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FEDERAL COMMUNICATIONS COMMISSION

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PUBLIC NOTICE

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DA 26-1
Released: January 2, 2026

STREAMLINED RESOLUTION OF REQUESTS RELATED TO ACTIONS BY THE UNIVERSAL SERVICE ADMINISTRATIVE COMPANY

CC Docket No. 02-6
WC Docket No. 23-234
WC Docket No. 21-93
WC Docket No. 02-60
WC Docket No. 11-42

Pursuant to our procedure for resolving requests for review, requests for waiver, and petitions for reconsideration of decisions related to actions taken by the Universal Service Administrative Company (USAC) that are consistent with precedent (collectively, Requests), the Wireline Competition Bureau (Bureau) grants, dismisses, or denies the following Requests.[1] The deadline for filing petitions for reconsideration or applications for review concerning the disposition of any of these Requests is 30 days from the release date of this Public Notice.[2]

Schools and Libraries (E-Rate)
CC Docket No. 02-6

Dismissed as Moot – USAC Took Requested Action[3]

Olentangy Local School District, OH, Application No. 241018591, Request for Review, CC Docket No. 02-6 (filed July 17, 2025)

[1] *See 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). Sections 54.719(b), 54.1718(a)(1), and 54.2012(b)(2) of the Commission's rules provide that any person aggrieved by an action taken by a division of USAC, after first seeking review at USAC, may seek review from the Commission. Sections 54.719(c), 54.1718(a)(3), and 54.2012(a)(3) of the Commission's rules provide that parties seeking waivers of the Commission's rules shall seek review directly from the Commission. In this Public Notice, we have reclassified as Requests for Waiver any appeals seeking review of a USAC decision that appropriately should have requested a waiver of the Commission's rules. Similarly, we have reclassified as Requests for Review any appeals seeking a waiver of the Commission's rules but that are, in fact, seeking review of a USAC decision.

[2] *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).

[3] *See*, *e.g.*, *Requests for Review and/or Requests for Waiver of the Decisions of the Universal Service Administrator by Al Noor High School et al*,; *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 8223, 8224, para. 2 (WCB 2012) (*Al Noor High School Order*) (dismissing as moot requests for review where USAC has taken the requested action).

Dismissed for Failure to Comply with the Commission's Basic Filing Requirements[4]

Caroline Education Community International Public School Academy (d/b/a Caroline Education Community International Private School Academy), MS, Application No. 251042130, CC Docket No. 02-6 (filed Nov. 24, 2025)

Golden View Classical Academy Inc., CO, No Application Number Given, CC Docket No. 02-6 (filed May 28, 2025)

Valley Voc-Tech Center, VA, Application Nos. 251032260, 241026307, CC Docket No. 02-6 (filed Dec. 12, 2025)

Dismissed to Allow Appeal to be Filed with USAC[5]

Solare Collegiate Charter School, NM, Application Nos. 251004193, 251042689, Request for Review, CC Docket No. 02-6 (filed Nov. 14, 2025)

Dismissed Petitions for Reconsideration[6]

[4] 47 CFR § 54.721 (setting forth general filing requirements for requests for review of decisions issued by USAC, including the requirement that the request for review include supporting documentation); *see also Wireline Competition Bureau Reminds Parties of Requirements for Request for Review of Decisions by the Universal Service Administrative Company*, CC Docket Nos. 96-45, 02-6, WC Docket Nos. 02-60, 06-122, 10-90, 11-42, 13-184, 14-58, Public Notice, 29 FCC Rcd 13874 (WCB 2014) (reminding parties submitting appeals to the Bureau of the general filing requirements contained in the Commission's rules which, along with a proper caption and reference to the applicable docket number, require (1) a statement setting forth the party's interest in the matter presented for review; (2) a full statement of relevant, material facts with supporting affidavits and documentation; (3) the question presented for review, with reference, where appropriate, to the relevant Commission rule, order or statutory provision; and (4) a statement of the relief sought and the relevant statutory or regulatory provision pursuant to which such relief is sought); *Universal Service Contribution Methodology; Request for Review by Alternative Phone*, *Inc. and Request for Waiver*, WC Docket No. 06-122, Order, 26 FCC Rcd 6079 (WCB 2011) (dismissing without prejudice a request for review that failed to meet the requirements of section 54.721 of the Commission's rules).

[5] *See Petitions for Reconsideration by Little Falls Township School District et al*,; *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order on Reconsideration, 38 FCC Rcd 1100, 1104, para. 10 (WCB 2023) (*Little Falls Township Order*) (dismissing without prejudice appeals that are filed with the Commission before being reviewed at USAC and waiving the 60-day appeal filing deadline to allow the party to refile its appeal at USAC and have it considered on the merits).

Parties seeking review of USAC decisions must first file an appeal with USAC. *See* 47 CFR § 54.719(a). Because the petitioner filed its appeal with the Commission first, we now provide the school district 60 days from the release date of this Public Notice to refile its appeal at USAC. Pursuant to the *Little Falls Township Order*, we also waive the 60-day appeal filing deadline, 47 CFR § 54.720(a), to allow the appeals to be considered on the merits by USAC without being considered late. *See Little Falls Township Order*, 38 FCC Rcd at 1104, para. 10. Appeals should be filed in the E-Rate Productivity Center portal, found here: EPC.

[6] *See*, *e.g.*, *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Allan Shivers Library et al*,; *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 29 FCC Rcd 10356, 10357, para. 2 (WCB 2014) (*Allan Shivers Library Order*) (dismissing petitions for reconsideration that fail to identify any material error, omission, or reason warranting reconsideration, and rely on arguments that have been fully considered and rejected by the Bureau within the same proceeding).

Alpena County George N. Fletcher Public Library, MI, Application No. 241040604, Petition for Reconsideration, CC Docket No. 02-6 (filed Oct. 22, 2025)[7]

Andalusia School, NY, Application Nos. 1043085, 1043183, 231036617, Petition for Reconsideration, CC Docket No. 02-6 (filed Oct. 6, 2025)[8]

Aspen Community School Consortium, CO, Application No. 241039613, Petition for Reconsideration, CC Docket No. 02-6 (filed Oct. 30, 2025)

Bais Ruevan Kaminetz of Lakewood, NJ, Application No. 231038684, Petition for Reconsideration, CC Docket No. 02-6 (filed June 12, 2025)

Bayou Academy, MS, Application No. 251043374, Petition for Reconsideration, CC Docket No. 02-6 (filed Oct. 17, 2025)

Calvary Chapel Christian School, PA, Application No. 251043301, Petition for Reconsideration, CC Docket No. 02-6 (filed Oct. 24, 2025)

La Vida Mission School, NM, Application No. 251043386, Petition for Reconsideration, CC Docket No. 02-6 (filed Dec. 8, 2025)

Pikes Peak Library District, CO, Application No. 251043017, Petition for Reconsideration, CC Docket No. 02-6 (filed Oct. 29, 2025)[9]

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[7] Alpena County George N. Fletcher Public Library's last petition for reconsideration was denied because it was late-filed. *See Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company*, CC Docket No. 02-6, WC Docket Nos. 21-93, 02-60, 10-90, 09-197, 11-42, Public Notice, DA 25-648, n.8 (WCB rel. Aug. 1, 2025) (*August 2025 USF Streamlined Public Notice*). The library does not address this issue in the petition for reconsideration filing currently before the Bureau. In any event, the Commission is barred from waiving or extending the filing period because the time period for filing petitions for reconsideration is prescribed by statute. *See infra* note 9.

[8] Due to a lapse in government funding, the Commission suspended most operations from October 1, 2025 through November 12, 2025, making certain electronic filing and database systems unavailable. Because of this, the Commission extended the deadline for all filings that would have been due during the lapse in funding. We therefore consider Andalusia School's petition for consideration timely, even though it was not filed within 30 days of the Bureau's previous decision. *See Revisions to Deadlines Following Resumption of Normal Operations,* Public Notice, DA 25-943 (rel. Nov. 17, 2025). We are dismissing Andalusia School's petition for reconsideration for failing to identify any material error, omission, or reason warranting reconsideration, and rely on arguments that have been fully considered and rejected by the Bureau within the same proceeding. *See supra* note 6.

[9] Pikes Peak Library District seeks reconsideration of the Bureau's decision denying the library district's first petition for reconsideration because the petitioner failed to file its first petition for reconsideration within 30 days of the initial Bureau decision, as required under the Communications Act of 1934 and the Commission's rules. *See* 47 U.S.C. § 405(a); 47 CFR § 1.106(f) (requiring petitions for reconsideration to be filed within 30 days of an adverse decision); *Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company*, CC Docket No. 02-6, WC Docket Nos. 23-234, 02-60, 06-122, Public Notice, DA 25-874, n.7 (WCB rel. Sept. 30, 2025) (*September 2025 USF Streamlined Public Notice*). Because the time period for filing petitions for reconsideration is prescribed by statute, the Commission may not waive or extend the filing period. *See Reuters Ltd. v. FCC*, 781 F.2d 946, 952 (D.C. Cir. 1986) ("[W]e conclude that the Commission acted beyond its lawful authority when it entertained the belated petition for reconsideration."); *see also Application of Metromedia Inc*., Memorandum Opinion and Order, 56 FCC 2d 909 (1975) (Commission may not waive 30-day filing period to accept a petition for reconsideration filed one day late); *Applications of Fortuna Systems Corp*., Order on Reconsideration, 3 FCC Rcd 5122, 5123 (Com. Car. Bur. 1988). Only in extremely unusual circumstances where the "petitioner can show that its failure to file in a ... timely manner resulted from 'extraordinary circumstances

(continued….)

Granted[10]

Competitive Bidding – Waiver of the Price as Primary Factor Rule [11]

Nampa School District 131, ID, Application No. 251026018, Request for Waiver, CC Docket No. 02-6 (filed July 31, 2025)

Discount Calculation Inconsistency[12]

Frankfort Community Public Library, IN, Application Nos. 251025279, 251026117, Request for Review, CC Docket No. 02-6 (filed Oct. 21, 2025)

indicating that justice would thus be served,"' can the 30-day deadline be waived. *Gardner v. FCC*, 530 F.2d 1086 (D.C. Cir. 1976) (allowing a waiver of the 30-day filing deadline because the late filing was substantially due to the Commission's failure to give personal notice of the decision). We find that Pikes Peak Library District's consultant had ample notice of the Bureau's denial and we now dismiss its second petition for reconsideration. In this instance, Pikes Peak Library District argues that it missed the 30-day deadline because the copy of the decision, sent via email from the Bureau to the E-Rate consultant, did not contain the name of the library, Pikes Peak Library District, in the subject line, only the name of a separate library the consultant represented followed by an "et al.," representing the other four appeals resolved in the public notice filed by the consultant. We note that in addition to the email notice, the public notice was also published in the June 3, 2025 Federal Communications Commission Daily Digest, https://www.fcc.gov/edocs/daily-digest/2025/06/03, and available on the Commission's E-Rate webpage, https://www.fcc.gov/general/e-rate-schools-libraries-usf-program#daily-releases. Section 0.445 of the Commission's rules requires the Bureau to provide a copy of the decision to the consultant who was the party of record for the matter. The Bureau provide proper notice and the fact that the consultant did not review the email or decision is not grounds for granting a waiver of the Commission's rules.

[10] We remand these applications to USAC and direct USAC to complete its review of the applications and issue a funding decision based on a complete review and analysis, no later than 90 calendar days from the release date of this Public Notice. In remanding these applications to USAC, we make no finding as to the ultimate eligibility of the equipment/services or the petitioners' applications. We also waive sections 54.507(d) and 54.514(a) of the Commission's rules and direct USAC to waive any procedural deadline that might be necessary to effectuate our ruling. *See* 47 CFR § 54.507(d) (requiring non-recurring services to be implemented by September 30 following the close of the funding year); 47 CFR § 54.514(a) (codifying the invoice filing deadline rule).

[11] *See, e.g.*, *Requests for Review of Decisions of the Universal Service Administrator by Allendale County School District et al.*; *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 6109, 6115-17, paras. 10-12 (WCB 2011) (*Allendale County School District Order*) (waiving the requirement that an applicant be able to demonstrate that it used price as the primary factor in its vendor selection when the applicant selected the lowest-priced option and there was no evidence of waste, fraud or abuse).

[12] 47 CFR § 54.505(b)(2) (providing that "the level of poverty shall be based on the percentage of the student enrollment that is eligible for a free or reduced school lunch under the national school lunch program … in the public school district in which they are located and should use that school district's level of poverty to determine their discount rate"); *see also, e.g.*, *Requests for Review of the Decision of the Universal Service Administrator by Academia Claret,; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 21 FCC Rcd 10703, 10709, para. 12, n.37 (WCB 2006) (*Academia Claret Order*) (adjusting the discount rate for libraries demonstrating that their local public school district was receiving a higher discount rate).

Consistent with precedent, we also find good cause exists to waive section 54.720(a) and (b) of the Commission's rules, which requires that petitioners file their appeals within 60 days of an adverse USAC decision. *See*, *e.g.*, *Requests for Review and/or Waiver of Decisions of the Universal Service Administrator by ABC Unified School District*, *et al.*, CC Docket No. 02-6, Order, 26 FCC Rcd 11019, para. 2 (WCB 2011) (*ABC Unified School District Order*) (waiving the filing deadline for petitioners that submitted their appeals within a reasonable period of time after receiving actual notice of USAC's adverse decision).

Granting Additional Time to Respond to USAC with Information During Invoicing[13]

The King's Daughters' School, TN, Application No. 241007295, Request for Waiver, CC Docket No. 02-6 (filed Nov. 14, 2025)

Late-Filed Appeal or Waiver – Submitted Only a Few Days Late[14]

Carbon County School District No. 1, WY, Application No. 161040670, Request for Waier, CC Docket No. 02-6 (filed Oct. 29, 2025)

Ministerial and Clerical Error – Wrong Category of Service on FCC Form 471[15]

New Ulm School District 88, MN, Application No. 251015332, Request for Waiver, CC Docket No. 02-6 (filed Oct. 6, 2025)

Okeene Public Schools, OK, Application No. 251034411, Request for Waiver, CC Docket No. 02-6 (filed Oct. 31, 2025)

Ministerial and Clerical Error – Invoicing[16]

Troy Area School District, NY, Application No. 241037708, Request for Waiver, CC Docket No. 02-6 (filed Oct. 29, 2025)

Permissible Implementation Delay[17]

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[13] *See, e.g.*, *Requests for Review and/or Waiver of Decisions of the Universal Service Administrator by Accomack County Public School et al*,; *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, FCC Rcd 330, 338, para. 14 (WCB 2023) (*Accomack County Public School Order*) (granting applicants' requests for review that were denied funding during invoicing because they failed to respond to USAC's request for information within the USAC-specified time frame).

[14] *See*, *e.g.*, *ABC Unified School District Order*, 26 FCC Rcd at 11019, para. 2 (waiving the appeal and request for waiver filing deadline for petitioners that submitted their requests to the Commission or USAC only a few days late). We remand these applications to USAC and direct USAC to complete its review of the applications and issue a funding decision based on a complete review and analysis within 90 calendar days from the release date of this public notice. *See also supra* note 10.

[15] *See, e.g.*, *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Ann Arbor Public Schools, et al*.; *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 17319, 17320, n.20 (WCB 2010) (*Ann Arbor Public Schools Order*) (granting a waiver where the applicant selected the wrong category of service on its FCC Form 471). Consistent with precedent, we also grant a waiver of the appeal filing deadline. *See, e.g.*, *ABC Unified School District Order,* 26 FCC Rcd at 11019, para. 2 (waiving the filing deadline for petitioners that submitted their appeals to the Commission within a reasonable period after receiving actual notice of USAC's adverse decision).

[16] *See Accomack County Public School Order,* 38 FCC Rcd at 334-35, 337, paras. 8, 12 (granting a waiver where the E-Rate invoice filer inadvertently requested an invoice filing deadline extension for the wrong funding request number).

[17] *See*, *e.g.*, *Request for Review/Waiver of the Decision of the Universal Service Administrator by Accelerated Charter et al*,; *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 29 FCC Rcd 13652, 13652-3, para. 2 (WCB 2014) (*Accelerated Charter Order*) (granting late-filed extensions of the service implementation deadline when petitioners demonstrate they were unable to complete implementation on time for reasons beyond the service providers' control and made significant efforts to secure the necessary extensions in a timely manner).

(continued….)

Wardlaw-Hartridge School, NJ, Application No. 241032336, Request for Waiver, CC Docket No. 02-6 (filed Dec. 4, 2025)

Permitting Timely Submission of FCC Form 500[18]

Illinois Department of Innovation and Technology Consortium, IL, Application No. 241023271, Request for Review, CC Docket No. 02-6 (filed Sept. 26, 2025)

USAC Decision Issued After Invoice Filing Deadline[19]

Concord Public Schools, MA, Application No. 231017399, Request for Waiver, CC Docket No. 02-6 (filed Feb. 27, 2025, supplemented Nov. 12, 2025)

Dover City Schools, OH, Application No. 241027616, Request for waiver, CC Docket No. 02-6 (filed Oct. 30, 2025)

Morgan County School District R 1, MO, Application No. 241003927, Request for Waiver, CC Docket No. 02-6 (filed Nov. 17, 2025)

Orange Board of Education, NJ, Application Nos. 231027194, 231038612, Request for Waiver, CC Docket Mo. 02-6 (filed Oct. 22, 2025)

Waiver of Special Construction Service Delivery Deadline[20]

Consistent with precedent, we also find good cause exists to waive section 54.720(a) and (b) of the Commission's rules, which requires that petitioners file their appeals within 60 days of an adverse USAC decision. *See ABC Unified School District Order*, 26 FCC Rcd at 11019, para. 2 (waiving the filing deadline for petitioners that submitted their appeals within a reasonable period of time after receiving actual notice of USAC's adverse decision).

[18] USAC denied the service delivery deadline extension for a special construction funding request because the FCC Form 500 was filed late, even though a representative from the Illinois Department of Innovation and Technology Consortium contacted USAC about a certification issue before the deadline. Consistent with precedent, we find that the petitioner attempted in good faith to comply with Commission rules in a timely manner in seeking an extension of the deadline. *See Requests for Waiver of the Decisions of the Universal Service Administrator by Grants/Cibola County School District and Jemez Pueblo Tribal Consortium*, CC Docket No. 02-6, Order, 33 FCC Rcd 10048, 10051, para. 8 (WCB 2018) (*Grants/Cibola County School District Order*) (allowing the processing of a special construction service delivery deadline extension when the petitioner made good faith efforts to comply with Commission rules and procedures). We are only granting this narrow request regarding the timing of an FCC Form 500 to allow the form to be considered timely for USAC processing. As the service provider has completed the work and needed the FCC Form 500 processed to be able to invoice for the completed services, we are not waiving the special construction service delivery deadline for this funding request.

[19] 47 CFR § 54.514(a)(3); *see also Modernizing the E-Rate Program for Schools and Libraries*, WC Docket No. 13-184, Order, 35 FCC Rcd 14426, 14431, para. 15 (2020) (*2020 Invoicing Rule Modification Order*) (authorizing the Bureau to grant a waiver in instances where a program participant was unable to timely submit an invoice because they were awaiting a post-commitment decision from USAC, or received a decision approving a post-commitment request or granting an appeal of a previously denied or reduced funding request after the invoice filing deadline had passed).

[20] *See, e.g.*, *Grants/Cibola County School District Order*, 33 FCC Rcd at 10051, para. 8 (waiving the special construction service delivery deadline because the applicant was unable to complete implementation for reasons beyond the service provider's control and the petitioner made good faith efforts to comply with Commission rules and procedures).

We find that North Central Consortium was unable to complete implementation for reasons beyond its control and made good faith efforts to comply with Commission rules and procedures. We waive the special construction

(continued….)

North Central Consortium, NM, Application No. 201026229, Request for Waiver, CC Docket No. 02-6 (filed June 12, 2025)

Denied

Competitive Bidding – No FCC Form 470 Filed[21]

Bayamón Military Academy, PR, Application No. 251031548, Request for Review, CC Docket No. 02-6 (filed Aug. 1, 2025)

Competitive Bidding – Violation of the 28-Day Rule[22]

Appalachia Intermediate Unit 8, PA, Application No. 241015744, Request for Review, CC Docket No. 02-6 (filed July 15, 2025)[23]

Late-Filed FCC Form 471 Applications[24]

Guardian Angels Central Catholic, NE, No Application Number Given, Request for Waiver, CC

service delivery deadline and direct USAC to provide the applicant until June 30, 2026 to complete its special construction project. We further note that because the special construction service delivery deadline has been extended three times for North Central Consortium for this FY 2020 application, we do not anticipate granting another waiver of the service delivery deadline for this funding request. If additional time is needed for the remaining portion(s) of this build, North Central Consortium should submit funding application(s) for the portion(s) of the build that cannot be completed by the June 30, 2026 deadline. *See Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company*, CC Docket No. 02-6, WC Docket Nos. 21-93, 10-90, 02-60, 18-213, Public Notice, DA 22-575, n.11 (WCB rel. May 31, 2022) (*May 2022 USF Streamlined Public Notice*).

We also waive any associated administrative or procedural deadlines, including the invoice filing deadline, that might be necessary to effectuate our ruling. *See supra* note 10.

[21] *See* 47 CFR § 54.504(c) (stating that applicants must seek competitive bids for E-Rate eligible services by posting a Form 470 and waiting at least 28 days before entering into a contract for services); *Application for Review of the Decision of the Universal Service Administrator by Aberdeen School District, et al*,; *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 22 FCC Rcd 8757, 8763, para. 10 (2007) (*Aberdeen School District Order*) (denying an appeal for an applicant that requested E-Rate program funds without posting a new FCC Form 470 for the services).

[22] *See, e.g.*, *Requests for Review &/or Waiver of Decisions of the Universal Service Administrator by Al-Ihsan Academy et al*,; *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 16415, 16418, para. 9 (WCB 2011) (*Al-Ihsan Academy Order*) (denying appeals where the applicant violated the 28-day rule by missing the deadline by more than three days, thereby preventing their requests for services to be competitively bid for a meaningful period of time).

[23] According to the documentation submitted on appeal, Appalachia Intermediate Unit 8 filed its FCC Form 471 application and then conducted its competitive bidding process and entered into an agreement, preventing the requests for services on the FCC Form 471 at issue to be competitively bid in accordance with the Commission's rules.

[24] *See*, *e.g.*, *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Academy of Math and Science et al*,; *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 9256, 9261-62, para. 13 (2010) (*Academy of Math and Science Order*) (denying waivers of the FCC Form 471 application filing deadline where petitioners failed to present special circumstances justifying a waiver of the Commission's rules).

Docket No. 02-6 (filed Sept. 15, 2025)[25]

Legal Prep Charter Academy, IL, Application No. 251032885, Request for Waiver, CC Docket No. 02-6 (filed Nov. 10, 2025)

Milton Town School District, VT, Application No. 251043358, Request for Waiver, CC Docket No. 02-6 (filed Oct. 22, 2025)[26]

North Wales Area Library, PA, Application No. 251043571, Request for Waiver, CC Docket No. 02-6 (filed Nov. 4, 2025)

St. Bernadette School, OH, Application No. 251043469, Request for Waiver, CC Docket No. 02-6 (filed Oct. 6, 2025)

St. Dominic Savio Catholic High School, TX, Application No. 251043637, Request for Waiver, CC Docket No. 02-6 (filed Dec. 5, 2025)

Late-Filed FCC Form 486[27]

Cathedral Preparatory Seminary, NY, Application Nos. 201041558, 201041570, Request for Review, CC Docket No. 02-6 (filed Dec. 5, 2025)

Late-Filed Invoice or Invoice Deadline Extension[28]

American Internet Group, LLC (Detroit Edison Public School Academy, New Paradigm Loving Academy), MI, Application Nos. 221034141, 221037364, 221038577, Request for Waiver, CC Docket No. 02-6 (filed Oct. 9, 2025)

Comcast Business Communications, LLC (CENIC-Corporation For Education Network Initiatives In California), CA, Application No. 231022801, Request for Waiver, CC Docket No.

[25] While the request for waiver from the petitioner did not reference an FCC Form 471 number, there are two Guardian Angels Central Catholic FCC Form 471s that were filed outside the window. Application numbers 251043522 and 251043406 were filed outside the window on October 14, 2025 and September 5, 2025, respectively.

[26] Due to a lapse in government funding, the Commission suspended most operations from October 1, 2025 through November 12, 2025, making certain electronic filing and database systems unavailable. Because of this, the Commission extended the deadline for all filings that would have been due during the lapse in funding. We therefore consider Milton Town School District's waiver timely, even though it was not filed within 60 days of USAC's decision. *See Revisions to Deadlines Following Resumption of Normal Operations,* Public Notice, DA 25-943 (Rel. Nov. 17, 2025). We deny the waiver request, however, on the merits. *See supra* note 24.

[27] *See*, *e.g.*, *Requests for Waiver of Decisions of the Universal Service Administrator by Archdiocese of New Orleans et al*,; *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 31 FCC Rcd 11747, 11750, para. 10 (WCB 2016) (*Archdiocese of New Orleans Order*) (granting relief only for late-filed FCC Forms 486 that were filed no later than 120 days after the last day to receive service for the funding request at issue and where the applicants have demonstrated good cause for the late filing).

[28] *See*, *e.g.*, *Requests for Waiver of Decisions of the Universal Service Administrator by Ada School District et al*., *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 31 FCC Rcd 3834, 3836, para. 7 (WCB 2016) (*Ada School District Order*) (denying petitioners' waiver requests for invoice filing deadline extensions who failed to seek an extension before the invoice filing deadline and did not demonstrate extraordinary circumstances to justify waiving the Commission's rules).

02-6 (filed Oct. 21, 2025)[29]

Hillbrook School, CA, Application No. 231024412, Request for Waiver, CC Docket No. 02-6 (filed Oct. 21, 2025)

Hillside School District, NJ, Application No. 221014315, Request for Waiver, CC Docket No. 02-6 (filed Dec. 5, 2025)

Los Angeles Public Library, CA, Application Nos. 201022660, 201026319, 201029736, 201030415, Request for Waiver, CC Docket No. 02-6 (filed Nov. 13, 2025)

Untimely Filed Appeals or Waiver Requests[30]

DataVizion LLC (Knoxville Community Schools), IA, Application No. 221029310, Request for Waiver, CC Docket No. 02-6 (filed Oct. 13, 2025)[31]

Enterprise Computing Services, LLC (Winnsboro Independent School District), TX, Application No. 241035111, Request for Waiver, CC Docket No. 02-6 (filed Nov. 4, 2025)

International School of Denver, CO, Application No. 251043397, Request for Waiver, CC Docket No. 02-6 (filed Dec. 8, 2025)

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[29] The service provider is seeking an invoice filing deadline extension because it claims a ministerial and clerical error led to its failure to seek full reimbursement on a timely-filed invoice. Comcast Business Communications, LLC, which filed the FCC Form 474, the Service Provider Invoice (SPI) form, said eligible funding was left off the SPI form because the applicant failed to provide "information about the connections associated with one of the two account numbers, inadvertently excluding the connections associated with the second account number." This explanation does not meet the definition of an invoice clerical or ministerial error, defined as errors one would make on an invoice "when entering data from one list to another, such as mistyping a number, using the wrong name or phone number, failing to enter an item from the source list onto the application, or making an arithmetical error." *See Accomack County Public School Order*, FCC Rcd at 332, para. 4. Because this is not a ministerial or clerical error and Comcast Business Communications, LLC did not demonstrate extraordinary circumstances to justify waiving the Commission's invoice filing deadline rule in this instance, we deny the waiver request. *See also supra* note 28.

[30] *See*, *e.g.*, *Requests for Review of the Decisions of the Universal Service Administrator by Agra Public Schools I-134; Schools and Libraries Universal Service Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 5684, 5688, para. 6 (WCB 2010) (*Agra Public Schools Order*); *Requests for Waiver or Review of Decisions of the Universal Service Administrator by Bound Brook School District; Schools and Libraries Universal Service Mechanism*, CC Docket No. 02-6, Order, 29 FCC Rcd 5823, 5823, para. 1 (WCB 2014) (*Bound Brook School District Order*) (denying requests for review and/or waiver on the grounds that the petitioners failed to: (1) submit their appeals either to the Commission or to USAC within 60 days or failed to submit their waiver requests to the Commission within 60 days as required by section 54. 720(a) and (b) of the Commission's rules; and (2) did not demonstrate special circumstances required for the Commission to waive the rule).

[31] DataVizion LLC said its appeal was filed late because it took time to determine why its invoice was denied "due to the complexity of BMIC licenses" resulting from a USAC error. The Commission has consistently held that general petitioner confusion does not constitute grounds for waiver of the appeal-filing deadline and that the filer must assume responsibility for timely submission of its appeal if it wishes its appeal to be considered on the merits. *See, e.g.*, *Requests for Review of Decision of the Universal Service Administrator by Inland Lakes Schools; Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, CC Docket Nos. 96-45, 97-21, Order, 17 FCC Rcd 15756, 15757-58, para. 6 (WCB 2002) (*Inland Lakes Schools Order*). We also find that USAC did not commit an error with respect to Knoxville Community Schools' application. The application reflected the services that the school district sought bids on, which were licenses in the internal connections category. *See* Knoxville Community School District Funding Year 2022 FCC Form 470, No. 220021059, filed Feb. 14, 2022.

Rosenbaum Yeshiva of North Jersey, NJ, Application No. 231014449, Request for Waiver, CC Docket No. 02-6 (filed Nov. 7, 2025)

Shell Knob School District, MO, Application No. 251042937, Request for Waiver, CC Docket No. 02-6 (filed Nov. 6, 2025)

Tazewell County School District, VA, Application No. 251002767, Request for Waiver, CC Docket No. 02-6 (filed Nov. 21, 2025)[32]

Walnut Springs Independent School District, TX, Application No. 251001618, Request for Waiver, CC Docket No. 02-6 (filed Dec. 5, 2025)

Schools and Libraries Cybersecurity Pilot Program
WC Docket No. 23-234

Dismissed as Moot – USAC Took Requested Action[33]

Trico Community Unit School District 176, IL, FCC Form 484 No. CBR202500271-2, Request for Waiver, WC Docket No. 23-234 (filed Sept. 17, 2025)

Denied

Untimely Filed Appeals or Waiver Requests[34]

Geff Community Consolidated School District 14, IL, No Application Filed, Request for Waiver, WC Docket No. 23-234 (filed Dec. 4, 2025)

Hoover-Schrum Memorial School District 157, IL, Application No. CBR253000948, Request for

[32] Tazewell County School District has not provided evidence demonstrating that the issue it raises involved a ministerial or clerical error. *See, e.g.*, *Schools and Libraries Universal Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 6487, 6489, para. 5 (2011) ("[Clerical and ministerial] errors include only the kinds of errors that a typist might make when entering data from one list to another, such as mistyping a number, using the wrong name or phone number, failing to enter an item from the source list onto the application, or making an arithmetic error."); *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Assabet Valley Regional Vocational District; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 1924, 1925, para. 1 (WCB 2012) (*Assabet Valley Regional Vocational District Order*) (finding petitioners had not demonstrated good cause to justify waivers permitting changes to the applicants' E-Rate applications).

[33] *See, e.g.*, *Al Noor High School Order,* 27 FCC Rcd at 8224, para. 2 (dismissing as moot requests for review or waiver where USAC took the requested action).

[34] 47 CFR § 54.2012(b)(2) (requiring parties seeking a waiver of the Commission rules to file the request for review or waiver within 30 days of the deadline). We find that the Petitioners did not file a request for waiver within 30 days of the deadline, September 15, 2025, and did not demonstrate special circumstances needed to justify a waiver of the Commission's rules. *See* 47 CFR § 1.3; *NetworkIP, LLC v. FCC*, 548 F.3d 116, 125-128 (D.C. Cir. 2008) (*NetworkIP LLC*); *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (*Northeast Cellular Telephone*) (finding that a waiver of the Commission's rules is only appropriate if both (i) special circumstances warrant a deviation from the general rule, and (ii) such deviation will serve the public interest.). On the merits, we also find that Petitioners were provided 181 days (i.e., 6 months) to complete and submit their Cybersecurity Pilot FCC Form 471 and we do not find the Petitioners provided the justification required to waive or extend this deadline.

Waiver, WC Docket No. 23-234 (filed Dec. 2, 2025)

Messmer Catholic Schools, WI, No Application Filed, Request for Waiver, WC Docket No. 23-234 (filed Dec. 16, 2025)

New Brunswick School District, NJ, No Application Filed, Request for Waiver, WC Docket No. 23-234 (filed Dec. 4, 2025)[35]

The Academy for Urban Scholars Consortium, OH, Application No. CBR253000979, Request for Waiver, WC Docket No. 23-234 (filed Dec. 4, 2025)

Wayne County School District, MS, Application No. CBR253000895, Request for Waiver, WC Docket No. 23-234 (filed Dec. 9, 2025)

Worcester Public Schools, MA, Application Nos. CBR253000967 and CBR253000968, Request for Waiver, WC Docket No. 23-234 (filed Dec. 17, 2025)

Late-Filed FCC Form 471 Applications[36]

East Alton-Wood River H.S., IL, No Application Filed, Request for Waiver, WC Docket No. 23-234 (filed Sept. 11, 2025)

Harlandale Independent School District, TX, Application No. CBR253000962, Request for Waiver, WC Docket No. 23-234 (filed Sept. 25, 2025)

New England Children's Center, MA, Application No. CBR253000950, Request For Waiver, WC Docket No. 23-234 (filed Sept. 16, 2025)

St. Joseph County Public Library, IN, Application No. CBR253000460, Request for Waiver, WC Docket No. 23-234 (filed Sept. 24, 2025)

Stockton Unified School District, CA, Application No. CBR253000793, Request for Waiver, WC

[35] The Petitioner claims that it received incorrect information from USAC and thus, did not file the Pilot FCC Form 470 or Pilot FCC Form 471 by the deadline. On January 16, 2025, the Bureau announced selection of the Pilot participants and provided information on the next steps, including the opening of the Pilot FCC Form 471 application filing window, and requiring that the FCC Form 484 Part 2 and the Pilot FCC Form 471 be submitted by September 15, 2025. *See Wireline Competition Bureau Announces Selection of Cybersecurity Pilot Program Participants and Provides Additional Information Regarding Program Requirements*, WC Docket No. 23-235, Public Notice, DA 24-53, at 8-11 (WCB Jan. 16, 2025). Although the Petitioner states it received incorrect information from USAC, it is the responsibility of the participant to know the rules of the program. *See Application for Review of a Decision of the Universal Service Administrator by Challis Joint School District,* CC Docket No, 02-6, Order, 26 FCC Rcd 3812, 3814, para. 5 (WCB 2011) (*Challis Joint School District Order*) ("We have consistently held that where a party receives erroneous advice, the government is not estopped from enforcing its rules in a manner that is inconsistent with the advice provided by the employee, particularly when relief is contrary to a rule . . . . it is administratively necessary to place on the applicant the ultimate responsibility of complying with all relevant rules and procedures.").

[36] 47 CFR § 1.3; s*ee also NetworkIP, LLC,* 548 F.3d at 125-128; *Northeast Cellular Telephone*, 897 F.2d at 1166 (finding that waiver of the Commission's rules is only appropriate if both (i) special circumstances warrant a deviation from the general rule, and (ii) such deviation will serve the public interest.). Cybersecurity Pilot participants were provided from March 18, 2025 to September 15, 2025 (i.e., 181 days or six months) to file a Cybersecurity Pilot FCC Form 471, this window is substantially longer that the E-Rate application filing window period. The Petitioners have not provided justification as to why they were not able to file the form within this six month period, nor have they demonstrated that special circumstances were met to justify extending this deadline.

Docket No. 23-234 (filed Sept. 30, 2025)

Emergency Connectivity Fund Program
WC Docket No. 21-93

Granted

Early Delivery[37]

Richmond Heights Local School District, OH, Application No. ECF202208577, Request for Review and/or Waiver, WC Docket No. 21-93 (filed July 9, 2025, supplemented July 31, 2025)

Granting on Reconsideration – Waiver of the ECF Invoice Filing Deadline[38]

Jefferson County School District, MS, Application No. ECF202207351, Petition for Reconsideration, WC Docket No. 21-93 (filed Sept. 30, 2025)

Denied

Ineligible Entity[39]

Faith Christian Academy, VA, Application No. ECF202200293, Request for Review, WC Docket No. 21-93 (filed Feb. 22, 2024)

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[37] *See*, *e.g.*, *Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company*, CC Docket No. 02-6, WC Docket Nos. 21-93, 06-122, Public Notice, 37 FCC Rcd 7445, 7459, n.25 (WCB 2022) (*June 2022 USF Streamlined Public Notice*) (granting requests for waivers for equipment delivered before the start of the funding period for the ECF program).

[38] *See*, *e.g.*, *Requests for Waiver by Bluum USA Inc et al*,; *Establishing Emergency Connectivity Fund to Close the Homework Gap*, WC Docket No. 21-93, Order, 39 FCC 1049, 1051-52, paras. 9 (WCB 2024) (extending the ECF program's invoice filing deadline for funding requests by 60 days because the applicant or service provider was unable to timely file due to additional time needed to gather invoices).

[39] *See, e.g.*, *Requests for Waiver and Review of Decisions of the Universal Service Administrator by CCRC Community Link et al*.; *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 5326, para. 1 (WCB 2012) (*CCRC Community Link Order*) (denying support to entities that failed to show that they were eligible for E-Rate support); *Request for Review of the Decision of the Universal Service Administrator by Beginning With Children Charter School and Yeshiva Karlin-Stolin*; *Federal-State Joint Board on Universal Service; Changes to the Board of Directors of the National Exchange Carrier Association, Inc*., CC Docket Nos. 96-45 and 97-21, Order, 18 FCC Rcd 936, 940, para. 11 (CCB 2003) (*Beginning With Children Charter School and Yeshiva Karlin-Stolin Order*) (emphasizing that the ultimate burden of proof remains on the applicant). Consistent with the Commission's decision to adopt the similar appeal and waiver rules that govern all of the Universal Service Fund programs, including the E-Rate program, and to leverage existing E-Rate processes and forms in the Emergency Connectivity Fund program we rely on E-Rate program precedent to resolve these petitions for waiver of the Emergency Connectivity Fund program rules. The creation of a school profile in the E-Rate Productivity Center does not demonstrate eligibility as USAC verifies eligibility after the profile is created. The applicant is located in the Commonwealth of Virginia and as such evidence of school eligibility under state law would best be shown through documentation from the Commonwealth of Virginia or the Virginia Council for Private Education (VCPE), which was not provided. (VCPE is the sole accrediting authority for private nursery, preschool, elementary and secondary schools recognized by the Commonwealth of Virginia. For such a school to be recognized as accredited by VCPE, it must meet and maintain VCPE's Standards of Accreditation.) The Petitioner was not accredited by VCPE and did not provide other documentation from the Commonwealth of Virginia to demonstrate it was an eligible school under Virginia state law.

Untimely-Filed Appeals or Waiver Requests[40]

Calvary Christian School, IL, Application No. ECF202207378, Request for Waiver, WC Docket No. 21-93 (filed Aug. 13, 2025)

T-Mobile USA, Inc. (Detroit Public Schools), MI, Application No. ECF202102838, Request for Waiver, WC Docket No. 21-93 (filed Dec. 23, 2024)

Torah Academy, IL, Application No. ECF202200649, Request for Waiver, WC Docket No. 21-93 (filed June 24, 2025)

Rural Health Care Program
WC Docket No. 02-60

Granted

Rescission of Commitment Adjustments for Funding Year 2017[41]

University of Texas Health Science Center at Tyler, TX, Request for Review and Waiver, CC Docket No. 02-60, Funding Request Nos. 17268541, 17268561, 17268581, 17268611, 17268651, 17268661, 17268671, 17268691, 17268721, 17268751, 17268771, 17268781, 17268791, 17268811, 17268851, 17265171, 17270301, 17270321, 17270341, 17270361, 17270381, 17270411, 17270431, 17270461, 17270471, 17270481, 17270521, 17270561 (filed Aug. 22, 2024)

Rural Rates[42]

[40] *See, e.g.*, *Agra Public Schools Order*, 25 FCC Rcd at 5688, para. 6; *Bound Brook School District Order,* 29 FCC Rcd at, 5823, para. 1 (denying requests for review and/or waiver on the grounds that the petitioners failed to: (1) submit their appeals either to the Commission or to USAC within 60 days or failed to submit their waiver requests to the Commission within 60 days as required by the Commission's rules; and (2) did not demonstrate special circumstances required for the Commission to waive the rule). We note that the Commission adopted a shortened waiver and appeal timeframe of 30 days in the Emergency Connectivity Fund Program due to the short-term, emergency nature of the program. *See* 47 CFR § 54.1718; *Emergency Connectivity Fund Report and Order*, 36 FCC Rcd at 8746, para. 107. As such, requests for waiver of ECF Program rules that are filed more than 30 days after a deadline or decision will be denied. For Calvary Christian School, we note that applicants requesting devices for anticipated future enrollment beyond the funding period would be in violation of program requirements to prevent warehousing and reimbursing for devices that were not being used. *See, e.g.*, 47 CFR 54.1711(a)(1)(viii); *Emergency Connectivity Fund Report and Order*, 36 FCC Rcd at 8726, para. 58. For T-Mobile and Torah Academy, we note that the Bureau granted requests for waiver for these applications in January and USAC extended the associated invoice deadline filing dates, but neither party invoiced. *See Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company*, CC Docket No. 02-6 et al., Public Notice, 40 FCC Rcd 1, 9, n.29 (WCB 2025) (*January 2025 USF Streamlined Public Notice*).

[41] *See Requests for Review and Waiver of Decision of the Universal Service Administrator by Peoples Communications, Inc.*, Order, DA 25-777, 2025 WL 2496695 (WCB Aug. 28, 2025) (conducting a *de novo* review of alleged conflicts of interest centered around CFT Filings, LLC, (CFT Filings) for funding year 2017 and finding insufficient basis to conclude that the competitive bidding process was not fair and open). Based on similar facts cited in the August Order, we again find insufficient basis to conclude that the competitive bidding process conducted by the University of Texas Health Science Center at Tyler was corrupted by the engagement of CFT Filings as the applicant's consultant. We direct USAC to rescind the Commitment Adjustment Letters dated December 29, 2023, and remand the funding requests to USAC for processing in accordance with standard RHC Program rules and procedures.

[42] *See Promoting Telehealth in Rural America*, WC Docket No. 17-310, Order on Reconsideration, Second Report (continued….)

Igiugig Clinic, Pedro Bay Clinic, and Port Alsworth Clinic, AK, Request for Review, WC Docket No. 02-60, Funding Request Nos. RHC20240005404, RHC20240005463, RHC20240005466 (filed July 28, 2025)

Denied

Late-filed FCC Form 462[43]

Parkview Consortium, IN, WC Docket No. 02-60, Funding Request Nos. RHC20240014290, RHC20240014741, RHC20240014532 (filed Aug. 13, 2024)

Late Filed Petition for Reconsideration – Late-filed FCC Form 462[44]

Missouri Primary Care Association Consortium, MO, Request for Waiver, WC Docket No. 02-

and Order, Order, and Second Further Notice of Proposed Rulemaking, 38 FCC Rcd 827, 833, para. 14 (2023) (*Promoting Telehealth Second Report and Order*) (clarifying that rural rate approval for the initial year of a multi-year contract will constitute approval for all subsequent years of the contract, including voluntary extensions so long as the duration of the contract does not exceed five years). We grant GCI's request to use previously approved rates under an evergreen contract that was executed in 2022 with options for multiple levels of service to Health Care Providers (HCPs). The contract was approved by USAC based on a waiver that allowed health care providers and service providers in Alaska to use previously approved rates for the same or similar service to the facility with the same or similar geographic characteristic when there are no approved rates for a particular facility or service. *See Promoting Telehealth in Rural America*, Order, 36 FCC Rcd 791, 795-6, para. 13 (WCB 2021). For funding year 2024, GCI sought approval of rural rates under the 2022 evergreen contract, exercising the option for bandwidth increases at the rates stipulated in the evergreen contract. USAC denied GCI's proposal on the grounds that it could not use prior approved rates approved for another HCP. Because USAC's rural rate approval for the initial year of the multi-year contract constitutes approval for all subsequent years of the contract, we overturn USAC's denial and remand the funding requests to USAC for processing. *See Promoting Telehealth Second Report and Order*, 38 FCC Rcd at 833, para. 14.

[43] *See Requests for Waiver by Bartlett Regional Hospital, Community Counseling Services, Heart of Texas Region MHMR, Hiawatha Behavioral Health, Rural Health Care Support Mechanism*, WC Docket No. 02-60, Order, 39 FCC Rcd 3931, 3935 (WCB 2024) (*Bartlett Regional Hospital Order*) (denying requests to waive the application filing deadline filed more than 14 days after the filing deadline and without special circumstances warranting a waiver of the deadline). Parkview Consortium's (Parkview) funding applications were timely submitted but with 51 of the consortium's sites missing, because the applications had been finalized while USAC was still reviewing their individual eligibility filings. Parkview seeks to amend its pending funding applications to add the missing sites, noting that all the sites were deemed eligible prior to May 1, 2024, the application filing deadline. We treat Parkview's request as a request to waive the application filing deadline to permit new applications to be submitted with all consortium sites. We deny Parkview's request because it was submitted more than 14 days after the May 1, 2024 application filing deadline, and the special circumstances cited by Parkview in support of relief (i.e., "special challenges" resulting from global healthcare industry cyberattacks and eligibility determination delays that "may have been" the result of USAC's switch to a new application platform) are too vague and speculative to support a waiver request. *See Bartlett Regional Hospital Order*, 39 FCC Rcd at 3935. We also direct USAC to process Parkview's timely filed applications in the normal course and make no determination as to the merits of those applications.

[44] Missouri Primary Care sought reconsideration of the denial of the petition for waiver of the application filing deadline released by the Bureau on September 30, 2025. *Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company*, WC Docket No. 02-60, Public Notice, DA 25-874 (WCB Sept. 30, 2025). The deadline to file a petition for reconsideration was October 30, 2025. 47 CFR § 1.106(f). Due to the government shutdown, the Commission extended all filing deadlines until November 18, 2025. *See Additional Guidance Ahead of Resumption of Operations and Extension of Filing Deadlines*, Public Notice, DA 25-937, (rel. Nov. 17, 2025). We dismiss the petition as untimely filed because it was submitted after the extended filing deadline of November 18, 2025.

60, Funding Request Nos. RHC20250016017, RHC20250016062, RHC20250016063, RHC20250016064, RHC20250016065, RHC20250016066, RHC20250016068, RHC20250016069, RHC20250016070, RHC20250016071, RHC20250016072, RHC20250016073, RHC20250016074 (filed Nov. 28, 2025)

Lifeline Program
WC Docket No. 11-42

Dismiss as Moot

Q Link Wireless LLC, Petition for Reconsideration, WC Docket No. 11-42 (Oct. 28, 2016)[45]

Smith Bagley, Inc., Petition for Limited Waiver, WC Docket No. 11-42 (Sept. 11, 2024)[46]

For additional information concerning this Public Notice, please contact James Bachtell in the Telecommunications Access Policy Division, Wireline Competition Bureau, at james.bachtell@fcc.gov or (202) 418-2694.

- FCC -

[45] We dismiss as moot Q Link's petition for reconsideration of the Wireless Competition Bureau's determinations regarding broadband minimum service standards as a result of Q Link's debarment from the Lifeline program. *See generally Notice of Debarment*, File No. EB-HID-24-000337461, Letter Order, DA 25-1009 (EB rel. Dec. 5, 2025).

[46] *See, e.g.*, *Requests for Review of Decision of the Universal Service Administrator by Integrity Communications (Brooks Consolidated Independent School District) et al.*; *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 7994, 7995, para. 1 (WCB 2012) (dismissing appeals as moot where the petitioner subsequently withdrew its funding requests). Smith Bagley, Inc. submitted a request that this pending matter be withdrawn. *See generally* Smith Bagley, Inc., Request for Withdrawal by Smith Bagley, Inc., WC Docket No. 11-42 (filed Dec. 8, 2025).

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 Number: 26-2
Report No. TEL-02626S **Friday January 2, 2026**

Streamlined International Applications Accepted For Filing

Section 214 Applications (47 CFR §§ 63.18, 63.24); Section 310(b) Petitions (47 CFR § 1.5000)

Unless otherwise specified, the following procedures apply to the applications listed below:

The international section 214 applications listed below have been found, upon initial review, to be acceptable for filing and subject to the streamlined processing procedures set forth in section 63.12 of the Commission's rules. 47 CFR § 63.12. These applications are for authority under section 214 of the Communications Act, to transfer control of an authorized carrier or to assign a carrier's existing authorization; and/or (b) to become a facilities-based international common carrier; and/or (c) to become a resale-based international common carrier. 47 U.S.C. § 214(a).

Pursuant to section 63.12 of the rules, these applications will be granted 14 days after the date of this public notice (see 47 CFR § 1.4 regarding computation of time), and the applicant may commence operations on the 15th day, unless the Commission has informed the applicant in writing, within 14 days after the date of this public notice, that the application, on further examination, has been deemed ineligible for streamlined processing. Pursuant to Section 1.1910(b)(2) of the rules, action will be withheld on any application by any entity found to be delinquent in its debts to the Commission. Applicants should check the Red Light Display System's website at www.fcc.gov/redlight to determine if they are delinquent in a debt to the Commission and for information on how to pay the debt. 47 CFR § 1.1910(b)(2).

Communications between outside parties and Commission staff concerning these applications are permitted subject to the Commission's rules for "permit-but-disclose proceedings." See 47 CFR § 1.1206. An application can be removed from streamlined processing only in the sound discretion of Commission staff. The filing of comments or a petition to deny will not necessarily result in an application being deemed ineligible for streamlined processing.

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). All applications listed are subject to further consideration and review, and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

We request that comments on any of these applications refer to the application file number shown below.

ITC-214-20250626-00023 T257708 SQUARE COMM LLC
Date filed: 2025-06-27
International Telecommunications Authorizations

Service:
- Global Resale Authority pursuant to section 63.18(e)(2) of the Commission's rules.

Square Comm LLC (Square Comm) 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).

Square Comm, a Washington limited liability company, is solely owned by Srinivasa Rao Abburi, a U.S. citizen.

ITC-214-20250827-00091 T257745 Hamilton Telecom LLC
Date filed: 2025-09-23
International Telecommunications Authorizations

Service:
- Global Resale Authority pursuant to section 63.18(e)(2) of the Commission's rules.

Hamilton Telecom LLC (Hamilton Telecom) 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).

Hamilton Telecom is a Maryland limited liability company. The only individual or entity with a 10% or greater equity or voting interests in Hamilton Telecom is John M. Kamya, a U.S. citizen, who holds 95% equity and voting interests in Hamilton Telecom.

ITC-214-20251208-00155 T257759 Perch Mobile Inc.
Date filed: 2025-12-08
International Telecommunications Authorizations

Service:
- Global Resale Authority pursuant to section 63.18(e)(2) of the Commission's rules.

Perch Mobile Inc. (Perch Mobile) 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).

Perch Mobile, a Delaware corporation, is solely owned by Paul Harkins, a U.S. citizen.

Service:

- Global Resale Authority pursuant to section 63.18(e)(2) of the Commission's rules.

Versocom Technology Services Inc. (VTS) 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). The Applicant filed a supplement on November 17, 2025.

VTS is a Delaware corporation. The following individual and entity have direct ownership interests in VTS: Versocom Group LLC, a Delaware limited liability company (70% equity and voting interests) and Vincent J. Harrison, a U.S. citizen (30% equity and voting interests). The following individuals, all U.S. citizens, hold partnership interests in Versocom Group LLC: Jamie Brown (80%); Brady Kepler (10%), Jagoda Borkiewicz (5%) and Emily Cheek (5%).

REMINDER:

Applicants must certify that neither the applicant nor any party to the application is subject to a denial of federal benefits by federal and/or state courts under authority granted in 21 U.S.C. § 862. See 47 CFR §§ 1.2001-.2003.

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 Number: 26-3

Report No. SCL-00587NS **Friday January 2, 2026**

Non-Streamlined Submarine Cable Landing License Applications

Accepted For Filing

Unless otherwise specified, the following procedures apply to the applications listed below:

The applications listed below have been found, upon initial review, to be acceptable for filing. Pursuant to the Submarine Cable Landing License Act, 47 U.S.C. §§ 34-39, and Executive Order No. 10530, reprinted as amended in 3 U.S.C. § 301, each applicant seeks: (a) the grant of a submarine cable landing license; (b) the modification of a submarine cable landing license; and/or (c) the assignment or transfer of control of an interest in a submarine cable landing license. These applications are not subject to the streamlined processing procedures set forth in Section 1.767 of the Commission's rules, 47 CFR § 1.767. Pursuant to section 1.1910(b)(2) of the rules, action will be withheld on any application by any entity found to be delinquent in its debts to the Commission. Applicants should check the Red Light Display System's website at www.fcc.gov/redlight to determine if they are delinquent in a debt to the Commission and for information on how to pay the debt. 47 CFR § 1.1910(b)(2).

Unless otherwise specified, filings relating to these applications must be received within 14 days of this notice. Ex parte communications between outside parties and Commission staff concerning these applications are permitted subject to the Commission's rules for "permit-but-disclose proceedings." See 47 CFR § 1.1206. All applications listed are subject to further consideration and review, and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

These applications are being coordinated with the Department of State and other Executive Branch agencies pursuant to section 1.767(b) of the Commission's rules, 47 CFR §1.767(b), and consistent with procedures established with the Department of State. See Review of Commission Consideration of Applications under the Cable Landing License Act, IB Docket No. 00-106, Report and Order, 16 FCC Rcd 22167, 22192-93, paras. 51-52 (2001) (Submarine Cable Landing License Report and Order); Commission Announces Department of State's Revised Procedures for its Consideration of Submarine Cable Landing License Applications, IB Docket No. 16-155, Public Notice, DA 22-435 (rel. Apr. 19, 2022).

Pursuant to its decision in Review of Commission Consideration of Applications under the Submarine Cable Landing License Act, IB Docket No. 00-106, FCC 01-332, 16 FCC Rcd 22167 (2001), and section 1.767 of the rules, the Commission will take action upon these applications within ninety (90) days after release of this public notice, unless it determines that additional time is needed.

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).

INFORMATIVE:

SCL-LIC-20250718-00014 S250484 Telxius Cable USA, Inc.
Date filed: 2025-07-30
Submarine Cable Landing License

On December 29, 2025, the Chair of the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector (Committee) notified the Commission that the Committee is conducting an initial review of the application to land and operate the CELIA cable system to assess whether grant of the application will pose a risk to the national security or law enforcement interests of the United States, pursuant to Executive Order 13913 (85 Fed Reg 19643 (April 8, 2020)) and requests that the Commission defer action on the application until the Committee completes its review. The Committee shall complete its review of the applications before the end of the 120-day initial review period, unless the Committee notifies the Commission of an extension of the 120-day initial review period or the need arises to conduct a 90-day secondary assessment.

REMINDER:

Applicants must certify that neither the applicant nor any party to the application is subject to a denial of federal benefits by federal and/or state courts under authority granted in 21 U.S.C. § 862. See 47 CFR §§ 1.2001-.2003.

By this notice, we inform the public that submarine cable landing license applications that are part of larger transactions involving multiple Commission licenses or authorizations may involve "extraordinary circumstances" as referenced in Review of Commission Consideration of Applications under the Submarine Cable Landing License Act, Report and Order, 16 FCC Rcd 22167 (2001) and Rules and Policies on Foreign Participation in the U.S. Telecommunications Market, Report and Order and Order on Reconsideration, 12 FCC Rcd 23891 (1997), paras. 327-28, Order on Reconsideration, 15 FCC Rcd 18158 (2000). Additionally, extraordinary circumstances result where Executive Branch agencies petition the Commission to defer action on an application pending the resolution of potential national security, law enforcement, foreign policy and trade policy issues. Accordingly, these applications may not be acted on within the 90-day review period that the Commission has established as the period of time normally required to reach a decision on non-streamlined submarine cable landing licenses. This notice shall serve as public notice to applicants that, in these circumstances, additional time may be required for Commission review and final action. No additional formal public notice will be provided routinely with respect to specific applications in the event that the applicable review period extends beyond 90 days

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 Number: 26-4
Report No. SCL-00588S **Friday January 2, 2026**

Streamlined Submarine Cable Landing License Applications

Accepted for Filing

Unless otherwise specified, the following procedures apply to the applications listed below:

The applications listed below have been found, upon initial review, to be acceptable for filing and subject to the streamlined processing procedures set forth in section 1.767 of the Commission's rules, 47 C.F.R. § 1.767. Pursuant to the Submarine Cable Landing License Act, 47 U.S.C. §§ 34-39, and Executive Order No. 10530, reprinted as amended in 3 U.S.C. § 301, each applicant seeks: (a) the grant of a submarine cable landing license; (b) the modification of a submarine cable landing license; and/or (c) the assignment or transfer of control of an interest in a submarine cable landing license.

Pursuant to its decision in Review of Commission Consideration of Applications under the Submarine Cable Landing License Act, IB Docket No. 00-106, FCC 01-332, 16 FCC Rcd 22167 (2001), and section 1.767 of the rules, the Commission will take action upon these applications within forty-five (45) days after release of this public notice, unless upon further examination an application is deemed ineligible for streamlined processing.

Ex parte communications between outside parties and Commission staff concerning these applications are permitted subject to the Commission's rules for "permit-but-disclose proceedings." See 47 C.F.R. § 1.1206. Unless otherwise specified, interested parties may file comments with respect to these applications within 14 days of this notice. Such filings will not necessarily result in an application being deemed ineligible for streamlined processing.

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). All applications listed are subject to further consideration and review, and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

INFORMATIVE:

SCL-RWL-20250715-00012 S250416 GlobeNet Cabos Submarinos America, Inc.
Date filed: 2025-07-17
Renewal

On December 29, 2025, the Commission referred the application to renew the cable landing license for the GlobeNet Cable System for a new 25-year term to the Department of State (State) pursuant to the Submarine Cable Landing License Act of 1921 and Executive Order No. 10530. 47 U.S.C. §§ 34-39, Executive Order No. 10530 (reprinted as amended in 3 U.S.C. § 301). That began the 30-day State review process set out in the letter from the Under Secretary of State for Economic, Business, and Agricultural Affairs to the Chair, Federal Communications Commission (Feb. 23, 2022). See Commission Announces Department of State's Revised Procedures for its Consideration of Submarine Cable Landing License Applications, IB Docket No. 16-155, Public Notice, 37 FCC Rcd 5183 (2022).

REMINDERS:

Applicants must certify that neither the applicant nor any party to the application is subject to a denial of federal benefits by federal and/or state courts under authority granted in 21 U.S.C. § 862. See C.F.R. §§ 1.2001-1.2003.

By this notice, we inform the public that submarine cable landing license applications that are part of larger transactions involving multiple Commission licenses or authorizations may involve "extraordinary circumstances" as referenced in Review of Commission Consideration of Applications under the Submarine Cable Landing License Act, Report and Order, 16 FCC Rcd 22167 (2001) and Rules and Policies on Foreign Participation in the U.S. Telecommunications Market, Report and Order and Order on Reconsideration, 12 FCC Rcd 23891 (1997), paras. 327-28, Order on Reconsideration, 15 FCC Rcd 18158 (2000). Additionally, extraordinary circumstances result where Executive Branch agencies petition the Commission to defer action on an application pending the resolution of potential national security, law enforcement, foreign policy and trade policy issues. Accordingly, these applications may be removed from streamlined processing and may not be acted on within the 90-day review period that the Commission has established as the period of time normally required to reach a decision on non-streamlined submarine cable landing licenses. This notice shall serve as public notice to applicants that, in these circumstances, additional time may be required for Commission review and final action. No additional formal public notice will be provided routinely with respect to specific applications in the event that the applicable review period extends beyond 90 days.

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 Number: 26-5
Report No. SAT-01963 **Friday January 2, 2026**

Satellite Licensing Division and Satellite Programs and Policy Division Information

RE: 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-MOD-20250313-00070 S3156 The Tomorrow Companies, Inc.
Date filed: 2025-03-13
Modification
Grant of Authority Date of Action: 2025-12-22

Nature of Service: Earth Exploration-Satellite Service

Granted with conditions.

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 26-6
Released: January 2, 2026

CGB ANNOUNCES COMMENT DATES FOR ANALOG TRS MODERNIZATION NPRM

CG Docket Nos. 03-123, 08-15

Comments Due: February 2, 2026

Reply Comments Due: March 3, 2026

In a Notice of Proposed Rulemaking (Notice) adopted on November 20, 2025, the Federal Communications Commission (FCC or Commission) initiated a proceeding to modernize telecommunications relay services (TRS) to ensure that relay services remain effective, accessible, and sustainable for individuals who are deaf, hard of hearing, deafblind, or have speech disabilities.[1] The Notice stated that comments and reply comments would be due 30 days and 60 days, respectively, after a summary of the Notice was published in the Federal Register.[2]

On January 2, 2026, the summary was published in the Federal Register.[3] Accordingly, comments are due February 2, 2026, and reply comments are due March 3, 2026. Complete comment filing instructions and *ex parte* rules are set forth in the Notice and the Federal Register.

Accessible Materials. 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 (voice).

Additional Information. For general information about TRS, visit https://www.fcc.gov/trs. For further information about this item, please contact Joshua Mendelsohn, CGB, Disability Rights Office, (202) 559-7304 (voice and videophone), e-mail Joshua.Mendelsohn@fcc.gov.

-FCC-

[1] *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*; *Speech-to-Speech and Internet Protocol (IP) Speech-to-Speech Telecommunications Relay Services*, CG Docket Nos. 03-123 and 08-15, Notice of Proposed Rulemaking, FCC 25-79 (Nov. 20, 2025) (Analog TRS Modernization Notice).

[2] Analog TRS Modernization Notice at 33, para. 103.

[3] FCC, Analog Telecommunications Relay Service Modernization, 91 FR 104 (Jan. 2, 2026).

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

In the Matter of	)	
	)	
Connect America Fund	)	WC Docket No. 10-90

FOURTH PROTECTIVE ORDER

Adopted: January 2, 2026 **Released: January 2, 2026**

By the Chief, Wireline Competition Bureau:

1. In 2012, the Wireline Competition Bureau set forth procedures for the public to access the Connect America Cost Model (CACM).[1] In order to reflect the nature of how the CACM is currently accessed by the public, the Bureau, on its own motion, adopts this Fourth Protective Order.[2]

2. On November 18, 2011, the Federal Communications Commission (Commission) released the *USF/ICC Transformation Order*.[3] In that Order, the Commission adopted a methodology for distributing universal service support under the newly created Connect America Fund Phase II in areas served by price cap carriers. The methodology uses a forward-looking cost model to estimate the costs of deployment of voice and broadband capable networks in high-cost areas and identify at a granular level the areas where support will be made available. The Commission delegated to the Wireline Competition Bureau (Bureau) "the task of selecting a specific engineering cost model and associated inputs" that meet the criteria specified in the *USF/ICC Transformation Order*.[4]

3. In order to provide the Commission with a potential model, the Universal Service Administrative Corporation (USAC) contracted with CostQuest Associates, Inc. (CostQuest) to develop the Connect America Cost Model (or "CACM"), a forward-looking cost model intended to enable the Commission to accurately "estimate the cost of a modern voice and broadband capable network in price cap served areas."[5] The model has been and will continue to be made available to the public subject to a licensing agreement (Appendix B). To ensure that the proprietary features of the cost model are afforded adequate protection in any submissions made to the Commission and to ensure that the public has the

[1] *Developing a Unified Intercarrier Compensation Regime; Establishing Just and Reasonable Rates for Local Exchange Carriers; Connect America Fund; High-Cost Universal Service Support; A National Broadband Plan for Our Future*, WC Docket No. 10-90, Third Supplemental Protective Order, 27 FCC Rcd 15277 (WCB 2012) (Third Supplemental Protective Order).

[2] This Fourth Protective Order does not constitute a determination whether any materials would be released publicly by the Commission upon a proper request under the Freedom of Information Act or otherwise.

[3] *Connect America Fund et al., Report and Order and Further Notice of Proposed Rulemaking*, WC Docket No. 10-90 et al., 26 FCC Rcd 17663 (2011), *aff'd sub nom*. In re FCC, 753 F.3d 1015 (10th Cir. 2014) (*USF/ICC Transformation Order* or *FNPRM*).

[4] *USF/ICC Transformation Order*, 26 FCC Rcd at 17725, para. 157.

[5] *Id.* at 17735, para. 184.

opportunity for robust participation, the Bureau, on its own motion, adopts this Fourth Protective Order. We find that the procedures we adopt in this Order, along with the acknowledgement of confidentiality and the licensing agreement, provide the public with appropriate access to the model while protecting competitively sensitive information from improper disclosure.

4. There have been prior protective orders in this proceeding—a traditional Protective Order to address the treatment of traditional confidential filings,[6] a Supplemental Protective Order to address the terms and conditions of access to the model that CostQuest submitted in September 2011,[7] a Second Protective Order to address access to highly confidential information, including a cost model submitted in this proceeding by Alaska Communications Services (ACS),[8] a Second Supplemental Protective Order to address access to the CostQuest Broadband Analytical Tool (CQBAT) submitted in this proceeding by the ABC Coalition,[9] a Third Protective Order to address the treatment of traditional confidential filings that superseded the initial Protective Order and expanded its scope to include additional relevant proceedings, [10] and a Third Supplemental Protective Order.[11] We make no change here to the treatment of documents and other materials already submitted or that may be submitted under the previous protective orders. Parties who previously followed procedures to review materials under those orders need not take any additional steps unless they want access to the CACM. Parties who obtained access to CostQuest's models either under the original Supplemental Protective Order or under the Second Supplemental Protective Order do not automatically have access to the CACM. Any party—including a party who gained access any previous order—must follow the terms of this Fourth Protective Order in order to gain access to the CACM.

5. *Definitions.* As used herein, capitalized terms not otherwise defined in this Fourth Protective Order shall have the following meanings:

"Acknowledgement" means the Acknowledgement of Confidentiality attached as Appendix A hereto.

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[6] *Developing a Unified Intercarrier Compensation Regime; Establishing Just and Reasonable Rates for Local Exchange Carriers; Connect America Fund; High-Cost Universal Service Support; A National Broadband Plan for Our Future*, CC Docket No. 01-92, WC Docket Nos. 07-135, 10-90, 05-337, GN Docket No. 09-51, Protective Order, 25 FCC Rcd 13160 (WCB 2010) (Protective Order).

[7] *Developing a Unified Intercarrier Compensation Regime; Establishing Just and Reasonable Rates for Local Exchange Carriers; Connect America Fund; High-Cost Universal Service Support; A National Broadband Plan for Our Future*, CC Docket No. 01-92, WC Docket Nos. 07-135, 10-90, 05-337, GN Docket No. 09-51, Supplemental Protective Order, 26 FCC Rcd 12795 (Wireline Comp. Bur. 2011) (Supplemental Protective Order).

[8] *Developing a Unified Intercarrier Compensation Regime; Establishing Just and Reasonable Rates for Local Exchange Carriers; Connect America Fund; High-Cost Universal Service Support; A National Broadband Plan for Our Future*, CC Docket No. 01-92, WC Docket Nos. 07-135, 10-90, 05-337, GN Docket No. 09-51, Second Protective Order, 27 FCC Rcd 1494 (WCB 2012) (Second Protective Order).

[9] *Developing a Unified Intercarrier Compensation Regime; Establishing Just and Reasonable Rates for Local Exchange Carriers; Connect America Fund; High-Cost Universal Service Support; A National Broadband Plan for Our Future*, CC Docket No. 01-92, WC Docket Nos. 07-135, 10-90, 05-337, GN Docket No. 09-51, Second Supplemental Protective Order, 27 FCC Rcd 1503 (WCB 2012) (Second Supplemental Protective Order).

[10] *Developing a Unified Intercarrier Compensation Regime; Establishing Just and Reasonable Rates for Local Exchange Carriers; Connect America Fund; High-Cost Universal Service Support; A National Broadband Plan for Our Future*, CC Docket No. 01-92, WC Docket Nos. 07-135, 10-90, 05-337, GN Docket No. 09-51, Third Protective Order, 27 FCC Rcd 10276 (WCB 2012) (Third Protective Order).

[11] *Third Supplemental Protective Order*.

"Competitive Decision Making" means that a person's activities, association, or relationship with his or her employer or any of his or her clients involving advice about or participation in the relevant business decisions or the analysis underlying the relevant business decisions of the employer or client in competition with or in a business relationship with CostQuest.

"CACM" means the Connect America Cost Model, a proprietary software application owned by CostQuest.

"Licensed Materials" means, and includes any derivative works of: (i) the CACM and CACM documentation, (ii) the output of the CACM which includes only screen shots, CACM Reports, CACM Solution Sets, CACM derived data provided by CostQuest to USAC, and downloads available directly from the CACM website ("CACM Output"), (iii) proprietary CACM inputs, data and databases (iv) network topologies provided as inputs to CACM, and (v) related drawings, designs, object code, applications, analytic tools, data provided by CostQuest that is not otherwise publicly available and that CostQuest has kept strictly confidential, defined processes and approaches, and concepts, created or generated by CostQuest at any time before, during, and under this protective order.

"Licensee" means a person who has obtained access to Licensed Materials pursuant to the Licensing Agreement.

"Licensing Agreement" means the Licensing Agreement attached as Appendix B hereto.

"Reviewing Party" means a person who has obtained access to any Licensed Materials pursuant to this Fourth Protective Order.

"User Materials" means subsections (i) through (iii), (v) and (vii) of the definition of Licensed Materials.

6. *Persons Eligible To Obtain Access to Licensed Materials*. Access to Licensed Materials is limited to persons not engaged in Competitive Decision Making.

7. *Procedures for Obtaining Access*. Any person seeking access to any Licensed Materials shall sign and date the Acknowledgment (Appendix A) agreeing to be bound by the terms and conditions of the Fourth Protective Order, and file it with the Commission in ECFS in the above-referenced docket. In addition, any person seeking access to the User Materials shall sign and date the Licensing Agreement (Appendix B). Any person seeking access to any Licensed Materials shall serve a copy of all relevant, fully executed documents to CostQuest through its Counsel of Record so that they are received at least five business days prior to such person's reviewing or having access to Licensed Materials,[12] except that, where the person seeking access is one described in the third sentence of paragraph 8, the executed documents shall be delivered promptly prior to the person's obtaining access. CostQuest shall have an opportunity to object to granting access to Licensed Materials to any such person. CostQuest must file any such objection at the Commission and serve it on counsel representing, retaining or employing such person (or on such person directly if counsel is not indicated) within three business days after receiving copies of that person's executed documents (or where the person seeking access is one described in the third sentence of paragraph 9, file and serve such objection as promptly as practicable after receipt of the

[12] Service by electronic mail is acceptable and can be sent to CostQuest's Counsel of Record at compliance@costquest.com

relevant executed documents). Until any such objection is resolved by the Commission and, if appropriate, by any court of competent jurisdiction, and unless such objection is resolved in favor of the person seeking access, a person subject to an objection from CostQuest shall not have access to Licensed Materials. Unless CostQuest has filed an objection to granting access to Licensed Materials to a person seeking such access, and that objection remains pending at the Commission, CostQuest shall execute the Licensing Agreement on or before the fourth business day after receiving the Licensing Agreement (or where the person seeking access is one described in the third sentence of paragraph 9, as promptly as practicable after receipt of the relevant Acknowledgment and Licensing Agreement) and return a copy of the executed Licensing Agreement to the Reviewing Party.

8. *Use of Licensed Materials*. A Reviewing Party shall use the Licensed Materials solely for the preparation for and conduct of this proceeding before the Commission and any concurrent related or subsequent related administrative or judicial proceedings and, except as provided herein, shall not use such Licensed Materials for any other purpose, including without limitation business, educational, research, governmental, or commercial purposes, or in any other administrative, regulatory or judicial proceedings. A Reviewing Party also shall not disassemble, decompile, reverse engineer, or otherwise recreate the Licensed Materials, or allow any other person to do so.

9. *Permissible Disclosure*. A Reviewing Party with access to the Licensed Materials may discuss and share those materials with another Reviewing Party and with USAC and the Commission and their respective staffs. CostQuest's Licensed Materials may also be disclosed to employees and counsel of CostQuest. Subject to the requirements of paragraph 7, a Reviewing Party may disclose Licensed Materials to (1) paralegals or other employees of such Reviewing Party assisting him in this proceeding; and (2) employees of third-party contractors involved solely in one or more aspects of organizing, filing, coding, converting, storing, or retrieving documents or data or designing programs for handling data connected with this proceeding, or performing other clerical or ministerial functions with regard to materials connected with this proceeding. A Reviewing Party may disclose, without restriction, any information that properly has been made publicly available by the FCC or USAC.

10. *Filings with the Commission*. A Reviewing Party or CostQuest may in any document that it files in this proceeding disclose Licensed Materials only if it complies with the following procedure. The party shall submit to the Secretary's Office one copy of the filing containing Licensed Materials (the "Highly Confidential Filing"), two copies of the filing in redacted form, *i.e.*, containing no Licensed Materials (the "Redacted Highly Confidential Filing"), and an accompanying cover letter. The cover or first page of the Highly Confidential Filing, and each page of the Highly Confidential Filing that contains or discloses Licensed Materials subject to this order must be clearly marked: "CONFIDENTIAL INFORMATION – SUBJECT TO FOURTH PROTECTIVE ORDER IN WC DOCKET NO. 10-90 BEFORE THE FEDERAL COMMUNICATIONS COMMISSION." The cover letter shall also contain this legend. The Highly Confidential Filing shall be made under seal, and will not be placed in the Commission's public file. The two copies of the Redacted Highly Confidential Filing and the accompanying cover letter shall be stamped "REDACTED – FOR PUBLIC INSPECTION." The cover letter accompanying the Redacted Highly Confidential Filing shall state that the party is filing a redacted version of the filing. Each Redacted Highly Confidential Filing shall have the same pagination as the Highly Confidential Filing from which it is derived. To the extent that any page of the Highly Confidential Filing contains both Licensed Materials and non-protected materials, only the Licensed Materials may be redacted and the page of the unredacted Highly Confidential Filing shall clearly distinguish the Licensed Materials from the non-protected Materials. Two copies of each Highly Confidential Filing and the accompanying cover letter must be delivered, as directed by Commission staff, to Nathan Eagan, Telecommunications Access Policy Division, Wireline Competition Bureau, Federal Communications Commission, 45 L Street, N.E., Washington, D.C. 20554, or

nathan.eagan@fcc.gov and one copy must be served on CostQuest's counsel of record, at compliance@costquest.com. Parties should not provide courtesy copies of pleadings containing Licensed Materials to Commission staff unless the Bureau so requests, and any such courtesy copies shall be submitted under seal.

11. *Non-Disclosure of Licensed Materials*. Except with the prior written consent of CostQuest, or as provided under this Fourth Protective Order, Licensed Materials shall not be disclosed further.

12. *Protection of Licensed Materials.* A Reviewing Party shall have the obligation to ensure that access to Licensed Materials is strictly limited as prescribed in this Fourth Protective Order and that Licensed Materials are retained in a secure place of limited access. A Reviewing Party shall further have the obligation to ensure that Licensed Materials are used only as provided in this Fourth Protective Order.

13. *Requests for Additional Disclosure*. If any person requests disclosure of Licensed Materials outside the terms of this Fourth Protective Order, requests will be treated in accordance with Sections 0.442 or 0.461 of the Commission's rules. In the event of such a request, CostQuest will be deemed to have submitted a request that the Licensed Materials not be made routinely available for public inspection under the Commission's rules.[13]

14. *Client Consultation*. Nothing in this Fourth Protective Order shall prevent or otherwise restrict Reviewing Parties from rendering advice to their employers and clients relating to the conduct of this proceeding and any concurrent related or subsequent related administrative or judicial proceedings and, in the course thereof, relying generally on examination of Licensed Materials; provided, however, that in rendering such advice and otherwise communicating with such employer or client, Reviewing Parties shall not disclose Licensed Materials to anyone who is not a Reviewing Party entitled to access to the portion of the Licensed Materials that is disclosed to such Reviewing Party.

15. *No Waiver of Confidentiality*. Disclosure of Licensed Materials as provided herein by any person shall not be deemed a waiver by CostQuest of any privilege, trade secret claim or entitlement to confidential treatment of such Licensed Materials. Reviewing Parties, by accessing Licensed Materials, agree: (1) not to assert any such waiver; (2) not to use Licensed Materials to seek disclosure in any other proceeding; and (3) that accidental disclosure of Licensed Materials by CostQuest shall not be deemed a waiver of any privilege, trade secret claim or entitlement as long as CostQuest takes prompt remedial action.

16. *Subpoena by Courts, Departments, or Agencies*. If a court or a federal or state department or agency issues a subpoena for or orders the production of Licensed Materials that a party has obtained under terms of this Fourth Protective Order, such party shall promptly notify CostQuest of the pendency of such subpoena or order. Consistent with the independent authority of any court, department or agency, such notification must be accomplished such that CostQuest has a full opportunity to oppose such production prior to the production or disclosure of any Licensed Materials.

17. *Violations of the Fourth Protective Order.* Should a Reviewing Party violate any of the terms of this Fourth Protective Order, such Reviewing Party shall immediately convey that fact to the Commission and to CostQuest. Further, should such violation consist of improper access to or disclosure of Licensed Materials, the violating person shall take all necessary steps to remedy the improper access or disclosure. The Commission retains its full authority to fashion appropriate sanctions for violations of this Fourth Protective Order, including but not limited to suspension or disbarment from practice before

[13] *See* 47 C.F.R. § 0.459(a), 0.459(a)(3).

the Commission, forfeitures, cease and desist orders, and denial of further access to Licensed Materials in this or any other Commission proceeding. Nothing in this Fourth Protective Order shall limit any other rights and remedies available to CostQuest at law or in equity against any person using Licensed Materials in a manner not authorized by this Fourth Protective Order.

18. *Termination of Proceeding*. The provisions of this Fourth Protective Order shall not terminate at the conclusion of this proceeding and any concurrent related or subsequent related administrative or judicial proceedings. Within two weeks after conclusion of this proceeding and any concurrent related or subsequent related administrative or judicial proceedings, Reviewing Parties shall destroy or return to CostQuest Licensed Materials and all copies of the same. No material whatsoever derived from Licensed Materials may be retained by any person having access thereto, except parties may retain, under the continuing strictures of this Fourth Protective Order, two copies of pleadings (one of which may be in electronic format) prepared in whole or in part by that party that contain Licensed Materials, and one copy of orders issued by the Commission or Bureau that contain Licensed Materials. In addition, a Reviewing Party may retain any information that properly has been made publicly available by the FCC or USAC.

19. All Reviewing Parties shall certify compliance with these terms and shall deliver the same to counsel for CostQuest not more than three weeks after conclusion of this proceeding. The provisions of this paragraph regarding retention of Licensed Materials and copies of the same shall not be construed to apply to the Commission or its staff.

20. *Authority*. This Order is issued pursuant to sections 4(i), 4(j), and 403 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j) and 403, Section 4 of the Freedom of Information Act, 5 U.S.C. § 552(b)(4), and authority delegated under sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91 and 0.291, and is effective upon its adoption.

FEDERAL COMMUNICATIONS COMMISSION

Joseph S. Calascione
Chief, Wireline Competition Bureau

APPENDIX A

Acknowledgement of Confidentiality—WC Docket No. 10-90 and Concurrent Related or Subsequent Related Administrative or Judicial Proceedings

I hereby acknowledge that I have received and read a copy of the foregoing Fourth Protective Order in the above-captioned proceeding. If I am seeking access to the User Materials, I also acknowledge that I have received and read a copy of the attached Restricted CACM License (the "Licensing Agreement"), and I understand it

I agree that I am bound by the Fourth Protective Order and by the Licensing Agreement and that I shall not disclose or use Licensed Materials except as allowed by the Fourth Protective Order and the Licensing Agreement.

I acknowledge that a violation of the Fourth Protective Order is a violation of an order of the Federal Communications Commission.

I acknowledge specifically that my access to any information obtained as a result of the Fourth Protective Order and the Licensing Agreement is due solely to my capacity as a party or representative of a party to this proceeding or as a person described in paragraph 10 of the Fourth Protective Order and agree that I shall not use such information in any other capacity.

I acknowledge that it is my obligation to ensure that Licensed Materials are not accessed or used except as specifically permitted by the terms of the Fourth Protective Order and the Licensing Agreement.

I certify that I have verified that there are procedures in place at my firm or office to prevent unauthorized access to or disclosure of Licensed Materials.

Capitalized terms used herein and not otherwise defined shall have the meanings ascribed to them in the Fourth Protective Order.

I hereby request access to the User Materials: ____ Yes ____ No

Executed this ___ day of _____, ____.

_____
[Name] and [Position]
[Address]
[Telephone]
[E-mail address]

APPENDIX B

CostQuest Associates, LLC Restricted CACM License Limited To Use Solely for Review and Evaluation for Purposes of the FCC Proceeding in WC Docket No. 10-90 and Concurrent Related or Subsequent Related Administrative or Judicial Proceedings

THIS LIMITED LICENSE ("Licensing Agreement") is accepted and made effective as of the ___ day of _____, 20__ ("Effective Date"), between CostQuest Associates, LLC ("CostQuest") and _____ ("Licensee") with respect to, and including any derivative works of: (i) CostQuest's proprietary software application (the Connect America Fund Phase II forward-looking model or the "Connect America Cost Model" or "CACM"), (ii) the output of the CACM which includes only screen shots, CACM Reports, CACM Solution Sets, CACM audit reports, CACM derived data provided by Contractor to Company, and downloads available directly from the CACM website ("CACM Output"), (iii) proprietary CACM inputs, data and databases, (iv) network topologies provided as inputs to the CACM, and shall also include related drawings, designs, object code, applications, analytic tools, data provided by CostQuest that is not otherwise publicly available and that CostQuest has kept strictly confidential, defined processes and approaches, and concepts, created or generated by CostQuest at any time before, during, and under this protective order (collectively, the "User Materials"). Licensee and CostQuest will be referred to collectively as the "Parties."

CostQuest hereby grants to Licensee, and Licensee hereby accepts, a non-exclusive, non-transferable, limited license to use the User Materials, whether in form of the on-line or system evaluator versions, without fees, charges, or costs to the Licensee of any kind. Licensees will be provided with a minimum of 50 GB of storage capacity for Licensee CACM solution sets at no charge (for additional storage, a fee of $55 per 10 GBs may be assessed). Licensee shall make use of the User Materials under the following terms and restrictions:

1. License Grants and Restrictions

    1.1. Licensee shall utilize the User Materials only for review and evaluation for purposes of providing comments and other filings to the Federal Communication Commission ("FCC") in WC Docket No. 10-90, and in concurrent related or subsequent related administrative or judicial proceedings (the "Project").

    1.2. Licensee shall not transfer, sell, rent, disclose, make available or otherwise communicate, resell, sublicense or use the User Materials for any other purpose or in any other manner.

    1.3. Licensee shall make copies only of the licensed CACM Output as required for the Project as described in section 1.1 above. On any copy of the CACM Output that Licensee is permitted to make or distribute, Licensee shall reproduce all copyright notices and any other proprietary legends of CostQuest as they appear.

    1.4. Licensee shall not make any copies, distribute, sublicense, transfer, sell, rent, disclose, or make available any User Materials provided under this Licensing Agreement except consistent with the Fourth Protective Order.

    1.5. Licensee shall at all times maintain the confidentiality of the User Materials, handling the User Materials in compliance with the Fourth Protective Order. In the event that any portion of the User Materials should come into the possession of unauthorized third parties as a result of a breach by Licensee of this Licensing Agreement, Licensee shall, at its expense and without

limiting any other rights available to CostQuest, immediately notify CostQuest and use all commercially reasonable efforts to retrieve such materials and shall reimburse CostQuest for all reasonable expenses incurred by CostQuest in attempting to retrieve such materials.

1.6. Licensee shall not, and shall not permit any third party to, disassemble, decompile, reverse engineer, or otherwise recreate the User Materials.

1.7. In accessing or using the User Materials, Licensee shall not, by any action or inaction, violate laws or regulations promulgated by any governmental or quasi-governmental authorities that are binding upon it and shall take all reasonable steps to assist CostQuest or any other participant in the Project, or their affiliates, to avoid any violations of any such laws or regulations that are binding upon them.

1.8. Upon reasonable notice to Licensee, and at CostQuest's sole expense, CostQuest's auditors shall have the right to inspect Licensee's records relating to the Project as necessary for CostQuest to verify Licensee's compliance with the terms of this Licensing Agreement. Audits shall be conducted at Licensee's premises during normal business hours and in a manner that does not unreasonably interfere with Licensee's operations.

1.9. If Licensee sells, makes available to a third party, or otherwise disposes of Licensee-owned media on which the User Materials are or were resident, that media must be erased and scrubbed of the User Materials before such sale or disposal.

1.10. The Universal Service Administrative Company ("USAC") in consultation with the FCC, may limit or may allow CostQuest to limit the number of downloads of each type of CACM audit report by Licensee and other licensees each day where necessary to manage server resources (including bandwidth) and to preserve the integrity and/or proprietary nature of the data provided.

1.11. The foregoing does not preclude Licensee from disclosing any information made publicly available by the FCC or USAC.

2. Disclaimer of Warranties

2.1. LICENSEE ACKNOWLEDGES AND AGREES THAT (A) COSTQUEST HAS NOT MADE ANY EXPRESS OR IMPLIED WARRANTIES TO LICENSEE REGARDING THE USER MATERIALS AND (B) THE USER MATERIALS ARE BEING PROVIDED TO LICENSEE "AS IS," WITHOUT WARRANTIES OF ANY KIND. COSTQUEST DOES NOT WARRANT THAT THE USER MATERIALS ARE FREE FROM DEFECTS. COSTQUEST EXPRESSLY EXCLUDES AND DISCLAIMS ANY IMPLIED WARRANTY OF FITNESS FOR A PARTICULAR PURPOSE, MERCHANTABILITY OR NON-INFRINGEMENT OF THIRD PARTY RIGHTS.

3. Term and Termination

3.1. This Licensing Agreement shall terminate automatically upon the termination of the FCC proceeding in WC Docket No. 10-90 and concurrent related or subsequent related administrative or judicial proceedings.

3.2. Notwithstanding section 3.1, if Licensee agrees that Licensee does not continue to require any User Materials, CostQuest may terminate this Licensing Agreement.

3.3. If CostQuest believes that Licensee is in violation of the Fourth Protective Order or this Licensing Agreement, CostQuest shall so notify the FCC. If the FCC determines that Licensee is in violation of the Fourth Protective Order or this Licensing Agreement and so orders, CostQuest may terminate this Licensing Agreement.

4. Limitation of Liability

4.1. IN NO EVENT SHALL COSTQUEST HAVE ANY LIABILITY FOR DAMAGES SUSTAINED BY LICENSEE IN CONNECTION WITH THIS LICENSING AGREEMENT, THE PROJECT OR THE POSSESSION OR USE OF USER MATERIALS, INCLUDING, WITHOUT LIMITATION, ANY LOST REVENUES OR PROFITS, OR ANY INDIRECT, CONSEQUENTIAL, EXEMPLARY OR PUNITIVE DAMAGES, EVEN IF COSTQUEST HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES.

5. Ownership of Intellectual Property

5.1. Licensee acknowledges that the User Materials, including without limitation all output and derivatives of, as well as all modifications and customizations to the User Materials, are proprietary to CostQuest and that CostQuest retains exclusive ownership of all such User Materials and all proprietary rights associated therewith. Licensee shall, at the direction of CostQuest, take all commercially reasonable measures to protect CostQuest's rights in the User Materials. Nothing in this Section 5.1 limits Licensee's ability to use outputs and descriptions of the User Materials in accordance with the terms of this Licensing Agreement in the above-captioned proceeding and concurrent related or subsequent related administrative and judicial proceedings.

5.2. Except as expressly provided herein, Licensee is not granted any other rights or license to patents, copyrights, trade secrets, data or trademarks with respect to User Materials. Licensee shall promptly notify CostQuest in writing upon its discovery of any unauthorized use or infringement of the User Materials.

6. Additional Terms

6.1. Compliance with FCC Requirements and Other Laws. This Licensing Agreement is expressly made subject to any United States government laws, regulations, orders or other restrictions regarding the Project or use of software, data, output or products thereof. Notwithstanding anything to the contrary in this Licensing Agreement, Licensee shall not directly or indirectly export, or permit the transfer of, any software, data, output or products (a) to any country or destination for which the United States government or a United States governmental agency requires an export license or other approval for export without first having obtained such license or other approval; or (b) otherwise contrary to United States law, including, without limitation, FCC rules, policies and regulations.

6.2. No Waivers. No delay or omission by either party to exercise any right or power accruing upon any noncompliance or default by the other party with respect to any of the terms of this Licensing Agreement shall impair any such right or power or be construed to be a waiver thereof. A waiver by either party of any breach of the covenants, conditions or agreements to be

performed or honored by the other party shall not be construed to be a waiver of any later breach thereof or of any other covenant, condition or agreement herein contained.

6.3. Assignments. This Licensing Agreement is binding upon and inures to the benefit of the Parties hereto and their respective successors and assigns. Licensee shall not assign this Licensing Agreement or transfer any rights granted hereunder, in whole or in part, without obtaining the prior written consent of CostQuest, and any attempted assignment or transfer in violation of this provision is void.

6.4. Severability and Survival of Obligations. If any provision of this Licensing Agreement is held invalid or unenforceable, the remainder of this Licensing Agreement shall not be affected thereby, and each remaining provision of this Licensing Agreement shall be valid and enforceable to the extent permitted by law. Sections 1, 2, 4, 5, and 6 shall survive any expiration or termination of this Licensing Agreement.

6.5. Nothing in this Licensing Agreement gives anyone, other than the Parties, any rights or remedies under this Licensing Agreement.

6.6. This Licensing Agreement may be executed in counterparts, and each (whether an original or facsimile) is considered an original and all constitute one and the same instrument.

6.7. Governing Law. This Licensing Agreement shall be governed by and construed in accordance with Federal law.

6.8. Entire Agreement. This Licensing Agreement and the Fourth Protective Order constitute the Parties' entire understanding with regard to the matters herein, and there are no other understandings, either written or unwritten, with regard to such matters. Any terms on either Party's web site, product schedule, or contained in any "shrinkwrap" or "clickwrap" agreement shall not have force or effect if the provision conflicts with the terms of this Licensing Agreement. The Licensing Agreement may not be modified, amended, canceled or waived, in whole or in part, except by a written instrument signed by the Parties hereto.

IN WITNESS WHEREOF, the Parties have executed this Licensing Agreement by their duly authorized representatives effective as of the date first set forth above.

COSTQUEST:

CostQuest Associates, LLC

By: _____
James Stegeman, President

LICENSEE:

_____
[name]

_____
[position]

_____
[company]

_____
[address]

_____
[telephone]

_____
[email address]

_____
[fax]

PUBLIC NOTICE

Federal Communications Commission
45 L St., N.E.
Washington, D.C. 20554

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

DA 26-8
Released: January 2, 2026

NOTICE OF INTERCONNECTED VOIP NUMBERING AUTHORIZATIONS GRANTED

WC Docket No. 25-118

The Wireline Competition Bureau has granted the applications listed in this notice pursuant to the Commission's streamlined procedures for interconnected VoIP numbering authorization applications.[1]

Interconnected VoIP Numbering Authorization Application filed by DayStarr, LLC Pursuant to Section 52.15(g)(3) of the Commission's Rules, WC Docket No. 25-118 (filed June 27, 2025), Public Notice, DA 25-1001 (WCB December 2, 2025).

Effective Grant Date: January 2, 2026

Please contact DAA@fcc.gov, Margoux Newman at Margoux.Newman@fcc.gov, or Jordan Reth at Jordan.Reth@fcc.gov for further information.

-FCC-

[1] *See* 47 CFR § 52.15(g)(3).

PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, DC 20554

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

DA 26-9
Released: January 5, 2026

WIRELINE COMPETITION BUREAU SEEKS COMMENT ON A PETITION FOR PREEMPTION AND DECLARATORY RULING FILED PURSUANT TO SECTION 253 OF THE COMMUNICATIONS ACT

WC Docket No. 26-1

Comments Due: February 4, 2026
Reply Comments Due: March 6, 2026

The Wireline Competition Bureau seeks comment on a petition for preemption and declaratory ruling filed by Gigapower, LLC (Gigapower)[1] pursuant to section 253(d) of the Communications Act (Act).[2] The Petition states that Gigapower is deploying a fiber network to the City of Rock Hill, South Carolina (the City),[3] and has entered into both a franchise agreement with the City that "grants to Gigapower a non-exclusive franchise to construct, maintain, and operate its telecommunications lines in the City's public rights-of-way to provide telecommunications services"[4] and a pole attachment agreement that allows Gigapower to submit applications to attach fiber telecommunication lines to City-owned poles.[5] The Petition asserts that Gigapower has submitted pole attachment applications to the City pursuant to these agreements, and that the City has responded by redlining the applications to impose requirements that effectively prohibit Gigapower from providing telecommunications services in violation of section 253(a).[6] Specifically, the Petition states that the City has interpreted a prior agreement that it entered with Comporium, LLC (Comporium) to provide Comporium with superior and exclusive attachment rights to all City-owned poles,[7] and that the City has further interpreted the agreement to mean that Comporium "occupies the entire available space [on City-owned poles] irrespective of the amount of space that Comporium requested or to which Comporium's lines are in fact attached."[8] The Petition states that, pursuant to these interpretations, the City is requiring Gigapower to rearrange attachments to City-owned poles or to replace poles to obtain access, despite the existence of adequate available space on

[1] *Petition of Gigapower, LLC for Preemption and Declaratory Judgment Ruling Pursuant to Section 253(d) of the Communications Act of 1934* (filed December 22, 2025), https://www.fcc.gov/ecfs/search/search-filings/filing/122248074928 (Petition).

[2] 47 U.S.C. § 253(d); *see also* 47 CFR § 1.2(b).

[3] Petition at 3-4. Gigapower states that it "will offer a point-to-point telecommunications service for high-speed data transport and a wholesale broadband transmission service to internet service providers." *Id*.

[4] *Id*. at 4.

[5] *Id*.

[6] *Id*. at 5-6, 8-10, 12-14; 47 U.S.C. § 253(a).

[7] *Id*. at 1, 6-8, 14.

[8] Petition at 7.

the poles,[9] and that these requirements will result in excess costs that prevent "Gigapower from economically deploying its facilities and, thus, effectively prohibit[] Gigapower from providing telecommunications services in the City."[10] The Petition also asserts that "[t]he City's actions . . . are tantamount to a de facto moratorium that the Commission should preempt."[11]

Interested parties may file comments or oppositions to the Petition on or before **February 4, 2026** and reply comments on or before **March 6, 2026**. All filings addressing the Petition must reference WC Docket No. 26-1. All comments or oppositions must be addressed to the Secretary, Office of the Secretary, Federal Communications Commission.

- *Electronic Filers*: Comments and oppositions may be filed electronically using the Internet by accessing the Commission's Electronic Comment Filing System (ECFS): www.fcc.gov/ecfs.[12]
- *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.
    - 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.

Ex Parte Rules. The proceeding this Notice initiates shall be treated as "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.[13] 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

[9] *Id*. at 5-6, 8-9.

[10] *Id*.at 9-10.

[11] *Id*. at 13.

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

[13] 47 CFR § 1.1200 *et seq*.

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 these proceedings should familiarize themselves with the Commission's *ex parte* rules.

For further information, please contact Elizabeth Drogula, Competition Policy Division, Wireline Competition Bureau, at (202) 418-1591 or via e-mail at Elizabeth.Drogula@fcc.gov.

- FCC -

PUBLIC NOTICE

Federal Communications Commission
45 L Street N.E.
Washington, DC 20554

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

DA 26-10
Released: January 6, 2026

WIRELINE COMPETITION BUREAU SEEKS COMMENT ON THE NATIONAL EXCHANGE CARRIER ASSOCIATION, INC.'S PROPOSED MODIFICATION OF AVERAGE SCHEDULE FORMULAS

WC Docket No. 25-339

Comment Date: February 5, 2026

Reply Comment Date: February 20, 2026

By this Public Notice, the Wireline Competition Bureau (Bureau) seeks comment from interested parties on the proposed modification of average schedule formulas that the National Exchange Carrier Association, Inc. (NECA) filed on December 23, 2025.[1] Pursuant to section 69.606 of the Commission's rules, NECA proposes to revise the formulas for average schedule interstate settlement disbursements in connection with the provision of interstate access services for the one-year period beginning July 1, 2026, through June 30, 2027.[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 above. All filings must refer to **WC Docket No. 25-339**.[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.
    - Commercial courier deliveries (any deliveries not by the U.S. Postal Service) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.

[1] Letter from Robert J. Deegan, Director-Government Relations, NECA, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 25-339, Attach., NECA 2026 Modification of Average Schedules (filed Dec. 23, 2025).

[2] *See id*.; 47 CFR § 69.606(b).

[3] All filings relating to this Public Notice should refer only to the dockets listed here.

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

- 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.

Ex Parte Rules. The proceeding is considered a "permit-but-disclose" proceeding in accordance with 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 Christopher Koves, Wireline Competition Bureau, Pricing Policy Division, at (202) 418-1520 or via email at Christopher.Koves@fcc.gov.

- FCC -

[5] 47 CFR §§ 1.1200 *et seq*.

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

In the Matter of	)
	)
Amendment of Section 73.202(b)	)
FM Table of Allotments,	)
FM Broadcast Stations.	)
(Various Locations)	)

ORDER

Adopted: January 5, 2026 **Released: January 6, 2026**

By the Assistant Chief, Audio Division, Media Bureau:

1. This *Order* amends the Table of FM Allotments ("FM Table")[1] to remove certain vacant FM allotments that were auctioned in FM Broadcast Auction 109. The attached Appendix shows the FM Table, as amended, for those communities.

2. The FM allotments listed in the Appendix are currently authorized licensed stations. FM assignments for authorized stations and reserved facilities will be reflected solely in the Media Bureau's Licensing Management System (LMS).[2]

3. These FM allotment channels have previously undergone notice and comment rulemaking. This action constitutes an editorial change in the Table of FM Allotments. Therefore, public notice and comment proceedings are unnecessary.[3]

4. The Commission will not send a copy of this *Order* pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A), because the adopted rules are rules of particular applicability.

5. **Ordering Clauses**. Accordingly, pursuant to the authority found in 47 U.S.C. sections 4(i), 5(c)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 155(c)(1), 303(g), (r), and 307(b) and sections 0.61, 0.204(b), and 0.283 of the Rules, 47 CFR §§ 0.61, 0.204(b), and 0.283, IT IS ORDERED, That effective, upon publication in the Federal Register, the Table of FM Allotments, 47 CFR § 73.202(b), IS AMENDED, in accordance with the changes set forth in the Appendix to this *Order*.

[1] 47 C.F.R. § 73.202(b).

[2] *See Revision of Procedures Governing Amendments To FM Table of Allotments and Changes of Community of License in the Radio Broadcast Services,* Report and Order, 21 FCC Rcd 14212, 14221 ¶ 15 (2006)(stating that it is unnecessary for "occupied" allotments (that is, those that are licensed, permitted, or reserved) to be listed in the Table of Allotments … "we shall amend the Table of Allotments to reflect only vacant allotments that do not correspond to an authorized station or reserved assignment.")

[3] *See* 5 U.S.C. § 553(b)(B) (stating that agency may forego notice and comment procedures if it provides a brief statement of reasons showing that such procedures are unnecessary).

6. For further information regarding a proceeding listed above, contact Rolanda F. Smith (202) 418-2054.

FEDERAL COMMUNICATIONS COMMISSION

Nazifa Sawez
Assistant Chief
Audio Division
Media Bureau

Appendix

APPENDIX

Community	Channel(s) Deleted
Maplesville, Alabama	292A
Overgaard, Arizona	234C1
Sells, Arizona	285A
Lake Isabella, Michigan	255A
Bruce, Mississippi	233A
Caliente, Nevada	264A
Coupeville, Washington	266A
Medicine Bow, Wyoming	259C3

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

In the Matter of	)	
	)	
Rules and Regulations Implementing the	)	CG Docket No. 02-278
Telephone Consumer Protection Act of 1991	)	

ORDER

Adopted: January 6, 2026 **Released: January 6, 2026**

By the Chief, Consumer and Governmental Affairs Bureau:

I. INTRODUCTION

1. In this Order, we extend the waiver of section 64.1200(a)(10) of the Commission's rules to the extent the rule requires callers to treat a request to revoke consent made by a called party in response to one type of informational message as applicable to all future robocalls and robotexts from that caller on unrelated matters.[1] Specifically, we find that good cause exists to extend the effective date for this requirement until January 31, 2027, to allow sufficient time to review the record compiled in response to a recent Further Notice of Proposed Rulemaking and to avoid imposing potentially unnecessary compliance costs on affected parties.[2]

II. BACKGROUND

2. *TCPA Consent Order*. On February 16, 2024, the Commission released the *TCPA Consent Order* adopting various rules governing, and issuing clarifications relating to, the ability of consumers to revoke consent to receive unwanted robocalls and robotexts.[3] In so doing, the Commission adopted section 64.1200(a)(10) of the rules, which requires in relevant part that "[i]f a called party uses any [reasonable] method to revoke consent, that consent is considered definitively revoked and the caller may not send additional robocalls and robotexts."[4]

3. The Commission also clarified that for those robocalls for which consent is required under the TCPA "[o]nce that consent is revoked, the caller may no longer make robocalls or send

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[1] *See Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, CG Docket No. 02-278, Order, 40 FCC Rcd 2395 (CGB 2025) (granting a waiver delaying the effective date of this requirement until April 11, 2026) (*2025 Waiver Order*). For purposes of this Order, the terms "robocall" and "robotext" mean any call or text made using an autodialer or any call that contains an artificial or prerecorded voice message.

[2] *See Advanced Methods to Target and Eliminate Unlawful Robocalls, Call Authentication Trust Anchor, Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, Ninth Further Notice of Proposed Rulemaking in CG Docket No. 17-59, Seventh Further Notice of Proposed Rulemaking in WC Docket No. 17-97, Further Notice of Proposed Rulemaking in CG Docket No. 02-278, FCC 25-76 at paras. 101-04 (2025) (*2025 TCPA FNPRM*).

[3] *See Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, CG Docket No. 02-278, Report and Order and Further Notice of Proposed Rulemaking, 39 FCC Rcd 1988 (2024) (*TCPA Consent Order*). The Telephone Consumer Protection Act (TCPA) generally requires any person making robocalls or sending robotexts to obtain the recipient's prior express consent absent an emergency purpose or an applicable exemption. *See* 47 U.S.C. § 227(b).

[4] *See* 47 CFR § 64.1200(a)(10).

robotexts to a called party absent an exemption to the consent obligation."[5] On October 11, 2024, the Commission published in the Federal Register an announcement that the effective date of the amendments and new rules set forth in the *TCPA Consent Order*, including those contained in 47 CFR § 64.1200(a)(10), would be April 11, 2025.[6]

4. *2025 Waiver Order*. On April 7, 2025, the Commission granted a waiver delaying the effective date of section 64.1200(a)(10) until April 11, 2026.[7] The Commission did so after several associations of banks and financial institutions filed a request asking the Commission to "waive the revocation rules established by the Order for a period of one year, to April 11, 2026."[8] These parties argued that there is good cause under section 1.3 of the Commission's rules to waive the effective date of the revocation rules for one year because financial institutions face numerous challenges modifying existing communications to process "a revocation sent in response to one business unit's call or text so that all business units cease placing calls or texts to the consumer."[9] The Commission found that good cause existed to allow affected parties a reasonable opportunity to implement modifications to process revocation requests in accordance with this rule.[10]

5. *TCPA Further Notice of Proposed Rulemaking*. On October 29, 2025, the Commission sought comment, among other issues, "on ways we can modify the requirement that a caller must treat an opt-out request made in response to one type of call to be an opt-out request for *all* types of calls or to modify it to give consumers greater control over their right to stop unwanted calls."[11] In so doing, the Commission delegated to the Consumer and Governmental Affairs Bureau (CGB) the authority to take action to extend the effective date should the need arise.[12] Several parties, including consumers groups and financial institutions, have requested that the Commission further extend the current effective date to allow an opportunity to revisit this issue.[13]

III. DISCUSSION

6. We find that good cause exists to extend the waiver of the effective date of section 64.1200(a)(10) of the Commission's rules to the extent that it requires callers to apply a request to revoke consent made in response to one type of message to all future robocalls and robotexts from that caller on

[5] *TCPA Consent Order*, 39 FCC Rcd at 1997, para. 29.

[6] *See* Federal Communications Commission, *Strengthening the Ability of Consumers to Stop Robocalls*, 89 Fed. Reg. 82518 (Oct. 11, 2024).

[7] *See 2025 Waiver Order*, 40 FCC Rcd at 2397, para. 8.

[8] Letter from American Bankers Association, ACA International, American Financial Services Association, America's Credit Unions, Mortgage Bankers Association, to Marlene H. Dortch, Secretary, FCC, at 1-2 (filed Mar. 12, 2025) (*ABA et al. Mar. 12 ex parte*); *see also* Letter from American Bankers Association, ACA International, American Financial Services Association, America's Credit Unions, Mortgage Bankers Association, to Marlene H. Dortch, Secretary, FCC, at 1 (filed Mar. 27, 2025) (*ABA et al. Mar. 27 ex parte*).

[9] *ABA et al. Mar. 12 ex parte* at 1.

[10] *See 2025 Waiver Order*, 40 FCC Rcd at 2395, para. 1.

[11] *See 2025 TCPA FNPRM* at para. 101 (emphasis in the original).

[12] *Id.* at n.123.

[13] *See* Letter from Jonathan Thessin, Vice President and Senior Counsel, American Bankers Association, and Patrick Crotty, Senior Attorney, National Consumer Law Center, to Brendan Carr, Chairman, FCC, CG Docket No. 02-278 (filed Sept. 18, 2025) (*ABA/NCLC ex parte*); Letter from Brett Heather Freedson, Counsel to American Electric Power Company, Inc., Dominion Energy Inc., and Xcel Energy Services, Inc., to Marlene Dorch, Secretary, FCC, CG Docket No. 02-278 (filed Oct. 21, 2025) (*Electric Utilities ex parte*).

unrelated matters. For the reasons discussed below, we extend the effective date of any such requirement until January 31, 2027.

7. The Commission's rules may be waived for good cause shown.[14] The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest.[15] In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.[16] Waiver of the Commission's rules is therefore appropriate if special circumstances warrant a deviation from the general rule, and such a deviation will serve the public interest.[17]

8. As discussed above, the Commission recently initiated a rulemaking proceeding to "seek comment on ways we can modify the requirement that a caller must treat an opt-out request made in response to one type of call to be an opt-out request for all types of calls or to modify it to give consumers greater control over their right to stop unwanted calls."[18] Given the possibility the Commission may modify the existing requirement, we find that good cause exists and the public interest is served by extending the waiver. This extension will allow the Commission to fully assess the record compiled in response to this request for comment on this matter.[19] Multiple organizations have indicated that, absent a delay, they will face significant hardship and resource burdens to comply with the rule.[20] For example, several electric utilities report that they would need to invest "substantial funds, personnel resources, and time" to modify "communications systems and coordinate with third-party vendors."[21] A further extension of the rule's effective date until the Commission decides whether to change the rule will avoid premature and potentially unnecessary compliance efforts and costs.

9. As a result, we find that the public interest is served by providing a reasonable opportunity for the Commission to review these issues while relieving financial institutions and other businesses of the necessity to design and implement systems to comply with the rule. We, therefore, extend the effective date until January 31, 2027.

10. We emphasize that this waiver extends only to section 64.1200(a)(10) to the extent discussed herein and does not alter the status quo relating to any other prior Commission rules or rulings addressing revocation of consent.

IV. ORDERING CLAUSES

11. For the reasons stated above, **IT IS ORDERED**, pursuant to sections 1-4 and 227 of the Communications Act of 1934, as amended, 47 U.S.C. § 151-154 and 227, and sections 1.3 and 64.1200 of the Commission's rules, 47 CFR §§ 1.3, 64.1200, and the authority delegated in footnote 123 of the *2025 TCPA FNPRM* and sections. 0.141 and 0.361 of the Commission's rules, 47 CFR §§ 0.141, 0.361, that

[14] 47 C.F.R. § 1.3.

[15] *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

[16] *WAIT Radio v. FCC*, 418 F.2d 1153, 1157 (D.C. Cir. 1969).

[17] *WAIT Radio*, 418 F.2d at 1159; *Northeast Cellular*, 897 F.2d at 1166.

[18] *See 2025 TCPA FNPRM* at para. 101.

[19] *Id.* at paras. 101-04; *see also ABA/NCLC ex parte* at 2.

[20] *See ABA/NCLC ex parte* at 2; Letter from ACA International, American Bankers Association, America's Credit Unions, American Financial Services Association, Defense Credit Union Council, Bank Policy Institute, Mortgage Bankers Association, Student Loan Servicing Alliance, to Marlene H. Dortch, Secretary, FCC, at 1-2 (filed Oct. 20, 2025) (*ABA et al. Oct. 20 ex parte*).

[21] *See, e.g.*, *Electric Utilities ex parte* at 2; *see also ABA et al. Oct 20 ex parte* at 2 (noting that businesses must begin deploying resources very soon to comply with the current compliance date and these resources may be wasted if the Commission eliminates or modifies the rule).

this Order is hereby **ADOPTED**.

12. **IT IS FURTHER ORDERED** that the effective date of section 64.1200(a)(10) is extended to January 31, 2027 to the extent discussed herein.

13. **IT IS FURTHER ORDERED** that, pursuant to section 1.3 of the Commission's rules, 47 CFR § 1.3, this Order shall be effective upon release.

FEDERAL COMMUNICATIONS COMMISSION

Eduard Bartholme III
Chief
Consumer and Governmental Affairs Bureau

PUBLIC NOTICE

Federal Communications Commission
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Washington, DC 20554

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

DA 26-13
Released: January 6, 2026

WIRELINE COMPETITION BUREAU ANNOUNCES OFFICE OF MANAGEMENT AND BUDGET APPROVAL OF IPCS ALTERNATE PRICING PLAN REQUIREMENTS

WC Docket Nos. 23-62, 12-375

By this Public Notice, the Wireline Competition Bureau (WCB) announces that the Office of Management and Budget (OMB) has approved the revised information collection requirement associated with section 64.6140 of the Commission's rules[1] governing alternate pricing plans for incarcerated people's communications services (IPCS), which were adopted in the Commission's *2024 IPCS Order*.[2] Those requirements are now effective.

In the *2024 IPCS Order*, the Commission reformed its regulation of IPCS, and permitted IPCS providers to offer optional alternate pricing plans, subject to consumer protection, disclosure, recordkeeping, and other requirements designed to ensure IPCS rates and practices are just and reasonable and that consumers receive clear and accurate information regarding IPCS offerings.[3] The Commission submitted its revisions to the relevant information collection to OMB for review and approval under the Paperwork Reduction Act[4] and, on December 19, 2025, OMB approved the revised information collection.[5]

For further information, please contact Sara Rahmjoo, Pricing Policy Division, Wireline Competition Bureau, at (202) 418-0242 or via e-mail at Sara.Rahmjoo@fcc.gov.

-FCC-

[1] 47 CFR § 64.6140.

[2] *Incarcerated People's Communications Services; Implementation of the Martha Wright-Reed Act; Rates for Interstate Inmate Calling Services,* WC Docket Nos. 23-62 and 12-375, Report and Order, Order on Reconsideration, Clarification and Waiver, and Further Notice of Proposed Rulemaking, 39 FCC Rcd 7647, 7940-44, paras. 565-72 (2024) (*2024 IPCS Order*).

[3] *2024 IPCS Order*, 39 FCC Rcd at 7875, paras. 427-428.

[4] *2024 IPCS Order*, 39 FCC Rcd at 7944, para. 572 & n.2044; id. at 7968, para. 641 (directing WCB to conduct and submit any requisite Paperwork Reduction Act analysis for any changes to the annual report and certification requirements). This information collection, OMB Control No. 3060-1222, is titled "Incarcerated People's Communications Services (IPCS) Provider Annual Reporting, Certification, and Other Requirements, WC Docket Nos. 23-62, 12-375" and, among other things, sets out the requirements for the annual reports and certifications filed by IPCS providers.

[5] *See* Office of Management and Budget, Office of Information and Regulatory Affairs, Notice of Action, https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202511-3060-004 (last visited Jan. 5, 2026) (approving without change OMB Control No. 3060-1222).

PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, DC 20554

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

DA 26-14
Released: January 6, 2026

WIRELINE COMPETITION BUREAU REMINDS PRIORITY 1 RIP-AND-REPLACE PROGRAM RECIPIENTS OF THEIR MAY 8, 2026 REMOVAL, REPLACEMENT, AND DISPOSAL DEADLINE

WC Docket No. 18-89

The Wireline Competition Bureau (Bureau) reminds Priority 1 recipients[1] in the Secure and Trusted Communications Networks Reimbursement Program (Rip-and-Replace Program or Program) of their May 8, 2026 deadline to complete the permanent removal, replacement, and disposal of covered communications equipment and services in their networks.[2]

The Secure and Trusted Communications Networks Act of 2019 (Secure Networks Act) directed the Commission to establish the Rip-and-Replace Program.[3] The Program reimburses eligible providers for reasonable costs incurred in the removal, replacement, and disposal of communications equipment and services produced or provided by Huawei Technologies Company or ZTE Corporation.[4] Pursuant to the Secure Networks Act, recipients must complete their removal, replacement, and disposal (RRD) work "within one year of receiving the initial draw down disbursement from their funding allocation."[5] When the Bureau approved applications to participate in the Program in 2022, demand exceeded available funding, which resulted in recipients receiving 39.5% of their approved allocation amounts.[6] Between 2022 and 2024, Program recipients indicated that this funding shortfall was a significant impediment to their ability to timely complete their removal, replacement, and disposal projects.[7] In December 2024, Congress authorized additional funding to support the goal of removing, replacing, and disposing of the

[1] This designation, defined as advanced communications service providers with 2 million or fewer customers, applies to 85 of the 86 unique entities participating in the Secure and Trusted Communications Networks Reimbursement Program. *See* 47 CFR § 1.50004(f).

[2] *See* 47 CFR § 1.50004(h).

[3] Secure and Trusted Communications Act of 2019, Pub. L. No. 116-124, 134 Stat. 158 § 4 (2019) (codified as amended at 47 U.S.C. § 1608), as amended by Consolidated Appropriations Act, 2021, Pub. L. No. 116-260, § 901, 134 Stat. 1182 (2021) (Secure Networks Act).

[4] *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); *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).

[5] 47 CFR § 1.50004(h).

[6] *Wireline Competition Bureau Announces the Grant of Applications for the Secure and Trusted Communications Networks Reimbursement Program*, WC Docket No. 18-89, Public Notice, 37 FCC Rcd 8590, 8591-92 (WCB 2022).

[7] Wireline Competition Bureau, Secure and Trusted Communications Networks Reimbursement Program Fifth Report at 11 (Dec. 30, 2024), https://www.fcc.gov/document/supply-chain-reimbursement-program-fifth-report.

insecure equipment and services.[8]

On April 15, 2025, the Bureau announced that the Commission made a further allocation of funding to all active Priority 1 recipients.[9] On May 8, 2025, the Bureau issued to all active Priority 1 recipients the initial draw down disbursement from this funding allocation. This action established a new deadline of May 8, 2026 for these recipients to complete the work to permanently remove, replace, and dispose of the covered communications equipment and services listed in their application to the Program.

More than three years have elapsed since July 2022, when the Bureau approved the applications of Priority 1 recipients to participate in the Program,[10] and they should be fully prepared to meet the RRD deadline of May 8, 2026. The Bureau is encouraged by the progress many recipients have made since the Commission allocated further funding. Several recipients have filed final certifications indicating they have completed their RRD work, and a number of those have also completed the close-out process to conclude their participation in the Program. The Bureau previously told recipients of its expectation that, with the additional funding allocated in 2025, recipients should move swiftly to complete their RRD work by the deadline set under the Commission's rules.[11] The Bureau therefore continues to expect all Priority 1 recipients to conclude their work by the May 8, 2026 deadline. Recipients must file an FCC Form 5640 Part M – Final Certification within 10 days after their RRD deadline expires.[12] After filing their Final Certification and a final spending report, Recipients must work with the Fund Administrator to initiate and complete the close-out process.[13]

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 Program are available on the Rip-and-Replace Program webpage, https://www.fcc.gov/supplychain/reimbursement.

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[8] Servicemember Quality of Life Improvement and National Defense Authorization Act for Fiscal Year 2025, Pub. L. No. 118-159, § 5401-5405 (Spectrum and Secure Technology and Innovation Act), § 5404(c) (2024). Specifically, Section 5404(c) authorized the Commission "to 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 (47 U.S.C. 1601 et seq.)." Section 5405 amended Section 4(k) of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1603(k)) by striking "$1,900,000,000" and inserting "$4,980,000,000."

[9] *Wireline Competition Bureau Announces Availability of Additional Funding for the Rip-and-Replace Program*, WC Docket 18-89, Public Notice, DA 25-342, 40 FCC Rcd 2520 (WCB Apr. 15, 2025) (*Additional Funding Public Notice*).

[10] *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 (WCB Jul. 18, 2022).

[11] *Additional Funding Public Notice* at 1, 40 FCC Rcd at 2520; *see also Wireline Competition Bureau Reminds Rip-and-Replace Program Recipients of Their September 29, 2025 Status Update Filing Obligation*, WC Docket 18-89, Public Notice, DA 25-985, at 2 (WCB Nov. 25, 2025); *Wireline Competition Bureau Urges Rip-and-Replace Program Recipients to Complete Removal of Insecure Equipment From Our Nation's Networks*, WC Docket 18-89, Public Notice, DA 25-158, 40 FCC Rcd 1339 (WCB Feb. 21, 2025).

[12] 47 CFR § 1.50004(m); *Wireline Competition Bureau Updates User Guides for the Secure and Trusted Communications Networks Reimbursement Program*, Public Notice, DA 24-91 (WCB Jan. 31, 2024). The User Guide for Final Certifications are at https://www.fcc.gov/supplychain/reimbursement under the button for User Guides (Part M). The Bureau reminds recipients that filed a Final Certification prior to receiving a further funding allocation that they must file an updated Final Certification when their work is completed, as explained in the Program FAQs. Secure and Trusted Communications Networks Reimbursement Program: Frequently Asked Questions, at 39-40 (updated Aug. 20, 2025), https://www.fcc.gov/sites/default/files/scrp-faq-082025.pdf.

[13] The User Guide for the close-out process is at https://www.fcc.gov/supplychain/reimbursement under the button for User Guides.

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PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, DC 20554

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

DA 26-15
Released: January 6, 2026

WIRELINE COMPETITION BUREAU SEEKS COMMENT ON PETITION FOR WAIVER OF NUMBERING ACCESS RULES

WC Docket No. 13-97
CC Docket No. 99-200

Comments Due: February 5, 2026
Reply Comments Due: February 20, 2026

By this Public Notice, the Wireline Competition Bureau seeks comment on a petition of Tango Networks, Inc. (Tango), seeking waiver of the requirement in the Commission's numbering assignment rules that, among other things, state that "[a]n applicant for initial numbering resources must include in its application evidence that the applicant is authorized to provide service in the area for which the numbering resources are requested."[1] Tango states that it seeks the waiver to enable it "to offer consumers, particularly business customers, an innovative service that is competitive to existing facilities based and reseller based wireless services…by operating its own mobile core…."[2]

Filing Requirements. Interested parties may file comments on or before the dates shown on the first page of this document.[3] All comments must reference WC Docket No. 13-97 and CC Docket No. 99-200. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS).[4]

- 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 hand or messenger delivery, by commercial overnight courier, or by U.S. Postal Service. 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

[1] Tango seeks a waiver of section 52.15(g)(2) of the Commission's rules, 47 CFR § 52.15(g)(2).

[2] Tango Networks, Inc. Petition for Waiver, WC Docket No. 13-97 and CC Docket No. 99-200, at 4 (filed Aug. 29, 2025), https://www.fcc.gov/ecfs/filing/10829272942373.

[3] *See* 47 CFR §§ 1.1, 1.3, 1.45.

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

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 may be addressed to 45 L Street, NE, Washington, DC 20554.

Ex Parte Rules. The proceeding this Public Notice initiates shall be treated as a "permit-but-disclose" proceeding in accordance with 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 section 1.1206(b). In proceedings governed by section 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 Consumer and Governmental Affairs Bureau at (202) 418-0530.

Additional Information. For further information, please contact William Andrle, Competition Policy Division, Wireline Competition Bureau, at (202) 418-2298 or via e-mail at william.andrle@fcc.gov.

- FCC -

[5] 47 CFR § 1.1200 *et seq.*

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

In re Application of	)	
	)	
Guam Educational Telecommunications Corp.	)	Facility ID No. 25511
For Renewal of License of Noncommercial	)	LMS File No. 000020114
Educational Television Station KGTF(TV),	)	
Hagatna, Guam	)	

ORDER

Adopted: January 16, 2026 **Released: January 20, 2026**

By the Acting Chief of the Media Bureau and Acting Chief of the Enforcement Bureau:

1. In this Order, we adopt the attached Consent Decree entered into by the Media Bureau and Enforcement Bureau (Bureaus) and Guam Educational Telecommunications Corp. (Licensee), licensee of non-commercial educational (NCE) television station KGTF(TV), Hagatna, Guam (KGTF or Station). The Consent Decree resolves issues arising from the Bureaus' investigations and the Media Bureau's review of the captioned license renewal application (Application) for the Station.[1] In particular, the Consent Decree resolves the Bureaus' investigations of the Licensee's compliance with the filing requirements contained in (1) sections 73.2080(c)(6) and 73.3527(e)(6) of the Commission's rules (Rules), which requires NCE stations to upload their annual EEO public file report to their online public inspection file (OPIF)[2] and (ii) section 73.3527(e)(8) of the Rules, which requires NCE stations to upload on a quarterly basis issues/programs lists to their online public inspection file.[3] The Media Bureau finds that through adoption of this Consent Decree, grant of the Application is in the public interest.

2. The Bureaus and the Licensee have negotiated the terms of the attached Consent Decree in which the Licensee agrees, among other things, to implement a compliance plan to ensure future compliance with sections 73.2080(c)(6), 73.3527(e)(6), and 73.3527(e)(8) of the Rules.[4] In addition, in lieu of making a voluntary contribution to the United States Treasury, the Licensee agrees to have its license renewed for a shortened license period of two years, instead of a full term of eight (8) year term. After reviewing the terms of the Consent Decree, the Bureaus find that the public interest will be served by its approval and by terminating all pending investigations described in paragraph 1. The Media Bureau finds that the Station has served the public interest, convenience, and necessity during the subject license term and that grant of the Application is warranted pursuant to section 309(k)(2) of the Communications Act of 1934, as amended.[5] We find that nothing in the record creates a substantial and

[1] Application of Guam Educational Telecommunications Corp. for Renewal of License, LMS File No. 0000201140 (filed Sept. 29, 2022; amended Dec. 20, 2022; amended May 19, 2023; amended Nov. 18, 2024) (Application).

[2] 47 CFR §§ 73.2080(c)(6) & 73.3527(e)(6).

[3] 47 CFR § 73.3527(e)(8).

[4] 47 CFR §§ 73.2080(c)(6) & 73.3527(e)(6), (e)(8).

[5] In evaluating an application for license renewal, the Commission's decision is governed by section 309(k) of the Act. *Id*. 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) (continued….)

material question of fact as to whether the Licensee possesses the basic qualifications to hold a Commission authorization or remain a Commission licensee.

3. **ACCORDINGLY, IT IS ORDERED** that, pursuant to section 4(i) the Communications Act of 1934, as amended,[6] and by the authority delegated by sections 0.61, 0.111, 0.204, 0.283, 0.311 and 1.93(b) of the Commission's rules,[7] the Consent Decree attached hereto **IS ADOPTED** without change, addition, or modification, and incorporated by reference.

4. **IT IS FURTHER ORDERED** that the investigatory matters noted above **ARE TERMINATED** in accordance with the terms of the attached Consent Decree.

5. **IT IS FURTHER ORDERED** that, pursuant to section 309(k)(2) of the Communications Act of 1934, as amended,[8] the application of Guam Educational Telecommunications Corp. for renewal of its license, as captioned above, **IS GRANTED** for a period of two (2) years in accordance with the terms of the attached Consent Decree.

6. **IT IS FURTHER ORDERED** that copies of this Order and Consent Decree shall be sent, by First Class and Certified Mail, Return Receipt Requested, to Guam Educational Telecommunications Corp., P.O. Box 21449, Barrigada, Guam 96921 and by e-mail to lhernandez@pbsguam.org. A copy will also be sent to Station's counsel, Emilie de Lozier, Wilkinson Barker Knauer, LLP, 1800 M Street NW, Suite 800N, Washington, DC 20036 and by e-mail to edelozier@wbklaw.com.

FEDERAL COMMUNICATIONS COMMISSION

Erin Boone
Acting Chief
Media Bureau

and

Patrick Webre
Acting Chief
Enforcement Bureau

(Continued from previous page)
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).

[6] 47 U.S.C. § 154(i).

[7] 47 CFR §§ 0.61, 0.111, 0.204, 0.283, 0.311, & 1.93(b).

[8] 47 U.S.C. § 309(k)(2).

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

In re Application of	)	
	)	
Guam Educational Telecommunications Corp.	)	Facility ID No. 25511
For Renewal of License of Noncommercial	)	LMS File No. 0000201140
Educational Television Station KGTF(TV),	)	
Hagatna, Guam	)	

CONSENT DECREE

1. The Media Bureau and Enforcement Bureau of the Federal Communications Commission (hereafter Bureaus, as defined below) and Guam Educational Telecommunications Corp. (Licensee, as defined below), by their authorized representatives, hereby enter into this Consent Decree for the purpose of terminating the Bureaus' investigations into compliance with (i) sections 73.2080(c)(6) and 73.3527(e)(6) the Commission's rules (hereafter Rules, as defined below),[1] which requires NCE (as defined below) stations to upload their annual EEO public file report to their OPIF (as defined below) and (ii) section 73.3527(e)(8) of the rules which requires NCE stations to upload on a quarterly basis issues/programs lists to the their online public inspection file.[2] To resolve this matter, the Licensee agrees to implement a comprehensive Compliance Plan (as defined below) to ensure its future compliance with sections 73.2080(c)(6), 73.3527(e)(6) and (e)(8) of the Rules.[3] The Bureaus agree to terminate their investigations, and the Media Bureau agrees to grant the Application (as defined below) for a period of two years in accordance with the terms of this Consent Decree.

I. DEFINITIONS

2. For the purposes of this Consent Decree, the following definitions shall apply:[4]

(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 Bureaus adopting the terms of this Consent Decree without change, addition, deletion, or modification.

(c) "Application" means the application of Guam Educational Telecommunications Corp., for renewal of the television broadcast license for station KGTF(TV), Hagatna, Guam (Facility ID No. 25511), LMS File No. 0000201140 (as amended).

(d) "Bureaus" means the Media Bureau and Enforcement Bureau of the Federal Communications 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.

[1] 47 CFR §§ 73.2080(c)(6) & 73.3527(e)(6).

[2] 47 CFR § 73.3527(e)(8).

[3] 47 CFR §§ 73.2080(c)(6) & 73.3527(e)(6), (e)(8).

[4] These definitions apply to all sections of this Consent Decree, including Section III – Terms of Agreement.

(g) "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, as described in paragraph 16.

(h) "Compliance Plan" means the processes and procedures developed by the Licensee in an effort to ensure compliance with 47 CFR § 73.2080(c)(6) and 47 CFR § 73.3527, generally, including 47 CFR § 73.3527(e)(6) and (e)(8).

(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 OPIF.

(j) "EEO Annual Report" means the report required by 47 CFR § 73.2080(c)(6) that must be uploaded to a station's online public inspection file.

(k) "Effective Date" means the date on which the Bureaus release the Adopting Order.

(l) "Investigations" means the Enforcement Bureau's examination into compliance with 47 CFR § 73.3527(e)(6) and the Media Bureau's examination of compliance with 47 CFR § 73.3527(e)(8).

(m) "Licensee" means Guam Educational Telecommunications Corp., and its affiliates, subsidiaries, predecessors-in-interest, and successors-in-interest.

(n) "NCE" means noncommercial educational television station as defined by 47 CFR § 73.621.

(o) "OPIF" means the Station's online public inspection file as defined by 47 CFR § 73.3527.

(p) "OPIF Rule" means the requirements detailed in 47 CFR § 73.3527 in its entirety, as well as 47 CFR 73.2080(c)(6).

(q) "Parties" means the Licensee and the Bureaus, each of which is a "Party."

(r) "Rules" means the Commission's regulations found in Title 47 of the Code of Federal Regulations.

(s) "Station" means station KGTF(TV), Hagatna, Guam (Facility ID No. 25511).

II. BACKGROUND

3. On September 29, 2022, the Licensee timely filed the Application. The Licensee disclosed in the Application that while it timely prepared and uploaded to the Station's website its EEO Annual Reports for calendar years 2014 through 2021, it failed to also upload the documents to its OPIF.[5] A review by Media Bureau staff of the Station's OPIF also revealed numerous late-filed issues/programs lists, some of which the Licensee later amended its Application to disclose.[6] As of the Effective Date, all OPIF documents, including EEO Annual Reports and issues/programs lists, have now been placed in the Station's OPIF. Based on the Licensee's disclosures in the Application, the Bureaus commenced the Investigations and suspended processing the Application.

4. *EEO Annual Reports*. Sections 73.2080(c)(6) and 73.3527(e)(6) of the Rules require a NCE licensee to place its station's EEO Annual Report in its OPIF and on its website, if it has one, by the

[5] Application at Attach., KGTF Public File Exhibit.

[6] *Id.* at Attach., Purpose of Amendment 5-19-2023. All issues/programs lists have now been placed in the Station's OPIF.

anniversary of the date a station is due to file its license renewal application.[7] A station's EEO Annual Report includes critical information concerning its recruitment activity, including: (i) a list of full-time vacancies over the prior year; (ii) the recruitment sources utilized to fill full-time vacancies: (iii) the recruitment source that referred the hiree for each full-time vacancy; (iv) data reflecting the total number of persons interviewed for full-time vacancies and the total number of interviewees referred by each recruitment source; and (v) a list and brief description of its recruitment initiatives.[8]

5. According to the Licensee its EEO Annual Reports were timely prepared and uploaded to the Station's website; however, from 2014-2021, it admits that it failed to upload copies of those reports to the Station's OPIF.[9] The Licensee states that this failure was the result of a "misunderstanding" among Station staff that copies were also to be uploaded to the Station's OPIF. The Licensee discovered the error in preparing its renewal application, and has since "taken corrective action" to ensure timely posting to OPIF in the future. All subsequent EEO Annual Reports have been timely filed.

6. *Issues/Programs Lists*. Section 73.3527(e)(8) of the Rules requires every NCE 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.[10] 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.[11] In total, the Licensee failed to upload in a timely manner to its OPIF a total of 27 issues/programs lists. Specifically, the Licensee uploaded nine lists between three days and less than one month late; eight lists between one month and less than one year late; and 10 lists between one year and almost two and one half years late. These late uploads occurred between 2015 and 2023. Since 2023, all issues/programs lists have been placed in the Station's OPIF in a timely manner.

7. The Bureaus and the Licensee have negotiated the terms of the Consent Decree, subject to specific terms and conditions by which the Bureaus will terminate the Investigations into the matters discussed above and grant the Application for a short term renewal period of two years. In consideration, the Licensee has also agreed to implement and maintain a Compliance Plan designed to ensure its future compliance with the OPIF Rule.

III. TERMS OF AGREEMENT

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

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

10. **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.

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[7] 47 CFR §§ 73.2080(c)(6) & 73.3527(e)(6).

[8] 47 CFR §§ 73.2080(c)(6).

[9] Application at Attach., KGTF Public File Exhibit. The late filing for 2014 occurred during the prior license term. The Station's current license term began on February 24, 2015. *See* BREDT-20140930ADA.

[10] 47 CFR § 73.3527(e)(8).

[11] *Id*.

11. **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 to exercise any rights and remedies attendant to the enforcement of a Commission order.

12. **Admission of Facts**. The Licensee admits for the purpose of this Consent Decree, and in express reliance on the provisions of paragraph 13 herein, that paragraphs 3 through 6 are a true and accurate description of the facts underlying the Investigations. By entering into this Consent Decree, the Licensee makes no admission of liability or violation of any Communications Law, and the Bureaus make no finding of any liability or violation.

13. **Termination of Investigations**. In express reliance on the covenants and representations in this Consent Decree and to avoid further expenditure of public resources, the Bureaus agree to terminate the Investigations and to take the actions specified in paragraph 15. In consideration for the termination of the Investigations, the Licensee agrees to the terms, conditions, and procedures contained herein, including the actions specified in paragraphs 16, 17, and 19 of this Consent Decree. The Bureaus further agree that, in the absence of new material evidence, the Bureaus will not use the facts developed in the Investigations through the Effective Date, or the existence of this Consent Decree, to institute, on their 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 Investigations. The Bureaus also 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 on its own motion any proceeding (formal or informal) to set for hearing the question of the Licensee's basic qualifications to be a Commission licensee or to hold Commission licenses or authorizations.[12]

14. **Subsequent Investigation**. This Consent Decree shall not prevent the Commission 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 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.

15. **Grant of Application**. In the Adopting Order, the Media 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 Media Bureau agrees to grant the Application within two business days of the Effective Date. The license will be granted for a period of two years with an expiration date set as two years from the Effective Date. The license renewal authorization will be conditioned on compliance with all the terms and conditions of this Consent Decree.

16. **Compliance Officer**. Within thirty (30) calendar days after the Effective Date, the Licensee shall designate a responsible party employed (on a full, part-time, or contract basis) to serve as a Compliance Officer and to discharge the duties set forth in paragraphs 17 and 19. 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 Chief Executive Officer (or other senior executive officer/owner/equivalent senior officer) on a regular basis, and shall be responsible for developing, implementing, and administering the Compliance Plan, and ensuring compliance with the terms and conditions of this Consent Decree. The Compliance Officer shall have specific knowledge of the OPIF Rule and terms of this Consent Decree prior to assuming their duties.

[12] *See* 47 CFR § 1.93(b).

The name and contact information (mailing address, phone number, and electronic mail address) of the Compliance Officer must be submitted to the Bureaus by electronic mail at VideoCompliance@fcc.gov and EB-EEO@fcc.gov within thirty (30) calendar days after the Effective Date. The Bureaus must be notified, as previously specified, of any change in the person serving as Compliance Officer within five (5) business days.

17. **Compliance Plan**. For purposes of settling the matters set forth herein, the Licensee agrees that it shall develop and implement a Compliance Plan designed to ensure future compliance with the OPIF Rule and with the terms and conditions of this Consent Decree. The Compliance Plan shall solely apply to the Station. The Compliance Plan shall contain, at a minimum, the following elements:

(a) **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, has been prepared by in-house legal counsel, or 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;

ii. establish "Operating Procedures" that Covered Employees must follow to help ensure the Station's compliance with the OPIF Rule. The Operating Procedures shall include internal procedures and policies specifically designed to ensure that all required information is uploaded to the Station's OPIF in a timely manner and otherwise maintains full, complete, and up to date information therein; and

iii. be reviewed and revised by the Compliance Officer, or legal counsel (internal or external) in coordination with the Compliance Officer, 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 ten (10) business days of any updates to all Covered Employees.

(b) **Compliance Training Program**. Within sixty (60) calendar days after the Effective Date of this Consent Decree, and on an annual basis thereafter while this Compliance Plan remains in effect, the Licensee will conduct a formal compliance training program on the OPIF Rule for all Covered Employees. Training must also be provided to every new Covered Employee within ten (10) business days after commencing employment or becoming a Covered Employee. The compliance training program must include instruction relating to the provisions of the OPIF Rule. The compliance training must be reviewed and revised by the Compliance Officer, or legal counsel (internal or external) in coordination with the Compliance Officer, as necessary to remain current, complete, accurate, and effective.

(c) **Reporting Noncompliance**. The Licensee shall report any instance of noncompliance with the OPIF Rule or the terms and conditions of this Consent Decree within ten (10) business 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; (iii) the schedule on which such action(s) has or will be taken; and (iv) the steps that the Licensee has taken or will take to prevent the recurrence of any such noncompliance. Any such report must be signed by the Compliance Officer and be subscribed to as true and accurate under penalty of perjury in accordance with 47 CFR § 1.16. All reports of noncompliance shall be submitted to VideoCompliance@fcc.gov and EB-EEO@fcc.gov. All reports must also be uploaded to the Station's OPIF within ten (10) business days in the folder entitled "FCC Investigations or Complaints" and retained in the Station's OPIF until the "Termination Date," as specified

in paragraph 18. Further, the Licensee must disclose any noncompliance reports in an attachment to its next license renewal application.

18. **Termination Date**. The obligations to which the Licensee is subject pursuant to this Consent Decree shall terminate upon grant of the Station's next license renewal application. During the pendency of the Station's next license renewal application the terms of this Consent Decree, including the terms of the Compliance Plan, remain in effect.

19. **Placement of Consent Decree in OPIF**. Within thirty (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.[13]

20. **Computation of Time**. The Parties agree that the method for computing the amount of time within which the Parties must act in response to deadlines established by this Consent Decree shall be governed by 47 CFR § 1.4.

21. **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 Act[14] relating to the matters addressed in this Consent Decree.

22. **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.

23. **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.

24. **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, Order, law, or regulation.

25. **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 Bureaus.

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

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[13] *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).

[14] *See* 5 U.S.C. § 504; 47 CFR §§ 1.1501-1.1530.

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

28. **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.

29. **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.

30. **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.

Federal Communications Commission

By:

_____
Erin Boone
Acting Chief
Media Bureau

_____
Date

and

_____
Patrick Webre
Acting Chief
Enforcement Bureau

_____
Date

Guam Educational Telecommunications Corp.

