fcc.gov/UlsApp/UlsSearch/searchAdvanced.jsp>. Search parameters: Service Group = All, "Match only the following radio service(s)", Radio Service = GE, GF, GP, PA, PW, YE, YF, YP, YW; Authorization Type = All; Status = Active. We note that the number of active licenses does not equate to the number of licensees. A licensee can have one or more licenses.

⁴⁶ Based on a FCC Universal Licensing System search on December 13, 2021. <https://wireless2.fcc.gov/UlsApp/UlsSearch/searchAdvanced.jsp>. Search parameters: Service Group = All, "Match only the following radio service(s)", Radio Service = PA; Authorization Type = All; Status = Active. We note that the number of active licenses does not equate to the number of licensees. A licensee can have one or more licenses.

number of licensees with active licenses that would qualify as small under the SBA's small business size standard.

15. *Satellite Telecommunications.* This industry comprises firms "primarily engaged in providing telecommunications services to other establishments in the telecommunications and broadcasting industries by forwarding and receiving communications signals via a system of satellites or reselling satellite telecommunications."⁴⁷ Satellite telecommunications service providers include satellite and earth station operators. The SBA small business size standard for this industry classifies a business with \$44 million or less in annual receipts as small.⁴⁸ U.S. Census Bureau data for 2017 show that 275 firms in this industry operated for the entire year.⁴⁹ Of this number, 242 firms had revenue of less than \$25 million.⁵⁰ Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 65 providers that reported they were engaged in the provision of satellite telecommunications services.⁵¹ Of these providers, the Commission estimates that approximately 42 providers have 1,500 or fewer employees.⁵² Consequently, using the SBA's small business size standard, a little more than half of these providers can be considered small entities.

16. *Auxiliary, Special Broadcast and Other Program Distribution Services.* This service involves a variety of transmitters, generally used to relay broadcast programming to the public (through translator and booster stations) or within the program distribution chain (from a remote news gathering unit back to the station). Neither the SBA nor the Commission have developed a small business size standard applicable to broadcast auxiliary licensees. The closest applicable industries with a SBA small business size standard fall within two industries - Radio Stations⁵³ and Television Broadcasting.⁵⁴ The SBA small business size standard for Radio Stations classifies firms having \$47 million or less in annual receipts as small.⁵⁵ U.S. Census Bureau data for 2017 show that 2,963 firms operated in this industry during that year.⁵⁶ Of that number, 1,879 firms operated with revenue of less than \$25 million per year.⁵⁷

⁴⁷ See U.S. Census Bureau, *2017 NAICS Definition, "517410 Satellite Telecommunications,"* <https://www.census.gov/naics/?input=517410&year=2017&details=517410>.

⁴⁸ See 13 CFR § 121.201, NAICS Code 517410.

⁴⁹ See U.S. Census Bureau, *2017 Economic Census of the United States, Selected Sectors: Sales, Value of Shipments, or Revenue Size of Firms for the U.S.: 2017*, Table ID: EC1700SIZEREVFIRM, NAICS Code 517410, <https://data.census.gov/cedsci/table?y=2017&n=517410&tid=ECNSIZE2017.EC1700SIZEREVFIRM&hidePrevious=false>. At this time, the 2022 Economic Census data is not available.

⁵⁰ *Id.* The available U.S. Census Bureau data does not provide a more precise estimate of the number of firms that meet the SBA size standard. We also note that according to the U.S. Census Bureau glossary, the terms receipts and revenues are used interchangeably, see https://www.census.gov/glossary/#term_ReceiptsRevenueServices.

⁵¹ Federal-State Joint Board on Universal Service, Universal Service Monitoring Report at 26, Table 1.12 (2022), <https://docs.fcc.gov/public/attachments/DOC-391070A1.pdf>.

⁵² *Id.*

⁵³ See U.S. Census Bureau, *2017 NAICS Definition, "515112 Radio Stations,"* <https://www.census.gov/naics/?input=515112&year=2017&details=515112>.

⁵⁴ See U.S. Census Bureau, *2017 NAICS Definition, "515120 Television Broadcasting,"* <https://www.census.gov/naics/?input=515120&year=2017&details=515120>.

⁵⁵ See 13 CFR § 121.201, NAICS Code 515112 (as of 10/1/22 NAICS Code 516110).

⁵⁶ See U.S. Census Bureau, *2017 Economic Census of the United States, Selected Sectors: Sales, Value of Shipments, or Revenue Size of Firms for the U.S.: 2017*, Table ID: EC1700SIZEREVFIRM, NAICS Code 515112, <https://data.census.gov/cedsci/table?y=2017&n=515112&tid=ECNSIZE2017.EC1700SIZEREVFIRM&hidePrevious=false>. At this time, the 2022 Economic Census data is not available. We note that the US Census Bureau withheld publication of the number of firms that operated for the entire year.

For Television Broadcasting, the SBA small business size standard also classifies firms having \$47 million or less in annual receipts as small.⁵⁸ U.S. Census Bureau data for 2017 show that 744 firms in this industry operated for the entire year.⁵⁹ Of that number, 657 firms had revenue of less than \$25 million per year.⁶⁰ Accordingly, based on the U.S. Census Bureau data for Radio Stations and Television Broadcasting, the Commission estimates that the majority of Auxiliary, Special Broadcast and Other Program Distribution Services firms are small under the SBA size standard.

17. *Fixed Satellite Small Transmit/Receive Earth Stations.* Neither the SBA nor the Commission have developed a small business size standard specifically applicable to Fixed Satellite Small Transmit/Receive Earth Stations. Satellite Telecommunications⁶¹ is the closest industry with an SBA small business size standard. The SBA size standard for this industry classifies a business as small if it has \$44 million or less in annual receipts.⁶² For this industry, U.S. Census Bureau data for 2017 show that there was a total of 275 firms that operated for the entire year.⁶³ Of this total, 242 firms had revenue of less than \$25 million.⁶⁴ Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 65 providers that reported they were engaged in the provision of satellite telecommunications services.⁶⁵ Of these providers, the Commission estimates that approximately 42 providers have 1,500 or fewer employees.⁶⁶ Consequently, using the SBA's small business size standard, a little more than half of these providers can be considered small entities.

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⁵⁷ *Id.* The available U.S. Census Bureau data does not provide a more precise estimate of the number of firms that meet the SBA size standard. We note that the U.S. Census Bureau withheld publication of the number of firms that operated with sales/value of shipments/revenue in the individual categories for less than \$100,000, and \$100,000 to \$249,999 to avoid disclosing data for individual companies (see Cell Notes for the sales/value of shipments/revenue in these categories). Therefore, the number of firms with revenue that meet the SBA size standard would be higher than noted herein. We also note that according to the U.S. Census Bureau glossary, the terms receipts and revenues are used interchangeably, see https://www.census.gov/glossary/#term_ReceiptsRevenueServices.

⁵⁸ See 13 CFR § 121.201, NAICS Code 515120 (as of 10/1/22 NAICS Code 516120).

⁵⁹ See U.S. Census Bureau, *2017 Economic Census of the United States, Selected Sectors: Sales, Value of Shipments, or Revenue Size of Firms for the U.S.: 2017*, Table ID: EC1700SIZEREVFIRM, NAICS Code 515120, <https://data.census.gov/cedsci/table?y=2017&n=515120&tid=ECNSIZE2017.EC1700SIZEREVFIRM&hidePrevious=false>. At this time, the 2022 Economic Census data is not available.

⁶⁰ *Id.* The available U.S. Census Bureau data does not provide a more precise estimate of the number of firms that meet the SBA size standard. We also note that according to the U.S. Census Bureau glossary, the terms receipts and revenues are used interchangeably, see https://www.census.gov/glossary/#term_ReceiptsRevenueServices.

⁶¹ See U.S. Census Bureau, *2017 NAICS Definition, "517410 Satellite Telecommunications,"* <https://www.census.gov/naics/?input=517410&year=2017&details=517410>.

⁶² See 13 CFR § 121.201, NAICS Code 517410.

⁶³ See U.S. Census Bureau, *2017 Economic Census of the United States, Selected Sectors: Sales, Value of Shipments, or Revenue Size of Firms for the U.S.: 2017*, Table ID: EC1700SIZEREVFIRM, NAICS Code 517410, <https://data.census.gov/cedsci/table?y=2017&n=517410&tid=ECNSIZE2017.EC1700SIZEREVFIRM&hidePrevious=false>. At this time, the 2022 Economic Census data is not available.

⁶⁴ *Id.* The available U.S. Census Bureau data does not provide a more precise estimate of the number of firms that meet the SBA size standard. We also note that according to the U.S. Census Bureau glossary, the terms receipts and revenues are used interchangeably, see https://www.census.gov/glossary/#term_ReceiptsRevenueServices.

⁶⁵ Federal-State Joint Board on Universal Service, Universal Service Monitoring Report at 26, Table 1.12 (2022), <https://docs.fcc.gov/public/attachments/DOC-391070A1.pdf>.

⁶⁶ *Id.*

E. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities

18. The rules adopted in the *Third Report & Order* will impose new or modified reporting, recordkeeping or other compliance requirements on small and other entities. Specifically, manufacturers of VLP devices will be required to obtain certification of their devices from the Commission to ensure they comply with the Commission's technical rules. Further, we will require applicants for certification of VLP devices to show in their application for device certification how their devices will comply with all technical requirements set in the *Third Report and Order*. This certification requirement is the same as currently applies to VLP devices that operate in the U-NII-5 and U-NII-7 portions of the 6 GHz band. This requirement will not increase the cost of applying for certification.

19. At this time, the Commission is not in a position to determine whether these new rules will require small entities to hire attorneys, engineers, consultants, or other professionals. However, the adopted rules will provide opportunities for small entities to grow their businesses by allowing VLP devices to operate across the U-NII-6 and U-NII-8 portions of the 6 GHz band under the same technical rules under which they are currently permitted to operate in the U-NII-5 and U-NII-7 portions of the band. In addition, any changes to the design of VLP devices by device manufacturers is voluntary. Therefore, there is no net cost implied for existing unlicensed device ecosystem nor cost implications on incumbent operators since the promulgating rules does not mention any specific requirements. It is optional for manufacturers to change designs only if the additional revenue from taking advantage of the new accessible bands outweighs the cost of the redesign.

20. The Commission currently estimates the economic value to service providers operating in the 6 GHz band will vastly exceed their cost. By opening the same access to the U-NII-6 and U-NII-8 portions of the 6 GHz band, the adopted rules will foster extensive growth in the market for VLP devices. For example, one report estimated that VLP devices would produce over \$39 billion in economic value over five years.⁶⁷ Lastly, the adopted rules will permit unlicensed small entities to operate VLP devices across the entire 6 GHz band without the additional complications or costs incurred to obtain a license.

F. Steps Taken to Minimize the Significant Economic Impact on Small Entities, and Significant Alternatives Considered

21. The RFA requires an agency to provide, "a description of the steps the agency has taken to minimize the significant economic impact on small entities...including a statement of the factual, policy, and legal reasons for selecting the alternative adopted in the final rule and why each one of the other significant alternatives to the rule considered by the agency which affect the impact on small entities was rejected."⁶⁸

22. The rules adopted by the Commission in the *Third Report and Order* should benefit small entities by giving them more options for gaining access to valuable spectrum while creating little to no harmful interference to licensed incumbents sharing the 6 GHz band. Through comments provided during the rulemaking proceeding, the Commission considered various proposals from small and other entities. The adopted rules reflect the Commission's efforts to balance the desire of unlicensed VLP device operators, some of which are small entities, to utilize additional 6 GHz band spectrum with as much power as possible to maximize the benefits provided to their customers while protecting small entities and other incumbent operators in the 6 GHz band from harmful interference that could potentially create a significant economic impact to their businesses. Additionally, the Commission considered alternative proposals and weighed their benefits against their potential costs to small businesses and other entities. For example, the Commission considered comments by licensees who conduct electronic

⁶⁷ Telecom Advisory Services, LLC, Assessing the Economic Value of Unlicensed Use in the 5.9 GHz & 6 GHz Bands at 49-56 (Apr. 2020), <http://wififorward.org/wp-content/uploads/2020/04/5.9-6.0-FINAL-for-distribution.pdf>.

⁶⁸ 5 U.S.C. § 604(a)(6).

newsgathering (ENG) that a portion of the 6 GHz band be reserved for such mobile operations. The Commission also considered a proposal that all new unlicensed VLP devices be required to accept mandatory firmware updates that alter their operating parameters which will allow unlicensed performance to be changed in the future, enhancing efficiency and improving spectrum management. However, the Commission concluded that adopting either of these proposals would be both unnecessary and burdensome, as the risk of harmful interference from VLP devices operating at that same power level of U-NII-5 and U-NII-7 VLP devices is insignificant and would create an unnecessary cost to small and other VLP device operators.

23. Many of the entities holding licenses for use of the 6 GHz band qualify as small entities. The adopted rules will permit VLP devices to operate across the U-NII-6 and U-NII-8 sub-bands of the 6 GHz band at a power level no greater than -5 dBm/MHz EIRP power spectral density and 14 dBm EIRP. The adopted rules for unlicensed operation in this band are designed to prevent the unlicensed VLP devices from causing harmful interference to the licensed services operating in the band such as electronic newsgathering and other video broadcasting related applications, satellite operators, and fixed microwave links which also operate in portions of the U-NII-6 and U-NII-8 sub-bands. Consequently, we do not expect that the current and future licensees in the band, including small entities, would experience a significant economic impact from permitting unlicensed VLP devices to operate in the 6 GHz band.

24. Users of devices operating under our part 15 rules do not need to obtain a Commission license. Therefore, we expect that small entities would make use of 6 GHz VLP devices under the adopted rules and that this would also provide small entities with access to valuable spectrum without the expense and inconvenience of having to obtain a license. The Commission believes that the rules adopted in the *Third Report and Order*, which permit VLP devices to operate in the entire 6 GHz band, will provide an advantage to small entities, as these entities would benefit from being able to access this spectrum without the complication or cost of needing to obtain a license. On balance, this would constitute a significant economic benefit for small businesses.

G. Report to Congress

25. The Commission will send a copy of the *Third Report and Order*, including this FRFA, in a report to Congress pursuant to the Congressional Review Act.⁶⁹ In addition, the Commission will send a copy of the *Third Report and Order*, including this FRFA, to the Chief Counsel for Advocacy of the SBA. A copy of the *Third Report and Order*, and FRFA (or summaries thereof) will also be published in the Federal Register.⁷⁰

⁶⁹ *Id.* § 801(a)(1)(A).

⁷⁰ *Id.* § 604(b).

**STATEMENT OF
CHAIRWOMAN JESSICA ROSENWORCEL**

Re: Unlicensed Use of the 6 GHz Band, Expanding Flexible Use in Mid-Band Spectrum Between 3.7 and 24 GHz; ET Docket No. 18-295, GN Docket No. 17-183; Third Report and Order (December 11, 2024)

This week the Armed Services Committee in both the Senate and House of Representatives released a compromise version of the 2025 National Defense Authorization Act. It is one of the highest priority bills we will see before the end of this Congress. This legislation has something in it that is also a high priority for the Federal Communications Commission—and that’s authorizing auction authority for spectrum licenses we have on hand in order to raise revenues to fully fund the removal of insecure equipment in our communications networks. This is good news for national security. It is also good news because it will mean more licensed spectrum off our shelves and put to use connecting millions of Americans.

But powerful innovation in wireless does not only come from licensed spectrum. Unlicensed spectrum matters, too. In fact, our lives run on unlicensed spectrum. We use it for everything from connecting at work and home with Wi-Fi to supply chain management in warehouses and delivery trucks, from maximizing our workouts with fitness trackers and earbuds to making our homes smarter and more efficient.

I like to think of unlicensed spectrum as an invisible force in our economy. Wi-Fi alone will foster \$769 billion in economic growth in 2024. That number is projected to rise 21 percent in 2025 and as high as 67 percent by 2027 when the latest version of Wi-Fi will be available in millions of devices.

This was all made possible more than three decades ago when creative engineers at this agency challenged the status quo by suggesting that spectrum that was not licensed could be put to use for all. So the FCC opened a handful of underused frequencies—airwaves that were widely viewed as “garbage bands”—to anyone who followed some basic technical rules. Unlicensed spectrum was born.

What followed was revolutionary. We made it possible to access airwaves without licenses, to innovate without permission, and to develop low-power wireless technologies that have changed the way we live and work.

The challenge now is to keep this good stuff growing. So a few years ago, when the global pandemic put our Wi-Fi routers centerstage, the FCC determined it was vital to identify additional spectrum to carry our unlicensed wireless activity and set aside a large swath of airwaves in the 6 GHz band. This was the right thing to do. Because as fiber, cable, and commercial wireless move to gigabit speeds, we need to ensure our Wi-Fi connections have the wider channels and additional bandwidth they need to keep pace.

Today we take the effort to support unlicensed activity in the 6 GHz band even further. We are opening up 350 megahertz of the 6 GHz band to small mobile devices operating at very low power. When you combine that with the 850 megahertz of the 6 GHz band that we made available for low-power use just a year ago, we are expanding access to 1,200 megahertz to help jumpstart the next generation of unlicensed wireless devices.

This 1,200 megahertz means unlicensed bandwidth with a mix of high capacity and low latency that is absolutely prime for immersive, real-time applications. These are the airwaves where we can develop wearable technologies and expand access to augmented and virtual reality in ways that will provide new opportunities in education, healthcare, and entertainment. This is the unlicensed spectrum where the future happens—and with the 6 GHz band the United States is leading the way.

Thank you to the staff responsible for this effort, including Ira Keltz, Dana Shaffer, Krista Senell, Jamie Coleman, Jamison Prime, Michael Ha, Nicholas Oros, Bahman Badipour, Martin Doczkat, Hugh Van Tuyl, Anika Tahsin, Damian Ariza, Joe Prebble, David Duarte, and Siobahn Philemon from the

Office of Engineering and Technology; Jeff Neumann from the Media Bureau; Patrick Sun, Aleks Yankelevich, and Pramesh Jobanputra from the Office of Economics and Analytics; Keith McCrickard, Doug Klein, Anjali Singh, and Dave Konczal from the Office of General Counsel; Dante Ibarra from the Office of International Affairs; Roger Noel, Paul Powell, Blaise Scinto, John Schauble, and Chris Andes from the Wireless Telecommunications Bureau; Whitney Lohmeyer, Sankar Persaud, Franco Hinojosa, Scott Mackoul, and Stephen Duall from the Space Bureau; and Mike Gussow and Joycelyn James from the Office of Communications Business Opportunities.

**STATEMENT OF
COMMISSIONER GEOFFREY STARKS**

Re: *Unlicensed Use of the 6 GHz Band, Expanding Flexible Use in Mid-Band Spectrum Between 4.7 and 24 GHz*, ET Docket No. 18-295, and GN Docket No. 17-183, Third Report and Order

Today's order isn't just an important step forward in its own right, it's a continuation of the Commission's steadfast commitment to ensuring the 6 GHz band reaches its full potential. This has been a long time coming. As I said when we adopted our 2020 order, the 6 GHz band holds the unique potential to serve as "a lynchpin for a more innovative, and more inclusive, wireless future." By extending very low power (VLP) device operations to the U-NII- 6 and 8 bands, we're providing the spectrum the IoT ecosystem needs to thrive and safeguarding the United States' position as the leader in unlicensed communications.

I want to thank to OET staff for their diligent work on this item. It's a culmination of years of progress buttressing Wi-Fi innovation in the 6 GHz band.

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

In the Matter of)
)
Amendment of Parts 1, 73, 74 and 76 of the) MB Docket No. 24-626
Commission's Rules to Update Rules Applicable to)
Broadcast Stations)

NOTICE OF PROPOSED RULEMAKING

Adopted: December 11, 2024

Released: December 13, 2024

Comment Date: [30 days after date of publication in the Federal Register]

Reply Comment Date: [45 days after date of publication in the Federal Register]

By the Commission: Chairwoman Rosenworcel issuing a statement.

I. INTRODUCTION

1. This Notice of Proposed Rulemaking (NPRM) seeks to update a number of our rules (Rules) by revising various broadcast radio and television regulations in Parts 1, 73, and 74 of the Code of Federal Regulations (CFR). The NPRM proposes to update our rules to better reflect current application processing requirements, clarify and harmonize provisions, and remove references to outdated procedures and legacy filing systems. The NPRM also proposes to clarify certain terms and procedures used in the comparative processes for mutually exclusive (MX) noncommercial educational (NCE) stations and low power FM (LPFM) stations.

II. BACKGROUND

2. This NPRM is a continuation of our efforts to update our broadcast radio and television rules.¹ In the past three decades, the Media Bureau (Bureau) has transitioned from paper-filing to electronic filing, and subsequently, transitioned from its initial filing database to a new one. As a result, numerous rule sections still reference outdated terms from the Commission's legacy paper-filing processing procedures and discontinued databases, and are therefore incompatible with current electronic filing procedures. Additionally, other outdated rules are no longer necessary to ensure administrative efficiency and can result in application processing delays and confusion. This NPRM seeks to update and clarify these rules to better reflect current processing procedures, and improve how the public, applicants, and licensees engage with the Commission.

¹ See, e.g., *Amendment of Part 73 of the Commission's Rules to Update Television and Class A Television Broadcast Station Rules, and Rules Applicable to All Broadcast Stations*, MB Docket No. 22-227, Report and Order, 38 FCC Rcd 8706 (2023) (revising Rules that have been rendered obsolete by the transition from analog TV to digital TV operations and changes in Commission processing procedures); *Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for Digital Low Power Television and Television Translator Stations, and Update of Parts 74 of the Commission's Rules Related to Low Power Television and Television Translator Stations*, MB Docket Nos. 03-185, 22-261, Report and Order, 38 FCC Rcd 3487 (2023) (revising Rules to reflect the all-digital operating environment, including the termination of analog operations in the LPTV/translator service).

III. DISCUSSION

A. Replace References to CDBS With References to LMS

3. We propose to amend sections 1.5000(b), 1.5004(d)(2), 1.30001(d), 1.30004(a), and 73.202(a), 73.3700(b)(5)(iv), and 76.66(d)(2)(ii) of our Rules² to replace references to the Media Bureau's (Bureau) legacy Consolidated Database System (CDBS) electronic filing system with references to the Bureau's new Licensing and Management System (LMS) electronic filing system.³ As of October 1, 2023, the Bureau no longer updates CDBS, and users are required to employ LMS instead for all searches, applications and filings.⁴ The Bureau is in the final stage of transitioning from CDBS to LMS, and we anticipate that CDBS will be decommissioned in the near future. Accordingly, we propose to amend those sections of the Rules that mention CDBS to instead refer to LMS.⁵ We seek comment on this proposal, and on any other rule changes necessary or appropriate to reflect this system transition.

B. Update Form Names

4. We propose to update sections 73.30(c), 73.45(d)(1), 73.51(c), 73.311(a), 73.512(a), 73.625(c)(4)(i), 73.872(b)(1), 73.875, 73.1670(b), 73.1690(c)(9), 73.3580(d)(2), and 73.5002(b) of the Rules to update application references.⁶ In CDBS, all applications had separate form numbers, such as FCC Form 301. In LMS, all applications use FCC Form 2100 with a separate Schedule, such as FCC Form 2100, Schedule 301.⁷ The rules we propose to amend reference outdated form designations used in CDBS, such as "FCC Form 301," and we propose to update the references to conform to current conventions used in LMS.⁸ For example, FCC Form 301 would become FCC Form 2100, Schedule 301. We seek comment on this proposal and whether there are other Rules that need to be updated to conform to the naming conventions used in LMS.

C. Change Table of Assignments/Allotments References to Conform to Existing Language

5. We propose to update inconsistent terminology in our Rules concerning references to the tables governing FM and TV allotments. Sections 1.401, 1.403, 1.420, and 73.3573 of our Rules currently use inconsistent terminology to refer to the "Table of FM Allotments" and the "Table of TV Allotments."⁹ Accordingly, we propose to change references in these sections from "FM Table of

² 47 CFR §§ 1.5000(b), 1.5004(d)(2), 1.30001(d), 1.30004(a), 73.202(a), 73.3700(b)(5)(iv), and 76.66(d)(2)(ii).

³ *Mass Media Bureau Implements Consolidated Database System (CDBS) Public Access*, Public Notice, 15 FCC Rcd 15754 (MMB 2000) (announcing implementation of CDBS) (*CDBS Implementation Public Notice*); *Media Bureau Implements Licensing and Management System (LMS) Electronic Filing for Radio Stations*, Public Notice, 34 FCC Rcd 2302 (MB 2019) (announcing implementation of LMS) (*LMS Implementation Public Notice*).

⁴ *See Media Bureau Announces Transition of Additional Filings to Licensing and Management System*, Public Notice, 38 FCC Rcd 6138 (MB 2023); *see also* Federal Communications Commission, Media Bureau Filing Systems and Databases, <https://www.fcc.gov/media/filing-systems-and-databases> (last visited Sept. 3, 2024).

⁵ This is a continuation of our efforts to update broadcasting rules that the Commission commenced to revise Rules that have been rendered obsolete by the transition from analog TV to digital TV operations and changes in Commission processing procedures. *See, e.g., Amendment of Parts 73 and 74 of the Commission's Rules to Establish Rules for Digital Low Power Television and Television Translator Stations*, MB Docket No. 22-227, Report and Order, 38 FCC Rcd 8706 (2023).

⁶ 47 CFR §§ 73.30(c), 73.45(d)(1), 73.51(c), 73.311(a), 73.512(a), 73.625(c)(4)(i), 73.872(b)(1), 73.875, 73.1670(b), 73.1690(c)(9), 73.3580(d)(2), and 73.5002(b). Specifically, in these rules we update references to FCC Forms 301, 302, 316, 318, 319, 340, 346, and 349.

⁷ *See generally* 47 CFR § 73.3500.

⁸ *See, e.g., Media Bureau Announces Completion of First Phase of Licensing and Management System for Full Power TV Stations*, Public Notice, 29 FCC Rcd 11585 (MB 2014).

⁹ 47 CFR §§ 1.401, 1.403, 1.420, and 73.3573.

Allotments” to “Table of FM Allotments” and from “TV Table of Allotments” to “Table of TV Allotments.” In addition, we propose to change references from “FM Table of Assignments” to “Table of FM Allotments” and from “TV Table of Assignments” to “Table of TV Allotments.” These proposed changes are editorial in nature and correspond with the standard language used in sections 73.202, 73.606, and 73.622 when referencing the tables that govern FM and TV allotments.¹⁰ We seek comment on this proposal and whether there are other Rules that should be revised to fix similar inconsistent terminology.

D. Eliminate Section 73.503(g), the 2021 NCE FM Window Application Cap

6. We next propose to eliminate language concerning a cap on the number of applications each applicant could submit in the 2021 NCE FM filing window. Section 73.503(g) of the Rules (Application Limit) mandates that an NCE FM applicant may file no more than a total of 10 applications in the 2021 NCE FM filing window.¹¹ Before the 2021 NCE FM filing window opened, the Commission sought comment on an application cap¹² and ultimately established a limit of 10 NCE FM new station applications filed by any party in the 2021 window.¹³ This Application Limit was intended for the limited purpose of the 2021 NCE FM filing window and codified in section 73.503(g) of the Rules.¹⁴ The filing window has passed, but there are still pending applications from the 2021 NCE FM window.¹⁵ Accordingly, upon resolution and finality of the remaining NCE FM applications,¹⁶ we propose to delegate authority to the Bureau to effectuate this change and remove section 73.503(g) from our Rules.¹⁷ We seek comment on this proposal.

E. Eliminate AM Station Power Increase Restrictions

7. We propose to update our Rules for AM station power increases to eliminate the requirement that stations request at least a 20% increase in nominal power. We tentatively conclude that this change will provide AM broadcasters greater flexibility and will afford new opportunities for stations

¹⁰ See 47 CFR §§ 73.202, 73.606, and 73.622.

¹¹ 47 CFR § 73.503(g) (providing that “An applicant may file no more than a total of 10 applications in the 2021 NCE FM filing window. A party to an application filed in the 2021 NCE FM filing window may hold attributable interests, as defined in § 73.7000, in no more than a total of 10 applications filed in the window. If it is determined that any party to an application has an attributable interest in more than 10 applications, the Media Bureau will retain the 10 applications that were filed first – based on the date of application receipt – and dismiss all other applications.”).

¹² See *FCC Seeks Comment on Proposed Application Limit for NCE FM New Station Applications in Upcoming 2021 Filing Window*, Public Notice, 35 FCC Rcd 12090 (2020).

¹³ See *FCC Adopts 10-Application Limit for NCE FM New Stations in Upcoming 2021 Filing Window*, Public Notice, 36 FCC Rcd 7754 (2021) (finding that a 10-application limit will best deter speculative filings, permit the expeditious processing of applications, and provide interested parties with a meaningful opportunity to file for and obtain new NCE FM station licenses).

¹⁴ 47 CFR § 73.503(g).

¹⁵ Any such pending application remains subject to the 10 application cap, which existed at the time of the 2021 NCE FM filing window.

¹⁶ An application is final once it is no longer subject to reconsideration or administrative or judicial review. See 47 CFR §§ 1.106, 1.115, 1.117.

¹⁷ The Commission may continue to propose application caps for future NCE filing windows, seek comments on such proposals, and codify new application limits. See, e.g., *Reexamination of the Comparative Standards for Noncommercial Educational Applicants*, MM Docket No. 95-31, Report and Order, 15 FCC Rcd 7386, 7422, para. 86 (2000) (*2000 NCE Order*), *aff'd*, Memorandum Opinion and Order, 16 FCC Rcd 5074, 5105, para. 92 (2001) (reserving the right of the Commission to establish by public notice a limit on the number of NCE applications filed by a party in a filing window), *recon. denied*, Memorandum Opinion and Second Order on Reconsideration, 17 FCC Rcd 13132 (2002).

to optimize their operations, thus providing continued AM service to the public.¹⁸ Due to increased efficiency in administrative processing, we also do not expect this change will adversely affect the processing time for other pending applications. We also propose an update to our AM rules to conform to international agreements and several minor administrative changes.

8. Section 73.3571(e)(1) and (2) of our Rules sets forth requirements for AM stations proposing a power increase.¹⁹ The rule was adopted in 1985 as part of the *Changes in the AM Technical Rules to Reflect New International Agreements* proceeding in which the Commission revised the AM technical rules to reflect then-newly enacted international agreements.²⁰ At that time, the Commission expressed concern about the potential administrative impact from the large number of applications that these rule changes were expected to engender.²¹ To address that concern and to reduce the number of modification applications, the Commission established a minimum threshold for the filing of applications for power increases.²² Specifically, the Commission determined that, to be acceptable for filing, any application which does not involve a change in site must propose at least a 20% increase in the AM station's nominal power. The Commission concluded that an AM station proposing an increase of less than 20% "do[es] not provide significant improvement in coverage" and "offer[s] little public benefit".²³

9. We tentatively conclude that due to changed circumstances, this restriction is outdated. We propose to delete the requirement that an applicant proposing to increase the power for an AM station must either propose a site change or at least a 20% increase in the station's nominal power. The transition to electronic application filing has increased administrative efficiencies and reduced processing times by providing Bureau staff the ability to search station data and accept submissions online rather than manually.²⁴ Thus, with the electronic filing system currently in place, we tentatively find that applications proposing an increase of less than 20% power do not present the same processing burdens and do not warrant this restrictive benchmark. Accordingly, we propose to delete sections 73.3571(e)(1) and (2), and seek comment on this proposal. The 1985 *Changes in the AM Technical Rules* relied on a study which concluded that "provision should not be made for increases of less than 20% as they offer little public benefit" and "typically would yield less than a 9.5% increase in radiation and less than a 5% extension of the station's signal."²⁵ Accordingly, we also seek comment on whether these figures have changed and whether there is a public benefit to allowing increases of less than 20%. For the same reasons, we also propose to delete section 73.3571(e)(3),²⁶ which simply clarified that Class D stations were not subject to the requirements of sections 73.3571(e)(1) and (e)(2).

10. We also propose to update section 73.3571(e)(4),²⁷ which outlines procedures for authorizing certain Class D daytime-only stations to operate unlimited-time.²⁸ In 1991, the Commission

¹⁸ See *Revitalization of the AM Radio Service*, MB Docket No. 13-249, First Report and Order, Further Notice of Proposed Rule Making, and Notice of Inquiry, 30 FCC Rcd. 12145 (2015) (adopting proposals to assist AM broadcasters to better serve the public and further enhance the viability of the AM broadcast service).

¹⁹ 47 CFR § 73.3571(e)(1) and (2).

²⁰ See *Changes in the AM Technical Rules to Reflect New International Agreements*, MM Docket No. 84-752, Report and Order, 50 Fed. Reg. 18818-01, 18818, para. 2 (May 2, 1985) (*1985 Changes in the AM Technical Rules*).

²¹ *Id.* at 18818, paras. 5-6.

²² *Id.* at 18818-19, paras. 10-12.

²³ *Id.* at 18818-19, para. 10.

²⁴ See generally *CDBS Implementation Public Notice* and *LMS Implementation Public Notice*.

²⁵ See *1985 Changes in the AM Technical Rules*, 50 Fed. Reg. at 18818-19, para. 10.

²⁶ 47 CFR § 73.3571(e)(3).

²⁷ 47 CFR § 73.3571(e)(4).

²⁸ 47 CFR § 73.1710 defines unlimited time as "operation . . . permitted 24 hours a day."

updated station classifications to conform to international agreements to which the United States is a party.²⁹ Paragraph (e)(4) was not updated when the stations were reclassified in 1991, and the current rule still reflects the old classifications. Accordingly, we propose to revise the station classes in section 73.3571(e)(4) to reflect current station classifications, including Class B and Class D designations, add language mirroring the Class B and Class D definitions in section 73.21(a)(2)-(3),³⁰ and seek comment on this proposal.

11. Lastly, we propose to remove the Note to this rule section,³¹ and add it to paragraph (h)(1)(ii) of section 73.3571, in order to conform to the publishing conventions of the National Archives and Records Administration's Office of the Federal Register.

F. Post-incentive Auction Viewer and MVPD Notification Requirements

12. We propose to update Incentive Auction rules to remove obsolete language. In 2014, the Commission adopted rules to implement the broadcast television spectrum incentive auction (Incentive Auction).³² As part of the Incentive Auction, the Commission reallocated TV spectrum above channel 37 (614-698 MHz) for use by wireless broadband providers. As part of the auction, some full power and Class A TV stations elected to relinquish their licenses ("license relinquishment stations") while other stations remained on the air. For those stations remaining on the air, the Commission "repacked" them to new "in-core" channels (i.e., channels 2-36).³³ Stations were provided a 39-month period from the close of the Incentive Auction to transition to their new "in-core" channels (post-incentive auction transition).³⁴ The post-incentive auction transition period concluded on July 3, 2020. All license relinquishment stations have terminated operations and all repacked stations are now operating on their post-auction channel assignments. As such, we propose to delete section 73.3700(c) and revise sections 73.3801(h)(4)(i), 73.6029(h)(4)(i), and 74.782(i)(4)(i) of the Rules, as further described below.³⁵

13. Section 73.3700(c) requires repacked stations to provide notice to viewers before a station transitions to its post-auction channel and requires license relinquishment stations to provide notice to viewers before terminating operations.³⁶ Because all repacked stations are now operating on

²⁹ See *Review of the Technical Assignment Criteria for the AM Broadcast Service*, MM Docket No. 87-267, Report and Order, 6 FCC Rcd 6273, 6279-80, paras. 17-18 (1991).

³⁰ 47 CFR § 73.21(a)(2)-(3).

³¹ 47 CFR § 73.3571, note to § 73.3571 ("For purposes of paragraph (h)(1)(ii) of this section, § 73.182(k) interference standards apply when determining nighttime mutual exclusivity between applications to provide AM service that are filed in the same window. Two applications would be deemed to be mutually exclusive if either application would be subject to dismissal because it would enter into, i.e., raise, the twenty-five percent exclusion RSS nighttime limit of the other.")

³² See *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, GN Docket No. 12-268, Report and Order, 29 FCC Rcd 6567 (2014) (*Incentive Auction R&O*), aff'd, Nat'l Ass'n of Broadcasters, et al v. FCC, 789 F.3d 165 (D.C. Cir. 2015). See *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, 79 Fed. Reg. 48442-01 (Aug. 15, 2014).

³³ TV operations are not permitted on channel 37, which is allocated for the Radio Astronomy Service and Wireless Medical Telemetry Service. See 47 CFR § 73.603(c). 614-698 MHz is comprised of former TV channels 38-51.

³⁴ See 47 CFR §§ 27.4 (defining post-incentive auction transition); *Incentive Auction Closing and Channel Reassignment Public Notice*, 32 FCC Rcd 2786 (MB 2017); *Incentive Auction Closing and Channel Reassignment Public Notice: The Broadcast Television Incentive Auction Closes; Reverse Auction and Forward Auction Results Announced; Final Television Band Channel Assignments Announced; Post-Auction Deadlines Announced*, GN Docket No. 12-268, Public Notice, 32 FCC Rcd 2786 (2017) (establishing the dates for the post-incentive auction transition period).

³⁵ 47 CFR § 73.3700(c); 73.3801(h)(4)(i), 73.6029(h)(4)(i), and 74.782(i)(4)(i).

³⁶ 47 CFR § 73.3700(c).

their post-incentive auction channels and all license relinquishment stations have terminated operations, this notice provision is obsolete. We seek comment on our conclusion that this rule be eliminated.

14. Sections 73.3801(h)(4)(i), 73.6029(h)(4)(i), and 74.782(i)(4)(i) of our rules require 120-days advance notification by Next Gen TV stations³⁷ to MVPDs (Multichannel Video Programming Distributors) for ATSC 1.0 service relocations that occur *during* the post-incentive auction transition period³⁸ and 90-days advance notice for relocations that occur *after* the post-incentive auction transition period.³⁹ Since the post-incentive auction transition period concluded over four years ago, we propose to revise these rules to remove references to the post-incentive auction transition period and the extended MVPD notice period that was only required during that time. We seek comment on these proposals. These proposed revisions do not alter the 90-day MVPD notice requirement that is currently in effect for Next Gen TV stations and we do not seek comment on the length of that notice period.

G. Update Section 73.870, Processing LPFM Minor Modification Applications

15. To provide clarity to applicants, we propose to codify in the rules the existing interpretation of section 73.870(e) that LPFM minor modification applications received on the same day will be treated as simultaneously filed.⁴⁰ Section 73.3573 of the Rules outlines the processing procedures for full service FM broadcast station applications.⁴¹ Generally, applications for minor modifications of FM broadcast and FM translator stations “may be filed at any time, unless restricted by the FCC, and will be processed on a ‘first come/first served’ basis.”⁴² Section 73.3573(e)(1), which governs reserved channel⁴³ FM broadcast stations, states that “[c]onflicting minor change FM applications received on the same day are treated as simultaneously filed and mutually exclusive.”⁴⁴ With respect to non-reserved FM broadcast stations, section 73.3573(f)(1) states that “[a]ll applications received on the same day will be treated as simultaneously tendered and, if they are found to be mutually exclusive, must be resolved through settlement or technical amendment.”⁴⁵ The same processing procedures apply to conflicting minor change FM translator applications received on the same day pursuant to section 74.1233.⁴⁶

16. Notably, there is no similar language in the rule for minor change LPFM applications indicating the processing standard for applications received on the same day. Specifically, the rule does

³⁷ “Next Gen TV station” means a full power, Class A, low power, or TV translator broadcaster or station that has sought or obtained Commission approval and is planning to commence broadcasting its signal using the ATSC 3.0 standard in its local market. Under the Commission’s rules a Next Gen TV station is permitted to air an ATSC 1.0 signal on a host station’s (i.e., a station whose facilities are being used to transmit programming originated by another station) facilities. *See generally* 47 CFR §§ 73.3801, 73.6029, and 74.782.

³⁸ 47 CFR §§ 73.3801(h)(4)(i)(A), 73.6029(h)(4)(i)(A), and 74.782(i)(4)(i)(A).

³⁹ 47 CFR §§ 73.3801(h)(4)(i)(B), 73.6029(h)(4)(i)(B), and 74.782(i)(4)(i)(B).

⁴⁰ *See Electron Benders*, DA 23-1205, 2023 WL 8889604 (MB, 2023) (*Electron Benders*).

⁴¹ *See* 47 CFR § 73.3573.

⁴² 47 CFR §§ 73.3573, 74.1233.

⁴³ Only NCE radio stations are licensed in the 88-92 MHz “reserved” band, Channels 201 to 220. *See* 47 CFR §§ 73.501, 74.1202(b)(2); *Reexamination of Comparative Standard for Noncommercial Educational Applicants*, Report and Order, MM Docket No. 95-31, 18 FCC Rcd 6691, 6703, para. 31 (2003). Both commercial and NCE stations may operate in the “nonreserved” 92-108 MHz band, Channels 221 through 300.

⁴⁴ 47 CFR § 73.3573(e)(1) (processing reserved channel FM broadcast station applications).

⁴⁵ 47 CFR § 73.3573(f)(1) (processing non-reserved FM broadcast station applications).

⁴⁶ *See* 47 CFR §§ 74.1233(b)(1) (Processing booster and reserved band FM translator applications. “Conflicting applications received on the same day will be treated as simultaneously filed and mutually exclusive.”) and 74.1233(d)(1) (Processing non-reserved band FM translator applications. “Applications received on the same day will be treated as simultaneously filed and, if they are found to be mutually exclusive, must be resolved through settlement or technical amendment.”).

not state that conflicting applications received on the same day would be “treated as simultaneously filed” and “mutually exclusive,” or that mutually exclusive applications would be “resolved through settlement or technical amendment.”⁴⁷ Section 73.870(e) simply states: “Minor change LPFM applications may be filed at any time, unless restricted by the staff, and generally, will be processed in the order in which they are tendered. Such applications must meet all technical and legal requirements applicable to new LPFM station applications.”⁴⁸

17. As the Media Bureau has explained previously, however, there is no indication in either the text of section 73.870(e) or in the order adopting the rule that the Commission intended to implement a different procedure for processing minor change LPFM applications than for minor change full service FM and FM translator applications.⁴⁹ Yet, the language in section 73.870(e) has, at times, created uncertainty⁵⁰ as to how minor change LPFM applications are processed, in particular, those applications that may have been received on the same day.⁵¹

18. Accordingly, we propose to codify in the rules the existing interpretation of section 73.870(e) that LPFM minor modification applications received on the same day will be treated as simultaneously filed. Codification of this language will harmonize the language in section 73.870(e) with the language describing the current processing procedures for minor change full service FM and FM translator applications under sections 73.3573(e)(1) and (f)(1) and sections 74.1233(b)(1) and (d)(1), respectively.⁵² Specifically, we propose to revise section 73.870(e) so that it largely reflects and mirrors the language in sections 73.3573(e)(1) and (f)(1) and sections 74.1233(b)(1) and (d)(1).⁵³ This proposed revision is intended to clarify how minor change LPFM applications are processed, particularly those applications received on the same day. In this regard, we propose to revise section 73.870(e) to codify the existing practice that first-come, first-served processing for LPFM minor modification applications will follow the well-established general procedures, under which applicants filing on the same day are considered simultaneously filed and, if mutually exclusive, directed to use engineering solutions and good faith negotiation to resolve their mutual exclusivity. This proposed revision will also

⁴⁷ See 47 CFR § 73.870, Processing of LPFM broadcast station applications.

⁴⁸ 47 CFR § 73.870(e).

⁴⁹ See *Electron Benders* (citing *Creation of Low Power Radio Service*, MM Docket No. 99-25, Report and Order, 15 FCC Rcd 2205 (2000) (*LPFM Report and Order*)). See also *Creation of Low Power Radio Service*, 65 FR 7616 (2000) (codifying 47 CFR § 73.870(e)).