By:

_____
Ina Carillo
General Manager

_____
Date

PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, DC 20554

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

DA 26-17
Released: January 7, 2026

THE OFFICE OF ECONOMICS AND ANALYTICS LAUNCHES A NEW AUCTION APPLICATION SYSTEM FOR SHORT-FORM (FCC FORM 175) APPLICATIONS FOR SPECTRUM AUCTIONS

The Office of Economics and Analytics (OEA) announces the launch of the Auction Application System (AAS), which auction applicants will use to submit short-form applications (FCC Form 175) for future Commission auctions. The AAS, which replaces the Commission's legacy Integrated Spectrum Auction System (ISAS), will allow auction applicants to submit their applications more efficiently and securely, consistent with the Commission's broad goals of increasing efficiency and modernizing the agency's processes in the digital age.[1]

The AAS will be used first in the Commission's upcoming auction of licenses for spectrum in the AWS-3 bands (Auction 113). The window for filing FCC Form 175 short-form applications for Auction 113 will open on January 26, 2026, at 12:00 PM Eastern Time (ET). Until then, members of the public with an FCC Username associated with an FCC Registration Number (FRN) may access the Auction Application Portal (AAP) in the AAS to confirm their ability to log in and successfully authenticate to the system using multifactor authentication and set up the appropriate Auctions Permissions for their FRNs.[2]

Any party interested in applying to participate in Auction 113 is strongly encouraged to complete the steps necessary to enable it to log in to and access the AAP as soon as possible to allow for sufficient time to resolve any technical issues before the short-form application deadline. However, a party interested in applying to participate in Auction 113 will not be able to create an FCC Form 175 until the short-form application filing window opens.

[1] *Amendment of Certain of the Commission's Part 1 Rules of Practice and Procedure and Part 0 Rules of Commission Organization*, Report and Order, 26 FCC Rcd 1594, 1594-95, para. 1 (2011). *See also* Exec. Order 14028, *Improving the Nation's Cybersecurity*, 86 Fed. Reg. 26633 (May 17, 2021); Office of Mgmt. & Budget, Exec. Office of the President, OMB Memorandum M-22-09, *Moving the U.S. Government Toward Zero Trust Cybersecurity Principles* (2022); Office of Mgmt. & Budget, Exec. Office of the President, OMB Memorandum M-23-22, *Delivering a Digital-First Public Experience* (2023).

[2] The AAS will also allow any member of the public (including auction applicants) to search for any short-form applications submitted via the AAS, as well as short-form applications submitted via the Commission's legacy auction application system. To search short-form applications in the AAS, go to https://aap.fcc.gov/search. The public search function in the Commission's legacy auction application system will be available until further notice at https://auctionfiling.fcc.gov/form175/search175/index.htm.

To access the AAP, an individual must have an FCC Username, and that FCC Username must be associated with an FRN in the Commission's Registration System (CORES).[3] An individual that has already registered an FCC Username account for use with another FCC system (e.g., Network Outage Reporting System (NORS) or Universal Licensing System (ULS)) may use that same FCC Username account to access the AAP.

Logging in to the AAP also requires the installation and use of Okta Verify® or Google Authenticator® for multifactor authentication.

Once an individual has taken all necessary steps to log in to the AAP, that individual must then be granted appropriate Auctions Permissions in the AAP by an Administrator for the potential applicant's FRN in CORES in order for the individual to create, edit, and/or view an FCC Form 175 in the AAP.

The *Log In and Manage FRN Auctions Permissions in the Auction Application Portal* instructions and a related tutorial are available in the Education section of the Auction 113 website, https://www.fcc.gov/auction/113. The instructions and tutorial provide step-by-step guidance on how to register an FCC Username in CORES, how to obtain a new FRN in CORES, how to associate an FCC Username with a specific FRN in CORES to create an FCC Username account, how to set up Okta Verify® or Google Authenticator® for multifactor authentication, and how to obtain Auctions Permissions for an FRN in the AAP.

For questions related to the AAS login process, please call the FCC Auctions Technical Support Hotline at (877) 480-3201, option 9 or (202) 418-1250 (Monday through Friday from 8:00 AM to 6:00 PM ET) or the FCC Auctions Hotline at (717) 338-2868 (Monday through Friday from 8:00 AM to 5:30 PM ET).

For additional information and general questions related to Auction 113, please visit https://www.fcc.gov/auction/113 or email auction113@fcc.gov.

- FCC -

[3] *Amendment of Part 1 of the Commission's Rules, Concerning Practice and Procedure, Amendment of CORES Registration System*, Notice of Proposed Rulemaking, 25 FCC Rcd 17407, 17409-10, para. 8 (2010) ("CORES is a web-based, password-protected, registration system that assigns a unique 10-digit FRN to a registrant for use when doing business with the FCC. These FRNs are used by all Commission systems that handle financial, authorization of service, and enforcement activities, and enable our customers to be more easily identified as the filers of applications, reports, remittance payments and other documents with the FCC."). The CORES and CORES Update information collection requirements have been approved by the Office of Management and Budget (OMB) under OMB control numbers 3060-0917 and 3060-0918.

PUBLIC NOTICE

Federal Communications Commission
45 L St., N.E.
Washington, D.C. 20554

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

DA 26-18
January 6, 2026

PUBLIC SAFETY AND HOMELAND SECURITY BUREAU ANNOUNCES 15-BUSINESS DAY FILING WINDOW FOR LEAD ADMINISTRATOR APPLICATIONS UNDER THE U.S. CYBER TRUST MARK PROGRAM

PS Docket No. 23-239

By this Public Notice, the Federal Communications Commission's (FCC or Commission) Public Safety and Homeland Security Bureau (Bureau) announces a 15-business day filing window for applications from entities seeking designation as the Lead Administrator, which **will open on January 7, 2026 and close January 28, 2026**.[1]

In March 2024, the Commission established a framework for a voluntary cybersecurity labeling program for consumer wireless Internet of Things (IoT) products (U.S. Cyber Trust Mark Program), which includes selecting third party administrators to support the program.[2] In September 2024, the Bureau opened an initial filing window on delegated authority from the Commission for applications from entities seeking authority to be recognized as a Cybersecurity Label Administrator (CLA) and as the Lead Administrator.[3] Thus far, the Bureau has conditionally approved 11 CLAs and approved UL LLC (UL Solutions) as Lead Administrator.[4] UL Solutions withdrew as Lead Administrator effective December 19, 2025.[5]

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[1] While the Bureau may open additional filing windows at later dates, the Bureau will not accept applications for this round of applications that are filed after this filing window closes. However, applicants requiring additional time may, in accordance with Section 1.46 of the Commission's rules, request an extension of time for up to 10 additional calendar days to complete their applications. 47 CFR § 1.46.

[2] *Cybersecurity Labeling for Internet of Things*, PS Docket No. 23-239, Report and Order and Further Notice of Proposed Rulemaking, 39 FCC Rcd 2497, 2522, para. 48 (2024) (*IoT Labeling Order*).

[3] *See Public Safety and Homeland Security Bureau Announces 15-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, DA 24-900 (Sept. 10, 2024) (*Initial Filing Window Public Notice*); *IoT Labeling Order*, 29 FCC Rcd at 2532, para. 64. CLA responsibilities and additional Lead Administrator responsibilities are outlined in the *IoT Labeling Order*. 39 FCC Rcd at 2523-25, paras. 52-53; 47 CFR §§ 8.220, 8.221.

[4] *Public Safety and Homeland Security Bureau Announces Conditionally Approved Cybersecurity Labeling Administrators for the Internet of Things Cybersecurity Labeling Program*, PS Docket No. 23-239, Public Notice, DA 24-1241 (Dec. 11, 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, Public Notice, DA 12-1214 (Dec. 4, 2024).

Accordingly, the Bureau is now opening a new filing window for applications for Lead Administrator.[6] The Bureau outlined the format of CLA and Lead Administrator applications, and the process for Bureau selection of these administrators, among other issues, in its September 2024 *Initial Filing Window Public Notice*.[7] The Bureau also provided guidance for who may apply and the relevant application procedures.[8] Applicants for Lead Administrator are advised to follow the same instructions, including the general filing instructions, provided in the *Initial Filing Window Public Notice*, as well as the additional guidance on confidential filing requirements published in October 2024.[9]

After the application filing window closes on January 28, 2026, the Bureau will review and evaluate properly filed applications.[10] **The Bureau's selection of Lead Administrator will be announced by 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 Consumer & Governmental Affairs Bureau at 202-418-0530 (voice).

Additional Information

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 (202) 418-8130 or Tara.Shostek@fcc.gov.

Privacy Act Statement

Authority. The FCC is authorized to collect the information pursuant to the authority contained in sections 1, 2, 4(i), 4(n), 302, 303(r), 312, 333, and 503, of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 152, 154(i), 154(n), 302a, 303(r), 312, 333, 503; the IoT Cybersecurity Improvement Act of 2020, 15 U.S.C. § 278g-3a to § 278g-3e.

Purpose. The information collected in this Application includes contact and certification information from entities voluntarily applying to serve as Lead Administrator in this FCC program. The

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[5] Letter from Chanté Maurio, VP and GM, Identity Management and Security, UL Solutions, to Zenji Nakazawa, Public Safety and Homeland Security Bureau Chief, FCC, PS Docket No. 23-239 (filed Dec. 19, 2025).

[6] The *IoT Labeling Order* delegated authority to the Bureau to select the Lead Administrator from among the CLAs, to manage changes in the Lead Administrator, and to open additional application filing windows for authority to be recognized by the Bureau as a CLA, as necessary. *IoT Labeling Order*, 29 FCC Rcd at 2523, 2532, paras. 51, 64.

[7] *Initial Filing Window Public Notice* at 2-15, paras. 3-32 (setting forth the format, filing fees, and selection process for CLA and Lead Administrator applications, as well as Lead Administrator cost-sharing among the CLAs, guardrails for Lead Administrator neutrality, and confidentiality and security requirements).

[8] *Initial Filing Window Public Notice* at 15-21, paras. 33-41.

[9] *Initial Filing Window Public Notice* at 24, Appx A; *Public Safety and Homeland Security Bureau Provides Additional Guidance on Confidential Filing Requirements for Cybersecurity Label Administrator and Lead Administrator Applications Under the Cybersecurity Labeling for Internet of Things Program*, PS Docket No. 23-239, Public Notice, DA 24-1037 (Oct. 3, 2024).

[10] The Bureau may request clarifying information from applicants in its review, as needed.

information is used to communicate with such entities and enforce their compliance with statements made in their applications.

Routine Uses. While Lead Administrator applications will be presumed confidential, in addition to those disclosures generally permitted under 5 U.S.C. § 552a(b) of the Privacy Act of 1974, as amended, the FCC may disclose contact and certification information collected from applicants as is determined to be relevant and necessary, outside the FCC as a routine use pursuant to 5 U.S.C. § 552a(b)(3), including: to authorized third parties to administer, support, participate in, or receive information related to FCC programs and activities; to other Federal agencies in order to administer, support, participate in, or receive information related to FCC programs and activities; and to non-federal personnel, including contractors, 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.

A full, detailed list of the routine uses is published in the system of records notice associated with this collection, FCC-2, Business Contacts and Certifications, which is available at https://www.fcc.gov/sites/default/files/sor-fcc-2.pdf.

Disclosure. This information collection is voluntary. The Public Safety and Homeland Security Bureau's Public Notice provides entities the opportunity to apply to be designated a Lead Administrator.

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

In the Matter of	)	
	)	
Build America: Eliminating Barriers to Wireless Deployments	)	WT Docket No. 25-276
	)	
	)	

ORDER DENYING EXTENSION OF TIME

Adopted: January 7, 2026 **Released: January 7, 2026**

By the Chief, Wireless Telecommunications Bureau:

1. By this Order, the Wireless Telecommunications Bureau (Bureau), denies the request of the City of Arlington, TX; the City of Bellevue, WA; the City of Boston, MA; the City of Bowie, MD; the City of Carmel-by-the-Sea, CA; Coachella Valley Water District, CA; Culver City, CA; the City of Dallas, TX; District of Columbia; the City of Fontana, CA; the City of Gaithersburg, MD; the City of Henderson, NV; the City of Hillsborough, CA; Howard County, MD; Marin County, CA; the City of Monterey, CA; Montgomery County, MD; the City of Ontario, CA; the City of Palo Alto, CA; the City of Piedmont, CA; the City of Piscataway, NJ; the City of Plano, TX; Texas Coalition of Cities for Utility Issues; and the City of Upland, CA (collectively, Local Government Commenters),[1] for an extension of time to file reply comments on the September 30, 2025 *Build America: Eliminating Barriers to Wireless Deployments Notice of Proposed Rulemaking*.[2] We find that the request does not provide adequate reasons to extend the time for commenters to file reply comments in this proceeding.

2. On September 30, 2025, the Federal Communications Commission (Commission) adopted and released publicly the *Build America Wireless Deployments NPRM*. Due to delays resulting from the government shutdown, the *NPRM* was published in the Federal Register on December 1, 2025, establishing a comment filing deadline of December 31, 2025, and a reply comment filing deadline of January 15, 2026.[3] In their request, the Local Government Commenters argue that a 15-day extension of time to January 30, 2026, is warranted because they claim the reply comment period of 15 days is unusually short, they need extra time because a federal holiday occurs during the reply comment period, they claim the subject matter of the NPRM is complex, and the record is likely to be voluminous.

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[1] *See* City of Arlington, TX; the City of Bellevue, WA; the City of Boston, MA; the City of Bowie, MD; the City of Carmel-by-the-Sea, CA; Coachella Valley Water District, CA; Culver City, CA; the City of Dallas, TX; District of Columbia; the City of Fontana, CA; the City of Gaithersburg, MD; the City of Henderson, NV; the City of Hillsborough, CA; Howard County, MD; Marin County, CA; the City of Monterey, CA; Montgomery County, MD; the City of Ontario, CA; the City of Palo Alto, CA; the City of Piedmont, CA; the City of Piscataway, NJ; the City of Plano, TX; Texas Coalition of Cities for Utility Issues; and the City of Upland, CA Motion for Extension of Time to File Reply Comments, WT Docket No. 25-276 (filed Dec. 23, 2025).

[2] *Build America: Eliminating Barriers to Wireless Deployments Notice of Proposed Rulemaking*, WT Docket No. 25-276., Notice of Proposed Rulemaking, FCC 25-73 (rel. Sep. 30, 2025) (*Build America Wireless Deployments NPRM*).

[3] Federal Communications Commission, Build America: Eliminating Barriers to Wireless Deployments Notice, Proposed Rule, 90 Fed. Reg. 55066-01 (Dec. 1, 2025).

3. As set forth in section 1.46 of the Commission's rules, extensions of time shall not be routinely granted.[4] We do not find an extension of 15 additional days is necessary to develop a fulsome record, to review the record, or to respond to the comments received. Contrary to the Local Government Commenters' assertion, a reply comment period of 15 days is standard, as noted on the Commission's website.[5] Federal holidays are a common and predictable occurrence and therefore a single federal holiday does not warrant an extension. The *Build America Wireless Deployments NPRM* focuses on accelerating the deployment of wireless infrastructure to give the public access to high-speed mobile internet services and we find any further delays in the comment deadlines is not in the public interest. Additionally, we find there is nothing sufficiently unique or unusual in this instance that would warrant granting an extension of the reply comment deadline. Accordingly, we deny the request to extend the reply comment deadline from January 15, 2026 to January 30, 2026.

4. *Ordering Clause*. Accordingly, **IT IS ORDERED** that, pursuant to section 4(i)-(j) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i)-(j), and sections 0.131, 0.331, and 1.3 of the Commission's rules, 47 CFR §§ 0.131, 0.331, 1.3, the Local Government Commenters' Motion for Extension of Time to File Reply Comments in response to the *Build America: Eliminating Barriers to Wireless Deployments Notice of Proposed Rulemaking* in the above captioned docket **IS DENIED**.

FEDERAL COMMUNICATIONS COMMISSION

Joel Taubenblatt
Chief
Wireless Telecommunication Bureau

[4] 47 CFR § 1.46(a).

[5] Federal Communications Commission, *Formal Comments on Proceedings*, https://www.fcc.gov/general/formal-comments-proceedings (last visited Jan. 6, 2026).

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 26-21
Released: January 7, 2026

MEDIA BUREAU AND OFFICE OF ECONOMICS AND ANALYTICS ACTION

THIRD QUARTER 2025 INFLATION ADJUSTMENT FIGURES FOR CABLE OPERATORS USING FCC RATE REGULATION FORM 1240 NOW AVAILABLE

This Public Notice is applicable to rate-regulated cable operators that use FCC Forms to justify their cable rates.[1] Cable operators adjusting the non-external cost portion of their rates for inflation should follow the instructions provided with the applicable FCC Form. All inflation adjustment figures are based on changes in the Gross National Product Price Index (GNP-PI) published by the United States Department of Commerce, Bureau of Economic Analysis (BEA). The chain-type price indexes were obtained from the BEA Table 1.7.4 (Price Indexes for Gross Domestic Product, Gross National Product, and Net National Product) Line 4 (Gross National Product) on December 23, 2025.[2]

Operators filing FCC Form 1240 may make an adjustment based on quarterly figures. The third quarter 2025 inflation factor for operators using FCC Form 1240 is 3.76%. The adjustment factor of 3.76% is a measure of the annualized change in prices occurring over the period from July 1, 2025 to September 30, 2025. The inflation adjustment factor is calculated by dividing the GNP-PI for the third quarter of 2025 (129.362) by the GNP-PI for the second quarter of 2025 (128.174). The result of this calculation is converted from a quarterly change measurement factor to an annual change measurement factor by raising it to the fourth power. We then convert the calculation to an inflation adjustment factor by subtracting one.

Operators calculating the Inflation Factor for a True-Up Period that includes some portion of the third quarter of 2025 should enter the inflation factor on the appropriate lines of Worksheet 1 of FCC Form 1240 as "0.0376." Operators using this factor for calculating the Projected Period Inflation Segment of FCC Form 1240 should enter this number on Line C3 (January 1996 version), or Line C5 (July 1996 version) as "1.0376".

Each quarter the Commission releases a quarterly inflation factor for use with FCC Form 1240. The following table lists these factors beginning in 2020.[3]

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[1] Pursuant to 47 CFR §§ 76.922(c)(2), cable operators may adjust the non-external cost portion of their rates for inflation.

[2] Table 1.7.4 can be found at this link: https://apps.bea.gov/iTable/?reqid=19&step=2&isuri=1&categories=survey#eyJhcHBpZCI6MTksInN0ZXBzIjpbMSwyLDNdLCJkYXRhIjpbWyJjYXRlZ29yaWVzIiwiU3VydmV5Il0sWyJOSVBBX1RhYmxlX0xpc3QiLCI0MiJdXX0=.

[3] All previously released inflation factors can be found at Federal Communications Commission, *Inflation Updates for Forms 1210 and 1240*, https://www.fcc.gov/general/inflation-updates-forms-1210-and-1240 (last visited Dec. 31, 2025).

Year	Quarter	Dates Covered	Inflation Factor
2020	First	Jan. 1, 2020 – Mar. 31, 2020	1.41%
2020	Second	Apr. 1, 2020 – Jun. 30, 2020	-1.82%
2020	Third	Jul. 1, 2020 – Sep. 30, 2020	3.51%
2020	Fourth	Oct. 1, 2020 – Dec. 31, 2020	2.04%
2021	First	Jan. 1, 2021 – Mar. 31, 2021	4.32%
2021	Second	Apr. 1, 2021 – Jun. 30, 2021	6.07%
2021	Third	Jul. 1, 2021 – Sep. 30, 2021	5.95%
2021	Fourth	Oct. 1, 2021 – Dec. 31, 2021	7.13%
2022	First	Jan. 1, 2022 – Mar. 31, 2022	8.19%
2022	Second	Apr. 1, 2022 – Jun. 30, 2022	9.00%
2022	Third	Jul. 1, 2022 – Sep. 30, 2022	4.37%
2022	Fourth	Oct. 1, 2022 – Dec. 31, 2022	3.88%
2023	First	Jan. 1, 2023 – Mar. 31, 2023	4.14%
2023	Second	Apr. 1, 2023 – Jun. 30, 2023	1.74%
2023	Third	Jul. 1, 2023 – Sep. 30, 2023	3.33%
2023	Fourth	Oct. 1, 2023 – Dec. 31, 2023	1.63%
2024	First	Jan. 1, 2024 – Mar. 31, 2024	3.05%
2024	Second	Apr. 1, 2024 – Jun. 30, 2024	2.52%
2024	Third	Jul. 1, 2024 – Sep. 30, 2024	1.94%
2024	Fourth	Oct. 1, 2024 – Dec. 31, 2024	2.34%
2025	First	Jan. 1, 2025 – Mar. 31, 2025	3.76%
2025	Second	Apr. 1, 2025 – Jun. 30, 2025	2.12%
2025	Third	Jul. 1, 2025 – Sep. 30, 2025	3.76%

The Commission releases a new quarterly inflation factor for operators using FCC Form 1240 four times each year. The inflation factor for a given quarter is usually released between three and four months after the end of the quarter, depending on the schedule of the Department of Commerce. The release of a new factor is posted on the Commission's website at: https://www.fcc.gov/general/inflation-updates-forms-1210-and-1240.

For additional information, contact Ty Bream ty.bream@fcc.gov, (202) 418-0644 or Kim Makuch, kim.makuch@fcc.gov, (202) 418-2252.

TTY: (202) 418-0432 or 1 (888) 835-5322

–FCC–

PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, DC 20554

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

DA 26-22
Released: January 7, 2026

PUBLIC SAFETY AND HOMELAND SECURITY BUREAU ANNOUNCES EXEMPTION OF CERTAIN UNCREWED AIRCRAFT SYSTEMS (UAS) AND UAS CRITICAL COMPONENTS FROM FCC COVERED LIST

WC Docket No. 18-89, ET Docket No. 21-232, EA Docket No. 21-233

The Federal Communications Commission's (FCC or Commission) Public Safety and Homeland Security Bureau (PSHSB) maintains a list of equipment and services (Covered List) that have been determined to "pose an unacceptable risk to the national security of the United States or the security and safety of United States persons."[1] Pursuant to section 2 of the Secure and Trusted Communications Networks Act of 2019 (Secure Networks Act)[2] and sections 1.50002(a) and 1.50003 of the Commission's rules,[3] PSHSB announces the exemption of certain uncrewed aircraft systems (UAS) and UAS critical components from the Covered List.

National Security Determinations. On December 21, 2025, the Commission received a National Security Determination from an Executive Branch interagency body, including several appropriate national security agencies, determining (among other things) that UAS produced in a foreign country pose an unacceptable risk to the national security of the United States and to the safety and security of U.S. persons.[4] The National Security Determination concluded that such UAS and UAS critical components should be included on the FCC's Covered List, unless the Department of War (DoW) or the Department of Homeland Security (DHS) makes a specific determination to the FCC that a given UAS or class of UAS, or a specific UAS critical component, does not pose such risks. Accordingly, the Commission

[1] Secure and Trusted Communications Networks Act of 2019, Pub. L. No. 116-124, 133 Stat. 158 (2020) (codified as amended at 47 U.S.C. §§ 1601-1609) (Secure Networks Act); 47 CFR §§ 1.50002, 1.50003. For the current version of the Covered List, *see* Federal Communications Commission, *List of Equipment and Services Covered By Section 2 of The Secure Networks Act*, https://www.fcc.gov/supplychain/coveredlist (last updated December 22, 2025).

[2] 47 U.S.C. § 1601.

[3] 47 CFR §§ 1.50002(a), 1.50003; *see also* 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) (*Supply Chain Second Report and Order*).

[4] *Public Safety and Homeland Security Bureau Announces Addition of Uncrewed Aircraft Systems (UAS) and UAS Critical Components Produced Abroad, and Equipment and Services Listed In Section 1709 of the FY2025 NDAA, to FCC Covered List*, WC Docket No. 18-89, Public Notice, DA 25-1086 (Dec. 22, 2025) (*UAS Public Notice*). Separately, the National Security Determination found similar "unacceptable risks" were posed by "all communications and video surveillance equipment and services listed in Section 1709(a)(1) of the FY25 National Defense Authorization Act." *Id*. at 2.

added all UAS and UAS critical components produced in a foreign country to the Covered List.[5] The Commission stated, "If we receive a further specific determination from the Department of War or the Department of Homeland Security that a given UAS, class of UAS, or UAS critical component does not pose unacceptable risks, we will further update the Covered List."[6]

On January 7, 2026, the Commission received a subsequent National Security Determination from the DoW with additional specific determinations regarding certain UAS and UAS critical components. The National Security Determination from the DoW states that:

"The DoW has determined that UAS and UAS critical components included on Defense Contract Management Agency's (DCMA's) Blue UAS list do not currently present unacceptable risks to the national security of the United States or to the safety and security of U.S. persons. This determination includes UAS and UAS critical components included on the Blue UAS list now and until January 1, 2027. Additionally, until January 1, 2027, the DoW has determined that UAS and UAS critical components that qualify as 'domestic end products' under the Buy American Standard do not pose unacceptable risks to the national security of the United States or to the safety and security of U.S. persons."[7]

Based on these findings, the DoW concluded that the following equipment should be removed from the FCC's Covered List because it does not pose an unacceptable risk to the national security of the United States and to the safety and security of U.S. persons: "UAS and UAS critical components included on DCMA's Blue UAS list now and until January 1, 2027"; and "UAS and UAS critical components that qualify as 'domestic end products' under the Buy American Standard," until January 1, 2027.[8]

The Covered List. We find that the National Security Determination constitutes a specific determination with regard to an unacceptable risk to the national security of the United States or the security or safety of United States persons pursuant to section 2 of the Secure Networks Act.[9] Therefore, we conclude that the Commission is required to update the Covered List to exclude the equipment identified in this determination. We update the Covered List to exempt: UAS and UAS critical components included on DCMA's Blue UAS Cleared List now and until January 1, 2027; and UAS and UAS critical components that qualify as "domestic end products" under the Buy American Standard (48 CFR § 25.101(a)), until January 1, 2027.

PSHSB takes this action under its authority and obligation to publish and maintain the Covered List. Sections 1.50002(a) and 1.50003 of the Commission's rules require PSHSB to publish the Covered

[5] *Public Safety and Homeland Security Bureau Announces Addition of Uncrewed Aircraft Systems (UAS) and UAS Critical Components Produced Abroad, and Equipment and Services Listed In Section 1709 of the FY2025 NDAA, to FCC Covered List*, WC Docket No. 18-89, Public Notice, DA 25-1086 (Dec. 22, 2025) (*UAS Public Notice*).

[6] *UAS Public Notice* at 3.

[7] National Security Determination at 1. The determination noted that this did not apply to devices listed in Section 1709 of the FY2025 NDAA. *Id*. at 1, n.2.

[8] The National Security Determination stated that "For the purpose of this determination, the term 'domestic end product' has the meaning found in 48 CFR § 25.101(a)." *See* National Security Determination at 4. The "Blue UAS list" referred to in the National Security Determination is the combination of the "Blue UAS Cleared List" at https://bluelist.appsplatformportals.us/Cleared-List/ and the list of compliant UAS components and software at https://bluelist.appsplatformportals.us/Framework/. We use the term "Blue UAS Cleared List" to refer to both lists.

[9] Secure Networks Act, 47 U.S.C. § 1601(b)-(d).

List on the Commission's website, to maintain and update the Covered List, and to monitor the status of determinations.[10]

The updated Covered List is attached as Appendix A to this Public Notice and is also found on the Bureau's website at https://www.fcc.gov/supplychain/coveredlist. [11]

We note the continued availability of FCC staff guidance pursuant to sections 0.191 and 0.31(i) of the Commission's rules. Commission staff will provide guidance to TCBs, test labs, and equipment authorization applicants on the impact of these updates.

For further information, please contact Chris Smeenk, Attorney Adviser, Operations and Emergency Management Division, Public Safety and Homeland Security Bureau, at 202-418-1630 or Chris.Smeenk@fcc.gov.

– FCC –

[10] 47 CFR §§ 1.50002(a), 1.50003. *See Supply Chain Second Report and Order*, 35 FCC Rcd 14317, 14319, 14325, paras. 72, 77, 92.

[11] The FCC website also contains a list of certain affiliates and subsidiaries of entities identified on the Covered List. The list of affiliates and subsidiaries does not constitute a comprehensive list of all entities that the Commission may find, upon further examination, to qualify as relevant subsidiaries or affiliates of entities on the Covered List. Those entities, whether or not they currently provide covered communications equipment or services, are subject to the Commission's prohibitions, such as the prohibition against obtaining authorizations for covered equipment. *See* Reminder: Communications Equipment And Services On The Covered List Pose An Unacceptable Risk To National Security, *National Security Advisory No. 2025-01, DA 25-927,* note 3 (released October 14, 2025).

APPENDIX A

COVERED LIST (Updated January 7, 2026)*†

Covered Equipment or Services*	Date of Inclusion on Covered List
Telecommunications equipment produced or provided by **Huawei Technologies Company**, including telecommunications or video surveillance services produced or provided by such entity or using such equipment.	March 12, 2021
Telecommunications equipment produced or provided by **ZTE Corporation**, including telecommunications or video surveillance services provided or provided by such entity or using such equipment.	March 12, 2021
Video surveillance and telecommunications equipment produced or provided by **Hytera Communications Corporation**, to the extent it is used for the purpose of public safety, security of government facilities, physical security surveillance of critical infrastructure, and other national security purposes, including telecommunications or video surveillance services produced or provided by such entity or using such equipment.	March 12, 2021
Video surveillance and telecommunications equipment produced or provided by **Hangzhou Hikvision Digital Technology Company**, to the extent it is used for the purpose of public safety, security of government facilities, physical security surveillance of critical infrastructure, and other national security purposes, including telecommunications or video surveillance services produced or provided by such entity or using such equipment.	March 12, 2021
Video surveillance and telecommunications equipment produced or provided by **Dahua Technology Company**, to the extent it is used for the purpose of public safety, security of government facilities, physical security surveillance of critical infrastructure, and other national security purposes, including telecommunications or video surveillance services produced or provided by such entity or using such equipment.	March 12, 2021
Information security products, solutions, and services supplied, directly or indirectly, by **AO Kaspersky Lab** or any of its predecessors, successors, parents, subsidiaries, or affiliates.	March 25, 2022
International telecommunications services provided by **China Mobile International USA Inc.** subject to section 214 of the Communications Act of 1934.	March 25, 2022
Telecommunications services provided by **China Telecom (Americas) Corp.** subject to section 214 of the Communications Act of 1934.	March 25, 2022
International telecommunications services provided by **Pacific Networks Corp.** and its wholly-owned subsidiary **ComNet (USA) LLC** subject to section 214 of the Communications Act of 1934.	September 20, 2022
International telecommunications services provided by **China Unicom (Americas) Operations Limited** subject to section 214 of the Communications Act of 1934.	September 20, 2022
Cybersecurity and anti-virus software produced or provided by **Kaspersky Lab, Inc.** or any of its successors and assignees.	July 23, 2024
Uncrewed aircraft systems (UAS) and UAS critical components produced in a foreign country††—except, until January 1, 2027, (a) UAS and UAS critical components included on the Defense Contract Management Agency's (DCMA's) Blue UAS Cleared List,# and (b) UAS and UAS critical components that qualify as "domestic end products" under the Buy American Standard, 48 CFR 25.101(a)—and all communications and video surveillance equipment and services listed in Section 1709(a)(1) of the FY25 National Defense Authorization Act (Pub. L. 118-159).	December 22, 2025 Updated: January 7, 2026

*The inclusion of producers or providers of equipment or services named on this list should be read to include the subsidiaries and affiliates of such entities.

†Where equipment or services on the list are identified by category, such category should be construed to include only equipment or services capable of the functions outlined in sections 2(b)(2)(A), (B), or (C) of the Secure and Trusted Communications Networks Act of 2019, 47 U.S.C. § 1601(b)(2)(A)-(C).

[††]For purposes of inclusion of UAS and UAS critical components, we incorporate the definitions included in the associated National Security Determination.

[#]The "Blue UAS list" referred to in the National Security Determination is the combination of the "Blue UAS Cleared List" at https://bluelist.appsplatformportals.us/Cleared-List/ and the list of compliant UAS components and software at https://bluelist.appsplatformportals.us/Framework/. We use the term "Blue UAS Cleared List" to refer to both lists.

APPENDIX B

National Security Determination on the Threat Posed by Uncrewed Aircraft Systems (UAS) and UAS Critical Components

January 7, 2026

Determination

Pursuant to the National Security Determination sent to the Federal Communications Commission by an Executive Branch interagency body with appropriate national security expertise,[1] the Department of War (DoW) has determined that certain Uncrewed Aircraft Systems (UAS) and UAS critical components[2] do not currently pose unacceptable risks to the national security of the United States and therefore should be removed from FCC's Covered List.

The DoW has determined that UAS and UAS critical components included on Defense Contract Management Agency's (DCMA) Blue UAS list do not currently present unacceptable risks to the national security of the United States or to the safety and security of U.S. persons. This determination includes UAS and UAS critical components included on the Blue UAS list now and until January 1, 2027.

Additionally, until January 1, 2027, the DoW has determined that UAS and UAS critical components that qualify as "domestic end products" under the Buy American Standard do not pose unacceptable risks to the national security of the United States or to the safety and security of U.S. persons.[3]

This determination will terminate on January 1, 2027 unless superseded by a newer national security determination.

Summary of Determination and Supporting Evidence

On December 22, 2025, the FCC added all UAS and UAS critical components produced in a foreign country to its Covered List.[4] This followed a specific determination by an executive branch interagency body with appropriate national security expertise that such devices pose an unacceptable risk to the national security of the United States and to the safety and security of U.S. persons and should be included on the FCC's Covered List, unless the DoW or the Department of Homeland Security makes a specific determination to the FCC that a given UAS or UAS critical component, or a class thereof does not pose such risks.[5] This memo constitutes a specific determination by DoW, pursuant to the earlier National Security Determination, that a specified UAS and UAS critical components do not pose unacceptable risks to the national security of the United States and to the safety and security of U.S. persons.

Blue UAS

The DoW has determined that UAS and UAS critical components included on DCMA's Blue UAS list do not currently present unacceptable risks to the national security of the United States or to the safety and security of U.S. persons. The Blue UAS list consists of UAS and UAS components that have gone

[1] https://www.fcc.gov/sites/default/files/National-Security-Determination-for-UAS.pdf at 2.

[2] For purposes of this determination, "UAS and UAS critical components" does not refer to any device listed in Section 1709 of the FY2025 NDAA.

[3] 48 CFR § 25.101(a).

[4] https://docs.fcc.gov/public/attachments/DA-25-1086A1.pdf at 1.

[5] https://www.fcc.gov/sites/default/files/National-Security-Determination-for-UAS.pdf at 2.

through rigorous cyber and hardware assessments to ensure their technology complies with hardware, software, supply chain, and data privacy standards established by multiple National Defense Authorization Acts (NDAA) and other federal policy guidelines. The Department assesses that all UAS and UAS critical components included on the Blue UAS list are compliant with current U.S. law and regulations and validated as cyber secure. Given the rigorous security testing done on these systems and components, DoW determines that the UAS and UAS components included on the Blue UAS list do not pose unacceptable risks to the national security of the United States or to the safety and security of U.S. persons and should not be included on FCC's Covered List.

The DoW's Blue UAS initiative assesses UAS and UAS components to ensure compliance with Section 848 of the FY2020 National Defense Authorization Act (NDAA), Section 817 of the FY2023 NDAA, and the *American Security Drone Act* included in the FY24 NDAA.[6] These NDAA provisions prohibit DoW from procuring or operating UAS or UAS critical components that are manufactured in a covered foreign country or by an entity domiciled in a covered foreign country. The Blue assessment checks compliance with these statutes as well as ensuring that the platforms clear cybersecurity standards, including rigorous penetration testing. UAS and UAS components included on the Blue UAS list have met the highest security standards so they are able to operate in sensitive environments, protect sensitive information, and prevent cyber vulnerabilities. Given the extensive testing of the Blue listed UAS and UAS critical components, the DoW has determined that UAS and UAS components included on the Blue UAS list, do not pose unacceptable risks to the national security of the United States.

While the DoW has determined that UAS and UAS components included on the Blue UAS list do not currently pose immediate national security risks to the American homeland, reliance on any foreign country for critical UAS components still creates significant vulnerabilities for the domestic drone industrial base. President Trump's Executive Order on Unleashing American Drone Dominance and the National Security Strategy clearly outline that it is a national security imperative to have an independent, robust, and resilient domestic drone industrial base and supply chain.[7] Therefore, this national security determination shall terminate on January 1, 2027, and be reassessed to determine if the import of Blue listed UAS and UAS critical components produced in a foreign country threatens the resiliency of our domestic drone industrial base.

Buy American Standards

Until January 1, 2027, DoW has determined that UAS and UAS critical components that qualify as "domestic end products" under the Buy American Standard do not pose unacceptable risks to the national security of the United States or to the safety and security of U.S. persons.[8]

President Trump has made clear through the Executive Order to Unleash American Drone Dominance and the National Security Strategy that the United States must have an independent and resilient industrial base for critical dual-use technology, including drones and drone components. The National Security Determination on foreign-produced UAS and UAS critical components stated: "Relying on UAS and UAS critical components produced in foreign countries poses an unacceptable national security risk to the United States. To ensure American companies are able to meet both peacetime and wartime demand, the

[6] National Defense Authorization Act for Fiscal Year 2020, Pub. L. No. 116-92 § 848.
James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, Pub. L. No. 117-263 § 817.
National Defense Authorization Act for Fiscal Year 2024, Pub. L. No. 118-31 § 1821 – 1832.

[7] Executive Order 14307. "Unleashing American Drone Dominance" June 2025. https://www.whitehouse.gov/presidential-actions/2025/06/unleashing-american-drone-dominance/.
"National Security Strategy of the United States of America." November 2025. https://www.whitehouse.gov/wp-content/uploads/2025/12/2025-National-Security-Strategy.pdf.

[8] 48 CFR § 25.101(a).

U.S. drone industry cannot rely on foreign-produced UAS critical components."[9] The DoW has determined that UAS and UAS critical components that meet the Buy American "domestic end product" standard currently support the Administration's national security imperative to build an American drone industrial base and do not present unacceptable risks to U.S. national security.

To meet the Buy American definition of a "domestic end product," UAS or UAS critical components must be manufactured in the United States and ensure the cost of domestic components must exceed 65 percent of the total cost of the finished product.[10] Until January 1, 2027, UAS and UAS critical components that meet the Buy American "domestic end product" standard do not pose unacceptable risks to the national security of the United States.

While the Buy American standards support American manufacturing, it is critical that we have a fully independent and robust domestic drone supply chain. The United States must have the ability to manufacture drones at scale in both peacetime and wartime. To achieve this strategic imperative, industry should plan for the domestic content requirement for UAS and UAS critical components to continue to increase in the following years. Industry should use the Buy American standards as a baseline with plans to increase their domestic content requirement. In line with President Trump's revitalization of American manufacturing through America First policies, UAS and UAS critical components must be built in America. This determination will terminate on January 1, 2027, and shall be reassessed prior to its termination to assess how much the domestic content required should increase to meet this goal.

Definitions:

FCC: For the purpose of this determination, the term "FCC" shall mean the Federal Communications Commission.

Domestic End Product: For the purpose of this determination, the term "domestic end product" has the meaning found in 48 CFR § 25.101(a).

Uncrewed Aircraft (UA): For the purpose of this determination, the term "uncrewed aircraft (UA)" has the meaning found in 47 CFR 88.5: *An aircraft operated without the possibility of direct human intervention from within or on the aircraft.*

Uncrewed Aircraft System (UAS): For the purpose of this determination, the term "uncrewed aircraft system (UAS)" has the meaning found in 47 CFR 88.5: *An Uncrewed Aircraft and its associated elements (including an uncrewed aircraft station, communication links, and the components not on board the UA that control the UA) that are required for the safe and efficient operation of the UA in the airspace of the United States.*

UAS Critical Components: For the purpose of this determination, the term "UAS critical components" includes but is not limited to the following UAS components and any associated software:

- Data transmission devices
- Communications systems
- Flight controllers
- Ground control stations and UAS controllers
- Navigation systems
- Sensors and Cameras

[9] https://docs.fcc.gov/public/attachments/DA-25-1086A1.pdf.

[10] https://www.ecfr.gov/current/title-48/chapter-1/subchapter-D/part-25/subpart-25.1/section-25.101.

- Batteries and Battery Management Systems
- Motors

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

In the Matter of	)	
	)	
Marlink, Inc.	)	File No.: EB-TCD-00038619
	)	CD Acct. No.: 202632170001
	)	FRN: 0008760456
	)	
	)	

ORDER

Adopted: January 8, 2026 **Released: January 8, 2026**

By the 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 Marlink, Inc. (Marlink) violated terms of its international section 214 and earth station authorizations, as conditioned by the Commission. Those terms required Marlink to impose strict controls on foreign-employee access to United States communications infrastructure and customer information, including an obligation to notify the Department of Justice (DOJ) before granting such access to any foreign employee. To settle this matter, Marlink will revise its procedures and controls on such access, implement a compliance plan, and pay a $175,000 voluntary contribution.

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 Marlink's compliance with the conditions of its international section 214 and earth station authorizations.

3. In the absence of material new evidence relating to this matter, we do not set for hearing the question of Marlink's basic qualifications to hold or obtain any Commission license or authorization.[1]

4. Accordingly, **IT IS ORDERED** that, pursuant to section 4(i) of the 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.

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 Pauline Ruitenberg, Secretary, Marlink, Inc., 3327 South Sam Houston Parkway East, Suite 100, Houston, TX 77047, and to Kent Bressie, Rakesh Patel, Stephen Miller, HWG LLP, 1919 M Street, N.W., Suite 800, Washington, D.C. 20036.

[1] *See* 47 CFR § 1.93(b).

FEDERAL COMMUNICATIONS COMMISSION

Patrick Webre
Acting Chief
Enforcement Bureau

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

In the Matter of	)	
	)	
Marlink, Inc.	)	File No.: EB-TCD-25-00038619
	)	CD Acct. No.: 202632170001
	)	FRN: 0008760456
	)	
	)	

CONSENT DECREE

1. The Enforcement Bureau (Bureau) of the Federal Communications Commission and Marlink, Inc. (Marlink or Company), by their authorized representatives, hereby enter into this Consent Decree for the purpose of terminating the Bureau's investigation into whether Marlink violated the terms of the Company's international section 214 and earth station authorizations, as conditioned by the Commission.[1] Those terms required Marlink to implement strict controls on foreign-employee access to United States communications infrastructure and customer information, including an obligation to notify the Department of Justice (DOJ) before granting such access to any foreign employee. Through its investigation, the Bureau found that due to an inadequate screening procedure, Marlink failed to submit for timely vetting to DOJ 186 foreign employees with access to its domestic infrastructure and/or certain types of customer information. To resolve this matter, Marlink agrees to implement revised procedures and controls on such access, implement a compliance plan, and pay a $175,000 voluntary contribution.

I. DEFINITIONS

2. For the purposes of this Consent Decree, the following definitions shall apply:

   (a) "Access" has the same meaning as the term is defined in the Marlink LOA.

   (b) "Act" means the Communications Act of 1934, as amended.[2]

   (c) "Adopting Order" means an order of the Bureau adopting the terms of this Consent Decree without change, addition, deletion, or modification.

   (d) "Bureau" means the Enforcement Bureau of the Federal Communications Commission.

[1] 47 U.S.C. §§ 214(a), 301, 308(b), 312; 47 CFR §§ 25.102(a), 63.18(e)(1), 63.21(a). The Commission granted Marlink's international section 214 application and associated earth station applications conditioned on the compliance with commitments made to the U.S. Department of Justice in the Marlink LOA. *See International Authorizations Granted, Section 214 Applications* (47 CFR §§ 63.18, 63.24); Section 310(b) Petitions (47 CFR § 1.5000), Public Notice, 37 FCC Rcd 6695 (2022) (International Section 214 Transfer of Control Authorization) ("[F]ailure to comply and/or remain in compliance with any of these commitments and undertakings shall constitute a failure to meet a condition of the grant of this application and the underlying international section 214 authorization and thus grounds for declaring the authorization terminated without further action on the part of the Commission. Failure to meet a condition of the authorization may also result in monetary sanctions or other enforcement action by the Commission."); *Satellite Communications Services Information re: Actions Taken*, Public Notice, Report No. SES-02474 (IB June 15, 2022) (granting on June 10, 2022, applications for consent to transfer control of earth station authorizations for FCC ICFS File Nos. SES-T/C-20210923-01679, SES-T/C-20210923-01680, and SES-T/C-20210923-01681) (Earth Station Transfer of Control Authorizations) ("Grant conditioned on compliance with the commitments and undertakings set forth in the Letter of Agreement . . . .").

[2] 47 U.S.C. § 151 *et seq.*

(e) "CD Acct No." means account number 202632170001, associated with payment obligations described in paragraph 26 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 Marlink is subject by virtue of its business activities.

(h) "Compliance Plan" means the compliance obligations, program, and procedures described in this Consent Decree at paragraph 20.

(i) "Covered Employees" means all employees and agents of Marlink who perform, supervise, oversee, or manage the performance of duties that relate to the Marlink LOA.

(j) "Domestic Communications" (DC) has the same meaning as the term is defined in the Marlink LOA.

(k) "Domestic Communications Infrastructure" (DCI) has the same meaning as the term is defined in the Marlink LOA.

(l) "Effective Date" means the date by which both the Bureau and Marlink have signed the Consent Decree and the Bureau has released an Adopting Order.

(m) "Foreign" has the same meaning as the term is defined in the Marlink LOA.

(n) "Investigation" means the investigation commenced by the Bureau in EB-TCD-25-00038619 regarding whether Marlink violated the conditions of its international section 214 authorization and earth station licenses.

(o) "Marlink" or "Company" means Marlink, Inc. and its affiliates, subsidiaries, predecessors-in-interest, and successors-in-interest.

(p) "Marlink LOA" means the agreement between Marlink, Inc. and the U.S. Department of Justice, dated May 5, 2022, in relation to FCC ICFS File Nos. ITC-T/C-20210913-00135, SES-T/C-20210923-01679, SES-T/C-20210923-01680, and SES-T/C-20210923-01681, the grants of which the Commission expressly conditioned on compliance with the terms of the Letter of Agreement. *See* Letter of Agreement from Thomas Collins, President, Marlink, Inc., and Sinisa Krnic, Manager, P8 Holding 1 S.à r.l. ("P8 Holding," subsequently renamed Venga Topco S.à r.l. ("Venga Topco"), to the Chief of the Foreign Investment Review Section et al., National Security Division, U.S. Department of Justice, File Nos. ITC-T/C-20210913-00135 et al. (May 5, 2022)).

(q) "Operating Procedures" means the standard internal operating procedures and compliance policies established by Marlink to implement the Compliance Plan.

(r) "Parties" means Marlink 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) "U.S. Records" has the same meaning as the term is defined in the Marlink LOA.

II. BACKGROUND

3. *Foreign Ownership and Operation of U.S. Telecommunications Services and Committee Review of National Security and Law Enforcement Risks*. The Act provides the Commission with authority to regulate U.S. telecommunications infrastructure. A principal purpose of the Act is to protect

the "national defense."[3] To further this purpose and the Commission's oversight of U.S. telecommunications infrastructure, any person or entity seeking to construct, acquire or operate a transmission line, or engage in transmission through any such line, for interstate or U.S-international telecommunications service must receive authorization from the Commission pursuant to section 214 of the Act.[4] The Act further authorizes the Commission to generally regulate and issue licenses for radio communications, whereby any person seeking to transmit energy or communications must receive a license from the Commission, and the Commission's rules require authorization to use or operate apparatus for the transmission of energy, communications, or signals by space or earth station.[5] Any person or entity that holds domestic or international section 214 authority or earth station licenses must obtain prior Commission approval before the authorization holder consummates a substantial transfer of control of such authority or license to any other person or entity.[6]

4. In addition to other public interest factors, the Commission considers whether an application for transfer of control of such authority raises any national security, law enforcement, foreign policy, or trade policy concerns related to the applicant's reportable foreign ownership.[7] For over 25 years, the Commission, at its discretion, has referred certain types of applications—including those for transfers of control of international section 214 authorizations from entities that have reportable foreign ownership—to certain Executive Branch agencies, including the Departments of Justice, Homeland Security, and Defense (collectively, National Security Agencies), and sought their expertise in identifying and evaluating issues of concern that may arise from an applicant's foreign ownership.[8] In April 2020, Executive Order No. 13913 formalized this process and established the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector (the Committee), commonly known as Team Telecom.[9] The Commission, when deciding whether to grant an

[3] 47 U.S.C. § 151.

[4] 47 U.S.C. § 214(a) (prohibiting any carrier from constructing, acquiring, or operating any line, and from engaging in transmission through any such line, without first obtaining a certificate from the Commission "that the present or future public convenience and necessity require or will require the construction, or operation, or construction and operation, of such . . . line . . . ."); *see also China Telecom (Americas) Corp.*, Order on Revocation and Termination, 36 FCC Rcd 15966, 15968-69, para. 3 (2021) (*China Telecom Order*), *aff'd, China Telecom (Americas) Corp. v. FCC*, 57 F.4th 256 (D.C. Cir. 2022). While the Commission has granted domestic carriers blanket authority to provide domestic interstate services and to construct or operate any domestic transmission line, applicants seeking to provide international services, including applicants with reportable foreign ownership, must submit an application for international section 214 authority to the Commission and undergo an approval process under section 214. *Implementation of Section 402(b)(2)(A) of the Telecommunications Act of 1996*; *Petition for Forbearance of the Independent Telephone & Telecommunications Alliance*, Report and Order and Second Memorandum Opinion and Order, 14 FCC Rcd 11364, 11365-66, para. 2 & n.8 (1999) (*Domestic 214 Blanket Authority Order*); 47 CFR §§ 63.01, 63.18.

[5] 47 U.S.C. §§ 301, 303; 47 CFR § 25.102(a).

[6] 47 CFR §§ 25.102, 63.03–04, 63.24.

[7] *China Telecom Order*, 36 FCC Rcd at 15970, para. 5.

[8] *Process Reform for Executive Branch Review of Certain FCC Applications and Petitions Involving Foreign Ownership*, Second Report and Order, 36 FCC Rcd 14848, 14850, para. 2 (2021); *see Rules and Policies on Foreign Participation in the U.S. Telecommunications Market*; *Market Entry and Regulation of Foreign-Affiliated Entities*, IB Docket Nos. 97-142 and 95-22, Report and Order and Order on Reconsideration, 12 FCC Rcd 23891, 23918-21, paras. 59-66 (1997) (*Foreign Participation Order*), *recon. denied*, *Rules and Policies on Foreign Participation in the U.S. Telecommunications Market*, IB Docket 97-142, Order on Reconsideration, 15 FCC Rcd 18158 (2000); *Process Reform for Executive Branch Review of Certain FCC Applications and Petitions Involving Foreign Ownership*, IB Docket No. 16-155, Report and Order, 35 FCC Rcd 10927, 10928-29, para. 3 (2020) (*Executive Branch Process Reform Order*).

[9] Executive Order No. 13913, Establishing the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector, 85 Fed. Reg. 19643 (Apr. 8, 2020) (stating that, "[t]he security,

authorization, ultimately makes an independent decision in light of the information in the record, including any information provided by the applicant, authorization holder, or licensee in response to any filings by the Committee or National Security Agencies.[10] The Commission, at its discretion, also may refer other types of applications.[11]

5. During the course of the Committee's review, the applicant may enter into a mitigation agreement with the Committee, such as a Letter of Agreement (LOA), in which the applicant makes certain commitments to address identified national security and law enforcement concern.[12] Following its review, the Committee may recommend to the Commission that it condition its grant of the application on the applicant's compliance with the terms of the LOA in order to mitigate any national security and law enforcement concerns.[13] The Commission may, at its discretion, condition its grant of the application on the applicant's compliance with the terms of the LOA. Pursuant to their functions and delegated authority, the Commission's Space Bureau (SB) and Office of International Affairs (OIA), among other bureaus and offices, monitor compliance with the terms and conditions of authorizations and licenses and pursue enforcement actions in conjunction with appropriate bureaus and offices.[14] The Enforcement Bureau (Bureau), on behalf of and in coordination with SB and OIA, can pursue enforcement actions for failures to comply substantially with the conditions of a grant.[15]

6. The Commission may impose a forfeiture on a carrier that willfully or repeatedly fails to substantially comply with the terms of a Commission order, including the terms of an LOA where grant of the authorization is conditioned on compliance with the LOA's terms.[16] The Act requires that, when determining whether to impose a forfeiture or its amount, the Commission must consider the nature, circumstances, extent, and gravity of the violation and, with respect to the carrier, the degree of culpability, any history of prior offenses, ability to pay, and such other matters as justice may require.[17]

7. *Marlink*, *Inc*. Marlink is a Delaware corporation headquartered in Houston, Texas, that provides maritime- and land-based satellite communications services. Marlink is a majority-owned,

integrity, and availability of United States telecommunications networks are vital to United States national security and law enforcement interests").

[10] *Foreign Participation Order*, 12 FCC Rcd at 23921, para. 66.

[11] *See Executive Branch Process Reform Order,* 35 FCC Rcd at 10936, para. 24 ("The Commission retains the discretion to refer additional types of applications if we find that the specific circumstances of an application require the input of the Executive Branch as part of our public interest determination of whether an application presents national security, law enforcement, foreign policy, or trade policy concerns.").

[12] Exec. Order 13913, 85 Fed. Reg. at 19648 (Sec. 10); *see Executive Branch Process Reform Order*, 35 FCC Rcd at 10929–30, para. 5.

[13] *Id.* (Sec. 10(a)). For example, on June 8, 2020, the Executive Branch filed a petition to adopt conditions, and the Commission conditioned its grant of the authorization on the applicant's compliance with the terms of the applicant's letter of assurances. *See* Petition of the U.S. Dep't of Justice to Adopt Conditions to Authorizations and Licenses, File No. ITC-214-20190131-00073 (filed June 8, 2020); *International Authorizations Granted Section 214 Applications (47 CFR §§ 63.18, 63.24); Section 310(b) Petitions (47 CFR § 1.5000)*, Report No. TEL-02025, Public Notice, 35 FCC Rcd 6478 (IB 2020).

[14] *See* 47 CFR §§ 0.19(i), 0.51(b).

[15] *See* 47 CFR § 0.111(a) (establishing the Enforcement Bureau as "the primary Commission entity responsible for enforcement of . . . Commission orders and Commission authorizations"); § 0.111(a)(17) (noting that the Bureau pursues enforcement actions "on its own initiative or upon request of another Bureau or Office"); § 0.111(a)(18) (listing the various enforcement actions the Bureau is authorized to issue including "notices of apparent liability and related orders").

[16] 47 U.S.C. § 503(b)(1)(A). The grant of the transfer of control of the international section 214 authorization is also expressly subject to termination by the Office of International Affairs. International Section 214 Transfer of Control Authorization (IBFS File No. ITC-T/C-20210913-00135).

[17] 47 U.S.C. § 503(b)(2).

indirect subsidiary of Venga Topco, a Luxembourg entity. In 2001, the Commission granted Marlink an international section 214 authorization to provide global or limited global facilities-based and resale service.[18] The Commission also granted Marlink authority to operate, transmit, and receive fixed land earth stations, earth stations on-board vessels, and very-small-aperture terminal (VSAT) earth stations to provide fixed satellite service.[19]

8. *Marlink LOA*. In 2021, Apax Partners SAS (Apax), the entity in control of Marlink at the time, and P8 Holding requested the Commission's approval to transfer control of Marlink's international section 214 authorization and earth station licenses from Apax to P8 Holding, arising out of P8 Holding's planned acquisition of Apax's controlling interest in Marlink.[20] The Committee reviewed Marlink's applications and advised the Commission that it had no objections provided that the Commission "condition[] its approval on the assurances of [P8 Holding] and [Marlink, Inc.] to abide by the commitments and undertakings set forth in the May 5, 2022, Letter of Agreement."[21]

9. The Commission subsequently granted Marlink's international section 214 and earth station transfer-of-control applications on May 24, 2022, and in doing so expressly conditioned its grant on Marlink's compliance with the commitments set forth in the Marlink LOA.[22] Importantly, Marlink agreed that the commitments set forth in the Marlink LOA were intended to "address national security and law enforcement risks arising from" the company's application.[23] Among those commitments is to implement strict controls on foreign-employee access to certain records. Under Paragraph 7 of the Marlink LOA, Marlink must notify DOJ before it allows Foreign employees Access to certain types of information.[24] In relevant part, Marlink agreed to "notify [DOJ] of all its Foreign person employees . . . that it intends to allow Access to U.S. Records, [Domestic Communications (DC)], or [Domestic Communications Infrastructure (DCI)]" at least "30 days prior to the date by which it is seeking such

[18] *See International Authorizations Granted: Section 214 Applications (47 C.F.R. § 63.18); Cable Landing License Applications (47 C.F.R. § 1.767); Requests to Authorize Switched Services over Private Lines (47 C.F.R. § 63.16); Section 310(b)(4) Requests*, DA 01-1726, Public Notice, (July 19, 2001) (*Section 214 Authorization*) (granting Marlink's—known at the time as Telenor Satellite Mobile Services, Inc.—application for authority to provide facilities-based service in accordance with section 63.18(e)(1) and resale service in accordance with section 63.18(e)(2) of the Commission's rules).

[19] *See* Call Signs WB36 (ICFS File No. SES-MOD-20220707-00738), E070239 (ICFS File No. SES-RWL-20221209-01316), E990070 (ICFS File No. SES-RWL-20240422-00869), E850127 (ICFS File No. SES-RWL-20210825-01585), E920640 (ICFS File No. SES-RWL-20180520-01308), E920639 (ICFS File No. SES-MOD-20180819-02761.

[20] *See Application to Transfer Control of International Section 214 Authority—Streamlined Processing Requested*, Vincent Colomb, Director, Apax Partners SAS et al., ICFS File No. ITC-T/C-20210913-00135 (Sept. 13, 2021). *See also* Earth Station Transfer of Control Authorizations (granting ICFS File Nos. SES-T/C-20210923-01679, SES-T/C-20210923-01680, SES-T/C-20210923-01681) (June 10, 2022).

[21] Petition to Adopt Conditions to Authorizations and Licenses of the National Telecommunications and Information Administration, File Nos. ITC-T/C-20210913-00135 et al. (filed May 24, 2022); *see* Letter of Agreement from Thomas Collins, President, Marlink, Inc., and Sinisa Krnic, Manager, P8 Holding 1 S.à r.l., to the Chief of the Foreign Investment Review Section et al., National Security Division, U.S. Department of Justice, File Nos. ITC-T/C-20210913-00135 et al. (May 5, 2022) (*Marlink LOA*).

[22] *See International Section 214 Transfer of Control* A*uthorization* ("[F]ailure to comply and/or remain in compliance with any of these commitments and undertakings shall constitute a failure to meet a condition of the grant of this application and the underlying international section 214 authorization and thus grounds for declaring the authorization terminated without further action on the part of the Commission. Failure to meet a condition of the authorization may also result in monetary sanctions or other enforcement action by the Commission.").

[23] *See* Marlink LOA at 1.

[24] *See* Marlink LOA at 6, para. 7.

Access be granted."[25]

10. *The Enforcement Bureau's Investigation*. On May 22, 2024, Marlink, citing its obligations under the Marlink LOA, notified DOJ that it intended to grant multiple Foreign-person employees Access to U.S. Records.[26] DOJ investigated Marlink's request, which eventually led to DOJ's request to the Commission that it consider whether Marlink failed to comply with its commitments under the Marlink LOA.[27] DOJ directed the Commission's attention to Marlink's grant of Access to U.S. Records to several Foreign-person employees, "without timely submitting notification to DOJ," and its alleged failure to subsequently report the same to DOJ.[28] On behalf of and in coordination with SB and OIA, the Bureau's Telecommunications Consumers Division (TCD) then opened an investigation, with which Marlink fully cooperated.

11. TCD found that, at the time of this investigation, a total of 303 Foreign-person employees of Marlink had Access to U.S. Records and/or DCI.[29] But of those 303 employees, 186 were not submitted to DOJ for vetting before Marlink granted such Access to those employees.[30] DOJ has since approved all 186 of these employees' Access, although the requests for vetting were not submitted until after TCD had commenced its investigation.

12. Marlink's reliance on an inadequate manual screening procedure led to noncompliance with the Marlink LOA. The Company took prompt steps to address its process.[31] With respect to current Foreign employees, Marlink reviewed its systems to ensure that all grants of Access to U.S. Records, DC, or DCI comply with the terms of the Marlink LOA. And for future grants of such Access, Marlink implemented forward-looking policies and procedures to more effectively ensure that the Company provides advanced notice to DOJ as required by the Marlink LOA.[32]

13. To resolve these matters, the Parties negotiated the following terms and conditions of settlement and enter into this Consent Decree as provided below.

III. TERMS OF AGREEMENT

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

15. **Jurisdiction**. Marlink 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.

16. **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.

[25] Marlink LOA at 6, para. 7. *See* also "Definitions," Marlink LOA at 2–5.

[26] Letter from Tyler J. Wood, Deputy Chief, Foreign Investment Review Section, DOJ National Security Division, to Patrick Webre, Acting Chief, Telecommunications Consumers Division, FCC Enforcement Bureau (DOJ Referral), Appendix 2 at Marlink 000067 (May 1, 2025) (on file in EB-TCD-25-00038619).

[27] DOJ Referral, Appendix 1.

[28] DOJ Referral at Marlink 000002.

[29] *See* LOI Response at 4; LOI Response, Exhibit 1; LOI Response Clarification, Exhibit 2 (Exhibit 2) (listing 186 foreign employees with Access to U.S. Records and/or DCI).

[30] *See* Exhibit 2.

[31] *See* Letter from Kent Bressie et al., HWG LLP, to Marlene H. Dortch, Secretary, FCC (Aug. 8, 2025) (on file in EB-TCD-25-00038619).

[32] *Id.* at 2.

17. **Termination of Investigation**. In express reliance on the covenants and representations in this Consent Decree and to avoid further expenditure of public resources, the Commission agrees to terminate the Investigation. In consideration for the termination of the Investigation, Marlink agrees to the terms, conditions, and procedures contained herein. The Commission 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 Marlink concerning the matters that were the subject of the Investigation, or to set for hearing the question of Marlink'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.[33]

18. **Admission of Facts**. Marlink admits for the purpose of this Consent Decree and for Commission civil enforcement purposes, and in express reliance on the provisions of paragraph 17 herein, that paragraphs 7 through 12 are a true and accurate description of the facts underlying the Investigation.

19. **Compliance Officer**. Within thirty (30) calendar days after the Effective Date, Marlink 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 Marlink complies with the terms and conditions of the Compliance Plan and this Consent Decree. The Compliance Officer shall have specific knowledge of the conditions of Marlink's international section 214 authorization, including the Marlink LOA, prior to assuming their duties.

20. **Compliance Plan**. For purposes of settling the matters set forth herein, Marlink agrees that it shall, within sixty (60) calendar days after the Effective Date, develop and implement a Compliance Plan designed to ensure future compliance with the terms and conditions of this Consent Decree and the Marlink LOA. Marlink will implement, at a minimum, the following:

(a) **Operating Procedures**. Within thirty (30) calendar days after the Effective Date, Marlink shall establish Operating Procedures that all Covered Employees must follow to ensure ongoing compliance with the Company's obligations regarding Foreign-employee access to DC, DCI, and U.S. Records as established in the Marlink LOA. At a minimum, the Operating Procedures shall include:

i. Processes to reasonably ensure that the Company's employee on-boarding process includes a review of every new employee to determine whether they are subject to DOJ vetting under the Marlink LOA; and

ii. Processes to process, manage, and track all Foreign-employee notifications to DOJ required under the Marlink LOA.

(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 Manual shall explain the LOA and set forth the Operating Procedures that Covered Employees shall follow to help ensure Marlink's compliance with the LOA. Marlink shall periodically review and revise the Compliance Manual as necessary to ensure that the information set forth therein remains current and accurate. Marlink shall distribute any revisions to the Compliance Manual promptly to all Covered Employees.

(c) **Compliance Training Program**. Marlink shall establish and implement a Compliance Training Program on compliance with the Operating Procedures. As part of the Compliance Training Program, Covered Employees shall be advised of Marlink's obligation to report any noncompliance with the LOA under paragraph 22 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

[33] *See* 47 CFR § 1.93(b).

Compliance Training Program within sixty (60) 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. Marlink 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.

21. **Compliance Audits**. Within fifteen (15) days of the Effective Date, Marlink shall send an electronic copy of its most recent annual report regarding compliance with the Marlink LOA, as required under Paragraph 37 of the Marlink LOA, to John Tran (john.tran@fcc.gov), Michael Epshteyn (michael.epshteyn@fcc.gov), and EB-TCD-Privacy@fcc.gov. Marlink shall similarly submit each successive annual report required under Paragraph 37 of the Marlink LOA within fifteen (15) days of submitting the report to DOJ.

22. **Reporting Noncompliance**. Marlink shall report any noncompliance with the terms and conditions of this Consent Decree or the Marlink LOA within thirty (30) calendar days after discovery of such noncompliance. Such reports shall include a detailed explanation of: (i) each instance of noncompliance; (ii) the steps that Marlink 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 Marlink has taken or will take to prevent the recurrence of any such noncompliance. All reports of noncompliance shall be submitted to John Tran (john.tran@fcc.gov) and Michael Epshteyn (michael.epshteyn@fcc.gov), with a copy submitted electronically to EB-TCD-Privacy@fcc.gov.

23. **Compliance Reports**. Marlink shall file compliance reports with the Commission ninety (90) 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 Marlink's efforts during the relevant period to comply with the terms and conditions of this Consent Decree and the Marlink LOA. In addition, each Compliance Report shall include a certification by the Compliance Officer, as an agent of and on behalf of Marlink, stating that the Compliance Officer has personal knowledge that Marlink: (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 22 of this Consent Decree, or the Marlink LOA.

(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.[34]

(c) If the Compliance Officer cannot provide the requisite certification, the Compliance Officer, as an agent of and on behalf of Marlink, 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 Marlink 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 Marlink has taken or will take to prevent the recurrence of any such noncompliance, including the schedule on which such preventive action will be taken.

[34] 47 CFR § 1.16.

(d) All Compliance Reports shall be submitted to John Tran (john.tran@fcc.gov) and Michael Epshteyn (michael.epshteyn@fcc.gov) with a copy submitted electronically to EB-TCD-Privacy@fcc.gov.

24. **Termination Date**. Unless stated otherwise, the requirements set forth in paragraphs 19 through 22 of this Consent Decree shall expire thirty-six (36) months after the Effective Date.

25. **Section 208 Complaints; Subsequent Investigations**. Nothing in this Consent Decree shall prevent the Commission or its delegated authority from adjudicating complaints filed pursuant to section 208 of the Act[35] against Marlink or its affiliates for alleged violations of the Act, or for any other type of alleged misconduct, regardless of when such misconduct took place. The Commission's adjudication of any such complaint will be based solely on the record developed in that proceeding. Except as expressly provided in this Consent Decree, this Consent Decree shall not prevent the Commission from investigating new evidence of noncompliance by Marlink with the Communications Laws.

26. **Voluntary Contribution.** Marlink will pay a voluntary contribution to the United States Treasury in the amount of one hundred and seventy-five thousand dollars ($175,000) *within thirty (30) calendar days of the Effective Date.* Marlink acknowledges and agrees that upon execution of this Consent Decree, the Voluntary Contribution shall become a "Claim" or "Debt" as defined in 31 U.S.C. § 3701(b)(1).[36] Upon an Event of Default, all procedures for collection as permitted by law may, at the Commission's discretion, be initiated. Marlink shall send electronic notification of payment to EB-TCD-Privacy@fcc.gov on the date said payment is made. Payment of the Voluntary Contribution 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 Voluntary Contribution payments by check or money order. Below are instructions that payors should follow based on the form of payment selected:[37]

- 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 159[38] or printed CORES form[39] 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).[40] 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

[35] 47 U.S.C. § 208.

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

[37] For questions regarding payment procedures, please contact the Financial Operations Group Help Desk by phone at 1-877-480-3201 (option #6).

[38] FCC Form 159 is accessible at https://www.fcc.gov/licensing-databases/fees/fcc-remittance-advice-form-159.

[39] 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.

[40] Instructions for completing the form may be obtained at http://www.fcc.gov/Forms/Form159/159.pdf.

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

28. **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 Voluntary Contribution 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 Voluntary Contribution, 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 Marlink.

29. **Waivers**. As of the Effective Date, Marlink 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. Marlink 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 Marlink nor the Commission shall contest the validity of the Consent Decree or the Adopting Order, and Marlink shall waive any statutory right to a trial *de novo*. Marlink hereby agrees to waive any claims it may otherwise have under the Equal Access to Justice Act[41] relating to the matters addressed in this Consent Decree.

30. **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.

31. **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.

32. **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

[41] *See* 5 U.S.C. § 504; 47 CFR §§ 1.1501–1.1530.

intended to revise the terms of this Consent Decree to which Marlink does not expressly consent) that provision will be superseded by such Rule or order.

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

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

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

36. **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.

37. **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.

38. **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.

_____
Patrick Webre
Acting Chief
Enforcement Bureau

_____
Date

_____
Pauline Ruitenberg
Secretary
Marlink, Inc.

_____
Date

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 Number: 26-26
Report No. TEL-02627 **Thursday January 8, 2026**

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, 63.20 of the Commission's rules, 47 CFR §§ 63.12, 63.20, other provisions of the Commission's rules, or procedures set forth in an earlier public notice listing the applications as accepted for filing.

Unless otherwise noted, these grants authorize the applicants: (1) to become a facilities-based international common carrier subject to 47 CFR §§ 63.21, 63.22; and/or (2) to become a resale-based international common carrier subject to 47 CFR §§ 63.21, 63.23; (3) to assign or transfer control of international section 214 authority in accordance with 47 CFR § 63.24; or (4) to exceed the foreign ownership benchmarks applicable to common carrier radio licensees under 47 U.S.C. § 310(b); see Subpart T of Part 1 of the Commission's rules, 47 CFR §§ 1.5000-5004.

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 thirty days of this public notice (see 47 CFR § 1.4(b)(2)).

ITC-T/C-20250808-00077
Date filed: 2025-08-13
Transfer of Control
Grant of Authority

The Alaska Wireless Network, LLC

Date of Action: 2026-01-08

On August 13, 2025, The Alaska Wireless Network, LLC (AWN), a Delaware limited liability company that holds an international 214 authorization for global resale service (ITC-214-20120618-00162), filed a notification of the pro forma transfer of control of AWN from Liberty Broadband Corporation (Liberty Broadband) to GCI Liberty, Inc. (GCI Liberty), effective July 14, 2025. The Applicants filed a supplement on December 16, 2025.

AWN is wholly owned by GCI Wireless Holdings, LLC which in turn is wholly owned by GCI Communication Corp. (GCI Comm), both Alaska entities. GCI Comm is wholly owned by GCI Holdings, LLC which is wholly owned by Ventures Holdco, LLC which in turn is wholly owned by GCI, LLC, all Delaware limited liability companies. Prior to the transaction, GCI, LLC was a wholly owned subsidiary of Grizzly Merger Sub 1, LLC (Grizzly Merger), which in turn was a wholly owned subsidiary of Liberty Broadband, both Delaware entities.

In a corporate restructuring (the pro forma spin-off), Grizzly Merger and Liberty Broadband were removed from the ownership structure of GCI Comm and replaced with GCI Liberty, a new entity with substantially the same ownership as Liberty Broadband. Specifically, on December 31, 2024, GCI Liberty, a Nevada corporation, was formed as a wholly owned subsidiary of Liberty Broadband and on July 14, 2025, Grizzly Merger distributed all of the outstanding equity interests in GCI, LLC to Liberty Broadband. Following that distribution, Liberty Broadband transferred all of the outstanding equity interests in GCI, LLC to GCI Liberty in exchange for GCI Liberty stock, including non-voting preferred stock, and the assumption of certain liabilities related to the GCI businesses. The Applicants state that as a result of the pro forma transfer of control, GCI, LLC and AWN are now wholly owned subsidiaries of GCI Liberty.

GCI Liberty is a publicly traded company. The Applicants state that the post-consummation stockholders of GCI Liberty are substantially the same as the Liberty Broadband stockholders prior to consummation. The Applicants further state that the only individual or entity with a 10% or greater direct or indirect equity of voting interest in GCI Liberty is Dr. John C. Malone, a United States citizen. According to the Applicants, Dr. Malone held a 49.32% aggregate voting interest in Liberty Broadband and now holds a 49.32% voting interest and approximately a 6.18% equity interest in GCI Liberty. Dr. Malone's interests in GCI Liberty are restricted through a side letter agreement with certain trusts and entities related to Dr. Malone that limit his aggregate voting power in GCI Liberty to no more than 49.99%.

ITC-T/C-20250808-00078
Date filed: 2025-08-13
Transfer of Control
Grant of Authority

GCI Communication Corp.

Date of Action: 2026-01-08

On August 13, 2025, GCI Communication Corp. (GCI Comm), an Alaska corporation that holds an international 214 authorization for resale service (ITC-214-19960116-00009), filed a notification of the pro forma transfer of control of GCI Comm from Liberty Broadband Corporation (Liberty Broadband) to GCI Liberty, Inc. (GCI Liberty), effective July 14, 2025. The Applicants filed a supplement on December 16, 2025.

GCI Comm is wholly owned by GCI Holdings, LLC which is wholly owned by Ventures Holdco, LLC which in turn is wholly owned by GCI, LLC, all Delaware limited liability companies. Prior to the transaction, GCI, LLC was a wholly owned subsidiary of Grizzly Merger Sub 1, LLC (Grizzly Merger), which in turn was a wholly owned subsidiary of Liberty Broadband, both Delaware entities.

In a corporate restructuring (the pro forma spin-off), Grizzly Merger and Liberty Broadband were removed from the ownership structure of GCI Comm and replaced with GCI Liberty, a new entity with substantially the same ownership as Liberty Broadband. Specifically, on December 31, 2024, GCI Liberty, a Nevada corporation, was formed as a wholly owned subsidiary of Liberty Broadband and on July 14, 2025, Grizzly Merger distributed all of the outstanding equity interests in GCI, LLC to Liberty Broadband. Following that distribution, Liberty Broadband transferred all of the outstanding equity interests in GCI, LLC to GCI Liberty in exchange for GCI Liberty stock, including non-voting preferred stock, and the assumption of certain liabilities related to the GCI businesses. The Applicants state that as a result of the pro forma transfer of control, GCI, LLC and GCI Comm are now wholly owned subsidiaries of GCI Liberty.

GCI Liberty is a publicly traded company. The Applicants state that the post-consummation stockholders of GCI Liberty are substantially the same as the Liberty Broadband stockholders prior to consummation. The Applicants further state that the only individual or entity with a 10% or greater direct or indirect equity of voting interest in GCI Liberty is Dr. John C. Malone, a United States citizen. According to the Applicants, Dr. Malone held a 49.32% aggregate voting interest in Liberty Broadband and now holds a 49.32% voting interest and approximately a 6.18% equity interest in GCI Liberty. Dr. Malone's interests in GCI Liberty are restricted through a side letter agreement with certain trusts and entities related to Dr. Malone that limit his aggregate voting power in GCI Liberty to no more than 49.99%.

SURRENDER:

ITC-214-20000203-00075 T251264 Knology, Inc.
Date filed: 2000-02-03
International Telecommunications Authorizations
Surrender of Authorization
Requested

Date of Action: 2025-11-17

On November 17, 2025, Knology, Inc. notified the Commission of the surrender of its international section 214 authorization, ITC-214-20000203-00075.

ITC-214-19991026-00677 T253597 Sigecom, LLC
Date filed: 1999-10-26
International Telecommunications Authorizations
Surrender of Authorization
Requested

Date of Action: 2025-11-17

Services:
- Global Facilities-Based Authority pursuant to section 63.18(e)(1) of the Commission's rules.
- Global Resale Authority pursuant to section 63.18(e)(2) of the Commission's rules.

On November 17, 2025, Sigecom, LLC notified the Commission of the surrender of its international section 214 authorization, ITC-214-19991026-00677.

CORRECTION:

ITC-STA-20251117-00128 T25775E Eastern Slope Rural Telephone Association, Inc.
Date filed: 2025-11-24
Special Temporary Authority

The grant of a request for Special Temporary Authority (STA) filed by Eastern Slope Rural Telephone Association, Inc. in the Public Notice released on December 23, 2025 (DA 25-1101) was listed as ITC-STA-20250228-00027; it is revised to show the correct file number ITC-STA-20251117-00128. The corrected version reads as follows:

ITC-STA-20251117-00128 Eastern Slope Rural Telephone Association, Inc.

On December 22, 2025, we granted the request for Special Temporary Authority (STA) filed by Eastern Slope Rural Telephone Association, Inc. (Eastern Slope) to continue to provide international service to its customers at its own risk while the Commission considers its application for international section 214 authority (ITC-214-20250228-00026). Eastern Slope acknowledges that grant of such STA will not prejudice action by the Commission on the underlying application and that the STA is subject to cancellation or modification upon notice without a hearing.

Action on this STA request is without prejudice to any enforcement action by the Commission for non-compliance with the Communications Act of 1934, as amended, or the Commission's rules.

The STA expires on June 20, 2026.

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. 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.

(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 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 C.F.R. § 61.19. Except as specified in Section 20.15 with respect to commercial mobile radio service providers, carriers regulated as non-dominant, as defined in Section 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.

(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-MSC-20181015-00182, Public Notice, 33 FCC Rcd 10008 (IB 2018).

(8) Any U.S. Carrier that owned or leased 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.

(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.

(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 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 Section 63.09.

(13) Carriers shall comply with the Communications Assistance for Law Enforcement Act (CALEA), see 47 CFR §§ 1.20000 et seq.

(14) Every carrier must designate an agent for service in the District of Columbia. See 47 U.S.C. § 413, 47 CFR §§ 1.47(h), 64.1195.

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, (202) 418-1480

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 Number: 26-27
Report No. SCL-00589 **Thursday January 8, 2026**

Section 1.767(a) Submarine Cable Landing Licenses, Modifications, and Assignments or Transfers of Control of Interests in Submarine Cable Landing Licenses (47 C.F.R. § 1.767(a))

Actions Taken Under Submarine Cable Landing License Act

By the Chief, Telecommunications and Analysis Division, Office of International Affairs:

Pursuant to an Act relating to the landing and operation of submarine cables in the United States, 47 U.S.C. §§ 34-39 (Submarine Cable Landing License Act), Executive Order No. 10530, Exec. Ord. No. 10530 reprinted as amended in 3 U.S.C. § 301, and section 1.767 of the Commission's rules, 47 CFR § 1.767, the following applications ARE GRANTED. These grants of authority are taken under section 0.261 of the Commission's rules, 47 CFR § 0.261. 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.

These applications have been coordinated with the Department of State and other Executive Branch agencies pursuant to section 1.767(b) of the Commission's rules, 47 CFR § 1.767(b), and consistent with procedures established with the Department of State. See Review of Commission Consideration of Applications under the Cable Landing License Act, IB Docket No. 00-106, Report and Order, 16 FCC Rcd 22167, 22192-93, paras. 51-52 (2001) (Submarine Cable Landing License Report and Order); Commission Announces Department of State's Revised Procedures for its Consideration of Submarine Cable Landing License Applications, IB Docket No. 16-155, Public Notice, DA 22-435 (rel. Apr. 19, 2022).

This public notice serves as each submarine cable landing licensee's Submarine Cable Landing License, or modification thereto, pursuant to the Cable Landing License Act and sections 1.767 and 1.768 of the Commission's rules. Submarine cable landing licensees should review the terms and conditions of their licenses. Failure to comply with these terms and conditions or relevant Commission rules and policies could result in fines or forfeitures.

On August 13, 2025, United Utilities, Inc. (United Utilities) filed a notification of the pro forma transfer of control of United Utilities from Liberty Broadband Corporation (Liberty Broadband) to GCI Liberty, Inc. (GCI Liberty), effective July 14, 2025. United Utilities, an Alaska corporation, is a licensee on the Cook Inlet Segment of TERRA-SW (SCL-LIC-20100914-00021) submarine cable landing license. The Applicants filed a supplement on December 16, 2025.

United Utilities is wholly owned by GCI Communication Corp. (GCI Comm), an Alaska corporation. GCI Comm is wholly owned by GCI Holdings, LLC which is wholly owned by Ventures Holdco, LLC which in turn is wholly owned by GCI, LLC, all Delaware limited liability companies. Prior to the transaction, GCI, LLC was a wholly owned subsidiary of Grizzly Merger Sub 1, LLC (Grizzly Merger), which in turn was a wholly owned subsidiary of Liberty Broadband, both Delaware entities.

In a corporate restructuring (the pro forma spin-off), Grizzly Merger and Liberty Broadband were removed from the ownership structure of GCI Comm and replaced with GCI Liberty, a new entity with substantially the same ownership as Liberty Broadband. Specifically, on December 31, 2024, GCI Liberty, a Nevada corporation, was formed as a wholly owned subsidiary of Liberty Broadband and on July 14, 2025, Grizzly Merger distributed all of the outstanding equity interests in GCI, LLC to Liberty Broadband. Following that distribution, Liberty Broadband transferred all of the outstanding equity interests in GCI, LLC to GCI Liberty in exchange for GCI Liberty stock, including non-voting preferred stock, and the assumption of certain liabilities related to the GCI businesses. The Applicants state that as a result of the pro forma transfer of control, GCI, LLC and United Utilities are now wholly owned subsidiaries of GCI Liberty.

GCI Liberty is a publicly traded company. The Applicants state that the post-consummation stockholders of GCI Liberty are substantially the same as the Liberty Broadband stockholders prior to consummation. The Applicants further state that the only individual or entity with a 10% or greater direct or indirect equity of voting interest in GCI Liberty is Dr. John C. Malone, a United States citizen. According to the Applicants, Dr. Malone held a 49.32% aggregate voting interest in Liberty Broadband and now holds a 49.32% voting interest and approximately a 6.18% equity interest in GCI Liberty. Dr. Malone's interests in GCI Liberty are restricted through a side letter agreement with certain trusts and entities related to Dr. Malone that limit his aggregate voting power in GCI Liberty to no more than 49.99%.

On August 13, 2025, Unicom, Inc. (Unicom) filed a notification of the pro forma transfer of control of Unicom from Liberty Broadband Corporation (Liberty Broadband) to GCI Liberty, Inc. (GCI Liberty), effective July 14, 2025. Unicom, an Alaska corporation, is a licensee on the Alaska United West (SCL-LIC-20020522-00047) and Airraq (SCL-MOD-20240515-00013) submarine cable landing licenses. The Applicants filed a supplement on December 16, 2025.

Unicom is wholly owned by GCI Communication Corp. (GCI Comm), an Alaska corporation. GCI Comm is wholly owned by GCI Holdings, LLC which is wholly owned by Ventures Holdco, LLC which in turn is wholly owned by GCI, LLC, all Delaware limited liability companies. Prior to the transaction, GCI, LLC was a wholly owned subsidiary of Grizzly Merger Sub 1, LLC (Grizzly Merger), which in turn was a wholly owned subsidiary of Liberty Broadband, both Delaware entities.

In a corporate restructuring (the pro forma spin-off), Grizzly Merger and Liberty Broadband were removed from the ownership structure of GCI Comm and replaced with GCI Liberty, a new entity with substantially the same ownership as Liberty Broadband. Specifically, on December 31, 2024, GCI Liberty, a Nevada corporation, was formed as a wholly owned subsidiary of Liberty Broadband and on July 14, 2025, Grizzly Merger distributed all of the outstanding equity interests in GCI, LLC to Liberty Broadband. Following that distribution, Liberty Broadband transferred all of the outstanding equity interests in GCI, LLC to GCI Liberty in exchange for GCI Liberty stock, including non-voting preferred stock, and the assumption of certain liabilities related to the GCI businesses. The Applicants state that as a result of the pro forma transfer of control, GCI, LLC and Unicom are now wholly owned subsidiaries of GCI Liberty.

GCI Liberty is a publicly traded company. The Applicants state that the post-consummation stockholders of GCI Liberty are substantially the same as the Liberty Broadband stockholders prior to consummation. The Applicants further state that the only individual or entity with a 10% or greater direct or indirect equity of voting interest in GCI Liberty is Dr. John C. Malone, a United States citizen. According to the Applicants, Dr. Malone held a 49.32% aggregate voting interest in Liberty Broadband and now holds a 49.32% voting interest and approximately a 6.18% equity interest in GCI Liberty. Dr. Malone's interests in GCI Liberty are restricted through a side letter agreement with certain trusts and entities related to Dr. Malone that limit his aggregate voting power in GCI Liberty to no more than 49.99%.

On August 13, 2025, Kodiak-Kenai Fiber Link, Inc. (KKFLI) filed a notification of the pro forma transfer of control of KKFLI from Liberty Broadband Corporation (Liberty Broadband) to GCI Liberty, Inc. (GCI Liberty), effective July 14, 2025. KKFLI, an Alaska corporation, is the licensee on the Kodiak Kenai Fiber Link (SCL-LIC-20060413-00004) submarine cable landing license. The Applicants filed a supplement on December 16, 2025.

KKFLI is wholly owned by Kodiak-Kenai Cable Co., LLC which in turn is wholly owned by GCI Communication Corp., both Alaska entities. GCI Comm is wholly owned by GCI Holdings, LLC which is wholly owned by Ventures Holdco, LLC which in turn is wholly owned by GCI, LLC, all Delaware limited liability companies. Prior to the transaction, GCI, LLC was a wholly owned subsidiary of Grizzly Merger Sub 1, LLC (Grizzly Merger), which in turn was a wholly owned subsidiary of Liberty Broadband, both Delaware entities.

In a corporate restructuring (the pro forma spin-off), Grizzly Merger and Liberty Broadband were removed from the ownership structure of GCI Comm and replaced with GCI Liberty, a new entity with substantially the same ownership as Liberty Broadband. Specifically, on December 31, 2024, GCI Liberty, a Nevada corporation, was formed as a wholly owned subsidiary of Liberty Broadband and on July 14, 2025, Grizzly Merger distributed all of the outstanding equity interests in GCI, LLC to Liberty Broadband. Following that distribution, Liberty Broadband transferred all of the outstanding equity interests in GCI, LLC to GCI Liberty in exchange for GCI Liberty stock, including non-voting preferred stock, and the assumption of certain liabilities related to the GCI businesses. The Applicants state that as a result of the pro forma transfer of control, GCI, LLC and KKFLI are now wholly owned subsidiaries of GCI Liberty.

GCI Liberty is a publicly traded company. The Applicants state that the post-consummation stockholders of GCI Liberty are substantially the same as the Liberty Broadband stockholders prior to consummation. The Applicants further state that the only individual or entity with a 10% or greater direct or indirect equity of voting interest in GCI Liberty is Dr. John C. Malone, a United States citizen. According to the Applicants, Dr. Malone held a 49.32% aggregate voting interest in Liberty Broadband and now holds a 49.32% voting interest and approximately a 6.18% equity interest in GCI Liberty. Dr. Malone's interests in GCI Liberty are restricted through a side letter agreement with certain trusts and entities related to Dr. Malone that limit his aggregate voting power in GCI Liberty to no more than 49.99%.

On August 13, 2025, GCI Communication Corp. (GCI Comm) filed a notification of the pro forma transfer of control of GCI Comm from Liberty Broadband Corportaion (Liberty Broadband) to GCI Liberty, Inc. (GCI Liberty), effective July 14, 2025. GCI Comm, an Alaska corporation, is a licensee on the Alaska United East (SCL-LIC-20240815-00036), Alaska United Southeast (SCL-MOD-20200708-00025), AU-Aleutians (SCL-MOD-20230803-00022), and Cook Inlet Segment of TERRA-SW (SCL-LIC-20100914-00021) submarine cable landing licenses. GCI Comm also owns the cable landing stations for the Alaska United West submarine cable (SCL-LIC-20020522-00047). The Applicants filed a supplement on December 16, 2025.

GCI Comm is wholly owned by GCI Holdings, LLC which is wholly owned by Ventures Holdco, LLC which in turn is wholly owned by GCI, LLC, all Delaware limited liability companies. Prior to the transaction, GCI, LLC was a wholly owned subsidiary of Grizzly Merger Sub 1, LLC (Grizzly Merger), which in turn was a wholly owned subsidiary of Liberty Broadband, both Delaware entities.

In a corporate restructuring (the pro forma spin-off), Grizzly Merger and Liberty Broadband were removed from the ownership structure of GCI Comm and replaced with GCI Liberty, a new entity with substantially the same ownership as Liberty Broadband. Specifically, on December 31, 2024, GCI Liberty, a Nevada corporation, was formed as a wholly owned subsidiary of Liberty Broadband and on July 14, 2025, Grizzly Merger distributed all of the outstanding equity interests in GCI, LLC to Liberty Broadband. Following that distribution, Liberty Broadband transferred all of the outstanding equity interests in GCI, LLC to GCI Liberty in exchange for GCI Liberty stock, including non-voting preferred stock, and the assumption of certain liabilities related to the GCI businesses. The Applicants state that as a result of the pro forma transfer of control, GCI, LLC and GCI Comm are now wholly owned subsidiaries of GCI Liberty.

GCI Liberty is a publicly traded company. The Applicants state that the post-consummation stockholders of GCI Liberty are substantially the same as the Liberty Broadband stockholders prior to consummation. The Applicants further state that the only individual or entity with a 10% or greater direct or indirect equity of voting interest in GCI Liberty is Dr. John C. Malone, a United States citizen. According to the Applicants, Dr. Malone held a 49.32% aggregate voting interest in Liberty Broadband and now holds a 49.32% voting interest and approximately a 6.18% equity interest in GCI Liberty. Dr. Malone's interests in GCI Liberty are restricted through a side letter agreement with certain trusts and entities related to Dr. Malone that limit his aggregate voting power in GCI Liberty to no more than 49.99%.

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 Number: 26-28
Report No. TEL-02628NS **Thursday January 8, 2026**

Non Streamlined International Applications/Petitions Accepted For Filing

Section 214 Applications (47 CFR §§ 63.18, 63.24); Section 310(b) Petitions (47 CFR § 1.5000)

Unless otherwise specified, the following procedures apply to the applications listed below:

The applications listed below have been found, upon initial review, to be acceptable for filing. These applications are not subject to the streamlined processing procedures set forth in section 63.12 of the Commission's rules. 47 CFR § 63.12. These applications shall not be deemed granted until the Commission affirmatively acts upon the application, either by public notice or by written order. Operation for which authorization is sought may not commence except in accordance with any terms or conditions imposed by the Commission. Pursuant to section 1.1910(b)(2) of the rules, action will be withheld on any application by any entity found to be delinquent in its debts to the Commission. Applicants should check the Red Light Display System's website at www.fcc.gov/redlight to determine if they are delinquent in a debt to the Commission and for information on how to pay the debt. 47 CFR § 1.1910(b)(2).

Unless otherwise specified, interested parties may file comments with respect to these applications within 28 days of the date of this public notice. We request that such comments refer to the application file number shown below. No application listed below shall be granted by the Commission earlier than the day after the date specified in this public notice for the filing of comments. All applications listed are subject to further consideration and review, and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

Unless otherwise specified, ex parte communications between outside parties and Commission staff concerning these applications are permitted subject to the Commission's rules for "permit-but-disclose proceedings." See 47 CFR § 1.1206.

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).

INFORMATIVE:

ITC-ASG-20250829-00104 TelNet Worldwide, Inc.
Date filed: 2025-09-05
Assignment

Current licensee: TelNet Worldwide, Inc.

On December 31, 2025, the Chair of the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector (Committee) notified the Commission that the Committee is conducting an initial review of the applications for transfer of domestic and assignment of international section 214 authority filed by Interactive Services Network, Inc. d/b/a/ IPFONE and TelNet Worldwide, Inc. (WC Docket No. 25-189 and ITC-ASG-20250829-00104) to assess whether grant of the applications will pose a risk to the national security or law enforcement interests of the United States, pursuant to Executive Order 13913 (85 Fed Reg 19643 (April 8, 2020)). The Committee shall complete its review of the applications before the end of the 120-day initial review period , unless the Committee notifies the Commission of an extension of the 120-day initial review period or the need arises to conduct a 90-day secondary assessment. The 120-day date is April 30, 2026.

ITC-T/C-20250812-00084 Logix Communications, LP
Date filed: 2025-08-13
Transfer of Control

On January 5, 2026, the Chair of the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector (Committee) notified the Commission that the Committee is conducting an initial review of the applications for transfer of domestic and international section 214 authority filed by Logix Communications, LP and New LOGIX Parent, LLC (WC Docket No. 25-249, ITC-T/C-20250812-00084 and ITC-T/C-20250812-00084) to assess whether grant of the applications will pose a risk to the national security or law enforcement interests of the United States, pursuant to Executive Order 13913 (85 Fed Reg 19643 (April 8, 2020)). The Committee shall complete its review of the applications before the end of the 120-day initial review period , unless the Committee notifies the Commission of an extension of the 120-day initial review period or the need arises to conduct a 90-day secondary assessment. The 120-day date is May 5, 2026.

ITC-T/C-20250812-00085 Alpheus Communications, LLC
Date filed: 2025-08-13
Transfer of Control

On January 5, 2026, the Chair of the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector (Committee) notified the Commission that the Committee is conducting an initial review of the applications for transfer of domestic and international section 214 authority filed by Alpheus Communications, LLC and New LOGIX Parent, LLC (WC Docket No. 25-249, ITC-T/C-20250812-00084 and ITC-T/C-20250812-00084) to assess whether grant of the applications will pose a risk to the national security or law enforcement interests of the United States, pursuant to Executive Order 13913 (85 Fed Reg 19643 (April 8, 2020)). The Committee shall complete its review of the applications before the end of the 120-day initial review period , unless the Committee notifies the Commission of an extension of the 120-day initial review period or the need arises to conduct a 90-day secondary assessment. The 120-day date is May 5, 2026.

REMINDERS:

Applicants must certify that neither the applicant nor any party to the application is subject to a denial of federal benefits by federal and/or state courts under authority granted in 21 U.S.C. § 862. See 47 CFR §§ 1.2001-.2003.

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 Number: 26-29
Report No. SCL-00590NS **Thursday January 8, 2026**

Non-Streamlined Submarine Cable Landing License Applications

Accepted For Filing

Unless otherwise specified, the following procedures apply to the applications listed below:

The applications listed below have been found, upon initial review, to be acceptable for filing. Pursuant to the Submarine Cable Landing License Act, 47 U.S.C. §§ 34-39, and Executive Order No. 10530, reprinted as amended in 3 U.S.C. § 301, each applicant seeks: (a) the grant of a submarine cable landing license; (b) the modification of a submarine cable landing license; and/or (c) the assignment or transfer of control of an interest in a submarine cable landing license. These applications are not subject to the streamlined processing procedures set forth in Section 1.767 of the Commission's rules, 47 CFR § 1.767. Pursuant to section 1.1910(b)(2) of the rules, action will be withheld on any application by any entity found to be delinquent in its debts to the Commission. Applicants should check the Red Light Display System's website at www.fcc.gov/redlight to determine if they are delinquent in a debt to the Commission and for information on how to pay the debt. 47 CFR § 1.1910(b)(2).

Unless otherwise specified, filings relating to these applications must be received within 14 days of this notice. Ex parte communications between outside parties and Commission staff concerning these applications are permitted subject to the Commission's rules for "permit-but-disclose proceedings." See 47 CFR § 1.1206. All applications listed are subject to further consideration and review, and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

These applications are being coordinated with the Department of State and other Executive Branch agencies pursuant to section 1.767(b) of the Commission's rules, 47 CFR §1.767(b), and consistent with procedures established with the Department of State. See Review of Commission Consideration of Applications under the Cable Landing License Act, IB Docket No. 00-106, Report and Order, 16 FCC Rcd 22167, 22192-93, paras. 51-52 (2001) (Submarine Cable Landing License Report and Order); Commission Announces Department of State's Revised Procedures for its Consideration of Submarine Cable Landing License Applications, IB Docket No. 16-155, Public Notice, DA 22-435 (rel. Apr. 19, 2022).

Pursuant to its decision in Review of Commission Consideration of Applications under the Submarine Cable Landing License Act, IB Docket No. 00-106, FCC 01-332, 16 FCC Rcd 22167 (2001), and section 1.767 of the rules, the Commission will take action upon these applications within ninety (90) days after release of this public notice, unless it determines that additional time is needed.

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).

INFORMATIVE:

SCL-LIC-20241224-00052 S250403 Edge Cable Holdings USA, LLC
Date filed: 2024-12-24
Submarine Cable Landing License

On January 7, 2026, the Chair of Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector (Committee) notified the Commission that the Committee granted the Applicant an extension to the 120-day initial review period and thus is extending its initial review period for the application for the ORCA cable system to conclude on or before February 12, 2026, pursuant to Executive Order 13913 (85 Fed Reg 19643 (April 8, 2020)).

REMINDER:

Applicants must certify that neither the applicant nor any party to the application is subject to a denial of federal benefits by federal and/or state courts under authority granted in 21 U.S.C. § 862. See 47 CFR §§ 1.2001-.2003.

By this notice, we inform the public that submarine cable landing license applications that are part of larger transactions involving multiple Commission licenses or authorizations may involve "extraordinary circumstances" as referenced in Review of Commission Consideration of Applications under the Submarine Cable Landing License Act, Report and Order, 16 FCC Rcd 22167 (2001) and Rules and Policies on Foreign Participation in the U.S. Telecommunications Market, Report and Order and Order on Reconsideration, 12 FCC Rcd 23891 (1997), paras. 327-28, Order on Reconsideration, 15 FCC Rcd 18158 (2000). Additionally, extraordinary circumstances result where Executive Branch agencies petition the Commission to defer action on an application pending the resolution of potential national security, law enforcement, foreign policy and trade policy issues. Accordingly, these applications may not be acted on within the 90-day review period that the Commission has established as the period of time normally required to reach a decision on non-streamlined submarine cable landing licenses. This notice shall serve as public notice to applicants that, in these circumstances, additional time may be required for Commission review and final action. No additional formal public notice will be provided routinely with respect to specific applications in the event that the applicable review period extends beyond 90 days

PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, DC 20554

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

DA 26-30
Released: Jan. 8, 2026

WIRELESS TELECOMMUNICATIONS BUREAU APPROVES THE REVISED PERFORMANCE PLAN OF TELALASKA PURSUANT TO THE ALASKA PLAN

WC Docket No. 16-271

By this Public Notice, the Wireless Telecommunications Bureau (WTB) approves the revised performance plan of TelAlaska Cellular, Inc. (TelAlaska),[1] filed pursuant to the terms set forth in the *Alaska Plan Order*.[2] The approved performance plan is included in the attached Appendix A.

The *Alaska Plan Order* requires eligible service providers participating in the Alaska Plan to submit for WTB approval individual performance plans with their service commitments.[3] WTB approved wireless service providers' initial performance plans in 2016.[4] However, throughout the duration of the ten-year Alaska Plan, WTB "may require the filing of revised commitments at other times if justified by developments that occur after the approval of the initial performance commitments."[5] If a provider relies upon "performance-limiting satellite backhaul" to serve all or a portion of the population in its service area, it is required to certify if terrestrial backhaul or new-generation satellite backhaul became commercially available in the previous calendar year in the affected area.[6] If a carrier so certifies and has

[1] TelAlaska Cellular, Inc. (TelAlaska) also does business as Fastwyre Broadband. *See* Letter from John R. Walter, EVP, General Counsel and Secretary, TelAlaska, to Matthew Warner, Attorney Advisor, FCC (rec. Sept. 24, 2025), attached to Email from John R. Walter to AK.Plan@fcc.gov (rec. Sept. 24, 2025 13:40 ET) (TelAlaska Sept. 24, 2025 Letter).

[2] *Connect America Fund et al.*, WC Docket Nos. 16-271, 10-90, WT Docket No. 10-208, Report and Order and Further Notice of Proposed Rulemaking, 31 FCC Rcd 10139 (2016) (*Alaska Plan Order*).

[3] *See* 47 CFR § 54.317(f); *Alaska Plan Order*, 31 FCC Rcd at 10160, para. 67.

[4] *Wireless Telecommunications Bureau Approves Performance Plans of the Eight Wireless Providers That Elected to Participate in the Alaska Plan*, WC Docket No. 16-271, Public Notice, 31 FCC Rcd 13317, Appx. A, Approved Performance Commitments (WTB 2016) (*Wireless Commitments Public Notice*) (approving all eight mobile providers' initial performance plans); *see also Wireless Telecommunications Bureau Approves GCI's Revised Performance Plan Pursuant to the Alaska Plan Order*, WC Docket No. 16-271, Public Notice, 34 FCC Rcd 12183 (WTB 2019) (*GCI's 2019 Revised Performance Plan*) (accepting GCI's and ASTAC's revised 2019 performance plans); *Wireless Telecommunications Bureau Approves GCI's Revised Performance Plan Pursuant to the Alaska Plan Order*, WC Docket No. 16-271, Public Notice, 35 FCC Rcd 9539, 9539-41, Appx. (WTB 2020) (*GCI's 2020 Revised Performance Plan*) (accepting GCI's revised 2020 performance plan); *Wireless Telecommunications Bureau Approves Bristol Bay Cellular Partnership's, TelAlaska Cellular's, and Windy City Cellular's Revised Performance Plans Pursuant to the Alaska Plan*, WC Docket No. 16-271, Public Notice, 39 FCC Rcd 5898 (WTB 2024) (accepting BBCP's, TelAlaska's, and Windy City's revised and currently operative performance plans); *Wireless Telecommunications Bureau Approves The Revised Performance Plan of GCI Pursuant to the Alaska Plan*, WC Docket No. 16-271, Public Notice, 40 FCC Rcd 5050 (WTB 2025).

[5] 47 CFR § 54.317(f).

[6] *See Alaska Plan Order*, 31 FCC Rcd at 10172, para. 102.

not previously committed to providing 10/1 Mbps LTE in the affected area, the carrier must revise its performance plan to take into account the availability of the new backhaul option.[7]

Due to fiber middle mile becoming available,[8] TelAlaska's latest revised performance plan increases the number of Alaskans that it commits to serve with 4G LTE at 10/1 Mbps from 3598[9] to 10,082.[10] TelAlaska further commits to serve all 15,198 Alaskans in its footprint with at least 4G LTE technology by December 31, 2026.[11]

The attached revised performance plan at Appendix A, *infra*, is an improvement that will benefit Alaskans and is hereby approved as TelAlaska's operative performance plan for the Alaska Plan.

Additional Information. For additional information on this proceeding, contact ak.plan@fcc.gov.

- FCC -

[7] *Id*.

[8] TelAlaska Sept. 24, 2025 Letter.

[9] *See* Appendix B, *infra*.

[10] *See* Appendix A, *infra*; *see also* TelAlaska Sept. 24, 2025 Letter.

[11] *See* Appendix A, *infra.*

Appendix A
TCI's Newly Operative Performance Plan[12]

	Note 1	Note 2				TelAlaska Cellular, Inc. - Alaska Plan Commitments						Note 3			
Proposed	Middle Mile	Population 2010 Census	Spectrum Codes (477 Code)	Population Served 12/31/14	% Base Population Served 12/31/14	Technology of Transmission (477 Code)	Minimum Expected Download/ Upload Speeds	5 Year Base Population Served 2021	5 Year % Total Population Served 2021	Technology of Transmission (477 Code)	Minimum Expected Download/ Upload Speeds	10 Year Base Population Served 2026	10 Year % Total Population Served 2026	Technology of Transmission (477 Code)	Minimum Expected Download/ Upload Speeds
	Satellite	15198	91	11702	77%	86	256Kbps/ 256Kbps	6079	40%	86	256Kbps/ 256Kbps	0	0%	86	256Kbps/ 256Kbps
			91	2888	19%	80	1.0Mbps/ 128 Kpbs	4863	32%	80	1.0Mbps/ 128 Kpbs	0	0%	80	1.0Mbps/ 128 Kpbs
			91				1.0Mbps/ 128 Kpbs	3800	25%	83	1.0Mbps/ 128 Kpbs	5116	34%	83	1.0Mbps/ 128 Kpbs
	Fiber											10082	66%	83	10.0Mbps/1.0 Mbps
Total				14590				14742				15198			

Note 1: TCI is connected to fiber middle mile in Nome, Unalaska, Sand Point, King Cove and Port Lions. The remaining areas remain under review as access to fiber middle mile becomes available and commercially viable.
Note 2: All population figures are based on 2010 census data. The 2020 census data provides for a 4.4% drop in population by comparison.
Note 3: The estimates proposed are based on anticipated upgrades under the SCRP, but are subject to contingency based on construction risk, reimbursement risk and cost overruns.

[12] TelAlaska Sept. 24, 2025 Letter, Appx.

Appendix B
TelAlaska's Previously Operative Performance Plan[13]

	Note 1	Note 2				TelAlaska Cellular, Inc. - Alaska Plan Commitments						Note 3			
	Middle Mile	Population 2010 Census	Spectrum Codes (477 Code)	Population Served 12/31/14	% Base Population Served 12/31/14	Technology of Transmission (477 Code)	Minimum Expected Download/ Upload Speeds	5 Year Base Population Served 2021	5 Year % Total Population Served 2021	Technology of Transmission (477 Code)	Minimum Expected Download/ Upload Speeds	10 Year Base Population Served 2026	10 Year % Total Population Served 2026	Technology of Transmission (477 Code)	Minimum Expected Download/ Upload Speeds
Existing	Satellite	15198	91	11702	77%	86	256Kbps/ 256Kbps	6079	40%	86	256Kbps/ 256Kbps	1663	11%	86	256Kbps/ 256Kbps
			91	2888	19%	80	1.0Mbps/ 128 Kpbs	4863	32%	80	1.0Mbps/ 128 Kpbs	0	0%	80	1.0Mbps/ 128 Kpbs
			91				1.0Mbps/ 128 Kpbs	3800	25%	83	1.0Mbps/ 128 Kpbs	9937	65%	83	1.0Mbps/ 128 Kpbs
	Fiber											3598	24%	83	10.0Mbps/1.0 Mbps
Total				14590				14742				15198			

Note 1: Nome is the only location where TCI currently has a commercially viable opportunity to provide fiber middle mile. The remaining areas remain under review but are not currently affordable.
Note 2: All population figures are based on 2010 census data. The 2020 census data provides for a 4.4% drop in population by comparison.
Note 3: The estimates proposed are based on anticipated upgrades under the SCRP, but are subject to contingency based on underfunding, construction risk, reimbursement risk and cost overruns.

[13] *Wireless Telecommunications Bureau Approves Bristol Bay Cellular Partnership's, TelAlaska Cellular's, and Windy City Cellular's Revised Performance Plans Pursuant to the Alaska Plan*, WC Docket No. 16-271, Public Notice, 39 FCC Rcd 5898, Appx. A (2024).

Appendix C
Technology Codes for Alaska Plan Performance Plans

Technology Code	Description
80	Terrestrial Mobile Wireless – WCDMA/UMTS/HSPA
81	Terrestrial Mobile Wireless – HSPA+
82	Terrestrial Mobile Wireless – EVDO/EVDO Rev A
83	Terrestrial Mobile Wireless – LTE
84	Terrestrial Mobile Wireless – WiMAX
85	Terrestrial Mobile Wireless – CDMA
86	Terrestrial Mobile Wireless – GSM
87	Terrestrial Mobile Wireless – Analog
88	Terrestrial Mobile Wireless – Other

*5G-NR should be listed at “5G”

PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, DC 20554

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

DA 26-31
Released: January 8, 2026

WIRELINE COMPETITION BUREAU REMINDS RIP-AND-REPLACE PROGRAM RECIPIENTS OF THEIR FEBRUARY 10, 2026 SPENDING REPORT FILING OBLIGATION

WC Docket No. 18-89

By this Public Notice, the Wireline Competition Bureau (Bureau) reminds recipients[1] in the Secure and Trusted Communications Networks Reimbursement Program (Reimbursement Program) of their obligation to file reimbursement spending reports with the Federal Communications Commission (Commission) "[w]ithin 10 days after the end of January and July . . . starting with the recipient's initial draw down of reimbursement funds."[2] All recipients that have been notified of the approval of a reimbursement claim request must submit their next spending report by February 10, 2026. For additional information about Reimbursement Program spending report requirements, please refer to the *Initial Spending Report Public Notice*.[3] For information on procedures for submitting spending reports, see the User Guide on spending reports, which is available on the Reimbursement Program webpage, https://www.fcc.gov/supplychain/reimbursement.

Recipients must submit their spending reports through the Supply Chain Reimbursement Program Online Portal, https://fccprod.servicenowservices.com/scrp by completing FCC Form 5640 Part L:

[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), and as further amended by the Servicemember Quality of Life Improvement and National Defense Authorization Act for Fiscal Year 2025, H.R. 5009, 118th Cong. (2024); *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(l)(1); *see also 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, 14360, para. 188 (2020) (*2020 Supply Chain Order*). This reporting obligation terminates once the recipient has filed a "final spending report showing the expenditure of all funds received as compared to the estimated costs" submitted. 47 CFR § 1.50004(l)(2). The final spending report is due after the filing of a final certification by the recipient. *2020 Supply Chain Order*, 35 FCC Rcd at 14360, para. 188. Specifically, the final spending report is due "no later than 60 days after the expiration of the program participant's reimbursement claim deadline." *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, 12000, para. 105 (2021).

[3] *Wireline Competition Bureau Reminds Secure and Trusted Communications Networks Reimbursement Program Recipients of Their Spending Report Filing Obligation*, WC Docket No. 18-89, Public Notice, DA 23-25 (WCB Jan. 11, 2023).

Spending Reports. 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/efcs.

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, D.C. 20554

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

DA 26-32
Released: January 9, 2026

COMMENTS INVITED ON SECTION 214 APPLICATION TO DISCONTINUE DOMESTIC NON-DOMINANT CARRIER TELECOMMUNICATIONS SERVICES

WC Docket No. 26-4

Comments Due: January 26, 2026

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 **February 9, 2026**, 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 service ("Authorized Date"). Any applicant whose application has been deemed granted may discontinue their Affected Service(s) in their Service Area(s) on or after the authorized discontinuance 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 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 applicable. Should no petitions for reconsideration, applications for review, or petitions for judicial

[1] 47 CFR § 63.71.

[2] 47 U.S.C. § 214.

[3] 47 CFR § 63.71.

[4] *See* 47 CFR § 63.71(f)(1) (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.").

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 the application(s) listed in the Appendix must be filed with the Commission on or before **January 26, 2026**. Comments should refer to the specific WC Docket No. and Comp. Pol. File No. listed in the Appendix for the Section 214 Discontinuance Application. 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). *Electronic Filers*: Comments may be filed electronically using the Internet by accessing the ECFS: https://www.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.

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.

This proceeding(s) shall be treated as a "permit-but-disclose" proceeding(s) in accordance with 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(s) 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.

[5] 47 CFR § 1.1200 *et seq*.

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/general/domestic-section-214-discontinuance-service.

– FCC –

Appendix

1) **Applicant: Alteva of Warwick LLC d/b/a WVT Fiber**
WC Docket No. 26-4, Comp. Pol. File No. 2087
Link – https://www.fcc.gov/ecfs/search/search-filings/results?q=(proceedings.name:(%2226-4%22))
Affected Services – Plain Old Telephone Services also known as "POTS" and telecommunications data services available to business customers, including DS1 service
Service Areas – Middletown, NY
Authorized Date – on or after February 9, 2026
Contact – Rodney McDonald, (202) 418-7513 (voice), Rodney.McDonald@fcc.gov, of the Competition Policy Division, Wireline Competition Bureau

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 26-33
Released: January 9, 2026

COMMENTS INVITED ON SECTION 214 APPLICATIONS TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES AS PART OF A TECHNOLOGY TRANSITION

WC Docket Nos. 26-5, 26-6 & 26-7

Comments Due: January 26, 2026

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 requests 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 **February 9, 2026**, 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 service ("Authorized Date"). Any applicant whose application has been deemed granted may discontinue their Affected Service(s) in their Service Area(s) on or after the authorized discontinuance date(s) specified in the Appendix, in accordance with their filed

[1] 47 CFR § 63.71.

[2] 47 U.S.C. § 214.

[3] 47 CFR § 63.71.

[4] *See* 47 CFR § 63.71(f)(1) (stating, in relevant part, that an application filed by "any carrier meeting the requirements of paragraph (f)(2)(ii) of this section shall be automatically granted on the 31st day… unless the Commission has notified the applicant that the grant will not be automatically effective."); *see also* 47 CFR § 63.71(f)(2)(ii) (stating that "[a]n application to discontinue, reduce, or impair an existing retail service as part of a technology transition, as defined in § 63.60(i), may be automatically granted only if: …The applicant (A) Offers a stand-alone interconnected VoIP service, as defined in § 9.3 of this chapter, throughout the affected service area, and (B) At least one other alternative stand-alone facilities-based wireline or wireless voice service is available from another unaffiliated provider throughout the affected service area."); *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84, Order, DA 25-248, para. 6 (WCB Mar. 20, 2025) (waiving the "stand-alone" requirement for a period of two years when a carrier seeks to discontinue a legacy voice service pursuant to section 214(a), thereby allowing carriers to satisfy both prongs of the Alternative Options Test with a bundled service) (*Standalone Waiver Order*)).

representations. Accordingly, pursuant to section 63.71(f), and the terms outlined in each application, absent further Commission action, each applicant may discontinue 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 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 the application listed in the Appendix must be filed with the Commission on or before **January 26, 2026**. Comments should refer to the specific WC Docket No. and Comp. Pol. File No. listed in the Appendix for the Section 214 Discontinuance Application. 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). *Electronic Filers*: Comments may be filed electronically using the Internet by accessing the ECFS: https://www.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.

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.

This proceeding shall be treated as a "permit-but-disclose" proceeding in accordance with 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,

[5] 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.

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/general/domestic-section-214-discontinuance-service.

– FCC –

Appendix

1) **Applicant(s): Consolidated Communications of Illinois Company, LLC d/b/a Consolidated Communications and Fidium**
WC Docket No. 26-5, Comp. Pol. File No. 2088
Link – https://www.fcc.gov/ecfs/search/search-filings/results?q=(proceedings.name:(%2226-5%22))
Affected Service(s) – Legacy voice service
Service Area(s) – at locations in one exchange in Illinois that are passed by fiber, as specified in the application
Authorized Date(s) – on or after March 24, 2026
Contact(s) – Rodney McDonald, (202) 418-7513 (voice), Rodney.McDonald@fcc.gov, of the Competition Policy Division, Wireline Competition Bureau

2) **Applicant(s): Consolidated Communications of Northern New England Company, LLC d/b/a Consolidated Communications and Fidium**
WC Docket No. 26-6, Comp. Pol. File No. 2089
Link – https://www.fcc.gov/ecfs/search/search-filings/results?q=(proceedings.name:(%2226-6%22))
Affected Service(s) – Legacy voice service
Service Area(s) – at locations in twelve exchanges in Maine and seven exchanges in New Hampshire that are passed by fiber, as specified in the application
Authorized Date(s) – on or after March 24, 2026
Contact(s) – Rodney McDonald, (202) 418-7513 (voice), Rodney.McDonald@fcc.gov, of the Competition Policy Division, Wireline Competition Bureau

3) **Applicant(s): Consolidated Communications of Vermont Company, LLC d/b/a Consolidated Communications and Fidium**
WC Docket No. 26-7, Comp. Pol. File No. 2090
Link – https://www.fcc.gov/ecfs/search/search-filings/results?q=(proceedings.name:(%2226-7%22))
Affected Service(s) – Legacy voice service
Service Area(s) – at locations in five exchanges in Vermont that are passed by fiber, as specified in the application
Authorized Date(s) – on or after March 24, 2026
Contact(s) – Rodney McDonald, (202) 418-7513 (voice), Rodney.McDonald@fcc.gov, of the Competition Policy Division, Wireline Competition Bureau

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 Number: 26-34
Report No. SAT-01965 **Friday January 9, 2026**

Satellite Licensing Division and Satellite Programs and Policy Division Information

RE: 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-20250917-00288 S2382 Intelsat License LLC
Date filed: 2025-09-17
Special Temporary Authority
Grant of Authority Date of Action: 2026-01-08

Granted.

SAT-STA-20251203-00356 S2237 Intelsat License LLC
Date filed: 2025-12-04
Special Temporary Authority
Grant of Authority Date of Action: 2026-01-08

Granted.

SAT-STA-20251203-00360 S3083 Intelsat License LLC
Date filed: 2025-12-04
Special Temporary Authority
Grant of Authority Date of Action: 2026-01-08

Granted.

SAT-LOA-20241204-00274 S3213 Spire Global, Inc.
Date filed: 2024-12-04
Launch and Operating Authority
Grant of Authority Date of Action: 2026-01-08

Nature of Service:
- Other Satellite Service (please specify)
- Mobile-Satellite Service
- Earth Exploration-Satellite Service

Granted with conditions.

SAT-STA-20260105-00003 S2990 Space Logistics LLC
Date filed: 2026-01-05
Special Temporary Authority 2026-01-13 - 2026-02-12
Grant of Authority Date of Action: 2026-01-08

Granted with conditions.

SAT-STA-20251203-00357 S2972 Intelsat License LLC
Date filed: 2025-12-04
Special Temporary Authority
Grant of Authority Date of Action: 2026-01-08

Granted.

SAT-STA-20250925-00302 S3083 Intelsat License LLC
Date filed: 2025-09-25
Special Temporary Authority
Grant of Authority Date of Action: 2026-01-08

Granted.

SAT-STA-20250925-00301 S3202 BlackSky Global LLC
Date filed: 2025-09-26
Special Temporary Authority 2026-01-20 - 2026-02-19
Grant of Authority Date of Action: 2026-01-08

Granted with conditions.

SAT-STA-20251203-00358 **Date filed:** 2025-12-04 Special Temporary Authority Grant of Authority	S2382	Intelsat License LLC	Date of Action:	2026-01-08

Granted.

SAT-STA-20250910-00265 **Date filed:** 2025-09-10 Special Temporary Authority Grant of Authority	S2972	Intelsat License LLC	Date of Action:	2026-01-08

Granted.

SAT-STA-20251203-00359 **Date filed:** 2025-12-04 Special Temporary Authority Grant of Authority	S2408	Intelsat License LLC	Date of Action:	2026-01-08

Granted.

SAT-STA-20251205-00373 **Date filed:** 2025-12-06 Special Temporary Authority Grant of Authority	S3065	AST & Science, LLC	Date of Action:	2026-01-05

Granted with conditions.

SAT-STA-20251219-00392 **Date filed:** 2025-12-19 Special Temporary Authority Grant of Authority	S3032	BlackSky Global LLC	2025-12-28 - 2026-01-27 Date of Action:	2026-01-08

Granted with conditions.

SAT-STA-20251118-00326 **Date filed:** 2025-11-18 Special Temporary Authority Grant of Authority	S3032	BlackSky Global LLC	Date of Action:	2026-01-08

Granted pursuant to section 1.62 of the Commission’s rules.

SAT-STA-20251229-00404	S3083	Intelsat License LLC		
Date filed: 2025-12-30				
Special Temporary Authority			2026-01-05 - 2026-02-04	
Grant of Authority			Date of Action:	2026-01-08

Granted with conditions.

SAT-STA-20251229-00405	S2972	Intelsat License LLC		
Date filed: 2025-12-30				
Special Temporary Authority			2026-01-05 - 2026-02-04	
Grant of Authority			Date of Action:	2026-01-08

Granted with conditions.

SAT-STA-20250926-00306	S3032	BlackSky Global LLC		
Date filed: 2025-09-29				
Special Temporary Authority				
Grant of Authority			Date of Action:	2026-01-08

Granted pursuant to section 1.62 of the Commission's rules.

SAT-STA-20251229-00408	S2382	Intelsat License LLC		
Date filed: 2025-12-30				
Special Temporary Authority			2026-01-05 - 2026-02-04	
Grant of Authority			Date of Action:	2026-01-08

Granted with conditions.

SAT-STA-20251223-00397	S3092	Astranis Projects USA LLC		
Date filed: 2025-12-23				
Special Temporary Authority			2025-02-02 - 2025-04-03	
Grant of Authority			Date of Action:	2026-01-08

Granted with conditions.

SAT-STA-20260107-00015	S3178	Capella Space Corp.		
Date filed: 2026-01-08				
Special Temporary Authority				
Grant of Authority			Date of Action:	2026-01-08

Granted with conditions.

SAT-STA-20251229-00407 S2408 Intelsat License LLC
Date filed: 2025-12-30
Special Temporary Authority 2026-01-05 - 2026-02-04
Grant of Authority Date of Action: 2026-01-08

Granted with conditions.

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: https://www.fcc.gov
TTY: 1-888-835-5322

DA 26-35
Released: January 9, 2026

MODIFICATION OF THE FREEDOM OF INFORMATION ACT FEE SCHEDULE

The Freedom of Information Act (FOIA) requires federal agencies to establish a schedule of fees for the processing of requests for agency records in accordance with fee guidance issued by the Office of Management and Budget (OMB).[1] In 1987, OMB issued its Uniform Freedom of Information Act Fee Schedule and Guidelines.[2] However, because the FOIA requires that each agency's fees be based upon the direct cost incurred by the agency in providing FOIA services,[3] OMB did not provide a unitary, government-wide schedule of fees.

The Commission bases its FOIA Fee Schedule on the grade level of the employee who processes the request.[4] Thus, effective January 1987, the Commission calculates the Fee Schedule at Step 5 of each grade level on the General Schedule and includes an additional 20 percent for personnel benefits. The Commission's rules provide that the FCC will modify the Fee Schedule periodically to correspond with changes in the rate of pay approved by Congress. Pursuant to the note to section 0.467(a)(1) of the FCC rules, the Commission announces modifications to the hourly fees by Public Notice, and posts the fee chart on its FOIA website, https://www.fcc.gov/reports-research/guides/how-file-foia-request.[5]

Accordingly, by this Public Notice we modify the Commission's Freedom of Information Act Fee Schedule. The Commission revises the schedule of fees required by section 0.467 of its rules,[6] for the recovery of the full, allowable direct costs of searching for and reviewing agency records requested pursuant to the FOIA and the Commission's rules.[7] These modifications correspond to changes in the rate of pay approved by Congress for 2026 and in accordance with the President's December 18, 2025 Executive Order.[8]

[1] 5 U.S.C. § 552(a)(4)(A)(i).

[2] 52 FR 10012 (March 27, 1987).

[3] 5 U.S.C. § 552(a)(4)(A)(iv).

[4] *See* 47 CFR § 0.467(a)(2)

[5] 47 CFR § 0.467(a)(1) Note to paragraph (a)(1).

[6] 47 CFR § 0.467. These fees may be restricted or waived in accordance with 5 U.S.C. § 552(a)(4)(A); 47 CFR § 0.470(e).

[7] 47 CFR §§ 0.460(e) and 0.461.

[8] Exec. Order 14132, Adjustments of Certain Rates of Pay (Dec. 18, 2025).

The current FOIA Fee Schedule is as follows.

Grade	***Hourly Fee***
GS-1	19.70
GS-2	21.46
GS-3	24.18
GS-4	27.14
GS-5	30.37
GS-6	33.85
GS-7	37.62
GS-8	41.66
GS-9	46.02
GS-10	50.68
GS-11	55.68
GS-12	66.74
GS-13	79.37
GS-14	93.78
GS-15	110.32

The Fee Schedule contained herein is effective upon release of this Public Notice in accordance with the note to section 0.467(a)(1).[9]

Note that the copy charge is $0.10 per page, and the cost for a computer disk is $5.00. See 47 CFR § 0.465(c)(2).

For further information, please contact Stephanie Kost, FOIA Public Liaison, Office of the Managing Director, Performance and Program Management at FOIA-Public-Liaison@fcc.gov.

- FCC -

[9] 47 CFR § 0.467(a)(1) Note to paragraph (a)(1).

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

In the Matter of	)	ICFS File Nos.:
	)	
Space Exploration Holdings, LLC	)	SAT-LOA-20200526-00055
	)	SAT-AMD-20210818-00105
Request for Deployment and Operating Authority	)	SAT-AMD-20221216-00175
for the SpaceX Gen2 NGSO Satellite System	)	SAT-AMD-20241017-00228
	)	Call Sign: S2992/3069
	)	
Application for Authority for Modification of the	)	SAT-MOD-20241011-00224
SpaceX NGSO Satellite System	)	Call Sign: S2992/3069

AUTHORIZATION AND ORDER

Adopted: January 9, 2026 **Released: January 9, 2026**

By the Chief, Space Bureau:

GRANT

Space Exploration Holdings, LLC

ICFS File Nos. SAT-LOA-20200526-00055, SAT-AMD-20210818-00105, SAT-AMD-20221216-00175, SAT-AMD-20241017-00228, SAT-MOD-20241011-00224

ICFS File No(s):	SAT-LOA-20200526-00055, SAT-AMD-20210818-00105, SAT-AMD-20221216-00175, SAT-AMD-20241017-00228, SAT-MOD-20241011-00224[1]	**GRANTED-IN-PART / DEFERRED-IN-PART – With Conditions** **Space Bureau**
Licensee/Grantee:	Space Exploration Holdings, LLC (SpaceX)	
Call Sign:	S2992/3069	
Satellite Name:	SpaceX second-generation Starlink Constellation (Gen2 Starlink)	
Orbital Location:	Non-Geostationary Satellite Orbit (NGSO) 15,000 satellites operating in the following orbital shells:[2] 340 km, 53 degree inclination 345 km, 48 degree inclination 350 km, 38 degree inclination 355 km, 43 degree inclination 360 km, 96.9 degree inclination 365 km, 28 or 32 degree inclination[3] 475 km, 28 or 32 degree inclination[4] 480 km, 53 degree inclination 485 km, 43 degree inclination Continued operations in the following shells:[5] 525 km, 53 degree inclination	

[1] *See* Space Exploration Holdings, LLC, Application for Modification of Authorization for the SpaceX Gen2 NGSO Satellite System, ICFS File No. SAT-MOD-20241011-00224 (SpaceX Gen2 Upgrade Modification); Space Exploration Holdings, LLC, Application for Amendment of Application for the SpaceX Gen2 NGSO Satellite System, ICFS File No. SAT-AMD-20241017-00228 (SpaceX Gen2 Upgrade Amendment). SpaceX's modification and amendment applications, ICFS File Nos. SAT-MOD-20240111-00224 and SAT-AMD-20241017-00228, were placed on Public Notice on February 7, 2025. *See Satellite Licensing Division and Satellite Programs and Policy Division Information, Space Station Applications Accepted for Filing*, Public Notice, Report No. SAT-01892 (Feb. 7, 2025). A number of satellite companies, industry groups, and members of the public filed petitions, comments, and letters regarding SpaceX's modification and amendment applications. See the attached order for a discussion of comments raised on the record and our basis for grant of these operations.

[2] In the 340 km, 345 km, 350 km, 355 km, and 365 km orbital shells, SpaceX is authorized to operate in up to 72 planes per shell with up to 144 satellites per plane. In the 480 km and 485 km orbital shells, SpaceX is authorized to operate in up to 56 planes per shell with up to 120 satellites per plane.

[3] SpaceX requests authority to operate satellites in the 365 km shell at 32 degrees inclination to accommodate launches of Starship from its Starbase facilities in Boca Chica, TX, or in the alternative, to operate at 28 degrees inclination if the Federal Aviation Administration (FAA) does not allow for Starship launches at 32 degrees. *See* SpaceX Gen2 Upgrade Amendment, Legal Narrative at 3.

[4] SpaceX requests authority to operate satellites in the 475 km shell at 32 degrees inclination to accommodate launches of Starship from its Starbase facilities in Boca Chica, TX, or in the alternative, to operate at 28 degrees inclination if the FAA does not allow for Starship launches at 32 degrees. *See* SpaceX Gen2 Upgrade Modification, Legal Narrative at 8.

[5] SpaceX may continue to operate satellites currently deployed in these shells while it conducts maneuvers to lower these satellites into the new orbital shells authorized in this grant, as conditioned below. *See infra*, para. 13c.

	530 km, 43 degree inclination 535 km, 33 degree inclination	
Administration:	United States of America	
Nature of Service:	Fixed Satellite-Service (FSS); Mobile Satellite-Service (MSS), Supplemental Coverage from Space (SCS)	
Scope of Grant:	Modification of authorization to permit SpaceX to modify the previously-authorized 7,500 satellites to: (1) upgrade the form factor of the Gen2 Starlink satellites; (2) operate the Gen2 Starlink satellites using additional Ku-, Ka-, V-, and W-band frequencies and to operate in the MSS as well as FSS in certain frequencies; (3) add orbital shells centered at 355 km with a 43 degree inclination, 365 km with a 28 or 32 degree inclination, 475 km with a 28 or 32 degree inclination, 480 km with a 53 degree inclination, and 485 km with a 43 degree inclination and lower the satellites currently operating at 525 km, 530 km, and 535 km to the shells at 480 km, 485 km, and 475 km, respectively; (4) deploy satellites flexibly across authorized orbital shells to meet customer demands, including orbital tolerances and inclinations consistent with the ITU Radio Regulations, Resolution 8 and Resolution 35 (WRC 23); and (5) communicate with duly authorized gateway earth stations and user terminals in all authorized frequencies. Authorization for SpaceX to construct, deploy, and operate a second tranche of 7,500 Starlink Gen2 satellites to operate with the same frequencies and orbital parameters authorized for the first tranche. Authorization for SpaceX to communicate using the 1980-2000 (Earth-to-space), 2000-2020 MHz (Earth-to-space), and 2180-2200 MHz (space-to-Earth) frequencies outside the U.S. with up to 7,500 satellites. Grant of SpaceX's request to remove the condition requiring SpaceX to operate only one co-frequency, co-polarization beam simultaneously at any given location and grant of SpaceX's request for waiver of the Commission's equivalent power flux density (EPFD) limits for operations inside the United States.[6]	
Previous Grant(s):	Authority to construct, deploy, and operate up to 7,500 satellites operating in the Ku- and Ka-bands at altitudes of 525 km, 530 km, and 535 km (*SpaceX Gen2 First Partial Grant*).[7] Modification of SpaceX's license to authorize SpaceX to deploy and operate V-band capabilities on SpaceX's previously authorized 7,500 Gen2 Starlink satellites, including modification to reflect that SpaceX will no longer deploy and operate a separate V-band constellation (*SpaceX First V-band Modification Grant*).[8]	

[6] We defer action on SpaceX's request for MSS operations outside the U.S. in additional frequencies in the 1429-2690 MHz band and SpaceX's request to operate in the 20.2-21.2 GHz and 30.0-31.0 GHz bands, as well as authorization of additional Gen2 Starlink satellites beyond the total 15,000 authorized satellites (7,500 previously authorized satellites and 7,500 authorized in this grant).

[7] *Space Exploration Holdings, LLC, Request for Orbital Deployment and Operating Authority for the SpaceX Gen2 NGSO Satellite System*, Order and Authorization, 37 FCC Rcd 14882 (2022) (*SpaceX Gen2 First Partial Grant*), petitions for reconsideration pending.

[8] *Space Exploration Holdings, LLC, Application for Modification of Authorization of the SpaceX V-band NGSO Satellite system*, Grant Stamp, ICFS File No. SAT-MOD-20230322-00062 (SB, SPPD, granted-in-part/dismissed-in-part Oct. 13, 2023) (*SpaceX First V-band Modification Grant*).

	Modification of SpaceX's license for its Gen2 Starlink satellites to: (1) authorize SpaceX to deploy a modified version of the previously authorized Gen2 Starlink satellites with the capability to operate in certain frequencies in the 1429-2690 MHz range; and (2) to operate these satellites on frequencies within the 1910-1915 MHz and 1990-1995 MHz bands for limited on-orbit check out of the antennas immediately following deployment of each satellite for a period of 10 days or less, to ensure initial functionality of the satellite antenna (*SpaceX SCS Modification Partial Grant*).[9] Authority to communicate using E-band frequencies on the previously authorized 7,500 Gen2 satellites (*SpaceX Gen2 E-band Partial Grant*).[10] Authority to communicate using Very High Frequency (VHF) beacons on up to 450 Gen2 Starlink satellites for backup telemetry, tracking, and command (TT&C) during orbit-raising and in the event of an anomaly at operational altitude (*SpaceX Gen2 Beacon Order*).[11] Authority to deploy the previously authorized 7,500 satellites in orbital shells at 340 km, 345 km, 350 km, and 360 km, in addition to the previously authorized orbital shells at 525 km, 530 km, and 535 km, and modification of authorization to permit full SCS operations in the United States and MSS for the purposes of direct-to-cell operations on certain frequencies in the 1429-2690 MHz bands outside the United States (*SpaceX Gen2 SCS and 300 km Order*).[12] Waiver of section 25.202(k)(1) of the Commission's rules permitting SpaceX to operate with aggregate out-of-band emissions (OOBE) in the United States at a power flux density (PFD) level up to -110.6 dBW/m^2/MHz. (*SpaceX SCS OOBE Waiver Order*).[13]
Service Area(s):	Global
Frequencies:	Service and Gateway Links: Ku-Bands:[14] 10.7-12.7 GHz (space-to-Earth) 12.7-12.75 GHz (Earth-to-space) 12.75-13.25 GHz (Earth-to-space)

[9] *Space Exploration Holdings, LLC, Application for Modification of the Authorization for the SpaceX Gen2 NGSO Satellite System*, Grant Stamp, ICFS File No. SAT-MOD-20230207-00021 (SB, SPPD, granted-in-part/deferred-in-part rel. Dec. 1, 2023) (*SpaceX SCS Modification Partial Grant*).

[10] *Space Exploration Holdings, LLC, Request for Orbital Deployment and Operating Authority for the SpaceX Gen2 NGSO Satellite System*, Order and Authorization, 39 FCC Rcd 2159 (SB rel. Mar. 8, 2024) (*SpaceX Gen2 E-Band Partial Grant*).

[11] *Space Exploration Holdings, LLC, Request for Orbital Deployment and Operating Authority for the SpaceX Gen2 NGSO Satellite System*, Order and Authorization, 39 FCC Rcd 12410 (SB rel. Nov. 20, 2024) (*SpaceX Gen2 Beacon Order*).

[12] *Space Exploration Holdings, LLC, Request for Deployment and Operating Authority for the SpaceX Gen2 NGSO Satellite System*, Order and Authorization, 39 FCC Rcd 12550 (SB rel. Nov. 26, 2024) (*SpaceX Gen2 SCS and 300 km Order*).

[13] *Space Exploration Holdings, LLC, Application for Authority for Modification of the SpaceX NGSO Satellite System to Add a Direct to Cellular System*, Order, 40 FCC Rcd 1521 (SB rel. Mar. 7, 2025) (*SpaceX SCS OOBE Waiver Order*).

[14] We authorize SpaceX to provide both FSS and MSS in the 14.0-14.5 GHz (Earth-to-space) band.

	13.75-14.0 GHz (Earth-to-space) 14.0-14.5 GHz (Earth-to-space) 14.5-14.75 GHz (Earth-to-space) 14.75-14.8 GHz (Earth-to-space) 15.43-15.63 GHz (Earth-to-space) Ka-Bands:[15] 17.3-17.8 GHz (space-to-Earth) and (Earth-to-space) 17.8-18.6 GHz (space-to-Earth) 18.6-18.8 GHz (space-to-Earth) 18.8-19.3 GHz (space-to-Earth) 19.3-19.7 GHz (space-to-Earth) 19.7-20.2 GHz (space-to-Earth) 24.75-25.25 GHz (Earth-to-space) 27.5-29.1 GHz (Earth-to-space) 29.1-29.5 GHz (Earth-to-space) 29.5-30.0 GHz (Earth-to-space) V-Bands:[16] 37.5-42.0 GHz (space-to-Earth) 42.0-42.5 GHz (space-to-Earth) (outside the U.S. only)[17] 47.2-50.2 GHz (Earth-to-space) 50.4-51.4 GHz (Earth-to-space) 51.4-52.4 GHz (Earth-to-space) E-Bands:[18] 71.0-76.0 GHz (space-to-Earth) 81.0-86.0 GHz (Earth-to-space) W-Bands: 92.0-94.0 GHz (Earth-to-space) 94.1-95.0 GHz (Earth-to-space) 95.0-100.0 GHz (Earth-to-space) 102.0-109.5 GHz (Earth-to-space) 111.8-114.25 GHz (Earth-to-space) Supplemental Coverage from Space (SCS) Frequencies (within the U.S.):[19] 1910-1915 MHz (Earth-to-space) 1990-1995 MHz (space-to-Earth)

[15] We authorize SpaceX to provide both FSS and MSS globally in the 19.7-20.2 GHz (space-to-Earth) and the 29.5-30.0 GHz (Earth-to-space) bands.

[16] We authorize SpaceX to provide both FSS and MSS globally in the 39.5-40.5 GHz (space-to-Earth) and 50.4-51.4 GHz (Earth-to-space) bands, and in ITU Region 2 in the 40.5-41.0 GHz (space-to-Earth) band.

[17] *See* SpaceX Gen2 Upgrade Amendment, Technical Attachment at 4, n. 7.

[18] We authorize SpaceX to provide both FSS and MSS globally in the 71.0-74.0 GHz (space-to-Earth) and the 81.0-84.0 GHz (Earth-to-space) bands.

[19] SpaceX is authorized to operate in these frequencies on up to 7,500 Gen2 satellites.

	MSS for Direct-to-Cell Operations (outside the U.S. only):[20] 1475-1518 MHz (space-to-Earth) 1805-1880 MHz (space-to-Earth) 1930-2000 MHz (space-to-Earth) 2110-2180 MHz (space-to-Earth) 2180-2200 MHz (space-to-Earth) 2345-2360 MHz (space-to-Earth) 2620-2690 MHz (space-to-Earth) 1429-1470 MHz (Earth-to-space) 1710-1785 MHz (Earth-to-space) 1850-1920 MHz (Earth-to-space) 1920-1980 MHz (Earth-to-space) 2000-2020 MHz (Earth-to-space) 2305-2320 MHz (Earth-to-space) 2500-2570 MHz (Earth-to-space) MSS (outside of the U.S.):[21] 1980-2010 MHz (Earth-to-space) 2010-2025 MHz (Earth-to-space) (Region 2 only) 2160-2170 MHz (space-to-Earth) (Region 2 only) 2170-2200 MHz (space-to-Earth) VHF beacons:[22] 137.0250-137.1750 MHz (space-to-Earth) 137.3275-137.3750 MHz (space-to-Earth) 137.4725-137.5350 MHz (space-to-Earth) 137.5850-137.6500 MHz (space-to-Earth) 137.8125-138.0000 MHz (space-to-Earth) 148.2500-148.5850 MHz (Earth-to-space) 148.6350-148.7500 MHz (Earth-to-space) 149.9000-149.9500 MHz (Earth-to-space)

Unless otherwise specified herein, operations under this grant must comport with the legal and technical specifications and commitments set forth by the applicant or petitioner and with the Federal Communications Commission's rules not waived herein. This grant is also subject to the conditions below.

1. SpaceX must operate on a non-harmful interference basis during orbit-raising, including launch and early orbit phase operations, and deorbiting of its satellites, including lowering operational satellites in the 500 km shells to the new shells in the 400 km range.
2. SpaceX's operations in Ku-band frequencies are subject to the following condition:
    a. SpaceX's request for waiver of the U.S. Table of Frequency Allocations (U.S. Table), section 2.106(a) of the Commission's rules, to receive uplinks in the 14.5-14.8 GHz band is GRANTED

[20] SpaceX is authorized to operate in these frequencies on up to 7,500 Gen2 satellites.

[21] SpaceX is authorized to operate in these frequencies on up to 7,500 Gen2 satellites.

[22] SpaceX is authorized to operate VHF beacons on up to 450 Gen2 satellites.

on an unprotected and non-interference basis.[23]

3. SpaceX's operations in Ka-band frequencies are subject to the following conditions:

   a. SpaceX's requests for waiver of the U.S. Table, section 2.106(a) of the Commission's rules, and the Commission's Ka-band plan, to permit NGSO FSS uplink operations in the 17.3-17.8 GHz[24] band and NGSO FSS downlink operations in the 18.6-18.8 GHz[25] band are GRANTED. SpaceX's operations in these bands under these waivers must be on an unprotected and non-interference basis.

   b. Prior to commencing uplink operations in the 17.3-17.8 GHz band, SpaceX must protect: (i) all operators in the band by completing coordination and providing the Commission a demonstration that its uplink operations will not cause harmful interference to receiving earth stations in the band; and (ii) all affected terrestrial operators in the 17.7-17.8 GHz band.

   c. In the 17.3-17.8 GHz band, SpaceX must comply with the same ITU EPFD uplink limits in Region 2 as required for NGSO FSS uplink earth stations in Regions 1 and 3. *See* ITU Radio Regulations, Article 22.

   d. SpaceX's request for waiver of the U.S. Table, section 2.106(a) of the Commission's rules, and the Ka-band plan to permit the use of the 19.4-19.6 GHz (space-to-Earth) and the 29.1-29.5 GHz (Earth-to-space) bands for FSS operations that are not limited to MSS feeder links is GRANTED.[26] SpaceX's operations in this band under this waiver must be on an unprotected and non-interference basis.

   e. Operations in the 19.4-19.6 GHz and 29.1-29.5 GHz bands for FSS user links must be on an unprotected and non-interference basis to MSS feeder link operations.[27] SpaceX may not commence FSS user link operations in these bands until it completes coordination with authorized MSS users.

   f. SpaceX's request for authority to operate in the 20.2-21.2 GHz and 30.0-31.0 GHz bands is

[23] SpaceX Gen2 Upgrade Amendment, Waiver Requests at 4-5; *see also* 47 CFR § 2.106(a). In the U.S. Table, the 14.5-14.8 GHz band is not allocated to the Fixed-satellite Service (FSS) (Earth-to-space) or to the Mobile-satellite Service (MSS) (Earth-to-space) for non-Federal use. *Id.*

[24] SpaceX Gen2 Upgrade Amendment, Waiver Requests at 5-6; *see also* 47 CFR § 2.106(a). In the U.S. Table, the 17.3-17.8 GHz band is allocated, *inter alia*, to the FSS (Earth-to-space) (space-to-Earth) on a primary basis for non-Federal use, for GSO uplink use and GSO and NGSO downlink use. 47 CFR § 2.106(a), (d)(58), (527). SpaceX's request for waiver of the U.S. Table, section 2.106(a) of the Commission's rules, to allow NGSO FSS downlink in the 17.3-17.8 GHz bands is DISMISSED as MOOT after the Commission's adoption of the *17 GHz Report and Order* and the effectiveness of those new rules to permit (space-to-Earth) downlink use of the 17.3-17.8 GHz band by NGSO FSS space stations. *See Amendment of Parts 2 and 25 of the Commission's Rules to Enable NGSO Fixed-Satellite Service (Space-to-Earth) Operations in the 17.3-17.8 GHz Band*, IB Docket No. 22-273, Report and Order, 39 FCC Rcd 11156 (2024) (*17 GHz Report and Order*). The rules became effective on January 6, 2025.

[25] SpaceX Gen2 Upgrade Amendment, Waiver Requests at 6-8; *see also* 47 CFR § 2.106(a). In the U.S. Table, the 18.6-18.8 GHz band is allocated, *inter alia*, to the FSS (space-to-Earth) on a primary basis for non-Federal use, limited to GSO networks. 47 CFR § 2.106(a), (d)(164).

[26] SpaceX Gen2 Upgrade Amendment, Waiver Requests at 8-11; *see also* 47 CFR § 2.106(a). In the U.S. Table, the 29.1-29.5 GHz band is allocated, *inter alia*, to the FSS (Earth-to-space) on a primary basis for non-Federal use, limited in the 29.1-29.25 GHz and 29.25-29.5 GHz bands to feeder links for NGSO systems in the MSS, and in the 29.25-29.5 GHz band for GSO networks. 47 CFR §§ 2.106(a), (d)(166), (535). The 19.3-19.7 GHz band is allocated, *inter alia*, to the FSS (space-to-Earth) on a primary basis for non-Federal use, with the 19.4-19.6 GHz band limited to feeder links for NGSO systems in the MSS. 47 CFR § 2.106(a), (d)(166).

[27] SpaceX is required to protect any future operators of MSS feeder links in these bands operating in accordance with the U.S. Table.

DEFERRED.

4. SpaceX's request for waiver of sections 25.146(a)(2) and (c) of the Commission's rules to exceed any applicable equivalent power flux density (EPFD) limits within the territories of the United States is GRANTED, as discussed in the accompanying Order. SpaceX's request to remove the condition requiring operation with only one co-frequency, co-polarization beam in any given location in the 12.2-12.7 GHz and 19.7-20.2 GHz bands is GRANTED, to the extent set forth below and as discussed in the accompanying Order. SpaceX's operations are subject to the following conditions:
    a. In the Ku-band, SpaceX may not use more than eight (8) satellite beams from any of its authorized Gen2 Starlink satellites in the same frequency in the same or overlapping areas at a time.
    b. SpaceX must maintain a minimum GSO arc exclusion zone of at least four (4) degrees with respect to operational GSO satellites.
    c. Operations outside of the United States must comply with the EPFD limits in the Commission's rules, except to the extent another country has authorized different operational limits for communications from satellites to earth stations within that country.
    d. SpaceX's operations pursuant to this waiver must be conducted on an unprotected and non-interference basis. In the event the Space Bureau notifies SpaceX of a determination that it has caused harmful interference, SpaceX must immediately return to operating in accordance with the Commission's EPFD limits in the affected frequency bands. SpaceX will also be required to communicate to its affected customers how it is rectifying the situation if mediation will affect their service. The Space Bureau will revoke the waiver in the event of unresolved harmful interference.
    e. We previously granted SpaceX a partial waiver of section 25.146(c) to allow it to begin operations prior to receiving a favorable or qualified favorable finding from the ITU.[28] Until SpaceX receives a favorable or qualified favorable finding from the ITU pursuant to 47 CFR § 25.146 for all authorized Gen2 satellites, SpaceX must make available to any requesting party the data used as input to the ITU-approved validation software to demonstrate compliance with applicable EPFD limits for its operations outside the U.S., including the data that combine the Gen2 Starlink satellites into one consolidated file.
5. SpaceX's operations in V-band frequencies are subject to the following conditions:
    a. SpaceX's request for waiver of the U.S. Table, section 2.106(a) of the Commission's rules, to permit NGSO FSS uplink operations in the 51.4-52.4 GHz band is GRANTED.[29] SpaceX's operations under this waiver in this band must be on an unprotected and non-interference basis.
    b. On our own motion, we grant SpaceX a waiver of the U.S. Table, section 2.106(a) of the Commission's rules, to allow SpaceX to provide MSS in addition to FSS in the 39.5-40.0 GHz band. SpaceX's MSS operations in this band must be on an unprotected, non-interference basis.
6. SpaceX's operations in E-band frequencies are subject to the following conditions:
    a. SpaceX must coordinate its proposed frequency use for operations in the 71.0-76.0 GHz (space-to-Earth) and 81.0-86.0 GHz (Earth-to-space) frequency bands with any existing terrestrial or satellite U.S. licensees or U.S. market access grantees in the FSS whose facilities could be affected by SpaceX's E-band operations, in terms of frequency interference or restricted capacity,

[28] *See SpaceX Gen2 First Partial Grant*, 37 FCC Rcd at 14907-910, paras. 37-40.

[29] *See* SpaceX Gen2 Upgrade Amendment, Waiver Request at 12-13. In the U.S. Table, the 51.4-52.6 GHz band is allocated to the Fixed service and the Mobile service on a primary basis for Federal and non-Federal use. 47 CFR § 2.106(a).

and SpaceX must cooperate fully with other future co-frequency FSS satellites or satellite systems in these bands.

b. SpaceX must comply with any sharing requirements adopted as part of a future E-band processing round that includes the 71.0-76.0 GHz and 81.0-86.0 GHz bands.

7. SpaceX's request for waiver of the U.S. Table, section 2.106(a) of the Commission's rules, for NGSO uplink operations in the 92.0-94.0 GHz (Earth-to-space), 94.1-95.0 GHz (Earth-to-space), 95.0-100.0 GHz (Earth-to-space), 102.0-109.5 GHz (Earth-to-space), and 111.8-114.25 GHz (Earth-to-space) bands (W-band frequencies), is GRANTED.[30] SpaceX must operate on an unprotected and non-interference basis in these bands.[31]

8. SpaceX's Supplemental Coverage from Space (SCS) operations in the United States and direct-to-cell operations outside the United States are subject to the following conditions:

a. When conducting direct-to-cell operations in the licensed frequencies (space-to-Earth) and (Earth-to-space) outside the United States, SpaceX shall not cause harmful interference to, and shall not claim protection from harmful interference caused by, a station operating in accordance with the provisions of the Constitution, the Convention, and the ITU Radio Regulations.[32]

b. SpaceX's SCS operations in the 1910-1915 MHz and 1990-1995 MHz bands shall not cause harmful interference to other countries' operations and SpaceX must address and eliminate any harmful interference cases immediately.

c. For SCS operations in the United States and direct-to-cell operations outside the United States, SpaceX may only operate on a non-harmful interference basis with respect to cross-border operations. Accordingly, SpaceX may only exceed PFD limits where it has been authorized pursuant to an approval from the regulatory authority of the appropriate border country and after providing documentation of such approval to the Commission. Cross-border coordination and any negotiated technical parameters must be mutually acceptable to all involved, including U.S. counterpart agencies who oversee or regulate spectrum use in other countries.

d. As directed by the Commission in paragraph 235 in the *SCS Report and Order* (FCC 24-28), prior to conducting any direct-to-cell operations with earth stations outside the United States, SpaceX must submit a certification to the Space Bureau and Office of International Affairs (OIA).[33]

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[30] *See* SpaceX Gen2 Upgrade Amendment, Waiver Requests at 13-16. In the U.S. Table, the 92.0-94.0 GHz and 94.1-95.0 GHz bands are allocated to the Fixed, Mobile, Radio Astronomy, and Radiolocation services on a primary basis for Federal and non-Federal use; the 95.0-100.0 GHz band is allocated to the Fixed, Mobile, Radio Astronomy, Radiolocation, Radionavigation, and Radionavigation-Satellite services on a primary basis for Federal and non-Federal use; the 102.0-105.0 GHz band is allocated to the Fixed, Mobile, and Radio Astronomy services on a primary basis for Federal and non-Federal use; and the 105.0-109.5 GHz and 111.8-114.25 GHz bands are allocated to the Fixed, Mobile, Radio Astronomy, and Space Research (passive) services on a primary basis for Federal and non-Federal use. 47 CFR § 2.106(a).

[31] *See* ITU Radio Regulations, Article 4.4.

[32] *See id.* (stating that "[a]dministrations of the Member States shall not assign to a station any frequency in derogation of either the Table of Frequency Allocations in this Chapter or the other provisions of these Regulations, except on the express condition that such a station, when using such a frequency assignment, shall not cause harmful interference to, and shall not claim protection from harmful interference caused by, a station operating in accordance with the provisions of the Constitution, the Convention and these Regulations"); *see also Single Network Future: Supplemental Coverage from Space, Space Innovation*, GN Docket No. 23-65, IB Docket 22-271, Report and Order and Further Notice of Proposed Rulemaking, 39 FCC Rcd 2622, at 2723-2724, paras. 224-36 (2024) (*SCS R&O*).

[33] *SCS R&O* at paras. 235, 39.

e. We previously granted SpaceX's request for waiver of section 25.202(k)(1) of the Commission's rules,[34] permitting SpaceX to conduct SCS operations in the United States with an aggregate out-of-band emission PFD level up to -110.6 dBW/m^2/MHz.[35] SpaceX must operate pursuant to this waiver.

9. SpaceX's operations in the licensed 137.0-138.0 MHz (space-to-Earth), 148.0-150.05 MHz (Earth-to-space), 2345-2360 MHz (space-to-Earth) (outside of the U.S.), 12.7-12.75 GHz (Earth-to-space), 27.5-29.1 GHz (Earth-to-space), 29.1-30.0 GHz (Earth-to-space), 42.0-42.5 GHz (space-to-Earth), and 102.0-109.5 GHz (Earth-to-space) bands shall not cause harmful interference to current and future operational U.S. Federal systems operating pursuant to primary Federal allocations. SpaceX shall coordinate through mutual exchange of system information, to the extent possible consistent with national security requirements, in good faith, and on an ongoing basis, with potentially affected U.S. Federal systems to ensure protection of operational U.S. Federal systems. In all cases, SpaceX must provide all necessary system information and technical parameters to the affected Federal entities to allow those entities to conduct their required interference analysis. SpaceX shall maintain sufficient information to timely investigate and resolve documented instances of harmful interference and make available such information to affected Federal entities upon request. SpaceX shall adjust its operations to accommodate future operational U.S. Federal systems and aggregate effects into U.S. Federal systems. Upon receiving a documented report of harmful interference from an affected U.S. Federal system, SpaceX shall immediately cease the operation causing the harmful interference until the issue is resolved and coordination with the affected Federal entity is complete.

10. SpaceX must complete coordination with potentially affected Federal Agencies and Services engaged in national security or safety-of-life services, through mutual exchange of system information to the extent possible consistent with national security requirements, prior to operating in the 13.75-14.0 GHz (Earth-to-space), 14.5-14.75 GHz (Earth-to-space), 14.75-14.80 GHz (Earth-to-space), 15.43-15.63 GHz (Earth-to-space), 17.3-17.8 GHz (space-to-Earth), 17.8-18.6 GHz (space-to-Earth), 18.6-18.8 GHz (space-to-Earth), 18.8-19.3 GHz (space-to-Earth), 19.3-19.7 GHz (space-to-Earth), 19.7-20.2 GHz (space-to-Earth), 24.75-25.25 GHz (Earth-to-space), 37.5-41.0 GHz (space-to-Earth), 47.2-50.2 GHz (Earth-to-space), 50.4-52.4 GHz (Earth-to-space), 71.0-76.0 GHz (space-to-Earth), 81.0-86.0 GHz (Earth-to-space), 92.0-94.0 GHz (Earth-to-space), 94.1-95.0 GHz (Earth-to-space), 95.0-100.0 GHz (Earth-to-space), and 111.8-114.25 GHz (Earth-to-space) bands, which are allocated on a primary basis to Federal services or are adjacent to primary Federal allocations. SpaceX shall notify the Commission within 30 days after completion of coordination, with a copy to NTIA and the relevant Federal entity. Notification shall be submitted to the FCC's ICFS. Two weeks prior to the start of any operations in such bands, SpaceX must provide contact information for a 24/7 point of contact for the resolution of any harmful interference to contacts provided by the NTIA.

11. SpaceX's MSS operations in the Ku-, Ka-, V-, and E-bands must comply with the same technical parameters as its FSS operations.

12. SpaceX's request for waiver of sections 25.156 and 25.157 of the Commission's processing round rules for additional frequencies in the Ku-, Ka-, V-, and W-bands is GRANTED.[36] SpaceX must coordinate with any and all existing and future FSS operators in these bands and comply with any sharing requirements that may be adopted as part of a future processing round in these bands. Finally, SpaceX's authorization is subject to any rules adopted as part of the *Satellite Spectrum Abundance* proceeding.[37]

[34] 47 CFR § 25.202(k)(1).

[35] *See generally SpaceX SCS OOBE Waiver Order.*

[36] *See* SpaceX Gen2 Upgrade Amendment, Waiver Requests at 19-22; SpaceX January 31, 2025 Letter, at 3-7; 47 CFR §§ 25.156, 25.157.

[37] *See Spectrum Abundance NPRM.*

13. SpaceX must comply with the following conditions:

    a. SpaceX must comply with ITU Resolution 8. For Gen2 satellites that have been used to count towards an ITU Resolution 35 milestone, SpaceX must maintain orbital tolerances of +/-30 km altitude and +/-2 degrees inclination per *resolves* 11 of Resolution 8. For submission to ITU by the Commission per *resolves* 14 of Resolution 8, for any satellite that has been used to count towards an ITU milestone and that exceeds the allowed orbital tolerance of +/- 30 km for more than 60 consecutive days between the observed apogee or perigee of a satellite and the apogee and perigee previously declared to the ITU, SpaceX shall provide to the Commission within 15 days after the end of that 60-day period, the information in Annex 1 to Resolution 8 for these satellites for submission to the ITU.

    b. SpaceX must deploy and operate its Gen2 constellation in a manner consistent with its ITU filings. SpaceX must submit modified ITU filings prior to modifying its deployment or operational configuration of its Gen2 constellation.

    c. SpaceX is authorized to lower the satellites currently operating in shells at 525 km, 530 km, and 535 km to the new orbital shells at 480 km, 485 km, and 475 km, respectively. SpaceX may continue to operate satellites in its previously authorized 525 km, 530 km, and 535 km shells during this process. SpaceX must also notify the Commission within 30 days after orbit lowering has been completed for all satellites in the 500 km shells.

    d. SpaceX must provide a semi-annual report, by January 1 and July 1 each year, covering the preceding six-month period, respectively, from June 1 to November 30 and December 1 to May 31. The report should include the following information:

        i. The number of conjunction events identified for Starlink satellites during the reporting period, and the number of events that resulted in an action (maneuver or coordination with another operator), as well as any difficulties encountered in connection with the collision avoidance process and any measures taken to address those difficulties;

        ii. Satellites that, for purposes of disposal, were removed from operation or screened from further deployment at any time following initial deployment, and identifying whether this occurred less than five years after the satellite began regular operations or were available for use as an on-orbit replacement satellite;

        iii. Satellites that re-entered the atmosphere;

        iv. Satellites for which there was a disposal failure, *i.e.*, a satellite that loses the capability to maneuver effectively after being raised from its injection, including a discussion of any assessed cause of the failure and remedial actions. For each such satellite, SpaceX shall report an estimated orbital lifetime for the satellite following the failure, and for the Gen2 Starlink constellation the cumulative number of failed satellite object years; and

        v. Identification of any collision avoidance system outages or unavailability, either on a system-wide basis or for individual satellites. An "outage" would include any individual satellite anomaly that results in a satellite not achieving targeted risk mitigation via maneuver.

    e. In the event of satellite failures resulting in more than 100 post-failure object years, SpaceX may not deploy any additional satellites until the Commission has approved a license modification that includes an updated orbital debris mitigation plan addressing reduction in the failure rate or mitigation of the risk of satellite failures.

14. This authorization is also subject to the following requirements:

a. Applicable to SpaceX Gen2 satellites:[38]

i. SpaceX must launch 50 percent of the maximum number of authorized space stations, place them in the assigned orbits, and operate them in accordance with the station authorization no later than December 1, 2028, and SpaceX must launch the remaining space stations necessary to complete its authorized service constellation, place them in their assigned orbits, and operate each of them in accordance with the authorization no later than December 1, 2031.[39]

b. Applicable to SpaceX operations in the V-band on its first tranche of 7,500 satellites:[40]

i. SpaceX must launch 50 percent of the maximum number of previously-authorized space stations with V-band capabilities, place them in the assigned orbits, and operate them in accordance with this grant no later than November 19, 2024,[41] and must launch the remaining space stations necessary to complete its authorized V-band system, place them in their assigned orbits, and operate them in accordance with the authorization no later than November 19, 2027.[42]

15. SpaceX's requests pertaining to waiving part of section 25.114(a)(1) of the Commission's rules due to various limitations in the Schedule S software are GRANTED.[43]

16. This grant is without prejudice to any future action taken in connection with the SpaceX Gen2 Starlink constellation, call signs S2992 and S3069.

Licensee/grantee is afforded thirty (30) days from the date of release of this action to decline the grant as conditioned. Failure to respond within this period will constitute formal acceptance of the grant as conditioned.

This action is taken pursuant to Section 0.261 of the Commission's rules on delegated authority, 47 CFR § 0.261, and is effective upon release.

Station licenses are subject to the conditions specified in Section 309(h) of the Communications Act of 1934, as amended, 47 U.S.C. § 309(h).

Action Date:	January 9, 2026

[38] We note that although we authorize SpaceX to operate in additional frequencies on its Gen2 satellites and with an additional 7,500 satellites, we retain the current milestones for the Gen2 system, including for V-band space stations on the second tranche of 7,500 satellites. *See* 47 CFR § 25.164(h).

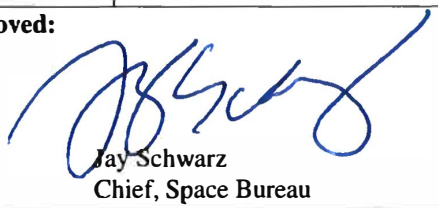
[39] 47 CFR § 25.164(b). SpaceX posted the surety bond for its Gen2 satellites operating in the Ku-, Ka-, and E-band frequencies. *See* Bond of Space Exploration Holdings LLC, ICFS File Nos. SAT-LOA-20200526-00055 and SAT-AMD-20210818-00105 (filed Dec. 30, 2022).

[40] *See SpaceX First V-band Modification Grant*. The separate milestones applicable to SpaceX's V-band operations are consistent with SpaceX's original V-band authorization. SpaceX filed its surety bond in accordance with the condition on its original V-band authorization on December 3, 2018. *See* Bond of Space Exploration Holdings, LLC, ICFS File No. SAT-LOA-20170301-00027 (filed Dec. 3, 2018).

[41] SpaceX has requested modification of its milestone related to its first tranche of V-band satellites. This authorization is without prejudice to any action taken in that proceeding. *See* ICFS File No. SAT-MOD-20240813-00183.

[42] 47 CFR § 25.164(b).

[43] SpaceX Gen2 Upgrade Modification, Waiver Requests at 4-7; SpaceX Gen2 Upgrade Amendment, Waiver Requests at 22-25.

Term Dates:	From: January 9, 2026	To: February 10, 2038[44]
Approved:  Jay Schwarz Chief, Space Bureau		

[44] SpaceX informed the Commission that the first Gen2 Starlink satellite was placed into its authorized orbit and began operating on February 10, 2023. *See* Letter from David Goldman, Senior Director, Satellite Policy, Space Exploration Technologies Corp., to Marlene H. Dortch, Secretary, FCC, ICFS File No. SAT-LOA-20200526-00055 (filed Jun. 20, 2023).

ORDER

Space Exploration Holdings, LLC
ICFS File Nos. SAT-LOA-20200526-00055, SAT-AMD-20210818-00105, SAT-AMD-20221216-00175, SAT-AMD-20241017-00228, SAT-MOD-20241011-00224

I. INTRODUCTION

1. Today, we partially grant the application, as amended, of Space Exploration Holdings, LLC (SpaceX) to deploy and operate a constellation of non-geostationary orbit (NGSO) second-generation Starlink satellites (Gen2 Starlink), as well as partially grant SpaceX's application to modify the frequency use, orbital parameters, and physical form factors of the previously-authorized Gen2 Starlink satellites (collectively, the Gen2 Upgrade Applications).[1] This Order provides the basis for our partial grant of SpaceX's Gen2 Upgrade Applications.[2]

2. Today's action will allow SpaceX to dramatically improve services to customers in America and worldwide, while still protecting incumbent services and the orbital environment. SpaceX's Starlink service has already had a transformative impact on American communities and businesses that are unserved or underserved by terrestrial broadband, allowing for advanced educational and healthcare services and greater participation in civic life.[3] The Gen2 Starlink Upgrade satellites, including an increased number of satellites, will allow for higher capacity to serve additional customers and gigabit

[1] *See* Space Exploration Holdings, LLC, Application for Modification of Authorization for the SpaceX Gen2 NGSO Satellite System, ICFS File No. SAT-MOD-20241011-00224 (SpaceX Gen2 Upgrade Modification); Space Exploration Holdings, LLC, Application for Amendment of Application for the SpaceX Gen2 NGSO Satellite System, ICFS File No. SAT-AMD-20241017-00228 (SpaceX Gen2 Upgrade Amendment); *see also* Space Exploration Holdings, LLC, Application for Orbital Deployment and Operating Authority for the SpaceX Gen2 NGSO Satellite System, ICFS File No. SAT-LOA-20200526-00055 (filed May 26, 2020) (SpaceX Gen2 Application); Space Exploration Holdings, LLC, Amendment to Pending Application for the SpaceX Gen2 NGSO Satellite System, ICFS File No. SAT-AMD-20210818-00105 (filed Aug. 18, 2021) (SpaceX Gen2 Amendment); Space Exploration Holdings, LLC, Amendment to Pending Application for the SpaceX Gen2 NGSO Satellite System, ICFS File No. SAT-AMD-20221216-00175 (filed Dec. 16, 2022) (SpaceX Gen2 Beacon Amendment). The original application, as amended, requested up to 29,988 Gen2 Starlink satellites operating in specific orbital shells between 340 km and 614 km and communicating using frequencies in the Ku-, Ka-, and E-bands.

[2] *See* the partial grant, above, for a complete description of the satellites, orbital parameters, frequencies, and relevant license conditions.

[3] *See e.g.* Letter from Dr. Teresa Tyson, Executive Director, The Health Wagon, to Marlene H. Dortch, Secretary, FCC, ICFS File Nos. SAT-MOD-20241011-00224 and SAT-AMD-20241017-00228 (dated Mar. 4, 2025) (Health Wagon March 4, 2025 Letter); Letter from Deza J. Hall, Clerk, Wise County Circuit Court Office, to Marlene H. Dortch, Secretary, FCC, ICFS File Nos. SAT-MOD-20241011-00224 and SAT-AMD-20241017-00228 (dated Mar. 4, 2025) (Wise County March 4, 2025 Circuit Court Clerk Letter); Letter from Donald Purdie, President and CEO, Appalachian Broadband Innovators, to Marlene H. Dortch, Secretary, FCC, ICFS File Nos. SAT-MOD-20241011-00224 and SAT-AMD-20241017-00228 (dated March 3, 2025) (Appalachian Broadband Innovators March 7, 2025 Letter); Letter from Don M. Green, Executive Director, Napoleon Hill Foundation, to Marlene H. Dortch, Secretary, FCC, ICFS File Nos. SAT-MOD-20241011-00224 and SAT-AMD-20241017-00228 (dated Mar. 10, 2025) (NHF March 10, 2025 Letter); Letter from Richard J. Peterson, President, Central Counsel of the Tlingit and Haida Indian Tribes of Alaska, to Marlene H. Dortch, Secretary, FCC, ICFS File Nos. SAT-MOD-20241011-00224 and SAT-AMD-20241017-00228 (dated Mar. 10, 2025) (Tlingit and Haida Tribes March 10, 2025 Letter); Letter from Colby Hall, Executive Director, Shaping Our Appalachian Region, to Marlene H. Dortch, Secretary, FCC, ICFS File Nos. SAT-MOD-20241011-00224 and SAT-AMD-20241017-00228 (dated Mar. 10, 2025) (SOAR March 10, 2025 Letter); Letter from Peter Lord, Senior Vice President, Oracle, to Marlene H. Dortch, Secretary, FCC, ICFS File Nos. SAT-MOD-20241011-00224 and SAT-AMD-20241017-00228 (dated Mar. 10, 2025) (Oracle March 10, 2025 Letter); Letter from Jon McKeown, Chief Procurement Officer, Carnival Corporation, to Marlene H. Dortch, Secretary, FCC, ICFS File Nos. SAT-MOD-20241011-00224 and SAT-AMD-20241017-00228 (dated Mar. 10, 2025) (Carnival March 10, 2025 Letter).

speed service, including symmetrical download and upload speeds.[4] Authorizing SpaceX to increase the size of its Gen2 constellation and to communicate using additional spectrum will also support American technological innovation and promote American competitiveness and dominance in space.

II. BACKGROUND

3. This grant builds on previous partial grants of SpaceX's Gen2 Starlink system, as SpaceX iteratively develops, deploys, and operates new satellites.[5] In October 2024, SpaceX filed the Gen2 Upgrade Applications, collectively requesting to modify the orbital parameters and frequency operations of the previously-authorized and pending Gen2 Starlink satellites.[6] SpaceX requests waivers of the U.S. Table of Frequency Allocations (U.S. Table) to operate in additional proposed frequency bands and requests waivers of the Commission's processing round rules and equivalent power flux density (EPFD) limits. The Gen2 Upgrade Applications were placed on public notice on February 7, 2025.[7]

III. DISCUSSION

4. After review of the record, we find partial grant of SpaceX's Gen2 Upgrade Applications, with conditions, serves the public interest. Below, we address the various outstanding issues raised by SpaceX's applications and comments in the record.

A. New Satellites and Orbital Flexibility

5. We grant SpaceX authority to deploy a second tranche of 7,500 Gen2 Starlink satellites, bringing the total size of the authorized Gen2 Starlink constellation to 15,000 satellites. While SpaceX requests action on its entire proposed 29,988-satellite constellation,[8] we proceed incrementally here.[9]

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[4] Gen2 Upgrade Amendment, Narrative at 8-13; Gen2 Upgrade Modification, Narrative at 11-16.

[5] For a complete description of the history of SpaceX's authorizations, see the Previous Grants section of the above grant.

[6] *See generally* SpaceX Gen2 Upgrade Modification; SpaceX Gen2 Upgrade Amendment. The Gen2 Upgrade Modification focused on changes to the orbital configuration of the previously-authorized 7,500 Gen2 Starlink satellites, while the amendment requested changes to the orbital configuration of the pending portion of the Gen2 application, as amended, and also requested additional frequency bands and associated waiver requests. We note the amendment included the changes to the orbital configuration for the orbital shells below 400 km, which the Space Bureau had not authorized at the time of filing. SpaceX later clarified that the additional frequencies and waiver requests included in its amendment were meant to apply to all 29,988 satellites, including the previously-authorized 7,500 satellites, and that the upgrade modification and amendment applications were meant to be read in tandem. SpaceX therefore incorporated the frequency requests and associated waivers included in the Gen2 Upgrade Amendment into the Gen2 Upgrade Modification. *See* Letter from Jameson Dempsey, Director of Satellite Policy, Space Exploration Technologies Corp., to Marlene H. Dortch, Secretary, FCC, ICFS File Nos. SAT-LOA-20200526-00055, SAT-AMD-20210818-00105, SAT-AMD-20221216-00175, SAT-AMD-20241017-00228, SAT-MOD-20241011-00224 at 1-2 (filed Jan. 31, 2025) (SpaceX January 31, 2025 Letter).

[7] *See Satellite Licensing Division and Satellite Programs and Policy Division Information, Space Station Applications Accepted for Filing*, Public Notice, Report No. SAT-01892 (Feb. 7, 2025). A number of satellite companies, industry groups, and members of the public filed petitions, comments, and letters regarding SpaceX's modification and amendment. *See e.g.*, ICFS File Nos. SAT-MOD-20241011-00224 and SAT-AMD-20241017-00228. A number of parties also filed petitions and/or comments in response to the initial Gen2 application. We address these comments as they pertain to the second tranche of 7,500 satellites we authorize in this grant. *See Space Exploration Holdings, LLC, Request for Orbital Deployment and Operating Authority for the SpaceX Gen2 NGSO Satellite System*, Order and Authorization, 37 FCC Rcd 14882, 14887-88, 14889-93, paras. 6, 9, n.35, n.51, n.52, n.54, n.55, n.56, n.57, n.58, n.59, n.60, n.61 (2022) (*SpaceX Gen2 First Partial Grant*) (describing the record before the Commission adopted the *SpaceX Gen2 First Partial Grant*).

[8] See Gen2 Upgrade Amendment, Narrative at 2, N.7; Gen2 Upgrade Modification, Narrative at II, N.2.

[9] *See e.g.* Petition of Viasat, Inc. to Deny, ICFS File Nos. SAT-LOA-20200526-00055, SAT-AMD-20210818-

(continued....)

SpaceX has been launching Gen2 Starlink satellites at a rapid cadence.[10] As discussed in more detail below, the Space Bureau has evaluated the real-world performance of the Gen2 Starlink satellites launched to date,[11] and we find that authorization for additional satellites is in the public interest, even as the Gen2 Starlink Upgrade satellites remain untested on orbit. We defer authorization of the remaining 14,988 proposed Gen2 Starlink satellites, including satellites proposed for operations above 600 km.[12]

6. We also authorize SpaceX to more flexibly distribute its satellites by deploying up to 144 satellites in up to 72 planes in each of the 340 km, 345 km, 350 km, 355 km, and 365 km orbital shells and by deploying up to 120 satellites in up to 56 planes in the 480 km and 485 km orbital shells. SpaceX is also authorized to deploy satellites with orbital tolerances for altitude and inclination consistent with the updates to the ITU Radio Regulations following the 2023 World Radiocommunication Conference.[13] We find the conditions we place on SpaceX's authorization should resolve commenters' concerns that granting SpaceX the additional flexibility it requested could foreclose access to space or will make it more difficult for other operators to evaluate potential interference.[14] Additionally, SpaceX is only granted flexibility in the deployment and operation of its Gen2 Starlink system consistent with the ITU Radio Regulations, and SpaceX must operate consistent with its ITU filings, which are publicly available. Other operators can stay informed of SpaceX's deployment and coordinate with SpaceX via the ITU process. If SpaceX plans to change the orbital parameters of its Gen2 Starlink system within the envelope of its authorized parameters, it may do so, without applying for a modification with the Commission, but with the appropriate modification of its ITU filing or filings.

B. Radiofrequency Operations and Associated Waivers

7. Below we discuss the waivers associated with grant of SpaceX's request to operate in

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00105, SAT-AMD-20221216-00175, SAT-MOD-20241011-00224, and SAT-AMD-20241017-00228 at 26-28 (filed Mar. 10, 2025) (Viasat 2025 Petition); Reply Comments of Eutelsat S.A. and WorldVu Satellites Limited, ICFS File Nos. SAT-MOD-20241011-00224, SAT-AMD-20241017-00228 at 6 (filed Apr. 4, 2025) (Eutelsat Reply).

[10] *See SpaceX launches 10,000th Starlink internet satellite*, https://www.theverge.com/news/802509/starlink-launches-10000th-internet-satellite (last accessed Dec. 18, 2025).

[11] Report of Space Exploration Holdings LLC, ICFS File Nos. SAT-LOA-20200526-00055 and SAT-AMD-20210818-00105 (filed Dec. 30, 2022) (SpaceX Gen2 December 30, 2022 Report); Report of Space Exploration Holdings LLC, ICFS File Nos. SAT-LOA-20200526-00055 and SAT-AMD-20210818-00105 (filed Jun. 30, 2023) (SpaceX Gen2 June 30, 2023 Report); Report of Space Exploration Holdings LLC, ICFS File Nos. SAT-LOA-20200526-00055 and SAT-AMD-20210818-00105 (filed Dec. 29, 2023) (SpaceX Gen2 December 29, 2023 Report); Report of Space Exploration Holdings LLC, ICFS File Nos. SAT-LOA-20200526-00055 and SAT-AMD-20210818-00105 (filed Jul. 1, 2024) (SpaceX Gen2 July 1, 2024 Report); Report of Space Exploration Holdings LLC, ICFS File Nos. SAT-LOA-20200526-00055 (filed Dec. 31, 2024) (SpaceX Gen2 December 31, 2024 Report); Report of Space Exploration Holdings, LLC, ICFS File Nos. SAT-MOD-20200417-00037, SAT-20200526-00055, and SAT-AMD-20210818-00105 (filed Jul. 1, 2025) (SpaceX Gen1 and Gen2 July 1, 2025 Report).

[12] See above grant for a full description of authorized orbital parameters.

[13] *See* International Telecommunication Union, Radio Regulations, Resolution 8.

[14] *See* Viasat 2025 Petition at 23-26; Comments of SES Americom, Inc. and O3b Limited, ICFS File Nos. SAT-MOD-20241011-00224 and SAT-AMD-20241017-00228 at 10 (filed Mar. 10, 2025) (SES/O3b Comments); *but see* Opposition and Response of Space Exploration Holdings, LLC, ICFS File Nos. SAT-MOD-20241011-00224 and SAT-AMD-20241017-00228 at 34, 36, 37 (filed Mar. 25, 2025) (SpaceX Opposition) (arguing the upgraded Gen2Starlink constellation will share orbital resources efficiently and responsibly, including by making its satellites' orbits available to the public and operating to promote space sustainability); Reply Comments of Telesat Canada, ICFS File Nos. SAT-AMD-20241017-00228 and SAT-MOD-20241011-00224 at 2-3 (filed Apr. 4, 2025) (Telesat Reply) (supporting SpaceX's request for flexibility and arguing the multiple possible configurations do not have a meaningful impact on the interference environment).

additional frequency bands,[15] waiver of the processing round rules, and waiver of the EPFD limits, and address comments filed in response to SpaceX's request.

8. *Waiver standard.* As an initial matter, generally, the Commission may waive any rule for good cause shown.[16] 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.[17] In making this determination, we may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.[18]

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[15] For a full list of all authorized frequencies, including previously-authorized bands and bands we authorize today, as well as specifics on the number of satellites operating in each band and locations where those operations are authorized, see the frequencies section of the grant above. Some of the requested frequencies are included in a recent Commission notice of proposed rulemaking to make more spectrum available for satellite communications, and these frequencies are subject to the outcome of that rulemaking. *Satellite Spectrum Abundance*, Further Notice of Proposed Rulemaking and Notice of Proposed Rulemaking, FCC 25-29 (2025) (*Spectrum Abundance NPRM*). We note Echostar originally objected to SpaceX's proposed use of the 2000-2020 MHz, 2020-2025 MHz, 2160-2170 MHz, and 2180-2200 MHz bands. Reply Comments of EchoStar Corporation, ICFS File Nos. SAT-MOD-20241011-00224 and SAT-AMD-20241017-00228 at 17-18 (filed Apr. 4, 2025) (EchoStar Reply). Given Echostar's pending sale of this spectrum to SpaceX and SpaceX's parallel application for a separate satellite constellation using this spectrum, we find that Echostar's objection does not warrant denying SpaceX's request to operate in these bands. *See* Applications of Spectrum Business Trust 2025-1, Space Exploration Technologies Corp., and EchoStar Corporation for Consent to Assign Spectrum and Earth Station Licenses (GN Docket No. 25-302); *see also,* ICFS file no. SAT-LOA-20250916-00282, GN Docket No. 25-340. Except as authorized in this grant, we defer consideration of SpaceX's broader request to operate mobile satellite service (MSS) in the full 1429-2690 MHz range, and thus we do not discuss the merits of petitions, comments, and letters received on the record on that matter. *See e.g.*, Petition of Globalstar, Inc. to Deny, ICFS File Nos. SAT-MOD-20241011-00224 and SAT-AMD-20241017-00228 (filed Mar. 10, 2025) (Globalstar Petition); Petition of Iridium Constellation LLC to Dismiss or Deny in Part, ICFS File Nos. SAT-MOD-20241011-00224 and SAT-AMD-20241017-00228 at 1-2, 3-6 (filed Mar. 10, 2025) (Iridium Petition); Letter from Kara Leibin Azocar, Vice President Regulatory, Iridium Constellation LLC, to Marlene H. Dortch, Secretary, FCC, ICFS File Nos. SAT-MOD-20241011-00224 and SAT-AMD-20241017-00228 (dated Mar. 10, 2025) (Iridium/IMSO March 10, 2025 Letter); Letter from Michele Lawrie-Munro, Executive Director, Mobile Satellite Services Association, to Marlene H. Dortch, Secretary, FCC, ICFS File Nos. SAT-MOD-20241011-00224 and SAT-AMD-20241017-00228 (dated Mar. 10, 2025) (MSSA March 10, 2025 Letter); Letter from Steven Doiron, Vice President of Spectrum and Regulatory Affairs, Thuraya Telecommunications Company, to Marlene H. Dortch, Secretary, FCC, ICFS File Nos. SAT-MOD-20241011-00224 and SAT-AMD-20241017-00228 (dated Mar. 10, 2025) (Thuraya March 10, 2025 Letter); Comments of the Aerospace and Flight Test Radio Coordinating Council, Inc., ICFS File Nos. SAT-MOD-20241011-00224 and SAT-AMD-20241017-00228 (filed Mar. 10, 2025) (AFTRCC Comments); Letter from Veronique Blanc, Director of Partner Management, SITA, to Marlene H. Dortch, Secretary, FCC, ICFS File Nos. SAT-MOD-20241011-00224 and SAT-AMD-20241017-00228 (dated Mar. 10, 2025) (SITA March 10, 2025 Letter); Comments of GPS Innovation Alliance, ICFS File Nos. SAT-MOD-20241011-00224 and SAT-AMD-20241017-00228 (filed Mar. 10, 2025) (GPSIA Comments); Comments of Aviation Spectrum Resources, Inc. and International Air Transport Association, ICFS File Nos. SAT-MOD-20241011-00224 and SAT-AMD-20241017-00228 (filed Mar. 10, 2025) (ASRI/IATA Comments). In light of the extensive federal use of 20.2-21.2 GHz and 30.0-31.0 GHz bands, we also defer any action on these bands. In the event circumstances change and we re-open consideration of these bands, we will coordinate any applications with NTIA.

[16] 47 CFR § 1.3.

[17] *NetworkIP, LLC v. FCC*, 548 F.3d 116, 125-128 (D.C. Cir. 2008) (citing *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990)).

[18] *Northeast Cellular*, 897 F.2d at 1166 ("[A] waiver is appropriate only if special circumstances warrant a deviation from the general rule and such deviation will serve the public interest. The agency must explain why deviation better serves the public interest and articulate the nature of the special circumstances to prevent discriminatory application and to put future parties on notice as to its operation"); *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969) (continued....)

1. Waivers of the U.S. Table of Allocations for Additional Frequency Bands

9. As part of this authorization, we grant SpaceX's request for waiver of the U.S. Table of Frequency Allocations[19] to conduct global uplink communications in the 14.5-14.8 GHz, 17.3-17.8 GHz,[20] 51.4-52.4 GHz, 92.0-94.0 GHz, 94.1-95.0 GHz, 95.0-100.0 GHz, 102.0-109.5 GHz, and 111.8-114.25 GHz (Earth-to-space) bands and global FSS downlink communications in the 18.6-18.8 GHz (space-to-Earth) band on an unprotected and non-interference basis.[21] For the Ku-, Ka-, and V-band frequencies included in this waiver, SpaceX seeks to operate in additional, contiguous spectrum in order to achieve symmetrical download and upload speeds, thus enabling fiber-like service for American consumers and bandwidth-intensive applications for American businesses in rural areas.[22] SpaceX commits to operating on an unprotected and non-interference basis and has designed its satellite system to permit sharing with other present and future operators of these bands.[23] We note that Kuiper[24] supports SpaceX's request for waiver of the Table of Frequency Allocations to permit operations outside the U.S. which will allow SpaceX to compete with Europe and China.[25]

10. To address concerns that SpaceX has not provided sufficient technical information to demonstrate that its uplink operations in the 17.3-17.8 GHz band will not cause interference to either geostationary orbit (GSO) FSS or Broadcast Satellite-Service (BSS) operators or NGSO downlink operators in this band,[26] SpaceX has committed to complying with the ITU EPFD uplink limits to protect

("The agency's discretion to proceed in difficult areas through general rules is intimately linked to the existence of a safety valve procedure for consideration of an application for exemption based on special circumstances.").

[19] 47 CFR § 2.106(a).

[20] SpaceX Gen2 Upgrade Amendment, Waiver Requests at 5-6; *see also* 47 CFR § 2.106(a). SpaceX's request for waiver of the U.S. Table, section 2.106(a) of the Commission's rules, to allow NGSO FSS downlink in the 17.3-17.8 GHz bands is DISMISSED as MOOT after the Commission's adoption of the 17 GHz Report and Order and the effectiveness of those new rules to permit space-to-Earth (downlink) use of the 17.3-17.8 GHz band by NGSO FSS space stations. *See Amendment of Parts 2 and 25 of the Commission's Rules to Enable NGSO Fixed-Satellite Service (Space-to-Earth) Operations in the 17.3-17.8 GHz Band*, IB Docket No. 22-273, Report and Order, 39 FCC Rcd 11156 (2024) (*17 GHz Report and Order*). The rules became effective on January 6, 2025.

[21] SpaceX's operations in the W-band (92.0-94.0 GHz, 94.1-95.0 GHz, 95.0-100.0 GHz, 102.0-109.5 GHz, and 111.8-114.25 GHz bands) are non-conforming with the International Table of Frequency Allocations. SpaceX's operations in these bands are on an unprotected, non-interference basis. *See* ITU Radio Regulations, Article 4.4.

[22] Gen2 Upgrade Amendment, Waiver Requests at 3.

[23] *Id.*

[24] We note that Kuiper has recently changed its name to Amazon Leo. *See Project Kuiper is now Amazon Leo*, https://www.aboutamazon.com/news/amazon-leo/project-kuiper-becomes-amazon-leo, last visited Nov. 25, 2025. This Order will continue to refer to Kuiper.

[25] Comments of Kuiper Systems LLC, ICFS File Nos. SAT-MOD-20241011-00224 and SAT-AMD-20241017-00228 at 2 (filed Mar. 10, 2025) (Kuiper Comments) (stating that some bands that are allocated for FSS use outside of the United States are not allocated in the United States and that denying a waiver to American licensees could put them at a disadvantage with respect to satellite constellations licensed outside the United States).

[26] SES/O3b Comments at 2, 8-9. Uplinks in the 17.3-17.8 GHz band are limited to BSS feeder links by the U.S. Table of Frequency Allocations, and SES/O3b argues that without a technical demonstration of non-interference, the waiver would place the burden on primary users of the band to seek protection from a nonconforming user. We reject this argument because we find that, as stated above, the conditions we have adopted will ensure that SpaceX protects incumbents by first coordinating with them prior to commencing uplink operations and abiding by the ITU uplink EPFD limits to protect GSO satellites operating in the band.

these GSO satellites from its transmitting earth stations in the Earth-to-space direction.[27] Further, we condition this authorization such that prior to commencing uplink operations in the 17.3-17.8 GHz band, SpaceX must protect existing operators in the band by completing coordination with existing earth station and terrestrial operators and providing the Commission with a demonstration that its uplink operations will not cause harmful interference to receiving earth stations and terrestrial operations in the band. Furthermore, SpaceX's operations in these bands must be on an unprotected and non-interference basis, and SpaceX must cease any operations immediately in the event of any harmful interference.

11. SpaceX requests authority for NGSO uplink operations in the W-band to enhance its parabolic earth station operations, particularly for backhaul use cases.[28] The 92.0-94.0 GHz and 94.1-95.0 GHz bands are allocated domestically for Fixed, Mobile, Radio Astronomy, and Radiolocation services.[29] The 95.0-100.0 GHz band is allocated domestically for Fixed, Mobile, Radio Astronomy, Radiolocation, Radionavigation, and Radionavigation-Satellite services.[30] The 102.0-105.0 GHz band is allocated domestically for Fixed, Mobile, and Radio Astronomy services.[31] The 105.0-109.5 GHz and 111.8-114.25 GHz bands are allocated domestically for Fixed, Mobile, Radio Astronomy, and Space Research (passive) services.[32] SpaceX states that using high-gain, narrow beam antennas will allow it to coexist with terrestrial fixed and mobile deployments, similar to its operations in the E-band.[33] SpaceX seeks to use the W-band frequencies on a receive-only basis and its W-band earth stations will have a minimum elevation angle of 10 degrees for satellites operating below 400 km, 20 degrees for those operating between 400 km and 500 km, and 25 degrees for those operating above 500 km. We find that granting this waiver and allowing SpaceX to operate on a non-conforming basis in the W-band is in the public interest because it will allow SpaceX to make use of higher frequency bands that are lightly used to deliver additional capacity and faster broadband speeds to customers in unserved and underserved areas of the United States and around the world. As with all communications operating under waiver of the Commission's rules, SpaceX's operations in these bands must be on an unprotected, non-interference basis.

12. Finally, we grant SpaceX's request to conduct MSS as well as FSS operations in the 14.0-14.5 GHz (Earth-to-space), 19.7-20.2 GHz (space-to-Earth), 29.5-30.0 GHz (Earth-to-space), 39.5-40.5 GHz (space-to-Earth),[34] 50.4-51.4 GHz (Earth-to-space), 71.0-74.0 GHz (space-to-Earth), and 81.0-84.0 GHz (Earth-to-space) bands. We also grant SpaceX's request for waiver of the U.S. Table and the Commission's Ka-band Plan to permit SpaceX to use the 19.4-19.6 GHz (space-to-Earth) and 29.1-29.5 GHz (Earth-to-space) bands for FSS operations not limited to MSS feeder links. Consistent with SpaceX's commitments in its application, we find good cause to grant the requested waiver and require SpaceX to operate its MSS communications with the same technical characteristics as its FSS operations

[27] Gen2 Upgrade Amendment, Waiver Requests at 6. *See also* ITU Radio Regulations, Article 22. Although the ITU limits only apply to NGSO FSS transmitting earth stations in Regions 1 and 3, we also require SpaceX to comply with these limits for its transmitting earth stations in Region 2.

[28] *See* SpaceX Gen2 Upgrade Amendment, Waiver Requests at 14.

[29] 47 CFR § 2.106(a). The 94.0-94.1 GHz band is also allocated for Federal Earth Exploration Satellite (passive) and Space Research (active). *Id.*

[30] 47 CFR § 2.106(a); (c)(161), (342).

[31] 47 CFR § 2.106(a).

[32] *Id.*

[33] *See* SpaceX Gen2 Upgrade Amendment, Waiver Requests at 14-15.

[34] The 39.5-40.0 GHz band is allocated on a primary basis for Federal MSS and non-Federal FSS, and there is no non-federal MSS allocation. 47 CFR § 2.106(a). For SpaceX's MSS operations in the 39.5-40.5 MHz band, we grant SpaceX, on our own motion, a waiver of the U.S. Table. 47 CFR § 2.106(a).

to minimize risk of interference to other systems.[35] Given SpaceX's commitments and the Commission's waiver of the EPFD limits discussed below, we find it is unnecessary to condition SpaceX's MSS operations, as some commenters suggest, on compliance with the EPFD limits and the separate power flux density (PFD) limits.[36] We also decline to dismiss or deny SpaceX's waiver based on Iridium's concern that grant of SpaceX's request to operate "general FSS traffic"[37] in the 19.4-19.6 GHz and 29.1-29.5 GHz bands would effectively rewrite the Commission's Ka-band plan without a rulemaking and that granting SpaceX's waiver would require the Commission to grant comparable waiver requests from other FSS operators.[38] We disagree. SpaceX's operations in these bands under this waiver must be on an unprotected and non-interference basis. Further, as noted in the grant, we condition SpaceX's operations to require coordination of its FSS operations not limited to MSS feeder links with MSS operators prior to commencement of operations, including Iridium, to protect MSS feeder link operations in these bands, which we believe will sufficiently allay Iridium's concerns.

2. Processing Round Considerations

13. We grant SpaceX's request for waiver of the Commission's processing round rules for the additional frequency bands authorized in this Order.[39] This waiver also includes the previously-authorized V-band frequencies, which we authorize SpaceX to use on all 15,000 Gen2 Starlink satellites.[40] The Commission's rules set forth procedures for consideration of applications for NGSO

[35] *See e.g.*, SpaceX January 31, 2025 Letter at 7. For these reasons, we disagree with Iridium's argument that SpaceX has not demonstrated sufficient grounds for waiver to justify FSS operations in the 19.4-19.6 GHz and 29.1-29.3 GHz bands.

[36] Petition of EchoStar Corporation to Dismiss or Deny, ICFS File Nos. SAT-MOD-20241011-00224 and SAT-AMD-20241017-00228 at 21-22 (filed Mar. 10, 2025) (Echostar Petition); Comments of Eutelsat S.A. and WorldVu Satellites Limited, ICFS File Nos. SAT-MOD-20241011-00224 and SAT-AMD-20241017-00228 at 5-6 (filed Mar. 10, 2025) (Eutelsat Comments).

[37] *See* Iridium Petition at 7, n. 12; *see* SpaceX January 31, 2025 Letter at 5 ("SpaceX seeks authority to use these bands both as feeder links to support its MSS operations and excess capacity for general FSS traffic."); SpaceX June 5, 2025 Letter at 12 (defining "general FSS traffic" as "non-MSS-feeder-link traffic").

[38] Iridium Petition at 2, 6-8. Iridium argues that grant of SpaceX's waiver request will allow FSS to proliferate in the 19.4-19.6 GHz and 29.1-29.3 GHz MSS feeder link bands where Iridium operates.

[39] *See* 47 CFR §§ 25.156 and 25.157. Specifically, we waive the processing round rules for the 12.7-13.25 GHz (Earth-to-space), 13.75-14.0 GHz (Earth-to-space), 14.5-14.75 GHz (Earth-to-space), 14.75-14.80 GHz (Earth-to-space), 15.43-15.63 GHz (Earth-to-space), 17.3-17.8 GHz (space-to-Earth and Earth-to-space), 18.6-18.8 GHz (space-to-Earth), 19.3-19.7 GHz (space-to-Earth), 24.75-25.25 GHz (Earth-to-space), 29.1-29.5 GHz (Earth-to-space), 42.0-42.5 GHz (space-to-Earth), 51.4-52.4 GHz (Earth-to-space), 92.0-94.0 GHz (Earth-to-space), 94.1-95.0 GHz (Earth-to-space), 95.0-100.0 GHz (Earth-to-space), 102.0-109.5 GHz (Earth-to-space), and 111.8-114.25 GHz (Earth-to-space) bands. The licensee is required to complete coordination with federal users pursuant to US 334 prior to operation in the bands between 17.8 GHz and 20.2 GHz.

[40] SpaceX's initial V-band authorization, as modified to include the V-band communications on the Gen2 Starlink satellites, was originally only for 7,500 satellites. *See generally Space Exploration Holdings, LLC, Application for Modification of Authorization of the SpaceX V-band NGSO Satellite System*, Grant Stamp, ICFS File No. SAT-MOD-20230322-00062 (SB, SPPD, granted-in-part/dismissed-in-part Oct. 13, 2023) (*SpaceX First V-band Modification Grant)*; *See also SpaceX Gen2 First Partial Grant*, 37 FCC Rcd at 14883, 14896, paras. 2, 19. These frequencies include 37.5-40.0 GHz (space-to-Earth), 40.0-42.0 GHz (space-to-Earth), 47.2-50.2 GHz (Earth-to-space), and 50.4-51.4 GHz (Earth-to-space) bands. We note that SpaceX has submitted a further modification application related to its V-band capabilities, requesting modification of the bond and milestone conditions applicable to its V-band operations with the first tranche of 7,500 satellites. *See* ICFS File No. SAT-MOD-20240813-00183. This modification request remains pending, and partial grant of SpaceX's Gen2 Upgrade Applications is without prejudice to any action in that proceeding.

satellite authorizations.[41] In most cases,[42] applications not filed in response to a public notice initiating a processing round will be considered lead applications, and the Commission will initiate a new processing round and establish a cut-off date for the filing of competing applications.[43] The Space Bureau has previously waived the processing round rules for SpaceX's E-band frequencies, finding that SpaceX's operations could coexist with existing users of the band and would not preclude other operators' use of the band in the future, and conditioning waiver on SpaceX's participation in any future processing round that includes the E-band frequencies.[44] We find the same factors underlying that decision apply to these additional frequency bands.

14. SpaceX explains that its operations will not preclude future market entry in these bands.[45] Particularly in bands where it proposes to operate on a non-interference basis, only outside the United States, or in bands that are allocated only for Federal use, SpaceX argues that these operations would not preclude future market entry because the operations are not mutually exclusive.[46] SpaceX also states that including these additional frequencies in processing rounds would delay SpaceX's operations for years with no public interest benefit, when SpaceX is ready to put the spectrum to use for the benefit of American consumers and to promote American competition abroad.[47] We find that it is more efficient and in the public interest to authorize SpaceX's requested operations in the Ku-, Ka-, V-, and W-band frequencies, which will benefit consumers by expanding the capacity of SpaceX's Gen2 Starlink system, than it would be to initiate additional processing rounds at this time. To commenters' objections that SpaceX's operations should not be authorized outside of a processing round, particularly regarding additional satellites authorized to communicate in the V-band,[48] we note that SpaceX must participate in any future processing round the Commission may open in any of these bands. We emphasize that granting this portion of SpaceX's application outside of a processing round does not confer on SpaceX higher priority with respect to later-authorized systems, either in a processing round or not. SpaceX must coordinate with any existing or future users of these bands, and the second tranche of SpaceX's 7,500 satellites must protect participants in the 2016 and 2021 V-band processing rounds.

15. Regarding frequencies previously authorized as part of the 2020 Ku/Ka-band Processing

[41] *See* 47 CFR §§ 25.156(d)(1), 25.157.

[42] *See, e.g.*, 47 CFR § 25.157(b), (i) (applications for replacement satellites and applications filed under the streamlined process for small satellites or small spacecraft under sections 25.122 and 25.123 of the Commission's rules are not subject to the Commission's processing round framework).

[43] *See* 47 CFR § 25.157(c)(2).

[44] *Space Exploration Holdings, LLC, Request for Orbital Deployment and Operating Authority for the SpaceX Gen2 NGSO Satellite System*, Order and Authorization, 39 FCC Rcd 2159, 2164-66, paras. 10-13 (SB rel. Mar. 8, 2024) (*SpaceX Gen2 E-Band Partial Grant*).

[45] *See* SpaceX January 31, 2025 Letter at 3.

[46] *Id.*

[47] *Id.* at 3-4, 6-7; SpaceX Opposition at 10-11.

[48] *See e.g.*, Opposition of Anuvu Licensing Holdings, LLC, ICFS File Nos. SAT-MOD-20241011-00224 and SAT-AMD-20241017-00228 (filed Mar. 10, 2025) (Anuvu Opposition); Viasat 2025 Petition at 20-23; Echostar Petition at 22-24.

Round[49] and 2016 V-band Processing Round,[50] we find that SpaceX has demonstrated that the reconfiguration of the orbital parameters of its previously-authorized 7,500 Gen2 satellites will not result in a significant increase to the interference environment from the original constellation as proposed,[51] and therefore under Commission precedent,[52] we need not alter the processing round status for SpaceX's previously-authorized Ku- and Ka-band operations as SES/O3b requests.[53] As we have found in prior SpaceX authorizations,[54] SpaceX's modified orbital parameters will allow it to better serve customers without significantly increasing interference into other systems authorized as part of earlier processing rounds. While SES/O3b argues that SpaceX's NGSO/NGSO interference demonstration is deficient,[55] after review of the technical showings, we find that SpaceX has provided sufficient information to demonstrate that its modification will not significantly impact the overall interference environment of the

[49] SpaceX filed its original application as part of the processing round initiated in 2020 for the 10.7-12.7 GHz, 12.75-13.25 GHz, 13.85-14.5 GHz, 17.7-18.6 GHz, 18.8-20.2 GHz, and 27.5-30.0 GHz bands (2020 Ku/Ka-Band Processing Round). *See Cut-Off Established for Additional NGSO FSS Applications or Petitions for Operations in the 10.7-12.7 GHz, 12.75-13.25 GHz, 13.8-14.5 GHz, 17.7-18.6 GHz, 18.8-20.2 GHz, and 27.5-30 GHz Bands, Satellite Policy Branch Information*, Report No. SPB-279, DA 20-325 (rel. Mar. 24, 2020) (2020 Ku/Ka-band Processing Round Public Notice).

[50] *Cut-off Established for Additional NGSO-Like Satellite Applications or Petitions for Operations in the 37.5-40.0 GHz, 40.0-42.0 GHz, 47.2-50.2 GHz, and 50.4-51.4 GHz Bands*, Public Notice, 31 FCC Rcd 11957 (IB 2016) (*2016 V-band Processing Round Public Notice*). We note that SpaceX is the only operator remaining in the 2016 V-band Processing Round.

[51] Regarding the impact of modifications to systems licensed as part of a processing round, the Commission has stated that for applications to modify authorized NGSO systems that were originally subject to modified processing round procedures, "'[i]f the proposed modification does not present any significant interference problems and is otherwise consistent with Commission policies, it is generally granted[,]' but if the modification 'presents significant interference problems, [the Bureau] would treat the modification as a newly filed application and would consider the modification application in a subsequent satellite processing round.'" *See* 47 CFR § 25.117(d)(2)(ii); *Space Exploration Holdings, LLC, Request for Modification of the Authorization for the SpaceX NGSO Satellite System*, Order and Authorization and Order on Reconsideration, 36 FCC Rcd 7995, 8006-07, para. 16 (2021) (*SpaceX Gen1 Third Modification Order*) (quoting *Teledesic LLC*, Order and Authorization, 14 FCC Rcd 2261, 2264, para. 5 (IB 1999)).

[52] *Id.*

[53] *See* SES/O3b Comments at 13.

[54] *See Space Exploration Holdings, LLC, Request for Deployment and Operating Authority for the SpaceX Gen2 NGSO Satellite System*, Order and Authorization, 39 FCC Rcd 12550, 12584-85, paras. 58-59 (SB rel. Nov. 26, 2024) (*SpaceX Gen2 SCS and 300 km Order*).

[55] SES/O3b specifically argues that SpaceX used a degraded throughput analysis to measure interference into participants in the 2020 Ku/Ka-band Processing Round, when it should have analyzed interference to noise ratios before and after the proposed modifications to the system. The degraded throughput analysis, SES/O3b argues, should be used only for analyzing interference into participants in earlier processing rounds, not participants in the same processing round. SES/O3b conducted its own analysis and argues that SpaceX's system, as upgraded, will cause increased interference into other NGSO systems in the 2020 Ku/Ka-band Processing Round, thus requiring the Commission to move SpaceX's system to a new Ku/Ka-band processing round. SES/O3b Comments at 2-3, 10-16, Annex 2 and 3; *see also* Viasat 2025 Petition at 18-19. On the contrary, SpaceX argues that there is no single required method to analyze interference into participants in the same processing round, but since the Commission recently codified the degraded throughput analysis for demonstrating protection of participants in earlier processing rounds, it is the most appropriate approach and demonstrates no interference into the systems in the 2020 Ku/Ka-band Processing Round. SpaceX Opposition at 4-6, 8-9. We find that SpaceX's technical showings are sufficient to demonstrate that its modification will not significantly impact the overall interference environment of the 2020 Ku/Ka-band Processing Round.

prior Ku/Ka-band processing round.[56] SpaceX's changes to its system's parameters will not result in increased long term interference, but will likely increase the short-term interference into other NGSO systems.[57] However, after reviewing the competing analyses, we find that SES/O3b overestimates the short-term interference SpaceX's modified operations will cause[58] and the actual increase in short-term interference into other NGSO systems in the 2020 Ku/Ka-band Processing Round is not significant. We expect SpaceX to take additional interference mitigation measures with respect to other NGSO systems in the 2020 Ku/Ka-band Processing Round and to remedy any actual interference. Consequently, we see no reason to move SpaceX's Ku- and Ka-band operations to a later processing round.

3. Waiver of EPFD limits

16. Under the Commission's rules, an applicant proposing operations in the 10.7-30 GHz range must certify that it will comply with applicable EPFD limits in Article 22, Section 2, and Resolution 76 of the ITU Radio Regulations, which have been incorporated by reference into the Commission's rules.[59] Additionally, prior to beginning service, an NGSO operator licensed to operate in the 10.7-30 GHz range must obtain a favorable or qualified favorable finding from the ITU regarding its compliance with applicable EPFD limits, in accordance with Resolution 85 of the ITU Radio Regulations.[60] The operator must then communicate the ITU finding to the Commission and submit the input data files used for the ITU validation software for public disclosure.[61] The Commission previously partially waived the EPFD rules, allowing SpaceX to begin operations prior to receiving a favorable or qualified-favorable finding

[56] We also agree with SpaceX that the concerns raised by Eutelsat, namely that 29,988 Gen2 satellites will create in-line events with co-frequency systems 100% of the time, are moot. *See* Eutelsat Comments at 2-3, 4-5 (requesting we resolve prior concerns raised on the record on this matter). SpaceX and Eutelsat have previously agreed to a coordination agreement, and Eutelsat's subsidiary, WorldVu Satellites LTD (OneWeb), withdrew the comments in question that Eutelsat is now citing. Eutelsat does not explain any changed circumstances that would justify reviving its subsidiary's withdrawn comments or why the coordination agreement between SpaceX and Eutelsat does not address these concerns as WorldVu previously stated. *See* SpaceX Opposition at 7; Letter from David Goldman, Director, Satellite Policy, Space Exploration Technologies Corp., and Kimberly M. Baum, VP, Spectrum Engineering and Policy, WorldVu Satellites Limited, to Marlene H. Dortch, Secretary, FCC, ICFS File Nos. SAT-LOA-20200526-00055 and SAT-AMD-20210818-00105, SAT-MPL-20200526-00062, SAT-APL-20210112-00007 (dated Jul. 21, 2022). Eutelsat also cites Viasat's comments from its 2022 petition: "SpaceX's system would block smaller NGSO constellations almost 100% of the time, causing harmful interference and significantly reducing capacity, while SpaceX suffers no ill-effects because of the size of its system. Because NGSO systems need to split spectrum in the event of an in-line interference event, SpaceX and other operators would need to split spectrum 100% of the time, greatly reducing capacity on the smaller system while SpaceX can use other satellites." *See* Petition of Viasat, Inc., ICFS File Nos. SAT-LOA-20200526-00055 and SAT-AMD-20210818-00105 at I-II, 4-9 (filed Feb. 8, 2022) (Viasat 2022 Petition). But as discussed above, we have reviewed SpaceX's updated technical showings and found that the upgraded Gen2 Starlink constellation will not increase interference into other NGSO systems, and certainly not to the degree these operators predict.

[57] *See* SES/O3b Comments, Annex 2 and 3. We observe that SpaceX underestimated the interference its system would cause by using a low receiver noise temperature in its analysis, as well as by applying adjusted antenna gain modelling for the antenna radiation pattern. Gen2 Upgrade Modification, Technical Attachment, Annex A; Gen2 Upgrade Amendment, Technical Attachment, Annex A. We note that adjusted antenna gain modelling is still being studied at the ITU and has not been adopted.

[58] SES/O3b conducted its analysis using a much higher number of co-frequency beams transmitting to the same location simultaneously (NCo) than SpaceX used in its analysis. SES/O3b Comments, Annex 2 and 3; Gen2 Upgrade Modification, Technical Attachment, Annex A; Gen2 Upgrade Amendment, Technical Attachment, Annex A.

[59] *See* 47 CFR § 25.146(a)(2).

[60] *See* 47 CFR § 25.146(c).

[61] *Id.*

from the ITU, conditioned on the requirements that it modify its operations should it receive an unfavorable finding and also that it provide the data files used as input to the ITU's validation software to any interested party so as to confirm compliance with the limits.[62]

17. We grant SpaceX a time-limited waiver of the Commission's single-entry EPFD downlink rules, with conditions. SpaceX argues that by exceeding the EPFD limits, it can provide better service to American consumers and businesses while not impacting GSO operators.[63] SpaceX has also tested operations with higher power levels and a greater number of overlapping, co-frequency beams (higher NCo) in certain countries and reported the results to the Commission.[64] The Commission is currently engaged in a rulemaking proceeding to review the current EPFD rules.[65] We believe that while this rulemaking is ongoing, it is in the public interest to grant SpaceX's request for waiver to allow it to exceed the EPFD limits, given the benefits to SpaceX's service and thus American consumers and the continued protection of GSO operators.[66] We grant this waiver subject to the completion of and rules adopted in the pending rulemaking.[67] SpaceX must bring its operations into compliance with any new rules upon the effective date of those rules. To address claims that SpaceX's operations in exceedance of the EPFD limits could cause interference to GSO networks,[68] we condition SpaceX's operations to ensure GSO operators are protected. Specifically, this waiver is limited in application to SpaceX's operations inside the United States. Outside the United States, SpaceX must continue to comply with the Commission's and ITU's EPFD rules and limits.[69] In addition, we condition SpaceX's operations under the waiver to address concerns about potential interference. Specifically, for operations in the Ku-band, SpaceX may not exceed an NCo of 8. SpaceX must also maintain a minimum GSO arc exclusion zone of 4 degrees with respect to operational GSO satellites. These operational limits are within the envelope of

[62] *See SpaceX Gen2 First Partial Grant*, 37 FCC Rcd at 14907-910, paras. 37-40.

[63] Gen2 Upgrade Amendment, Waiver Requests at 18-19; Gen2 Upgrade Amendment, Technical Attachment, Annex B; Gen2 Upgrade Modification, Technical Attachment, Annex B; SpaceX January 31, 2025 Letter at 10.

[64] *See* Letter from Cecilia Tenge-Rietberg, Sr. Satellite Policy Manager, SpaceX, to Marlene H. Dortch, Secretary, FCC, ICFS File Nos. SAT-MOD-20241011-00224 and SAT-AMD-20241017-00228 (filed Sept. 22, 2025) (SpaceX September 22, 2025 Letter).

[65] *See Modernizing Spectrum Sharing for Satellite Broadband*, Notice of Proposed Rulemaking, FCC 25-23 (Apr. 28, 2025) (*Modernizing Spectrum Sharing NPRM*).

[66] Commenters argue that SpaceX's waiver request falls short of the Commission's waiver standard, arguing SpaceX has not demonstrated good cause and waiver would undermine the purpose of the rule. *See e.g.*, Viasat 2025 Petition at 6-8, 11-12; Echostar Petition at 13-20. On the contrary, we find the benefits to American consumers and American leadership and innovation in space demonstrate good cause for granting the waiver, and SpaceX's demonstrations that its operations will not cause harmful interference to GSO operators, including the results of its real-world testing in other countries, coupled with the conditions we place on this waiver, indicate that waiver will not undermine the purpose of the rule.

[67] *See Modernizing Spectrum Sharing NPRM.*

[68] *See e.g.* SES/O3b Comments at 2, 4-7; Viasat 2025 Petition at 12, 16-17, 19; Echostar Petition at 6-13. *But see* Kuiper Comments at 2-3; Telesat Reply at 4-5.

[69] SpaceX may exceed the EPFD limits outside the United States to the extent that it receives authorization from the relevant administration. *See SpaceX Gen2 First Partial Grant*, 37 FCC Rcd at 14907-910, paras. 37-40. For its operations outside the United States, and consistent with conditions on the prior partial waiver of section 25.146(c), SpaceX must submit modified ITU filings reflecting its upgraded system, obtain a favorable or qualified-favorable finding from the ITU that includes evaluation of the joint effect of SpaceX's multiple ITU filings that comprise its Gen2 Starlink constellation, and provide its input data files to the ITU validation software to interested parties. These conditions are subject to the outcome of the *Modernizing Spectrum Sharing NPRM.*

the testing that SpaceX has conducted in other countries.[70] We believe that these operational limits will allow SpaceX to provide better service to consumers and operate at higher power levels while also alleviating concerns of harmful interference into GSO systems while the rulemaking proceeding is ongoing.[71] Finally, SpaceX's operations under this waiver must be conducted on an unprotected, non-interference basis. Specifically, in the event the Space Bureau notifies SpaceX of a determination that it has caused harmful interference, SpaceX must immediately return to operating in accordance with the Commission's EPFD limits in the affected frequency bands. SpaceX will also be required to communicate to the Commission and to its affected customers how it is rectifying the situation if mediation will affect their services. The Space Bureau may revoke the waiver in the event of unresolved harmful interference.

18. Some commenters express concerns that waiving the single-entry EPFD limits would allow SpaceX to consume the entire budget for, or exceed, the aggregate EPFD limits on its own.[72] At this time we do not prescribe how SpaceX, or any operator, must operate so as to meet the aggregate EPFD limits, beyond the conditions discussed above, but we note that SpaceX is still required to comply with the aggregate EPFD limits. SpaceX is also required to cooperate and coordinate in good faith with other NGSO operators to allow multiple users to operate in the band while meeting the aggregate EPFD limits under our rules.[73] We find that the requirement to cooperate and coordinate in good faith with other users, coupled with the conditions imposed on SpaceX's operations pursuant to the waiver, should address concerns that the aggregate limits will be exceeded.

19. As part of this waiver, we also grant SpaceX's request to remove the condition requiring operations using only one co-frequency, co-polarization beam in any given location (NCo of 1) in the 12.2-12.7 GHz and 19.7-20.2 GHz bands. Since SpaceX's operations exceeding the EPFD limits in the United States are limited to the technical parameters outlined above and must be conducted on a non-interference basis, and SpaceX must continue to comply with the EPFD limits outside the United States, we find this condition to be redundant and unnecessary. We instead are requiring SpaceX to operate with no more than eight (8) co-frequency, co-polarization beams in any given location, an NCo of 8, in the Ku-band consistent with its testing.[74] The "NCo of 1" condition was originally placed on SpaceX's

[70] *See* SpaceX September 22, 2025 Letter (incorporating by reference comments of Space Exploration Holdings, LLC, SB Docket No. 25-157, at 3-4 & n.9 (July 28, 2025) (describing and citing test report from Romania); Reply Comments of Space Exploration Holdings, LLC, SB Docket No. 25-157, Technical Supplements (Aug. 27, 2025) (attaching test reports from Colombia and Nigeria); Jordan Info Document to ASMG-33, *Interference measurement campaign on EPFD limits in Jordan* (Sept. 8, 2025); Botswana Info Document 14 to APM27-2, *Botswana interference measurement campaign on EPFD limits* (Aug. 1, 2025). For example, in the testing, SpaceX operates with a maximum NCo=8 and a minimum 4 degree GSO avoidance angle.

[71] *See e.g.* SES/O3b Comments at 2, 4-7; Viasat 2025 Petition at 12, 16-17, 19; Echostar Petition at 6-13. Since we have found that SpaceX's operations, as conditioned, will protect GSO operations, we decline to reconsider analyses submitted on the record in 2022, as Viasat requests. Viasat 2025 Petition at 12, 19; *see also* Petition to Dismiss or Deny in Part of DISH Network Corporation, ICFS File Nos. SAT-LOA-20200526-00055 and SAT-AMD-20210818-00105 (filed Feb. 8, 2022) (DISH 2022 Petition); Reply of DISH Network Corporation, ICFS File Nos. SAT-LOA-20200526-00055 and SAT-AMD-20210818-00105 at 1-2, 7-8, 12, 17-18 (filed Mar. 8, 2022) (DISH 2022 Reply); Reply of Kuiper Systems LLC, ICFS File Nos. SAT-LOA-20200526-00055 and SAT-AMD-20210818-00105 at 18-19 (filed Mar. 3, 2022) (Kuiper 2022 Reply); Letter from Jarrett S. Taubman, Vice President and Deputy Chief, Government Affairs, Viasat, Inc., to Marlene H. Dortch, Secretary, FCC, ICFS File Nos. SAT-LOA-20200526-00055 and SAT-AMD-20210818-00105 at 3, Technical Annex (filed Jul. 18, 2022) (Viasat July 18, 2022 Letter).

[72] *See e.g.* Eutelsat Comments at 2-3; SES/O3b Comments at 7-8; Viasat 2025 Petition at 19-20.

[73] *See* 47 CFR § 25.146; 47 CFR § 25.108(c)(3) and (8) (incorporating by reference Article 22 of the ITU Radio Regulations and Resolution 76 of WRC-15).

[74] *See* SpaceX September 22, 2025 Letter.

authorization for its first generation constellation to address concerns raised on the record that SpaceX would not operate with an NCo of 1 as it claimed and would thus violate the EPFD limits.[75] It was similarly extended to SpaceX's second generation constellation after SpaceX made commitments on the record that it intended to operate with an NCo of 1.[76] SpaceX now requests that we remove this condition, in line with its request to waive the EPFD limits.[77] EchoStar and Viasat object to this request, arguing that this condition is necessary to protect GSO operators, because SpaceX will violate the EPFD limits without this condition.[78] As discussed above, we waive the EPFD limits and condition this authorization to protect GSO operations. If EchoStar is correct that SpaceX cannot operate with more than one frequency beam at a time in these bands without causing harmful interference, then SpaceX must operate with only one frequency beam at a time to comply with the conditions on this authorization. As discussed in prior authorizations,[79] operators may bring concerns of actual interference to the FCC and the FCC will take appropriate action.

C. Orbital Debris Mitigation

20. *Modification of first tranche of 7,500 satellites.* We find that this modification does not materially alter the already approved mitigation plan and offers additional mitigation protections. The Commission previously approved SpaceX's orbital debris mitigation plan for its first tranche of 7,500 satellites.[80] Consistent with the Commission's rules, SpaceX has also confirmed that there are no changes to its satellite design that would cause satellite components to survive atmospheric reentry and strike the ground with a force greater than 15 joules.[81] SpaceX initially provided the Commission with an envelope of physical dimensions,[82] which the Commission considered in approving its orbital debris mitigation plan.[83] While the upgraded Gen2 satellites will be larger than the original, SpaceX has confirmed that the physical dimensions are still within the previously approved parameters.[84] SpaceX's proposed changes to

[75] *See SpaceX Gen1 Third Modification Order*, 36 FCC Rcd at 8019-8022, paras. 37-39, 43.

[76] *SpaceX Gen2 First Partial Grant*, 37 FCC Rcd at 14911-12, 14915, paras. 46, 55.

[77] *See* SpaceX Gen2 Upgrade Modification, Technical Attachment at 5.

[78] *See e.g.* EchoStar Petition at 3-6. *But see* Kuiper Comments at 3-4 (supporting SpaceX's request to remove the condition); Reply of Telesat Canada, ICFS File Nos. SAT-AMD-20241017-00228 and SAT-MOD-20241011-00224, at 4 (filed Apr. 4, 2025) (Telesat Reply) (supporting SpaceX's request to remove the condition).

[79] *See e.g. SpaceX Gen2 First Partial Grant*, 37 FCC Rcd at 14906-07, 14912, 14915, paras. 34, 46, 55.

[80] *Gen2 First Partial Grant*, 37 FCC Rcd at 14920-27, para. 70-86. The Space Bureau later addressed concerns specific to the altitudes below 400 km. *See SpaceX Gen2 SCS and 300 km* Order, 39 FCC Rcd at 12586-90, paras. 62-72.

[81] SpaceX January 31, 2025 Letter at 12; 47 CFR § 25.114(d)(14)(vii)(d)(2)(ii).

[82] *See* Letter from David Goldman, Director, Space Exploration Technologies Corp., to Marlene H. Dortch, Secretary, FCC, ICFS file Nos. SAT-LOA-20200526-00055 and SAT-AMD-20210818-00105, at 2-4 (filed Aug. 19, 2022) (SpaceX August 19, 2022 Letter); Letter from David Goldman, Senior Director, Satellite Policy, Space Exploration Technologies Corp., to Marlene H. Dortch, Secretary, FCC, ICFS File Nos. SAT-LOA-20200526-00055 and SAT-AMD-20210818-00105, Exhibit B (dated Oct. 4, 2022) (SpaceX October 4, 2022 Letter).

[83] *Gen2 First Partial Grant*, 37 FCC Rcd at 14920-27, paras. 70-86. Prior Commission approval of SpaceX's orbital debris mitigation plan was premised on the information SpaceX provided to the Commission, including logs from NASA's Debris Assessment Software (DAS) and SpaceX's inputs to those files. SpaceX clarified that it used conservative values for the physical dimensions of its satellites, larger than the satellites SpaceX intended to launch, to allow for changes in satellite design in the future. SpaceX August 19, 2022 Letter at 2-4; SpaceX October 4, 2022 Letter, Exhibit B.

[84] Gen2 Upgrade Amendment, Technical Attachment at 32; Gen2 Upgrade Modification, Technical Attachment at 22. SpaceX also provided updated DAS inputs and results to confirm the Gen2 Starlink satellites will comply with

(continued....)

the orbital parameters, especially the decrease in operational altitude, demonstrate that any satellites that experience a failure on orbit preventing SpaceX from using propulsion to lower the satellites at the end of their operational life will have a lower collision risk than if the satellites were operated at higher altitudes.[85] For these reasons, we approve SpaceX's orbital debris mitigation plan for the first tranche of 7,500 satellites, as modified.

21. *Second tranche of 7,500 satellites*. We also approve the orbital debris mitigation plan for the second tranche of 7,500 satellites. In doing so, we address comments filed in 2022 that were deferred in prior orders, specifically concerns regarding collision risk and satellite failure rates.[86] We note that SpaceX continues to coordinate with NASA to protect inhabitable space stations, as well as launch windows for resupply missions to the International Space Station and NASA's science missions.[87] SpaceX also continues to operate in accordance with its Space Act agreement with NASA, including limiting satellite deployment at altitudes below 400 km as coordinated with NASA.[88] We find that these actions alleviate commenters' concerns.

22. At this time, we also find that concerns regarding SpaceX's collision risk and failure rates have been resolved. Comments on this matter were submitted in 2022 and largely based on the performance of SpaceX's first generation constellation. While commenters have incorporated these concerns into the record for the Gen2 Upgrade Applications, they have not provided additional or updated

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the Commission's collision risk rule. 47 CFR § 25.114(d)(14)(iv)(A). Gen2 Upgrade Amendment, Technical Attachment, Annex C; Gen2 Upgrade Modification, Technical Attachment, Annex C.

[85] Gen2 Upgrade Modification, Technical Attachment, Annex C. Satellites that can effectively maneuver are deemed to pose zero risk of collision under the Commission's rules, in the absence of evidence to the contrary. 47 CFR § 25.114(d)(14)(iv)(a)(1). *See also SpaceX Gen2 SCS and 300 km Order*, 39 FCC Rcd at 12586, para. 63 ("The operations of satellites in these lower orbits [below 400 km] will result in a lower collision risk in the event of an anomaly during normal operations and will shorten the time required for post-mission disposal maneuvers"); *SpaceX Gen1 Third Modification Order*, 36 FCC Rcd at 8027, para. 54 ("we agree with SpaceX that specification of a lower altitude provides for operations that present considerably lower risk than at the higher altitude").

[86] We will continue to monitor and evaluate orbital debris mitigation concerns as part of any potential authorization of additional satellites that we defer in this order, including discussion of the record regarding SpaceX's orbital debris mitigation plans, which resolves Eutelsat's request that we address concerns raised on the prior record. *See* Eutelsat Comments at 2-3 (requesting we resolve concerns raised in 2022 by its subsidiary WorldVu which WorldVu subsequently withdrew).

[87] SpaceX January 31, 2025 Letter at 11. SpaceX notes that it coordinates closely with NASA and communicates with the Chinese manned space agency to protect all inhabitable space stations and visiting vehicles, and SpaceX commits to continuing to use its automated collision avoidance system to avoid conjunctions with inhabitable space stations. We again find this coordination resolves concerns raised by NASA on the original Gen2 application, as amended, including the additional satellites we authorize in this Order. *See* NTIA February 8, 2022 Letter, NASA Letter at 1-2, 4; *see also SpaceX Gen2 SCS and 300 km Order*, 39 FCC Rcd at 12586-87, para. 63.

[88] *See e.g. SpaceX Gen2 SCS and 300 km Order*, 39 FCC Rcd at 12551-52, 12561, 12587-88, paras. 2, 18, 65; Letter from Lauren E. Morgan, NASA Representative to the Commercial Transportation Interagency Group Space Operation Mission Directorate, Launch Services Office, to Marlene H. Dortch, Secretary, FCC, ICFS File Nos. SAT-LOA-20200526-00055, SAT-AMD-20210818-00105, SAT-AMD-20221216-00175, SAT-MOD-20230207-00021, SAT-AMD-20240322-00061, SAT-MOD-20240423-00089, SAT-STA-20240522-00108, GN Docket No. 23-135 (filed Nov. 19, 2024) (NASA November 19, 2024 Letter); Letter from David Goldman, Vice President Satellite Policy, Space Exploration Technologies Corp., to Marlene H. Dortch, Secretary, FCC, ICFS File Nos. SAT- LOA-20200526-00055, SAT-AMD-20210818-00105, SAT-AMD-20240322-00061, SAT-MOD-20230207-00021, and SAT-MOD-20240423-00089 (filed Dec. 23, 2024) (SpaceX December 23, 2024 Letter); Letter from David Goldman, Vice President Satellite Policy, Space Exploration Technologies Corp.,to Marlene H. Dortch, Secretary, FCC, ICFS File Nos. SAT-MOD-20230207-00021, SAT-AMD-20240322-00061, and SAT-MOD-20240423-00089 (filed Dec. 18, 2025) (SpaceX December 18, 2025 Letter).

comments, even though SpaceX has been operating its Gen2 Starlink satellites for nearly three years.[89] Under the Commission's rules, satellites that can maneuver effectively, including through use of propulsion, are deemed to have zero collision risk.[90] SpaceX's Gen2 Starlink satellites include propulsion and thus are deemed to have a collision risk of zero. SpaceX provided collision risk values for all satellites in the event of an anomaly that would cause the satellite to lose maneuverability, and at all authorized orbital altitudes SpaceX's satellites comply with the Commission's collision risk limits.[91] Commenters who filed in 2022 focused on the rates of disposal failure that SpaceX's first-generation satellites experienced, extrapolating that failure rate to a constellation of 29,988 satellites and arguing the Commission should consider the aggregate collision risk of the constellation, the residual risk posed by maneuvering after conjunction warnings, and the risk of collision with lethal nontrackable debris.[92] But SpaceX has made vast improvements between its first- and second-generation satellites. For example, in the first year after SpaceX began reporting to the Commission for the first-generation system, SpaceX reported 6 disposal failures,[93] but in the first year operating the Gen2 Starlink satellites, SpaceX reported 2 disposal failures.[94] We acknowledge this is not a perfect comparison, as at the time SpaceX began reporting to the Commission on its first-generation constellation, it had been operating satellites for roughly two years and had already made improvements, while it reported on its second-generation constellation from the beginning. However, the difference is still stark and illustrates that commenters' concerns that hundreds to thousands of failed, non-maneuverable Gen2 Starlink satellites are unlikely to come to pass. We will continue to monitor the failure rate of the Gen2 Starlink satellites through the semiannual reports SpaceX is required to submit,[95] and will have this data available for consideration of any future Gen2 satellite authorization.[96] SpaceX also deploys its satellites at low insertion altitudes to

[89] *See e.g.* Viasat 2025 Petition at 2; Eutelsat Comments at 2-3; Viasat 2022 Petition at III, 39, 44-46; Comments of Kepler Communications, Inc., ICFS File Nos. SAT-LOA-20200526-00055 and SAT-AMD-20210818-00105 (filed Jan. 24, 2021) (Kepler 2022 Comments).

[90] 47 CFR § 25.114(d)(14)(iv)(a)(1).

[91] *Id.*

[92] *See e.g.*, Viasat 2022 Petition at III, 38-40, 44-50. We have previously addressed concerns regarding aggregate collision risk, residual risk, and lethal nontrackable debris. *Gen2 First Partial Grant*, 37 FCC Rcd at 14920-27, para. 70-86; *SpaceX Gen2 SCS and 300 km* Order, 39 FCC Rcd at 12586-90, paras. 62-72.

[93] See *generally* Report of Space Exploration Holdings, LLC, ICFS File No. SAT-MOD-20200417-00037 (filed Jul. 1, 2021) (SpaceX Gen1 July 1, 2021 Report); Report of Space Exploration Holdings, LLC, ICFS File No. SAT-MOD-20200417-00037 (filed Dec. 13, 2021) (SpaceX Gen1 December 13, 2021 Report); Report of Space Exploration Holdings, LLC, ICFS File No. SAT-MOD-20200417-00037 (filed Dec. 31, 2021) (SpaceX Gen1 December 31, 2021 Report); Report of Space Exploration Holdings, LLC, ICFS File No. SAT-MOD-20200417-00037 (filed Apr. 2, 2022) (SpaceX Gen1 April 2, 2022 Report); Report of Space Exploration Holdings, LLC, ICFS File No. SAT-MOD-20200417-00037 (filed Jul. 1, 2022) (SpaceX Gen1 July 1, 2022 Report).

[94] *See generally* SpaceX Gen2 June 30, 2023 Report; SpaceX Gen2 December 29, 2023 Report.

[95] We note that proposed reporting requirements for satellite systems are included in an ongoing rulemaking. *See Space Modernization for the 21st Century*, Notice of Proposed Rulemaking, FCC 25-69, SB Docket No. 25-306 (rel. Oct. 29, 2025) (*Space Modernization NPRM*). This condition is subject to the outcome of that rulemaking.

[96] Kuiper and Telesat both request we remove the condition on SpaceX's authorization that automatically requires SpaceX to cease deploying satellites should the number of failed satellites at operational orbits exceed 100 object years (i.e. the number of years each failed satellite remains in orbit, summed across all failed satellites). *See* Kuiper Comments at 3; Telesat Reply at 3-4. SpaceX did not request removal of this condition, and in fact has supported adding it to other NGSO authorizations. *Ex parte* letter of Space Exploration Holdings, LLC, IB Docket No. 18-313 (filed Jan. 17, 2023) (SpaceX January 17, 2023 Letter). We decline to remove the object years condition at this time. First, the object years condition is the subject of petitions for reconsideration before the full Commission. *See* Petition for Reconsideration of LeoLabs, Inc., ICFS File Nos. SAT-LOA-20200526-00055 and SAT-AMD-20210818-00105 (filed Dec. 30, 2022); Petition for Clarification of Viasat, Inc., ICFS File Nos. SAT-LOA-

(continued....)

conduct initial testing so any satellites that fail during the testing process will deorbit in a matter of days.[97]

23. We also take this opportunity to address concerns related to specific orbital altitudes that SpaceX requests. Kepler expresses concerns that SpaceX's first amendment significantly densified its proposed 360 km orbital shell, posing a collision risk for satellites de-orbiting from higher, sun synchronous orbits through SpaceX's constellation, often without propulsion, like Kepler's satellites.[98] With respect to Kepler's concerns, SpaceX has previously committed to taking responsibility for conducting collision avoidance maneuvers, unless the other operator involved communicates that it prefers to conduct the maneuver.[99] Furthermore, as part of its approach to collision avoidance, SpaceX now maneuvers whenever a risk of conjunction is at least one in one million, which is two orders of magnitude more cautious than the risk threshold utilized by a number of operators.[100] These practices and commitments together resolve concerns about increased collision risk in the 360 km shell, and we see no need to impose additional conditions on SpaceX to address Kepler's concerns.

24. We do not adopt Kuiper's proposed condition that would require SpaceX to operate satellites only at nominal altitudes below 580 km, finding that the proposed condition is not necessary given the other conditions on the license.[101] With this authorization, SpaceX is not authorized to deploy satellites into nominal operational altitudes above 580 km.[102] Although we authorize SpaceX to operate satellites with orbital tolerances in line with Resolution 8 of WRC-23, the highest operational altitude authorized is 485 km, meaning that the highest a satellite could be located under this authorization is 585 km.[103] Kuiper does not request a condition to entirely restrict operations above 580 km, but rather only to restrict

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20200526-00055 and SAT-AMD-20210818-00105 (filed Jan. 3, 2023). Second, because SpaceX's disposal failure rate is so low, it is far below the 100 object years and thus nowhere close to triggering the requirement to cease deployment, so this condition does not impede SpaceX's operations while it is considered by the full Commission.

[97] *See SpaceX Gen2 First Partial Grant*, 37 FCC Rcd at 14927-28, paras. 90-91. We note that the number of Gen2 Starlink satellites that SpaceX has proactively deorbited after initial testing is considerably higher than satellites that have experienced a disposal failure. For example, in 2023, SpaceX reported that it screened 20 Gen2 Starlink satellites from further deployment, as opposed to the 2 Gen2 Starlink satellites which experienced disposal failures during the same time frame. *See* SpaceX Gen2 June 30, 2023 Report; SpaceX Gen2 December 29, 2023 Report. Without testing at low altitudes, these satellites may have failed on orbit, increasing the overall collision risk posed by the Gen2 Starlink constellation.

[98] Kepler Comments at 2. The Commission deferred consideration of this concern in 2022, as it did not authorize SpaceX to deploy satellites into its proposed 360 km shell. *See SpaceX Gen2 First Partial* Grant, 37 FCC Rcd at 14923, para. 79. We further deferred consideration of this concern in 2024, given the limited deployment of satellites authorized below 400 km. *See SpaceX Gen2 SCS and 300 km Order*, 39 FCC Rcd at 12589-90, paras. 69-70.

[99] Opposition of Space Exploration Holdings, LLC, ICFS File Nos. SAT-LOA-20200526-00055 and SAT-AMD-20210818-00105 at 10-11, 20 ((filed Feb. 24, 2022) (SpaceX 2022 Consolidated Opposition); SpaceX August 19, 2022 Letter at 4; *see also SpaceX Gen2 First Partial Grant*, 37 FCC Rcd at 14923, para 78 (noting SpaceX's commitment to conduct physical coordination when the other operator involved in a conjunction warning lacks propulsion, but also noting that collision avoidance is the responsibility of all operators, including operators whose satellites lack propulsion, and thus opposing a condition on SpaceX's authorization that would require SpaceX to take complete responsibility for collision avoidance maneuvers).

[100] *See e.g.* SpaceX Gen2 July 1, 2024 Report.

[101] Kuiper Comments at 4.

[102] We continue to defer SpaceX's request to operate satellites in shells centered at 604 km and 614 km.

[103] Satellites currently located between 525 km and 535 km that SpaceX is authorized to lower to altitudes between 475 km and 485 km may be located at altitudes higher than 585 km given the orbital tolerances authorized in this grant, but these satellites will be moved to lower altitudes because SpaceX must relocate all of its 500 km orbital shells to lower altitudes pursuant to this grant.

operations with nominal altitudes above 580 km.[104]

D. Protection of Optical Astronomy

25. The Commission and the Space Bureau have previously examined the impacts of SpaceX's Gen2 Starlink constellation on optical astronomy. The Commission has required SpaceX to work with NASA, the National Science Foundation (NSF), and the astronomy community to mitigate the impacts caused by its satellites reflecting sunlight. Further, the Commission continues to monitor the optical astronomy impacts as SpaceX deploys its satellites as part of the Commission's obligation to ensure that its actions benefit the public interest, convenience, and necessity.[105] NASA, NSF, and a number of individual astronomers, amateur astronomy groups, professional societies, and universities previously filed letters and comments on the Gen2 application, as amended, expressing concerns that the Gen2 Starlink satellites would result in severe negative impacts on astronomy, particularly because of the vast number of satellites SpaceX plans to deploy and the lower operational altitudes of its satellites (meaning that the satellites would increase brightness, though they reflect sunlight for a shorter period of time).[106] SpaceX coordinates with NSF on an ongoing basis and has committed to working with the astronomy

[104] Kuiper Comments at 3.

[105] *See SpaceX Gen2 First Partial Grant*, 37 FCC Rcd at 14930-31, paras. 96-97; *SpaceX Gen2 SCS and 300 km Order*, 39 FCC Rcd at 12593, para. 80.

[106] NTIA February 8, 2022 Letter, NASA Letter at 2-3, NSF Letter at 1; Viasat 2022 Petition at IV, 2, 61-67; Comments of the Natural Resources Defense Counsel and International Dark Sky Association, ICFS File Nos. SAT-LOA-20200526-00055 and SAT-AMD-20210818-00105 at 9-10 (filed Sept. 7, 2022) (NRDC/IDA Comments); Letter from Professor Andy Lawrence, Institute for Astronomy, University of Edinburgh, to Marlene H. Dortch, Secretary, FCC, ICFS File Nos. SAT-LOA-20200526-00055 and SAT-AMD-20210818-00105 (dated Sept. 18, 2022) (Andy Lawrence September 18, 2022 Letter); Letter from Mark Phillips, President, the Astronomical Society of Edinburgh, to Marlene H. Dortch, Secretary, FCC, ICFS File Nos. SAT-LOA-20200526-00055 and SAT-AMD-20210818-00105 (dated Sept. 23, 2022) (The Astronomical Society of Edinburgh September 23, 2022 Letter); Letter from Sierra Solter Hunt, PhD Candidate in Plasma Physics, University of Iceland, to Marlene H. Dortch, Secretary, FCC, ICFS File Nos. SAT-LOA-20200526-00055 and SAT-AMD-20210818-00105 (dated Sept. 23, 2022) (Sierra Solter Hunt September 23, 2022 Letter); Letter from Tyler Kokjohn, to Marlene H. Dortch, Secretary, FCC, ICFS File Nos. SAT-LOA-20200526-00055 and SAT-AMD-20210818-00105 (dated Sept. 26, 2022) (Tyler Kokjohn September 26, 2022 Letter); Letter from Samantha Lawler, Assistant Professor for Astronomy, University of Regina, to Marlene H. Dortch, Secretary, FCC, ICFS File Nos. SAT-LOA-20200526-00055 and SAT-AMD-20210818-00105 (dated Sept. 30, 2022) (Samantha Lawler September 30, 2022 Letter); Letter from Carrie Nugent, Associate Professor of Computational Physics and Planetary Science, Olin College of Engineering, to Marlene H. Dortch, Secretary, FCC, ICFS File Nos. SAT-LOA-20200526-00055 and SAT-AMD-20210818-00105 (dated Sept. 30, 2022) (Carrie Nugent September 30, 2022 Letter); Letter from Meredith Rawls, University of Washington Department of Astronomy, to Marlene H. Dortch, Secretary, FCC, ICFS File Nos. SAT-LOA-20200526-00055 and SAT-AMD-20210818-00105 (dated Oct. 5, 2022) (Meredith Rawls October 5, 2022 Letter); Letter from Roberto Trotta, Imperial College London and International School for Advanced Study, Trieste, Italy, to Marlene H. Dortch, Secretary, FCC, ICFS File Nos. SAT-LOA-20200526-00055 and SAT-AMD-20210818-00055 (dated Oct. 6, 2022) (Roberto Trotta October 6, 2022 Letter); Letter from Cameron Nelson, Tenzing Startup Consultants, to Marlene H. Dortch, Secretary, FCC, ICFS File Nos. SAT-LOA-20200526-00055 and SAT-AMD-20210818-00105 (dated Oct. 10, 2022) (Cameron Nelson October 10, 2022 Letter); Letter from Graeme Cuffy to Marlene H. Dortch, Secretary, FCC, ICFS File Nos. SAT-LOA-20200526-00055 and SAT-AMD-20210818-00105 (dated Oct. 11, 2022) (Graeme Cuffy October 11, 2022 Letter); Letter from Melissa Shipp, to Marlene H. Dortch, Secretary, FCC, ICFS File Nos. SAT-LOA-20200526-00055 and SAT-AMD-20210818-00105 (dated Oct. 26, 2022) (Melissa Shipp October 26, 2022 Letter); Letter from Professor Mike Edmunds, President, Royal Astronomical Society, to Marlene H. Dortch, Secretary, FCC, ICFS File Nos. SAT-LOA-20200526-00055 and SAT-AMD-20210818-00105 (dated Nov. 10, 2022) (RAS November 10, 2022 Letter). While none of these parties (except Viasat) have reiterated their concerns in the proceeding for the Gen2 Upgrade Applications, we consider their comments again given the increase in satellites we authorize in this Order and the Commission's previous commitments to reevaluate and continue to monitor the effects of the system.

community to mitigate impacts of its satellites on optical astronomy.[107] SpaceX has also made critical strides in mitigating the brightness of its satellites through darkening and light deflection away from the Earth, along with making detailed satellite tracking information available to astronomers.[108] While we authorize SpaceX to deploy additional satellites, we find that the SpaceX's commitments and actions taken to work with Federal agencies and the astronomy community to coordinate and mitigate the impacts of its Gen2 Starlink constellation continue to be sufficient to resolve concerns raised on the prior record.[109] SpaceX continues to work with the astronomy community in good faith to minimize the impacts of its satellites' reflectivity on optical astronomy, so that Americans can continue to benefit from both the Starlink service and the scientific and cultural importance of the night sky.

E. Protection of the Human Environment

26. Based on the orbital debris mitigation plan and efforts to protect optical astronomy discussed above, and review by the Federal Aviation Administration (FAA) discussed below, we find that, at this juncture, environmental review under the National Environmental Policy Act (NEPA) is unnecessary.[110] In the *SpaceX Gen2 First Partial Grant*, the Commission evaluated environmental concerns raised on the record in the context of SpaceX's first and second-generation satellites combined, which, prior to this authorization, totaled 11,908 satellites.[111] We follow the same approach the Commission took in the *SpaceX Gen2 First Partial Grant*, which was upheld by the D.C. Circuit, where the Commission assumed that the National Environmental Policy Act (NEPA) applies to authorization of SpaceX's Gen2 Starlink constellation and evaluated whether environmental review under NEPA was required, without deciding on whether NEPA applies to activities that take place entirely in outer space in

[107] *See SpaceX Gen2 First Partial Grant*, 37 FCC Rcd at 14930-31, para. 96; *SpaceX Gen2 SCS and 300 km Order*, 39 FCC Rcd at 12592-93, para. 79; SpaceX Gen2 December 29, 2023 Report, Attachment 2 at 1-2; *see* Letter from David Goldman, Vice President of Satellite Policy, Space Exploration Technologies Corp., to Merissa L. Velez, Chief, Satellite Programs and Policy Division, FCC, ICFS File Nos. SAT-LOA-20200526-00055, SAT-AMD-20210818-00105, SAT-AMD-20221216-00175, SAT-MOD-20240423-00089, SAT-MOD-20230207-00021, SAT-AMD-20240322-00061, and GN Docket No. 23-135 at 7-8 (dated June 20, 2024) (SpaceX June 20, 2024 Letter). We also note specifically that since SpaceX is lowering the altitude of the satellites previously operating between 525 and 535 km, SpaceX will no longer be operating Gen2 Starlink satellites at nominal altitudes above the Hubble Space Telescope, greatly minimizing NASA's concerns about impacts to Hubble's operations. *See* NTIA February 8, 2022 Letter, NASA Letter at 2-3, NSF Letter at 1.

[108] As discussed in prior SpaceX orders, SpaceX has taken a number of measures to mitigate reflected sunlight from its satellites, including incorporating brightness mitigation into the design of its satellites and making changes to material specifications, satellite geometries, and maneuver operations to reduce brightness. While SpaceX has explained that its satellites will be bright enough to be visible to the naked eye immediately after launch and during orbit-raising and deorbit phases, as well as during collision avoidance burns, as during these times SpaceX cannot maneuver to mitigate reflected sunlight while also meeting mission objectives, SpaceX is continuing to refine its mitigation practices to resolve this problem. SpaceX has continued to coordinate with NSF, NASA, and the astronomy community to minimize the impact of its satellites on science missions, including to ensure any increased brightness of lower altitude satellites is offset by benefits such as transiting more quickly through the field of view, being visible to fewer observers, and passing into Earth's shadow more quickly after sunset. *SpaceX Gen2 First Partial Grant*, 37 FCC Rcd at 14930-31, para. 96; *SpaceX Gen2 SCS and 300 km Order*, 39 FCC Rcd at 12592-93, para. 79.

[109] We note that the Commission and Space Bureau have previously found that these actions and commitments are also sufficient to mitigate concerns that satellite reflectivity will increase diffuse sky glow. *See SpaceX Gen2 First Partial* Grant, 37 FCC Rcd at 14944-45, para. 122-123; *SpaceX Gen2 SCS and 300 km Order*, 39 FCC Rcd at 12593-94, para. 81. We continue to find this to be the case.

[110] *See SpaceX Gen2 First Partial Grant*, 37 FCC Rcd at 14933-46, paras. 103-125.

[111] *Id.* at 14937, 14942, paras. 112, 117.

general.[112] Viasat, the Natural Resources Defense Counsel and International Dark Sky Association (NRDC/IDA),[113] and the Ukrainian Congress Committee of America (UCCA) raise concerns related to atmospheric effects caused by rocket launches and reentering satellites,[114] effects on the orbital environment from increased collision risk in space,[115] and impacts to professional and amateur astronomy and human health and culture caused by satellites reflecting sunlight.[116]

27. We reiterate that the FAA conducts environmental review of the environmental effects of rocket launches, and has thus reviewed or is reviewing any potential impacts from SpaceX's launches.[117] Under NEPA, an agency need not undertake environmental review that is already conducted by another agency.[118] We also reiterate that we have reviewed SpaceX's orbital debris mitigation plans and SpaceX's commitments to mitigate the impacts of its satellites' reflectivity on astronomy under the Commission's rules, and our review indicates that allegations of a significant environmental effect in these contexts are insufficient to warrant further environmental review under NEPA.[119] As to the potential impacts of reentering satellites on the atmosphere, we found in the *SpaceX Gen2 First Partial Grant* that petitioners had not demonstrated potential impacts with the specificity necessary to overcome the categorical exclusion.[120] Specifically, the scientific evidence presented at the time, as confirmed by a Government Accountability Office review, recognized that there was uncertainty surrounding potential

[112] *Id.* at 14933-34, para. 103. The Commission at that time found that the concerns raised on the record did not warrant environmental review under NEPA. *Id.* at 14935-36, para. 109. We note the Commission recently adopted a notice of proposed rulemaking proposing to modify its NEPA regulations to conform with recent changes to the NEPA statute, Supreme Court decisions, and executive orders, including a proposal to explicitly exclude satellites and space-based operations from review under NEPA. *See Modernizing the Commission's National Environmental Policy Act Rules,* Notice of Proposed Rulemaking, WT Docket No. 25-217, FCC 25-47, para. 33 (Aug. 7, 2025). (*NEPA NPRM*).

[113] We note the NRDC/IDA did not participate in the Gen2 Upgrade Application proceeding, though as part of the Commission's commitment to revisit these concerns for a larger deployment of Gen2 Starlink satellites, we consider their comments filed in 2022 as part of this analysis. *See* NRDC/IDA Comments.

[114] *See e.g.* Viasat 2022 Petition at III-IV, 2, 56-61; NRDC/IDA Comments at 1-2, 5-6, 7, 8; Petition to Deny or Hold in Abeyance of Ukrainian Congress Committee of America, Inc., ICFS File Nos. SAT-MOD-20241011-00224 and SAT-MOD-20240813-00183 at 3-4, 6-11 (filed Dec. 4, 2024) (UCCA Petition) .

[115] *See e.g.* Viasat 2022 Petition at IV-V, 67.

[116] *See e.g.* Viasat 2022 Petition at IV, 2, 61-67; NRDC/IDA Comments at 9-10; Andy Lawrence September 18, 2022 Letter; The Astronomical Society of Edinburgh September 23, 2022 Letter; Sierra Solter Hunt September 23, 2022 Letter; Tyler Kokjohn September 26, 2022 Letter; Samantha Lawler September 30, 2022 Letter; Carrie Nugent September 30, 2022 Letter; Meredith Rawls October 5, 2022 Letter; Roberto Trotta October 6, 2022 Letter; Graeme Cuffy October 11, 2022 Letter; RAS November 10, 2022 Letter.

[117] *See SpaceX Gen2 First Partial Grant*, 37 FCC Rcd at 14938-39, para. 115. *See also* Federal Aviation Administration, Final Environmental Assessment SpaceX Falcon 9 Operations at Space Launch Complex 40, Cape Canaveral Space Force Station, Florida, https://www.faa.gov/space/stakeholder_engagement/SpaceX_Falcon_SLC_40_EA (Aug. 22, 2025); Federal Aviation Administration, SpaceX Starship-Super Heavy Project at Kennedy Space Center Launch Complex 39A, Draft Environmental Impact Statement, https://www.regulations.gov/document/FAA-2024-1395-0075 (Aug. 2025).

[118] 47 CFR § 1.1311(e) ("An EA need not be submitted to the Commission if another agency of the Federal Government has assumed responsibility for determining whether [ ] the facilities in question will have a significant effect on the quality of the human environment...."); *See also SpaceX Gen2 First Partial Grant*, 37 FCC Rcd at 14938-39, para. 115. We note that the Commission's recent notice of proposed rulemaking to modify its NEPA regulations includes a proposal to amend these rules to comply with the amended NEPA or otherwise streamline the rules and how to document review by another agency. *NEPA NPRM* at paras. 74-79.

[119] *See SpaceX Gen2 First Partial Grant*, 37 FCC Rcd at 14943-45, para. 119, 122-23, 125, sections III.c and d.

[120] *Id.* at 14942-43, para. 117-118.

effects and that further study would be beneficial.[121] Three years later, petitioners have not presented any new information on the record. Viasat merely incorporates its 2022 petition into the record of the Gen2 Upgrade Applications,[122] and while the UCCA provides an estimate of how many tons of Gen2 Starlink satellites are expected to reenter the atmosphere daily, it provides no specific evidence supporting potential or actual impacts on the atmosphere caused by these reentering satellites.[123] The record still does not demonstrate that reentering satellites may impact the human environment. We note that SpaceX has committed to working with the scientific community to develop methods to study the effects of reentering satellites on the atmosphere,[124] and we find at this time no additional review under NEPA is necessary.

F. UCCA's Motion for Stay

28. Finally, we deny UCCA's Motion for Stay.[125] The UCCA argues that Elon Musk's appointment as co-head of the Department of Government Efficiency (DOGE) was a violation of the Federal Advisory Committee Act (FACA) of 1972 and therefore the FCC should stop processing all applications and requests filed by SpaceX until any conflicts of interest are eliminated.[126] In considering requests for a stay, the Commission generally looks to the four criteria set forth in *Virginia Petroleum Jobbers Association*.[127] These criteria are: (1) a likelihood of success on the merits; (2) the threat of irreparable harm absent the grant of preliminary relief; (3) the degree of injury to other parties if relief is granted; and (4) the issuance of the order will further the public interest.[128] The Commission then balances these interests in order to determine an administrative response on a case-by-case basis.[129] We conclude that UCCA has not demonstrated a likelihood of success on the merits. DOGE did not make any submissions in the record of the above-captioned proceedings. Accordingly, given the lack of any such submissions, the Commission did not rely on any input from DOGE in these proceedings. In addition, Elon Musk left his government role around the end of May 2025,[130] so the conflict-of-interest

[121] *Id.* at 14942-43, para. 117-118; *see* also GAO Technology Assessment, Large Constellations of Satellites, Mitigating Environmental and Other Effects, GAO-22-105166, at 10-17 (Sept 2022).

[122] *See* Viasat 2025 Petition at 2; Viasat 2022 Petition at 58-61.

[123] *See* UCCA Petition at 3.

[124] Letter from David Goldman, Director, Satellite Policy, Space Exploration Technologies Corp., to Marlene H. Dortch, Secretary, FCC, ICFS File Nos. SAT-LOA-20200526-00055 and SAT-AMD-20210818-00105 at 2 (dated Oct. 27, 2022) (SpaceX October 27, 2022 Letter); *see also SpaceX Gen2 First Partial Grant*, 37 FCC Rcd at 14942, para. 117.

[125] Ukrainian Congress Committee of America, Inc., Motion for Stay of Application of Space Exploration Holdings, LLC, for Amendment of Application for the SpaceX Gen2 NGSO Satellite System, ICFS File No. SAT-MOD-20241011-00224 (filed Dec. 4, 2024). We note that the Motion for Stay was filed in ICFS File No. SAT-MOD-20240813-00183, which is SpaceX's application for modification of the V-band NGSO Satellite System. The file number in the caption of the Motion for Stay, however, is SAT-MOD-20241011-00224, the SpaceX Gen2 Upgrade Modification. We address this Motion for Stay here, as it is addressed to SpaceX's Gen2 Upgrade Modification and Amendment, rather than the SpaceX V-band Milestone Modification Application.

[126] UCCA Motion for Stay at 1-2 ("Musk's dual role as head of SpaceX and his proposed role with DOGE violates FACA.").

[127] *Virginia Petroleum Jobbers Ass'n v. Federal Power Commission*, 259 F.2d 921, 925 (D.C. Cir. 1958). *See also Implementation of Sections 309(j) and 337 of the Communications Act of 1934 as Amended*, Order, 18 FCC Rcd 25491, 25494, para. 6 (2003) (*PLMR Narrowband Stay Order*).

[128] *PLMR Narrowband Stay Order*, 18 FCC Rcd at 25494, para. 6.

[129] *Id.*

[130] *See* CNBC, "Elon Musk Thanks Trump, Says He's Leaving Government Work with DOGE" (May 29, 2025), https://www.cnbc.com/2025/05/28/elon-musk-trump-doge.html.

concerns underlying the Motion for Stay are moot. We also find that staying the processing of all applications and requests filed by SpaceX as requested by UCCA would harm the public interest by delaying the deployment of new services to the public and that the other criteria in *Virginia Petroleum Jobbers Association* do not weigh in favor of a stay. Accordingly, we deny the Motion for Stay.

IV. ORDERING CLAUSES

29. Accordingly, IT IS ORDERED, that the Gen2 Upgrade Applications filed by Space Exploration Holdings, LLC (SpaceX), ARE GRANTED-IN-PART and DEFERRED-IN-PART to the extent set forth above, pursuant to sections 0.51 and 0.261 of the Commission's rules, 47 CFR §§ 0.51 and 0.261, and section 309(a) of the Communications Act of 1934, as amended, 47 USC § 309(a).

30. IT IS FURTHER ORDERED that the petitions to deny filed by Viasat, Inc. in 2022 and 2025 are DENIED-IN-PART and DEFERRED-IN-PART, to the extent set forth above.

31. IT IS FURTHER ORDERED that the petition to deny filed by Echostar Corporation is DENIED.

32. IT IS FURTHER ORDERED that the petition to deny filed by DISH Network Corporation in 2022 is DENIED.

33. IT IS FURTHER ORDERED that the petition to deny or hold in abeyance filed by the Ukrainian Congress Committee of America, Inc., is DENIED-IN-PART and DEFERRED-IN-PART, to the extent set forth above.

34. IT IS FURTHER ORDERED that the opposition filed by Anuvu Licensing Holdings LLC is DENIED.

35. IT IS FURTHER ORDERED that the petition filed by Iridium Constellation LLC is DENIED-IN-PART and DEFERRED-IN-PART, to the extent set forth above.

36. IT IS FURTHER ORDERED that the petition filed by Globalstar Inc. is DEFERRED.

37. IT IS FURTHER ORDERED that the motion for stay filed by the Ukrainian Congress Committee of America is DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Jay Schwarz
Chief
Space Bureau

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

In the Matter of	)	
	)	File No.: EB-FIELDNER-24-00036003
Etzer Toussaint	)	NAL/Acct. No.: 202632010001
Spring Valley, New York	)	FRN: 0037860996.
	)	

NOTICE OF APPARENT LIABILITY FOR FORFEITURE

Adopted: January 12, 2026 **Released: January 12, 2026**

By the Acting Chief, Enforcement Bureau:

I. INTRODUCTION

1. In this Notice of Apparent Liability for Forfeiture (NAL), we propose a penalty of $20,000 against Etzer Toussaint (Toussaint) for operating an unauthorized radio station, known as "Radio Model" or "Radio Tele Model" on 88.9 MHz in Spring Valley, New York (Station), by which Toussaint apparently willfully and knowingly did, caused, or suffered to be done pirate radio broadcasting on January 14, 2025. 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 events and other dangers to the public.

II. BACKGROUND

A. Legal Framework

2. On January 24, 2020, Congress passed the Preventing Illegal Radio Abuse Through Enforcement Act (PIRATE Act), which was subsequently codified as section 511 of the Communications Act.[2] Section 511 states that any person who willfully and knowingly does, causes or suffers to be done any pirate radio broadcasting shall be subject to a fine of not more than $2,000,000 and not more than $100,000 for each day during which such offense occurs.[3] Both of these figures are subject to annual inflation adjustments.[4] Section 511 defines pirate radio broadcasting as "the transmission of

[1] 47 U.S.C. § 511.

[2] *Preventing Illegal Radio Abuse Through Enforcement Act*, Pub. L. 116-109, 134 Stat. 3 (2020) (codified at 47 U.S.C. § 511).

[3] 47 U.S.C. § 511(a)-(b). Prior to the passage of the PIRATE Act, the maximum monetary penalty for pirate radio transmissions was $151,005. *See* 47 CFR §1.80(b)(9)(ii) (2019); *see also Acerome Jean Charles*, Notice of Apparent Liability for Forfeiture, 34 FCC Rcd 12744 (2019) (proposing a penalty of $151,005), consent decree adopted, Order, 35 FCC Rcd 6878 (2020). In 2020, that maximum limit was increased to $2,000,000. *See* 47 U.S.C. § 511.

[4] *See* 47 CFR § 1.80(b)(6) (setting the current inflation adjusted statutory maximum for a violation of 47 U.S.C. § 511(a) at $2,453,218 and of 47 U.S.C. § 511(b) at $122,661); *Amendment of Section 1.80(b) of the Commission's Rules, Adjustment of Civil Monetary Penalties to Reflect Inflation*, Order, 40 FCC Rcd 25, 32 at Table 5 to

(continued…)

communications on spectrum frequencies between 535 and 1705 kilohertz, inclusive, or 87.7 and 108 megahertz, inclusive, without a license issued by the Commission, but does not include unlicensed operations in compliance with part 15 of title 47, Code of Federal Regulations."[5] Part 15, among other requirements, states that unlicensed operators in the FM band must not transmit over a certain low-power limit.[6]

B. Factual Background

3. On January 14, 2025, field agents (Agents) from the FCC's New York Field Office monitored the frequency 88.9 MHz in Spring Valley, New York, and, using direction-finding techniques, traced the source of the signal to a commercial property located at 130 NY-59, Spring Valley, New York (NY-59 Site). Agents took field strength measurements of the Station's signal and determined that it exceeded the limits for operation under the part 15 rules.[7] Agents then searched the Internet for a station operating on 88.9 MHz in Spring Valley and found the website for the Station.[8] The website identifies Toussaint as "Président Directeur Général"[9] of the station, states that he established the Station in 2006,[10] and provides his e-mail address as the method to contact station management.[11] Agents matched the over-the-air programming on 88.9 MHz to the Station's online audio stream.[12] A review of Commission records revealed no authorization for any FM broadcast station to operate at or near the NY-59 Site on any frequency.

III. DISCUSSION

4. We find that Toussaint, in apparent violation of section 511 of the Act,[13] willfully and knowingly did, caused, or suffered to be done pirate radio broadcasting through the operation of an unlicensed radio station, known as "Radio Model" or "Radio Tele Model" on 88.9 MHz on January 14, 2025. Agents performed field strength measurements and determined that the transmissions on 88.9 MHz exceeded the limits for operation under part 15 of the Commission's rules.[14] A review of Commission records does not reveal an authorization for any FM broadcast station to operate at or near the NY-59 Site at any time relevant to the apparent violation discussed in this NAL. Evidence collected by the Agents, including the Station's website providing Toussaint's email address for contacting the Station, his title as "Président Directeur Général" of the Station and describing his establishment of the Station in 2006 show

Paragraph (b)(12)(ii) (EB Jan. 3, 2025); *see also* Annual Adjustment of Civil Monetary Penalties to Reflect Inflation, 90 Fed. Reg. 3710 (Jan. 15, 2025) (setting January 15, 2025, as the effective date for the increases).

[5] 47 U.S.C. § 511(h).

[6] 47 CFR § 15.239(b) (stating that the field strength of any emissions in the 88-108 MHz band shall not exceed 250 microvolts/meter ("μV/m") at 3 meters).

[7] *See* 47 CFR § 15.239(b).

[8] *See* Radio Tele Model, https://www.radiotelemodelfm.com (last visited August 25, 2025). The Station's website uses both "Radio Tele Model" and "Radio Model" as the name of the Station.

[9] Président Directeur Général is a French term which translates to Chairman and CEO in English.

[10] *See* Radio Tele Model, *PDG: Président Directeur Général*, https://www.radiotelemodelfm.com/p/pdg-president-directeur-general.html (Last visited August 25, 2025).

[11] *See id.*, *Contact*, https://www.radiotelemodelfm.com/p/contact.html (last visited August 25, 2025).

[12] *See* January 14, 2025 comparison video (on file, EB-FIELDNER-24-00036003) (comparing the over-the-air broadcast of the Station to the audio from the "Radio Tele Model" stream on its website).

[13] 47 U.S.C. § 511.

[14] *See* 47 CFR § 15.239(b); *supra* para. 3.

that Toussaint is the operator of the Station.[15] Accordingly, the Bureau finds that Toussaint's actions on January 14, 2025, constituted pirate radio broadcasting in apparent violation of section 511 of the Act.[16]

5. Section 511 of the Act authorizes the Commission to impose a forfeiture against any person "who willfully and knowingly does or causes or suffers to be done any pirate radio broadcasting."[17] In exercising our forfeiture authority, we consider 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."[18] We may adjust a forfeiture downward for minor violations, good faith or voluntary disclosure, a history of overall compliance, or an inability to pay.[19]

6. Section 511 of the Act and section 1.80 of the Commission's rules authorize enhanced penalties for pirate radio broadcasting.[20] Under these sections, any person who willfully and knowingly does, causes or suffers to be done any pirate radio broadcasting shall be subject to a fine of not more than $122,661 for each day during which the offense occurs, but not more than $2,453,218 in total.[21]

7. The primary intent of the PIRATE Act is to increase financial penalties for pirate radio broadcasting.[22] Accordingly, in 2023, the Commission established a base forfeiture of $20,000 for pirate radio broadcasting,[23] which is twice the pre-PIRATE Act base forfeiture level. Consequently, for Toussaint's apparent willful and knowing violation of section 511 of the Act, we apply this base forfeiture amount, for a total proposed base forfeiture of $20,000.[24]

8. In applying the applicable statutory factors, we consider whether there is any basis for an upward or a downward adjustment of the proposed forfeiture. We find none. After applying section 1.80

[15] *See supra* para. 3.

[16] 47 U.S.C. § 511(a), (h).

[17] *Id.* § 511(a).

[18] *Id.* § 503(b)(2)(E); 47 CFR § 1.80(b)(11).

[19] 47 CFR § 1.80(b)(11); *see also The Commission's Forfeiture Policy Statement and Amendment of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines*, Report and Order, 12 FCC Rcd 17087, 17101, para. 27 (1997) (*Forfeiture Policy Statement*), recons. denied, Memorandum Opinion and Order, 15 FCC Rcd 303 (1999).

[20] 47 U.S.C. § 511; 47 CFR § 1.80(b)(6).

[21] *See* 47 CFR § 1.80(b)(6) (setting the current inflation adjusted statutory maximum for a violation of 47 U.S.C. § 511(a) at $2,453,218 and of 47 U.S.C. § 511(b) at $122,661); *Amendment of Section 1.80(b) of the Commission's Rules, Adjustment of Civil Monetary Penalties to Reflect Inflation*, Order, DA 25-5, 2025 WL 100529, *7 at Table 5 to Paragraph (b)(12)(ii) (EB Jan. 3, 2025); *see also* Annual Adjustment of Civil Monetary Penalties to Reflect Inflation, 90 Fed. Reg. 3710 (Jan. 15, 2025) (setting January 15, 2025, as the effective date for the increases).

[22] *See* S. Rep. No. 116-178, 1 (2019) ("The purpose of S. 1228, the Preventing Illegal Radio Abuse Through Enforcement Act or PIRATE Act, is to increase the financial penalties for pirate radio broadcasting.").

[23] The Commission first applied this base forfeiture amount in prior Notices of Apparent Liability for Forfeiture. *See, e.g.*, *César Ayora and Luis Angel Ayora, Queens, New York*, Notice of Apparent Liability for Forfeiture, 38 FCC Rcd 2562, 2569, para. 15 (2023), *aff'd*, Forfeiture Order, FCC 23-80, 2023 WL 6843186 (Oct. 13, 2023); *Thomas Barnes, La Grande, Oregon*, Notice of Apparent Liability for Forfeiture, 38 FCC Rcd 2554, 2558, para. 12 (2023), *aff'd*, Forfeiture Order, FCC 23-79, 2023 WL 6843178 (Oct. 13, 2023).

[24] *See* 47 U.S.C. § 511.

of the Commission's rules and the statutory factors, and consistent with the *Forfeiture Policy Statement*,[25] Toussaint is apparently liable for a proposed total monetary forfeiture of $20,000.[26]

IV. CONCLUSION

9. We have determined that Etzer Toussaint apparently willfully and knowingly did, caused, or suffered to be done pirate radio broadcasting in violation of section 511 of the Act on January 14, 2025. As such, Etzer Toussaint is apparently liable for a forfeiture of $20,000.

V. ORDERING CLAUSE

10. Accordingly, **IT IS ORDERED** that, pursuant to section 511 of the Act, 47 U.S.C. § 511, and sections 0.111, 0.204, 0.311, and 1.80 of the Commission's rules, 47 CFR §§ 0.111, 0.204, 0.311, 1.80, Etzer Toussaint is hereby **NOTIFIED** of this **APPARENT LIABILITY FOR A FORFEITURE** in the amount of twenty thousand dollars ($20,000) for willful and knowing violation of section 511 of the Act, 47 U.S.C. § 511.

11. **IT IS FURTHER ORDERED** that, pursuant to section 1.80 of the Commission's rules, 47 CFR § 1.80, within thirty (30) calendar days of the release date of this Notice of Apparent Liability for Forfeiture, Etzer Toussaint **SHALL PAY** the full amount of the proposed forfeiture or **SHALL FILE** a written statement seeking reduction or cancellation of the proposed forfeiture consistent with paragraph 14.

12. In order for Etzer Toussaint to pay the proposed forfeiture, he 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. Upon payment, Toussaint 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. Payment of the forfeiture must be made by credit card using CORES at https://apps.fcc.gov/cores/user Login.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 159[28] or printed CORES form[29] 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.

[25] *See Forfeiture Policy Statement*, 12 FCC Rcd at 17101, para. 27; 47 CFR § 1.80(b)(11).

[26] 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.

[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.

- 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 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.

13. 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, N.E., Washington, D.C. 20554.[31] 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.

14. The written statement 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 Commission's rules.[32] The written statement must be mailed to the Office of the Secretary, Federal Communications Commission, 45 L Street, N.E., Washington, D.C. 20554, ATTN: Enforcement Bureau – Office of the Field Director, and must include the NAL/Account Number referenced in the caption. The statement must also be e-mailed to the Office of the Field Director at field@fcc.gov.

15. The Commission will not consider reducing or canceling a forfeiture in response to a claim of inability to pay unless the petitioner submits the following documentation: (1) federal tax returns for the past three years; (2) financial statements for the past three years prepared according to generally accepted accounting practices; or (3) some other reliable and objective documentation that accurately reflects the petitioner's current financial status.[33] Any claim of inability to pay must specifically identify the basis for the claim by reference to the financial documentation. Inability to pay, however, is only one of several factors that the Commission will consider in determining the appropriate forfeiture, and we retain the discretion to decline reducing or canceling the forfeiture if other prongs of 47 U.S.C. § 503(b)(2)(E) support that result.[34]

[31] *See* 47 CFR § 1.1914.

[32] *Id.* §§ 1.16, 1.80(g)(3).

[33] 47 U.S.C. § 503(b)(2)(E).

[34] *See, e.g.*, *Ocean Adrian Hinson, Surry County, North Carolina*, Forfeiture Order, 34 FCC Rcd 7619, 7621, para. 9 & n.21 (2019); *Vearl Pennington and Michael Williamson*, Forfeiture Order, 34 FCC Rcd 770, paras. 18-21 (2019); *Fabrice Polynice, Harold Sido and Veronise Sido, North Miami, Florida*, Forfeiture Order, 33 FCC Rcd 6852,

(continued…)

16. IT IS FURTHER ORDERED that a copy of this Notice of Apparent Liability for Forfeiture shall be sent by first class mail and certified mail, return receipt requested, to Etzer Toussaint at his address of {[ ]} Park Ave. Apt A1, Spring Valley, NY 10977.[35]

FEDERAL COMMUNICATIONS COMMISSION

Patrick Webre
Acting Chief
Enforcement Bureau

6860-62, paras. 21-25 (2018); *Adrian Abramovich, Marketing Strategy Leaders, Inc., and Marketing Leaders, Inc.*, Forfeiture Order, 33 FCC Rcd 4663, 4678-79, paras. 44-45 (2018); *Purple Communications, Inc.*, Forfeiture Order, 30 FCC Rcd 14892, 14903-04, paras. 32-33 (2015); *TV Max, Inc., et al.*, Forfeiture Order, 29 FCC Rcd 8648, 8661, para. 25 (2014).

[35] Material set off by double brackets {[ ]} is confidential and is redacted from the public version of this document.

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

In the Matter of	)	
	)	File No.: EB-FIELDSCR-24-00036287[1]
Robert Bekune	)	NAL/Acct. No.: 202632010004
Irvington, New Jersey	)	FRN: 0037861044
	)	

NOTICE OF APPARENT LIABILITY FOR FORFEITURE

Adopted: January 12, 2026 **Released: January 12, 2026**

By the Acting Chief, Enforcement Bureau:

I. INTRODUCTION

1. In this Notice of Apparent Liability for Forfeiture (NAL), we propose a penalty of $20,000 against Robert Bekune (Bekune) for operating an unauthorized radio station, known as "Powerhouse Radio" on 98.5 MHz in Irvington, New Jersey (Station), by which Bekune apparently willfully and knowingly did, caused, or suffered to be done pirate radio broadcasting on January 21, 2025. Operating an unauthorized, or pirate, radio station is illegal under the Communications Act of 1934, as amended (Communications Act or Act),[2] 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 events and other dangers to the public.

II. BACKGROUND

A. Legal Framework

2. On January 24, 2020, Congress passed the Preventing Illegal Radio Abuse Through Enforcement Act (PIRATE Act), which was subsequently codified as section 511 of the Communications Act.[3] Section 511 states that any person who willfully and knowingly does, causes or suffers to be done any pirate radio broadcasting shall be subject to a fine of not more than $2,000,000 and not more than $100,000 for each day during which such offense occurs.[4] Both of these figures are subject to annual

[1] The investigation began under File No. EB-FIELDNER-18-00026247 and was subsequently assigned File No. EB-FIELDSCR-24-00036287. Any future correspondence with the Commission concerning this matter should reflect the new case number.

[2] 47 U.S.C. § 511.

[3] *Preventing Illegal Radio Abuse Through Enforcement Act*, Pub. L. 116-109, 134 Stat. 3 (2020) (codified at 47 U.S.C. § 511).

[4] 47 U.S.C. § 511(a)-(b). Prior to the passage of the PIRATE Act, the maximum monetary penalty for pirate radio transmissions was $151,005. *See* 47 CFR §1.80(b)(9)(ii) (2019); *see also Acerome Jean Charles*, Notice of Apparent Liability for Forfeiture, 34 FCC Rcd 12744 (2019) (proposing a penalty of $151,005), consent decree adopted, Order, 35 FCC Rcd 6878 (2020). In 2020, that maximum limit was increased to $2,000,000. *See* 47 U.S.C. § 511.

inflation adjustments.[5] Section 511 defines pirate radio broadcasting as "the transmission of communications on spectrum frequencies between 535 and 1705 kilohertz, inclusive, or 87.7 and 108 megahertz, inclusive, without a license issued by the Commission, but does not include unlicensed operations in compliance with part 15 of title 47, Code of Federal Regulations."[6] Part 15, among other requirements, states that unlicensed operators in the FM band must not transmit over a certain low-power limit.[7]

B. Factual Background

1. Pre-PIRATE Act Investigation

3. Bekune has been involved in the operation of the Station since at least 2018, preceding the PIRATE Act. On February 13, 2018, based on a complaint, field agents (Agents) from the FCC's New York Field Office observed what appeared to be an unauthorized FM broadcast station operating on 98.5 MHz in Irvington, New Jersey. Using direction-finding techniques, Agents determined that the source of the signal on 98.5 MHz was located in an industrial property at 149 Coit Street, Irvington, New Jersey (Coit Street Site). Agents took field strength measurements of the Station's signal and determined that it exceeded the power limits in part 15 of the Commission's rules.[8] Agents also observed an FM broadcast antenna on the roof of the property and a large sign on the property's fence which included the following: "Listen Live - PowerHouse Radio 98.5 FM" and "Founder Rev. Prophet Robert Bekune."[9] A review of Commission records revealed no authorization for any FM broadcast station to operate at or near the Coit Street Site on any frequency.

2. PIRATE Act Investigation

4. On January 21, 2025, Agents monitored the frequency 98.5 MHz and, using direction-finding techniques, traced the source of the transmissions to the Coit Street Site.[10] Agents took field strength measurements of the Station's signal and determined that it exceeded the limits for operation under part 15 of the Commission's rules.[11] They also made audio recordings of the broadcast which identified the name of the operator and the Station.[12] During station identification, the broadcaster stated, "Thank you for listening to Emancipation Hour with our Papa Reverend and Prophet Robert Bekune on Powerhouse Radio 98.5 FM, the station of divine emancipation."[13] Agents confirmed that the sign first

[5] *See* 47 CFR § 1.80(b)(6) (setting the current inflation adjusted statutory maximum for a violation of 47 U.S.C. § 511(a) at $2,453,218 and of 47 U.S.C. § 511(b) at $122,661); *Amendment of Section 1.80(b) of the Commission's Rules, Adjustment of Civil Monetary Penalties to Reflect Inflation*, Order, 40 FCC Rcd 25, 32 at Table 5 to Paragraph (b)(12)(ii) (EB Jan. 3, 2025); *see also* Annual Adjustment of Civil Monetary Penalties to Reflect Inflation, 90 Fed. Reg. 3710 (Jan. 15, 2025) (setting January 15, 2025, as the effective date for the increases).

[6] 47 U.S.C. § 511(h).

[7] 47 CFR § 15.239(b) (stating that the field strength of any emissions in the 88-108 MHz band shall not exceed 250 microvolts/meter ("μV/m") at 3 meters).

[8] *Id.*; *see also* February 13, 2018 Field Strength Measurements (on file in EB-FIELDNER-18-00026247).

[9] *See* February 14, 2018 Photographs of antenna and sign on property (on file in EB-FIELDNER-18-00026247).

[10] They also photographed the sign on the fence in front of the property advertising the station "Powerhouse Radio 98.5 FM" and identifying a website address and phone number to "listen live."

[11] *See* 47 CFR § 15.239(b).

[12] *See* January 21, 2025 Audio of 98.5 over-the-air broadcast (on file in EB-FIELDNER-24-00036287). A few months earlier, on November 18, 2024, Agents compared the over-the-air broadcast on 98.5 MHz with the content playing on the Station's online streaming website and found that they were identical. *See* November 18, 2024 Video comparing the over-the-air broadcast on 98.5 MHz and the online audio stream from https://us6freenew.radiostream321.com/ (on file in EB-FIELDNER-24-00036287).[13] *See* January 21, 2025 Audio of 98.5 over-the-air broadcast (on file in EB-FIELDNER-24-00036287).

[13] *See* January 21, 2025 Audio of 98.5 over-the-air broadcast (on file in EB-FIELDNER-24-00036287).

observed on February 13, 2018, was still in place at the Coit Street Site.[14] A review of Commission records revealed no authorization for any FM broadcast station to operate at or near the Coit Street Site on any frequency.

5. During the course of the investigation, Agents conducted social media research on Bekune and found additional evidence linking him to the Station. Posts found on Bekune's YouTube account include multiple videos of Bekune with a text crawl below stating "please join us everyday @5PM sharp on Powerhouse Radio 98.5FM."[15] Bekune's YouTube account also includes a video showing him broadcasting in a studio with a banner behind him advertising "Powerhouse Radio."[16] Information for the Station's online streaming site identifies the contact for the Station as "Rev. Prophet Robert Bekune (Founder of Powerhouse of Faith International Ministries) @149 Coit St., Irvington, NJ, 07111."[17] A video posted on Facebook includes an interview with Bekune, during which he is introduced as CEO of Powerhouse Radio 98.5 FM.[18] A banner is displayed in the background of the video advertising "Powerhouse Radio 98.5fm."[19]

III. DISCUSSION

6. We find that Bekune, in apparent violation of section 511 of the Act,[20] willfully and knowingly did, caused, or suffered to be done pirate radio broadcasting on January 21, 2025, through the operation of an unlicensed radio station, known as "Powerhouse Radio" on 98.5 MHz. Agents performed field strength measurements on this date and determined that the transmissions exceeded the limits for operation under part 15 of the Commission's rules.[21] A review of Commission records does not reveal an authorization for any FM broadcast station to operate at or near the Coit Street Site at any time relevant to the violation discussed in this NAL.

7. Evidence uncovered by the Agents— including an on-air recording of the Station announcing Bekune as the host of the Station;[22] a sign at the Coit Street Site naming Bekune and advertising Powerhouse Radio on 98.5 FM;[23] information on the Station's website identifying Bekune as

[14] *See* January 21, 2025 and November 14, 2024 Photographs of a sign posted on the fence at the Coit Street site (on file in EB-FIELDNER-24-00036287).

[15] *See, e.g.,* Sunday Service @10am on 06.09.24: DEFENSE by Rev. Prophet Robert Bekune, *YouTube*, https://www.youtube.com/watch?v=M6apSKqjB7w&t=1473s (June 9, 2024); Sunday Service @10am, 12.08.24: DEPOSITING INTO YOUR HEAVENLY ACCOUNT by Rev. Prophet Robert Bekune, *YouTube*, https://www.youtube.com/watch?v=HLS2eaE9hJ0 (Dec. 8, 2024); Sunday Service @10am on 04.06.25: THE WILL OF THE FATHER by Rev. Prophet Robert Bekune, *YouTube*, https://www.youtube.com/watch?v=1FhPBXX7bes (Apr. 6, 2025) (stating "please join us every day @8am on Powerhouse Radio 98.5FM").