⁵⁰ See, e.g., *Electron Benders* at para. 3 (rejecting the applicant’s argument that its LPFM modification application should receive first-in-time priority based on the time of day the application was filed and concluding that the first-come, first-served processing for LPFM minor modification applications follows the same procedure for noncommercial and commercial FM services under which conflicting modification applications filed on the same day are treated as simultaneously filed and thus mutually exclusive).

⁵¹ Minor modifications to authorized LPFM stations are defined by the types of technical changes that are considered “minor” and “must satisfy the technical and legal requirements applicable to LPFM stations generally.” See *LPFM Report and Order*, 15 FCC Rcd at 2264, para. 152. The discussion in the *LPFM Report and Order* does not explain in detail how minor change LPFM applications will be processed or why the language in the processing rule adopted for minor change LPFM applications does not mirror the processing language codified in the full service FM and FM translator minor change rules. In other parts of the *LPFM Report and Order*, however, the Commission explained that “[m]utual exclusivity arises when competing applications are filed on the same day” and separately expressed a concern that basing priority “on the exact time that applications are filed . . . might unfairly disadvantage certain applicants based solely on the quality of their Internet connection.” *Id.* at 2255, para. 128 n.193 and 2256, para. 130. Our proposed revision to section 73.870(e), as discussed herein, is necessary to provide greater clarity to applicants regarding the processing of minor change LPFM applications.

⁵² See 47 CFR §§ 73.870(e), 73.3573(e)(1), 73.3573(f)(1), 74.1233(b)(1), and 74.1233(d)(1).

⁵³ See *infra*, Appendix A.

ensure consistency in the text of the rules applicable across FM station classes with respect to how the Commission processes minor change applications. We seek comment on our proposals.

H. Revisions to Section 73.807, Minimum Distance Separation Between Stations

1. Codification of Definition of the Term “Authorized” Station

19. To provide clarity to applicants, we propose to codify the existing interpretation of the term “authorized” station in section 73.807 as including construction permittees in addition to licensees. Section 73.807 of the Rules sets out the minimum distance separation requirements for new LPFM applications and LPFM modification applications.⁵⁴ Specifically, under section 73.807(a)(1), to be authorized, LPFM applicants must satisfy the minimum distance separation requirements specified in the Table to paragraph (a)(1) with respect to “authorized FM stations” and “authorized LPFM stations” among other separation requirements.⁵⁵ LPFM applications must also meet the minimum separation requirements in the Table to paragraph (c) with respect to “authorized FM translator stations.”⁵⁶

20. Although the term “authorized” in the context of section 73.807(a)(1) and (c) is not defined in the rule or *LPFM Report and Order*, the Commission’s long-standing interpretation of this term is that it encompasses stations having a granted license and/or a granted construction permit.⁵⁷ The absence of a definition of the term codified in the rules, however, may have the unintended effect of

⁵⁴ See 47 CFR § 73.807.

⁵⁵ See 47 CFR § 73.807(a)(1) (“An LPFM station will not be authorized initially unless the minimum distance separations in the following table are met with respect to *authorized FM stations*, applications for new and existing FM stations filed prior to the release of the public notice announcing an LPFM window period, *authorized LPFM stations*, LPFM station applications that were timely-filed within a previous window, and vacant FM allotments.”) (emphasis added). In addition to meeting the minimum separations in paragraph (a) of section 73.807, new LPFM stations will not be authorized in Puerto Rico or the Virgin Islands unless the minimum distance separations in the Table to paragraph (b) are met with respect to authorized or proposed FM stations. See 47 CFR § 73.807(b).

⁵⁶ See 47 CFR § 73.807(c) (“In addition to meeting the separations specified in paragraphs (a) and (b), LPFM applications must meet the minimum separation requirements in the following table with respect to *authorized FM translator stations*, cutoff FM translator applications, and FM translator applications filed prior to the release of the Public Notice announcing the LPFM window period.”) (emphasis added).

⁵⁷ See, e.g., *Creation of a Low Power Radio Service*, MM Docket No. 99-25, Third Report and Order and Second Further Notice of Proposed Rulemaking, 22 FCC Rcd 21912, 21944, para. 78 (2007) (“An LPFM new station or modification application must protect all existing stations and prior filed applications on the basis of distance separations set forth in Section 73.807 of the Rules.”); *Amendment of Section 73.3580 of the Commission’s Rules Regarding Public Notice of the Filing of Applications, Modernization of Media Regulation Initiative, Revision of the Public Notice Requirements of Section 73.3580*, MB Docket Nos. 17-264, 17-105, and 05-6, Further Notice of Proposed Rulemaking, 34 FCC Rcd 9251, 9261, para. 20 (2019) (considering authorized stations as those with a granted construction permit or license); *Amendment of Section 73.3580 of the Commission’s Rules Regarding Public Notice of the Filing of Applications, Modernization of Media Regulation Initiative, Revision of the Public Notice Requirements of Section 73.3580*, MB Docket Nos. 17-264, 17-105, and 05-6, Second Report and Order, 35 FCC Rcd 5094, 5105, para. 21 (2020) (*Section 73.3580 Second R&O*) (considering authorized stations as having a granted construction permit or license); *Amendment of Section 72.202(b) Table of Allotments, FM Broadcast Stations, Vernon Center and Eagle Lake, Michigan*, MB Docket No. 06-83, Notice of Proposed Rulemaking, 21 FCC Rcd 3940, note 8 (MB 2006) (describing an existing authorization as a construction permit for a built or unbuilt station or a license); *Media Bureau Announces Filing Procedures and Requirements for November 1 — November 8, 2023, Low Power FM Filing Window*, Public Notice, 38 FCC Rcd 6660, 6672, notes 8 and 11 (MB 2023) (*LPFM Procedures Public Notice*) (“Authorized FM translator stations means both FM translator station licenses and granted FM translator construction permits.”); *Applications for Station WKVE, Semora, North Carolina, et al.*, Memorandum Opinion and Order and Notice of Apparent Liability, 18 FCC Rcd 23411, 23423, para. 26 (2003) (stating that an application must generally protect licensed facilities, construction permits and prior-filed applications); *Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations, Ankeny and West Des Moines, Iowa*, MM Docket No. 95-108, Report and Order, 15 FCC Rcd 4413, 4416 (MMB 2000) (considering authorized stations as having licenses and construction permits).

causing confusion in the LPFM application process. Accordingly, we tentatively conclude to codify in sections 73.807(a) and (c) of the Rules the existing interpretation of the term “authorized” stations as including both licensed stations and/or granted construction permits for FM, LPFM, and FM translator stations. We tentatively conclude this codification will provide greater clarity to LPFM applicants regarding the stations to which the minimum distance separation requirements of section 73.807 apply and ensure that other licensees and permittees are protected as intended by the rule.⁵⁸ We seek comment on our tentative conclusion.

2. Prior-filed Application Protections

21. We propose to modify sections 73.807(a)(1) and 73.807(c)⁵⁹ of the Rules to identify which applications an LPFM applicant must protect when submitting an application in a filing window for a new construction permit or modification of an existing authorization. These proposed rule changes state that LPFM applicants must protect FM, LPFM, and FM translator applications submitted prior to a public notice announcing the procedures for an LPFM filing window.

22. For LPFM applicants preparing to submit an application in an announced filing window, our current rule provides the following guidance regarding which authorized facilities and which prior-filed FM, LPFM and FM translator applications require protection. Under section 73.807(a)(1), LPFM applicants must satisfy the minimum distance separation requirements in the Table to paragraph (a)(1) with respect to “applications for new and existing FM stations filed prior to the release of the public notice announcing an LPFM window period.”⁶⁰ Under 73.807(c), LPFM applicants must also satisfy the minimum distance separation requirements in the Table to paragraph (c) with respect to “cutoff FM translator applications, and FM translator applications filed prior to the release of the Public Notice announcing the LPFM window period.”⁶¹

23. We propose to modify sections 73.807(a)(1) and 73.807(c) to state that FM, LPFM and FM translator applications filed prior to the release of the Public Notice announcing the filing procedures that will apply to any upcoming LPFM application filing window must be protected under these rule sections. In recent application filing windows, the Bureau has released multiple Public Notices announcing the window including providing early announcements of upcoming window dates, in order to afford potential applicants adequate time to prepare their applications. For example, in the case of the 2023 LPFM filing window, on June 22, 2023, the Bureau issued an initial public notice announcing the dates of the filing window,⁶² and subsequently on July 31, 2023, the Bureau issued a separate detailed public notice announcing the procedures for the filing window.⁶³ This proposed rule change will provide that a public notice that just announces the filing window dates will not serve to terminate protection requirements for prior-filed applications under sections 73.807(a)(1) and 73.807(c). Instead, we propose

⁵⁸ See *LPFM Report and Order*, 15 FCC Rcd at 2233-34, para. 70 (adopting minimum separation requirements for the LPFM service as the means of protecting full service commercial and noncommercial educational stations, and codifying in the rules, as a guide to LPFM applicants, a table giving the minimum separations necessary to avoid interference within the LPFM station service areas).

⁵⁹ 47 CFR §§ 73.807(a)(1), (c).

⁶⁰ 47 CFR § 73.807(a)(1).

⁶¹ 47 CFR § 73.807(c). A cutoff FM translator application is a prior-filed application that has been accepted for filing.

⁶² *Media Bureau Announces LPFM New Station Application Filing Window; Window Open from November 1, 2023, to November 8, 2023*, Public Notice, 38 FCC Rcd 5763 (MB 2023).

⁶³ *Media Bureau Announces Filing Procedures and Requirements for November 1 - November 8, 2023, Low Power FM Filing Window; Limited Application Filing Freeze to Commence on September 1, 2023*, Public Notice, 38 FCC Rcd 6660 (MB 2023) (*LPFM Procedures Public Notice*).

to codify our existing practice that only a detailed public notice setting out the procedures for the window terminates the need to protect prior-filed applications.⁶⁴

24. As cited, section 73.807(c) currently requires that LPFM applications must meet the minimum separation requirements “. . . with respect to . . . cutoff FM translator applications . . .”⁶⁵ In addition to the above-noted rule change, we also propose to remove the reference to “cutoff FM translator applications.” Because our proposed rule amendment will make clear that any FM translator application that is filed prior to the issuance of the LPFM filing window procedures public notice is entitled to protection, we tentatively conclude that the text “cutoff FM translator applications” is redundant and potentially confusing. We seek comment on these proposals.

I. Revise the Signature Rule

25. To provide clarity to applicants, we propose to codify the existing interpretation of the Signature Rule (Section 73.3513), applicable to all broadcast services, that “directors” of corporations may sign applications. We also propose to modify the Signature Rule to expand the definition of who may sign an application on behalf of a corporation, a partnership, and an unincorporated association, to include a “duly authorized employee.” Section 73.3513 of the Rules specifies who must sign “[a]pplications, amendments thereto, or related statements of fact required by the FCC” on behalf of various broadcast entities.⁶⁶ According to the Signature Rule, an officer of a corporation may sign applications or amendments on a broadcast entity’s behalf. For a partnership, a partner may sign applications on behalf of a partnership. For an unincorporated association, a member who is an officer may sign applications on behalf of an unincorporated association. We adhere to the Signature Rule requirements⁶⁷ and violations of the Signature Rule are not curable.⁶⁸ The Bureau has interpreted the Signature Rule to permit applications signed by corporate directors, rather than officers, a practice that we propose to now codify.⁶⁹ In so doing, the Bureau found that the director at issue was as capable as a subordinate corporate officer to ensure accuracy and accountability of the broadcast application.⁷⁰ The Bureau further explained that “it would be anomalous to conclude that a board of directors--which has plenary authority to appoint officers and delegate particular functions to such officers--itself lacks the authority to perform those functions.”⁷¹ We seek comment on the Bureau’s rationale regarding corporate directors and propose to codify in the rules the existing interpretation of Section 73.3513 that “directors”

⁶⁴ *Id.* at 6662 (“We clarify that, with respect to paragraph (c) of section 73.807, and for purposes of applications filed in this filing window, LPFM Applications must protect any FM translator or LPFM modification application filed, and accepted for filing, between the release of this Notice and the start of the September 1, 2023, minor modification filing freeze.”).

⁶⁵ 47 CFR § 73.807(c).

⁶⁶ 47 CFR § 73.3513.

⁶⁷ See *Frank Rackley, Jr.*, Memorandum Opinion and Order, 35 FCC Rcd 681 (2020) (*Rackley*) (citing *Hardrock Concrete Placement Company*, Memorandum Opinion and Order, 16 FCC Rcd 2593, 2595-96, para. 8 (2001) (“The potential for abuse and uncertainty would be too great were we to accept applications that were not signed by the applicant. An applicant could easily deny making such signatures, and there would be no accountability in such a system.”)).

⁶⁸ *Rackley*, 35 FCC Rcd at 684, para. 10 (“In 2001, the Commission expressly overruled prior cases that allowed applications not signed in accordance with the Commission’s Rules to be amended *nunc pro tunc* to comply with the Rules based on equitable considerations”); *NCE MX Group 152*, Letter Order, DA 23-924, 2023 WL 6475299 (MB Oct. 3, 2023) (*NCE MX Group 152*).

⁶⁹ See *New Bohemia Group, Inc.*, Letter Order, 24 FCC Rcd 1357, 1358-59 (MB Feb. 10, 2009); *Divine Mercy Educational Radio*, Letter Order, DA 24-727, 2024 WL 3565348 (MB July 26, 2024).

⁷⁰ See *New Bohemia Group, Inc.*, 24 FCC Rcd 1357.

⁷¹ *Id.* at n.14.

of corporations may sign applications. However, under the existing rule, a corporation cannot allow an employee, such as a general manager, to sign applications or amendments on its behalf.⁷²

26. The primary goal of the Signature Rule is to provide “assurance that the applicant has personally reviewed the application and can be held responsible for the truthfulness and accuracy of the application.”⁷³ The Bureau has found that, the existing rule, which does not permit a corporation to designate an authorized employee to sign applications or amendments, leads to numerous application dismissals of otherwise qualified applicants.⁷⁴

27. We propose to permit a corporation, partnership, or unincorporated association to designate a “duly authorized employee,” to sign applications or amendments on its behalf. This would harmonize the Signature Rule with similar rules used by other bureaus and offices that permit both directors and authorized employees to sign applications or amendments on behalf of the corporation.⁷⁵ We seek comment on this proposed modification to the Signature Rule. Under current rules, partners in a partnership and, if adopted, both officers and directors of corporations may sign applications. We seek comment on how to define the term “duly authorized employee” and what types of employees would qualify. Should we limit the types of employees that may sign applications or amendments on behalf of the corporation, partnership, or unincorporated association? Should we require written delegation of authority that predates the filing of the application or a certification from a corporate director or officer, a partner in partnership or a member of an unincorporated association, that the “duly authorized employee” is so authorized at the time of the filing? How significant is the potential for misrepresentation or abuse if duly authorized employees are permitted to sign broadcast applications? Does allowing an authorized employee to sign applications on behalf of a corporation, partnership, or unincorporated association provide us adequate assurance that the applicant has personally reviewed the application? How would the proposed rule change benefit small corporations, partnerships, or unincorporated associations that may be unrepresented by counsel? We also seek comment on whether we should amend our rules to specify which individuals associated with a limited liability company (LLC) can sign an application. Should only “members” of an LLC be authorized to sign?

28. We also propose to revise the Signature Rule to clarify that the term “signed,” for applications submitted in LMS, includes an electronic signature that consists of the individual’s typed

⁷² 47 CFR § 73.3513(a)(3).

⁷³ 1998 Biennial Regulatory Review - *Streamlining of Mass Media Applications, Rules, and Processes; Policies and Rules Regarding Minority and Female Ownership of Mass Media Facilities*, Memorandum Opinion and Order, 14 FCC Red 17525, 17543-44, paras. 48-50 (1999).

⁷⁴ See, e.g., *NCE MX Group 152* at *2 (dismissing application for new NCE FM station where application was signed by applicant’s general manager); *Knights of Columbus Council 13093*, Letter Order, Ref 1800B3-ATS at 2 (MB July. 10, 2024) (on file in Application File No. 0000232560) (dismissing application for construction permit for new LPFM station signed by manager).

⁷⁵ See 47 CFR § 1.917 (signature rule for the Wireless Telecommunication Bureau permitting a “duly authorized employee” to sign applications on behalf of a corporation); 47 CFR § 1.743 (signature rule for applications involving common carriers); 47 CFR § 1.10011 (signature rule for applications involving international and satellite services filed in the International Communications Filing System).

name.⁷⁶ This proposal aligns with the instructions for applications submitted in LMS⁷⁷ and the Commission's policies for electronic signatures.⁷⁸ We seek comment on these modifications.⁷⁹

J. Local Public Notice Requirement After Acceptance for Filing

29. We propose to codify the long time practice concerning when applicants for new NCE FM, NCE TV, or LPFM construction permits must give local public notice of their applications. Section 73.3580 of our Rules sets out what types of applicants and licensees are required to provide public notice, what applications trigger the requirement, the timing of the notice and the content of the notice.⁸⁰ The rule currently provides that the Commission's release of an "acceptance public notice" of a newly filed application triggers the applicant's local public notice obligation.⁸¹ Section 73.3580(a)(1) defines an acceptance public notice as: "A Commission public notice announcing that an application has been accepted for filing."⁸² Section 73.3580(c)(1) specifies that an applicant filing an application for a construction permit for a new "noncommercial educational full power television [station]; . . . noncommercial educational full-service . . . FM radio station; . . . [or] low-power FM" radio station must provide local public notice through an online notice.⁸³ However, the current definition of an acceptance public notice does not take into account all of the ways that the Commission announces tentative selectees for new NCE FM, NCE TV, and LPFM construction permits. Therefore, we propose to add language to rule sections 73.3580, 73.7002, 73.7003, and 73.872, to state that for NCE FM, NCE TV, and LPFM applications, a public notice, a Threshold Fair Distribution of Service Order, an NCE Comparative Points Order, an LPFM Tentative Selectee Order or Public Notice,⁸⁴ or the equivalent can all serve as an acceptance public notice under 73.3580, and each will trigger that applicant's local public notice obligation.

30. The Bureau routinely releases in its "Applications" public notice that singleton NCE and LPFM new station construction permit applications have been accepted for filing.⁸⁵ However, in the

⁷⁶ See 47 CFR § 1.52 ("If filed electronically, a signature will be considered any symbol executed or adopted by the party with the intent that such symbol be a signature, including symbols formed by computer-generated electronic impulses.").

⁷⁷ See, e.g., Instructions for Renewal Application, FCC Form 2100, Schedule 303-S, Certifications, Authorized Party to Sign at pages 20-21 ("The electronic signature will consist of the electronic equivalent of the typed name of the individual.").

⁷⁸ *Id.* (citing 1998 Biennial Regulatory Review - Streamlining of Mass Media Applications, Rules, and Processes; Policies and Rules Regarding Minority and Female Ownership of Mass Media Facilities, MM Docket Nos. 98-43 and 94-149, Report and Order, 13 FCC Rcd 23056, 23064, para. 17 (1998) (1998 Nontechnical Streamlining R&O)).

⁷⁹ To ensure consistency and fairness to all applicants from the 2023 LPFM Window, we propose that the Bureau will apply the current Signature Rule when processing any applications from that window that remain pending after the effective date of any future rule change that results from this proposal.

⁸⁰ 47 CFR § 73.3580. The rule was revised in 2020, to modernize the local public notice requirements, which previously required local notice using newspapers. See generally Section 73.3580 Second R&O.

⁸¹ *Id.*

⁸² 47 CFR § 73.3580(a)(1).

⁸³ *Id.* at § 73.3580(c)(1).

⁸⁴ See *infra* para. 30 and notes 88-91 for descriptions and examples of these orders.

⁸⁵ Singleton refers to both an application not in conflict with any other application at the time of filing and formerly mutually exclusive (MX) applications that became singletons upon filing a settlement agreement or technical amendment. See, e.g., Applications, Public Notice, Report No. PN-1-211116-01 (MB Nov. 16, 2021) (accepting for filing new NCE FM singleton applications); Applications, Public Notice, Report No. PN-1-240102-01 (MB Jan. 2, 2024) (accepting for filing new LPFM singleton applications).

context of MX NCE and LPFM⁸⁶ new station construction permit applications, the “acceptance for filing” notice, which triggers the section 73.3580 local notice obligation, occurs via other procedural means. In an MX situation, the NCE or LPFM tentative selectee is identified and concurrently accepted for filing, the combination of which triggers the applicant’s local public notice obligation. However, these MX NCE or LPFM tentative selectees do not appear in the Applications public notice but are “accepted for filing” in an omnibus, multi-application Order such as the following:

- A Threshold Fair Distribution of Service Order, issued under delegated authority, designating a tentative selectee for a full service NCE FM construction permit pursuant to section 307(b) of the Act⁸⁷ (Section 307(b) Order).⁸⁸
- An NCE Comparative Points Order designating a tentative selectee pursuant to section 73.7003.⁸⁹
- An LPFM MX Tentative Selectee Order or Public Notice identifying tentative selectees pursuant to section 73.872.⁹⁰
- A Bureau decision issued under delegated authority announcing a new tentative selectee following dismissal of prior tentative selectee.⁹¹

These four NCE and LPFM MX application contexts, which accept a tentative selectee for filing and thus trigger an applicant’s local notice obligation, are not currently addressed by section 73.3580. Therefore rule revisions are necessary to identify when applicants’ local public notice obligations are triggered.

31. Accordingly, we propose to amend section 73.7002(b)⁹² to indicate that the “acceptance for filing” of the various tentative selectee(s) in a Section 307(b) Order triggers the applicant’s local public notice obligation. Similarly, we propose to amend section 73.7003(a) to indicate that the “acceptance for filing” of the various tentative selectee(s) in an NCE Comparative Points Order triggers the applicant’s local public notice obligation. Finally, we propose to amend section 73.872(a) to indicate that the “acceptance for filing” of the various tentative selectee(s) in an LPFM MX Tentative Selectee Order or Public Notice, triggers the applicant’s local public notice obligation. We also propose to revise

⁸⁶ See *supra* para. 1 for defined terms.

⁸⁷ 47 U.S.C. § 307(b). Section 307(b) states that the Commission must “provide a fair, efficient, and equitable distribution” of broadcast service among the states and communities. In accordance with this directive, the Commission considers the fair distribution of service as a first, or threshold, issue in its NCE FM comparative review process. Accordingly, when applicants in a mutually exclusive NCE FM group propose to serve different communities, the Bureau first performs a threshold “fair distribution” analysis to ascertain whether grant of any of the applications would best further the Section 307(b) objective.

⁸⁸ See, e.g., *Threshold Fair Distribution Analysis of 15 Groups of Mutually Exclusive Applications for Permits to Construct New Noncommercial Educational FM Stations*, Memorandum Opinion and Order, 37 FCC Rcd 2981 (MB 2022).

⁸⁹ 47 CFR § 73.7003. See, e.g., *Comparative Consideration of 27 Groups of Mutually Exclusive Applications for Permits to Construct New Noncommercial Educational FM Stations*, Memorandum Opinion and Order, 37 FCC Rcd 9869 (2022).

⁹⁰ 47 CFR § 73.872. See, e.g., *Commission Identifies Tentative Selectees in 93 Groups of Mutually Exclusive Applications Submitted in the December 2023 LPFM Window*, Public Notice, FCC 24-113 (2024) (*LPFM MX TS Public Notice*); *LPFM MX Group 198*, Memorandum Opinion and Order, 30 FCC Rcd 10540 (2015) (Commission announces new tentative selectees in LPFM mutually exclusive group).

⁹¹ See, e.g., *NCE MX Group 59A*, Letter Order, 38 FCC Rcd 6810 (MB 2023) (Bureau grants petition to deny, announces new tentative selectee in MX group); *NCE MX Group 158*, Letter Order, 38 FCC Rcd 6147 (MB 2023) (Bureau announces new tentative selectee pursuant to delegated authority, based on Commission’s prior point analysis, following voluntary dismissal of prior tentative selectee).

⁹² 47 CFR § 73.7002(b).

section 73.3580(a)(1) to define “an acceptance public notice” as a Commission or Bureau public notice announcing that an application has been accepted for filing, or an equivalent Order accepting for filing applications from a filing window under section 73.7002, 73.7003 or 73.872. We seek comment on this proposal, and on any other changes to the rules necessary or appropriate regarding our local notice obligations.

K. Remove 90-Day STA Restriction Necessitated by Technical or Equipment Problems

32. We propose to amend section 73.1635(a)(4) of our Rules⁹³ to remove language providing that an initial special temporary authorization (STA) necessitated by technical or equipment problems may only be granted for 90 days with a limited number of 90-day extensions, rather than the full 180-day period permitted for STAs for other reasons.⁹⁴ Based on previous STA submissions, the Bureau engineering staff has observed that technical or equipment malfunctions frequently take more than 90 days to resolve.⁹⁵ Finding replacement parts to keep highly specialized broadcast equipment functioning may involve protracted search efforts and lengthy shipment times.⁹⁶ In practice, requiring an update every 90 days typically results in the licensee raising the same issues and repeating the identical request from the original STA filing. The frequent filings also place an extra burden on licensees. Processing these extension requests is also an administrative burden for the Bureau staff. Therefore, we propose to delete this 90-day restriction language and apply the 180-day period to STAs necessitated by technical or equipment problems, consistent with the time period we apply to other types of STAs. We also propose to correct a typo in the fourth sentence of paragraph (a)(4) by replacing “expeditions” with “expeditious.” We seek comment on this proposal.

⁹³ 47 CFR § 73.1635(a)(4).

⁹⁴ Section 73.3542, the predecessor to current section 73.1635, initially provided that all STAs would be granted for a period of up to 90 days. *See* Federal Communications Commission, Oversight of the Radio and TV Broadcast Rules, 47 Fed. Reg. 40170 (Sept. 13, 1982). In 1982, section 309(f) of the Communications Act of 1934 was amended to expand the Commission’s ability to grant special temporary authority: prior to the amendment, the Commission’s authority to grant STAs was limited to a period of ninety days, with the possibility of renewal for a single additional period of ninety days. With the amendment to section 309(f), the Commission could authorize a radio station to operate under STA for up to 180 days, with the possibility of renewal for additional periods of 180 days each at the discretion of the Commission. In 1983, the Commission revised the STA period in its Rules to 180 days to reflect the statutory change. *See* Federal Communications Commission, Radio Broadcast Services, 48 Fed. Reg. 19882 (May 3, 1983). In 1985, the Bureau relocated the STA-related provisions of section 73.3542 to section 73.1635. However, the 90-day restriction for certain STAs necessitated by technical or equipment problems remained. *See* Federal Communications Commission, Oversight of the Broadcast Rules in Regard to Temporary and Emergency Operations, 50 Fed. Reg. 30944 (July 31, 1985). The Commission did not explain why it retained the 90-day length for STAs necessitated by technical or equipment problems while expanding the length to 180 days for other types of STAs.

⁹⁵ *See, e.g.*, Application File Nos. 0000252882 (Engineering STA, granted Sept. 10, 2024) (Licensee “requests an STA for the maximum permissible length of time to allow it to continue to operate the Station at reduced power, while it works to repair the transmit antenna and return the Station to full power operation.”); 0000254048 (Engineering STA, granted Sept. 17, 2024) (A choke in the high-voltage filtering circuit of the primary transmitter for licensee’s station failed. As a result, licensee commenced reduced power operation in August 2024. Licensee has ordered a new transmitter, but the manufacturer estimates that the new transmitter will not be available “until sometime in October or November 2024.”)

⁹⁶ *See, e.g.*, Application File Nos. 0000255212 (Engineering STA, granted Oct. 10, 2024) (“The transmitter manufacturer states that due to parts shortages, they are unable to ship a replacement immediately.”); 0000256736 (Engineering STA Extension, granted Nov. 8, 2024) (Licensee initially requested STA in October 2023, at which time it ordered a new main transmitter. The new transmitter was received and installed in mid-April 2024 following supply chain issues, but it exposed new issues, requiring additional replacement parts and an STA extension.)

L. Remove Obsolete Application Processing Language

33. We propose to modify our application processing rules to remove and revise references to various application processing procedures that are no longer used. The removal and revision of obsolete language will streamline our rules and eliminate the potential for confusion among the public, licensees, and practitioners, such as attorneys or engineers, that submit filings to the Commission. Prior to the adoption of electronic filing, applications were paper-filed under a two-step submission process. First, applicants “tendered for filing” applications, meaning they physically submitted an application on paper, and the Bureau conducted an initial review of the application for completeness. The Bureau rejected incomplete applications without accepting them for consideration. Second, after that preliminary review, the Bureau would then review the application for core technical and legal requirements. If the application was “accepted for filing”, the Bureau would assign the application a file number, and place the application on an “accepted for filing” public notice.

34. Under the current electronic filing system, applications are no longer physically “tendered for filing” but are now filed electronically in the Bureau’s filing database, LMS.⁹⁷ Upon filing, applications appear in the Bureau’s daily “Applications” public notice.⁹⁸ Despite the fact that the Commission has significantly modified its processing procedures since 1992 to accommodate electronic filing, numerous rule sections still reference outdated terms from the Commission’s legacy paper-filing processing procedures and are therefore inconsistent with current electronic filing procedures. For example, the continued use of the term “tendered” is potentially confusing to applicants, practitioners, and the public because it reflects a processing procedure that no longer exists. Accordingly, we propose to revise our rules to reflect current electronic filing procedures and the Commission’s electronic filing systems.

35. We first propose to remove references to applications and pleadings as being “tendered” with the Commission and instead refer to applications as being “filed” with the Commission in the following rule sections: section 73.37(c),⁹⁹ which addresses application requirements for new AM stations; section 73.3516(e), which sets forth the process for filing a petition to deny during a license renewal proceeding;¹⁰⁰ sections 73.3526 and 73.3527, which describe required online public inspection file documents;¹⁰¹ section 73.3573(f)(1), which outlines the processing of FM applications;¹⁰² section 73.3578(a),¹⁰³ which concerns amendments to applications; section 73.3591(b),¹⁰⁴ which explains the processing of applications without a hearing; and section 73.3597(b)(2), which addresses the processing of transfer and assignment applications.¹⁰⁵ We seek comment on our proposed changes to these rules.

36. Second, we propose to amend section 73.3564, which addresses the acceptance of applications and in certain places still reflects obsolete paper-filing procedures. We propose to delete all

⁹⁷ Although the Bureau originally used CDBS for all electronic filings, the Bureau no longer accepts applications in CDBS and has transitioned its electronic filing to LMS. *See* note 2 *supra*.

⁹⁸ We note that applications that require a fee do not appear on the Bureau’s daily “Applications” public notice until the fee is paid. Even under our proposed rule modification, applications that fail to include the necessary fee will not be considered “filed” or processed until the fee is paid and will continue to be subject to dismissal.

⁹⁹ 47 CFR § 73.37(c), Applications for broadcast facilities, showing required.

¹⁰⁰ 47 CFR § 73.3516(e). We note that we are also proposing to recodify this section as section 73.3516(f). *See infra* para. 38. As proposed, the recodified section 73.3516(f) will replace the term “tendered” with “filed”.

¹⁰¹ *See* 47 CFR §§ 73.3526(e)(2), (e)(4), (f)(1), (f)(2), Online public inspection file of commercial stations; 47 CFR §§ 73.3527(e)(2), (e)(3), (f)(1), (f)(2), Online public inspection file of noncommercial educational stations.

¹⁰² 47 CFR § 73.3573(f)(1), Processing FM broadcast station applications.

¹⁰³ 47 CFR § 73.3578(a), Amendments to applications for renewal, assignment or transfer of control.

¹⁰⁴ 47 CFR § 73.3591(b), Grants without hearing.

¹⁰⁵ 47 CFR § 73.3597(b)(2), Procedures on transfer and assignment applications.

obsolete paper-filing procedures from section 73.3564(a) and replace the term “tendered for filing” with “filed” throughout section 73.3564. We also propose to delete section 73.3564(c) references to cut-off procedures for reserved band FM NCE applications that have since been eliminated by the Commission in favor of a filing window approach.¹⁰⁶ We seek comment on these rule modifications.

37. Finally, we propose to remove Note 1 to section 73.3522, which addresses amendments to applications, because the Note also reflects processing procedures that have been eliminated with the implementation of electronic filing.¹⁰⁷ We seek comment on these proposed revisions. We also seek comment on additional references to outdated processing policies or guidelines that should be removed or updated.

M. Redesignate Renewal Application Petition to Deny Rule

38. We propose to consolidate our rules for petitions to deny under a single rule section. While section 73.3516 generally deals with applications for new broadcast facilities,¹⁰⁸ paragraph (e) of section 73.3516 addresses deadlines for filing petitions to deny license renewal applications. Our general Rule related to the filing of petitions to deny under Part 73 is located in section 73.3584. We propose to redesignate the revised section 73.3516(e) as a new paragraph to rule section 73.3584, which specifically addresses the procedures for filing petitions to deny against license renewal applications.¹⁰⁹ We also propose to replace cross-references to current section 73.3516(e) with references to redesignated section 73.3584(f).¹¹⁰

N. Revise the Informal Objection Rule

39. We propose to revise the informal objection rule¹¹¹ to require that informal objections and responsive pleadings be served upon the relevant applicant or objector. We also propose to limit the type of responsive pleadings that may be filed, and impose filing deadlines for responsive pleadings that align with the limitations set for responsive pleadings to petitions to deny.

40. In processing broadcast applications, we encounter two types of pleadings that we process and treat as an informal objection: (1) a pleading intentionally filed directly as an informal objection under section 73.3587,¹¹² and (2) a pleading initially submitted as a petition to deny, but is treated as an informal objection because it falls short of the procedural requirements of a petition to deny.¹¹³ The goal of the informal objection rule is to afford the public opportunity to submit information that the Commission should consider when evaluating whether grant of an application would serve the

¹⁰⁶ 47 CFR § 73.3564(c) (“With respect to reserved band FM applications, the Public Notice shall also establish a cut-off date for the filing of mutually exclusive applications pursuant to § 73.3573(e).”); *see also* 2000 NCE Order, 15 FCC Rcd at 7421-22, para. 84 (filing window for NCE applications will replace cut-off process).

¹⁰⁷ *See* 47 CFR § 73.3522, Amendment of applications.

¹⁰⁸ *See* 47 CFR § 73.3516, Specification of facilities.

¹⁰⁹ *See* 47 CFR § 73.3584, Procedures for filing petitions to deny.

¹¹⁰ *See* 47 CFR §§ 73.1020(b) and 73.3591(b)(2).

¹¹¹ 47 CFR § 73.3587.

¹¹² *See, e.g., Hippy Dippy Tree Hugger Radio*, Letter Order, DA 24-140, 2024 WL 663312 (MB Feb. 15, 2024).

¹¹³ A petition to deny may only be filed by a party in interest, must be supported by an affidavit, must be served upon the applicant, and must be submitted within a specific timeframe, whereas any person may file an informal objection at any point before Commission action on an application, and there is no requirement that it be served or supported by an affidavit. *See* 47 U.S.C. § 309(d)(1) (requirements for a petition to deny); 47 CFR § 73.3584 (procedures for filing petitions to deny). *See, e.g., Community Media*, Letter Order, DA 24-334 (MB 2024) (“[W]e find that the Petition is procedurally defective as a petition to deny [because it] does not include a certificate of service Accordingly, we will dismiss the Petition as procedurally flawed and consider it as an informal objection pursuant to section 73.3587 of the Rules.”).

public interest, with fewer procedural requirements than the statutory and rule provisions covering petitions to deny.¹¹⁴ Under our current rule, informal objections are not required to be served upon the applicant.¹¹⁵ We have found that the existing rule, which does not require service of informal objections, often leads to considerable inefficiencies in the resolution of contested proceedings because of the lack of procedures. For example, because informal objections do not need to be served, Bureau staff must often forward an informal objection to an applicant and afford the applicant an opportunity to respond to the informal objection.¹¹⁶ Additionally, our current rules contain no restriction on the number or type of pleadings that can be filed in response to an informal objection, and provide no pleading deadlines, which similarly delays the resolution of contested proceedings.

41. We first propose to require that the first above-mentioned category of informal objections, those intentionally filed directly as an informal objection under section 73.3587, must be served upon the applicant.¹¹⁷ We propose that service may be by mail or email to the address listed in the “Applicant” or “Contact Representatives” sections of the contested application.¹¹⁸ Both the street address and email address are mandatory fields within the “Applicant” and “Contact Representatives” sections.¹¹⁹ Therefore, the service information is readily available to the objector. We believe that requiring service of informal objections will ensure that parties are timely informed of these filings, thereby promoting a more efficient resolution of contested proceedings. The Bureau successfully implemented a requirement for applications in the 2023 LPFM filing window that filers of both petitions to deny and informal objections were required to serve a copy of their filings on applicants.¹²⁰ This approach expedited review without hindering public participation in the regulatory process. We seek comment on whether, in the renewal context—where listeners and viewers most frequently file informal objections—it would be beneficial to include similar language in pre-renewal public notices to inform the public about the service requirements. Should service be to the Applicant instead of a choice between the Applicant and Contact Representative? Additionally, we note that our proposal to permit electronic service aligns with the Wireless Telecommunications Bureau’s electronic service requirements.¹²¹ We

¹¹⁴ Broadcasting Procedural Manual, FCC 74-942, 1974 WL 28312, at *8-9, paras. 23-24 (1974) (“The informal objection procedure is designed for use by persons who cannot qualify as ‘parties in interest’ . . . or who (though they qualify as parties in interest) do not choose to assert the rights or to assume the burdens of parties to the proceeding.”).

¹¹⁵ 47 CFR § 73.3587.

¹¹⁶ See, e.g., *Ethne Radio Cactus*, Letter Order, DA 24-837, n.42 (MB Aug. 19, 2024) (explaining that the Bureau forwards to applicants informal objections that are not served by objectors).

¹¹⁷ We do not propose to revise, and do not seek comment on, our existing practice of treating as an informal objection a pleading submitted as a petition to deny but that falls short of procedural requirements, including failure to serve the applicant.

¹¹⁸ Currently, in the absence of a specific provision to the contrary, documents that are required to be served must be served in paper form, unless the parties agree otherwise. 47 CFR § 1.47(a), (d). Notably, most broadcast applications filed in LMS require an applicant to provide at least one contact person in the “Contact Representatives” section of the form. See, e.g., FCC Form 2100, Schedule 318, Contact Representatives Section (asterisk indicates a required field on application) and corresponding instructions at page 3 (“At least one Contact Representative must be designated.”). If a Contact Representative is not listed, then only the Applicant needs to be served.

¹¹⁹ See *id.*

¹²⁰ *Media Bureau Provides Guidance on the Processing of Schedule 318 Applications Filed in the LPFM Window*, Public Notice, DA 24-92, 2024 WL 402167 (MB Feb. 1, 2024).

¹²¹ See, e.g., *Completing the Transition to Electronic Filing, Licenses and Authorizations, and Correspondence in the Wireless Radio Services*, WT Docket No. 19-212, Report and Order, 35 FCC Rcd 10781, 10789, paras. 28-30 (2020) (requiring “all petitions, pleadings, and other documents associated with licensing matters in the Wireless

(continued....)

seek comment on this proposal. Specifically, what should be the consequence of not serving a filing? Should the filing be subject to dismissal? Do these proposals create any barriers for certain parties?

42. Second, we propose to limit the types of responsive pleadings that may be filed and establish pleading deadlines on responsive pleadings to ensure a prompt resolution of the contested matter. Specifically, we propose that responsive pleadings shall be limited to one opposition and one reply. In the case of an informal objection against an application for renewal of license, an opposition thereto may be filed within 30 days after the informal objection is filed. The party that filed the informal objection against the renewal application may reply to the opposition within 20 days after the opposition is due or within 20 days after the opposition is filed, whichever occurs later. For all other pleadings, we propose that an opposition is required to be filed by the applicant within 10 days after the informal objection is filed and a reply filed by the objector within five days after the opposition is due or within five days after the opposition is filed, whichever occurs later. These pleading limitations and filing deadlines align with the pleading limitations and deadlines provided for petitions to deny, and we tentatively conclude they are appropriate for informal objections in order to balance the need of administrative efficiency with the filers need to submit information that it believes the Commission should consider when evaluating whether grant of an application would serve the public interest.¹²² Our proposal to implement pleading limitations and deadlines on responses to informal objections has been successfully used by other Bureaus,¹²³ and we believe these reforms will provide greater transparency and clarity for all interested parties.

43. We seek comment on this proposal. Alternatively, we seek comment on whether we should adopt longer time frames for responsive pleadings, or whether shorter time periods are sufficient given the additional time provided under section 1.4 of our Rules.¹²⁴ We also propose that such responsive pleadings must be served by mail or to the email address provided in the informal objection or application, as applicable. Our proposal for service of objections and responsive pleadings aligns with the electronic service requirements of other Bureaus and offices within the Commission, including, for example, the Wireless Telecommunications Bureau which requires service of all pleadings.¹²⁵ We seek comment on these proposals.

O. Digital Equity and Inclusion

44. The Commission, as part of its continuing effort to advance digital equity for all,¹²⁶ including people of color, persons with disabilities, persons who live in rural or Tribal areas, and others who are or have been historically underserved, marginalized, or adversely affected by persistent poverty

Radio Services to be served electronically upon a party, his attorney, or other duly constituted agent to the e-mail address listed in ULS.”); 47 CFR § 1.47(d).

¹²² See 47 CFR § 73.3584(b).

¹²³ See, e.g., 47 CFR § 25.154(c),(d) (permitting oppositions to informal objections filed in the Space Bureau within 10 days, and replies to oppositions within 5 days, and stating that pleadings must “in accordance with other applicable provisions of §§ 1.41 through 1.52 of this chapter.”).

¹²⁴ 47 CFR § 1.4 (g), (h), (i) (generally stating that (1) intermediate holidays shall not be counted in determining the filing date if the filing period is less than 7 days, and (2) if a document is served by mail, and the filing period for a response is 10 days or less, an additional 3 days (excluding holidays) will be allowed to all parties in the proceeding for filing a response).

¹²⁵ See *supra* note 121.

¹²⁶ Section 1 of the Communications Act of 1934 as amended provides that the FCC “regulat[es] interstate and foreign commerce in communication by wire and radio so as to make [such service] available, so far as possible, to all the people of the United States, without discrimination on the basis of race, color, religion, national origin, or sex.” 47 U.S.C. § 151.

or inequality, invites comment on any equity-related considerations¹²⁷ and benefits (if any) that may be associated with the proposals and issues discussed herein. Specifically, we seek comment on how our proposals may promote or inhibit advances in diversity, equity, inclusion, and accessibility, as well the scope of the Commission's relevant legal authority.

IV. PROCEDURAL MATTERS

45. *Regulatory Flexibility Act.* The Regulatory Flexibility Act of 1980, as amended (RFA),¹²⁸ requires that an agency prepare a regulatory flexibility analysis for notice and comment rulemakings, unless the agency certifies that “the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.”¹²⁹ Accordingly, we have prepared an Initial Regulatory Flexibility Analysis (IRFA) concerning the possible/potential impact of the rule and policy changes contained in this NPRM. The IRFA is set forth in Appendix B. The Commission invites the general public, in particular small businesses, to comment on the IRFA. Comments must be filed by the deadlines for comments on the NPRM indicated on the first page of this document and must have a separate and distinct heading designating them as responses to the IRFA.

46. *Paperwork Reduction Act.* This document contains possible new or modified information collection requirements. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on the information collection requirements contained in this document, as required by the Paperwork Reduction Act of 1995, Public Law 104-13. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, *see* 44 U.S.C. § 3506(c)(4), we seek specific comment on how we might further reduce the information collection burden for small business concerns with fewer than 25 employees.

47. *Ex Parte Rules—Permit-But-Disclose.* This proceeding shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission's *ex parte* rules.¹³⁰ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda, or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and

¹²⁷ The term “equity” is used here consistent with Executive Order 13985 as the consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment, such as Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality. *See* Exec. Order No. 13985, 86 Fed. Reg. 7009, Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government (January 20, 2021).

¹²⁸ *See* 5 U.S.C. § 603. The RFA, 5 U.S.C. §§ 601–612, was amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Pub. L. No. 104-121, Title II, 110 Stat. 857 (1996).

¹²⁹ *Id.* § 605(b).

¹³⁰ 47 CFR §§ 1.1200 *et seq.*

memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

48. *Filing Requirements—Comments and Replies.* Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using ECFS. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://apps.fcc.gov/ecfs/>.
- Paper Filers:
 - Parties who choose to file by paper must file an original and one copy of each filing.
 - Filings can be sent by hand or messenger delivery, by commercial courier, or by the U.S. Postal Service. All filings must be addressed to the Secretary, Federal Communications Commission.
 - Hand-delivered or messenger-delivered paper filings for the Commission's Secretary are accepted between 8:00 a.m. and 4:00 p.m. by the FCC's mailing contractor at 9050 Junction Drive, Annapolis Junction, MD 20701. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
 - Commercial courier deliveries (any deliveries not by the U.S. Postal Service) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
 - Filings sent by U.S. Postal Service First-Class Mail, Priority Mail, and Priority Mail Express must be sent to 45 L Street NE, Washington, DC 20554.

49. *People with Disabilities.* To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

50. *Availability of Documents.* Comments, reply comments, and *ex parte* submissions will be available for public inspection during regular business hours in the FCC Reference Center, Federal Communications Commission, 45 L Street, NE, Washington, DC 20554. These documents will also be available via ECFS. Documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat.

51. *Providing Accountability Through Transparency Act:* Consistent with the Providing Accountability Through Transparency Act,¹³¹ a summary of this document will be available on <https://www.fcc.gov/proposed-rulemakings>.

52. *Additional Information.* For additional information on this proceeding, contact Ariane Rangel, Audio Division, Media Bureau at Ariane.Rangel@fcc.gov or 418-4036, or Ryan McClafferty, Audio Division, Media Bureau at Ryan.McClafferty@fcc.gov or (202) 418-0289.

V. ORDERING CLAUSES

53. Accordingly, **IT IS ORDERED** that, pursuant to the authority found in sections 1, 4, 7, 301, 302, 303, 307, 308, 309, 310, 316, 319, 324, and 336 of the Communications Act of 1934, as

¹³¹ 5 U.S.C. § 553(b)(4). The Providing Accountability Through Transparency Act, Pub. L. No. 118-9 (2023), amended section 553(b) of the Administrative Procedure Act.

amended, 47 U.S.C. §§ 151, 154, 157, 301, 302, 303, 307, 308, 309, 310, 316, 319, 324, and 336 this Notice of Proposed Rulemaking **IS ADOPTED**.

54. **IT IS FURTHER ORDERED** that the Commission's Office of the Secretary **SHALL SEND** a copy of this Notice of Proposed Rulemaking, including the Initial Regulatory Flexibility Act Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

APPENDIX A

Proposed Rules

Deleted text is marked with a strikethrough and new text is bolded. Other text is current and remains part of the Commission's rules.

Part 1, Part 73, Part 74, and Part 76 of Chapter I of Title 47 of the Code of Federal Regulations are proposed to be amended as follows:

PART 1 – PRACTICE AND PROCEDURE

1. The authority citation for part 1 continues to read as follows:

Authority: 47 U.S.C. chs. 2, 5, 9, 13; 28 U.S.C. 2461 note; 47 U.S.C. 1754, unless otherwise noted.

2. In § 1.401 revise paragraph (d) to read as follows:

§ 1.401 Petitions for rulemaking.

* * * * *

(d) Petitions for amendment of the ~~FM Table of Assignments~~**Table of FM Allotments** (§ 73.202 of this chapter) or the ~~Television Table of Assignments~~**Table of TV Allotments** (§ 73.606) shall be served by petitioner on any Commission licensee or permittee whose channel assignment would be changed by grant of the petition. The petition shall be accompanied by a certificate of service on such licensees or permittees. Petitions to amend the ~~FM Table of Allotments~~**Table of FM Allotments** must be accompanied by the appropriate construction permit application and payment of the appropriate application filing fee.

* * * * *

3. Revise § 1.403 to read as follows:

§ 1.403 Notice and availability.

All petitions for rulemaking (other than petitions to amend the **Table of FM Allotments**, ~~Television~~**Table of TV Allotments**, and Air-Ground Tables of Assignments) meeting the requirements of § 1.401 will be given a file number and, promptly thereafter, a "Public Notice" will be issued (by means of a Commission release entitled "Petitions for Rule Making Filed") as to the petition, file number, nature of the proposal, and date of filing. Petitions for rulemaking are available through the Commission's Reference Information Center at the FCC's main office, and ~~may also be available~~ electronically at <https://www.fcc.gov>.

4. In § 1.420:

- a. Revise the section heading;
- b. Revise paragraph (a);
- c. Revise paragraph (b);
- d. Revise the introductory text of paragraph (j); and
- e. Revise the Note to § 1.420.

The revisions read as follows:

§ 1.420 Additional procedures in proceedings for amendment of the ~~FM or TV Tables of Allotments~~Table of FM Allotments, the Table of TV Allotments, or for amendment of

certain FM assignments.

(a) Comments filed in proceedings for amendment of the ~~FM Table of Allotments~~**Table of FM Allotments** (§ 73.202 of this chapter) or the ~~Television Table of Allotments~~**Table of TV Allotments** (§ 73.622(j) of this chapter) which are initiated on a petition for rule making shall be served on petitioner by the person who files the comments.

(b) Reply comments filed in proceedings for amendment of the ~~FM or Television Tables of Allotments~~**Table of FM Allotments or the Table of TV Allotments** shall be served on the person(s) who filed the comments to which the reply is directed.

* * * * *

(j) Whenever an expression of interest in applying for, constructing, and operating a station has been filed in a proceeding to amend the ~~FM or TV Table of Allotments~~**Table of FM Allotments or the Table of TV Allotments**, and the filing party seeks to dismiss or withdraw the expression of interest, either unilaterally or in exchange for financial consideration, that party must file with the Commission a request for approval of the dismissal or withdrawal, a copy of any written agreement related to the dismissal or withdrawal, and an affidavit setting forth:

* * * * *

Note to § 1.420: The reclassification of a Class C station in accordance with the procedure set forth in Note 4 to § 73.3573 may be initiated through the filing of an original petition for amendment of the ~~FM Table of Allotments~~**Table of FM Allotments**. The Commission will notify the affected Class C station licensee of the proposed reclassification by issuing a notice of proposed rule making, except that where a triggering petition proposes an amendment or amendments to the ~~FM Table of Allotments~~**Table of FM Allotments** in addition to the proposed reclassification, the Commission will issue an order to show cause as set forth in Note 4 to § 73.3573, and a notice of proposed rule making will be issued only after the reclassification issue is resolved. Triggering petitions will be dismissed upon the filing, rather than the grant, of an acceptable construction permit application to increase antenna height to at least 451 meters HAAT by a subject Class C station.

5. In § 1.5000 revise the third sentence of paragraph (b) to read as follows:

§ 1.5000 Citizenship and filing requirements under section 310(b) of the Communications Act of 1934, as amended.

* * * * *

(b) * * * Petitions for declaratory ruling required by paragraph (a) of this section involving broadcast stations only shall be filed electronically on the Internet through the Media Bureau's ~~Consolidated Database System (CDBS)~~**Licensing and Management System (LMS)** or any successor system thereto when submitted to the Commission as part of an application for a construction permit, assignment, or transfer of control of a broadcast license; if there is no associated construction permit, assignment or transfer of control application, petitions for declaratory ruling should be filed with the Office of the Secretary via the Commission's Electronic Comment Filing System (ECFS).

* * * * *

6. In § 1.5004 revise the third sentence of paragraph (d)(2) to read as follows:

§ 1.5004 Routine terms and conditions.

* * * * *

(d) * * *

(2) * * * The letter must also reference the licensee's foreign ownership ruling(s) by ICFS File

No. and FCC Record citation, if available; or, if a broadcast licensee, the letter must reference the licensee's foreign ownership ruling(s) by ~~CDBSLMS~~ File No., Docket No., call sign(s), facility identification number(s), and FCC Record citation, if available. * * *

* * * * *

7. In § 1.30001 revise paragraph (d) to read as follows:

§ 1.30001 Definitions.

* * * * *

(d) *Distance from the AM station.* The distance shall be calculated from the tower coordinates in the case of a nondirectional AM station, or from the array center coordinates given in ~~CDBSLMS~~ or any successor database for a directional AM station.

8. In § 1.30004 revise the second sentence of paragraph (a) to read as follows:

§ 1.30004 Notice of tower construction or modification near AM stations.

(a) * * * Notice shall be provided to any AM station that is licensed or operating under Program Test Authority using the official licensee information and address listed in ~~CDBSLMS~~ or any successor database. * * *

* * * * *

PART 73 – RADIO BROADCAST SERVICES

9. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 155, 301, 303, 307, 309, 310, 334, 336, 339.

10. In § 73.30 revise paragraph (c) to read as follows:

§ 73.30 Petition for authorization of an allotment in the 1605-1705 kHz band.

* * * * *

(c) If awarded an allotment, a petitioner will have sixty (60) days from the date of public notice of selection to file an application for construction permit on FCC Form 2100, Schedule 301. (See §§ 73.24 and 73.37(e) for filing requirements). Unless instructed by the Commission to do otherwise, the application shall specify Model I facilities. (See § 73.14). Upon grant of the application and subsequent construction of the authorized facility, the applicant must file a license application on FCC Form 2100, Schedule 302.

* * * * *

11. In § 73.37 revise paragraph (c) to read as follows:

§ 73.37 Applications for broadcast facilities, showing required.

* * * * *

(c) If otherwise consistent with the public interest, an application requesting an increase in the daytime power of an existing Class C station on a local channel from 250 watts to a maximum of 1kW, or from 100 watts to a maximum of 500 watts, may be granted notwithstanding overlap prohibited by paragraph (a) of this section. In the case of a 100 watt Class C station increasing daytime power, the provisions of this paragraph shall not be construed to permit an increase in power to more than 500 watts, if prohibited overlap would be involved, even if successive applications should be ~~tendered~~ **filed**.

* * * * *

12. In § 73.45 revise paragraph (d)(1) to read as follows:

§ 73.45 AM antenna systems.

* * * * *

(d) * * *

(1) Whenever the measurements show that the antenna or common point resistance differs from that shown on the station authorization by more than 2%, FCC Form **2100, Schedule 302** must be filed with the information and measurement data specified in § 73.54(d).

* * * * *

13. In § 73.51 revise the introductory text in paragraph (c) to read as follows:

§ 73.51 Determining operating power.

* * * * *

(c) Applications for authority to operate with antenna input power which is less than nominal power and/or to employ a dissipative network in the antenna system shall be made on FCC Form **2100, Schedule 302**. The technical information supplied on section II-A of this form shall be that applying to the proposed conditions of operation. In addition, the following information shall be furnished, as pertinent:

* * * * *

14. In § 73.202 revise the third sentence of paragraph (a) to read as follows:

§ 73.202 Table of Allotments.

(a) * * * Channels to which licensed, permitted, and “reserved” facilities have been assigned are reflected in the Media Bureau's publicly available ~~Consolidated Data Base System~~ **Licensing and Management System**.

* * * * *

15. In § 73.311 revise paragraph (a) to read as follows:

§ 73.311 Field strength contours.

(a) Applications for FM broadcast authorizations must show the field strength contours required by ~~FCC Form 301 or FCC Form 340~~ **FCC Form 2100, Schedule 301 or 340**, as appropriate.

* * * * *

16. In § 73.512 revise paragraph (a) to read as follows:

§ 73.512 Special procedures applicable to Class D noncommercial educational stations.

(a) All Class D stations seeking renewal of license for any term expiring June 1, 1980, or thereafter shall comply with the requirements set forth below and shall simultaneously file an application on FCC Form **2100, Schedule 340**, containing full information regarding such compliance with the provisions set forth below.

* * * * *

17. In § 73.625 revise the second sentence of paragraph (c)(4)(i) to read as follows:

§ 73.625 TV antenna system.

* * * * *

(c) * * *

(4) * * *

(i) * * * A formal application (FCC Form **2100, Schedule 301**, or FCC Form **2100, Schedule 340** for a noncommercial educational station) will be required if the proposal involves substantial change in the physical height or radiation characteristics of the AM broadcast antennas; otherwise an informal application will be acceptable.

* * * * *

18. In § 73.807 revise paragraphs (a)(1) and (c) to read as follows:

§ 73.807 Minimum distance separation between stations.

* * * * *

(a)(1) An LPFM station will not be authorized initially unless the minimum distance separations in the following table are met with respect to authorized FM stations, applications for new and existing FM stations filed prior to the release of the public notice announcing ~~an~~ **the filing procedures for the** LPFM window period, authorized LPFM stations, LPFM station applications that were timely-filed within a previous window, and vacant FM allotments. **The term authorized [FM or LPFM] station means the FM or LPFM station currently holds a granted construction permit and/or a granted license.** LPFM modification applications must either meet the distance separations in the following table or, if short-spaced, not lessen the spacing to subsequently authorized stations.

* * * * *

(c) In addition to meeting the separations specified in paragraphs (a) and (b), LPFM applications must meet the minimum separation requirements in the following table with respect to authorized FM translator stations, ~~cutoff FM translator applications,~~ and FM translator applications filed prior to the release of the Public Notice announcing **the filing procedures for the** LPFM window period. **The term authorized FM translator station means the FM translator station currently holds a granted construction permit and/or a granted license.**

* * * * *

19. In § 73.870 revise paragraph (e) to read as follows:

§ 73.870 Processing of LPFM broadcast station applications.

* * * * *

(e) Minor change LPFM applications **must meet all technical and legal requirements applicable to new LPFM station applications.** Such applications may be filed at any time, unless restricted by the staff, and generally, will be processed ~~in the order in which they are tendered.~~ Such applications must meet all technical and legal requirements applicable to new LPFM station applications. **on a “first come/first served” basis, with the first acceptable application cutting off the filing rights of subsequent, competing applicants. The FCC will periodically release a Public Notice listing those applications accepted for filing. Applications received on the same day will be treated as simultaneously filed and, if they are found to be mutually exclusive, must be resolved through settlement or technical amendment. Conflicting applications received after the filing of the first acceptable application will be grouped, according to filing date, behind the lead application in the queue. The priority rights of the lead applicant, against all other applicants, are determined by the date of filing, but the filing date for subsequent conflicting applicants only reserves a place in the queue. The right of an applicant in a queue ripens only upon a final determination that the lead applicant is unacceptable and that the queue member is reached and found acceptable. The queue will remain behind the lead applicant until the construction permit is finally granted, at which time the queue dissolves.**

* * * * *

20. In § 73.872, revise paragraph (a) and paragraph (b)(1) to read as follows:

§ 73.872 Selection procedure for mutually exclusive LPFM applications.

(a) Following the close of each window for new LPFM stations and for modifications in the facilities of authorized LPFM stations, the Commission will issue a public notice identifying all groups of mutually exclusive applications. Such applications will be awarded points to determine the tentative selectee. Unless resolved by settlement pursuant to paragraph (e) of this section, the tentative selectee will be the applicant within each group with the highest point total under the procedure set forth in this section, except as provided in paragraphs (c) and (d) of this section.

Acceptance for filing of a tentative selectee's application in the LPFM Mutually Exclusive Tentative Selectee Order or Public Notice, or an equivalent Order, triggers the applicant's local public notice obligation under § 73.3580.

* * * * *

(b) * * *

(1) *Established community presence.* An applicant must, for a period of at least two years prior to application and at all times thereafter, have qualified as local pursuant to § 73.853(b). Applicants claiming a point for this criterion must submit any documentation specified in FCC Form **2100, Schedule 318** at the time of filing their applications.

* * * * *

21. In § 73.875, revise the introductory text of paragraph (b) and the second sentence of the introductory text of paragraph (c) to read as follows:

§ 73.875 Modification of transmission systems.

* * * * *

(b) The following changes may be made only after the grant of a construction permit application on FCC Form **2100, Schedule 318**.

* * * * *

(c) * * * A modification of license application (FCC Form **2100, Schedule 319**) must be submitted to the Commission within 10 days of commencing program test operations pursuant to § 73.1620.

* * * * *

22. In § 73.1020 revise paragraph (b) to read as follows:

§ 73.1020 Station license period.

* * * * *

(b) For the deadline for filing petitions to deny renewal applications, see § ~~73.3516(e)~~-**73.3584(f)**.

* * * * *

23. In § 73.1635 revise paragraph (a)(4) to read as follows:

§ 73.1635 Special temporary authorizations (STA).

(a) * * *

(4) An STA may be granted for an initial period not to exceed 180 days. A limited number of

extensions of such authorizations may be granted for additional periods not exceeding 180 days per extension. ~~An STA necessitated by technical or equipment problems, however, may, in practice, be granted for an initial period not to exceed 90 days with a limited number of extensions not to exceed 90 days per extension.~~ The permittee or licensee must demonstrate that any further extensions requested are necessary and that all steps to resume normal operation are being undertaken in an expeditious and timely fashion. The license of a broadcasting station that fails to transmit broadcast signals for any consecutive 12-month period expires as a matter of law at the end of that period, notwithstanding any STA or provision, term, or condition of the license to the contrary.

* * * * *

24. In § 73.1670 revise paragraph (b) to read as follows:

§ 73.1670 Auxiliary transmitters.

* * * * *

(b) Authorization to install an auxiliary transmitter for use with other than the main antenna or authorized auxiliary antenna must be obtained by filing an application for a construction permit on FCC Form **2100, Schedule 301** (FCC Form **2100, Schedule 340** for noncommercial educational stations).

* * * * *

25. In § 73.1690 revise the first sentence of paragraph (c)(9) to read as follows:

§ 73.1690 Modification of transmission systems.

* * * * *

(c) * * *

(9) The licensee of an AM, FM, or TV commercial station may propose to change from commercial to noncommercial educational on a modification of license application, provided that the application contains the completed ~~Sections II and IV of FCC Form 340~~ **Eligibility Certifications and Financial sections from FCC Form 2100, Schedule 340.** * * *

* * * * *

26. In § 73.3513 revise paragraph (a)(3) and add paragraph (e) to read as follows:

§ 73.3513 Signing of applications.

(a) * * *

(3) *Corporation.* An officer, **director, or duly authorized employee**, if the applicant is a corporation.

* * * * *

(e) The Commission only accepts electronic applications. An electronic application is “signed” when there is an electronic signature. An electronic signature is the typed name of the person “signing” the application, which is then electronically transmitted via LMS.

27. In § 73.3516 remove paragraph (e):

§ 73.3516 Specification of facilities.

* * * * *

~~(e) A petition to deny an application for renewal of license of an existing broadcast station will be considered as timely filed if it is tendered for filing by the end of the first day of the last full calendar month of the expiring license term.~~

(1) If the license renewal application is not timely filed as prescribed in § 73.3539, the deadline for filing petitions to deny thereto is the 90th day after the FCC gives public notice that it has accepted the late-filed renewal application for filing.

(2) If any deadline falls on a nonbusiness day, the cutoff shall be the close of business of the first full business day thereafter.

(3) The dates when the licenses of all broadcast and broadcast auxiliary services regularly expire are listed in §§ 73.733, 73.1020 and 74.15.

28. In § 73.3522 remove the Note 1:

§ 73.3522 Amendment of applications

* * * * *

Note 1 to § 73.3522: When two or more broadcast applications are tendered for filing which are mutually exclusive with each other but not in conflict with any previously filed applications which have been accepted for filing, the FCC, where appropriate, will announce acceptance of the earliest tendered application and place the later filed application or applications on a subsequent public notice of acceptance for filing in order to establish a deadline for the filing of amendments as a matter of right for all applicants in the group.

29. In § 73.3526 revise paragraphs (e)(2), (e)(4), (f)(1), (f)(2) to read as follows:

§ 73.3526 Online public inspection file of commercial stations.

* * * * *

(e) * * *

(1) * * *

(2) *Applications and related materials.* A copy of any application ~~tendered for filing~~ **filed** with the FCC, together with all related material, and copies of Initial Decisions and Final Decisions in hearing cases pertaining thereto. If petitions to deny are filed against the application and have been served on the applicant, a statement that such a petition has been filed shall be maintained in the file together with the name and address of the party filing the petition. Applications shall be retained in the public inspection file until final action has been taken on the application, except that applications for a new construction permit granted pursuant to a waiver showing and applications for assignment or transfer of license granted pursuant to a waiver showing shall be retained for as long as the waiver is in effect. In addition, license renewal applications granted on a short-term basis shall be retained until final action has been taken on the license renewal application filed immediately following the shortened license term.

(3) * * *

(4) *Contour maps.* A copy of any service contour maps, submitted with any application ~~tendered for filing~~ **filed** with the FCC, together with any other information in the application showing service contours and/or transmitter location (State, county, city, street address, or other identifying information). These documents shall be retained for as long as they reflect current, accurate information regarding the station.

* * * * *

(f) * * *

(1) For purposes of this section, action taken on an application ~~tendered~~ **filed** with the FCC becomes final when that action is no longer subject to reconsideration, review, or appeal either at the FCC or in the courts.

(2) For purposes of this section, the term “all related material” includes all exhibits, letters, and

other documents ~~tendered for filing~~ **filed** with the FCC as part of an application, report, or other document, all amendments to the application, report, or other document, copies of all documents incorporated therein by reference and not already maintained in the public inspection file, and all correspondence between the FCC and the applicant pertaining to the application, report, or other document, which according to the provisions of §§ 0.451 through 0.461 of this chapter are open for public inspection at the offices of the FCC.

30. In § 73.3527 revise paragraphs (e)(2), (e)(3), (f)(1), (f)(2) to read as follows:

§ 73.3527 Online public inspection file of noncommercial educational stations.

* * * * *

(e) * * *

(1) * * *

(2) *Applications and related materials.* A copy of any application ~~tendered for filing~~ **filed** with the FCC, together with all related material, including supporting documentation of any points claimed in the application pursuant to § 73.7003, and copies of FCC decisions pertaining thereto. If petitions to deny are filed against the application and have been served on the applicant, a statement that such a petition has been filed shall be maintained in the file together with the name and address of the party filing the petition. Applications shall be retained in the public inspection file until final action has been taken on the application, except that applications for a new construction permit granted pursuant to a waiver showing and applications for assignment or transfer of license granted pursuant to a waiver showing shall be retained for as long as the waiver is in effect. In addition, license renewal applications granted on a short-term basis shall be retained until final action has been taken on the license renewal application filed immediately following the shortened license term.

(3) *Contour maps.* A copy of any service contour maps, submitted with any application ~~tendered for filing~~ **filed** with the FCC, together with any other information in the application showing service contours and/or transmitter location (State, county, city, street address, or other identifying information). These documents shall be retained for as long as they reflect current, accurate information regarding the station.

* * * * *

(f) * * *

(1) For purposes of this section, a decision made with respect to an application ~~tendered~~ **filed** with the FCC becomes final when that decision is no longer subject to reconsideration, review, or appeal either at the FCC or in the courts.

(2) For purposes of this section, the term “all related material” includes all exhibits, letters, and other documents ~~tendered for filing~~ **filed** with the FCC as part of an application, report, or other document, all amendments to the application, report, or other document, copies of all documents incorporated therein by reference and not already maintained in the public inspection file, and all correspondence between the FCC and the applicant pertaining to the application, report, or other document, which according to the provisions of §§ 0.451 through 0.461 of this chapter are open for public inspection at the offices of the FCC.

31. In § 73.3564 revise paragraphs (a)(1), (a)(3), (c), (e) to read as follows:

§ 73.3564 Acceptance of Applications.

(a)

(1) Applications ~~tendered for filing~~ are dated upon **filing in LMS** receipt and then forwarded to the Media Bureau, where an administrative examination is made to ascertain whether the

~~applications are complete.~~ Except for applications for minor modifications of facilities in the non-reserved FM band, as defined in § 73.3573(a)(2), long form applications subject to the provisions of § 73.5005 found to be complete or substantially complete are accepted for filing and are given file numbers. In the case of minor defects as to completeness, a deficiency letter will be issued and the applicant will be required to supply the missing or corrective information. Applications that are not substantially complete will not be considered and will be returned to the applicant.

(2) * * *

(i) * * *

(A) * * *

(B) * * *

(C) * * *

(D) * * *

(E) * * *

(F) * * *

(ii) * * *

(A) * * *

(B) * * *

(C) * * *

(D) * * *

(E) * * *

(F) * * *

(3) Applications found not to meet minimum filing requirements will be returned to the applicant. Applications found to meet minimum filing requirements, but that contain deficiencies ~~in tender and/or acceptance information~~, shall be given an opportunity for corrective amendment pursuant to 73.3522 of this part. Applications found to be substantially complete and in accordance with the Commission's core legal and technical requirements will be accepted for filing. Applications with uncorrected ~~tender and/or acceptance~~ defects remaining after the opportunity for corrective amendment will be dismissed with no further opportunity for amendment.

(b) * * *

(c) At regular intervals, the FCC will issue a Public Notice listing all long form applications which have been accepted for filing. Pursuant to §§ 73.3571(h), 73.3572, and 73.3573(f), such notice shall establish a cut-off date for the filing of petitions to deny. ~~With respect to reserved band FM applications, the Public Notice shall also establish a cut-off date for the filing of mutually exclusive applications pursuant to § 73.3573(e).~~ However, no application will be accepted for filing unless certification of compliance with the local notice requirements of § 73.3580(h) has been made in the tendered application.

(d) * * *

(e) Applications for minor modification of facilities may be ~~tendered~~ **filed** at any time, unless restricted by the FCC. These applications will be processed on a “first come/first served” basis and will be treated as simultaneously ~~tendered~~ **filed** if filed on the same day. Any applications received after the filing of a lead application will be grouped according to filing date, and placed in a queue behind the lead applicant. The FCC will periodically release a Public Notice listing those minor modification of facilities applications accepted for filing.

* * * * *

32. In § 73.3571:

- a. Remove current introductory text in paragraph (e);
- b. Remove paragraphs (e)(1) through (3);
- c. Redesignate paragraph (e)(4) as new introductory text in paragraph (e);
- d. Redesignate paragraphs (e)(4)(i) through (iv) as (e)(1) through (4);
- e. Revise new introductory text to paragraph (e);
- f. Revise paragraphs (e)(1) through (4);
- g. Remove the Note; and
- h. Add paragraph (h)(1)(ii)(D)

The revisions and additions read as follows:

§ 73.3571 Processing of AM broadcast station applications.

* * * * *

~~(c) Applications proposing to increase the power of an AM station are subject to the following requirements: The following special procedures will be followed in authorizing Class D ~~II~~ daytime-only stations on 940 and 1550 kHz, and Class D ~~III~~ daytime-only stations on the 41 regional channels listed in § 73.26(a), to operate unlimited-time.~~

~~(1) In order to be acceptable for filing, any application which does not involve a change in site must propose at least a 20% increase in the station's nominal power.~~

~~(2) Applications involving a change in site are not subject to the requirements in paragraph (e)(1) of this section.~~

~~(3) Applications for nighttime power increases for Class D stations are not subject to the requirements of this section and will be processed as minor changes.~~

~~(4) The following special procedures will be followed in authorizing Class ~~II~~ D daytime-only stations on 940 and 1550 kHz, and Class ~~III~~ daytime-only stations on the 41 regional channels listed in § 73.26(a), to operate unlimited-time.~~

~~(i)(1)~~ Each eligible daytime-only station in the foregoing categories will receive an Order to Show Cause why its license should not be modified to specify operation during nighttime hours with the facilities it is licensed to start using at local sunrise, using the power stated in the Order to Show Cause, that the Commission finds is the highest nighttime level—not exceeding 0.5 kW—at which the station could operate without causing prohibited interference to other domestic or foreign stations, or to co-channel or adjacent channel stations for which pending applications were filed before December 1, 1987.

~~(ii)(2)~~ Stations accepting such modification shall be reclassified. Those authorized in such Show Cause Orders to operate during nighttime hours with a power of 0.25 kW or more, or with a power that, although less than 0.25 kW, is sufficient to enable them to attain **an equivalent** RMS field strengths of **at least 107.5** ~~141~~mV/m ~~or more~~ at 1 kilometer, shall be redesignated as Class B ~~II~~ stations if they are assigned to 940 or 1550 kHz, and as unlimited-time Class **B** ~~III~~ stations if they are assigned to regional channels.

~~(iii)(3)~~ Stations accepting such modification that are authorized to operate during nighttime hours at powers less than 0.25 kW, and that cannot with such powers attain **an equivalent** RMS field strengths of **less than 107.5** ~~141~~mV/m ~~or more~~ at 1 kilometer, shall be redesignated as Class **D**

H-S stations if they are assigned to 940 or 1550 kHz, and as Class **D** H-S stations if they are assigned to regional channels.

~~(iv)~~**(4)** Applications for new stations may be filed at any time on 940 and 1550 kHz and on the regional channels. Also, stations assigned to 940 or 1550 kHz, or to the regional channels, may at any time, regardless of their classifications, apply for power increases up to the maximum generally permitted. Such applications for new or changed facilities will be granted without taking into account interference caused to Class **D** H-S or Class III-S stations, but will be required to show interference protection to other classes of stations, including stations that were previously classified as Class **D** H-S or Class III-S, but were later reclassified as Class **B** H-B or Class III unlimited-time stations as a result of subsequent facilities modifications that permitted power increases qualifying them to discontinue their “S” subclassification.

* * * * *

(h) * * *

(1) * * *

(i) * * *

(ii) * * *

(A) * * *

(B) * * *

(C) * * *

(D) For purposes of paragraph (h)(1)(ii) of this section, § 73.182(k) interference standards apply when determining nighttime mutual exclusivity between applications to provide AM service that are filed in the same window. Two applications would be deemed to be mutually exclusive if either application would be subject to dismissal because it would enter into, i.e., raise, the twenty-five percent exclusion RSS nighttime limit of the other.

* * * * *

~~Note to § 73.3571: For purposes of paragraph (h)(1)(ii) of this section, § 73.182(k) interference standards apply when determining nighttime mutual exclusivity between applications to provide AM service that are filed in the same window. Two applications would be deemed to be mutually exclusive if either application would be subject to dismissal because it would enter into, i.e., raise, the twenty-five percent exclusion RSS nighttime limit of the other.~~

* * * * *

33. In § 73.3573 revise paragraph (f)(1), and revise Note 4 to read as follows:

§ 73.3573 Processing FM broadcast station applications.

* * * * *

(f) Processing non-reserved FM broadcast station applications.

(1) Applications for minor modifications for non-reserved FM broadcast stations, as defined in paragraph (a)(2) of this section, may be filed at any time, unless restricted by the FCC, and, generally, will be processed in the order in which they are tendered. The FCC will periodically release a Public Notice listing those applications accepted for filing. Processing of these applications will be on a “first come/first serve” basis with the first acceptable application cutting off the filing rights of subsequent applicants. All applications received on the same day will be treated as simultaneously ~~tendered~~**filed** and, if they are found to be mutually exclusive, must be

resolved through settlement or technical amendment. Applications received after the ~~tender-filing~~ of a lead application will be grouped, according to filing date, behind the lead application in a queue. The priority rights of the lead applicant, as against all other applicants, are determined by the date of filing, but the filing date for subsequent applicants for that channel and community only reserves a place in the queue. The rights of an applicant in a queue ripen only upon a final determination that the lead applicant is unacceptable and if the queue member is reached and found acceptable. The queue will remain behind the lead applicant until a construction permit is finally granted, at which time the queue dissolves.

* * * * *

Note 4 to § 73.3573: A Class C station operating with antenna height above average terrain (“HAAT”) of less than 451 meters is subject to reclassification as a Class C0 station upon the filing of a triggering application for construction permit that is short-spaced to such a Class C station under § 73.207 but would be fully spaced to such a station considered as a Class C0 assignment. Triggering applications may utilize § 73.215. Triggering applications must certify that no alternative channel is available for the proposed service. Available alternative frequencies are limited to frequencies that the proposed service could use at the specified antenna location in full compliance with the distance separation requirements of § 73.207, without any other changes to the ~~FM Table of Allotments~~ **Table of FM Allotments**. Copies of a triggering application and related pleadings must be served on the licensee of the affected Class C station. If the staff concludes that a triggering application is acceptable for filing, it will issue an order to show cause why the affected station should not be reclassified as a Class C0 station. The order to show cause will provide the licensee 30 days to express an intention to seek authority to modify the subject station's technical facilities to minimum Class C HAAT or to otherwise challenge the triggering application. If no such intention is expressed and the triggering application is not challenged, the subject station will be reclassified as a Class C0 station, and processing of the triggering application will be completed. If an intention to modify is expressed, an additional 180-day period will be provided during which the Class C station licensee must file an acceptable construction permit application to increase antenna height to at least 451 meters HAAT. Upon grant of such a construction permit application, the triggering application will be dismissed. Class C station licensees must serve on triggering applicants copies of any FAA submissions related to the application grant process. If the construction is not completed as authorized, the subject Class C station will be reclassified automatically as a Class C0 station. The reclassification procedure also may be initiated through the filing of an original petition for rule making to amend the ~~FM Table of Allotments~~ **Table of FM Allotments** as set forth in ~~the~~ Note 2-to § 1.420(g).

* * * * *

34. In § 73.3578 revise paragraph (a) to read as follows:

§ 73.3578 Amendments to applications for renewal, assignment or transfer of control.

(a) Any amendments to an application for renewal of any instrument of authorization shall be considered to be a minor amendment. However, the FCC may, within 15 days after ~~tender for~~ filing of any amendment, advise the applicant that the amendment is considered to be a major amendment and therefore is subject to the provisions of § 73.3580.

* * * * *

35. In § 73.3580 revise paragraphs (a)(1) and (d)(2) to read as follows:

§ 73.3580 Local public notice of filing of broadcast applications.

(a) * * *

(1) *Acceptance public notice.* A Commission ~~or Bureau~~ public notice announcing that an application has been accepted for filing, ~~or an equivalent Order accepting for filing~~

applications from a filing window under §§ 73.7002, 73.7003 or 73.872.

* * * * *

(d) * * *

(2) Consent to an involuntary assignment or transfer or to a voluntary assignment or transfer which does not result in a change of control and which may be applied for on ~~FCC Form 316~~ **FCC Form 2100, Schedule 316**, or any successor form released in the future, pursuant to the provisions of § 73.3540(b).

* * * * *

36. In § 73.3584 revise paragraphs (a) and (c), and add paragraph (f) to read as follows:

§ 73.3584 Procedure for filing petitions to deny.

(a) For mutually exclusive applications subject to selection by competitive bidding (non-reserved channels) or fair distribution/point system (reserved channels), petitions to deny may be filed only against the winning bidders or tentative selectee(s), and such petitions will be governed by §§ 73.5006 and 73.7004, respectively. For all other applications the following rules will govern. Except in the case of applications for new low power TV and TV translator stations, for major changes in the existing facilities of such stations, or for applications for a change in output channel tendered by displaced low power TV and TV translator stations pursuant to § 73.3572(a)(1), any party in interest may file with the Commission a Petition to Deny any application (whether as originally filed or if amended so as to require a new file number pursuant to § 73.3571(j), § 73.3572(b), § 73.3573(b), § 73.3574(b) or § 73.3578) for which local notice pursuant to § 73.3580 is required, provided such petitions are filed prior to the day such applications are granted or designated for hearing; but where the FCC issues a public notice pursuant to the provisions of § 73.3571(c), § 73.3572(c) or § 73.3573(d), establishing a “cut-off” date, such petitions must be filed by the date specified. In the case of applications for transfers and assignments of construction permits or station licenses, Petitions to Deny must be filed not later than 30 days after issuance of a public notice of the acceptance for filing of the applications. In the case of applications for renewal of license, Petitions to Deny may be filed at any time up to the deadline established in ~~§ 73.3516(e)~~ **paragraph (f)** of this section. Requests for extension of time to file Petitions to Deny applications for new broadcast stations or major changes in the facilities of existing stations or applications for renewal of license will not be granted unless all parties concerned, including the applicant, consent to such requests, or unless a compelling showing can be made that unusual circumstances make the filing of a timely petition impossible and the granting of an extension warranted.

* * * * *

(c) In the case of applications for new low power TV and TV translator stations, for major changes in the existing facilities of such stations, or for applications for a change in output channel tendered by displaced low power TV and TV translator stations pursuant to § 73.3572(a)(1), any party in interest may file with the FCC a Petition to Deny any application (whether as originally filed or if amended so as to require a new file number pursuant to § 73.3572(b)) for which local notice pursuant to § 73.3580 is required, provided such petitions are filed within 30 days of the FCC Public Notice proposing the application for grant (applicants may file oppositions within 15 days after the Petition to Deny is filed); but where the FCC selects a tentative permittee pursuant to Section 1.1601 et seq. **of this chapter**, Petitions to Deny shall be accepted only if directed against the tentative selectee and filed after issuance of and within 15 days of FCC Public Notice announcing the tentative selectee. The applicant may file an opposition within 15 days after the Petition to Deny is filed. In cases in which the minimum diversity preference provided for in § 1.1623(f)(1) **of this chapter** has been applied, an “objection to diversity claim” and opposition thereto, may be filed against any applicant receiving

a diversity preference, within the same time period provided herein for Petitions and Oppositions. In all pleadings, allegations of fact or denials thereof shall be supported by appropriate certification. However, the FCC may announce, by the Public Notice announcing the acceptance of the last-filed mutually exclusive application, that a notice of Petition to Deny will be required to be filed no later than 30 days after issuance of the Public Notice.

* * * * *

(f) A petition to deny an application for renewal of license of an existing broadcast station will be considered as timely filed if it is filed by the end of the first day of the last full calendar month of the expiring license term.

(1) If the license renewal application is not timely filed as prescribed in § 73.3539, the deadline for filing petitions to deny thereto is the 90th day after the FCC gives public notice that it has accepted the late-filed renewal application for filing.

(2) If any deadline falls on a nonbusiness day, the cutoff shall be the close of business of the first full business day thereafter.

(3) The dates when the licenses of all broadcast and broadcast auxiliary services regularly expire are listed in §§ 73.733, 73.1020 and 74.15.

37. Revise § 73.3587 to read as follows:

§ 73.3587 Procedures for filing informal objections.

Before FCC action on any application for an instrument of authorization, any person may file informal objections to the grant in LMS. Such objections may be submitted in letter form (without extra copies), **shall include an email address for receiving electronic service**, and shall be signed. **The objector must serve a copy of the objection upon the applicant by mail to the mailing address or electronically to the email address provided in either the Applicant or Contact Representatives sections of the application.** The limitation on pleadings in response to the informal objection and time for filing **such responsive** pleadings provided for in § 1.45 of this chapter shall ~~not~~ be applicable to any objections duly filed under this section, **except that as to an informal objection against an application for renewal of license, an opposition thereto may be filed within 30 days after the informal objection is filed, and the party that filed the informal objection may reply to the opposition within 20 days after the opposition is due or within 20 days after the opposition is filed, whichever is longer.** **Responsive pleadings must be served by mail to the mailing address or electronically to the email address provided in the informal objection or application, as applicable.**

38. In § 73.3591 revise the introductory text in paragraph (b) and paragraph (b)(2) to read as follows:

§ 73.3591 Grants without hearing.

(a) * * *

(b) In making its determinations pursuant to the provisions of paragraph (a) of this section, the FCC will not consider any other application, or any application if amended so as to require a new file number, as being mutually exclusive or in conflict with the application under consideration unless such other application was substantially complete, and ~~tendered for filing~~ **filed** by:

(1) * * *

(2) The date prescribed in ~~§ 73.3516(e)~~ **73.3584(f)** in the case of applications which are mutually exclusive with applications for renewal of license of broadcast stations; or

(3) * * *

* * * * *

39. In § 73.3597 revise paragraph (b)(2) to read as follows:

§ 73.3597 Procedures on transfer and assignment applications.

* * * * *

(b) * * *

(2) In determining whether the station has been operating on-air for one year, the FCC will calculate the period between the date of initiation of program tests (as specified in paragraph (b)(1) of this section) and the date the application for transfer or assignment is ~~tendered for filing~~ **filed** with the FCC.

* * * * *

40. In § 73.3700, revise paragraph (b)(5)(iv), and remove and reserve paragraph (c) to read as follows:

§ 73.3700 Post-incentive auction licensing and operation.

* * * * *

(b) * * *

(5) * * *

(iv) Applications for additional time to complete construction must be filed electronically in ~~LMSCDBS~~ using FCC Form 337 no less than 90 days before the expiration of the construction permit.

* * * * *

(c) [Reserved] ~~Consumer education for transitioning stations.~~

~~(1) License relinquishment stations that operate on a commercial basis will be required to air at least one Public Service Announcement (PSA) and run at least one crawl in every quarter of every day for 30 days prior to the date that the station terminates operations on its pre-auction channel. One of the required PSAs and one of the required crawls must be run during prime time hours (for purposes of this section, between 8:00 p.m. and 11:00 p.m. in the Eastern and Pacific time zones, and between 7:00 p.m. and 10:00 p.m. in the Mountain and Central time zones) each day.~~

~~(2) Noncommercial educational full power television license relinquishment stations may choose to comply with these requirements in paragraph (c)(1) of this section or may air 60 seconds per day of on-air consumer education PSAs for 30 days prior to the station's termination of operations on its pre-auction channel.~~

~~(3) Transitioning stations, except for license relinquishment stations, must air 60 seconds per day of on-air consumer education PSAs or crawls for 30 days prior to the station's termination of operations on its pre-auction channel.~~

~~(4) Transition crawls.~~

~~(i) Each crawl must run during programming for no less than 60 consecutive seconds across the bottom or top of the viewing area and be provided in the same language as a majority of the programming carried by the transitioning station.~~

~~(ii) Each crawl must include the date that the station will terminate operations on its pre-auction channel; inform viewers of the need to rescan if the station has received a new post-auction channel assignment; and explain how viewers may obtain more information by telephone or online.~~

~~(5) Transition PSAs.~~~~(i) Each PSA must have a duration of at least 15 seconds.~~~~(ii) Each PSA must be provided in the same language as a majority of the programming carried by the transitioning station; include the date that the station will terminate operations on its pre-auction channel; inform viewers of the need to rescan if the station has received a new post-auction channel assignment; explain how viewers may obtain more information by telephone or online; and for stations with new post-auction channel assignments, provide instructions to both over-the-air and MVPD viewers regarding how to continue watching the television station; and be closed-captioned.~~~~(6) [Reserved]~~~~* * * * *~~

41. In § 73.3801, revise paragraph (h)(4) by removing (h)(4)(i)(A) and (B) and revising (h)(4)(i) to read as follows:

§ 73.3801 Full power television simulcasting during the ATSC 3.0 (Next Gen TV) transition.~~* * * * *~~~~(h) * * *~~~~(1) * * *~~~~(2) * * *~~~~(3) * * *~~~~(4) * * *~~~~(i) Next Gen TV stations must provide notice as required by this section:~~~~(A) At least 120 days in advance of relocating their ATSC 1.0 signals if the relocation occurs during the post-incentive auction transition period; or~~~~(B) At least 90 days in advance of relocating their ATSC 1.0 signals if the relocation occurs after the post-incentive auction transition period.~~~~* * * * *~~

42. In § 73.5002 revise the second sentence of paragraph (b) to read as follows:

§ 73.5002 Application and certification procedures; return of mutually exclusive applications not subject to competitive bidding procedures; prohibition of collusion.~~* * * * *~~

(b) * * * So determinations of mutual exclusivity for auction purposes can be made, applicants for non-table broadcast services must also submit the engineering data contained in the appropriate FCC form **application** (FCC Form 301, FCC Form 346, or FCC Form 349 **FCC Form 2100, Schedule 301, 346, or 349**).