[16] *See* Prayers For The World With Rev. Prophet Robert Bekune*, YouTube*, https://www.youtube.com/watch?v=0EusvIakYdw& (Mar. 5, 2022).

[17] *See* Powerhouse Radio (The Station of Divine Emancipation), https://us6freenew.radiostream321.com/ (last visited Apr. 8, 2025).

[18] *See* A Short Interview with The Founder and General Overseer of Powerhouse of Faith International Ministries (The House Of Divine Emancipation), Rev. Prophet Robert Bekune By Sis. Sherrilee, *Facebook*, https://www.facebook.com/watch/live/?ref=watch_permalink&v=200550161483939 (Mar. 30, 2021); Facebook video of An Interview w/Rev. Prophet Robert Bekune (Mar. 30, 2021) (on file in EB-FIELDNER-24-00036287).

[19] *Id.*

[20] 47 U.S.C. § 511.

[21] *See* 47 CFR § 15.239(b); *supra* para. 4.

[22] *See supra* para. 4.

[23] *See supra* paras. 3-4. According to carrier records, the phone number (862-772-41{[ ]}) identified on the large sign outside the Coit Street Site advertising Powerhouse Radio 98.5 FM is assigned to Robert Bekune. Material that is set off by double brackets {[ ]} is confidential and is redacted from the public version of this document.

the Station's point of contact;[24] posts found on Bekune's YouTube account that include multiple videos of him with a text crawl promoting daily broadcasts on 98.5 MHz;[25] as well as an interview with Bekune posted on social media during which he is identified as the CEO of Powerhouse Radio 98.5 FM[26]—shows that Bekune is the operator of the Station and should be held individually liable.[27] Accordingly, the Commission finds that Bekune's unlicensed broadcasting of Powerhouse Radio on January 21, 2025, constituted pirate radio broadcasting in apparent violation of section 511 of the Act.[28]

8. Section 511 of the Act authorizes the Commission to impose a forfeiture against any person "who willfully and knowingly does or causes or suffers to be done any pirate radio broadcasting."[29] In exercising our forfeiture authority, we consider the "nature, circumstances, extent and gravity of the violations 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."[30] We may adjust a forfeiture downward for minor violations, good faith or voluntary disclosure, a history of overall compliance, or an inability to pay.[31]

9. Section 511 of the Act and section 1.80 of the Commission's rules authorize enhanced penalties for pirate radio broadcasting.[32] Under these sections, any person who willfully and knowingly does, causes or suffers to be done any pirate radio broadcasting shall be subject to a fine of not more than $122,661 for each day during which the offense occurs, but not more than $2,453,218 in total.[33]

10. The primary intent of the PIRATE Act is to increase financial penalties for pirate radio broadcasting.[34] Accordingly, in 2023, the Commission established a base forfeiture of $20,000 for pirate radio broadcasting,[35] which is twice the pre-PIRATE Act base forfeiture level. Consequently, for

[24] *See supra* para. 5.

[25] *See id.*

[26] *See id.*

[27] Although Bekune was the Chief Executive Officer of Powerhouse of Faith International Ministries, Inc. (Powerhouse), which was registered as a non-profit corporation with the state of New Jersey in 2012, New Jersey's Department of Treasury revoked Powerhouse's status as a corporation for "failure to pay annual reports" in 2014. *See* Standing Certificate, Powerhouse of Faith International Ministries A NJ Nonprofit Corporation, Certificate Number 6171662501 (on file EB-FIELDSCR-24-00036287). Accordingly, Bekune is apparently liable in his individual capacity because the conduct in question occurred after Powerhouse ceased to exist as a legal entity.

[28] 47 U.S.C. § 511(a), (h).

[29] 47 U.S.C. § 511(a).

[30] *Id.* § 503(b)(2)(E); 47 CFR § 1.80(b)(11).

[31] 47 CFR § 1.80(b)(11); *see also The Commission's Forfeiture Policy Statement and Amendment of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines*, Report and Order, 12 FCC Rcd 17087, 17101, para. 27 (1997) (*Forfeiture Policy Statement*), recons. denied, Memorandum Opinion and Order, 15 FCC Rcd 303 (1999).

[32] 47 U.S.C. § 511; 47 CFR § 1.80(b)(6).

[33] *See* 47 CFR § 1.80(b)(6) (setting the current inflation adjusted statutory maximum for a violation of 47 U.S.C. § 511(a) at $2,453,218 and of 47 U.S.C. § 511(b) at $122,661); *Amendment of Section 1.80(b) of the Commission's Rules, Adjustment of Civil Monetary Penalties to Reflect Inflation*, Order, 40 FCC Rcd 25 at Table 5 to Paragraph (b)(12)(ii) (EB Jan. 3, 2025); *see also* Annual Adjustment of Civil Monetary Penalties to Reflect Inflation, 90 Fed. Reg. 3710 (Jan. 15, 2025) (setting January 15, 2025, as the effective date for the increases).

[34] *See* S. Rep. No. 116-178, 1 (2019) ("The purpose of S. 1228, the Preventing Illegal Radio Abuse Through Enforcement Act or PIRATE Act, is to increase the financial penalties for pirate radio broadcasting.").

[35] The Commission first applied this base forfeiture amount in prior Notices of Apparent Liability for Forfeiture. *See, e.g.*, *César Ayora and Luis Angel Ayora, Queens, New York*, Notice of Apparent Liability for Forfeiture, 38 FCC Rcd 2562, 2569, para. 15 (2023), *aff'd*, Forfeiture Order, 38 FCC Rcd 9747 (2023); *Thomas Barnes, La Grande, Oregon*, Notice of Apparent Liability for Forfeiture, 38 FCC Rcd 2554, 2558, para. 12 (2023), *aff'd*, Forfeiture Order, 38 FCC Rcd 9744 (2023).

Bekune's apparent willful and knowing violation of section 511 of the Act, we apply this base forfeiture amount, for a total proposed base forfeiture of $20,000.[36]

11. In applying the applicable statutory factors, we also consider whether there is any basis for a downward adjustment of the proposed forfeiture. We find none. After applying section 1.80 of the Commission's rules and the statutory factors, and consistent with the *Forfeiture Policy Statement*, Bekune is apparently liable for a proposed total monetary forfeiture of $20,000.[37]

IV. CONCLUSION

12. We have determined that Robert Bekune apparently willfully and knowingly did, caused, or suffered to be done pirate radio broadcasting in violation of section 511 of the Act on January 21, 2025. As such, Robert Bekune is apparently liable for a forfeiture of $20,000.

V. ORDERING CLAUSE

13. Accordingly, **IT IS ORDERED** that, pursuant to section 511 of the Act, 47 U.S.C. § 511, and sections 0.111, 0.204, 0.311, and 1.80 of the Commission's rules, 47 CFR §§ 0.111, 0.204, 0.311, 1.80, Robert Bekune is hereby **NOTIFIED** of this **APPARENT LIABILITY FOR A FORFEITURE** in the amount of twenty thousand dollars ($20,000) for willful and knowing violation of section 511 of the Act, 47 U.S.C. § 511.

14. **IT IS FURTHER ORDERED** that, pursuant to section 1.80 of the Commission's rules, 47 CFR § 1.80, within thirty (30) calendar days of the release date of this Notice of Apparent Liability for Forfeiture, Robert Bekune **SHALL PAY** the full amount of the proposed forfeiture or **SHALL FILE** a written statement seeking reduction or cancellation of the proposed forfeiture consistent with paragraph 17.

15. In order for Robert Bekune to pay the proposed forfeiture, he 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. Upon payment, Bekune 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. Payment of the forfeiture must be made by credit card using CORES at https://apps.fcc.gov/cores/user Login.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:[38]

- 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 159[39] or printed CORES form[40] 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

[36] *See* 47 U.S.C. § 511.

[37] 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.

[38] For questions regarding payment procedures, please contact the Financial Operations Group Help Desk by phone at 1-877-480-3201 (option #6).

[39] FCC Form 159 is accessible at https://www.fcc.gov/licensing-databases/fees/fcc-remittance-advice-form-159.

[40] 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.

number 24A (payment type code), and enter in block number 11 the FRN(s) captioned above (Payor FRN).[41] 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 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, N.E., Washington, D.C. 20554.[42] 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.

17. The written statement 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 Commission's rules.[43] The written statement must be mailed to the Office of the Secretary, Federal Communications Commission, 45 L Street, N.E., Washington, D.C. 20554, ATTN: Enforcement Bureau – Office of the Field Director, and must include the NAL/Account Number referenced in the caption. The statement must also be e-mailed to the Office of the Field Director at field@fcc.gov.

18. The Commission will not consider reducing or canceling a forfeiture in response to a claim of inability to pay unless the petitioner submits the following documentation: (1) federal tax returns for the past three years; (2) financial statements for the past three years prepared according to generally accepted accounting practices; or (3) some other reliable and objective documentation that accurately reflects the petitioner's current financial status.[44] Any claim of inability to pay must specifically identify the basis for the claim by reference to the financial documentation. Inability to pay, however, is only one of several factors that the Commission will consider in determining the appropriate forfeiture, and we

[41] Instructions for completing the form may be obtained at http://www.fcc.gov/Forms/Form159/159.pdf.

[42] *See* 47 CFR § 1.1914.

[43] *Id.* §§ 1.16, 1.80(g)(3).

[44] 47 U.S.C. § 503(b)(2)(E).

retain the discretion to decline reducing or canceling the forfeiture if other prongs of 47 U.S.C. § 503(b)(2)(E) support that result.[45]

19. IT IS FURTHER ORDERED that a copy of this Notice of Apparent Liability for Forfeiture shall be sent by first-class mail and certified mail, return receipt requested, to Robert Bekune at {[ ]} Prospect Avenue, Apt. {[ ]}, Hackensack, New Jersey 07602, and 149 Coit Street, Irvington, New Jersey 07111.

FEDERAL COMMUNICATIONS COMMISSION

Patrick Webre
Acting Chief
Enforcement Bureau

[45] *See, e.g.*, *Ocean Adrian Hinson, Surry County, North Carolina*, Forfeiture Order, 34 FCC Rcd 7619, 7621, para. 9 & n.21 (2019); *Vearl Pennington and Michael Williamson*, Forfeiture Order, 34 FCC Rcd 770, paras. 18-21 (2019); *Fabrice Polynice, Harold Sido and Veronise Sido, North Miami, Florida*, Forfeiture Order, 33 FCC Rcd 6852, 6860-62, paras. 21-25 (2018); *Adrian Abramovich, Marketing Strategy Leaders, Inc., and Marketing Leaders, Inc.*, Forfeiture Order, 33 FCC Rcd 4663, 4678-79, paras. 44-45 (2018); *Purple Communications, Inc.*, Forfeiture Order, 30 FCC Rcd 14892, 14903-04, paras. 32-33 (2015); *TV Max, Inc., et al.*, Forfeiture Order, 29 FCC Rcd 8648, 8661, para. 25 (2014).

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

In the Matter of	)	
	)	
Jean Boncoeur	)	File No.: EB-FIELDNER-24-00036577
Spring Valley, New York	)	NAL/Acct. No.: 202632010003
	)	FRNs: 0037861036
	)	

NOTICE OF APPARENT LIABILITY FOR FORFEITURE

Adopted: January 12, 2026 **Released: January 12, 2026**

By the Acting Chief, Enforcement Bureau:

I. INTRODUCTION

1. In this Notice of Apparent Liability for Forfeiture (NAL), we propose a penalty of $20,000 against Jean Boncoeur (Boncoeur) for operating an unauthorized radio station, known as "Radio Gold Stars" on 90.5 MHz in Spring Valley, New York (Station), by which Boncoeur apparently willfully and knowingly did, caused, or suffered to be done pirate radio broadcasting on January 23, 2025. 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 events and other dangers to the public.

II. BACKGROUND

A. Legal Framework

2. On January 24, 2020, Congress passed the Preventing Illegal Radio Abuse Through Enforcement Act (PIRATE Act), which was subsequently codified as section 511 of the Communications Act.[2] Section 511 states that any person who willfully and knowingly does, causes or suffers to be done any pirate radio broadcasting shall be subject to a fine of not more than $2,000,000 and not more than $100,000 for each day during which such offense occurs.[3] Both of these figures are subject to annual

[1] 47 U.S.C. § 511.

[2] *Preventing Illegal Radio Abuse Through Enforcement Act*, Pub. L. 116-109, 134 Stat. 3 (2020) (codified at 47 U.S.C. § 511).

[3] 47 U.S.C. § 511(a)-(b). Prior to the passage of the PIRATE Act, the maximum monetary penalty for pirate radio transmissions was $151,005. *See* 47 CFR §1.80(b)(9)(ii) (2019); *see also Acerome Jean Charles*, Notice of Apparent Liability for Forfeiture, 34 FCC Rcd 12744 (2019) (proposing a penalty of $151,005), consent decree adopted, Order, 35 FCC Rcd 6878 (2020). In 2020, that maximum limit was increased to $2,000,000. *See* 47 U.S.C. § 511.

inflation adjustments.[4] Section 511 defines pirate radio broadcasting as "the transmission of communications on spectrum frequencies between 535 and 1705 kilohertz, inclusive, or 87.7 and 108 megahertz, inclusive, without a license issued by the Commission, but does not include unlicensed operations in compliance with part 15 of title 47, Code of Federal Regulations."[5] Part 15, among other requirements, states that unlicensed operators in the FM band must not transmit over a certain low-power limit.[6]

B. Factual Background

3. On January 23, 2025, field agents (Agents) from the FCC's New York Field Office monitored the frequency 90.5 MHz and, using direction-finding techniques, traced the source of the signal to a multi-family home at {[ ]} Columbus Avenue, Spring Valley, New York (Columbus Avenue Site).[7] The Agents took field strength measurements of the Station's signal and determined that it exceeded the limits for unlicensed operation under part 15 of the Commission's rules.[8] Agents searched the Internet for a radio station operating on 90.5 MHz in Spring Valley, New York and found the streaming site for Radio Gold Stars.[9] Previously on November 19, 2024, Agents matched the audio programming transmitted over-the-air on 90.5 MHz and to the streaming site.[10] A review of Commission records revealed no authorization for any FM broadcast station to operate at or near the Columbus Avenue Site on any frequency.

4. Property tax records identify Boncoeur as co-owner of the property at the Columbus Avenue Site.[11] Social media research by the Agents also revealed additional links between Boncoeur and the Station. Advertisements for the Station on its Facebook page include the contact telephone number 845-445-02{[1]}[12] and the Station's streaming site includes the contact telephone number 845-821-37{[3]}.[13] Boncoeur is listed in carrier records as the subscriber for both numbers (i.e., the person to whom the number is assigned).

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[4] *See* 47 CFR § 1.80(b)(6) (setting the current inflation adjusted statutory maximum for a violation of 47 U.S.C. § 511(a) at $2,453,218 and of 47 U.S.C. § 511(b) at $122,661); *Amendment of Section 1.80(b) of the Commission's Rules, Adjustment of Civil Monetary Penalties to Reflect Inflation*, Order, DA 25-5, 2025 WL 100529, *7 at Table 5 to Paragraph (b)(12)(ii) (EB Jan. 3, 2025); *see also* Annual Adjustment of Civil Monetary Penalties to Reflect Inflation, 90 Fed. Reg. 3710 (Jan. 15, 2025) (setting January 15, 2025, as the effective date for the increases).

[5] 47 U.S.C. § 511(h).

[6] 47 CFR § 15.239(b) (stating that the field strength of any emissions in the 88-108 MHz band shall not exceed 250 microvolts/meter at 3 meters).

[7] Material set off by double brackets {[ ]} is confidential and is redacted from the public version of this document.

[8] 47 CFR § 15.239(b).

[9] *See* Radio Gold Stars, *TuneIn Radio*, https://tunein.com/radio/radio-Gold-Stars-s274206/ (last visited May 12, 2025).

[10] *See* November 19, 2024 audio recordings comparing the Station's over-the-air broadcasts to its streaming site (on file in EB-FIELDNER-24-00036577).

[11] *See* Village of Spring Valley, Tax Assessment Database, Columbus Avenue Site (last visited May 12, 2025).

[12] *See*, *e.g.,* Radio Gold Stars, *Facebook*, https://www.facebook.com/photo.php?fbid=207957875433739&set=pb.100086585841042.-2207520000&type=3 (last visited May 2, 2025).

[13] *See* Radio Gold Stars, More Information, *TuneIn Radio*, https://tunein.com/radio/radio-Gold-Stars-s274206/ (last visited May 12, 2025).

III. DISCUSSION

5. We find that Boncoeur, in apparent violation of section 511 of the Act,[14] willfully and knowingly did, caused, or suffered to be done pirate radio broadcasting through the operation of an unlicensed radio station on 90.5 MHz, known as "Radio Gold Stars" on January 23, 2025. On that date, Agents performed field strength measurements and determined that these transmissions exceeded the limits for operation under part 15 of the Commission's rules.[15] A review of Commission records does not reveal an authorization for any FM broadcast station to operate at or near the Columbus Avenue Site at any time relevant to the apparent violation discussed in this NAL. Evidence collected by the Agents demonstrates that Boncoeur is the operator of the Station. Specifically, Boncoeur co-owns the residential building where the station is located, and he is the subscriber for both of the Station's contact numbers.[16] Accordingly, the Bureau finds that Boncoeur's actions on January 23, 2025, constituted pirate radio broadcasting in apparent violation of section 511 of the Act.[17]

6. Section 511 of the Act authorizes the Commission to impose a forfeiture against any person "who willfully and knowingly does or causes or suffers to be done any pirate radio broadcasting."[18] In exercising our forfeiture authority, we consider 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."[19] We may adjust a forfeiture downward for minor violations, good faith or voluntary disclosure, a history of overall compliance, or an inability to pay.[20]

7. Section 511 of the Act and section 1.80 of the Commission's rules authorize enhanced penalties for pirate radio broadcasting.[21] Under these sections, any person who willfully and knowingly does, causes or suffers to be done any pirate radio broadcasting shall be subject to a fine of not more than $122,661 for each day during which the offense occurs, but not more than $2,453,218 in total.[22]

8. The primary intent of the PIRATE Act is to increase financial penalties for pirate radio broadcasting.[23] Accordingly, in 2023, the Commission established a base forfeiture of $20,000 for pirate radio broadcasting,[24] which is twice the pre-PIRATE Act base forfeiture level. Consequently, for

[14] 47 U.S.C. § 511.

[15] 47 CFR §§ 15.209(a), 15.239(b); *see also* 47 U.S.C. § 511(h) (stating that pirate radio broadcasting "does not include unlicensed operations in compliance with part 15 of title 47, Code of Federal Regulations.").

[16] *See supra* para 4.

[17] 47 U.S.C. § 511(a), (h).

[18] 47 U.S.C. § 511(a).

[19] 47 CFR § 1.80(b)(11).

[20] *Id*.

[21] 47 U.S.C. § 511; 47 CFR § 1.80(b)(6).

[22] 47 U.S.C. § 511(a)-(b); 47 CFR § 1.80(b)(6) (setting the current inflation adjusted statutory maximum for a violation of 47 U.S.C. § 511(a) at $2,453,218 and of 47 U.S.C. § 511(b) at $122,661); Amendment of Section 1.80(b) of the Commission's Rules, Adjustment of Civil Monetary Penalties to Reflect Inflation, Order, 40 FCC Rcd 25, 32 7 at Table 5 to Paragraph (b)(12)(ii) (EB Jan. 3, 2025); see also Annual Adjustment of Civil Monetary Penalties to Reflect Inflation, 90 Fed. Reg. 3710 (Jan. 15, 2025) (setting January 15, 2025, as the effective date for the increases).

[23] *See* S. Rep. No. 116-178, 1 (2019) ("The purpose of S. 1228, the Preventing Illegal Radio Abuse Through Enforcement Act or PIRATE Act, is to increase the financial penalties for pirate radio broadcasting.").

[24] The Commission first applied this base forfeiture amount in prior Notices of Apparent Liability for Forfeiture for pirate radio activities. *See, e.g.*, *César Ayora and Luis Angel Ayora, Queens, New York*, Notice of Apparent Liability for Forfeiture, 38 FCC Rcd 2562, 2569-70, paras. 15-16 (2023), *aff'd*, Forfeiture Order, 38 FCC Rcd 9747 (2023);
(continued….)

Boncoeur's apparent willful and knowing violation of section 511 of the Act, we apply this base forfeiture amount, for a total proposed base forfeiture of $20,000.[25]

9. In applying the applicable statutory factors, we consider whether there is any basis for an upward or a downward adjustment of the proposed forfeiture. We find none. After applying section 1.80 of the Commission's rules and the statutory factors, and consistent with the *Forfeiture Policy Statement*,[26] Boncoeur is liable for a proposed total monetary forfeiture of $20,000.[27]

IV. CONCLUSION

10. We have determined that Jean Boncoeur apparently willfully and knowingly did, caused, or suffered to be done pirate radio broadcasting in violation of section 511 of the Act on January 23, 2025. As such, Jean Boncoeur is apparently liable for a forfeiture of $20,000.

V. ORDERING CLAUSES

11. Accordingly, **IT IS ORDERED** that, pursuant to section 511 of the Communications Act of 1934, as amended, 47 U.S.C. § 511, and sections 0.111, 0.204, 0.311, and 1.80 of the Commission's rules, 47 CFR §§ 0.111, 0.204, 0.311, 1.80, Jean Boncoeur is hereby **NOTIFIED** of this **APPARENT LIABILITY FOR A FORFEITURE** in the amount of twenty thousand dollars ($20,000) for willful and knowing violation of section 511 of the Act, 47 U.S.C. § 511.

12. **IT IS FURTHER ORDERED** that, pursuant to section 1.80 of the Commission's rules, 47 CFR § 1.80, within thirty (30) calendar days of the release date of this Notice of Apparent Liability for Forfeiture, Jean Boncoeur **SHALL PAY** the full amount of the proposed forfeiture or **SHALL FILE** a written statement seeking reduction or cancellation of the proposed forfeiture consistent with paragraph 15.

13. In order for Jean Boncoeur to pay the proposed forfeiture, he 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. Upon payment, Jean Boncoeur 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. 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 Civil Penalty payments by check or money order. Below are instructions that payors should follow based on the form of payment selected:[28]

- 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

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Thomas Barnes, La Grande, Oregon, Notice of Apparent Liability for Forfeiture, 38 FCC Rcd 2554, 2558-2559, para. 12 (2023), *aff'd*, Forfeiture Order, 38 FCC Rcd 9744 (2023).

[25] *See* 47 U.S.C. § 511.

[26] *See The Commission's Forfeiture Policy Statement and Amendment of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines, Report and Order*, 12 FCC Rcd 17087, 17101, para. 27 (1997) (Forfeiture Policy Statement), recons. denied, Memorandum Opinion and Order, 15 FCC Rcd 303 (1999); 47 CFR § 1.80(b)(11).

[27] 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.

[28] For questions regarding payment procedures, please contact the Financial Operations Group Help Desk by phone at 1-877-480-3201 (option #6).

above and the letters "FORF". In addition, a completed Form 159[29] or printed CORES form[30] 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).[31] 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 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.

14. 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, N.E., Washington, D.C. 20554.[32] 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.

15. The written statement 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 Commission's rules.[33] The written statement must be mailed to the Office of the Secretary, Federal Communications Commission, 45 L Street, N.E., Washington, D.C. 20554, ATTN: Enforcement Bureau – Office of the Field Director, and must include the NAL/Account Number referenced in the caption. The statement must also be e-mailed to the Office of the Field Director at field@fcc.gov.

[29] FCC Form 159 is accessible at https://www.fcc.gov/licensing-databases/fees/fcc-remittance-advice-form-159.

[30] 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.

[31] Instructions for completing the form may be obtained at http://www.fcc.gov/Forms/Form159/159.pdf.

[32] *See* 47 CFR § 1.1914.

[33] *Id.* §§ 1.16, 1.80(g)(3).

16. The Commission will not consider reducing or canceling a forfeiture in response to a claim of inability to pay unless the petitioner submits the following documentation: (1) federal tax returns for the past three years; (2) financial statements for the past three years prepared according to generally accepted accounting practices; or (3) some other reliable and objective documentation that accurately reflects the petitioner's current financial status.[34] Any claim of inability to pay must specifically identify the basis for the claim by reference to the financial documentation. Inability to pay, however, is only one of several factors that the Commission will consider in determining the appropriate forfeiture, and we retain the discretion to decline reducing or canceling the forfeiture if other prongs of 47 U.S.C. § 503(b)(2)(E) support that result.[35]

17. **IT IS FURTHER ORDERED** that a copy of this Notice of Apparent Liability for Forfeiture shall be sent by first class mail and certified mail, return receipt requested, to Jean Boncoeur at {[} Columbus Avenue, Spring Valley, NY 10977.

FEDERAL COMMUNICATIONS COMMISSION

Patrick Webre
Acting Chief
Enforcement Bureau

[34] 47 U.S.C. § 503(b)(2)(E).

[35] *See, e.g.*, *Ocean Adrian Hinson, Surry County, North Carolina,* Forfeiture Order, 34 FCC Rcd 7619, 7621, para. 9 & n.21 (2019); *Vearl Pennington and Michael Williamson*, Forfeiture Order, 34 FCC Rcd 770, paras. 18-21 (2019); *Fabrice Polynice, Harold Sido and Veronise Sido, North Miami, Florida*, Forfeiture Order, 33 FCC Rcd 6852, 6860-62, paras. 21-25 (2018); *Adrian Abramovich, Marketing Strategy Leaders, Inc., and Marketing Leaders, Inc.*, Forfeiture Order, 33 FCC Rcd 4663, 4678-79, paras. 44-45 (2018); *Purple Communications, Inc.*, Forfeiture Order, 30 FCC Rcd 14892, 14903-04, paras. 32-33 (2015); *TV Max, Inc., et al.*, Forfeiture Order, 29 FCC Rcd 8648, 8661, para. 25 (2014).

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

In the Matter of	)	
	)	
Henderson Lennox Elcock	)	File No.: EB-FIELDNER-22-00033638
Brooklyn, New York	)	NAL/Acct. No.: 202632010002
	)	FRN: 0037861010

NOTICE OF APPARENT LIABILITY FOR FORFEITURE

Adopted: January 12, 2026 **Released: January 12, 2026**

By the Acting Bureau Chief:

I. INTRODUCTION

1. In this Notice of Apparent Liability for Forfeiture (NAL), we propose a penalty of $20,000 against Henderson Lennox Elcock (Elcock) for operating an unauthorized radio station, known as "Wild FM" on 106.3 MHz in Brooklyn, New York (Station), by which Elcock apparently willfully and knowingly did, caused, or suffered to be done pirate radio broadcasting on January 30, 2025. 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 events and other dangers to the public.

II. BACKGROUND

A. Legal Framework

2. On January 24, 2020, Congress passed the Preventing Illegal Radio Abuse Through Enforcement Act (PIRATE Act), which was subsequently codified as section 511 of the Communications Act.[2] Section 511 states that any person who willfully and knowingly does, causes or suffers to be done any pirate radio broadcasting shall be subject to a fine of not more than $2,000,000 and not more than $100,000 for each day during which such offense occurs.[3] Both of these figures are subject to annual inflation adjustments.[4]

[1] 47 U.S.C. § 511.

[2] *Preventing Illegal Radio Abuse Through Enforcement Act*, Pub. L. 116-109, 134 Stat. 3 (2020) (codified at 47 U.S.C. § 511).

[3] 47 U.S.C. § 511(a)-(b). Prior to the passage of the PIRATE Act, the maximum monetary penalty for pirate radio transmissions was $151,005. *See* 47 CFR §1.80(b)(9)(ii) (2019); *see also Acerome Jean Charles*, Notice of Apparent Liability for Forfeiture, 34 FCC Rcd 12744 (2019) (proposing a penalty of $151,005), consent decree adopted, Order, 35 FCC Rcd 6878 (2020). In 2020, that maximum limit was increased to $2,000,000. *See* 47 U.S.C. § 511.

[4] *See* 47 CFR 1.80(b)(6) (setting the current inflation adjusted statutory maximum for a violation of 47 U.S.C. § 511(a) at $2,453,218 and of 47 U.S.C. § 511(b) at $122,661); *Amendment of Section 1.80(b) of the Commission's Rules, Adjustment of Civil Monetary Penalties to Reflect Inflation*, Order, 40 FCC Rcd 25, 32 (EB Jan. 3, 2025); *see* (continued….)

Section 511 defines pirate radio broadcasting as "the transmission of communications on spectrum frequencies between 535 and 1705 kilohertz, inclusive, or 87.7 and 108 megahertz, inclusive, without a license issued by the Commission, but does not include unlicensed operations in compliance with part 15 of title 47, Code of Federal Regulations."[5] Part 15, among other requirements, states that unlicensed operators in the FM band must not transmit over a certain low-power limit.[6]

B. Factual Background

3. On January 30, 2025, based on a complaint of an unauthorized radio station known as Wild FM on 106.3 MHz, a field agent (Agent) from the FCC's New York Field Office, using direction finding techniques, traced the source of transmissions on 106.3 MHz to a building at 770 New York Avenue in Brooklyn, New York (New York Avenue Site). The Agent took field strength measurements of the Station's signal and determined that it exceeded the limits for unlicensed operation under part 15 of the Commission's Rules.[7] The Agent searched for and found the Internet stream for the Station and matched the over-the-air broadcast of the Station to its simultaneous online stream.[8] A review of Commission records revealed no authorization for any FM broadcast station to operate at or near the New York Avenue Site on any frequency.

4. During their investigation, Agents searched the Internet for websites and social media posts related to Wild FM. They found the Station's Facebook page which includes the Station's contact number 718-873-91{[ ]}.[9] Elcock is listed in carrier records as the subscriber for this number (i.e., the person to whom the number is assigned).

III. DISCUSSION

5. We find that Elcock, in apparent violation of section 511 of the Act,[10] willfully and knowingly did, caused, or suffered to be done pirate radio broadcasting through the operation of an unlicensed radio station on 106.3 MHz, known as "Wild FM," on January 30, 2025. On that date, an Agent observed the Station operating at the New York Avenue Site.[11] The Agent performed field strength measurements on each of these dates and determined that these transmissions exceeded the limits for operation under part 15 of the Commission's rules.[12] A review of Commission records does not reveal an authorization for any FM broadcast station to operate at or near the New York Avenue Site at any time relevant to the apparent violation discussed in this NAL. Carrier records for the Station's contact phone number demonstrates that Elcock is the operator of the Station.[13] Accordingly, the Bureau finds that Elcock's

also, Annual Adjustment of Civil Monetary Penalties to Reflect Inflation, 90 Fed. Reg. 3710 (Jan. 15, 2025) (setting January 15, 2025, as the effective date for the increases).

[5] 47 U.S.C. § 511(h).

[6] 47 CFR § 15.239(b) (stating that the field strength of any emissions in the 88-108 MHz band shall not exceed 250 microvolts/meter at 3 meters).

[7] 47 CFR § 15.239(b).

[8] *See* January 30, 2025 comparison video (on file, EB-FIELDNER-24-00033638) (comparing the over-the-air broadcast of the Station to the audio from the "wild fm 106.3" stream on the TuneIn Radio website).

[9] *See* Wild106Fm, Facebook, https://www.facebook.com/wild106.3fm (last visited Apr 2, 2025). Material set off by double brackets {[ ]} is confidential and is redacted from the public version of this document.

[10] 47 U.S.C. § 511.

[11] *See supra* para. 3.

[12] *See Id.*; 47 CFR §§ 15.209(a), 15.239(b); *see also* 47 U.S.C. § 511(h) (stating that pirate radio broadcasting "does not include unlicensed operations in compliance with part 15 of title 47, Code of Federal Regulations.").

[13] *See supra* para 4.

actions on January 30, 2025, constituted pirate radio broadcasting in apparent violation of section 511 of the Act.[14]

6. Section 511 of the Act authorizes the Commission to impose a forfeiture against any person "who willfully and knowingly does or causes or suffers to be done any pirate radio broadcasting."[15] In exercising our forfeiture authority, we consider 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."[16] We may adjust a forfeiture downward for minor violations, good faith or voluntary disclosure, a history of overall compliance, or an inability to pay.[17]

7. Section 511 of the Act and section 1.80 of the Commission's rules authorize enhanced penalties for pirate radio broadcasting.[18] Under these sections, any person who willfully and knowingly does, causes or suffers to be done any pirate radio broadcasting shall be subject to a fine of not more than $122,218 for each day during which the offense occurs, but not more than $2,453,218 in total.[19]

8. The primary intent of the PIRATE Act is to increase financial penalties for pirate radio broadcasting.[20] Accordingly, in 2023 the Commission established a base forfeiture of $20,000 for pirate radio broadcasting,[21] which is twice the pre-PIRATE Act base forfeiture level. Consequently, for Elcock's apparent willful and knowing violation of section 511 of the Act, we apply this base forfeiture amount, for a total proposed base forfeiture of $20,000.[22]

9. In applying the applicable statutory factors, we also consider whether there is any basis for an upward or a downward adjustment of the proposed forfeiture. We find none. After applying section 1.80 of the Commission's rules and the statutory factors, and consistent with the *Forfeiture Policy Statement*, Elcock is apparently liable for a proposed total base forfeiture of $20,000.[23]

[14] 47 U.S.C. § 511(a), (h).

[15] 47 U.S.C. § 511(a).

[16] 47 CFR § 1.80(b)(11).

[17] *Id*.

[18] 47 U.S.C. § 511; 47 CFR § 1.80(b)(6).

[19] 47 U.S.C. § 511(a)-(b); *see* 47 CFR § 1.80(b)(6) (setting the current inflation adjusted statutory maximum for a violation of 47 U.S.C. § 511(a) at $2,453,218 and 47 U.S.C. § 511(b) at $122,218); *Amendment of Section 1.80(b) of the Commission's Rules, Adjustment of Civil Monetary Penalties to Reflect Inflation*, Order, DA 25-5, 2025 WL 100529, *7 (EB Jan. 3, 2025); *see also, Annual Adjustment of Civil Monetary Penalties to Reflect Inflation*, 90 Fed. Reg. 3710 (Jan. 15, 2025) (setting January 15, 2025, as the effective date for the increases).

[20] *See* S. Rep. No. 116-178, 1 (2019) ("The purpose of S. 1228, the Preventing Illegal Radio Abuse Through Enforcement Act or PIRATE Act, is to increase the financial penalties for pirate radio broadcasting.").

[21] The Commission first applied this base forfeiture amount in prior Notices of Apparent Liability for Forfeiture for pirate radio activities. *See e.g., César Ayora and Luis Angel Ayora, Queens, New York*, Notice of Apparent Liability for Forfeiture, 38 FCC Rcd 2562, 2569, para. 15 (2023), *aff'd*, Forfeiture Order, 38 FCC Rcd 9747 (2023); *Thomas Barnes, La Grande, Oregon*, Notice of Apparent Liability for Forfeiture, 38 FCC Rcd 2554, 2558, para. 12 (2023), *aff'd*, Forfeiture Order, 38 FCC Rcd 974 (2023).

[22] *See* 47 U.S.C. § 511.

[23] 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.

IV. CONCLUSION

10. We have determined that Henderson Lennox Elcock apparently willfully and knowingly did, caused, or suffered to be done pirate radio broadcasting in violation of section 511 of the Act on January 30, 2025. As such, Henderson Lennox Elcock is apparently liable for a forfeiture of $20,000.

V. ORDERING CLAUSES

11. Accordingly, **IT IS ORDERED** that, pursuant to section 511 of the Communications Act of 1934, as amended, 47 U.S.C. § 511, and sections 0.111, 0.204, 0.311, and 1.80 of the Commission's rules, 47 CFR §§ 0.111, 0.204, 0.311, 1.80, Henderson Lennox Elcock is hereby **NOTIFIED** of this **APPARENT LIABILITY FOR A FORFEITURE** in the amount of twenty thousand dollars ($20,000) for willful and knowing violation of section 511 of the Act, 47 U.S.C. § 511.

12. **IT IS FURTHER ORDERED** that, pursuant to section 1.80 of the Commission's rules, 47 CFR § 1.80, within thirty (30) calendar days of the release date of this Notice of Apparent Liability for Forfeiture, Henderson Lennox Elcock **SHALL PAY** the full amount of the proposed forfeiture or **SHALL FILE** a written statement seeking reduction or cancellation of the proposed forfeiture consistent with paragraph 15.

13. In order for Elcock to pay the proposed forfeiture, he 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. Upon payment, Elcock 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. 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 Civil Penalty payments by check or money order. Below are instructions that payors should follow based on the form of payment selected:[24]

- 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 159[25] or printed CORES form[26] 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).[27] 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/user Login.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

[24] For questions regarding payment procedures, please contact the Financial Operations Group Help Desk by phone at 1-877-480-3201 (option #6).

[25] FCC Form 159 is accessible at https://www.fcc.gov/licensing-databases/fees/fcc-remittance-advice-form-159.

[26] 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.

[27] Instructions for completing the form may be obtained at http://www.fcc.gov/Forms/Form159/159.pdf.

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 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.

14. 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, N.E., Washington, D.C. 20554.[28] 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.

15. The written statement 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 Commission's rules.[29] The written statement must be mailed to the Office of the Secretary, Federal Communications Commission, 45 L Street, N.E., Washington, D.C. 20554, ATTN: Enforcement Bureau – Office of the Field Director, and must include the NAL/Account Number referenced in the caption. The statement must also be e-mailed to the Office of the Field Director at field@fcc.gov.

16. The Commission will not consider reducing or canceling a forfeiture in response to a claim of inability to pay unless the petitioner submits the following documentation: (1) federal tax returns for the past three years; (2) financial statements for the past three years prepared according to generally accepted accounting practices; or (3) some other reliable and objective documentation that accurately reflects the petitioner's current financial status.[30] Any claim of inability to pay must specifically identify the basis for the claim by reference to the financial documentation. Inability to pay, however, is only one of several factors that the Commission will consider in determining the appropriate forfeiture, and we retain the discretion to decline reducing or canceling the forfeiture if other prongs of 47 U.S.C. § 503(b)(2)(E) support that result.[31]

[28] *See* 47 CFR § 1.1914.

[29] *Id.* §§ 1.16, 1.80(g)(3).

[30] 47 U.S.C. § 503(b)(2)(E).

[31] *See, e.g.*, *Ocean Adrian Hinson, Surry County, North Carolina,* Forfeiture Order, 34 FCC Rcd 7619, 7621, para. 9 & n.21 (2019); *Vearl Pennington and Michael Williamson*, Forfeiture Order, 34 FCC Rcd 770, paras. 18-21 (2019); *Fabrice Polynice, Harold Sido and Veronise Sido, North Miami, Florida*, Forfeiture Order, 33 FCC Rcd 6852, 6860-62, paras. 21-25 (2018); *Adrian Abramovich, Marketing Strategy Leaders, Inc., and Marketing Leaders, Inc.*, Forfeiture Order, 33 FCC Rcd 4663, 4678-79, paras. 44-45 (2018); *Purple Communications, Inc.*, Forfeiture Order, 30 FCC Rcd 14892, 14903-04, paras. 32-33 (2015); *TV Max, Inc., et al.*, Forfeiture Order, 29 FCC Rcd 8648, 8661, para. 25 (2014).

17. **IT IS FURTHER ORDERED** that a copy of this Notice of Apparent Liability for Forfeiture shall be sent by first class mail and certified mail, return receipt requested, to Henderson Lennox Elcock, {[ ]} Brooklyn Ave, {[ ]}, Brooklyn, New York 11203.

FEDERAL COMMUNICATIONS COMMISSION

Patrick Webre
Acting Chief
Enforcement Bureau

PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, DC 20554

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

DA 26-41
Released: January 12, 2026

DOMESTIC SECTION 214 APPLICATION GRANTED FOR THE ACQUISITION OF CERTAIN ASSETS OF WINN TELEPHONE COMPANY D/B/A WINN TELECOM BY BW BROADBAND INC.

WC Docket No. 25-236

By this Public Notice, the Wireline Competition Bureau (Bureau) grants an application filed by Winn Telephone Company d/b/a Winn Telecom (Winn) and BW Broadband, Inc. (BW Broadband) (together, Applicants), pursuant to section 214(a) of the Communications Act of 1934, as amended, and section 63.04 of the Federal Communications Commission's (Commission) rules,[1] requesting consent for the acquisition of certain assets of Winn by BW Broadband.[2]

On September 12, 2025, the Bureau released a public notice seeking comment on the Application.[3] The Bureau did not receive any comments or petitions in opposition to the Application.

Winn, a Michigan corporation, provides service as an incumbent local exchange carrier (LEC) in the Winn exchange located in the Townships of Deerfield and Freemont, Isabella County, Michigan (Winn Exchange) and provides competitive LEC services in multiple other Michigan exchanges outside the Winn Exchange.[4]

BW Broadband, a Michigan corporation formed for the purposes of the proposed transaction, is a wholly-owned subsidiary of Blanchard Telephone Association, Inc. (Blanchard),[5] a Michigan holding company that also wholly owns: (i) Blanchard Telephone Company (Blanchard Telephone), a Michigan corporation, providing service as a rural incumbent LEC in the Blanchard exchange in Broomfield and Rolland Townships, Isabella County, and Millbrook and Wheatland Townships, Mecosta County,

[1] *See* 47 U.S.C. § 214(a); 47 CFR § 63.04.

[2] Domestic Section 214 Application for the Acquisition of Certain Assets of Winn Telephone Company d/b/a Winn Telecom by BW Broadband Inc., WC Docket No. 25-236 (filed July 22, 2025) (Application). On August 18, 2025, Applicants filed a supplement to their domestic section 214 application. Letter from Michael G. Olivia, Counsel to the Applicants, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 25-236 (filed. Aug. 18, 2025) (Supplement). Any action on the Application is without prejudice to Commission action on other related, pending applications.

[3] *Domestic Section 214 Application Filed for the Acquisition of Certain Assets of Winn Telephone Company d/b/a Winn Telecom by BW Broadband Inc*., WC Docket No. 25-236, Public Notice, DA 25-852 (WCB 2025).

[4] Application at 1-2, 8. Applicants state that Winn has a license to provide local exchange service to all zones and exchange areas in the state of Michigan but does not offer service in all the areas in which it is licensed to provide such service. *Id.* at 2. Applicants also report that Winn currently provides LEC services as an incumbent LEC or competitive LEC to residential and business customers in 67 Michigan exchanges, including operating as a competitive LEC in the Blanchard exchange, and that the proposed transaction will not impact Winn's current service in the other exchanges. *Id*. at 7. Applicants state that while Winn is licensed as a competitive LEC in the Blanchard exchange of Blanchart Telephone, there is "no material overlap" in any of the service areas of Winn and Blanchard, as Blanchard operates exclusively in its own exchange. *Id.* at 4.

[5] *Id.* at 3. Applicants state that Blanchard does not provide domestic telecommunications services. Supplement at 2.

Michigan;[6] and (ii) Central Michigan Communication Inc., which provides long distance and communications resale service to Blanchard Telephone.[7] Applicants state that the Winn exchange in which Winn provides incumbent LEC service is adjacent to the Blanchard Exchange in which Blanchard Telephone provides incumbent LEC service.[8]

Applicants report that Winn receives legacy cost-based-support and Lifeline support, and that prior to completing this transaction, they intend to ensure that BW Broadband will become eligible to receive such support after the closing of the proposed transaction and pursuant to all required regulatory approvals by the Commission and the Michigan Public Service Commission.[9]

Pursuant to the terms of the proposed transaction, Blanchard would acquire the assets of Winn that are utilized to provide Winn's incumbent LEC operations within the Winn Exchange.[10] Applicants state that, post-consummation, Winn would then cease providing local exchange service in the Winn exchange, and BW Broadband will become the incumbent LEC in the Winn exchange, as the successor to Winn.[11]

Applicants assert that a grant of the Application would serve the public interest, convenience, and necessity.[12] Applicants state that Blanchard has substantial expertise in communications infrastructure and rural telecom services and that BW Broadband will invest in new infrastructure and continue to offer high-quality services to Winn Exchange customers.[13] Applicants further state that the proposed transaction will not adversely impact competition because it involves the transfer of assets in a rural exchange from one small provider to another, with no overlap in incumbent LEC territories.[14]

Grant of Application

We find that grant of the Application will serve the public interest, convenience, and necessity.[15] Therefore, pursuant to section 214 of the Act, 47 U.S.C. § 214, and sections 0.91, 0.291, and 63.04 of the Commission's rules, 47 CFR §§ 0.91, 0.291, and 63.04, the Bureau hereby grants the Application discussed in this Public Notice.

Pursuant to section 1.103 of the Commission's rules, 47 CFR § 1.103, the grant is effective upon release of this Public Notice. Petitions for reconsideration under section 1.106 or application 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, Competition Policy Division, Wireline Competition Bureau, gregory.kwan@fcc.gov; Nissa Laughner, Telecommunications Access Policy

[6] Application at 3. Applicants state that Blanchard Telephone also provides competitive LEC services in a small portion of the Lakeview Exchange consisting of an approximately two-square mile rural area in Millbrook Township Mecosta County, Michigan. Supplement at 2.

[7] Application at 3-4, 8.

[8] Supplement at 3.

[9] *See* Application at 11-15; *see generally*, Supplement.

[10] Application at 2, 4, and 7.

[11] *Id.* at 2. Applicants state that Winn will continue its competitive LEC operations in the other exchanges for which it has a license in Michigan. *Id.*

[12] *Id.* at 9-11.

[13] *Id.* at 10

[14] *Id.*

[15] *See* 47 U.S.C. § 214(a).

Division, at nissa.laughner@fcc.gov.

-FCC-

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

In the Matter of	)	
	)	
Service Rules for the 698-746, 747-762 and 777-792 MHz Bands	)	WT Docket No. 06-150
	)	
	)	
Promoting Consumer Choice and Wireless Competition Through Handset Unlocking Requirements and Policies	)	WT Docket No. 24-186
	)	
	)	
Application of Verizon Communications Inc. and America Movil, S.A.B. de C.V. for Consent to Transfer Control of International Section 214 Authorization	)	GN Docket No. 21-112
	)	

ORDER

Adopted: January 12, 2026 **Released: January 12, 2026**

By the Chief, Wireless Telecommunications Bureau:

I. INTRODUCTION

1. Sophisticated criminal networks and everyday lawbreakers alike are running schemes to steal and fraudulently obtain smartphones, including from retail locations and individuals. These schemes not only threaten public safety when they involve smash and grab crimes. Criminal networks use the proceeds from the theft of millions of smartphones to fund fraud and trafficking operations at a global scale.

2. One way that carriers deter and prevent this type of fraudulent activity is to lock their phones—meaning, they prevent the phones from being switched right away from one network to another. Due in part to a 2007 Commission rule, Verizon has been required to unlock its phones much faster than other carriers. Today, criminal networks are specifically targeting Verizon handsets due to the company's unique unlocking policies. The Commission's rules currently require Verizon to unlock its handsets 60 days after activation. Once unlocked, many handsets are effectively stolen from Verizon and resold on the black market, commanding premium prices on the dark web, particularly in countries like Russia, China, and Cuba. Handset trafficking comprises a major revenue stream for organized crime syndicates, alongside identity theft, synthetic fraud, bogus credit checks, and other forms of racketeering. Time and again, federal and state law enforcement has investigated and prosecuted transnational handset trafficking schemes, finding they facilitate broader criminal enterprises like drug and human smuggling. In addition to jeopardizing public safety, substantial governmental resources are needed to investigate these crimes.

3. While handset trafficking can afflict all wireless carriers, Verizon remains especially vulnerable because it is the only nationwide provider subject to unlocking requirements imposed by the Commission in 2007. The scope and scale of bad debt and competitive harm ballooned after the Commission approved Verizon's acquisition of Tracfone in 2021, which was conditioned on extending Verizon's unlocking policy to Tracfone's prepaid devices. In total, the Commission's current rules cost Verizon hundreds of millions of dollars each year in deadweight loss—money which could have been invested in network upgrades or consumer friendly deals.

4. Pursuant to section 1.3 of the Commission's rules, we find good cause to grant Verizon's request for a waiver of the section 27.16(e) handset unlocking rule as it applies to Verizon, including the

unlocking commitment that Verizon agreed to as part of its acquisition of TracFone.[1] We find this waiver to be warranted because it will allow Verizon to take action against the substantial handset fraud, including device theft and handset trafficking, that uniquely impacts its business today and that significantly spiked following Verizon's acquisition of TracFone in 2021. While this waiver is in effect, Verizon has committed to fully comply with the unlocking policies in the CTIA Consumer Code for Wireless Service, which includes handset unlocking commitments that will benefit Verizon's customers by enhancing transparency and the disclosure of Verizon's unlocking policies.[2] In accordance with the relief requested by Verizon, this waiver will remain in effect until such time as the Commission decides on an appropriate industry-wide approach for the unlocking of handsets.[3]

II. BACKGROUND

5. In 2007, the Commission adopted the section 27.16(e) unlocking rule as part of a set of "open platform" requirements imposed upon Upper 700 MHz C Block licensees.[4] This rule prohibits licensees from locking handsets that operate on the Upper 700 MHz C Block frequency bands (i.e., the 746-757 and 776-787 MHz bands).[5] Under this rule, no C Block licensee "may disable features on handsets it provides to customers, to the extent such features are compliant with the licensee's standards . . . , nor configure handsets it provides to prohibit use of such handsets on other providers' networks."[6] The Commission stated that Upper 700 MHz C Block licensees "may not 'lock' handsets to

[1] Verizon Request for Waiver, Regarding the Commission's Ban on Locking Handsets for C-Block Licensees, WT Docket Nos. 24-186 and 06-150; GN Docket No. 21-112 (filed May 19, 2025), https://www.fcc.gov/ecfs/document/106062281927545/1 (Verizon Petition). The Verizon companies participating in this filing are the regulated, wholly owned subsidiaries of Verizon Communications Inc. *Id.* at 1 & n.1.

[2] *Id.* at 4, 17; *see* CTIA, *Consumer Code for Wireless Service*, https://www.ctia.org/the-wireless-industry/industry-commitments/consumer-code-for-wireless-service (last visited Jan. 12, 2026) (CTIA Consumer Code).

[3] Verizon Petition at 19 (requesting "a waiver of Rule 27.16(e) and the unlocking commitment that the Commission adopted as a condition in approving Verizon's acquisition of TracFone until such time as the Commission decides on an appropriate industry-wide approach for the unlocking of wireless devices."). We clarify that the term handsets also incorporates any other wireless mobile devices operating on the Upper 700 MHz C Block band.

[4] *Service Rules for the 698–746, 747–762 and 777–792 MHz Bands et al.*, WT Docket 06-150 et al., Second Report and Order, 22 FCC Rcd 15289, 15361, 15370–71, 15501, paras. 195, 222, Appx. B (2007) (*700 MHz Second Report and Order*) (adopting 47 CFR § 27.16(e)). We note that WT Docket No. 06-150 was ordered terminated in a recent order issued by the Consumer and Governmental Affairs Bureau (CGB), DA 25-1002 (rel. Dec. 3, 2025). After consultation between CGB and WTB, CGB has determined pursuant to 47 CFR § 1.113(a) that this docket is not a good candidate for termination and will remain open.

[5] 47 CFR § 27.16(e). Mobile wireless handsets may contain software that prevents them from being used on another service provider's technologically compatible network (i.e., the software "locks" the handset to a particular service provider's network). FCC, Wireless Telecommunications Bureau, *Cell Phone Unlocking*, https://www.fcc.gov/general/cell-phone-unlocking (last visited Jan. 12, 2026). By contrast, "unlocking" a handset refers to disabling the software that prevents a handset designed for one service provider's network from being activated on another service provider's network. *Id.* (explaining cell phone unlocking). Due to differing technologies, an unlocked handset may not work or may experience limited functionality on another service provider's network. *See id.*

[6] 47 CFR § 27.16(e). Upper 700 MHz C Block licensees *may* disable a feature on a handset if: (1) the feature "would not be compliant with published technical standards reasonably necessary for the management or protection of the licensee's network," or (2) disabling the feature is "required to comply with [a] statute or applicable government regulation." 47 CFR § 27.16(b).

prevent their transfer from one system to another."[7] As one of the Upper 700 MHz C Block licensees, Verizon must comply with the section 27.16(e) handset unlocking rule.[8]

6. In 2013, the wireless industry, as represented by CTIA, established voluntary unlocking standards for mobile wireless handsets.[9] These voluntary unlocking standards were subsequently adopted and incorporated into the existing CTIA Consumer Code for Wireless Service.[10] They consist of six general handset unlocking commitments that cover: (1) disclosure; (2) postpaid unlocking policy; (3) prepaid unlocking policy; (4) notice; (5) response time; and (6) deployed military personnel unlocking policy (CTIA Unlocking Commitments).[11] Service providers that abide by these commitments will unlock a postpaid handset after it is paid in full and a prepaid handset no later than one year after initial activation, consistent with reasonable time, payment, or usage requirements.[12]

7. In 2019, the Wireless Telecommunications Bureau (Bureau) granted Verizon a partial waiver of the section 27.16(e) handset unlocking requirement to allow Verizon to better combat identity theft, device theft, and other types of handset-related fraud.[13] The waiver allows Verizon to lock handsets that operate on the Upper 700 MHz C Block frequencies for 60 days from the date the handsets become

[7] *700 MHz Second Report and Order*, 22 FCC Rcd at 15371, para. 222.

[8] At auction, Verizon won nine of the 12 Upper 700 MHz C Block licenses that cover the 48 contiguous states, Alaska, Hawaii, and the Gulf of Mexico. *See Service Rules for the 698–746, 747–762 and 777–792 MHz Bands*, WT Docket No. 06-150, Order, 34 FCC Rcd 5134, 5134, para. 1 & n.1 (WTB 2019) (*Verizon Waiver Order*).

[9] *See* Letter from Tom Wheeler, Chairman, FCC, to Steve Largent, President and CEO, CTIA at 1 (Nov. 14, 2013), https://docs.fcc.gov/public/attachments/DOC-324166A1.pdf (noting the FCC staff's work with CTIA to update the consumer code and urging prompt adoption of an unlocking policy in the CTIA Consumer Code); Letter from Steve Largent, President and CEO, CTIA, to Chairman Wheeler and Commissioners, FCC at 1 (Dec. 12, 2013), https://api.ctia.org/docs/default-source/fcc-filings/ctia-letter-on-unlocking.pdf (CTIA Consumer Code Letter) (announcing certain mobile providers' adoption of voluntary unlocking standards and CTIA's recommendation to add them to the CTIA Consumer Code).

[10] *See* FCC, Wireless Telecommunications Bureau, *Cell Phone Unlocking*, https://www.fcc.gov/general/cell-phone-unlocking (last visited Jan. 12, 2026) ("On February 11, 2014, CTIA-The Wireless Association adopted six standards on mobile wireless device unlocking ('the commitment') into the CTIA Consumer Code for Wireless Service.").

[11] CTIA Consumer Code, Section 12. Specifically, these unlocking commitments provide as follows. First, carriers adopting the commitments "will post on their websites their clear, concise, and readily accessible policies on postpaid and prepaid mobile wireless device unlocking." *Id.* Second, for postpaid service agreements, carriers "upon request will unlock mobile wireless devices or provide the necessary information to unlock devices for their customers . . . after the fulfillment of the applicable postpaid service contract, device financing plan, or payment of an applicable early termination fee." *Id.* Third, for prepaid plans, carriers "upon request will unlock prepaid mobile wireless devices no later than one year after initial activation, consistent with reasonable time, payment or usage requirements." *Id.* Fourth, carriers "will clearly notify customers that their devices are eligible for unlocking at the time when their devices are eligible for unlocking or automatically unlock devices remotely when devices are eligible for unlocking, without additional fee." *Id.* Fifth, "[w]ithin two business days after receiving a request, carriers will unlock eligible mobile devices, or initiate a request to the OEM to unlock the eligible device." *Id.* Finally, carriers "will unlock mobile wireless devices for deployed military personnel who are customers in good standing upon provision of deployment papers." *Id.*

[12] *Id*. (describing scenarios in which service providers that abide by the commitments will unlock devices). Postpaid subscribers are billed each month after service has been provided, and prepaid subscribers pay for services in advance of receiving them. *Communications Marketplace Report*, GN Docket No. 24-119, 2024 Communications Marketplace Report, 39 FCC Rcd 14116, 14182, para. 78 & n.228 (2024) (characterizing and distinguishing "postpaid" and "prepaid" services).

[13] *Verizon Waiver Order*, 34 FCC Rcd at 5134, 5137, 5139, paras. 1, 11, 15.

active on its network.[14] The Bureau found that allowing handsets to be locked for 60 days to combat handset fraud would not significantly interfere with the policy objective of enabling consumers to be able to migrate from one mobile wireless service provider to another on compatible networks.[15]

8. Subsequently, in 2021, Verizon acquired TracFone and approximately 20 million prepaid customers.[16] Verizon's acquisition of TracFone combined the second largest facilities-based service provider in the United States with the largest mobile virtual network operator (MVNO).[17] As part of the transaction review, Verizon indicated that it would align TracFone's unlocking policies with its 60-day unlocking obligation, as required under the Upper 700 MHz C Block rules, and it made a number of commitments to ensure a smooth transition and sufficient notice during Verizon's implementation of its 60-day unlocking policy for TracFone customers provisioned on Verizon's network.[18] The Commission acknowledged Verizon's obligation to apply its 60-day unlocking policies to TracFone devices and adopted the transition commitments as part of the transaction approval.[19]

9. In 2024, the Commission released the *Handset Unlocking NPRM*, exploring the use of handset unlocking policies as a means to improve consumer choice and flexibility and to enhance competition in the mobile wireless marketplace.[20] The Commission tentatively concluded that adopting a broadly applicable set of handset unlocking requirements for all mobile wireless service providers would serve the public interest, and it sought comment on which specific requirements would best facilitate competition and consumer choice.[21] This rulemaking is presently pending before the Commission.

10. On May 19, 2025, Verizon filed a Request for Waiver regarding the section 27.16(e) handset unlocking rule that applies to Verizon as a 700 MHz C Block licensee and the handset unlocking commitment that applies to Verizon as a condition of the Commission's approval of Verizon's acquisition of TracFone.[22] Verizon states that if its waiver request is granted it will abide by the CTIA Unlocking

[14] *Id*. at 5134, 5137, paras. 1, 11. After the expiration of the 60-day period, Verizon would have to automatically unlock handsets that operate on the Upper 700 MHz C Block frequencies, regardless of whether (1) the customer asks for the handset to be unlocked, or (2) the handset is fully paid off. *Id.* at 5137, para. 11. However, the Bureau provided an exception to this unlocking requirement for "handsets that [Verizon] determines within the 60-day period to have been purchased through fraud." *Id.*

[15] *Id*. at 5137, para. 11.

[16] *See 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, Memorandum Opinion and Order, 36 FCC Rcd 16994, 16995, para. 2 (2021) (*Verizon-TracFone Order*). TracFone offered prepaid plans under the names SafeLink Wireless, Straight Talk Wireless, Net10 Wireless, Walmart Family Mobile, Total Wireless, Go Smart Mobile, Page Plus, and Simple Mobile. *Id*. at 16998, para. 13.

[17] *Id*. at 17006, para. 34.

[18] *See, e.g.*, *id.* at 17040-41, paras. 123-25 (citing Letter from William H. Johnson, Senior Vice President, Verizon, to Marlene H. Dortch, Secretary, FCC, GN Docket No. 21-112 at 3 (filed Nov. 3, 2021) (Verizon Nov. 3, 2021 *Ex Parte*)); *id.* at 17054, Appx. B.

[19] *Id.* at 16996, 17040-41, 17045, paras. 8, 123-25, 144.

[20] *See Promoting Consumer Choice and Wireless Competition Through Handset Unlocking Requirements and Policies*, WT Docket No. 24-186, Notice of Proposed Rulemaking, 39 FCC Rcd 8111, 8111, para. 1 (2024) (*Handset Unlocking NPRM*).

[21] *Id.* at 8111, 8116, paras. 1, 12.

[22] Verizon Petition at 1.

Commitments[23] and requests that the waiver remain in effect "until such time as the Commission decides on an appropriate industry-wide approach for the unlocking of wireless devices."[24]

11. On June 6, 2025, the Bureau sought comment on Verizon's waiver request.[25] Commenters supporting Verizon's request include seven State Attorneys General (State AGs) (filing jointly),[26] Citizens Against Government Waste (CAGW), the 60 Plus Association et al. (60 Plus Association),[27] law enforcement organizations,[28] and individual commenters. These parties argue that the Commission's unlocking requirements inadvertently facilitate far-reaching crime and fraud, including identity theft and drug trafficking; disincentivize device subsidies; and erode national security, competition, and consumer choice.[29]

12. Some commenters, including Public Knowledge et al. (Public Knowledge),[30] Rural Wireless Association (RWA), NCTA—The Internet & Television Association (NCTA), and EchoStar Corporation (EchoStar), ask the Commission to issue uniform unlocking rules in the pending *Handset Unlocking NPRM* proceeding rather than address Verizon's specific waiver request only.[31] RWA, Public

[23] *Id.* at 4, 17.

[24] *Id.* at 19.

[25] *Wireless Telecommunications Bureau Seeks Comment on Verizon's Petition for Waiver of the Commission's Section 27.16(e) Handset Unlocking Rule and Verizon's TracFone Unlocking Commitment*, Public Notice, DA 25-490, at 1 (WTB June 6, 2025) (Waiver Petition Public Notice).

[26] The State AGs represent Arkansas, Georgia, Idaho, Kansas, Montana, Utah, and West Virginia. State AGs Comments at 3.

[27] The 60 Plus Association filed joint comments with: American Association of Senior Citizens; American Consumer Institute; American Enterprise Institute; CAGW; Consumer Action for a Strong Economy; Digital Liberty; Entropy Economics; Hispanic Leadership Fund; Institute for Policy Innovation; Institute for Technology and Network Economics; Less Government; and National Security Institute, George Mason University. 60 Plus Association Comments at 2.

[28] The law enforcement organizations supporting Verizon's waiver request include: International Union of Police Associations (IUPA); International Association of Chiefs of Police (IACP); National Sheriffs' Association; Oklahoma State Bureau of Investigation Agents Association (OSBI Agents Association); Salt Lake Valley Law Enforcement Association (SLVLEA); New York Police Department Sergeants Benevolent Association (NYPD SBA); Toledo Police Patrolman's Association (TPPA); and Virginia Beach Police Benevolent Association (Virginia Beach PBA).

[29] *See, e.g.*, State AGs Comments at 1-2; CAGW Comments at 1-2 (both claiming that unlocking requirements lead to fraud and device trafficking and may cause higher consumer prices); IUPA Comments at 1-2 (asserting that unlocked handsets facilitate identity theft and drug trafficking); 60 Plus Association Comments at 2 (claiming that unlocking requirements hinder access to subsidized handsets).

[30] On July 7, 2025, Public Knowledge filed a document captioned "Opposition to Waiver and Comments" in the dockets associated with this proceeding jointly with: Benton Foundation, Canadian Repair Coalition, Consumer Reports, Electronic Frontier Foundation, Fight for the Future, iFixit, Fulu Foundation, Open Technology Institute at New America, Aaron Perzanowski, Repair.org, and Software Freedom Conservancy. *See* Public Knowledge et al. Opposition to Waver and Comments, WT Docket 24-186 et al., at 13 (rec. July 7, 2025) (Public Knowledge Comments). We treat this filing as a comment filing. *See* Waiver Petition Public Notice at 1 (setting a comment filing deadline of July 7, 2025).

[31] *See*, *e.g.*, Public Knowledge Comments at 9; RWA Comments at 1-3; NCTA Comments at 2-3; EchoStar Comments at 2; Letter from Mary Claire York, Vice President & Associate General Counsel, NCTA, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 24-186, at 2 (filed Dec. 3, 2025) (NCTA Dec. 3 *Ex Parte*); Letter from Mary Claire York, Vice President & Associate General Counsel, NCTA, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 24-186, at 1-2 (filed Dec. 5, 2025) (NCTA Dec. 5 *Ex Parte*). While several commenters advocate for a uniform approach to handset unlocking, they often advocate for additional or different specifics than the ones that Verizon proposes in its request. *See*, *e.g.*, NCTA Comments at 2; NCTA Dec. 3 *Ex Parte* at 2, 3 (both supporting a (continued….)

Knowledge, and several companies and individual commenters argue further that waiving the unlocking rule is not an effective way to address any fraud that may exist.[32]

III. DISCUSSION

13. Section 1.3 of the Commission's rules provides that the Commission may "on its own motion or on petition" waive a rule "for good cause shown, in whole or in part, at any time."[33] The Commission may find that the "good cause" standard is met only if: (1) "special circumstances warrant a deviation from the general rule"; and (2) "such deviation will serve the public interest."[34] We find good cause exists under the special circumstances of this case and that it is in the public interest to grant Verizon's waiver request until such time as the Commission decides on an appropriate industry-wide approach for the unlocking of handsets.[35]

14. *Special Circumstances Exist to Grant the Waiver.* We find that Verizon has presented special circumstances that warrant a deviation from the section 27.16(e) handset unlocking rule which requires Verizon to unlock handsets after 60 days—as allowed under the partial waiver—because the rule does not provide Verizon with sufficient time to deter handset fraud that uniquely impacts its business.[36] Verizon is the only nationwide operator subject to the handset unlocking rule at issue and, based on the size of its subscriber base and Upper 700 MHz C Block holdings, has the largest financial exposure of any provider subject to the rule. Verizon provides evidence establishing hundreds of millions of dollars of losses annually due to the handset unlocking rule.[37] Verizon contends that handset locking is one of the few effective tools it has at its disposal to address device trafficking and deter bad actors.[38] The special circumstances of this case support the conclusion that Verizon's inability to lock a handset for a period longer than 60 days causes it significant losses and harms to consumers.

(Continued from previous page)
uniform and automatic handset unlocking requirement); Doug J Bartek Comments at 2 (filed on behalf of Tango Networks, Inc.) (Tango Networks Comments); Pinal Patel Comments at 1-2; Public Knowledge Comments at 8 (all supporting a uniform 60-day unlocking period); Console Enterprises Comments at 7 (supporting a uniform prohibition on handset locking absent a finding of fraudulent or criminal activity).

[32] *See, e.g.*, RWA Comments at 3-4; Public Knowledge Comments at 2; Pinal Patel Comments at 1; Andrew Parker Reply at 1; Console Enterprises Reply at 4; Tango Networks Comments at 6; Alexander Bryant Comments at 1; Matthew J Ratajczyk Comments at 1.

[33] 47 CFR § 1.3.

[34] *E.g.*, *Ne. Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990); *see WAIT Radio v. FCC*, 418 F.2d 1153, 1157-59 (D.C. Cir. 1969).

[35] Verizon Petition at 19, 11 (stating that, in its postpaid segment, Verizon "continues to experience significant rates of [handset] fraud," despite the protections provided by device financing plans); Verizon Reply at 4 (stating that "device fraud has permeated both the postpaid and prepaid segments of the wireless marketplace"); Letter from William H. Johnson, Senior Vice President & Deputy General Counsel, Verizon, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 24-186, at 1, Attach. at 5 (filed Apr. 10, 2025) (Verizon Apr. 10 *Ex Parte*).

[36] Verizon Petition at 9-10.

[37] Declaration of Stephen Schwed, Exh. C to Verizon Comments, WT Docket 24-186 (filed Sept. 9, 2024) (Verizon NPRM Comments), ¶ 8 (Schwed Decl.); Verizon Communications Inc. Supplemental Compliance Report on Verizon/TracFone Merger Conditions, WT Docket 22-210, at 2-3 (filed Sept. 8, 2025) (*Verizon-TracFone* Supplemental Compliance Report); Verizon Apr. 10 *Ex Parte* at 1, Attach at 5; Letter from William H. Johnson, Senior Vice President & Deputy General Counsel, Verizon, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 24-186, at 2 (filed July 31, 2025) (Verizon July 31 *Ex Parte*).

[38] Verizon Apr. 10 *Ex Parte* Attach. at 2; Letter from William H. Johnson, Senior Vice President & Deputy General Counsel, Verizon, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 24-186, at 1 (filed Sept. 30, 2025) (Verizon Sept. 30 *Ex Parte*).

15. Verizon raises concern that device fraud and trafficking is a large and growing problem, and that the current unlocking requirement places a target on Verizon and its customers.[39] It also asserts that the handset fraud Verizon confronts "is sophisticated" and "organized globally through connected criminal networks."[40] The record indicates that since the partial waiver in 2019, device fraud has remained at elevated levels,[41] which contributes to fraud in both the prepaid and postpaid markets.[42] Verizon claims that this has culminated in it losing an estimated 784,703 devices to fraud across both prepaid and postpaid offerings in 2023, costing it hundreds of millions of dollars.[43] For the prepaid market, Verizon explains that its circumstances changed after its 2021 acquisition of TracFone, which significantly increased its exposure to the prepaid business model and associated types of fraud.[44] Verizon states that it "saw a spike in fraud of approximately 55% after TracFone moved from its earlier

[39] *See Verizon-TracFone* Supplemental Compliance Report at 2-3. As an example, Verizon has reported that more than 46 robberies occurred in its stores in the Washington, DC area during a recent 12-month period, including four robberies in a 4-day period, because the 60-day handset unlocking rule generally makes Verizon a "prime target for organized device traffickers." Verizon July 31 *Ex Parte* at 1-2; *see also* Verizon Sept. 30 *Ex Parte* at 1.

[40] Verizon Apr. 10 *Ex Parte* Attach. at 2. Verizon also indicates that an upcoming report (i.e., the CFCA biannual Global Fraud Loss Survey) indicates that "fraud associated with device/equipment resale is now the largest category of fraud faced by providers who responded to the CFCA's survey," whereas "[f]raud associated with device/equipment resale was not in the top 5 types of fraud reported as recently as 2019." Schwed Decl. ¶ 5.

[41] Schwed Decl. ¶¶ 5-7; *see also* Verizon Apr. 10 *Ex Parte* Attach. at 3 (citing Federal Trade Commission (FTC) data on fraud); *Verizon-TracFone* Supplemental Compliance Report at 2 (Verizon asserting that device fraud and trafficking is a large and growing problem for Verizon, the current unlocking requirement places a target on Verizon and its customers, and "Verizon loses hundreds of millions of dollars each year to bad actors exploiting Verizon's unlocking policies."); IUPA Comments at 1 ("Law enforcement professionals across the country are witnessing a disturbing trend: unlocked and untraceable phones are increasingly being exploited by criminal networks for illegal activities . . . ."); SLVLEA Comments at 1 ("Our region has seen a steady rise in the trafficking and misuse of unlocked phones. . . . This not only supports a thriving illicit economy, but it also makes lawful tracking and investigation of these devices exceedingly difficult."); Virginia Beach PBA Comments at 1 ("In recent years, unlocked phones have increasingly become tools for facilitating crimes while simultaneously obstructing law enforcement's ability to identify suspects, gather evidence, and pursue justice.").

[42] Verizon Petition at 11 (stating that, in its postpaid segment, Verizon "continues to experience significant rates of [handset] fraud," despite the protections provided by device financing plans); Verizon Reply at 4 (stating that "device fraud has permeated both the postpaid and prepaid segments of the wireless marketplace"); Verizon Apr. 10 *Ex Parte* Attach. at 5.

[43] *See* Verizon Petition at 11 (citing Schwed Decl. ¶¶ 6, 8); *accord* Verizon Reply at 4; Verizon July 31 *Ex Parte* at 2; *Verizon-TracFone* Supplemental Compliance Report at 3 (all describing categories of fraud that Verizon faces). Verizon reports that device fraud increased worldwide by 25% in 2024. *See* Verizon Petition at 10 (citing Verizon Apr. 10 *Ex Parte* Attach. at 3, 5). Given this evidence, we are unpersuaded by Double Perfect's argument, based on a single unsupported assertion in an industry report, that the proportion of device fraud has remained steady in recent years. Double Perfect Comments at 5-6 ("[t]he GSMA's February 2025 State of Affairs Report on Mobile Device states that over the last 10 years, the relative rate of device crime has remained unchanged at 'around 1% of active subscribers'") (quoting GSMA, Mobile Device Theft – State of Affairs Report at 5 (2025), https://www.gsma.com/solutions-and-impact/industry-services/device-services/wp-content/uploads/2025/02/Tackling-device-theft-high-res-FINAL-18-feb-25.pdf (GSMA Report)). We note that the GSMA Report acknowledges that device theft has become "more sophisticated over the last 10 years" with the "adoption and evolution of more sophisticated criminal activity" in that time frame. GSMA Report at 5.

[44] *See, e.g.*, Verizon Communications Inc., Monitoring Compliance with Conditions Imposed in the Verizon-TracFone Transfer of Control Order, WT Docket No. 22-210, 9-12 (June 23, 2025) (reporting that the current unlocking policy has created a competitive disadvantage and heightened fraud risk for Verizon and that there are technical challenges with respect to unlocking devices in Verizon Value's customer base); *Verizon-TracFone* Supplemental Compliance Report at 2-3.

policy of a one-year lock to Verizon's 60-day lock" mandated by the 2019 partial waiver.[45] In this market, handsets are significantly subsidized and no credit check is required, and Verizon has reported exploitation in handset unlocking where handsets have zero or very low usage and are resold on the black market.[46] Verizon details one recent prepaid iPhone scheme in the New York City area where 18,000 discounted iPhone 12, 13, and SE3 handsets were activated on $30 plans with one monthly service payment, were not used, and were later found advertised for sale by handset resellers.[47]

16. Verizon reports that fraud has also increased in the postpaid market in recent years.[48] Verizon notes that the postpaid market offers expensive handsets that are available on credit and that are increasingly compatible with overseas networks, increasing opportunities for criminals to profit from fraudulently obtaining and trafficking these handsets.[49] In its postpaid market, Verizon states that it has seen criminal actors using stolen credentials to pass a credit check through identity theft or synthetic fraud, then default on the payments and resell the handset on the black market.[50]

17. The special circumstances of this case indicate that it is in the public interest to grant Verizon's waiver request because the 60-day unlocking period that Verizon is subject to is insufficient to deter the handset fraud that it is confronting.[51] Verizon states that it "has made extensive efforts to

[45] Verizon July 31 *Ex Parte* at 1. Verizon asserts that its trafficked devices command "a premium of up to $300 or more when sold on the dark web" and that "criminal enterprises profit from selling unlocked devices on the international black market—largely to users in countries such as Russia, China, and Cuba." *Id.* at 1-2. Verizon has explained that fraud it has experienced is often characterized by rapid service plan deactivations. *See* Verizon Petition at 11; *Verizon-TracFone* Supplemental Compliance Report at 3. Further, Verizon cites a Brattle Report to demonstrate that after TracFone reduced its unlocking period from 365 days to 60 days, there was "a sharp increase in the number of TracFone devices that [were] deactivated before making enough payments for Verizon to recover the handset subsidy." Verizon Petition at 12; Verizon Reply at 8-9 (stating that "Verizon has made extensive efforts to combat fraud, but even these efforts have been inadequate to stop the heightened fraud and abuse—and associated criminal activity—that Verizon and its customers face from bad actors"); *see also* Verizon NPRM Comments, Exh. A, Brattle Report at 6 (iOS deactivations after only zero to two payments increased by 55.4% in 2023 after TracFone's change from a one-year unlocking policy to a 60-day policy as a result of the 2021 Verizon-TracFone transaction). While RWA presents a number of explanations (other than fraud) that it contends could have given rise to the increased number of deactivations observed in the Brattle Report (e.g., customer relocations), RWA does not explain why any of these alternatives would be sharply more present after the Verizon-TracFone merger. *See* RWA Comments at 4. We thus find RWA's arguments unpersuasive.

[46] Verizon Apr. 10 *Ex Parte* Attach. at 5. In the prepaid segment, "[c]ustomers typically purchase the [handset] upfront, and carriers like Verizon often significantly discount the purchase price to lower the upfront costs to the customer, with the expectation that the customer will make use of the wireless service for a substantial period of time." Verizon Petition at 11. However, Verizon states that both an outside economic analysis and Verizon's internal data show "a sharp increase in customers purchasing devices and then rapidly leaving within the first few months of service." *Id.* at 12. Verizon asserts that, in the prepaid segment, "[f]raudsters and criminals are abusing the up-front discount by purchasing the devices with no intention of using the service, making the absolute minimum in service payments to get the phone unlocked, and then reselling the device for profit, typically in international black markets." *Id.* at 11.

[47] Verizon Apr. 10 *Ex Parte* Attach. at 7.

[48] Schwed Decl. ¶¶ 6, 10-11; Verizon Reply at 4-5 (describing Verizon's postpaid fraud losses); Verizon Apr. 10 *Ex Parte* Attach. at 5.

[49] Schwed Decl. ¶¶ 6, 10-11; Verizon Reply at 4-5 (describing Verizon's postpaid fraud losses).

[50] Verizon Apr. 10 *Ex Parte* Attach. at 5.

[51] Verizon Petition at 2; *id.* at 10 & n.34 (citing Comcast Corporation Comments, WT Docket 24-186, at 6-9 (filed Sept. 9, 2024) (Comcast NPRM Comments) ("[T]he 60-day period contemplated in the NPRM would not provide wireless providers sufficient opportunity to detect and curtail fraud before they are required to automatically unlock customers' handsets."); AT&T Services, Inc. Comments, WT Docket 24-186, at 36-40 (filed Sept. 9, 2024) (AT&T NPRM Comments) ("Mandated unlocking of not paid-for handsets after a mere 60 days will make it even harder to

(continued….)

combat such fraud, but [that] these efforts have been inadequate to stop the heightened fraud and abuse—and associated criminal activity—that Verizon and its customers face from bad actors."[52] Several industry commenters have also explained that a 60-day period does not provide a sufficient opportunity to detect fraud before unlocking nearly new handsets that are either heavily subsidized or subject to handset financing plans.[53] For example, one provider has explained that it can take multiple billing cycles before it can detect whether someone is engaging in handset trafficking.[54] For heavily subsidized handsets, Verizon has explained that "[t]raffickers can simply purchase devices sold below cost, aggregate them, resell them (often outside the United States), and pocket the subsidy invested by the provider."[55] For these reasons, we are unpersuaded by the arguments of Public Knowledge, RWA, and other commenters that the waiver should be denied in full because the Bureau has already considered Verizon's fraud claims when it granted Verizon a 60-day waiver in 2019.[56] In light of the conditions set forth by the industry, and the evidence in the record, we find that the 60-day unlocking period has not been sufficient to deter handset fraud.

18. We similarly disagree with commenters who contend that Verizon has the tools necessary to combat fraud without the need for the requested waiver.[57] In particular, commenters raise a number of additional steps that they believe Verizon could take to address fraud in place of receiving a further waiver, including pursuing legal or contractual remedies against fraudulent actors, flagging suspicious purchases, denying unlocking when a device shows signs of trafficking, handset blocklisting/blacklisting,

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prevent handset trafficking by increasing the opportunities for bad actors to obtain nearly new unlocked handsets."); T-Mobile USA, Inc. Comments, WT Docket 24-186, at 27-28 (filed Sept. 9, 2024) (T-Mobile NPRM Comments) ("T-Mobile anticipates that a 60-day unlocking rule would result in an increase in fraud by bad actors, trafficking in handsets on the black market, and a rise in identity theft activity.")).

[52] Verizon Reply at 9; *see also* Verizon Petition at 11; *Verizon-TracFone* Supplemental Compliance Report at 1-3; Verizon Reply at 4-5 (citing Verizon NPRM Comments at 10-11; Schwed Decl. at 2-3). Verizon explains that it recently updated its TracFone unlocking policy to restrict the types of customer activities that qualify for unlocking in response to heavy losses it suffered in connection with an iPhone promotion in late 2024 and early 2025. *Verizon-TracFone* Supplemental Compliance Report at 2-3. Verizon contends that the recent changes were required in order to address an uptick in device theft and fraud. *Id.* Verizon asserts that prior to the change, "customers would obtain a heavily subsidized device, activate service for a month, and then promptly disconnect the device—and many of these devices would later show up on the black market." We disagree with commenters that Verizon's recent policy change violates the Bureau's 2019 partial waiver order and find Verizon's actions were warranted to address Verizon's immediate losses. *See*, *e.g.*, Console Enterprises Comments at 5. Further, we agree with Verizon that the gaming or targeting of the handset unlocking policies make Verizon and its customers a target of bad actors, thus undermining Verizon's ability to compete more aggressively to the benefit of legitimate consumers. We agree with Verizon that a waiver is both timely and necessary given the showing Verizon has made in the instant case.

[53] *See, e.g.*, AT&T NPRM Comments at 39 (claiming that 60 days is not enough to detect fraud especially when bad actors use stolen credit cards); NCTA Comments, WT Docket 24-186, at 10-14 (filed Sept. 9, 2024) (noting that a 60-day unlocking period "would enable traffickers to make a greater number of new U.S. originated handsets available and would quickly eliminate the unlocking costs that traffickers must incur, thus increasing the value of, and demand for, U.S.-originated handsets in the criminal markets").

[54] *See* Comcast NPRM Comments at 8 (explaining that due to grace periods that Comcast offers, "an Xfinity Mobile customer's first monthly payment is due 51 days after activation" (emphasis in original) which leaves little time after a first payment is due to determine whether fraud exists and the handset has been trafficked or it is a late payment by a legitimate customer).

[55] Declaration of David Seung-Joon Kim, Exh. B to Verizon NPRM Comments, at 2.

[56] *See, e.g.*, Public Knowledge Comments at 3, 9; RWA Comments at 4; Console Enterprises Comments at 6-7 (requesting that any waiver be limited to the prepaid market).

[57] Verizon Apr. 10 *Ex Parte* Attach. at 2 (noting that "[d]evice locking is one of the few effective tools to address trafficking and deter bad actors").

handset bricking, and the implementation of additional "traditional anti-fraud measures."[58] We find these views unconvincing. Record evidence indicates that Verizon already implements at least some of these measures,[59] and no commenter has provided detailed information establishing how these approaches would work, that they would significantly reduce Verizon's fraud losses, or that Verizon does not already implement them. Given this lack of record evidence, we decline to impose specific new anti-fraud requirements on Verizon that would, as discussed further below, create regulatory asymmetries that could ultimately harm the public interest.

19. We also disagree with the views of Public Knowledge that Verizon's waiver request should be denied since "fraud is not unique to carriers that unlock after 60 days" and that "[c]arriers with much longer locking periods, such as AT&T and T-Mobile, also report high rates of device fraud and trafficking."[60] While fraud is not unique to Verizon, Verizon is unique in being the only nationwide operator required to unlock its handsets in 60 days. We note that the entities that Public Knowledge references have themselves claimed that a specific 60 day unlocking requirement is inadequate to address fraud.[61] Moreover, given the evolving and growing complexity of fraud actors, as detailed in the record, we find it prudent to allow Verizon to exercise its judgment to balance concerns about fraud to its business and its incentive to attract and retain customers.

20. Given the record, we disagree with RWA that there is a lack of evidence that handsets fraudulently obtained in the United States are shipped overseas or resold in domestic black markets.[62] Verizon explains that the globalization of 4G LTE and 5G technologies in recent years has created a ready overseas market for fraudulently obtained handsets, and stolen handsets are frequently sold or distributed to a secondary black market in countries that do not participate in GSMA blocking.[63] Similarly, we reject arguments that we should deny Verizon's waiver request based on commenters' views that other countries, primarily the United Kingdom and Canada, have implemented prohibitions against handset locking without experiencing meaningful increases in fraud.[64] This proceeding is focused

[58] *See, e.g.*, Public Knowledge Comments at 3; RWA Reply at 4; Double Perfect Reply at 4 (advocating for the use of "traditional anti-fraud measures" in place of modifying the current unlocking rule); Alexander Bryant Comments at 1 (describing International Mobile Equipment Identity (IMEI) blacklists); Tango Networks Comments at 2-6 (describing European market anti-fraud practices); Letter from Derek Khanna, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 24-186 et al., at 2 (filed Nov. 18, 2025) (Derek Khanna *Ex Parte*) (describing blacklisting and fraud-prevention systems). Handset bricking is when a handset is remotely made non-functional and unusable and handset manufacturers can use this technique to render a handset inoperable in the event of fraud. *See*, *e.g.*, FCC, *Ten Steps to Smartphone Security*, https://www.fcc.gov/sites/default/files/smartphone_master_document.pdf (last visited Jan. 12, 2026).

[59] *See, e.g.*, Schwed Decl. ¶¶ 10-11 (describing Verizon's participation in blocklists and certain shortcomings of this approach in combating fraud).

[60] Public Knowledge Comments at 3; *see also* Derek Khanna *Ex Parte* at 2 (opining that incentives for handset theft will persist regardless of the duration of a handset unlocking period).

[61] Verizon Petition at 2; *id.* at 10 & n.34 (citing Comcast NPRM Comments at 6-9; AT&T NPRM Comments at 36-40; T-Mobile NPRM Comments at 27-28).

[62] RWA Reply at 3.

[63] Schwed Decl. ¶¶ 6, 11; Verizon Apr. 10 *Ex Parte* Attach. at 3. GSMA blocking refers to the process where a handset's unique IMEI number is added to a central block list, preventing the handset from being used on mobile networks worldwide, typically because the handset was reported lost or stolen. *See* Tango Networks Comments at 3.

[64] RWA Comments at 4; Public Knowledge Comments at 6; Pinal Patel Comments at 1; Letter from Carri Bennet, Outside General Counsel, Stephen Sharbaugh, Regulatory Counsel, RWA, Peter Gregory, Broadband Policy Fellow, Public Knowledge, Hooman Hedayati, Senior Strategic Research Associate for Telecommunications Policy, Communications Workers of America, Michael Calabrese, Director, Wireless Future Program & Senior Advisor,
(continued….)

specifically on Verizon's waiver request and not on more general approaches that would apply to all mobile wireless service providers.

21. *Grant of Waiver is in the Public Interest.* We further find that a deviation from the 60-day unlocking period is in the public interest because it will benefit consumers and address significant and broader public safety issues that stem from Verizon's handset fraud losses. We agree that this waiver "will allow Verizon to continue offering subsidies and other mechanisms to make [handsets] more affordable, lower upfront costs, and enable customers to obtain the latest and most innovative [handsets]."[65] Granting this waiver also allows Verizon to save resources that it can reappropriate to the benefit of all consumers, especially low-income consumers who are more likely to purchase subsidized handsets.[66] As MMTC observes, the 60-day unlocking rule is particularly harmful to low-income communities that depend on service providers "compet[ing] aggressively for price-sensitive consumers through enhanced device subsidies and flexible financing options."[67] This waiver will also allow Verizon to provide offerings through distribution channels that it has been forced to "pull back from" because of fraud.[68] As a result, consumers will have more convenient and accessible ways to obtain handsets. We find that these benefits are in the public interest.[69]

22. This waiver will also address the concerns of numerous law enforcement associations and their advocates that filed in support of Verizon's request. They explain that unlocked handsets facilitate other broader and far-reaching forms of criminal enterprise, including identity theft and drug, weapons, and human trafficking.[70] These commenters also report that the pursuit of handset thieves has cost and risks law enforcement lives, and that identity theft associated with handset fraud requires consumer victims to spend hours addressing the consequences of identity theft.[71] Moreover, these commenters explain that law enforcement currently dedicates significant resources to investigating stolen handset crimes that may span jurisdictions and involve sophisticated criminal networks, rather than focusing on other public safety matters.[72] Further, a law enforcement association states that the handset unlocking rule that Verizon is subject to "has created a huge law-and-order problem" and that a waiver would

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New America's Open Technology Institute, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 24-186, at 4 (filed July 18, 2025).

[65] Verizon Petition at 2.

[66] *See*, *e.g.*, *id.* Given this record evidence, we disagree that there is limited public interest value in ensuring that Verizon can continue to offer handset subsidies and related promotions. *See*, *e.g.*, Alexander Bryant Comments at 1. We similarly disagree that Verizon can easily continue offering handset promotions without regard to its unlocking period. *See, e.g.*, Double Perfect Comments at 1-3.

[67] MMTC Comments at 3.

[68] Verizon July 31 *Ex Parte* at 2.

[69] We thus reject Double Perfect's view that these benefits are not justified in view of their associated costs. Double Perfect Comments at 5-7.

[70] *See*, *e.g.*, Virginia Beach PBA Comments at 1; IUPA Comments at 1, 2; TPPA Comments at 1. Commenters have also noted that Verizon's unlocking requirement has "become a tool exploited by criminal elements engaged in identity theft, drug trafficking, and international phone smuggling operations." TPPA Comments at 1; *see also* OSBI Agents Association Comments at 2 (urging the Commission to grant Verizon's waiver and lock Verizon handsets to "close a significant loophole that currently enables criminal misuse"); Verizon Apr. 10 *Ex Parte* Attach. at 6; Department of Justice, *22 Locals Arrested in Multi-Count Money Laundering and Narcotics Indictments* (Jan. 24, 2025), https://www.justice.gov/usao-sdtx/pr/22-locals-arrested-multi-count-money-laundering-and-narcotics-indictments (describing criminal organizations' leveraging of the cellular phone marketplace to further illegal drug trafficking operations).

[71] *See*, *e.g.*, Leanne Simonsen Comments at 1.

[72] *See*, *e.g.*, IACP Comments at 1; National Sheriffs' Association Comments at 1; Leanne Simonsen Comments at 1.

address this issue.[73] Verizon argues that granting the waiver would deter robberies of its stores which would better "protect [its] customers, employees, and the public."[74]

23. We reject Public Knowledge's argument that device fraud is "a law enforcement issue, not one that should be addressed by permanently locking phones or extending lock durations."[75] As Verizon states, it is not seeking to permanently lock handsets.[76] Further, Verizon is asserting that it can reduce handset fraud by locking handsets for more than 60 days. We do not see a reason why we should deny the requested waiver simply because law enforcement has a role to play in fighting and reducing handset fraud. Law enforcement commenters have convincingly linked our handset unlocking policies and public safety matters on the basis that the current 60 day policy has impacted law enforcement lives[77] and requires that law enforcement entities dedicate significant resources to investigating stolen handsets rather than focus on other public safety matters.[78] We agree with these commenters that granting Verizon's waiver request would appropriately balance consumer access and public safety needs."[79]

24. We are also unpersuaded by the views of commenters who argue that Verizon is likely to implement onerous handset unlocking policies if the waiver request is granted.[80] Verizon emphasizes that it is not seeking to permanently lock handsets, and that consumers are always free to purchase handsets outright that do not come locked or pay off any remaining balance and have the handset unlocked.[81] For these reasons, we reject assertions that waiving the handset unlocking requirement will hurt the secondary handset marketplace or prevent customers from moving to another network if they so desire.[82]

25. With respect to the CTIA Consumer Code's unlocking policies, Verizon has committed to comply with the same unlocking polices that other service providers abide by and, as Verizon points out, these are provisions of general applicability.[83] Other service providers who offer subsidized handsets

[73] NYPD SBA Comments at 2.

[74] Verizon July 31 *Ex Parte* at 2.

[75] Public Knowledge Comments at 3.

[76] Verizon Reply at 9.

[77] *See, e.g.*, Leanne Simonsen Comments at 1.

[78] *See*, *e.g.*, IACP Comments at 1; National Sheriffs' Association Comments at 1; Leanne Simonsen Comments at 1.

[79] *See, e.g.*, TPPA Comments at 2; OSBI Agents Association Comments at 2.

[80] *See, e.g.*, Public Knowledge Comments at 9, 3; Simon Nelson Comments at 1; Ryan Williams Comments at 1.

[81] Verizon Reply at 3, 9-11. With respect to concerns regarding dual-SIM card handsets, Verizon states that "any consumer can purchase an unlocked device on day one if they forego provider subsidies." *Id.* at 3. Further, Verizon states "a customer that initially purchased a locked device may pay off the remaining balance to have it unlocked." *Id.* at 10.

[82] *See* Public Knowledge Comments at 4-6, 9, 11.

[83] Verizon Petition at 4; Verizon Reply at 2, 9. In terms of prepaid handsets, the CTIA Consumer Code provides that service providers "upon request will unlock prepaid mobile wireless devices no later than one year after initial activation, consistent with reasonable time, payment or usage requirements." CTIA Consumer Code, Section 12. For postpaid handsets, the CTIA Consumer Code provides that service providers "upon request will unlock mobile wireless devices or provide the necessary information to unlock devices for their customers and former customers in good standing and individual owners of eligible devices after the fulfillment of the applicable postpaid service contract, device financing plan, or payment of an applicable early termination fee." *Id.* The CTIA Consumer Code also provides that "[w]ithin two business days after receiving a request, carriers will unlock eligible mobile wireless devices, or initiate a request to the OEM to unlock the eligible device, or provide an explanation of why the device does not qualify for unlocking, or why the carrier reasonably needs additional time to process the request." *Id.*

abide by these same principles.[84] We are unpersuaded by Public Knowledge's argument that Verizon's voluntary commitment to the CTIA Unlocking Commitments does not sufficiently protect consumers, claiming that the policies are "vague, contain large carve-outs, and lack enforcement."[85] We recognize that the unlocking principles set forth in the CTIA Code have been developed and retained in place over the course of many years as appropriately balancing industry's need to minimize fraud losses with its incentive to attract and retain customers. We find that, in the context of evaluating this waiver request, they represent an adequate threshold of ensuring Verizon consumers have competitive options and that granting this waiver will not impede those competitive options. We thus decline to limit today's waiver to a period of 180 days.[86] We see no reason why these principles will protect Verizon's customers any less than other service providers' customers. We expect Verizon to uphold its commitment to abide by these handset unlocking principles and ensure that its customers receive the full benefit of these requirements.[87]

26. We further find that granting this waiver is in the public interest because it addresses certain regulatory asymmetries that currently exist in the handset marketplace that impair competition among wireless service providers. With regard to the handset unlocking rules, Verizon will be on the same regulatory footing as the other nationwide mobile service providers who are not subject to a 60-day unlocking requirement for all of their handsets. For this reason, we reject arguments that granting this waiver would send a signal that service providers can evade our regulations[88] or that we should impose on Verizon approaches, such as GSMA blocking[89] and handset bricking,[90] that do not apply to other service providers.[91] Regulatory parity ensures better competition in the handset marketplace, which in turn benefits consumers with more competitive handset offerings. As Public Knowledge states, "[t]he Commission has long recognized that inconsistent unlocking policies can distort competition and harm consumers."[92] NCTA, EchoStar, and RWA acknowledge that Verizon's current unlocking requirements

[84] *See* T-Mobile, Policies Consumer Code, https://www.t-mobile.com/responsibility/consumer-info/policies/consumer-code (last visited Jan. 12, 2026); AT&T, CTIA Consumer Code for Wireless Service, https://www.att.com/support/article/wireless/KM1255524/ (last visited Jan. 12, 2026); *see also* CTIA Consumer Code Letter at 1 (identifying AT&T, T-Mobile, and Verizon Wireless, among other entities, as signatories to the CTIA Consumer Code).

[85] Public Knowledge Comments at 5.

[86] Console Enterprises Comments at 6-7 (advocating that any waiver be limited to 180 days); *see also* NCTA Dec. 3 *Ex Parte* at 1, 3; NCTA Dec. 5 *Ex Parte* at 2-3. We note that while AT&T has implemented a policy of unlocking handsets after 6 months of paid service for prepaid service plans, it can change this policy at any point as long such new policy complies with the CTIA Code, which the company has voluntarily agreed to follow similar to Verizon under this waiver request. AT&T Wireless, *Learn How to Unlock AT&T Phones or Devices*, *AT&T Prepaid*, https://www.att.com/support/article/wireless/KM1008728 (last visited Jan. 12, 2026).

[87] We note that consumers may inform the Commission of handset unlocking compliance issues by contacting the Commission's Consumer Inquiries and Complaints Center. *See* FCC, Consumer Inquiries and Complaints Center, *Phone Form—Descriptions of Complaint Issues*, Equipment, Issues with your phone and related equipment including device unlocking, https://consumercomplaints.fcc.gov/hc/en-us/articles/360001201223-Phone-Form-Descriptions-of-Complaint-Issues (last visited Jan. 12, 2026); *see also* Console Enterprises Comments at 5-6; Double Perfect Comments at 7; Matthew J Ratajczyk Comments at 1; Thomas Knoblauch Comments at 1; Pinal Patel Comments at 2; David Paolino Comments at 1.

[88] Public Knowledge Comments at 8; Dennis Bournique Comments at 1; Thomas Knoblauch Comments at 2; Hari Guhan Comments at 1; Matthew J Ratajczyk Comments at 1.

[89] *See infra* note 63 (describing GSMA blocking).

[90] *See* Tango Networks Comments at 3; *infra* note **Error! Bookmark not defined.** (describing handset bricking).

[91] *See* Tango Networks Comments at 2-6; Double Perfect Reply at 4; Alexander Bryant Comments at 1.

[92] Public Knowledge Comments at 8; *see also* Verizon Reply at 6.

create a distorted playing field that hampers Verizon's ability to compete.[93] This waiver will benefit consumers because it will lessen risks of marketplace distortion. As a result, Verizon will be able to subsidize handsets for legitimate customers in the same manner as other service providers by reducing the need to devote significant resources to fighting handset fraud.[94]

27. Some commenters claim that it would be inequitable to grant Verizon a waiver of this handset unlocking requirement because the company agreed to these requirements when it acquired this spectrum at a substantial financial discount at auction.[95] As noted by Verizon, it has been subject to the handset unlocking rule for the past 18 years.[96] This is a longer period of time than the initial license term for any entity who acquired a 700 MHz license at auction,[97] and we thus find that Verizon will not receive a "windfall" from the Commission if we grant this waiver.[98]

28. We also reject Console Enterprises' argument that we should limit this waiver to Verizon's prepaid handset market.[99] Verizon has presented evidence that fraud has increased in the postpaid market, as described above. Moreover, limiting the waiver to prepaid handsets would mean that Verizon would be subject to a 60-day unlocking requirement for handsets it sells on a postpaid basis, but other nationwide mobile service providers would not. This outcome would be the type of asymmetric regulation that we wish to avoid. Some commenters argue that rather than addressing Verizon's request, the Commission should instead issue an unlocking rule of general applicability.[100] We decline to address this request or other comments that raise issues outside the scope of Verizon's waiver request.[101]

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[93] NCTA Comments at 3-4 (uniform unlocking requirements would promote a level playing field); EchoStar Comments at 2 (the Commission should move forward with a uniform industry-wide unlocking rule); RWA Comments at 2 (the Commission should adopt uniform, industry-wide handset unlocking rules that promote consumer choice and wireless competition); *see also* NCTA Dec. 3 *Ex Parte* at 1-3; Derek Khanna *Ex Parte* at 2.

[94] Verizon Apr. 10 *Ex Parte* at 1 (urging the Commission to quickly establish a level playing field in the industry that permits effective deterrence of device traffickers and fraudsters while still encouraging competition and device subsidies that benefit legitimate consumers); Verizon Sept. 30 *Ex Parte* at 1.

[95] *See*, *e.g.*, Public Knowledge Comments at 8; AT&T NPRM Comments at 33.

[96] *See*, *e.g.*, Verizon Reply, WT Docket 24-186, at 10-12 (filed Sept. 23, 2024).

[97] *See*, *e.g.*, FCC, *Auction 73: 700 MHz Band*, *Fact Sheet*, https://www.fcc.gov/auction/73 (last visited Jan. 12, 2026) (initial license terms for winning bidders of 700 MHz spectrum expire no later than February 17, 2019); *700 MHz Second Report and Order*, 22 FCC Rcd at 15389, paras. 271-273 (2007) (describing initial license term durations).

[98] In adopting the section 27.16(e) handset unlocking rule, the Commission specifically noted that it would apply it in a more limited scope within the 700 MHz Band, noting that it could have "unanticipated drawbacks." *700 MHz Second Report and Order*, 22 FCC Rcd at 15364-65, para. 205.

[99] Console Enterprises Comments at 6.

[100] EchoStar Comments at 2-4; NCTA Comments at 1-4; RWA Comments at 1-4; Cloud Communications Alliance Comments at 1; Console Enterprises Comments at 7; Tango Networks Comments at 2; Public Knowledge Comments at 8-9; Pinal Patel Comments at 1; NCTA Reply at 2-3; RWA Reply at 2-3; Andrew Parker Reply at 1. Additionally, several individual commenters submitted express comments urging importance of a uniform unlocking policy and concerns relating to competition and consumer choice. *See, e.g.*, Alan Garcia Reply Comment; Lauren Abrahamsen Reply Comment; Lennart Luhtaru Reply Comment.

[101] *See, e.g.*, NCTA Comments at 4-5 (raising issues involving the Commission's number portability rules); RWA Comments at 3 (raising concerns that a waiver grant would result in waiver requests by other service providers); Console Enterprises Comments at 3-4, 6-7 (raising issues including "Big Tech," the exercise of government powers, rural America and net neutrality rules); 60 Plus Association Comments at 2; NYPD SBA Comments at 2 (both proposing the elimination of all C Block rules); State AGs Comments at 1 (arguing that the Commission lacks the statutory authority to impose unlocking requirements); Matthew J Ratajczyk Comments at 1 (discussing the availability of non-Verizon unlocked handsets to further criminal activity); Double Perfect Reply at 4, 10-12

(continued….)

29. *Verizon-TracFone Merger Condition*. For the same reasons discussed above, we make clear that this waiver extends to Verizon's 60-day unlocking requirement for TracFone devices activated on the Verizon network, as set forth in the *Verizon-TracFone Order*.[102] Verizon's Petition requests a waiver of the unlocking commitment the Commission adopted as part of Verizon's acquisition of TracFone.[103] Verizon's current obligations with respect to TracFone devices extend directly from its obligations under 700 MHz C Block service rules, and we find no reason to differentiate for purposes of this waiver.

30. The *Verizon-TracFone Order* made clear that Verizon was obligated to "extend its 60-day unlocking policy to all 700 MHz C Block devices purchased from TracFone after closing and activated on the Verizon network" in order "[t]o comply with its 700 MHz C Block license obligations."[104] The handset unlocking service rules applied because Verizon would be providing service to the newly acquired TracFone customers on Verizon's 700 MHz C Block spectrum.[105] The commitments within the *Verizon-TracFone Order* addressed implementation of this handset unlocking obligation to existing and future TracFone customers (e.g., automatic versus manual unlocking, notice to customers).[106]

31. We find that it would be contrary to the public interest to waive only a portion of Verizon's 700 MHz C Block unlocking requirements without addressing the fraud that Verizon has identified in TracFone's prepaid service offerings.[107] We find that the approximate 55% increase in fraud that Verizon reported following the TracFone acquisition is significant and warrants urgent action on the part of the Bureau to allow Verizon the flexibility to address the fraudulent activities.[108] We disagree with RWA that the record demonstrates a mere business risk rather than fraud.[109] We also disagree with commenters like Public Knowledge that granting this waiver undermines the merger review process.[110] We note that during the merger review process, Verizon expressed concern that the C Block obligations

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(discussing Verizon & AT&T eSIM technology and different policy changes prior to a rulemaking); Public Knowledge Comments at 5, 12; Cloud Communications Alliance Comments at 1-2; Tango Networks Comments at 2 (all raising issues involving dual and multi SIM card handsets).

[102] *Verizon-TracFone Order*, 36 FCC Rcd at 16996, 17040-41, 17045, paras. 8, 123-25, 144.

[103] Verizon Petition at 1, 19.

[104] *Verizon-TracFone Order*, 36 FCC Rcd at 17045, para. 144; *id.* at 17039, para. 122 & n.363 (stating that "[t]he Applicants acknowledge that Verizon's 700 MHz C Block license requirements prohibit C Block licensees—including Verizon—from 'locking' handsets that use 700 MHz C Block frequencies, or otherwise block or restrict customers' use of applications on those devices") (citing 47 CFR § 27.16(e); *700 MHz Second Report and Order*, 22 FCC Rcd at 15358-74, paras. 189-230 (2007)).

[105] As noted in the *Verizon-TracFone Order*, no commenters raised concerns with respect to handset unlocking during the course of the merger proceeding. *Verizon-TracFone Order*, 36 FCC Rcd at 17040, para. 124.

[106] *Id.* at 17045, para. 144.

[107] *Verizon-TracFone* Supplemental Compliance Report at 2-4; Verizon July 31 *Ex Parte* at 1-2.

[108] Verizon July 31 *Ex Parte* at 1-2.

[109] RWA Comments at 4.

[110] Public Knowledge Comments at 7 (stating that waivers are not a mechanism for policy change and are limited exceptions to be granted only when justified by unique circumstances). Additionally, we note that the Bureau's waiver is consistent with precedent and the Bureau's delegation of authority to make public interest determinations consistent with our authority. *See Applications of Liberty Latin America Ltd. and DISH Network Corporation For Consent To Assignment of Spectrum Licenses, Assets, and Customers of DISH Network Corporation to Liberty Latin America Ltd. in Puerto Rico and the U.S. Virgin Islands*, Memorandum Opinion and Order, 39 FCC Rcd 8772, 8791, para. 48 & n.159 (2024).

posed technical challenges and constraints for TracFone devices.[111] Verizon explained that TracFone offered devices with proprietary security features that prevent unauthorized unlocking to protect its investment in these devices and stem the risk of loss through fraud or arbitrage.[112] Verizon asserted that the 700 MHz C Block unlocking obligations posed a significant risk that opportunists would acquire heavily discounted devices and sell them or take them elsewhere, diverting subsidies intended to help customers obtain wireless service.[113] We find that a waiver is necessary in this unique case to stem fraud, particularly with the acquisition of TracFone prepaid customers, aimed at targeting the unlocking requirement.

32. *Prospective Application of the Waiver*. This waiver is effective upon release and, as requested by Verizon, will remain in effect until such time as the Commission decides on an appropriate industry-wide approach for the unlocking of handsets.[114] The terms of this waiver apply to all handsets that become active on Verizon's network beginning the day after the release date of this Order. The prospective application of this waiver will minimize customer confusion and interference with existing contractual arrangements and service agreements. Upon the release of this waiver, Verizon has stated that it will change its unlocking policies to follow those set out in the CTIA Consumer Code.

IV. ORDERING CLAUSES

33. Accordingly, IT IS ORDERED, pursuant to section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and sections 0.131, 0.331, and 1.3 of the Commission's rules, 47 CFR §§ 0.131, 0.331, 1.3, that the Verizon Request for Waiver IS GRANTED to the extent indicated herein.

34. IT IS FURTHER ORDERED that this Order IS EFFECTIVE upon release and will remain in effect until such time as the Commission decides on an appropriate industry-wide approach for the unlocking of handsets.

FEDERAL COMMUNICATIONS COMMISSION

Joel Taubenblatt
Chief, Wireless Telecommunications Bureau

[111] Response to Information and Document Request by Verizon, GN Docket 21-112, at 58-59 (May 14, 2021).

[112] Verizon Nov. 3, 2021 *Ex Parte* at 2.

[113] *Id.* at 3.

[114] Verizon Petition at 19 (requesting "a waiver of section 27.16(e) and the unlocking commitment that the Commission adopted as a condition in approving Verizon's acquisition of TracFone until such time as the Commission decides on an appropriate industry-wide approach for the unlocking of wireless devices.").

PUBLIC NOTICE

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DA 26-44
Released: January 13, 2026

DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF CODECOM, LLC D/B/A OPTIVON

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 25-345

Comments Due: January 27, 2026
Reply Comments Due: February 3, 2026

By this Public Notice, the Wireline Competition Bureau seeks comment from interested parties on an application[1] filed by The Luis G. Romero Trust dated November 28, 2018 (Trust) and José Jaime Romero (together, Applicants), pursuant to section 214(a) of the Communications Act of 1934, as amended, and section 63.03-04 of the Federal Communication Commission's (Commission) rules,[2] requesting consent to transfer control of Codecom, LLC d/b/a Optivon (Codecom) from the Trust to José Jaime Romero.

Codecom, a Puerto Rico limited liability company, provides telecommunications services primarily to businesses in Puerto Rico.[3]

The Trust is a revocable trust created under the laws of the State of Florida.[4] Luis G. Romero, a U.S. citizen, is the sole grantor and trustee and exercises 100% control over the Trust.[5] The Trust currently holds 92.577% of the issued and outstanding membership interests of Codecom.[6]

José Jaime Romero, a U.S. citizen, currently holds the remaining 7.423% membership interest in Codecom.[7] José Jaime Romero currently serves as President of Codecom, as appointed by Luis Romero.[8]

Pursuant to the terms of the proposed transaction, the Trust will sell and transfer its 92.577% of

[1] Domestic Section 214 Application Filed for the Transfer of Control of CodeCom, LLC d/b/a Optivon, WC Docket No. 25-345 (filed Dec. 9, 2025) (Application). Applicants also filed applications for the transfer of authorizations associated with international services. Any action on the Application is without prejudice to Commission action on other related, pending applications.

[2] *See* 47 U.S.C. § 214(a); 47 CFR § 63.03-04.

[3] Application at 2.

[4] *Id*.

[5] *Id*.

[6] *Id*.

[7] *Id*.

[8] *Id*.

membership interests back to Codecom, in total redemption of its membership interests.[9] With this proposed transfer, Applicants contend that the Trust's membership interests would be retired and José Jaime Romero, by retaining his prior minority membership interest in Codecom, would be the only remaining interest holder in Codecom.[10] As a result, Applicants state that José Jaime Romero will hold 100% of the issued and outstanding membership interests of Codecom, placing him in control of Codecom.[11]

Applicants assert that a grant of the Application would serve the public interest, convenience, and necessity.[12] We accept the Application for streamlined processing under section 63.03(b)(1)(ii) of the Commission's rules.[13]

Domestic Section 214 Application Filed for the Transfer of Control of CodeCom, LLC d/b/a Optivon, WC Docket No. 25-345 (filed Dec. 9, 2025).

GENERAL INFORMATION

The transfer of control 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 transfer 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. Pursuant to section 63.52 of the Commission's rules, 47 CFR § 63.52, commenters must serve a copy of comments on the Applicants no later than the above comment filing date. Unless otherwise notified by the Commission, the Applicants may transfer control on the 31st day after the date of this notice.

Pursuant to section 63.03 of the Commission's rules, 47 CFR § 63.03, interested parties must file comments using the Commission's Electronic Comment Filing System (ECFS): https://www.fcc.gov/ecfs.

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).

In addition, e-mail one copy of each pleading to each of the following:

1) Megan Danner, Competition Policy Division, Wireline Competition Bureau, megan.danner@fcc.gov;
2) Fara Mohsenikolour, Office of International Affairs, fara.mohsenikolour@fcc.gov; and
3) 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

[9] *Id*. at 3.

[10] *Id*.

[11] *Id*.

[12] *Id*. at 3-4.

[13] 47 CFR § 63.03(b)(1)(ii).

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.[14] 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 Megan Danner, Competition Policy Division, Wireline Competition Bureau, at (202) 418-1151.

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[14] *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 26-45
Released: January 13, 2025

DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF EPIC TOUCH CO., INC. AND ELKHART TELEPHONE COMPANY, INC. TO IDEATEK TELECOM, LLC

NON-STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 25-301

Comments Due: January 27, 2026
Reply Comments Due: February 3, 2026

By this Public Notice, the Wireline Competition Bureau seeks comment from interested parties on an application filed by the Bob Boaldin Revocable Trust, Dian Boaldin Revocable Trust, Bob Boaldin Irrevocable Epic Trust, and Dian Boaldin Irrevocable Epic Trust (collectively, the Trusts) and IdeaTek Telcom, LLC (IdeaTek, together with the Trusts, Applicants), pursuant to section 214(a) of the Communications Act of 1934, as amended, and section 63.04 of the Federal Communication Commission's (Commission) rules,[1] requesting consent for the transfer of control of Epic Touch Co., Inc. (Epic Touch) and its wholly-owned subsidiary, Elkhart Telephone Company, Inc. (Elkhart), from the Trusts to IdeaTek.[2]

The Trusts, all organized under the laws of Alaska, wholly own Epic Touch, a Kansas corporation and holding company that does not provide domestic telecommunications services.[3] Epic Touch wholly owns Elkhart, also a Kansas corporation, that provides service as a rural incumbent local exchange carrier (LEC) in and around the community of Elkhart, Kansas, which also includes a small portion of northwest Oklahoma.[4]

IdeaTek, a Kansas limited liability company, provides interstate and intrastate local exchange and interexchange telecommunications services, along with broadband services, to residences and businesses

[1] *See* 47 U.S.C. § 214(a); 47 CFR § 63.04.

[2] Domestic Section 214 Application for the Transfer of Control of Epic Touch Co., Inc. and Elkhart Telephone Company to IdeaTek, WC Docket No. 25-301 (filed Sept. 29, 2025) (Application). On December 18, 2025, Applicants filed a supplement to the Application. Letter from Stephen E. Coran, Counsel for IdeaTek Telecom, LLC, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 25-301 (filed Dec. 18, 2025) (Supplement). Any action on the domestic 214 application is without prejudice to Commission action on other related applications.

[3] Application at 2.

[4] *Id.* Applicants state that Elkhart is designated as an Eligible Telecommunications Carrier (ETC) and that it receives Connect America Fund-Broadband Loop Support (CAF-BLS) and High-Cost Loop Support. *Id.* at 2 and 9; *see also id.* at 14; Supplement at 1 (Elkhart also provides service in Oklahoma). Applicants state that, due to the de minimis area served, the Oklahoma Corporation Commission does not regulate Elkhart's services, and neither Epic Touch nor Elkhart receives high-cost support for any area of Oklahoma. Supplement at 1.

in rural Kansas and Missouri, via fiber optic and fixed wireless technologies.[5] IdeaTek is directly, wholly owned by IdeaTek Holdings, LLC (IT Holdings), a Kansas limited liability and holding company, which, in turn, is directly wholly owned by LDI, a Delaware limited liability company and investment fund.[6] LDI is indirectly and wholly owned by Last Dance Holdings, L.P. (Last Dance Holdings), a Delaware limited partnership and investment fund.[7] Last Dance Holdings is primarily owned and controlled by funds and entities affiliated with Oak Hill Capital Management (Oak Hill)[8] and Pamlico Capital Management (Pamlico), which are private equity funds based in the United States.[9] Applicants state that the equity in the Oak Hill and Pamlico funds is held through passive limited (and insulated) partnership interests held by numerous, primarily U.S.-based investors, including individuals, trusts, institutions, and business entities, and that control of these funds ultimately rests in U.S.-organized entities or citizens.[10]

Pursuant to the terms of the proposed transaction, IdeaTek will acquire all of the outstanding voting and equity interests in Epic Touch, and thus all of the outstanding voting and equity interests of the Trusts. Applicants assert, upon consummation of the proposed transaction, Elkhart will become a wholly-owned subsidiary of IdeaTek and an indirect, wholly owned subsidiary of Last Dance Intermediate III, LLC (LDI), a Delaware limited liability company, that is primarily owned and controlled by funds and entities affiliated with Oak Hill and Pamlico.[11]

Applicants assert that a grant of the Application would serve the public interest, convenience, and necessity.[12]

No Referral to Executive Branch Agencies: The Commission determined in the *Executive Branch Review Process Order* that it would not routinely refer to the Executive Branch "standalone

[5] Applicants state that IdeaTek operates primarily in Kansas, where it is authorized to provide local exchange and interexchange services and is designated as an ETC. *Id.* at 3. IdeaTek is also authorized to provide local exchange, interexchange, and interconnected Voice over Internet Protocol services in Missouri. *Id.* IdeaTek also holds approximately 75 wireless non-common carrier licenses issued by the Commission. *Id.* Applicants state that IdeaTek currently receives CAF Phase II, and Rural Digital Opportunity Fund (RDOF) support. *Id.* at 3-4 and 9.

[6] *Id.* at 13.

[7] *Id.*

[8] Application at 13; *see also* Supplement (Revised Current Ownership Structure of IdeaTek Telecom, LLC) at 2; Application, Exh. B (Post-Transaction Ownership Structure) at 5-6. Applicants provide information on various providers of domestic telecommunications services that are affiliates of Last Dance Holdings and Oak Hill. Application at 13-16.

[9] *Id.* at 13.

[10] *Id.* Following the consummation of the proposed transaction, the following Delaware entities and U.S. citizens will hold a 10% or greater interest in Last Dance Holdings: (1) OHDOP Last Dance Aggregator, L.P. (OHDOP Last Dance Aggregator) (approximately 41.03% equity and voting); (2) Pamlico Last Dance Aggregator, L.P. (Pamlico Last Dance Aggregator) (approximately 32.24% equity and voting); and (3) George A. Pfenenger (approximately 12.82% equity and voting). Supplement (Revised Current Ownership Structure of IdeaTek Telecom, LLC) at 4. The general partner of Last Dance Holdings will be Last Dance Holdings GP, LLC, in which OHDOP Last Dance Aggregator and Pamlico Last Dance Aggregator will each hold 50% of the voting and equity interest. *Id.* OHDOP Last Dance Aggregator is ultimately held by Scott A. Baker, Brian N. Cherry, Benjamin Diesbach, Stratton R. Heath, III, John R. Monsky, Steven G. Puccinelli, and Tyler J. Wolfman, each of whom are U.S. citizens. Application, Exh. B at 9. Pamlico Last Dance Aggregator is ultimately held by Scott B. Perper, L. Watts Hamrick III, Frederick W. Eubank II, Arthur C. Roselle, Scott R. Stevens, Walker C. Simmons, and Eric J. Wilkins, each U.S. citizens. *Id.*, Exh. B at 10.

[11] Application at 4. Applicants state that, in addition to the transfer of control and in connection with the proposed transaction, Elkhart will convert to a Kansas limited liability company immediately before closing, and Epic Touch will convert to a Delaware limited liability company immediately after closing. *Id.* at 1-2.

[12] *Id.* at 5-8.

applications to transfer control of domestic section 214 authority."[13] The Commission, however, retains the discretion to refer a domestic-only section 214 transaction should it find that a particular application may raise national security, law enforcement, foreign policy, or trade policy concerns for which it would benefit from the advice of the Executive Branch.[14] Applicants state that the Application involves the transfer of control of carriers that hold only domestic section 214 authority and that ownership and control of IdeaTek ultimately rests with U.S. citizens or entities.[15] Applicants therefore assert that, consistent with the decision in the *Executive Branch Review Process Order*, the Application does not require a referral to the Executive Branch.[16] We do not find any special circumstances that warrant referral of this Application to the Executive Branch agencies. While we are not referring the Application, we will provide a courtesy copy of this public notice to the Executive Branch agencies.[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 Transfer of Control of Epic Touch Co., Inc. and Elkhart Telephone Company, Inc. to IdeaTek Telecom, LLC, WC Docket No. 25-301 (filed Sept. 29, 2025).

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

[13] *Process Reform for Executive Branch Review of Certain FCC Applications and Petitions Involving Foreign Ownership*, IB Docket No. 16-155, Report and Order, 35 FCC Rcd 10927, 10936, para. 25 (2020) (*Executive Branch Review Process Order*).

[14] *Id*.

[15] Application at 20.

[16] *Id*.

[17] *See Executive Branch Review Process Order*, 35 FCC Rcd at 10941, para. 36 n.99; *see also id*. at 10939, para 30 n.81.

[18] 47 CFR §63.03(c)(1)(v).

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.

In addition, e-mail one copy of each pleading to each of the following:

1) Gregory Kwan, Competition Policy Division, Wireline Competition Bureau, gregory.kwan@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.[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 Gregory Kwan, Competition Policy Division, Wireline Competition Bureau, at (202) 418-1191 or gregory.kwan@fcc.gov.

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[19] *See* 47 CFR § 1.45(c).

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 26-46
Released: January 13, 2026

COMMENTS INVITED ON CENTURYLINK'S SECTION 214 APPLICATION TO DISCONTINUE DOMESTIC LEGACY VOICE SERVICE AS PART OF A TECHNOLOGY TRANSITION

WC Docket No. 26-8

Comments Due: January 28, 2026

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 **February 13, 2026**, 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

[1] 47 CFR § 63.71.

[2] 47 U.S.C. § 214.

[3] 47 CFR § 63.71.

[4] *See* 47 CFR § 63.71(f)(1) (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"); *see also* 47 CFR § 63.71(f)(2)(i) (stating that "[a]n application to discontinue, reduce, or impair an existing retail service as part of a technology transition, as defined in § 63.60(i), may be automatically granted… if: The applicant provides affected customers with the notice required under paragraph (a)(6) of this section, and the application contains the showing or certification described in § 63.602(b)"); *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84, Order, DA 25-248, para. 6 (WCB Mar. 20, 2025) (waiving the Adequate Replacement Test's "single replacement service" requirement for a period of two years when a carrier seeks to discontinue a legacy voice service pursuant to section 214(a), thereby allowing carriers to satisfy all three prongs of the Adequate Replacement Test with a bundled service); *Technology Transitions*, GN Docket No. 13-5, Order on Clarification, DA 25-250, para. 6 (WCB Mar. 20, 2025) (clarifying the applicability of the testing methodology and parameters required for meeting the streamlining criteria when a carrier submits a technology transition discontinuance application relying on the "totality of the circumstances" under the Adequate Replacement Test)).

authorized to discontinue service ("Authorized Date"). Any applicant whose application has been deemed granted may discontinue their Affected Service(s) in their Service Area(s) on or after the authorized discontinuance 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 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 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 the application listed in the Appendix must be filed with the Commission on or before **January 28, 2026**. Comments should refer to the specific WC Docket No. and Comp. Pol. File No. listed in the Appendix for the Section 214 Discontinuance Application. 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). *Electronic Filers*: Comments may be filed electronically using the Internet by accessing the ECFS: https://www.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.

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.

This proceeding shall be treated as a "permit-but-disclose" proceeding in accordance with 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

[5] 47 CFR § 1.1200 *et seq*.

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 Consumer & Governmental Affairs Bureau at 202-418-0530.

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/general/domestic-section-214-discontinuance-service.

– FCC –

Appendix

1) **Applicant(s): CenturyLink of Florida, Inc.**
WC Docket No. 26-8, Comp. Pol. File No. 2091
Link – https://www.fcc.gov/ecfs/search/search-filings/results?q=(proceedings.name:(%2226-8%22))
Affected Service(s) – legacy voice service
Service Area(s) – in portions of Kenansville, Florida, as specified in the application
Authorized Date(s) – on or after March 31, 2026
Contact(s) – Kimberly Jackson, (202) 418-7393 (voice), Kimberly.Jackson@fcc.gov, of the Competition Policy Division, Wireline Competition Bureau

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

In the Matter of	)	
	)	
Applications for Consent to the Transfer of Control of TEGNA Inc. to Nexstar Media Inc.	)	MB Docket No. 25-331
	)	
	)	
	)	
	)	
	)	
	)	

PROTECTIVE ORDER

Adopted: January 13, 2026 **Released: January 13, 2026**

By the Acting Chief, Media Bureau:

1. In this Protective Order, we set forth procedures to (i) limit access to proprietary or confidential information that has been or may be filed in this proceeding, and (ii) more strictly limit access to certain particularly competitively sensitive information, which, if released to competitors or those with whom the Submitting Party or a Third-Party Interest Holder does business, would allow those persons to gain a significant competitive advantage or an advantage in negotiations. The information submitted by participants in this proceeding and information we request as relevant and material to the issues raised constitute the record on which the Commission must base its determinations. While we are mindful of the sensitive nature of some of the information involved, we are also mindful of the general right of the public, and our desire for the public, to participate in this proceeding in a meaningful way. We find that allowing limited access to competitively sensitive materials pursuant to the procedures set forth in this Protective Order allows the public (through appropriate representatives) to do so while also protecting competitively sensitive information from improper disclosure and use. Accordingly, sensibly balancing the public and private interests involved, we conclude that these procedures serve the public interest and adopting them "best conduce[s] to the proper dispatch of the Commission's business and to the ends of justice."[1]

2. *Definitions.* As used herein, capitalized terms not otherwise defined in this Protective Order shall have the following meanings:

"Acknowledgment" means the Acknowledgment of Confidentiality attached as Appendix B hereto.

"Competitive Decision-Making" means a person's activities, association, or relationship with any of his or her clients involving advice about or participation in the relevant business decisions or the analysis underlying the relevant business decisions of the client in competition with or in a business relationship with the Submitting Party or with a Third-Party Interest Holder.

"Confidential Information" means information that is not otherwise available from publicly available sources and that is subject to withholding under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and the Commission's implementing rules, unless the Commission determines, sua sponte

[1] 47 U.S.C. § 154(j).

or by request pursuant to paragraph 4 of this Protective Order or Sections 0.459 or 0.461 of its rules,[2] that such information is not entitled to confidential treatment.

"Counsel" means In-House Counsel and Outside Counsel of Record.

"Document" means any written, recorded, electronically stored, or graphic material, whether produced or created by the Submitting Party or another person.

"Highly Confidential Information" means information that is not otherwise available from publicly available sources; that the Submitting Party has kept strictly confidential; that is subject to withholding under the FOIA and the Commission's implementing rules; and that the Submitting Party or a Third-Party Interest Holder claims constitutes some of its most sensitive business data which, if released to competitors or those with whom the Submitting Party or Third-Party Interest Holder does business, would allow those persons to gain a significant advantage in the marketplace or in negotiations; and that is described in Appendix A to this Protective Order, as the same may be amended from time to time, unless the Commission determines, *sua sponte* or by request pursuant to paragraph 4 of this Protective Order or Sections 0.459 or 0.461 of its rules, that any such information is not entitled to confidential treatment.

"In-House Counsel" means an attorney employed by a Participant in this proceeding or employed by an affiliated entity and who is actively engaged in the conduct of this proceeding, provided that such attorney is not involved in Competitive Decision-Making. (In this regard, an In-House Counsel's employer is considered his or her client.)

"Outside Counsel of Record" or "Outside Counsel" means the attorney(s), firm(s) of attorneys, or sole practitioner(s), as the case may be, retained by a Participant in this proceeding, provided that such attorneys are not involved in Competitive Decision-Making. The term "Outside Counsel of Record" includes any attorney employed by a non-commercial Participant in this proceeding, provided that such attorney is not involved in Competitive Decision-Making.

"Outside Consultant" means a consultant or expert retained for the purpose of assisting Outside Counsel or a Participant in this proceeding, provided that such consultant or expert is not involved in Competitive Decision-Making. The term "Outside Consultant" includes any consultant or expert employed by a non-commercial Participant in this proceeding, provided that such consultant or expert is not involved in Competitive Decision-Making.

"Outside Firm" means a firm, whether organized as a partnership, limited partnership, limited liability partnership, limited liability company, corporation, or otherwise, of Outside Counsel or Outside Consultants.

"Participant" means a person or entity that has filed, or has a good faith intention to file, an application, petition to deny, or material comments in this proceeding.

"Redacted Confidential Document" means a copy of a Stamped Confidential Document where the Confidential Information has been redacted.

"Redacted Highly Confidential Document" means a copy of a Stamped Highly Confidential Document where the Highly Confidential Information has been redacted.

"Reviewing Party" means a person who has obtained access to Confidential Information (including Stamped Confidential Documents) or Highly Confidential Information (including Stamped Highly Confidential Documents) pursuant to paragraphs 7 or 12 of this Protective Order.

"Stamped Confidential Document" means any document, or any part thereof, that contains Confidential Information and that bears the legend (or which otherwise shall have had the legend recorded upon it in a way that brings its attention to a reasonable examiner) "CONFIDENTIAL

[2] 47 CFR §§ 0.459, 0.461.

INFORMATION – SUBJECT TO PROTECTIVE ORDER IN MB DOCKET No. 25-331 BEFORE THE FEDERAL COMMUNICATIONS COMMISSION." By designating a document a "Stamped Confidential Document," a Submitting Party signifies and represents that it contains Confidential Information.

"Stamped Highly Confidential Document" means any document, or any part thereof, that contains Highly Confidential Information and that bears the legend (or which otherwise shall have had the legend recorded upon it in a way that brings its attention to a reasonable examiner) "HIGHLY CONFIDENTIAL INFORMATION – SUBJECT TO PROTECTIVE ORDER IN MB Docket No. 25-331 BEFORE THE FEDERAL COMMUNICATIONS COMMISSION." By designating a document a "Stamped Highly Confidential Document," a Submitting Party signifies and represents that it contains Highly Confidential Information.

"Submitting Party" means a person or entity who submits a Stamped Confidential Document or a Stamped Highly Confidential Document.

"Support Personnel" means employees of a Reviewing Party's Outside Firm and third-party contractors and employees of third-party contractors who are assisting in this proceeding, provided such persons are involved solely in performing clerical or ministerial functions with regard to documents and information connected with this proceeding, including performing one or more aspects of organizing, filing, coding, converting, storing, or retrieving documents or data or designing programs for handling data connected with this proceeding.

"Third-Party Interest Holder" means a person who is not a Submitting Party who has a confidentiality interest in Confidential Information or Highly Confidential Information that is submitted under this Protective Order.

3. *Designation of Information as Confidential or Highly Confidential.* A Submitting Party may designate as Highly Confidential only those types of information described in Appendix A. If a Submitting Party believes that additional types of information should be designated as Highly Confidential, the Submitting Party shall submit a request to amend this order along with a supporting explanation. To the extent the request is granted, an amended order will be issued. In addition, before a Submitting Party may designate particular documents or information as Highly Confidential, it must receive the written approval of the Commission staff, which, based on the Submitting Party's representations, will make a preliminary determination whether the proposed designation meets the requirements set forth in this Protective Order. By designating documents and information as Confidential or Highly Confidential under this Protective Order, a Submitting Party also will be deemed to have submitted a request that the material not be made routinely available for public inspection under the Commission's rules.[3]

4. *Challenge to Designation*. Any person wishing to challenge the designation of a document, portion of a document, or information as Confidential or Highly Confidential must file such a challenge at the Commission and serve it on the Submitting Party and any known Third-Party Interest Holders. The Commission may also initiate such a review on its own. The Submitting Party and any Third-Party Interest Holders must file any reply within five business days and include a justification for treating the information as Confidential or Highly Confidential, as appropriate. The documents and information challenged will continue to be accorded confidential treatment until the Commission acts on the request and any timely motion for a judicial stay has been acted upon.[4] Any decision on whether the materials should be accorded confidential treatment does not constitute a resolution of the merits

[3] *See* 47 CFR § 0.459(a).

[4] *Cf.* 47 CFR §§ 0.459(g), 0.461(i).

concerning whether such information would be released publicly by the Commission upon an appropriate request under our rules implementing the FOIA.[5]

5. *Submission of Stamped Confidential Documents and Stamped Highly Confidential Documents.* A Submitting Party shall submit to the Secretary's Office one copy of each Stamped Confidential Document and each Stamped Highly Confidential Document it seeks to file and an accompanying cover letter. Before doing so, the Submitting Party shall notify any known Third-Party Interest Holders who have a confidentiality interest in any such Stamped Confidential Document or Stamped Highly Confidential Document. Each page of the Stamped Confidential Document or Stamped Highly Confidential Document shall be stamped "CONFIDENTIAL INFORMATION – SUBJECT TO PROTECTIVE ORDER IN MB DOCKET NO. 25-331 BEFORE THE FEDERAL COMMUNICATIONS COMMISSION" or "HIGHLY CONFIDENTIAL INFORMATION – SUBJECT TO PROTECTIVE ORDER IN MB DOCKET NO. 25-331 BEFORE THE FEDERAL COMMUNICATIONS COMMISSION", as appropriate. The cover letter also shall contain this legend. In addition, with respect to each Stamped Confidential Document and each Stamped Highly Confidential Document submitted, the Submitting Party shall also file through the Commission's Electronic Comment Filing System ("ECFS") a copy of the respective Redacted Confidential Document or Redacted Highly Confidential Document and an accompanying cover letter.[6] Each Redacted Confidential Document or Redacted Highly Confidential Document shall have the same pagination as the Stamped Confidential Document or Stamped Highly Confidential Document from which it is derived. Each page of the Redacted Confidential Document or Redacted Highly Confidential Document and the accompanying cover letter shall be stamped "REDACTED – FOR PUBLIC INSPECTION." To the extent that any page of the filing contains both Confidential Information or Highly Confidential Information and non-confidential information, only the Confidential Information and Highly Confidential Information may be redacted and the page of the unredacted filing shall clearly distinguish among the Confidential Information, the Highly Confidential Information, and the non-confidential information. In addition, copies of each Stamped Confidential Document and Stamped Highly Confidential Document and the accompanying cover letter shall be delivered, as directed by Commission staff, to David Brown, David.Brown@fcc.gov, Chris Robbins, Chris.Robbins@fcc.gov, and Emily Harrison, Emily.Harrison@fcc.gov, Media Bureau, Federal Communications Commission, 45 L Street, N.E., Washington, D.C. 20554.

6. *Copying Sensitive Documents*. If, in the reasonable judgment of the Submitting Party, a Stamped Highly Confidential Document contains information so sensitive that copying of it should be restricted, the Submitting Party may mark the document with the legend "Additional Copying Restricted." Subject to the provisions for access to information in electronic format in paragraph 10, each Outside Firm shall receive only one copy of the document and no more than two additional copies, in any form, shall be made. Application for relief from this restriction against further copying may be made to the Commission, with notice to Counsel of Record for the Submitting Party, which will be granted only for cause.

7. *Procedure for Obtaining Access to Confidential Information and Highly Confidential Information.* Access to Highly Confidential Information (including Stamped Highly Confidential Documents) is limited to Outside Counsel of Record, Outside Consultants, their employees and employees of their Outside Firms, and Support Personnel. Any person other than Support Personnel seeking access to Confidential Information or Highly Confidential Information subject to this Protective Order shall sign and date the Acknowledgment agreeing to be bound by the terms and conditions of this Protective Order, and file the Acknowledgment with the Commission. A copy of the Acknowledgment also shall be delivered to the relevant Submitting Party through its Counsel of Record and any known

[5] *See* 47 CFR §§ 0.459(h), 0.461.

[6] If a party is not able to submit a copy of the Redacted Confidential Document or Redacted Highly Confidential Document via ECFS, it must file two copies of the Redacted Confidential Document or Redacted Highly Confidential Document with the Secretary's Office along with the appropriately stamped cover letter.

Third-Party Interest Holders through counsel so that it is received at least five business days prior to such person's reviewing or having access to the Submitting Party's Confidential Information or Highly Confidential Information. Where there are multiple Submitting Parties or Third-Party Interest Holders, a copy of the Acknowledgment must be served on each within the time period stated above.

8. *Procedure for Objecting to the Disclosure of Confidential Information and Highly Confidential Information to a Potential Reviewing Party.*[7] Each Submitting Party and Third-Party Interest Holder shall have an opportunity to object to the disclosure of its Confidential Information or Highly Confidential Information to a person seeking to review that information pursuant to this Protective Order. A Submitting Party or Third-Party Interest Holder must file any such objection at the Commission and serve it on counsel for the person seeking access within three business days after receiving a copy of that person's Acknowledgment. Persons filing Acknowledgments shall not have access to Confidential Information or Highly Confidential Information before the period for filing objections has passed, unless both the Submitting Party and any known Third-Party Interest Holders waive this requirement. If a Submitting Party files additional documents containing Confidential Information or Highly Confidential Information, the Submitting Party shall notify any known Third-Party Interest Holders who have a confidentiality interest in the information before filing the additional documents. The Submitting Party shall file any objection to the disclosure of that additional Confidential Information or Highly Confidential Information to any Reviewing Party before or contemporaneous with the filing, and any Third-Party Interest Holder shall file any such objection as promptly as practicable. Until any timely objection is resolved by the Commission in favor of the person seeking access and, if a motion for a judicial stay is timely filed, until such a motion is acted upon, a person subject to an objection shall not have access to the relevant Confidential Information or Highly Confidential Information.[8] If an objection is not timely filed with the Commission, the Commission will nonetheless consider the objection and retains its discretion to prohibit further access to Confidential Information or Highly Confidential Information by the Reviewing Party until the objection is resolved.

9. *Review of Stamped Confidential Documents and Stamped Highly Confidential Documents.* A Submitting Party shall make available for review the Stamped Confidential Documents and Stamped Highly Confidential Documents of such party at the offices of the party's Outside Counsel of Record. Subject to the provisions of paragraph 6, a Reviewing Party shall be provided the following alternatives: (1) a Reviewing Party shall be provided adequate opportunity to inspect the documents on site; (2) a Reviewing Party may inspect the documents on site with the ability to request copies, at cost, of some or all of the documents; or (3) a Reviewing Party may request a complete set of the documents at cost, allowing two business days after the request is made for receipt of the copies. If a Reviewing Party plans on requesting a complete set of documents, it is encouraged to make such a request at the time it submits the Acknowledgment to allow it the opportunity to begin reviewing the documents at the end of the five-day period referred to in paragraph 7. All copies of documents that are removed from the Submitting Party's office must be returned or destroyed in accordance with the terms of paragraph 21.

[7] This paragraph describes the procedure for objecting to a specific individual being permitted to review Confidential and Highly Confidential Information pursuant to this Protective Order. If a party timely requests that certain information be entirely withheld from review by *any* individual under the Protective Order, we will not require that the information at issue be disclosed under the Protective Order until the Commission resolves the objection, and if a timely motion for judicial stay is filed, until the court rules upon the stay motion.

[8] An objection ordinarily will first be ruled upon by the Bureau. If the Bureau rejects the objection, the objecting party will be provided 10 business days to file an Application for Review with the Commission; if an Application for Review is not filed within that time, the Confidential or Highly Confidential Information shall be made available to the Reviewing Party. If an Application for Review is timely filed and is denied by the Commission, the objecting party will be provided 10 business days to seek a judicial stay of the Commission's Order; if a motion for stay is not filed within that time, the Confidential or Highly Confidential Information shall be made available to the Reviewing Party.

10. *Review of Highly Confidential Information in Electronic Format.* A Submitting Party shall make available to a Reviewing Party one copy of Highly Confidential Information contained, recorded, or electronically stored on an appropriate electronic storage device (such as a CD-ROM, DVD, flash drive or portable hard drive), which shall be considered a Stamped Highly Confidential Document. A Submitting Party may, but is not required to, transmit the information electronically to a Reviewing Party. A Reviewing Party may temporarily load onto a computer the information in electronic format. Once loaded onto a computer, any files containing Highly Confidential Information shall be password protected immediately. The Highly Confidential Information may be stored on a computer for the duration of the proceeding. All files containing Highly Confidential Information shall be deleted from the computer no later than when proceedings at the Commission are complete. The original disk or other storage medium shall be stored securely and a record kept of any persons given access to it.