~~* * * * *~~

43. In § 73.6029, revise paragraph (h)(4)(i) by removing (h)(4)(i)(A) and (B) and revising (h)(4)(i) to read as follows:

§ 73.6029 Class A television simulcasting during the ATSC 3.0 (Next Gen TV) transition.~~* * * * *~~~~(h) * * *~~

(1) * * *

(2) * * *

(3) * * *

(4) * * *

(i) Next Gen TV stations must provide notice as required by this section:

~~(A) At least 120 days in advance of relocating their ATSC 1.0 signals if the relocation occurs during the post-incentive auction transition period; or~~

~~(B) At least 90 days in advance of relocating their ATSC 1.0 signals if the relocation occurs after the post-incentive auction transition period.~~

* * * * *

44. In § 73.7002, revise paragraph (b) to read as follows:

§ 73.7002 Fair distribution of service on reserved band FM channels.

* * * * *

(b) In an analysis performed pursuant to paragraph (a) of this section, a full-service FM applicant that identifies itself as a Tribal Applicant, that proposes Tribal Coverage, and that proposes the first reserved channel NCE service owned by any Tribal Applicant at a community of license located on Tribal Lands, will be awarded a construction permit. If two or more full-service FM applicants identify themselves as Tribal Applicants and meet the above criteria, the applicant providing the most people with reserved channel NCE service to Tribal Lands will be awarded a construction permit, regardless of the magnitude of the superior service or the populations of the communities of license proposed, if different. If two or more full-service FM applicants identifying themselves as Tribal Applicants each meet the above criteria and propose identical levels of NCE aural service to Tribal Lands, only those applicants shall proceed to be considered together in a point system analysis. In an analysis performed pursuant to paragraph (a) of this section that does not include a Tribal Applicant, a full service FM applicant that will provide the first or second reserved channel noncommercial educational (NCE) aural signal received by at least 10% of the population within the station's 60dBu (1mV/m) service contours will be considered to substantially further fair distribution of service goals and to be superior to mutually exclusive applicants not proposing that level of service, provided that such service to fewer than 2,000 people will be considered insignificant. First service to 2,000 or more people will be considered superior to second service to a population of any size. If only one applicant will provide such first or second service, that applicant will be selected as a threshold matter. If more than one applicant will provide an equivalent level (first or second) of NCE aural service, the size of the population to receive such service from the mutually exclusive applicants will be compared. The applicant providing the most people with the highest level of service will be awarded a construction permit, if it will provide such service to 5,000 or more people than the next best applicant. If none of the applicants in a mutually exclusive group would substantially further fair distribution goals, all applicants will proceed to examination under a point system. If two or more applicants will provide the same level of service to an equivalent number of people (differing by less than 5,000), only those equivalent applicants will be considered together in a point system. **Acceptance for filing of a tentative selectee's application in a Threshold Fair Distribution of Service Order, or an equivalent Order, triggers the applicant's local public notice obligation under § 73.3580.**

* * * * *

45. In § 73.7003, revise paragraph (a) to read as follows:

§ 73.7003 Point system selection procedures.

(a) If timely filed applications for reserved FM channels or reserved TV channels are determined to be mutually exclusive, applications will be processed and assessed points to determine the tentative selectee for the particular channels. The tentative selectee will be the applicant with the highest point total under the procedure set forth in this section, and will be awarded the requested permit if the Commission determines that an award will serve the public interest, convenience, and necessity. **Acceptance for filing of a tentative selectee's application in an NCE Comparative Points Order, or an equivalent Order, determined under this section triggers the applicant's local public notice obligation under § 73.3580.**

* * * * *

PART 74 – EXPERIMENTAL RADIO, AUXILIARY, SPECIAL BROADCAST AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

46. The authority citation for part 74 continues to read as follows:

Authority: 47 U.S.C. 154, 302a, 303, 307, 309, 310, 325, 336 and 554.

47. In § 74.782, revise paragraph (i)(4)(i) by removing (i)(4)(i)(A) and (B) and revising (i)(4)(i) to read as follows:

§ 74.782 Low power television and TV translator simulcasting during the ATSC 3.0 (Next Gen TV) transition.

* * * * *

(i) * * *

(1) * * *

(2) * * *

(3) * * *

(4) * * *

(i) Next Gen TV stations must provide notice as required by this section:

~~(A) At least 120 days in advance of relocating their ATSC 1.0 signals if the relocation occurs during the post-incentive auction transition period; or~~

~~(B) At least 90 days in advance of relocating their ATSC 1.0 signals if the relocation occurs after the post-incentive auction transition period.~~

* * * * *

PART 76 – MULTICHANNEL VIDEO AND CABLE TELEVISION SERVICE

48. The authority citation for part 76 continues to read as follows:

Authority: 47 U.S.C. 151, 152, 153, 154, 301, 302, 302a, 303, 303a, 307, 308, 309, 312, 315, 317, 325, 335, 338, 339, 340, 341, 503, 521, 522, 531, 532, 534, 535, 536, 537, 543, 544, 544a, 545, 548, 549, 552, 554, 556, 558, 560, 561, 562, 571, 572, 573.

49. In § 76.66, revise paragraph (d)(2)(ii) to read as follows:

§ 76.66 Satellite broadcast signal carriage.

* * * * *

(d) * * *

(1) * * *

(2) * * *

(ii) Except as provided in this paragraph (d)(2)(ii), satellite carriers shall transmit the notices required by paragraph (d)(2)(i) of this section via certified mail to the address for such television station licensee listed in the **Licensing and Management System**~~consolidated database system~~ maintained by the Commission. After July 31, 2020, the written notices required by paragraphs (d)(1)(vi), (d)(2)(i), (v), and (vi), (d)(3)(iv), (d)(5)(i), (f)(3) and (4), and (h)(5) of this section shall be delivered electronically via email to the email address for carriage-related questions that the station lists in its public file in accordance with §§ 73.3526 and 73.3527 of this title.

* * * * *

APPENDIX B

Initial Regulatory Flexibility Act Analysis

1. As required by the Regulatory Flexibility Act of 1980, as amended (RFA),¹ the Federal Communications Commission (Commission) has prepared this Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on a substantial number of small entities by the policies and rules proposed in the *Notice of Proposed Rulemaking (NPRM)*. Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments in the *NPRM*. The Commission will send a copy of the *NPRM*, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration (SBA).² In addition, the *NPRM* and IRFA (or summaries thereof) will be published in the Federal Register.³

A. Need for, and Objectives of, the Proposed Rules

2. In the *NPRM*, the Commission initiates this rulemaking proceeding to obtain comments from small and other entities regarding its proposal to update several of its rules to better reflect current application processing requirements, clarify and harmonize provisions, and remove references to outdated procedures and legacy filing systems. In the past three decades, the Media Bureau (Bureau) has transitioned from paper-filing to electronic filing, and has subsequently transitioned from its initial filing database to a new one. As a result, numerous rule sections still reference outdated terms from the Commission's legacy paper-filing processing procedures and discontinued databases, and are therefore incompatible with current electronic filing procedures.

3. Specifically, the Commission seeks comment on the following proposed rule changes: (1) replacing references to the Bureau's legacy Consolidated Database System (CDBS) electronic filing system with references to the new Licensing and Management System (LMS) electronic filing system and conforming the rules to the current LMS designation for applications; (2) changing the table of assignments/allotments references to conform to existing language; (3) delegating authority to the Bureau to remove a ten application cap rule adopted for 2021 noncommercial educational (NCE) FM new station filing window, upon finality of the remaining NCE FM applications; (4) updating the AM station power increase rules to eliminate the requirement that stations request at least a 20% increase in nominal power and to reflect current station classifications and other administrative updates; (5) updating Incentive Auction rules to remove the obsolete post-incentive auction transition period language; (6) codifying and harmonizing the processing procedures for minor change low power FM (LPFM) applications with the current processing procedures for minor change full-service FM and FM translator applications; (7) defining the term "authorized stations" and codifying which applications an LPFM applicant must protect for purposes of the minimum distance separation requirements; (8) modifying the signature rule to expand the definition of who may sign a certification to include a "duly authorized employee"; (9) codifying the current practice when applicants for new NCE FM, NCE TV, or LPFM construction permits must give local public notice of their applications; (10) removing language providing that an initial special temporary authorization (STA) necessitated by technical or equipment problems may only be granted for 90 days with a limited number of 90-day extensions, rather than the full 180-day period permitted for other reasons; (11) modifying the application processing rules to remove and revise references to various application processing procedures that are now obsolete; (12) consolidating the rules for petitions to deny under a single rule section; and (13) revising the informal objection rule to require service upon the relevant applicant and objector, limit the number of responsive pleadings, and impose filing deadlines.

¹ 5 U.S.C. § 603. The RFA, 5 U.S.C. §§ 601-612, was amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Pub. L. No. 104-121, Title II, 110 Stat. 857 (1996).

² 5 U.S.C. § 603(a).

³ *Id.*

B. Legal Basis

4. The proposed action is authorized pursuant to sections 1, 4, 7, 301, 302, 303, 307, 308, 309, 310, 316, 319, 324, and 336 of the Communications Act, 47 U.S.C. §§ 151, 154, 157, 301, 302, 303, 307, 308, 309, 310, 316, 319, 324, and 336.

C. Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply.

5. The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted.⁴ The RFA generally defines the term “small entity” as having the same meaning as the terms “small business,” “small organization,” and “small governmental jurisdiction.”⁵ In addition, the term “small business” has the same meaning as the term “small business concern” under the Small Business Act.⁶ A small business concern is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.⁷ The rules proposed herein will directly affect small television and radio broadcast stations. Below, we provide a description of these small entities, as well as an estimate of the number of such small entities, where feasible.

6. *Radio Stations.* This industry is comprised of “establishments primarily engaged in broadcasting aural programs by radio to the public.”⁸ Programming may originate in their own studio, from an affiliated network, or from external sources.⁹ The SBA small business size standard for this industry classifies firms having \$47 million or less in annual receipts as small.¹⁰ U.S. Census Bureau data for 2017 show that 2,963 firms operated in this industry during that year.¹¹ Of this number, 1,879 firms operated with revenue of less than \$25 million per year.¹² Based on this data and the SBA’s small business size standard, we estimate a majority of such entities are small entities.

⁴ 5 U.S.C. § 603(b)(3).

⁵ *Id.* § 601(6).

⁶ *Id.* § 601(3) (incorporating by reference the definition of “small business concern” in 15 U.S.C. § 632). Pursuant to 5 U.S.C. § 601(3), the statutory definition of a small business applies “unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the Federal Register.”

⁷ *Id.* § 632. Application of the statutory criteria of dominance in its field of operation and independence are sometimes difficult to apply in the context of broadcast television. Accordingly, the Commission’s statistical account of television stations may be over-inclusive.

⁸ See U.S. Census Bureau, *2017 NAICS Definition, “515112 Radio Stations,”* <https://www.census.gov/naics/?input=515112&year=2017&details=515112>.

⁹ *Id.*

¹⁰ See 13 CFR § 121.201, NAICS Code 515112 (as of 10/1/22 NAICS Code 516110).

¹¹ See U.S. Census Bureau, *2017 Economic Census of the United States, Selected Sectors: Sales, Value of Shipments, or Revenue Size of Firms for the U.S.: 2017*, Table ID: EC1700SIZEREVFIRM, NAICS Code 515112, <https://data.census.gov/cedsci/table?y=2017&n=515112&tid=ECNSIZE2017.EC1700SIZEREVFIRM&hidePrevious=false>. We note that the US Census Bureau withheld publication of the number of firms that operated for the entire year. At this time, the 2022 Economic Census data is not available.

¹² *Id.* The available U.S. Census Bureau data does not provide a more precise estimate of the number of firms that meet the SBA size standard. We note that the U.S. Census Bureau withheld publication of the number of firms that operated with sales/value of shipments/revenue in the individual categories for less than \$100,000, and \$100,000 to \$249,999 to avoid disclosing data for individual companies (see Cell Notes for the sales/value of shipments/revenue in these categories). Therefore, the number of firms with revenue that meet the SBA size standard would be higher

(continued....)

7. The Commission estimates that as of September 30, 2024, there were 4,400 licensed commercial AM radio stations and 6,618 licensed commercial FM radio stations, for a combined total of 11,018 commercial radio stations.¹³ Of this total, 11,017 stations (or 99.99 %) had revenues of \$47 million or less in 2023, according to Commission staff review of the BIA Kelsey Inc. Media Access Pro Database (BIA) on October 15, 2024, and therefore these licensees qualify as small entities under the SBA definition. In addition, the Commission estimates that as of September 30, 2024, there were 4,377 licensed noncommercial (NCE) FM radio stations, 1,967 low power FM (LPFM) stations, and 8,894 FM translators and boosters.¹⁴ The Commission however does not compile, and otherwise does not have access to financial information for these radio stations that would permit it to determine how many of these stations qualify as small entities under the SBA small business size standard. Nevertheless, given the SBA's large annual receipts threshold for this industry and the nature of radio station licensees, we presume that all of these entities qualify as small entities under the above SBA small business size standard.

8. We note, however, that in assessing whether a business concern qualifies as "small" under the above definition, business (control) affiliations¹⁵ must be included. Our estimate, therefore, likely overstates the number of small entities that might be affected by our action, because the revenue figure on which it is based does not include or aggregate revenues from affiliated companies. In addition, another element of the definition of "small business" requires that an entity not be dominant in its field of operation. We are unable at this time to define or quantify the criteria that would establish whether a specific radio or television broadcast station is dominant in its field of operation. Accordingly, the estimate of small businesses to which the rules may apply does not exclude any radio or television station from the definition of a small business on this basis and is therefore possibly over-inclusive. An additional element of the definition of "small business" is that the entity must be independently owned and operated. Because it is difficult to assess these criteria in the context of media entities, the estimate of small businesses to which the rules may apply does not exclude any radio or television station from the definition of a small business on this basis and similarly may be over-inclusive.

9. *Television Broadcasting.* This industry is comprised of "establishments primarily engaged in broadcasting images together with sound."¹⁶ These establishments operate television broadcast studios and facilities for the programming and transmission of programs to the public.¹⁷ These establishments also produce or transmit visual programming to affiliated broadcast television stations, which in turn broadcast the programs to the public on a predetermined schedule. Programming may originate in their own studio, from an affiliated network, or from external sources. The SBA small business size standard for this industry classifies businesses having \$47 million or less in annual receipts as small.¹⁸ 2017 U.S. Census Bureau data indicate that 744 firms in this industry operated for the entire

that noted herein. We also note that according to the U.S. Census Bureau glossary, the terms receipts and revenues are used interchangeably, *see* https://www.census.gov/glossary/#term_ReceiptsRevenueServices.

¹³ *Broadcast Station Totals as of September 30, 2024*, Public Notice, DA 24-1034 (rel. Oct. 7, 2024) (*October 2024 Broadcast Station Totals PN*), <https://docs.fcc.gov/public/attachments/DA-24-1034A1.pdf>.

¹⁴ *Id.*

¹⁵ "[Business concerns] are affiliates of each other when one concern controls or has the power to control the other or a third party or parties controls or has the power to control both." 13 CFR § 21.103(a)(1).

¹⁶ *See* U.S. Census Bureau, *2017 NAICS Definition*, "515120 Television Broadcasting," <https://www.census.gov/naics/?input=515120&year=2017&details=515120>.

¹⁷ *Id.*

¹⁸ *See* 13 CFR § 121.201, NAICS Code 515120 (as of 10/1/22 NAICS Code 516120).

year.¹⁹ Of that number, 657 firms had revenue of less than \$25 million per year.²⁰ Based on this data we estimate that the majority of television broadcasters are small entities under the SBA small business size standard.

10. As of September 30, 2024, there were 1,384 licensed commercial television stations.²¹ Of this total, 1,307 stations (or 94.4%) had revenues of \$47 million or less in 2023, according to Commission staff review of the BIA Kelsey Inc. Media Access Pro Television Database (BIA) on October 15, 2024, and therefore these licensees qualify as small entities under the SBA definition. In addition, the Commission estimates as of September 30, 2024, there were 382 licensed noncommercial educational (NCE) television stations, 379 Class A TV stations, 1,812 LPTV stations and 3,092 TV translator stations.²² The Commission, however, does not compile and otherwise does not have access to financial information for these television broadcast stations that would permit it to determine how many of these stations qualify as small entities under the SBA small business size standard. Nevertheless, given the SBA's large annual receipts threshold for this industry and the nature of these television station licensees, we presume that all of these entities qualify as small entities under the above SBA small business size standard.

D. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities

11. The *NPRM* proposes to amend existing rules to better reflect current application processing requirements, clarify and harmonize provisions, and remove references to outdated procedures and legacy filing systems. Some of these rule changes may require new or modified reporting, recordkeeping, or compliance obligations for small and other broadcasters, as detailed below.

12. The proposed rules will eliminate the requirement that an AM station requesting to increase power must propose at least a 20% increase in the station's nominal power. This change will provide small, AM broadcasters greater flexibility and allow for new opportunities for stations to optimize their operations. The *NPRM* also proposes to codify the processing procedures for LPFM minor modification applications, thereby creating consistency in the language in the rules on how these modifications are processed across different FM classes. The proposed rules also revise the minimum distance separation requirements for new and modified LPFM applications to explain which applications must be protected, define "authorized station," and clarify that a public notice that just announces the filing window dates will not serve to terminate protection requirements for prior-filed applications. The *NPRM* further defines the acceptance public notice, which triggers the local public notice obligations for applicants for new NCE FM, NCE TV, or LPFM construction permits, many of whom are small entities. The proposed rules also removes language providing that an initial STA required by technical or equipment problems may only be granted for 90 days with a limited number of 90-day extensions, rather than the full 180-day period, which would ease the regulatory burden on small entities.

13. In addition, the *NPRM* proposes to expand the definition of who may sign a certification beyond an officer of the corporation, a partner in the partnership, or a member who is an officer of the unincorporated association, to include a "duly authorized employee," similar to rules used by other

¹⁹ See U.S. Census Bureau, *2017 Economic Census of the United States, Selected Sectors: Sales, Value of Shipments, or Revenue Size of Firms for the U.S.: 2017*, Table ID: EC1700SIZEREVFIRM, NAICS Code 515120, <https://data.census.gov/cedsci/table?y=2017&n=515120&tid=ECNSIZE2017.EC1700SIZEREVFIRM&hidePreview=false>. At this time, the 2022 Economic Census data is not available.

²⁰ *Id.* The available U.S. Census Bureau data does not provide a more precise estimate of the number of firms that meet the SBA size standard. We also note that according to the U.S. Census Bureau glossary, the terms receipts and revenues are used interchangeably, see https://www.census.gov/glossary/#term_ReceiptsRevenueServices.

²¹ *Broadcast Station Totals as of September 30, 2024*, Public Notice, DA 24-1034 (rel. October 7, 2024) (*October 2024 Broadcast Station Totals PN*), <https://docs.fcc.gov/public/attachments/DA-24-1034A1.pdf>.

²² *Id.*

bureaus and offices that allow for directors and authorized employees to sign applications and amendments for the organization. The rules also propose to revise the informal objection rule, requiring that informal objections be served upon the applicant as well as limiting the number of pleadings that may be filed in response to an informal objection to one objection and one reply. The proposed service requirement would result in a small paperwork obligation for small and other entities. The minimal burden would be offset by the benefit of promoting a more efficient resolution of contested proceedings. In the case of an informal objection against an application for renewal of license, an opposition must be filed within 30 days after the informal objection is filed, and replies would be due within 20 days after the opposition is due or within 20 days after the opposition is filed, whichever occurs later. For all other pleadings, the *NPRM* proposes that an opposition must be filed by the applicant within 10 days after the informal objection is filed and a reply filed by the objector within five days after the opposition is due or within five days after the opposition is filed, whichever occurs later.

14. We believe these revisions will make the rules more transparent and accessible to small entities and thus reduce the need for professional services such as expert engineering or legal assistance with compliance and reporting requirements. We anticipate the information we receive in comments, including where requested, cost and benefit analyses, will help the Commission identify and evaluate relevant compliance issues impacting small entities, including costs to hire professionals to comply with these rules, and other burdens that may result from the proposed revisions in the *NPRM*.

E. Steps Taken to Minimize the Significant Economic Impact on Small Entities and Significant Alternatives Considered

15. The RFA requires an agency to describe any alternatives that could minimize impacts to small entities that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): “(1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities; (3) the use of performance rather than design standards; and (4) an exemption from coverage of the rule, or any part thereof, for such small entities.”²³

16. In the *NPRM*, the Commission considered alternatives such as retaining the existing rules, while amending other, related rules to further improve the accuracy of the Code of Federal Regulations, many of which may minimize the impact of the regulations on small broadcasters. For example, in proposing to revise the signature rule, we considered whether to permit a “duly authorized employee” to sign for the corporation, partnership or unincorporated association, or, in the alternative, to maintain our current rules requiring officers, partners, or members who are officers to sign, which often results in application dismissals. We also considered whether we should limit this to specific employees, and how this decision, if adopted, might impact small broadcasters that may not be represented by counsel. In considering the proposed revisions to the informal objection rule, we seek comment on whether we should adopt longer times to respond to pleadings than proposed, which may provide flexibility for small entities.

17. The Commission seeks comment on whether any of the burdens associated the filing, recordkeeping and reporting requirements described in the *NPRM* can be minimized for small entities. The Commission is open to considering alternatives to the rules proposed in the *NPRM*, including but not limited to alternatives that will minimize significant economic burdens on small and other broadcasters.

F. Federal Rules that May Duplicate, Overlap, or Conflict with the Proposed Rules

18. None.

²³ 5 U.S.C. § 603(c)(1)–(4).

**STATEMENT OF
CHAIRWOMAN JESSICA ROSENWORCEL**

Re: *Amendment of Parts 1, 73, 74 and 76 of the Commission's Rules to Update Rules
Applicable to Broadcast Stations*, Notice of Proposed Rulemaking, MB Docket No. 24-626

There are so many screens and new devices in our lives, offering up all kinds of content when we want it and where we want it. So here we identify changes we can make under existing law that governs broadcasting—like the Communications Act of 1934, the Cable Television Consumer Protection and Competition Act of 1992, and Consolidated Appropriations Law from 2004—that streamline the responsibilities radio and television stations have under our rules.

Thank you to the staff responsible for this effort, including Holly Saurer, Thomas Horan, Evan Morris, Al Shuldiner, Lisa Scanlan, Jim Bradshaw, Alex Sanjenis, Amy Van De Kerckhove, Dana Bradford, Shante Willis, Ryan McClafferty, Son Nguyen, Ari Rangel, and Shaun Maher from the Media Bureau. Thanks also to Kim Makuch and Michelle Schaefer from the Office of Economics and Analytics and David Konczal and Susan Aaron from the Office of General Counsel.

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

In the Matter of	)	
	)	
Connect America Fund	)	WC Docket No. 10-90
	)	
Connect America Fund Phase II Auction	)	AU Docket No. 17-182
	)	
The Uniendo a Puerto Rico Fund and the Connect USVI Fund	)	WC Docket No. 18-143
	)	
Rural Digital Opportunity Fund	)	WC Docket No. 19-126
	)	
Rural Digital Opportunity Fund Auction	)	AU Docket No. 20-34
	)	
Establishing a 5G Fund for Rural America	)	GN Docket No. 20-32
	)	
Letters of Credit for Recipients of High-Cost Competitive Bidding Support	)	WC Docket No. 24-144

REPORT AND ORDER AND ORDER

Adopted: December 11, 2024

Released: December 13, 2024

By the Commission: Chairwoman Rosenworcel issuing a statement.

I. INTRODUCTION

1. In this Report and Order and Order, we make targeted modifications to the requirements for letters of credit that recipients of Universal Service Fund (USF) high-cost support awarded through a competitive process must obtain. These changes are intended to facilitate accelerated broadband deployment in the areas where it is needed most, while continuing to safeguard our investment of limited USF dollars. First, we modify our bank eligibility rules for programs that award high-cost support through a competitive process, which will allow winning bidders to obtain qualifying letters from United States banks that meet the “well capitalized” criteria established by federal bank supervisory agencies. This change will increase the number of banks qualified to issue letters of credit compared to our prior standard, which required a B- or better Weiss safety rating, while also ensuring that we only accept letters of credit from financially stable banks. Second, we allow Rural Digital Opportunity Fund (RDOF) support recipients to reduce the value of their letters of credit to one year of their annual support if they have deployed service to 10% of their required locations by the end of their second year of support. Finally, we allow Connect America Fund Phase II (CAF II) support recipients that have met all of their reporting and deployment obligations to similarly reduce the value of their letters of credit consistent with the RDOF rules. Reducing the required letter of credit values for qualifying RDOF and CAF II support recipients will facilitate broadband deployment by reducing the amount of capital providers must maintain for the required letters of credit.

II. BACKGROUND

2. Since 2011, when it adopted rules for Phase I of the Mobility Fund, the Commission has required recipients of high-cost support authorized through a competitive process to obtain letters of

credit (LOCs).¹ This requirement served to “protect[] the integrity of the USF funds disbursed to the recipient,” and to ensure that the Commission could recoup previously disbursed funds in the event of a support recipient’s default.² These rules required that a support recipient maintain a higher value in the letter of credit instrument corresponding to the total amount of support it had received, plus an additional percentage.³ The Commission also needed to establish standards to ensure the health of the financial institutions issuing those letters of credit, and it determined that for a United States bank to be eligible to issue an LOC to a recipient of Mobility Fund Phase I support, it needed to: (1) be among the 50 largest United States banks; (2) be insured by the Federal Deposit Insurance Corporation (FDIC); and (3) have a long-term unsecured credit rating issued by Standard & Poor’s (or an equivalent rating from another nationally recognized credit rating agency) of A- or better.⁴

3. Although the Commission continued to require letters of credit in subsequent high-cost support programs, it modified those requirements to increase the number of banks qualified to issue LOCs, giving potential participants a wider range of banks to choose from. In 2014, for example, when the Commission adopted rules for the Rural Broadband Experiments, it maintained the LOC requirement but, to “enlarge the potential pool of eligible banks,” it made two changes to its eligibility rules for United States banks.⁵ First, it allowed the largest 100, instead of 50, United States banks to issue LOCs.⁶ Second, it required United States banks to have a long-term unsecured credit rating issued by Standard & Poor’s (or an equivalent rating from another nationally recognized credit rating agency) of BBB- or better.⁷

4. In 2016, the Commission adopted rules for a competitive bidding process to award support via a reverse auction for CAF II.⁸ In order to encourage more providers, including smaller providers, to participate in the auction, the Commission again expanded the number of banks that would be eligible to issue LOCs to support recipients, and determined a United States bank would be eligible to issue letters of credit to CAF II support recipients, if it (1) was insured by the FDIC, and (2) had a bank safety rating from Weiss of B- or better.⁹ The Commission adopted this requirement because it concluded that Weiss’s ratings were independent and would provide an objective measurement to determine whether a bank was sufficiently secure for the Commission to rely on the LOCs the bank issued.¹⁰ Additionally,

¹ *Connect America Fund et al.*, WC Docket Nos. 10-90 et al., Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663, 17810-12, paras. 443-51 (2011) *aff’d sub nom.*, *In re: FCC 11-161*, 753 F.3d 1015 (10th Cir. 2014).

² *Id.* at 17810, para. 446.

³ *Id.* at 17811, para. 447.

⁴ 47 CFR §§ 54.1007(a)(1)(i)(A)-(C).

⁵ See *Connect America Fund; ETC Annual Reports and Certification*, WC Docket Nos. 10-90, 14-58, Report and Order and Further Notice of Proposed Rulemaking, 29 FCC Rcd 8769, 8790, para. 59 (2014).

⁶ *Id.*

⁷ *Id.*

⁸ *Connect America Fund et al.*, Report and Order and Further Notice of Proposed Rulemaking, 31 FCC Rcd 5949, 5989-99, paras. 119-40 (2016) (*CAF Phase II Auction Order*).

⁹ *CAF Phase II Auction Order*, 31 FCC Rcd at 5993, para. 127; 47 CFR §§ 54.315(c)(2)(i)(A)-(B). These same requirements were later adopted in 2019 for Stage 2 of the Uniendo a Puerto Rico Fund and the Connect USVI Fund. *The Uniendo a Puerto Rico Fund and the Connect USVI Fund*, Report and Order and Order on Reconsideration, 34 FCC Rcd 9109, 9151, para. 76 (2019); 47 CFR §§ 54.1508(c)(1)(i)-(ii). The Commission also allowed two institutions that are not FDIC-insured, CoBank and the National Rural Utilities Cooperative Finance Corporation, to issue program LOCs, as long as those institutions met certain requirements. *CAF Phase II Auction Order*, 31 FCC Rcd at 5994-96, paras. 128-130.

¹⁰ *CAF Phase II Auction Order*, 31 FCC Rcd at 5993, para. 127.

the Commission noted that adopting the Weiss ratings would increase the number of eligible banks from roughly 70 to over 3,600.¹¹ The Commission also required that an LOC for the CAF II auction be valued at the amount of total support that a recipient had received, in addition to the amount that was to be disbursed in the coming year.¹² CAF II support recipients were able to slightly reduce the value of their LOCs, to 90% of their previously received support, plus the amount they would receive in the next year, once they deployed service to 60% of their required locations. They were able to further reduce their LOCs to 80% of their previously received support, plus the amount they would receive in the next year, once they deployed service to 80% of their required locations.¹³

5. In 2020, the Commission adopted rules for the RDOF auction.¹⁴ Like CAF II, the RDOF awarded high-cost support to carriers via a competitive bidding process. While the Commission retained the same eligibility rules for United States banks (i.e., requiring the bank to (1) be insured by the FDIC, and (2) have a bank safety rating from Weiss of B- or better),¹⁵ it made several changes to the rules governing the letters of credit RDOF support recipients were required to obtain. Relevant here, RDOF support recipients were permitted to obtain LOCs at reduced amounts compared to the CAF II support recipients' LOCs,¹⁶ and RDOF support recipients were also permitted to reduce the value of their LOC, and therefore the amount of recipient capital constrained by the LOC, to an amount equal to one year of their total support in a given area if they met a series of deployment milestones, beginning at the end of their third year of support.¹⁷ RDOF support recipients were also given the opportunity to reduce the value of the LOC to one year of support if they deployed service to 20% of their required locations by the end of their second year of support.¹⁸

6. Later in 2020, the Commission established the 5G Fund for Rural America (5G Fund), which would use multi-round reverse auctions to distribute universal service support for high-speed, 5G mobile broadband services.¹⁹ As in CAF II and RDOF, the Commission adopted LOC requirements, using the same criteria for determining whether a bank is "acceptable to the Commission" for purposes of its eligibility to offer an LOC to a support applicant.²⁰

7. As the various Commission USF programs continued to support broadband deployment, the Commission needed to adjust the letter of credit requirements in response to market conditions related to the COVID-19 pandemic. In June 2020, the Wireline Competition Bureau (Bureau) issued a waiver allowing CAF II support recipients to follow the RDOF letter of credit rules pertaining to the required

¹¹ *Id.*

¹² *Id.* at 5997, para. 135.

¹³ *Id.* at 5997-98, para. 136; 47 CFR §§ 54.315(c)(1)(i)-(ii).

¹⁴ See generally *Rural Digital Opportunity Fund*, Report and Order, 35 FCC Rcd 686 (2020) (*Rural Digital Opportunity Fund Order*).

¹⁵ *Id.* at 732, para. 107; 47 CFR § 54.804(c)(2)(i)(B).

¹⁶ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 730, para. 101. Compare 47 CFR §§ 54.804(c)(1)(i)-(v) (setting forth the required value of RDOF LOCs) with 47 CFR § 54.315(c)(1) (setting forth the required value of Auction 903 LOCs).

¹⁷ *Rural Digital Opportunity Fund Order*, 35 FCC Rcd at 709, para. 45.

¹⁸ *Id.* 730, para. 99.

¹⁹ *Establishing a 5G Fund for Rural America*, GN Docket No. 20-32, Report and Order, 35 FCC Rcd 12174, 12263-69, paras. 225-44 (2020), modified by *Errata* released Nov. 10, 2020, Nov. 27, 2020, and Jan. 11, 2021 (*5G Fund Report and Order*); *Establishing a 5G Fund for Rural America*, GN Docket No. 20-32, Second Report and Order. Order on Reconsideration, and Second Further Notice of Proposed Rulemaking, FCC 24-89 (Aug. 29, 2024).

²⁰ 47 CFR § 54.1016(a)(2)(i).

value of LOCs until December 31, 2021.²¹ This waiver was later renewed for all CAF II support recipients until December 31, 2022²² and, in 2022, extended another year but was limited to CAF II support recipients that had met each of their deployment and reporting deadlines.²³ In 2023, that limited waiver was extended until December 31, 2024.²⁴

8. Over the past several years, while carriers have been deploying broadband through CAF II and RDOF, numerous banks that had issued LOCs had their Weiss safety rating fall below a B-, which made those banks ineligible to issue LOCs for those programs. When the Commission first adopted the B- or better Weiss safety rating threshold for banks issuing LOCs, nearly 3,600 banks had a safety rating of B- or better. That number had fallen to 1,851 in March 2024,²⁵ and as of the middle of November 2024, that number is now 1,634.²⁶ Numerous providers have requested waivers to retain the letter of credit with their current bank, citing to concerns about the costs and administrative burdens associated with obtaining a new letter of credit. The Bureau granted those waivers to spare support recipients of the additional time and expense of obtaining letters of credit from different banks with Weiss safety ratings above a B-.²⁷ Next, to avoid needing to address individual waiver requests on an ongoing basis, the Bureau earlier this year issued a temporary waiver for all CAF II and RDOF participants of the requirement that United States banks issuing program LOCs maintain a Weiss safety rating of B- or better. This waiver was limited to banks that previously issued program LOCs and then saw their Weiss safety ratings fall below a B-.²⁸

9. After the Bureau's waiver order was released, we adopted in June 2024 a Notice of Proposed Rulemaking proposing measures to adjust the Commission's letter of credit requirements by securing the financial commitments made in CAF II and RDOF, as well as any 5G Fund auction, while maintaining a sufficiently expansive pool of issuing banks to enable broad participation in the programs.²⁹ To accomplish these dual goals, we sought comment on potential alternatives to the Weiss ratings that could be used to evaluate a bank's fitness to issue LOCs,³⁰ and, alternatively, on lowering the Weiss safety rating threshold that would allow a bank to issue LOCs.³¹ We also sought comment on allowing RDOF support recipients to lower the value of their LOCs to one year of their total support if they deployed service to 10% of their required locations within a state by the end of their second year of

²¹ *Connect America Fund; ETC Annual Reports and Certification; Rural Broadband Experiments; Connect America Fund Phase II Auction*, WC Docket Nos. 10-90, 14-58, 14-259; AU Docket No. 17-182, Order, 35 FCC Rcd 6556 (WCB 2020).

²² *Connect America Fund, et al.*, Order, 36 FCC Rcd 16633 (WCB 2021) (*2021 Letter of Credit Waiver Extension*).

²³ *Connect America Fund, et al.*, Order, 37 FCC Rcd 14592, 14592, para. 1 (WCB 2022) (*2022 Letter of Credit Waiver Extension Order*).

²⁴ *Connect America Fund, et al.*, Order, 38 FCC Rcd 11158, 11158, para. 1 (WCB 2023) (*2023 Letter of Credit Waiver Extension Order*).

²⁵ See *Connect America Fund et al.*, WC Docket No. 10-90 et al., Order, 39 FCC Rcd 2308, 2310, para. 6 & n.17 (WCB 2024) (*Weiss Waiver Order*).

²⁶ See Weiss Bank Safety Ratings, <https://weissratings.com/en/banking> (last visited Nov. 18, 2024).

²⁷ See *Weiss Waiver Order*, 39 FCC Rcd at 2309, para. 3 & n. 7 (listing the individual Bureau-level waivers).

²⁸ *Id.* at 2308, para. 1.

²⁹ See *Connect America Fund et al.*, WC Docket Nos. 10-90 et al., Notice of Proposed Rulemaking, FCC 24-64, at 6-7, para. 16 (June 7, 2024) (*Letter of Credit NPRM*).

³⁰ *Id.* at 7-8, para. 18.

³¹ *Id.* at 8-9, para. 21.

support.³² Finally, we sought comment on extending the waiver allowing CAF II recipients that have met all of their deployment and reporting obligations to follow the RDOF LOC rules.³³

III. DISCUSSION

10. The record provides broad support for the Commission to use a standard other than a Weiss B- safety rating for banks to qualify to issue letters of credit. The record also broadly supports reducing the required letter of credit values to one year of support for (1) RDOF providers that have deployed service to 10% of their required locations within a state by the end of their second year of support and (2) CAF II support recipients that have met all of their reporting and deployment obligations.

A. “Well Capitalized” Criteria for Issuing Letters of Credit

11. We first find the Commission’s relevant high-cost programs should continue to use a reliable benchmark to assess an issuing bank’s financial stability. As a threshold matter, several commenters argued that no evaluation of a bank’s reliability is necessary, and that any federally insured bank should be eligible to issue program LOCs.³⁴ We disagree. As the Commission explained in 2016, allowing any federally-insured bank to issue program LOCs would require Commission staff to “conduct a comprehensive review of every bank to determine whether it has adequate safety and soundness.”³⁵ We continue to believe that some assurance of a bank’s stability beyond being federally-insured is necessary, and that this assurance will enhance the reliability of the LOCs that are issued, and, by extension, the integrity of our programs that rely on those LOCs.

12. We next decide the appropriate standard to ensure a bank’s financial health. Commenters disagreed about whether we should continue to use the Weiss ratings,³⁶ with some arguing that the Weiss ratings were opaque and fundamentally unreliable, while others believe the Commission should continue to use the Weiss ratings to minimize disruption.³⁷ Commenters also had a number of different proposals for alternative methods of evaluating a bank’s suitability to issue program LOCs. The Bank Policy Institute argued that if the Commission sought to evaluate a bank’s suitability to issue program LOCs, it should require the bank to be “well capitalized,” which is “the federal supervisory framework’s highest tier of capitalization.”³⁸ Other commenters suggested that a bank should only need to be “adequately capitalized,” a less stringent standard than “well capitalized.”³⁹ Bank of America suggested that a United States bank should be allowed to issue program LOCs if it had either: (1) a Weiss rating of B- or higher, or (2) a long-term unsecured credit rating issued by a widely-recognized credit rating agency that is equivalent to a BBB- or better rating by Standard & Poor’s.⁴⁰

13. Based on our review of the record, we eliminate the use of the Weiss ratings as the standard for United States banks to be considered “acceptable to the Commission” for purposes of issuing

³² *Id.* at 9-10, paras. 22-24.

³³ *Id.* at 10, para. 25.

³⁴ *See, e.g.*, State Banking Associations Comments at 3.

³⁵ *See CAF Phase II Auction Order*, 31 FCC Rcd at 5996, para. 132.

³⁶ *Compare* ACA Connects Reply Comments at 1-2 (stating that “As an initial matter, we are not persuaded by comments criticizing reliance on Weiss ratings in general to determine bank eligibility to issue LOCs”) *with* WISPA Comments at 2-4 (arguing that the Commission should no longer use Weiss ratings).

³⁷ *See* US Telecom Comments at 3 (advocating for different standards, but suggesting that the Commission could continue to use Weiss ratings to minimize disruption).

³⁸ BPI Comments at 3.

³⁹ *See, e.g.*, Independent Community Bankers of America Comments at 3-4.

⁴⁰ *See* Letter from James Carlisle, Senior Vice President, Federal Government Relations, Bank of America, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 10-90, at 2 (filed Dec. 8, 2023) (*BOA Ex Parte*).

qualifying program LOCs. We modify our rules to make a bank “acceptable to the Commission” if it is a United States bank insured by the Federal Deposit Insurance Corporation (FDIC) that meets the criteria to be considered “well capitalized” as determined by the FDIC, the Federal Reserve, and the Office of the Comptroller of the Currency (OCC).⁴¹ Applying the well capitalized criteria used by these agencies will provide the Commission with assurance that the United States banks issuing program LOCs will have sufficient capital to promptly honor those LOCs in the event that the Commission needs to recover payment due to a default.

14. Federal bank regulators are required by statute to promulgate regulations ensuring that a bank maintains adequate capital.⁴² The financial condition of United States banks is supervised by one of three agencies: the FDIC, the Federal Reserve, and the OCC.⁴³ Each agency has promulgated nearly-identical criteria to determine a bank’s capitalization status and whether it is “well capitalized.”⁴⁴ Based on the four publicly-available metrics used by these agencies,⁴⁵ a bank’s capitalization status can be well capitalized, adequately capitalized, undercapitalized, significantly undercapitalized, or critically undercapitalized. For a bank to be well capitalized, the regulations also require a confirmation from the bank that it is not subject to certain regulatory actions from its supervising agency.⁴⁶

15. We find that these established criteria are appropriate metrics by which we can determine that a banking institution is financially stable and has sufficient assets relative to its liabilities. Furthermore, like the Weiss bank safety ratings, the metrics that determine whether a bank is well capitalized are accessible—in this case in the electronic Code of Federal Regulations,⁴⁷ and a bank’s well capitalized status is not confidential supervisory information and is publicly available,⁴⁸ which will assist both the Commission and the Universal Service Administrative Company (USAC or the Administrator) in determining whether a support recipient’s letter of credit complies with program rules. Relying on these criteria will promote transparency in how banks may qualify to issue LOCs for Commission high-cost support programs because the standards for the metrics are established by regulation. Further, as stewards of the USF, we have a responsibility to ensure that our programs’ expenditures are protected while minimizing disruption for support recipients and their banks, and we conclude that using these criteria will achieve our obligations.

⁴¹ This change will apply to all of our existing high-cost programs that award support through a competitive process. *See* App’x A (revising 47 CFR §§ 54.315(c)(2)(i)(B) (Auction 903 (CAF II)); 54.804(c)(2)(i)(B) (Auction 904 (RDOF)); 54.1016(a)(2)(i)(B) (5G Fund); 54.1508(c)(1)(ii) (Stage 2 fixed support for the Uniendo a Puerto Rico Fund and the Connect USVI Fund)).

⁴² 12 U.S.C. § 3907(a)(1).

⁴³ *See* Congressional Research Service, Bank Capital Requirements: A Primer and Policy Issues at 6 (Mar. 9, 2023), available at <https://crsreports.congress.gov/product/pdf/R/R47447> (explaining that “[t]he OCC is the primary federal regulator for nationally chartered banks, the Fed[eral Reserve] for state-chartered banks that become members of the Federal Reserve System, and the FDIC for the remaining state-chartered banks”).

⁴⁴ 12 CFR §§ 6.4 (b)(1)(i)(A)-(E); 12 CFR §§ 208.43 b)(1)(i)(A)-(E); 12 CFR §§ 324.403(b)(1)(i)(A)-(E).

⁴⁵ 12 CFR §§ 324.403(b)(1)(i)(A)-(D) (setting forth the required ratios for a bank’s Total Risk-Based Capital Measure, Tier 1 Risk-Based Capital Measure, Common Equity Tier-1 Capital Measure, and Leverage Ratio). These metrics are available on the FDIC’s website for every bank the FDIC insures. Since, with the exception of CoBank and the National Rural Utilities Cooperative Finance Corporation, United States banks must be insured by the FDIC to issue program LOCs, *see* 47 CFR §§ 54.315(c)(2)(ii)-(iii); 54.315(c)(2)(i)(A), this means that the relevant metrics will be publicly available for all eligible banks. (The cited rule applies to Auction 903 support recipients. The other high-cost programs that award support through a competitive process have identical rules.)

⁴⁶ *See, e.g.*, 12 CFR § 324.403(b)(1)(i)(E).

⁴⁷ <https://www.ecfr.gov/>.

⁴⁸ *See* BPI Comments at 4. All banks that are insured by the FDIC have their relevant financial information publicly available on the FDIC website. *See* <https://banks.data.fdic.gov/bankfind-suite/bankfind>.

16. As an additional safeguard, when future LOCs are submitted by program recipients to demonstrate compliance with the Commission's rules, we will also require a certification from a United States bank's officer that the bank meets the criteria to be considered well capitalized by at least one of the FDIC, the Federal Reserve, or the OCC.⁴⁹ We direct the Administrator to confirm the bank's status as well capitalized based on the four publicly-available metrics. The certification from a United States bank's officer will also serve as confirmation that the bank is not subject to any of the enhanced regulatory scrutiny set forth in the banking agencies' rules that would remove a bank from well capitalized status.

17. Numerous commenters supported the Commission using well capitalized as the appropriate standard.⁵⁰ We disagree with the commenters who argued that banks that are merely "adequately capitalized" under the financial regulations should also be allowed to issue program LOCs.⁵¹ We conclude that allowing only banks that are well capitalized, which is the highest tier of capitalization among the banks that are federally supervised, will provide an appropriate level of assurance that the LOCs that are issued can be relied upon, if needed.⁵² Although there are no regulatory penalties associated with being adequately capitalized instead of well capitalized, banks that are adequately capitalized but not well capitalized are subject to additional requirements, such as more frequent examinations,⁵³ and a bank would need to exceed the well capitalized standard to avoid certain capital restrictions.⁵⁴ To avoid any marginal risk associated with institutions that do not meet the well capitalized standard, and because the vast majority of United States banks are well capitalized, we believe that requiring this highest tier of capitalization best balances our need for assurances of a bank's financial stability while allowing a large number of banks to issue program LOCs.

18. We disagree with commenters who contend that we should continue to use the Weiss ratings.⁵⁵ We believe, based on our experience and the record before us, that the use of the Weiss bank safety ratings has ultimately burdened RDOF and CAF II recipients and their banks, and the significant number of banks whose Weiss safety rating has fallen below a B- has forced numerous recipients to incur additional time and expense to obtain LOCs from different banks or to obtain a waiver of our rules.⁵⁶ Since there are more banks that are well capitalized—a criteria that also provides us an appropriate level of assurance regarding the bank's financial stability—than there are banks that have a Weiss bank safety rating of B- or better, modifying our bank qualification standard will allow for more flexibility for program support recipients to obtain and maintain LOCs from the bank of their choice without sacrificing

⁴⁹ This certification will become necessary after the rule changes in this Order take effect, which will be six months after this Order's adoption.

⁵⁰ See, e.g., BPI Comments at 3-4.

⁵¹ See, e.g., Wisconsin Bankers Association Comments at 4; Independent Community Bankers Association Comments at 3-4.

⁵² We note that the Commission previously declined to evaluate U.S. banks based solely on their capitalization status, because it concluded that using "a rating based on a number of financial indices provides a more comprehensive view of a bank's financial viability." See *CAF Phase II Auction Order*, 31 FCC Rcd at 5196-97, para. 132. However, our review of the record in this proceeding has convinced us that focusing solely on a bank's capitalization will provide certainty for providers and their banks while insuring that the LOCs that are issued can be relied upon.

⁵³ Compare 12 U.S.C. § 1820(d)(1) (generally requiring a full-scope, on-site examination of a bank every 12 months) with 12 U.S.C. § 1820(d)(4) (permitting certain banks that meet the capital requirements to be considered well capitalized to be examined every 18 months).

⁵⁴ See 12 CFR § 324.11(a)(4) (requiring banks to hold a capital conservation buffer above the risk-weighted capital requirements to avoid certain restrictions on capital distributions).

⁵⁵ See, e.g., Weiss Comments.

⁵⁶ See *Weiss Waiver Order*, 34 FCC Rcd at 2309, para. 3.

program integrity. There appear to be more than 4,000 banks that are “well capitalized” under the federal rules, which makes it unlikely that our rule change would lead to disruption for program support recipients, as we expect that any bank that has a Weiss bank safety rating of B- or better will also be well capitalized.⁵⁷

19. Nor do we find it reasonable or necessary to permit reliance on banks with Weiss safety ratings of C- or better, as some commenters suggested.⁵⁸ While lowering the permissible minimum rating from B- to C- would likely allow more United States banks to issue program LOCs,⁵⁹ we believe that such a change is rendered unnecessary given our adoption of the well capitalized criteria, which, as explained above, allows more banks to qualify to issue LOCs than the current Weiss B- rating threshold. Accordingly, we decline to continue to use the Weiss bank safety ratings at any level.

20. Finally, we decline to adopt the alternative methods of evaluating a bank’s reliability that were proposed in the record.⁶⁰ We note that adopting Bank of America’s proposal of allowing United States banks with a “long-term unsecured credit rating issued by a widely [] recognized credit rating agency that is equivalent to a BBB- or better rating by Standard & Poor’s”⁶¹ would leave many smaller banks ineligible to issue program LOCs, as many of these smaller institutions are not rated by large Nationally Recognized Statistical Rating Organizations (NRSROs).⁶² Preventing smaller banks from issuing program LOCs would run counter to the Commission’s original goal of “expand[ing] the eligibility of banks to lower barriers to participation in the auction for entities that may not otherwise be able to obtain a letter of credit from a smaller pool of banks.”⁶³ Instead, allowing United States banks that are “well capitalized” to issue program LOCs will best benefit program recipients by allowing them to obtain and maintain LOCs from a larger pool of United States banks while still serving the LOC requirement’s purpose of supporting program integrity by enabling the Commission to recover funding if needed.

21. *Transition Period.* We will provide a transition period of six months from the effective date of this Order, during which providers may continue to obtain and maintain program LOCs and rely upon the existing waiver of our rule requiring a Weiss bank safety rating of B- or better.⁶⁴ To enable this transition, on our own motion, we extend the Bureau’s waiver of the rules requiring a Weiss bank safety rating of B- or better for those banks that previously qualified to issue letters of credit to support recipients until the end of this transition period. Without a waiver extension, impacted support recipients would be required to obtain new letters of credit under the existing rules even though a new standard will

⁵⁷ See, e.g., WISPA Comments at 7 (stating that they believe that there are over 4,350 banks that are well capitalized); BPI Comments at 3-4 & n.13 (stating that 4,561 banks met the required capital ratios to be well capitalized, but acknowledging that this number did not account for banks that could be subject to enhanced regulatory supervision).

⁵⁸ See, e.g. ACA Comments at 2-3.

⁵⁹ See Weiss Bank Safety Ratings, <https://weissratings.com/en/banking> (last visited Nov 18, 2024) (as of November 18, out of 4,487 banks rated by Weiss, 1,634 had a rating of B- or higher, while an additional 2,256 banks had ratings in the “C” tier, meaning that as of that date, 3,890 banks would be eligible to issue program LOCs if the standard were lowered to a C-).

⁶⁰ We also decline to adopt the ratings of KBRA Analytics as a replacement for the Weiss bank safety ratings, because we do not have sufficient data to assume the reliability and accuracy of those ratings. See KBRA Reply at 1.

⁶¹ BOA Ex Parte at 2.

⁶² Wisconsin Bankers Association Comments at 2.

⁶³ CAF Phase II Auction Order, 31 FCC Rcd at 5993-94, para. 127.

⁶⁴ See Weiss Waiver Order at 2310-11, para. 9 (waiving our rule requiring a Weiss bank safety rating of B- or better as long as the bank had a rating of B- or better when it first issued the program LOC).

soon be in place. Generally, the Commission's rules may be waived for good cause shown.⁶⁵ Waiver of the Commission's rules is appropriate only if both: (1) special circumstances warrant a deviation from the general rule, and (2) such deviation will serve the public interest.⁶⁶ We believe that both circumstances are present here, because permitting the existing waiver to lapse prior to the effective date of the amended rules would require support recipients to incur significant costs and administrative burdens to obtain new letters of credit, even though their existing letters of credit may well meet the well capitalized standard that will soon be in effect. A waiver will serve the public interest by minimizing burdens on support recipients and permitting them to focus on ensuring that they are prepared to comply with the amended rules by the end of the transition period.

22. Additionally, support recipients whose letter of credit comes from a bank that no longer meets the Commission's criteria as of the effective date of this Order's adoption can continue to rely on the existing letter of credit until such letter of credit expires. Put differently, if the support recipient's LOC is from an ineligible bank, based on the rule we adopt herein, we will nonetheless consider the LOC compliant until it expires and is up for renewal. Additionally, banks will not need to certify that they are well capitalized until the rules we adopt today become effective.

B. RDOF Letter of Credit Reduction

23. In the *Letter of Credit NPRM*, we sought comment on allowing an RDOF recipient to lower the value of its LOC when it deployed service to 10%, rather than 20%, of its required locations by the end of its second year of support.⁶⁷ After considering the record, and the advantages of this proposal, we adopt this rule change.

24. Commenters almost universally supported this change and argued that allowing an RDOF support recipient to reduce the value of its LOC to one year of support after deploying service to 10% of required locations by the end of its second year of support would free up capital to facilitate more broadband deployment, while still requiring proof of substantial network construction.⁶⁸ The Coalition of RDOF Winners supported allowing an LOC's value to be reduced if a support recipient had deployed service to 10% of locations by the end of its second year of support, but also argued that the support recipient should be allowed to reduce its LOC upon certification that it has met its deployment obligations, rather than needing to wait for USAC to verify that deployment.⁶⁹

25. One commenter, GeoLinks, disagreed and argued that lowering this threshold could introduce risk with regard to RDOF support recipients that had only completed a "minimal amount of

⁶⁵ 47 CFR § 1.3.

⁶⁶ See *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (citing *WAIT Radio v. FCC*, 418 F.2d 1153, 1157-59 (D.C. Cir. 1969), *cert. denied*, 93 S.Ct. 461 (1972)) (*Northeast Cellular*).

⁶⁷ See *Letter of Credit NPRM* at 9-10, paras. 22-24.

⁶⁸ See, e.g., US Telecom Comments at 4-5. In the *Letter of Credit NPRM* we sought comment on reducing all letters of credit to one year of support, *Letter of Credit NPRM* at 9, para. 22, but commenters did not support this approach. We believe that, consistent with our existing rules, letters of credit should only be reduced to one year of support when a support recipient has met each of its deployment and reporting obligations. Limiting this reduced burden to support recipients that have demonstrated progress toward their obligations helps to ensure that the Commission will be able to draw on sufficient funds in a letter of credit for a support recipient that has not met its deployment and reporting obligations and may therefore be more likely to necessitate recoveries by the Commission. We believe that, consistent with our existing rules, letters of credit should only be reduced to one year of support when a support recipient has met each of its deployment and reporting obligations. Limiting this reduced burden to support recipients that have demonstrated progress toward their obligations helps to ensure that the Commission will be able to draw on sufficient funds in a letter of credit for a support recipient that has not met its deployment and reporting obligations and may therefore be more likely to necessitate recoveries by the Commission.

⁶⁹ Coalition of RDOF Winners Comment at 5-7.

network construction,⁷⁰ and that 10% was not evidence of sufficient network construction to justify an LOC reduction.⁷¹ GeoLinks also argued that there were alternative ways, such as accelerated disbursement of RDOF support, to more efficiently facilitate accelerated broadband deployment. However, we do not find GeoLinks' arguments persuasive.

26. GeoLinks has not provided specific examples of the type of behavior that would lead us to conclude that the LOC reduction we adopt today would introduce risk. Based on our experience administering RDOF and other high-cost programs, deploying service to 10% of required locations by the end of the second year of support shows sufficient progress and sufficiently demonstrates a provider's intent to fulfill its deployment obligations. Further, the permitted reduction in the value of the LOC will alleviate financial burdens and in turn facilitate faster broadband expansion by freeing up capital that can be directed to deployment. Also, the concerns raised by GeoLinks are mitigated by the fact that this change has no impact on the other required deployment milestones; all RDOF support recipients still must deploy qualifying service to 40% of their required locations by the end of their third year of support, and then continue to progressively meet their next obligations, in order to maintain an LOC at an amount equal to one year of support. Moreover, this adjustment does not change the amount owed in the event that the Commission must recover funds from a support recipient due to noncompliance.⁷²

27. At the same time, we decline to allow an RDOF support recipient to lower the value of its LOC upon certification of deploying service to at least 10% of its locations by the end of its second year of support, rather than upon USAC's verification of deployment.⁷³ While the Coalition of RDOF Winners argues that USAC's verification process can be lengthy,⁷⁴ the verification process, which may include follow-up questions and requests for further documentation from USAC, is critical to ensuring that reported broadband deployment is actually occurring.⁷⁵ We have previously encouraged support recipients to report their deployment on a rolling basis, and to certify their deployment and start the verification process as soon as they are able.⁷⁶ Once that verification is complete, the support recipient may obtain and maintain an LOC at a lower value as long as it continues to meet its deployment and reporting obligations.⁷⁷

28. We also decline Talkie Communications, Inc.'s request to further modify (or waive) our rules to allow RDOF support recipients that were authorized to receive funding during the first quarter of 2022 to immediately reduce the value of their LOCs to one year of their support *upon certification* of deploying service to at least 10% of their required locations.⁷⁸ Talkie Communications' request would

⁷⁰ GeoLinks Comments at 5-6.

⁷¹ *Id.*

⁷² See 47 CFR § 54.806(c).

⁷³ Coalition of RDOF Winners Comment at 2, 5-7.

⁷⁴ *Id.* at 7.

⁷⁵ See USAC, High Cost, Resources, Deployment Verification Reviews, <https://www.usac.org/high-cost/resources/fund-verification-reviews/> (last visited Nov. 18, 2024).

⁷⁶ 2022 Letter of Credit Waiver Extension Order, 37 FCC Rcd at 14596, para. 13.

⁷⁷ We also note that once a support recipient has passed its initial verification, it may continue to maintain its LOC at a reduced value as long as it timely certifies that it has met its subsequent deployment obligations. A support recipient will only need to obtain a new LOC at the increased required amounts if it is subsequently determined to be out of compliance with broadband deployment milestones. See 2022 Letter of Credit Waiver Extension Order, 37 FCC Rcd at 14595, para. 12.

⁷⁸ See Letter from Philip J. Macres, Counsel, Talkie Communications, Inc., to Marlene H. Dortch, Secretary, FCC, WC Docket No. 24-144 et al. (filed Dec. 4, 2024); Petition for Waiver of Talkie Communications, Inc. WC Docket No. 24-144 et al. (filed Dec. 4, 2024). No other providers have submitted similar requests for exemption from the verification requirement.

permit it and other potentially similarly positioned recipients to unilaterally reduce the value of the LOC even before USAC could conduct a verification.

29. The relief provided in this Order, which will allow providers to lower the value of their LOCs to one year of support only upon the completion of the verification process, strikes the appropriate balance between relieving burdens on providers and ensuring that support recipients only reduce the values of their letters of credit after their deployment progress has been verified by an independent source, rather than relying on the recipient's self-certification. Even though we deny Talkie's additional request, the changes we make in this Order will enable Talkie to lower the value of its LOC sooner than it otherwise would have been able under the originally adopted rule.

30. Additionally, we are mindful that allowing for the reduction of an LOC before any verification process has been completed could ultimately undermine the critical role that the verification process plays in ensuring that RDOF support recipients deploy service to their required locations and preserving carriers' incentive to fully cooperate during the verification process. Moreover, there is ultimately no financial penalty for recipients who pass the verification process. Other providers, to remain compliant with our LOC rules, have been required to obtain new LOCs at increased values during the pendency of USAC's verification process, and those support recipients were then able to lower the values of their LOCs upon the successful completion of that process.

C. CAF II Auction Letter of Credit Alignment

31. In the *Letter of Credit NPRM*, we sought comment on allowing all CAF II support recipients that met each of their deployment and reporting obligations to follow the RDOF LOC rules,⁷⁹ which allow support recipients that have met each of their deployment obligations to lower the value of their LOCs to one year of their total support,⁸⁰ in contrast with the more modest reductions permitted under the CAF II LOC rules.⁸¹ All commenters supported this proposal, which we now adopt.⁸²

32. In 2022, when the Bureau sought comment on extending the waiver of the CAF II LOC rules, it proposed limiting that waiver with a more "tailored" approach by permitting application of the waiver to those recipients that have deployed the supported broadband networks as required.⁸³ The Bureau ultimately adopted this proposal, reasoning that the Commission will most likely need to draw on the LOCs of the CAF II support recipients that have failed to comply with the program's deployment obligations, reporting requirements, and other program rules and deadlines. Therefore, when deciding to extend the waiver applying the RDOF letter of credit rules to the CAF II program, the Bureau limited the waiver relief *only* to the CAF II recipients with the lowest risk of non-compliance as measured by the program's deployment and reporting milestones. Accordingly, all CAF II support recipients that are currently following the RDOF's LOC rules have met each of their deployment and reporting deadlines.

33. We will continue to allow those CAF II recipients that have met each of their deployment and reporting deadlines to maintain LOCs under the RDOF rules. These recipients have shown that they are in compliance with the requirements of the CAF II program, and that this reduction in the LOC

⁷⁹ See *Letter of Credit NPRM* at 10, para. 25.

⁸⁰ See 47 CFR § 54.804(c)(1)(v).

⁸¹ See 47 CFR § 54.315(c)(1)(i)-(ii).

⁸² See App'x A (adding 47 CFR § 54.315(c)(1)(iii)). We clarify that a CAF II support recipient that has met the deployment milestones set forth in 47 CFR § 54.315(c)(1)(i)-(ii) but has missed a previous deployment or reporting milestone may take advantage of the LOC reductions set forth in those sections, but may not take advantage of 47 CFR § 54.315(c)(1)(iii) and obtain a new LOC that follows the RDOF LOC rules.

⁸³ *Connect America Fund, et al.*, Public Notice, 37 FCC Rcd 9580, 9581 (WCB 2022) (2022 *Letter of Credit Waiver Extension Public Notice*).

amount will serve the public interest by freeing up additional capital for these recipients, which will allow them to more efficiently deploy broadband service throughout their service areas.

34. Since the Bureau's existing waiver will end before our amendments to section 54.315(c)(1) of the Commission's rules take effect, we extend, on our own motion, the existing waiver to permit CAF II recipients that have met each of their deployment and reporting obligations to maintain LOCs pursuant to the RDOF rules until the amended rule takes effect. Since the Commission's rules will soon be changed and will at that point be consistent with the existing waiver for certain CAF II support recipients, it will serve the public interest to avoid requiring those providers from incurring the costs to increase their letters of credit due to the end of the current waiver, only to be permitted to lower them again when today's rule changes become effective.⁸⁴

D. Other Proposals

35. We decline to adopt several other proposals from commenters for the reasons explained below.

36. *LOC Requirement Term.* In its comments, WISPA argued that once a CAF II or RDOF support recipient meets its 80% deployment obligation, it should be allowed to retire its LOC.⁸⁵ We disagree. While meeting its 80% deployment obligation is evidence of substantial progress, we believe that the security the LOC provides remains necessary until a recipient has completed all of its deployment obligations. We note, however, that RDOF support recipients, and CAF II recipients that have met all of their deployment and reporting obligations, are able to reduce the value of their LOCs to one year of support as long as they have met their previous deadlines, which will undoubtedly reduce the financial burden of maintaining those LOCs.

37. *Credit Unions.* We also decline at this time to adopt any eligibility requirements for credit unions to issue program LOCs.⁸⁶ While credit unions may meet a "well capitalized" standard similar to the one we rely upon today for banks,⁸⁷ based on the record and further review of how to determine whether a credit union is "well capitalized", we believe the administration of this standard would pose additional challenges for the Administrator to verify a credit union's capitalization status as compared to the status of United States banks that are insured by the FDIC.⁸⁸ The inclusion of credit unions is therefore not sufficiently supported by the record and we decline to make this change at this time.

38. *Surety Bonds.* We also decline to allow surety bonds in lieu of LOCs.⁸⁹ The Commission has previously considered and declined to accept performance bonds for the programs, concluding that "[LOCs] permit the Commission to immediately reclaim support that has been provided in the event the recipient is not furthering the objectives of universal service by complying with the Commission's rules or requirements. They also have the added advantage of minimizing the possibility that the support becomes property of a recipient's bankruptcy estate for an extended period of time, thereby preventing the funds from being used promptly to accomplish our goals."⁹⁰ While some commenters supported

⁸⁴ See 47 CFR § 1.3; *Northeast Cellular*, 897 F.2d at 1166.

⁸⁵ WISPA Comments at 9.

⁸⁶ See America's Credit Unions Comments at 1-4.

⁸⁷ See 12 CFR § 702.102(a).

⁸⁸ See Letter from Michael H. Pryor, Counsel, America's Credit Unions, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 24-144, at 3-4 (filed Oct. 24, 2024) (*ACU Ex Parte*).

⁸⁹ See National Association of Surety Bond Producers Comments.

⁹⁰ *CAF Phase II Auction Order*, 31 FCC Rcd at 5990, para. 120.

allowing performance bonds instead of LOCs,⁹¹ the Commission's previously articulated concerns regarding the potential complications of relying on performance bonds continue to be persuasive, and such changes seem unnecessary when the support recipients in the programs at issue are already able to obtain LOCs, with the rule amendments made earlier in this Order. In addition to these concerns, allowing surety bonds to be used in the middle of an ongoing program would not lead to efficient and effective program administration.

39. *LOC Requirements on Tribal Lands.* Finally, the National Tribal Telecommunications Association argues for Tribal-specific modifications to our LOC requirements to facilitate broadband deployment on Tribal lands.⁹² While we are mindful of the specific challenges that some Tribal carriers may face, the record does not show the need for wholesale changes at this time to facilitate deployment on Tribal lands, and we believe that those challenges are best addressed on an individual basis. Additionally, making wholesale changes to our rules in the middle of an ongoing program would be unnecessary and could create confusion for support recipients.⁹³ Given the difficulties some Tribal carriers have collateralizing assets to support a LOC, however, we will consider waiving the relevant LOC requirements on an individual basis consistent with the Commission's waiver standard, and we do not foreclose examining in future support programs whether Tribal carriers should be permitted to rely on alternatives to LOCs.

IV. PROCEDURAL MATTERS

40. *Paperwork Reduction Act Analysis.* This document does not contain new or substantively modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104-13. In addition, therefore, it does not contain any new or modified information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, *see* 44 U.S.C. 3506(c)(4). This document may contain non-substantive modifications to an approved information collection. Any such modifications will be submitted to the Office of Management and Budget (OMB) for review pursuant to OMB's non-substantive modification process.

41. *Regulatory Flexibility Act.* The Regulatory Flexibility Act of 1980, as amended (RFA),⁹⁴ requires that an agency prepare a regulatory flexibility analysis for notice and comment rulemakings, unless the agency certifies that "the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities."⁹⁵ Accordingly, we have prepared a Final Regulatory Flexibility Analysis (FRFA) concerning the possible impact of the rule changes contained in the Report and Order on small entities. The FRFA is set forth in Appendix B.

42. *Congressional Review Act.* The Commission has determined, and the Administrator of the Office of Information and Regulatory Affairs, OMB, concurs, that this rule is non-major under the Congressional Review Act, 5 U.S.C. § 804(2). The Commission will send a copy of this Report and Order and Order on Review to Congress and the Government Accountability Office pursuant to 5 U.S.C. § 801(a)(1)(A).

V. ORDERING CLAUSES

43. Accordingly, IT IS ORDERED, pursuant to the authority contained in sections 4(i), 5(c), 214, 254, 303(r), and 403 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 155(c),

⁹¹ *See, e.g.,* WISPA Reply at 9-10.

⁹² NTTA Comments at 5.

⁹³ *See, e.g., Connect America Fund, et al., Order*, 36 FCC Rcd 13293 (WCB 2021) (*Redwire Waiver Order*).

⁹⁴ 5 U.S.C. §§ 601–612. The RFA has been amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Pub. L. No. 104-121, Title II, 110 Stat. 857 (1996).

⁹⁵ 5 U.S.C. § 605(b).

214, 254, 303(r), and 403, and sections 1.1, 1.3, and 1.421 of the Commission's rules, 47 CFR §§ 1.1, 1.3, and 1.425, that this Order IS ADOPTED.

44. IT IS FURTHER ORDERED, pursuant to sections 1, 4(i), 5(c), and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 155(c), 254, and section 1.3 of the Commission's rules, 47 CFR § 1.3, that sections 47 CFR § 54.315(c)(2)(i)(B), 47 CFR § 54.804(c)(2)(i)(B), and 47 CFR § 54.1508(c)(1)(ii) of the Commission's rules ARE WAIVED to the limited extent provided herein and pursuant to section 1.103(a) of the Commission's rules, 47 CFR § 1.103(a), such waiver SHALL BE EFFECTIVE upon release.

45. IT IS FURTHER ORDERED that the Petition for Waiver filed by Talkie Communications, Inc., is DENIED as described herein.

46. IT IS FURTHER ORDERED that Part 54 of the Commission's rules IS AMENDED as set forth in Appendix A, and that rule amendments to §§ 54.315(c)(2)(i)(B); 54.804(c)(2)(i)(B); 54.1016(a)(2)(i)(B); and 54.1508(c)(1)(ii) SHALL BE EFFECTIVE six months after publication of this item in the Federal Register .

47. IT IS FURTHER ORDERED that Part 54 of the Commission's rules IS AMENDED as set forth in Appendix A, and that all other rule amendments SHALL BE EFFECTIVE 30 days after publication in the Federal Register.

48. IT IS FURTHER ORDERED that the Office of the Managing Director, Performance Evaluation and Records Management, SHALL SEND a copy of this Order to Congress and the Government Accountability Office pursuant to the Congressional Review Act, 5 U.S.C. § 801(a)(1)(A).

49. IT IS FURTHER ORDERED that the Commission's Office of the Secretary SHALL SEND a copy of this Order, including the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

APPENDIX A

Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR Part 54 to read as follows:

PART 54- UNIVERSAL SERVICE

1. The authority citation for part 54 continues to read as follows:

Authority: 47 U.S.C. 151, 154(i), 155, 201, 205, 214, 219, 220, 229, 254, 303(r), 403, 1004, and 1302, unless otherwise noted.

2. Amend §54.315 by adding paragraph (c)(1)(iii) and revise paragraph (c)(2)(i)(B) to read as follows:

§ 54.315 Application process for Connect America Fund phase II support distributed through competitive bidding.

* * * * *

(c)(1)(iii) A recipient that has met each of its deployment and reporting obligations may obtain a new letter of credit that follows the Rural Digital Opportunity Fund's rules as set forth in § 54.804(c)(1)(v).

* * * * *

(c)(2)(i)(B) That is well capitalized, as defined by federal bank regulations promulgated by the Federal Deposit Insurance Corporation, the Federal Reserve, and the Office of the Comptroller of the Currency; or

* * * * *

3. Amend §54.804 by revising paragraph (c)(2)(i)(B) to read as follows:

§ 54.804 Rural Digital Opportunity Fund application process

* * * * *

(c)(2)(i)(B) That is well capitalized, as defined by federal bank regulations promulgated by the Federal Deposit Insurance Corporation, the Federal Reserve, and the Office of the Comptroller of the Currency; or

* * * * *

4. Amend §54.1016 by revising paragraph (a)(2)(i)(B) to read as follows:

§ 54.1016 Letter of Credit

* * * * *

(a)(2)(i)(B) That is well capitalized, as defined by federal bank regulations promulgated by the Federal Deposit Insurance Corporation, the Federal Reserve, and the Office of the Comptroller of the Currency; or

* * * * *

5. Amend §54.1508 by revising paragraph (c)(1)(ii) to read as follows:

§ 54.1508 Letter of credit for stage 2 fixed support recipients

* * * * *

(c)(1)(ii) That is well capitalized, as defined by federal bank regulations promulgated by the Federal Deposit Insurance Corporation, the Federal Reserve, and the Office of the Comptroller of the Currency; or

* * * * *

APPENDIX B

Final Regulatory Flexibility Analysis

1. As required by the Regulatory Flexibility Act of 1980 (RFA)¹ an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the *Connect America Fund et al. Notice of Proposed Rulemaking* released in June 2024 (*LOC NPRM*).² The Federal Communications Commission (Commission) sought written public comment on the proposals in the *LOC NPRM*, including comment on the IRFA. No comments were filed addressing the IRFA. This Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA.³

A. Need for, and Objectives of, the Report and Order

2. The *Report and Order* makes targeted modifications to the requirements for Letters of Credit (LOCs) that recipients of Universal Service Fund (USF) high cost support awarded through a competitive process must obtain. Rapidly deploying broadband to areas that currently do not have access to it is a key goal of the Commission's high cost programs that award support through competitive bidding processes. In order to ensure that our investments are protected, we require support recipients to obtain and maintain LOCs.

3. The *Report and Order* takes steps to ensure that USF high-cost support recipients have a wider range of banks from which they can obtain and maintain LOCs by modifying requirements that apply to recipients of USF high-cost support awarded through competitive mechanisms to define a United States bank as "acceptable to the Commission," if it is insured by the Federal Deposit Insurance Corporation (FDIC) and if it meets the criteria to be considered "well capitalized" by federal bank supervisory agencies. Additionally, we allow Rural Digital Opportunity Fund (RDOF) support recipients to lower the value of their LOC if they've deployed service to 10% of their required locations, rather than 20%, by the end of their second year support, and we allow Connect America Fund Phase II (CAF II) support recipients that have met each of their deployment and reporting obligations to follow the RDOF's LOC rules. Each of these changes will free up capital for program support for small and other recipients, and will help them more efficiently deploy broadband services in areas that need it.

B. Summary of Significant Issues Raised by Public Comments in Response to the IRFA

4. There were no comments filed that specifically addressed the rules and policies proposed in the *Letter of Credit NPRM*.

C. Response to Comments by the Chief Counsel for Advocacy of the Small Business Administration

5. Pursuant to the Small Business Jobs Act of 2010,⁴ which amended the RFA, the Commission is required to respond to any comments filed by the Chief Counsel of the Small Business Administration (SBA), and to provide a detailed statement of any change made to the proposed rule(s) as a result of those comments.

6. The Chief Counsel did not file any comments in response to the proposed rules in this proceeding.

¹ 5 U.S.C. § 603. The RFA, 5 U.S.C. §§ 601-12 has been amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA). Public Law No. 104-121, 110 Stat. 857 (1996).

² *Connect America Fund et al.*, WC Docket Nos. 10-90 et al., Notice of Proposed Rulemaking, FCC 24-64, Appx. A (June 7, 2024) (*LOC NPRM*).

³ See 5 U.S.C. § 604.

⁴ 5 U.S.C. § 604(a)(3).

D. Description and Estimate of the Number of Small Entities to Which Rules Will Apply

7. The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the rules adopted herein.⁵ The RFA generally defines the term “small entity” as having the same meaning as the terms “small business,” “small organization,” and “small governmental jurisdiction.”⁶ In addition, the term “small business” has the same meaning as the term “small business concern” under the Small Business Act.⁷ A “small business concern” is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.⁸

8. *Small Businesses, Small Organizations, and Small Governmental Jurisdictions.* Our actions, over time, may affect small entities that are not easily categorized at present. We therefore describe, at the outset, three broad groups of small entities that could be directly affected herein.⁹ First, while there are industry specific size standards for small businesses that are used in the regulatory flexibility analysis, according to data from the Small Business Administration’s (SBA) Office of Advocacy, in general a small business is an independent business having fewer than 500 employees.¹⁰ These types of small businesses represent 99.9% of all businesses in the United States, which translates to 33.2 million businesses.¹¹

9. Next, the type of small entity described as a “small organization” is generally “any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.”¹² The Internal Revenue Service (IRS) uses a revenue benchmark of \$50,000 or less to delineate its annual electronic filing requirements for small exempt organizations.¹³ Nationwide, for tax year 2022, there were approximately 530,109 small exempt organizations in the U.S. reporting revenues of \$50,000 or less according to the registration and tax data for exempt organizations available from the IRS.¹⁴

⁵ *Id.* § 604(a)(4).

⁶ *Id.* § 601(6).

⁷ *Id.* § 601(3) (incorporating by reference the definition of “small-business concern” in the Small Business Act, 15 U.S.C. § 632). Pursuant to 5 U.S.C. § 601(3), the statutory definition of a small business applies “unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the Federal Register.”

⁸ 15 U.S.C. § 632.

⁹ 5 U.S.C. § 601(3)-(6).

¹⁰ See SBA, Office of Advocacy, “What’s New With Small Business?,” <https://advocacy.sba.gov/wp-content/uploads/2023/03/Whats-New-Infographic-March-2023-508c.pdf> (Mar. 2023).

¹¹ *Id.*

¹² 5 U.S.C. § 601(4).

¹³ The IRS benchmark is similar to the population of less than 50,000 benchmark in 5 U.S.C § 601(5) that is used to define a small governmental jurisdiction. Therefore, the IRS benchmark has been used to estimate the number of small organizations in this small entity description. See Annual Electronic Filing Requirement for Small Exempt Organizations – Form 990-N (e-Postcard), “Who must file,” <https://www.irs.gov/charities-non-profits/annual-electronic-filing-requirement-for-small-exempt-organizations-form-990-n-e-postcard>. We note that the IRS data does not provide information on whether a small exempt organization is independently owned and operated or dominant in its field.

¹⁴ See Exempt Organizations Business Master File Extract (EO BMF), “CSV Files by Region,” <https://www.irs.gov/charities-non-profits/exempt-organizations-business-master-file-extract-eo-bmf>. The IRS Exempt Organization Business Master File (EO BMF) Extract provides information on all registered tax-exempt/non-profit organizations. The data utilized for purposes of this description was extracted from the IRS EO (continued....)

10. Finally, the small entity described as a “small governmental jurisdiction” is defined generally as “governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than fifty thousand.”¹⁵ U.S. Census Bureau data from the 2022 Census of Governments¹⁶ indicate there were 90,837 local governmental jurisdictions consisting of general purpose governments and special purpose governments in the United States.¹⁷ Of this number, there were 36,845 general purpose governments (county,¹⁸ municipal, and town or township¹⁹) with populations of less than 50,000 and 11,879 special purpose governments (independent school districts²⁰) with enrollment populations of less than 50,000.²¹ Accordingly, based on the 2022 U.S. Census of Governments data, we estimate that at least 48,724 entities fall into the category of “small governmental jurisdictions.”²²

11. *Wired Telecommunications Carriers.* The U.S. Census Bureau defines this industry as establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired communications networks.²³ Transmission facilities may be based on a single technology or a

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BMF data for businesses for the tax year 2022 with revenue less than or equal to \$50,000 for Region 1-Northeast Area (71,897), Region 2-Mid-Atlantic and Great Lakes Areas (197,296), and Region 3-Gulf Coast and Pacific Coast Areas (260,447) that includes the continental U.S., Alaska, and Hawaii. This data includes information for Puerto Rico (469).

¹⁵ 5 U.S.C. § 601(5).

¹⁶ 13 U.S.C. § 161. The Census of Governments survey is conducted every five (5) years compiling data for years ending with “2” and “7”. See also Census of Governments, <https://www.census.gov/programs-surveys/economic-census/year/2022/about.html>.

¹⁷ See U.S. Census Bureau, 2022 Census of Governments – Organization Table 2. Local Governments by Type and State: 2022 [CG2200ORG02], <https://www.census.gov/data/tables/2022/econ/gus/2022-governments.html>. Local governmental jurisdictions are made up of general purpose governments (county, municipal and town or township) and special purpose governments (special districts and independent school districts). See also tbl.2. CG2200ORG02 Table Notes_Local Governments by Type and State_2022.

¹⁸ See *id.* at tbl.5. County Governments by Population-Size Group and State: 2022 [CG2200ORG05], <https://www.census.gov/data/tables/2022/econ/gus/2022-governments.html>. There were 2,097 county governments with populations less than 50,000. This category does not include subcounty (municipal and township) governments.

¹⁹ See *id.* at tbl.6. Subcounty General-Purpose Governments by Population-Size Group and State: 2022 [CG2200ORG06], <https://www.census.gov/data/tables/2022/econ/gus/2022-governments.html>. There were 18,693 municipal and 16,055 town and township governments with populations less than 50,000.

²⁰ See *id.* at tbl.10. Elementary and Secondary School Systems by Enrollment-Size Group and State: 2022 [CG2200ORG10], <https://www.census.gov/data/tables/2022/econ/gus/2022-governments.html>. There were 11,879 independent school districts with enrollment populations less than 50,000. See also tbl.4. Special-Purpose Local Governments by State Census Years 1942 to 2022 [CG2200ORG04], CG2200ORG04 Table Notes_Special Purpose Local Governments by State_Census Years 1942 to 2022.

²¹ While the special purpose governments category also includes local special district governments, the 2022 Census of Governments data does not provide data aggregated based on population size for the special purpose governments category. Therefore, only data from independent school districts is included in the special purpose governments category.

²² This total is derived from the sum of the number of general purpose governments (county, municipal and town or township) with populations of less than 50,000 (36,845) and the number of special purpose governments - independent school districts with enrollment populations of less than 50,000 (11,879), from the 2022 Census of Governments - Organizations tbls. 5, 6 & 10.

combination of technologies. Establishments in this industry use the wired telecommunications network facilities that they operate to provide a variety of services, such as wired telephony services, including VoIP services, wired (cable) audio and video programming distribution, and wired broadband Internet services.²⁴ By exception, establishments providing satellite television distribution services using facilities and infrastructure that they operate are included in this industry.²⁵ Wired Telecommunications Carriers are also referred to as wireline carriers or fixed local service providers.²⁶

12. The SBA small business size standard for Wired Telecommunications Carriers classifies firms having 1,500 or fewer employees as small.²⁷ U.S. Census Bureau data for 2017 show that there were 3,054 firms that operated in this industry for the entire year.²⁸ Of this number, 2,964 firms operated with fewer than 250 employees.²⁹ Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 4,590 providers that reported they were engaged in the provision of fixed local services.³⁰ Of these providers, the Commission estimates that 4,146 providers have 1,500 or fewer employees.³¹ Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

13. *Local Exchange Carriers (LECs).* Neither the Commission nor the SBA has developed a size standard for small businesses specifically applicable to local exchange services. Providers of these services include both incumbent and competitive local exchange service providers. Wired Telecommunications Carriers³² is the closest industry with an SBA small business size standard.³³ Wired Telecommunications Carriers are also referred to as wireline carriers or fixed local service providers.³⁴

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²³ U.S. Census Bureau, *2017 NAICS Definition, "517311 Wired Telecommunications Carriers,"* <https://www.census.gov/naics/?input=517311&year=2017&details=517311>. At this time, the 2022 Economic Census data is not available.

²⁴ *Id.*

²⁵ *Id.*

²⁶ Fixed Local Service Providers include the following types of providers: Incumbent Local Exchange Carriers (ILECs), Competitive Access Providers (CAPs) and Competitive Local Exchange Carriers (CLECs), Cable/Coax CLECs, Interconnected VOIP Providers, Non-Interconnected VOIP Providers, Shared-Tenant Service Providers, Audio Bridge Service Providers, and Other Local Service Providers. Local Resellers fall into another U.S. Census Bureau industry group and therefore data for these providers is not included in this industry.

²⁷ 13 CFR § 121.201, NAICS Code 517311 (as of 10/1/22, NAICS Code 517111).

²⁸ U.S. Census Bureau, *2017 Economic Census of the United States, Selected Sectors: Employment Size of Firms for the U.S.: 2017*, Table ID: EC1700SIZEEMPFIIRM, NAICS Code 517311, <https://data.census.gov/cedsci/table?y=2017&n=517311&tid=ECNSIZE2017.EC1700SIZEEMPFIIRM&hidePreview=false>. At this time, the 2022 Economic Census data is not available.

²⁹ *Id.* The available U.S. Census Bureau data does not provide a more precise estimate of the number of firms that meet the SBA size standard.

³⁰ Federal-State Joint Board on Universal Service, Universal Service Monitoring Report at 26, Table 1.12 (2022), <https://docs.fcc.gov/public/attachments/DOC-391070A1.pdf>.

³¹ *Id.*

³² U.S. Census Bureau, *2017 NAICS Definition, "517311 Wired Telecommunications Carriers,"* <https://www.census.gov/naics/?input=517311&year=2017&details=517311>. At this time, the 2022 Economic Census data is not available.

³³ 13 CFR § 121.201, NAICS Code 517311 (as of 10/1/22, NAICS Code 517111).

³⁴ Fixed Local Exchange Service Providers include the following types of providers: Incumbent Local Exchange Carriers (ILECs), Competitive Access Providers (CAPs) and Competitive Local Exchange Carriers (CLECs),
(continued....)

The SBA small business size standard for Wired Telecommunications Carriers classifies firms having 1,500 or fewer employees as small.³⁵ U.S. Census Bureau data for 2017 show that there were 3,054 firms that operated in this industry for the entire year.³⁶ Of this number, 2,964 firms operated with fewer than 250 employees.³⁷ Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 4,590 providers that reported they were fixed local exchange service providers.³⁸ Of these providers, the Commission estimates that 4,146 providers have 1,500 or fewer employees.³⁹ Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

14. *Incumbent Local Exchange Carriers (Incumbent LECs).* Neither the Commission nor the SBA have developed a small business size standard specifically for incumbent local exchange carriers. Wired Telecommunications Carriers⁴⁰ is the closest industry with an SBA small business size standard.⁴¹ The SBA small business size standard for Wired Telecommunications Carriers classifies firms having 1,500 or fewer employees as small.⁴² U.S. Census Bureau data for 2017 show that there were 3,054 firms in this industry that operated for the entire year.⁴³ Of this number, 2,964 firms operated with fewer than 250 employees.⁴⁴ Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 1,212 providers that reported they were incumbent local exchange service providers.⁴⁵ Of these providers, the Commission estimates that 916 providers have 1,500 or fewer employees.⁴⁶ Consequently, using the SBA's small business size standard, the Commission estimates that the majority of incumbent local exchange carriers can be considered small entities.

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Cable/Coax CLECs, Interconnected VOIP Providers, Non-Interconnected VOIP Providers, Shared-Tenant Service Providers, Audio Bridge Service Providers, Local Resellers, and Other Local Service Providers.

³⁵ *Id.*

³⁶ U.S. Census Bureau, *2017 Economic Census of the United States, Selected Sectors: Employment Size of Firms for the U.S.: 2017*, Table ID: EC1700SIZEEMPFI, NAICS Code 517311, <https://data.census.gov/cedsci/table?y=2017&n=517311&tid=ECNSIZE2017.EC1700SIZEEMPFI&hidePreview=false>.

³⁷ *Id.* The available U.S. Census Bureau data does not provide a more precise estimate of the number of firms that meet the SBA size standard.

³⁸ Federal-State Joint Board on Universal Service, Universal Service Monitoring Report at 26, Table 1.12 (2022), <https://docs.fcc.gov/public/attachments/DOC-391070A1.pdf>.

³⁹ *Id.*

⁴⁰ U.S. Census Bureau, *2017 NAICS Definition, "517311 Wired Telecommunications Carriers,"* <https://www.census.gov/naics/?input=517311&year=2017&details=517311>. At this time, the 2022 Economic Census data is not available.

⁴¹ 13 CFR § 121.201, NAICS Code 517311 (as of 10/1/22, NAICS Code 517111).

⁴² *Id.*

⁴³ U.S. Census Bureau, *2017 Economic Census of the United States, Selected Sectors: Employment Size of Firms for the U.S.: 2017*, Table ID: EC1700SIZEEMPFI, NAICS Code 517311, <https://data.census.gov/cedsci/table?y=2017&n=517311&tid=ECNSIZE2017.EC1700SIZEEMPFI&hidePreview=false>. At this time, the 2022 Economic Census data is not available.

⁴⁴ *Id.* The available U.S. Census Bureau data does not provide a more precise estimate of the number of firms that meet the SBA size standard.

⁴⁵ Federal-State Joint Board on Universal Service, Universal Service Monitoring Report at 26, Table 1.12 (2022), <https://docs.fcc.gov/public/attachments/DOC-391070A1.pdf>.