11. *Use of Confidential and Highly Confidential Information*. Persons obtaining access to Confidential and Highly Confidential Information under this Protective Order shall use the information solely for the preparation and conduct of this proceeding before the Commission and any subsequent judicial proceeding arising directly from this proceeding and, except as provided herein, shall not use such documents or information for any other purpose, including without limitation business, governmental, or commercial purposes, or in any other administrative, regulatory, or judicial proceedings. Should the Commission reveal any Confidential or Highly Confidential Information in its orders in this proceeding, it will do so either by redacting any such Confidential or Highly Confidential Information from the public version of the order and by making the unredacted version of the order available only to a court and to those persons entitled to access to Confidential or Highly Confidential Information under this Protective Order, as appropriate, or as otherwise permitted by law.

12. *Permissible Disclosure*. A Reviewing Party may discuss and share the contents of Confidential Information and Highly Confidential Information with another Reviewing Party, with Support Personnel, as appropriate, and with the Commission and its staff. A Submitting Party's Confidential Information and Highly Confidential Information may be disclosed to employees and Counsel of the Submitting Party, and a Third-Party Interest Holder's Confidential Information and Highly Confidential Information may be disclosed to employees and Counsel of the Third-Party Interest Holder. Information derived from Confidential Information or Highly Confidential Information shall be treated as Confidential Information or Highly Confidential Information, respectively, unless the Commission determines otherwise.

13. *Filings with the Commission*. A party making a filing in this proceeding that contains Confidential or Highly Confidential Information shall submit to the Secretary's Office one copy of the filing containing the Confidential or Highly Confidential Information (the "Confidential Filing") and an accompanying cover letter. The cover or first page of the Confidential Filing and each page of the Confidential Filing that contains or discloses only Confidential Information shall be clearly marked "CONFIDENTIAL INFORMATION – SUBJECT TO PROTECTIVE ORDER IN MB DOCKET NO. 25-331 BEFORE THE FEDERAL COMMUNICATIONS COMMISSION." The cover or first page of the Confidential Filing and each page of the Confidential Filing that contains or discloses Highly Confidential Information shall be clearly marked "HIGHLY CONFIDENTIAL INFORMATION – SUBJECT TO PROTECTIVE ORDER IN MB DOCKET NO. 25-331 BEFORE THE FEDERAL COMMUNICATIONS COMMISSION." The accompanying cover letter shall also contain the appropriate legend. The Confidential Filing shall be made under seal and will not be placed in the Commission's public file. The party shall submit a copy of the filing in redacted form, i.e., containing no Confidential or Highly Confidential Information (the "Redacted Confidential Filing"), to the Commission via ECFS.[9] The Redacted Confidential Filing and the accompanying cover letter shall be stamped "REDACTED – FOR PUBLIC INSPECTION." The cover letter accompanying the Redacted

[9] If a party is not able to submit a copy of the Redacted Confidential Filing via ECFS, it must file two copies of the Redacted Confidential Filing with the Secretary's Office along with the appropriately stamped cover letter, as described in this paragraph.

Confidential Filing shall state that the party is filing a redacted version of the filing. Each Redacted Confidential Filing shall have the same pagination as the Confidential Filing from which it is derived. To the extent that any page of the Confidential Filing contains any Confidential Information or Highly Confidential Information, only the Confidential Information or Highly Confidential Information may be redacted and the page of the unredacted Confidential Filing shall clearly distinguish among the Confidential Information, the Highly Confidential Information and the non-confidential information. Copies of each Confidential Filing and the accompanying cover letter must be delivered, as directed by Commission staff, to David Brown, David.Brown@fcc.gov, Chris Robbins, Chris.Robbins@fcc.gov, and Emily Harrison, Emily.Harrison@fcc.gov, Media Bureau, Federal Communications Commission, 45 L Street, N.E., Washington, D.C. 20554. Parties should not provide courtesy copies of pleadings containing Highly Confidential Information to Commission staff unless the Bureau so requests, and any such courtesy copies shall be submitted under seal.

14. *Non-Disclosure of Confidential Information, and Highly Confidential Information.* Except with the prior written consent of the Submitting Party or as provided under this Protective Order, Confidential Information and Highly Confidential Information shall not be disclosed further.

15. *Protection of Stamped Confidential Documents, Stamped Highly Confidential Documents, Confidential Information, and Highly Confidential Information.* A Reviewing Party shall have the obligation to ensure that access to Confidential Information and Highly Confidential Information (including Stamped Confidential Documents and Stamped Highly Confidential Documents) is strictly limited as prescribed in this Protective Order. A Reviewing Party shall have the further obligation to ensure that Confidential Information and Highly Confidential Information are used only as provided in this Protective Order.

16. *Requests for Additional Disclosure*. If any person requests disclosure of Confidential or Highly Confidential Information outside the terms of this Protective Order, such a request will be treated in accordance with Sections 0.442 and 0.461 of the Commission's rules.[10]

17. *Client Consultation*. Nothing in this Protective Order shall prevent or otherwise restrict Counsel from rendering advice to their clients relating to the conduct of this proceeding and any subsequent judicial proceeding arising therefrom and, in the course thereof, relying generally on examination of Confidential Information or Highly Confidential Information to which they have access under this Protective Order; *provided, however*, that in rendering such advice and otherwise communicating with such clients, Counsel shall not disclose Confidential Information or Highly Confidential Information.

18. *No Waiver of Confidentiality*. Disclosure of Confidential or Highly Confidential Information as provided herein by any person shall not be deemed a waiver by any Submitting Party of any privilege or entitlement to confidential treatment of such Confidential or Highly Confidential Information. Reviewing Parties, by viewing this material, agree: (1) not to assert any such waiver; (2) not to use Confidential or Highly Confidential Information to seek disclosure in any other proceeding; and (3) that accidental disclosure of Confidential or Highly Confidential Information by a Submitting Party to a Reviewing Party shall not be deemed a waiver of any privilege or entitlement provided that the Submitting Party takes prompt remedial action.

19. *Subpoena by Courts, Departments, or Agencies*. If a court, or a federal or state department or agency, issues a subpoena for or orders the production of Stamped Confidential Documents, Stamped Highly Confidential Documents, Confidential Information, or Highly Confidential Information that a party has obtained under the terms of this Protective Order, such party shall promptly notify each relevant Submitting Party and each known Third-Party Interest Holder of the pendency of such subpoena or order. Consistent with the independent authority of any court, department, or agency, such notification must be accomplished such that each Submitting Party and Third-Party Interest Holder

[10] 47 CFR §§ 0.442, 0.461.

has sufficient opportunity to oppose such production prior to the production or disclosure of any Stamped Confidential Document, Stamped Highly Confidential Document, Confidential Information, or Highly Confidential Information.

20. *Violations of the Protective Order*. Should a Reviewing Party violate any of the terms of this Protective Order, such Reviewing Party shall immediately convey that fact to the Commission and to the relevant Submitting Parties and known Third-Party Interest Holders. Further, should such violation consist of improper disclosure of Confidential or Highly Confidential Information, the violating person shall take all necessary steps to remedy the improper disclosure. The Commission retains its full authority to fashion appropriate sanctions for violations of this Protective Order, including but not limited to suspension or disbarment of Counsel or Consultants from practice before the Commission, forfeitures, cease and desist orders, and denial of further access to Confidential or Highly Confidential Information in this or any other Commission proceeding. Nothing in this Protective Order shall limit any other rights and remedies available to the Submitting Party or any Third-Party Interest Holder at law or in equity against any person using Confidential or Highly Confidential Information in a manner not authorized by this Protective Order.

21. *Termination of Proceeding*. The provisions of this Protective Order shall not terminate at the conclusion of this proceeding. Within two weeks after conclusion of this proceeding and any administrative or judicial review, Reviewing Parties shall destroy or return to the Submitting Party Stamped Confidential Documents and Stamped Highly Confidential Documents and all copies of the same. No material whatsoever containing or derived from Confidential and Highly Confidential Information may be retained by any person having access thereto, except Outside Counsel and Outside Consultants may retain, under the continuing strictures of this Protective Order, two copies of pleadings (one of which may be in electronic format) prepared in whole or in part by that party that contain Confidential or Highly Confidential Information, and one copy of orders issued by the Commission or Bureau that contain Confidential or Highly Confidential Information. All Reviewing Parties shall certify compliance with these terms and shall deliver such certification to Counsel for the Submitting Party and file such certification with the Commission not more than three weeks after conclusion of this proceeding. Such certification shall be made pursuant to 28 U.S.C. § 1746 and is subject to 18 U.S.C. § 1001. The provisions of this paragraph regarding retention of Stamped Confidential Documents and Stamped Highly Confidential Documents and copies of the same and Confidential and Highly Confidential Information shall not be construed to apply to the Commission or its staff.

22. *Questions*. Questions concerning this Protective Order should be addressed to David Brown, David.Brown@fcc.gov, Chris Robbins, Chris.Robbins@fcc.gov, and Emily Harrison, Emily.Harrison@fcc.gov, Media Bureau, Federal Communications Commission, or to Joel Rabinovitz, Joel.Rabinovitz@fcc.gov, (202) 418-0689, Transaction Team, Office of General Counsel.

23. *Authority*. This Order is issued pursuant to Sections 4(j), 214 and 310(d) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(j), 214 and 310(d), and authority delegated under Section 0.283 of the Commission's rules, 47 CFR § 0.283, and is effective upon its adoption.

FEDERAL COMMUNICATIONS COMMISSION

Erin Boone
Acting Chief
Media Bureau

APPENDIX A

Highly Confidential Information and Documents

As specified in paragraphs 2 and 3 of the Protective Order, only information and documents set forth in this Appendix and that otherwise meet the definition of Highly Confidential Information or Stamped Highly Confidential Documents may be designated as Highly Confidential. This Appendix will be updated as necessary.

1. Information that details the terms and conditions of or strategy related to a Submitting Party's most sensitive business negotiations or contracts (e.g., affiliation, retransmission, marketing, or service agreements, agreements relating to potential mergers and acquisitions, and comparably sensitive contracts).
2. Information that discusses specific steps that will be taken to integrate companies or discussions of specific detail or disaggregated quantification of merger integration benefits or efficiencies (including costs, benefits, timeline, and risks of the integration).
3. Information that discusses in detail current or future plans to compete for a customer or specific groups or types of customers (e.g., business or wholesale customers), including specific pricing or contract proposals, pricing strategies, product strategies, advertising or marketing strategies, future business plans, procurement strategies, technology implementation or deployment plans and strategies (e.g., engineering capacity planning documents), plans for handling acquired customers, and human resources and staffing strategies.
4. Information that discloses the identity or characteristics of specific customers or of those a company is targeting or with whom a company is negotiating (including identifying information about specific customer facilities, information about customers' levels of demand, and information regarding pricing proposals).
5. Information that provides granular information about a Submitting Party's current or future costs, revenues, marginal revenues, market share, or customers.
6. Detailed information describing or illustrating how a Submitting Party analyzes its competitors, including sources and methods used in these analyses, any limits on use of these analyses or data, and how such analyses or data are used.
7. Information that provides numbers of customers and revenues broken down by customer type (e.g., business) and zip code or market area (e.g., DMA, state, regional cluster).
8. Information that discusses in detail the number or anticipated changes in the number of customers or amount of traffic, including churn rate data, broken down by zip code or market, and detailed information about why customers discontinue service.
9. Information that provides detailed or granular engineering capacity information or information about specific facilities, including geographic locations or maps of facilities.
10. Information that provides detailed technical performance data and test results.

APPENDIX B

Acknowledgment of Confidentiality

MB Docket No. 25-331

I am seeking access to [ ] only Confidential Information or [ ] Confidential and Highly Confidential Information.

I hereby acknowledge that I have received and read a copy of the foregoing Protective Order in the above-captioned proceeding, and I understand it.

I agree that I am bound by the Protective Order and that I shall not disclose or use Stamped Confidential Documents, Stamped Highly Confidential Documents, Confidential Information, or Highly Confidential Information except as allowed by the Protective Order.

I acknowledge that a violation of the Protective Order is a violation of an order of the Federal Communications Commission (Commission). I further acknowledge that the Commission retains its full authority to fashion appropriate sanctions for violations of this Protective Order, including but not limited to suspension or disbarment of Counsel or Consultants from practice before the Commission, forfeitures, cease and desist orders, and denial of further access to Confidential or Highly Confidential Information in this or any other Commission proceeding.

I acknowledge that nothing in the Protective Order limits any other rights and remedies available to a Submitting Party at law or in equity against me if I use Confidential or Highly Confidential Information in a manner not authorized by this Protective Order.

I certify that I am not involved in Competitive Decision-Making.

Without limiting the foregoing, to the extent that I have any employment, affiliation, or role with any person or entity other than a conventional private law firm (such as, but not limited to, a lobbying or advocacy organization), I acknowledge specifically that my access to any information obtained as a result of the Protective Order is due solely to my capacity as Counsel or Outside Consultant to a party or as an employee of Counsel, Outside Consultant, or Outside Firm, and I agree that I will not use such information in any other capacity.

I acknowledge that it is my obligation to ensure that Stamped Confidential Documents and Stamped Highly Confidential Documents are not duplicated except as specifically permitted by the terms of the Protective Order and to ensure that there is no disclosure of Confidential Information or Highly Confidential Information in my possession, in the possession of those who work for me, or in the possession of other Support Personnel, except as provided in the Protective Order.

I certify that I have verified that there are in place procedures at my firm or office to prevent unauthorized disclosure of Confidential Information and Highly Confidential Information.

Capitalized terms used herein and not otherwise defined shall have the meanings ascribed to them in the Protective Order.

Executed this ___ day of _____, 20__.

_____

[Name]
[Position]
[Firm]
[Telephone]

Federal Communications Commission
Washington, DC 20554

January 13, 2026

DA 26-48

SMALL ENTITY COMPLIANCE GUIDE

Amendment of the Commission's Rules Regarding
Protecting Against National Security Threats to the Communications Supply Chain through the Equipment Authorization Program

FCC 25-71
ET Docket No. 21-232
Released October 29, 2025

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 *Second Report and Order* clarifies and strengthens existing prohibitions on authorizations of communications equipment determined to pose an unacceptable risk to the national security of the United States or the security and safety of United States persons.[1] Such equipment, also known as covered equipment, is identified on the Commission's Covered List.[2] The rule clarifications and revisions in the *Second Report and Order* will further strengthen the security of the equipment authorization program and advance the Commission's goal of strengthening national security.

II. COMPLIANCE REQUIREMENTS

The *Second Report and Order* continues the Commission's implementation of the Secure Equipment Act of 2021 and Section 302 of the Communications Act with revisions to the equipment authorization program requirements.[3] The new and revised requirements are summarized below:

A. Modular Transmitters (47 CFR § 2.903(a)(1)-(2), (c))

The revised rules clarify that covered equipment on the Covered List include equipment that has been, or could be, certified as a modular transmitter that meets the requirements of section 15.212 of the Commission's rules.[4] The revised rules explicitly prohibit authorization of modular transmitters that are covered equipment.

B. Host Devices Incorporating Modular Transmitters (47 CFR § 2.903(b), (c))

Modular transmitters may be authorized as standalone devices or incorporated into host devices. A host device may have a separate authorization apart from the modular transmitter, or may rely on the authorization of the incorporated modular transmitter without seeking a new authorization. The revised rules explicitly prohibit authorization of any product, host, or device that incorporates a modular transmitter that is covered equipment, regardless of whether that modular transmitter was previously authorized.

C. Prohibitions on Continued Importation and Marketing of Previously Granted Authorizations of Covered Equipment (47 CFR § 2.803, 2.939(e), 2.1204)

The revised rules set forth a procedure by which the Commission may limit the scope of a previously granted authorizations of covered equipment. The Commission could prohibit future importation and marketing of such equipment without revoking the underlying authorization and prohibiting continued use. The revised rules also clarify that equipment subject to such a limitation may not be marketed or imported.

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[1] *Protecting Against National Security Threats to the Communications Supply Chain through the Equipment Authorization Program,* ET Docket No. 21-232, Second Report and Order and Second Further Notice of Proposed Rulemaking, FCC 25-71 (*Second Report and Order*).

[2] 47 U.S.C. § 1601*;* 47 CFR § 1.50002, 1.50003; *List of Equipment and Services Covered by Section 2 of the Secure Networks Act,* fcc.gov, https://www.fcc.gov/supplychain/coveredlist.

[3] Pub. L. 117-55, 135 Stat. 423.

[4] 47 CFR § 15.212.

D. Broad Scope of Prohibitions on Equipment "Produced By" an Entity on the Covered List

As directed by Congress, the Covered List includes equipment described as "produced by" certain entities: Huawei Technology Company, ZTE Corporation, Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, Dahua Technology Company, and their affiliates and subsidiaries.

The *Second Report and Order* clarifies that "produced by" is not limited to the manufacture or assembly of a device. In determining whether a device is "produced by" a particular entity, a broad interpretation likely includes substantial responsibility for or control over any major stage of the process by which a device comes into existence. For example, a device would generally be considered to have been "produced by" Huawei if Huawei designed, manufactured, assembled, or developed the device.

E. Prohibitions on Modifications, Including Permissive Changes (47 CFR §§ 2.932 and 2.1043)

The revised rules explicitly prohibit modifications, including permissive changes, to previously authorized covered equipment, or equipment that would become covered as a result of such modification or change.

III. RECORDKEEPING AND REPORTING REQUIREMENTS

The Commission's actions in the *Second Report and Order* create new or modified recordkeeping or reporting requirements to reflect modified cross-references in section 2.933(b)(5).

IV. IMPLEMENTATION DATE

The rules in the *Second Report and Order* shall become effective on December 26, 2025.

V. INTERNET LINKS

A copy of the *Second Report and Order, Protecting Against National Security Threats to the Communications Supply Chain through the Equipment Authorization Program*, is available at: https://docs.fcc.gov/public/attachments/FCC-25-71A1.pdf.

A copy of the Federal Register Summary of the *Second Report and Order, Protecting Against National Security Threats to the Communications Supply Chain through the Equipment Authorization Program* is available at: https://www.federalregister.gov/d/2025-21001.

The Covered List is available on the Commission's website at: https://www.fcc.gov/supplychain/coveredlist.

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 26-49
Released: January 13, 2026

BROADCAST STATION TOTALS AS OF DECEMBER 31, 2025

The Commission has announced the following totals for broadcast stations licensed as of December 31, 2025:

AM STATIONS	4,342	
FM COMMERCIAL	6,589	
FM EDUCATIONAL	4,755	
TOTAL		**15,686**
UHF COMMERCIAL TV	1,040	
VHF COMMERCIAL TV	349	
UHF EDUCATIONAL TV	269	
VHF EDUCATIONAL TV	119	
TOTAL		**1,777**
CLASS A UHF STATIONS	362	
CLASS A VHF STATIONS	35	
TOTAL		**397**
FM TRANSLATORS & BOOSTERS	8,867	
UHF TRANSLATORS	2,462	
VHF TRANSLATORS	630	
TOTAL		**11,959**
UHF LOW POWER TV	1,485	
VHF LOW POWER TV	275	
TOTAL		**1,760**
LOW POWER FM	1,994	
TOTAL		**1,994**
TOTAL BROADCAST STATIONS		**33,573**

- FCC -

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

In re Applications of	)	
	)	
Fifth Street Enterprises, LLC	)	Acct. No. 20254140012
	)	FRN: 0024413338
For Renewal of Licenses of Class A TV Stations	)	Facility ID No. 257 and 272
WWAT-CD, Charleroi, Pennsylvania and WPTG-CD, Pittsburgh, Pennsylvania	)	LMS File Nos. 0000213311 and 0000213314

ORDER

Adopted: January 21, 2026 **Released: January 21, 2026**

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 Fifth Street Enterprises, LLC (Licensee), licensee of Class A television stations WWAT-CD, Charleroi, Pennsylvania (WWAT) and WPTG-CD, Pittsburgh, Pennsylvania (WPTG) (collectively, Stations). The Consent Decree resolves issues arising from the staff's review of the Stations' pending license renewal applications.[1] In particular, the Consent Decree resolves the Bureau's investigation relating to the Licensee's compliance with (1) section 1.17 of the Commission's rules (Rules), which requires licensees to provide accurate information to the Commission,[2] and (2) section 73.3526(e)(11)(i) of the Rules, which requires Class A television stations to upload to their online public inspection file (OPIF) on a quarterly basis a list of programs (issues/programs lists) that have provided the station's most significant treatment of community issues during that period.[3] We find that through adoption of the Consent Decree grant of the Stations' Renewal Applications is in the public interest.

2. The Bureau and the Licensee have negotiated the attached Consent Decree in which the Licensee agrees, among other things, to make a voluntary contribution to the United States Treasury in the amount of Six Thousand Dollars ($6,000) and implement a compliance plan to ensure future compliance with sections 1.17 and 73.3526(e)(11)(i) of the Rules.[4] After reviewing the terms of the Consent Decree, we find that the public interest will be served by its approval and by terminating investigation described in paragraph 1.[5] We also find that the Stations have served the public interest, convenience, and necessity during the subject license term and that grant of the Renewal Applications is warranted pursuant to section 309(k)(1) of the Communications Act of 1934, as amended.[6] We find that

[1] Application of Fifth Street Enterprises, LLC for Renewal of License, LMS File No. 0000213311 (filed Mar. 31, 2023, amended Jun. 9, 2023) (WWAT Application); Application of Fifth Street Enterprises, LLC for Renewal of License, LMS File No. 0000213314 (filed Mar. 31, 2023) (WPTG Application). (Collectively Renewal Applications).

[2] 47 CFR § 1.17.

[3] 47 CFR §§ 73.3526(e)(11)(i).

[4] 47 CFR §§ 1.17, 73.3526(e)(11)(i).

[5] *See also infra* Consent Decree at paras. 3-4.

[6] 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 (continued….)

nothing in the record creates a substantial and material question of fact as to whether the Licensee possess the basic qualifications to hold Commission authorizations or remain a Commission licensee.

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, 0.283, and 1.93(b) of the Commission's rules,[8] the Consent Decree attached hereto **IS ADOPTED** without change, addition, or modification, and incorporated by reference.

4. **IT IS FURTHER ORDERED** that the investigation by the Media Bureau of the matters noted above **IS TERMINATED** in accordance with the terms of the attached Consent Decree.

5. **IT IS FURTHER ORDERED** that pursuant to section 309(k)(1) of the Communications Act of 1934, as amended,[9] the applications for renewal of license of Class A television stations WWAT-CD, Charleroi, Pennsylvania (LMS File No. 0000213311) and WPTG-CD, Pittsburgh, Pennsylvania (LMS File No. 0000213314) **ARE GRANTED** in accordance with the terms of the attached Consent Decree and conditioned upon compliance with the terms of paragraph 13 thereto.

6. **IT IS FURTHER ORDERED** that a copy of this Order and Consent Decree shall be sent, by First Class and Certified Mail, Return Receipt Requested, to Ron Bruno, Fifth Street Enterprises, LLC, 975 Greentree Rd., Pittsburgh, PA 15220, and by e-mail to ron@thevideohouse.com. A copy shall also be sent in the same manner to the Licensee's counsel, Joan Stewart, Esq., 2050 M Street, NW, Washington, DC 20036, and by e-mail to jstewart@wiley.law.

FEDERAL COMMUNICATIONS COMMISSION

David J. Brown
Chief, Video Division
Media Bureau

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).

[7] 47 U.S.C. § 154(i).

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

[9] 47 U.S.C. § 309(k)(1).

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

In re Applications of	)	
	)	
Fifth Street Enterprises, LLC	)	Acct. No. 202541420012
	)	FRN: 0024413338
For Renewal of Licenses of Class A TV Stations	)	Facility ID No. 257 and 272
WWAT-CD, Charleroi, Pennsylvania and WPTG-CD, Pittsburgh, Pennsylvania	)	LMS File Nos. 0000213311 and 0000213314

CONSENT DECREE

1. The Video Division, Media Bureau (hereafter Bureau, as defined below) of the Federal Communications Commission (hereafter Commission, as defined below) and Fifth Street Enterprises, LLC (hereafter the Licensee, as defined below), by their authorized representatives, hereby enter into this Consent Decree for the purpose of terminating the Bureau's Investigation (as defined below) into the Licensee's compliance with (1) section 1.17 of the Commission's Rules (hereafter Rules as defined below) which requires licensees to provide accurate information to the Commission and (2) section 73.3526(e)(11)(i) of the Rules which requires Class A TV stations upload to their online public inspection file (OPIF), on a quarterly basis, a list of programs that have provided the station's most significant treatment of community issues during that period.[1] To resolve these matters, the Licensee agrees to make a voluntary contribution to the United States Treasury in the amount of Six Thousand Dollars ($6,000) and implement a comprehensive Compliance Plan (as defined below) to ensure its future compliance with sections 1.17 and 73.3526(e)(11)(i) of the Rules.[2] The Bureau agrees to terminate its Investigation and grant the Stations' pending Renewal Applications (as defined below) in accordance with the terms of this Consent Decree.

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) "Accurate Statements Rule" means 47 CFR § 1.17.

(c) "Adopting Order" means an Order of the Bureau adopting the terms of this Consent Decree without change, addition, deletion, or modification.

(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) "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 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, as described in paragraph 16.

[1] 47 CFR §§ 1.17, 73.3526(e)(11)(i).

[2] *Id.*

(h) "Compliance Plan" means the processes and procedures developed by the Licensee in an effort to ensure compliance with 47 CFR §§ 1.17 and 73.3526 generally, including 47 CFR § 73.3526(e)(11)(i), as described in paragraph 17.

(i) "Covered Employees," each of which is a Covered Employee, 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 OPIF, as required by 47 CFR § 73.3526.

(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) "Investigation" means the Bureau's examination of the Licensees' compliance with 47 CFR §§ 1.17 and 73.3526(e)(11)(i).

(m) "Issues and Programs List Rule" means the requirements detailed in 47 CFR § 73.3526(e)(11)(i).

(n) "Licensee" means Fifth Street Enterprises, LLC, and its affiliates, subsidiaries, predecessors-in-interest, and successors-in-interest.

(o) "LMS" means the Commission's Licensing and Management System, which allows licensees, permittees, applicants, and the public to submit, manage, and track television and radio broadcast applications, notifications and related pleadings.

(p) "OPIF" means the 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) "Renewal Applications" means the applications of Fifth Street Enterprises, LLC, for renewal of the television broadcast licenses for Class A TV stations WWAT-CD, Charleroi, Pennsylvania (Facility ID 257), LMS File No. 0000213311 (filed March 31, 2023, and as amended June 9, 2023, and August 6, 2025) and WPTG-CD, Pittsburgh, Pennsylvania (Facility ID No. 272), LMS File No. 0000213314 (filed March 31, 2023, and as amended August 6, 2025).

(t) "Rules" means the Commission's regulations found in Title 47 of the Code of Federal Regulations.

(u) "Stations," means WWAT-CD, Charleroi, Pennsylvania (Facility ID 257) ("WWAT"); and WPTG-CD, Pittsburgh, Pennsylvania (Facility ID No. 272) ("WPTG"), each of which is a "Station".

II. BACKGROUND

3. Section 1.17 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 Class A television licensee to place in its station's 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

[3] 47 CFR § 1.17.

[4] 47 CFR § 73.3526(e)(11)(i).

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 March 31, 2023, the Licensee filed the Renewal Applications. In the Renewal Applications, the Licensee responded "Yes" to the statement that "the documentation, required by 47 CFR Section 73.3526 . . . has been uploaded to the station's public inspection file when required."[6] Review of the Stations' OPIFs by Division staff identified numerous issues/programs lists were either missing or uploaded late to WWAT's and WPTG's OPIFs. The Licensee uploaded the missing issues/programs lists between July 14 and 16, 2025. On August 6, 2025, the Licensee amended the Renewal Applications to change the response to the aforementioned statement from "Yes" to "No." In total there were six late filed issues/programs lists for WWAT (five of which were initially missing) and seven late filed issues/programs lists for WPTG (six of which were initially missing).[7] As of the date of the Adopting Order, all required documents have been placed in the Stations' OPIFs.

5. 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 and grant the Renewal Applications. In consideration, the Licensee agrees to implement and maintain a Compliance Plan designed to ensure its future compliance with the Accurate Statement Rule and OPIF Rule, and has agreed to make a voluntary contribution in the amount of Six Thousand Dollars ($6,000) to the United States Treasury.

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.

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 Facts**. The Licensee admits for the purpose of this Consent Decree and for Commission civil enforcement purposes, and in express reliance on the provisions of paragraph 11 herein, that paragraphs 3 through 4 are a true and accurate description of the facts underlying the Investigation. By entering into this Consent Decree, The Licensee makes no admission of liability or violation of any Communications Law, and the Bureau make no finding of any 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 15. 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 13, 16, 17, and 19 of this Consent Decree. The

[5] *Id*.

[6] Renewal Applications.

[7] WWAT's late issues/programs lists consisted of two that were filed under one month late, and four that were filed over one year late. WPTG's late issues/programs lists consisted of two that were filed under one month late, three that were filed between one month and one year late, and two that were filed over one year late.

Bureau further agrees that, in the absence of new material evidence, the Bureau 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) to set for hearing the question of the Licensee's basic qualifications to be a Commission licensee or to hold Commission licenses or authorizations.[8]

12. **Subsequent Investigations**. This Consent Decree shall not prevent the Commission 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 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 will be based solely on the record developed in subsequent proceedings.

13. **Voluntary Contribution**. The Licensee agrees to make a "Voluntary Contribution" to the United States Treasury in the amount of Six Thousand Dollars ($6,000) within thirty (30) calendar days after the Effective Date. It also acknowledges and agrees that upon execution of this Consent Decree, the Voluntary Contribution shall become a "Claim" or "Debt" as defined in section 3701(b)(1) of the Debt Collection Improvement Act of 1996.[9] **The Licensee shall send electronic notification of payment to VideoCompliance@fcc.gov on the date payment is made.** Payment of the Voluntary Contribution must be made by credit card, ACH (Automated Clearing House) debit from a bank account using CORES (the Commission's online payment system),[10] or by wire transfer. Payments by check or money order are no longer accepted. 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. Below are instructions that the Licensee should follow based on the form of payment selected:

- 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 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).[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

[8] *See* 47 CFR § 1.93(b).

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

[10] Payments made using CORES do not require the submission of an FCC Form 159.

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

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 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 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 transactions.

14. **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 Voluntary Contribution on or before the due date specified in paragraph 13. After an Event of Default has occurred under this Consent Decree, the unpaid amount of the Voluntary Contribution 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 Voluntary Contribution, 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.

15. **Grant of Renewal Applications**. In the Adopting Order, the Bureau has determined that grant of the Renewal 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 Renewal Applications for a full eight year term from the Stations' prior license expiration dates. The Renewal Applications will be granted within two business days following the Effective Date. Grant of the Renewal Applications will be conditioned on compliance with the terms set forth in paragraph 13.

16. **Compliance Officer**. Within thirty (30) calendar days after the Effective Date, the Licensee shall designate a responsible party employed (on a full, part-time, or contract basis) to serve as a Compliance Officer and to discharge the duties set forth in paragraphs 17 and 19. 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 Chief Executive Officer (or other senior executive officer/owner/equivalent senior officer) on a regular basis, and shall be responsible for developing, implementing, and administering the Compliance Plan, and ensuring compliance with the terms and conditions of this Consent Decree. The Compliance Officer shall have specific knowledge of the Accurate Statements Rule, OPIF Rule, and terms of this Consent Decree prior to assuming their duties. The name and contact information (mailing address, phone number, and electronic mail address) of the Compliance Officer must be submitted to the Bureau by electronic mail at VideoCompliance@fcc.gov within thirty (30) calendar days after the Effective Date. The Bureau must be notified, as previously specified, of any change in the person serving as Compliance Officer within five (5) business days.

17. **Compliance Plan**. For purposes of settling the matters set forth herein, the Licensee agrees that it shall develop and implement a Compliance Plan designed to ensure future compliance with

the Accurate Statements Rule and OPIF Rule, including but not limited to the Issues and Programs List Rule, and with the terms and conditions of this Consent Decree. The Compliance Plan shall solely apply to the Stations. The Compliance Plan shall contain, at a minimum, the following elements:

(a) **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, has been prepared by in-house legal counsel, or 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 Accurate Statements Rule and the OPIF Rule, including but not limited to the Issues and Programs List Rule;

ii. establish "Operating Procedures" that Covered Employees must follow to help ensure the Stations' compliance with the Accurate Statements Rule and the OPIF Rule, including but not limited to the Issues and Programs List Rule. The Operating Procedures shall include internal procedures and policies specifically designed to ensure that all required information is uploaded to the Stations' OPIFs in a timely manner and otherwise maintains full, complete, and up to date information therein; and

iii. be reviewed and revised by the Compliance Officer, or legal counsel (internal or external) in coordination with the Compliance Officer, 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 ten (10) business days of any updates to all Covered Employees.

(b) **Compliance Training Program**. Within sixty (60) calendar days after the Effective Date of this Consent Decree, and on an annual basis thereafter while this Compliance Plan remains in effect, the Licensee will conduct formal compliance training program on the Accurate Statements Rule and OPIF Rule for all Covered Employees. Training must also be provided to every new Covered Employee within ten business (10) days after commencing employment or becoming a Covered Employee. The compliance training program must include instruction relating to the provisions of the Accurate Statements Rule and OPIF Rule, including but not limited to the Issues and Programs List Rule. The compliance training must be reviewed and revised by the Compliance Officer, or legal counsel (internal or external) in coordination with the Compliance Officer, as necessary to remain current, complete, accurate, and effective.

(c) **Reporting Noncompliance**. The Licensee shall report any instance of noncompliance with the OPIF Rule or the terms and conditions of this Consent Decree within ten (10) business 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; (iii) the schedule on which such action(s) has or will be taken; and (iv) the steps that the Licensee has taken or will take to prevent the recurrence of any such noncompliance. Any such report must be signed by the Compliance Officer and be subscribed to as true and accurate under penalty of perjury in accordance with 47 CFR § 1.16. All reports of noncompliance shall be submitted to VideoCompliance@fcc.gov. All reports must also be uploaded to the Station's OPIF within ten (10) business days in the folder entitled "FCC Investigations or Complaints" and retained in the Station's OPIF until the "Termination Date," as specified in paragraph 18. Further, the Licensee must disclose any noncompliance reports in an attachment to its next license renewal application.

18. **Termination Date**. The obligations to which the Licensee is subject pursuant to this Consent Decree shall terminate two years after the Effective Date provided the Bureau is satisfied that the Licensee has demonstrated substantial compliance with its obligations. The Bureau may deem the Licensee has failed to demonstrate substantial compliance with its obligations if the Station fails to upload in a timely manner to its OPIF three or more documents during the term of this Consent Decree. In such an instance, the Bureau may, within its sole discretion and authority and upon written notice to the Licensee, extend the term of this Consent Decree for up to an additional two years.

19. **Placement of Consent Decree in OPIF**. Within thirty (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 the "Termination Date," as specified in paragraph 18.[12]

20. **Computation of Time**. The Parties agree that the method for computing the amount of time within which the Parties must act in response to deadlines established by this Consent Decree shall be governed by 47 CFR § 1.4.

21. **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 Act[13] relating to the matters addressed in this Consent Decree.

22. **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.

23. **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.

24. **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, Order, law, or regulation.

25. **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.

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

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[12] *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).

[13] *See* 5 U.S.C. § 504; 47 CFR §§ 1.1501-1.1530.

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

28. **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.

29. **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.

30. **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.

Federal Communications Commission

By:

_____
David J. Brown
Chief, Video Division
Media Bureau

_____
Date

Fifth Street Enterprises, LLC.

By:

_____
Ronald J. Bruno
Manager

_____
Date

Federal Communications Commission
Washington, DC 20554

January 15, 2026

DA 26-51

SMALL ENTITY COMPLIANCE GUIDE

Revising Spectrum Sharing Rules for Non-Geostationary Orbit, Fixed-Satellite Service Systems

FCC 23-29; FCC 24-117
IB Docket No. 21-456
Released April 21, 2023; November 15, 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 docket. This Guide does not replace or supersede these rules, but is intended 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

In recent years, the Commission has received an unprecedented number of applications for non-geostationary satellite orbit (NGSO) space station licenses, including for NGSO fixed-satellite service (FSS) systems. Traveling closer to the Earth than a traditional GSO satellite, low- and medium-orbit NGSO FSS satellite constellations are capable of providing broadband services to industry, enterprise, and residential customers with lower latency and wider coverage than was previously available via satellite. This rulemaking continues to facilitate the deployment of NGSO FSS systems capable of providing broadband and other services on a global basis, and will promote competition among NGSO FSS system proponents, including the market entry of new competitors.

The Report and Order (FCC 23-29) amends the Commission's rules governing the treatment of NGSO FSS systems filed in different processing rounds. In particular, the Report and Order adopts rules specifying that the Commission's existing spectrum sharing mechanism for NGSO FSS systems will be limited to those systems approved in the same processing round. The Report and Order also adopts a rule providing that later-round NGSO FSS systems will have to protect earlier-round systems by using a degraded throughput methodology. In addition, the Report and Order adopts a sunset provision after which earlier-round grantees and later-round grantees will share spectrum on an equal basis under the existing spectrum sharing mechanism for NGSO FSS systems.

The Second Report and Order (FCC 24-117) in this proceeding continues to facilitate the deployment of NGSO FSS systems capable of providing broadband and other services on a global basis, by refining the Commission's rules governing spectrum sharing among a new generation of broadband satellite constellations to promote market entry, regulatory certainty, and spectrum efficiency through good-faith coordination. The Commission amends its rules governing the treatment of NGSO FSS systems filed in different processing rounds to clarify certain details of the degraded throughput methodology that, in the absence of a coordination agreement, must be used in compatibility analyses by NGSO FSS system licensees authorized through later processing rounds to show they can operate compatibly with, and protect, NGSO FSS systems authorized through earlier processing rounds.

Specifically, the Second Report and Order clarifies details regarding the implementation of a degraded throughput methodology by adopting a 3% throughput degradation as a long-term interference protection criterion and a 0.4% absolute increase in link unavailability as a short-term interference protection criterion, and declining to adopt additional protection metrics or to adopt an aggregate limit on interference from later-round NGSO FSS systems into earlier-round NGSO FSS systems. It also affirms that the default, spectrum-splitting mechanism will be applied among NGSO systems in different processing rounds after the sunset period.

The actions the Commission takes in this proceeding further its policy goals to promote development and competition among broadband NGSO FSS system proponents, including the market entry of new competitors.

II. COMPLIANCE REQUIREMENTS

Sharing Among NGSO FSS Space Stations. (47 CFR § 25.261)

- All NGSO FSS licensees and market access recipients are required to coordinate with each other in good faith the use of commonly authorized frequencies regardless of their processing round status.
- Prior to commencing operations, NGSO FSS licensees and market access recipient must either certify that they have completed a coordination agreement with any operational NGSO FSS system licensed or granted U.S. market access in an earlier processing round, or submit for Commission approval a submit a certification of coordination or compatibility showing with respect to the earlier-round system no later than 60 days after the earlier-round system commences operations as notified pursuant to § 25.121(b) or otherwise, which demonstrates that it will not cause harmful interference to any such system.
- The compatibility showing must demonstrate:
    - The later-round system will cause no more than 3% time-weighted average degraded throughput of the link to the earlier-round system, for links with a baseline link availability of 99.0% or higher at a C/N threshold of 0 dB; and
    - The later-round system will cause no more than 0.4% absolute change in link availability to the earlier-round system using a C/N threshold value of 0 dB, for links with a baseline link availability of 99.0% or higher;
- The compatibility showing may consider only 50% deployment of the earlier-round system for an earlier-round system that has not yet satisfied its 50% deployment milestone pursuant to 47 CFR 25.164(b)(1). If the 50% deployment milestone has been satisfied, the showing must consider 100% deployment of the authorized system.
- The submitting NGSO FSS licensee or market access recipient may commence operations on an unprotected, non-interference basis with respect to the operations of the system that is the subject of the showing while a compatibility showing remains pending before the Commission.
- A later-round NGSO FSS system will be required to conform its operations to its compatibility showing submitted for the protection of an earlier-round system to the extent necessary to protect the actual number of deployed and operating space stations of the earlier-round system.
- The inter-round protection requirement will sunset ten years after grant of the first authorization in the later processing round. After that time, NGSO FSS systems approved in the later processing round will no longer be required to protect earlier-rounds systems. NGSO FSS systems in the earlier and later rounds will share spectrum on an equal basis.

III. RECORDKEEPING AND REPORTING REQUIREMENTS

The Report and Order and Second Report and Order contain new information collection requirements for the submission of NGSO FSS compatibility showings. The Compliance Requirements section above discusses the 47 CFR § 25.261(d) requirements that a NGSO FSS licensee or market access recipient submit a certification that it has completed a coordination agreement with any operational NGSO FSS system licensed or granted U.S. market access in an earlier processing round, or submit a compatibility showing for Commission approval. This showing must demonstrate, using a degraded throughput methodology, that the system will not cause harmful interference to any such uncoordinated

system. The compatibility showing reporting requirements are discussed in detail above in the Compliance Requirements section.

IV. IMPLEMENTATION DATE

The rules in the Report and Order became effective on July 20, 2023. The rules in the Second Report and Order became effective on December 13, 2024, except for the information requirement to provide NGSO FSS compatibility showings in 47 CFR § 25.261(d), which became effective on July 31, 2025, following approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act.

V. INTERNET LINKS

A copy of the Report and Order is available at: https://docs.fcc.gov/public/attachments/FCC-23-29A1.pdf.

A copy of the Federal Register Summary of the Report and Order is available at: https://www.federalregister.gov/documents/2023/06/20/2023-12803/revising-spectrum-sharing-rules-for-non-geostationary-orbit-fixed-satellite-service-systems.

A copy of the Second Report and Order is available at: https://docs.fcc.gov/public/attachments/FCC-24-117A1.pdf.

A copy of the Federal Register Summary of the Second Report and Order is available at: https://www.federalregister.gov/documents/2024/12/13/2024-28993/spectrum-sharing-rules-for-ngso-fixed-satellite-service-systems; *see also* https://www.federalregister.gov/documents/2025/01/22/2025-01115/spectrum-sharing-rules-for-ngso-fixed-satellite-service-systems-correction.

A copy of the Federal Register Summary announcing the effective date of 47 CFR 25.261(d) is available at: https://www.federalregister.gov/documents/2025/07/31/2025-14506/revising-spectrum-sharing-rules-for-non-geostationary-orbit-fixed-satellite-service-systems.

PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, DC 20554

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

DA 26-52
Released: January 15, 2026

DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF HAYNEVILLE HOLDING COMPANY, INC. TO SYNERGY TECHNOLOGY PARTNERS, INC.

NON-STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 25-312

Comments Due: January 29, 2026
Reply Comments Due: February 5, 2026

By this Public Notice, the Wireline Competition Bureau seeks comment from interested parties on an application filed by The Stockholders of Hayneville Holding Company, Inc. (Hayneville Stockholders) and Synergy Technology Partners, Inc. (Synergy) (together, Applicants), pursuant to section 214(a) of the Communications Act of 1934, as amended, and section 63.04 of the Commission's rules,[1] requesting Commission consent for the transfer of control of Hayneville Holding Company, Inc. (Hayneville Holding) and its subsidiaries, Hayneville Telephone Company, Inc. (Hayneville Telephone) and Hayneville Fiber Transport, Inc., d/b/a Camellia Communications (Hayneville Fiber), from Hayneville Stockholders to Synergy.[2]

Hayneville Holding, an Alabama corporation, is the parent company that holds Hayneville Fiber and Hayneville Telephone.[3] Hayneville Telephone, an Alabama corporation, is an incumbent local exchange carrier (LEC) providing traditional voice service, long-distance, and broadband services to rural customers in central Alabama across the Hayneville, Lowndesboro, and Gordonsville exchanges in Loundes County.[4] Hayneville Telephone, a designated Eligible Telecommunications Carrier (ETC), receives Connect America Fund – Broadband Loop Support (CAF-BLS).[5] Hayneville Fiber, an Alabama corporation and designated ETC, is a wholesale telecommunications company that specializes in fiber-

[1] *See* 47 U.S.C. § 214(a); 47 CFR § 63.04.

[2] Domestic Section 214 Application for the Transfer of Control of Hayneville Holding Company, Inc. to Synergy Technology Partners, Inc., WC Docket No. 25-312 (filed Nov. 14, 2025) (Application). Applicants filed a supplement to the Application on December 17, 2025. Letter from John Kuykendall, Regulatory Advisor for Applicants, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 25-312 (filed Dec. 17, 2025) (Supplement). Applicants also filed applications for the transfer of authorizations associated with international services. Any action on the domestic 214 application is without prejudice to Commission action on other related, pending applications.

[3] Application at 4-5, 11.

[4] *Id*. at 5, 13.

[5] *Id*. at 5, 7-8. Hayneville Telephone also participates in the Lifeline program and will continue to do so post-consummation of the transaction. *Id*.

based wholesale interconnectivity and transport services.[6] Hayneville Fiber operates a fiber network spanning over 500 miles primarily along the I-65 corridor between Montgomery and Mobile, Alabama.[7]

Synergy, a Tennessee corporation, provides telecommunications and information services through its subsidiary, Ardmore Telephone Company Inc. (ATC).[8] ATC, an incumbent LEC in northern Alabama, serves more than 8,000 customers in Alabama and Tennessee across Giles, Limestone, Lincoln, and Madison counties with Internet, security, and voice services.[9] ATC serves more than 15,000 locations and has expanded its fiber infrastructure in the New Market, Elkmont, Ardmore, McBurg, and Minor Hill exchanges.[10] ATC, a designated ETC, receives CAF-BLS support in Alabama.[11]

Synergy is a wholly owned subsidiary of Western Kentucky Rural Telephone Cooperative Corporation, Inc. (WK&T), a member-owned telecommunications cooperative.[12] WK&T operates as an incumbent LEC in Kentucky and receives Enhanced Alternative Connect America Cost Model support for its incumbent LEC operations in that state.[13] WK&T also operates as an incumbent LEC in Tennessee and receives CAF-BLS for its incumbent LEC operations in that state.[14] Additionally, WK&T has competitive LEC operations in the states of Kentucky, Tennessee, and Illinois and receives Rural Digital Opportunity Fund support in portions of its competitive LEC service territories in those states.[15] Applicants state that there is no overlap of service areas between Applicants and their affiliates.[16]

Pursuant to the terms of the proposed transaction, the Hayneville Stockholders and Synergy entered into a purchase agreement where, subject to regulatory approvals, Synergy agreed to acquire a 100% interest in Hayneville Holding, including all ownership interests in Hayneville Telephone and Hayneville Fiber.[17] Applicants state, upon consummation of the proposed transaction, Hayneville Holding and its subsidiaries will continue to exist and operate under the same name and will continue to provide service in their respective service areas.[18]

Applicants assert that a grant of the Application would serve the public interest, convenience, and necessity.[19] Because the proposed transaction would involve the exchange and assumption of Universal Service Fund high-cost mechanism obligations, in order to analyze whether the proposed transaction

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[6] *Id*. at 5-6, 13. Hayneville Fiber participates in the Lifeline program and will continue to do so post-consummation of the transaction. *Id*. at 6-8.

[7] *Id*. at 5-6.

[8] *Id*. at 3-4, 11.

[9] *Id*. at 4.

[10] *Id*.

[11] *Id*. at 4, 7. ATC also participates in the Lifeline program. *Id*.

[12] *Id*. at 3-4.

[13] *Id*. at 4, 7.

[14] *Id*.

[15] *Id.* WK&T also participates in the Lifeline program in the areas where it receives high-cost universal service support. *Id*. at 7.

[16] Supplement at 1.

[17] Application at 6.

[18] *Id*.

[19] *Id*. at 9-10.

would serve the public interest, we accept the Application for non-streamlined processing.[20]

Domestic Section 214 Filed for the Transfer of Control of Hayneville Holding Company, Inc. to Synergy Technology Partners, Inc., WC Docket No. 25-312 (filed Nov. 14, 2025).

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.

In addition, e-mail one copy of each pleading to each of the following:

1) Megan Danner, Competition Policy Division, Wireline Competition Bureau, megan.danner@fcc.gov;
2) Nissa Laughner, Telecommunications Access Policy Division, Wireline Competition Bureau, nissa.laughner@fcc.gov;
3) Karen Johnson, Office of International Affairs, karen.johnson@fcc.gov; and
4) 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

[20] 47 CFR § 63.03(c)(1)(v).

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.[21] 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 Megan Danner, Competition Policy Division, Wireline Competition Bureau, at (202) 418-1151 or megan.danner@fcc.gov.

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[21] *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 26-53
Released: January 15, 2026

INTERCONNECTED VOIP NUMBERING AUTHORIZATION APPLICATION FILED BY DIALWAVE, INC. PURSUANT TO SECTION 52.15(g)(3) OF THE COMMISSION'S RULES

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket 25-204[1]

Comments Due: January 30, 2026

Dialwave, Inc. (Dialwave 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, Dialwave seeks authority to access numbering resources throughout the United States and intends to initially request numbers in New York.[3]

In its Application and supplements Dialwave includes the contact information and acknowledgements required by section 52.15(g)(3)(ii) of the Commission's rules. Dialwave provides evidence that it will be capable of providing service within 60 days of the numbering resources activation date. Dialwave also certifies that it complies with contribution, regulatory fee, and 911 obligations. In addition, Dialwave certifies that is has the financial, managerial, and technical expertise to provide reliable service. Dialwave further certifies that none 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.

Dialwave also certifies that it will not use the numbers obtained pursuant to the authorization for illegal robocalling, illegal spoofing, or otherwise fraudulent purposes. Dialwave certifies that it has fully complied with all applicable STIR/SHAKEN caller ID authentication and robocall mitigation program requirements. Dialwave certifies that it complies with the Commission's Access Stimulation rules and

[1] We assign WC Docket No. 25-204 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 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, 38 FCC Rcd 8951 (2023) (updating the authorization process).

[2] *See* Application of Dialwave, Inc. for Authorization to Obtain Numbering Resources, WC Docket No. 25-204 (filed Jun. 24, 2025), https://www.fcc.gov/ecfs/search/search-filings/filing/10624283806824 (Application); Supplement to the Application of Dialwave, Inc. for Authorization to Obtain Numbering Resources, WC Docket No. 25-204 (filed Sept. 10, 2025), https://www.fcc.gov/ecfs/document/1091065354426/1 (Supplement); *see also* 47 CFR § 52.15(g)(3).

[3] *See* Application at 2; *see also Numbering Policies for Modern Communications et al*., Report and Order, 30 FCC Rcd 6839, 6850, para. 24 & n.74 (2015).

asserts it is compliant with FCC Form 499 and FCC Form 477 filing requirements. Dialwave makes the necessary ownership disclosures and certifications as required under 47 CFR §§ 63.18(h) and (i). Finally, Dialwave makes a declaration under penalty of perjury that all statements in the Application and any appendices are true and accurate.

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 date 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/.
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  - 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.
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  - Filings sent by U.S. Postal Service First-Class Mail, Priority Main, and Priority Mail Express must be sent to 45 L Street NE, Washington, DC 20554.
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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 Reth, Competition Policy Division, Wireline Competition Bureau, Jordan.Reth@fcc.gov;

4) Christi Shewman, Competition Policy Division, Wireline Competition Bureau, Christi.Shewman@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.[4] 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 initial filings. New issues may not be raised in responses or replies.[5] 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, Jordan Marie Reth at Jordan.Reth@fcc.gov, or Christi Shewman at Christi.Shewman@fcc.gov for further information.

- FCC -

[4] 47 CFR §§ 1.1200 *et seq*.

[5] *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 26-54
Released: January 16, 2026

NOTICE OF DOMESTIC SECTION 214 AUTHORIZATION GRANTED

WC Docket No. 25-341

The Wireline Competition Bureau (Bureau) grants the application listed in this Public Notice pursuant to the Commission's streamlined procedures for domestic section 214 transfer of control applications, 47 CFR § 63.03. The Bureau determined that a grant of this application serves the public interest.[1] For the purposes of computation of time when filing a petition for reconsideration or application for review, or for judicial review of the Commission's decision, the date of "public notice" shall be the release date of this Public Notice.[2] Should no petition for reconsideration, application for review, or petition for judicial review be timely filed, the proceeding listed in this Public Notice shall be terminated, and the docket will be closed.

Domestic Section 214 Application Filed for the Transfer of Control of
Enhanced Communications Network, Inc. to PEN Tel Inc.,
WC Docket No. 25-341, Public Notice, DA 25-1067 (WCB 2025).

Effective Grant Date: January 16, 2026

For further information, please contact Myrva Charles at (202) 418-1506 or Dennis Johnson at (202) 418-0809, Competition Policy Division, Wireline Competition Bureau.

-FCC-

[1] *Implementation of Further Streamlining Measures for Domestic Section 214 Authorizations*, Report and Order, 17 FCC Rcd 5517, 5529, para. 22 (2002).

[2] *Id.*; *see* 47 CFR § 1.4 (Computation of time).

PUBLIC NOTICE

Federal Communications Commission
45 L St., N.E.
Washington, D.C. 20554

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

DA 26-55
Released: January 16, 2026

OFFICE OF ENGINEERING AND TECHNOLOGY SEEKS COMMENT ON VIVINT, LLC'S PETITION FOR WAIVER OF SECTIONS 15.519(A) AND 15.519(A)(2) OF THE COMMISSION'S RULES

ET Docket No. 26-11

Comment Date: February 16, 2026
Reply Comment Date: March 2, 2026

By this public notice, we seek comment on a request by Vivint, LLC (Vivint) to waive Sections 15.519(a) and 15.519(a)(2) of the Commission's rules to permit Vivint to certify and market doorbell products that contain ultra-wideband (UWB) transmitters operating in the 6-10 GHz band.[1]

Vivint states that its doorbell products, which include a camera and paired smart lock, will be installed on entryways to residential properties. These products use UWB ranging to provide "proof of presence" prior to unlocking a paired smart lock, similar to other devices for which the Commission has previously granted waivers.[2] The doorbell contains a 2.4 GHz transmitter that can communicate with a mobile device carried by a person.[3] If it connects with and authenticates a mobile device as one previously paired with the system, it then uses a camera and facial recognition software to confirm the identity of the person approaching before unlocking the door.[4] A UWB ranging session to determine a person's movement toward or away from the door begins when authentication of a device and identification of a person is successful and ends after the door is unlocked or a session timeout occurs.[5]

Section 15.519(a) of the Commission's rules contains provisions for UWB devices that are relatively small and are primarily handheld while being operated and do not employ a fixed infrastructure, and Section 15.519(a)(2) prohibits the use of antennas mounted on the outside of a building and on fixed outdoor infrastructure.[6] The Vivint device is not handheld and is mounted on the outside of a building and thus would not comply with these requirements. Vivint argues that its device complies with the intent of the handheld rule since the operator can exercise control over the device or the object to which the device is affixed.[7] It also states that because the device transmits only under specific limited conditions and does not communicate with other UWB devices, it is not capable of creating large

[1] *Request for Waiver of Vivint, LLC*, ET Docket No. 26-11 (filed Nov. 19, 2025), (Vivint Waiver Request).

[2] Vivint Waiver Request at 1.

[3] Vivint Waiver Request, Exhibit 1.

[4] *Id.*

[5] *Id.*

[6] 47 CFR § 15.519(a); (a)(2).

[7] Vivint Waiver Request at 8-9.

communications systems, e.g., fixed outdoor infrastructure.[8] Vivint states that it is not aware of any cases where similar devices authorized by the Commission under waiver have resulted in harmful interference.[9]

We seek comment on Vivint's Waiver Request. To develop a complete record on the issues presented by this request, this proceeding will be treated, for *ex parte* purposes, as "permit-but-disclose" in accordance with Section 1.1200(a) of the Commission's rules, subject to the requirements under Section 1.1206(b). Vivint filed its petition electronically as a non-docketed proceeding in the Commission's Electronic Comment Filing System. We have opened a new docket, **ET Docket 26-11** to facilitate consideration of this request and have moved Vivint's submission into this docket. Parties should file all comments and reply comments in **ET Docket 26-11**.

Filing Requirements. Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.149, interested parties may file comments in ET Docket No. 26-11 on or before the date indicated on the first page of this document and should reference this public notice. 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.

Parties should also send a copy of their filings to Hugh Van Tuyl, Office of Engineering and Technology, Federal Communications Commission, 45 L Street, N.E., Washington, D.C. 20002, or by e-mail to hugh.vantuyl@fcc.gov.

Documents associated with this docket will be available for public inspection through the Commission's ECFS.

By the Chief, Office of Engineering and Technology

-FCC-

[8] Vivint Waiver Request at 8.

[9] Vivint Waiver Request at 7.

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 Number: 26-56
Report No. SAT-01967 **Friday January 16, 2026**

Satellite Licensing Division and Satellite Programs and Policy Division Information

RE: 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-20250929-00309 S2992/3069 Space Exploration Holdings, LLC
Date filed: 2025-09-29
Special Temporary Authority
Grant of Authority Date of Action: 2026-01-15

Granted with conditions.

SAT-STA-20250929-00310 S3069/2992 Space Exploration Holdings, LLC
Date filed: 2025-09-29
Special Temporary Authority
Grant of Authority Date of Action: 2026-01-15

Granted with conditions.

CORRECTION:

SAT-LOA-20241204-00274 S3213 Spire Global, Inc.
Date filed: 2024-12-04
Launch and Operating Authority
Grant of Authority Date of Action: 2026-01-08

Nature of Service:
- Other Satellite Service (please specify)
- Mobile-Satellite Service
- Earth Exploration-Satellite Service

The Satellite Programs and Policy Division has reissued the above-captioned grant to include the following frequencies: 130-183 MHz; 310-508 MHz; 820-1280 MHz; 1055-1700 MHz; and 2000-4000 MHz (Earth-to-space); as well as deleting the 402-403 MHz (Earth-to-space) (space-to-Earth), and the 9200-10550 MHz (Earth-to-space) frequencies. We also note that Spire has met the requirement to supplement and obtain approval of its orbital debris mitigation plan.

SAT-AMD-20251119-00328 S3177 Xona Space Systems, Inc.
Date filed: 2025-11-27
Amendment

Nature of Service:
- Inter-Satellite Service
- Radionavigation-Satellite Service
- Space Operation Service

The Satellite Licensing Division and Satellite Programs and Policy Division Information, Space Station Applications Accepted for Filing, Public Notice SAT-01964, regarding the above-captioned file number is corrected to reflect that Xona System requests the 3700-4200 MHz and 1626.5-1660.5 MHz bands for space-to-space feeder link operations.

The deadline for filing petitions or comments on this application is unchanged and remains February 9, 2026.

SAT-MOD-20241104-00248 S3175 Sidus Space, Inc.
Date filed: 2024-11-04
Modification Date of Action: 2025-01-15

Nature of Service: Earth Exploration-Satellite Service

The Satellite Programs and Policy Division has determined that Sidus Space, Inc. has satisfied the milestone requirement associated with this grant and accordingly may release its surety bond. See 47 CFR §§ 25.164(b)(1) and 25.165(d).

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 26-57
Released: January 16, 2026

OFFICE OF ENGINEERING AND TECHNOLOGY SEEKS COMMENT ON PIPER NETWORKS INC. REQUEST FOR WAIVER OF SECTIONS 15.519(A), 15.519(A)(2), AND 15.519(C) OF THE COMMISSION'S RULES FOR ENHANCED TRANSIT LOCATION SYSTEM

ET Docket No. 19-246

Comment Date: February 16, 2026
Reply Comment Date: March 2, 2026

By this public notice, we seek comment on a request by Piper Networks, Inc. (Piper) to waive Sections 15.519(a), 15.519(a)(2), and 15.519(c) of the Commission's rules.[1] This waiver would allow Piper to obtain equipment authorization for its ultrawide band (UWB) train positioning system known as the Enhanced Transit Location System (ETLS) as fixed wireless infrastructure in the greater New York City, the greater Boston area, and Harris County, Texas.[2]

We previously granted Piper a waiver of Section 15.519(a), and 15.519(a)(2) of the Commission's rules to allow it to deploy its ETLS as fixed wireless infrastructure under the handheld UWB device rules, within the greater New York City area, and Harris County, Texas area using the 4243-4743 MHz frequency band.[3] In 2025, Commission granted Piper's request to modify its original grant under the same waiver terms to include the metropolitan Boston, Massachusetts area to its area of operation.[4] Piper now requests that its system be allowed to operate in the 3.248–4.990 GHz band in the same geographic areas where it is already authorized to operate, while transmitting 6 dB beyond the currently permitted limit of –41.3 dBm, resulting in a maximum EIRP of –35.3 dBm, under our rules for handheld UWB systems.[5] Piper asserts that granting this request is in public interest, and allowing its system to operate at marginally higher power level with expanded bandwidth will not result in harmful interference to other operators.[6]

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[1] Piper Networks Inc. Request for Waiver of Section 15.19(a), 15.519(a)(2), and 15.519(c) of the Commission's Rules, ET Docket No. 19-246. (Piper Waiver Request 2025)

[2] *Id.* at 1.

[3] Piper Networks Inc. Request for Waiver of Section 15.519(a) and Section 15.519(a)(2) of the Commission's Rules, Order, ET Docket No. 19-246 (OET 2020), 35 FCC Rcd 12912 (2020 Waiver Order)

[4] Piper Networks Inc. Request for Modification of Waiver of Section 15.519(a) and Section 15.519(a)(2) of the Commission's Rule, Order, ET Docket No. 19-246 (OET 2025), 40 FCC Rcd 344 (1) (OET 2025).

[5] Piper Waiver Request 2025 at 1, 14. Seeking waivers of Section 15.519(a), 15.519(a)(2), and 15.519(c).

[6] *Id.* at 2, 8.

Section 15.519(a) of the Commission's rules contains provisions for UWB devices that are relatively small, primarily handheld while being operated, and do not employ a fixed infrastructure.[7] Section 15.519(a)(2) prohibits the use of antennas mounted on outdoor infrastructure.[8] Piper argues that its ETLS devices are functionally equivalent to handheld UWB devices in size and operation. The system operates by establishing consecutive, short-duration peer-to-peer connections, rather than wide-area networks, thereby posing negligible interference potential to authorized services.[9]

Section 15.519(c) of the Commission's rules restricts radiated emissions in the 3100 – 10600 MHz band to -41.3 dBm.[10] Piper seeks waiver of this rule to allow its system to exceed the limit by 6 dB, to produce an EIRP of no more than -35.3 dBm.[11] It states that higher limit would allow for the beneficial control of trains to protect public safety, without any additional risk of harmful interference to adjacent services.[12]

Piper states that its system would comply with all other UWB rules, employ directional antenna with narrow beamwidth to reduce emission, and be mounted low to the ground to minimize emissions outside the intended area.[13] Piper also notes that its waiver is similar to previous waivers Commission has granted, and provides attestation that it has not received any of report of harmful interference stemming from its current operations.[14]

The Commission's Office of Engineering and Technology (OET) seeks comment on Piper's waiver modification request. Parties should file all comments and reply comments in ET Docket 19-246, which, for ex parte purposes, is designated as a "permit-but-disclose" proceeding in accordance with Section 1.1200(a) of the Commission's rules and is subject to the requirements under Section 1.1206(b)

Filing Requirements. Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.149, interested parties may file comments in ET Docket No. 19-246 on or before the date indicated on the first page of this document and should reference this public notice. 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 the ECFS: https://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 mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission**.**

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[7] See 47 CFR § 15.519(a).

[8] See 47 CFR § 15.519(a)(2).

[9] Piper Waiver Request 2025 at 10-13.

[10] See 47 CFR § 15.519(c).

[11] Piper Waiver Request 2025 at 14.

[12] *Id.* at 16.

[13] *Id.* at 13.

[14] Piper Waiver Request 2025 17-18, and Attachment A (Pg. 20).

- 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. 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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- 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 202-418-2454 (voice), 202-418-0432 (tty).

Parties should also send a copy of their filings to Syed S. Hasan, Office of Engineering and Technology, Federal Communications Commission, 45 L Street, NE, Washington DC 20554, or by e-mail to Syed.Hasan@fcc.gov.

Documents associated with this docket will be available for public inspection through the Commission's ECFS.

By the Chief, Office of Engineering and Technology

-FCC-

PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, DC 20554

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

DA 26-58
Released: January 16, 2026

WORLD RADIOCOMMUNICATION CONFERENCE ADVISORY COMMITTEE SCHEDULES FOURTH MEETING FOR FEBRUARY 19, 2026

OIA Docket No. 24-30

The fourth meeting of the World Radiocommunication Conference Advisory Committee (Advisory Committee) will be held on February 19, 2026, at 11:00 a.m. in person in the Commission Meeting Room of the FCC, 45 L Street, N.E., Washington, D.C. and via livestream at http://www.fcc.gov/live. A draft agenda of the meeting is attached.

This fourth meeting of the WRC Advisory Committee will consider status reports and recommendations from its Informal Working Groups (IWG) concerning preparation for the 2027 World Radiocommunication Conference (WRC-27), with a focus on WRC-27 proposals. This meeting is open to the public. The meeting will be broadcast live with open captioning over the Internet from the FCC Live web page at www.fcc.gov/live. There will be audience participation available; send live questions to livequestions@fcc.gov during this meeting.

The Commission's WRC-27 website (www.fcc.gov/wrc-27) contains the latest updated information and agendas on all scheduled meetings and Advisory Committee matters. Comments may be presented at the Advisory Committee meeting or in advance of the meeting by email to: WRC-27@fcc.gov.

For additional information please contact Gregory Baker, the Designated Federal Official for the Advisory Committee, Gregory.Baker@fcc.gov, telephone (202) 919-0758.

AGENDA

Fourth Meeting of the 2027 World Radiocommunication Conference Advisory Committee
Federal Communications Commission
February 19, 2026; 11:00 a.m.

1. Opening Remarks
2. Approval of Agenda
3. WRC-27 Advisory Committee Structure
4. Update by NTIA on the RCS
5. Approval of the Minutes of the Third Meeting
6. IWG Reports and Consideration Documents
7. Future Meetings
8. Other Business

PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, DC 20554

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

DA 26-59
Released: January 16, 2026

EXTENSION OF CONDITIONAL CERTIFICATIONS OF ROGERVOICE TO PROVIDE INTERNET PROTOCOL CAPTIONED TELEPHONE SERVICE AND TIVE, LLC TO PROVIDE VIDEO RELAY SERVICE

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 for six months, through July 16, 2026, the conditional certifications for Rogervoice to provide Internet Protocol Captioned Telephone Service (IP CTS) and for Tive, LLC, to provide Video Relay Service (VRS), both supported by the Interstate Telecommunications Relay Services (TRS) Fund.[1]

On January 17, 2024, the Bureau granted Rogervoice conditional certification to provide IP CTS for a period of two years, through January 20, 2026.[2] On November 21, 2025, Rogervoice filed an amendment to its application for full certification.[3] On October 1, 2025, the Bureau extended Tive's conditional certification to provide VRS from October 27, 2025, through January 27, 2026.[4] Given Rogervoice's recent amendment, and the recent temporary lapse in federal government funding, the Bureau finds that additional time is necessary to complete its consideration of Rogervoice's and Tive's applications for full certification. To ensure uninterrupted service to consumers while the Bureau completes its review of these applications, the conditional certifications for Rogervoice and Tive are

[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 for providers of TRS). IP CTS "permits an individual who can speak but who has difficulty hearing over the telephone to use a telephone and an [IP]-enabled device via the Internet to simultaneously listen to the other party and read captions of what the other party is saying." 47 CFR § 64.601(a)(26) (definition of IP CTS). 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)(57) (defining VRS).

[2] *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 245 (CGB 2024), https://www.fcc.gov/document/rogervoice-conditional-certification-order-provide-ip-cts.

[3] *See* Amendment to Application of Rogervoice for Certification to Provide IP Captioned Telephone Service, CG Docket No. 03-123 (filed Nov. 21, 2025), https://www.fcc.gov/ecfs/document/1121491215027/1.

[4] *See Extension of Conditional Certification for Tive, LLC, to Provide Video Relay Service,* CG Docket Nos. 03-123 and 10-51, Public Notice, DA 25-924 (CGB Oct. 1, 2025), https://www.fcc.gov/document/tive-vrs-conditional-certification-extension. Tive initially received conditional certification in October 2023. *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, 38 FCC Rcd 9731 (CGB 2023), https://www.fcc.gov/document/fcc-conditionally-certifies-tive-llc-provide-vrs.

extended for six months from the date of this Public Notice, through July 16, 2026, or until the effective date of grant or denial of full certification, whichever occurs earlier. These extensions, which are without prejudice to the Commission's final determination on Rogervoice's and Tive's applications for full certification, 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–

Federal Communications Commission
Washington, D.C. 20554

January 16, 2026

DA 26-60
In Reply Refer to:
1800B3-BH
Released: January 16, 2026

Church of the Last Call
c/o Martha Lilian Simaj
10223 Huntington Wood Dr
Houston, TX 77099
martasimaj@gmail.com (sent by email)

Church of the Last Call
c/o Dan J. Alpert
2120 21st Rd. N
Arlington, VA 22201
dja@commlaw.tv (sent by email)

In re: Church of the Last Call
New LPFM, Whaley Corner, Texas
Facility ID No. 788509
Application File No. 0000232960

Dear Applicant:

We have before us the above-referenced application (Application) for a construction permit for a new low power FM (LPFM) station at Whaley Corner, Texas, (Station), filed by Church of the Last Call (Last Call).[1] For the reasons set forth below, we dismiss the Application.

Background. Last Call filed the Application during the 2023 LPFM filing window.[2] In the Application, Last Call certifies that it qualifies as local both because it is physically headquartered and has 75% of its board members residing within 10 miles of its proposed transmitting antenna site.[3] The Application identifies the address of the Applicant as "10223 Huntington Wood Dr, Houston, TX 77099," which it indicates is also the proposed main studio location for the Station.[4] Based on images from

[1] Application File No. 0000232960 (filed Dec. 14, 2023).

[2] *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).

[3] Application, Legal Certifications Section, Community-Based Criteria questions. As discussed below, because the transmitter is located in the Houston-Galveston, Texas radio market, which is a top 50 urban market, either Last Call's headquarters must be within 10 miles of the proposed site for the transmitting antenna, or, alternatively, 75% of Last Call's board members must reside with 10 miles of the proposed site for the transmitting antenna in order for Last Call to be eligible to hold an LPFM authorization under the Commission's Rules. 47 CFR § 73.853(b)(1), (2).

[4] Application, Applicant Information; Point System Factors, Main Studio question.

Google Maps, the location appears to be a single family home on a cul-de-sac in a suburban residential neighborhood. The Application indicates further that one of the Applicant's three directors also resides at this same address.[5]

Discussion. We find that Last Call fails to meet the localism requirements of either sections 73.853(b)(1) or 73.853(b)(2) of the Rules.[6] An LPFM applicant must qualify as a "local" entity at the time that it files its FCC Form 2100, Schedule 318 application (LPFM Application).[7] In order to qualify as local, a nonprofit educational organization LPFM applicant, such as Last Call, will be deemed local if it can certify, at the time of filing its application, that either:

> (1) The applicant, its local chapter or branch is physically headquartered or has a campus within 16.1 km (10 miles) of the proposed site for the transmitting antenna for applicants in the top 50 urban markets, and 32.1 km (20 miles) for applicants outside of the top 50 urban markets; [or][8]
>
> (2) It has 75% of its board members residing within 16.1 km (10 miles) of the proposed site for the transmitting antenna for applicants in the top 50 urban markets, and 32.1 km (20 miles) for applicants outside of the top 50 urban markets . . . .[9]

Because Last Call's proposed transmitter is located in the Houston-Galveston, Texas Nielsen Radio Metro Market, which is ranked number five among urban markets in the country,[10] the headquarters of Last Call must be located, or 75% of its board members must reside, within 10 miles of the proposed site for the transmitting antenna.[11] In the Application, Last Call certifies that it satisfies the local applicant criteria, claiming it has both its physical headquarters, and 75% of its board members residing, within 10 miles of its proposed transmitting antenna site.[12] These certifications appears to be false.

We find that Last Call does not satisfy either of the requirements of section 73.853(b). The transmitting antenna site that Last Call identifies in its Application is located at 29° 26' 47.9" N, 095° 40' 13.8" W.[13] We have confirmed that this site is 15.99 miles from 10223 Huntington Wood Dr., Houston,

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[5] Application, Parties to the Application.

[6] 47 CFR § 73.853(b)(1), (2).

[7] *See* Instructions for LPFM Application, Legal Certifications, Eligibility Certifications, and Community-Based Criteria Certifications. *See also* LPFM Application, Legal Certifications, Eligibility Certifications, and Community-Based Criteria Certifications.

[8] 47 CFR § 73.853(b)(1).

[9] *Id*. at § 73.853(b)(2). *See also Creation of Low Power Radio Service*, MM Docket No. 99-25, Report and Order, 15 FCC Rcd 2205, 2219, para. 33 (2000).

[10] *See* The Nielsen Company (US) LLC, Radio Market Survey Population & Information, Fall 2025, at 2 (2025) https://www.nielsen.com/wp-content/uploads/sites/2/2025/09/redbook_fa25.pdf. Both Whaley Corner, Texas, and the proposed antenna transmitter site are located in Fort Bend County, Texas, which is part of the Houston-Galveston, Texas Radio Metro Market. *See* The Nielsen Company (US) LLC, 2023 Radio Metro Map https://www.worldradiohistory.com/Archive-Arbitron/Market-Maps/Nielsen-Radio-Market-Mape-Fall-2023.pdf .

[11] 47 CFR § 73.853(b).

[12] *See* Application at Legal Certifications, Community-Based Criteria Certifications.

[13] Application at Antenna Location Data Section, Coordinates question.

TX 77099, the address listed as Last Call's headquarters and the Station's proposed main studio,[14] and thus is beyond the 10-mile requirement specified in section 73.853(b)(1).

In addition, the address listed as Last Call's headquarters is also listed as the residence for one of its three directors, Marta Lilian Simaj.[15] The Applicant's remaining two directors, Jose Miguel Simaj and Victor Simaj, reside 35.62 miles and 23.78 miles away from the proposed transmitter site, respectively, meaning that none of the Applicant's directors resides within 10 miles of the proposed transmitter site.[16] Accordingly, we find that Last Call also fails to meet the eligibility requirement of section 73.853(b)(2), as 75% of the Applicant's board members do not reside within 10 miles of the antenna transmitter site.

Therefore, we conclude that Last Call does not qualify as local under section 73.853(b) of the Rules, despite its affirmative certifications.[17] Accordingly, we find Last Call ineligible to hold an LPFM license and dismiss the Application.[18]

Conclusion/Actions. For the reasons set forth above, **IT IS ORDERED** that the application for a construction permit for a new LPFM station at Whaley Corner, Texas, filed by Church of the Last Call on December 14, 2023 (Application File No. 0000232960) **IS DISMISSED** pursuant to section 73.3566(a) of the Commission's Rules.[19]

Sincerely,

Albert Shuldiner
Chief, Audio Division
Media Bureau

[14] Application at Applicant Information Section; Point System Factors Section, Main Studio question (listing address of 10223 Huntington Wood Dr., Houston, TX 77099).

[15] Application at Parties to the Application Section (listing 10223 Huntington Wood Dr., Houston, TX 77099 as the address for Marta Lilian Simaj).

[16] *Id*. (listing 26111 Crosswood Trails Ln, Cypress, TX 77433 as the address for Jose Miguel Simaj and 2425 Sage Rd, Houston, TX 77056 as the address for Victor Simaj).

[17] 47 CFR § 73.853(b).

[18] *See, e.g., Bump FM Inc.*, Letter Order, DA 24-243, at 4 (MB Mar. 13, 2024). While we find Last Call to be ineligible to hold an LPFM authorization by virtue of its failure to meet the requirements of section 73.853, we note that the Applicant and/or the Application may have other deficiencies as well, such as the fact that Last Call appears to have forfeited its right to transact business in Texas for failure to pay taxes.

[19] 47 CFR § 73.3566(a).

Federal Communications Commission
Washington, D.C. 20554

January 16, 2026

DA 26-61
In Reply Refer to:
1800B3-BH
Released: January 16, 2026

YAHWEH HTX
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Arlington, VA 22201
dja@commlaw.tv (sent by email)

In re: YAHWEH HTX
New LPFM, Alvin, Texas
Facility ID No. 788316
Application File No. 0000232982

Dear Applicant:

We have before us the above-referenced application (Application) for a construction permit for a new low power FM (LPFM) station at Alvin, Texas, (Station), filed by YAHWEH HTX (YAHWEH).[1] For the reasons set forth below, we dismiss the Application.

Background. YAHWEH filed the Application during the 2023 LPFM filing window.[2] In the Application, YAHWEH certifies that it qualifies as local both because it is physically headquartered and has 75% of its board members residing within 10 miles of its proposed transmitting antenna site.[3] The Application identifies the address of the Applicant as "3120 Pasadena Blvd Apt 95, Pasadena, TX

[1] Application File No. 0000232982 (filed Dec. 14, 2023).

[2] *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).

[3] Application, Legal Certifications Section, Community-Based Criteria questions. As discussed below, because the transmitter is located in the Houston-Galveston, Texas radio market, which is a top 50 urban market, either YAHWEH's headquarters must be within 10 miles of the proposed site for the transmitting antenna, or, alternatively, 75% of YAHWEH's board members must reside with 10 miles of the proposed site for the transmitting antenna in order for YAHWEH to be eligible to hold an LPFM authorization under the Commission's Rules. 47 CFR § 73.853(b)(1), (2).

77503," which it indicates is also the proposed main studio location for the Station.[4] Based on images from Google Maps, the location appears to be a residential garden-apartment complex. The Application indicates further that one of the Applicant's three directors also resides at this same address.[5]

Discussion. We find that YAHWEH fails to meet the localism requirements of either sections 73.853(b)(1) or 73.853(b)(2) of the Rules.[6] An LPFM applicant must qualify as a "local" entity at the time that it files its FCC Form 2100, Schedule 318 application (LPFM Application).[7] In order to qualify as local, a nonprofit educational organization LPFM applicant, such as YAHWEH, will be deemed local if it can certify, at the time of filing its application, that either:

> (1) The applicant, its local chapter or branch is physically headquartered or has a campus within 16.1 km (10 miles) of the proposed site for the transmitting antenna for applicants in the top 50 urban markets, and 32.1 km (20 miles) for applicants outside of the top 50 urban markets; [or][8]
>
> (2) It has 75% of its board members residing within 16.1 km (10 miles) of the proposed site for the transmitting antenna for applicants in the top 50 urban markets, and 32.1 km (20 miles) for applicants outside of the top 50 urban markets . . . .[9]

Because YAHWEH's proposed transmitter is located in the Houston-Galveston, Texas Nielsen Radio Metro Market, which is ranked number five among urban markets in the country,[10] the headquarters of YAHWEH must be located, or 75% of its board members must reside, within 10 miles of the proposed site for the transmitting antenna.[11] In the Application, YAHWEH certifies that it satisfies the local applicant criteria, claiming it has both its physical headquarters and 75% of its board members residing within 10 miles of its proposed transmitting antenna site.[12] These certifications appears to be false.

We find that YAHWEH does not satisfy either of the requirements of section 73.853(b). The transmitting antenna site that YAHWEH identifies in its Application is located at 29° 24' 37.5" N, 095° 11' 43.4" W.[13] We have confirmed that this site is 18.86 miles from 3120 Pasadena Blvd, Apt 95,

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[4] Application, Applicant Information; Point System Factors, Main Studio question.

[5] Application, Parties to the Application.

[6] 47 CFR § 73.853(b)(1), (2).

[7] *See* Instructions for LPFM Application, Legal Certifications, Eligibility Certifications, and Community-Based Criteria Certifications. *See also* LPFM Application, Legal Certifications, Eligibility Certifications, and Community-Based Criteria Certifications.

[8] 47 CFR § 73.853(b)(1).

[9] *Id*. at § 73.853(b)(2). *See also Creation of Low Power Radio Service*, MM Docket No. 99-25, Report and Order, 15 FCC Rcd 2205, 2219, para. 33 (2000).

[10] *See* The Nielsen Company (US) LLC, Radio Market Survey Population & Information, Fall 2025, at 2 (2025) https://www.nielsen.com/wp-content/uploads/sites/2/2025/09/redbook_fa25.pdf. Both Alvin, Texas, and the proposed antenna transmitter site are located in Brazoria County, Texas, which is part of the Houston-Galveston, Texas Radio Metro Market. *See* The Nielsen Company (US) LLC, 2023 Radio Metro Map https://www.worldradiohistory.com/Archive-Arbitron/Market-Maps/Nielsen-Radio-Market-Mape-Fall-2023.pdf .

[11] 47 CFR § 73.853(b).

[12] *See* Application at Legal Certifications, Community-Based Criteria Certifications.

[13] Application at Antenna Location Data Section, Coordinates question.

Pasadena, Texas 77503, the address listed as YAHWEH's headquarters and the proposed Station's main studio,[14] and thus is beyond the 10-mile requirement specified in section 73.853(b)(1).

In addition, the address listed as YAHWEH's headquarters is also listed as the residence for one of its three directors, Isai Ibarra.[15] The remaining two directors, Maria Isable Pech Vicente and Eliseo Vicente, reside 27.37 miles and 29.35 miles away from the proposed transmitter site, respectively, meaning that none of the Applicant's directors resides within 10 miles of the proposed transmitter site.[16] Accordingly, we find that YAHWEH also fails to meet the eligibility requirement of section 73.853(b)(2), as 75% of the Applicant's board members do not reside within 10 miles of the antenna transmitter site.

Therefore, we conclude that YAHWEH does not qualify as local under section 73.853(b) of the Rules, despite its affirmative certifications.[17] Accordingly, we find YAHWEH ineligible to hold an LPFM license and dismiss the Application.[18]

Conclusion/Actions. For the reasons set forth above, **IT IS ORDERED** that the application for a construction permit for a new LPFM station at Spring, Texas, filed by YAHWEH HTX on December 14, 2023 (Application File No. 0000232982) **IS DISMISSED** pursuant to section 73.3566(a) of the Commission's Rules.[19]

Sincerely,

Albert Shuldiner
Chief, Audio Division
Media Bureau

[14] Application at Applicant Information Section; Point System Factors Section, Main Studio question (listing address of 3120 Pasadena Blvd, Apt 95, Pasadena, Texas 77503).

[15] Application at Parties to the Application Section (listing 3120 Pasadena Blvd, Apt 95, Pasadena, Texas 77503 as the address for Isai Ibarra).

[16] *Id*. (listing 5601 Chimney Rock Road, Houston, Texas 77081 as the address for Maria Isabel Pech Vicente and 2235 Winrock Blvd, Houston, Texas 77057 as the address for Eliseo Vicente).

[17] 47 CFR § 73.853(b).

[18] *See, e.g., Bump FM Inc.*, Letter Order, DA 24-243, at 4 (MB Mar. 13, 2024). While we find YAHWEH to be ineligible to hold an LPFM authorization by virtue of its failure to meet the requirements of section 73.853, we note that the Applicant and/or the Application may have other deficiencies as well, such as the fact that YAHWEH appears to have forfeited its right to transact business in Texas for failure to pay taxes.

[19] 47 CFR § 73.3566(a).

Federal Communications Commission
Washington, D.C. 20554

January 16, 2026

DA 26-62
In Reply Refer to:
1800B3-BH
Released: January 16, 2026

Holly USA Espirit Church
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Holly USA Espirit Church
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In re: **Holly USA Espirit Church**
New LPFM, Macdona, Texas
Facility ID No. 788552
Application File No. 0000233033

Dear Applicant:

We have before us the above-referenced application (Application) for a construction permit for a new low power FM (LPFM) station at Macdona, Texas, (Station), filed by Holly USA Espirit Church (Holly USA).[1] For the reasons set forth below, we dismiss the Application.

Background. Holly USA filed the Application during the 2023 LPFM filing window.[2] In the Application, Holly USA certifies that it qualifies as local both because it is physically headquartered and

[1] Application File No. 0000233033 (filed Dec. 15, 2023).

[2] *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).

has 75% of its board members residing within 10 miles of its proposed transmitting antenna site.[3] The Application identifies the address of the Applicant as "1406 Pasadena St, San Antonio, TX 78201," which it indicates is also the location proposed for the Station's main studio.[4] Based on images from Google Maps, the address appears to be the location of a church of a different name. In addition, according to signage visible on Google Maps, the address also appears to be the location of an existing radio station, La Nueva 90.5 FM, K213FJ.[5]

Discussion. We find that Holly USA fails to meet the localism requirements of either sections 73.853(b)(1) or 73.853(b)(2) of the Rules.[6] An LPFM applicant must qualify as a "local" entity at the time that it files its FCC Form 2100, Schedule 318 application (LPFM Application).[7] In order to qualify as local, a nonprofit educational organization LPFM applicant, such as Holly USA, will be deemed local if it can certify, at the time of filing its application, that either:

> (1) The applicant, its local chapter or branch is physically headquartered or has a campus within 16.1 km (10 miles) of the proposed site for the transmitting antenna for applicants in the top 50 urban markets, and 32.1 km (20 miles) for applicants outside of the top 50 urban markets; [or][8]
>
> (2) It has 75% of its board members residing within 16.1 km (10 miles) of the proposed site for the transmitting antenna for applicants in the top 50 urban markets, and 32.1 km (20 miles) for applicants outside of the top 50 urban markets . . . .[9]

Because Holly USA's proposed transmitter is located in the San Antonio, Texas Nielsen Radio Metro Market, which is ranked number 24 among urban markets in the country,[10] the headquarters of Holly USA must be located, or 75% of its board members must reside, within 10 miles of the proposed

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[3] Application, Legal Certifications Section, Community-Based Criteria questions. As discussed below, because the transmitter is located in the San Antonio, Texas radio market, which is a top 50 urban market, either Holly USA's headquarters must be within 10 miles of the proposed site for the transmitting antenna, or, alternatively, 75% of Holly USA's board members must reside with 10 miles of the proposed site for the transmitting antenna in order for Holly USA to be eligible to hold an LPFM authorization under the Commission's Rules. 47 CFR § 73.853(b)(1), (2).

[4] Application, Applicant Information; Point System Factors, Main Studio question.

[5] According to the Commission's Licensing and Management System (LMS) database, K213FJ is an FM translator licensed to Centro Cristiano de Vida Eterna, which is also the licensee of several dozen FM Radio, FM translator, and low power television stations located across Texas and California.

[6] 47 CFR § 73.853(b)(1), (2).

[7] *See* Instructions for LPFM Application, Legal Certifications, Eligibility Certifications, and Community-Based Criteria Certifications. *See also* LPFM Application, Legal Certifications, Eligibility Certifications, and Community-Based Criteria Certifications.

[8] 47 CFR § 73.853(b)(1).

[9] *Id*. at § 73.853(b)(2). *See also Creation of Low Power Radio Service*, MM Docket No. 99-25, Report and Order, 15 FCC Rcd 2205, 2219, para. 33 (2000).

[10] *See* The Nielsen Company (US) LLC, Radio Market Survey Population & Information, Fall 2025, at 2 (2025) https://www.nielsen.com/wp-content/uploads/sites/2/2025/09/redbook_fa25.pdf. Both Macdona, Texas, and the proposed antenna transmitter site are located in Bexar County, Texas, which is part of the San Antonio, Texas Radio Metro Market. *See* The Nielsen Company (US) LLC, 2023 Radio Metro Map https://www.worldradiohistory.com/Archive-Arbitron/Market-Maps/Nielsen-Radio-Market-Mape-Fall-2023.pdf .

site for the transmitting antenna.[11] In the Application, Holly USA certifies that it satisfies the local applicant criteria, claiming it has both its physical headquarters and 75% of its board members residing within 10 miles of its proposed transmitting antenna site.[12] These certifications appears to be false.

We find that Holly USA does not satisfy either of the requirements of section 73.853(b). The transmitting antenna site that Holly USA identifies in its Application is located at 29° 21' 53.3" N, 098° 45' 05.1" W.[13] We have confirmed that this site is 15.8 miles from 1406 Pasadena St, San Antonio, Texas 78201, the address listed as Holly USA's headquarters and the Station's proposed main studio,[14] and thus is beyond the 10-mile requirement specified in section 73.853(b)(1).

We further find that the addresses for all three of Holly USA's directors are located more than 10 miles from the transmitting antenna site, and thus, Holly USA also fails to meet the eligibility requirement of section 73.853(b)(2). Indeed, none of the directors listed on the Application even reside in the same *market* as the proposed Station, let alone within 10 miles. Specifically, Maria Perez Ramos resides 186 miles away in Houston, Texas; Magdalena Martinez resides 204.8 miles away in Houston, Texas; and Abel Tobias Garcia resides 249 miles away in the Dallas-Ft. Worth, Texas market.[15] Therefore, we conclude that Holly USA does not qualify as local under section 73.853(b) of the Rules, despite its affirmative certifications.[16] Accordingly, we find Holly USA ineligible to hold an LPFM license and dismiss the Application.[17]

In addition, we also find that the Application fails to comply with the foreign ownership restrictions of the Communications Act of 1934, as amended (the Act) and, thus, is patently deficient on that basis as well. All LPFM applicants and licensees are subject to the statutory requirements of section 310(b) of the Act, which limits foreign ownership and voting interests in radio station licenses, including broadcast licenses.[18] While foreign parties may act as officers or directors of corporate licensees,[19] section 310(b)(3) prohibits foreign entities from owning or voting more than 20 percent of the capital

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[11] 47 CFR § 73.853(b).

[12] *See* Application at Legal Certifications, Community-Based Criteria Certifications.

[13] Application at Antenna Location Data Section, Coordinates question.

[14] Application at Applicant Information Section; Point System Factors Section, Main Studio question (listing address of 1406 Pasadena St., San Antonio, Texas 78201).

[15] Application at Parties to the Application Section (listing 5700 Thousand Oaks Ct., Houston, Texas 77092 as the address for Maria Perez Ramos; 1214 Elberta St., Houston, Texas, 77051 as the address for Magdalena Martinez; and 220 Bailey Dr., De Soto, TX 75115 as the address for Abel Tobias Garcia).

[16] 47 CFR § 73.853(b).

[17] *See, e.g., Bump FM Inc.*, Letter Order, DA 24-243, at 4 (MB Mar. 13, 2024).

[18] *Creation of Low Power Radio Service*, Memorandum Opinion and Order on Reconsideration, 15 FCC Rcd 19208, 19243-44, para. 89 (2000) (*LPFM Order on Recon*) (citing 47 U.S.C. § 310(b)).

[19] Telecommunications Act of 1996, Pub. L. No. 104-104, § 403(k), 110 Stat. 56 (1996*); Amendment of Parts 20, 21, 22, 24, 26, 80, 87, 90, 100, and 101 of the Commission's Rules to Implement Section 403(k) of the Telecommunications Act of 1996*, Order, 11 FCC Rcd 13072 (1996) (*Citizenship Requirements Order*). Prior to enactment of the Telecommunications Act of 1996, Section 310(b)(3) precluded a license from being granted to a corporation with any foreign officers or directors, and Section 310(b)(4) provided that the Commission could deny an application or revoke a license where any officer of the parent corporation is a foreign party. *Citizenship Requirements Order*, 11 FCC Rcd at 13073, para. 2.

stock of a broadcast licensee.[20] The Commission has determined that section 310(b) applies not only to corporate interests, but also to partnership and other non-corporate interests.[21] Recognizing that many entities that would hold LPFM licenses would be non-stock corporations or other non-stock entities, the Commission provided that, for the purpose of determining whether a non-stock LPFM applicant or licensee complies with the statutory foreign ownership requirements, we will first consider the citizenship of those individuals who would have the ability, comparable to that of a traditional owner, to influence or control the licensee.[22]

Here, two of the three directors of Holly USA are foreign citizens: Maria Perez Ramos who is Cuban, and Magdalena Martinez who is Honduran,[23] which means that 66.6 percent of the control of Holly USA is held by foreign nationals in violation of section 310(b) of the Act.[24] Despite indicating that two of the Applicant's three directors were foreign citizens, Holly USA falsely certified that no more than one-fifth of the Applicant was owned or voted by aliens.[25] We thus dismiss the Application on the basis that it also fails to comply with the foreign ownership strictures of the Act.[26]

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[20] 47 U.S.C. § 310(b)(3). If either the foreign ownership or voting interest in an applicant or licensee exceeds the 20 percent benchmark, we are required by law to revoke the license or refuse to grant the license application. *Request for Declaratory Ruling Concerning the Citizenship Requirements of Sections 310(b)(3) and (4) of the Communications Act of 1934, as amended,* Declaratory Ruling, 103 FCC 2d 511, 517-18, para. 12 & n.33, 520, para. 16 (1983) (*Wilner and Scheiner I*), *clarified upon reconsideration*, Memorandum Opinion and Order, 1 FCC Rcd 12 (1986).

[21] *See Wilner and Scheiner I*, 103 FCC 2d at 514-15, para. 7, 516, para. 10 (stating that the Commission has applied the strictures of section 310(b) to a variety of non-corporate entities, including unincorporated associations and partnerships).

[22] *LPFM Order on Recon*, 15 FCC Rcd at 19244, para. 90.

[23] Application at Parties to the Application Section (listing the citizenship of Maria Perez Ramos as "Cuba" and of Magdalena Martinez as "Honduras" and ascribing 15% of the votes of the Applicant to each).

[24] Even if the Commission were to consider each of these directors as holding only 15% of the votes as Holly USA indicates in the Application, the 30 percent combined foreign ownership interest would still exceed the 20 percent statutory limit set forth in section 310(b)(3).

[25] Application at Alien Ownership, question 4.

[26] *See, e.g., Caribbean Festival Association, Inc.*, Letter Order, 22 FCC Rcd 19238 (MB 2007) (affirming dismissal of LPFM application where foreign nationals controlled more than 20 percent of applicant's board in violation of section 310 of the Act).

Conclusion/Actions. For the reasons set forth above, **IT IS ORDERED** that the application for a construction permit for a new LPFM station at Macdona, Texas, filed by Holly USA Espirit Church on December 15, 2023 (Application File No. 0000233033) **IS DISMISSED** pursuant to section 73.3566(a) of the Commission's Rules.[27]

Sincerely,

Albert Shuldiner
Chief, Audio Division
Media Bureau

cc (*by email and U.S. Mail*):
Maria Perez Ramos
Magdalena Martinez
Abel Tobias Garcia

[27] 47 CFR § 73.3566(a). While we find Holly USA to be ineligible to hold an LPFM authorization by virtue of its failure to meet the requirements of section 73.853 and its impermissible foreign ownership interest, we note that the Applicant and/or the Application may have other deficiencies as well, such as the fact that Holly USA appears to have forfeited its right to transact business in Texas for failure to pay taxes and that the mission statement submitted with the Application appears to be for an entity other than Holly USA.

Federal Communications Commission
Washington, D.C. 20554

January 16, 2026

DA 26-63
In Reply Refer to:
1800B3-BH
Released: January 16, 2026

Radio Casa de Adoracion TX
c/o Juan Daniel Rosales Garcia
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jdanielrg17@gmail.com (sent by email)

Radio Casa de Adoracion TX
c/o Dan J. Alpert
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Arlington, VA 22201
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In re: Radio Casa de Adoracion TX
New LPFM, Spring, Texas
Facility ID No. 788666
Application File No. 0000233028

Dear Applicant:

We have before us the above-referenced application (Application) for a construction permit for a new low power FM (LPFM) station at Spring, Texas, (Station), filed by Radio Casa de Adoracion TX (Radio Casa).[1] For the reasons set forth below, we dismiss the Application.

Background. Radio Casa filed the Application during the 2023 LPFM filing window.[2] In the Application, Radio Casa certifies that it qualifies as local both because it is physically headquartered and has 75% of its board members residing within 10 miles of its proposed transmitting antenna site.[3] The

[1] Application File No. 0000233028 (filed Dec. 15, 2023).

[2] *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).

[3] Application, Legal Certifications Section, Community-Based Criteria questions. As discussed below, because the transmitter is located in the Houston-Galveston, Texas radio market, which is a top 50 urban market, either Radio Casa's headquarters must be within 10 miles of the proposed site for the transmitting antenna, or, alternatively, 75% of Radio Casa's board members must reside with 10 miles of the proposed site for the transmitting antenna in order for Radio Casa to be eligible to hold an LPFM authorization under the Commission's Rules. 47 CFR § 73.853(b)(1), (2).

Application identifies the address of the Applicant as "200 Dominion Park Drive, Houston, TX 77090," which it indicates is also the proposed main studio location for the Station.[4] Based on images from Google Maps, the location appears to be a single-family home in a suburban residential neighborhood. The Application indicates further that one of the Applicant's three directors also resides at this same address.[5]

Discussion. We find that Radio Casa fails to meet the localism requirements of either sections 73.853(b)(1) or 73.853(b)(2) of the Rules.[6] An LPFM applicant must qualify as a "local" entity at the time that it files its FCC Form 2100, Schedule 318 application (LPFM Application).[7] In order to qualify as local, a nonprofit educational organization LPFM applicant, such as Radio Casa, will be deemed local if it can certify, at the time of filing its application, that either:

> (1) The applicant, its local chapter or branch is physically headquartered or has a campus within 16.1 km (10 miles) of the proposed site for the transmitting antenna for applicants in the top 50 urban markets, and 32.1 km (20 miles) for applicants outside of the top 50 urban markets; [or][8]
>
> (2) It has 75% of its board members residing within 16.1 km (10 miles) of the proposed site for the transmitting antenna for applicants in the top 50 urban markets, and 32.1 km (20 miles) for applicants outside of the top 50 urban markets . . . .[9]

Because Radio Casa's proposed transmitter is located in the Houston-Galveston, Texas Nielsen Radio Metro Market, which is ranked number five among urban markets in the country,[10] the headquarters of Radio Casa must be located, or 75% of its board members must reside, within 10 miles of the proposed site for the transmitting antenna.[11] In the Application, Radio Casa certifies that it satisfies the local applicant criteria, claiming it has both its physical headquarters and 75% of its board members residing within 10 miles of its proposed transmitting antenna site.[12] These certifications appears to be false.

We find that Radio Casa does not satisfy either of the requirements of section 73.853(b). The transmitting antenna site that Radio Casa identifies in its Application is located at 30° 08' 54.0" N, 095°

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[4] Application, Applicant Information; Point System Factors, Main Studio question.

[5] Application, Parties to the Application.

[6] 47 CFR § 73.853(b)(1), (2).

[7] *See* Instructions for LPFM Application, Legal Certifications, Eligibility Certifications, and Community-Based Criteria Certifications. *See also* LPFM Application, Legal Certifications, Eligibility Certifications, and Community-Based Criteria Certifications.

[8] 47 CFR § 73.853(b)(1).

[9] *Id*. at § 73.853(b)(2). *See also Creation of Low Power Radio Service*, MM Docket No. 99-25, Report and Order, 15 FCC Rcd 2205, 2219, para. 33 (2000).

[10] *See* The Nielsen Company (US) LLC, Radio Market Survey Population & Information, Fall 2025, at 2 (2025) https://www.nielsen.com/wp-content/uploads/sites/2/2025/09/redbook_fa25.pdf. Both Spring, Texas, and the proposed antenna transmitter site are located in Harris County, Texas, which is part of the Houston-Galveston, Texas Radio Metro Market. *See* The Nielsen Company (US) LLC, 2023 Radio Metro Map https://www.worldradiohistory.com/Archive-Arbitron/Market-Maps/Nielsen-Radio-Market-Mape-Fall-2023.pdf .

[11] 47 CFR § 73.853(b).

[12] *See* Application at Legal Certifications, Community-Based Criteria Certifications.

29' 19.0" W.[13] We have confirmed that this site is 12.5 miles from 200 Dominion Park Drive, Houston, Texas 77090, the address listed as Radio Casa's headquarters and the proposed Station's main studio,[14] and thus is beyond the 10-mile requirement specified in section 73.853(b)(1).

In addition, the address listed as Radio Casa's headquarters is also listed as the residence for one of its three directors, Juan Daniel Rosales Garcia.[15] The remaining directors, Carlos Equila Chumil and Miguel Angel Gaspar, reside 32.28 miles and 30.17 miles away from the proposed transmitter site, respectively, meaning that none of the Applicant's directors resides within 10 miles of the proposed transmitter site.[16] Accordingly, we find that Radio Casa also fails to meet the eligibility requirement of section 73.853(b)(2), as 75% of the Applicant's board members do not reside within 10 miles of the antenna transmitter site.

Therefore, we conclude that Radio Casa does not qualify as local under section 73.853(b) of the Rules, despite its affirmative certifications.[17] Accordingly, we find Radio Casa ineligible to hold an LPFM license and dismiss the Application.[18]

Conclusion/Actions. For the reasons set forth above, **IT IS ORDERED** that the application for a construction permit for a new LPFM station at Spring, Texas, filed by Radio Casa de Adoracion TX on December 15, 2023 (Application File No. 0000233028) **IS DISMISSED** pursuant to section 73.3566(a) of the Commission's Rules.[19]

Sincerely,

Albert Shuldiner
Chief, Audio Division
Media Bureau

[13] Application at Antenna Location Data Section, Coordinates question.

[14] Application at Applicant Information Section; Point System Factors Section, Main Studio question (listing address of 200 Dominion Park Drive, Houston, Texas 77090).

[15] Application at Parties to the Application Section (listing 200 Dominion Park Drive, Houston, Texas 77090 as the address for Juan Daniel Rosales Garcia).

[16] *Id*. (listing 10001 Club Creek Drive, Houston, Texas 77036 as the address for Carlos Equila Chumil and 7103 Avenue P, Houston, Texas 77011 as the address for Miguel Angel Gaspar).

[17] 47 CFR § 73.853(b).

[18] *See, e.g., Bump FM Inc.*, Letter Order, DA 24-243, at 4 (MB Mar. 13, 2024). While we find Radio Casa to be ineligible to hold an LPFM authorization by virtue of its failure to meet the requirements of section 73.853, we note that the Applicant and/or the Application may have other deficiencies as well, such as the fact that Radio Casa appears to have forfeited its right to transact business in Texas for failure to pay taxes.

[19] 47 CFR § 73.3566(a).

Federal Communications Commission
Washington, D.C. 20554

January 16, 2026

DA 26-64
In Reply Refer to:
1800B3-BH
Released: January 16, 2026

USA Church in the Hills
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USA Church in the Hills
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In re: USA Church in the Hills
New LPFM, Mt. Charleston, NV
Facility ID No. 788631
Application File No. 0000233029

Dear Applicant:

We have before us the above-referenced application (Application) for a construction permit for a new low power FM (LPFM) station at Mt. Charleston, Nevada, (Station), filed by USA Church in the Hills (USA Church).[1] For the reasons set forth below, we dismiss the Application.

Background. USA Church filed the Application during the 2023 LPFM filing window.[2] USA Church subsequently amended the Application in March 2024; however, the only changes to the Application appear to be the removal of the name and contact information provided for reasonable site assurance and the uploading of a revised copy of the Applicant's Certificate of Formation in the State of Texas.

In the Application, as amended, USA Church certifies that it qualifies as local both because it is physically headquartered and has 75% of its board members residing within 10 miles of its proposed transmitting antenna site.[3] The Application identifies the address of the Applicant as "4330 W. Desert Inn

[1] Application File No. 0000233029 (filed Dec. 15, 2023; amended Mar. 11, 2024).

[2] *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).

[3] Application, Legal Certifications Section, Community-Based Criteria questions. As discussed below, because the transmitter is located in the Las Vegas, Neveda radio market, which is a top 50 urban market, either USA Church's

Rd., Las Vegas, NV 89102," which it indicates is also the proposed main studio location for the Station.[4] Based on images from Google Maps, the location appears to be a light industrial area and possibly the location of a church by a different name.

Discussion. We find that USA Church fails to meet the localism requirements of either sections 73.853(b)(1) or 73.853(b)(2) of the Rules.[5] An LPFM applicant must qualify as a "local" entity at the time that it files its FCC Form 2100, Schedule 318 application (LPFM Application).[6] In order to qualify as local, a nonprofit educational organization LPFM applicant, such as USA Church, will be deemed local if it can certify, at the time of filing its application, that either:

> (1) The applicant, its local chapter or branch is physically headquartered or has a campus within 16.1 km (10 miles) of the proposed site for the transmitting antenna for applicants in the top 50 urban markets, and 32.1 km (20 miles) for applicants outside of the top 50 urban markets; [or][7]
>
> (2) It has 75% of its board members residing within 16.1 km (10 miles) of the proposed site for the transmitting antenna for applicants in the top 50 urban markets, and 32.1 km (20 miles) for applicants outside of the top 50 urban markets . . . .[8]

Because USA Church's proposed transmitter is located in the Las Vegas, Nevada Nielsen Radio Metro Market, which is ranked number 31 among urban markets in the country,[9] the headquarters of USA Church must be located, or 75% of its board members must reside, within 10 miles of the proposed site for the transmitting antenna.[10] In the Application, as amended, USA Church certifies that it satisfies the local applicant criteria, claiming it has both its physical headquarters and 75% of its board members residing within 10 miles of its proposed transmitting antenna site.[11] These certifications appears to be false.

We find that USA Church does not satisfy either of the requirements of section 73.853(b). The transmitting antenna site that USA Church identifies in its Application is located at 36° 15' 28.0" N, 115°

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headquarters must be within 10 miles of the proposed site for the transmitting antenna, or, alternatively, 75% of USA Church's board members must reside with 10 miles of the proposed site for the transmitting antenna in order for USA Church to be eligible to hold an LPFM authorization under the Commission's Rules. 47 CFR § 73.853(b)(1), (2).

[4] Application, Applicant Information; Point System Factors, Main Studio question.

[5] 47 CFR § 73.853(b)(1), (2).

[6] *See* Instructions for LPFM Application, Legal Certifications, Eligibility Certifications, and Community-Based Criteria Certifications. *See also* LPFM Application, Legal Certifications, Eligibility Certifications, and Community-Based Criteria Certifications.

[7] 47 CFR § 73.853(b)(1).

[8] *Id*. at § 73.853(b)(2). *See also Creation of Low Power Radio Service*, MM Docket No. 99-25, Report and Order, 15 FCC Rcd 2205, 2219, para. 33 (2000).

[9] *See* The Nielsen Company (US) LLC, Radio Market Survey Population & Information, Fall 2025, at 2 (2025) https://www.nielsen.com/wp-content/uploads/sites/2/2025/09/redbook_fa25.pdf. Both Mount Charleston, Nevada, and the proposed antenna transmitter site are located in Clark County, Nevada which is part of the Las Vegas, Nevada Radio Metro Market. *See* The Nielsen Company (US) LLC, 2023 Radio Metro Map https://www.worldradiohistory.com/Archive-Arbitron/Market-Maps/Nielsen-Radio-Market-Mape-Fall-2023.pdf .

[10] 47 CFR § 73.853(b).

[11] *See* Application at Legal Certifications, Community-Based Criteria Certifications.

38' 37.0" W.[12] We have confirmed that this site is 26.41 miles from 4330 W. Desert Inn Rd., Las Vegas, NV 89102, the address listed as USA Church's headquarters and the Station's proposed main studio,[13] and thus is beyond the 10-mile requirement specified in section 73.853(b)(1).

We find further that the addresses for all three of USA Church's directors are located over 1,200 miles away in Houston, Texas, and are not even local to the State of Nevada, let alone the community of Mt. Charleston. Specifically, Ascencion Almaguer resides 1,252.74 miles away; Geovanni Velasquez resides 1,245.67 miles away; and Esteban Virgen resides 1,240.59 miles away.[14] Thus, contrary to the Applicant's certification in the Application, none of the Applicant's directors resides within 10 miles of the proposed transmitter site. Accordingly, we find that USA Church also fails to meet the eligibility requirement of section 73.853(b)(2), as 75% of the Applicant's board members do not reside within 10 miles of the antenna transmitter site.

Therefore, we conclude that USA Church does not qualify as local under section 73.853(b) of the Rules, despite its affirmative certifications.[15] Accordingly, we find USA Church ineligible to hold an LPFM license and dismiss the Application.[16]

Conclusion/Actions. For the reasons set forth above, **IT IS ORDERED** that the application for a construction permit for a new LPFM station at Mt. Charleston, Nevada, filed by USA Church in the Hills on December 15, 2023 and amended March 11, 2024 (Application File No. 0000233029) **IS DISMISSED** pursuant to section 73.3566(a) of the Commission's Rules.[17]

Sincerely,

Albert Shuldiner
Chief, Audio Division
Media Bureau

cc (*by email and U.S. Mail*):
Ascencion Almaguer
Geovanni Valesquez
Esteban Virgen

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[12] Application at Antenna Location Data Section, Coordinates question.

[13] Application at Applicant Information Section; Point System Factors Section, Main Studio question (listing address of 4330 W. Desert Inn Rd., Las Vegas, NV 89102).

[14] Application at Parties to the Application Section (listing 4830 Richton St., Houston, TX 77098 as the address for Ascencion Almaguer; 2523 Honey Walnut Trail, Houston, TX 77098 as the address for Geovanni Valesquez; and 16162 Barbarossa Dr., Houston, TX 77083 as the address for Esteban Virgen).

[15] 47 CFR § 73.853(b).

[16] *See, e.g., Bump FM Inc.*, Letter Order, DA 24-243, at 4 (MB Mar. 13, 2024). While we find USA Church to be ineligible to hold an LPFM authorization by virtue of its failure to meet the requirements of section 73.853, we note that the Applicant and/or the Application may have other deficiencies as well, such as the fact that none of the directors listed on the Application match the directors reflected on the Applicant's Certificate of Formation in the State of Texas and that USA Church appears to have forfeited its right to transact business in Texas for failure to pay taxes.

[17] 47 CFR § 73.3566(a).

Federal Communications Commission
Washington, D.C. 20554

January 20, 2026

DA 26-65
In Reply Refer to:
1800B3-CEG
January 20, 2026

Holy Mother Mary
c/o Dennis J. Kelly, Esq.
30628 Detroit Road, Box 278
Westlake, OH 44145

Albert Adam David
1337 Linden Rd
Homewood, IL 60430

Re: **Holy Mother Mary**

New LPFM, Cascade, Iowa
Facility ID No. 786456
Application File No. 232660

Petition for Reconsideration

Dear Applicant and Objector:

We have before us a petition for reconsideration (Second Petition)[1] of the dismissal of the above-referenced application (Application) for a new low power FM (LPFM) station at Cascade, Iowa (Station), filed by Holy Mother Mary (HMM) on March 11, 2025.[2] For the reasons set forth below, we deny the Second Petition.

Background. The Application was filed on December 13, 2023, during the 2023 new LPFM filing window.[3] On January 23, 2024, the Audio Division, Media Bureau (Bureau) dismissed the Application for failure to satisfy the spacing requirements with respect to a co-channel vacant allotment on Channel 254A in Asbury, Iowa.[4] In the *First Dismissal Letter*, the Bureau stated that, pursuant to section 73.870(c) of the Commission's rules (Rules), HMM could not amend to correct this short-spacing.[5] On February 23, 2024, HMM filed a petition for reconsideration (First Petition) accompanied by a proposal to resolve the short-spacing by moving the Station to a non-adjacent channel.[6] In the First Petition, HMM argued that it should not be barred from filing a curative amendment because section 73.870(c) does not apply to applications that

[1] Pleading File No. 267832 (filed Mar. 11, 2025).

[2] *See Holy Mother Mary*, Letter Decision, 40 FCC Rcd 1260 (MB 2025) (*Second Dismissal Letter*).

[3] *See generally, 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] *See Actions,* Public Notice, Report No. PN-2-240125-01 (MB Jan. 25, 2024) (*First Dismissal Letter*). Specifically, the required spacing was 67 kilometers but HMM's proposed spacing was 29 kilometers.

[5] *Id.* (citing 47 CFR § 73.870(c) (prohibiting new LPFM applicants from amending to cure spacing defects)).

[6] Pleading File No. 239730 (First Petition) (proposing to move from Channel 254 to non-adjacent Channel 228).

are short-spaced to vacant allotments, only short-spacing involving "applications and facilities."[7] On July 25, 2024, the Bureau issued the *Reconsideration Letter*, agreeing with HMM that section 73.870(c) does not apply to dismissals based on short-spacing to vacant allotments.[8] The Bureau thus reinstated the Application and provided HMM 30 days to cure the spacing defect under the Commission's *nunc pro tunc* amendment policy.[9] In the *Reconsideration Letter*, the Bureau also warned HMM that, as set out in the *Guidance Public Notice*, it would not accept a curative amendment involving a prohibited major change to a non-adjacent channel.[10]

On August 23, 2024, HMM filed an amendment proposing a second-adjacent channel change to Channel 252. To accommodate this second-adjacent channel change, HMM requested two waivers: (1) waiver of the minimum power requirement set out in section 73.811(b);[11] and (2) waiver of the spacing requirement set out in section 73.807.[12] In the alternative, HMM again requested to be allowed to make a major amendment to non-adjacent Channel 228, citing to *Diocese of Portland* as precedent for an applicant being allowed to correct erroneous technical information in its application through a waiver of the prohibition on major amendments.[13]

On February 14, 2025, in the *Second Dismissal Letter*, the Bureau denied HMM's request for waivers of the minimum power, spacing, and minor amendment rules. Regarding the minor amendment rule specifically, the Bureau rejected "HMM's circular argument that we should waive the LPFM major change amendment prohibition because it has 'constricted HMM's ability to amend.'"[14] It explained that, "[t]he prohibition on major amendments to pending new LPFM applications is a rule of general applicability to which all new LPFM applicants are subject."[15] The Bureau also rejected HMM's comparison to *Diocese of Portland*, explaining that that case involved a typographical error and that the major amendment was only permitted because of an ambiguity in the then-applicable law.[16] The Bureau emphasized that *Diocese of Portland* clarified that all applicants must provide accurate technical information going forward or face

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[7] First Petition at 3-4.

[8] *Id*.

[9] The *nunc pro tunc* policy allows applicants to file a single curative amendment accompanied by a petition for reconsideration within 30 days of dismissal. *See generally*, *Commission States Future Policy on Incomplete and Patently Defective AM and FM Construction Permit Applications*, Public Notice, 56 RR 2d 776 (1984), recon. denied, 57 RR 2d 1603 (1985) (as subsequently published in the Federal Register, 49 Fed. Reg. 47331 (Dec. 3, 1984)) (*Nunc Pro Tunc Public Notice*).

[10] *Holy Mother Mary*, Letter Decision, 39 FCC Rcd 8433 (MB 2024) (*Reconsideration Letter*) at 2-3 (citing *Media Bureau Provides Guidance on the Processing of Schedule 318 Applications Filed in the LPFM Window*, Public Notice, 39 FCC Rcd 966, 968 (MB 2024) (*Guidance Public Notice*)).

[11] *See* 47 CFR § 73.811(b) (providing that an LPFM station "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").

[12] Application, Exh. entitled "Waiver Exhibit" (Waiver Requests) at 1-2; 47 CFR § 73.807 (requiring a 100 kilometers minimum distance separation rather than the 64-kilometer distance separation HMM proposed).

[13] Waiver Requests at 2-4 (citing *Roman Catholic Diocese of Portland, Maine*, Memorandum Opinion and Order, 29 FCC Rcd 15068, 15069, para. 2 (2014) (*Diocese of Portland*) (citing the prohibition on major amendments set out in 47 CFR § 73.3573 and allowing a new full service NCE applicant that had entered conflicting ASR numbers and site coordinates to file a major amendment resolving the discrepancy "based solely on an apparent ambiguity in the state of the decisional law in this area" and announcing that future applicants will be processed "solely on the site coordinates provided by the applicant . . . without reference to any other information submitted in the application")).

[14] *Second Dismissal Letter* at 4-5.

[15] *Id.* at 4.

[16] *Id.* at 5.

dismissal. For these reasons, the Bureau dismissed the Application for failure to satisfy the minimum power and spacing requirements for new LPFM stations.[17]

On March 11, 2025, HMM filed the Second Petition, arguing for the first time that the Commission lacks statutory authority to prohibit the filing of major amendments to pending new LPFM applications and that its refusal to accept a major amendment in this case is "a patent violation" of section 706(2)(A) of the Administrative Procedures Act, which requires courts to "hold unlawful and set aside agency action, findings, and conclusions found to be . . . arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law."[18] HMM's argument relies primarily on the Supreme Court's 2024 holding in *Loper Bright Enterprises v. Raimondo*.[19] In *Loper Bright*, the Supreme Court overturned the doctrine known as "*Chevron* deference," which required federal courts to defer to an agency's interpretation of congressional statutes that are "silent or ambiguous with respect to the specific issue" presented.[20] It stated that "the Administrative Procedure Act requires courts to exercise their independent judgment in deciding whether an agency has acted within its statutory authority, and may not defer to an agency interpretation of the law simply because a statute is ambiguous."[21]

According to HMM, *Loper Bright* applies here because "Congress never gave the FCC a specific law to prevent the type of curative amendment we wanted to make in February 2024 when we sought leave to amend from Channel 254 to Channel 228. . . We find no authority for the Commission or the Audio Division not to grant leave for HMM to make its February 2024 amendment."[22] According to HMM, section 309(g) of the Communications Act of 1934, as amended (Act),[23] which authorizes the Commission to "adopt reasonable classifications of applications and amendments in order to effectuate the purposes of this section"[24] is "ambiguous" and "does not give the FCC express authority to dismiss applications such as that filed by HMM."[25] Finally, HMM contends that it lacked clear notice of the major amendment restriction for new LPFM applications.[26] For these reasons, HMM concludes, it must be permitted to file a major amendment specifying Channel 228 in lieu of Channel 254.[27]

Discussion. The Commission will consider a petition for reconsideration only when the petitioner shows either a material error in the Commission's original order, relies on facts or arguments which relate to events which have occurred or circumstances which have changed since the last opportunity to present such matters to the Commission, or relies on facts or arguments unknown to petitioner and could not have been

[17] *Id.* at 1.

[18] Second Petition at 4 (citing 5 U.S.C. § 706(2)(A)).

[19] *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369 (2024) (*Loper Bright*).

[20] *See Loper Bright* at 14 (quoting *Chevron, U.S.A. v. Nat. Res. Def. Council, Inc.*, 467 U.S. 837, 843 (1984) (*Chevron*)).

[21] *Loper Bright* at 14-18 (citing 5 U.S.C. § 551 *et seq.*).

[22] Second Petition at 5.

[23] 47 U.S.C. § 309(g).

[24] Second Petition at 5-6.

[25] *Id.* at 6.

[26] *Id.* at 6-7.

[27] *Id.* at 7.

learned through the exercise of ordinary diligence prior to the last opportunity to present such facts or arguments.[28] HMM has not met this burden.[29]

The rule governing LPFM channel change requests is section 73.871(c), which provides, "Only minor amendments to new and major change applications will be accepted after the close of the pertinent filing window."[30] Section 73.871(c) defines minor amendments as certain site relocations, ownership changes, time-sharing agreements, and changes in general and/or legal information. It excludes all channel changes from the list of minor amendments. The Commission adopted this rule in 2001, in the *LPFM Second Report and Order*,[31] and cited it repeatedly in the 2023 new LPFM filing window public notices, including the *Guidance Public Notice*,[32] the *MX Public Notice*, [33] and the *Tentative Selectee Public Notice*[34] (collectively, LPFM Public Notices).

In the Second Petition, HMM does not dispute the Bureau's waiver analysis but rather challenges the statutory authority for the LPFM minor amendment rule itself. While HMM does not mention section 73.871(c), let alone discuss the validity of its adoption in the *Second LPFM Report and Order* or its application in the LPFM Public Notices, it takes the broad position that section 309(g) does not provide a statutory basis for the prohibition on LPFM major amendments because it is "ambiguous" and "does not give the FCC express authority to dismiss applications such as that filed by HMM."[35] In addition, according to HMM, "*Loper Bright* brings most of the Commission's rules, policies and procedures into legal question" and "Congress never gave the FCC a specific law to prevent the type of curative amendment we wanted . . ."[36]

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[28] 47 CFR § 1.106(c), (d); *WWIZ, Inc.,* Memorandum Opinion and Order, 37 FCC 685, 686 (1964).

[29] In addition, HMM does not meet the specific criteria for reconsideration *nunc pro tunc*, for two reasons. First, a channel change is not a "relatively minor curative amendment." *See Nunc Pro Tunc Public Notice*, 49 Fed. Reg. at 47331; 47 CFR § 73.871(c). Second, the Second Petition is HMM's second—arguably third counting the attachment to the First Petition—attempt at a curative amendment of its Application post-dismissal. *See Guidance Public Notice*, 39 FCC Rcd at 971 ("LPFM applicants whose applications are dismissed on other grounds will have *one opportunity* to file a minor curative amendment to its application and a petition for reconsideration, requesting reinstatement of the application *nunc pro tunc*.") (emphasis added); *Nunc Pro Tunc Public Notice*, 49 Fed. Reg. at 47331 ("[I]f the same application is returned or dismissed a second time, it will not be afforded *nunc pro tunc* reconsideration rights.")). While we have concerns that HMM's reliance on *Loper Bright*—with scant connection to the specific rule at issue—could be viewed as an attempt to circumvent the *nunc pro tunc* policy's prohibition on a second opportunity to file a minor curative amendment, we narrowly conclude that its arguments warrant consideration as relying on "events that have occurred or circumstances which have changed" under 1.106(b)(2)(i).

[30] 47 CFR § 73.871(c).

[31] *Creation of a Low Power Radio Service*, Second Report and Order, 16 FCC Rcd 8026, 8028, paras. 5-7 (2001) (*LPFM Second Report and Order*). In the *LPFM Second Report and Order*, the Commission stated that the "minor amendment rule is a rule of procedure to which notice and comment requirements are inapplicable." *LPFM Second Report and Order*, 16 FCC Rcd at 8031 (citing 5 U.S.C. § 553(b)(3)(A) and *JEM B'casting v. FCC*, 22 F.3d 320 (D.C. Cir. 1994)).

[32] *Guidance Public Notice*, 39 FCC Rcd at 969.

[33] *Commission Identifies Groups of Mutually Exclusive Applications Submitted in the December 2023 LPFM Filing Window – Opens Window to Accept Settlements and Technical Amendments*, Public Notice, 39 FCC Rcd 2355, 2358 (MB 2024) (*MX Public Notice*).

[34] *Commission Identifies Tentative Selectees in 93 Groups of Mutually Exclusive Applications Submitted in the December 2023 LPFM Window*, Public Notice, 39 FCC Rcd 12006, 12016, n.76 (2024) (*Tentative Selectee Public Notice*).

[35] Second Petition at 6.

[36] *Id.* at 5.

HMM's section 309(g) argument is untimely and unfounded. The statutory deadline for challenging the statutory basis of section 73.871(c), which was adopted in 2001, passed decades ago.[37] Therefore, this argument is procedurally inadmissible as a basis for reconsideration. Furthermore, the LPFM minor amendment rule falls squarely within the Commission's fundamental authority to make rules governing the assignment of radio frequencies. The Communications Act of 1934 tasks the Commission with regulating "all the channels of radio transmission" and "provid[ing] for the use of such channels . . . under licenses granted by Federal authority . . ."[38] Section 309 of the Act sets forth the procedural framework for obtaining such licenses.[39] It sets forth the crucial distinction between major and minor applications and amendments and exempts minor applications and amendments from, e.g., the statutory 30-day public notice and waiting period requirement.[40] Section 309(g) authorizes the Commission to "adopt reasonable classifications of applications and amendments in order to effectuate the purposes of this section."[41] The Commission has adopted multiple rules under section 309(g), classifying major and minor applications and amendments in various services.[42] Defining a channel change as a major amendment to a pending new LPFM application is one such reasonable classification.

When it adopted section 73.871(c), the Commission explained the purpose of the LPFM minor change classification: "Providing an opportunity to amend to different channels after the close of a window

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[37] 47 U.S.C. § 405 ("A petition for reconsideration must be filed within thirty days from the date upon which public notice is given of the order, decision, report, or action complained of.").

[38] 47 U.S.C. § 301. *See also, e.g., Northstar Wireless, LLC v. FCC*, 38 F.4th 190 (D.C. Cir. 2022) ("Because transmissions can interfere with one another when they are broadcast in the same portions of spectrum, the Commission awards licenses to operate in specific frequency ranges, or 'bands.'') (internal quotations and citations omitted). As a procedural rule relating to the assignment of broadcast frequencies, section 73.871(c) also falls squarely within the Commission's fundamental mandate to ensure a "fair, efficient, and equitable" distribution of radio service nationwide. *See* 47 U.S.C. § 309(c)(1). Other core mandates that are implicated in this case are 47 U.S.C. § 154(i) ("The Commission may perform any and all acts, make such rules and regulations, and issue such orders, not inconsistent with this chapter, as may be necessary in the execution of its functions") and 47 U.S.C. §§ 303(c) (authorizing the Commission to assign frequencies for each individual station) and (r) (authorizing the Commission generally to "make such rules and regulations and prescribe such restrictions and conditions, not inconsistent with law, as may be necessary to carry out the provisions of this chapter . . .").

[39] 47 U.S.C. § 309. *See also*, 47 U.S.C. § 308 (b) ("All applications for station licenses, or modifications or renewals thereof, shall set forth such facts as the Commission by regulation may prescribe as to the citizenship, character, and financial, technical, and other qualifications of the applicant to operate the station; the ownership and location of the proposed station and of the stations, if any, with which it is proposed to communicate; the frequencies and the power desired to be used; the hours of the day or other periods of time during which it is proposed to operate the station; the purposes for which the station is to be used; and such other information as it may require.").

[40] *See* 47 U.S.C. §§ 309(b), (c).

[41] 47 U.S.C. § 309(g)); *see, e.g., Amendment of the Commission's Rules for Implementation of its Cable Operations and Licensing System*, Report and Order, 18 FCC Rcd 5162, 5168, para. 23 (2003) ("The Commission is authorized to adopt rules classifying amendments as either major or minor") (citing 47 U.S.C. § 309(g)).

[42] *See, e.g.*, 47 CFR §§ 73.3573(a) and 73.3522 (classifying and establishing procedures for major and minor amendments to pending applications in the FM service); 47 CFR § 78.109 (classifying and establishing procedures for major and minor change applications in the cable television relay service); 47 CFR § 74.1233 (classifying major and minor change applications in the FM translator service); 47 CFR §§ 1.929, 1.947 (classifying and establishing procedures for major and minor filings in the wireless services); 47 CFR § 73.3522 (47 CFR § 73.3572 (classifying and establishing procedures for major and minor amendments to pending TV station applications). Notably, the Act does not requires that the Commission apply uniform processing rules to all radio services. The Commission retains the discretion to develop and apply processing policies tailored to the unique characteristics of each service, particularly for processing applications submitted during filing windows. *See Clifford Brown Jazz Foundation*, Memorandum Opinion and Order, 29 FCC Rcd 13258, 13259 (2014) (citing 47 U.S.C. §§ 154(i) and (j)).

would make staff determinations of mutual exclusivity and the administration of the selection procedure for mutually exclusive applications inherently subject to duplicative reevaluations."[43] We affirm this reasoning and will not require Bureau processing staff to reevaluate the Application using a new non-adjacent channel, which would entail not only repeating the technical review regarding, e.g., spacing compliance, but also a fresh determination of whether the amended Application would be part of a new, existing, or already-resolved MX group. Such a duplicative reevaluation would be the precise harm the Commission sought to avoid when it adopted section 73.871(c).

Nor are we persuaded that *Loper Bright* constitutes changed circumstances warranting reconsideration under section 1.106(b)(2) of the Rules. In *Loper Bright*, the Supreme Court did not eliminate or change the LPFM minor amendment rule, which remains in full force and effect. Therefore, *Loper Bright* does not provide a basis for reconsidering the Bureau's action in applying section 73.871(c) and dismissing the Application. It is necessary and well established that an agency must follow its own rules.[44] When processing the Application, Bureau staff was obliged to either apply the LPFM minor amendment rule or waive it. The Bureau analyzed HMM's waiver request under the waiver standard set out in section 1.3 of the Rules and *WAIT Radio*.[45] Under this standard, 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.[46] Because the Bureau found that HMM had not shown special circumstances warranting waiver of the prohibition on major amendments to pending new LPFM applications, it properly dismissed the Application for failure to satisfy the relevant minimum power and spacing requirements.

Finally, HMM's contention that it lacked notice of the LPFM minor amendment rule is unavailing. All applicants have a duty to know and comply with the Commission's rules, case law, statutes, and any other sources of applicable law.[47] Section 73.871(c) has been published in the Commission's Rules since 2001. HMM had ample opportunities to submit a rule-compliant application, including the opportunity to specify a new channel at any point during the new LPFM filing window.[48] Its failure to do so does not warrant the relief requested in the Second Petition.

Conclusion. For the reasons stated above, IT IS ORDERED that the petition for reconsideration filed by Holy Mother Mary on March 11, 2025 (Pleading File No. 267832), IS DENIED.

Sincerely,

Albert Shuldiner
Chief, Audio Division
Media Bureau

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[43] *LPFM Second Report and Order*, 16 FCC Rcd at 8028, para. 6.

[44] *See, e.g., Alegria I, Inc. v. FCC*, 905 F.2d 471, 474 (D.C. Cir. 1990) (citing *Reuters Ltd. v. FCC*, 781 F.2d 946, 950-51 (D.C. Cir. 1986)).

[45] *See* 47 CFR § 1.3; *WAIT Radio v. FCC*, 418 F.2d 1153, 1157, para. 2 (D.C. Cir. 1969).

[46] *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)).

[47] *See, e.g., Adrian Abramovitch, Marketing Strategy Leaders, Inc. and Marketing Leaders, Inc.*, Forfeiture Order, 33 FCC Rcd 4663, 4674, para. 32, n.79 (2018); *PTT Phone Cards, Inc.*, Forfeiture Order, 30 FCC Rcd 14701, 14704, para. 10 (2015); *Southern California B'casting Co.*, Memorandum Opinion and Order, 6 FCC Rcd 4387, 4387 para 3. (1991).

[48] *See* 47 CFR § 73.871(a) ("New and major change applications may be amended without limitation during the pertinent filing window.").

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

In the Matter of	)	
	)	
Luminys Systems Corporation	)	ET Docket No. 25-85
	)	FRN # 0035664952

ORDER

Adopted: January 20, 2026 **Released: January 20, 2026**

By the Chiefs, Office of Engineering and Technology and Public Safety and Homeland Security Bureau.

1. By this Order, the Chiefs of the Office of Engineering and Technology and Public Safety and Homeland Security Bureau (the Bureaus) direct the Laboratory Division to withdraw the letters setting aside the grants of equipment authorization of Luminys Systems Corporation (Luminys).

2. On February 13, 2025, the Bureaus issued an order directing Luminys to show cause as to why the Commission should not revoke equipment authorizations held by Luminys for FCC ID 2BHIITG113A on the basis of false statements or representations made in the applications for those equipment authorizations that the equipment is not prohibited from receiving an equipment authorization pursuant to section 2.903 of the Commission's rules.[1] Luminys provided a timely response to the Order to Show Cause on February 21, 2025.[2] The Bureaus subsequently issued a Second Order to Show Cause on the basis that the equipment at issue appeared to be produced by an affiliate of an entity named on the Covered List.[3] Luminys timely responded to that Second Order to Show Cause on June 16, 2025.[4]

3. On January 6, 2026, Luminys filed a supplemental response to the Second Order to Show Cause,[5] where Luminys stated that:

> as of December 31, 2025, Dahua USA has been formally dissolved as a legal entity. Dahua USA filed its Certificate of Dissolution with the California Secretary of State on December 17, 2025, and a copy of the filing is attached as Exhibit A. In addition, Luminys has completed the transitional sale of all "Dahua"-branded products produced by Zhejiang Dahua (and its affiliates or subsidiaries). Luminys confirms that it will not, after December 31, 2025, fulfill any orders for "Dahua"-branded products.[6]

[1] Luminys Systems Corporation, ET Docket No. 25-85, *Order to Show Cause*, DA 25-128, (OET/PSHSB Feb, 13, 2025) (Order to Show Cause).

[2] Luminys Systems Corporation, ET Docket No. 25-85, *Response of Luminys Systems Corporation to Order to Show Cause* (filed Feb. 21, 2025).

[3] Luminys Systems Corporation, ET Docket No. 25-85, *Second Order to Show Cause*, DA 25-488, (OET/PSHSB June 6, 2025) (Second Order to Show Cause).

[4] Luminys Systems Corporation, ET Docket No. 25-85, *Response of Luminys Systems Corporation to Second Order to Show Cause* (filed June 16, 2025).

[5] Luminys Systems Corporation, ET Docket No. 25-85, *Supplemental Response of Luminys Systems Corporation to Second Order to Show Cause* (filed Jan. 6, 2026).

[6] *Id.* at 2.

4. Luminys further requested that the Commission direct the Laboratory Division to withdraw the letters setting aside Luminys's grants of equipment authorization. We conclude that Luminys is not an entity identified on the Covered List and that equipment produced by Luminys is not currently prohibited from receiving an equipment authorization pursuant to section 2.903 of the Commission's rules.[7]

5. Accordingly, **IT IS ORDERED** that, pursuant to the authority contained in sections 4(i) and 4(j) of the Communications Act, 47 U.S.C. §§ 154(i) and 154(j), and sections 0.241(b) and 0.392 of the Commission's rules, 47 CFR §§ 0.241(b) and 0.392, that the Laboratory Division's letters setting aside Luminys's grants of equipment authorization are WITHDRAWN and the above-captioned proceeding is TERMINATED.

6. **IT IS FURTHER ORDERED** that service of the Order shall be effectuated by email to product@luminyscorp.com on the release date of this Order and also that a copy shall be sent by first class mail and certified mail, return receipt requested, to Steven Mei, Product Director, Luminys, 15245 Alton Pkwy #100, Irvine, CA 92518, United States; Andrew D. Lipman, Counsel to Luminys Systems Corp., Morgan Lewis & Bockius LLP, 1111 Pennsylvania Avenue NW, Washington, DC 20004, United States.

FEDERAL COMMUNICATIONS COMMISSION

Andrew C. Hendrickson
Chief
Office of Engineering and Technology

Zenji Nakazawa
Chief
Public Safety and Homeland Security Bureau

[7] *Id.*

PUBLIC NOTICE

Federal Communications Commission
45 L Street, NE
Washington, DC 20554

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

DA 26-67
January 21, 2026

PUBLIC SAFETY AND HOMELAND SECURITY BUREAU ANNOUNCES REGION 28 (EASTERN PENNSYLVANIA, SOUTHERN NEW JERSEY AND DELAWARE AREA) REGIONAL PLANNING COMMITTEES 700 MHZ AND 800 MHZ 2026 MEETINGS SCHEDULE

PS Docket No. 23-237 and WT Docket 02-378

The Region 28 (Delaware, Eastern Pennsylvania, and Southern New Jersey Area) Public Safety 700 MHz RPC and 800 MHz Regional Planning Committees (RPCs)[1] will hold their 2026 quarterly meetings on the following dates. All 2026 meetings will be conducted remotely via Microsoft Teams.

Region 28 700 MHz and 800 MHz RPC Meetings Schedule for 2026

- Tuesday, January 13, 2026, 10:00 am - Remote ONLY
- Tuesday, April 14, 2026, 10:00 am - Remote ONLY
- Tuesday, July 14, 2026, 10:00 am - Remote ONLY
- Tuesday, October 13, 2026, 10:00 am - Remote ONLY

To participate:

- Microsoft Teams meeting via this LINK
- Meeting ID: 242 220 612 475
- Passcode: yibwRa
- Or call in (audio only): +1 323-792-6328, 38912906#
- Phone Conference ID: 389 129 06#

The agenda for the meetings include:

- Call to Order - Roll Call & Introductions
- Approval of Minutes
- Chair Report
- Vice Chair Report
- Secretary Report
- Technical Report 700 & 800 MHz
- Regional State Interoperability Executive Committee Updates
- Old Business
- New Business
- Future Meeting Dates
- Adjourn

[1] The Region 28 (Delaware, Eastern Pennsylvania, Southern New Jersey) regional planning area includes the entire state of Delaware, the Pennsylvania counties of Berks, Bradford, Bucks, Carbon, Chester, Columbia, Dauphin, Delaware, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Monroe, Montgomery, Montour, Northampton, Northumberland, Philadelphia, Pike, Schuylkill, Sullivan, Susquehanna, Tioga, Wayne, Wyoming, and York, and the Southern New Jersey counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Ocean, and Salem.

The Region 28 RPC 700 and 800 MHz meetings are open to the public. All eligible public safety providers whose sole purpose or principal purpose is to protect the safety of life, health, or property within Region 28 would utilize these frequencies. It is essential that not only public safety, but all government, Tribal Nations, and non-governmental organizations eligible under section 90.523 of the Commission's Rules be represented in order to ensure that each agency's future spectrum needs are considered in the allocation process. Administrators who are not conversant with telecommunications technology should ensure that suitably conversant staff represent their respective agencies.

All interested parties wishing to participate in the planning for the use of the Public Safety spectrum in the 700 MHz and/or 800 MHz bands within Region 28 are encouraged to attend. For further information, please contact:

James Shelton – Region 28 Secretary, 700 & 800 MHz
V-COMM, LLC
740 Springdale Drive, Suite 160
Exton, PA 19341
Ph: 610-684-1000 x235
Ph Direct: 484-773-0251
Fax: 484-879-6963
jim.shelton@vcomm-eng.com

- FCC -

PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, DC 20554

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

DA 26-68

Released: January 21, 2026

FCC'S MEDIA BUREAU PROVIDES GUIDANCE ON POLITICAL EQUAL OPPORTUNITIES REQUIREMENT FOR BROADCAST TELEVISION STATIONS

Emphasizes that Broadcast TV Stations Airing Covered Programming Motivated by Partisan Purposes Must Comply with Equal Opportunities Requirement

The FCC's Media Bureau herein provides guidance on the application of the statutory equal opportunities requirement[1] and the *bona fide* news exemptions to broadcast television stations, including their airing of late night and daytime talk shows.

*****

Background. Decades ago, Congress made the decision to prevent covered broadcast television programs from being used to advance certain partisan political purposes. Specifically, through section 315 of the Communications Act of 1934, as amended,[2] Congress put protections in place to ensure equal access to broadcast station facilities for legally qualified candidates for office, regardless of political affiliation.

A person is a legally qualified candidate for purposes of the FCC's equal opportunities or equal time rule if they meet certain requirements, including having publicly announced their intention to run for office and qualifying under applicable state or federal law to hold the office being sought.[3]

Under section 315, if a broadcast station permits any legally qualified candidate for public office to use its facilities, it shall provide an equal opportunity to all other legally qualified candidates for that office.[4] This statutory requirement and the corresponding FCC rules[5] seek to ensure that

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[1] *See* 47 U.S.C. § 315(a). Although section 315(a) is also commonly referred to as the "equal time" rule, it requires the provision of comparable time and placement, rather than the provision of identical airtime to opposing candidates.