⁴⁶ *Id.*

15. *Competitive Local Exchange Carriers (LECs).* Neither the Commission nor the SBA has developed a size standard for small businesses specifically applicable to local exchange services. Providers of these services include several types of competitive local exchange service providers.⁴⁷ Wired Telecommunications Carriers⁴⁸ is the closest industry with a SBA small business size standard. The SBA small business size standard for Wired Telecommunications Carriers classifies firms having 1,500 or fewer employees as small.⁴⁹ U.S. Census Bureau data for 2017 show that there were 3,054 firms that operated in this industry for the entire year.⁵⁰ Of this number, 2,964 firms operated with fewer than 250 employees.⁵¹ Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 3,378 providers that reported they were competitive local exchange service providers.⁵² Of these providers, the Commission estimates that 3,230 providers have 1,500 or fewer employees.⁵³ Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

16. *Interexchange Carriers (IXCs).* Neither the Commission nor the SBA have developed a small business size standard specifically for Interexchange Carriers. Wired Telecommunications Carriers⁵⁴ is the closest industry with a SBA small business size standard.⁵⁵ The SBA small business size standard for Wired Telecommunications Carriers classifies firms having 1,500 or fewer employees as small.⁵⁶ U.S. Census Bureau data for 2017 show that there were 3,054 firms that operated in this industry for the entire year.⁵⁷ Of this number, 2,964 firms operated with fewer than 250 employees.⁵⁸ Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 127 providers that reported they were engaged in the provision of interexchange services. Of these providers, the Commission estimates that 109 providers have 1,500 or

⁴⁷ Competitive Local Exchange Service Providers include the following types of providers: Competitive Access Providers (CAPs) and Competitive Local Exchange Carriers (CLECs), Cable/Coax CLECs, Interconnected VOIP Providers, Non-Interconnected VOIP Providers, Shared-Tenant Service Providers, Audio Bridge Service Providers, Local Resellers, and Other Local Service Providers.

⁴⁸ U.S. Census Bureau, *2017 NAICS Definition, "517311 Wired Telecommunications Carriers,"* <https://www.census.gov/naics/?input=517311&year=2017&details=517311>.

⁴⁹ 13 CFR § 121.201, NAICS Code 517311 (as of 10/1/22, NAICS Code 517111).

⁵⁰ U.S. Census Bureau, *2017 Economic Census of the United States, Selected Sectors: Employment Size of Firms for the U.S.: 2017*, Table ID: EC1700SIZEEMPFI, NAICS Code 517311, <https://data.census.gov/cedsci/table?y=2017&n=517311&tid=ECNSIZE2017.EC1700SIZEEMPFI&hidePreview=false>.

⁵¹ *Id.* The available U.S. Census Bureau data does not provide a more precise estimate of the number of firms that meet the SBA size standard.

⁵² Federal-State Joint Board on Universal Service, Universal Service Monitoring Report at 26, Table 1.12 (2022), <https://docs.fcc.gov/public/attachments/DOC-391070A1.pdf>.

⁵³ *Id.*

⁵⁴ U.S. Census Bureau, *2017 NAICS Definition, "517311 Wired Telecommunications Carriers,"* <https://www.census.gov/naics/?input=517311&year=2017&details=517311>.

⁵⁵ 13 CFR § 121.201, NAICS Code 517311 (as of 10/1/22, NAICS Code 517111).

⁵⁶ *Id.*

⁵⁷ U.S. Census Bureau, *2017 Economic Census of the United States, Selected Sectors: Employment Size of Firms for the U.S.: 2017*, Table ID: EC1700SIZEEMPFI, NAICS Code 517311, <https://data.census.gov/cedsci/table?y=2017&n=517311&tid=ECNSIZE2017.EC1700SIZEEMPFI&hidePreview=false>.

⁵⁸ *Id.* The available U.S. Census Bureau data does not provide a more precise estimate of the number of firms that meet the SBA size standard.

fewer employees.⁵⁹ Consequently, using the SBA's small business size standard, the Commission estimates that the majority of providers in this industry can be considered small entities.

17. *Local Resellers.* Neither the Commission nor the SBA have developed a small business size standard specifically for Local Resellers. Telecommunications Resellers is the closest industry with a SBA small business size standard.⁶⁰ The Telecommunications Resellers industry comprises establishments engaged in purchasing access and network capacity from owners and operators of telecommunications networks and reselling wired and wireless telecommunications services (except satellite) to businesses and households.⁶¹ Establishments in this industry resell telecommunications; they do not operate transmission facilities and infrastructure.⁶² Mobile virtual network operators (MVNOs) are included in this industry.⁶³ The SBA small business size standard for Telecommunications Resellers classifies a business as small if it has 1,500 or fewer employees.⁶⁴ U.S. Census Bureau data for 2017 show that 1,386 firms in this industry provided resale services for the entire year.⁶⁵ Of that number, 1,375 firms operated with fewer than 250 employees.⁶⁶ Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 207 providers that reported they were engaged in the provision of local resale services.⁶⁷ Of these providers, the Commission estimates that 202 providers have 1,500 or fewer employees.⁶⁸ Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

18. *Toll Resellers.* Neither the Commission nor the SBA have developed a small business size standard specifically for Toll Resellers. Telecommunications Resellers⁶⁹ is the closest industry with a SBA small business size standard. The Telecommunications Resellers industry comprises establishments engaged in purchasing access and network capacity from owners and operators of telecommunications networks and reselling wired and wireless telecommunications services (except satellite) to businesses and households. Establishments in this industry resell telecommunications; they do not operate transmission facilities and infrastructure.⁷⁰ Mobile virtual network operators (MVNOs) are

⁵⁹ Federal-State Joint Board on Universal Service, Universal Service Monitoring Report at 26, Table 1.12 (2022), <https://docs.fcc.gov/public/attachments/DOC-391070A1.pdf>.

⁶⁰ U.S. Census Bureau, *2017 NAICS Definition*, “517911 Telecommunications Resellers,” <https://www.census.gov/naics/?input=517911&year=2017&details=517911>.

⁶¹ *Id.*

⁶² *Id.*

⁶³ *Id.*

⁶⁴ 13 CFR § 121.201, NAICS Code 517911 (as of 10/1/22, NAICS Code 517121).

⁶⁵ U.S. Census Bureau, *2017 Economic Census of the United States, Selected Sectors: Employment Size of Firms for the U.S.: 2017*, Table ID: EC1700SIZEEMPFIIRM, NAICS Code 517911, <https://data.census.gov/cedsci/table?y=2017&n=517911&tid=ECNSIZE2017.EC1700SIZEEMPFIIRM&hidePreview=false>.

⁶⁶ *Id.* The available U.S. Census Bureau data does not provide a more precise estimate of the number of firms that meet the SBA size standard.

⁶⁷ Federal-State Joint Board on Universal Service, Universal Service Monitoring Report at 26, Table 1.12 (2022), <https://docs.fcc.gov/public/attachments/DOC-391070A1.pdf>.

⁶⁸ *Id.*

⁶⁹ U.S. Census Bureau, *2017 NAICS Definition*, “517911 Telecommunications Resellers,” <https://www.census.gov/naics/?input=517911&year=2017&details=517911>.

⁷⁰ *Id.*

included in this industry.⁷¹ The SBA small business size standard for Telecommunications Resellers classifies a business as small if it has 1,500 or fewer employees.⁷² U.S. Census Bureau data for 2017 show that 1,386 firms in this industry provided resale services for the entire year.⁷³ Of that number, 1,375 firms operated with fewer than 250 employees.⁷⁴ Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 457 providers that reported they were engaged in the provision of toll services.⁷⁵ Of these providers, the Commission estimates that 438 providers have 1,500 or fewer employees.⁷⁶ Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

19. *Other Toll Carriers.* Neither the Commission nor the SBA has developed a definition for small businesses specifically applicable to Other Toll Carriers. This category includes toll carriers that do not fall within the categories of interexchange carriers, operator service providers, prepaid calling card providers, satellite service carriers, or toll resellers. Wired Telecommunications Carriers⁷⁷ is the closest industry with a SBA small business size standard.⁷⁸ The SBA small business size standard for Wired Telecommunications Carriers classifies firms having 1,500 or fewer employees as small.⁷⁹ U.S. Census Bureau data for 2017 show that there were 3,054 firms in this industry that operated for the entire year.⁸⁰ Of this number, 2,964 firms operated with fewer than 250 employees.⁸¹ Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 90 providers that reported they were engaged in the provision of other toll services.⁸² Of these providers, the Commission estimates that 87 providers have 1,500 or fewer employees.⁸³ Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

20. *Prepaid Calling Card Providers.* Neither the Commission nor the SBA has developed a small business size standard specifically for prepaid calling card providers. Telecommunications

⁷¹ *Id.*

⁷² 13 CFR § 121.201, NAICS Code 517911 (as of 10/1/22, NAICS Code 517121).

⁷³ U.S. Census Bureau, *2017 Economic Census of the United States, Selected Sectors: Employment Size of Firms for the U.S.: 2017*, Table ID: EC1700SIZEEMPFIIRM, NAICS Code 517911, <https://data.census.gov/cedsci/table?y=2017&n=517911&tid=ECNSIZE2017.EC1700SIZEEMPFIIRM&hidePreview=false>.

⁷⁴ *Id.* The available U.S. Census Bureau data does not provide a more precise estimate of the number of firms that meet the SBA size standard.

⁷⁵ Federal-State Joint Board on Universal Service, Universal Service Monitoring Report at 26, Table 1.12 (2022), <https://docs.fcc.gov/public/attachments/DOC-391070A1.pdf>.

⁷⁶ *Id.*

⁷⁷ U.S. Census Bureau, *2017 NAICS Definition, "517311 Wired Telecommunications Carriers,"* <https://www.census.gov/naics/?input=517311&year=2017&details=517311>.

⁷⁸ 13 CFR § 121.201, NAICS Code 517311 (as of 10/1/22, NAICS Code 517111).

⁷⁹ *Id.*

⁸⁰ U.S. Census Bureau, *2017 Economic Census of the United States, Selected Sectors: Employment Size of Firms for the U.S.: 2017*, Table ID: EC1700SIZEEMPFIIRM, NAICS Code 517311, <https://data.census.gov/cedsci/table?y=2017&n=517311&tid=ECNSIZE2017.EC1700SIZEEMPFIIRM&hidePreview=false>.

⁸¹ *Id.* The available U.S. Census Bureau data does not provide a more precise estimate of the number of firms that meet the SBA size standard.

⁸² Federal-State Joint Board on Universal Service, Universal Service Monitoring Report at 26, Table 1.12 (2022), <https://docs.fcc.gov/public/attachments/DOC-391070A1.pdf>.

⁸³ *Id.*

Resellers⁸⁴ is the closest industry with a SBA small business size standard. The Telecommunications Resellers industry comprises establishments engaged in purchasing access and network capacity from owners and operators of telecommunications networks and reselling wired and wireless telecommunications services (except satellite) to businesses and households. Establishments in this industry resell telecommunications; they do not operate transmission facilities and infrastructure.⁸⁵ Mobile virtual network operators (MVNOs) are included in this industry.⁸⁶ The SBA small business size standard for Telecommunications Resellers classifies a business as small if it has 1,500 or fewer employees.⁸⁷ U.S. Census Bureau data for 2017 show that 1,386 firms in this industry provided resale services for the entire year.⁸⁸ Of that number, 1,375 firms operated with fewer than 250 employees.⁸⁹ Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 62 providers that reported they were engaged in the provision of prepaid card services.⁹⁰ Of these providers, the Commission estimates that 61 providers have 1,500 or fewer employees.⁹¹ Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

21. *Fixed Microwave Services.* Fixed microwave services include common carrier,⁹² private-operational fixed,⁹³ and broadcast auxiliary radio services.⁹⁴ They also include the Upper Microwave Flexible Use Service (UMFUS),⁹⁵ Millimeter Wave Service (70/80/90 GHz),⁹⁶ Local Multipoint Distribution Service (LMDS),⁹⁷ the Digital Electronic Message Service (DEMS),⁹⁸ 24 GHz Service,⁹⁹

⁸⁴ U.S. Census Bureau, *2017 NAICS Definition, "517911 Telecommunications Resellers,"* <https://www.census.gov/naics/?input=517911&year=2017&details=517911>.

⁸⁵ *Id.*

⁸⁶ *Id.*

⁸⁷ 13 CFR § 121.201, NAICS Code 517911 (as of 10/1/22, NAICS Code 517121).

⁸⁸ U.S. Census Bureau, *2017 Economic Census of the United States, Selected Sectors: Employment Size of Firms for the U.S.: 2017*, Table ID: EC1700SIZEEMPFI, NAICS Code 517911, <https://data.census.gov/cedsci/table?y=2017&n=517911&tid=ECNSIZE2017.EC1700SIZEEMPFI&hidePreview=false>.

⁸⁹ *Id.* The available U.S. Census Bureau data does not provide a more precise estimate of the number of firms that meet the SBA size standard.

⁹⁰ Federal-State Joint Board on Universal Service, Universal Service Monitoring Report at 26, Table 1.12 (2022), <https://docs.fcc.gov/public/attachments/DOC-391070A1.pdf>.

⁹¹ *Id.*

⁹² 47 CFR Part 101, Subparts C and I.

⁹³ *Id.* Subparts C and H.

⁹⁴ Auxiliary Microwave Service is governed by Part 74 of Title 47 of the Commission's Rules. See 47 CFR Part 74. Available to licensees of broadcast stations and to broadcast and cable network entities, broadcast auxiliary microwave stations are used for relaying broadcast television signals from the studio to the transmitter, or between two points such as a main studio and an auxiliary studio. The service also includes mobile TV pickups, which relay signals from a remote location back to the studio.

⁹⁵ 47 CFR Part 30.

⁹⁶ 47 CFR Part 101, Subpart Q.

⁹⁷ *Id.* Subpart L.

⁹⁸ *Id.* Subpart G.

⁹⁹ *Id.*

Multiple Address Systems (MAS),¹⁰⁰ and Multichannel Video Distribution and Data Service (MVDDS),¹⁰¹ where in some bands licensees can choose between common carrier and non-common carrier status.¹⁰² Wireless Telecommunications Carriers (except Satellite)¹⁰³ is the closest industry with a SBA small business size standard applicable to these services. The SBA small size standard for this industry classifies a business as small if it has 1,500 or fewer employees.¹⁰⁴ U.S. Census Bureau data for 2017 show that there were 2,893 firms that operated in this industry for the entire year.¹⁰⁵ Of this number, 2,837 firms employed fewer than 250 employees.¹⁰⁶ Thus under the SBA size standard, the Commission estimates that a majority of fixed microwave service licensees can be considered small.

22. The Commission's small business size standards with respect to fixed microwave services involve eligibility for bidding credits and installment payments in the auction of licenses for the various frequency bands included in fixed microwave services. When bidding credits are adopted for the auction of licenses in fixed microwave services frequency bands, such credits may be available to several types of small businesses based average gross revenues (small, very small and entrepreneur) pursuant to the competitive bidding rules adopted in conjunction with the requirements for the auction and/or as identified in Part 101 of the Commission's rules for the specific fixed microwave services frequency bands.¹⁰⁷

23. In frequency bands where licenses were subject to auction, the Commission notes that as a general matter, the number of winning bidders that qualify as small businesses at the close of an auction does not necessarily represent the number of small businesses currently in service. Further, the Commission does not generally track subsequent business size unless, in the context of assignments or transfers, unjust enrichment issues are implicated. Additionally, since the Commission does not collect data on the number of employees for licensees providing these services, at this time we are not able to estimate the number of licensees with active licenses that would qualify as small under the SBA's small business size standard.

24. *Cable and Other Subscription Programming.* The U.S. Census Bureau defines this industry as establishments primarily engaged in operating studios and facilities for the broadcasting of programs on a subscription or fee basis.¹⁰⁸ The broadcast programming is typically narrowcast in nature (e.g., limited format, such as news, sports, education, or youth-oriented). These establishments produce programming in their own facilities or acquire programming from external sources.¹⁰⁹ The programming material is usually delivered to a third party, such as cable systems or direct-to-home satellite systems, for

¹⁰⁰ *Id.* Subpart O.

¹⁰¹ *Id.* Subpart P.

¹⁰² 47 CFR §§ 101.533, 101.1017.

¹⁰³ U.S. Census Bureau, *2017 NAICS Definition, "517312 Wireless Telecommunications Carriers (except Satellite),"* <https://www.census.gov/naics/?input=517312&year=2017&details=517312>.

¹⁰⁴ 13 CFR § 121.201, NAICS Code 517312 (as of 10/1/22, NAICS Code 517112).

¹⁰⁵ U.S. Census Bureau, *2017 Economic Census of the United States, Employment Size of Firms for the U.S.: 2017*, Table ID: EC1700SIZEEMPFI, NAICS Code 517312, <https://data.census.gov/cedsci/table?y=2017&n=517312&tid=ECNSIZE2017.EC1700SIZEEMPFI&hidePreview=false>.

¹⁰⁶ *Id.* The available U.S. Census Bureau data does not provide a more precise estimate of the number of firms that meet the SBA size standard.

¹⁰⁷ 47 CFR §§ 101.538(a)(1)-(3), 101.1112(b)-(d), 101.1319(a)(1)-(2), and 101.1429(a)(1)-(3).

¹⁰⁸ See U.S. Census Bureau, *2017 NAICS Definition, "515210 Cable and Other Subscription Programming,"* <https://www.census.gov/naics/?input=515210&year=2017&details=515210>.

¹⁰⁹ *Id.*

transmission to viewers.¹¹⁰ The SBA small business size standard for this industry classifies firms with annual receipts less than \$47 million as small.¹¹¹ Based on U.S. Census Bureau data for 2017, 378 firms operated in this industry during that year.¹¹² Of that number, 149 firms operated with revenue of less than \$25 million a year and 44 firms operated with revenue of \$25 million or more.¹¹³ Based on this data, the Commission estimates that a majority of firms in this industry are small.

25. *Cable Companies and Systems (Rate Regulation)*. The Commission has developed its own small business size standard for the purpose of cable rate regulation. Under the Commission's rules, a "small cable company" is one serving 400,000 or fewer subscribers nationwide.¹¹⁴ Based on industry data, there are about 420 cable companies in the U.S.¹¹⁵ Of these, only seven have more than 400,000 subscribers.¹¹⁶ In addition, under the Commission's rules, a "small system" is a cable system serving 15,000 or fewer subscribers.¹¹⁷ Based on industry data, there are about 4,139 cable systems (headends) in the U.S.¹¹⁸ Of these, about 639 have more than 15,000 subscribers.¹¹⁹ Accordingly, the Commission estimates that the majority of cable companies and cable systems are small.

26. *Cable System Operators (Telecom Act Standard)*. The Communications Act of 1934, as amended, contains a size standard for a "small cable operator," which is "a cable operator that, directly or through an affiliate, serves in the aggregate fewer than one percent of all subscribers in the United States and is not affiliated with any entity or entities whose gross annual revenues in the aggregate exceed \$250,000,000."¹²⁰ For purposes of the Telecom Act Standard, the Commission determined that a cable system operator that serves fewer than 498,000 subscribers, either directly or through affiliates, will meet the definition of a small cable operator.¹²¹ Based on industry data, only six cable system operators have

¹¹⁰ *Id.*

¹¹¹ See 13 CFR § 121.201, NAICS Code 515210 (as of 10/1/22, NAICS Code 516210).

¹¹² See U.S. Census Bureau, *2017 Economic Census of the United States, Selected Sectors: Sales, Value of Shipments, or Revenue Size of Firms for the U.S.: 2017*, Table ID: EC1700SIZEREVFIRM, NAICS Code 515210, <https://data.census.gov/cedsci/table?y=2017&n=515210&tid=ECNSIZE2017.EC1700SIZEREVFIRM&hidePreview=false>. At this time, the 2022 Economic Census data is not available. The US Census Bureau withheld publication of the number of firms that operated for the entire year to avoid disclosing data for individual companies (see Cell Notes for this category).

¹¹³ *Id.* The available U.S. Census Bureau data does not provide a more precise estimate of the number of firms that meet the SBA size standard. We note that the U.S. Census Bureau withheld publication of the number of firms that operated with sales/value of shipments/revenue in all categories of revenue less than \$500,000 to avoid disclosing data for individual companies (see Cell Notes for the sales/value of shipments/revenue in these categories). Therefore, the number of firms with revenue that meet the SBA size standard would be higher than noted herein. We also note that according to the U.S. Census Bureau glossary, the terms receipts and revenues are used interchangeably, see https://www.census.gov/glossary/#term_ReceiptsRevenueServices.

¹¹⁴ 47 CFR § 76.901(d).

¹¹⁵ S&P Global Market Intelligence, S&P Capital IQ Pro, U.S. MediaCensus, *Operator Subscribers by Geography* (last visited July 23, 2023).

¹¹⁶ S&P Global Market Intelligence, S&P Capital IQ Pro, *Top Cable MSOs 12/21Q* (last visited July 23, 2023); S&P Global Market Intelligence, *Multichannel Video Subscriptions*, Top 10 (April 2022).

¹¹⁷ 47 CFR § 76.901(c).

¹¹⁸ S&P Global Market Intelligence, S&P Capital IQ Pro, U.S. MediaCensus, *Operator Subscribers by Geography* (last visited July 23, 2023).

¹¹⁹ S&P Global Market Intelligence, S&P Capital IQ Pro, *Top Cable MSOs 12/21Q* (last visited July 23, 2023).

¹²⁰ 47 U.S.C. § 543(m)(2).

¹²¹ *FCC Announces Updated Subscriber Threshold for the Definition of Small Cable Operator*, Public Notice, DA 23-906 (MB 2023) (2023 Subscriber Threshold PN). In this Public Notice, the Commission determined that there
(continued....)

more than 498,000 subscribers.¹²² Accordingly, the Commission estimates that the majority of cable system operators are small under this size standard. We note however, that the Commission neither requests nor collects information on whether cable system operators are affiliated with entities whose gross annual revenues exceed \$250 million.¹²³ Therefore, we are unable at this time to estimate with greater precision the number of cable system operators that would qualify as small cable operators under the definition in the Communications Act.

27. *Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing.* This industry comprises establishments primarily engaged in manufacturing radio and television broadcast and wireless communications equipment.¹²⁴ Examples of products made by these establishments are: transmitting and receiving antennas, cable television equipment, GPS equipment, pagers, cellular phones, mobile communications equipment, and radio and television studio and broadcasting equipment.¹²⁵ The SBA small business size standard for this industry classifies businesses having 1,250 employees or less as small.¹²⁶ U.S. Census Bureau data for 2017 show that there were 656 firms in this industry that operated for the entire year.¹²⁷ Of this number, 624 firms had fewer than 250 employees.¹²⁸ Thus, under the SBA size standard, the majority of firms in this industry can be considered small.

28. *Satellite Telecommunications.* This industry comprises firms “primarily engaged in providing telecommunications services to other establishments in the telecommunications and broadcasting industries by forwarding and receiving communications signals via a system of satellites or reselling satellite telecommunications.”¹²⁹ Satellite telecommunications service providers include satellite and earth station operators. The SBA small business size standard for this industry classifies a business with \$44 million or less in annual receipts as small.¹³⁰ U.S. Census Bureau data for 2017 show that 275 firms in this industry operated for the entire year.¹³¹ Of this number, 242 firms had revenue of less than

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were approximately 49.8 million cable subscribers in the United States at that time using the most reliable source publicly available. *Id.* This threshold will remain in effect until the Commission issues a superseding Public Notice. See 47 CFR § 76.901(e)(1).

¹²² S&P Global Market Intelligence, S&P Capital IQ Pro, *Top Cable MSOs 06/23Q* (last visited Sept. 27, 2023); S&P Global Market Intelligence, *Multichannel Video Subscriptions*, Top 10 (April 2022).

¹²³ The Commission does receive such information on a case-by-case basis if a cable operator appeals a local franchise authority’s finding that the operator does not qualify as a small cable operator pursuant to § 76.901(e) of the Commission’s rules. See 47 CFR § 76.910(b).

¹²⁴ U.S. Census Bureau, *2017 NAICS Definition*, “334220 Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing,” <https://www.census.gov/naics/?input=334220&year=2017&details=334220>.

¹²⁵ *Id.*

¹²⁶ 13 CFR § 121.201, NAICS Code 334220.

¹²⁷ U.S. Census Bureau, *2017 Economic Census of the United States, Employment Size of Firms for the U.S.: 2017*, Table ID: EC1700SIZEEMPfirm, NAICS Code 334220, <https://data.census.gov/cedsci/table?y=2017&n=334220&tid=ECNSIZE2017.EC1700SIZEEMPfirm&hidePrevious=false>.

¹²⁸ *Id.* The available U.S. Census Bureau data does not provide a more precise estimate of the number of firms that meet the SBA size standard.

¹²⁹ See U.S. Census Bureau, *2017 NAICS Definition*, “517410 Satellite Telecommunications,” <https://www.census.gov/naics/?input=517410&year=2017&details=517410>.

¹³⁰ See 13 CFR § 121.201, NAICS Code 517410.

¹³¹ See U.S. Census Bureau, *2017 Economic Census of the United States, Selected Sectors: Sales, Value of Shipments, or Revenue Size of Firms for the U.S.: 2017*, Table ID: EC1700SIZEREFVfirm, NAICS Code 517410, (continued....)

\$25 million.¹³² Consequently, using the SBA's small business size standard most satellite telecommunications service providers can be considered small entities. The Commission notes however, that the SBA's revenue small business size standard is applicable to a broad scope of satellite telecommunications providers included in the U.S. Census Bureau's Satellite Telecommunications industry definition. Additionally, the Commission neither requests nor collects annual revenue information from satellite telecommunications providers, and is therefore unable to more accurately estimate the number of satellite telecommunications providers that would be classified as a small business under the SBA size standard.

29. *Wireless Telecommunications Carriers (except Satellite).* This industry comprises establishments engaged in operating and maintaining switching and transmission facilities to provide communications via the airwaves.¹³³ Establishments in this industry have spectrum licenses and provide services using that spectrum, such as cellular services, paging services, wireless Internet access, and wireless video services.¹³⁴ The SBA size standard for this industry classifies a business as small if it has 1,500 or fewer employees.¹³⁵ U.S. Census Bureau data for 2017 show that there were 2,893 firms in this industry that operated for the entire year.¹³⁶ Of that number, 2,837 firms employed fewer than 250 employees.¹³⁷ Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 594 providers that reported they were engaged in the provision of wireless services.¹³⁸ Of these providers, the Commission estimates that 511 providers have 1,500 or fewer employees.¹³⁹ Consequently, using the SBA's small business size standard, most of these providers can be considered small entities.

30. *All Other Telecommunications.* This industry is comprised of establishments primarily engaged in providing specialized telecommunications services, such as satellite tracking, communications telemetry, and radar station operation.¹⁴⁰ This industry also includes establishments primarily engaged in providing satellite terminal stations and associated facilities connected with one or more terrestrial systems and capable of transmitting telecommunications to, and receiving telecommunications from,

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<https://data.census.gov/cedsci/table?y=2017&n=517410&tid=ECNSIZE2017.EC1700SIZEREVFIRM&hidePreview=false>. At this time, the 2022 Economic Census data is not available.

¹³² *Id.* The available U.S. Census Bureau data does not provide a more precise estimate of the number of firms that meet the SBA size standard. We also note that according to the U.S. Census Bureau glossary, the terms receipts and revenues are used interchangeably, see https://www.census.gov/glossary/#term_ReceiptsRevenueServices.

¹³³ U.S. Census Bureau, *2017 NAICS Definition, "517312 Wireless Telecommunications Carriers (except Satellite),"* <https://www.census.gov/naics/?input=517312&year=2017&details=517312>.

¹³⁴ *Id.*

¹³⁵ 13 CFR § 121.201, NAICS Code 517312 (as of 10/1/22, NAICS Code 517112).

¹³⁶ U.S. Census Bureau, *2017 Economic Census of the United States, Employment Size of Firms for the U.S.: 2017*, Table ID: EC1700SIZEEMPFI, NAICS Code 517312, <https://data.census.gov/cedsci/table?y=2017&n=517312&tid=ECNSIZE2017.EC1700SIZEEMPFI&hidePreview=false>.

¹³⁷ *Id.* The available U.S. Census Bureau data does not provide a more precise estimate of the number of firms that meet the SBA size standard.

¹³⁸ Federal-State Joint Board on Universal Service, Universal Service Monitoring Report at 26, Table 1.12 (2022), <https://docs.fcc.gov/public/attachments/DOC-391070A1.pdf>.

¹³⁹ *Id.*

¹⁴⁰ See U.S. Census Bureau, *2017 NAICS Definition, "517919 All Other Telecommunications,"* <https://www.census.gov/naics/?input=517919&year=2017&details=517919>.

satellite systems.¹⁴¹ Providers of Internet services (e.g. dial-up ISPs) or Voice over Internet Protocol (VoIP) services, via client-supplied telecommunications connections are also included in this industry.¹⁴² The SBA small business size standard for this industry classifies firms with annual receipts of \$40 million or less as small.¹⁴³ U.S. Census Bureau data for 2017 show that there were 1,079 firms in this industry that operated for the entire year.¹⁴⁴ Of those firms, 1,039 had revenue of less than \$25 million.¹⁴⁵ Based on this data, the Commission estimates that the majority of “All Other Telecommunications” firms can be considered small.

31. *Wired Broadband Internet Access Service Providers (Wired ISPs).*¹⁴⁶ Providers of wired broadband Internet access service include various types of providers except dial-up Internet access providers. Wireline service that terminates at an end user location or mobile device and enables the end user to receive information from and/or send information to the Internet at information transfer rates exceeding 200 kilobits per second (kbps) in at least one direction is classified as a broadband connection under the Commission’s rules.¹⁴⁷ Wired broadband Internet services fall in the Wired Telecommunications Carriers industry.¹⁴⁸ The SBA small business size standard for this industry classifies firms having 1,500 or fewer employees as small.¹⁴⁹ U.S. Census Bureau data for 2017 show that there were 3,054 firms that operated in this industry for the entire year.¹⁵⁰ Of this number, 2,964 firms operated with fewer than 250 employees.¹⁵¹

32. Additionally, according to Commission data on Internet access services as of June 30, 2019, nationwide there were approximately 2,747 providers of connections over 200 kbps in at least one direction using various wireline technologies.¹⁵² The Commission does not collect data on the number of

¹⁴¹ *Id.*

¹⁴² *Id.*

¹⁴³ See 13 CFR § 121.201, NAICS Code 517919 (as of 10/1/22, NAICS Code 517810).

¹⁴⁴ See U.S. Census Bureau, *2017 Economic Census of the United States, Selected Sectors: Sales, Value of Shipments, or Revenue Size of Firms for the U.S.: 2017*, Table ID: EC1700SIZEREVFIRM, NAICS Code 517919, <https://data.census.gov/cedsci/table?y=2017&n=517919&tid=ECNSIZE2017.EC1700SIZEREVFIRM&hidePreview=false>. At this time, the 2022 Economic Census data is not available.

¹⁴⁵ *Id.* The available U.S. Census Bureau data does not provide a more precise estimate of the number of firms that meet the SBA size standard. We also note that according to the U.S. Census Bureau glossary, the terms receipts and revenues are used interchangeably, see https://www.census.gov/glossary/#term_ReceiptsRevenueServices.

¹⁴⁶ Formerly included in the scope of the Internet Service Providers (Broadband), Wired Telecommunications Carriers and All Other Telecommunications small entity industry descriptions.

¹⁴⁷ 47 CFR § 1.7001(a)(1).

¹⁴⁸ U.S. Census Bureau, *2017 NAICS Definition*, “517311 Wired Telecommunications Carriers,” <https://www.census.gov/naics/?input=517311&year=2017&details=517311>.

¹⁴⁹ 13 CFR § 121.201, NAICS Code 517311 (as of 10/1/22, NAICS Code 517111).

¹⁵⁰ U.S. Census Bureau, *2017 Economic Census of the United States, Selected Sectors: Employment Size of Firms for the U.S.: 2017*, Table ID: EC1700SIZEEMPFI, NAICS Code 517311, <https://data.census.gov/cedsci/table?y=2017&n=517311&tid=ECNSIZE2017.EC1700SIZEEMPFI&hidePreview=false>.

¹⁵¹ *Id.* The available U.S. Census Bureau data does not provide a more precise estimate of the number of firms that meet the SBA size standard.

¹⁵² See Federal Communications Commission, Internet Access Services: Status as of June 30, 2019 at 27, Fig. 30 (*IAS Status 2019*), Industry Analysis Division, Office of Economics & Analytics (March 2022). The report can be accessed at <https://www.fcc.gov/economics-analytics/industry-analysis-division/iad-data-statistical-reports>. The technologies used by providers include aDSL, sDSL, Other Wireline, Cable Modem and FTTP). Other wireline includes: all copper-wire based technologies other than xDSL (such as Ethernet over copper, T-1/DS-1 and T3/DS-1) (continued....)

employees for providers of these services, therefore, at this time we are not able to estimate the number of providers that would qualify as small under the SBA's small business size standard. However, in light of the general data on fixed technology service providers in the Commission's *2022 Communications Marketplace Report*,¹⁵³ we believe that the majority of wireline Internet access service providers can be considered small entities.

33. *Wireless Broadband Internet Access Service Providers (Wireless ISPs or WISPs)*.¹⁵⁴ Providers of wireless broadband Internet access service include fixed and mobile wireless providers. The Commission defines a WISP as "[a] company that provides end-users with wireless access to the Internet[.]"¹⁵⁵ Wireless service that terminates at an end user location or mobile device and enables the end user to receive information from and/or send information to the Internet at information transfer rates exceeding 200 kilobits per second (kbps) in at least one direction is classified as a broadband connection under the Commission's rules.¹⁵⁶ Neither the SBA nor the Commission have developed a size standard specifically applicable to Wireless Broadband Internet Access Service Providers. The closest applicable industry with an SBA small business size standard is Wireless Telecommunications Carriers (except Satellite).¹⁵⁷ The SBA size standard for this industry classifies a business as small if it has 1,500 or fewer employees.¹⁵⁸ U.S. Census Bureau data for 2017 show that there were 2,893 firms in this industry that operated for the entire year.¹⁵⁹ Of that number, 2,837 firms employed fewer than 250 employees.¹⁶⁰

34. Additionally, according to Commission data on Internet access services as of June 30, 2019, nationwide there were approximately 1,237 fixed wireless and 70 mobile wireless providers of connections over 200 kbps in at least one direction.¹⁶¹ The Commission does not collect data on the number of employees for providers of these services, therefore, at this time we are not able to estimate the number of providers that would qualify as small under the SBA's small business size standard. However, based on data in the Commission's *2022 Communications Marketplace Report* on the small number of large mobile wireless nationwide and regional facilities-based providers, the dozens of small regional facilities-based providers and the number of wireless mobile virtual network providers in general,¹⁶² as

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1) as well as power line technologies which are included in this category to maintain the confidentiality of the providers.

¹⁵³ *Communications Marketplace Report*, GN Docket No. 22-203, 2022 WL 18110553 at 10, paras. 26-27, Figs. II.A.5-7. (2022) (*2022 Communications Marketplace Report*).

¹⁵⁴ Formerly included in the scope of the Internet Service Providers (Broadband), Wireless Telecommunications Carriers (except Satellite) and All Other Telecommunications small entity industry descriptions.

¹⁵⁵ Federal Communications Commission, Internet Access Services: Status as of June 30, 2019 at 27, Fig. 30 (*IAS Status 2019*), Industry Analysis Division, Office of Economics & Analytics (March 2022). The report can be accessed at <https://www.fcc.gov/economics-analytics/industry-analysis-division/iad-data-statistical-reports>.

¹⁵⁶ 47 CFR § 1.7001(a)(1).

¹⁵⁷ U.S. Census Bureau, *2017 NAICS Definition*, "517312 Wireless Telecommunications Carriers (except Satellite)," <https://www.census.gov/naics/?input=517312&year=2017&details=517312>.

¹⁵⁸ 13 CFR § 121.201, NAICS Code 517312 (as of 10/1/22, NAICS Code 517112).

¹⁵⁹ U.S. Census Bureau, *2017 Economic Census of the United States, Employment Size of Firms for the U.S.: 2017*, Table ID: EC1700SIZEEMPFI, NAICS Code 517312, <https://data.census.gov/cedsci/table?y=2017&n=517312&tid=ECNSIZE2017.EC1700SIZEEMPFI&hidePreview=false>.

¹⁶⁰ *Id.* The available U.S. Census Bureau data does not provide a more precise estimate of the number of firms that meet the SBA size standard.

¹⁶¹ *IAS Status 2019*, Fig. 30.

well as on terrestrial fixed wireless broadband providers in general,¹⁶³ we believe that the majority of wireless Internet access service providers can be considered small entities.

35. *Internet Service Providers (Non-Broadband)*. Internet access service providers using client-supplied telecommunications connections (e.g., dial-up ISPs) as well as VoIP service providers using client-supplied telecommunications connections fall in the industry classification of All Other Telecommunications.¹⁶⁴ The SBA small business size standard for this industry classifies firms with annual receipts of \$35 million or less as small.¹⁶⁵ For this industry, U.S. Census Bureau data for 2017 show that there were 1,079 firms in this industry that operated for the entire year.¹⁶⁶ Of those firms, 1,039 had revenue of less than \$25 million.¹⁶⁷ Consequently, under the SBA size standard a majority of firms in this industry can be considered small.

36. *All Other Information Services*. This industry comprises establishments primarily engaged in providing other information services (except news syndicates, libraries, archives, Internet publishing and broadcasting, and Web search portals).¹⁶⁸ The SBA small business size standard for this industry classifies firms with annual receipts of \$30 million or less as small.¹⁶⁹ U.S. Census Bureau data for 2017 show that there were 704 firms in this industry that operated for the entire year.¹⁷⁰ Of those firms, 556 had revenue of less than \$25 million.¹⁷¹ Consequently, we estimate that the majority of firms in this industry are small entities.

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¹⁶² *Communications Marketplace Report*, GN Docket No. 22-203, 2022 WL 18110553 at 27, paras. 64-68. (2022) (2022 *Communications Marketplace Report*).

¹⁶³ *Id.* at 8, para. 22.

¹⁶⁴ U.S. Census Bureau, 2017 NAICS Definition, “517919 All Other Telecommunications,” <https://www.census.gov/naics/?input=517919&year=2017&details=517919>.

¹⁶⁵ 13 CFR § 121.201, NAICS Code 517919 (as of 10/1/22, NAICS Code 517810).

¹⁶⁶ U.S. Census Bureau, 2017 *Economic Census of the United States, Selected Sectors: Sales, Value of Shipments, or Revenue Size of Firms for the U.S.: 2017*, Table ID: EC1700SIZEREVFIRM, NAICS Code 517919, <https://data.census.gov/cedsci/table?y=2017&n=517919&tid=ECNSIZE2017.EC1700SIZEREVFIRM&hidePreview=false>.

¹⁶⁷ *Id.* The available U.S. Census Bureau data does not provide a more precise estimate of the number of firms that meet the SBA size standard. We also note that according to the U.S. Census Bureau glossary, the terms receipts and revenues are used interchangeably, see https://www.census.gov/glossary/#term_ReceiptsRevenueServices.

¹⁶⁸ U.S. Census Bureau, 2017 NAICS Definition, “519190 All Other Information Services,” <https://www.census.gov/naics/?input=519190&year=2017&details=519190>.

¹⁶⁹ 13 CFR § 121.201, NAICS Code 519190 (as of 10/1/22, NAICS Codes 519290).

¹⁷⁰ U.S. Census Bureau, 2017 *Economic Census of the United States, Selected Sectors: Sales, Value of Shipments, or Revenue Size of Firms for the U.S.: 2017*, Table ID: EC1700SIZEREVFIRM, NAICS Code 519190, <https://data.census.gov/cedsci/table?y=2017&n=519190&tid=ECNSIZE2017.EC1700SIZEREVFIRM&hidePreview=false>.

¹⁷¹ *Id.* The available U.S. Census Bureau data does not provide a more precise estimate of the number of firms that meet the SBA size standard. We note that the U.S. Census Bureau withheld publication of the number of firms that operated with sales/value of shipments/revenue of less than \$100,000 to avoid disclosing data for individual companies (see Cell Notes for the sales/value of shipments/revenue in this category). Therefore, the number of firms revenue that meet the SBA size standard would be higher than noted herein. We also note that according to the U.S. Census Bureau glossary, the terms receipts and revenues are used interchangeably, see https://www.census.gov/glossary/#term_ReceiptsRevenueServices.

E. Description of Projected Reporting, Recordkeeping and Other Compliance Requirements for Small Entities

37. This *Report and Order* modifies existing reporting, recordkeeping, and compliance obligations for USF high-cost recipients awarded through competitive mechanisms. Specifically, we adopt an alternative method of evaluating a bank's ability to provide a LOC to winners of Auction 903 and 904 support, along with winners of 5G Fund auctions. These recipients will now be required to obtain LOCs from United States banks that are insured by the FDIC and that meet the criteria to be considered "well capitalized" by federal bank supervisory agencies, instead of relying on Weiss bank safety ratings, which limit the number of acceptable banks. The *Report and Order* will allow more banks to issue program LOCs, and will allow small and other program support recipients to lower the value of the LOCs they are required to maintain. We also allow Auction 904 support recipients who have deployed service to at least 10% of their required locations by the end of their second year of support to lower the value of their LOCs. Finally, we allow Auction 903 support recipients that have met their deployment and reporting obligations to maintain LOCs in accordance with Auction 904's rules.

38. The changes in the *Report and Order* are intended to reduce the administrative burden on small and other recipients of Auctions 903 and 904 support and 5G Fund support. The changes will allow support recipients, including small entities, to minimize their expenses by maintaining their existing LOC with the bank that issued it, instead of obtaining a new one. As a result of these changes, if there is an economic impact on small entities, we expect the impact to be a positive one. These changes would not add any additional compliance requirements for small entities, or additional costs for professional skills, because support recipients are already required to maintain LOCs under the current rules.

F. Steps Taken to Minimize the Significant Economic Impact on Small Entities and Significant Alternatives Considered

39. The requires an agency to provide, "a description of the steps the agency has taken to minimize the significant economic impact on small entities...including a statement of the factual, policy, and legal reasons for selecting the alternative adopted in the final rule and why each one of the other significant alternatives to the rule considered by the agency which affect the impact on small entities was rejected."¹⁷²

40. The Commission has considered the economic impact on small entities in reaching its final conclusions and taking action in this proceeding. The rules that we adopt in the *Report and Order* will provide greater certainty and flexibility for small and other carriers. For example, we now allow any bank that is "well capitalized" to evaluate a bank's fitness to issue program LOCs, instead of using the previously required Weiss ratings. This will expand the pool of eligible banks which will increase the flexibility for all program support recipients, including small entities.

41. We also considered alternatives to our existing rules, by seeking comment on alternative standards that could be used to evaluate the health and suitability of a bank. For example, Bank of America proposed on alternative method of determining a bank's eligibility that includes the current Weiss rating of B- or better or a long-term unsecured credit rating issued by a widely-recognized credit rating agency that is equivalent to a BBB- or better rating by Standard & Poor's, which is the requirement for non-U.S. banks. WISPA proposed that CAF II or RDOF support recipients that met 80% of their obligations should be allowed to retire their LOCs, instead of the current requirement for completing all deployment obligations. Other alternatives proposed allowing banks that were "adequately capitalized" or those with lower Weiss ratings to issue LOCs. We disagree with these and other alternative proposals. The "well capitalized" standard allows us to honor the Commission's responsibility to ensure that our programs' expenditures are protected, while minimizing disruption for support recipients and their banks. Retaining the requirement that support recipients maintain LOCs until all deployment obligations are met

¹⁷² 5 U.S.C. § 604(a)(6).

provides security that funding is protected until these obligations are complete. Some alternative proposals would reduce the ability of smaller banks to be eligible to provide LOCs, which is counter to our goal of expanding eligibility of banks, and may lower barriers to participation for small and other entities. In light of the economic burdens that auction support recipients could face by being required to obtain new LOCs from different banks, we considered the most effective ways of allowing those support recipients to maintain their LOCs with the banks that originally issued them, as long as we are confident that the bank's economic health is sufficient. This change will free up capital to support small and other recipients which will allow them to more efficiently deploy broadband service.

42. We also allowed RDOF support recipients that deployed service to 10% of their required locations by the end of their second year of support to reduce the value of their LOC to one year of their totally support, upon USAC's verification. Commenters opposed to these changes did not provide alternatives or specific examples of behavior that would lead us to conclude this reduction would be inappropriate. Further, the USAC verification process is critical to ensuring that broadband deployment is actually occurring. Finally, we allowed Auction 903 support recipients that have met all of their deployment and reporting obligations to continue to follow the RDOF's LOC rules, which will allow small and other Auction 903 support recipients that have met their obligations to free up additional capital and more efficiently deploy broadband service.

G. Report to Congress

43. The Commission will send a copy of the Report and Order, including this FRFA, in a report to be sent to Congress pursuant to the Congressional Review Act.¹⁷³ In addition, the Commission will send a copy of the Report and Order, including this FRFA, to the Chief Counsel for Advocacy of the Small Business Administration. A copy of the Report and Order and FRFA (or summaries thereof) will also be published in the Federal Register.¹⁷⁴

¹⁷³ 5 U.S.C. § 801(a)(1)(A).

¹⁷⁴ See *id.* § 604(b).

**STATEMENT OF
CHAIRWOMAN JESSICA ROSENWORCEL**

Re: *Connect America Fund, et al*, WC Docket Nos. 10-90, 18-143, 19-126, 24-144, Report and Order and Order (Dec. 11, 2024).

If you want to build a digital future that works for everyone, you need to start with connecting everywhere in this country to high-speed broadband. For the first time in history, we have many programs to do it. We have an unprecedented commitment to making sure no individual or community remains stuck on the wrong side of the digital divide.

Getting this done right requires extraordinary attention to detail. One of the details that matters—really matters—is making sure that the funds we provide go to meaningful broadband buildout. To ensure this is the case, the Federal Communications Commission has historically required that carriers receiving certain funds for service in high-cost areas secure a letter of credit from a qualified bank. This protects the integrity of our programs and helps ensure our ability to recoup support in the event of default. These are the right goals. But over time we have found that aspects of our letter of credit requirements are so stringent that they can get in the way of building better broadband. That is why we update them here. By doing so, we can help speed the deployment of high-speed service to those in places without.

I want to thank the staff responsible for this effort, including Nathan Eagan, Jodie Griffin, Trent Harkrader, Jesse Jachman, and Heidi Lankau from the Wireline Competition Bureau; Malena Barzilai, Thomas Driscoll, Joel Graham, Michael Janson, Richard Mallen, and Wisam Naoum from the Office of General Counsel; Mary Lovejoy, Gary Michaels, Mark Montano, and Kelly Quinn from the Office of Economics and Analytics; Garnet Hanly from the Wireless Telecommunications Bureau; and Michael Gussow and Joycelyn James from the Office of Communications Business Opportunities.

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

In the Matter of	)	
	)	File No.: EB-FIELDNER-23-00035362
Djovany Pierre and Mario Turner	)	NAL/Acct No.: 202432010007
Brockton, Massachusetts	)	FRNs: 0035338201
	)	0035338268

FORFEITURE ORDER

Adopted: December 11, 2024**Released: December 13, 2024**

By the Commission: Chairwoman Rosenworcel issuing a statement; Commissioner Simington dissenting:

1. We impose a penalty of \$40,000 against Djovany Pierre (Pierre) and Mario Turner (Turner), jointly and severally, for operating an unauthorized radio station on 96.5 MHz in Brockton, Massachusetts. Pierre and Turner have engaged in the illicit operation of an unauthorized radio station known as “Radio Tele Brockton” or “Brockton Heat,” on 96.5 MHz. Operating an unauthorized, or pirate, radio station is illegal under the Communications Act of 1934, as amended (Communications Act or Act),¹ and undermines the primary mission of the Federal Communications Commission (FCC or Commission) to manage radio spectrum. Such illegal operations can interfere with licensed communications, including authorized broadcasts and communications by public safety entities. Moreover, such illegal operations pose a danger to the public because they interfere with licensed stations that inform their listeners of important public safety messages, including Emergency Alert System transmissions that provide vital information regarding weather and other dangers to the public.²

2. On April 26, 2024, the Commission issued a Notice of Apparent Liability for Forfeiture proposing a \$40,000 forfeiture against Pierre and Turner on a joint and several basis for willful and knowing violations of section 511 of the Act by engaging in pirate radio broadcasting on June 6 and July 12, 2023.³ Neither Pierre nor Turner filed a response to the *NAL*.⁴ We incorporate by reference herein, affirm, and adopt as final all of our tentative findings of fact and conclusions of law set forth in the *NAL* and affirm the forfeiture proposed in the *NAL*.⁵

3. Accordingly, **IT IS ORDERED** that, pursuant to section 511 of the Act, 47 U.S.C. § 511, and section 1.80 of the Commission’s rules, 47 CFR § 1.80, Djovany Pierre and Mario Turner are

¹ 47 U.S.C. § 511.

² See *Amendment of Part 11 of the Commission’s Rules Regarding the Emergency Alert System*, Report and Order, PS Docket No. 15-94, FCC 22-75, para. 3 (rel. Sept. 30, 2022).

³ See *Djovany Pierre and Mario Turner, Brockton, Massachusetts*, Notice of Apparent Liability for Forfeiture, FCC 24-48, 2024 WL 1960725 (Apr. 26, 2024) (*NAL*); 47 U.S.C. § 511. The *NAL* includes a more complete discussion of the facts and history of this case and is incorporated herein by reference.

⁴ On April 26, 2024, a copy of the *NAL* was sent to Djovany Pierre and to Mario Turner by first class mail and certified mail, return receipt requested. The certified mailing to Djovany Pierre was claimed, and the first class mail was not returned. The separate certified mailing to Mario Turner was returned unclaimed, although the first class mail copy was not returned.

⁵ Any entity that is a “Small Business Concern” as defined in the Small Business Act (Pub. L. 85-536, as amended) may avail itself of rights set forth in that Act, including rights set forth in 15 U.S.C. § 657, “Oversight of Regulatory Enforcement,” in addition to other rights set forth herein.

LIABLE FOR A MONETARY FORFEITURE, jointly and severally, in the amount of forty-thousand dollars (\$40,000) for willfully and knowingly violating section 511 of the Act.

4. Payment of the forfeiture shall be made in the manner provided for in section 1.80 of the Commission's rules, 47 CFR § 1.80, within thirty (30) calendar days after the release of this Forfeiture Order. Pierre and Turner shall send electronic notification of payment to the Office of the Field Director, Enforcement Bureau, Federal Communications Commission, at field@fcc.gov on the date said payment is made. If the forfeiture is not paid within the period specified, the case may be referred to the U.S. Department of Justice for enforcement of the forfeiture pursuant to section 504(a) of the Act, 47 U.S.C. § 504(a).

5. In order for Djovany Pierre and Mario Turner to pay the proposed forfeiture, Djovany Pierre or Mario Turner shall notify the Office of the Field Director at field@fcc.gov of his intent to pay, whereupon an invoice will be posted in the Commission's Registration System (CORES) at <https://apps.fcc.gov/cores/userLogin.do>. Payment of the forfeiture must be made by credit card using CORES at <https://apps.fcc.gov/cores/userLogin.do>, ACH (Automated Clearing House) debit from a bank account, or by wire transfer from a bank account. The Commission no longer accepts forfeiture payments by check or money order. Below are instructions that payors should follow based on the form of payment selected:⁶

- Payment by wire transfer must be made to ABA Number 021030004, receiving bank TREAS/NYC, and Account Number 27000001. In the OBI field, enter the FRN(s) captioned above and the letters "FORF." In addition, a completed Form 159⁷ or printed CORES form⁸ must be faxed to the Federal Communications Commission at 202-418-2843 or e-mailed to RROGWireFaxes@fcc.gov on the same business day the wire transfer is initiated. Failure to provide all required information in Form 159 or CORES may result in payment not being recognized as having been received. When completing FCC Form 159 or CORES, enter the Account Number in block number 23A (call sign/other ID), enter the letters "FORF" in block number 24A (payment type code), and enter in block number 11 the FRN(s) captioned above (Payor FRN).⁹ For additional detail and wire transfer instructions, go to <https://www.fcc.gov/licensing-databases/fees/wire-transfer>.
- Payment by credit card must be made by using CORES at <https://apps.fcc.gov/cores/userLogin.do>. To pay by credit card, log in using the FCC Username associated to the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select "Manage Existing FRNs | FRN Financial | Bills & Fees" from the CORES Menu, then select FRN Financial and the view/make payments option next to the FRN. Select the "Open Bills" tab and find the bill number associated with the NAL Acct. No. The bill number is the NAL Acct. No. with the first two digits excluded (e.g., NAL 1912345678 would be associated with FCC Bill Number 12345678). After selecting the bill for payment, choose the "Pay by Credit Card" option. Please note that there is a \$24,999.99 limit on credit card transactions.
- Payment by ACH must be made by using CORES at <https://apps.fcc.gov/cores/userLogin.do>. To pay by ACH, log in using the FCC Username associated to the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select "Manage Existing FRNs | FRN Financial | Bills & Fees" on the CORES Menu, then select FRN Financial and the

⁶ For questions regarding payment procedures, please contact the Financial Operations Group Help Desk by phone at 1-877-480-3201 (option #6).

⁷ FCC Form 159 is accessible at <https://www.fcc.gov/licensing-databases/fees/fcc-remittance-advice-form-159>.

⁸ Information completed using the Commission's Registration System (CORES) does not require the submission of an FCC Form 159. CORES is accessible at <https://apps.fcc.gov/cores/userLogin.do>.

⁹ Instructions for completing the form may be obtained <http://www.fcc.gov/Forms/Form159/159.pdf>.

view/make payments option next to the FRN. Select the “Open Bills” tab and find the bill number associated with the NAL Acct. No. The bill number is the NAL Acct. No. with the first two digits excluded (e.g., NAL 1912345678 would be associated with FCC Bill Number 12345678). Finally, choose the “Pay from Bank Account” option. Please contact the appropriate financial institution to confirm the correct Routing Number and the correct account number from which payment will be made and verify with that financial institution that the designated account has authorization to accept ACH transactions.

6. Any request for making full payment over time under an installment plan should be sent to: Chief Financial Officer – Financial Operations, Federal Communications Commission, 45 L Street NE, Washington, D.C. 20554. Questions regarding payment procedures should be directed to the Financial Operations Group Help Desk by telephone, 1-877-480-3201, or by e-mail, ARINQUIRIES@fcc.gov.

7. **IT IS FURTHER ORDERED** that a copy of this Forfeiture Order shall be sent by first class mail and certified mail, return receipt requested, to Djovany Pierre at 673 North Main Street, Brockton, MA 02301 and Mario Turner at {[]} Dover St., Brockton, MA 02301.¹⁰

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

¹⁰ Material that is set off by double brackets {[]} is confidential and is redacted from the public version of this document.

**STATEMENT OF
CHAIRWOMAN JESSICA ROSENWORCEL**

Re: *In the Matter of Renold David, Brockton, Massachusetts*, Forfeiture Order, File No.: EB-FIELDSCR-23-00035352; *In the Matter of Joao Vieira, Brockton, Massachusetts*, Forfeiture Order, File No.: EB-FIELDNER-23-00035360; *In the Matter of Djovany Pierre and Mario Turner, Brockton, Massachusetts*, Forfeiture Order, File No.: EB-FIELDSCR-23-00035362 (December 11, 2024).

At the Federal Communications Commission, we are stewards of the public airwaves. We help ensure that this vital resource is broadly available and free from harmful interference. And for those who fail to follow the rules, there are consequences.

The three enforcement actions we announce today reinforce this fact. They also demonstrate our continued work to honor the responsibilities we have under the PIRATE Act.

I have consistently put these actions on the monthly agenda because I think they are a way to honor the work of FCC staff in the field. These investigations involve agents in small FCC offices around the country. But the work they do is a big deal because when our personnel are out and about they help protect the public airwaves that we count on for so much in modern life. The same goes for our emergency response teams who deploy after disasters to do a front-to-back assessment of the state of communications. I saw their efforts first hand in North Carolina after Hurricane Helene and they are nothing short of heroic. These aspects of our field work also often go unnoticed. I am glad that we have been able to shine a spotlight on them and honor our field staff in small ways like we do here today.

For safety purposes, we do not name the individuals from our field offices responsible for these investigations. But we thank them as well as staff in Washington who took up their work and converted it to action, including David Dombrowski, Matthew Gibson, Peter Hyun, Robert Kincaid, Jeremy Marcus, David Marks, Erica McMahon, and Michael Rhodes from the Enforcement Bureau; and Bill Dever and David Konczal from the Office of General Counsel.

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

In the Matter of	)	
	)	File No.: EB-FIELDNER-23-00035352
Renold David	)	NAL/Acct No.: 202432010006
Brockton, Massachusetts	)	FRN: 035338342
	)	

FORFEITURE ORDER

Adopted: December 11, 2024**Released: December 13, 2024**

By the Commission: Chairwoman Rosenworcel issuing a statement; Commissioner Simington dissenting.

1. We impose a penalty of \$120,000 against Renold David (David), for operating an unauthorized radio station on 101.9 MHz in Brockton, Massachusetts. David has engaged in the illicit operation of an unauthorized radio station known as “Lotnivo FM.” Operating an unauthorized, or pirate, radio station is illegal under the Communications Act of 1934, as amended (Communications Act or Act),¹ and undermines the primary mission of the Federal Communications Commission (FCC or Commission) to manage radio spectrum. Such illegal operations can interfere with licensed communications, including authorized broadcasts and communications by public safety entities. Moreover, such illegal operations pose a danger to the public because they interfere with licensed stations that inform their listeners of important public safety messages, including Emergency Alert System transmissions that provide vital information regarding weather and other dangers to the public.²

2. On April 26, 2024, the Commission issued a Notice of Apparent Liability for Forfeiture proposing a \$120,000 forfeiture against David for willful and knowing violations of section 511 of the Act by engaging in pirate radio broadcasting on June 6, July 12, December 6, and December 21, 2023.³ David has not filed a response to the *NAL*.⁴ We incorporate by reference herein, affirm, and adopt as final all of our tentative findings of fact and conclusions of law set forth in the *NAL* and affirm the forfeiture proposed in the *NAL*.⁵

3. Accordingly, **IT IS ORDERED** that, pursuant to section 511 of the Act, 47 U.S.C. § 511, and section 1.80 of the Commission’s rules, 47 CFR § 1.80, Renold David is **LIABLE FOR A MONETARY FORFEITURE** in the amount of one hundred twenty thousand dollars (\$120,000) for willfully and knowingly violating section 511 of the Act.

4. Payment of the forfeiture shall be made in the manner provided for in section 1.80 of the Commission’s rules, 47 CFR § 1.80, within thirty (30) calendar days after the release of this Forfeiture

¹ 47 U.S.C. § 511.

² See *Amendment of Part 11 of the Commission’s Rules Regarding the Emergency Alert System*, Report and Order, PS Docket No. 15-94, FCC 22-75, para. 3 (rel. Sept. 30, 2022).

³ See *Renold David, Brockton, Massachusetts*, Notice of Apparent Liability for Forfeiture, FCC 24-47, 2024 WL 1960724 (Apr. 26, 2024) (*NAL*); 47 U.S.C. § 511. The *NAL* includes a more complete discussion of the facts and history of this case and is incorporated herein by reference.

⁴ On April 26, 2024, a copy of the *NAL* was sent to Renold David by first class mail and certified mail, return receipt requested. Although the certified mailing was returned unclaimed, the first class mail was not returned.

⁵ Any entity that is a “Small Business Concern” as defined in the Small Business Act (Pub. L. 85-536, as amended) may avail itself of rights set forth in that Act, including rights set forth in 15 U.S.C. § 657, “Oversight of Regulatory Enforcement,” in addition to other rights set forth herein.

Order. David shall send electronic notification of payment to the Office of the Field Director, Enforcement Bureau, Federal Communications Commission, at field@fcc.gov on the date said payment is made. If the forfeiture is not paid within the period specified, the case may be referred to the U.S. Department of Justice for enforcement of the forfeiture pursuant to section 504(a) of the Act, 47 U.S.C. § 504(a).

5. In order for Renold David to pay the proposed forfeiture, Renold David shall notify the Office of the Field Director at field@fcc.gov of his intent to pay, whereupon an invoice will be posted in the Commission's Registration System (CORES) at <https://apps.fcc.gov/core/userLogin.do>. Payment of the forfeiture must be made by credit card using CORES at <https://apps.fcc.gov/core/userLogin.do>, ACH (Automated Clearing House) debit from a bank account, or by wire transfer from a bank account. The Commission no longer accepts forfeiture payments by check or money order. Below are instructions that payors should follow based on the form of payment selected:⁶

- Payment by wire transfer must be made to ABA Number 021030004, receiving bank TREAS/NYC, and Account Number 27000001. In the OBI field, enter the FRN(s) captioned above and the letters "FORF." In addition, a completed Form 159⁷ or printed CORES form⁸ must be faxed to the Federal Communications Commission at 202-418-2843 or e-mailed to RROGWireFaxes@fcc.gov on the same business day the wire transfer is initiated. Failure to provide all required information in Form 159 or CORES may result in payment not being recognized as having been received. When completing FCC Form 159 or CORES, enter the Account Number in block number 23A (call sign/other ID), enter the letters "FORF" in block number 24A (payment type code), and enter in block number 11 the FRN(s) captioned above (Payor FRN).⁹ For additional detail and wire transfer instructions, go to <https://www.fcc.gov/licensing-databases/fees/wire-transfer>.
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⁹ Instructions for completing the form may be obtained <http://www.fcc.gov/Forms/Form159/159.pdf>.

payment will be made and verify with that financial institution that the designated account has authorization to accept ACH transactions.

6. Any request for making full payment over time under an installment plan should be sent to: Chief Financial Officer – Financial Operations, Federal Communications Commission, 45 L Street NE, Washington, D.C. 20554. Questions regarding payment procedures should be directed to the Financial Operations Group Help Desk by telephone, 1-877-480-3201, or by e-mail, ARINQUIRIES@fcc.gov.

7. **IT IS FURTHER ORDERED** that a copy of this Forfeiture Order shall be sent by first class mail and certified mail, return receipt requested, to Renold David at {[REDACTED]} Florence St, Brockton, MA 02301.¹⁰

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

¹⁰ Material that is set off by double brackets {[]} is confidential and is redacted from the public version of this document.

**STATEMENT OF
CHAIRWOMAN JESSICA ROSENWORCEL**

Re: *In the Matter of Renold David, Brockton, Massachusetts*, Forfeiture Order, File No.: EB-FIELDSCR-23-00035352; *In the Matter of Joao Vieira, Brockton, Massachusetts*, Forfeiture Order, File No.: EB-FIELDNER-23-00035360; *In the Matter of Djovany Pierre and Mario Turner, Brockton, Massachusetts*, Forfeiture Order, File No.: EB-FIELDSCR-23-00035362 (December 11, 2024).

At the Federal Communications Commission, we are stewards of the public airwaves. We help ensure that this vital resource is broadly available and free from harmful interference. And for those who fail to follow the rules, there are consequences.

The three enforcement actions we announce today reinforce this fact. They also demonstrate our continued work to honor the responsibilities we have under the PIRATE Act.

I have consistently put these actions on the monthly agenda because I think they are a way to honor the work of FCC staff in the field. These investigations involve agents in small FCC offices around the country. But the work they do is a big deal because when our personnel are out and about they help protect the public airwaves that we count on for so much in modern life. The same goes for our emergency response teams who deploy after disasters to do a front-to-back assessment of the state of communications. I saw their efforts first hand in North Carolina after Hurricane Helene and they are nothing short of heroic. These aspects of our field work also often go unnoticed. I am glad that we have been able to shine a spotlight on them and honor our field staff in small ways like we do here today.

For safety purposes, we do not name the individuals from our field offices responsible for these investigations. But we thank them as well as staff in Washington who took up their work and converted it to action, including David Dombrowski, Matthew Gibson, Peter Hyun, Robert Kincaid, Jeremy Marcus, David Marks, Erica McMahon, and Michael Rhodes from the Enforcement Bureau; and Bill Dever and David Konczal from the Office of General Counsel.

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

In the Matter of	)	
	)	File No.: EB-FIELDNER-23-00035360
Joao Vieira	)	NAL/Acct No.: 202432010008
Brockton, Massachusetts	)	FRN: 0035338326
	)	

FORFEITURE ORDER

Adopted: December 11, 2024**Released: December 13, 2024**

By the Commission: Chairwoman Rosenworcel issuing a statement; Commissioner Simington dissenting.

1. We impose a penalty of \$40,000 against Joao Vieira (Vieira), for operating an unauthorized radio station on 102.1 MHz in Brockton, Massachusetts. Vieira has engaged in the longstanding illicit operation of an unauthorized radio station known as “Brockton FM.” Operating an unauthorized, or pirate, radio station is illegal under the Communications Act of 1934, as amended (Communications Act or Act),¹ and undermines the primary mission of the Federal Communications Commission (FCC or Commission) to manage radio spectrum. Such illegal operations can interfere with licensed communications, including authorized broadcasts and communications by public safety entities. Moreover, such illegal operations pose a danger to the public because they interfere with licensed stations that inform their listeners of important public safety messages, including Emergency Alert System transmissions that provide vital information regarding weather and other dangers to the public.²

2. On April 26, 2024, the Commission issued a Notice of Apparent Liability for Forfeiture proposing a \$40,000 forfeiture against Vieira for willful and knowing violations of section 511 of the Act by engaging in pirate radio broadcasting on June 6, 2023, and July 12, 2023.³ Vieira has not filed a response to the *NAL*.⁴ We incorporate by reference herein, affirm, and adopt as final all of our tentative findings of fact and conclusions of law set forth in the *NAL* and affirm the forfeiture proposed in the *NAL*.⁵

3. Accordingly, **IT IS ORDERED** that, pursuant to section 511 of the Act, 47 U.S.C. § 511, and section 1.80 of the Commission’s rules, 47 CFR § 1.80, Joao Vieira is **LIABLE FOR A MONETARY FORFEITURE** in the amount of forty thousand dollars (\$40,000) for willfully and knowingly violating section 511 of the Act.

4. Payment of the forfeiture shall be made in the manner provided for in section 1.80 of the Commission’s rules, 47 CFR § 1.80, within thirty (30) calendar days after the release of this Forfeiture

¹ 47 U.S.C. § 511.

² See *Amendment of Part 11 of the Commission’s Rules Regarding the Emergency Alert System*, Report and Order, PS Docket No. 15-94, FCC 22-75, para. 3 (rel. Sept. 30, 2022).

³ See *Joao Vieira, Brockton, Massachusetts*, Notice of Apparent Liability for Forfeiture, FCC 24-49, 2024 WL 1960726 (Apr. 26, 2024) (*NAL*); 47 U.S.C. § 511. The *NAL* includes a more complete discussion of the facts and history of this case and is incorporated herein by reference.

⁴ On April 26, 2024, a copy of the *NAL* was sent to Joao Vieira by first class mail and certified mail, return receipt requested. The certified mailing was claimed, and the first class mail was not returned.

⁵ Any entity that is a “Small Business Concern” as defined in the Small Business Act (Pub. L. 85-536, as amended) may avail itself of rights set forth in that Act, including rights set forth in 15 U.S.C. § 657, “Oversight of Regulatory Enforcement,” in addition to other rights set forth herein.

Order. Vieira shall send electronic notification of payment to the Office of the Field Director, Enforcement Bureau, Federal Communications Commission, at field@fcc.gov on the date said payment is made. If the forfeiture is not paid within the period specified, the case may be referred to the U.S. Department of Justice for enforcement of the forfeiture pursuant to section 504(a) of the Act, 47 U.S.C. § 504(a).

5. In order for Joao Vieira to pay the proposed forfeiture, Joao Vieira shall notify the Office of the Field Director at field@fcc.gov of his intent to pay, whereupon an invoice will be posted in the Commission's Registration System (CORES) at <https://apps.fcc.gov/core/userLogin.do>. Payment of the forfeiture must be made by credit card using CORES at <https://apps.fcc.gov/core/userLogin.do>, ACH (Automated Clearing House) debit from a bank account, or by wire transfer from a bank account. The Commission no longer accepts forfeiture payments by check or money order. Below are instructions that payors should follow based on the form of payment selected:⁶

- Payment by wire transfer must be made to ABA Number 021030004, receiving bank TREAS/NYC, and Account Number 27000001. In the OBI field, enter the FRN(s) captioned above and the letters "FORF." In addition, a completed Form 159⁷ or printed CORES form⁸ must be faxed to the Federal Communications Commission at 202-418-2843 or e-mailed to RROGWireFaxes@fcc.gov on the same business day the wire transfer is initiated. Failure to provide all required information in Form 159 or CORES may result in payment not being recognized as having been received. When completing FCC Form 159 or CORES, enter the Account Number in block number 23A (call sign/other ID), enter the letters "FORF" in block number 24A (payment type code), and enter in block number 11 the FRN(s) captioned above (Payor FRN).⁹ For additional detail and wire transfer instructions, go to <https://www.fcc.gov/licensing-databases/fees/wire-transfer>.
- Payment by credit card must be made by using CORES at <https://apps.fcc.gov/core/userLogin.do>. To pay by credit card, log in using the FCC Username associated to the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select "Manage Existing FRNs | FRN Financial | Bills & Fees" from the CORES Menu, then select FRN Financial and the view/make payments option next to the FRN. Select the "Open Bills" tab and find the bill number associated with the NAL Acct. No. The bill number is the NAL Acct. No. with the first two digits excluded (e.g., NAL 1912345678 would be associated with FCC Bill Number 12345678). After selecting the bill for payment, choose the "Pay by Credit Card" option. Please note that there is a \$24,999.99 limit on credit card transactions.
- Payment by ACH must be made by using CORES at <https://apps.fcc.gov/core/userLogin.do>. To pay by ACH, log in using the FCC Username associated to the FRN captioned above. If payment must be split across FRNs, complete this process for each FRN. Next, select "Manage Existing FRNs | FRN Financial | Bills & Fees" on the CORES Menu, then select FRN Financial and the view/make payments option next to the FRN. Select the "Open Bills" tab and find the bill number associated with the NAL Acct. No. The bill number is the NAL Acct. No. with the first two digits excluded (e.g., NAL 1912345678 would be associated with FCC Bill Number 12345678). Finally, choose the "Pay from Bank Account" option. Please contact the appropriate financial institution to confirm the correct Routing Number and the correct account number from

⁶ For questions regarding payment procedures, please contact the Financial Operations Group Help Desk by phone at 1-877-480-3201 (option #6).

⁷ FCC Form 159 is accessible at <https://www.fcc.gov/licensing-databases/fees/fcc-remittance-advice-form-159>.

⁸ Information completed using the Commission's Registration System (CORES) does not require the submission of an FCC Form 159. CORES is accessible at <https://apps.fcc.gov/core/userLogin.do>.

⁹ Instructions for completing the form may be obtained <http://www.fcc.gov/Forms/Form159/159.pdf>.

which payment will be made and verify with that financial institution that the designated account has authorization to accept ACH transactions.

6. Any request for making full payment over time under an installment plan should be sent to: Chief Financial Officer – Financial Operations, Federal Communications Commission, 45 L Street NE, Washington, D.C. 20554. Questions regarding payment procedures should be directed to the Financial Operations Group Help Desk by telephone, 1-877-480-3201, or by e-mail, ARINQUIRIES@fcc.gov.

7. **IT IS FURTHER ORDERED** that a copy of this Forfeiture Order shall be sent by first class mail and certified mail, return receipt requested, to Joao Vieira at {[]} Sheppard Avenue, Brockton, Massachusetts 02301.¹⁰

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

¹⁰ Material that is set off by double brackets {[]} is confidential and is redacted from the public version of this document.

**STATEMENT OF
CHAIRWOMAN JESSICA ROSENWORCEL**

Re: *In the Matter of Renold David, Brockton, Massachusetts*, Forfeiture Order, File No.: EB-FIELDSCR-23-00035352; *In the Matter of Joao Vieira, Brockton, Massachusetts*, Forfeiture Order, File No.: EB-FIELDNER-23-00035360; *In the Matter of Djovany Pierre and Mario Turner, Brockton, Massachusetts*, Forfeiture Order, File No.: EB-FIELDSCR-23-00035362 (December 11, 2024).

At the Federal Communications Commission, we are stewards of the public airwaves. We help ensure that this vital resource is broadly available and free from harmful interference. And for those who fail to follow the rules, there are consequences.

The three enforcement actions we announce today reinforce this fact. They also demonstrate our continued work to honor the responsibilities we have under the PIRATE Act.

I have consistently put these actions on the monthly agenda because I think they are a way to honor the work of FCC staff in the field. These investigations involve agents in small FCC offices around the country. But the work they do is a big deal because when our personnel are out and about they help protect the public airwaves that we count on for so much in modern life. The same goes for our emergency response teams who deploy after disasters to do a front-to-back assessment of the state of communications. I saw their efforts first hand in North Carolina after Hurricane Helene and they are nothing short of heroic. These aspects of our field work also often go unnoticed. I am glad that we have been able to shine a spotlight on them and honor our field staff in small ways like we do here today.

For safety purposes, we do not name the individuals from our field offices responsible for these investigations. But we thank them as well as staff in Washington who took up their work and converted it to action, including David Dombrowski, Matthew Gibson, Peter Hyun, Robert Kincaid, Jeremy Marcus, David Marks, Erica McMahon, and Michael Rhodes from the Enforcement Bureau; and Bill Dever and David Konczal from the Office of General Counsel.

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

In the Matter of	)	
	)	
UPM Technology, Inc.,	)	Proceeding Number 23-64
	)	Bureau ID Number EB-23-MD-001
Complainant,	)	
	)	
v.	)	
	)	
Unigestion Holding, S.A., d/b/a Digicel Haiti,	)	
	)	
Defendant.	)	

ORDER ON RECONSIDERATION

Adopted: December 10, 2024**Released: December 11, 2024**

By the Commission:

I. INTRODUCTION

1. UPM Technology, Inc. (UPM)—a provider of international telecommunications services—seeks reconsideration of the Federal Communications Commission’s (Commission or FCC) March 19, 2024, Memorandum Opinion and Order (*Complaint Order*) in the captioned formal complaint proceeding.¹ The *Complaint Order* addressed whether Unigestion Holding, S.A., d/b/a Digicel Haiti (Digicel Haiti)—a Haitian mobile carrier—violated sections 201(b) and 202(a) of the Communications Act of 1934, as amended (Act), by deactivating Subscriber Identity Module (SIM) cards that UPM purchased in Haiti and had shipped to the United States for use in UPM’s international wholesale call termination business. The *Complaint Order* found that, with regard to the claims in UPM’s Complaint, Digicel Haiti did not offer a common carrier or telecommunications service in the United States and thus was not subject to sections 201(b), 202(a), or 208 of the Act or the Commission’s jurisdiction.² Accordingly, the *Complaint Order* dismissed UPM’s claims with prejudice. As an independent and alternative basis, and assuming jurisdiction existed, the *Complaint Order* denied UPM’s claims because they lacked merit. UPM seeks reconsideration of the Commission’s determinations. For the reasons below, we deny UPM the relief it seeks.

II. BACKGROUND

2. The *Complaint Order* recites in detail the facts underlying this dispute.³ To summarize, Digicel Haiti sells prepaid mobile wireless services in Haiti.⁴ Digicel Haiti provided the services at issue in this dispute via Digicel Haiti SIM cards, which Digicel Haiti sold exclusively in Haiti.⁵ Without a

¹ *UPM Technology, Inc. v. Unigestion Holding, S.A., d/b/a Digicel Haiti*, Proceeding No. 23-64, Memorandum Opinion and Order, FCC 24-33, 2024 WL 1236500 (2024) (*Complaint Order*).

² Complaint, Proceeding Number 23-64, Bureau ID Number EB-23-MD-001 (filed Feb. 21, 2023) (Complaint).

³ *Complaint Order* at paras. 3-14.

⁴ *Id.* at para. 5. Digicel Haiti is not authorized under section 214 of the Act to provide either interstate or foreign communications. *Id.* at para. 3; see 47 U.S.C. § 214; 47 CFR § 63.18.

⁵ *Id.* at para. 5.

Digicel Haiti SIM card, a customer could not access Digicel Haiti's network and could not make calls using Digicel Haiti's prepaid wireless services.⁶ Moreover, the customer could not use a Digicel Haiti SIM card to access another carrier's network.⁷ A SIM card provided the card owner with a unique telephone number on Digicel Haiti's network; a subscription for prepaid wireless service on Digicel Haiti's network; an account associated with those services; and account management features pertaining to billing and payment.⁸ Access to Digicel Haiti's network was available immediately once the cardholder inserted the Digicel Haiti SIM card into a phone if a wireless network within range of the customer's phone authenticated the card as being a valid Digicel Haiti SIM.⁹

3. Digicel Haiti customers could pay for calls either on an individual per-minute basis or by adding a billing plan on their account.¹⁰ Their prepaid wireless service entitled them to make calls while in Haiti and "roaming" calls while outside Haiti, in countries where Digicel Haiti had mobile roaming arrangements with "host" carriers.¹¹ For calls made in Haiti, customers could add block-of-minute billing plans to their account.¹² For international roaming calls, they could pay for calls either at traditional roaming rates or by a discount rate plan.¹³ One such discount rate plan was "Roam Like You're Home" (RLYH), which afforded limited-duration discount pricing for international roaming service.¹⁴

⁶ *Id.* at paras. 4, 5.

⁷ See Digicel Haiti's Response in Opposition to UPM's Petition for Reconsideration, Proceeding No. 23-64, Bureau ID No. EB-23-MD-001 (Apr. 29, 2024) (Opposition) at 5, n.27 ("UPM offers no theory of why Digicel-Haiti SIM cards would be valuable to a consumer outside the context of the Digicel-Haiti service to which they allow access (leaving aside fraudulent use) . . ."). See also Complaint Exh. 1, Item 28, *Unigestion Holding, S.A. v. UPM Technology, Inc. et al.*, Case No. 3:15-CV-00185-SI, Transcript of Proceedings (D. Or. Nov. 14, 2022) (Testimony of G. Laborde, Legal and Regulatory Director, Digicel Haiti) at 112 (Bates No. 001530) (explaining that a SIM card can only access the issuing carrier's network).

⁸ *Complaint Order*, *supra* note 1, at paras. 4, 5, 23. Haitian telephone numbers are not included within the North American Numbering Plan. See 47 CFR § 52.4(c) (defining the North American Numbering Plan as the "basic numbering scheme for the telecommunications networks located in American Samoa, Anguilla, Antigua, Bahamas, Barbados, Bermuda, British Virgin Islands, Canada, Cayman Islands, Dominica, Dominican Republic, Grenada, Jamaica, Montserrat, Sint Maarten, St. Kitts & Nevis, St. Lucia, St. Vincent, Turks & Caicos Islands, Trinidad & Tobago, and the United States (including Puerto Rico, the U.S. Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands)"). The Commission has exclusive jurisdiction over the portions of the North American Numbering Plan that pertain to the United States. See 47 U.S.C. § 251(e).

⁹ *Complaint Order*, *supra* note 1, at para. 7.

¹⁰ *Id.* at n.19. Calls could only be made if there were sufficient funds in the account associated with the SIM card. *Id.* at para. 6.

¹¹ *Id.* AT&T and T-Mobile were host carriers in the United States. Their networks (in conjunction with Digicel Haiti's network in Haiti) allowed Digicel Haiti's customers traveling in the United States to make calls using their Digicel Haiti SIM cards. *Id.* Accordingly, for the international roaming calls at issue in the Complaint, the U.S.-based host carriers, as well as other carriers with authorization to handle foreign calls, see 47 U.S.C. § 214, routed those calls within the United States and between the United States and Haiti. *Complaint Order*, *supra* note 1, at paras. 6, 7, 11. Digicel Haiti's role in routing these calls was confined to routing the calls within Haiti. *Id.*

¹² *Id.* at n.19.

¹³ *Id.* at para. 8.

¹⁴ *Id.* After paying an enrollment fee, customers enrolled in the RLYH international roaming discount rate plan were charged the equivalent of \$0.09 per minute, which was the rate charged for local calls in Haiti. *Id.* In contrast, Digicel Haiti's traditional international roaming rates were in excess of the equivalent of \$1.99 per minute. *Id.*

4. UPM “participated in the spot market for international voice service to identify wholesale carriers that had traffic for termination in other countries.”¹⁵ It did not serve any retail customers.¹⁶ UPM’s business model involved exploiting arbitrage opportunities that enabled it to charge its carrier customers for terminating international calls at rates lower than those of the destination country carrier.¹⁷ With respect to international traffic bound for Haiti, UPM sought to enable its wholesale customers to avoid paying Digicel Haiti’s higher benchmarked call termination rates through the use of approximately 8,000 Digicel Haiti SIM cards it paid contractors to purchase in Haiti and ship to UPM in Oregon.¹⁸ There, UPM loaded the cards into a “SIM Unit” and routed its wholesale carrier customers’ calls through the Internet to the switches of the host wireless carriers.¹⁹ The host wireless carriers, in turn, sent the calls to Digicel Haiti’s international switching partner in Miami or New York, which then delivered the calls to Digicel Haiti in Haiti.²⁰ Using the account management features of the SIM cards, UPM added the RLYH discount rate plan to the cards’ accounts.²¹ Digicel Haiti initially was unaware of UPM’s activities,²² and UPM did its best to keep Digicel Haiti in the dark.²³ When routing calls to Haiti, UPM passed to Digicel Haiti the phone number associated with one of the SIM cards UPM loaded in its SIM Unit—not the telephone number of the person actually making the call.²⁴ Moreover, the SIM Unit utilized “human behavior” technology, which allowed a pool of SIM cards to mimic calling patterns of individual SIM card holders, rather than exhibit patterns associated with wholesale carrier bypass services using Digicel Haiti’s SIM cards.²⁵ Once it became aware that UPM was using SIM cards in this manner, Digicel Haiti deactivated the cards.²⁶

5. Digicel Haiti sued UPM in the U.S. District Court for the District of Oregon (Court), alleging various counts, including a claim for fraud by concealment.²⁷ UPM filed numerous counterclaims against Digicel Haiti, including claims arising under the Act, which the Court referred to the Commission pursuant to the primary jurisdiction doctrine.²⁸ Following trial of Digicel Haiti’s claims against UPM, a jury unanimously found by clear and convincing evidence that UPM and its Chief Executive Officer had engaged in fraud by concealment.²⁹

6. At the Commission, UPM maintains that it is Digicel Haiti’s conduct that is unlawful. Specifically, UPM’s Complaint asked the Commission to issue an order finding that: (a) “beginning no later than June 2014, Digicel Haiti is a common carrier and a telecommunications carrier subject to the

¹⁵ *Id.* at para. 9.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.* at para. 11.

¹⁹ *Id.*

²⁰ *Id.*

²¹ *See generally id.* at paras. 11, 16 & n.19.

²² *Id.* at paras. 11-12. UPM did not have any contractual relationships with Digicel Haiti, such as an interconnection agreement or a wholesale agreement allowing it to resell Digicel Haiti’s prepaid wireless services or to purchase SIM cards directly from Digicel Haiti. *Id.* at para. 11.

²³ *See infra* note 98.

²⁴ *Complaint Order, supra* note 1, at para. 11.

²⁵ *Id.* at n.49.

²⁶ *Id.* at para. 12.

²⁷ *Id.* at para. 13.

²⁸ *Id.*

²⁹ *Id.*

Act with respect to its RLYH service”; (b) as such, Digicel Haiti violated sections 201(b) and 202(a) of the Act by “cutting off the SIM cards that UPM was using to resell RLYH service”; and (c) Digicel Haiti is liable to UPM for damages and attorneys’ fees under section 206 of the Act.³⁰ The Commission disagreed with UPM. The *Complaint Order* dismissed UPM’s claims with prejudice, finding that Digicel Haiti did not offer a common carrier or telecommunications service in the United States and thus was not subject to sections 201(b), 202(a), or 208 of the Act or the Commission’s jurisdiction.³¹ The *Complaint Order* further denied UPM’s claims, finding they lacked merit.³²

7. UPM filed a Petition for Reconsideration,³³ arguing that the *Complaint Order*’s holdings are unsupported and inconsistent with contract law, the Communications Act, and Commission precedent.³⁴ Digicel Haiti opposes the Petition.³⁵ For the reasons below, we dismiss the Petition on procedural grounds and, as an independent and alternative basis for this decision, deny it on the merits.

III. DISCUSSION

8. According to UPM, the *Complaint Order* “contains two main flaws,” namely its determinations that “Digicel-Haiti is not a carrier under the Commission’s jurisdiction” and that “blocking resale of Digicel-Haiti’s services was reasonable and not unreasonably discriminatory.”³⁶ UPM contends that these conclusions must be reconsidered and reversed, because they contravene the Act and Commission precedent. We address UPM’s arguments below.

A. Based on the Evidence, the *Complaint Order* Correctly Found that Digicel Haiti Is Not Subject to the Commission’s Jurisdiction as Relevant Here.

1. Digicel Haiti Does Not Offer a Telecommunications Service, and Therefore Does Not Act as a Telecommunications Carrier, in the United States.

9. A central premise of the Petition is its repeated assertion that Digicel Haiti offers and charges for telephone calls from the United States to Haiti.³⁷ The Petition’s remaining arguments concerning “conflation” of equipment and services are relevant only if UPM is correct that Digicel Haiti’s

³⁰ *Id.* at para. 14 (citing Complaint, *supra* note 2, at 42, para. 91).

³¹ *Complaint Order*, *supra* note 1, at paras. 2, 16-29.

³² *Id.* at paras. 30-36. For this independent and alternative conclusion, the Commission assumed *arguendo* that jurisdiction exists. *Id.* at para. 30.

³³ Petition for Reconsideration, Proceeding No. 23-64, Bureau ID No. EB-23-MD-001 (Apr. 18, 2024) (Petition); Reply to Opposition to Petition for Reconsideration, Proceeding No. 23-64, Bureau ID No. EB-23-MD-001 (May 6, 2024) (Petition Reply).

³⁴ Petition at 5-25; Petition Reply at 4-10.

³⁵ See Opposition, *supra* note 7.

³⁶ Petition at 1.

³⁷ See, e.g., Petition at 1 (stating that Digicel Haiti “offers and charges for telephone calls from the United States to Haiti”), 12 (arguing that the *Complaint Order* “failed to consider the facts surrounding Digicel-Haiti’s offer and provision of the service of completing calls from the United States to Haiti”); Petition Reply at 7 (arguing that “Digicel-Haiti is a telecommunications carrier” because it is offering “United States-to-Haiti calling”).

actions on the calls to Haiti constitute telecommunications services under the Act.³⁸ Ultimately, the Petition fails to make this showing.³⁹

10. UPM contends that Digicel Haiti does not offer services “exclusively” in Haiti.⁴⁰ But beyond referencing the Act’s definition of “telecommunications carrier,” the Petition fails to cite any authority supporting this contention.⁴¹ Indeed, UPM never fully explains its argument,⁴² but rather appears to contend that, because Digicel Haiti offered international roaming services and played some role in routing calls between the United States and Haiti, it necessarily offered telecommunications service subject to the Commission’s jurisdiction.⁴³ However, the *Complaint Order* explained that, based on multiple provisions of the Act and the Commission’s longstanding precedents regarding its jurisdiction over foreign carriers on international calls, Digicel Haiti is not acting as a telecommunications carrier, either in the United States or between the United States and Haiti, with respect to the calls at issue.⁴⁴ As relevant here, the Commission directly regulates only the United States carriers that offer domestic service and the routing of the calls between the United States and the foreign country.⁴⁵ That is why Digicel Haiti—as well as all of the other foreign carriers that offer their foreign subscribers international roaming within the United States—does not have or need authority under section 214 of the Act.⁴⁶

³⁸ See Petition at 6, 8, 11 (taking issue with “conflating” or the “conflation of” SIM cards and telecommunications service); Petition Reply at 2, 4 (same). Nevertheless, we address below UPM’s arguments concerning contract formation (*see infra* paras. 14-17), integrated services (*see infra* note 77), and customer premises equipment (*see infra* paras. 18-19).