[2] *Id*.

[3] The criteria for legally qualified candidates are specified in the FCC's rule at 47 CFR § 73.1940.

[4] 47 U.S.C. § 315(a).

[5] 47 CFR §§ 73.1212 (Sponsorship identification); 73.1940 (Legally qualified candidates for public office); 73.1941 (Equal opportunities); 73.1942 (Candidate rates); 73.1943 (Political file); 73.1944 (Reasonable access).

no legally qualified candidate for office is unfairly given less access to the public airwaves than their opponent. Furthermore, the Commission's political file rules state that, when "free time is provided for use by or on behalf of candidates, a record of the free time provided shall be placed in the political file."[6] Any such free use of broadcast airtime by a legally qualified candidate would require the broadcaster to place a record in its online political file "as soon as possible."[7] Other legally qualified candidates can then submit an equal opportunities request. As the FCC has determined, equal opportunities generally means that a broadcaster must provide comparable time and placement to opposing legally qualified candidates.[8] Adherence to these requirements is central to a broadcast licensee's obligation to operate in the public interest.[9]

In 1959, in an effort to increase news coverage of political campaign activity, Congress adopted certain limited exceptions to the equal opportunities requirement.[10] Specifically, section 315 was amended to exempt from the equal opportunities requirement appearances by a legally qualified candidate on any: (1) *bona fide* newscast; (2) *bona fide* news interview; (3) *bona fide* news documentary (if the appearance of the candidate is incidental to the presentation of the subject or subjects covered by the news documentary); or (4) on-the-spot coverage of *bona fide* news events (including but not limited to political conventions and activities incidental thereto).[11]

Congress provided the Commission the discretion to determine the scope of each exemption.[12] The inclusion of "*bona fide*" in each exemption category, however, reflects Congressional concern that broadcast stations would apply the exemptions too broadly in service of a political agenda and thereby frustrate the original purpose of the equal opportunities requirement to maximize broadcast coverage of political events.[13] Accordingly, when considering the scope of an exemption related to a specific program, the Commission has long sought to ensure "that the

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[6] 47 CFR § 73.1943(c).

[7] *Id*. § 73.1943(d).

[8] *See, e.g.*, *Equal Opportunities Complaint Filed by Nicole Parra Against Pappas Telecasting Companies*, 19 FCC Rcd 21994, para. 3 (MB 2004) ("The Commission has ruled that when a candidate is furnished time at no cost, competing candidates are entitled to receive the same amount of free time in comparable time periods."); *Carter/Mondale Reelection Committee*, Memorandum Opinion and Order, 81 FCC 2d 409, n.13 (1980) ("the time that is made available under 315(a) must have a comparable audience potential to that of the initial 'use.'"); *see also Primer on Political Broadcasting & Cablecasting*, Public Notice, 69 FCC 2d 2209, 2219 (1978) ("The station must, however, make periods that normally have comparable audiences available to competing candidates upon request.").

[9] 47 USC 312(a)(7).

[10] *Aspen Institute Program on Communications and Society*, Memorandum Opinion and Order, 55 FCC 2d 697, 704 (1975) (Congress exempted news programming "in order to foster public consideration of major candidates while assuring minor candidates access to reasonable opportunities for air time.").

[11] 47 U.S.C. § 315(a)(1)-(4).

[12] *Chisholm v. FCC*, 538 F.2d 349, 366 (D.C. Cir. 1976) ("Rather than enumerate specific exempt and non-exempt 'uses,' Congress opted in favor of legislative generality, preferring to assign that task to the Commission.").

[13] *See*, *e.g.*, *Henry Geller*, Report and Order, 95 FCC 2d 1236, 1243 (1983) (noting that the legislative history of the news exemptions demonstrates "Congress' intent that the programs be of genuine news value and not be used to advance the candidacy of a particular individual").

content, format and participants not be intended for the political advantage of candidates."[14] Indeed, the FCC has specifically noted that certain programs that might otherwise be exempt would be excluded from an exemption category if the program was "designed for the specific advantage of a candidate."[15]

The federal equal opportunities regulations operate to prevent broadcast television stations, which have been given access to a valuable public resource (namely, spectrum), from unfairly putting their thumbs on the scale for one political candidate or set of candidates over another. These regulations, which do not apply to cable channels or other forms of distribution, represent, in codified form, the decision by Congress that broadcast television stations have an obligation to operate in the public interest— not in any narrow partisan, political interest.

Bona Fide News Interview Programs. Pursuant to this Congressional mandate, over time, the FCC has ruled—through its declaratory ruling process—that a wide variety of shows *can* be eligible for an exemption as a *bona fide* news interview.[16] Consistent with the legislative history of section 315, the Commission considers the following factors in determining whether a program qualifies as a *bona fide* news interview program: (1) whether the program is regularly scheduled; (2) whether the broadcaster or an independent producer controls the program; and (3) whether decisions on the content, participants, and format are based on newsworthiness, rather than partisan purposes, such as an intention to advance or harm an individual's candidacy.[17] An FCC decision that a show qualifies for an exemption is fact specific and based on the show that was the subject of the request as it existed at the time of the request.

In 2006, the FCC's Media Bureau determined that the interview portion of "The Tonight Show with Jay Leno" qualified for the equal opportunities exemption as a *bona fide* news interview.[18] This was the first time that such a finding had been applied to a late night talk show, which is primarily an entertainment offering. This decision was also contrary to a 1960 Commission

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[14] *Request for Declaratory Ruling That Independently Produced Bona Fide News Interview Programs Qualify for the Equal Opportunities Exemption Provided in Section 315(a)(2) of the Communications Act*, 7 FCC Rcd 4681, 4685, para. 26 (1992); *see also Nebraska Broadcasters Association*, 21 FCC Rcd 10742, 10743, para. 5 (MB 2006) ("[T]he licensees of the stations on which the subject programs air remain ultimately responsible for a determination to air a particular program and should not do so for the political advantage of a candidate for public office.").

[15] *Aspen Institute*, 55 FCC 2d at 705.

[16] *See, e.g.*, *Fox Television Stations, Inc.*, Staff Ruling 6 FCC Rcd 7120 (MMB 1991) (seeking a declaratory ruling for "Not Just News" under the *bona fide* newscast exemption) (citing *Paramount Communications, Inc.*, Staff Ruling, 5 FCC Red 4627 (MMB 1990) ("Hardcopy"); *Paramount Pictures Corp.*, Staff Ruling, 3 FCC Rcd 245 (MMB 1988) ("Entertainment Tonight" and "Entertainment This Week"); *Rev. Donald L. Lanier*, 37 FCC 2d 952 (B/c Bur. 1972) ("The Church Today")).

[17] 105 Cong. Rec. 17777 (1959); s*ee also, e.g.*, *Equal Opportunities Complaint Filed by Angelides for Governor Campaign Against 11 California Television Stations*, Order, 21 FCC Rcd 11919, 11923, para. 11 (MB 2006) (*Angelides*) (finding "that decisions as to format, content and participants are based on the producers' independent news judgment as to the participant's newsworthiness and not motivated by partisan purposes"); *ABC, Inc.*, Staff Ruling, 15 FCC Rcd 1355, 1358 (MMB 1999) (finding that ABC demonstrated "that Buena Vista's decisions about format, content and selection of participants are based on newsworthiness and not motivated by any partisan purpose").

[18] *Angelides*, 21 FCC Rcd 11919.

decision that declined to make such a finding regarding the Jack Paar program, which was also referred to as "The Tonight Show."[19]

Concerns have been raised that the industry has taken the Media Bureau's 2006 staff-level decision to mean that the interview portion of *all* arguably similar entertainment programs—whether late night or daytime—are exempted from the section 315 equal opportunities requirement under a *bona fide* news exemption. This is not the case. As noted above, these decisions are fact specific and the exemptions are limited to the program that was the subject of the request.

Importantly, the FCC has not been presented with any evidence that the interview portion of any late night or daytime television talk show program on air presently would qualify for the *bona fide* news exemption.[20] Moreover, a program that is motivated by partisan purposes, for example, would not be entitled to an exemption under longstanding FCC precedent. Any program or station that wishes to obtain formal assurance that the equal opportunities requirement does not apply (in whole or in part) is encouraged to promptly file a petition for declaratory ruling that satisfies the statutory requirements for a *bona fide* news exemption.

In the meantime, the Media Bureau encourages all television broadcast stations to ensure that they are making all appropriate equal opportunity filings in accordance with section 73.1943 of the FCC's rules and as required by agency precedent.[21] It is important that both broadcasters and legally qualified candidates understand the FCC's equal opportunities regulations and how they can result in broadcasters offering opposing legal qualified candidates comparable time and placement.

– FCC –

[19] *Angelides*, 21 FCC Rcd at 11924-25, para. 15 (finding that the Jack Paar decision applied a standard that was no longer relevant).

[20] Notably, "The Tonight Show with Jay Leno" is no longer airing, as Jay Leno left the show. As discussed in *Angelides*, Mr. Leno's relationship to then-Governor of California Arnold Schwarzenegger was a significant factor in both the complaint and the Media Bureau analysis. *See id.*

[21] 47 CFR § 17.1943.

PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, DC 20554

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

DA 26-69
Released: January 21, 2026

OFFICE OF ENGINEERING AND TECHNOLOGY ANNOUNCES WAIVER OF PROHIBITIONS ON CERTAIN CLASS I PERMISSIVE CHANGES TO COVERED UAS AND UAS CRITICAL COMPONENTS

ET Docket No. 21-232

The Federal Communications Commission's Office of Engineering and Technology (OET) announces that certain prohibitions contained in 47 CFR §§ 2.932(b) and 2.1043(b) will not apply for now to certain UAS and UAS critical components. All UAS and UAS critical components authorized for use in the United States may continue to receive software and firmware updates that mitigate harm to U.S. consumers at least until January 1, 2027. These include all software and firmware updates to ensure the continued functionality of the devices, such as those that patch vulnerabilities and facilitate compatibility with different operating systems.

Background: On December 22, 2025, the FCC added to the Covered List uncrewed aircraft systems (UAS) and UAS critical components produced in foreign countries and equipment and services listed in section 1709 of the Servicemember Quality of Life Improvement and National Defense Authorization Act for Fiscal Year 2025 (FY2025 NDAA) (collectively, Covered UAS and UAS Critical Components).[1] Following a further specific determination from the Department of War (DoW), that Covered List addition was updated on January 7, 2025, to remove from the Covered List certain categories of UAS and UAS critical components until January 1, 2027.[2]

On October 28, 2025, the Commission adopted revisions to its rules at 47 CFR §§ 2.932(b) and 2.1043(b), which went into effect last month.[3] These revisions exclude "equipment prohibited from authorization pursuant to § 2.903"—equipment on the Covered List—from equipment certification procedures allowing for permissive changes to authorized equipment.[4] Such changes include Class I permissive changes, which generally do not require a filing with

[1] *Public Safety and Homeland Security Bureau Announces Addition of Uncrewed Aircraft Systems (UAS) and UAS Critical Components Produced Abroad, and Equipment and Services Listed In Section 1709 of the FY2025 NDAA, to FCC Covered List,* WC Docket No. 18-89, Public Notice, DA 25-1086 (Dec. 22, 2025) (*UAS Public Notice*).

[2] *Public Safety and Homeland Security Bureau Announces Exemption of Uncrewed Aircraft Systems (UAS) and UAS Critical Components from FCC Covered List,* WC Docket No. 18-89, Public Notice, DA 26-22 (Jan. 7, 2026) (*Second UAS Public Notice*).

[3] *Protecting Against National Security Threats to the Communications Supply Chain Through the Equipment Authorization Program,* 90 Fed. Reg. 53227 (Nov. 25, 2025).

[4] 47 CFR §§ 2.932(b), 2.1043(b).

the Commission and may include software, firmware, and security updates to mitigate harm to U.S. consumers.[5]

Applying the newly revised 47 CFR §§ 2.932(b) and 2.1043(b) to the newly added Covered UAS and UAS Critical Components would have the effect of prohibiting permissive changes to Covered UAS and UAS Critical Components even if they were authorized prior to the December 22, 2025, Covered List addition. This prohibition would be in effect even for Class I permissive changes—such as software and firmware security updates that mitigate harm to U.S. consumers—because previously-authorized UAS and UAS critical components are now covered equipment.

Legal Analysis: OET, under delegated authority,[6] waives the applicability of the prohibitions against Class I permissive changes under 47 CFR §§ 2.932(b) and 2.1043(b) to software and firmware updates that mitigate harm to U.S. consumers for UAS and UAS critical components authorized prior to the December 22, 2025, Covered List addition. These include all software and firmware updates to ensure the continued functionality of the devices, such as those that patch vulnerabilities and facilitate compatibility with different operating systems. OET finds that special circumstances warrant a deviation from the general rules and the public interest would be better served by waiving prohibitions on these Class I permissive changes in these circumstances.[7]

The December 22, 2025, Covered List addition was distinct, warranting a limited waiver of our rules. For example, particular safety and security features regarding the continued operation of UAS uniquely support a limited waiver to ensure that relevant updates can be made. This delay will give the Commission an opportunity to consider the application of the Commission's October 2025 Class I permissive change rule revisions to the new Covered List update. The limited duration of this waiver also reduces potential harm to the public interest.

Therefore, OET concludes that a limited waiver until January 1, 2027 is warranted and in the public interest. January 1, 2027, is convenient because it is the date until which the recent DoW determination excepts certain otherwise Covered UAS and UAS critical components. Prior to January 1, 2027, the OET will re-evaluate whether to further extend applicability.

For further information, please contact Katherine Nevitt at 301-362-3017 and katherine.nevitt@fcc.gov.

– FCC –

[5] *See* 47 CFR § 2.1043(b)(1) ("A Class I permissive change includes those modifications in the equipment which do not degrade the characteristics reported by the manufacturer and accepted by the Commission when certification is granted.").

[6] 47 CFR § 0.241(b).

[7] *See* 47 CFR § 1.3; *see also Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990); *WAIT Radio v. FCC*, 418 F.2d 1153, 1157 (D.C. Cir. 1969) (finding that the Commission may decide in some instances that waiver serves the public interest if it will not undermine the policy served by the rule).

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 Number: 26-71
Report No. TEL-02629 **Thursday January 22, 2026**

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, 63.20 of the Commission's rules, 47 CFR §§ 63.12, 63.20, other provisions of the Commission's rules, or procedures set forth in an earlier public notice listing the applications as accepted for filing.

Unless otherwise noted, these grants authorize the applicants: (1) to become a facilities-based international common carrier subject to 47 CFR §§ 63.21, 63.22; and/or (2) to become a resale-based international common carrier subject to 47 CFR §§ 63.21, 63.23; (3) to assign or transfer control of international section 214 authority in accordance with 47 CFR § 63.24; or (4) to exceed the foreign ownership benchmarks applicable to common carrier radio licensees under 47 U.S.C. § 310(b); see Subpart T of Part 1 of the Commission's rules, 47 CFR §§ 1.5000-5004.

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 thirty days of this public notice (see 47 CFR § 1.4(b)(2)).

ITC-214-20250626-00023 T257708 SQUARE COMM LLC
Date filed: 2025-06-27
International Telecommunications Authorizations
Grant of Authority

Date of Action: 2026-01-22

Service:
- Global Resale Authority pursuant to section 63.18(e)(2) of the Commission's rules.

Square Comm LLC (Square Comm) 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).

Square Comm, a Washington limited liability company, is solely owned by Srinivasa Rao Abburi, a U.S. citizen.

ITC-214-20250827-00091 T257745 Hamilton Telecom LLC
Date filed: 2025-09-23
International Telecommunications Authorizations
Grant of Authority

Date of Action: 2026-01-22

Service:
- Global Resale Authority pursuant to section 63.18(e)(2) of the Commission's rules.

Hamilton Telecom LLC (Hamilton Telecom) 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).

Hamilton Telecom is a Maryland limited liability company. The only individual or entity with a 10% or greater equity or voting interests in Hamilton Telecom is John M. Kamya, a U.S. citizen, who holds 95% equity and voting interests in Hamilton Telecom.

ITC-214-20251208-00155 T257759 Perch Mobile Inc.
Date filed: 2025-12-08
International Telecommunications Authorizations
Grant of Authority

Date of Action: 2026-01-22

Service:
- Global Resale Authority pursuant to section 63.18(e)(2) of the Commission's rules.

Perch Mobile Inc. (Perch Mobile) 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).

Perch Mobile, a Delaware corporation, is solely owned by Paul Harkins, a U.S. citizen.

Service:
- Global Resale Authority pursuant to section 63.18(e)(2) of the Commission's rules.

Versocom Technology Services (VTS) 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). The Applicant filed a supplement on November 17, 2025.

VTS is a Delaware corporation. The following individual and entity have direct ownership interests in VTS: Versocom Group LLC, a Delaware limited liability company (70% equity and voting interests) and Vincent J. Harrison, a U.S. citizen (30% equity and voting interests). The following individuals, all U.S. citizens, hold ownership interests in Versocom Group LLC: Jamie Brown (80%); Brady Kepler (10%), Jagoda Borkiewicz (5%) and Emily Cheek (5%).

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. 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.

(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 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 C.F.R. § 61.19. Except as specified in Section 20.15 with respect to commercial mobile radio service providers, carriers regulated as non-dominant, as defined in Section 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.

(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-MSC-20181015-00182, Public Notice, 33 FCC Rcd 10008 (IB 2018).

(8) Any U.S. Carrier that owned or leased 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.

(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.

(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 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 Section 63.09.

(13) Carriers shall comply with the Communications Assistance for Law Enforcement Act (CALEA), see 47 CFR §§ 1.20000 et seq.

(14) Every carrier must designate an agent for service in the District of Columbia. See 47 U.S.C. § 413, 47 CFR §§ 1.47(h), 64.1195.

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, (202) 418-1480

PUBLIC NOTICE

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WIRELINE COMPETITION BUREAU ANNOUNCES OMB APPROVAL AND EFFECTIVE DATES FOR ROBOCALL MITIGATION DATABASE (RMD) RULES, PROVIDES GUIDANCE FOR FILING IN THE RMD, REMINDS RMD FILERS OF THEIR MARCH 1, 2026, ANNUAL RECERTIFICATION REQUIREMENT, AND ESTABLISHES A REPORTING MECHANISM FOR RMD DEFICIENCIES

WC Docket No. 24-213, MD Docket No. 10-234

In this Public Notice, the Wireline Competition Bureau (Bureau) announces Office of Management and Budget (OMB) approval of and the effective dates for revised Robocall Mitigation Database (RMD) filing requirements and related rules adopted in the *Robocall Mitigation Database Report and Order*, including increased base forfeiture amounts for submission of false or inaccurate information into the RMD and for failure to update information in the RMD.[1] The Bureau also announces its implementation of certain Commission directives in the *Robocall Mitigation Database Report and Order*. Additionally, the Bureau reminds RMD filers of their requirement under the new rules to recertify their RMD filings by **March 1, 2026**, and announces that the recertification filing window will open on February 1, 2026. Further information on each of these actions is described herein.

Guidance and Filer Education. The Bureau has attached to this Public Notice additional guidance in the form of a "Frequently Asked Questions" document to assist RMD filers with their robocall mitigation compliance obligations. In the *Robocall Mitigation Database Report and Order*, the Commission directed the Bureau to issue such guidance, agreeing with commenters that such guidance may assist providers in interpreting the Commission's requirements and improve the accuracy of the RMD, decrease filing deficiencies, and save the Commission's and providers' time and resources.[2] The Commission specifically instructed the Bureau to address requests in the record to provide filers that meet the definition of "foreign voice service providers" with interpretive guidance as to how to complete the RMD certification form so that such filers can consistently identify themselves as foreign providers in their RMD filings.[3] The Commission also directed the Bureau to clarify how providers' obligation to certify whether they have been the subject of a previous robocall investigation or enforcement action applies to affiliates and principals.[4] To fulfill its obligation, the Bureau developed a "Frequently Asked Questions" document, which is attached as Appendix A and available at

[1] *Improving the Effectiveness of the Robocall Mitigation Database, Amendment of Part I of the Commission's Rules Concerning Practice and Procedure, Amendment of CORES Registration System*, WC Docket No. 24-213, MD Docket No. 10-234, Report and Order, 40 FCC Rcd 599 (2025) (*Robocall Mitigation Database Report and Order*).

[2] *Id*. at 611, para. 27.

[3] *Id*. at 611-12, para. 29.

[4] *Id*. at 612, para. 30.

https://www.fcc.gov/sites/default/files/rmd-faq.pdf.[5]

Reporting Mechanism for Deficient Filings. The Bureau has established a mechanism stakeholders can use to report to the Commission deficient filings in the RMD in the form of an email address, which will be monitored by FCC staff. In the *Robocall Mitigation Database Report and Order*, the Commission directed the Bureau to establish a dedicated reporting mechanism for deficient filings in order to enhance the integrity and usefulness of the RMD.[6] The Commission further directed the Bureau, in consultation with the Office of the Managing Director and the Enforcement Bureau, to determine the appropriate mechanism for the Commission to receive reports of deficient filings.[7] Additionally, the Commission delegated to the Bureau the authority, in consultation with the Office of the Chief Information Officer and the Senior Agency Official for Privacy, to specify the form and format of any such submissions and to make any necessary changes to the RMD portal and interface in connection with the reporting mechanism.[8] In accordance with these directives, the Bureau created an email address to which parties can submit information regarding deficient robocall mitigation database filings. Such information can be sent to **RMD-Reporting@fcc.gov**. While the Bureau has not established specific reporting content and format requirements at this time, submissions will be most helpful if they include the business name, FRN, and RMD number associated with a filing, and a brief description of the alleged deficiency.

Multi-Factor Authentication. The Bureau announces that multi-factor authentication has been established for RMD access. In the *Robocall Mitigation Database Report and Order*, the Commission directed the Bureau and OMD "to develop a two-factor (or more) authentication solution for accessing the Database" to better secure the RMD.[9] The Commission further directed that such solution offer users the option of using phishing-resistant authentication (*i.e.*, provide support for Web-Authentication-based approaches, such as security keys).[10] Filers must now use multi-factor authentication to access the RMD and have the option of using phishing resistant authentication. Instructions for logging into the RMD are available in the RMD filing instructions at https://www.fcc.gov/sites/default/files/rmd-instructions.pdf.

Annual Recertification. The Bureau announces that the effective date of 47 CFR § 64.6305(h) is February 5, 2026, reminds filers of their obligation under the rule to recertify their RMD filings by **March 1, 2026**, and announces the recertification window will open on February 1, 2026. Section 64.6305(h) requires providers to certify annually, on or before March 1, that any information submitted to the RMD is true and correct.[11] Section 64.6305(h) becomes effective 30 days after Federal Register publication, which occurred on January 6, 2026, making the effective date February 5, 2026.[12] The filing

[5] Although the Commission delegated to the Bureau authority to determine the form of the guidance, it referenced that in other contexts, such guidance has been provided through Frequently Asked Questions and other similar documents posted to the Commission's website. *Id*. at 611, para. 28. The RMD "Frequently Asked Questions" document may be updated at the Bureau's discretion.

[6] *Id.* at 609, para. 24.

[7] *Id.* at 610, para. 26.

[8] *Id.*

[9] *Id.* at 616, para. 39.

[10] *Id.*

[11] 47 CFR § 64.6305(h); *see also Robocall Mitigation Database Report and Order*, 40 FCC Rcd at 615-16, paras. 37-38 and Appx. A. We remind filers that they also must update their RMD filings within 10 business days of any change. *See* 47 CFR § 64.6305(d)(5), (e)(5), (f)(5); *Call Authentication Trust Anchor*, WC Docket No. 17-97, Sixth Report and Order and Further Notice of Proposed Rulemaking, 38 FCC Rcd 2573, 2595-96, para. 42 (2023) (*Sixth Caller ID Authentication Report and Order*).

[12] The Commission stated in the *Robocall Mitigation Database Report and Order* that the rules it adopted would become effective 30 days after publication in the Federal Register, except for section 64.6305(h), as it may contain (continued….)

window for the first annual recertification will open on February 1, 2026, and RMD filers must complete their annual recertifications by **March 1, 2026**. Instructions for completing the annual certification requirement are available in the RMD filing instructions at https://www.fcc.gov/sites/default/files/rmd-instructions.pdf.

When completing their recertifications, providers must ensure that the information contained in their RMD filings is accurate and truthful, including with respect to the certifications required by the Commission's rules. Notably, the certification options relating to complete and partial STIR/SHAKEN implementation contain recent modifications adopted in the *Eighth Caller ID Authentication Report and Order* that became effective on September 18, 2025.[13] Providers must make the required STIR/SHAKEN implementation certification selection(s) for each role they play in the call path and should carefully review the certification option(s) they have selected to ensure they correctly certify to compliance with the modified Commission rules.

Application Fee. The Bureau notes that the requirement to submit an application fee as required by the amendment to 47 CFR § 1.1105 is not yet effective. The amendment to section 1.1105 requires filers to submit a $100 application fee for initial submissions and required annual recertifications in the RMD.[14] The Commission stated in the *Robocall Mitigation Database Report and Order* that the rules it adopted would become effective 30 days after publication in the Federal Register, except for section 1.1105, "which requires notice to Congress pursuant to section 9A(b)(2) of the Communications Act, 47 U.S.C. § 159A(b)(2), and also requires certain updates to the FCC's information technology systems and internal procedures . . . ."[15] The Commission will publish a notice announcing when it has completed these steps and when the application fee requirement will become effective.

Base Forfeiture Amount for False or Inaccurate RMD Filing Information. The Bureau announces that the effective date of the amendment to 47 CFR § 1.80 is February 5, 2026. This amendment increases the base forfeiture amount to $10,000 for each violation for filers that submit false or inaccurate information to the RMD and sets a base forfeiture amount of $1,000 for failure to update the RMD within 10 business days for information that has changed.[16] The amendment also provides that these violations continue until cured; accordingly, forfeitures shall be assessed on a daily basis up to the

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modifications to existing information collection requirements that require review by OMB under the Paperwork Reduction Act. *Robocall Mitigation Database Report and Order*, 40 FCC Rcd at 624, para. 58. OMB completed its review on August 11, 2025, prior to Federal Register publication, so the effective date for the new rule defaults to 30 days after Federal Register publication. *See* Notice of OMB Action, OMB Control No. 3060-1285 (August 11, 2025), https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202505-3060-029#. The annual recertification requirement was submitted to and approved by OMB as a substantive information collection modification even though the *Robocall Mitigation Database Report and Order* stated that it may only contain non-substantive modifications and did not contain new or substantively modified information collection requirements. *See id.*; *Robocall Mitigation Database Report and Order*, 40 FCC Rcd at 623-24, para. 54.

[13] *See* FCC, Call Authentication Trust Anchor, Eighth Report and Order, 90 Fed. Reg. 40241 (Aug. 19, 2025); *Call Authentication Trust Anchor*, WC Docket No. 17-97, Eighth Report and Order, 39 FCC Rcd 12894 (2024) (*Eighth Caller ID Authentication Report and Order*). Among other things, the *Eighth Caller ID Authentication Report and Order* adopted modifications to the caller ID authentication requirements for voice service providers and intermediate providers contained in 47 CFR § 64.6301 and 47 CFR § 64.6302, respectively. *See id.* at 12927-28, App. A.

[14] *See Robocall Mitigation Database Report and Order*, 40 FCC Rcd at 612-15, paras. 32-36. There is no application fee associated with routine updates to filings to reflect changes to the underlying information pursuant to 47 CFR § 64.6305(d)(5), (e)(f), and (f)(5).

[15] *See Robocall Mitigation Database Report and Order*, 40 FCC Rcd at 624, para. 58.

[16] *See id*. at 605, para. 14.

statutory maximum for continuing violations.[17] The Commission stated in the *Robocall Mitigation Database Report and Order* that this rule amendment would become effective 30 days after publication in the Federal Register.[18] The *Robocall Mitigation Database Report and Order* was published in the Federal Register on January 6, 2026, making the effective date February 5, 2026.

CORES Information Updates. The Bureau announces that the effective date of the amendment to 47 CFR § 1.8002(b)(2) is February 5, 2026. This amendment requires that all entities and individuals that register with the Commission to obtain an FCC Registration Number (FRN) in the Commission Registration System (CORES), which is required in order to submit filings to the RMD, or for any other purpose related to their FRN registration, update any information submitted to CORES within 10 business days of any change to that information.[19] The amendment to section 1.8002(b)(2) becomes effective 30 days after Federal Register publication, which occurred on January 6, 2026, making the effective date February 5, 2026.[20]

For further information regarding the RMD rules, please contact Merry Wulff, Wireline Competition Bureau, Competition Policy Division, at (202) 418-1084 or by email at Merry.Wulff@fcc.gov.

[17] *See id*. at 605, para. 14; *see also* 47 U.S.C. § 503(b) (setting statutory maximums for violations of the Act and Commission rules).

[18] *See Robocall Mitigation Database Report and Order*, 40 FCC Rcd at 624, para. 58.

[19] *See id*. at 604, para. 13. Although, in general, a CORES user may register for an individual or business-type FRN, only a business-type FRN can be used to submit a filing in the RMD.

[20] The Commission stated in the *Robocall Mitigation Database Report and Order* that the rules it adopted would become effective 30 days after publication in the Federal Register, except for the amendment to section 1.8002(b)(2), as it may contain modifications to existing information collection requirements that require review by OMB under the Paperwork Reduction Act. *Robocall Mitigation Database Report and Order*, 40 FCC Rcd at 624, para. 58. OMB completed its review and granted approval of the information collection on May 27, 2025, prior to Federal Register publication, so the effective date for the rule amendment defaults to 30 days after Federal Register publication. *See* Notice of OMB Action, OMB Control No. 3060-0918 (May 27, 2025), https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202505-3060-034#.

APPENDIX A

Robocall Mitigation Database
Frequently Asked Questions For Filers

Last updated January 20, 2026

Robocall Mitigation Database
Frequently Asked Questions For Filers

1) Who must file?

- All voice service providers and intermediate providers, including gateway providers, are required to file in the Robocall Mitigation Database (RMD).
- An affiliate or subsidiary of a filing entity that independently meets the definition of a voice service provider or intermediate provider should submit its own RMD filing. An affiliate is an individual or entity that directly or indirectly owns or controls, is owned or controlled by, or is under common ownership or control with, another individual or entity. *See* 47 U.S.C § 153(2).
- To submit a filing in the RMD, a provider must have its own FCC Registration Number (FRN)—a 10-digit unique identifying number that is assigned to entities doing business with the FCC. An FRN can be registered and managed using the COmmission REgistration System (CORES). For more information regarding CORES, visit https://www.fcc.gov/licensing-databases/commission-registration-system-fcc.
- For the purposes of the RMD, a **voice service provider** is any entity that provides any service that is interconnected with the public switched telephone network and that furnishes voice communications to an end-user using resources from the North American Numbering Plan (NANP) or any successor. An **intermediate provider** is any entity that carries or processes traffic that traverses or will traverse the public switched telephone network at any point insofar as that entity neither originates nor terminates that traffic, and includes gateway providers. A **gateway provider** is any U.S.-based intermediate provider that receives a call directly from a foreign provider at its U.S.-based facilities before transmitting the call downstream to another U.S.-based provider. *See* 47 CFR § 64.6300. A **non-gateway intermediate provider** is any entity that is an intermediate provider that is not a gateway provider.
- Any provider that meets these definitions, including voice over Internet protocol (VoIP) resellers and mobile virtual network operators (MVNOs), must file in the RMD.

2) Do foreign providers need to file?

- Intermediate providers and voice service providers can only accept calls that use U.S. NANP resources in the caller ID field directly from a foreign voice service provider or foreign intermediate provider if the foreign provider's filing appears in the RMD and has not been removed from the RMD pursuant to an enforcement action. *See* 47 CFR § 64.6305(g)(2). Accordingly, although foreign providers may, but are not required to, implement STIR/SHAKEN in their networks, foreign providers that send calls using U.S.

NANP numbers to U.S. providers must submit a filing in the RMD in order for their traffic to be accepted by domestic intermediate and voice service providers.

- When completing the RMD submission form, foreign providers can certify to "Option 3 – No STIR/SHAKEN Implementation" and in the exemption field indicate that it is a foreign provider.

3) Who should identify as a "foreign voice service provider" on the RMD submission form?

- A "foreign voice service provider" is any entity providing voice service outside the United States that has the ability to originate voice service that terminates in a point outside that foreign country or terminate voice service that originates from points outside that foreign country. *See* 47 CFR § 64.6300(c). This definition applies to an entity based on the **voice service it provides**, not on its ownership or country of incorporation.
- If a foreign-based provider provides voice service outside the United States that has the ability to terminate within the United States, it must identify itself as a foreign voice service provider on the RMD submission form, regardless of whether it has a domestic office or operation.
- If a U.S.-based provider has a foreign affiliate that provides voice service outside the United States that has the ability to terminate within the United States, the foreign affiliate must file in the RMD and identify itself as a foreign voice service provider on the RMD submission form. As noted above, if foreign voice service providers (including foreign affiliates) do not take these steps, their traffic must not be accepted by domestic U.S. providers (including domestic affiliates). The U.S.-based provider **should not** identify itself as a foreign voice service provider on its RMD submission form **unless** it provides voice service outside the United States that terminates within the United States.

4) What should be included in the "Principals, Affiliates, Subsidiaries, and Parent Companies" section of the RMD submission form?

- The Commission's rules require each filer, including those that file because they are affiliates or subsidiaries of a filing entity and independently meet the definition of a voice service provider or intermediate provider, to provide information regarding their principals, affiliates, subsidiaries, and parent companies on the RMD submission form.
- While a filer may not have any affiliates, subsidiaries, or parent companies, every RMD filer must identify at least one principal, who must be an individual, on the RMD submission form to provide the Commission with sufficient detail regarding the filer's ownership and management.

- A principal is any individual who exercises influence, management, or supervisory responsibility for the entity filing in the RMD, whether or not they have ownership or control of the entity. *See* *Call Authentication Trust Anchor*, WC Docket No. 17-97, Sixth Report and Order and Further Notice of Proposed Rulemaking, 38 FCC Rcd 2573, 2609, para. 71 n.256 (2023). Common examples of principals include, but are not limited to, owners, directors, officers, and managers of the entity.

5) What is an Operating Company Number (OCN), and is each filer required to have one?

- An Operating Company Number (OCN) is the 4-place alphanumeric code that uniquely identifies a local exchange carrier. *See* 47 CFR § 64.2101.
- A filer is only required to provide an OCN on the RMD submission form **if the filer possesses one**. Filers who do not possess an OCN are not required to obtain one prior to submitting their RMD filing, and should select "No" when prompted on the RMD submission form to disclose whether or not they possess an OCN.

6) When should a provider certify that it has been the subject of a formal Commission, law enforcement, or regulatory agency action or investigation?

- A provider must certify on its RMD submission form whether, at any time in the prior two years, the provider (*i.e.*, the filing entity) "and/or any entity for which the filing entity shares common ownership, management, directors, or control[] has been the subject of a formal Commission, law enforcement, or regulatory agency action or investigation with accompanying findings of actual or suspected wrongdoing" related to illegal robocalling or spoofing or a deficient RMD filing, and to provide certain details about any such action or investigation. *See* 47 CFR § 64.6305(d)(2)(iv), (e)(2)(iv), (f)(2)(iv).
- Such actions or investigations necessarily include, but are not limited to: (1) Notices of Apparent Liability and Show Cause Orders issued to a provider by the FCC Enforcement Bureau related to illegal robocalling or a deficient RMD filing, and (2) FCC Enforcement Bureau Orders removing a provider's filing or the filing of a principal or affiliate of the provider from the RMD. Each of these actions should be disclosed in the provider's filing as well as in the filings of the provider's principals and affiliates, to the extent any such principals or affiliates are independently required to file in the RMD. *See* *Call Authentication Trust Anchor*, WC Docket No. 17-97, Sixth Report and Order and Further Notice of Proposed Rulemaking, 38 FCC Rcd 2573, 2597-99, para. 47 (2023).
- The description of any such action or investigation must include: (1) all law enforcement or regulatory agencies involved; (2) the date that any action or investigation was commenced; (3) the current status of the action or investigation; (4) a summary of the

findings of wrongdoing made in connection with the action or investigation; and (5) whether any final determinations have been issued.

7) **What are the proper procedures for requesting confidential treatment of robocall mitigation plans submitted in the RMD?**

- Filers seeking confidential treatment of a robocall mitigation plan should follow the procedures set forth and described in detail in the Protective Order adopted by the Commission on October 14, 2021.
- Pursuant to the Protective Order, filers seeking confidential treatment of their robocall mitigation plans **must** submit a confidentiality request in WC Docket No. 17-97 through the FCC's Electronic Comment Filing System (ECFS) that complies with the requirements set forth in 47 CFR § 0.459. Filers must also submit **both** a redacted and unredacted copy of their robocall mitigation plan directly through the RMD portal.
    - Initial requests for confidential treatment should be submitted in WC Docket No. 17-97 through ECFS, and not via the RMD portal. Filers **should not** file copies of their confidential, unredacted mitigation plans through ECFS.
    - A filer wishing to designate a **portion** of its mitigation plan as confidential should check the applicable box in the "Uploads" section of the RMD submission form stating that it requests that some of the filing's contents be kept confidential. Once checked, the filer must upload both confidential (i.e., unredacted) and non-confidential (i.e., redacted) versions of their mitigation plan. All documents must be uploaded in PDF format. Redacted plans will be published in the RMD. Additional information is available in the RMD filing instructions.
- As stated in the Protective Order, filings which are overly-redacted are not appropriate and the Commission may, on its own or based on a third-party challenge, review and take action on any improper requests. Accordingly, filers seeking confidential treatment **should not redact their entire mitigation plans**, including any information that is specifically required to be included in their mitigation plans under the Commission's rules, unless such information meets the definition of confidential or highly confidential as defined in the Protective Order and the filer has followed all procedures for requesting confidentiality, including filing a confidentiality request in WC Docket No. 17-97 through ECFS.

8) **What if a filer requires more space to submit an answer than is allowed on the RMD submission form?**

- If a filer requires more space to submit a response than is provided in any text box fields on the RMD submission form in the RMD portal, the filer may include the required information in the filer's robocall mitigation plan instead.

- Filers should indicate on the RMD submission form where they have opted to provide the required information in their robocall mitigation plan and clearly identify the section of the robocall mitigation plan that contains the responsive information.

9) When should a provider certify to complete STIR/SHAKEN implementation?

- A provider that selects "Option 1 – Complete STIR/SHAKEN Implementation" on the RMD submission form certifies that the filer has fully implemented STIR/SHAKEN on its **entire** network. This should be selected only when the provider's entire network is Internet Protocol (IP)-based.
- "Option 1 – Complete STIR/SHAKEN Implementation" is not appropriate when a portion of the provider's network is non-IP, even if the provider has fully implemented STIR/SHAKEN on the IP portion of its network. In this circumstance, the provider should select "Option 2 – Partial STIR/SHAKEN Implementation."
- Any provider certifying to complete STIR/SHAKEN implementation in the RMD must be registered with the STIR/SHAKEN Policy Administrator, obtain its own SPC token from the Policy Administrator, use that token to generate a certificate with the Certificate Authority, and authenticate all its calls with that certificate, whether directly or through a third party.

10) What is required of providers who certify to less than complete STIR/SHAKEN implementation?

- A provider that selects "Option 2 – Partial STIR/SHAKEN Implementation" or "Option 3 – No STIR/SHAKEN Implementation" must identify an **applicable** extension or exemption under the FCC's rules and Orders and explain the bases for why the extension or exemption applies to the filer.
- Filers should consult 47 CFR § 64.6304 and the RMD Instructions and Deadlines Public Notice, including all Orders referenced therein, for more information regarding extensions and exemptions from the STIR/SHAKEN implementation requirements, including what extensions and exemptions are currently in effect.
- We note, specifically, that as of June 30, 2022, and June 30, 2023, the extensions for non-facilities-based and facilities-based small voice service providers, respectively, have expired, and therefore **cannot** be relied upon by filers to comply with the requirement to identify an applicable extension on the RMD submission form.
- Any provider certifying to partial STIR/SHAKEN implementation in the RMD must be registered with the STIR/SHAKEN Policy Administrator, obtain its own SPC token from the Policy Administrator, use that token to generate a certificate with the Certificate

Authority, and authenticate all calls on the IP portions of its network with that certificate, whether directly or through a third party.

11) How should a provider certify its STIR/SHAKEN implementation when it uses a third party to authenticate its calls?

- A provider with a STIR/SHAKEN implementation obligation may fulfill that obligation by entering into an agreement with a third party to perform the technological act of authenticating calls so long as the provider: (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. *See* 47 CFR § 64.6301(b) and § 64.6302(f).
- When a provider has a STIR/SHAKEN implementation obligation and it is not otherwise exempt, it should certify to the level of STIR/SHAKEN implementation across its network **irrespective** of whether it has contracted with a third party to perform the technological act of authenticating calls on its behalf.
- A provider's decision to enter into a third-party authentication arrangement does not affect whether the provider has a STIR/SHAKEN implementation obligation or whether it is eligible to claim a valid extension or exemption under our rules.

12) Are providers required to use data analytics as part of their robocall mitigation programs?

- A provider is **not** required to use data analytics as part of its robocall mitigation program, **but if it does**, the provider must describe in its robocall mitigation plan the analytics system it is using, including whether it uses any third-party analytics vendor(s) and the name(s) of such vendor(s). A provider should state whether or not it uses data analytics as part of its robocall mitigation program.
- If a provider is relying on its underlying provider(s) for data analytics, it should provide the name(s) of its underlying provider(s) in its robocall mitigation plan, though the provider may request confidential treatment of this information pursuant to the procedures described in the Protective Order.

13) Are providers required to have know-your-customer (KYC) procedures in place as part of their robocall mitigation programs?

- All voice service providers are required to know their end user customers pursuant to 47 CFR § 64.1200(n)(4), and must describe in their robocall mitigation plans how they comply with this obligation. Voice service providers must also describe any procedures they have in place to know their upstream providers. *See* 47 CFR § 64.6305(d)(2)(ii).

- Intermediate providers are required to know their upstream providers pursuant to 47 CFR § 64.1200(n)(5), and must describe in their robocall mitigation plans how they comply with this obligation. *See* 47 CFR § 64.6305(e)(2)(ii), (f)(2)(ii).

14) When must filers update their RMD filings?

- All filers are required to update their filings within 10 business days of any change to the information provided in their filings. This includes, but is not limited to, changes in ownership or control of the filing entity due to a merger, acquisition, or other company change. *See* 47 CFR § 64.6305(d)(5), (e)(5), (f)(5). The Commission has established a base forfeiture amount of $1000 for failure to update information that has changed within 10 business days. *See* 47 CFR § 1.80.
- All filers are also required to recertify their filings annually on or before March 1. *See* 47 CFR § 64.6305(h).
- If an entity believes that it is no longer required to have a filing in the RMD because it is no longer operating as a voice service, gateway, or non-gateway intermediate provider (such as due to a merger or the entity ceasing operations), that entity should either delete its RMD filing or update the filing to indicate that the entity is no longer operating as a voice service, gateway, or non-gateway intermediate provider. Detailed instructions for deleting and updating an RMD filing are available in the RMD filing instructions.

15) When and how must filers submit their annual recertifications?

- Each provider with an existing RMD filing must recertify and resubmit their filing each year by March 1. *See* 47 CFR § 64.6305(h). When completing their recertifications, providers must ensure that the information contained in their RMD filings is accurate and truthful, including with respect to the certifications required by the Commission's rules. In the future, providers will also be required to pay a $100 annual recertification fee, and the Commission will announce when this requirement becomes effective. Detailed instructions for submitting an annual recertification are available in the RMD filing instructions.

16) How can a filer access the RMD if they've forgotten their password or if their RMD filing was created by an employee that has since left the company?

- Filers login to the RMD using their CORES username and password. The username is the email address associated with the company's FCC Registration Number (FRN) in CORES. If a filer has forgotten the password associated with their CORES username, they may follow instructions to reset their password here.

- If a filer has forgotten their CORES username or is still having trouble logging in after visiting the password reset link above, they may contact the CORES help desk by calling 877-480-3201 (Mon.-Fri. 8 a.m.-6 p.m. ET).
- If the CORES user that created the RMD filing has since left the company, the filer may associate a new CORES username with the company's FRN in order to login and access the company's RMD filing. The CORES help desk can assist with this and can be reached by calling 877-480-3201 (Mon.-Fri. 8 a.m.-6 p.m. ET).
- All entities that register in CORES to obtain an FRN must update any information submitted to CORES within 10 business days of any change to that information. *See* 47 CFR § 1.8002(b)(2).

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

In the Matter of	)	
	)	
Federated Wireless, Inc. Expedited Request for	)	GN Docket No. 15-319
Emergency Waiver of Citizens Broadband Radio	)	
Service Incumbent Protection Rules	)	

ORDER

Adopted: January 23, 2026 **Released: January 23, 2026**

By the Mobility Division, Wireless Telecommunications Bureau:

I. INTRODUCTION

1. By this Order, the Wireless Telecommunications Bureau (Bureau), Mobility Division, conditionally grants Federated Wireless, Inc.'s (Federated or Petitioner)[1] request for a precautionary, limited, and conditional emergency waiver of sections 96.67(c)(2) and (3) of the Commission's rules governing the Citizens Broadband Radio Service.[2] Federated requests that the Commission grant emergency waiver relief of sections 96.67(c)(2) and (3) to relieve them of the requirement for Environmental Sensing Capabilities (ESCs) to detect and protect federal incumbent users in the 3550-3700 MHz band (3.5 GHz band) from harmful interference for Dynamic Protection Areas (DPAs) that are being or may be impacted by Winter Storm Fern, including DPAs East3, East22, East23, East24, East25, and East26 (the DPAs, together with the affected ESCs in such DPAs, the Impacted Systems). Winter Storm Fern is projected to affect the Southern and Eastern United States with heavy snow, sleet, freezing rain, and intense winds beginning on Friday, January 23, 2026.[3] For the reasons discussed below, we grant Petitioner's Waiver Request subject to the conditions described herein.

[1] *See* Federated Wireless, Inc. Expedited Request for Emergency Waiver of CBRS Incumbent Protection Rules, GN Docket No. 15-319 (filed Jan. 21, 2026) (Waiver Request) https://www.fcc.gov/ecfs/document/10121569430585/1; *see also* State of South Carolina, Office of the Governor, Executive Order No. 2026-02 (Jan. 21, 2026), https://governor.sc.gov/sites/governor/files/Documents/Executive-Orders/2026-01-21%20FILED%20Executive%20Order%20No.%202026-02%20-%20Declaring%20State%20of%20Emergency%20to%20Address%20Winter%20Weather.pdf; State of North Carolina, Governor Josh Stein, Executive Order No. 31 (Jan. 21, 2026), https://governor.nc.gov/executive-order-no-31-declaration-state-emergency-and-temporary-waiver-and-suspension-motor-vehicle/open; State of Georgia, Executive Order Declaring a State of Emergency for Winter Weather (Jan. 22, 2026), https://gov.georgia.gov/executive-action/executive-orders/2026; Commonwealth of Virginia, Office of the Governor, Executive Order No. 11 (2026), https://www.governor.virginia.gov/media/governorvirginiagov/governor-of-virginia/pdf/eo/EO-11-Declaring-State-of-Emergency---2026-January-Winter-Weather.pdf (Jan. 22, 2026).

[2] 47 CFR § 96.67(c)(2)-(3).

[3] *See* Waiver Request at 1; National Weather Service, Key Messages for Major January Winter Storm, 4:10 AM EST Thu. Jan. 22, 2026, https://www.wpc.ncep.noaa.gov/key_messages/LatestKeyMessage_2.png.

II. BACKGROUND

2. In 2015, the Commission adopted rules for shared commercial use of the 3.5 GHz band.[4] The Commission established the Citizens Broadband Radio Service and created a three-tiered access and authorization framework to accommodate shared federal and non-federal use of the band.[5] Access and operations are managed by a Commission-approved, automated frequency coordinator, known as a Spectrum Access System (SAS). SASs coordinate operations between federal and non-federal users by relying on ESCs in DPAs to detect and protect federal incumbent users in the 3.5 GHz band from harmful interference. When there are federal incumbent users operating in the band, ESCs detect their signals and activate the DPA. When the DPA is activated, federal incumbent users are given priority over the other two tiers of users: Priority Access Licensees (PALs) and General Authorized Access (GAA) users. In the case that an ESC cannot accurately determine whether federal incumbents are active in the band, they must automatically activate the DPAs.[6]

3. Federated seeks a temporary conditional waiver of sections 96.67(c)(2) and (3) of the Commission's rules to relieve it of the requirement to detect the presence of a signal from a federal system in the 3.5 GHz Band and adjacent frequencies and to communicate information about the presence of such a signal to one or more approved SASs.[7] This waiver would allow Federated to treat the subject DPAs as "inactive" for the duration of the waiver authority and thus avoid the need for the ESCs to automatically activate the DPAs in areas affected by Fern. Federated seeks a waiver of these requirements in the interest of providing uninterrupted service to thousands of Citizens Broadband Radio Service Devices (CBSDs) that provide critical broadband, voice, and data services to millions of customers in areas that may be impacted by Fern.[8]

III. DISCUSSION

4. Section 1.925(b)(3) of the Commission's rules states that the Commission may grant a waiver when either (i) "[t]he 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) "[i]n view of unique or unusual factual circumstances of the instant case, application of the rule(s) would be inequitable, unduly burdensome or contrary to the public interest, or the applicant has no reasonable alternative."[9] Further, section 1.3 allows the Commission, on its own motion, to waive rules for good cause shown.[10]

5. Here, we find that Petitioner's showing, when considered with the conditions established herein, meets the second prong of the Commission's waiver standard. Federated asserts that Fern will bring "intense winds, heavy snow, ice, and freezing rain that could cause widespread power outages."[11] If such outages occur, the Impacted Systems will lose commercial power and will be unable to operate

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[4] *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, 3975, paras. 44-45 (2015) (*2015 Report and Order*).

[5] *Id.*

[6] *See Promoting Investment in the 3550-3700 MHz Band*, GN Docket Nos. 15-319, 17-258, Order, 33 FCC Rcd 4987, 4990-91, paras. 6, 9 (2018).

[7] 47 CFR § 96.67(c)(2)-(3). Additionally, to the extent necessary, we also waive applicable sections of 96.15(a)(2), (a)(3), (b)(3), 96.45(b), 96.53(a), (e)-(g), and 96.57(d).

[8] *See* Waiver Request at 2.

[9] 47 CFR § 1.925(b)(3).

[10] 47 CFR § 1.3.

[11] *See* Waiver Request at 1.

normally.[12] Federated also asserts that the availability of backhaul may be impacted as well.[13] Federated contends that these power outages may cause DPAs in the affected areas to be activated, impacting approximately 25,000 CBSDs, potentially disconnecting millions of customers—including consumer, residential and enterprise users, schools, and oil and gas companies.[14] According to Federated, "[m]any of these customers will rely on these services to stay apprised of ongoing dangers during and after the storm, while others will leverage connectivity to help restore critical services, such as water and electricity."[15] Accordingly, we grant a waiver of sections 96.67(c)(2) and (3) of the Commission's rules, subject to the conditions set forth herein, and consistent with the ESC waiver orders that the Bureau issued in response to previous severe weather events[16] to allow the Federated SASs to treat the subject DPAs as "inactive" for the duration of this waiver and thereby obviate their ESCs from the obligation to detect the presence of a signal from a federal system in the 3.5 GHz Band and adjacent frequencies and to communicate information about the presence of such a signal to one or more approved SASs.

6. Specifically, we find the following conditions are required: (1) this waiver only applies to periods where the subject ESC sensors are unable to communicate with the Federated SASs due to a power outage or backhaul outage; (2) this waiver is limited to the earlier of either February 5, 2026, or when commercial power and backhaul service is restored to the subject ESC sensors; (3) Federated must provide confirmation to the Commission, the Department of War (DoW), and the Navy within three business days of power restoration to the subject ESC sensors and restoration of backhaul service; (4) extension requests must be justified through demonstration of the specific steps taken to reactivate the subject ESC sensors and the remaining steps necessary to reactivate, and such requests must be filed no later than three business days before expiration of this waiver; and (5) the ESC operator must immediately activate the subject DPAs upon notification from the Commission, the National Telecommunications and Information Administration, or the DoW.

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[12] *See id.* at 1-2.

[13] *Id*. at 2.

[14] *Id*.

[15] *Id*.

[16] *See e.g., Federated Wireless Expedited Request for Emergency Waiver of Citizens Broadband Radio Service Incumbent Protection Rules*, GN Docket No. 15-319, Order, DA 22-999 (rel. Sept. 22, 2022); *Federated Wireless, CommScope, Inc., and Google LLC's Expedited Requests for Emergency Waiver of Citizens Broadband Radio Service Incumbent Protection Rules*, GN Docket No. 15-319, Order, DA 22-1042 (rel. Sept. 30, 2022); *Federated Wireless Expedited Request for Emergency Waiver of Citizens Broadband Radio Service Incumbent Protection Rules*, GN Docket No. 15-319, Order, DA 22-1165 (rel. Nov. 9, 2022); *Federated Wireless Expedited Request for Emergency Waiver of Citizens Broadband Radio Service Incumbent Protection Rules*, GN Docket No. 15-319, Order, DA 23-453 (rel. May 30, 2023); *Google LLC's Expedited Request for Emergency Waiver of Citizens Broadband Radio Service Incumbent Protection Rules*, GN Docket No. 15-319, Order, DA 23-789 (rel. Aug. 30, 2023); *Federated Wireless Expedited Request for Emergency Waiver of Citizens Broadband Radio Service Incumbent Protection Rules*, GN Docket No. 15-319, Order, DA 24-652 (rel. July 8, 2024); *Google LLC Expedited Request for Emergency Waiver of Citizens Broadband Radio Service Incumbent Protection Rules*, GN Docket No. 15-319, Order, DA 24-677 (rel. July 12, 2024); *Federated Wireless Expedited Request for Emergency Waiver of Citizens Broadband Radio Service Incumbent Protection Rules*, GN Docket No. 15-319, Order, DA 24-777 (rel. Aug. 6, 2024); *Federated Wireless Expedited Request for Emergency Waiver of Citizens Broadband Radio Service Incumbent Protection Rules*, GN Docket No. 15-319, Order, DA 24-814 (rel. Aug. 14, 2024); *Federated Wireless Expedited Request for Emergency Waiver of Citizens Broadband Radio Service Incumbent Protection Rules*, GN Docket No. 15-319, Order, DA 24-915 (rel. Sep. 10, 2024); *Google LLC Expedited Request for Emergency Waiver of Citizens Broadband Radio Service Incumbent Protection Rules*, GN Docket No. 15-319, Order, DA 24-948 (rel. Sep. 13, 2024); *Google LLC Expedited Request for Emergency Waiver of Citizens Broadband Radio Service Incumbent Protection Rules*, GN Docket No. 15-319, Order, DA 24-1056 (rel. Oct. 8, 2024); *Federated Wireless Expedited Request for Emergency Waiver of Citizens Broadband Radio Service Incumbent Protection Rules*, GN Docket No. 15-319, Order, DA 24-1057 (rel. Oct. 8, 2024).

7. In consideration of the emergency presented by Fern, we find that these are unique circumstances that make application of the rules inequitable, unduly burdensome, and contrary to the public interest. For these reasons, we find it is in the public interest to conditionally grant Petitioner's request for an emergency waiver of sections 96.67(c)(2) and (3), on a time-limited basis and subject to conditions described herein.

IV. ORDERING CLAUSES

8. Accordingly, IT IS ORDERED, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and sections 1.3 and 1.925 of the Commission's rules, 47 CFR §§ 1.3, 1.925, that the request filed by Federated Wireless, Inc. for emergency waiver of sections 96.67(c)(2) and (3) of the Commission's rules, 47 CFR §§ 96.67(c)(2) and (3) is GRANTED to the extent described, and with the conditions specified, herein.

9. IT IS FURTHER ORDERED, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and sections 1.3 and 1.925 of the Commission's rules, 47 CFR §§ 1.3, 1.925, that the Wireless Telecommunications Bureau GRANTS ON ITS OWN MOTION a waiver of sections 96.15(a)(2), (a)(3), 96.45(b), 96.53(a), (e)-(g), and 96.57(d) of the Commission's Rules, 47 CFR §§ 96.15(a)(2), (a)(3), 96.45(b), 96.53(a), (e)-(g), 96.57(d), to the extent described, and with the conditions specified, herein.

10. This action is taken under delegated authority pursuant to sections 0.131, and 0.331 of the Commission's rules, 47 CFR §§ 0.131, and 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Roger Noel
Chief, Mobility Division
Wireless Telecommunications Bureau

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 Number: 26-74
Report No. SAT-01969 **Friday January 23, 2026**

Satellite Licensing Division and Satellite Programs and Policy Division Information

RE: 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-20250717-00176 S00728 DISH Operating L.L.C.
Date filed: 2025-09-11
Launch and Operating Authority
Grant of Authority Date of Action: 2026-01-20

Nature of Service:
- Direct Broadcast Satellite (DBS) Service
- Fixed-Satellite Service

EchoStar 25. Granted with conditions.

SAT-MOD-20251222-00394 S2976 Telesat LEO U.S. Inc.
Date filed: 2026-01-15
Modification
Grant of Authority Date of Action: 2026-01-21

Nature of Service: Fixed-Satellite Service

Record update to reflect pro forma assignment.

SAT-AMD-20251222-00395 S2976 Telesat LEO U.S. Inc.
Date filed: 2026-01-15
Amendment
Grant of Authority Date of Action: 2026-01-21

Nature of Service: Fixed-Satellite Service

Record update to reflect pro forma assignment.

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 St., N.E.
Washington, D.C. 20554

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

DA 26-75
January 26, 2026

PUBLIC SAFETY AND HOMELAND SECURITY BUREAU ANNOUNCES 20-BUSINESS DAY FILING WINDOW FOR CYBERSECURITY LABEL ADMINISTRATOR APPLICATIONS UNDER THE U.S. CYBER TRUST MARK PROGRAM AND REITERATES PROGRAM OBLIGATIONS

PS Docket No. 23-239

By this Notice, the Federal Communications Commission's (FCC or Commission) Public Safety and Homeland Security Bureau (Bureau) announces a 20-business day filing window for applications from entities seeking to be recognized as a Cybersecurity Label Administrator (CLA). **This filing window will open on January 27, 2026, and close February 24, 2026**.[1]

In March 2024, the Commission established a framework for a voluntary cybersecurity labeling program for consumer wireless Internet of Things (IoT) products (U.S. Cyber Trust Mark Program), which includes third party administrators to support the program.[2] In September 2024, the Bureau opened an initial filing window on delegated authority from the Commission for applications from entities seeking authority to be recognized as a CLA and as Lead Administrator.[3] Thus far, the Bureau conditionally approved 11 CLAs, and approved UL LLC (UL Solutions) as Lead Administrator.[4] UL Solutions withdrew as Lead Administrator effective December 19, 2025.[5] The Bureau opened a 15-

[1] While the Bureau does not routinely grant extensions of time, applicants requiring additional time may, in accordance with Section 1.46 of the Commission's rules, request an extension of time for up to 10 additional calendar days to complete their applications. 47 CFR § 1.46.

[2] *Cybersecurity Labeling for Internet of Things*, PS Docket No. 23-239, Report and Order and Further Notice of Proposed Rulemaking, 39 FCC Rcd 2497, 2522, para. 48 (2024) (*IoT Labeling Order*).

[3] *See Public Safety and Homeland Security Bureau Announces 15-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, DA 24-900 (Sept. 10, 2024) (*Initial Filing Window Public Notice*); *IoT Labeling Order*, 39 FCC Rcd at 2532, para. 64. CLA responsibilities are outlined in the *IoT Labeling Order*. 39 FCC Rcd at 2523-25, paras. 52-53; 47 CFR § 8.220.

[4] *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, Public Notice, DA 24-1241 (Dec. 11, 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, Public Notice, DA 24-1214 (Dec. 4, 2024).

[5] Letter from Chanté Maurio, VP and GM, Identity Management and Security, UL Solutions, to Zenji Nakazawa, Chief, Public Safety and Homeland Security Bureau, FCC, PS Docket No. 23-239 (filed Dec. 19, 2025). We note that one CLA has also withdrawn, effective August 15, 2025. Letter from Umair Javed, Senior Vice President and General Counsel and Thomas K. Sawanobori, Senior Vice President and Chief Technology Officer, CTIA Certification LLC to Marlene H. Dortch, Secretary, FCC, PS Docket No. 23-239 (filed Aug. 15, 2025).

business day application filing window for entities seeking designation as the Lead Administrator on January 7, which will close on January 28, 2026.[6]

The Bureau is now opening a new filing window for applications for CLA.[7] The Bureau outlined the format of CLA applications, and the process for Bureau selection of these administrators, among other issues, in its September 2024 *Initial Filing Window Public Notice*.[8] The Bureau also provided guidance for who may apply and the relevant application procedures.[9] Applicants for CLA are advised to follow the same instructions, including the general filing instructions, provided in the *Initial Filing Window Public Notice*, as well as the additional guidance on confidential filing requirements published in October 2024.[10] We reiterate that conditionally approved CLAs are obligated to maintain their commitments made under their applications, including, demonstrations and certifications provided with respect to national security, obtaining accreditation pursuant to all of the requirements associated with ISO/IEC 17065 with the forthcoming FCC program scope, and implementing and updating cybersecurity risk management plans.[11]

After the application filing window closes on February 24, 2026, the Bureau will review administrators' applications for compliance with each criteria set forth in the *IoT Labeling Order* and to best ensure the success of the program.[12] Conditional approval of CLA applications will not allow CLAs to certify products to use the FCC IoT Label before obtaining accreditation to the Commission's scope, and before complying with any additional criteria the Bureau may adopt, as necessary, to efficiently select entities seeking to be recognized as a CLA.[13] **The Bureau's selection of CLA(s) will be announced by 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 Consumer & Governmental Affairs Bureau at 202-418-0530 (voice).

Additional Information

For further information regarding this proceeding, please contact Drew Morin, Deputy Division Chief, Cybersecurity and Communications Reliability Division, Public Safety and Homeland Security

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[6] *Public Safety and Homeland Security Bureau Announces 15-Business Day Filing Window for Lead Administrator Applications Under the U.S. Cyber Trust Mark Program*, PS Docket No. 23-239, Public Notice, DA 26-18 (Jan. 6, 2026).

[7] The *IoT Labeling Order* delegated authority to the Bureau to open additional application filing windows, as necessary, for entities seeking authority to be recognized by the Bureau as a CLA. *IoT Labeling Order*, 39 FCC Rcd at 2523, 2532, paras. 51, 64.

[8] *Initial Filing Window Public Notice* at 2-15, paras. 3-32 (setting forth the format, filing fees, and selection process for CLA and Lead Administrator applications, as well as Lead Administrator cost-sharing among the CLAs, guardrails for Lead Administrator neutrality, and confidentiality and security requirements).

[9] *Initial Filing Window Public Notice* at 15-21, paras. 33-41.

[10] *Initial Filing Window Public Notice* at 24, Appx A; *Public Safety and Homeland Security Bureau Provides Additional Guidance on Confidential Filing Requirements for Cybersecurity Label Administrator and Lead Administrator Applications Under the Cybersecurity Labeling for Internet of Things Program*, PS Docket No. 23-239, Public Notice, DA 24-1037 (Oct. 3, 2024).

[11] *Initial Filing Window Public Notice* at 14-19, paras. 30, 33-35, 37.

[12] The Bureau may request clarifying information from applicants in its review, as needed.

[13] *Initial Filing Window Public Notice* at 8, para. 15; 47 CFR § 8.220; *IoT Labeling Order* at 2532, para. 64.

Bureau or Tara B. Shostek, Attorney Advisor, Cybersecurity and Communications Reliability Division, Public Safety and Homeland Security Bureau at CyberTrustMark@fcc.gov.

Privacy Act Statement

Authority. The FCC is authorized to collect the information pursuant to the authority contained in sections 1, 2, 4(i), 4(n), 302, 303(r), 312, 333, and 503, of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 152, 154(i), 154(n), 302a, 303(r), 312, 333, 503; the IoT Cybersecurity Improvement Act of 2020, 15 U.S.C. § 278g-3a to § 278g-3e.

Purpose. The information collected in this Application includes contact and certification information from entities voluntarily applying to serve as CLA in this FCC program. The information is used to communicate with such entities and enforce their compliance with statements made in their applications.

Routine Uses. While CLA applications will be presumed confidential, in addition to those disclosures generally permitted under 5 U.S.C. § 552a(b) of the Privacy Act of 1974, as amended, the FCC may disclose contact and certification information collected from applicants as is determined to be relevant and necessary, outside the FCC as a routine use pursuant to 5 U.S.C. § 552a(b)(3), including: to authorized third parties to administer, support, participate in, or receive information related to FCC programs and activities; to other Federal agencies in order to administer, support, participate in, or receive information related to FCC programs and activities; and to non-federal personnel, including contractors, 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.

A full, detailed list of the routine uses is published in the system of records notice associated with this collection, FCC-2, Business Contacts and Certifications, which is available at https://www.fcc.gov/sites/default/files/sor-fcc-2.pdf.

Disclosure. This information collection is voluntary. The Public Safety and Homeland Security Bureau's Public Notice provides entities the opportunity to apply to be designated a CLA.

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

In the Matter of	)	
	)	
97.5 Licensee TX, LLC	)	MB Docket No. 26-19
Licensee	)	FRN: 0026209908
	)	
Luz Maria Rygaard	)	
Transferor	)	
	)	
and	)	
	)	
Lorena Margarita Peréz Toscano	)	
Transferee	)	
	)	
KBNA-FM, El Paso, Texas	)	Facility ID No. 67066
KAMA(AM), El Paso, Texas	)	Facility ID No. 36948
KQBU(AM), El Paso, Texas	)	Facility ID No. 67065
	)	
	)	Application File Nos. 0000216454 et al.
	)	

HEARING DESIGNATION ORDER, ORDER TO SHOW CAUSE WHY AN ORDER OF REVOCATION SHOULD NOT BE ISSUED, AND NOTICE OF OPPORTUNITY FOR HEARING

Adopted: January 23, 2026 **Released: January 23, 2026**

By the Acting Chief, Media Bureau:

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I. INTRODUCTION

1. In this *Hearing Designation Order, Order to Show Cause Why an Order of Revocation Should not be Issued, and Notice of Opportunity for Hearing*, we consider the above-captioned transfer applications (collectively, Transfer Application)[1] by which Luz Maria Rygaard (Transferor or Rygaard) seeks Commission consent to the transfer of control of 97.5 Licensee TX, LLC (97.5 Licensee or Licensee) to Lorena Margarita Peréz Toscano (Transferee or Toscano).[2]

2. After conducting a detailed review of the record in this proceeding, including information and materials provided by the Parties in response to letters of inquiry from the Media Bureau (Bureau), we find that substantial and material questions of fact exist regarding whether the Parties have engaged in an unauthorized transfer of control, as well as engaged in misrepresentations and/or lack of candor in their dealings with the Commission. Accordingly, based on the record before us, we are unable to find that grant of the Transfer Application would be consistent with the public interest, as required by sections 309(a), 309(e), and 310(d) of the Communications Act of 1934, as amended (the Act).[3] The Transfer Application is being held in abeyance pending resolution of this proceeding.

3. With regard to Rygaard, the proposed Transferor and current owner of Licensee, and as discussed in more detail below, we find that substantial and material questions of fact exist regarding whether Rygaard: (1) exercises control of the Stations consistent with the Act and the Rules; (2) engaged in an unauthorized transfer of control in violation of section 310 of the Act;[4] (3) engaged in misrepresentation and/or lack of candor before the Commission, including in the Transfer Application and in response to the Bureau's inquiries; and (4) given these apparent violations, has the qualifications to be and remain a Commission licensee.[5]

4. With regard to Toscano, the proposed Transferee, and as discussed in more detail below, we find that substantial and material questions of fact exist regarding whether Toscano: (1) exercises *de facto* control of the Stations; (2) participated in an unauthorized transfer of control in violation of section 310 of the Act;[6] (3) engaged in misrepresentation and/or lack of candor before the Commission, including in the Transfer Application and in response to the Bureau's inquiries; and (4) given these apparent violations, has the qualifications to become a Commission licensee.

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[1] Application of 97.5 Licensee TX, LLC for Transfer of Control, Application File Nos. 0000216454, *et al*. (filed Mar. 15, 2023; amended Oct. 29, 2024). As reflected in the caption above, 97.5 Licensee is the licensee of KBNA-FM, El Paso, Texas (Facility ID No. 67066); KAMA(AM), El Paso, Texas (Facility ID No. 36948); and KQBU(AM), El Paso, Texas (Facility ID No. 67065), which are referred to collectively hereinafter as the Stations.

[2] Rygaard, who is currently the sole shareholder of 97.5 Licensee, and Toscano, who seeks to acquire 100% of the capital stock of 97.5 Licensee, are referred to herein individually each as Party and collectively as Parties.

[3] Under section 309(e) of the Act, "[i]f a substantial and material question of fact is presented or if the Commission for any reason is unable to find that grant of the application would be consistent [with the public interest, convenience, and necessity]," the application must be designated for hearing. 47 U.S.C. § 309(e). Further, section 310(d) of the Act requires that a station license may only be transferred or assigned upon a determination by the Commission that such assignment or transfer would serve the public interest, convenience, and necessity. 47 U.S.C. § 310(d).

[4] *See, e.g.*, 47 U.S.C. §§ 310(b), 310(d).

[5] Section 310(d) of the Act provides that no station license shall be transferred or assigned unless the Commission, on application, determines that the public interest, convenience, and necessity will be served thereby. 47 U.S.C. § 310(d). Additionally, section 312(a) holds that the Commission may revoke a station license for false statements knowingly made either in an application or in any statement of fact required pursuant to section 308 consistent with the guidance set forth in section 312(c). 47 U.S.C. §§ 312(a), (c).

[6] *Id*.

5. We therefore find that a hearing is necessary and issue this *Hearing Designation Order, Order to Show Cause Why an Order of Revocation Should not be Issued, and Notice of Opportunity for Hearing* consistent with sections 309(e), 310(d), 312(a), and 312(c) of the Act to determine whether (a) the licenses of the Stations should be revoked; and (b) whether the captioned Transfer Applications should be granted, dismissed, or denied.[7]

II. BACKGROUND

6. This matter stems from a Bureau investigation into the above-captioned Transfer Application by which the Parties have sought Commission approval for the transfer of control of 97.5 Licensee and the broadcast licenses it holds (i.e., the Stations) from Rygaard to Toscano. Contemporaneously with the submission of the Transfer Application, the Parties also filed a related Petition for Declaratory Ruling (Petition) seeking Commission approval for 100% indirect foreign ownership of the Stations as Toscano is a Mexican citizen.[8]

A. Factual Background

1. The Stations.

7. The three Stations that are the subject of the Transfer Application, KBNA-FM, KAMA(AM), and KQBU(AM), are each licensed to El Paso, Texas, and compete in the El Paso radio market. According to the BIA Market Report provided by the Parties as part of the Transfer Application, the market contains a total of 36 commercial and noncommercial full□power radio stations including the Stations.[9] Of those 36 total stations, 24 are licensed by the United States and 12 are licensed by Mexico to serve Ciudad Juarez, Mexico. The BIA Market Report further indicates that an entity named "Grupo Radio Centro" is the owner of four of the Mexican radio stations in the market.[10]

2. The Parties

8. *97.5 Licensee TX, LLC and Luz Maria Rygaard*. The Stations are currently licensed to 97.5 Licensee, a Texas limited liability company, whose sole member is 97.5 Holdings TX, Inc. (97.5 Holdings), a Texas corporation. 97.5 Holdings holds 100% of the equity and voting interest of the Licensee. In turn, Rygaard is the sole shareholder of 97.5 Holdings, owning 100% of the equity and voting interest of 97.5 Holdings, and hence has full *de jure* control of 97.5 Licensee. Rygaard is a U.S. citizen and has reported no other attributable interests in broadcast stations besides the Stations.[11]

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[7] *See* 47 U.S.C. §§ 309(a), (e); 310(b), (d); 312(a), (c); 47 CFR §§ 1.17, 73.1015, and 73.3540. Actions taken as a result of this proceeding do not preclude the Commission from taking other actions stemming from the facts presented here.

[8] *See* Transfer Application at Exh. *97.5 Licensee 310(b)(4) Pet. for Declaratory Ruling*. The Petition was placed on public notice on August 11, 2023, with comments due September 11, 2023, and replies due September 26, 2023. *97.5 Licensee TX, LLC Seeks Foreign Ownership Ruling Pursuant to Section 310(b)(4) of the Communications Act of 1934, as Amended*, MB Docket No. 23-275, Public Notice, 38 FCC Rcd 7363 (MB 2023). On April 26, 2024, the Department of Justice (DOJ) notified the Commission that the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector had no recommendation to the Commission and no objection to the Commission granting the Petition. At that time, DOJ also provided the Commission with information the Parties had submitted in response to DOJ's questions related to the proposed foreign ownership. Letter from Christine M. Quinn, Attorney Advisor, National Security Division, DOJ, to Marlene H. Dortch, Secretary, FCC, MB Docket No. 23-275 (dated April 26, 2024).

[9] Transfer Application at Exh. *Multiple Ownership Exhibit.pdf* (summarizing and providing market information from BIA Media Report).

[10] *Id*.

[11] *See, e.g.*, Transfer of Control Application, Application File No. 0000177516, granted Mar. 16, 2022 (approving Rygaard's acquisition of control of the Stations); FCC Ownership Report, Application File No. 0000193208,

(continued….)

9. According to the Commission's records, Rygaard acquired ownership of 97.5 Holdings in May 2022.[12] Specifically, Rygaard acquired the stock of 97.5 Holdings from the company's two former shareholders, Grupo Radio Centro TX, LLC (Grupo Radio TX) and 97.5 Investment TX, LLC (97.5 Investment) for $10,000 USD pursuant to a stock purchase agreement dated November 30, 2021.[13] Following execution of that agreement, the parties filed an application with the Commission on December 20, 2021, seeking to transfer control of the Stations from Group Radio TX and 97.5 Investment to Rygaard (2021 Transfer Application).[14] The 2021 Transfer Application made no mention of any outstanding debt owed by 97.5 Holdings, nor provided any loan agreements, debt instruments, or acknowledgement of indebtedness.[15] The Commission approved that application on March 16, 2022, and the transaction was consummated on May 12, 2022.[16]

10. The Commission's records indicate that prior to Rygaard's acquisition, 97.5 Investment held 75% of the equity and voting interests of 97.5 Holdings, and that Grupo Radio TX held the remaining 25%.[17] The majority shareholder, 97.5 Investment, was organized under the laws of Texas and was wholly owned by a U.S. citizen named Rafael Marquez Aguirre.[18] The minority shareholder, Grupo Radio TX, was also organized under the laws of Texas, but was 100% owned by a Mexican corporation named Grupo Radio Centro SAB de CV (Grupo Radio Centro) that owns and operates radio stations in Mexico and the United States.[19] In turn, Grupo Radio Centro was owned 36% by Francisco Aguirre Gomez, a Mexican citizen, and 32.9% by Controladora GRC, SA de CV, a Mexican corporation.[20]

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submitted June 10, 2022 (post-consummation ownership report filed by Licensee following Rygaard's acquisition of control); FCC Ownership Report, Application File No. 0000230999, submitted Dec. 13, 2023 (2023 biennial ownership report filed by Licensee).

[12] Transfer of Control Application, Application File No. 0000177516, granted Mar. 16, 2022 (*2021 Transfer Application*).

[13] 2021 Transfer Application at Exh. *Stock Purchase Agreement - Rygaard.pdf*.

[14] 2021 Transfer Application.

[15] The November 30, 2021, stock purchase agreement provided with the 2021 Transfer Application notes in "*Section 3.04 Company Accounting*" that "[b]oth parties have reasonable knowledge of the company's accounting and economic situation to the date thereof, as well as of its assets, debts, obligations, and tax liabilities including a recognized debt for around 2.5 million dollars." 2021 Transfer Application at Exh. *Stock Purchase Agreement - Rygaard.pdf*.

[16] Notice of Consummation, Application File No. 0000190647, submitted May 13, 2022 (notifying the Commission that the transaction was consummated on May 12, 2022).

[17] FCC Ownership Report, Application File No. 0000099118, submitted Jan. 22, 2020.

[18] FCC Ownership Report, Application File No. 0000099126, submitted Jan. 22, 2020; Application for Transfer of Control, File No. BALH-20161108AAW, granted Jan. 19, 2017.

[19] FCC Ownership Report, Application File No. 0000099508, submitted Jan. 23, 2020; Application for Transfer of Control, File No. BALH-20161108AAW, granted Jan. 19, 2017; *see also* Wikipedia, Grupo Radio Centro, https://en.wikipedia.org/wiki/Grupo_Radio_Centro, (last visited Dec. 29, 2025); Dun & Bradstreet, Grupo Radio Centro, S.A.B. de C.V., https://www.dnb.com/business-directory/company-profiles.grupo_radio_centro_sab_de_cv.02093e5fed956797282a0679b310131e.html, (last visited Dec. 29, 2025); Reuters, Grupo Radio Centro SAB de CV, https://www.reuters.com/markets/companies/RCENTROA.MX/ (last visited Dec. 29, 2025).

[20] FCC Ownership Report, Application File No. 0000102641, submitted Jan. 30, 2020; Application for Transfer of Control, File No. BALH-20161108AAW, granted Jan. 19, 2017. In turn, Controladora GRC, SA de CV, was owned 43.6% by FAG Radiodifusion, SA de CV, a Mexican corporation, and 14.3% by each of the following individuals, all Mexican citizens and siblings: Francisco Aguirre Gomez, Maria A. Aguirre Gomez, and Ana M. Aguirre Gomez. *See* FCC Ownership Report, Application File No. 0000102649, submitted Jan. 30, 2020; Application for Transfer of Control, File No. BALH-20161108AAW, granted Jan. 19, 2017.

11. *Lorena Margarita Peréz Toscano.* Toscano, a Mexican citizen, is the proposed Transferee seeking to acquire 100% of the outstanding stock of 97.5 Holdings. The pending Transfer Application states that she has "no other broadcast interests."[21] The Transfer Application indicates that Rebeca Elizabeth Peréz Toscano and Jaqueline Peréz Toscano, whom the Bureau subsequently determined are Toscano's sisters,[22] will be the Secretary and Treasurer of 97.5 Holdings, respectively.[23] Toscano and her sisters, along with her father, Trigio Javier Peréz de Anda, operate six radio stations in Ciudad Juarez, Mexico.[24] In addition, Toscano and Rygaard are cousins, as Mr. Peréz de Anda is both Toscano's father and Rygaard's uncle.[25]

12. While Toscano now seeks to acquire the stock of 97.5 Holding and *de jure* control of the Stations pursuant to the Transfer Application, she already holds the right to collect a significant outstanding debt owed by 97.5 Holdings. Specifically, in November 2021—contemporaneously with when her cousin Rygaard entered into the agreement to acquire the stock of 97.5 Holdings—Toscano acquired the right to collect the repayment of a debt owed by 97.5 Holdings to Grupo Radio Centro in the amount of $2,451,565.00 USD.[26] As detailed further below, this debt had originated as a capital investment made in the Stations in 2017 by Grupo Radio Centro when Grupo Radio Centro was the minority owner of 97.5 Holdings through its subsidiary, Grupo Radio TX.[27] Subsequently, pursuant to the November 2021 agreement, Grupo Radio Centro assigned the right to collect that debt to Toscano in exchange for $1,987,500 USD immediately prior to agreeing to sell control of the Stations to Rygaard for $10,000 USD.[28]

3. The Transfer Application

13. On March 31, 2023, after owning the Stations for less than a year, Rygaard entered into a stock purchase agreement (Stock Purchase Agreement) to sell control of the Stations to Toscano.[29] The Transfer Application was filed with the Commission on June 9, 2023, and seeks Commission consent to the sale of Rygaard's 100% interest in 97.5 Holdings to Toscano, in exchange for $10,000 USD.[30] Following the proposed transaction, Toscano would be the sole shareholder of 97.5 Holdings with 100% of the voting and equity interests, and hence control of 97.5 Licensee and the Stations.[31] The Transfer

[21] Transfer Application at Exh. *Multiple Ownership Exhibit.pdf*.

[22] Letter from Francisco R. Montero, Counsel for 97.5 Licensee TX, LLC, to Brendan Holland and Christopher Clark, Audio Division, FCC Media Bureau, Aug. 1, 2024 at Attach. A, response to Question 11 (*LOI Response*).

[23] Transfer Application at "Transferee Information, Parties to the Application."

[24] LOI Response at Attach. A., response to Question 7, 8, 9, 11. In response to questions raised by the Bureau, the Parties stated that "Ms. Toscano's family currently operates the following [six] stations in Ciudad Juarez, Mexico" and that Toscano, her sisters, and her father operate the stations together as stockholders of the license company. The six stations are: XHEM-FM, XHTO-FM, XHEPR-FM, KEJCC-AM, XEJ-AM, and XEPZ-AM. The BIA Market Report provided as part of the Transfer Application lists one of these stations, XHEPR-FM, as no longer considered part of the El Paso market, and another, XEPZ-AM, under the name Radiorama SA de CV. *See* Transfer Application at Exh. *Multiple Ownership Exhibit.pdf*.

[25] LOI Response at Attach. A., response to Question 15.

[26] LOI Response at Attach. A, response to Question 6; Exh. 6(b), Assignment of Debt Rights Agreement.

[27] LOI Response at Attach. A, response to Question 6; Exh. 6(b), Acknowledgement of Indebtedness Agreement.

[28] LOI Response at Attach. A, Exh. 6(b), Assignment of Debt Rights Agreement.

[29] *See* Transfer Application at Exh. *Stock Purchase Agreement LORENA margarita.pdf* (providing a copy of the Stock Purchase Agreement between Rygaard and Toscano dated March 31, 2023).

[30] *Id*.

[31] Transfer Application at "Changes in Interest," "Parties to the Application."

Application also indicates that Toscano's sisters, Rebeca Elizabeth Peréz Toscano and Jaqueline Peréz Toscano, would be the Secretary and Treasurer, respectively, of 97.5 Holdings following consummation of the transaction.[32]

14. The Stock Purchase Agreement, setting out the terms of the Parties' agreement, was included as an exhibit to the Transfer Application.[33] In addition to the $10,000 USD in consideration for the stock of 97.5 Holdings, the Stock Purchase Agreement indicated that 97.5 Holdings was indebted to Toscano in the amount of $2,451,565.00 USD.[34] No further explanation of the debt, its origin, or the terms of any loan agreement were included with the Transfer Application, nor were copies of a debt instrument or related agreements, if any, attached to the application. In addition to Rygaard (as "the Seller") and Toscano (as "the Buyer"), Mr. Peréz de Anda appears as a signatory to the Stock Purchase Agreement signing as "President" of "97.5 Investment TX LLC," which is listed on the signature page of the agreement as "Debtor."[35] The term "Debtor" is undefined in the agreement and neither "Debtor" nor "97.5 Investment TX LLC" appear elsewhere in the document. The Transfer Application made no mention of a time brokerage agreement or advertising sales agreement and gave no indication that the Stations were programmed by any party other than the Licensee.

15. In the Transfer Application, Toscano, as the Transferee, certified among other things that "the written agreements [. . .] submitted to the Commission embody the complete and final agreement for the sale or transfer of the station(s)," and that such agreements "comply fully with the Commission's rules and policies."[36] In addition, Rygaard and Toscano each certified that they had "answered each question in this application based on its review of the application instructions and worksheets" and that an affirmative certification on the application "constitutes its representation that the application satisfies each of the pertinent standards and criteria set forth in the application instructions and worksheets."[37] Each Party further certified that the statements made by each was "true, complete, correct, and made in good faith."[38] In addition to the Parties' certifications in the Transferor's and Transferee's respective sections of the application, the Licensee's portion of the Transfer Application was certified by "Rafael Marquez Aguirre, President," one of the prior owners of the Stations.[39]

4. The Bureau's Investigation.

16. *Letter of Inquiry.* Upon review of the Transfer Application, it appeared to the Bureau that the Parties had potentially omitted relevant information, including any reference to a time brokerage agreement, and potentially relevant agreements. In order to properly understand and evaluate the pending

[32] *Id*.

[33] *See* Transfer Application at Exh. *Stock Purchase Agreement LORENA margarita.pdf* (providing a copy of the Stock Purchase Agreement between Rygaard and Toscano dated March 31, 2023).

[34] The provision, which appears as part of the recitals at the beginning of the Stock Purchase Agreement states in its entirety: "**WHEREAS**, Company [97.5 Holdings] owes to the Buyer [Toscano] a debt for a total of **$2,451,565.00 USD (Two million four hundred fifty one thousand five hundred sixty five dollars 00/100 US/CY.) ("Debt")**." Stock Purchase Agreement at 2, emphasis in original. Although the provision establishes the debt as a defined term (i.e., "Debt"), that term does not appear to be used again in the Stock Purchase Agreement.

[35] Transfer Application at Exh. *Stock Purchase Agreement LORENA margarita.pdf.*

[36] *See* Transfer Application at "Transferee Legal Certifications, Agreements for Sale."

[37] Transfer Application at "Transferee Certification, General Certification Statements;" "Transferor Certification, General Certification Statements."

[38] Transfer Application at "Transferee Certification, General Certification Statements;" and "Transferor Certification, General Certification Statements."

[39] Transfer Application at "Licensee/Permittee Certification."

Transfer Application and the related foreign ownership Petition, the Bureau sought additional information from the Parties by a Letter of Inquiry (LOI) dated July 3, 2024.[40]

17. The LOI was directed to the Licensee and requested information about the current and former operation, ownership, and programming of the Stations, as well as about the involvement of various entities and individuals. The Licensee responded by letter dated August 1, 2024, (LOI Response) along with an affidavit executed by Rygaard.[41] In the LOI Response, the Licensee indicated for the first time that another entity, Pro Radio LLC (Pro Radio), was programming the airtime and selling the advertising on the Stations.[42] The Licensee asserted that Pro Radio began programming the Stations in November of 2021,[43] but elsewhere the LOI Response stated that Pro Radio was not formed under the laws of the State of Texas until August 2022.[44] The LOI Response further revealed that Pro Radio is, in fact, ultimately owned by the proposed Transferee, Toscano, and her two sisters, Rebeca Elizabeth Peréz Toscano and Jaqueline Peréz Toscano.[45] In addition, the LOI Response stated that in 2022, Rygaard herself became "an executive with Pro Radio," indicating that she was an employee of the company programming the Stations at the same time she ostensibly owned the Stations.[46] The LOI Response stated that the programming arrangement was "unwritten" and asserted that the parties were not aware of the requirement that such agreements be reduced to writing and placed in the Stations' public inspection files.[47] And despite the fact that the LOI had instructed the Licensee to reduce any such programming agreement to writing and provide it to the Bureau as part of its LOI Response,[48] the Licensee failed to do so.

18. The LOI Response also provided copies of two agreements related to the outstanding debt mentioned in the Stock Purchase Agreement. The first, entitled "Acknowledgement of Indebtedness Agreement" and dated November 26, 2021, documented funding from the Mexican radio company Grupo Radio Centro (which at the time was the indirect minority owner of the Stations) to 97.5 Holdings in the amount of $2,451,565.00 USD.[49] Grupo Radio Centro apparently provided this funding for capital improvements to the Stations in March 2017.[50] According to the LOI Response, this debt was not documented with a loan agreement or promissory note at the time the funding was provided in 2017

[40] Letter of Inquiry from Albert Shuldiner, Chief Audio Division, FCC Media Bureau, to 97.5 Licensee TX, LLC c/o Francisco R. Montero, Counsel, Jul. 3, 2024.

[41] LOI Response at Attach. A, Declaration of Luz Maria Rygaard.

[42] LOI Response at Attach. A, response to Question 1.

[43] LOI Response at Attach. A, response to Question 1(b).

[44] LOI Response at Attach. A, response to Question 3. The LOI Response also stated that Cynthia Denise Johnson was the current Business Manager of Pro Radio and that she had held that position since 2018. LOI Response at Attach. A, response to Question 16. In response to the Bureau's 1.88 Letter, discussed further below, the Parties subsequently stated that the information was incorrect and, that in fact, Ms. Johnson began her role as Business Manager of Pro Radio in November 2022. 1.88 Letter Response at Attach. A, response to Inquiry 1.

[45] LOI Response at Attach. A, response to Question 1 and 3. Specifically, the LOI Response stated that Pro Radio is 100% owned by Medios Unidos del Sureste, SA de C.V., a Mexican incorporated company that is owned by the Transferee and her sisters, Rebeca Elizabeth Peréz Toscano and Jaqueline Peréz Toscano.

[46] LOI Response at Attach. A, response to Question 14. 97.5 Licensee states that Rygaard is no longer affiliated with Pro Radio but does not indicate when the relationship ended. *Id.*

[47] LOI Response at Attach. A, response to Question 1(d).

[48] LOI at Attach., Question 1(c)- (d).

[49] LOI Response at Attach. A, Exh. 6(b), Acknowledgement of Indebtedness Agreement.

[50] *Id*.

because Grupo Radio Centro deemed it to be "an internal funding."[51] In 2021, and in anticipation of seeking Commission approval to sell Grupo Radio Centro's interest in 97.5 Holdings to Rygaard, the parties apparently decided to treat the funding as a loan and to document 97.5 Holding's obligation to repay the funding.[52] The second document, dated November 5, 2021 and entitled "Assignment of Debt Rights Agreement," assigned the right to collect that outstanding debt to Toscano.[53] By the Assignment of Debt Rights Agreement, Grupo Radio Centro assigned the exclusive right to collect the outstanding debt to Toscano in exchange for her payment of $1,987,500 USD.[54] Oddly, the Assignment of Debt Rights Agreement predates the execution of the Acknowledgement of Indebtedness Agreement by three weeks, meaning that the parties sold the right to collect the debt to Toscano three weeks before documenting the debt with 97.5 Holdings.[55]

19. While the LOI Response divulged that Mr. Peréz de Anda—Toscano's father and Rygaard's uncle—was formerly an officer of 97.5 Holdings, it does not indicate when he held that position.[56] Thus, it is unclear if he held that position at the time Grupo Radio Centro made its approximately $2.5 million USD investment in the Stations in 2017 or when the debt was subsequently transferred to his daughter in 2021 while control of the Stations was sold to his niece.[57] The LOI Response also indicated that Toscano and her family own and operate six radio stations in Ciudad Juarez, Mexico across the border from the Stations in El Paso, Texas, as noted above.[58]

20. Ultimately, the LOI Response raised more questions than it resolved. In addition to providing previously undisclosed information, the LOI Response appeared to contain numerous discrepancies, omissions, and contradictions in the information it provided. Furthermore, the sole declaration provided in support of the LOI Response was executed by Rygaard and stated that:

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[51] LOI Response at Attach. A, response to Question 6.

[52] *Id*. As detailed above, Grupo Radio Centro was the 100% owner of Grupo Radio TX, which held a 25% minority interest in 97.5 Holdings. Rygaard acquired 97.5 Holdings in May 2022 for $10,000 USD.

[53] LOI Response at Attach. A, Exh. 6(b), Assignment of Debt Rights Agreement.

[54] *Id*. The agreement also records that Toscano's payment of consideration was to be made in three tranches, with $400,000 being subject to a reconciliation with expenses or liabilities incurred by the Stations. Toscano's father, Trigio Javier Peréz de Anda, served as her representative in the reconciliation of those funds, which appeared to be tied to the provision of operational services to the Stations by a company called Southern Radio, Inc.

[55] As noted above, although the Stock Purchase Agreement between Rygaard and Toscano makes passing reference to the debt owed by 97.5 Holdings to Toscano, the Parties did not include copies of either the Acknowledgement of Indebtedness Agreement or the Assignment of Debt Rights Agreement as part of the pending Transfer Application. Nor did the Parties provide any information about the debt, its origination, or the use of the funds by the Stations. The Stock Purchase Agreement states in passing that 97.5 Holdings owes Toscano "a debt of $2,451,565.00 USD," without further explanation or reference. *See supra* para. 14; Transfer Application at Exh. *Stock Purchase Agreement LORENA margarita.pdf.*

[56] LOI Response at Attach. A, response to Question 13.

[57] *Id*. While the LOI Response states "Trigio Javier Peréz de Anda was formerly an officer of 97.5 Holdings" and that he "no longer holds a position with [that company]," it does not indicate the dates that he served as an officer of that company. Further, Mr. Peréz de Anda's involvement as an attributable interest holder in the Stations does not appear to have been reported to the Commission previously. Neither the assignment application by which 97.5 Holdings obtained control of the Station licenses in 2016, nor the subsequent ownership reports filed with the Commission reporting the ownership of 97.5 Holdings in either 2018 or 2020 list Mr. Peréz de Anda as an officer of that company. *See* Assignment Application. File No. BALH-20161108AAW, filed Nov. 08, 2016; Biennial Ownership Report, Application File No. 0000099120, filed Jan. 22, 2020; Biennial Ownership Report, Application File No. 0000047753, filed Mar. 2, 2018. The only individuals reported as attributable officers or directors of 97.5 Holdings in those filings were Cynthia Denise Johnson and Rafael Marquez Aguirre.

[58] *Supra* para. 11, note 24; *see also*, LOI Response at Attach. A, response to Question 7.

> All of the information requested by this LOI that is in Licensee's possession, custody, control, or knowledge has been produced. Any and all Documents provided in its responses are true and accurate copies of the original documents. I declare under penalty of perjury that the foregoing is true and correct.[59]

That statement, however, does not explicitly attest to the veracity of the information provided in the narrative responses. Accordingly, the Bureau thereafter sent the Licensee a subsequent letter, pursuant to section 1.88 of the Rules,[60] offering the Licensee and the Parties a further, and final, opportunity to respond.

21. *Section 1.88 Letter*. On October 9, 2024, the Bureau sent the section 1.88 letter (1.88 Letter) affording the Licensee, the Transferor, and the Transferee another opportunity to provide explanations regarding the questions raised by the Bureau's investigation.[61] Among other things, the 1.88 Letter sought additional information regarding the failure to provide any documentation to support Pro Radio's programming of the Stations, sought to address discrepancies regarding information provided about that alleged agreement, inquired about Rygaard's employment by Pro Radio, and sought further information regarding the origination of the debt incurred by 97.5 Holdings, including information about the involvement of Toscano's father.[62] Further, the 1.88 Letter sought an explanation and documentary evidence to support the assertion made in the LOI Response that Rygaard had maintained and exercised proper control over the Stations throughout her ownership and had not abdicated control to Pro Radio or Toscano.[63] In addition, the Bureau's 1.88 Letter also sought further information regarding discrepancies in the Transfer Application and in earlier ownership report filings made for the Stations, including that the Licensee's portion of the Transfer Application appeared to have been signed by a former owner of the Stations, Rafael Marquez Aguirre.[64] The 1.88 Letter was addressed collectively to the Licensee, Rygaard, and Toscano and sent to each individually, along with a courtesy copy to the single lawyer listed on the Transfer Application as representing the Transferor, Transferee, and the Licensee.[65] The 1.88 Letter requested both narrative responses and documentary evidence where appropriate to support the Parties' responses.[66] It also required that the responses be supported by affidavits from the appropriate Party, or by third parties if the Party did not have personal knowledge of particular facts.[67]

22. The Parties responded collectively by letter dated November 8, 2024.[68] Among other things, the 1.88 Letter Response failed to provide any explanation as to why Pro Radio's programming of the Stations was not reduced to writing and provided to the Bureau as instructed in the LOI,[69] dismissed application filing errors and discrepancies in the LOI Response as typographical errors or oversights, and

[59] LOI Response at Attach. A, Declaration of Luz Maria Rygaard.

[60] 47 CFR § 1.88 (allowing licensee to file a written statement in response to a Commission inquiry to set forth its views regarding the matters under investigation in advance of a possible designation for hearing).

[61] Section 1.88 Letter from Albert Shuldiner, Chief Audio Division, FCC Media Bureau, to 97.5 Licensee TX, LLC, et al., Oct. 9, 2024.

[62] 1.88 Letter at 2-4, questions 1-2, 4.

[63] 1.88 Letter at 3, question 3.

[64] 1.88 Letter at 4-5, questions 5-6.

[65] 1.88 Letter at 1.

[66] 1.88 Letter at 2-6.

[67] 1.88 Letter at 5-6.

[68] Letter from Francisco R. Montero, Counsel for 97.5 Licensee TX, LLC, to Christopher Clark, Brendan Holland, and Albert Shuldiner, Audio Division, FCC Media Bureau, Nov. 8, 2024 (*1.88 Letter Response*).

[69] *See* LOI at Attach. A, Question 1(d).

provided no supporting documents regarding the negotiation and origination of the programming agreement, as the Bureau had requested. Also significant was the lack of documentation substantiating Rygaard's actual control over the policies and operation of the Stations and demonstrating her independence from her employment by Pro Radio. Ultimately, the 1.88 Letter Response reinforced the Bureau's view that an unauthorized transfer of control to Toscano, a foreign national, had already occurred. Moreover, the 1.88 Letter Response continued the pattern observed by the Bureau of misleading, incomplete, and uncredible explanations by the Licensee and the Parties.

B. Applicable Legal Standards

23. *Unauthorized Transfer of Control*. Section 310(d) of the Act states that no "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 . . . to any person except upon application to the Commission and a Commission finding that the public interest, convenience, and necessity will be served thereby."[70] Thus, under section 310(d) of the Act, the Commission prohibits *de facto*, as well as *de jure*, transfers of control of a station license, or any rights thereunder, without prior Commission consent.[71]

24. In determining whether an entity has *de facto* control of a broadcast applicant or licensee, we have traditionally looked beyond legal title and financial interests to determine who holds operational control of the station.[72] The Commission, in particular, looks to whether the entity in question establishes the policies governing station programming, personnel, and finances, and has held that a licensee may delegate day-to-day operations regarding those three areas without surrendering *de facto* control, so long as the licensee continues to set the policies governing those operations.[73] In addition, the Commission will consider other factors, such as whether someone other than the licensee holds themselves out to station staff and/or the public as one who controls station affairs.[74]

25. *Foreign Ownership Limitations.* Section 310(b) of the Act limits foreign holdings of broadcast licenses.[75] The statute limits direct foreign ownership of broadcast licensees to 20%, while allowing for certain indirect holdings of such interests by foreign persons or entities.[76] Specifically, the statute states:

> No broadcast . . . station license shall be granted to or held by--
>
> (1) any alien or the representative of any alien;
>
> (2) any corporation organized under the laws of any foreign government;
>
> (3) any corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a

[70] 47 U.S.C. § 310(d); *see also* 47 CFR § 73.3540 (requiring the Commission's prior consent before a voluntary assignment or transfer of control).

[71] *See id*.

[72] *See WHDH, Inc.*, 17 FCC 2d 856, 863, para. 15 (1969), *aff'd sub nom. Greater Boston Television Corp. v. FCC*, 444 F.2d 841 (D.C. Cir. 1970); *Paxson Mgmt. Corp. & Lowell W. Paxson (Transferors) & CIG Media LLC (Transferee)*, Memorandum Opinion and Order, 22 FCC Rcd 22224, 22234, para. 28 (2007) ("An unauthorized transfer of *de facto* control would violate Section 310(d) of the Act").

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

[74] *See WQRZ, Inc*., Decision, 22 FCC 1254, 1332, para. 51 (1957).

[75] 47 U.S.C. § 310(b).

[76] *Id*.

> foreign government or representative thereof or by any corporation organized under the laws of a foreign country;
>
> (4) any corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country, if the Commission finds that the public interest will be served by the refusal or revocation of such license.[77]

Unless the Commission finds that the public interest will be served by refusing to permit such foreign ownership, the section 310(b)(4) benchmarks permit a foreign individual, government, or entity to own or vote, directly or indirectly, more than 25% (and up to 100%) of the equity and voting interests of a U.S.-organized entity that holds a controlling interest in a broadcast licensee.[78] Any broadcast station applicant seeking to exceed the section 310(b)(4) benchmarks must file a petition for declaratory ruling pursuant to sections 1.5000-04 of the Commission's rules and obtain Commission approval before the foreign ownership (equity and voting) in the controlling U.S. parent entity exceeds 25%.[79]

26. *Misrepresentation and Lack of Candor*. The Commission and the courts have emphasized that "applicants before the FCC are held to a high standard of candor and forthrightness."[80] The Commission licenses tens of thousands of radio and television stations in the public interest, and therefore relies heavily on the completeness and accuracy of the submissions made to it.[81] Full and clear disclosure of all material facts in every application—or response to a Commission request for information—is essential to the efficient administration of the Commission's licensing process, and the Commission's proper analysis of an application is critically dependent on the accuracy and completeness of information and data that only the applicant can provide.[82] Thus, "applicants . . . have an affirmative duty to inform the Commission of the facts it needs in order to fulfill its statutory mandate."[83]

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[77] *Id*.

[78] 47 U.S.C. § 310(b)(4).

[79] 47 CFR § 1.5000 *et seq*.

[80] *WHW Enterprises, Inc., v. FCC*, 753 F.2d 1132, 1139 (D.C. Cir. 1985) (*WHW*).

[81] *Id., citing RKO General, Inc. v. FCC*, 670 F.2d 215, 232 (D.C. Cir. 1981), *cert. denied*, 456 U.S. 927 (1982); *see also Policy Regarding Character Qualifications in Broadcast Licensing*, Report, Order and Policy Statement, 102 FCC 2d 1179, 1209-10, para. 58 (1986), recon. granted in part and denied in part, Memorandum Opinion and Order, 1 FCC Rcd 421 (1986) (subsequent history omitted).

[82] *See Sinclair Broadcast Group*, Order, 35 FCC Rcd 5877, 5878, para. 2 (2020) ("Section 1.65 of the Rules requires timely, full, and clear disclosure of all material facts in every application, which is essential to the efficient administration of the Commission's licensing process. Proper analysis of an application is critically dependent on the accuracy and completeness of information and data that only the applicant can provide."); *Fox Television Stations, Inc.*, Memorandum Opinion and Order, 33 FCC Rcd 7221, 7238-39, para. 42 (2018) ("Full and clear disclosure of all material facts in every application is essential to the efficient administration of the Commission's licensing process, and proper analysis of an application is critically dependent on the accuracy and completeness of information and data that only the applicant can provide. Misrepresentation and lack of candor raise serious concerns as to the likelihood of a licensee's truthfulness.").

[83] *WHW*, 753 F.2d at 1139; *see also Contemporary Media, Inc. v. FCC*, 214 F.3d 187, 193 (D.C. Cir. 2000) (stating the Commission "relies heavily on the honesty and probity of its licensees in a regulatory system that is largely self-policing") (*Contemporary Media*).

27. Misrepresentation and lack of candor raise serious concerns as to the likelihood that the Commission can rely on an applicant, permittee, or licensee to be truthful.[84] Misrepresentation is a false statement of fact made with intent to deceive the Commission[85] and lack of candor is a concealment, evasion, or other failure to be fully informative, accompanied by an intent to deceive the Commission.[86] Both are proscribed by our Rules at section 1.17(a)(1), which provides that no person shall, in any written or oral statement of fact, intentionally provide material factual information that is incorrect or intentionally omit material information that is necessary to prevent any material factual statement that is made from being incorrect or misleading.[87] A necessary and essential element of both misrepresentation and lack of candor is intent to deceive.[88] Fraudulent intent can be found from "the fact of misrepresentation coupled with proof that the party making it had knowledge of its falsity."[89] Intent can also be found from motive or a logical desire to deceive.[90] Further, section 312(a)(1) of the Act provides false statements knowingly made to the Commission can be a basis for revocation of a license or construction permit.[91]

28. *Character Qualifications.* The character of an applicant is among those factors that the Commission considers in determining whether the applicant has the requisite qualifications to be a Commission licensee. Section 312(a)(2) of the Act provides that the Commission may revoke any license if "conditions com[e] to the attention of the Commission which would warrant it in refusing to grant a license or permit on the original application."[92] Because the character of the applicant is among those factors the Commission considers in its review of applications to determine whether the applicant has the

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[84] *Character Policy Statement*, 102 FCC 2d at 1209-11, paras. 54-61. The fundamental importance of truthfulness and candor on the part of applicants and licensees in their dealings with the Commission is well established. *See FCC v. WOKO, Inc.*, 329 U.S. 223 (1946); *Nick J. Chaconas*, Decision, 28 FCC 2d 231 (1971); *Lebanon Valley Radio, Inc.*, Decision, 35 FCC 2d 243 (Rev. Bd 1972).

[85] *Fox River Broadcasting, Inc*., Order, 93 FCC 2d 127, 129, para. 6 (1983) (*Fox River*); *Discussion Radio, Inc.*, Memorandum Opinion and Order and Notice of Apparent Liability, 19 FCC Rcd 7433, 7435, para. 7 (2004) (*Discussion Radio*); *see also WHW*, 753 F.2d at 1139 (the Commission "refuse[s] to tolerate deliberate misrepresentations").

[86] *See Fox River*, 93 FCC 2d at 129; *Discussion Radio*, 19 FCC Rcd at 7435; *see also WHW*, 753 F.2d at 1139 (the core of lack of candor is "a failure to be completely forthcoming in the provision of information which could illuminate a decisional matter").

[87] *See* 47 CFR § 1.17(a)(1).

[88] *See Swan Creek Communications, Inc. v. FCC*, 39 F.3d 1217, 1222 (D.C. Cir. 1994); *Discussion Radio*, 19 FCC Rcd at 7435.

[89] *David Ortiz Radio Corp. v. FCC*, 941 F.2d 1253, 1260 (D.C. Cir. 1991) (*quoting Leflore Broadcasting Co. v. FCC*, 636 F.2d 454, 462 (D.C. Cir. 1980)); *see also Discussion Radio*, 19 FCC Rcd at 7435.

[90] *See Discussion Radio*, 19 FCC Rcd at 7435; *Black Television Workshop of Los Angeles, Inc*., Decision, 8 FCC Rcd 4192, 4198, n.41 (1993) (citing *California Public Broadcasting Forum v. FCC*, 752 F.2d 670, 679 (D.C. Cir. 1985); *Joseph Bahr*, Memorandum Opinion and Order, 10 FCC Rcd 32, 33 (Rev. Bd. 1994)*; Scott & Davis Enterprises, Inc*., Decision, 88 FCC 2d 1090, 1100 (Rev. Bd. 1982)). Intent to deceive can also be inferred when the surrounding circumstances clearly show the existence of an intent to deceive. *See Commercial Radio Service, Inc.*, Order to Show Cause, 21 FCC Rcd 9983, 9986 (2006) (citing *American International Development, Inc.*, Memorandum Opinion and Order, 86 FCC 2d 808, 816, n.39 (1981), *aff'd sub nom. KXIV, Inc. v. FCC*, 704 F.2d 1294 (D.C. Cir. 1983)).

[91] Section 312(a)(1) holds that the Commission may revoke a station license for false statements knowingly made either in an application or in any statement of fact required pursuant to section 308 consistent with the guidance set forth in section 312(c). 47 U.S.C. §§ 312(a)(1), (c).

[92] 47 U.S.C. § 312(a)(2).

requisite qualifications to operate the station for which authority is sought,[93] a character defect that would warrant the Commission's refusal to grant a license in the original application would likewise support a Commission determination to revoke a license or permit.[94]

29. When reviewing allegations of misconduct in the licensing context, the Commission evaluates whether the party will likely be forthright in future dealings with the Commission and will operate its station consistent with the requirements of the Act, the Rules, and Commission policies.[95] Indeed, the Commission's *Character Qualifications Policy Statement* acknowledges that, in assessing character qualifications in broadcasting matters, the relevant character traits the Commission is concerned with "are those of 'truthfulness' and 'reliability.'"[96] Because the Commission relies heavily on the honesty and probity of its licensees in a regulatory system that is largely self-policing, courts have recognized that an applicant who deliberately makes misrepresentations or lacks candor may engage in disqualifying conduct.[97] The Commission also has recognized that "any violations of the Communications Act, Commission rules or Commission policies can be said to have a potential bearing on character qualifications."[98] It therefore is appropriate to consider "any violation of any provision of the Act, or of our Rules or policies, as possibly predictive of future conduct and, thus, as possibly raising concerns over the licensee's future truthfulness and reliability."[99] Such violations also can be a basis for revocation of a license or construction permit.[100]

III. DISCUSSION

30. Based on the record, we find there are substantial and material questions regarding whether Rygaard has maintained control of the Stations or has abdicated control to Pro Radio or Toscano, in violation of the Act and the Rules. Moreover, we find substantial and material questions that the Parties have engaged in misrepresentation and/or lack of candor before the Commission, including by failing to respond fully to the Bureau's inquiries, in violation of our rules and standards for Commission licensees. Accordingly, we find that there are substantial and material questions of fact regarding whether either Rygaard or Toscano has the requisite character qualifications to remain, or become, a Commission licensee, and we are further unable to find that grant of the Transfer Application would be consistent with the public interest, convenience, and necessity. Thus, a hearing is required, as discussed further below.

31. Consistent with the Commission's long-standing *Jefferson Radio* policy, the Bureau will suspend the processing of the Transfer Application and the related foreign ownership Petition pending the outcome of this hearing. Under *Jefferson Radio*, action on an assignment or transfer application generally will be deferred where there are unresolved questions regarding the licensee's basic character

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[93] *See id.* § 308(b).

[94] *Id.* § 312(a)(2).

[95] *See Policy Regarding Character Qualifications In Broadcast Licensing Amendment of Rules of Broadcast Practice and Procedure Relating to Written Responses to Commission Inquiries and Making of Misrepresentations to the Commission by Permittees and Licensees*, Report, Order, and Policy Statement, 102 FCC 2d 1179, 1209, para. 55 (*1986 Character Policy Statement)*, *recon. dismissed/denied*, 1 FCC Rcd 421 (1986).

[96] *1986 Character Policy Statement* at 1209, para. 55.

[97] *Contemporary Media*, 214 F.3d at 193 (citing *Schoenbohm* v. FCC, 204 F.3d 243, 247 (D.C. Cir. 2000) (*Contemporary Media*).

[98] *1986 Character Policy Statement,* at 1209, para. 56.

[99] *Id*. at 1209-10, para. 57.

[100] 47 U.S.C. § 312(a)(1) (providing that the "Commission may revoke any station license or construction permit . . . for false statements knowingly made either in the application or in any statement of fact which may be required . . . ").

qualifications, as there are here.[101] This policy is based on the premise that a licensee may not have anything to assign or transfer unless and until the pending character qualifications questions have been resolved.[102] The Commission has stated that this policy stems from its "concern that, where an evidentiary hearing has been designated on a renewal application or show cause order to determine disqualifying questions, permitting the suspected wrongdoer to evade a sanction by transferring his interest or assigning the license without hearing will diminish the deterrent effect which revocation and renewal proceedings should have on broadcast licensees."[103] Absent the deterrent effect of this policy and the potential revocation of license a party could simply "sell out from under a potential disqualification."[104]

A. Unauthorized Transfer of Control to a Foreign Citizen

32. The record developed by the Bureau thus far appears to indicate there has been an unauthorized transfer of control. As described above,[105] section 310(d) of the Act[106] and section 73.3540 of the Commission's rules[107] require that a licensee request, and the Commission authorize, any transfer of control of a broadcast station license. Ceding control of a station to anyone other than the authorized licensee of the station is a violation of those provisions. In determining whether an individual or entity has *de facto* control of a broadcast applicant or licensee, the Commission traditionally looks to whether the party in question establishes the policies governing station programming, personnel, and finances.[108]

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[101] *Jefferson Radio Co., Inc. v. FCC*, 340 F.2d 781, 783 (D.C. Cir. 1964) ("It is the recognized policy of the Commission that assignment of broadcast authorizations will not be considered until the Commission has determined that the assignor has not forfeited the authorization.") (*Jefferson Radio*); *see also RKO General, Inc.*, Memorandum Opinion and Order, 3 FCC Rcd 5057, 5060-61 (1988) (*RKO General*); *Peninsula Communications, Inc.*, Memorandum Opinion and Order, 13 FCC Rcd 23992, 23996 (1998). While the Commission has recognized limited exceptions to *Jefferson Radio*, namely, in cases involving an assignment by a seriously ill licensee or a licensee in bankruptcy, or an assignment to an eligible entity under the Commission's distress sale policy, none of these exceptions is applicable in this case. *RKO General*, 3 FCC Rcd at 5061, para. 24 (*citations omitted*). Fundamentally, the exceptions to the *Jefferson Radio* policy involve circumstances in which the party whose qualifications are at issue is *leaving* the ranks of Commission licensees, whereas in the present case the basic qualifications of the proposed transferee seeking to become a licensee in the first instance are at the heart of the matter.

[102] *Northland Television, Inc.,* 42 RR 2d 1107, 1110 (1978) ("The Commission has repeatedly held that a licensee or permittee has nothing to assign or transfer unless and until he has established his own qualifications, and assignment and transfer applications are dismissed as moot upon a finding that the selling party lacks such qualifications.") (*Northland Television*).

[103] *Id.*; *see also, Harry O'Connor*, Memorandum Opinion and Order and Notice of Apparent Liability, 2 FCC 2d 45, 48, para. 8 (1965) ("The purpose underlying this policy is obvious: A licensee cannot act inconsistently with the Communications Act or the Commission's rules and policies, and then, when a question is raised concerning such improper activity, transfer or assign the license to another; if he could, the only result of the wrongdoing would be a forced sale.") We note moreover that in this case even the transfer of the Station licenses would not improve the situation as the Transferee here appears to be as culpable and unqualified to hold the licenses as the Transferor.

[104] *See Cellular System One of Tulsa, Inc.*, Memorandum Opinion and Order, 102 FCC 2d 86, 90, para. 7 (1985) ("To permit a licensee to sell out from under a potential disqualification would significantly impair the Commission's ability to police and deter licensee misconduct.") (citing *Pass Word, Inc.*, 76 FCC 2d 465, 516 (1980)).

[105] *See supra* paras. 23-19.

[106] *See* 47 U.S.C. § 310(d).

[107] *See* 47 CFR § 73.3540 (application for voluntary assignment or transfer of control).

[108] *See, e.g., Radio Moultrie, Inc.*, Order to Show Cause and Notice of Opportunity for Hearing, 17 FCC Rcd 24304, 24306, paras. 8-9 (2002); *Stereo Broadcasters, Inc.*, Decision, 87 F.C.C.2d 87, 92-93, paras. 15-16 (1981) (affirming (continued….)

33. The 1.88 Letter instructed Rygaard to document her control of the Stations. As set forth below, the limited evidence she provided, however, fails to substantiate that she established the policies governing the Stations' programming, personnel, and finances, and instead appears to indicate that she has abdicated control of the Stations. In addition to being unable to demonstrate continued control of the Stations, a number of other factors in this case suggest that an unauthorized transfer has occurred, including: (1) the fact that Pro Radio, a company owned by Toscano, had begun programming and operating the Stations in December 2022 pursuant to an unwritten agreement and contemporaneous with Toscano's acquisition of the right to collect the debt owed by 97.5 Holdings; (2) the fact that from December 2022 until January 2024 Rygaard was employed by Pro Radio, the company programming the Stations and owned by Toscano; (3) the fact that the 97.5 Holdings is heavily indebted to Toscano, who paid nearly $2 million USD to acquire the right to collect that debt just prior to Rygaard's acquisition of 97.5 Holdings for a nominal amount; (4) the use of the same nominal purchase price between Rygaard and Toscano in the pending Transfer Application; (5) the undisclosed familial ties between the Transferor and Transferee; and (6) Toscano's undisclosed connections to the earlier ownership and operation of the Stations.

34. *Policies Regarding Programming, Personnel, and Finances.* In response to the Bureau's request in the 1.88 Letter that Rygaard substantiate that she has "maintained and exercised control over the programming, personnel, and finances of the Stations from the time of her acquisition of 97.5 Holdings in May 2022 through the present,"[109] Rygaard has provided scant evidence. In particular, Rygaard offers no evidence that any policies governing programming, personnel, and finances exist or have ever existed, let alone that she has controlled or would control such policies. The 1.88 Letter instructed that general assertions of control would not be sufficient and that Rygaard should "provide email, correspondence, documents, financial statements or similar documentation to show that she has exercised control over the Stations since acquiring them two years ago."[110] In all, the evidence provided by Rygaard in response to the Bureau's 1.88 Letter totaled 20 pages of material, and comprises: (1) 11 one-page memos entitled "Programming meeting minutes," that seemingly document operational meetings related to the Stations held on 11 dates between September 2022 and July 2024; and (2) 9 undated one-page "Quarterly Reports" regarding the status of ongoing engineering work at the Stations.[111]

35. First, with regard to programming, while Rygaard asserts that she oversees all programming activities, her response fails to substantiate how exactly she has exercised that oversight or if she has established the policies regarding the programming aired on the Stations. Despite asserting that "[a]ll programming activities are ultimately under her supervision,"[112] notably, Rygaard has not asserted that she has acquired, selected, contracted for, or produced any programming for the Stations, or engaged in the creation or oversight of programming policies. Instead, Rygaard claims that she maintains control of the programming on the Stations by supervising the individual who reviews the programming provided by the third-party programmer, Pro Radio.[113] It is unclear if the individual she supervises is an employee of the Licensee or works for Pro Radio. The question of control of the programming is further confused by the fact Rygaard herself was an employee of Pro Radio for at least part of the time that it apparently

ALJ's conclusion that unauthorized transfer of control occurred where transferee participated in finances, programming and personnel, which were "major indices of control").

[109] 1.88 Letter at 3, question 3.

[110] *Id.*

[111] 1.88 Letter Response at Attach. A, response to Inquiry 3 and Exhibit 3. The 1.88 Letter Response states that Rygaard reviews the quarterly reports and approves the work listed therein, while the most it claims with regard to the other documents is that they "are minutes from meetings attended by Ms. Rygaard."

[112] 1.88 Letter Response at Attach. A, response to Inquiry 3.

[113] *Id.*

programmed the Stations.[114] Other than a list of payments made by Pro Radio to 97.5 Holdings, the Parties provide no documentation regarding the Station's programming policies or substantiating Rygaard's control of the same. Combined with the fact that Pro Radio's programming of the Stations and sale of advertising time was never documented until the Parties were confronted with repeated questions from the Bureau, there appear to be substantial and material questions of fact as to whether Rygaard has surrendered control of the programming policies and decision-making.

36. Second, with respect to personnel, in response to the Bureau's inquiries, Rygaard provides the names of three individuals that she says "report directly" to her, but she fails to actually state who employs these individuals.[115] Notably, she does not assert that they are employees of the Licensee, nor does she provide evidence of employment, including, for example, payroll information substantiating who pays these individuals. Further, Rygaard does not indicate whether she sets the policies concerning these individuals' employment, supervision, and dismissal, nor whether she has the authority to hire, promote, or fire these individuals or any other employees, or if she has ever done so. Indeed, based on the responses thus far, it does not appear that the Licensee *has* any employees. Fundamentally, the record does not show that Rygaard has maintained control of the policies regarding the employment, supervision, and dismissal of Station personnel.

37. Third, in the 1.88 Letter Response, Rygaard makes no reference whatsoever to control of the Stations' finances and provides no evidence that she is in control of the same. Moreover, the 1.88 Letter Response is conspicuously devoid of any financial documentation showing that the Licensee is involved in the operation of the Stations, such as lease payments made by the Licensee, employee payroll, payments for programming or station services, or financial documents of any kind. Rygaard does not provide any records reflecting that she or 97.5 Licensee paid any Station invoices, such as cancelled checks or bank records. She also fails to provide any documentation reflecting who pays any of the Stations' other costs and expenses, including, but not limited to, real estate and business taxes, telephone service, utilities, tower or broadcast equipment leases, insurance, and programming. Nor does she provide any documents related to revenue generated from her ownership of the Stations, or any tax obligations therefrom that would necessitate the filing of Federal or state tax returns. In fact, the only documents provided as part of the 1.88 Letter Response appear to be a record of payments from Pro Radio to 97.5 Holdings and a payroll report showing that that Pro Radio made payments to Cynthia Denise Johnson, the Business Manager of Pro Radio,[116] about whom the Bureau inquired in the LOI and the 1.88 Letter.[117] Based on the complete lack of evidence in response to multiple requests, there are substantial and material questions of fact as to who controls the Stations' financial obligations and payments.

38. *Circumstantial Evidence of Control*. While the record is severely lacking in any evidence to support the assertion that Rygaard has maintained control of the policies and decision-making related to programming, personnel, and finances of the Stations, it contains significant evidence suggesting that Pro Radio and/or Toscano has exercised *de facto* control of the Stations through Pro Radio's provision of 100% of the Stations' programming and employment of the ostensible station owner, among other things. Such evidence, combined with Rygaard's nominal purchase price of the Stations in 2021, which occurred

[114] *See, e.g.*, 1.88 Letter Response at Attach. A, response to Inquiry 2.

[115] 1.88 Letter Response at Attach. A, response to Inquiry 3.

[116] According to the 1.88 Letter Response, prior to becoming the Business Manager of Pro Radio in November 2022, Cynthia Denise Johnson was the Business Manager of Southern Radio, Inc., which programmed the Stations when the Mexican-owned company Grupo Radio Centro was involved. Ms. Johnson worked for Southern Radio, Inc. from 2010 to October 2022. 1.88 Letter Response at Attach. A, response to Inquiry 1 and Affidavit of Cythina Denise Johnson. In addition, Ms. Johnson appears on various ownership reports and Commission filings for the Stations over the years. *See, e.g.*, FCC Ownership Report, Application File No. 0000099508, submitted Jan. 23, 2020 (listing Cynthia Denise Johnson as an attributable officer of Grupo Radio Centro TX, LLC).

[117] 1.88 Letter Response at Attach. A, response to Inquiry 3, and Exhibit 1(b).

at the same time that Toscano acquired the right to collect the outstanding multi-million-dollar debt owed by 97.5 Holdings,[118] leads us to find that substantial and material questions exist that require exploration at hearing as set forth below.

39. Pro Radio—a company ultimately owned by the Transferee and her sisters—has apparently been programming the Stations and selling the advertising time for several years with no written evidence that Rygaard implemented contractual arrangements to retain control of the Stations. In response to the Bureau's repeated inquiries, the Parties finally revealed Pro Radio's involvement[119] and in November 2024 drafted an agreement that purported to cover the arrangement that it claims began in 2022.[120] Initially, however, the Parties stated that Pro Radio had been programming substantially all of the time on the Stations seven days a week since November 2021.[121] Notably, that timing coincides with the execution of the Assignment of Debt Rights Agreement (assigning the right to collect 97.5 Holding's outstanding $2.5 million USD debt to Toscano) and the stock purchase agreement to transfer control of the Stations to Rygaard, but predates the Commission's approval of Rygaard's acquisition of the Stations, which did not come until May 2022.[122] When the Bureau pointed out in its subsequent 1.88 Letter that the LOI Response seemed to indicate that Pro Radio was not even formed under the laws of Texas until August 11, 2022, the Parties revised their response to say that the programming agreement actually commenced after Rygaard's acquisition and *not* in November 2021.[123] Calling the discrepancy "merely a typographical error," the Parties revised their answer to claim that Pro Radio began programming the Stations in December 2022.[124] This change in position, when combined with the absence of any contemporaneous written agreement, suggests that the Parties were fabricating a story to obfuscate an unauthorized transfer of control.

40. Regardless of when the Parties claim the arrangement began, it is clear that no documentation of the programming agreement existed prior to the Bureau's inquiries. The fact that Pro Radio, ultimately owned by the Transferee, was programming the Stations and selling all of the advertising time throughout most or all of the period that Rygaard has allegedly owned the Stations is of particular relevance to the operation and control of the Stations. That is particularly so when coupled with Rygaard's lack of evidence demonstrating that she maintained and exercised control over the programming, personnel, and finances of the Stations.

41. Further obfuscating the assessment of the true ownership and control of the Stations is the fact that Rygaard has been identified as an officer of Pro Radio at the same time she was ostensibly the owner of the Stations. According to the Parties, from August 2022 until January 19, 2024, Rygaard was the Chief Financial Officer of Pro Radio and received compensation from the company of more than $55,000 for providing "financial management and tax planning services for Pro Radio."[125] In addition, although the Parties failed to include this information in responding to the Bureau's inquiries, a search of corporate records with the Texas Secretary of State indicates that Rygaard also apparently serves as a

[118] *See supra* para. 18.

[119] LOI Response at Attach. A, response to Question (1).

[120] 1.88 Letter Response at Attach. A, response to Inquiry 1, and Exhibit 1(a).

[121] LOI Response at Attach. A, response to Question (1).

[122] *See supra* para. 18.

[123] 1.88 Letter Response at Attach. A, response to Inquiry 1 ("Identifying the programming agreement with Pro Radio as beginning in 2021 was merely a typographical error.").

[124] *Id*. Assuming the veracity of the revised commencement date, the Parties notably provide no information regarding what programming the Stations carried from the time of Rygaard's acquisition of the Stations in May 2022 until the alleged commencement of the Pro Radio programming in December 2022.

[125] LOI Response at Attach. A, response to Question 14; 1.88 Letter Response at Attach. A, p. 5, response to Inquiry 2.

director and the Treasurer of Pro Radio alongside Toscano and her sisters, who are also officers and directors.[126] Accordingly, this apparent conflation of operations between 97.5 Licensee and Pro Radio raises substantial and material questions of fact as to whether the Parties respected any separation between the Commission-approved Licensee, on the one hand, and an unapproved foreign individual, on the other.

42. In addition, the transfer of the right to collect a significant outstanding debt to Toscano contemporaneously with the sale of the Stations to Rygaard for a nominal amount in 2021 could indicate that Toscano has been involved in the operation of the Stations since at least that time. Copies of the Acknowledgement of Indebtedness Agreement and the Assignment of Debt were not provided to the Commission as part of the 2021 Transfer Application by which Rygaard obtained control of the Stations in 2021-2022, nor were they provided as part of the pending Transfer Application.[127] While the Parties provide some information regarding the origination of that debt and the transfer of the right to collect it in response to the Bureau's investigation, it is not clear whether 97.5 Holdings has made any payments to Toscano during Rygaard's ownership of the company, what the outstanding balance is on the loan, what security, if any, has been provided for the loan, and how exactly the funds were used by the Stations. In addition, although the 1.88 Letter Response speaks to the origin of the loan by Grupo Radio Centro and the prior owners of 97.5 Holdings, the sole affidavit provided in support of the information is from Rygaard, who is not party to, nor appears to have had any involvement with, the origination of the loan.[128] Accordingly, substantial and material questions of fact remain to be explored in a hearing regarding the loan, its origination and transfer to Toscano ahead of the sale of 97.5 Holdings to Rygaard, and the ongoing debt service, in order to determine whether the 2021-2022 transfer of control to Rygaard was a fiction and whether Toscano has been exercising control of the Stations.

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[126] *See* Texas Secretary of State, Business Information for Pro Radio, LLC (Filing No. 0804682712) retrieved via LexisNexis Public Records search. This corporate business record lists Rygaard as a director and the registered agent of Pro Radio, at the same time that Toscano is reflected as the president and a director of the company. In addition, Elizabeth Peréz Toscano is reported as secretary and director, Jaqueline Peréz Toscano as vice president and director, and Denise Johnson as the corporate secretary of the company.

[127] The sole reference to the outstanding debt was contained in a brief provision of the stock purchase agreement between Rygaard and Grupo Radio TX and 97.5 Investment entitled "Company Accounting," which stated: "Both parties have reasonable knowledge of the company's accounting and economic situation to the date thereof, as well as of its assets, debts, obligations, and tax liabilities including a recognized debt for around 2.5 million dollars." 2021 Transfer Application at Exh. *Stock Purchase Agreement - Rygaard.pdf*.

[128] Notably, in responding to questions about the origination of the loan and the sale of the Stations to Rygaard, the 1.88 Letter Response indicates that the loan was made by Grupo Radio TX, a U.S. corporation; however, the loan documents make clear that it was actually the Mexican parent company, Grupo Radio Centro, that provided the funds to the Stations and sold the right to collect that debt to Toscano. Further, in briefly describing the negotiations in connection with the sale of 97.5 Holdings to Rygaard in 2021, the 1.88 Letter Response refers to the negotiations as being "between Ms. Rygaard and Grupo Radio TX." 1.88 Letter Response at Attach. A, response to Inquiry 4. No mention is made of the involvement of the majority owner at the time, U.S. citizen Rafael Marquez Aguirre who held 75% of the equity and voting interests of 97.5 Holdings. This potentially indicates that the Mexican-owned minority interest holder at that time, Grupo Radio Centro, was exercising actual control of the Stations in violation of the Commission's foreign ownership rules. As noted above, no declarations or attestations were provided by Mr. Peréz de Anda, Mr. Marquez Aguirre, Grupo Radio TX, Grupo Radio Centro, Pro Radio, or any party other than Rygaard in support of the responses to this line of inquiry, contrary to the Bureau's instructions in the 1.88 Letter. 1.88 Letter at 5-6 (stating " In addition to such general affidavit or declaration of the authorized officer of the Applicant described above, if such officer (or any other affiant or declarant) is relying on the personal knowledge of any other individual rather than his or her own knowledge, and if multiple employees contribute to the response, the Applicant shall provide separate affidavits or declarations of each such individual with personal knowledge that identify clearly to which responses the affiant or declarant with such personal knowledge is attesting. All such declarations provided must comply with 47 CFR § 1.16, and be substantially in the form set forth therein.").

43. Furthermore, while the 1.88 Letter Response states that neither Toscano nor her father Trigio Javier Peréz de Anda played a role in the sale of 97.5 Holdings to Rygaard in 2021-2022,[129] it appears that Mr. Peréz de Anda *did* have direct involvement with the contemporaneous transfer of the right to collect the outstanding debt to his daughter, Toscano, at the same time the Stations were being transferred to Rygaard. The Assignment of Debt Rights Agreement by which the creditor and former minority owner, Grupo Radio Centro, transferred the right to collect the outstanding debt to Toscano indicates that Mr. Peréz de Anda served as his daughter's representative in connection with an element of that agreement, indicating that he was directly involved in that transaction.[130] Additionally, the Parties acknowledge in the LOI Response that Mr. Peréz de Anda was an officer of 97.5 Holdings at some point, though it is unclear whether he held that position at the time Grupo Radio Centro made its $2.5 million investment in the Stations in 2017 or when the right to collect the debt was transferred to his daughter in 2021.[131] Notably, however, Mr. Peréz de Anda is also a party to the current Stock Purchase Agreement between Rygaard and Toscano, signing that document as President of "Debtor: 97.5 Investment TX, LLC."[132] The familial connections and potential close involvement between the former minority owner (Grupo Radio Centro), Mr. Peréz de Anda, the current owner (Rygaard), and the proposed Transferee (Toscano), as well as between the Licensee and Pro Radio, further confuses the operation and control of the Stations and raises substantial and material questions of fact as to whether the Parties have engaged in an unauthorized transfer of control.

44. We therefore designate for hearing appropriate issues to confirm whether Rygaard has engaged in an unauthorized transfer of control of the Stations in violation of the Act and the Commission's Rules. Conversely, we also designate for hearing appropriate issues to confirm if Toscano intentionally exercised control of the Stations without prior Commission consent in violation of the Act and Rules, including those restricting the involvement of a foreign individual in the ownership and control of a broadcast license.

B. Misrepresentations and/or Lack of Candor

45. As set forth above, the Commission and the courts have recognized that "[t]he FCC relies heavily on the honesty and probity of its licensees in a regulatory system that is largely self-policing."[133] As such, full and clear disclosure of all material facts in every application is essential to the efficient administration of our licensing process. The proper analysis of an application depends on the accuracy and completeness of information and data that only the applicant can provide. Ultimately, misrepresentation and lack of candor raise serious concerns as to the likelihood that the Commission can rely on an applicant, permittee, or licensee to be truthful.[134]

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[129] 1.88 Letter Response at Attach. A, response to Inquiry 4 (stating "Neither Ms. Toscano nor Trigio Javier Peréz de Anda played a role in" the sale of the stock of 97.5 Holdings between Rygaard and Grupo Radio).

[130] The agreement records that Toscano's payment of consideration made in exchange for the right to collect the outstanding debt was to be made in three tranches, with $400,000 being subject to a reconciliation against expenses or liabilities incurred by the Stations. Toscano's father, Mr. Peréz de Anda, served as her representative with respect to the reconciliation of those funds. Specifically, the agreement states "[t]he parties agree on behalf of "THE ASSIGNEE" [Toscano] to appoint Mr. Trigio Javier Peréz de Anda…". LOI Response at Attach. A, Assignment of Debt Rights Agreement.

[131] LOI Response at Attach. A, response to Question 13.

[132] Transfer Application at Exh. *Stock Purchase Agreement LORENA margarita.pdf*.

[133] *Contemporary Media Inc. v. FCC*, 214 F.3d at 193 (citation omitted).

[134] *See 1986 Character Policy Statement*, 102 FCC 2d at 1209-11. The fundamental importance of truthfulness and candor on the part of applicants and licensees in their dealings with the Commission is well established. *See FCC v. WOKO, Inc.,* 329 U.S. 223 (1946); *Nick J. Chaconas*, Decision, 28 FCC 2d 231 (1971); *Lebanon Valley Radio, Inc.,* Decision, 35 FCC 2d 243 (Rev. Bd. 1972).

46. Based on the record developed, it is clear that Rygaard and Toscano have not been fully forthcoming in either the Transfer Application or in the responses to the Bureau's investigation. Accordingly, we find there are substantial and material questions of fact as to whether the Parties have lacked candor and/or made misrepresentations to the Commission in violation of section 1.17(a)(1).

47. *Errors, Omissions, and Misrepresentations in the Transfer Application*. First and foremost, the Parties appear to have concealed the fact that Pro Radio, was actually programming the Stations and controlling the Stations' advertising sales.[135] In response to questions on the Transfer Application about agreements related to the sale of the Stations, Toscano certified "Yes," that the agreements in the Stations' public inspection files and submitted to the Commission—which did not include a joint sales agreement or a time brokerage agreement—embodied the complete and final agreement for the sale or transfer of the Stations, an attestation that no programming agreement existed at the time.[136] If, in fact, such an agreement existed at the time of the Transfer Application it should have been reduced to writing, placed in the Stations' public inspection files,[137] and provided as part of the Transfer Application.[138] The Parties did none of these things. Furthermore, in response to the multiple

[135] As discussed further below, while a written time brokerage agreement did not exist at the time of the Transfer Application, the Parties subsequently drafted and executed a programming agreement in November 2024, which they provided to the Bureau and appended to the Transfer Application. A copy was also uploaded to the Stations' public inspection files.

[136] Transfer Application at "Transferee Legal Certifications, Agreements for Sale."

[137] 47 CFR § 73.3526(e)(14) (instructing commercial radio stations to place every agreement or contract for time brokerage of the station in the public inspection file within 30 days of execution and to retain the agreement in the file for as long as the contract or agreement is in force).

[138] Several sections of the Transfer Application call for the relevant party—be it the Licensee, Transferor, or Transferee—to consider whether they have provided copies of all relevant agreements and exhibits related to the transaction, including any time brokerage agreement or joint sales agreement. For example, with respect to the programming or sale of advertising on the stations involved in the transfer of control, the instructions to the Licensee/Permittee portion of the Form 2100-Schedule 315 state that:

> All applicants must submit to the Commission with this application and place in the online public inspection file of each subject station a complete and final copy of the unredacted contract for the transfer(s) of control of the authorizations that are the subject of this application, including all exhibits and attachments. […]
>
> This item asks applicants to certify that the agreements for transfer of control of the subject authorizations "comply fully with the Commission's rules and policies." In order to complete this certification, applicants must consider a broad range of issues. If the applicant also holds a time brokerage agreement (also known as a local marketing agreement) pursuant to which the Transferee will supply programming for the subject station(s) or any other station in the market, or a joint sales agreement pursuant to which the Transferee will sell commercial advertising time for the subject station(s) or any other station in the market, prior to FCC approval, then the applicant should review the Instructions for the Joint Sales/Time Brokerage Agreements sub-question, Multiple Ownership Question, in the Transferees Legal Certifications Section.

Similarly, the instructions to the Transferee's portion of the form state:

> *Agreements for Sale of Station*. This question requires the Transferee to certify that the written agreement submitted with the application and contained in the licensee/permittee's public inspection file embodies the complete and final agreement between the parties and that the agreement complies fully with the Commission's rules and policies regarding station sales contracts. The Transferee must undertake an independent evaluation of the contract in order to make this certification. **The applicant should take particular care in answering this question if it has an attributable time brokerage or local marketing agreement, or an attributable joint sales agreement, for the stations subject to the application or for any other stations in the same market. Applicants who are required to demonstrate compliance with**

(continued….)

ownership question in the Transferee's portion of the Form 2100-Schedule 315 that inquires whether "the Transferee or any party to the application" holds "an attributable radio joint sales agreement or […] time brokerage agreement with the station(s) subject to this application," [139] Toscano certified that no such programming or advertising sales agreement existed.[140]

48. In reality, as the parties subsequently admitted in response to the Bureau's questioning, Pro Radio was programming and selling all of the airtime on the Stations.[141] Only when faced with persistent questions about the operation and control of the Stations did the Parties claim for the first time that a programming agreement existed, in an apparent attempt to avoid the perception that Rygaard had abdicated control of the Stations.[142] As discussed further below in connection with the Parties' failure to respond fully to the Bureau's inquiries, the Parties were unable to provide any correspondence, evidence of negotiations, or other documentation to support that such an agreement actually existed prior to its creation in response to the Bureau's 1.88 Letter, despite the Bureau's explicit request for such evidence.[143]

49. In addition to not disclosing Pro Radio's operation of the Stations, the Parties also failed to provide copies of the documents related to 97.5 Holding's outstanding indebtedness and the fact that the Transferee Toscano holds the exclusive right to collect the company's significant outstanding debt. As noted above, this debt was never originally documented when Grupo Radio provided the funds in 2017; rather, it was not until 2021, when "in anticipation of FCC approval to sell Grupo Radio Centro's interest in 97.5 Holdings, the debt was documented."[144] This multi-million-dollar debt appears to be a critical component of the instant transaction, and indeed of the transaction by which Rygaard allegedly obtained control of the Stations in 2021-2022. While the Stock Purchase Agreement between Rygaard and Toscano makes passing reference to the existence of an outstanding debt owed to Toscano,[145] copies of the Assignment of Debt Rights Agreement Acknowledgement of Indebtedness Agreement were not inventoried or provided as part of the Transfer Application. In withholding those documents, the Parties deprived the Bureau and reviewing parties of proper insight into the full agreements between the Parties, the business incentives of each, and the full consideration involved in the transaction. Withholding those

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> **47 CFR § 73.3555(a) must file a copy of each such agreement for radio stations as an exhibit to the application**.

Form 2100-Schedule 315, Instructions at "Licensee/Permittee Legal Certifications, Agreements for Transfer of Control of Station;" "Transferee Legal Certifications, Agreements for Sale of Station," (available at: https://www.fcc.gov/sites/default/files/2100-315-instructions.pdf) (emphasis added).

[139] The instructions to the form expand on that particular legal certification, stating:

> The Transferee must answer "Yes" or "No" as to whether the Transferee or any party to the application holds an attributable radio Joint Sales Agreement or radio or television Time Brokerage Agreement with the station(s) subject to this application, or with any other station in the same market as the station(s) that are the subject of this application. **If answering "Yes," the Transferee must upload an attachment including a copy(ies) of any such agreement(s).** See Note 2 to 47 CFR § 73.3555.

Form 2100-Schedule 315, Instructions at "Transferee Legal Certifications, Joint Sales/Time Brokerage Agreements," (available at: https://www.fcc.gov/sites/default/files/2100-315-instructions.pdf) (emphasis added).

[140] Transfer Application at "Transferee Legal Certifications, Multiple Ownership."

[141] *See supra* para. 17; LOI Response at Attach. A, response to Question 1.

[142] Notably, the Parties failed to provide any correspondence, documents, or other support for the negotiation and origination of the agreement and its terms as requested by the Bureau. *See* 1.88 Letter at 2, question 1.

[143] *See* 1.88 Letter at 2, question 1; *see also infra* paras. 60-64.

[144] *See supra* para. 18; LOI Response at Attach. A, response to Question 6.

[145] *See supra* para. 14, note 34.

documents also obfuscated Toscano's pre-existing involvement with the Stations, which, if combined with the provision of programming, likely would have resulted in an attributable interest in the Stations even prior to the Transfer Application.[146] And once again, by falsely attesting to compliance with the Commission's rules on the Transfer Application—in this case that the full and final agreements related to the sale or transfer of the Stations have been provided—the Parties appear to have misrepresented information to the Commission.

50. By failing to divulge Pro Radio's and Toscano's involvement with the operation of the Stations, the Parties appeared to have falsely represented to the Commission and the public that Rygaard was in full control of the Stations and that Toscano was an unaffiliated, arm's-length, third-party buyer. Ultimately, the apparent concealment of Pro Radio and Toscano's involvement raises a serious concern that information was intentionally withheld from the Commission in the application process, potentially to obscure the fact that an unauthorized transfer of control to a foreign citizen had occurred.

51. Compounding the questions regarding the completeness and accuracy of the Transfer Application and the value of the Parties' certifications is the fact that the Licensee's portion of the application appeared to have been certified by Rafael Marques Aguirre, a former owner of the Stations and an individual purportedly uninvolved with the instant transaction.[147] Thus, as initially filed, the Transfer Application did not contain a valid certification by the Licensee. In response to the Bureau's inquiries about the error, the Parties subsequently amended the pending Transfer Application to provide a certification by Rygaard as the "Sole Shareholder of 97.5 Holdings, TX Inc."[148] At the very least, the fact that Mr. Aguirre's name appeared in the Licensee's certification suggests that the Parties—and in particular Rygaard—failed to carefully review the Transfer Application prior to its submission, further undermining the veracity of the certifications made therein. And indeed, little explanation is provided for the error besides Rygaard's "assum[ption] that her name appeared in the signature block for both the Transferor and Licensee."[149]

52. Ultimately, the Transfer Application required each Party to certify to the Commission that "all statements made in this application and in the exhibits, attachments, or documents incorporated by reference are material, are part of this application, and are true, complete, correct, and made in good faith."[150] The form cautioned applicants further that "WILLFUL FALSE STATEMENTS . . . ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE,

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[146] If, in fact, Toscano (through Pro Radio) was providing programming to the Stations, then she arguably held an unreported attributable interest in the Stations at the time of the Transfer Application. The Commission's equity debt plus rule (EDP) states that if an entity or individual holds an equity or debt interest that, in the aggregate, exceeds 33% of the total asset value of the licensee and also supplies over 15% of the weekly broadcast programming hours to the stations in which the interest is held, then that interest will be attributable under the Commission's ownership rules. 47 CFR 73.3555, note 2(i)(1). Given that Toscano's debt interest in the Stations (approximately $2.5 million USD) exceeds the total asset value of the licensee ($10,000 USD consideration in the current transaction), her interest is greater than 33% of the total asset value of the Stations, which, when combined with her provision of programming to the Stations, would appear to result in an attributable interest under the Commission's attribution rules. Such an interest does not appear to have been reported on ownership reports filed with the Commission previously.

[147] LOI Response at Attach. A, response to Question 4; 1.88 Letter Response at Attach. A, response to Inquiry 5.

[148] *See* Transfer Application at "Licensee/Permittee Certification;" 1.88 Letter Response at Attach. A, response to Inquiry 5.

[149] 1.88 Letter Response at Attach. A, response to Inquiry 5. Despite the Bureau's direction that Rygaard provide a full accounting of the preparation and submission of the Transfer Application, including if, how, and when she reviewed the application, no such information was provided. *See* 1.88 Letter at 4, question 5.

[150] Transfer Application at "Transferor Certification," "Transferee Certification."

TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503)."[151] Rygaard signed the Transferor's portion of the form affirmatively, representing that the Parties' agreements "complied fully" with the Commission's Rules and policies, that the documents provided "embody the complete and final understanding between" the Parties, and that copies of all agreements for the sale/transfer of the stations had been provided.[152] Toscano made a similar certification as the Transferee.[153] In reality, however, the statements, exhibits, attachments, and documents were far from complete or compliant with the Commission's Rules. Collectively, the failure to disclose Pro Radio's operation of the Stations and the involvement of Toscano, the inaccurate certifications as to the completeness of the transaction materials, the omission of the loan documents, and the erroneous certification of the Licensee's portion of the form raises substantial and material questions regarding whether the Parties have misrepresented information to the Commission and/or lacked candor in violation of section 1.17(a)(1) of our Rules.

53. *Errors in other contemporaneous Commission filings.* In addition to errors and omissions in the Transfer Application, ownership reports filed by the Licensee since Rygaard acquired control of the Stations in 2022 reflect a number of errors that appear to conflate information about the former, current, and proposed owners of the Stations, as described below. This provides further evidence of the Licensee's failure to disclose material facts with its submissions, raising serious concerns about whether it has lacked candor and/or has misrepresented information to the Commission, as well as that an unauthorized transfer of control has occurred.

54. As the Bureau noted in its LOI, in ownership reports filed by the Licensee in 2022[154] and 2023,[155] 97.5 Licensee reported that Cynthia Denise Johnson was an officer of the Licensee. In response to the Bureau's inquiries as to Ms. Johnson's involvement with 97.5 Licensee, the Licensee stated that Ms. Johnson is in fact, *not* an officer of 97.5 Licensee, but rather is the "Business Manager for Pro Radio," the programmer of the Stations ultimately owned by Toscano and her sisters.[156] The LOI Response stated that the inclusion of Ms. Johnson as an officer on the 97.5 Licensee ownership report was "a mistake with miscommunication due to a language barrier," though who was involved in the miscommunication or how it occurred was not specified.[157] In addition, while the Licensee initially stated in the LOI Response that Ms. Johnson began her position with Pro Radio in 2018—several years before the company even existed—the Parties later revised that answer to state that Ms. Johnson "began her role as Business Manager of Pro Radio in November 2022."[158] No explanation was given for the error, however, the Parties indicate that Ms. Johnson was also employed in a similar capacity by Grupo Radio TX, the former minority owner of the Stations.[159]

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[151] *Id*.

[152] Transfer Application at "Transferor Certification."

[153] Transfer Application at "Transferee Certification."

[154] FCC Ownership Report, Application File No. 0000193208, submitted June 10, 2022.

[155] FCC Ownership Report, Application File No. 0000230999, submitted Dec. 13, 2023.

[156] LOI Response at Attach. A, response to Question 16.

[157] *Id*.

[158] 1.88 Letter Response at Attach. A, response to Inquiry 1.

[159] The LOI Response states that "Ms. Johnson held the position of Vice President/Secretary for Grupo Radio TX LLC from May of 2016 until 2018." LOI Response at Attach. A, response to Question 16. Additionally, the 1.88 Letter Response states that "[f]rom2010 until October 2022, [Ms. Johnson] worked for Southern Radio, Inc. ('Southern Radio') *and* Grupo Radio Centro TX, LLC ('Grupo Radio')." 1.88 Letter Response at Attach. A, response to Inquiry 1 (emphasis added). Based on the 1.88 Letter Response, it appears that Southern Radio, Inc.

(continued….)

55. In addition to listing Ms. Johnson as an officer of the Licensee when in fact she was an officer of the company programming the Stations, there were other errors in the Licensee's ownership report filings. For example, during the pendency of the Transfer Application, the Licensee submitted a biennial ownership report indicating that Toscano—the proposed, and still as-yet unapproved, Transferee—owned 100% of the voting and equity interests of the Licensee's parent company, 97.5 Holdings.[160] In addition, the ownership report filed for the licensee level listed the former owner Rafael Marquez Aguirre as manager and Cynthia Denise Johnson as an officer.[161] When confronted with the matter, the Licensee amended the ownership reports "to provide the correct, current ownership structure" by substituting Rygaard for Toscano.[162] By way of explanation, the Licensee blamed an inexperienced attorney at the law firm it retains for FCC matters.[163] No information or documentation regarding who at the Licensee reviewed and approved the filing of the erroneous ownership reports was provided despite the Bureau's request for such information.[164]

56. Like the omissions on the Transfer Application, the errors in these ownership filings not only raise questions as to the ownership and control of the Stations but also indicate that the Parties have failed to be complete, truthful, and forthcoming in their applications before the Commission. Ultimately, repeated misstatements on filings raise substantial and material questions of fact that the Parties were intentionally misleading the Commission. Alleged failure to carefully review forms, vague references to misunderstandings and language barriers, and poor legal work by an outside law firm are insufficient and uncredible excuses for the numerous errors and omissions observed by the Bureau. Record evidence thus raises serious concerns that the Parties have consistently engaged in misrepresentation and/or lack of candor before the Commission with the result of misleading the Commission as to who actually controls the Stations. We therefore designate for hearing appropriate issues to confirm whether Rygaard and Toscano have failed to be truthful and accurate before the Commission in violation of section 1.17(a)(1) of the Rules.

C. The Parties' Responses to Bureau Inquiries

57. The Parties' responses to the Bureau's inquiries often lacked credible explanations and sufficient detail, and in many cases failed to fully respond to the Bureau's request for information. Accordingly, we also find that a hearing is necessary to confirm whether the Parties violated section 73.1015 of the Commission's Rules.[165]

58. Consistent with the Commission's statutory authority to conduct investigations,[166] section 73.1015 of the Rules authorizes the Commission to require from a broadcast licensee written statements

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previously programmed and sold the advertising time on the Stations while they were owned by Grupo Radio and 97.5 Investment/Rafael Marques Aguirre.

[160] FCC Ownership Report, Application File No. 0000231004, submitted Dec. 13, 2023.

[161] FCC Ownership Report, Application File No. 0000230999, submitted Dec. 13, 2023. The former owner, Rafael Marquez Aguirre, also appeared as the certifying official, listed as "President" and allegedly attesting to the veracity of the information contained in that report.

[162] LOI Response at Attach. A, response to Question 17.

[163] 1.88 Letter Response at Attach. A, response to Inquiry 6.

[164] 1.88 Letter at 4-5, question 6.

[165] *See* 47 CFR § 73.1015.

[166] It is well-established that the Commission has broad investigatory authority pursuant to its licensing function under sections 4(i), 4(j), and 403 of the Act, its Rules, and relevant precedent. *See* 47 U.S.C. § 154(i) (authorizing the Commission to "issue such orders, not inconsistent with this Act, as may be necessary in the execution of its functions"); 47 U.S.C. § 154(j) (stating "the Commission may conduct its proceedings in such manner as will best conduce to the proper dispatch of business and to the ends of justice"); 47 U.S.C. § 403 (granting the Commission (continued….)

of fact relevant to any matter within its jurisdiction.[167] Specifically, section 73.1015 states: "The Commission or its representatives may, in writing, require from any applicant, permittee, or licensee written statements of fact relevant to a determination whether an application should be granted or denied, or to a determination whether a license should be revoked, or to any other matter within the jurisdiction of the Commission."[168] It is important that licensees, as well as applicants and permittees, respond fully to Commission requests for information and in a timely manner, and the failure to do so impedes the Commission's ability to carry out its responsibilities.[169]

59. In compliance with this obligation, a broadcast licensee, permittee, or applicant must provide truthful and accurate statements to the Commission or its staff in any investigatory or adjudicatory matter within the Commission's jurisdiction.[170] Further, statements of fact made in response to Commission inquiries are subject to section 1.17 of the Rules.[171] Contrary to this obligation, the record developed thus far raises substantial and material questions of fact as to whether the Parties' incomplete responses to the LOI and the 1.88 Letter were submitted in willful and repeated violation of section 73.1015 of the Rules, as set forth below.

60. *In Response to the LOIs.* The first question of the Bureau's LOI asked the Parties whether any person other than the Licensee programmed time or sold advertising on the Stations, and, if so, to provide a copy of the agreement by which such third party provided programming or sold advertising for the Stations. The Bureau instructed that if such an agreement existed but had not previously been reduced to writing and placed in the Stations' public inspection files, that it should be reduced to writing and provided to the Commission.[172] The LOI instructed further that if such an agreement existed but had not previously been reduced to writing or provided, then the parties should explain why not.[173] In response, the Licensee admitted that beginning in November 2021 (later revised to December 2022) Pro Radio had programmed the Stations and sold the advertising time, but that there was no written agreement.[174] The Licensee claimed that it was unaware that section 73.3526(e)(14) of the Rules requires that programming agreements be documented and publicized.[175] But rather than reducing the agreement to writing and providing a copy to the Bureau, the Licensee instead offered that it could do

"full authority and power at any time to institute an inquiry, on its own motion, in any case and as to any matter . . . relating to the enforcement of any of the provisions of this Act."). Various decisions have confirmed the Commission's authority to investigate potential rule violations and assess penalties against those that disregard Commission inquiries. *See, e.g.*, *SBC Communications, Inc.*, Forfeiture Order, 17 FCC Rcd 7589, 7599-7600, paras. 23-28 (2002) (ordering $100,000 forfeiture for egregious and intentional failure to certify the response to a Bureau inquiry); *Fox Television Stations, Inc.*, Notice of Apparent Liability for Forfeiture, 25 FCC Rcd 7074 (EB 2010) (proposing a $25,000 forfeiture for failure to respond to a Bureau letter of inquiry) (Fox Television); *BigZoo.Com Corporation*, Forfeiture Order, 20 FCC Rcd 3954 (EB 2005) (ordering $20,000 forfeiture for failure to respond to a letter of inquiry); *Digital Antenna, Inc.*, Notice of Apparent Liability for Forfeiture and Order, 23 FCC Rcd 7600, 7602 (EB 2008) (proposing $11,000 forfeiture for failure to provide a complete response to a letter of inquiry).

[167] 47 CFR § 73.1015.

[168] *Id*.

[169] *See, e.g.*, *Marion Education Exchange*, Hearing Designation Order, 37 FCC Rcd 2426, 2433-34, para. 21 (2022); *Fox Television*, 25 FCC Rcd at 7078, para. 10.

[170] *See* 47 CFR § 1.17.

[171] 47 CFR § 73.1015.

[172] LOI at Attach., Question 1.

[173] LOI at Attach., Question 1(c)- (d).

[174] LOI Response at Attach. A, response to Question 1.

[175] 47 CFR § 73.3526(e)(14).

so "upon Commission request."[176] It was not until the Bureau repeated the instruction in its 1.88 Letter that the Parties complied by documenting the alleged arrangement and providing a copy.[177] Even then, however, the Parties failed to comply with the Bureau's instruction that they provide documentation, such as correspondence, oral communications, or drafts, evidencing the negotiation of the terms and conditions of the programming agreement and substantiating that such an agreement in fact existed when Toscano first began controlling the Stations' programming and advertising.

61. In addition, the Licensee ignored the LOI's request for an explanation regarding who prepared and reviewed the inaccurate ownership reports filed with the Commission in 2023, as well as ignored the explicit question of whether Rygaard, whose name appears as the signatory to those forms, had actually reviewed the reports and authorized their submission.[178] The Licensee provided no explanation or response to those questions, merely stating that the "reports have been amended to provide the correct, current ownership structure."[179] When asked again in the 1.88 Letter to explain who prepared and reviewed the ownership reports prior to submission,[180] the Licensee pointed to a "young, inexperienced attorney who is no longer employed" by the law firm retained to handle FCC matters for the company.[181] And again, the response failed to provide any documentation, such as emails, correspondence, or conversations, substantiating that Rygaard had actually reviewed and authorized the filing of the ownership reports.

62. Overall, the LOI Response often avoided the Bureau's request for complete details, full explanations, and supporting documentation, offering instead brief answers with the minimum of responsive information. Further, in response to the Bureau's instruction that the Licensee's submission be supported by affidavits or declarations made under penalty of perjury attesting, *inter alia*, to the truth and accuracy of the information provided, and, further, to provide separate affidavits or declarations for additional persons with personal knowledge if the information was beyond the Licensee's own knowledge,[182] the Licensee provided but a single affidavit from Rygaard stating, in its entirety:

> All of the information requested by this LOI that is in Licensee's possession, custody, control, or knowledge has been produced. Any and all Documents provided in its responses are true and accurate copies of the original documents.
>
> I declare under penalty of perjury that the foregoing is true and correct.[183]

Parsing the careful language of this brief declaration, it fails to even attest to the truth and accuracy of the information provided in the LOI Response.

63. *In Response to the 1.88 Letter*. In responding to the 1.88 Letter, the Parties continued their pattern of both correcting previous errors or inaccurate information from earlier filings and ignoring certain questions posed by the Bureau. For example, in response to the Bureau's renewed call for an explanation concerning the origin of the alleged programming agreement and a description of the

[176] LOI Response at Attach. A, response to Question 1.

[177] 1.88 Letter Response at Attach A, Exh. 1(a).

[178] LOI at Attach., Question 17.

[179] LOI Response at Attach. A, response to Question 17.

[180] 1.88 Letter at 4-5, question 6.

[181] 1.88 Letter Response at Attach A., response to Inquiry 6.

[182] LOI at 5-6.

[183] LOI Response at Attach. A, Declaration of Luz Maria Rygaard.

negotiations between the Parties leading to that agreement,[184] there continued to be no answer.[185] Similarly, the Parties provided no documentation substantiating the inception of the programming agreement, nor any explanation why it was not reduced to writing and provided the first time the Bureau asked.

64. Further, although the Bureau requested documentation substantiating Rygaard's control over the Stations, even suggesting a variety of materials she could provide to demonstrate such control,[186] the 1.88 Letter Response was severely lacking in documentation. As discussed above, the lack of such evidence demonstrating Rygaard's retention of control raises substantial and material questions of fact as to whether an unauthorized transfer of control has occurred and whether Pro Radio or Toscano is in fact controlling the programming, personnel, and finances of the Stations.[187]

65. And while in some instances the information provided is supported by affidavit from Rygaard, Toscano, or Cynthia Denise Johnson (an improvement over the Licensee's response to the LOI), there remain several places in the 1.88 Letter Response—such as the Bureau's questions regarding the origination of the debt between Toscano and the Licensee's parent company[188]—where information is both lacking and unsupported by individuals with personal knowledge of the facts.

66. Furthermore, some assertions in the 1.88 Letter Response appear to conflict with other evidence in the record. For example, while the 1.88 Letter Response asserts that neither Toscano nor her father played a role in the sale of 97.5 Holdings to Rygaard in 2021-2022,[189] in fact it appears that Mr. Peréz de Anda was involved in those matters, particularly the debt owed by 97.5 Holdings.[190]

67. Ultimately, just as with the Transfer Application, the Parties have a duty to be complete and forthcoming in their responses to the Commission's investigation.[191] The Parties' responses to the Bureau's inquiries in this case, however, raise substantial and material questions of fact regarding whether Rygaard and Toscano have satisfied this basic requirement. Moreover, collectively, the Parties' filings suggest an indifference to the Commission's regulatory authority that is patently inconsistent with the responsibilities of a licensee. We designate for hearing appropriate issues to resolve substantial and

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[184] 1.88 Letter at 2-3, question 1 (directing the Licensee to provide, among other things, a description of the negotiations between the parties that led to the agreement and "copies of all relevant emails and correspondence, as well as a detailed recitation of all conversations and agreements, oral or written, with dates indicated, between Rygaard, Toscano, Pro Radio, or others regarding the programming agreement and substantiating the inception of the agreement and its terms.").

[185] *See* 1.88 Letter Response at Attach A., response to Inquiry 1.

[186] 1.88 Letter at 3, question 3 ("General statements that Rygaard has maintained control will not be sufficient. Instead, Rygaard is instructed to provide emails, correspondence, documents, financial statements, or similar documentation to show that she has exercised control over the Stations since acquiring them over two years ago. As part of this showing, Rygaard should demonstrate how she maintained control over the programming, personnel, and finances of the Stations, including oversight of Pro Radio's programming and/or operation of the Stations, separate and apart from her role as an executive of Pro Radio.").

[187] *See supra* paras. 34-37, note 128.

[188] 1.88 Letter at 3-4, question 4.

[189] 1.88 Letter Response at Attach. A, response to Inquiry 4 (stating "[n]either Ms. Toscano nor Trigio Javier Peréz de Anda played a role in" the sale of 97.5 Holdings to Rygaard).

[190] *See supra* para. 43 and note 130. As discussed above, Mr. Peréz de Anda, served as his daughter's representative with respect to the reconciliation of funds paid pursuant to the Assignment of Debt Rights Agreement by which Toscano acquired the right to collect 97.5 Holdings' outstanding debt. Specifically, the agreement states "[t]he parties agree on behalf of "THE ASSIGNEE" [Toscano] to appoint Mr. Trigio Javier Peréz de Anda…". LOI Response at Attach. A, Assignment of Debt Rights Agreement.

[191] *See* 47 CFR § 73.1015.

material questions of fact as to whether 97.5 Licensee, Rygaard, and Toscano violated section 73.1015 by failing to respond fully and/or truthfully to the Bureau's requests for information, thereby further demonstrating a lack of candor and/or misrepresentations to the Commission.

D. There are Substantial and Material Questions of Fact Concerning the Parties' Qualifications to be a Commission Licensee

68. As discussed above, the character of an applicant is one of the essential factors that the Commission considers in determining whether an applicant has the requisite qualifications to be a Commission licensee.[192] Because a defect in character would warrant the Commission's refusal to grant a license in the original application, it likewise would support a Commission determination to revoke a license or permit.[193] The same is true with regard to whether an existing licensee has displayed the behavior and truthfulness to remain a licensee.[194]

69. The Commission has long recognized that, in assessing character qualifications in broadcasting matters, the relevant character traits the Commission is concerned with "are those of 'truthfulness' and 'reliability.'"[195] Misrepresentation and a lack of candor demonstrate a failure to be truthful under the Commission's character qualifications policy,[196] and parties that deliberately make misrepresentations or lack candor may engage in disqualifying conduct.[197] The Commission has also recognized that "any violations of the Communications Act, Commission rules or Commission policies can be said to have a potential bearing on character qualifications."[198] It therefore is appropriate to consider "any violation of any provision of the Act, or of our Rules or policies, as possibly predictive of future conduct and, thus, as possibly raising concerns over the licensee's future truthfulness and reliability."[199] Such violations also can be a basis for revocation of a license or construction permit.[200]

70. In light of the information discussed above, we find that the record raises substantial and material questions of fact as to Rygaard's character, in terms of whether she has the propensity to deal honestly with the Commission and to comply with the Act, the Rules, and Commission policies.[201] The

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[192] Section 308(b) of the Act identifies the character of an applicant to be among those factors that the Commission considers in determining whether an applicant has the requisite qualifications to be a Commission licensee. 47 U.S.C. § 308(b) ("All applications for station licenses, or modifications or renewals thereof, shall set forth such facts as the Commission by regulation may prescribe as to the citizenship, character, and financial, technical, and other qualifications of the applicant to operate the station.").

[193] Section 312(a)(2) of the Act provides that the Commission may revoke any license if "conditions com[e] to the attention of the Commission which would warrant it in refusing to grant a license or permit on the original application." 47 U.S.C. § 312(a)(2); s*ee also*, *Roger Wahl*, Revocation Order, 38 FCC Rcd 3335 (EB 2023) (revoking broadcast station license pursuant to Section 312(a)(2) because of conditions that would warrant refusal to grant a license in the first place, namely the failure to satisfy the character requirement of section 308(b)).

[194] *Id*.

[195] *1986 Character Policy Statement,* 102 F.C.C.2d at 1209, para. 55.

[196] *See 1986 Character Policy Statement* at 1210-11, paras. 60-61; *1990 Character Policy Statement* at 3252, para. 10.

[197] *Contemporary Media,* 214 F.3d at 196 (citing *Schoenbohm*, 204 F.3d at 247) ("'it is well recognized that the Commission may disqualify an applicant who deliberately makes misrepresentations or lacks candor in dealing with the agency.'").

[198] *1986 Character Policy Statement,* 102 FCC 2d at 1209, para. 56.

[199] *Id*. at 1209-10, para. 57.

[200] 47 U.S.C. § 312(a).

[201] *See 1986 Character Policy Statement*, 102 FCC 2d at 1211, para. 61.

integrity of Commission processes cannot be maintained without honest dealings by those appearing before it.[202] Acts of misrepresentation and lack of candor "not only violate[] the Commission's Rules, [they] also raise[] immediate concerns over the licensee's ability to be truthful in any future dealings with the Commission."[203] We thus view "misrepresentation and lack of candor in an applicant's dealings with the Commission as serious breaches of trust"[204] and can "treat even the most insignificant misrepresentation as disqualifying."[205] Given the seriousness of the possible misrepresentations and/or lack of candor in this case—which appear designed to mask the underlying abdication of control of the Stations to an unapproved foreign individual—the record raises serious concerns about whether Rygaard lacks the basic character qualifications to remain a Commission licensee. We therefore designate for hearing appropriate issues to determine whether Rygaard has the character qualifications to remain a Commission licensee and whether the Station licenses should be revoked. Further, as noted above, consistent with the Commission's *Jefferson Radio* policy, if the hearing substantiates Rygaard's lack of qualifications and the revocation of the Station licenses, the Transfer Application should be dismissed as there will no longer be any authorizations to transfer.[206]

71. While Rygaard's lack of fitness to remain a Commission licensee and the subsequent revocation of the Station licenses that would follow would obviate the need for the Transfer Application, an identical question exists as to Toscano's character qualifications. Based on the evidence established thus far, substantial and material questions exist as to whether Toscano has the propensity to deal honestly with the Commission and to comply with the Act and our Rules and policies should she become a Commission licensee. Additionally, given Toscano's existing interests in Mexican radio stations, particularly those in the El Paso market adjacent to the U.S. border, it is feasible that she might seek to acquire licenses for U.S. broadcast stations beyond the Stations in this case. Therefore, the Commission should resolve these issues conclusively as to both Toscano and Rygaard, and we designate for hearing appropriate issues to determine whether Toscano, as well as Rygaard, has the character qualifications to become a Commission licensee independent of the status of the Transfer Application.

IV. CONCLUSION

72. As set forth above, the record before the Bureau reveals a substantial and material question of fact regarding whether there has been an unauthorized transfer of control to a foreign national and whether the Parties have repeatedly misrepresented material facts and/or lacked candor in both the Transfer Application and in responses to the Bureau's investigation. Based on the record developed by the Bureau it would appear that Toscano essentially obtained control of Stations in 2021-2022 when she acquired the parent company's outstanding debt and began programming the Stations and selling their advertising time through her company Pro Radio.

73. The facts of this case present a potential pattern of indifference to, and exploitation of, the Commission's Rules that cannot be addressed with a forfeiture order, consent decree, or other lesser enforcement measure. Far from an inadvertent or unknowing transfer of control, this situation appears to be an intentional unauthorized transfer of control that masked the involvement of a market competitor and foreign national. While on occasion the Bureau has found it appropriate to settle minor cases involving an inadvertent or unknowing transfer of control, the facts and circumstances presented in this case differ significantly from those situations. For example, the facts of this case do not involve an involuntary transfer of control resulting from the death of a principal shareholder, nor a gradual change to a licensee's

[202] *Id*. at 1188-89, para. 21.

[203] *Id*. at 1121, para. 61.

[204] *Id*.

[205] *Id*. at 1120, para. 60.

[206] *Jefferson Radio*, 340 F.2d at 783; *Northland Television*, 42 RR 2d at 1110.

corporate structure over time.[207] Rather, the instant case appears to present an intentional transfer of control and an orchestrated attempt to skirt the law, particularly the statutory limitations on the ownership and control of broadcast licenses by foreign individuals or entities.

74. Moreover, the evidence before the Bureau does not involve a slight increase in the interest held by a previously-approved foreign individual, in violation of the foreign ownership rules.[208] Instead, this case raises serious concerns about an unvetted, unapproved foreign national exerting control over multiple U.S. broadcast radio stations while using an American relative to hold the licenses. Further, there are questions about whether the foreign national repeatedly withheld and misrepresented information to the Commission in order to conceal her involvement. The record raises concerns about repeated instances of misrepresentation and lack of candor before the Commission that appear to be egregious, persistent, and non-trivial. Moreover, the Parties' behavior is not attenuated by time or distance from the Commission's processes, but rather involves conduct in connection with a pending Transfer Application and ensuing Bureau investigation.[209] Thus, there are substantial material questions of fact about whether the Transferor lacks the character qualifications to remain a Commission licensee and, similarly, whether the Transferee lacks the character qualifications to become a Commission licensee.

75. Accordingly, based on the record before us we are unable to find that grant of the Transfer Application would be in the public interest. Therefore, we are designating this matter in accordance with sections 309(e), 310(d), and 312(a) of the Act so that the Administrative Law Judge can develop a more complete record to determine whether or not the Station licenses should be revoked, and to recommend whether the Transfer Application should be granted, denied, or dismissed. The Bureau seeks the Administrative Law Judge's finding that the egregious nature of the situation, the involvement of a non-U.S. citizen, and the repeated misstatements, incomplete information, and misrepresentations to the Commission, warrant revocation of the Station licenses and dismissal of the Transfer Application.

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[207] *See, e.g.*, *One Media, Inc.*, Order, DA 25-68 (MB Feb. 13, 2025) (Order adopting a consent decree settling an unauthorized transfer of control following the death of a single majority shareholder); *MHR License LLC*, Order, 39 FCC Rcd 10472 (MB 2024) (Order adopting a consent decree settling transfers of control resulting from changes in corporate form and structure over time); *Riverside Communications, LLC*, 39 FCC Rcd 7415 (MB 2024) (Order adopting a consent decree settling transfer of control involving one member of LLC purchasing the other member's 50% interest without prior application to the Commission).

[208] *See, e.g.*, *Docomo Pacific, Inc.*, Order, 38 FCC Rcd 5718 (EB 2023) (Order adopting consent decree settling entity's acquisition of ownership interest exceeding the level of foreign ownership approved previously by the Commission); *America Movil, S.A.B. De C.V. Puerto Rico Telephone Company, Inc.*, Order, 31 FCC Rcd 6809 (EB 2016) (Order adopting consent decree settling individual's acquisition of ownership interest exceeding the level of foreign ownership approved previously by the Commission).

[209] *Contra Auburn Network, Inc.*, Initial Decision, FCC 22D-01 (ALJ 2022) (Initial Decision, in a matter still pending before the Commission, finding that the felony conviction of the licensee's principal was not disqualifying, in part because the behavior was a decade earlier in a non-FCC context and it was not persuasively demonstrated that the licensee was likely to behave dishonestly with the Commission).

V. PROCEDURES FOR HEARING

76. *Restricted Proceeding.* This hearing proceeding is a "restricted" proceeding pursuant to section 1.1208 of the Rules and thus *ex parte* presentations to or from Commission decision-making personnel, including the presiding officer, their staff, and Bureau staff, are prohibited, except as otherwise provided in the Rules.[210]

77. *Electronic Filing of Documents.* All pleadings in this proceeding, including written submissions such as letters, discovery requests, objections, and written responses thereto, excluding confidential and/or other protected material, must be filed in MB Docket No. 26-19 using ECFS.[211] ECFS shall also act as the repository for records of actions taken in this proceeding, excluding confidential and/or other protected material, by the presiding officer and the Commission. Documents responsive to any party's requests for production of documents should not be filed in ECFS. Such responsive documents shall be served directly on counsel for the party requesting the documents and produced either in hard copy or in electronic form (*e.g.*, hard drive, thumb drive) with files named in such a way as it is clear how the documents are organized.

78. *Case Caption*. The caption of any pleading filed in this proceeding, as well as all letters, documents, or other written submissions including discovery requests, objections, and responses thereto, shall indicate whether it is to be acted upon by the Commission or the presiding officer.[212] The presiding officer shall be identified by name.

79. *Service.* Electronic service on the Enforcement Bureau shall be made using the following email address: EBHearings@fcc.gov.

VI. ORDERING CLAUSES

80. Accordingly, IT IS ORDERED that, pursuant to sections 308, 309(d), 309(e), 310(b), 310(d), and 312(a)-(c) of the Act, 47 U.S.C. §§ 308, 309(d), 309(e), 310(b), 310(d), and 312(a)-(c), the above-captioned applications and licenses ARE DESIGNATED FOR HEARING before an FCC administrative law judge, at a time and location specified in a subsequent Order, upon the following issues:

(a) To determine whether Luz Maria Rygaard is and/or has been exercising affirmative control of KBNA-FM, KAMA(AM), and KQBU(AM).

(b) To determine whether there has been an unauthorized *de facto* transfer of control of KBNA-FM, KAMA(AM), and KQBU(AM) to Pro Radio LLC and/or Lorena Margarita Peréz Toscano in violation of sections 310(b) and 310(d) of the Act, 47 U.S.C. §§ 310(b), 310(d), and sections 1.5000 *et seq*. and 73.3540(a) of the Commission's Rules, 47 CFR §§ 1.5000 *et seq.*, 73.3540(a).

(c) To determine whether Luz Maria Rygaard engaged in misrepresentation and/or lack of candor in applications and communications with the Commission in violation of sections 1.17 and/or 73.1015 of the Commission's Rules, 47 CFR §§ 1.17, 73.1015.

(d) To determine, in light of evidence adduced regarding the foregoing issues (a) - (c) whether Luz Maria Rygaard possesses the character qualifications to be or remain a Commission licensee and whether the licenses for KBNA-FM, KAMA(AM), and KQBU(AM) should be revoked consistent with section 312(a)(1) of the Act, 47 U.S.C. § 312(a)(1).

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[210] 47 CFR § 1.1208 ("Proceedings in which *ex parte* presentations are prohibited, referred to as 'restricted' proceedings, include, but are not limited to, all proceedings that have been designated for hearing . . ."); *see also* 47 CFR §§ 1.1202(b) (describing what constitutes an ex parte presentation), 1.1204 (exceptions).

[211] 47 CFR § 1.51.

[212] 47 CFR § 1.209.

(e) To determine whether Lorena Margarita Peréz Toscano has exercised and continues to exercise *de facto* control over KBNA-FM, KAMA(AM), and KQBU(AM).

(f) To determine whether Lorena Margarita Peréz Toscano engaged in misrepresentation and/or lack of candor in applications and communications with the Commission in violation of section 1.17 and/or 73.1015 of the Commission's Rules, 47 CFR §§ 1.17, 73.1015.

(g) To determine, in light of evidence adduced regarding the foregoing issues (a), (b), (e), and (f), whether Lorena Margarita Peréz Toscano possesses the character qualifications to be a Commission licensee.

(h) To determine, in light of evidence adduced regarding the foregoing issues whether the pending applications seeking Commission consent to the transfer of control of the licenses of KBNA-FM, KAMA(AM), and KQBU(AM) from Luz Maria Rygaard to Lorena Margarita Peréz Toscano should be granted, dismissed, or denied.

81. IT IS FURTHER ORDERED that, pursuant to sections 309(e) and 312(c) of the Act, 47 U.S.C. §§ 309(e), 312(c), and sections 1.91(c) and1.221(c) of the Commission's Rules, 47 CFR §§ 1.91(c), 1.221(c), to avail themselves of the opportunity to be heard and to present evidence at a hearing in this proceeding, Luz Maria Rygaard and 97.5 Licensee TX, LLC, in person or by an attorney, SHALL FILE with the Commission, within twenty (20) days of the mailing of this *Hearing Designation Order, Order to Show Cause Why an Order of Revocation Should not be Issued, and Notice of Opportunity for Hearing*, a written appearance stating that they will appear at the hearing and present evidence on the issues specified above.

82. IT IS FURTHER ORDERED that if Luz Maria Rygaard waives her rights to a hearing pursuant to section 1.92(a)(1) or (a)(3) of the Rules, 47 CFR §§ 1.92(a)(1) or (a)(3), she may submit a timely written statement denying or seeking to mitigate or justify the circumstances or conduct complained of in the order to show cause.[213]

83. IT IS FURTHER ORDERED that, pursuant to sections 1.91 and 1.92 of the Commission's Rules, 47 CFR §§ 1.91 and 1.92, that if Luz Maria Rygaard fails to file a written appearance within the time specified above, or has not filed prior to the expiration of that time a petition to accept, for good cause shown, such written appearance beyond expiration of said 20 days, the right to a hearing shall be deemed waived. Where a hearing is waived, the Administrative Law Judge shall issue an order terminating the hearing proceeding and certifying the case to the Commission.

84. IT IS FURTHER ORDERED that, pursuant to section 1.221(c) of the Commission's rules, 47 CFR § 1.221(c), if Luz Maria Rygaard fails to file a written appearance within the time specified above, a petition to dismiss without prejudice, or a petition to accept for good cause shown an untimely written appearance, the captioned applications shall be dismissed with prejudice for failure to prosecute.

85. IT IS FURTHER ORDERED that, pursuant to section 309(e) of the Communications Act of 1934, as amended, 47 U.S.C. § 309(e), to avail herself of the opportunity to be heard and to present evidence at a hearing in this proceeding, Lorena Margarita Peréz Toscano, in person or by an attorney, SHALL FILE with the Commission, within twenty (20) days of the mailing of this *Hearing Designation Order, Order to Show Cause Why an Order of Revocation Should not be Issued, and Notice of Opportunity for Hearing*, a written appearance stating that he will appear at the hearing and present evidence on the issues specified above at a hearing.

86. IT IS FURTHER ORDERED that, pursuant to section 1.221(c) of the Commission's rules, 47 CFR § 1.221(c), if Lorena Margarita Peréz Toscano fails to file within the time specified above a written appearance, a petition to dismiss without prejudice, or a petition to accept for good cause shown

[213] The Commission will not accept such a statement if it is not submitted within the time period set out in 1.91(c), absent some well-justified explanation of why it was filed late.

an untimely written appearance, the captioned applications shall be dismissed with prejudice for failure to prosecute.

87. IT IS FURTHER ORDERED that the Chief, Enforcement Bureau, shall be made a party to this proceeding without the need to file a written appearance.

88. IT IS FURTHER ORDERED that, in accordance with section 312(d) of the Act, 47 U.S.C. § 312(d), and section 1.91(d) of the Commission's rules, 47 CFR § 1.91(d), the BURDEN OF PROCEEDING with the introduction of evidence and the BURDEN OF PROOF with respect to the issues (a)-(g) of Paragraph 80 above, SHALL BE upon the Commission's Enforcement Bureau.

89. IT IS FURTHER ORDERED that, pursuant to section 309(e) of the Act, 47 U.S.C. § 309(e), and section 1.254 of the Commission's rules, 47 CFR § 1.254, the BURDEN OF PROCEEDING with the introduction of evidence and the BURDEN OF PROOF shall be upon Luz Maria Rygaard and Lorena Margarita Peréz Toscano as to issue (h) at Paragraph 80 above.

90. IT IS FURTHER ORDERED that a copy of each document filed in this proceeding subsequent to the date of adoption of this document SHALL BE SERVED on the counsel of record appearing on behalf of the Chief, Enforcement Bureau. Parties may inquire as to the identity of such counsel by calling the Investigations & Hearings Division of the Enforcement Bureau at (202) 418-1420. Such service copy SHALL BE ADDRESSED to the named counsel of record, Investigations & Hearings Division, Enforcement Bureau, Federal Communications Commission, 45 L Street NE, Washington, DC 20554.

91. IT IS FURTHER ORDERED that the parties to the captioned application shall, pursuant to section 311(a)(2) of the Act, 47 U.S.C § 311(a)(2), and section 73.3594 of the Commission's rules, 47 CFR § 73.3594, GIVE NOTICE of the hearing within the time and in the manner prescribed in such Rule, and shall advise the Commission of the satisfaction of such requirements as mandated by section 73.3594 of the Commission's rules, 47 CFR § 73.3594.

92. IT IS FURTHER ORDERED that copies of this *Hearing Designation Order, Order to Show Cause Why an Order of Revocation Should not be Issued, and Notice of Opportunity for Hearing* shall be sent via Certified Mail, Return Receipt Requested, and by regular first-class mail to:

97.5 Licensee TX, LLC
2100 Trawood Drive
El Paso, TX 79935

Luz Maria Rygaard
1034 Sunflower Trail
Austin, TX 78745

Lorena Margarita Pérez Toscano
Bosques de Olivos 449
Bosques de las Lomas
CDMX, 11700
Mexico

Frank R. Montero, Esq.
Fletcher, Heald & Hildreth, PLC
1300 N 17th Street,
Suite 1100
Arlington, VA 22209
Counsel for 97.5 Licensee TX, LLC, Luz Maria Rygaard, and Lorena Margarita Pérez Toscano

93. IT IS FURTHER ORDERED that the Secretary of the Commission shall cause to have this *Hearing Designation Order, Order to Show Cause Why an Order of Revocation Should not be Issued, and Notice of Opportunity for Hearing* or a summary thereof published in the Federal Register.

FEDERAL COMMUNICATIONS COMMISSION

Erin Boone
Acting Chief, Media 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 26-77
Released: January 23, 2026

THE FEDERAL COMMUNICATIONS COMMISSION ACTIVATES THE DISASTER INFORMATION REPORTING SYSTEM (DIRS) AND THE MANDATORY DISASTER RESPONSE INITIATIVE (MDRI) IN RESPONSE TO WINTER STORM FERN

The Public Safety and Homeland Security Bureau (PSHSB) of the Federal Communications Commission (Commission), in coordination with the Federal Emergency Management Agency, activates the Disaster Information Reporting System (DIRS) in response to Winter Storm Fern. DIRS is a web-based system that communications providers, including wireless, wireline, broadcast, cable, and Voice over Internet Protocol providers use to report communications infrastructure status and situational awareness information during times of crisis. Cable communications providers, wireless service providers, wireline communications providers, and Interconnected Voice over Internet Protocol (VoIP) providers that provide service in the areas listed below are required to report their infrastructure status information in DIRS.[1]

The Commission requests that communications providers that provide service to any areas listed below expeditiously submit and update information through DIRS regarding, *inter alia*, the status of their communications equipment, restoration efforts, and power (*i.e.*, whether they are using commercial power or back-up power). Communications providers can accomplish this by accessing DIRS at https://www.dirs.fcc.gov. If any user has any problems accessing DIRS, please contact any of the numbers listed below.

In DIRS, this activation will have the following name: Winter Storm Fern. DIRS reports are due by **9:00 a.m. (EST) on Saturday, January 24, 2026, and every day thereafter by 9:00 a.m. (EST) until DIRS is deactivated.** Cable communications providers, wireless service providers, wireline communications providers, and Interconnected VoIP providers are not required to make submissions in the Network Outage Reporting System (NORS) pertaining to any outage that occurs in the areas in which DIRS has been activated that are timely reported in DIRS.[2] To promote a comprehensive and effective disaster response, PSHSB encourages other communications providers to voluntarily report in DIRS using forms applicable to their infrastructure.

DIRS IS ACTIVATED IN THE FOLLOWING GEOGRAPHIC AREAS:

Alabama: Blount, Cherokee, Colbert, Cullman, Dekalb, Etowah, Fayette, Franklin, Jackson, Lamar, Lauderdale, Lawerence, Limestone, Madison, Marion, Marshall, Morgan, Walker, and Winston

[1] *See* 47 CFR § 4.18(a); *see also* FCC, DIRS, https://dirs.fcc.gov (last visited Jan. 23, 2026).

[2] *See* 47 CFR § 4.18(b).

Georgia: Banks, Bartow, Butts, Carroll, Coweta, Catoosa, Chattooga, Cherokee, Clayton, Cobb, Columbia, Dade, Dawson, Dekalb, Douglas, Elbert, Fayette, Fannin, Floyd, Forsyth, Franklin, Fulton, Gilmer, Glascock, Gordon, Greene, Gwinnett, Habersham, Haralson, Hart, Heard, Henry, Jefferson, Lamar, Lincoln, Lumpkin, Madison, McDuffie, Meriwether, Monroe, Murray, Oglethorpe, Paulding, Pickens, Pike, Polk, Rabun, Spalding, Towns, Troup, Union, Walker, Warren, White, Whitfield, and Wilkes

Kentucky: Adair, Allen, Anderson, Barren, Bell, Boyle, Breathitt, Breckinridge, Bullitt, Butler, Caldwell, Calloway, Casey, Christian, Clay, Clinton, Cumberland, Edmonson, Estill, Fayette, Franklin, Floyd, Fulton, Garrard, Graves, Grayson, Green, Hardin, Harlan, Hart, Hickman, Hopkins, Jackson, Jefferson, Jessamine, Johnson, Knott, Knox, Larue, Laurel, Lawrence, Lee, Leslie, Letcher, Lincoln, Logan, Lyon, Madison, Magoffin, Marshall, Martin, McCracken, McCreary, Menifee, Mercer, Metcalfe, Monroe, Montgomery, Morgan, Muhlenberg, Nelson, Ohio, Owsley, Perry, Pike, Powell, Pulaski, Rockcastle, Russell, Shelby, Simpson, Taylor, Todd, Trigg, Warren, Washington, Wayne, Whitley, Wolfe, and Woodford

Mississippi: Adams, Alcorn, Attala, Benton, Bolivar, Calhoun, Carroll, Chickasaw, Choctaw, Claiborne, Clarke, Clay, Coahoma, Copiah, Covington, DeSoto, Franklin, Grenada, Hinds, Holmes, Humphreys, Itawamba, Issaquena, Jasper, Jefferson, Jefferson Davis, Jones, Kemper, Lafayette, Lauderdale, Lawrence, Leake, Lee, Leflore, Lincoln, Lowndes, Madison, Marion, Marshall, Monroe, Montgomery, Neshoba, Newton, Noxubee, Oktibbeha, Panola, Pike, Pontotoc, Prentiss, Quitman, Rankin, Scott, Sharkey, Simpson, Smith, Sunflower, Tallahatchie, Tate, Tishomingo, Tippah, Tunica, Union, Warren, Washington, Wayne, Webster, Winston, Yalobusha, and Yazoo

North Carolina: Ashe, Avery, Beaufort, Bertie, Buncombe, Burke, Cabarrus, Caldwell, Caswell, Catawba, Chatham, Cherokee, Clay, Cleveland, Cumberland, Davidson, Davie, Durham, EBCI, Edgecombe, Forsyth, Franklin, Gaston, Gates, Graham, Granville, Greene, Guilford, Halifax, Harnett, Haywood, Henderson, Hertford, Hoke, Iredell, Jackson, Johnston, Lee, Lenoir, Lincoln, Macon, Madison, Martin, McDowell, Mecklenburg, Mitchell, Montgomery, Moore, Nash, Northampton, Orange, Person, Pitt, Polk, Randolph, Richmond, Robeson, Rockingham, Rowan, Rutherford, Scotland, Stanly, Stokes, Surry, Swain, Transylvania, Union, Vance, Wake, Warren, Watauga, Wayne, Wilkes, Wilson, Yadkin, and Yancey

South Carolina: Abbeville, Aiken, Allendale, Anderson, Bamberg, Barnwell, Beaufort, Berkeley, Calhoun, Charleston, Cherokee, Chester, Chesterfield, Clarendon, Colleton, Darlington, Dillon, Dorchester, Edgefield, Fairfield, Florence, Georgetown, Greenville, Greenwood, Hampton, Horry, Jasper, Kershaw, Lancaster, Laurens, Lee, Lexington, Marion, Marlboro, McCormick, Newberry, Oconee, Orangeburg, Pickens, Richland, Saluda, Spartanburg, Sumter, Union, Williamsburg, and York

Tennessee: Bedford, Benton, Cannon, Carroll, Cheatham, Chester, Clay, Coffee, Crockett, Davidson, Decatur, Dekalb, Dickson, Dyer, Fayette, Franklin, Gibson, Giles, Grundy, Hardeman, Hardin, Haywood, Henderson, Henry, Hickman, Houston, Humphreys, Jackson, Lake, Lauderdale, Lawrence, Lewis, Lincoln, Macon, Madison, Marion, Marshall, Maury, McNairy, Montgomery, Moore, Obion, Overton, Perry, Pickett, Putnam, Robertson, Rutherford, Sequatchie, Shelby, Smith, Stewart, Sumner, Tipton, Trousdale, Van Buren, Warren, Wayne, Weakley, White, Williamson, and Wilson

Virginia: Amelia, Amherst, Appomattox, Bedford, Bland, Brunswick, Buchanan, Buckingham, Campbell, Caroline, Carroll, Charles City, Charlotte, Chesterfield, Cumberland, Dickenson, Dinwiddie,

Essex, Floyd, Fluvanna, Franklin, Goochland, Grayson, Greensville, Halifax, Hanover, Henrico, Henry, James City, King & Queen, King George, King William, Lee, Louisa, Lunenburg, Mecklenburg, Middlesex, Montogomery, Nelson, New Kent, Nottoway, Patrick, Pittsylvania, Powhatan, Prince Edward, Prince George, Prince William, Pulaski, Richmond County and City of Richmond, Russell, Scott, Smyth, Southampton, Spotsylvania, Stafford, Surry, Sussex, Tazewell, Washington, Westmoreland, Wise, Wythe, and York

Further, as a result of the DIRS activation, the Mandatory Disaster Response Initiative (MDRI) is also activated in the below geographic areas.[3] All facilities-based mobile wireless providers operating in the below-referenced areas are hereby notified and required to: (1) provide for reasonable roaming under disaster arrangements when technically feasible; (2) activate mutual aid arrangements with other facilities-based mobile wireless providers for providing aid upon request to those providers during emergencies; (3) take reasonable measures to enhance municipal preparedness and restoration; (4) take reasonable measures to increase consumer readiness and preparation; and (5) take reasonable measures to improve public awareness and stakeholder communications on service and restoration status.[4]

MDRI IS ACTIVATED IN THE FOLLOWING GEOGRAPHIC AREAS:

Alabama: Blount, Cherokee, Colbert, Cullman, Dekalb, Etowah, Fayette, Franklin, Jackson, Lamar, Lauderdale, Lawerence, Limestone, Madison, Marion, Marshall, Morgan, Walker, and Winston

Georgia: Banks, Bartow, Butts, Carroll, Coweta, Catoosa, Chattooga, Cherokee, Clayton, Cobb, Columbia, Dade, Dawson, Dekalb, Douglas, Elbert, Fayette, Fannin, Floyd, Forsyth, Franklin, Fulton, Gilmer, Glascock, Gordon, Greene, Gwinnett, Habersham, Haralson, Hart, Heard, Henry, Jefferson, Lamar, Lincoln, Lumpkin, Madison, McDuffie, Meriwether, Monroe, Murray, Oglethorpe, Paulding, Pickens, Pike, Polk, Rabun, Spalding, Towns, Troup, Union, Walker, Warren, White, Whitfield, and Wilkes

Kentucky: Adair, Allen, Anderson, Barren, Bell, Boyle, Breathitt, Breckinridge, Bullitt, Butler, Caldwell, Calloway, Casey, Christian, Clay, Clinton, Cumberland, Edmonson, Estill, Fayette, Franklin, Floyd, Fulton, Garrard, Graves, Grayson, Green, Hardin, Harlan, Hart, Hickman, Hopkins, Jackson, Jefferson, Jessamine, Johnson, Knott, Knox, Larue, Laurel, Lawrence, Lee, Leslie, Letcher, Lincoln, Logan, Lyon, Madison, Magoffin, Marshall, Martin, McCracken, McCreary, Menifee, Mercer, Metcalfe, Monroe, Montgomery, Morgan, Muhlenberg, Nelson, Ohio, Owsley, Perry, Pike, Powell, Pulaski, Rockcastle, Russell, Shelby, Simpson, Taylor, Todd, Trigg, Warren, Washington, Wayne, Whitley, Wolfe, and Woodford

Mississippi: Adams, Alcorn, Attala, Benton, Bolivar, Calhoun, Carroll, Chickasaw, Choctaw, Claiborne, Clarke, Clay, Coahoma, Copiah, Covington, DeSoto, Franklin, Grenada, Hinds, Holmes, Humphreys, Itawamba, Issaquena, Jasper, Jefferson, Jefferson Davis, Jones, Kemper, Lafayette, Lauderdale, Lawrence, Leake, Lee, Leflore, Lincoln, Lowndes, Madison, Marion, Marshall, Monroe, Montgomery, Neshoba, Newton, Noxubee, Oktibbeha, Panola, Pike, Pontotoc, Prentiss, Quitman, Rankin, Scott,

[3] *See* 47 CFR § 4.17(a)(2). This activation is also responsive to state requests that the Chief of the Public Safety and Homeland Security Bureau activate the MDRI. *See* 47 CFR § 4.17(a)(3).

[4] 47 CFR § 4.17(a)(3)(i)-(v); *see also* FCC, *Wireless Network Resiliency During Disasters* (June 4, 2024), https://www.fcc.gov/wireless-network-resiliency-during-disasters.

Sharkey, Simpson, Smith, Sunflower, Tallahatchie, Tate, Tishomingo, Tippah, Tunica, Union, Warren, Washington, Wayne, Webster, Winston, Yalobusha, and Yazoo

North Carolina: Ashe, Avery, Beaufort, Bertie, Buncombe, Burke, Cabarrus, Caldwell, Caswell, Catawba, Chatham, Cherokee, Clay, Cleveland, Cumberland, Davidson, Davie, Durham, EBCI, Edgecombe, Forsyth, Franklin, Gaston, Gates, Graham, Granville, Greene, Guilford, Halifax, Harnett, Haywood, Henderson, Hertford, Hoke, Iredell, Jackson, Johnston, Lee, Lenoir, Lincoln, Macon, Madison, Martin, McDowell, Mecklenburg, Mitchell, Montgomery, Moore, Nash, Northampton, Orange, Person, Pitt, Polk, Randolph, Richmond, Robeson, Rockingham, Rowan, Rutherford, Scotland, Stanly, Stokes, Surry, Swain, Transylvania, Union, Vance, Wake, Warren, Watauga, Wayne, Wilkes, Wilson, Yadkin, and Yancey

South Carolina: Abbeville, Aiken, Allendale, Anderson, Bamberg, Barnwell, Beaufort, Berkeley, Calhoun, Charleston, Cherokee, Chester, Chesterfield, Clarendon, Colleton, Darlington, Dillon, Dorchester, Edgefield, Fairfield, Florence, Georgetown, Greenville, Greenwood, Hampton, Horry, Jasper, Kershaw, Lancaster, Laurens, Lee, Lexington, Marion, Marlboro, McCormick, Newberry, Oconee, Orangeburg, Pickens, Richland, Saluda, Spartanburg, Sumter, Union, Williamsburg, and York

Tennessee: Bedford, Benton, Cannon, Carroll, Cheatham, Chester, Clay, Coffee, Crockett, Davidson, Decatur, Dekalb, Dickson, Dyer, Fayette, Franklin, Gibson, Giles, Grundy, Hardeman, Hardin, Haywood, Henderson, Henry, Hickman, Houston, Humphreys, Jackson, Lake, Lauderdale, Lawrence, Lewis, Lincoln, Macon, Madison, Marion, Marshall, Maury, McNairy, Montgomery, Moore, Obion, Overton, Perry, Pickett, Putnam, Robertson, Rutherford, Sequatchie, Shelby, Smith, Stewart, Sumner, Tipton, Trousdale, Van Buren, Warren, Wayne, Weakley, White, Williamson, and Wilson

Virginia: Amelia, Amherst, Appomattox, Bedford, Bland, Brunswick, Buchanan, Buckingham, Campbell, Caroline, Carroll, Charles City, Charlotte, Chesterfield, Cumberland, Dickenson, Dinwiddie, Essex, Floyd, Fluvanna, Franklin, Goochland, Grayson, Greensville, Halifax, Hanover, Henrico, Henry, James City, King & Queen, King George, King William, Lee, Louisa, Lunenburg, Mecklenburg, Middlesex, Montogomery, Nelson, New Kent, Nottoway, Patrick, Pittsylvania, Powhatan, Prince Edward, Prince George, Prince William, Pulaski, Richmond County and City of Richmond, Russell, Scott, Smyth, Southampton, Spotsylvania, Stafford, Surry, Sussex, Tazewell, Washington, Westmoreland, Wise, Wythe, and York

The FCC continues to monitor this event and may amend the DIRS or MDRI activation area in the coming days.

Providers should familiarize themselves with the Commission's DIRS and MDRI requirements.[5] For answers to frequently asked questions about DIRS, visit https://www.fcc.gov/sites/default/files/DIRS-FAQs0425.pdf. Details on the MDRI can be found at https://www.fcc.gov/wireless-network-resiliency-during-disasters. For more information on the FCC's and PSHSB's response to Winter Storm Fern, please visit https://www.fcc.gov/fern.

For further information on this DIRS activation, please contact:

Michael Caiafa (202) 418-1311, michael.caiafa@fcc.gov

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[5] *See generally* 47 CFR §§ 4.17-4.18.

John Healy (215) 847-8094, john.healy@fcc.gov
Juan Chapa, (202) 418-0431, juan.chapa@fcc.gov
FCC 24/7 Operations Center (202) 418-1122, fccops@fcc.gov

For further information concerning this MDRI activation, please contact:

Justin Cain, (202) 853-7365, (202) 418-2924, justin.cain@fcc.gov
Logan Bennett, (202) 418-7790, logan.bennett@fcc.gov
FCC 24/7 Operations Center, (202) 418-1122, fccops@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 26-78
Released: January 23, 2026

PUBLIC SAFETY AND HOMELAND SECURITY BUREAU SETS COMPLIANCE DEADLINE FOR REMAINING MULTILINGUAL WIRELESS EMERGENCY ALERT TEMPLATE REQUIREMENTS

PS Docket Nos. 15-91 and 15-94

With this *Public Notice*, the Public Safety and Homeland Security Bureau (Bureau) sets the compliance deadline for certain rules implementing multilingual Wireless Emergency Alerts (WEA) templates as June 12, 2028. In the *WEA Third Report and Order*, the Commission adopted rules related to multilingual WEA and established the compliance deadline for those rules as 30 months after the Bureau's publication in the Federal Register of an implementing order.[1] The Commission published the Bureau's *Multilingual WEA Implementation Report and Order* in the Federal Register on December 10, 2025.[2] However, the announcement of the effective dates for some rules was delayed pending approval of the information collection by the Office of Management and Budget (OMB). OMB approved the information collection requirements associated with those rules as a non-substantive change to the previously-approved collection on January 12, 2026.[3] Accordingly, the effective date for the multilingual WEA template implementation rules are set for June 12, 2028, as the Bureau announced by public notice last month.[4]

For further information, please contact Joshua Gehret, Attorney Advisor, Cybersecurity and Communications Reliability Division, Public Safety and Homeland Security Bureau at (202) 418-7816 or Joshua.Gehret@fcc.gov.

-FCC-

[1] *Wireless Emergency Alerts, Amendments to Part 11 of the Commission's Rules Regarding the Emergency Alert System*, PS Docket Nos. 15-94 and 15-91, Third Report and Order, 38 FCC Rcd 10116, 10154, para. 74 (2023) (*WEA Third Report and Order*).

[2] *See* Federal Communications Commission, Wireless Emergency Alerts and the Emergency Alert System, 90 Fed. Reg. 57288 (Dec. 10, 2025); Federal Communications Commission, Wireless Emergency Alerts and the Emergency Alert System; Correction, 90 Fed. Reg. 59071 (Dec. 18, 2025); *see also Wireless Emergency Alerts; Amendments to Part 11 of the Commission's Rules Regarding the Emergency Alert System,* PS Docket Nos. 15-91 and 15-94; Report and Order, 40 FCC Rcd 43 (PSHSB 2025) (*Multilingual WEA Implementation Report and Order*).

[3] *See Notice of Office of Management and Budget Action*, ICR Ref No. 202512-3060-009, OMB Control No. 3060-1113 (Jan. 12, 2026), https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202512-3060-009# (approving the information collection associated with WEA multilingual requirements adopted in the Commission's *WEA Third Report and Order*); *see also Notice of Office of Management and Budget Action*, ICR Ref. No. 202405-3060-011, OMB Control Number 3060-1113 (Aug. 9, 2024), https://www.reginfo.gov/public/do/PRAOMBHistory?ombControlNumber=3060-1113# (approving of the updates to the Commission's WEA multilingual requirements as a non-substantive change); Federal Communications Commission, Wireless Emergency Alerts and the Emergency Alert System, 91 Fed. Reg. 2317 (Jan. 20, 2026).

[4] *See Public Safety and Homeland Security Bureau Announces Compliance Deadline for Multilingual Wireless Emergency Alert Templates*, PS Docket Nos. 15-91, 15-94, Public Notice, DA 25-1078 (PSHSB 2025).

PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, DC 20554

News Media Information 202-418-0500
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DA-26-79
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THE PUBLIC SAFETY AND HOMELAND SECURITY BUREAU, IN COORDINATION WITH MULTIPLE OTHER BUREAUS, ISSUES PROCEDURES FOR PROVIDING EMERGENCY COMMUNICATIONS IN AREAS IMPACTED BY WINTER STORM FERN

The Public Safety and Homeland Security Bureau, in coordination with the Media Bureau, Office of International Affairs, Space Bureau, Wireless Telecommunications Bureau, and Wireline Competition Bureau announces procedures to help communications service providers initiate, resume, and maintain operations in response to WINTER STORM FERN. Bureau-specific guidance is provided below. For additional information, applicants should contact the appropriate Bureau-specific staff identified below.

Those seeking special temporary authority (STA) are reminded of the need to conform to the requirements of section 1.2002 of our rules implementing the Anti-Drug Abuse Act of 1988.[1] Specifically, requests shall include the following certification: "Neither the applicant nor any party to this application is subject to a denial of federal benefits that includes FCC benefits pursuant to section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862." Presentations that directly relate to the emergency posed by WINTER STORM FERN are exempt from the restrictions of the Commission's *ex parte* rules, subject to the provisions of section 1.1204(a)(3) of those rules.[2]

- **Media Bureau Guidance**
  - **Special Temporary Authority:** Emergency requests for STA prompted by the effects of WINTER STORM FERN and filed pursuant to section 73.1635 of the Commission's rules[3] may be submitted by informal letter or email or, if necessary, by telephone. Licensees of AM and FM radio stations and TV stations may file requests electronically through the Licensing Management System (LMS). All requests shall provide the technical parameters of the proposed operation and a point of contact. These requests will be handled as expeditiously as possible. To file STA requests via email or fax, or to receive an oral STA during regular business hours, licensees may contact the following personnel:
  - **Media Bureau Contact During Business Hours:**
    - **Part 73 (Radio Broadcast Services) Subparts A-H; J (as applicable):**
      - For Television Services, Kevin Harding, 202-418-7077, Kevin.Harding@fcc.gov
      - For FM Radio Services, Rudy Bonacci, 202-418-2722, Rodolfo.Bonacci@fcc.gov
      - For AM Radio Services, Jerome Manarchuck, 202-418-7226, Jerome.Manarchuck@fcc.gov
    - **Part 76 (Multichannel Video and Cable Television Service):**

[1] 47 CFR § 1.2002.

[2] 47 CFR § 1.1204(a)(3).

[3] 47 CFR § 73.1365.

        - Sean Mirzadegan, 202-418-7111, Sean.Mirzadegan@fcc.gov
      - **Part 78 (Cable Television Relay Service):**
        - Jeffrey Neumann, 202-418-2046, Jeffrey.Neumann@fcc.gov
  - **Media Bureau Contact During Non-Business Hours:**
    - FCC Operations Center, 202-418-1122, FCCOPS@fcc.gov
  - Licensees are reminded that the Commission's rules address operations during periods of emergency for licensees authorized under each of the rule parts for Broadcast Television Services, Broadcast Radio Services, and Multichannel Video and Cable Services. These service-specific rules allow licensees to provide emergency communications during a period of emergency in a manner or configuration not specified in the station authorization or in the rules governing such stations.[4]
- **Office of International Affairs Guidance**
  - **Special Temporary Authority (Submarine Cables, International 214s, and International High Frequency):** Emergency requests for STA related to this event may be submitted by e-mail or, if necessary, by telephone. Applicants also may file requests electronically through the International Communications Filing System (ICFS) at https://fccprod.servicenowservices.com/icfs. The Office will handle all STA requests as expeditiously as possible.
  - To ensure the Office has a complete record of the action, applicants that do not file through the ICFS should follow up the initial request with an electronic version submitted through the ICFS as soon as possible. In this filing, operators shall note in the first description field on the electronic STA form that this is a WINTER STORM FERN request and the date the initial request was granted.
  - **Office of International Affairs Contact During Business Hours:**
    - **Submarine Cables and International 214s**:
      - Gabrielle Kim, 202-418-0730, Gabrielle.Kim@fcc.gov
      - Stacey Wise-Ashton, 202-418-2214, Stacey.Ashton@fcc.gov
      - Karen Johnson, 202-418-7706, Karen.Johnson@fcc.gov
    - **International High Frequency**:
      - James McLuckie, 202-418-2149, James.McLuckie@fcc.gov
      - Shawna Prebble, 202-418-0740, Shawna.Prebble@fcc.gov
  - **Office of International Affairs Contact During Non-Business Hours:**
    - FCC Operations Center, 202-418-1122, FCCOPS@fcc.gov
- **Public Safety and Homeland Security Bureau Guidance**
  - **Special Temporary Authority:** Emergency requests for STA prompted by the effects of WINTER STORM FERN and filed pursuant to section 1.931 of the Commission's rules[5] may be submitted by email or, if necessary, by telephone. Licensees may file requests electronically through the Universal Licensing System (ULS). All requests shall provide the technical parameters of the proposed operation and a point of contact. These requests will be handled as

[4] 47 CFR §§ 73.1250, 73.1680, 73.3542.

[5] 47 CFR § 1.931

expeditiously as possible. To file STA requests via email or to receive an oral STA during regular business hours, licensees may contact the following personnel: After business hours, contact the FCC Operations Center, below.

- **Public Safety and Homeland Security Bureau Contact During Business Hours:**
  - **Parts 90 (Public Safety only) and 101 (Public Safety only):**
    - Tracy Simmons, 717-338-2657, Tracy.Simmons@fcc.gov
    - Troy Sieg, 717-338-2567, Troy.Sieg@fcc.gov
- **Public Safety and Homeland Security Bureau Contact During Non-Business Hours:**
  - FCC Operations Center, 202-418-1122, FCCOPS@fcc.gov

- **Space Bureau Guidance**
  - **Special Temporary Authority (Satellite Earth and Space Stations):** Emergency requests for STA related to WINTER STORM FERN event may be submitted by letter, e-mail or, if necessary, by telephone. Applicants also may file requests electronically through the International Communications Filing System (ICFS) at http://licensing.fcc.gov/myibfs. All requests shall provide the technical parameters of the proposed operation and a point of contact. The Bureau will handle all STA requests on an expedited basis. Consistent with section 309(c)(2)(G) of the Communications Act, as amended, the Bureau may grant STA requests for up to 30 days.[6]
  - **Space Bureau Contact During Business Hours:**
    - **Satellite Space Stations and Earth Stations**:
      - Franco Hinojosa, 202-418-7274, Franco.Hinojosa@fcc.gov
      - Kathyrn Medley, 202-418-1211, Kathyrn.Medley@fcc.gov
  - **Space Bureau Contact During Non-Business Hours:**
    - FCC Operations Center, 202-418-1122, FCCOPS@fcc.gov

- **Wireline Competition Bureau Guidance**
  - **Special Temporary Authority:** Emergency requests for relief, including STA, prompted by the effects of WINTER STORM FERN may be submitted by email or, if necessary, by telephone. Providers may file requests electronically through the Electronic Comment Filing System (ECFS) but should also provide copies of any submissions simultaneously via email to the appropriate FCC staff identified below. Requests shall include supporting details concerning the relief requested, including any technical parameters and contact information.
  - **Wireline Competition Bureau Contact During Business Hours:**
    - **Emergency Requests Pertaining to Discontinuance Under Section 214 of the Communications Act, or to Network Change Notification Requirements:**
      - Rodney McDonald, 202-418-7513, Rodney.McDonald@fcc.gov
    - **Emergency Requests Pertaining to Transfer of Control Under Section 214 of the Communications Act:**
      - Randall Sifers, 202-418-2325, Randall.Sifers@fcc.gov
    - **Emergency Requests Pertaining to Numbering Resources:**

[6] 47 USC § 309(c)(2)(G).

        - Michelle Sclater, 202-418-0388, Michelle.Sclater@fcc.gov
    - **All Other Wireline Provider Requests:**
        - FCC Operations Center, 202-418-1122, FCCOPS@fcc.gov
- **Wireline Bureau Contact During Non-Business Hours:**
    - FCC Operations Center, 202-418-1122, FCCOPS@fcc.gov

- **Wireless Telecommunications Bureau Guidance**
    - **Special Temporary Authority:** Emergency requests for STA prompted by the effects of WINTER STORM FERN and filed pursuant to section 1.931 of the Commission's rules may be submitted by informal letter or email or, if necessary, by telephone. Licensees may file requests electronically through the Universal Licensing System (ULS). All requests shall provide the technical parameters of the proposed operation and a point of contact. These requests will be handled as expeditiously as possible. To file STA requests via email or fax, or to receive an oral STA during regular business hours, licensees may contact the following personnel:
    - **Wireless Telecommunications Bureau Contact During Business Hours:**
        - **Parts 22, 24, and 27 (excluding the Broadband Radio Service and Educational Broadband Service):**
            - Keith Harper, 202-418-2759, Keith.Harper@fcc.gov
        - **Parts 27 (Broadband Radio Service and Educational Broadband Service only), 74, and 101 (excluding Public Safety):**
            - Paul Malmud, 202-418-0006, Paul.Malmud@fcc.gov
        - **Parts 80, 87, 90 (excluding Public Safety), 95, and 97:**
            - Joshua Smith, 717-338-2502 or 202-436-6222, Joshua.Smith@fcc.gov
        - **Parts 90 (Public Safety only) and 101 (Public Safety only):**
            - Tracy Simmons, 717-338-2657 or 202-391-2363, Tracy.Simmons@fcc.gov
            - Troy Sieg, 717-338-2567, Troy.Sieg@fcc.gov
    - **Wireless Telecommunications Bureau Contact During Non-Business Hours:**
        - FCC Operations Center, 202-418-1122, FCCOPS@fcc.gov

Licensees are reminded that sections 22.307, 90.407, and 101.205 of the Commission's rules address operation during periods of emergency for licensees authorized under these rule parts. These rules allow licensees to provide emergency communications during a period of emergency in a manner or configuration not specified in the station authorization or in the rules governing such stations.

In addition, during evening hours, weekends, and holidays, licensees needing FCC emergency assistance or STA requests can call the FCC's Operations Center, which is open 24 hours a day, 7 days a week, at 202-418-1122 or by email at FCCOPS@fcc.gov. 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 (voice).

Questions and information requests may be directed to the Commission's main telephone numbers:

- Voice (toll-free): 1-888-225-5322 (1-888-CALL-FCC)
- American Sign Language Videophone (toll-free): 1-844-432-2275

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PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
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Released: January 23, 2026

THE FEDERAL COMMUNICATIONS COMMISSION PROVIDES 24/7 EMERGENCY CONTACT INFORMATION RELATED TO WINTER STORM FERN

The Federal Communications Commission (FCC) is available to address emergency communications needs 24 hours a day, including throughout the weekend, especially relating to the effects of Winter Storm Fern.

The Public Safety and Homeland Security Bureau reminds emergency communications providers, including broadcasters, cable service providers, wireless and wireline service providers, satellite service providers, emergency response managers and first responders, and others needing assistance to initiate, resume, or maintain communications operations to contact the FCC Operations Center for assistance at 202-418-1122 or by e-mail at FCCOPS@fcc.gov.

PUBLIC NOTICE

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45 L Street NE
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DA-26-81
Released: January 23, 2026

THE PUBLIC SAFETY AND HOMELAND SECURITY BUREAU REMINDS ENROLLED USERS ABOUT THE AVAILABILITY OF PRIORITY SERVICES IN AREAS IMPACTED BY WINTER STORM FERN

The Public Safety and Homeland Security Bureau (PSHSB) reminds enrolled users about the availability of priority services, which help support communications and continuity of operations. Current users should understand how to activate the priority treatment so they are prepared to use the services, if necessary, during emergency response activities related to Winter Storm Fern.

The Department of Homeland Security's Cybersecurity and Infrastructure Security Agency manages three programs that enable National Security and Emergency Preparedness (NSEP) personnel to effectively communicate when networks are damaged, degraded, or congested. These programs include:

- Government Emergency Telecommunications Service (GETS) for wireline voice communications;
- Wireless Priority Service (WPS) for wireless communications; and
- Telecommunications Service Priority (TSP) for prioritized restoration and provisioning of communications facilities.

PSHSB reminds current users of the following information and best practices, which will increase the effectiveness of the programs:

- Make regular practice/test calls for GETS and WPS.
- Preprogram *272 for key numbers in your phone's contact list.
- Download the GETS/WPS dialer application for smartphones.
- Do *not* use GETS or WPS to dial 911.
- Test WPS after all phone changes.
- Keep your GETS card with you at all times.
- You may experience silence after entering your destination number.
- Using WPS and GETS together may help in certain circumstances.

For other helpful information, please see CISA's Helpful Tips for Users of WPS and GETS.

PSHSB also encourages other entities and organizations that are not currently enrolled, but that may qualify, to consider participating in the priority services programs. These programs are available to qualified personnel from both the public and private sectors that perform NSEP functions. Entities from the following categories may qualify to participate:

- All levels of government (federal, state, local, tribal, territorial);

- Non-governmental organizations; and
- Organizations within critical infrastructure sectors, including certain private sector entities.

For more information about the priority services programs, please visit: https://www.fcc.gov/general/public-safety-homeland-security-policy-areas-priority-services and https://www.cisa.gov/priority-telecommunications-services.

PUBLIC NOTICE

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45 L Street NE
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THE FEDERAL COMMUNICATIONS COMMISSION ENCOURAGES DEBRIS REMOVAL AND UTILITY REPAIR TEAMS TO AVOID DAMAGING COMMUNICATIONS INFRASTRUCTURE IN AREAS IMPACTED BY WINTER STORM FERN

The Public Safety and Homeland Security Bureau (PSHSB) encourages all entities involved with debris clearing operations and utility repairs related to the effects of Winter Storm Fern to take all steps necessary to avoid damaging critical communications facilities and infrastructure.

Winter Storm Fern may cause widespread damage and significant impacts to communications services and infrastructure. Winter storms and other natural disasters present numerous challenges for those working to restore essential phone and Internet services. For example, debris clearing operations to remove trees, replace damaged utility poles, and open roadways often result in significant, non-disaster related damage to critical communications infrastructure. Such damage can disrupt communications that support the safety and life and property, including 911 calls and first responder communications.

PSHSB encourages those entities working to clear debris, repair utility lines, and restore services to ensure their activities do not damage critical communications. Crews clearing debris should exercise caution to not cut or damage telephone or television cables that may be entangled in the debris. Similarly, entities conducting debris and restoration efforts that require digging (including trenching) are reminded to coordinate with appropriate authorities to ensure buried utilities can be located to avoid damage. Teams on the ground should take proactive steps to preserve and maintain critical communications and take immediate action, if necessary, to mitigate the effects of any damage that may occur to facilities or infrastructure.

For assistance, please contact the FCC Operations Center at 202-418-1122 or by e-mail at FCCOPS@fcc.gov.

PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, DC 20554

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THE FEDERAL COMMUNICATIONS COMMISSION ANNOUNCES THE EXPANSION OF THE DISASTER INFORMATION REPORTING SYSTEM AND MANDATORY DISASTER RESPONSE INTIATIVE FOR COMMUNICATIONS IMPACTED BY WINTER STORM FERN

The Federal Communications Commission (Commission) is expanding its disaster data collection to include additional counties in Georgia and Mississippi, as well as counties in Maryland, New Jersey, New York, and West Virginia.

On January 23, 2026, the Public Safety and Homeland Security Bureau (PSHSB), in coordination with the Federal Emergency Management Agency (FEMA), announced the activation of the Disaster Information Reporting System (DIRS) and the Mandatory Disaster Response Initiative (MDRI) in certain counties in states impacted by Winter Storm Fern.[1] With this Public Notice, PSHSB expands the activation of DIRS and the MDRI in the below-referenced areas at the request of the States of Georgia, Maryland, Mississippi, New Jersey, New York, and West Virginia in response to Winter Storm Fern.

ADDITIONAL COUNTIES FOR DIRS ACTIVATION INCLUDE:

Georgia: Barrow, Clark, Oconee, Rockdale, and Walton

Maryland: Anne Arundel, Baltimore, Calvert, Carolina, Cecil, Charles, Dorchester, Harford, Kent, Prince George's, Queen Anne's, St. Mary's, and Talbot

Mississippi: Amite

New Jersey: Atlantic, Burlington, Camden, Cape May, Cumberland, Ocean, and Salem

New York: Nassau, Richmond, and Suffolk

Virginia: City of Galax, City of Hopewell, City of Lynchburg, City of Manassas, City of Manassas Park, City of Martinsville, City of Norton, City of Petersburg, City of Radford, City of Richmond, and City of Williamsburg

West Virginia: Boone, Fayette, Greenbrier, Kanawha, Logan, McDowell, Mercer, Mingo, Monroe, Nicholas, Pendleton, Pocahontas, Preston, Raleigh, Randolph, Summers, Webster, and Wyoming

DIRS is a web-based system that communications providers, including wireless, wireline, broadcast, cable, and interconnected Voice over Internet Protocol (VoIP) providers use to report

[1] Public Notice, *The Federal Communications Commission Activates the Disaster Information Reporting System (DIRS) and the Mandatory Disaster Response Initiative (MDRI) In Response To Winter Storm Fern*, Public Notice, DA 26-77 (PSHSB Jan. 23, 2026).

communications infrastructure status and situational awareness information during times of crisis.

The Commission requests that communications providers that provide service to any areas listed below expeditiously submit and update information through DIRS regarding, *inter alia*, the status of their communications equipment, restoration efforts, and power (*i.e.*, whether they are using commercial power or back-up power). Communications providers can accomplish this by accessing DIRS at https://www.dirs.fcc.gov. Providers that have not previously done so will be asked to first provide contact information and obtain a User ID when they access DIRS. There is a link on the login page that will allow them to obtain the User ID and password. If a user does not remember their password, they should use the forgotten password link on the login page. If any user has any problems accessing DIRS, please contact any of the numbers listed below.

In DIRS, this activation has the following name: WINTER STORM FERN. DIRS reports are due by **9:00 a.m. EST on Sunday, January 25, 2026, and each day thereafter by 9:00 a.m. EST until DIRS is deactivated.** Cable communications providers, wireless service providers, wireline communications providers, and interconnected VoIP providers are not required to make submissions in the Network Outage Reporting System (NORS) pertaining to any incidents that arise during the DIRS activation that are timely reported in DIRS.[2] To promote a comprehensive and effective disaster response, PSHSB encourages other communications providers to voluntarily report in DIRS using forms applicable to their infrastructure.

MDRI EXPANDED TO INCLUDE COUNTIES IN GEORGIA, MARYLAND, MISSISSIPPI, NEW JERSEY, NEW YORK, AND WEST VIRGINIA

As a result of PSHSB's expansion of the DIRS activation area, the MDRI has also been expanded to include the below-referenced areas in response to Winter Storm Fern.

ADDITIONAL COUNTIES FOR MDRI ACTIVATION INCLUDE:

Georgia: Barrow, Clark, Oconee, Rockdale, and Walton

Maryland: Anne Arundel, Baltimore, Calvert, Carolina, Cecil, Charles, Dorchester, Harford, Kent, Prince George's, Queen Anne's, St. Mary's, and Talbot

Mississippi: Amite

New Jersey: Atlantic, Burlington, Camden, Cape May, Cumberland, Ocean, and Salem

New York: Nassau, Richmond, and Suffolk

Virginia: City of Galax, City of Hopewell, City of Lynchburg, City of Manassas, City of Manassas Park, City of Martinsville, City of Norton, City of Petersburg, City of Radford, City of Richmond, and City of Williamsburg

West Virginia: Boone, Fayette, Greenbrier, Kanawha, Logan, McDowell, Mercer, Mingo, Monroe, Nicholas, Pendleton, Pocahontas, Preston, Raleigh, Randolph, Summers, Webster, and Wyoming

Upon the release of this Public Notice, all facilities-based mobile wireless providers operating in such areas are required to (1) provide for reasonable roaming under disaster arrangements when

[2] *See* 47 CFR § 4.18(b).

technically feasible; (2) activate mutual aid arrangements with other facilities-based mobile wireless providers; (3) take reasonable measures to enhance municipal preparedness and restoration; (4) take reasonable measures to increase consumer readiness and preparation; and (5) take reasonable measures to improve public awareness and stakeholder communications on service and restoration status.[3]

Facilities-based mobile wireless providers that serve the above-referenced areas and that have provided contact information in DIRS will be individually notified that the MDRI has been activated in their area.

PSHSB will announce when the MDRI has been deactivated by subsequent Public Notice. Providers should familiarize themselves with the Commission's MDRI requirements.[4] Details on the Mandatory Disaster Response Initiative can be found on the FCC website at https://www.fcc.gov/wireless-network-resiliency-during-disasters.

DIRS AND MDRI REMAIN ACTIVATED IN:

Georgia: Banks, Bartow, Butts, Carroll, Coweta, Catoosa, Chattooga, Cherokee, Clayton, Cobb, Columbia, Dade, Dawson, Dekalb, Douglas, Elbert, Fayette, Fannin, Floyd, Forsyth, Franklin, Fulton, Gilmer, Glascock, Gordon, Greene, Gwinnett, Habersham, Haralson, Hart, Heard, Henry, Jefferson, Lamar, Lincoln, Lumpkin, Madison, McDuffie, Meriwether, Monroe, Murray, Oglethorpe, Paulding, Pickens, Pike, Polk, Rabun, Spalding, Towns, Troup, Union, Walker, Warren, White, Whitfield, and Wilkes

Kentucky: Adair, Allen, Anderson, Barren, Bell, Boyle, Breathitt, Breckinridge, Bullitt, Butler, Caldwell, Calloway, Casey, Christian, Clay, Clinton, Cumberland, Edmonson, Estill, Fayette, Franklin, Floyd, Fulton, Garrard, Graves, Grayson, Green, Hardin, Harlan, Hart, Hickman, Hopkins, Jackson, Jefferson, Jessamine, Johnson, Knott, Knox, Larue, Laurel, Lawrence, Lee, Leslie, Letcher, Lincoln, Logan, Lyon, Madison, Magoffin, Marshall, Martin, McCracken, McCreary, Menifee, Mercer, Metcalfe, Monroe, Montgomery, Morgan, Muhlenberg, Nelson, Ohio, Owsley, Perry, Pike, Powell, Pulaski, Rockcastle, Russell, Shelby, Simpson, Taylor, Todd, Trigg, Warren, Washington, Wayne, Whitley, Wolfe, and Woodford

Mississippi: Adams, Alcorn, Attala, Benton, Bolivar, Calhoun, Carroll, Chickasaw, Choctaw, Claiborne, Clarke, Clay, Coahoma, Copiah, Covington, DeSoto, Franklin, Grenada, Hinds, Holmes, Humphreys, Itawamba, Issaquena, Jasper, Jefferson, Jefferson Davis, Jones, Kemper, Lafayette, Lauderdale, Lawrence, Leake, Lee, Leflore, Lincoln, Lowndes, Madison, Marion, Marshall, Monroe, Montgomery, Neshoba, Newton, Noxubee, Oktibbeha, Panola, Pike, Pontotoc, Prentiss, Quitman, Rankin, Scott, Sharkey, Simpson, Smith, Sunflower, Tallahatchie, Tate, Tishomingo, Tippah, Tunica, Union, Warren, Washington, Wayne, Webster, Winston, Yalobusha, and Yazoo

North Carolina: Ashe, Avery, Beaufort, Bertie, Buncombe, Burke, Cabarrus, Caldwell, Caswell, Catawba, Chatham, Cherokee, Clay, Cleveland, Cumberland, Davidson, Davie, Durham, EBCI, Edgecombe, Forsyth, Franklin, Gaston, Gates, Graham, Granville, Greene, Guilford, Halifax, Harnett, Haywood, Henderson, Hertford, Hoke, Iredell, Jackson, Johnston, Lee, Lenoir, Lincoln, Macon, Madison, Martin, McDowell, Mecklenburg, Mitchell, Montgomery, Moore, Nash, Northampton, Orange, Person, Pitt, Polk, Randolph, Richmond, Robeson, Rockingham, Rowan, Rutherford, Scotland, Stanly, Stokes, Surry, Swain, Transylvania, Union, Vance, Wake, Warren, Watauga, Wayne, Wilkes, Wilson, Yadkin, and Yancey

[3] 47 CFR § 4.17(a)(3)(i)-(v); *see also* FCC, *Wireless Network Resiliency During Disasters* (June 4, 2024), https://www.fcc.gov/wireless-network-resiliency-during-disasters.

[4] 47 CFR § 4.17.

South Carolina: Abbeville, Aiken, Allendale, Anderson, Bamberg, Barnwell, Beaufort, Berkeley, Calhoun, Charleston, Cherokee, Chester, Chesterfield, Clarendon, Colleton, Darlington, Dillon, Dorchester, Edgefield, Fairfield, Florence, Georgetown, Greenville, Greenwood, Hampton, Horry, Jasper, Kershaw, Lancaster, Laurens, Lee, Lexington, Marion, Marlboro, McCormick, Newberry, Oconee, Orangeburg, Pickens, Richland, Saluda, Spartanburg, Sumter, Union, Williamsburg, and York

Tennessee: Bedford, Benton, Cannon, Carroll, Cheatham, Chester, Clay, Coffee, Crockett, Davidson, Decatur, Dekalb, Dickson, Dyer, Fayette, Franklin, Gibson, Giles, Grundy, Hardeman, Hardin, Haywood, Henderson, Henry, Hickman, Houston, Humphreys, Jackson, Lake, Lauderdale, Lawrence, Lewis, Lincoln, Macon, Madison, Marion, Marshall, Maury, McNairy, Montgomery, Moore, Obion, Overton, Perry, Pickett, Putnam, Robertson, Rutherford, Sequatchie, Shelby, Smith, Stewart, Sumner, Tipton, Trousdale, Van Buren, Warren, Wayne, Weakley, White, Williamson, and Wilson

Virginia: Amelia, Amherst, Appomattox, Bedford, Bland, Brunswick, Buchanan, Buckingham, Campbell, Caroline, Carroll, Charles City, Charlotte, Chesterfield, Cumberland, Dickenson, Dinwiddie, Essex, Floyd, Fluvanna, Franklin, Goochland, Grayson, Greensville, Halifax, Hanover, Henrico, Henry, James City, King & Queen, King George, King William, Lee, Louisa, Lunenburg, Mecklenburg, Middlesex, Montogomery, Nelson, New Kent, Nottoway, Patrick, Pittsylvania, Powhatan, Prince Edward, Prince George, Prince William, Pulaski, Richmond County and City of Richmond, Russell, Scott, Smyth, Southampton, Spotsylvania, Stafford, Surry, Sussex, Tazewell, Washington, Westmoreland, Wise, Wythe, and York

Please continue to provide information for the impacted counties that are already in the disaster area.

The FCC continues to monitor this event and may amend the DIRS or MDRI activation area in the coming days.

For further information on this DIRS activation, please contact:

Michael Caiafa (202) 418-1311, michael.caiafa@fcc.gov
John Healy (215) 847-8094, john.healy@fcc.gov
Juan Chapa, (202) 418-0431, juan.chapa@fcc.gov
FCC 24/7 Operations Center (202) 418-1122, fccoperationcenter@fcc.gov

For further information concerning this MDRI activation, please contact:

Justin Cain, (202) 853-7365, (202) 418-2924, justin.cain@fcc.gov
Logan Bennett, (202) 418-7790, logan.bennett@fcc.gov
FCC 24/7 Operations Center, (202) 418-1122, fccops@fcc.gov

For more information on the FCC's response to Winter Storm Fern, please visit https://www.fcc.gov/fern.

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PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, DC 20554

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

DA 26-84
Released: January 25, 2026

THE FEDERAL COMMUNICATIONS COMMISSION MODIFIES THE AREA OF ACTIVATION OF THE DISASTER INFORMATION REPORTING SYSTEM AND MANDATORY DISASTER RESPONSE INTIATIVE FOR COMMUNICATIONS IMPACTED BY WINTER STORM FERN

On January 23, 2026, the Public Safety and Homeland Security Bureau (PSHSB), in coordination with the Federal Emergency Management Agency (FEMA), announced the activation of the Disaster Information Reporting System (DIRS) and the Mandatory Disaster Response Initiative (MDRI) in certain counties in states impacted by Winter Storm Fern.[1] On January 24, 2026, the FCC announced the expansion of this activation to include additional counties in Georgia, Maryland, Mississippi, New Jersey, New York, Virginia, and West Virginia.[2] By this Public Notice, PSHSB expands the activation of DIRS and the MDRI in the below-referenced areas at the request of the Commonwealth of Kentucky, and deactivates DIRS and the MDRI in the below-referenced areas of South Carolina, in response to Winter Storm Fern.

ADDITIONAL COUNTIES FOR DIRS ACTIVATION INCLUDE:

Kentucky: Bath, Bourbon, Boyd, Carter, Clark, Elliott, Fleming, Greenup, Harrison, Lewis, Mason, Nicholas, Robertson, Rowan, and Scott

DIRS is a web-based system that communications providers, including wireless, wireline, broadcast, cable, and interconnected Voice over Internet Protocol (VoIP) providers use to report communications infrastructure status and situational awareness information during times of crisis.

The Commission requests that communications providers that provide service to any areas listed below expeditiously submit and update information through DIRS regarding, *inter alia*, the status of their communications equipment, restoration efforts, and power (*i.e.*, whether they are using commercial power or back-up power). Communications providers can accomplish this by accessing DIRS at https://www.dirs.fcc.gov. Providers that have not previously done so will be asked to first provide contact information and obtain a User ID when they access DIRS. There is a link on the login page that will allow them to obtain the User ID and password. If a user does not remember their password, they should use the forgotten password link on the login page. If any user has any problems accessing DIRS, please contact any of the numbers listed below.

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[1] *The Federal Communications Commission Activates the Disaster Information Reporting System (DIRS) and the Mandatory Disaster Response Initiative (MDRI) In Response To Winter Storm Fern*, Public Notice, DA 26-77 (PSHSB Jan. 23, 2026).

[2] *The Federal Communications Commission Announces the Expansion of the Disaster Information Reporting System and the Mandatory Disaster Response Initiative For Communications Impacted By Winter Storm Fern*, Public Notice, DA 26-83 (PSHSB Jan. 24, 2026).

In DIRS, this activation has the following name: WINTER STORM FERN. DIRS reports are due by **9:00 a.m. EST on Monday, January 26, 2026, and each day thereafter by 9:00 a.m. EST until DIRS is deactivated.** Cable communications providers, wireless service providers, wireline communications providers, and interconnected VoIP providers are not required to make submissions in the Network Outage Reporting System (NORS) pertaining to any incidents that arise during the DIRS activation that are timely reported in DIRS.[3] To promote a comprehensive and effective disaster response, PSHSB encourages other communications providers to voluntarily report in DIRS using forms applicable to their infrastructure.

MDRI EXPANDED TO INCLUDE COUNTIES IN KENTUCKY

As a result of PSHSB's expansion of the DIRS activation area, the MDRI has also been expanded to include the below-referenced areas in response to Winter Storm Fern.

ADDITIONAL COUNTIES FOR MDRI ACTIVATION INCLUDE:

Kentucky: Bath, Bourbon, Boyd, Carter, Clark, Elliott, Fleming, Greenup, Harrison, Lewis, Mason, Nicholas, Robertson, Rowan, and Scott

Upon the release of this Public Notice, all facilities-based mobile wireless providers operating in such areas are required to (1) provide for reasonable roaming under disaster arrangements when technically feasible; (2) activate mutual aid arrangements with other facilities-based mobile wireless providers; (3) take reasonable measures to enhance municipal preparedness and restoration; (4) take reasonable measures to increase consumer readiness and preparation; and (5) take reasonable measures to improve public awareness and stakeholder communications on service and restoration status.[4] Facilities-based mobile wireless providers that serve the above-referenced areas and that have provided contact information in DIRS will be individually notified that the MDRI has been activated in their area.

PSHSB will announce when the MDRI has been deactivated by subsequent Public Notice. Providers should familiarize themselves with the Commission's MDRI requirements.[5] Details on the Mandatory Disaster Response Initiative can be found on the FCC website at https://www.fcc.gov/wireless-network-resiliency-during-disasters.

DEACTIVATION OF DIRS AND MDRI IN CERTAIN COUNTIES IN SOUTH CAROLINA

Also by this Public Notice, the Federal Communications Commission (Commission), at the request of the State of South Carolina and in coordination with the Federal Emergency Management Agency (FEMA), is announcing the deactivation of the Disaster Information Reporting System (DIRS) and the Mandatory Disaster Response Initiative (MDRI) for the following counties in South Carolina impacted by Winter Storm Fern:

South Carolina: Bamberg, Beaufort, Berkeley, Charleston, Clarendon, Colleton, Dorchester, Florence, Georgetown, Hampton, Horry, Jasper, and Marion

Cable communications providers, wireless service providers, wireline communications providers,

[3] *See* 47 CFR § 4.18(b).

[4] 47 CFR § 4.17(a)(3)(i)-(v); *see also* FCC, *Wireless Network Resiliency During Disasters* (June 4, 2024), https://www.fcc.gov/wireless-network-resiliency-during-disasters.

[5] 47 CFR § 4.17.

and interconnected VoIP providers that provide service in the below-referenced areas are no longer required to report their infrastructure status daily in DIRS for this event.[6] These providers must provide a single, final report to the Commission within 24 hours of release of this Public Notice detailing the state of their infrastructure at the time of DIRS deactivation and an estimated date of resolution of any remaining outages.[7] PSHSB encourages other communications providers that voluntarily reported in DIRS to also submit a final DIRS report.

DIRS AND MDRI REMAIN ACTIVATED IN:

Alabama: Blount, Cherokee, Colbert, Cullman, Dekalb, Etowah, Fayette, Franklin, Jackson, Lamar, Lauderdale, Lawrence, Limestone, Madison, Marion, Marshall, Morgan, Walker, and Winston

Georgia: Banks, Barrow, Bartow, Butts, Clark, Carroll, Coweta, Catoosa, Chattooga, Cherokee, Clayton, Cobb, Columbia, Dade, Dawson, Dekalb, Douglas, Elbert, Fayette, Fannin, Floyd, Forsyth, Franklin, Fulton, Gilmer, Glascock, Gordon, Greene, Gwinnett, Habersham, Haralson, Hart, Heard, Henry, Jefferson, Lamar, Lincoln, Lumpkin, Madison, McDuffie, Meriwether, Monroe, Murray, Oconee, Oglethorpe, Paulding, Pickens, Pike, Polk, Rabun, Rockdale, Spalding, Towns, Troup, Union, Walker, Walton, Warren, White, Whitfield, and Wilkes

Kentucky: Adair, Allen, Anderson, Barren, Bell, Boyle, Breathitt, Breckinridge, Bullitt, Butler, Caldwell, Calloway, Casey, Christian, Clay, Clinton, Cumberland, Edmonson, Estill, Fayette, Franklin, Floyd, Fulton, Garrard, Graves, Grayson, Green, Hardin, Harlan, Hart, Hickman, Hopkins, Jackson, Jefferson, Jessamine, Johnson, Knott, Knox, Larue, Laurel, Lawrence, Lee, Leslie, Letcher, Lincoln, Logan, Lyon, Madison, Magoffin, Marshall, Martin, McCracken, McCreary, Menifee, Mercer, Metcalfe, Monroe, Montgomery, Morgan, Muhlenberg, Nelson, Ohio, Owsley, Perry, Pike, Powell, Pulaski, Rockcastle, Russell, Shelby, Simpson, Taylor, Todd, Trigg, Warren, Washington, Wayne, Whitley, Wolfe, and Woodford

Maryland: Anne Arundel, Baltimore, Calvert, Carolina, Cecil, Charles, Dorchester, Harford, Kent, Prince George's, Queen Anne's, St. Mary's, and Talbot

Mississippi: Adams, Alcorn, Amite, Attala, Benton, Bolivar, Calhoun, Carroll, Chickasaw, Choctaw, Claiborne, Clarke, Clay, Coahoma, Copiah, Covington, DeSoto, Franklin, Grenada, Hinds, Holmes, Humphreys, Itawamba, Issaquena, Jasper, Jefferson, Jefferson Davis, Jones, Kemper, Lafayette, Lauderdale, Lawrence, Leake, Lee, Leflore, Lincoln, Lowndes, Madison, Marion, Marshall, Monroe, Montgomery, Neshoba, Newton, Noxubee, Oktibbeha, Panola, Pike, Pontotoc, Prentiss, Quitman, Rankin, Scott, Sharkey, Simpson, Smith, Sunflower, Tallahatchie, Tate, Tishomingo, Tippah, Tunica, Union, Warren, Washington, Wayne, Webster, Winston, Yalobusha, and Yazoo

New Jersey: Atlantic, Burlington, Camden, Cape May, Cumberland, Ocean, and Salem

New York: Nassau, Richmond, and Suffolk

North Carolina: Ashe, Avery, Beaufort, Bertie, Buncombe, Burke, Cabarrus, Caldwell, Caswell, Catawba, Chatham, Cherokee, Clay, Cleveland, Cumberland, Davidson, Davie, Durham, EBCI, Edgecombe, Forsyth, Franklin, Gaston, Gates, Graham, Granville, Greene, Guilford, Halifax, Harnett, Haywood, Henderson, Hertford, Hoke, Iredell, Jackson, Johnston, Lee, Lenoir, Lincoln, Macon, Madison, Martin, McDowell, Mecklenburg, Mitchell, Montgomery, Moore, Nash, Northampton, Orange, Person, Pitt, Polk, Randolph, Richmond, Robeson, Rockingham, Rowan, Rutherford, Scotland, Stanly, Stokes,

[6] *See* 47 CFR § 4.18(a)(1).

[7] 47 CFR § 4.18(a)(2).

Surry, Swain, Transylvania, Union, Vance, Wake, Warren, Watauga, Wayne, Wilkes, Wilson, Yadkin, and Yancey

South Carolina: Abbeville, Aiken, Allendale, Anderson, Barnwell, Calhoun, Cherokee, Chester, Chesterfield, Darlington, Dillon, Edgefield, Fairfield, Greenville, Greenwood, Kershaw, Lancaster, Laurens, Lee, Lexington, Marlboro, McCormick, Newberry, Oconee, Orangeburg, Pickens, Richland, Saluda, Spartanburg, Sumter, Union, Williamsburg, and York

Tennessee: Bedford, Benton, Cannon, Carroll, Cheatham, Chester, Clay, Coffee, Crockett, Davidson, Decatur, Dekalb, Dickson, Dyer, Fayette, Franklin, Gibson, Giles, Grundy, Hardeman, Hardin, Haywood, Henderson, Henry, Hickman, Houston, Humphreys, Jackson, Lake, Lauderdale, Lawrence, Lewis, Lincoln, Macon, Madison, Marion, Marshall, Maury, McNairy, Montgomery, Moore, Obion, Overton, Perry, Pickett, Putnam, Robertson, Rutherford, Sequatchie, Shelby, Smith, Stewart, Sumner, Tipton, Trousdale, Van Buren, Warren, Wayne, Weakley, White, Williamson, and Wilson

Virginia: Amelia, Amherst, Appomattox, Bedford, Bland, Brunswick, Buchanan, Buckingham, Campbell, Caroline, Carroll, Charles City, Charlotte, Chesterfield, City of Galax, City of Hopewell, City of Lynchburg, City of Manassas, City of Manassas Park, City of Martinsville, City of Norton, City of Petersburg, City of Radford, City of Richmond, and City of Williamsburg, Cumberland, Dickenson, Dinwiddie, Essex, Floyd, Fluvanna, Franklin, Goochland, Grayson, Greensville, Halifax, Hanover, Henrico, Henry, James City, King & Queen, King George, King William, Lee, Louisa, Lunenburg, Mecklenburg, Middlesex, Montogomery, Nelson, New Kent, Nottoway, Patrick, Pittsylvania, Powhatan, Prince Edward, Prince George, Prince William, Pulaski, Richmond County and City of Richmond, Russell, Scott, Smyth, Southampton, Spotsylvania, Stafford, Surry, Sussex, Tazewell, Washington, Westmoreland, Wise, Wythe, and York

West Virginia: Boone, Fayette, Greenbrier, Kanawha, Logan, McDowell, Mercer, Mingo, Monroe, Nicholas, Pendleton, Pocahontas, Preston, Raleigh, Randolph, Summers, Webster, and Wyoming

Providers should continue to provide information for the counties in which DIRS and the MDRI remain activated.

The FCC continues to monitor this event and may amend the DIRS or MDRI activation area in the coming days.

For further information on this DIRS activation, please contact:

Michael Caiafa (202) 418-1311, michael.caiafa@fcc.gov
John Healy (215) 847-8094, john.healy@fcc.gov
Juan Chapa, (202) 418-0431, juan.chapa@fcc.gov
FCC 24/7 Operations Center (202) 418-1122, fccoperationcenter@fcc.gov

For further information concerning this MDRI activation, please contact:

Justin Cain, (202) 853-7365, (202) 418-2924, justin.cain@fcc.gov
Logan Bennett, (202) 418-7790, logan.bennett@fcc.gov
FCC 24/7 Operations Center, (202) 418-1122, fccops@fcc.gov

For more information on the FCC's response to Winter Storm Fern, please visit https://www.fcc.gov/fern.

- FCC -

PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, DC 20554

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

DA 26-85
Released: February 2, 2026

STREAMLINED RESOLUTION OF REQUESTS RELATED TO ACTIONS BY THE UNIVERSAL SERVICE ADMINISTRATIVE COMPANY

CC Docket No. 02-6
WC Docket No. 23-234
WC Docket No. 21-93
WC Docket No. 02-60

Pursuant to our procedure for resolving requests for review, requests for waiver, and petitions for reconsideration of decisions related to actions taken by the Universal Service Administrative Company (USAC) that are consistent with precedent (collectively, Requests), the Wireline Competition Bureau (Bureau) grants, dismisses, or denies the following Requests.[1] The deadline for filing petitions for reconsideration or applications for review concerning the disposition of any of these Requests is 30 days from the release date of this Public Notice.[2]

Schools and Libraries (E-Rate)
CC Docket No. 02-6

Dismiss for Failure to Comply with the Commission's Basic Filing Requirements[3]

[1] *See 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). Sections 54.719(b), 54.1718(a)(1), and 54.2012(b)(2) of the Commission's rules provide that any person aggrieved by an action taken by a division of USAC, after first seeking review at USAC, may seek review from the Commission. Sections 54.719(c), 54.1718(a)(3), and 54.2012(a)(3) of the Commission's rules provide that parties seeking waivers of the Commission's rules shall seek review directly from the Commission. In this Public Notice, we have reclassified as Requests for Waiver any appeals seeking review of a USAC decision that appropriately should have requested a waiver of the Commission's rules. Similarly, we have reclassified as Requests for Review any appeals seeking a waiver of the Commission's rules but that are, in fact, seeking review of a USAC decision.

[2] *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).

[3] 47 CFR § 54.721 (setting forth general filing requirements for requests for review of decisions issued by USAC, including the requirement that the request for review include supporting documentation); *see also Wireline Competition Bureau Reminds Parties of Requirements for Request for Review of Decisions by the Universal Service Administrative Company*, CC Docket Nos. 96-45, 02-6, WC Docket Nos. 02-60, 06-122, 10-90, 11-42, 13-184, 14-58, Public Notice, 29 FCC Rcd 13874 (WCB 2014) (reminding parties submitting appeals to the Bureau of the general filing requirements contained in the Commission's rules which, along with a proper caption and reference to the applicable docket number, require (1) a statement setting forth the party's interest in the matter presented for review; (2) a full statement of relevant, material facts with supporting affidavits and documentation; (3) the question presented for review, with reference, where appropriate, to the relevant Commission rule, order or statutory provision; and (4) a statement of the relief sought and the relevant statutory or regulatory provision pursuant to which such relief is sought); *Universal Service Contribution Methodology; Request for Review by Alternative*

(continued….)

St. Dominic Savio Catholic High School, TX, No Application No. Given, CC Docket No. 02-6 (filed Feb. 27, 2024)

Dismissed to Allow Appeal to be Filed with USAC[4]

American Internet Group, LLC (University Yes Academy, New Paradigm College Prep Academy, New Paradigm Glazer Academy, New Paradigm Loving Academy), MI, Application Nos. 231008076, 231008080, 231036735, 231037258, 231037606, 231038075, Request for Review, CC Docket No. 02-6 (filed May 15, 2025)

American Internet Group, LLC (Detroit Edison Public School Academy District, University Yes Academy, New Paradigm Glazer Academy, New Paradigm Loving Academy), MI, Application Nos. 241036425, 241037327, 241037422, 241037965, 241038139, 241038209, Request for Review, CC Docket No. 02-6 (filed May 15, 2025)

Dismissing Petitions for Reconsideration[5]

(Continued from previous page)
Phone, *Inc. and Request for Waiver*, WC Docket No. 06-122, Order, 26 FCC Rcd 6079 (WCB 2011) (dismissing without prejudice a request for review that failed to meet the requirements of section 54.721 of the Commission's rules).

[4] *See Petitions for Reconsideration by Little Falls Township School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order on Reconsideration, 38 FCC Rcd 1100, 1104, para. 10 (WCB 2023) (*Little Falls Township Order*) (dismissing without prejudice appeals that are filed with the Commission before being reviewed at USAC and waiving the 60-day appeal filing deadline to allow the party to refile its appeal at USAC and have it considered on the merits).

Parties seeking review of USAC decisions must first file an appeal with USAC. *See* 47 CFR § 54.719(a). Because the petitioner filed its appeal with the Commission first, we now provide the petitioner 60 days from the release date of this Public Notice to refile its appeal at USAC. Pursuant to the *Little Falls Township Order*, we also waive the 60-day appeal filing deadline, 47 CFR § 54.720(a), to allow the appeals to be considered on the merits by USAC without being considered late. *See Little Falls Township Order*, 38 FCC Rcd at 1104, para. 10. Appeals should be filed in the E-Rate Productivity Center portal, found here: EPC.

[5] *See*, *e.g.*, *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Allan Shivers Library et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 29 FCC Rcd 10356, 10357, para. 2 (WCB 2014) (*Allan Shivers Library Order*) (dismissing petitions for reconsideration that fail to identify any material error, omission, or reason warranting reconsideration, and rely on arguments that have been fully considered and rejected by the Bureau within the same proceeding).

On reconsideration, Legal Prep Charter Academy raises a new argument that a waiver of the FCC Form 471 filing deadline is warranted because of employee confusion over the E-Rate rules. In its petition, Legal Prep Charter Academy said its personnel thought their first FCC Form 471 application covered all the E-Rate services they were seeking when, in fact, a separate application was needed for services in a different category. Our rules state that a petition for reconsideration will be entertained only if the petition relies on facts or arguments that have changed or were unknown to the petitioner when it previously filed at the Commission. Because the Petitioner did not make this argument when it first filed the waiver request with the Commission on Nov. 10, 2025, we dismiss the petition because it relies on an argument that was not raised previously. *See* 47 CFR § 1.106(b)(2), (c)(2) (stating that a petition for reconsideration will be entertained only if the petition relies on facts or arguments that have changed or were unknown to the petitioner when it previously filed at the Commission, unless it is required in the public interest). As an alternative and independent basis for rejecting this petition, we also deny the petition on the merits. Consistent with precedent, we find that employee confusion or misunderstanding of the E-Rate rules does not rise to the level of special circumstances required for a waiver of the Commission's rules. *See, e.g.*, *Requests for Waiver by Nederland Independent School District, et al, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc*., CC Docket Nos. 96-45 and 97-21, Order, 15 FCC Rcd 19544, 19545 (WCB 2002) (*Nederland Independent School District Order*) ("[W]e have consistently held

(continued….)

Legal Prep Charter Academy, IL, Application No. 251032885, Petition for Reconsideration, CC Docket No. 02-6 (filed Jan. 8, 2026)

Granted[6]

Competitive Bidding – Contract Signed Without Bid Review[7]

West Frankfort School District 168, IL, Application No. 221030978, Request for Review, CC Docket No. 02-6 (filed July 30, 2025)

Discount Calculation – 15-Day Remand[8]

Artesia Public School District, NM, Application No. 251019815, Request for Review, CC Docket No. 02-6 (filed Aug. 27, 2025)

Artesia Public School District, NM, Application No. 251027160, Request for Review, CC Docket No. 02-6 (filed Sept. 22, 2025)

Granting Additional Time to Respond to USAC with Information During Invoicing[9]

(Continued from previous page)
that personnel disruptions, employee medical conditions or employee confusion or misunderstanding about SLD rules and deadlines do not rise to the level of special circumstances required for a waiver."). For these reasons, we dismiss this Petition for Reconsideration.

[6] We remand these applications to USAC and direct USAC to complete its review of the applications and issue a funding decision based on a complete review and analysis, no later than 90 calendar days from the release date of this Public Notice. In remanding these applications to USAC, we make no finding as to the ultimate eligibility of the equipment/services or the petitioners' applications. We also waive sections 54.507(d) and 54.514(a) of the Commission's rules and direct USAC to waive any procedural deadline that might be necessary to effectuate our ruling. *See* 47 CFR § 54.507(d) (requiring non-recurring services to be implemented by September 30 following the close of the funding year); 47 CFR § 54.514(a) (codifying the invoice filing deadline rule).

[7] USAC denied West Frankfort School District 168's funding because the contract was signed by the school district official before the consultant sent the bid to the school district official for review. Consistent with our obligation to conduct a *de novo* review of appeals of decisions made by USAC, we grant this request for review. *See* 47 CFR § 54.723. We note that the allowable contract date (ACD) was January 20, 2022 and the school received only one bid in response to its request for bids. The school district signed the contract with the service provider on February 14, 2022. The consultant forwarded the bid to the school district official prior to filing the FCC Form 471 on March 2, 2022 for review and confirmation to move forward with the filing. We find that because only bid was received and the contract was signed after the ACD, that a waiver of section 54.511 (a) of the Commission's rules is permissible. While we grant the appeal based on the facts presented, we remind applicants that they must "carefully consider all bids submitted and select the most cost-effective service offering using price as the primary factor. 47 CFR § 54.511(a). Further, the Commission has stated that the winning bid must be the most cost-effective option, even when there is only one responsive bidder. 47 CFR §§ 54.504(a)(1)(xi); *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report and Order, 12 FCC Rcd 8776, 9029, para. 481 (1997) (*Universal Service First Report and Order*); *Request for Review of the Decision of the Universal Service Administrator by Ysleta Independent School District, et al.*, Order, 18 FCC Rcd 26407, 26431, para. 54 (2003) (*Ysleta Independent School District Order*). In light of the fact that the applicant did not review the bid prior to selecting and signing a contract with the service provider, we remand the application back to USAC to complete a competitive bidding review to ensure the sole bid was cost-effective. *See also supra* note 6.

[8] *See, e.g.*, *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Bright Star Schools Consortium et al.; Schools and Libraries Support Mechanism*, CC Docket No. 02-6, Order, 28 FCC Rcd 11204, 11204, para. 1 (WCB 2013) (*Bright Star Schools Consortium Order*) (granting applicants a limited 15-day opportunity to file additional documentation to support their calculation of the correct discount rate).

Canopy IT Solutions (Risen Christ Catholic School), MN, Application No. 241031511, Request for Waiver, CC Docket No. 02-6 (filed Dec. 23, 2025)[10]

Hitchcock Independent School District, TX, Application No. 241001592, Request for Waiver, CC Docket No. 02-6 (filed Dec. 21, 2025)

Granting on Reconsideration – Late-Filed Waiver[11]

International School of Denver, CO, Application Nos. 251043397, 251043399, Petition for Reconsideration, CC Docket No. 02-6 (filed Jan. 7, 2026)

Late Filed FCC Form 486 with Incorrect Service Start Date[12]

(Continued from previous page)

[9] *See, e.g.*, *Requests for Review and/or Waiver of Decisions of the Universal Service Administrator by Accomack County Public School et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, FCC Rcd 330, 338, para. 14 (WCB 2023) (*Accomack County Public School Order*) (granting applicants' requests for review that had been denied funding during invoicing because they failed to respond to USAC's request for information within the USAC-specified time frame).

[10] Consistent with precedent, we also find good cause exists to waive section 54.720(a) and (b) of the Commission's rules, which requires that petitioners file their appeals within 60 days of an adverse USAC decision. *See*, *e.g.*, *Requests for Review and/or Waiver of Decisions of the Universal Service Administrator by ABC Unified School District*, *et al.*, CC Docket No. 02-6, Order, 26 FCC Rcd 11019, para. 2 (WCB 2011) (*ABC Unified School District Order*) (waiving the appeal and request for waiver filing deadline for petitioners that submitted their requests to the Commission or USAC only a few days late).

[11] On reconsideration, International School of Denver demonstrated that it was working with USAC to resolve a clerical error on two timely-filed FCC Form 471 applications and did not anticipate the need to file a waiver with the Commission until the filing deadline had passed. The petitioner notes that the consultant for International School of Denver immediately filed a waiver with the Commission after USAC failed to follow up with assisting the school as promised. The waiver was denied by the Commission. *See Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company*, CC Docket No. 02-6, WC Docket Nos. 23-234, 21-93, 02-60, 11-42, Public Notice, DA 26-1, n.30 (WCB rel. Jan. 2, 2026) (*January 2026 USF Streamlined Public Notice*). We now reconsider and grant a waiver of the appeal filing deadline for International School of Denver. *See*, *e.g.*, *Petitions for Reconsideration by Callisburg Independent School District; School and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order and Order on Reconsideration, 28 FCC Rcd 9459, 9461, para. 5 (WCB 2013) (*Callisburg Independent School District Order*) (granting petition for reconsideration where, upon reconsideration of the record, we do not find that the evidence supports our prior decision); *ABC Unified School District Order* 26 FCC Rcd at 11019, para. 2 (waiving the filing deadline for petitioners that submitted their appeals to the Commission because they submitted their appeals within a reasonably period of time after receiving actual notice of USAC's adverse decision). We also waive the deadline for filing the FCC Form 471 applications. *See, e.g.*, *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Abbotsford School District et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 27 FCC Rcd 15299, 15300, para. 2 (WCB 2012) (*Abbotsford School District Order*) (granting waiver where the applicant filed within a reasonable period after the close of the filing window despite delays beyond its control)

[12] *See, e.g.*, *Request for Review and/or Waiver by Glendale Unified School District, Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 21 FCC Rcd 1040 (WCB 2006) (*Glendale Unified School District Order*); *see also Request for Waiver by Harvey Public Library District, Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 23 FCC Rcd 15419 (WCB 2008) (*Harvey Public Library District Order*) (granting waiver requests when the applicants inadvertently listed the wrong service start date on their FCC Forms 486); *Requests for Waiver of Decisions of the Universal Service Administrator by Archdiocese of New Orleans et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 31 FCC Rcd 11747, 11750, para. 10 (WCB 2016) (*Archdiocese of New Orleans Order*) (granting relief for late-filed FCC Forms 486 that were filed no later than 120 days after the last day to receive service for the funding request at issue and where the applicant demonstrated good cause for the late filing).

(continued….)

Bureau of Indian Education, NM, Application No. 231021283, Request for Review, CC Docket No. 02-6 (filed Dec. 15, 2025)

Ministerial and Clerical Error[13]

Glenpool Independent Sch District 13l, OK, Application Nos. 241027290, 251002997, Request for Waiver, CC Docket No. 02-6 (filed Oct. 14, 2025)

Lorain Public Library System, OH, Application No. 251004632, Request for Waiver, CC Docket No. 02-6 (filed Oct. 3, 2025)

Peru School District 124, IL, Application No. 251027845, Request for Waiver, CC Docket No. 02-6 (filed Oct. 29, 2025)

Ministerial and Clerical Error – Invoicing[14]

Scio School District, OR, Application No. 241005381, Request for Waiver, CC Docket No. 02-6 (filed Nov. 20, 2025)

Remand to Correct Classification of Entity on Application[15]

(Continued from previous page)
Although the Bureau of Indian Education filed its FCC Form 486 more than 120 days after the last day to receive service, we find good cause to grant this appeal. The rationale for adopting the *Archdiocese of New Orleans Order* FCC Form 486 relief standard was to ensure that a late-filed FCC Form 486 would not dictate the deadline for E-Rate invoices. *Id.* at para. 8. The Bureau noted that a failure to timely file an FCC Form 486 prevents USAC from issuing the relevant FCC Form 486 notification letter and therefore could frustrate the timely submission and payment of invoices, pursuant to the Commission's invoice rules. *Id*. para. 10. In fact, the standard the Bureau created for relief was based on the invoice deadline to ensure that the invoicing process would not be delayed by tardy FCC Forms 486. *Id*. In the instant case, the Bureau of Indian Education's invoice deadline is February 25, 2024, which is later than 120 days after the last day to receive service for the funding request at issue. We therefore grant this appeal because, in this instance, as the late filing of the FCC Form 486 did not frustrate the timely submission and payment of invoices.

[13] *See, e.g*., *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Ann Arbor Public Schools et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 17319, 17320, nn.5, 7, 12 (WCB 2010) (*Ann Arbor Public Schools Order*) (permitting correction when applicant entered the wrong FCC Form 470 number, wrong billed entity number, or wrong billed entity number/worksheet number on their FCC Form 471; permitting correction when applicant entered the monthly charge as the annual charge; and explaining that failure to enter an item from the source list onto the application is a ministerial/clerical error that can be permitted correction); *Requests for Review of Decisions of the Universal Service Administrator by Archer Public Library et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 23 FCC Rcd 15518, 15520, para. 6, n.19 (WCB 2008) (*Archer Public Library Order*) (permitting correction to add recipients of service to the applicant's funding request that were inadvertently omitted).

[14] *See Accomack County Public School Order*, 38 FCC Rcd at 334-35, 337, paras. 7-9 (granting a waiver where the E-Rate invoice filer inadvertently entered the wrong application or funding request number on a timely-filed BEAR or SPI form).

[15] Consistent with our obligation to conduct a *de novo* review of appeals of decisions made by USAC, we grant these requests for review. *See* 47 CFR § 54.723. In these instances, the applicants applied for funding at more than one location and miscategorized the entities as independent schools. Under USAC procedures, a single school with an additional location or locations (annexes) must be categorized as a school district. We instruct USAC to assist these two schools in recreating their E-Rate program applications with new billed entity numbers, correct entity types, recalculated discounts, and any other changes needed to reflect that these entities are school districts. We
(continued….)

American Internet Group, LLC (Detroit Edison Public School Academy), MI, Application Nos. 231033515, 231035768, Request for Review, CC Docket No. 02-6 (filed Aug. 1, 2025)

Top Quality Communications, Inc., and Talmud Torah D'chasidei Bobov of Monsey, NY, Application Nos. 251020213, 251037062, Request for Review, CC Docket No. 02-6 (filed Mar. 21, 2025)

USAC Decision Issued After Invoice Deadline[16]

Canon City Schools, CO, Application No. 241013188, Request for Waiver, CC Docket No. 02-6 (filed Jan. 9, 2026)

Waiver of Appeal Filing Deadline[17]

Bay Shore Union Free School District, NY, Application No. 251009710, Request for Waiver, CC Docket No. 02-6 (filed Jan. 15, 2026)

Pioneer Library system, OK, Application No. 251034072, Request for Waiver, CC Docket No. 02-6 (filed Jan. 8, 2026)

Denied

Failure to Seek Bids with Installment Payments[18]

East Orange School District, NJ, Application No. 251006016, Request for Review and/or Waiver, CC Docket No. 02-6 (filed Sept. 9, 2025)

Late-Filed FCC Form 471 Applications[19]

(Continued from previous page)
make no finding on the underlying issues in these appeals and remand these applications back to USAC to make a funding decision on the merits. *See also supra* note 6.

[16] 47 CFR § 54.514(a)(3); *see also Modernizing the E-Rate Program for Schools and Libraries*, WC Docket No. 13-184, Order, 35 FCC Rcd 14426, 14431, para. 15 (2020) (*2020 Invoicing Rule Modification Order*) (authorizing the Bureau to grant a waiver in instances where a program participant was unable to timely submit an invoice because they were awaiting a post-commitment decision from USAC, or received a decision approving a post-commitment request or granting an appeal of a previously denied or reduced funding request after the invoice filing deadline had passed).

[17] *See, e.g.*, *ABC Unified School District Order,* 26 FCC Rcd at 11019, para. 2 (granting waivers of filing deadline for appeals because the petitioners submitted their appeals or waiver requests only a few days late or within a reasonable period of time after receiving actual notice of USAC's adverse decision). We make no finding on the underlying issues in these appeals and remand these applications back to USAC to make a funding decision on the merits. *See also supra* note 6.

[18] *See Modernizing the E-Rate Program for Schools and Libraries; Connect America Fund,* WC Docket Nos. 13-184, 10-90, Second Report and Order and Order on Reconsideration, 29 FCC Rcd 15538, paras. 23-24 (2014) (*2014 Second E-Rate Order*) (requiring applicants seeking flexible payment arrangements to include the request on their FCC Forms 470s). We also find that the petitioner did not present special circumstances that warrant a deviation from the competitive bidding requirements. *See, e.g.*, *Petition for Reconsideration by Chicago Public Schools; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order on Reconsideration, 29 FCC Rcd 9289, 9291-92, paras. 7-8 (WCB 2014) (finding that petitioner did not demonstrate the existence of special circumstances to warrant a waiver of the Commission's competitive bidding requirements).

Medina Independent School District, TX, Application No. 251043520, Request for Waiver, CC Docket No. 02-6 (filed Dec. 17, 2025)[20]

Late-Filed FCC Form 486[21]

The Laboratory Charter School of Communication and Languages, PA, Application Nos. 241035755, 241038915, Request for Review, CC Docket No. 02-6 (filed Aug. 23, 2025)

Late-Filed Invoice or Invoice Deadline Extension[22]

Aspire Technology Partners, LLC (Haverstraw Stony Point Center District), NY, Application No. 201028215, Request for Waiver, CC Docket No. 02-6 (filed July 7, 2023)

Bronx Preparatory Charter School, NY, Application No. 221034160, Request for Waiver, CC Docket No. 02-6 (filed Jan. 5, 2026)

Canopy IT Solutions (Risen Christ Catholic School), MN, Application No. 221031963, Request for Waiver, CC Docket No. 02-6 (filed Dec. 23, 2025)[23]

Falls Church City Public Schools, VA, Application No. 241038378, Request for Waiver, CC Docket No. 02-6 (filed Dec. 16, 2025)

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[19] *See*, *e.g.*, *Requests for Waiver and Review of Decisions of the Universal Service Administrator by Academy of Math and Science et al.; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 9256, 9261-62, para. 13 (2010) (*Academy of Math and Science Order*) (denying waivers of the FCC Form 471 application filing deadline where petitioners failed to present special circumstances justifying a waiver of the Commission's rules).

[20] Although Medina Independent School District seeks a waiver of the FCC Form 486 deadline for the application number referenced in its pleading, we find this request moot because the FCC Form 471 application was filed outside the application filing window.

[21] *See*, *e.g.*, *Archdiocese of New Orleans Order*, 31 FCC Rcd at 11750, para. 10 (granting relief only for late-filed FCC Forms 486 that were filed no later than 120 days after the last day to receive service for the funding request at issue and where the applicants have demonstrated good cause for the late filing).

[22] *See*, *e.g.*, *Requests for Waiver of Decisions of the Universal Service Administrator by Ada School District et al*., *Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 31 FCC Rcd 3834, 3836, para. 7 (WCB 2016) (*Ada School District Order*) (denying petitioners' waiver requests for invoice filing deadline extensions who failed to seek an extension before the invoice filing deadline and did not demonstrate extraordinary circumstances to justify waiving the Commission's rules).

[23] Although Canopy IT Solutions notes that it never file an invoice, USAC's Open Data tool shows an invoice for the funding request at issue that was denied because of a clerical error on July 31, 2023. Because the denial was issued so long ago, Canopy IT Solutions is time-barred from seeking a waiver for that rejected invoice. 47 CFR §54.720(a) (requiring the waiver request to be submitted to the Commission within 60 days of USAC's decision); *see also*, *e.g.*, *Requests for Review of the Decisions of the Universal Service Administrator by Agra Public Schools I-134; Schools and Libraries Universal Service Mechanism*, CC Docket No. 02-6, Order, 25 FCC Rcd 5684, 5688, para. 6 (WCB 2010) (*Agra Public Schools Order*); *Requests for Waiver or Review of Decisions of the Universal Service Administrator by Bound Brook School District; Schools and Libraries Universal Service Mechanism*, CC Docket No. 02-6, Order, 29 FCC Rcd 5823, 5823, para. 1 (WCB 2014) (*Bound Brook School District Order*) (denying requests for review and/or waiver on the grounds that the petitioners failed to: (1) submit their appeals either to the Commission or to USAC within 60 days or failed to submit their waiver requests to the Commission within 60 days as required by section 54.720(a) and (b) of the Commission's rules; and (2) did not demonstrate special circumstances required for the Commission to waive the rule).

Mirrer Yeshiva Educational Institute, NY, Application No. 241038583, Request for Waiver, CC Docket No. 02-6 (filed Dec. 17, 2025)

Mosdos Satmar, NY, Application No. 221037360, Request for Waiver, CC Docket No. 02-6 (filed May 21, 2025)[24]

Plattsburgh Public Library, NY, Application No. 241008286, Request for Waiver, CC Docket No. 02-6 (filed Dec. 12, 2025)

Skyline Math and Science Academy, MN, Application No. 241019857, Request for Waiver, CC Docket No. 02-6 (filed Dec. 17, 2025)

Woodlawn Community Charter School DBA I3 Academy, AL, Application Nos. 211034415, 211035161, Request for Waiver, CC Docket No. 02-6 (filed Jan. 31, 2024)

Schools and Libraries Cybersecurity Pilot Program
WC Docket No. 23-234

Denied

Untimely Filed Appeals or Waiver Requests[25]

Cahokia School District 187, IL, Application No. CBR253000969, Request for Waiver, WC Docket No. 23-234 (filed Oct. 17, 2025)

The Millennium Community School, OH, Application No. CBR53000972, Request for Waiver, WC Docket No. 23-234 (filed Dec. 19, 2025)

Southern Worcester County Educational Collaborative, MA, Application No. CBR253000964, Request for Waiver, WC Docket No. 23-234 (filed Jan. 6, 2026)

Late-Filed FCC Form 471 Applications[26]

[24] The school is seeking an invoice deadline extension because it claims the service provider accidentally submitted an invoice that was calculated based on the discounted price of the E-Rate services, rather that the higher non-discounted amount. In examining the record, however, we find that the service provider's bill reflects the lower amount and there is no evidence that the service provider incorrectly billed the school.

[25] 47 CFR § 54.2012(b)(2) (requiring parties seeking a waiver of the Commission rules to file the request for review or waiver within 30 days of the deadline). We find that the Petitioners did not file a request for waiver within 30 days of the deadline, September 15, 2025, and did not demonstrate special circumstances needed to justify a waiver of the Commission's rules. *See* 47 CFR § 1.3; *NetworkIP, LLC v. FCC*, 548 F.3d 116, 125-128 (D.C. Cir. 2008) (*NetworkIP LLC*); *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (*Northeast Cellular Telephone*) (finding that a waiver of the Commission's rules is only appropriate if both (i) special circumstances warrant a deviation from the general rule, and (ii) such deviation will serve the public interest.). On the merits, we also find that Petitioners were provided 181 days (i.e., 6 months) to complete and submit their Cybersecurity Pilot FCC Form 471 and we do not find the Petitioners provided the justification required to waive or extend this deadline.

[26] 47 CFR § 1.3; s*ee also NetworkIP, LLC,* 548 F.3d at 125-128; *Northeast Cellular Telephone*, 897 F.2d at 1166 (finding that waiver of the Commission's rules is only appropriate if both (i) special circumstances warrant a deviation from the general rule, and (ii) such deviation will serve the public interest.). Cybersecurity Pilot participants were provided from March 18, 2025 to September 15, 2025 (i.e., 181 days or six months) to file a Cybersecurity Pilot FCC Form 471, this window is substantially longer that the E-Rate application filing window period. The Petitioners have not provided justification as to why they were not able to file the form within this six

(continued….)

Hartford Consortium, CT, Application No. CBR253000956, Request for Waiver, WC Docket No. 23-234 (filed Sept. 23, 2025)

Emergency Connectivity Fund Program
WC Docket No. 21-93

Granted

Granting Additional Time to Respond to USAC with Information During Invoicing[27]

T-Mobile USA, Inc. (Harris County Public Library), TX, Application No. ECF202206289, Request for Waiver, WC Docket No. 21-93 (filed Jan. 2, 2025)

Rural Health Care Program
WC Docket No. 02-60

Denied

Late-filed FCC Form 462 – No Special Circumstances[28]

Catalina Island Medical Center, CA, Request for Waiver, WC Docket No. 02-60, Funding Request No. RHC20250016043 (filed July 17, 2025)

For additional information concerning this Public Notice, please contact James Bachtell in the Telecommunications Access Policy Division, Wireline Competition Bureau, at james.bachtell@fcc.gov or (202) 418-2694.

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month period, nor have they demonstrated that special circumstances were met to justify extending this deadline.

[27] *See, e.g.*, *Accomack County Public School Order*, 38 FCC Rcd at 337, para. (granting applicants' requests for review that had been denied funding during the invoicing process because they failed to respond to USAC's request for information within the USAC-specified time frame). We note that this funding request was de-obligated before the service provider had the opportunity to file a timely appeal and are providing time for T-Mobile to respond with USAC's requests for information. We also direct USAC to request a copy of the asset inventory or other documentation from the applicant to verify the connected devices were received and were used by library patrons in accordance with ECF rules prior to processing the request for reimbursement. We remind the parties that section 54.1715 of the Commission's rules requires that asset inventories and other documentation demonstrating compliance with the rules must be retained for at least 10 years from the last date of service or delivery of equipment.

[28] *See Requests for Waiver by Bartlett Regional Hospital, Community Counseling Services, Heart of Texas Region MHMR, Hiawatha Behavioral Health, Rural Health Care Support Mechanism*, WC Docket No. 02-60, Order, 39 FCC Rcd 3931, 3935 (WCB 2024) (denying requests to waive the application filing deadline filed more than 14 days after the filing deadline and without special circumstances warranting a waiver of the deadline, such as: minor errors in completing forms, a family emergency like illness or death, or circumstances out of the applicants' control, such as technical problems in USAC systems). Petitioner cites its unique rural circumstances and asserts that it would be in the public interest to grant additional time, but offers no qualifying special circumstances to justify waiver. Additionally, although the application filing deadline for Funding Year 2025 was extended by 60 days, petitioner's funding application did not progress beyond draft status.

PUBLIC NOTICE

Federal Communications Commission
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News Media Information 202-418-0500
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DA 26-86
Released: January 26, 2026

PUBLIC SAFETY AND HOMELAND SECURITY BUREAU REMINDS WIRELESS PROVIDERS TO TRANSMIT AND PROPERLY DISPLAY WIRELESS EMERGENCY ALERTS WITH SPANISH-LANGUAGE CHARACTERS

PS Docket Nos. 15-91 and 15-94

By this Public Notice, the Public Safety and Homeland Security Bureau of the Federal Communications Commission (Commission) reminds wireless providers that participate in Wireless Emergency Alerts (WEA) of their obligation to transmit and properly display WEA messages that contain Spanish-language characters, including accent marks and proper punctuation.[1] Replacing Spanish-language characters with their nearest equivalent English-language characters or deleting Spanish-language punctuation included by an alert originator violates the Commission's rules. Section 10.480 of the Commission's rules requires participating wireless providers to "transmit WEA Alert Messages that are issued in the Spanish language or that contain Spanish-language characters."[2] Section 10.500(e) requires WEA-capable mobile devices to extract alert message content in the subscriber's preferred language.[3] Together, these sections work to ensure that "Spanish-language alerts will be processed and displayed properly."[4] Moreover, purporting to convey Spanish-language alerts that are not actually written in the Spanish language is contrary to the public interest. Doing so makes Spanish-language alert messages more difficult to understand for the audiences they are intended to help, may cause harm by delaying or preventing protective actions, and may discourage alerting authorities from sending Spanish-language alerts in the future.

The Bureau reminds alerting authorities that multilingual templates (including templates in Spanish) for the most common and most time-sensitive emergencies are available on the Commission's website.[5]

For more information, contact James Wiley (James.Wiley@fcc.gov), Deputy Chief,

[1] Spanish-language characters include the letters "Ñ," "ñ," "Á," "á," "É," "é," "Í," "í," "Ó," "ó," "Ú," and "ú," and the following punctuation: "¿" (inverted question mark) and "¡" (inverted exclamation point).

[2] 47 CFR § 10.480; *Wireless Emergency Alerts, Amendments to Part 11 of the Commission's Rules Regarding the Emergency Alert System*, PS Docket Nos. 15-91 and 15-94, Report and Order and Further Notice of Proposed Rulemaking, 31 FCC Rcd 11112, 11140, para. 40 (2016) (*Report and Order*).

[3] 47 CFR § 10.500(e); *Report and Order*, 31 FCC Rcd at 11139, para. 38. The voluntary nature of WEA under the WARN Act notwithstanding, pursuant to Section 10.210(a)(1) of the Commission's rules, each wireless provider that participates in WEA has agreed to do so "in a manner consistent with the technical standards, protocols, procedures, and other technical requirements implemented by the Commission." 47 CFR § 10.210(a)(1); Warning, Alert and Response Network (WARN) Act, Title VI of the Security and Accountability For Every Port Act of 2006, 120 Stat. 1884, § 602, *codified at* 47 USC § 1201 (2006) (WARN Act).

[4] *Report and Order*, 31 FCC Rcd at 11140, para. 40.

[5] *Required Multilingual Wireless Emergency Alert Templates* (PSHSB Jan. 8, 2025), https://www.fcc.gov/sites/default/files/FillableAlertTemplates-WEA-MultilingualOrder.pdf.

Cybersecurity and Communications Reliability Division, Public Safety and Homeland Security Bureau.

- FCC -

PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, DC 20554

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

DA 26-87
Released: January 26, 2026

THE FEDERAL COMMUNICATIONS COMMISSION DEACTIVATES THE DISASTER INFORMATION REPORTING SYSTEM AND MANDATORY DISASTER RESPONSE INTIATIVE IN SEVERAL STATES FOR COMMUNICATIONS IMPACTED BY WINTER STORM FERN

On January 23, 2026, the Public Safety and Homeland Security Bureau (PSHSB), in coordination with the Federal Emergency Management Agency (FEMA), announced the activation of the Disaster Information Reporting System (DIRS) and the Mandatory Disaster Response Initiative (MDRI) in certain counties in states impacted by Winter Storm Fern.[1] On January 24, 2026, the Federal Communications Commission (FCC or Commission) announced the expansion of this activation to include additional counties in Georgia, Maryland, Mississippi, New Jersey, New York, Virginia, and West Virginia.[2] On January 25, 2026, the Commission announced the expansion of this activation to include additional counties in Kentucky, as well as to deactivate DIRS in certain counties in South Carolina.[3]

By this Public Notice, the Commission, at the request of several states and in coordination with FEMA, is announcing the deactivation of the DIRS and the MDRI for the following counties impacted by Winter Storm Fern:

Alabama: Blount, Cherokee, Colbert, Cullman, Dekalb, Etowah, Fayette, Franklin, Jackson, Lamar, Lauderdale, Lawrence, Limestone, Madison, Marion, Marshall, Morgan, Walker, and Winston

Georgia: Banks, Barrow, Bartow, Butts, Clark, Carroll, Coweta, Catoosa, Chattooga, Cherokee, Clayton, Cobb, Columbia, Dade, Dawson, Dekalb, Douglas, Elbert, Fayette, Fannin, Floyd, Forsyth, Franklin, Fulton, Gilmer, Glascock, Gordon, Greene, Gwinnett, Habersham, Haralson, Hart, Heard, Henry, Jefferson, Lamar, Lincoln, Lumpkin, Madison, McDuffie, Meriwether, Monroe, Murray, Oconee, Oglethorpe, Paulding, Pickens, Pike, Polk, Rabun, Rockdale, Spalding, Towns, Troup, Union, Walker, Walton, Warren, White, Whitfield, and Wilkes

Kentucky: Anderson, Bath, Boyd, Bourbon, Boyle, Breckinridge, Bullitt, Caldwell, Carter, Clark, Edmonson, Elliott, Estill, Fayette, Fleming, Franklin, Fulton, Garrard, Graves, Grayson, Greenup, Hardin, Harrison, Hickman, Hopkins, Jefferson, Jessamine, Johnson, Larue, Lawrence, Lewis, Lyon, Madison,

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[1] *The Federal Communications Commission Activates the Disaster Information Reporting System (DIRS) and the Mandatory Disaster Response Initiative (MDRI) In Response To Winter Storm Fern*, Public Notice, DA 26-77 (PSHSB Jan. 23, 2026).