³⁹ It is worth noting that UPM does not challenge the *Complaint Order*’s holding that RLYH is “not in itself ‘telecommunications’ under the Act” and that even if RLYH “had been offered to the public in the United States, such offering does not constitute telecommunications service under the Act.” See *Complaint Order*, *supra* note 1, at para. 24. See also Petition, *supra* note 33, at 20, n.49.

⁴⁰ See *id.* at 11-13.

⁴¹ See *id.* at 12 (citing 47 U.S.C. § 153(51)). A “telecommunications carrier” is “any provider of telecommunications services.” 47 U.S.C. § 153(51). “Telecommunications service,” in turn, is the “offering of telecommunications for a fee directly to the public” *Id.* § 153(53).

⁴² See, e.g., Petition, *supra* note 33, at 12 (claiming that it is “self-evident” that Digicel Haiti is offering telecommunications in the United States).

⁴³ See *id.* at 13-17; Petition Reply, *supra* note 33, at 7-8 & n.9.

⁴⁴ See *Complaint Order*, *supra* note 1, at paras. 17-20, 25-26 (citing, *inter alia*, sections 2(a), 3, 214 of the Act), 27 (stating that “[l]ike the foreign carriers that receive international calls from the United States, Digicel Haiti’s actions and operations on the roaming calls at issue are outside the United States, and the Commission’s direct authority relevant here extends only to the U.S.-based carriers and the carriers that transport calls between the United States and Haiti”), 28 (describing the jurisdictional findings as “sensible policy,” because a “ruling that the Commission can adjudicate complaints against a foreign wireless carrier offering international roaming to its customers outside the United States, even where it does not transmit calls to and from the United States or offer its services (such as by selling SIM cards) in the United States, would put the Commission in the position of directly regulating many foreign carriers, potentially resulting in unnecessary conflicts with foreign regulators”), n.111 (citing multiple Commission precedents regarding the regulation of international calling and the Commission’s authority over entities involved in such calls), n.117 (explaining why the “international roaming features that were part of Digicel Haiti’s prepaid wireless services did not mean that Digicel Haiti was offering common carrier services in the United States”).

⁴⁵ See *id.* at para. 27 (“Like the foreign carriers that receive international calls from the United States, Digicel Haiti’s actions and operations on the roaming calls at issue are outside the United States, and the Commission’s direct authority relevant here extends only to the U.S.-based carriers and the carriers that transport calls between the United States and Haiti.”).

⁴⁶ See *id.* at paras. 3, 28, n.115. See also 47 U.S.C. § 214 (addressing extension of lines; discontinuance of service; certificate of public convenience and necessity); 47 CFR § 63.18 (requiring authorization to construct or operate a
(continued....)

11. Nevertheless, UPM argues that Digicel Haiti's activities in the United States "were substantial," citing Digicel Haiti's roaming contracts with U.S. carriers, as well as marketing efforts to the Haitian diaspora community living in the United States.⁴⁷ UPM misses the point. The facts it alleges could be relevant, for example, in establishing minimum contacts for purposes of asserting personal jurisdiction.⁴⁸ However, such arguments do not rebut the *Complaint Order*'s findings about the services and providers subject to the Commission's direct authority as relevant here. Rather, the pertinent Commission authority rests on the provisions of the Act cited in the *Complaint Order*, including the Act's definition of "telecommunications service," as interpreted in the *Complaint Order*. As the *Complaint Order* explained, in the international calling context, the intercarrier agreements necessary to enable routing on international calls to a foreign country have never been sufficient to allow the Commission to regulate directly the foreign carrier's rates, terms, or practices.⁴⁹ Likewise, there are no precedents, and UPM cites to none, where the Commission has regulated foreign carriers offering international roaming via the types of arrangements at issue here.⁵⁰

12. Moreover, UPM's reliance on the concept of resale is misplaced.⁵¹ UPM claims that the *Complaint Order* "never deals with the analysis and holding of the *Parts 1 and 63 Order*,"⁵² which UPM summarizes as "when a carrier arranges for its roaming partner to carry a roaming subscriber's calls back

new line "between the United States, its territories or possessions, and a foreign point"). Relatedly, UPM expresses concern that the *Complaint Order* noted (correctly) three times that Digicel Haiti "lacks facilities in the United States and did 'not itself' transport calls between the United States and Haiti." Petition, *supra* note 33, at 16, n.42. According to UPM, this "suggests" that the *Complaint Order*'s analysis of the Commission's jurisdiction or Digicel Haiti's carrier status was "affected" by the fact that Digicel Haiti "was not facilities-based." *Id.* The *Complaint Order* did not rest on the distinction between carriers that are or are not facilities-based. Rather, the Commission considered the call path of the wholesale traffic in this case and the role Digicel Haiti played in handling the traffic exclusively in Haiti, rather than within the United States or between the United States and Haiti. *Complaint Order*, *supra* note 1, at paras. 20-26. These record facts led the Commission correctly to conclude that Digicel Haiti did not act as a telecommunications carrier subject to the Commission's jurisdiction with respect to those calls. *Id.* at para. 29.

⁴⁷ Petition, *supra* note 33, at 12. Through the "Diaspora Program," friends and family of Digicel Haiti subscribers living outside Haiti could "top up" the SIM cards of relatives and friends living in Haiti. See UPM's Reply, Proceeding Number 23-64, Bureau ID Number EB-23-MD-001 (filed Apr. 3, 2023) (Complaint Reply) at 34-35.

⁴⁸ Indeed, UPM made such an argument in its Complaint Reply. See Complaint Reply at 34 (arguing that Digicel Haiti had "more than sufficient 'minimum contacts' with the United States, so there can be no question that the Commission's exercise of jurisdiction does not offend traditional notions of fair play and substantial justice").

⁴⁹ *Complaint Order*, *supra* note 1, at paras. 25-27 & n.117. UPM argues that, under the *Complaint Order*'s logic, the "Commission would have no jurisdiction over any reseller that chose to incorporate and sell its services from outside the country (for example, via the Internet)." Petition, *supra* note 33, at 17. This categorical claim is wrong. The Commission has authority to regulate foreign carriers that offer U.S. domestic service or offer to perform the foreign transport between the United States and a foreign country for a fee to the public in the United States, including the requirement that foreign carriers obtain section 214 authority when appropriate. See, e.g., *China Telecom (Americas) Corp. v. FCC*, 57 F.4th 256, 261 (D.C. Cir. 2022) (discussing application of section 214 to a foreign carrier). Nothing in the *Complaint Order* is to the contrary.

⁵⁰ *Complaint Order*, *supra* note 1, at paras. 25-28 & nn.77, 117.

⁵¹ Petition, *supra* note 33, at 13-17 (citing *In the Matter of Amendment to Parts 1 and 63 of the Commission's Rules*, Report and Order, 22 FCC Rcd 11398 (2007) (*Parts 1 & 63 Order*) and *Regulatory Policies Concerning Resale and Shared Use of Common Carrier Services and Facilities*, Report and Order, 60 F.C.C. 2d 261 (1976) at para. 17, *aff'd on reconsideration*, 62 F.C.C. 2d 588 (1977), *aff'd sub nom., AT&T v. FCC*, 572 F.2d 17 (2d Cir. 1978)); Petition Reply, *supra* note 33, at 8, n.9 (citing *Parts 1 & 63 Order*, 22 FCC Rcd at 11405-06, paras. 20-21).

⁵² Petition, *supra* note 33, at 14. UPM acknowledges that the Commission discussed the *Parts 1 and 63 Order* and held that it "did not address international roaming offered by foreign carriers to their customers." *Id.* at 14 (citing *Complaint Order*, *supra* note 1, at n.77). UPM's disagreement is with the Commission's refusal to extend that holding to the facts of this case.

to the carrier's home country, the carrier is engaging in resale, and thus providing telecommunications services, subject to the Act."⁵³ According to UPM, the fact that the *Parts 1 and 63 Order* "was dealing with United States carriers already under the Commission's jurisdiction . . . is true but beside the point."⁵⁴ Yet it is exactly the point. The provisions cited in the Petition surround a discussion of the Commission's holding that, in an international roaming arrangement involving the customers of U.S.-CMRS carriers, jurisdiction under the Act exists when "a U.S.-licensed CMRS carrier offers its customers a telecommunications service from a point outside the United States to a point within the United States."⁵⁵ Put differently, the *Parts 1 and 63 Order* only applied to U.S.-CMRS carriers, and thus does not support UPM's claim that foreign-based CMRS carriers are subject to Commission authority when offering their Haitian customers an international roaming service in connection with Haitian wireless service.⁵⁶ Accordingly, the *Parts 1 and 63 Order* is inapplicable here, and the Petition provides no basis for broadening that order's scope to regulate foreign carriers not providing a common carrier service under the Act.⁵⁷

13. In any event, the Petition's repeated assertion that Digicel Haiti is "reselling" U.S. carriers' service (and thus is subject to the Commission's jurisdiction) ignores the distinction the Commission consistently has made between roaming and resale.⁵⁸ Commission precedent explains that

⁵³ Petition, *supra* note 33, at 14 (citing *Parts 1 & 63 Order*, 22 FCC Rcd at 11404-06, paras. 20-21, n.57).

⁵⁴ *Id.* (citing *Complaint Order*, *supra* note 1, at n.77) (stating that "[t]he *Parts 1 & 63 Order* did not address international roaming offered by foreign carriers to their customers.") (citation omitted).

⁵⁵ *Parts 1 & 63 Order*, 22 FCC Rcd at 11404, para. 19 (emphasis added).

⁵⁶ The *Parts 1 and 63 Order* examined whether the Commission should amend its rules to "clarify that U.S.-authorized resale carriers can resell the U.S.-bound international services of either U.S. carriers or foreign carriers." *Parts 1 and 63 Order*, 22 FCC Rcd at 11404, para. 18. Based upon the record in the proceeding, the *Parts 1 and 63 Order* amended sections 63.18(e)(2) and 63.23 of the Commission's rules "to permit explicitly all U.S.-authorized resale carriers to provide international service by reselling the international services of any other authorized U.S. common carrier or foreign carrier, or by entering into a roaming or other arrangement with a foreign carrier." *Parts 1 and 63 Order*, 22 FCC Rcd at 11399, para. 3. UPM has not explained how sections 63.18(e)(2) or 63.23 of the Commission's rules apply to Digicel Haiti's offer of international roaming services to its Haitian customers.

⁵⁷ UPM's Petition Reply faults the Commission for somehow "diverging from precedent" by holding that foreign carrier Digicel Haiti's actions were not unlawful under the Act. See Petition Reply, *supra* note 33, at 8. As explained in the *Complaint Order*, however, UPM "cites to no precedents in which the Commission has regulated international roaming offered by foreign carriers via the sale of wireless services exclusively in a foreign country, and we are aware of none." *Complaint Order*, *supra* note 1, at n.117.

⁵⁸ Petition, *supra* note 33, at 4-5, 14-25. Indeed, over many years, the Commission developed two distinct sets of rules for wireless resale and then for roaming, further underscoring the distinction between those two concepts. Compare *Reexamination of Roaming Obligations of Commercial Mobile Radio Service Providers*, Report and Order and Further Notice of Proposed Rulemaking, 22 FCC Rcd 15817, 15819-24, paras. 5-17 (2007) (*2007 Roaming Order*) (background regulatory discussion), 15836, para. 51 (explaining that the Commission's rule requiring carriers to provide automatic roaming was not meant to revive the resale rule, which had sunset), with *Interconnection & Resale Obligations Pertaining to Com. Mobile Radio Servs.*, Report and Order, 11 FCC Rcd 18455, 18457-59, paras. 3-6 (1996) (discussing background of cellular resale rule), 18462-63, para. 12 (finding that "an explicit ban on resale is unlawful, as are practices that effectively (i.e., indirectly) restrict resale, unless they are justified as reasonable"), 18472, para. 33 (extending resale requirements to broadband PCS and certain SMR providers and establishing a sunset date for the resale rule five years after the Commission awarded the last group of initial licenses for allocated broadband PCS spectrum) and *Interconnection & Resale Obligations Pertaining to Com. Mobile Radio Servs.*, Memorandum Opinion and Order on Reconsideration, 14 FCC Rcd 16340 (1999) (upholding the 1996 decision to sunset the resale rule). Nor is the distinction between resale and roaming undermined by *dicta* in the *Parts 1 and 63 Order*, as the Petition suggests. See Petition, *supra* note 33, at 16-17. In that order, the Commission found U.S. carriers providing international roaming subject to its jurisdiction regardless of the type of underlying arrangement. See *Parts 1 and 63 Order*, 22 FCC Rcd at 11405-06, para. 21 ("[T]he relevant question is not whether a U.S.-CMRS carrier is operating as a reseller, . . . but whether the CMRS carrier

(continued....)

“CMRS resale entails a reseller’s purchase of CMRS service provided by a facilities-based CMRS carrier in order to provide resold service within the same geographic market as the facilities-based CMRS provider.”⁵⁹ In contrast, “[r]oaming arrangements between wireless service providers enable customers of one provider to receive services from another provider’s network when traveling outside of their own provider’s network coverage area.”⁶⁰ Here, it is undisputed that Digicel Haiti had “roaming arrangements” with AT&T and T-Mobile.⁶¹ Digicel Haiti’s facilities are in Haiti.⁶² Through roaming arrangements, Digicel Haiti simply enabled its customers to receive the services from the networks of AT&T and T-Mobile when the customers traveled outside Digicel Haiti’s network coverage area.⁶³ Here again, UPM’s argument that the international roaming arrangements constitute “resale” by a foreign carrier of domestic services runs contrary to two clear and established principles: the Commission has not ever asserted authority over international roaming calling offered by foreign carriers and has consistently declined to regulate foreign carriers that handle international calls between the United States and foreign countries.⁶⁴

provides its customers with the ability to place a US-inbound call by entering into an arrangement with a foreign carrier to provide that international service.”). As explained above, the *Parts 1 and 63 Order* did not address or assert authority over international roaming offered by foreign carriers, and thus its statements about the Commission’s jurisdiction over U.S.-based carriers do not require the outcome sought by UPM.

⁵⁹ *2007 Roaming Order*, 22 FCC Rcd at 15836, para. 51. In any event, as the *Complaint Order* noted, “UPM’s use of Digicel Haiti’s SIM cards and their international roaming features cannot be fairly characterized as resale, but rather seeks to transform them into an entirely different service.” See *Complaint Order*, *supra* note 1, at n.129.

⁶⁰ *Worldcall Interconnect, Inc. a/k/a Evolved Broadband v. AT&T Mobility, LLC*, 31 FCC Rcd 3527, 3527, para. 2 (2016) (*Worldcall*). Moreover, as the *Complaint Order* found and UPM acknowledges, the bar against resale is not absolute. See *Complaint Order*, *supra* note 1, at n.129. See also *Complaint*, *supra* note 2, at 30-31, para. 70 & n.117; *Petition*, *supra* note 33, at 21 & n.51.

⁶¹ *Complaint Order*, *supra* note 1, at para. 6.

⁶² See *id.* at para. 5.

⁶³ See *Worldcall*, 31 FCC Rcd at 3533-36, paras. 15-17 & nn.42, 45, 48 (emphasizing the distinction between resale and roaming and explaining that a provider uses roaming services to market extended coverage to consumers residing within the provider’s network coverage area and resale to acquire customers where a service provider does not have network coverage).

⁶⁴ See, e.g., *Complaint Order*, *supra* note 1, at paras. 25-28 & nn.77, 111, 117.

2. UPM's Contract Formation Arguments Do Not Undermine the *Complaint Order's* Analysis.

14. UPM challenges what it describes as the *Complaint Order's* “key theory” that “it was the original offer of the SIM card that represented the entire offer of prepaid wireless service on the part of Digicel Haiti, and the purchase of that SIM card from Digicel Haiti that represented the purchase of that service on the part of customers.”⁶⁵ As it did in its Complaint and Complaint Reply, UPM maintains that “general principles of contract formation . . . govern the determination of what a carrier is offering.”⁶⁶ According to UPM, “[s]elling SIM cards is not [o]ffering [s]ervices” and “pretending that an offer of SIM cards contains or constitutes an offer of services makes no sense.”⁶⁷ As explained below, UPM's contract formation arguments afford no basis for reconsideration.

15. To begin, UPM cites the *Wireline Infrastructure Declaratory Ruling*,⁶⁸ where the Commission concluded that a “carrier's description in its tariff . . . is dispositive of what comprises the ‘service’ being offered by that carrier for purposes of determining whether section 214(a) discontinuance authority is required.”⁶⁹ The Commission grounded its conclusion in the statutory text and longstanding precedent before also noting that “[t]raditional principles of contract law” supported its conclusion, as well.⁷⁰ But a key factor in our jurisdictional determination here is *where* the relevant service was being offered—a point not at issue in the *Wireline Infrastructure Declaratory Ruling*. And the *Complaint Order* amply described how our jurisdictional determination reflects the best understanding of the statutory text and accords with precedent.⁷¹ Indeed, Digicel Haiti is not authorized under section 214 of the Act to provide international common carrier service in the United States, nor has UPM alleged that Digicel Haiti has violated section 214 in any respect (e.g., by offering or discontinuing service without obtaining proper authority).⁷² In sum, UPM fails to persuade us that the secondary rationale of the

⁶⁵ Petition, *supra* note 33, at 6 (citing *Complaint Order*, *supra* note 1, at para. 21).

⁶⁶ See Petition Reply, *supra* note 33, at 4-7; Petition, *supra* note 33, at 2, 6-8, 11-13; Complaint, *supra* note 2, at 21-25, paras. 49-59; Complaint Reply, *supra* note 47, at 24-27, 29, 32.

⁶⁷ Petition, *supra* note 33, at 6. UPM disagrees with the *Complaint Order's* conclusion that Digicel Haiti provided its service “via a SIM card.” *Id.* at 6-7. “Via” means “by way of; through the medium or agency of; by means of.” See *Merriam-Webster.com Dictionary*, Merriam-Webster, <https://www.merriam-webster.com/dictionary/via> (accessed June 27, 2024). As the *Complaint Order* explained—and UPM does not dispute—without a Digicel Haiti SIM card, a consumer cannot use Digicel Haiti's prepaid service. *Complaint Order*, *supra* note 1, at para. 4. See *Unigestion Holding, S.A. v. UPM Technology, Inc.*, Case No. 3:15-CV-00185-SI, Defendant UPM Technology, Inc.'s Motion for Summary Judgment (D. Or. Nov. 12, 2021) (ECF 254) at 2, n.2 (stating that “Digicel-Haiti sold SIM cards to enable subscribers to use its network.”). And a consumer cannot buy a Digicel Haiti SIM card and access a different carrier's network. *Complaint Order*, *supra* note 1, at paras. 5-7. In contrast, a holder of a driver's license can show it as proof of age at any dining establishment. See Petition, *supra* note 33, at 7 (“Saying that wireless services are provided ‘via’ a SIM card makes no more sense than saying a glass of wine is provided ‘via’ the driver's license a customer shows a waiter to prove they are over 21.”). Thus, “via” is apt, and it is inaccurate to say that Digicel Haiti SIM cards are “entirely distinct” from its prepaid wireless service. See *id.*

⁶⁸ Petition, *supra* note 33, at 2, 6 (citing *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, Report and Order, Declaratory Ruling, and Further Notice of Proposed Rulemaking, 32 FCC Rcd 11128, 11180-82, paras. 143-45 (2017) (*Wireline Infrastructure Declaratory Ruling*); Petition Reply, *supra* note 33, at 5 (same)).

⁶⁹ *Wireline Infrastructure Declaratory Ruling*, 32 FCC Rcd at 11178, para. 128. The Commission further concluded that “[t]he contract between the carrier and the customer, as the objective source defining the service, is the best and only analogue to the tariff for detariffed services.” *Id.* at 11180, para. 143.

⁷⁰ *Id.*

⁷¹ *Complaint Order*, *supra* note 1, at paras. 16-29.

⁷² See *id.* at paras. 3, 13-14.

Wireline Infrastructure Declaratory Ruling justifies reconsideration of the outcome of the *Complaint Order* in the very different context of this complaint proceeding.

16. Regardless, we disagree that “as a matter of contract law, Digicel Haiti’s offering of SIM cards cannot be considered to be, or to include, an offering of services.”⁷³ According to UPM, “[n]othing in the record suggests that Digicel-Haiti tells people buying SIM cards that they are also buying services – because they are not.”⁷⁴ But as the *Complaint Order* explained, “the purchase of a Digicel Haiti SIM card established a subscription for Digicel Haiti’s prepaid wireless service on its network that included a telephone number and billing account.”⁷⁵ To the extent that UPM disagrees with that understanding or its implications, UPM is the complainant in this proceeding and, as such, bears the burden of proof.⁷⁶ Yet, it has put forth no evidence supporting its theories about what Digicel Haiti SIM card buyers think or expect.⁷⁷

17. What is more, UPM construes the *Complaint Order*’s analysis too narrowly. To be sure, the *Complaint Order* examined the critical role the SIM card played in provision of Digicel Haiti’s prepaid wireless service.⁷⁸ But the *Complaint Order* did not neglect other considerations to the extent

⁷³ Petition Reply, *supra* note 33, at 5.

⁷⁴ Petition, *supra* note 33, at 6. *See also id.* at 6-7 (arguing that Haitians buying SIM cards from distributors do not consider or accept any offer of service from Digicel Haiti).

⁷⁵ *Complaint Order*, *supra* note 1, at para. 23. Relying upon a Securities and Exchange Commission (SEC) filing of Digicel Group Limited (Digicel Haiti’s parent company), UPM argues that “Digicel-Haiti knew full well that when it sold SIM cards, it was doing nothing more than inviting SIM card holders to establish an account.” Petition, *supra* note 33, at 10. But that document does not support UPM’s argument. The SEC filing addresses “subscriber acquisition costs” for the Digicel Group’s companies, and the use of the term “SIM only” sales “relates to customers acquiring a new subscriber account with [Digicel Group’s companies] without obtaining a subsidized handset.” *See* Complaint Reply Exh. 1, Item 22, Digicel Group Limited SEC Form F-1, at 67 (Bates No. 000652).

⁷⁶ *See Hi-Tech Furnace Sys., Inc. v. FCC*, 224 F.3d 781, 787 (D.C. Cir. 2000) (“Well-established FCC precedent imposes the burden of proof on the complainant in section 208 proceedings. So does our own.”); *see also Directel, Inc. v. American Tel. & Tel. Co.*, Memorandum Opinion and Order, 11 FCC Rcd 7554, 7560, para. 14 (1996) (same).

⁷⁷ We decline UPM’s invitation to “apply[] the logic” of the Commission’s “integrated information service” precedent to find that “[n]o rational customer could think that buying a SIM card means that they were buying services as well.” Petition, *supra* note 33, at 10-11 (citing *Petitions for Declaratory Ruling on Regulatory Status of Wireless Messaging Services*, Declaratory Ruling, 33 FCC Rcd 12075-76, para. 2 (2018)). In that proceeding, the Commission examined two factors—consumer perception and actual characteristics of service—to determine whether text messaging is an information service, not a telecommunication service under the Act. There is no suggestion here, however, that the services in dispute are information services, and the two-factor “integrated services” test is inapplicable. Moreover, even if it were, there is no evidence in the record of consumer perception regarding Digicel Haiti’s SIM cards or services. *See* Petition, *supra* note 33, at 11; Petition Reply, *supra* note 33, at 4, 7.

⁷⁸ *See Complaint Order*, *supra* note 1, at paras. 5, 23. Specifically, the SIM card provided the card owner with a unique telephone number on Digicel Haiti’s network, a subscription for prepaid wireless service on Digicel Haiti’s network, an account associated with those services, and account management features that enabled the card owner to manage the services and billing options available on the account. A subscription is “an arrangement for providing, receiving, or making use of something of a continuing or periodic nature especially on a prepayment plan.” *See Merriam-Webster.com Dictionary*, Merriam-Webster, <https://www.merriam-webster.com/dictionary/subscription> (accessed June 27, 2024). *See also, e.g., Application by SBC Communications, Inc., Pursuant to Section 271 of the Communications Act of 1934, As Amended, to Provide In-Region, InterLATA Services in Oklahoma*, Memorandum Opinion and Order, No. 97-121, 12 FCC Rcd 8685, 8696-97, para. 17 (1997) (concluding that the term “subscriber” as used in the definition of local exchange service suggests that persons receiving the service pay a fee). Because the service offered through the SIM cards was prepaid, Digicel Haiti deducted the cost of a call from the SIM card account when the call was made. *See* Complaint, *supra* note 2, at 9, para. 21. This stands in contrast to postpaid services, which are billed after a call is made. *See* Complaint Exh. 3, Item 13, *Unigestion Holding, S.A. v. UPM* (continued....)

potentially relevant, including in evaluating the regulatory history and in rejecting arguments raised by UPM.⁷⁹ On the contrary, in concluding that Digicel Haiti's actions at issue did not fall within the scope of the Act, the *Complaint Order* examined the full array of relevant facts and circumstances to address the questions of "what service Digicel Haiti offered and where it offered that service."⁸⁰

3. UPM's Customer Premises Equipment (CPE) Arguments Are Untimely and Unsupported by Existing Precedent.

18. UPM claims that the *Complaint Order* treats the sale of Digicel Haiti's SIM cards and sale of its services as part of an "undifferentiated whole," ignoring that the Act and Commission precedent distinguish between customer premises equipment (CPE) and telecommunications services.⁸¹ UPM posits that SIM cards are CPE on the "theory that the provision of authentication data to the network is an aspect of 'originating' calls on that network."⁸² Therefore, UPM says, because "the Commission has always and without exception understood CPE and services to be different things," on reconsideration, it must treat Digicel Haiti's sale of SIM cards and offering telecommunications services separately in determining whether Digicel Haiti offers common carrier or telecommunications services in the United States.⁸³

19. We dismiss this aspect of the Petition. UPM characterizes its CPE argument as an appropriate basis for reconsideration because the "conflation" of "an offering of SIM cards with an offering of services . . . appears for the first time in the Order itself."⁸⁴ The record, however, belies UPM's claim. UPM's theory that SIM cards are CPE is merely a reminting of an earlier argument.⁸⁵ Specifically, in a lengthy footnote in its Complaint Reply, UPM argued that Digicel Haiti was attempting to "conflate the SIM cards it sells with the service it provides," and UPM expressed its view that the "provision of SIM cards is not part of Digicel-Haiti's service."⁸⁶ The *Complaint Order* rejected UPM's

Technology, Inc. et al., Case No. 3:15-CV-00185-SI, Deposition of M. Boute as Rule 30(b)(6) Witness for Digicel Haiti (Oct. 22, 2021) at 25-26 (Bates No. 00392-93).

⁷⁹ See, e.g., *Complaint Order*, *supra* note 1, at paras. 3, 5-7, 11, 18-22, 25-28.

⁸⁰ *Id.* at para. 27.

⁸¹ Petition, *supra* note 33, at 2-3, 8-10 (citing statutory definitions of customer premises equipment and telecommunications and telecommunications services, 47 U.S.C. § 153(16), (50), (53)). See Petition, *supra* note 33, at 3, 9-10 (citing *Amendment of Section 64.702 of the Commission's Rules and Regulations (Second Computer Inquiry)*, Final Decision, 77 F.C.C. 2d 384 (1980) (subsequent history omitted); *Inquiry into the Use of the Bands 825-845 MHz and 870-890 MHz for Cellular Communications Systems; Amendment of Parts 2 and 22 of the Commission's Rules Relative to Cellular Communications Systems*, Report and Order, 86 F.C.C. 2d 469 (1981); *Bundling of Cellular Customer Premises Equipment and Cellular Service*, Report and Order, 7 FCC Rcd 4028 (1992); *Policy and Rules Concerning the Interstate, Interexchange Marketplace; Implementation of Section 254(g) of the Communications Act of 1934, as amended; 1998 Biennial Regulatory Review – Review of Customer Premises Equipment and Enhanced Services Unbundling Rules in the Interexchange Access and Local Exchange Markets*, Report and Order, 16 FCC Rcd 7418 (2001); 47 CFR § 64.702(e). See also Petition Reply, *supra* note 33, at 4-5.

⁸² Petition, *supra* note 33, at 8, n.18.

⁸³ *Id.* at 10; see also *id.* at 8-9 ("The Order's conflation of CPE and services cannot be squared with the Act and must be reconsidered."). Relatedly, UPM claims that, at a minimum, the Commission must recognize "its departure from precedent . . . [and] explain why it makes sense." *Id.* at 9.

⁸⁴ *Id.* at 8-10; Petition Reply, *supra* note 33, at 2. As explained above, in determining whether Digicel Haiti offered common carrier or telecommunications services in the United States, the *Complaint Order* considered a number of factors—not just the role SIM cards played. See *supra* paragraphs 9-13. See also *Complaint Order*, *supra* note 1, at paras. 16-29.

⁸⁵ Compare Complaint Reply, *supra* note 47, at 29, n.92; Petition, *supra* note 33, at 6-10; Petition Reply, *supra* note 33, at 4-7, with *Complaint Order*, *supra* note 1, at para. 23 & n.88.

⁸⁶ Complaint Reply, *supra* note 47, at 29, n.92.

contention that SIM cards are merely “physical objects,” noting that “[i]f the SIM cards are not part of the service, as UPM suggests, then it is not clear how Digicel Haiti’s conduct relating to the use of its SIM cards results in a cognizable claim under the Act.”⁸⁷ UPM’s repetition of the same argument here does not provide grounds for reconsideration.⁸⁸ In the alternative, even if the CPE argument can be characterized as somehow “new,” UPM did not make it before the Commission released the *Complaint Order*, even though UPM could (and thus should) have done so.⁸⁹ Accordingly, we dismiss these arguments in the Petition on procedural grounds.⁹⁰

B. The *Complaint Order* Correctly Found that Digicel Haiti’s Conduct Was Not Unjust or Unreasonable, or Unjustly or Unreasonably Discriminatory.

1. The *Complaint Order* Appropriately Evaluated the Jury’s Verdict.

20. The *Complaint Order* held that even if Digicel Haiti were a common carrier subject to the relevant provisions of the Act with regard to the service at issue, Digicel Haiti’s deactivation of SIM cards was not unjust and unreasonable or unreasonably discriminatory.⁹¹ UPM denies that it committed any type of fraud,⁹² notwithstanding a jury’s unanimous verdict that UPM engaged in fraud by concealment.⁹³ According to UPM, the Commission “deeply misunderstood” the “non-final non-binding jury verdict,”

⁸⁷ *Complaint Order*, *supra* note 1, at para. 23 & n.88. UPM’s CPE argument therefore is beside the point. Even if SIM cards—i.e., the physical cards themselves—could be considered CPE, the key point of the *Complaint Order*’s analysis is that the sale of the SIM cards encompassed not only the sale of the physical cards but also Digicel Haiti service. *Id.* As explained above, UPM has failed to make its case here that the sale of the SIM cards should be seen as distinct from the sale of Digicel Haiti service. *See supra* paras. 16-17.

⁸⁸ *See* 47 CFR § 1.106(p)(3) (providing that petitions for reconsideration of a Commission action that “[r]ely on arguments that have been fully considered and rejected by the Commission within the same proceeding” are among those that “plainly do not warrant consideration by the Commission” and may therefore be dismissed by a bureau).

⁸⁹ *See id.* § 1.106(c)(1) (explaining that a petition for reconsideration that relies on arguments not previously presented to the Commission may be granted if the arguments “relate to events which have occurred or circumstances which have changed since the last opportunity to present such matters to the Commission” or were “unknown to petitioner until after his last opportunity to present them to the Commission, and he could not through the exercise of ordinary diligence have learned of the . . . arguments in question prior to such opportunity”), (p)(2) (authorizing dismissal of petitions for reconsideration that “[r]ely on facts or arguments which have not previously been presented to the Commission and which do not meet the requirements of paragraphs (b)(2), (b)(3), or (c)” of rule 1.106).

⁹⁰ *See Scott Malcom DSM Supply, LLC, Somaticare, LLC*, Order on Reconsideration, 33 FCC Rcd 2410, 2412, para. 8 (2018) (“Neither the Act nor Rules require the Commission to be administratively burdened by petitions for reconsideration that reargue issues that were already addressed, or that rely on facts or arguments that the petitioner could have—but did not—present to the Commission at an earlier stage.”); *Qwest Commc’ns Co. v. N. Valley Commc’ns, LLC*, Order on Reconsideration, 26 FCC Rcd 14520, 14522–23, paras. 5–6 (2011) (“It is ‘settled Commission policy that petitions for reconsideration are not to be used for the mere reargument of points previously advanced and rejected.’”) (citing *S&L Teen Hosp. Shuttle*, Order on Reconsideration, 17 FCC Rcd 7899, 7900, para. 3 (2002) (citations omitted); *All American, et al. v. AT&T*, Order on Reconsideration, 28 FCC Rcd 3469, 3471-72, at para. 6 (2013) (same)).

⁹¹ *Complaint Order*, *supra* note 1, at paras. 30-36.

⁹² Petition, *supra* note 33, at 4-5, 18-19; Petition Reply, *supra* note 33, at 8-9.

⁹³ *Complaint Order*, *supra* note 1, at para. 13. UPM blames Digicel Haiti for “configur[ing] its systems so that that [sic] there was no way for UPM to convey any information about any call, other than the information contained in the SIM card that was used to authenticate the call.” Petition, *supra* note 33, at 22, n.53. But any suggestion that UPM had an interest in conveying the actual telephone number of its wholesale carrier customers—as required by the Commission’s rules (*see Complaint Order*, *supra* note 1, at n.55)—strains credulity. The success of UPM’s call termination arbitrage business (including use of a SIM Unit) depended on *not* revealing to Digicel Haiti that calls were coming from UPM wholesale carrier customers rather than from Digicel Haiti retail customers traveling in the United States. *See id.* at para. 11 & n.104.

which UPM has asked the court to modify or set aside.⁹⁴ Specifically, UPM asserts that the *Complaint Order* “adopts the plainly erroneous notion” that the jury found UPM’s “routing of calls to Digicel Haiti” was fraudulent.⁹⁵ We disagree with this characterization of the *Complaint Order*,⁹⁶ and we simply quote the underlying jury verdict finding unanimously that “Digicel-Haiti prove[d] by clear and convincing evidence that UPM, Mr. Tran, or both engaged in fraud by active concealment by using human behavior simulation software in furtherance of Digicel-Haiti’s RLYH bypass (or RLYH) program.”⁹⁷ And regardless of the jury’s plainly worded finding that UPM’s activities at issue were fraudulent, the *Complaint Order* independently walked through UPM’s conduct, *i.e.*, UPM’s multi-layered efforts to conceal the identity of itself and its callers, holding that the Commission “will not endorse a carrier deceptively using a foreign carrier’s service in furtherance of an arbitrage scheme.”⁹⁸ Given the burden of proof on UPM as the complaining party, and with no basis provided by UPM for revisiting these findings, we see no basis for reconsideration.

21. More fundamentally, the *Complaint Order* identified factors unrelated to fraud or deception that we independently find sufficient to reject UPM’s arguments under sections 201(b) and 202(a). As the *Complaint Order* observed, “Digicel Haiti’s deactivation of the SIM cards appears to have served legitimate business needs,” such as ensuring it could anticipate and manage call volumes in conjunction with its business relationships with its roaming partners, and complying with obligations imposed by the Haitian regulator.⁹⁹ Based on these considerations, even standing alone, we conclude that UPM has failed to show that Digicel Haiti’s deactivation of SIM cards was unjust or unreasonable under section 201(b).

22. With respect to UPM’s section 202(a) claim, the *Complaint Order* observed as a threshold matter that “UPM has failed to identify differential treatment of similarly situated customers of Digicel Haiti’s service in violation of section 202(a).”¹⁰⁰ And the considerations that we find sufficient to

⁹⁴ Petition, *supra* note 33, at 18-19; Petition Reply, *supra* note 33, at 2. On April 23, 2024, UPM filed a motion with the United States District Court for the District of Oregon seeking to set aside the unanimous jury verdict, arguing, *inter alia*, there was insufficient evidence at trial showing: (a) Digicel Haiti actually and justifiably relied on any allegedly misrepresented information; (b) Digicel Haiti was injured; (c) any allegedly concealed information was material; and (d) Digicel Haiti suffered damages. *Unigestion Holding, S.A. v. UPM Technology, Inc. et al.*, Case No. 3:15-CV-00185-SI, UPM’s Rule 50(b) Motion for Judgment as a Matter of Law or Alternative Rule 59(a) Motion for a New Trial (D. Or. 23, 2024) (ECF 554).

⁹⁵ Petition, *supra* note 33, at 18 (citing *Complaint Order*, *supra* note 1, at para. 15).

⁹⁶ Contrary to UPM’s assertion, the *Complaint Order* nowhere said that “routing calls to Digicel-Haiti” was itself fraudulent. Petition, *supra* note 33, at 18. Rather, the *Complaint Order* described the jury’s finding that UPM committed fraud *in the course of* its call routing operations.

⁹⁷ See *Complaint Order*, *supra* note 1, at para. 13 & n.62 (citing Answer Exh. 1, *Unigestion Holding, S.A. v. UPM Technology, Inc. et al.*, Case No. 3:15-CV-00185, Special Verdict (D. Or. Nov. 21, 2022) (ECF 526) (Bates Nos. DH-000001-03)).

⁹⁸ *Id.* at para. 33. In addition to the *Complaint Order*’s step-by-step description of UPM’s clandestine bypass operations, *see, e.g., id.* at paras. 11-12, 31, the underlying trial record is replete with examples of UPM’s efforts to conceal its activities. *See, e.g.,* Complaint Exh. 3, Item 31, *Unigestion Holding, S.A. v. UPM Technology, Inc. et al.*, Case No. 3:15-CV-00185-SI, Transcript of Proceedings (D. Or. Nov. 17, 2022) (Testimony of Kenneth McEwen, Technical Director, Bitek Group/Miracle Global) at 859:2-3 (Bates No. 002400) (“[Question:] Are [human behavior software] deployments used to avoid detection of bypass? [Answer:] “Yes.”). The record at trial further shows that UPM actively trained its employees to avoid fraud detection. *See* Complaint Exh. 3, Item 29, *Unigestion Holding, S.A. v. UPM Technology, Inc. et al.*, Case No. 3:15-CV-00185-SI, Transcript of Proceedings (D. Or. Nov. 15, 2022) (Testimony of Jesus Ruiz, former UPM employee) at page 326:21-24 (Bates No. 001775) (“[Question:] Isn’t it correct that UPM provided seminars and training for its employees on methods to avoid fraud detection techniques by carriers such as Digicel Haiti? [Answer:] Yes.”).

⁹⁹ *Complaint Order*, *supra* note 1, at para. 33 & n.136.

¹⁰⁰ *Id.* at para. 35.

reject UPM's claims of unjust and unreasonable practices under section 201(b) likewise persuade us to reject UPM's claims of unjust and unreasonable discrimination under section 202(a).¹⁰¹ Thus, we find sufficient grounds for our findings under sections 201(b) and 202(a) even apart from concerns about fraud or deceptive conduct.

2. The *Complaint Order* Rightly Rejected UPM's Benchmark Regime Policy Arguments.

23. Finally, UPM reraises its "tenuous assertion" that the Commission's international benchmark regime somehow provides a policy justification for its conduct, in that UPM's actions served to drive down Digicel Haiti's rates through competition.¹⁰² In UPM's view, the *Complaint Order* "misse[d] the point" of its benchmarking arguments "in two crucial respects."¹⁰³ First, despite the fact that Digicel Haiti's rates are benchmark compliant, the *Complaint Order* purportedly failed to acknowledge that the benchmark regime "depends on competition to force carriers like Digicel-Haiti to charge less than the permitted maximum."¹⁰⁴ Second, the *Complaint Order* allegedly failed to recognize that UPM is not "challenging the benchmark system itself."¹⁰⁵ Rather, UPM contends that "by pressing the point that Digicel-Haiti should be banned from restricting resale of its services, [it] is seeking to work within the existing benchmark system to accomplish that system's goal of lower, cost-based international termination rates."¹⁰⁶

24. As Digicel Haiti correctly notes, UPM made these exact arguments in its Complaint and Complaint Reply,¹⁰⁷ and the Commission "expressly considered and rejected" them.¹⁰⁸ Consequently, we dismiss these arguments as previously raised and addressed.¹⁰⁹ Alternatively, we deny these arguments.¹¹⁰ At bottom, UPM believes Digicel Haiti should be charging a "lower, cost-based international termination rate."¹¹¹ Even assuming that Digicel Haiti has harmed competition in the U.S. communications marketplace (something that UPM has not shown),¹¹² the *Complaint Order* correctly found that such a challenge to the lawful benchmark rate that United States carriers pay Digicel Haiti in Haiti is properly made in an industry-wide rulemaking proceeding rather than a complaint proceeding.¹¹³ In addition, the *Complaint Order* found that "even accepting UPM's assertion that its business model was designed to put downward pressure on monopolist's rates, the purported benefits of this strategy do not justify UPM's

¹⁰¹ See *supra* paras. 20-21. See also *Complaint Order*, *supra* note 1, at para. 36 & n.145.

¹⁰² Petition, *supra* note 33, at 23-24. See *Complaint Order*, *supra* note 1, at para. 32.

¹⁰³ *Id.* at 24.

¹⁰⁴ *Id.*

¹⁰⁵ *Id.*

¹⁰⁶ *Id.*

¹⁰⁷ Opposition, *supra* note 7, at 3 (citing Complaint, *supra* note 2, at 33-37, paras. 75-81; Complaint Reply, *supra* note 47, at 17).

¹⁰⁸ *Complaint Order*, *supra* note 1, at paras. 32-33. Compare Complaint, *supra* note 2, at 2, para. 4, 33, paras. 75-81; Complaint Reply, *supra* note 47, at 17; Petition, *supra* note 33, at 23-24, with *Complaint Order*, *supra* note 1, at para. 32.

¹⁰⁹ See *supra* note 88.

¹¹⁰ See 47 CFR § 1.106(j), (p).

¹¹¹ Petition, *supra* note 33, at 24.

¹¹² See *Complaint Order*, *supra* note 1, at para. 32.

¹¹³ *Id.*

fraudulent arbitrage scheme.”¹¹⁴ As the Petition fails to provide any persuasive basis to revisit the *Complaint Order*’s analysis of UPM’s benchmark argument, we decline to reconsider it.

IV. ORDERING CLAUSE

25. Accordingly, **IT IS HEREBY ORDERED**, pursuant to sections 1, 2, 3, 4(i), 4(j), 201, 202, 206, 208, and 405 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 152, 153, 154(i), 154(j), 201, 202, 206, 208, and 405, and section 1.106 of the Commission’s rules, 47 CFR § 1.106, that UPM’s Petition for Reconsideration is **DISMISSED** on procedural grounds for the reasons stated herein, and, as an independent and alternative basis, **DENIED** for the reasons stated herein.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

¹¹⁴ *Id.* at para. 33. Moreover, as noted above, the Commission disagreed with UPM’s characterization that its use of Digicel Haiti’s SIM cards and their international roaming features constituted resale. *See supra* paras. 12-13.