[2] *The Federal Communications Commission Announces the Expansion of the Disaster Information Reporting System and the Mandatory Disaster Response Initiative For Communications Impacted By Winter Storm Fern*, Public Notice, DA 26-83 (PSHSB Jan. 24, 2026).

[3] *The Federal Communications Commission Modifies the Activation of the Disaster Information Reporting System and the Mandatory Disaster Response Initiative For Communications Impacted by Winter Storm Fern*, Public Notice, DA 26-84 (PSHSB Jan. 25, 2026).

Magoffin, Marion, Marshall, Martin, Mason, McCracken, Menifee, Mercer, Montgomery, Morgan, Muhlenberg, Nelson, Nicholas, Ohio, Powell, Robertson, Rowan, Scott, Shelby, Washington, Wolfe, and Woodford

Maryland: Anne Arundel, Baltimore, Calvert, Caroline, Cecil, Charles, Dorchester, Harford, Kent, Prince George's, Queen Anne's, St. Mary's, and Talbot

New Jersey: Atlantic, Burlington, Camden, Cape May, Cumberland, Ocean, and Salem

New York: Nassau, Richmond, and Suffolk

North Carolina: Ashe, Avery, Beaufort, Bertie, Buncombe, Burke, Cabarrus, Caldwell, Caswell, Catawba, Chatham, Cherokee, Clay, Cleveland, Cumberland, Davidson, Davie, Durham, EBCI, Edgecombe, Forsyth, Franklin, Gaston, Gates, Graham, Granville, Greene, Guilford, Halifax, Harnett, Haywood, Henderson, Hertford, Hoke, Iredell, Jackson, Johnston, Lee, Lenoir, Lincoln, Macon, Madison, Martin, McDowell, Mecklenburg, Mitchell, Montgomery, Moore, Nash, Northampton, Orange, Person, Pitt, Polk, Randolph, Richmond, Robeson, Rockingham, Rowan, Rutherford, Scotland, Stanly, Stokes, Surry, Swain, Transylvania, Union, Vance, Wake, Warren, Watauga, Wayne, Wilkes, Wilson, Yadkin, and Yancey

South Carolina: Abbeville, Aiken, Allendale, Anderson, Bamberg, Barnwell, Beaufort, Berkeley, Calhoun, Charleston, Cherokee, Chester, Chesterfield, Clarendon, Colleton, Darlington, Dillon, Dorchester, Edgefield, Fairfield, Florence, Georgetown, Greenwood, Hampton, Horry, Jasper, Kershaw, Lancaster, Laurens, Lee, Lexington, Marion, Marlboro, McCormick, Newberry, Orangeburg, Richland, Saluda, Spartanburg, Sumter, Union, Williamsburg, and York

Virginia: Amelia, Amherst, Appomattox, Bedford, Bland, Brunswick, Buchanan, Buckingham, Campbell, Caroline, Carroll, Charles City, Charlotte, Chesterfield, City of Galax, City of Hopewell, City of Lynchburg, City of Manassas, City of Manassas Park, City of Martinsville, City of Norton, City of Petersburg, City of Radford, City of Richmond, and City of Williamsburg, Cumberland, Dickenson, Dinwiddie, Essex, Floyd, Fluvanna, Franklin, Goochland, Grayson, Greensville, Halifax, Hanover, Henrico, Henry, James City, King & Queen, King George, King William, Lee, Louisa, Lunenburg, Mecklenburg, Middlesex, Montogomery, Nelson, New Kent, Nottoway, Patrick, Pittsylvania, Powhatan, Prince Edward, Prince George, Prince William, Pulaski, Richmond County and City of Richmond, Russell, Scott, Smyth, Southampton, Spotsylvania, Stafford, Surry, Sussex, Tazewell, Washington, Westmoreland, Wise, Wythe, and York

West Virginia: Boone, Fayette, Greenbrier, Kanawha, Logan, McDowell, Mercer, Mingo, Monroe, Nicholas, Pendleton, Pocahontas, Preston, Raleigh, Randolph, Summers, Webster, and Wyoming

Cable communications providers, wireless service providers, wireline communications providers, and interconnected Voice over Internet Protocol providers that provide service in the above-referenced areas are no longer required to report their infrastructure status daily in DIRS for this event.[4] These providers must provide a single, final report to the Commission within 24 hours of release of this Public Notice detailing the state of their infrastructure at the time of DIRS deactivation and an estimated date of resolution of any remaining outages.[5] PSHSB encourages other communications providers that voluntarily reported in DIRS to also submit a final DIRS report.

DIRS AND MDRI REMAIN ACTIVATED IN:

[4] *See* 47 CFR § 4.18(a)(1).

[5] 47 CFR § 4.18(a)(2).

Kentucky: Allen, Barren, Bell, Breathitt, Butler, Calloway, Casey, Christian, Clay, Clinton, Cumberland, Floyd, Green, Harlan, Hart, Jackson, Knott, Knox, Laurel, Lee, Leslie, Letcher, Lincoln, Logan, Metcalfe, Monroe, Owsley, Perry, Pike, Pulaski, Rockcastle, Russell, Simpson, Taylor, Todd, Trigg, Warren, Wayne, and Whitley

Mississippi: Adams, Alcorn, Amite, Attala, Benton, Bolivar, Calhoun, Carroll, Chickasaw, Choctaw, Claiborne, Clarke, Clay, Coahoma, Copiah, Covington, DeSoto, Franklin, Grenada, Hinds, Holmes, Humphreys, Itawamba, Issaquena, Jasper, Jefferson, Jefferson Davis, Jones, Kemper, Lafayette, Lauderdale, Lawrence, Leake, Lee, Leflore, Lincoln, Lowndes, Madison, Marion, Marshall, Monroe, Montgomery, Neshoba, Newton, Noxubee, Oktibbeha, Panola, Pike, Pontotoc, Prentiss, Quitman, Rankin, Scott, Sharkey, Simpson, Smith, Sunflower, Tallahatchie, Tate, Tishomingo, Tippah, Tunica, Union, Warren, Washington, Wayne, Webster, Winston, Yalobusha, and Yazoo

South Carolina: Greenville, Oconee, and Pickens

Tennessee: Bedford, Benton, Cannon, Carroll, Cheatham, Chester, Clay, Coffee, Crockett, Davidson, Decatur, Dekalb, Dickson, Dyer, Fayette, Franklin, Gibson, Giles, Grundy, Hardeman, Hardin, Haywood, Henderson, Henry, Hickman, Houston, Humphreys, Jackson, Lake, Lauderdale, Lawrence, Lewis, Lincoln, Macon, Madison, Marion, Marshall, Maury, McNairy, Montgomery, Moore, Obion, Overton, Perry, Pickett, Putnam, Robertson, Rutherford, Sequatchie, Shelby, Smith, Stewart, Sumner, Tipton, Trousdale, Van Buren, Warren, Wayne, Weakley, White, Williamson, and Wilson

Providers should continue to provide information for the counties in which DIRS and the MDRI remain activated.

The FCC continues to monitor this event and may amend the DIRS or the MDRI activation area in the coming days.

For further information on this DIRS activation, please contact:

Michael Caiafa (202) 418-1311, michael.caiafa@fcc.gov
John Healy (215) 847-8094, john.healy@fcc.gov
Juan Chapa, (202) 418-0431, juan.chapa@fcc.gov
FCC 24/7 Operations Center (202) 418-1122, fccoperationcenter@fcc.gov

For further information concerning this MDRI activation, please contact:

Justin Cain, (202) 853-7365, (202) 418-2924, justin.cain@fcc.gov
Logan Bennett, (202) 418-7790, logan.bennett@fcc.gov
FCC 24/7 Operations Center, (202) 418-1122, fccops@fcc.gov

For more information on the FCC's response to Winter Storm Fern, please visit https://www.fcc.gov/fern.

- FCC -

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

In the Matter of	)	
	)	
FM Broadcast Station.	)	MB Docket No. 26-10
DKJOJ-FM, Freeport, Texas	)	

NOTICE OF DELETION OF FM CHANNEL

Adopted: January 26, 2026 **Released: January 27, 2026**

Comment Date: March 13, 2026
Reply Comment Date: March 30, 2026

By the Assistant Chief, Audio Division, Media Bureau:

I. INTRODUCTION

1. The Audio Division, on its own motion, proposes to delete vacant Channel 277C at Freeport, Texas, because it does not comply with the minimum distance separation requirements of section 73.207 of the Commission's rules (Rules).[1] Channel 277C at Freeport is considered a vacant FM channel due to the cancellation of the station DKJOJ-FM license.[2] For the reasons discussed below, we seek comment on the proposed deletion of vacant Channel 277C, Freeport, Texas.

II. BACKGROUND

2. On June 22, 2022, the Audio Division issued a *Letter Decision* that dismissed the renewal of license application (File No. 0000142749), cancelled the license (Application File No. BLH-19871013KC), and deleted the callsign for station KJOJ-FM, Freeport, Texas.[3] The staff determined that the license had expired as a matter of law pursuant to section 312(g) of the Communications Act of 1934, as amended.[4] As a result, Channel 277C at Freeport became a vacant FM channel following the cancellation of the station DKJOJ-FM license.

3. A recent staff engineering analysis determines that vacant Channel 277C at Freeport is short-spaced by 182 kilometers to vacant Channel 277C2 at Wharton, Texas.[5] The minimum distance separation requirement is 249 kilometers. The staff engineering analysis indicates that there are no alternate channels available that would comply with the minimum distance separation requirement of section 73.207 of the Rules.[6]

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[1] 47 CFR § 73.207.

[2] *See Actions*, Public Notice, Report No. PN-2-220624-01 (June 24, 2022).

[3] *See Letter from Chief, Audio Division, Media Bureau, FCC, to Estrella Radio License of Houston LLC* (MB 2022) (*Letter Decision*).

[4] 47 U.S.C. § 312(g).

[5] On October 19, 2023, the Media Bureau released a *Report and Order* in MB Docket No. 22-430, allotting vacant Channel 277C2, Wharton, Texas. *See Wharton, Texas*, Report and Order, 38 FCC Rcd 9648 (MB 2023); *see also* Application File No. 0000204328.

[6] 47 CFR § 73.207.

III. DISCUSSION

4. Channel 277C at Freeport, Texas is not currently listed in the Table of FM Allotments (FM Table)[7] since it was occupied by station DKJOJ-FM.[8] Generally, when an FM station license is cancelled, the vacant FM channel is reinstated in the FM Table to maintain spacing protection and to preserve the opportunity to license a future station in the specified community.[9] Because Channel 277C at Freeport, Texas does not comply with the Commission's minimum distance separation requirements,[10] we determine that the vacant FM channel cannot be reinstated to the FM Table.

5. Based on the foregoing, we propose the deletion of vacant Channel 277C at Freeport, Texas given that there are no alternate channels available.[11] The proposed Freeport deletion is consistent with Commission policy that we will not retain a channel where there is no channel available that would meet the Commission's spacing requirements.[12] We find that the proposed deletion of vacant Channel 277C at Freeport serves the public interest since it resolves the existing FM spacing conflict with vacant Channel 277C2 at Wharton, Texas.

6. Accordingly, we seek comments on the proposed deletion of vacant Channel 277C at Freeport, Texas.[13] Any party filing a comment expressing an interest in retaining service in Freeport, Texas, will be required to provide evidence, demonstrating that a properly spaced site is technically feasible. Additionally, any expressions of interest specifying sites conforming with the minimum distance separation requirements of section 73.207 of the Rules[14] will be required to submit specific showings demonstrating the ability to provide a 70 dBu or 3.16 mV/m contour over the entire principal community of Freeport, Texas, as required by section 73.315 of the Rules.[15] Although site certification is generally not required at this stage, we believe the facts in this case warrant a departure from that policy. Any interested party will be required to provide information demonstrating that it has reasonable assurance of transmitter site availability.

IV. PROCEDURAL MATTERS

7. *Comments and Reply Comments*. Pursuant to sections 1.415, 1.419, and 1.420 of the

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[7] 47 CFR § 73.202(b).

[8] *See Revision of Procedures Governing Amendments to FM Table of Allotments and Changes of Community of License in the Radio Broadcast Services,* Report and Order, 21 FCC Rcd 14212, 14221 ¶ 15 (2006) (removing the allotments of authorized and awarded FM facilities from the FM Table to accommodate the new community of license procedures) *("Changes of Community R&O").*

[9] *See e.g.. Various Locations,* Order, DA 25-1062, rel. Dec. 17, 2025 (MB 2025), 2025 WL 3707884 and *Various Locations,* Order, 40 FCC Rcd 4414 (MB 2025) (amending the FM Table to reinstate in various communities certain channels as a vacant FM allotment).

[10] 47 CFR § 73.207.

[11] *See Pacific Junction, Iowa*, Report and Order, 25 FCC Rcd 16253 (MB 2010) (deleting Channel 299C2 at Pacific Junction, the KGGG(FM) call sign, and all associated authorizations because there was no longer a viable allotment at the community).

[12] *See Beach Broadcasting and Portola Broadcasting Corporation,* Memorandum Opinion and Order, 8 FCC Rcd 3123, 3128 ¶ 24 (1993) (stating that, in the absence of the availability of an alternate transmitter location to accommodate Channel 285A at San Clemente consistent with the Commission's technical allotment requirements, a Commission's directive was issued to initiate a notice and comment proceeding proposing the deletion of the allotment).

[13] The reference coordinates for vacant Channel 277C at Freeport, Texas are 28-51-4.90 NL and 95-40-36.80 WL.

[14] 47 CFR § 73.207.

[15] 47 CFR § 73.315.

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 courier, or by the 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.
    - 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.

8. *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. 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]

9. *Ex Parte Notices - Restricted.* The proceeding this Notice of Deletion of FM Channel (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 proceeding, members of the public are advised that no *ex parte* presentations are permitted from the time the Commission adopts this Notice 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

[16] 47 CFR §§ 1.415, 1.419, and 1.420.

[17] *See Electronic Filing of Documents in Rulemaking Proceedings*, Report and Order, 13 FCC Rcd 11322 (1998); *recon granted,* Memorandum Opinion and Order on Reconsideration, 13 FCC Rcd 21517 (1998).

[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.

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 properly served 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.

10. *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.

11. *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).

12. *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

[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).

PUBLIC NOTICE

Federal Communications Commission
45 L St., N.E.
Washington, D.C. 20554

News Media Information 202-418-0500
Internet: www.fcc.gov
TTY: 888-835-5322

DA 26-89
Released: January 27, 2026

FCC CONSUMER PROTECTION AND ACCESSIBILITY ADVISORY COMMITTEE SECOND MEETING DATE AND MEMBERSHIP UPDATES

By this Public Notice,[1] the Federal Communications Commission (FCC or Commission) announces the next meeting of the Commission's Consumer Protection and Accessibility Advisory Committee (CPAAC or Committee) to be held on **Tuesday, February 24, 2026, at 9:00 a.m.** (EST). This will be an in-person meeting taking place in the FCC's Commission Meeting Room located at **45 L Street NE in Washington, DC**.

At this meeting, CPAAC members are expected to: (i) receive updates or reports from the Advancements in Accessible Communications Technologies Working Group (AACTWG) and the Protecting Consumers through Advancements in Robocall Mitigation Efforts Working Group (RMWG); (ii) consider and may vote on recommendations presented by the working group(s); (iii) discuss meeting schedules; and (iv) discuss any other topics relevant to the CPAAC's work. The meeting agenda will be available at fcc.gov/cpaac and may be modified at the discretion of the Committee Designated Federal Officers (DFOs).

The Committee meeting will be open to the public with audio and video coverage of the meeting at fcc.gov/live. During the meeting, members of the public may submit questions and comments to the Committee via email: livequestions@fcc.gov. These comments or questions may be addressed during the public comment period.

Open captioning and sign language interpreters 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 and Governmental Affairs Bureau at (202) 418-0530 (voice). Such requests should include a detailed description of the accommodation needed and specify how the FCC should contact the requester if more information is needed to fill the request. Please provide at least five business days' advance notice of accommodation requests; last-minute requests will be accepted but may not be possible to accommodate.

To obtain further information about the Committee, visit fcc.gov/cpaac, or contact Committee DFOs David M. Pérez at (202) 418-0664 or Joshua Mendelsohn at 202-559-7304 (videophone/voice) or CPAAC@fcc.gov.

- FCC –

[1] This Public Notice is released consistent with the Federal Advisory Committee Act, 5 U.S.C. § 1001 *et seq*.

PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, DC 20554

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

DA 26-90
Released: January 27, 2026

MEDIA BUREAU ANNOUNCES EFFECTIVE DATE FOR LPTV ADVANCEMENT REPORT AND ORDER

MB Docket No. 24-148

On December 19, 2025, the Commission released a *Report and Order* in its rulemaking proceeding amending its rules to *Advance the Low Power Television, TV Translator and Class A Television Service*.[1] The *Report and Order* adopted changes to the Commission's rules to ensure that low power television, TV translator, and Class A television stations (collectively "LPTV Service") continue to flourish and serve the public interest long into the future. By this Public Notice, we announce that, on January 23, 2026, the Federal Register published a summary of the *Report and Order*.[2]

The Commission stated in the *Report and Order* that the new or modified rules would become effective 30 days after publication in the Federal Register, with the exception of amendments to 47 CFR §§ 73.3700(g), 73.6001(b), 73.6002(b), 74.787(a), 74.791(a) through (c), 74.793(a) through (c), and 74.799(i) which contain new or modified information collection requirements that require approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.[3] Accordingly, the rules adopted in the *Report and Order* will take effect on **February 23, 2026**,[4] except for the aforementioned rule sections which require OMB approval. The Media Bureau will issue another Public Notice announcing when those amendments to the Commission's rules take effect.

For additional information, contact Shaun Maher, Video Division, Media Bureau at Shaun.Maher@fcc.gov or (202) 418-2324 (legal); or Mark Colombo, Video Division, Media Bureau at Mark.Colombo@fcc.gov or (202) 418-7611 (technical).

-- FCC --

[1] *Amendment of the Commission's Rules to Advance the Low Power Television, TV Translator and Class A Television Service*, MB Docket No. 24-148, Report and Order, FCC 25-84 (rel. Dec. 19, 2025) (*Report and Order*). The document is available on the Commission's website at https://docs.fcc.gov/public/attachments/FCC-25-84A1.pdf.

[2] *Report and Order*, Final Rule, 91 FR 2861 (Jan. 23, 2026).

[3] *Report and Order* at para. 81.

[4] Because the effective date would fall on Sunday, February 22, 2026, which is a weekend, the effective date is set for the next business day, Monday February 23, 2026. *See* 47 CFR § 1.4.

PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, DC 20554

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

DA 26-91
Released: January 27, 2026

FCC DEACTIVATES THE DISASTER INFORMATION REPORTING SYSTEM AND THE MANDATORY DISASTER RESPONSE INTIATIVE IN CERTAIN STATES FOR COMMUNICATIONS IMPACTED BY WINTER STORM FERN

On January 23, 2026, the Public Safety and Homeland Security Bureau (PSHSB), in coordination with the Federal Emergency Management Agency (FEMA), announced the activation of the Disaster Information Reporting System (DIRS) and the Mandatory Disaster Response Initiative (MDRI) in certain counties in states impacted by Winter Storm Fern.[1] On January 24, 2026, the Federal Communications Commission (FCC or Commission) announced the expansion of this activation to include additional counties in Georgia, Maryland, Mississippi, New Jersey, New York, Virginia, and West Virginia.[2] On January 25, 2026, the Commission announced the expansion of this activation to include additional counties in Kentucky, as well as to deactivate DIRS in certain counties in South Carolina.[3] On January 26, 2026, the Commission partially deactivated the DIRS and the MDRI in counties in several states.[4]

By this Public Notice, the Commission, at the request of Kentucky, South Carolina, and Tennessee and in coordination with FEMA, is announcing the deactivation of the DIRS and the MDRI in the following counties impacted by Winter Storm Fern:

Kentucky: Allen, Barren, Bell, Breathitt, Butler, Calloway, Casey, Christian, Clay, Clinton, Cumberland, Floyd, Green, Harlan, Hart, Jackson, Knott, Knox, Laurel, Lee, Leslie, Letcher, Lincoln, Logan, Metcalfe, Monroe, Owsley, Perry, Pike, Pulaski, Rockcastle, Russell, Simpson, Taylor, Todd, Trigg, Warren, Wayne, and Whitley

South Carolina: Greenville, Oconee, and Pickens

Tennessee: Bedford, Cannon, Carroll, Coffee, Crockett, Dekalb, Dyer, Fayette, Franklin, Gibson, Grundy, Haywood, Henry, Houston, Humphreys, Jackson, Lake, Lauderdale, Lewis, Lincoln, Madison,

[1] *The Federal Communications Commission Activates the Disaster Information Reporting System (DIRS) and the Mandatory Disaster Response Initiative (MDRI) In Response To Winter Storm Fern*, Public Notice, DA 26-77 (PSHSB Jan. 23, 2026).

[2] *The Federal Communications Commission Announces the Expansion of the Disaster Information Reporting System and the Mandatory Disaster Response Initiative For Communications Impacted By Winter Storm Fern*, Public Notice, DA 26-83 (PSHSB Jan. 24, 2026).

[3] *The Federal Communications Commission Modifies the Activation of the Disaster Information Reporting System and the Mandatory Disaster Response Initiative For Communications Impacted by Winter Storm Fern*, Public Notice, DA 26-84 (PSHSB Jan. 25, 2026).

[4] *The Federal Communications Commission Deactivates the Disaster Information Reporting System and the Mandatory Disaster Response Initiative in Several States for Communications Impacted by Winter Storm Fern*, Public Notice, DA 26-87 (PSHSB Jan. 26, 2026).

Marion, Moore, Obion, Pickett, Putnam, Sequatchie, Stewart, Tipton, Van Buren, Warren, Weakley, and White

Cable communications providers, wireless service providers, wireline communications providers, and interconnected Voice over Internet Protocol (VoIP) providers that provide service in the above-referenced areas are no longer required to report their infrastructure status daily in DIRS for this event.[5] These providers must provide a single, final report to the Commission within 24 hours of release of this Public Notice detailing the state of their infrastructure at the time of DIRS deactivation and an estimated date of resolution of any remaining outages.[6] PSHSB encourages other communications providers that voluntarily reported in DIRS to also submit a final DIRS report.

As of the release of this Public Notice, cable communications providers, wireless service, wireline communications providers, and interconnected VoIP providers that provide service in the above-referenced areas must resume making submissions in the Network Outage Reporting System (NORS) concerning any incidents that are reportable under those rules.[7]

DIRS AND MDRI REMAIN ACTIVATED IN:

Mississippi: Adams, Alcorn, Amite, Attala, Benton, Bolivar, Calhoun, Carroll, Chickasaw, Choctaw, Claiborne, Clarke, Clay, Coahoma, Copiah, Covington, DeSoto, Franklin, Grenada, Hinds, Holmes, Humphreys, Itawamba, Issaquena, Jasper, Jefferson, Jefferson Davis, Jones, Kemper, Lafayette, Lauderdale, Lawrence, Leake, Lee, Leflore, Lincoln, Lowndes, Madison, Marion, Marshall, Monroe, Montgomery, Neshoba, Newton, Noxubee, Oktibbeha, Panola, Pike, Pontotoc, Prentiss, Quitman, Rankin, Scott, Sharkey, Simpson, Smith, Sunflower, Tallahatchie, Tate, Tishomingo, Tippah, Tunica, Union, Warren, Washington, Wayne, Webster, Winston, Yalobusha, and Yazoo

Tennessee: Benton, Cheatham, Chester, Clay, Davidson, Decatur, Dickson, Giles, Hardeman, Hardin, Henderson, Hickman, Lawrence, Macon, Marshall, Maury, McNairy, Montgomery, Overton, Perry, Robertson, Rutherford, Shelby, Smith, Sumner, Trousdale, Wayne, Williamson, and Wilson

Providers should continue to provide information for the counties in which DIRS and the MDRI remain activated.

The FCC continues to monitor this event and may amend the DIRS or the MDRI activation area in the coming days.

For further information on this DIRS activation, please contact:

Michael Caiafa (202) 418-1311, michael.caiafa@fcc.gov
John Healy (215) 847-8094, john.healy@fcc.gov
Juan Chapa, (202) 418-0431, juan.chapa@fcc.gov
FCC 24/7 Operations Center (202) 418-1122, fccoperationcenter@fcc.gov

For further information concerning this MDRI activation, please contact:

Justin Cain, (202) 853-7365, (202) 418-2924, justin.cain@fcc.gov
Logan Bennett, (202) 418-7790, logan.bennett@fcc.gov

[5] *See* 47 CFR § 4.18(a)(1).

[6] 47 CFR § 4.18(a)(2).

[7] *See* 47 CFR § 4.18(b).

FCC 24/7 Operations Center, (202) 418-1122, fccops@fcc.gov

For more information on the FCC's response to Winter Storm Fern, please visit https://www.fcc.gov/fern.

- FCC -

PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, DC 20554

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

DA 26-92
Released: January 28, 2026

FCC AMENDS THE ACTIVATION AREA OF THE DISASTER INFORMATION REPORTING SYSTEM AND THE MANDATORY DISASTER RESPONSE INTIATIVE IN MISSISSIPPI AND TENNESSEE FOR COMMUNICATIONS IMPACTS FROM WINTER STORM FERN

On January 23, 2026, the Public Safety and Homeland Security Bureau (PSHSB), in coordination with the Federal Emergency Management Agency (FEMA), announced the activation of the Disaster Information Reporting System (DIRS) and the Mandatory Disaster Response Initiative (MDRI) in certain counties in states impacted by Winter Storm Fern.[1] On January 24, 2026, the Federal Communications Commission (FCC or Commission) announced the expansion of this activation to include additional counties in Georgia, Maryland, Mississippi, New Jersey, New York, Virginia, and West Virginia.[2] On January 25, 2026, the Commission announced the expansion of this activation to include additional counties in Kentucky, as well as to deactivate DIRS in certain counties in South Carolina.[3] On January 26 and 27, 2026, the Commission deactivated the DIRS and the MDRI in counties in several states.[4]

By this Public Notice, at the request of Tennessee and Mississippi, and in coordination with FEMA, PSHSB expands the activation of DIRS and the MDRI in the below-referenced areas of Tennessee, and deactivates the DIRS and the MDRI in the below-referenced areas of Mississippi, in response to Winter Storm Fern.

ADDITIONAL COUNTIES FOR DIRS ACTIVATION INCLUDE:

Tennessee: Bledsoe, Blount, Cumberland, Hamilton, Hawkins, Lewis, and Sevier

Cable communications providers, wireless service providers, wireline communications providers, and interconnected Voice over Internet Protocol (VoIP) providers that provide service in the areas listed

[1] *The Federal Communications Commission Activates the Disaster Information Reporting System (DIRS) and the Mandatory Disaster Response Initiative (MDRI) In Response To Winter Storm Fern*, Public Notice, DA 26-77 (PSHSB Jan. 23, 2026).

[2] *The Federal Communications Commission Announces the Expansion of the Disaster Information Reporting System and the Mandatory Disaster Response Initiative For Communications Impacted By Winter Storm Fern*, Public Notice, DA 26-83 (PSHSB Jan. 24, 2026).

[3] *The Federal Communications Commission Modifies the Activation of the Disaster Information Reporting System and the Mandatory Disaster Response Initiative For Communications Impacted by Winter Storm Fern*, Public Notice, DA 26-84 (PSHSB Jan. 25, 2026).

[4] *FCC Deactivates the Disaster Information Reporting System and the Mandatory Disaster Response Initiative in Certain States for Communications Impacted by Winter Storm Fern*, Public Notice, DA 26-91 (PSHSB Jan. 27, 2026); *The Federal Communications Commission Deactivates the Disaster Information Reporting System and the Mandatory Disaster Response Initiative in Several States for Communications Impacted by Winter Storm Fern*, Public Notice, DA 26-87 (PSHSB Jan. 26, 2026).

above are required to report their infrastructure status information in DIRS.[5] DIRS is a web-based system that communications providers, including wireless, wireline, broadcast, cable, and interconnected VoIP providers use to report communications infrastructure status and situational awareness information during times of crisis.

The Commission requests that communications providers that provide service to any areas listed above expeditiously submit and update information through DIRS regarding, *inter alia*, the status of their communications equipment, restoration efforts, and power (*i.e.*, whether they are using commercial power or back-up power). Communications providers can accomplish this by accessing DIRS at https://www.dirs.fcc.gov. Providers that have not previously done so will be asked to first provide contact information and obtain a User ID when they access DIRS. There is a link on the login page that will allow them to obtain the User ID and password. If a user does not remember their password, they should use the forgotten password link on the login page. If any user has any problems accessing DIRS, please contact any of the numbers listed below.

In DIRS, this activation has the following name: WINTER STORM FERN. DIRS reports are due by **9:00 a.m. EST on Thursday, January 29, 2026, and each day thereafter by 9:00 a.m. EST until DIRS is deactivated.** Cable communications providers, wireless service providers, wireline communications providers, and interconnected VoIP providers are not required to make submissions in the Network Outage Reporting System (NORS) pertaining to any incidents that arise during the DIRS activation that are timely reported in DIRS.[6] To promote a comprehensive and effective disaster response, PSHSB encourages other communications providers to voluntarily report in DIRS using forms applicable to their infrastructure.

MDRI EXPANDED TO INCLUDE COUNTIES IN TENNESSEE

As a result of PSHSB's expansion of the DIRS activation area, the MDRI has also been expanded to include the below-referenced areas in response to Winter Storm Fern.

ADDITIONAL COUNTIES FOR MDRI ACTIVATION INCLUDE:

Tennessee: Bledsoe, Blount, Cumberland, Hamilton, Hawkins, Lewis, and Sevier

Upon release of this Public Notice, all facilities-based mobile wireless providers operating in such areas are required to (1) provide for reasonable roaming under disaster arrangements when technically feasible; (2) activate mutual aid arrangements with other facilities-based mobile wireless providers; (3) take reasonable measures to enhance municipal preparedness and restoration; (4) take reasonable measures to increase consumer readiness and preparation; and (5) take reasonable measures to improve public awareness and stakeholder communications on service and restoration status.[7] Facilities-based mobile wireless providers that serve the above-referenced areas and that have provided contact information in DIRS will be individually notified that the MDRI has been activated in their area.

PSHSB will announce when the MDRI has been deactivated by subsequent Public Notice. Providers should familiarize themselves with the Commission's MDRI requirements.[8] Details on the Mandatory Disaster Response Initiative can be found on the FCC website at https://www.fcc.gov/wireless-network-resiliency-during-disasters.

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[5] *See* 47 CFR § 4.18(a); *see also* FCC, DIRS, https://dirs.fcc.gov (last visited Jan. 23, 2026).

[6] *See* 47 CFR § 4.18(b).

[7] 47 CFR § 4.17(a)(3)(i)-(v); *see also* FCC, *Wireless Network Resiliency During Disasters* (June 4, 2024), https://www.fcc.gov/wireless-network-resiliency-during-disasters.

[8] 47 CFR § 4.17.

DEACTIVATION OF DIRS AND MDRI IN CERTAIN COUNTIES IN MISSISSIPPI

Also by this Public Notice, the Commission, at the request of the state of Mississippi and in coordination with FEMA, deactivates DIRS and the MDRI for the following counties in Mississippi impacted by Winter Storm Fern:

Mississippi: Adams, Amite, Attala, Bolivar, Chickasaw, Claiborne, Clarke, Clay, Coahoma, Copiah, Covington, DeSoto, Franklin, Itawamba, Jasper, Jefferson, Jefferson Davis, Jones, Lauderdale, Lawrence, Leake, Lee, Lincoln, Lowndes, Monroe, Neshoba, Newton, Noxubee, Oktibbeha, Quitman, Rankin, Simpson, Smith, Tate, Tunica, Wayne, Webster, Hinds, Madison, Pike, Scott, Marion, Washington, Warren, and Winston

Cable communications providers, wireless service providers, wireline communications providers, and interconnected VoIP providers that provide service in the above-referenced areas are no longer required to report their infrastructure status daily in DIRS for this event.[9] These providers must provide a single, final report to the Commission within 24 hours of release of this Public Notice detailing the state of their infrastructure at the time of DIRS deactivation and an estimated date of resolution of any remaining outages.[10] PSHSB encourages other communications providers that voluntarily reported in DIRS to also submit a final DIRS report.

As of the release of this Public Notice, cable communications providers, wireless service providers, wireline communications providers, and interconnected VoIP providers that provide service in the above-referenced areas must resume making submissions in the NORS concerning any incidents that are reportable under those rules.[11]

DIRS AND MDRI REMAIN ACTIVATED IN:

Mississippi: Alcorn, Benton, Calhoun, Carroll, Choctaw, Grenada, Holmes, Humphreys, Issaquena, Kemper, Lafayette, Leflore, Marshall, Montgomery, Panola, Pontotoc, Prentiss, Sharkey, Sunflower, Tallahatchie, Tippah, Tishomingo, Union, Yalobusha, and Yazoo

Tennessee: Benton, Cheatham, Chester, Clay, Davidson, Decatur, Dickson, Giles, Hardeman, Hardin, Henderson, Hickman, Lawrence, Macon, Marshall, Maury, McNairy, Montgomery, Overton, Perry, Robertson, Rutherford, Shelby, Smith, Sumner, Trousdale, Wayne, Williamson, and Wilson

Providers should continue to provide information for the counties in which DIRS and the MDRI remain activated.

The FCC continues to monitor this event and may amend the DIRS or the MDRI activation area in the coming days.

For further information on this DIRS activation, please contact:

Michael Caiafa (202) 418-1311, michael.caiafa@fcc.gov
John Healy (215) 847-8094, john.healy@fcc.gov
Juan Chapa, (202) 418-0431, juan.chapa@fcc.gov
FCC 24/7 Operations Center (202) 418-1122, fccops@fcc.gov

For further information concerning this MDRI activation, please contact:

Justin Cain, (202) 853-7365, (202) 418-2924, justin.cain@fcc.gov

[9] *See* 47 CFR § 4.18(a)(1).

[10] 47 CFR § 4.18(a)(2).

[11] *See* 47 CFR § 4.18(b).

Logan Bennett, (202) 418-7790, logan.bennett@fcc.gov
FCC 24/7 Operations Center, (202) 418-1122, fccops@fcc.gov

For more information on the FCC's response to Winter Storm Fern, please visit https://www.fcc.gov/fern.

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PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, DC 20554

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

DA 26-93
Released: January 28, 2026

DOMESTIC SECTION 214 APPLICATION FILED FOR THE ACQUISITION OF CERTAIN ASSETS OF DELTA COMMUNICATIONS, L.L.C. D/B/A CLEARWAVE FIBER BY METRO CW HOLDINGS, LLC

NON-STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 25-323

Comments Due: February 11, 2026
Reply Comments Due: February 18, 2026

By this Public Notice, the Wireline Competition Bureau seeks comment from interested parties on an application filed by Delta Communications, L.L.C. d/b/a Clearwave Fiber (Clearwave) MCC Network Services, LLC (MCC) and Metro CW Holdings, LLC (Metro CW) (collectively, Applicants), pursuant to section 214(a) of the Communications Act of 1934, as amended, and section 63.04 of the Commission's rules,[1] requesting Commission approval to transfer certain assets of Clearwave to Metro CW.[2]

Clearwave, an Illinois limited liability company, provides communications services and other services as a competitive local exchange carrier (LEC) in Illinois and Missouri.[3] Applicants state that Clearwave is designated as an eligible telecommunications carrier (ETC) in Illinois and "complies with the Lifeline program requirements for ETCs, but it does not have any Lifeline customers and does not receive any Lifeline program funding."[4] Applicants further state that Clearwave is affiliated with multiple other service providers that are not part of the proposed transaction.[5] Clearwave is indirectly

[1] *See* 47 U.S.C. § 214(a); 47 CFR § 63.04.

[2] Domestic Section 214 Application for the Acquisition of Certain Assets of Delta Communications, L.L.C. d/b/a Clearwave Fiber, by MCC Network Services, LLC and Metro CW Holdings, LLC, WC Docket No. 25-323 (filed Nov. 14, 2025) (Application). Applicants filed a supplement to their Application on December 12, 2025. Letter from Matthew A. Brill et al., Counsel for Clearwave, and Patricia Cave et al., Counsel for MCC and Metro CW, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 25-323 (filed Dec. 12, 2025) (Supplement). Clearwave is an applicant in another pending domestic 214 transfer of control application. *See* Application for the Transfer of Control of Clearwave Fiber LLC to Point Broadband Holdings, LLC, WC Docket No. 26-14 (filed on Jan. 16, 2026). Any action on the application that is the subject of this Public Notice is without prejudice to Commission action on other related, pending applications.

[3] Application at 2.

[4] *Id.* at 14; Supplement at 2. Applicants further state that Clearwave previously participated in the Rural Broadband Experiments (RBE) program. Supplement at 2. Applicants maintain that some of Clearwave's assets that are part of the proposed transaction were supported by the RBE program, and Clearwave acknowledges that it will remain subject to any compliance obligations under the RBE program that remain following the expiration of Clearwave's support term under the program. Supplement at 2.

[5] Application at 3, 11-12.

wholly-owned by Clearwave Fiber LLC, a Delaware limited liability company, which is a joint venture controlled by its Board of Managers that is majority owned by Cable One, Inc., a publicly traded Delaware corporation.[6]

Metro CW, a Delaware limited liability company, is an indirect, wholly-owned subsidiary of MCC, an Illinois limited liability company.[7] MCC provides telecommunications services and operates a fiber network in Central Illinois and manages a fiber optic network across Illinois and into Indiana and Missouri.[8] MCC also owns the following service providers: MTCO Communications, Inc., a competitive LEC in Central Illinois; Metamora Telephone Company (Metamora), an incumbent LEC serving the Metamora and Germantown Hills exchanges in Central Illinois; and The Marseilles Telephone Company of Marseilles, Illinois (Marseilles), an incumbent LEC serving the Marseilles exchange in Central Illinois.[9] MCC is owned (97.5% equity interest and 100% voting interest) by Zachary Horn, a U.S. citizen.[10]

Pursuant to the terms of the proposed transaction, Metro CW would acquire certain network assets that cover approximately 4,000 route miles, certain customers, and other assets of Clearwave in Illinois and in and around St. Louis, Missouri, and assume certain related liabilities.[11] Applicants further state that, post-transaction, the network assets formerly held by Clearwave might be shifted from Metro CW to an indirect, wholly-owned subsidiary of Metro CW, Metro Communications Asset Entity, LLC, a Delaware limited liability company.[12]

Applicants assert that a grant of the Application would serve the public interest, convenience, and necessity.[13] Applicants state that the network assets Clearwave would transfer to Metro CW are "complementary to MCC's existing network footprint, and the minimal overlap between the Clearwave assets and MCC's existing network is limited to discrete segments of the MCC network in Southern Illinois."[14] 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.[15]

Domestic Section 214 Application Filed for the Acquisition of Certain Assets of Delta Communications, L.L.C. d/b/a Clearwave Fiber by Metro CW Holdings, LLC, WC Docket No. 25-323 (filed Nov. 14, 2025).

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

[6] *Id.* at 2-3.

[7] *Id.* at 3.

[8] *Id.*

[9] *Id.* at 12; Supplement at 1. Applicants state that Metamora and Marseilles are designated as ETCs in Illinois and receive High-Cost Loop Support, CAF Broadband Loop Support (CAF-BLS) and Intercarrier Compensations (ICC) Support and participate in the Lifeline program. Application at 14-15.

[10] Application at 10.

[11] *Id.* at 4; Supplement at 1.

[12] Application at 4, n.3.

[13] *Id.* at 4-7.

[14] Supplement at 1.

[15] 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.

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.[16] A party or interested person

[16] *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, Competition Policy Division, Wireline Competition Bureau, at (202) 418-0809 or dennis.johnson@fcc.gov.

-FCC-

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 26-94
Released: January 28, 2026

PUBLIC SAFTY AND HOMELAND SECURITY BUREAU SEEKS INFORMATION ON EFFECTS OF JANUARY 2026 VERIZON OUTAGE ON WIRELESS SERVICE CONSUMERS, PUBLIC SAFETY ENTITIES, AND GOVERNMENT ENTITIES

PS Docket No. 26-21

Comment Date: March 16, 2026

On January 14, 2026, Verizon Communications (Verizon) suffered a service outage that lasted at least ten hours and affected millions of customers, many of whom were unable to make and receive calls and text messages over Verizon's wireless network.[1] According to media reports, many customers observed their handsets were in "SOS mode" during the outage.[2]

To enable a thorough and accurate investigation and analysis of this outage, the Public Safety and Homeland Security Bureau (Bureau) has opened a docket and invites interested parties to provide all relevant information concerning the effects of the outage, particularly on 911 calling and public safety.

We seek comment from the public on the outage's impact on individual and enterprise consumers. Were consumers of Verizon's wireless service able to successfully make or receive calls? Were consumers of other communications service providers able to successfully complete calls to Verizon customers? Were consumers' text messages successfully sent or received? Did Verizon customers experience a disruption of data services? For subscribers who lost access to mobile voice and data service, how long did the loss of service last? Were consumers whose handsets were in SOS mode able to call 911? Did any harm or injury result from a consumer's inability to reach 911 during the outage?[3]

The Bureau also seeks information about Verizon's handling of the outage and the outage's impact. How did consumers learn about the outage? Was Verizon's public communication about the outage appropriate, timely, and effective? What effect did the outage have on businesses and providers of critical services, such as hospitals? What effect did the outage have on consumers' ability to contact emergency services, ability to contact family members, and personal activities?

We also seek comment on the effect of the outage on public sector entities (*e.g.*, first responders

[1] *See, e.g.,* Patience Haggin, *Verizon Resolves Hourslong, Widespread Outage*, (Jan. 14, 2026 10:56 pm), https://www.wsj.com/business/telecom/verizon-users-experience-outages-nationwide-f2d7ee31?mod=article_inline.

[2] *See, e.g.*, Lily Hay Newman, *Verizon Outage Knocks Out US Mobile Service, Including Some 911 Calls*, (Jan. 14, 2026 1:54 pm), https://www.wired.com/story/verizon-outage-knocks-out-us-mobile-service-including-some-911-calls/.

[3] *See, e.g.*, Amanda Yeo, *Verizon outage may have impacted 911 calls*, (Jan. 14, 2026), https://mashable.com/article/verizon-outage-911-down-call-emergency (describing an emergency during the outage where a Verizon customer was unable to call 911 and relied on a customer of another provider to complete the 911 call).

and state and local governments). What was the effect of the outage on public safety activities and government services? Was there a disruption of voice or data services (including prioritized services) relied on by public safety entities and state and local governments?

We further seek comment on the outage as it relates to Public Safety Answering Points (PSAPs). Are there estimates of how many 911 calls were attempted, and whether any of these calls failed or were otherwise affected by the outage? Did PSAPs receive 911 calls originated on Verizon's wireless network during this outage? If so, were those calls accompanied by Automatic Number Identification (ANI) and Automatic Location Identification (ALI) information? What challenges did PSAPs face in handling these calls and quickly dispatching emergency assistance? For those PSAPs that are capable of receiving text messages sent to 911, did the outage disrupt the receipt of those text messages or the sending of texts in reply? Did Verizon provide timely, actionable notification about the outage? If not, how did PSAPs learn of the outage? If timely, actionable information about this outage was not received, what effect did this have on the availability of 911 call-handling resources to the public? What measures, if any, did PSAPs take to maintain the public's continuity of access to emergency services? How effective were these measures?

Interested parties may submit comments by following the filing instructions below. Commenters may also send a description of their experience to VerizonOutage2026@fcc.gov.

Procedural Matters

Ex Parte Rules. In the interest of facilitating the Commission's ability to conduct a thorough investigation, this proceeding shall be treated as exempt in accordance with the Commission's *ex parte* rules.[4] Accordingly, *ex parte* presentations to or from Commission decision-making personnel are permissible and need not be disclosed.

Filing Requirements. Interested parties may file comments in response to this Public Notice on or before March 16, 2026.[5]

- *Electronic Filers:* Comments may be filed electronically using the Internet by accessing the ECFS: https://www.fcc.gov/ecfs.
- *Paper Filers:* Parties filing 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.

Materials in Accessible Formats. 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

[4] *See* 47 CFR § 1.1200(a) ("Where the public interest so requires in a particular proceeding, the Commission and its staff retain the discretion to modify the applicable ex parte rules by order, letter, or public notice.").

[5] *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121-01 (1998).

the Consumer & Governmental Affairs Bureau at 202-418-0530.

Additional Information. For further information regarding this proceeding, contact Jeanne Stockman, Cybersecurity and Communications Reliability Division, Public Safety and Homeland Security Bureau, at (202) 418-7830 or jeanne.stockman@fcc.gov.

– FCC –

Federal Communications Commission
Washington, D.C. 20554

January 29, 2026

DA 26-95
Released January 29, 2026

God's Property Mennonite Fellowship Church
673 W College Street
Canton, TX 75103

In re: **God's Property Mennonite Fellowship Church, Inc.**
New LPFM Station, Canton, TX
Facility ID No. 788235
Application File No. 232284

Petition for Reconsideration

Dear Applicant:

We have before us a Petition for Reconsideration (Petition) filed by God's Property Mennonite Fellowship Church, Inc. (GPMFC).[1] GPMFC challenges a letter decision issued June 11, 2024,[2] which dismissed its application for a construction permit for a new low power FM (LPFM) station at Canton, Texas (Station).[3] For the reasons set forth below, we dismiss the Petition, as procedurally defective. We also deny the Petition on the merits.

Background. GPMFC filed the Application during the 2023 LPFM Filing Window.[4] GPMFC proposed to locate the Station's antenna on a tower located at 673 W College Street, Canton, Texas 75103 (Property). GPMFC indicated that it had obtained reasonable assurance of the availability of the Station's proposed antenna site from the tower owner, which GPMFC listed as Houston Mennonite Fellowship Church (HMFC).[5]

[1] God's Property Mennonite Fellowship Church, Petition for Reconsideration, Pleading File No. 0000247640 (filed July 7, 2024) (Petition).

[2] God's Property Mennonite Fellowship Church, Letter Order, 39 FCC Rcd 5892 (MB 2024) (*Letter Order*).

[3] Application File No. 0000232284 (filed Dec. 11, 2023) (Application). GPMFC amended the Application on March 26, 2024. *See* Application File No. 0000232284 (as amended March 26, 2024) (Amended Application).

[4] *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).

[5] Application at Technical Certifications, Reasonable Site Assurance.

The City of Canton, Texas (City) then filed an Informal Objection[6] which it supplemented the following day.[7] The City asserted that GPMFC did not have reasonable assurance of the Property's availability.[8] In support of its assertion, the City noted that GPMFC did not contact Arise Church of Canton (Arise), which the City alleged owned the Property.[9] It also referenced a stipulated permanent injunction (2020 Injunction) that it claimed prevented anyone from occupying or using the Property.[10] The City further alleged that statements and certifications made by GPMFC in the Application were incorrect, and that Barney Joe Donalson (Donalson) might be an undisclosed real party in interest to the Application.[11]

GPMFC opposed the Objection.[12] Among other things, GPMFC argued that it had properly obtained reasonable assurance of site availability. It asserted that God's Property Ministries (GPM)—not Arise—owned the Station's proposed antenna site,[13] and stated that it had "been promised reasonable site assurance."[14] In addition, GPMFC addressed the 2020 Injunction, arguing that "the current occupancy status of a church building is not a relevant factor, under FCC rules, for consideration in the qualification for or granting of a construction permit to build[ ] an LPFM radio station."[15] Finally, GPMFC denied the City's claim that Donalson was a real party in interest to the Application.[16]

Donalson then filed a pleading on behalf of Texas Mennonite Conference (TMC), another entity that filed an application for a new LPFM station during the 2023 LPFM Filing Window. The pleading

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[6] City of Canton, Texas, Informal Objection, Texas, Pleading File No. 0000239978 (filed Feb. 28, 2024) (Objection).

[7] City of Canton, Second Comment and Response to Filing, Pleading File No. 240090 (filed Feb. 29, 2024) (Further Objection). The Further Objection addresses some procedural matters but its primary substantive focus is on ownership of the property and the ability to grant reasonable assurance. Further Objection at 2.

[8] *Id.*

[9] Objection at 2 (referring to finding made in 2020 Injunction, *infra* note 10).

[10] Objection at 2, and Exh. B (attaching *City of Canton, Texas, v. New Beginnings Fellowship Church of Houston, Texas et. al.*, Cause No. 19-00185, Stipulated Permanent Injunction and Final Judgment, (Dist. Ct. 294, Van Zandt County, July 6, 2020) (2020 Injunction)).

[11] *Id*. at 2-4.

[12] God's Property Mennonite Fellowship Church, Opposition, Pleading File No. 0000240006 (filed Feb. 28, 2024) (GPMFC Opposition).

[13] GPMFC Opposition at 2. GPMFC provides a copy of a Deed In Lieu of Foreclosure that was filed and recorded in the Official Public Records of Van Zandt County, Texas, on October 30, 2023. *Id.* at Attachs. In that deed, HMFC purports to deed "all of the land improvements located at 673 West College" to Quest Trust Company (Quest). According to GPMFC, GPM—an entity owned by Barney Joe Donalson, Bishop of Texas Mennonite Conference (TMC)—purchased the property from Quest in January 2024 out of foreclosure. *Id.* at 2. GPMFC attaches a copy of a Texas General Warranty Deed that was filed and recorded in the Official Public Records of Van Zandt County, Texas, on January 24, 2024. *Id.* In this deed, Quest purports to transfer "all of the real property and improvements lying, being and situated at 673 West College Street" to GPM. GPMFC alleges that Arise never received title to the site and merely obtained a conditional gift which was revoked for failure to meet the conditions. *Id.* at 2.

[14] *Id.* at 2.

[15] *Id.*

[16] *Id.* at 1.

responded to allegations the City made about Donalson and TMC.[17] Like GPMFC, Donalson asserted that GPM purchased the Property out of foreclosure on January 2, 2024, and that GPM gave GPMFC "reasonable assurance they can place an antenna and other radio equipment on the property."[18] Donalson also disputed the City's claim that he is a real party in interest to the Application.[19]

On March 26, 2024, GPMFC amended the Application. Among other things, GPMFC specified a new antenna location and antenna data,[20] explaining that the City had objected to its proposed use of an existing tower at the Property and thus it was proposing to mount the Station's antenna "at the top of a 50-year-old pine tree."[21] GPMFC also changed its reasonable site assurance certification to indicate that assurance had been provided by Richard Grega, who it described as an "Authorized Representative" for the owner of the Property.[22]

We then issued the *Letter Order*, which dismissed the Application. Therein, we found that GPMFC lacked reasonable assurance of the availability of the Property at the time of Application because (1) it had not obtained reasonable assurance of the Property's availability from the current owner,[23] and (2) the Property was not legally available for construction and operation of an LPFM station.[24] Because we found that Applicant lacked reasonable assurance, we did not consider the other allegations made by the City.[25]

GPMFC then filed the Petition. Therein, GPMFC argues for the first time that, under Texas law, ownership of real estate is reflected in deeds recorded and maintained by the Van Zandt County Clerk, not records maintained by the Van Zandt County Appraisal District.[26] GPMFC then for the first time in this proceeding asserts that Arise does not own the Property because there is no deed transferring ownership to Arise recorded by the Van Zandt County Clerk.[27] It also alleges for the first time that a preliminary injunction issued on August 28, 2023 (2023 Injunction), gave Donalson dba God's Property Ministries and HMFC "exclusive possession" of the Property.[28] GPMFC then argues that, under the provisions of the 2023 Injunction, HMFC and Richard Grega (a member of HMFC's board of directors) had authority to give GPMFC reasonable assurance and did so.[29] In terms of the 2020 Injunction, GPMFC for the first

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[17] Texas Mennonite Conference, Opposition, Pleading File No. 0000240633, at 1-2 (filed March 10, 2024).

[18] *Id.* at 2.

[19] *Id.* at 1. Similarly, GPMFC acknowledges that it is affiliated with TMC but describes TMC as simply offering support to Mennonite churches throughout Texas. *See* Amended Application at Attach. (Amendment Attachment – Letter to Bradshaw) (Amendment Attachment).

[20] Amended Application at Antenna Location Data, Coordinates (NAD83).

[21] Amendment Attachment at 1.

[22] The Petition identifies Richard Grega as a member of HMFC's board of directors at the time of the Application and Amended Application. Petition at 9. As indicated above, Richard Grega was also a GPMFC board member in 2024. *See* Application at Parties to the Application; Amended Application at Parties to the Application.

[23] *Letter Order*, 39 FCC Rcd at 5895-96.

[24] *Id.* at 5896-97.

[25] *Id.* at 5893, n.5.

[26] Petition at 4-6.

[27] *Id.* at 6-8.

[28] *Id.* at 8-9.

[29] *Id.* at 9.

time asserts it is not binding on anyone other than Arise Church, that it expired by operation of law, and also that it is null and void because it violates "the Texas Constitution and Texas statutory law."[30]

Discussion. The Petition relies in all material respects on facts and arguments that GPMFC could have presented in the GPMFC Opposition. It is not based on new or previously undiscovered facts or circumstances.[31] Therefore, the Petition is procedurally defective under section 1.106(c)(1) of the Commission's rules (Rules).[32] Further, we find that the Petitioner fails to present a public interest rationale that requires us to consider the Petition pursuant to section 1.106(c)(2) of the Rules.[33] Accordingly, we dismiss the Petition.

In the alternative, we affirm our finding that GPMFC lacked reasonable assurance of site availability when it filed the Application and deny the Petition. As we noted in the *Letter Order,* an LPFM applicant must have reasonable assurance that its specified site will be available for the construction and operation of its proposed facilities at the time it files its application.[34] The 2020 Injunction prevented any entity from providing reasonable assurance that the Property was legally available for construction and operation of an LPFM station at the time of the Application[35] As we noted in the *Letter Order*, the 2020 Injunction prohibits all occupancy, use, and maintenance of the Property—which is defined to include both the land and the structure located at the Property—until violations of city ordinances, and health and safety regulations have been addressed and remedied.[36] It was not subject to any post-trial motions or appeals,[37] and was filed and recorded in the Official Public Records maintained

[30] *Id.* at 11-13

[31] Applicant appears to recognize that its arguments are new, stating that it is presenting "additional facts and relevant information that the Commission's letter decision didn't take into consideration." *Id.* at 4.

[32] 47 CFR § 1.106(c)(1). Section 1.106(c)(1) provides that a petition for reconsideration that relies on "facts or arguments not previously presented" may be granted only if the facts or arguments (1) "relate to events which have occurred or circumstances which have changed since the last opportunity to present such matters," or (2) were unknown to petitioner until after his last opportunity to present such matters and could not, through the exercise of ordinary diligence, have been learned prior to such opportunity. 47 CFR §§ 1.106(c); 1.106(b)(2).

[33] Section 1.106(c)(2) allows consideration of facts or arguments not previously presented if consideration of them "is required in the public interest." 47 CFR § 1.106(c)(2).

[34] *Letter Order*, 39 FCC Rcd at 5895, citing *William F. Wallace and Anne K. Wallace*, Memorandum Opinion and Order, 49 FCC 2d 1424, 1427, paras. 6-7 (1974), and *South Florida Broad. Co.*, Memorandum Opinion and Order, 99 FCC 2d 840, 842, para. 3 (1984).

[35] Because we find that no entity could have provided reasonable assurance from issuance of the 2020 Injunction onward, we need not address the dispute over which entity would, in the absence of an injunction, have been authorized to provide such assurance when the Application was filed in 2023. Petition at 4-8. A court has similarly declined to address claims of Property ownership. *See also Donalson d/b/a God's Property Ministries v. City of Canton,* No. 12-25-00059-CV, Memorandum Opinion, 2025 Tex. App. LEXIS 6101 (Tex. App. Tyler Aug. 13, 2025) (*Donalson*) (dismissing for lack of standing complaint in which Donalson/GPM claimed ownership of the Property).

[36] *Letter Order*, 39 FCC Rcd at 5896, citing 2020 Injunction. *See also id.* at 5896, n. 33 (noting that 2020 Injunction goes so far as to require the owner of the Property to "prevent anyone from entering or using" the Property).

[37] *Donalson*, 2025 Tex. App. LEXIS at *3.

by Van Zandt County on August 3, 2020.[38] Thus, it was effective when GPMFC filed the Application in December 2023 and has remained effective at all times thereafter.[39]

While GPMFC alleges that the 2020 Injunction applied only to Arise,[40] and that Texas state law prohibited the injunction from extending beyond one year,[41] the order adopting the 2020 Injunction contains no expiration date, and refers to its requirements as "permanent" until a release by the City.[42] There is no evidence of any such release nor has the injunction been lifted by the Texas state court that instituted it. Moreover, the 2020 Injunction specifies that it is "entered against and shall apply to the Property *in rem*" and has been recorded in the Van Zandt County Official Records "as a condition running with the land."[43]

Having affirmed our finding that no entity could have provided reasonable assurance that the Property was legally available for construction and operation of an LPFM station at the time GPMFC filed the Application, we uphold our dismissal of the Application with prejudice.[44] Accordingly, we also deny the Petition.[45]

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[38] 2020 Injunction at Cover Page (including certification from County Clerk that 2020 Injunction was filed at 3:39 p.m. on August 3, 2020, and "was duly recorded under the Document No.—2020-007205—stamped hereon of the Official Public Records of Van Zandt County").

[39] In the Petition, GPMFC cites a preliminary injunction issued on August 28, 2023, by a different state court. Petition at 8-9, Exh. F (*Donalson dba God's Property Ministries v. Houston Mennonite Fellowship Church, Inc. et. al*., Cause No. 2022-11623, Order Granting Preliminary Injunction (Dist. Ct. 234, Harris County, Aug. 28, 2023)) (2023 Injunction). By its terms, the 2023 Injunction granted Donalson (doing business as God's Property Ministries) and HMFC exclusive possession of the Property. 2023 Injunction at 5. GPMFC argues that, under the provisions of the 2023 Injunction, Richard Grega (a member of the HMFC board) had the authority to provide—and did provide—reasonable assurance of the Property's availability. Petition at 9-10 We note that the 2023 Injunction was dissolved as void *ab initio* subsequent to GPMFC filing its Petition. *See Donalson dba God's Property Ministries v. Houston Mennonite Fellowship Church, Inc.,* Cause No. 23-00154, Order of Dismissal and Dissolution of Preliminary Injunction (Dist. Ct. 294, Van Zandt, June 12, 2024), *appeal denied sub nom.,* No. 12-24-00194-CV, Memorandum Opinion, 2024 Tex. App. LEXIS 8964 (Tex. App. Tyler Dec. 4, 2024) (per curiam).

[40] Petition at 11-12

[41] *Id.* at 12-13.

[42] 2020 Injunction at 8-9 (ordering that (1) "Any subsequent purchaser of the Property, in whole or in part, shall be subject to the same restrictions as set forth in this Stipulated Permanent Injunction and Final Judgment, unless and until the City has filed a written Release of this obligation in the Official Records of Van Zandt County, Texas." and (2) the 2020 Injunction shall "be filed in the Van Zandt County Official Records as a condition running with the land until subsequently may be released by the City as set forth herein.").

[43] *Id.* at 9. Donalson's request to stay the 2020 Injunction was dismissed as moot. *Donalson v. City of Canton,* No. 12-20-00164-CV, Memorandum Opinion, 2020 Tex. App. LEXIS 8412 (Ct. App. Tyler, TX Oct. 21, 2020) (per curiam).

[44] As we explained in the *Letter Order*, a site availability defect is non-curable. *Letter Order*, 39 FCC Rcd at 5897, citing *Able Radio Corp*., Letter Order, 26 FCC Rcd 1661, 16163 (MB 2011), and *Radio Delaware, Inc*., Memorandum Opinion and Order, 4 FCC Rcd 8630, 8631, paras. 9-11 (Rev. Bd. 1989).

[45] Even if the Petition was not procedurally defective and we found GPMFC had reasonable assurance of site availability when it originally filed the Application, we would not grant the Application. Instead, we would designate it for hearing in order to determine whether Donalson is an undisclosed real party in interest to the Application. The record in this case raises a substantial and material question of fact regarding whether Donalson is in fact the driving force behind the Application and will ultimately control operation of the LPFM station proposed

Conclusion/Actions. For the reasons set forth above, **IT IS ORDERED** that the Petition for Reconsideration filed by God's Property Mennonite Fellowship Church on July 7, 2024 (Pleading File No. 0000247640), **IS DISMISSED AS PROCEDURALLY DEFECTIVE** and, in the alternative, **IS DENIED**.

Sincerely,

Albert Shuldiner

Albert Shuldiner
Chief, Audio Division
Media Bureau

cc (via e-mail only):
Texas Mennonite Conference (Contract Representative for God's Property Mennonite Fellowship Church)

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therein. For instance, the Facebook page for GPMC—another name used by GPMFC—is administered by Donalson. Posts that he has made on this Facebook page state that (1) he is a minister of GPMFC, and (2) he personally has purchased equipment for the Station, and considers the Station to be his. We note that GPMFC and Donalson had every reason to conceal Donalson's participation. First, Donalson violated section 301 of the Communications Act by operating an unlicensed radio station in 2018. Joe Donalson, Notice of Unlicensed Operation, Case No. EB-FIELDSCR-17-00024379 (EB dated Oct. 16, 2018) (Notice). This violation rendered him ineligible to be a party to an application for an LPFM authorization. *See* Pub. L. No. 106-553, 114 Stat. 2762 (2000), amended by Pub. L. No. 111-371, 124 Stat. 4072 (2011). *See also* 47 CFR § 73.854; FCC Form 2100, Schedule 318. Second, Donalson's status as a convicted felon also could have threatened GPMFC's qualifications to be a Commission licensee. *See Donalson v. Eason*, No. Civ. A. 1:02-CV-220-C, Order, 2003 WL 21281656 (U.S. Dist. Ct. N.D. Texas, Abilene Div. 2003) (explaining that "Barney Joe Donalson is in the custody of the Texas Department of Criminal Justice—Institutional Division … pursuant to state court convictions and sentences imposed in 1986 for the felony offenses of arson, retaliation, and attempted escape"). *See also Pendleton C. Waugh,* Order to Show Cause and Notice of Opportunity for Hearing, 22 FCC Rcd 13363, 13378, para. 38 (2007).

PUBLIC NOTICE

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PUBLIC SAFETY AND HOMELAND SECURITY BUREAU HIGHLIGHTS BEST PRACTICES FOR DEFENDING AGAINST RANSOMWARE ATTACKS

By this Public Notice, the Public Safety and Homeland Security Bureau (Bureau) of the Federal Communications Commission (Commission) urges communications providers to implement cybersecurity best practices to protect their networks from the introduction of malware, including ransomware. Recent events show that some U.S. communications networks are vulnerable to cyber exploits that may pose significant risks to national security, public safety, and business operations.[1] Specifically, over the past year, the Commission has become aware of ransomware incidents involving small-to-medium sized communications companies that disrupted service, exposed information, and locked providers out of critical files.

What is Ransomware?

Ransomware is malicious code designed to encrypt files on a device, rendering them and the systems on which they rely unusable. In some instances, it can involve the theft of exfiltrated data from the targeted devices and systems.[2] Threat actors can launch ransomware attacks after gaining initial access by various methods, including: (1) engaging in social engineering;[3] (2) hiding malware in downloads of software; (3) creating fake or compromised websites that prompt the user to download ransomware; (4) exploiting vulnerabilities in remote access or management software; and (5) using stolen credentials obtained from access brokers or other unlawful sources. After obtaining initial access, cyber criminals establish persistent access; conduct network reconnaissance; and use privilege escalation, lateral movement, and defensive evasion to plant ransomware.[4] Once ransomware is successfully executed on a device or in a system, malicious actors typically demand a ransom in exchange for decrypting the files targeted or for preventing the release of stolen data.[5] Ransomware incidents can severely impair an organization's ability to conduct operations, leaving it unable to access data or systems necessary to

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[1] *See* Cyble Inc., Telecommunications Sector: Threat Landscape Report 2025 (2025), https://cyble.com/resources/research-reports/telecommunications-sector-threat-landscape-report-2025. Notably, the report cites a four-fold increase in ransomware attacks against communications providers since 2021, notes the value of provider-held data, and specifies that ransomware attacks are not limited to major carriers, but also affect, among others, regional operators and vendors. *Id.* at 7, 10.

[2] CISA, *#StopRansomware Guide*, https://www.cisa.gov/stopransomware/ransomware-guide (last visited Jan. 29, 2026); NIST, *Ransomware*, https://www.nist.gov/itl/smallbusinesscyber/guidance-topic/ransomware (last visited Jan. 29, 2026).

[3] Social engineering can include phishing or sharing links on popular user sites where users share comments and tips.

[4] Dept. of Health and Human Services, Health Sector Cybersecurity Coordination Center, HC3: Analyst Note, Akria Ransomware at 2-3 (2024), https://www.hhs.gov/sites/default/files/akira-randsomware-analyst-note-feb2024.pdf.

[5] CISA, *#StopRansomware Guide*, https://www.cisa.gov/stopransomware/ransomware-guide (last visited Jan. 29, 2026); NIST, *Ransomware*, https://www.nist.gov/itl/smallbusinesscyber/guidance-topic/ransomware (last visited Jan. 29, 2026).

provide service to the public.[6] The time and services that entities lose responding to a ransomware attack—as well as the ransom itself, if paid—can be both costly and disruptive.[7] Depending on their effects, ransomware attacks may also require reporting the attack to the Commission or federal law enforcement.

Communications providers should review the below resources related to ransomware attacks, including best practices designed to prevent such attacks and steps to take if you are the target of an attack. Adopting these measures can help secure the nation's critical infrastructure by preventing and mitigating communications network outages, protecting sensitive information, and promoting the continuity of business operations.

Best Practices for Preventing and Mitigating Ransomware Attacks

(1) *Develop a Cybersecurity Risk Management Plan*. Referencing best practices and industry standards will assist communications providers in developing a plan for their organizations to respond to a ransomware attack. Having a plan in place that creates incident response teams, assigns clear responsibilities to key employees, and includes response planning can provide concrete steps to follow if an attack occurs and help minimize stress or panic in reacting to attacks.

(2) *Regularly Update and Patch Software and Disable Unnecessary Features*. Using the most recent software updates and promptly applying applicable security patches can provide critical defenses against viruses, malware, and other online threats.

(3) *Enable Multi-Factor Authentication (MFA)*. Implementing MFA as part of an authentication and access management strategy helps guard against unauthorized network access.

(4) *Regularly Back Up Data*. Having robust backup data processes in place is essential to facilitating data restoration in the event of an attack.

(5) *Train Employees in Cybersecurity Awareness and Security Principles*. Educating employees and conducting periodic cyber-hygiene training reduces vulnerabilities and fosters increased network security to help prevent breaches.

(6) *Segment Network Appropriately While Implementing a "Zero Trust" Architecture*. Network segmentation helps minimize the impact of an attack by establishing important controls on network access.

(7) *Deploy Detection and Protection Processes and Regularly Scan for Vulnerabilities*. Maintaining awareness of network conditions and proactively monitoring for suspicious activities enables companies to more quickly identify and respond to potential threats. Monitoring approaches include implementing intrusion detection and prevention systems (IDS/IPS), endpoint detection and response (EDR), running regular vulnerability scans, monitoring logs and setting alerts for unusual login attempts or network activity, and staying up to date on threat intelligence by subscribing to threat monitoring sources.

(8) *Evaluate Third-Party Risk*. Evaluating the cybersecurity practices and monitoring the vulnerability of third-party vendors reduces the risk of threats that occur outside the provider's controlled infrastructure.

The attached Appendix contains a sample of best practices that address some of these measures in greater detail.

[6] CISA, *#StopRansomware Guide*, https://www.cisa.gov/stopransomware/ransomware-guide (last visited Jan. 29, 2026).

[7] *Id.*

Responding to an Attack

It is important to respond quickly and effectively to a ransomware attack. When responding, providers should take steps to mitigate the effects of the attack. These include:

(1) *Follow Your Cybersecurity Risk Management Plan*. Resist an attacker's attempts to sow chaos or create false urgency, and follow the cybersecurity risk management plan your organization developed before the attack. Engage incident response teams to understand how to mitigate, respond to, and recover from the incident.

(2) *Identify and Isolate*. Identify the scope/impact of the intrusion and immediately isolate affected systems to stop the spread of the ransomware.

(3) *Preserve Evidence*. Take system images and conduct memory capture of affected devices. Collect and preserve any relevant logs.

(4) *Patch and Harden Systems*. Patch and update systems and software to address the vulnerability that enabled the ransomware. In many cases, harden systems by issuing password reset to all affected accounts and enabling additional security controls, as applicable.

(5) *Restore Data*. Restore enterprise and customer data from clean backups (which were ideally stored offline and encrypted).

(6) *Report the Incident to the FCC and Law Enforcement as Appropriate*.

a. If a ransomware attack results in the compromise of Customer Proprietary Network Information (CPNI), the breach must be reported as soon as practicable, and in no event later than seven business days after reasonable determination of the breach, to the United States Secret Service (USSS) and the Federal Bureau of Investigation (FBI) via the reporting portal accessible at https://www.cpnireporting.gov.[8]

b. If the attack results in a network outage subject to the Commission's reporting rules, providers are required to submit notifications and reports to the Commission, 911 special facilities, and/or 988 special facilities on the required timelines.[9]

c. If the attack results in the unauthorized transmission of Emergency Alert System codes or Attention Signal, it must be reported to the FCC Operations Center at FCCOPS@fcc.gov within 24 hours.[10]

d. Even if the attack does not trigger any of the above reporting requirements, consider reporting it to the FCC and federal law enforcement for their situational awareness and assistance. Relevant contact information is below:

- ***FCC Operations Center***: Available 24 hours a day, 365 days a year, the FCC Operations Center is available to assist public safety, government, and communications industry stakeholders with emergency communications needs. The FCC Operations Center can be reached at FCCOPS@fcc.gov or 202-418-1122.
- ***Federal Law Enforcement Resources***: These agencies conduct law enforcement and national security investigations of cyber incidents.
    - **Internet Crime Complaint Center (IC3)**: IC3 is the central hub for reporting cybercrime. The IC3's website is designed to provide information about the latest and most harmful cyber threats and scams:

[8] *See* 47 U.S.C. § 222; 47 CFR § 64.2011(b). Following law enforcement notification, the Commission's rules also require notification to affected customers of a breach of those customers' CPNI. 47 CFR § 64.2011(c).

[9] *See* 47 CFR § 4.9.

[10] 47 CFR § 11.45(b).

https://www.ic3.gov/Home/Index. The website also receives complaints and reports that help the FBI and its partners to bring cyber criminals to justice: https://complaint.ic3.gov/.

- **Federal Bureau of Investigation (FBI)**: Contact the appropriate local FBI field office by phone or email. Find your local field office here: https://www.fbi.gov/contact-us/field-offices.
- **United States Secret Service (USSS)**: Contact the appropriate local USSS field office by phone or email. Find your local field office here: https://www.secretservice.gov/contact/field-offices.

- ***Federal Asset Response Resources***: These agencies can provide technical assistance to help protect assets, mitigate vulnerabilities, and reduce the impact of the cyber incident.
  - **Cybersecurity and Infrastructure Security Agency (CISA)**. Email: Central@cisa.gov; Phone: 1-844-729-2472.
  - **MS-ISAC for State, Local, Tribal, and Territorial Government entities**. Email: soc@msiac.org; Phone: 866-787-4722.

Additional Resources

In addition to the specific best practices included in the Appendix, the following resources provide broader guidance that your organization can implement to protect against and mitigate malware and ransomware attacks.

(1) *FCC's 10 Cyber Security Tips for Small Businesses*. The Commission's tips provide core guidance to small businesses on establishing a cybersecurity strategy to protect their businesses, customers, and data: https://www.fcc.gov/communications-business-opportunities/cybersecurity-small-businesses.

(2) *Federal Trade Commission (FTC) Ransomware Business Guidance.* The FTC provides cybersecurity guidance for small businesses: https://www.ftc.gov/business-guidance/small-businesses/cybersecurity.

(3) *National Institute of Standards and Technology (NIST) Cybersecurity Framework (Framework).* The NIST Framework helps businesses understand, manage, and reduce their cybersecurity risk and protect their networks and data: https://nvlpubs.nist.gov/nistpubs/CSWP/NIST.CSWP.29.pdf.

(4) *CSRIC Industry Best Practices.* CSRIC publishes industry best practices vital to the reliability of the nation's public communications networks and services. Users can select categories of interest, including cybersecurity*:* https://opendata.fcc.gov/Public-Safety/CSRIC-Best-Practices/qb45-rw2t/about_data.

(5) *CISA's #StopRansomware Guide.* CISA publishes a ransomware guide with input from the Multi-State Information Sharing and Analysis Center (MS-ISAC), the National Security Agency, and the FBI: https://www.cisa.gov/stopransomware/ransomware-guide.

(6) *CISA's Known Exploited Vulnerabilities Catalog*. CISA maintains an authoritative source of vulnerabilities to help organizations keep pace with threat activity and better manage these risks: https://www.cisa.gov/known-exploited-vulnerabilities-catalog.

For more information, contact Jeanne Stockman, Jeanne.Stockman@fcc.gov, or George Weber, George.Weber@fcc.gov, Attorney-Advisors, Cybersecurity and Communications Reliability Division, Public Safety and Homeland Security Bureau.

- FCC -

APPENDIX

Select Best Practices to Prevent, Respond, and Recover from Ransomware Attacks

(1) *Regularly Update and Patch Software and Disable Unnecessary Features*

- **Communications Security, Reliability, and Interoperability Council (CSRIC) Best Practice 13-8-8020:** Network Operators, Service Providers, and Equipment Suppliers should have special processes and tools in place to quickly patch critical infrastructure systems when important security patches are made available. Such processes should include determination of when expedited patching is appropriate and identifying the organizational authority to proceed with expedited patching. This should include expedited lab testing of the patches and their effect on network and component devices.
- **CSRIC Best Practice 13-8-8566:** Network Operators, Service Providers, and Equipment Suppliers should assure that patching distribution hosts properly sign all patches. Critical systems must only use OSs and applications which employ automated patching mechanisms, rejecting unsigned patches. If a patch fails or is considered bad, restore OS and applications from known good backup media.
- **CSRIC Best Practice 13-9-8037:** Network Operators, Service Providers, and Public Safety should maintain a complete inventory of elements to ensure that patches/fixes can be properly applied across the organization. This inventory should be updated each time a patch/fix is identified and action is taken.
- **CSRIC Best Practice 13-9-8039:** Service Providers, Network Operators, and Public Safety should perform a verification process to ensure that patches/fixes are actually applied as directed throughout the organization. Exceptions should be reviewed and the proper patches/fixes actually applied.
- **CSRIC Best Practice 13-9-8756:** Network Operators and Public Safety should establish and implement procedures to ensure that all security patches and updates relevant to the device or installed applications are promptly applied. The patching process should be automated whenever possible. The system should be rebooted immediately after patching if required for the patch to take effect.

(2) *Enable Multi-Factor Authentication (MFA)*

- **CSRIC Best Practice 13-13-8768:** Network Operators, Service Providers, Equipment Suppliers, Public Safety and Government should support multi-factor authentication to increase confidence in the identity of an entity.
- **CSRIC Best Practice 13-12-8081**: Network Operators, Service Providers, Equipment Suppliers and Public Safety should develop an enforceable password policy, which considers different types of users, requiring users to protect, as applicable, either (a) the passwords they are given/create or (b) their credentials for two-factor authentication.
- **CSRIC Best Practice 13-12-8126**: Network Operators, Service Providers, Equipment Suppliers and Public Safety should employ authentication methods commensurate with the business risk of unauthorized access to the given network, application, or system. For example, these methods would range from single-factor authentication (e.g., passwords) to two-factor authentication (e.g., token and PIN) depending on the estimated criticality or sensitivity of the protected assets. When

two-factor authentication generates one-time passwords, the valid time-duration should be determined based on an assessment of risk to the protected asset(s).

(3) *Regularly Back Up Data*

- **CSRIC Best Practice 13-10-1047**: Network Operators, Service Providers, and Public Safety should develop a process to routinely archive critical system backups and provide for storage in a secure off-site facility which would provide geographical diversity.
- **CSRIC Best Practice 13-9-0415**: Network Operators, Service Providers, and Public Safety should test the restoral process associated with critical data back-up, as appropriate.

(4) *Train Employees in Cybersecurity Awareness and Security Principles*

- **CSRIC Best Practice 13-10-0511**: Network Operators, Service Providers, Equipment Suppliers, and Public Safety should ensure that appropriate operations personnel involved in the direct operation, maintenance, provisioning, security, troubleshooting, repair, and support of network elements are provided periodic training.
- **CSRIC Best Practice 13-13-8970**: Network Operators, Public Safety and Government should ensure that staff is well trained, in reporting of security incidents, weaknesses and suspicious activity and are equipped with intrusion detection capability, response tools, and processes linking operations alarms with security alerts that would support rapid response and mitigation capability.
- **CSRIC Best Practice 13-13-8946**: Public Safety, Government should provide cyber hygiene training to staff that includes informing end users on proper email and web usage, highlighting current information and analysis, and including common indicators of phishing.

(5) *Segment Network Appropriately While Implementing a "Zero Trust" Architecture*

- **CSRIC Best Practice 13-13-8947:** Network Operators, Service Providers, Equipment Suppliers, Public Safety and Government should implement the "least-privilege-principle" for security in all public safety systems; meaning, provide access only to those resources that an individual should have access to.
- **CSRIC Best Practice 13-13-8955**: Network Operators, Service Providers, Public Safety and Government should provide a well-architected, segmented network.
- **CSRIC Best Practice 13-13-8948:** Network Operators, Service Providers, Public Safety and Government should log, monitor, and audit all employee electronic activity.
- **CSRIC Best Practice 13-13-8943**: Public Safety, Government should segment any critical networks or control systems from administrative systems and networks.

(6) *Deploy Detection and Protection Processes and Regularly Scan for Vulnerabilities*

- **CSRIC Best Practice 13-9-8103:** Network Operators, Service Providers, and Public Safety should deploy malware protection tools where feasible, establish processes to keep signatures current, and establish procedures for reacting to an infection.
- **CSRIC Best Practice 13-6-8023:** Network Operators and Service Providers should regularly scan infrastructure for vulnerabilities/exploitable conditions. Operators should understand the operating systems and applications deployed on their network and keep abreast of vulnerabilities, exploits, and patches.

- **CSRIC Best Practice 13-8-8913:** Service Providers should maintain methods to detect likely bot/malware infection of customer equipment. Detection methods will vary widely due to a range of factors. Detection methods, tools, and processes may include but are not limited to: external feedback, observation of network conditions and traffic such as bandwidth and/or traffic pattern analysis, signatures, behavior techniques, and forensic monitoring of customers on a more detailed level.
- **CSRIC Best Practice 13-8-8060:** Network Operators and Service Providers should ensure strong separation of data traffic from management/signaling/control traffic, via firewalls. Network operators should ensure strong cellular network backbone security by employing operator authentication, encrypted network management traffic and logging of security events. Network operators should also ensure operating system hardening and up-to-date security patches are applied for all network elements, element management system and management systems.
- **CSRIC Best Practice 13-13-8965:** Network Operators, Service Providers, Public Safety and Government should continuously monitor IP traffic for scanning, phishing attacks, and other suspicious cyber activity.
- **CSRIC Best Practice 13-13-8936:** Network Operators, Service Providers, Equipment Suppliers, Public Safety and Government should exercise third-party vulnerability testing on a regular basis.

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

In the Matter of	)	
	)	
Cybersecurity Labeling for Internet of Things	)	PS Docket No. 23-239

ORDER GRANTING EXTENSION OF TIME

Adopted: January 29, 2026 **Released: January 29, 2026**

By the Chief, Public Safety and Homeland Security Bureau:

I. INTRODUCTION

1. By this Order, the Federal Communications Commission's (FCC or Commission) Public Safety and Homeland Security Bureau (Bureau) grants the request for Extension of Time (Extension Request) filed by Summit Ridge Group, LLC (Summit Ridge),[1] which requests a 10-day extension of time, until February 9, 2026, to file applications for Lead Administrator in the above-captioned proceeding. The Bureau finds that Summit Ridge's request for a 10-day extension of time is warranted to ensure Summit Ridge, and other Lead Administrator applicants, have sufficient time to prepare full and informed applications and thus extends the Lead Administrator application filing deadline to February 9, 2026.

2. On January 6, 2026, the Bureau adopted a Public Notice announcing a 15-business day filing window for applications from entities seeking designation by the Commission as Lead Administrator, which opened on January 7 and was scheduled to close on January 28. However, Commission Headquarters were closed on January 26 and 27 due to adverse weather conditions, rendering these two days as holidays for purposes of calculating a period of time under the Commission's rules.[2] Therefore, the Lead Administrator application filing window closes January 30, 2026. The Bureau indicated in the Public Notice that while it would not accept applications after January 28, "applicants requiring additional time may, in accordance with Section 1.46 of the Commission's rules, request an extension of time for up to 10 additional calendar days to complete their applications."[3]

II. DISCUSSION

[1] Summit Ridge Group, LLC, *Summit Ridge Group, LLC Motion for Extension of Time to File CLA Application*, PS Docket No. 23-239, (filed Jan. 28, 2026), https://www.fcc.gov/ecfs/document/10129637714872/1 (Summit Ridge Request).

[2] 47 CFR § 1.4(e) ("[A] regularly scheduled Commission business day may become a holiday with respect to the entire Commission if Headquarters is closed prior to 5:30 p.m. due to adverse weather, emergency or other closing.")

[3] 47 CFR § 1.46; *Public Safety and Homeland Security Bureau Announces 15-Business Day Filing Window for Lead Administrator Applications Under the U.S. Cyber Trust Mark Program*, Public Notice, PS Docket No. 23-239, at 1, para. 1 & n.1 (Jan. 6, 2026) (*Notice*).

3. Summit Ridge requests an extension to consult with "key subject-matter experts, gather information from various affiliates, and compile it into an appropriate narrative response."[4] Summit Ridge notes that it would be a challenge to prepare a complete application in the time allotted by the Public Notice and that it would be in the public interest to grant an extension, accordingly.[5] Summit Ridge argues that granting this extension is consistent with Commission precedent and would not cause any harm to or impact any other party seeking CLA (or Lead Administrator) designation, as the process is not subject to public notice and comment and applications will be presumed confidential.[6]

4. We grant a 10-calendar day extension of time for entities to file applications for Lead Administrator in this proceeding. As set forth in section 1.46 of the Commission's rules,[7] the Commission does not routinely grant extensions of time. In this case, however, the extension request is limited to only 10 days and will allow Summit Ridge and other potential applicants additional time to engage key employees and compile the information necessary to prepare full and complete applications to support the U.S. Cyber Trust Mark Program as Lead Administrator. We therefore grant Summit Ridge's Extension Request and extend the application filing window in this proceeding to February 9, 2026.

III. ORDERING CLAUSES

5. Accordingly, **IT IS ORDERED** that, pursuant to section 4(i)-(j) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i)-(j), and sections 0.204, 0.392, and 1.46 of the Commission's rules, 47 CFR §§ 0.204, 0.392, 1.46, the Request for Extension of Time is **GRANTED**.

6. **IT IS FURTHER ORDERED** that the date to file Lead Administrator applications in response to the *Notice* **IS EXTENDED** to February 9, 2026.

FEDERAL COMMUNICATIONS COMMISSION

Zenji Nakazawa
Chief
Public Safety and Homeland Security Bureau

[4] Summit Ridge Request at 2.

[5] *Id.* at 2-3.

[6] *Id.* at 3.

[7] 47 CFR § 1.46.

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 Number: 26-98
Report No. TEL-02630S **Friday January 30, 2026**

Streamlined International Applications Accepted For Filing

Section 214 Applications (47 CFR §§ 63.18, 63.24); Section 310(b) Petitions (47 CFR § 1.5000)

Unless otherwise specified, the following procedures apply to the applications listed below:

The international section 214 applications listed below have been found, upon initial review, to be acceptable for filing and subject to the streamlined processing procedures set forth in section 63.12 of the Commission's rules. 47 CFR § 63.12. These applications are for authority under section 214 of the Communications Act, to transfer control of an authorized carrier or to assign a carrier's existing authorization; and/or (b) to become a facilities-based international common carrier; and/or (c) to become a resale-based international common carrier. 47 U.S.C. § 214(a).

Pursuant to section 63.12 of the rules, these applications will be granted 14 days after the date of this public notice (see 47 CFR § 1.4 regarding computation of time), and the applicant may commence operations on the 15th day, unless the Commission has informed the applicant in writing, within 14 days after the date of this public notice, that the application, on further examination, has been deemed ineligible for streamlined processing. Pursuant to Section 1.1910(b)(2) of the rules, action will be withheld on any application by any entity found to be delinquent in its debts to the Commission. Applicants should check the Red Light Display System's website at www.fcc.gov/redlight to determine if they are delinquent in a debt to the Commission and for information on how to pay the debt. 47 CFR § 1.1910(b)(2).

Communications between outside parties and Commission staff concerning these applications are permitted subject to the Commission's rules for "permit-but-disclose proceedings." See 47 CFR § 1.1206. An application can be removed from streamlined processing only in the sound discretion of Commission staff. The filing of comments or a petition to deny will not necessarily result in an application being deemed ineligible for streamlined processing.

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). All applications listed are subject to further consideration and review, and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

We request that comments on any of these applications refer to the application file number shown below.

ITC-T/C-20251117-00127 Loretto Communication Services, Inc.
Date filed: 2025-11-25
Transfer of Control

On November 25, 2025, Loretto Communication Services, Inc. (Loretto Communications), a Tennessee corporation that holds an international 214 authorization to provide global resale service (ITC-214-20040726-00304), filed an application for consent to transfer control of Loretto Communications from SkyBest Communications, Inc. (SkyBest) to United Communications Holdings, LLC (UCH). Loretto Communications is a wholly owned subsidiary of Loretto Telephone Company, Inc. (Loretto Telephone), a Tennessee corporation, which is wholly owned SkyBest, a North Carolina corporation.

On September 25, 2025, SkyBest and UCH entered into a stock purchase agreement where UCH will purchase 100% of the outstanding class A and B shares in Loretto Telephone. As a result, Loretto Telephone will become a direct wholly owned subsidiary of UCH, and Loretto Communications will be an indirect wholly subsidiary of UCH.

UCH, a Delaware limited liability company, is owned William H. Bradford (3.4% interest), a U.S. citizen, and MTE Holdings, LLC (MTEH) (96.6% interest). MTEH is wholly owned by The Middle Tennessee Electric Membership Corporation (MTEMC), both Tennessee entities. MTEMC is a member-owned cooperative that is governed by a Board of Directors elected by its member owners. No member owner holds an interest of 10% or more in MTEMC. All officers, directors and key management are U.S. citizens. According to the Applicant, no other individual or entity holds a 10% or greater direct or indirect ownership interest in UCH.

REMINDER:

Applicants must certify that neither the applicant nor any party to the application is subject to a denial of federal benefits by federal and/or state courts under authority granted in 21 U.S.C. § 862. See 47 CFR §§ 1.2001-.2003.

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 Number: 26-99
Report No. SCL-00591S **Friday January 30, 2026**

Streamlined Submarine Cable Landing License Applications

Accepted for Filing

Unless otherwise specified, the following procedures apply to the applications listed below:

The applications listed below have been found, upon initial review, to be acceptable for filing and subject to the streamlined processing procedures set forth in section 1.767 of the Commission's rules, 47 C.F.R. § 1.767. Pursuant to the Submarine Cable Landing License Act, 47 U.S.C. §§ 34-39, and Executive Order No. 10530, reprinted as amended in 3 U.S.C. § 301, each applicant seeks: (a) the grant of a submarine cable landing license; (b) the modification of a submarine cable landing license; and/or (c) the assignment or transfer of control of an interest in a submarine cable landing license.

Pursuant to its decision in Review of Commission Consideration of Applications under the Submarine Cable Landing License Act, IB Docket No. 00-106, FCC 01-332, 16 FCC Rcd 22167 (2001), and section 1.767 of the rules, the Commission will take action upon these applications within forty-five (45) days after release of this public notice, unless upon further examination an application is deemed ineligible for streamlined processing.

Ex parte communications between outside parties and Commission staff concerning these applications are permitted subject to the Commission's rules for "permit-but-disclose proceedings." See 47 C.F.R. § 1.1206. Unless otherwise specified, interested parties may file comments with respect to these applications within 14 days of this notice. Such filings will not necessarily result in an application being deemed ineligible for streamlined processing.

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). All applications listed are subject to further consideration and review, and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

SCL-MOD-20250930-00070 S250399 Quintillion Subsea Operations, LLC
Date filed: 2025-09-30
Modification

Quintillion Subsea Operations, LLC (Quintillion) filed an application for authority to modify the cable landing license for the Quintillion Submarine Cable System (Quintillion System) (SCL-LIC (SCL-LIC-20160325-00009). The Quintillion System connects multiple landing points in Alaska. Quintillion requests authorization to build new branches from branching units (BUs) on a newly constructed extension to the system reaching from the existing landing in Nome, Alaska to three new landing points: Emmonak, Hooper Bay, and Naknek, Alaska. On January 5, 2026, Quintillion filed an amendment to make corrections and update certain information. *See* SCL-AMD-20260105-00004.

Quintillion is the sole licensee for the Quintillion System, a non-common carrier submarine cable system connecting several points within Alaska: Prudhoe Bay, Barrow, Wainwright, Point Hope, Kotzebue, and Nome. In 2017, the Commission granted a cable landing license for the Quintillion System. *See* SCL-LIC-20160325-00009, Actions Taken Under Cable Landing License Act, Report No. SCL-00198, Public Notice, 32 FCC Rcd 2778 (IB 2017). The Quintillion System is subject to a January 9, 2024 National Security Agreement between Quintillion Subsea Operations, LLC, Q Gateway Ultimate Holdings, LLC, and Grain Communications Opportunity Fund III, Master, L.P., on one hand, and the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector (Committee), represented by the Department of Homeland Security, the Department of Justice and the Department of Defense, on the other hand (2024 NSA). *See* SCL-T/C-20230411-00010, Actions Taken Under Cable Landing License Act, Report No. SCL-00449, Public Notice, 39 FCC Rcd 1110 (OIA 2024).

Quintillion proposes to construct several new branches of the Quintillion System on a newly constructed extension reaching from the existing landing in Nome, Alaska to three new landings in Emmonak, Hooper Bay and Naknek, Alaska (770 mile trunk). Quintillion indicates the project's name is the Nome to Homer Express (NTHE). Quintillion adds that it will extend its existing subsea and terrestrial network south from Nome, Emmonak, and Hooper Bay, then to Naknek, and then terrestrially from Naknek to Igiugig (86.67 miles), then at Igiugig transitioning to leased fiber onward to Homer. The NTHE will consist of these nine segments:

T1: Nome cable landing station (CLS) to Nome beach manhole (BMH), 24 fiber pairs
S1: Nome BMH to Emmonak Branching Unit (BU), 8 fiber pairs
S2: Emmonak BU to Emmonak BMH, 2 fiber pairs
T2: Emmonak BMH to Emmonak, 24 fiber pairs
S3: Emmonak BU to Naknek BMH, 8 fiber pairs
T3: Naknek BMH to King Salmon, 24 fiber pairs
T4: King Salmon to Igiugig BMH, 24 fiber pairs
S2b: Hooper Bay BU to Hooper Bay BMH, 2 fiber pairs
T7: Hooper Bay BMH to Hooper Bay CLS, 24 fiber pairs

The Hooper Bay BU is incorporated within the S3 segment. Each fiber pair has a design capacity of 10 Tbps.

Quintillion states that the new landings will support communities within its service region with a diverse, resilient, low latency, competitive pathway to U.S. and global interconnectivity and cloud services.

Quintillion will continue to own, control, and operate all portions of, and have 100% voting interest in, the Quintillion System including, but not limited to, all cable landing stations, all equipment, all wet plant, all dry plant, and each segment of the cable system, whether located in territory subject to the

jurisdiction of the United States, U.S. territorial waters, or in the high seas. Quintillion also states that no other entity or individual will hold any direct voting or ownership interest in any portion of the Quintillion System. Quintillion will continue to operate the cable on a non-common carrier basis.

Quintillion is a direct wholly owned subsidiary of QSH Parent Holdco, LLC, which is an indirect wholly owned subsidiary of Q Gateway Ultimate Holdings LLC (Ultimate Holdings), all Delaware entities. Q MIP LLC, a Delaware entity, has an approximate 10% equity interest in Ultimate Holdings and Grain Communications Opportunity Fund III Master L.P. (GCO Fund III), a Delaware entity holds an approximate 90% equity interest and 100% voting interest in Ultimate Holdings.

The limited partnership interests in GCO Fund III are held by passive financial investors, three of which hold a 10% or greater equity interest in GCO Fund III: (1) Grain Communications Opportunity Fund III, LP, a Delaware entity (63.8% equity interest), (2) Grain Communications Opportunity Fund III (Parallel), L.P. (GCO Fund III (Parallel)), a Cayman Islands entity (18.7% equity interest), and (3) Grain Communications Opportunity Fund III (DE Parallel), L.P. (GCO Fund III (DE Parallel), a Delaware entity (17.3% equity interest). GCOF III GP, LLC (GCOF III GP), a Delaware entity, is the general partner of GCO Fund III and its three limited partners and holds a less than 10% equity interest in GCO Fund III. Grain Capital II, LLC, a Delaware entity, is the sole managing member of GCOF III GP, LLC (64.5% membership interests in GCOF III GP). The sole member of Grain Capital II, LLC is Grain Capital, LLC, a Delaware entity. David Grain, a U.S. citizen, owns Grain Capital, LLC and holds a less than 10% equity interest in GCO Fund III. The Applicants state that no other individual or entity has 10% or greater direct or indirect equity or voting interest in GCO Fund III or Quintillion.

Quintillion agrees to accept and abide by the routine conditions set out in section 1.767(g) of the Commission's rules, 47 CFR § 1.767(g)

In the Executive Branch Review Process Order, the Commission stated that it would generally refer submarine cable applications with reportable foreign ownership to the Executive Branch for review for national security, law enforcement, foreign policy, and trade policy issues. *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 10927, 10935-36, para. 24 (2020) (*Executive Branch Review Process Order*); *see* 47 CFR § 1.40001(a)(1). The Commission, however, stated that it would exclude from referral applications "where the only reportable foreign ownership is through wholly owned intermediate holding companies and the ultimate ownership and control is held by U.S. citizens or entities." Executive Branch Review Process Order, 35 FCC at 10938-39, paras. 30, 32); *see* 47 CFR § 1.40001(a)(2).

Quintillion requests that the Commission exempt this application from referral because it meets the exclusion category defined in Section 1.40001(a)(2)(ii) of the Commission's rules. Specifically, Quintillion states that all of its 10% or greater direct or indirect equity and voting interest holders are United States citizens or entities organized in the United States, except for GCO Fund III (Parallel), which is organized in the Cayman Islands, and is a passive intermediary entity, and ultimate control of Quintillion is held by David J. Grain, a U.S. citizen. Quintillion also requests that the Commission condition grant of the modification application on Quintillion's continued compliance with its obligations under the 2024 NSA.

We find that this application meets the criteria for exclusion from referral as set forth in Section 1.40001(a)(1) and therefore we are not formally referring this application. 47 CFR § 1.40001(a)(1). We will provide a courtesy copy of this Public Notice to the Executive Branch agencies. *See* Executive

Branch Review Process Order, 35 FCC at 10941, para. 36, n.99; *see also id*. 35 FCC at 10957, para 81, n.205.

SCL-AMD-20260105-00004 S250399 Quintillion Subsea Operations, LLC
Date filed: 2026-01-06
Amendment

See discussion of ICFS File No. SCL-MOD-20250930-00070 in this Public Notice.

REMINDERS:

Applicants must certify that neither the applicant nor any party to the application is subject to a denial of federal benefits by federal and/or state courts under authority granted in 21 U.S.C. § 862. See C.F.R. §§ 1.2001-1.2003.

By this notice, we inform the public that submarine cable landing license applications that are part of larger transactions involving multiple Commission licenses or authorizations may involve "extraordinary circumstances" as referenced in Review of Commission Consideration of Applications under the Submarine Cable Landing License Act, Report and Order, 16 FCC Rcd 22167 (2001) and Rules and Policies on Foreign Participation in the U.S. Telecommunications Market, Report and Order and Order on Reconsideration, 12 FCC Rcd 23891 (1997), paras. 327-28, Order on Reconsideration, 15 FCC Rcd 18158 (2000). Additionally, extraordinary circumstances result where Executive Branch agencies petition the Commission to defer action on an application pending the resolution of potential national security, law enforcement, foreign policy and trade policy issues. Accordingly, these applications may be removed from streamlined processing and may not be acted on within the 90-day review period that the Commission has established as the period of time normally required to reach a decision on non-streamlined submarine cable landing licenses. This notice shall serve as public notice to applicants that, in these circumstances, additional time may be required for Commission review and final action. No additional formal public notice will be provided routinely with respect to specific applications in the event that the applicable review period extends beyond 90 days.

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

In the Matter of	)	
	)	
Federated Wireless, Inc. Expedited Request for Emergency Waiver of Citizens Broadband Radio Service Incumbent Protection Rules	)	GN Docket No. 15-319

ORDER

Adopted: January 30, 2026 **Released: January 30, 2026**

By the Mobility Division, Wireless Telecommunications Bureau:

I. INTRODUCTION

1. By this Order, the Wireless Telecommunications Bureau (Bureau), Mobility Division, conditionally grants Federated Wireless, Inc.'s (Federated or Petitioner)[1] request for a precautionary, limited, and conditional emergency waiver of sections 96.67(c)(2) and (3) of the Commission's rules governing the Citizens Broadband Radio Service.[2] Federated requests that the Commission grant emergency waiver relief of sections 96.67(c)(2) and (3) to relieve them of the requirement for Environmental Sensing Capabilities (ESCs) to detect and protect federal incumbent users in the 3550-3700 MHz band (3.5 GHz band) from harmful interference for Dynamic Protection Areas (DPAs) that are being or may be impacted by Winter Storm Gianna, including DPAs East1, East2, East3, East4, East5, East6, East7, East8, East9, East10, East11, and East12 (the DPAs, together with the affected ESCs in such DPAs, the Impacted Systems). Winter Storm Gianna is projected to affect the Eastern United States with intense winds, heavy snow, and coastal flooding beginning on Friday, January 30, 2026.[3] For the reasons discussed below, we grant Petitioner's Waiver Request subject to the conditions described herein.

II. BACKGROUND

2. In 2015, the Commission adopted rules for shared commercial use of the 3.5 GHz band.[4] The Commission established the Citizens Broadband Radio Service and created a three-tiered access and authorization framework to accommodate shared federal and non-federal use of the band.[5] Access and operations are managed by a Commission-approved, automated frequency coordinator, known as a Spectrum Access System (SAS). SASs coordinate operations between federal and non-federal users by

[1] *See* Federated Wireless, Inc. Expedited Request for Emergency Waiver of CBRS Incumbent Protection Rules, GN Docket No. 15-319 (filed Jan. 29, 2026) (Waiver Request) https://www.fcc.gov/ecfs/document/101292142809936/1; *see also* State of North Carolina, Governor Josh Stein, Executive Order No. 32 (Jan. 29, 2026), https://governor.nc.gov/documents/executive-order-no-32-declaration-state-emergency.

[2] 47 CFR § 96.67(c)(2)-(3).

[3] *See* Waiver Request at 1-2; National Weather Service Weather Prediction Center, Short Range Public Discussion, 2:00 PM EST Thu. Jan. 29, 2026, https://www.wpc.ncep.noaa.gov/discussions/hpcdiscussions.php?disc=pmdspd.

[4] *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, 3975, paras. 44-45 (2015) (*2015 Report and Order*).

[5] *Id.*

relying on ESCs in DPAs to detect and protect federal incumbent users in the 3.5 GHz band from harmful interference. When there are federal incumbent users operating in the band, ESCs detect their signals and activate the DPA. When the DPA is activated, federal incumbent users are given priority over the other two tiers of users: Priority Access Licensees (PALs) and General Authorized Access (GAA) users. In the case that an ESC cannot accurately determine whether federal incumbents are active in the band, they must automatically activate the DPAs.[6]

3. Federated seeks a temporary conditional waiver of sections 96.67(c)(2) and (3) of the Commission's rules to relieve it of the requirement to detect the presence of a signal from a federal system in the 3.5 GHz Band and adjacent frequencies and to communicate information about the presence of such a signal to one or more approved SASs.[7] This waiver would allow Federated to treat the subject DPAs as "inactive" for the duration of the waiver authority and thus avoid the need for the ESCs to automatically activate the DPAs in areas affected by Gianna. Federated seeks a waiver of these requirements in the interest of providing uninterrupted service to thousands of Citizens Broadband Radio Service Devices (CBSDs) that provide critical broadband, voice, and data services to millions of customers in areas that may be impacted by Gianna.[8]

III. DISCUSSION

4. Section 1.925(b)(3) of the Commission's rules states that the Commission may grant a waiver when either (i) "[t]he 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) "[i]n view of unique or unusual factual circumstances of the instant case, application of the rule(s) would be inequitable, unduly burdensome or contrary to the public interest, or the applicant has no reasonable alternative."[9] Further, section 1.3 allows the Commission, on its own motion, to waive rules for good cause shown.[10]

5. Here, we find that Petitioner's showing, when considered with the conditions established herein, meets the second prong of the Commission's waiver standard. Federated asserts that Gianna will bring "intense winds with hurricane-force gusts, heavy snow, ice, and freezing rain that could cause widespread power outages and significant coastal flooding."[11] If such outages occur, the Impacted Systems will lose commercial power and will be unable to operate normally.[12] Federated also asserts that the availability of backhaul may be impacted as well.[13] Federated contends that these power outages may cause DPAs in the affected areas to be activated, impacting approximately 35,000 CBSDs, potentially disconnecting millions of customers—including consumer, residential and enterprise users, schools, and oil and gas companies.[14] According to Federated, "[m]any of these customers will rely on these services to stay apprised of ongoing dangers during and after the storm, while others will leverage connectivity to

[6] *See Promoting Investment in the 3550-3700 MHz Band*, GN Docket Nos. 15-319, 17-258, Order, 33 FCC Rcd 4987, 4990-91, paras. 6, 9 (2018).

[7] 47 CFR § 96.67(c)(2)-(3). Additionally, to the extent necessary, we also waive applicable sections of 96.15(a)(2), (a)(3), (b)(3), 96.45(b), 96.53(a), (e)-(g), and 96.57(d).

[8] *See* Waiver Request at 2.

[9] 47 CFR § 1.925(b)(3).

[10] 47 CFR § 1.3.

[11] *See* Waiver Request at 1-2.

[12] *See id.* at 2.

[13] *Id*.

[14] *Id*.

help restore critical services, such as water and electricity."[15] Accordingly, we grant a waiver of sections 96.67(c)(2) and (3) of the Commission's rules, subject to the conditions set forth herein, and consistent with the ESC waiver orders that the Bureau issued in response to previous severe weather events[16] to allow the Federated SASs to treat the subject DPAs as "inactive" for the duration of this waiver and thereby obviate their ESCs from the obligation to detect the presence of a signal from a federal system in the 3.5 GHz Band and adjacent frequencies and to communicate information about the presence of such a signal to one or more approved SASs.

6. Specifically, we find the following conditions are required: (1) this waiver only applies to periods where the subject ESC sensors are unable to communicate with the Federated SASs due to a power outage or backhaul outage; (2) this waiver is limited to the earlier of either February 13, 2026, or when commercial power and backhaul service is restored to the subject ESC sensors; (3) Federated must provide confirmation to the Commission, the Department of War (DoW), and the Navy within three business days of power restoration to the subject ESC sensors and restoration of backhaul service; (4) extension requests must be justified through demonstration of the specific steps taken to reactivate the subject ESC sensors and the remaining steps necessary to reactivate, and such requests must be filed no later than three business days before expiration of this waiver; and (5) the ESC operator must immediately activate the subject DPAs upon notification from the Commission, the National Telecommunications and Information Administration, or the DoW.

7. In consideration of the emergency presented by Gianna, we find that these are unique circumstances that make application of the rules inequitable, unduly burdensome, and contrary to the public interest. For these reasons, we find it is in the public interest to conditionally grant Petitioner's request for an emergency waiver of sections 96.67(c)(2) and (3), on a time-limited basis and subject to conditions described herein.

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[15] *Id*.

[16] *See e.g., Federated Wireless Expedited Request for Emergency Waiver of Citizens Broadband Radio Service Incumbent Protection Rules*, GN Docket No. 15-319, Order, DA 22-999 (rel. Sept. 22, 2022); *Federated Wireless, CommScope, Inc., and Google LLC's Expedited Requests for Emergency Waiver of Citizens Broadband Radio Service Incumbent Protection Rules*, GN Docket No. 15-319, Order, DA 22-1042 (rel. Sept. 30, 2022); *Federated Wireless Expedited Request for Emergency Waiver of Citizens Broadband Radio Service Incumbent Protection Rules*, GN Docket No. 15-319, Order, DA 22-1165 (rel. Nov. 9, 2022); *Federated Wireless Expedited Request for Emergency Waiver of Citizens Broadband Radio Service Incumbent Protection Rules*, GN Docket No. 15-319, Order, DA 23-453 (rel. May 30, 2023); *Google LLC's Expedited Request for Emergency Waiver of Citizens Broadband Radio Service Incumbent Protection Rules*, GN Docket No. 15-319, Order, DA 23-789 (rel. Aug. 30, 2023); *Federated Wireless Expedited Request for Emergency Waiver of Citizens Broadband Radio Service Incumbent Protection Rules*, GN Docket No. 15-319, Order, DA 24-652 (rel. July 8, 2024); *Google LLC Expedited Request for Emergency Waiver of Citizens Broadband Radio Service Incumbent Protection Rules*, GN Docket No. 15-319, Order, DA 24-677 (rel. July 12, 2024); *Federated Wireless Expedited Request for Emergency Waiver of Citizens Broadband Radio Service Incumbent Protection Rules*, GN Docket No. 15-319, Order, DA 24-777 (rel. Aug. 6, 2024); *Federated Wireless Expedited Request for Emergency Waiver of Citizens Broadband Radio Service Incumbent Protection Rules*, GN Docket No. 15-319, Order, DA 24-814 (rel. Aug. 14, 2024); *Federated Wireless Expedited Request for Emergency Waiver of Citizens Broadband Radio Service Incumbent Protection Rules*, GN Docket No. 15-319, Order, DA 24-915 (rel. Sep. 10, 2024); *Google LLC Expedited Request for Emergency Waiver of Citizens Broadband Radio Service Incumbent Protection Rules*, GN Docket No. 15-319, Order, DA 24-948 (rel. Sep. 13, 2024); *Google LLC Expedited Request for Emergency Waiver of Citizens Broadband Radio Service Incumbent Protection Rules*, GN Docket No. 15-319, Order, DA 24-1056 (rel. Oct. 8, 2024); *Federated Wireless Expedited Request for Emergency Waiver of Citizens Broadband Radio Service Incumbent Protection Rules*, GN Docket No. 15-319, Order, DA 24-1057 (rel. Oct. 8, 2024); *Federated Wireless Expedited Request for Emergency Waiver of Citizens Broadband Radio Service Incumbent Protection Rules*, GN Docket No. 15-319, Order, DA 26-73 (rel. Jan. 23, 2026).

IV. ORDERING CLAUSES

8. Accordingly, IT IS ORDERED, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and sections 1.3 and 1.925 of the Commission's rules, 47 CFR §§ 1.3, 1.925, that the request filed by Federated Wireless, Inc. for emergency waiver of sections 96.67(c)(2) and (3) of the Commission's rules, 47 CFR §§ 96.67(c)(2) and (3) is GRANTED to the extent described, and with the conditions specified, herein.

9. IT IS FURTHER ORDERED, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and sections 1.3 and 1.925 of the Commission's rules, 47 CFR §§ 1.3, 1.925, that the Wireless Telecommunications Bureau GRANTS ON ITS OWN MOTION a waiver of sections 96.15(a)(2), (a)(3), 96.45(b), 96.53(a), (e)-(g), and 96.57(d) of the Commission's Rules, 47 CFR §§ 96.15(a)(2), (a)(3), 96.45(b), 96.53(a), (e)-(g), 96.57(d), to the extent described, and with the conditions specified, herein.

10. This action is taken under delegated authority pursuant to sections 0.131, and 0.331 of the Commission's rules, 47 CFR §§ 0.131, and 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Roger Noel
Chief, Mobility Division
Wireless Telecommunications Bureau

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 Number: 26-101
Report No. SAT-01971 **Friday January 30, 2026**

Satellite Licensing Division and Satellite Programs and Policy Division Information

RE: 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-20250717-00176 S00728 DISH Operating L.L.C.
Date filed: 2025-09-11
Launch and Operating Authority
Grant of Authority Date of Action: 2026-01-29

Nature of Service:
- Direct Broadcast Satellite (DBS) Service
- Fixed-Satellite Service

Granted with conditions.

SAT-LOA-20250915-00276 S00757 ICEYE US, Inc.
Date filed: 2025-12-03
Launch and Operating Authority
Grant of Authority Date of Action: 2026-01-29

Nature of Service: Earth Exploration-Satellite Service

Granted with conditions.

SAT-LOA-20250310-00067 S3225 Basalt Technologies Corp.
Date filed: 2025-03-10
Launch and Operating Authority
Granted in Part/ Deferred in Part Date of Action: 2026-01-23

Nature of Service: Earth Exploration-Satellite Service

Granted, in part, deferred in part, with conditions.

SAT-STA-20260107-00014 S3069/2992 Space Exploration Holdings, LLC
Date filed: 2026-01-08
Special Temporary Authority
Grant of Authority Date of Action: 2026-01-28

Granted with conditions.

SAT-LOA-20250626-00122 S00696 Momentus Space LLC
Date filed: 2025-07-01
Launch and Operating Authority
Grant of Authority Date of Action: 2026-01-29

Nature of Service:
- Space Research Service
- Earth Exploration-Satellite Service

Granted, with conditions.

SAT-STA-20260106-00011 S00728 DISH Operating L.L.C.
Date filed: 2026-01-06
Special Temporary Authority
Grant of Authority Date of Action: 2026-01-27

Granted with conditions.

SAT-STA-20260107-00013 S3069/2992 Space Exploration Holdings, LLC
Date filed: 2026-01-08
Special Temporary Authority
Grant of Authority Date of Action: 2026-01-26

Granted with conditions.

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 26-102
Released: January 30, 2026

DOMESTIC SECTION 214 APPLICATIONS FILED FOR THE TRANSFER OF CONTROL OF THE FASTWYRE ALASKA AND FASTWYRE NEBRASKA LICENSEES TO ANACOCO CAPITAL PARTNERS, LLC

NON-STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket Nos. 25-329 & 26-2

Comments Due: February 13, 2026
Reply Comments Due: February 20, 2026

By this Public Notice, the Wireline Competition Bureau seeks comment from interested parties on applications[1] filed by ABC Parent Holdings LP (ABC Parent) and Anacoco Capital Partners, LLC (Anacoco) (together, Applicants), pursuant to section 214(a) of the Communications Act of 1934, as amended, and section 63.04 of the Commission's rules,[2] requesting consent to transfer control of ABC Parent's indirect, wholly-owned Alaska-based subsidiaries, TelAlaska Long Distance, Inc., Interior Telephone Company, and Mukluk Telephone Company, Inc. (Fastwyre Alaska Licensees), and ABC Parent's indirect, wholly-owned Nebraska-based subsidiaries, Arlington Telephone Company, The Blair Telephone Company, Eastern Nebraska Telephone Company, Rock County Telephone Company, and HunTel Cablevision Inc. (Fastwyre Nebraska Licensees) (collectively, Fastwyre Licensees), to Anacoco.

ABC Parent, a Delaware limited partnership that does not provide telecommunications services,[3] wholly-owns ABC Intermediate Inc., a Delaware corporation (ABC Intermediate), which in turn wholly-owns ABC Acquisition Inc. (ABC Acquisition), a Delaware corporation, which wholly-owns American Broadband Holding Company (American Broadband), a Delaware corporation.[4] American Broadband is an aggregator of rural local exchange and broadband companies that serve customers under the brand

[1] Domestic Section 214 Application for the Transfer of Control of the Fastwyre Alaska Licensees to Anacoco Capital Partners, LLC, WC Docket No. 25-329 (filed Nov. 25, 2025) (Alaska Application); Domestic Section 214 Application for the Transfer of Control of ABC Parent Holdings LP to Anacoco Capital Partners, LLC, WC Docket No. 26-2 (filed Jan. 5, 2026) (Nebraska Application). Applicants filed a supplement to the Alaska Application on December 18, 2025, and filed supplements to the Alaska and Nebraska Applications on January 21, 2026. Letter from Todd Slamowitz, Counsel for Anacoco Capital Partners, LLC, and Brian W. Murray, Counsel for ABC Parent Holdings LP, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 25-312 (filed Dec. 18, 2025) (December Supplement); Letter from Todd Slamowitz, Counsel for Anacoco Capital Partners, LLC, and Brian W. Murray, Counsel for ABC Parent Holdings LP, to Marlene H. Dortch, Secretary, FCC, WC Docket Nos. 25-312 and 26-2 (filed Jan. 21, 2026) (January Supplement). Applicants also filed applications for the transfer of authorizations associated with wireless and international services. Any action on the Application is without prejudice to Commission action on other related, pending applications.

[2] *See* 47 U.S.C. § 214(a); 47 CFR § 63.04.

[3] Alaska Application at 2.

[4] *Id*.; Pre-Closing Organizational Chart, Attach. to December Supplement.

name of Fastwyre.[5] American Broadband wholly-owns TelAlaska, Incorporated (TelAlaska, Inc.), an Alaska corporation and the parent company of the Fastwyre Alaska Licensees.[6] Thus, the Fastwyre Alaska Licensees are indirect, wholly-owned subsidiaries of ABC Parent.[7] The Fastwyre Alaska Licensees provide data, telecommunications, and other services to rural communities in Alaska.[8] Specifically, TelAlaska Long Distance, Inc., an Alaska corporation, provides competitive local exchange and interexchange telecommunications services in designated areas of Alaska.[9] Interior Telephone Company (Interior Telco) and Mukluk Telephone Company, Inc (Mukluk Telco) are Alaska corporations and incumbent local exchange carriers (LECs).[10] Interior Telco and Mukluk Telco are also designated Eligible Telecommunications Carriers (ETCs) that receive Universal Service Fund (USF) high-cost support in the form of the Alaska Plan.[11]

American Broadband also wholly owns HunTel, Inc., the parent company of the Fastwyre Nebraska Licensees.[12] The Fastwyre Nebraska Licensees are therefore also indirect wholly-owned subsidiaries of ABC Parent.[13] The Fastwyre Nebraska Licensees provide data, telecommunications, and other services to rural communities in Nebraska.[14] Specifically, Arlington Telephone Company, Blair Telephone Company, Eastern Nebraska Telephone Company, and Rock County Telephone Company are designated ETCs and incumbent LECs that receive USF high-cost support in the form of Enhanced Alternative Connect America Model.[15] HunTel Cablevision, Inc. is a designated ETC and competitive LEC authorized to provide local and interexchange telecommunications services in designated areas of Nebraska.[16]

Anacoco is a Delaware limited liability holding company that is equally owned and controlled by Jonathan D. Foxman and Daniel E. Hopkins, both U.S. citizens.[17] Mssrs. Foxman and Hopkins, through commonly controlled entities, have a history of providing rural communities with access to communications services that include fixed and mobile broadband and voice services.[18] Anacoco and its affiliates do not provide facilities-based or resold telecommunications services in the areas served by the Fastwyre Licensees.[19]

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[5] Alaska Application at 2. These companies provide telecommunications services, cable services, and information services in largely rural markets in Alabama, Alaska, Louisiana, Missouri, Nebraska, and Texas. *Id*.

[6] *Id*. at 2-3; Pre-Closing Organizational Chart, Attach. to December Supplement.

[7] Alaska Application. at 3-4.

[8] *Id*. at 4.

[9] *Id*.

[10] *Id*.

[11] *Id*. at 16. All Fastwyre Alaska Licensees participate in the Lifeline program and will continue to do so post-transaction. *Id*. at 18.

[12] Nebraska Application at 3-4, Exh. A (Pre-and Post Closing Organizational Charts).

[13] *Id*. at 2-4, Exh. A.

[14] *Id*. at 5.

[15] *Id*. at 3-4, 16. All Fastwyre Nebraska Licensees participate in the Lifeline program and will continue to do so post-transaction. *Id*. at 20.

[16] *Id*. at 4, 19.

[17] Alaska Application. at 4, 8, 12; Nebraska Application at 5, 12-13; December Supplement at 3.

[18] Alaska Application. at 4-5; Nebraska Application at 5.

[19] Alaska Application. at 8; Nebraska Application at 9.

Pursuant to the terms of both proposed transactions, ABC Parent, ABC Intermediate, and Anacoco entered into a stock purchase agreement under which Anacoco will acquire all of the outstanding equity interests in ABC Intermediate and, therefore, indirect ownership and control of its subsidiaries, including the Fastwyre Licensees.[20] Accordingly, Applicants state that upon consummation of the transactions, the Fastwyre Licensees will be indirect wholly owned subsidiaries of Anacoco, ABC Intermediate, ABC Acquisition, and American Broadband.[21] Applicants state that post-consummation of the transaction, Anacoco will assume control of the Fastwyre Licensees, including all licenses, physical plant, and operations in Alaska and Nebraska.[22] The Fastwyre Licensees, following closing, will be managed by Anacoco, but will continue to be operated, on a day-to-day basis, by a majority of the existing employees.[23]

Applicants assert that a grant of the Application would serve the public interest, convenience, and necessity.[24] 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 processing.[25]

Domestic Section 214 Application Filed for the Transfer of Control of the Fastwyre Alaska Licensees to Anacoco Capital Partners, LLC, WC Docket No. 25-329 (filed Nov. 25, 2025); Domestic Section 214 Application Filed for the Transfer of Control of the Fastwyre Nebraska Licensees to Anacoco Capital Partners, LLC, WC Docket No. 26-2 (filed Jan. 5, 2026).

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.

[20] Alaska Application. at 5; Nebraska Application at 6; January Supplement at 1-2.

[21] January Supplement at 1-2.

[22] Alaska Application. at 5; Nebraska Application at 6.

[23] Alaska Application. at 5; Nebraska Application at 6.

[24] Alaska Application. at 6-9; Nebraska Application at 7-9.

[25] 47 CFR § 63.03(c)(1)(v).

- 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.

In addition, e-mail one copy of each pleading to each of the following:S

1) Megan Danner, Competition Policy Division, Wireline Competition Bureau, megan.danner@fcc.gov;
2) Robert Martin, Competition Policy Division, Wireline Competition Bureau, robert.martin@fcc.gov;
3) Karen Johnson, Office of International Affairs, karen.johnson@fcc.gov; and
4) 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.[26] 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 Megan Danner, Competition Policy Division, Wireline Competition Bureau, at (202) 418-1151 or Robert Martin, Competition Policy Division, Wireline Competition Bureau, at (202) 418-2903.

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[26] *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 26-103
Released: January 30, 2026

FCC DEACTIVATES THE DISASTER INFORMATION REPORTING SYSTEM AND THE MANDATORY DISASTER RESPONSE INTIATIVE IN MISSISSIPPI FOR COMMUNICATIONS IMPACTS FROM WINTER STORM FERN

On January 23, 2026, the Public Safety and Homeland Security Bureau (PSHSB), in coordination with the Federal Emergency Management Agency (FEMA), announced the activation of the Disaster Information Reporting System (DIRS) and the Mandatory Disaster Response Initiative (MDRI) in certain counties in states impacted by Winter Storm Fern.[1] Subsequently, at the request of relevant state emergency management agencies, the Federal Communications Commission (FCC or Commission) amended the area of the DIRS and MDRI activation.[2]

By this Public Notice, at the request of the State of Mississippi and in coordination with FEMA, we announce the deactivation of the DIRS and the MDRI for the following counties in Mississippi:

Mississippi: Alcorn, Benton, Calhoun, Carroll, Choctaw, Grenada, Holmes, Humphreys, Issaquena, Kemper, Lafayette, Leflore, Marshall, Montgomery, Panola, Pontotoc, Prentiss, Sharkey, Sunflower, Tallahatchie, Tippah, Tishomingo, Union, Yalobusha, and Yazoo

Cable communications providers, wireless service providers, wireline communications providers, and interconnected Voice over Internet Protocol (VoIP) providers that provide service in the above-referenced areas are no longer required to report their infrastructure status daily in DIRS for this event.[3] These providers must provide a single, final report to the Commission within 24 hours of release of this Public Notice detailing the state of their infrastructure at the time of DIRS deactivation and an estimated

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[1] *The Federal Communications Commission Activates the Disaster Information Reporting System (DIRS) and the Mandatory Disaster Response Initiative (MDRI) In Response To Winter Storm Fern*, Public Notice, DA 26-77 (PSHSB Jan. 23, 2026).

[2] *See FCC Amends the Activation Area of the Disaster Information Reporting System and the Mandatory Disaster Response Initiative in Mississippi and Tennessee for Communications Impacts From Winter Storm Fern*, Public Notice, DA 26-92 (PSHSB Jan. 28, 2026); *FCC Deactivates the Disaster Information Reporting System and the Mandatory Disaster Response Initiative in Certain States for Communications Impacted by Winter Storm Fern*, Public Notice, DA 26-91 (PSHSB Jan. 27, 2026); *The Federal Communications Commission Deactivates the Disaster Information Reporting System and the Mandatory Disaster Response Initiative in Several States for Communications Impacted by Winter Storm Fern*, Public Notice, DA 26-87 (PSHSB Jan. 26, 2026); *The Federal Communications Commission Modifies the Activation of the Disaster Information Reporting System and the Mandatory Disaster Response Initiative For Communications Impacted by Winter Storm Fern*, Public Notice, DA 26-84 (PSHSB Jan. 25, 2026); *The Federal Communications Commission Announces the Expansion of the Disaster Information Reporting System and the Mandatory Disaster Response Initiative For Communications Impacted By Winter Storm Fern*, Public Notice, DA 26-83 (PSHSB Jan. 24, 2026).

[3] *See* 47 CFR § 4.18(a)(1).

date of resolution of any remaining outages.[4] PSHSB encourages other communications providers that voluntarily reported in DIRS to also submit a final DIRS report.

As of the release of this Public Notice, cable communications providers, wireless service providers, wireline communications providers, and interconnected VoIP providers that provide service in the above-referenced areas must resume making submissions in the Network Outage Reporting System concerning any incidents that are reportable under those rules.[5]

DIRS AND MDRI REMAIN ACTIVATED IN:

Tennessee: Benton, Cheatham, Chester, Clay, Davidson, Decatur, Dickson, Giles, Hardeman, Hardin, Henderson, Hickman, Lawrence, Macon, Marshall, Maury, McNairy, Montgomery, Overton, Perry, Robertson, Rutherford, Shelby, Smith, Sumner, Trousdale, Wayne, Williamson, and Wilson

Providers should continue to provide information for the counties in which DIRS and the MDRI remain activated.

The FCC continues to monitor this event and may amend the DIRS or the MDRI activation area in the coming days.

For further information on this DIRS activation, please contact:

Michael Caiafa (202) 418-1311, michael.caiafa@fcc.gov
John Healy (215) 847-8094, john.healy@fcc.gov
Juan Chapa, (202) 418-0431, juan.chapa@fcc.gov
FCC 24/7 Operations Center (202) 418-1122, fccops@fcc.gov

For further information concerning this MDRI activation, please contact:

Justin Cain, (202) 853-7365, (202) 418-2924, justin.cain@fcc.gov
Logan Bennett, (202) 418-7790, logan.bennett@fcc.gov
FCC 24/7 Operations Center, (202) 418-1122, fccops@fcc.gov

For more information on the FCC's response to Winter Storm Fern, please visit https://www.fcc.gov/fern.

- FCC -

[4] 47 CFR § 4.18(a)(2).

[5] *See* 47 CFR § 4.18(b).

PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, D.C. 20554

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

DA 26-104
Released: January 30, 2026

IMPACT OF POTENTIAL LAPSE IN FUNDING ON COMMISSION OPERATIONS, FILING SYSTEMS, AND DATABASES

The Federal Communication Commission's current appropriation expires on Friday, January 30, 2026 at 11:59 pm EST. In the event of a partial lapse in federal government funding after January 30, 2026, however, the Commission will continue normal operations until further notice. The Commission's public facing filing systems and databases will remain available, and normal filing deadlines under the Commission's rules will apply.

If the Commission ceases normal operations, further guidance will be provided by a subsequent Public Notice.

-FCC-

PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, DC 20554

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

DA 26-105
Released: January 31, 2026

FCC DEACTIVATES THE DISASTER INFORMATION REPORTING SYSTEM AND THE MANDATORY DISASTER RESPONSE INTIATIVE FOR COMMUNICATIONS IMPACTS FROM WINTER STORM FERNAND ANNOUNCES DEADLINE FOR SUBMISSION OF AFTER-ACTION REPORTS

On January 23, 2026, the Public Safety and Homeland Security Bureau (PSHSB), in coordination with the Federal Emergency Management Agency (FEMA), announced the activation of the Disaster Information Reporting System (DIRS) and the Mandatory Disaster Response Initiative (MDRI) in certain counties in states impacted by Winter Storm Fern.[1] Subsequently, at the request of relevant state emergency management agencies, the Federal Communications Commission (FCC or Commission) amended the area of the DIRS and MDRI activation.[2]

With this Public Notice, at the request of the State of Tennessee and in coordination with FEMA, the Commission deactivates the DIRS and the MDRI in the following counties in Tennessee:

Tennessee: Benton, Cheatham, Chester, Clay, Davidson, Decatur, Dickson, Giles, Hardeman, Hardin, Henderson, Hickman, Lawrence, Macon, Marshall, Maury, McNairy, Montgomery, Overton, Perry, Robertson, Rutherford, Shelby, Smith, Sumner, Trousdale, Wayne, Williamson, and Wilson

Cable communications providers, wireless service providers, wireline communications providers, and interconnected Voice over Internet Protocol (VoIP) providers that provide service in the above-referenced areas are no longer required to report their infrastructure status daily in DIRS for this event.[3] These providers must provide a single, final report to the Commission within 24 hours of release of this

[1] *The Federal Communications Commission Activates the Disaster Information Reporting System (DIRS) and the Mandatory Disaster Response Initiative (MDRI) In Response To Winter Storm Fern*, Public Notice, DA 26-77 (PSHSB Jan. 23, 2026).

[2] *See FCC Deactivates the Disaster Information Reporting System and the Mandatory Disaster Response Initiative in Mississippi For Communications Impacts From Winter Storm Fern*, Public Notice, DA 26-103 (PSHSB Jan. 30, 2026); *FCC Amends the Activation Area of the Disaster Information Reporting System and the Mandatory Disaster Response Initiative in Mississippi and Tennessee for Communications Impacts From Winter Storm Fern*, Public Notice, DA 26-92 (PSHSB Jan. 28, 2026); *FCC Deactivates the Disaster Information Reporting System and the Mandatory Disaster Response Initiative in Certain States for Communications Impacted by Winter Storm Fern*, Public Notice, DA 26-91 (PSHSB Jan. 27, 2026); *The Federal Communications Commission Deactivates the Disaster Information Reporting System and the Mandatory Disaster Response Initiative in Several States for Communications Impacted by Winter Storm Fern*, Public Notice, DA 26-87 (PSHSB Jan. 26, 2026); *The Federal Communications Commission Modifies the Activation of the Disaster Information Reporting System and the Mandatory Disaster Response Initiative For Communications Impacted by Winter Storm Fern*, Public Notice, DA 26-84 (PSHSB Jan. 25, 2026); *The Federal Communications Commission Announces the Expansion of the Disaster Information Reporting System and the Mandatory Disaster Response Initiative For Communications Impacted By Winter Storm Fern*, Public Notice, DA 26-83 (PSHSB Jan. 24, 2026).

[3] *See* 47 CFR § 4.18(a)(1).

Public Notice detailing the state of their infrastructure at the time of DIRS deactivation and an estimated date of resolution of any remaining outages.[4] PSHSB encourages other communications providers that voluntarily reported in DIRS to also submit a final DIRS report.

As of the release of this Public Notice, cable communications providers, wireless service providers, wireline communications providers, and interconnected VoIP providers that provide service in the above-referenced areas must resume making submissions in the Network Outage Reporting System concerning any incidents that are reportable under those rules.[5]

DEACTIVATION OF MDRI IN REMAINING COUNTIES IN TENNESSEE

The MDRI is also hereby deactivated in the following counties in Tennessee:

Tennessee: Benton, Cheatham, Chester, Clay, Davidson, Decatur, Dickson, Giles, Hardeman, Hardin, Henderson, Hickman, Lawrence, Macon, Marshall, Maury, McNairy, Montgomery, Overton, Perry, Robertson, Rutherford, Shelby, Smith, Sumner, Trousdale, Wayne, Williamson, and Wilson

MDRI AFTER-ACTION REPORTS FOR MISSISSIPPI AND TENNESSEE

The Commission hereby requires facilities-based mobile wireless providers operating in the following Mississippi and Tennessee counties to submit a report to the Commission detailing the timing, duration, and effectiveness of their implementation of the MDRI's provisions within 60 days of the issuance of this Public Notice (i.e., by April 1, 2026).[6] Reports must be submitted via email to MDRI@fcc.gov.

Mississippi: Adams, Alcorn, Amite, Attala, Benton, Bolivar, Calhoun, Carroll, Chickasaw, Choctaw, Claiborne, Clarke, Clay, Coahoma, Copiah, Covington, DeSoto, Franklin, Grenada, Hinds, Holmes, Humphreys, Itawamba, Issaquena, Jasper, Jefferson, Jefferson Davis, Jones, Kemper, Lafayette, Lauderdale, Lawrence, Leake, Lee, Leflore, Lincoln, Lowndes, Madison, Marion, Marshall, Monroe, Montgomery, Neshoba, Newton, Noxubee, Oktibbeha, Panola, Pike, Pontotoc, Prentiss, Quitman, Rankin, Scott, Sharkey, Simpson, Smith, Sunflower, Tallahatchie, Tate, Tishomingo, Tippah, Tunica, Union, Warren, Washington, Wayne, Webster, Winston, Yalobusha, and Yazoo

Tennessee: Bedford, Benton, Bledsoe, Blount, Cannon, Carroll, Cheatham, Chester, Clay, Coffee, Crockett, Cumberland, Davidson, Decatur, Dekalb, Dickson, Dyer, Fayette, Franklin, Gibson, Giles, Grundy, Hamilton, Hardeman, Hardin, Hawkins, Haywood, Henderson, Henry, Hickman, Houston, Humphreys, Jackson, Lake, Lauderdale, Lawrence, Lewis, Lincoln, Macon, Madison, Marion, Marshall, Maury, McNairy, Montgomery, Moore, Obion, Overton, Perry, Pickett, Putnam, Robertson, Rutherford, Sequatchie, Sevier, Shelby, Smith, Stewart, Sumner, Tipton, Trousdale, Van Buren, Warren, Wayne, Williamson, Weakley, White, and Wilson

PSHSB published its final daily communications status report for Winter Storm Fern on January 31, 2026. For more information on the FCC's response to Winter Storm Fern, please visit https://www.fcc.gov/fern.

- FCC -

[4] 47 CFR § 4.18(a)(2).

[5] *See* 47 CFR § 4.18(b).

[6] *See* 47 CFR § 4.17(c).

Federal Communications Commission
Washington, D.C. 20554

February 2, 2026

DA 26-106
In Reply Refer to:
1800B3-BH
Released: February 2, 2026

Money Matters Educational, Inc.
c/o Hamon Francis Fytton
16034 US Highway 19
Suite E
Hudson, FL 34667

Money Matters Educational Inc.
c/o Dan J. Alpert
2120 21st Rd. N
Arlington, VA 22201

In re: Money Matters Educational Inc.
New LPFM, Hudson, Florida
Facility ID No. 788258
Application File No. 0000232727

Dear Applicant:

We have before us the above-referenced application (Application) for a construction permit for a new low power FM (LPFM) station at Hudson, Florida, (Station) filed by Money Matters Educational Inc. (MME).[1] For the reasons set forth below, we dismiss the Application.

Background. MME filed the Application during the 2023 LPFM filing window.[2] In the Application, MME certified that it qualifies as local both because it is physically headquartered and has 75% of its board members residing within 10 miles of its proposed transmitting antenna site.[3] The Application identifies the address of the Applicant as "16034 US Hwy 19, Suite E, Hudson, FL 34667," which it indicates is also the location proposed for the Station's main studio and the address of the

[1] Application File No. 0000232727 (filed Dec. 13, 2023).

[2] *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).

[3] Application, Legal Certifications Section, Community-Based Criteria questions. Because the proposed Station is located in the Tampa-St. Petersburg-Clearwater, Florida radio market, which is a top 50 urban market, MME's headquarters must be within 10 miles of the proposed site for the transmitting antenna, or, alternatively, 75% of MME's board members must reside with 10 miles of the proposed site for the transmitting antenna in order for MME to be eligible to hold an LPFM authorization under the Commission's Rules. 47 CFR § 73.853(b)(1), (2).

Applicant's sole director.[4] Based on images from Google Maps, the address appears to be a small, one-story office or industrial building.

The Application identifies Hamon Francis Fytton as the sole director of MME, with 100% of the votes of MME's board.[5] The Articles of Incorporation of MME submitted with the Application, however, do not identify Mr. Fytton as an officer or director of MME. Rather, the Articles indicate that three other individuals, Kirby Julian, Ruben Alcoba, and Luis Vila, are the officers and directors of MME. None of these three individuals is included as a party to the Application.[6]

On November 26, 2024, the Audio Division sent a Letter of Inquiry (LOI) to MME seeking additional information about the Application, including confirmation of MME's directors, notarized declarations from each individual attesting that they authorized the filing of the Application, and a copy of each individual's driver's license or other current identification.[7] The LOI also sought information regarding the stated location of the Applicant's headquarters and proposed main studio, including documents demonstrating that MME has the right to use that location for its headquarters and the Station's proposed main studio. The LOI instructed the Applicant to submit the requested information and materials within 30 days of the date of the letter. The LOI noted further that the letter constituted an order of the Commission to produce documents and information and that failure to respond appropriately to the letter would constitute a violation of the Communications Act of 1934, as amended, (Act) and the Commission's rules (Rules), and therefore would be cause for dismissal of the Application.[8]

MME responded to the LOI by letter dated December 26, 2024 (LOI Response) providing some, but not all, of the information requested.[9] With regard to the Audio Division's request that MME substantiate that it had the right to use 16034 Highway 19, Hudson, Florida as its headquarters and main studio, the LOI Response stated that MME already has an office at that location and a relationship with Trim and Tone Inc., the entity affiliated with that address based on public records.[10] The LOI Response stated that the president of Trim and Tone Inc. was not available at the time of the response, but that written confirmation of permission to use the location as the main studio, headquarters, and transmitter site for the proposed Station would be "supplied shortly, sometime after the [December 25, 2024] Christmas and [January 1, 2025] New Year's holiday week."[11] The Audio Division has received no such further filing from MME.

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[4] Application, Applicant Information; Point System Factors, Main Studio question.

[5] Application, Parties to the Application Section.

[6] *Id*.

[7] Letter of Inquiry from Albert Shuldiner, Chief Audio Division, FCC Media Bureau, to Money Matters Educational Inc. c/o Kirby Julian, Nov. 26, 2024 (*LOI*).

[8] LOI at 1-2 (citing, *inter alia*, 47 U.S.C. § 503(b)(1)(B) and 47 CFR § 73.3568(a), which states that "failure to prosecute an application, or failure to respond to official correspondence or request for additional information, will be cause for dismissal.").

[9] Letter from Dan J. Alpert, Counsel for Money Matters Educational Inc., to Alexander Sanjenis, Audio Division, FCC Media Bureau, Dec. 26, 2024 (*LOI Response*).

[10] LOI Response at Response to Inquiries 1. a.

[11] *Id*. The LOI Response includes at Exhibit 1 an unexecuted typed statement reciting that Catherine Julian, the president of Trim and Tone Inc., has given Hamon Francis Fytton and Money Matters Educational Inc., permission to use the 16034 Highway 19, Hudson, Florida location for purposes of a radio station. Though appearing to be a

With regard to the Audio Division's request for copies of a driver's license or similar identification for each of the four individuals identified as affiliated with MME, the LOI Response provides a copy of only Mr. Fytton's license.[12] The LOI Response indicated that Kirby Julian died on November 20, 2023—nearly a month before the filing of the Application—at the age of 92.[13] The LOI Response further states that "Luis Vila is no longer associated […] with MME," and that Ruben Alcoba was travelling out of the country and unavailable at the time of the response.[14] Accordingly, the LOI Response stated that copies of identification for Kirby Julian and Luis Vila would not be forthcoming, but that a "driver's license for Ruben Alcoba will be supplied shortly, after his returns from travel."[15] The Audio Division has received no such further filing from MME.

Additionally, the driver's license provided for Mr. Fytton indicates that he resides in Fort Pierce, Florida, on the East coast of the State, approximately 150 miles away from the proposed Station's community of license, Hudson, Florida, which is on the West coast of Florida. In addition, the LOI Response provides a different address for Mr. Fytton in Vero Beach, FL, which is similarly over 150 miles away from Hudson, Florida.[16] And finally, one of the corporate filings submitted by MME reflects yet a third address for Mr. Fytton in Melbourne, Florida, which is again over 125 miles away from the proposed transmitter site. In sum, the record includes at least three different addresses for Mr. Fytton, none of which matches the address listed for him on the Application, which is 16034 US Hwy 19 Suite E Hudson, FL 34667.[17]

With regard to the Audio Division's request that MME provide a notarized declaration from each of the four individuals identified as affiliated with MME attesting to the fact that they approved the filing of the Application, the LOI Response fails to provide a single declaration. While the LOI Response makes clear that declarations would not be provided for Kirby Julian and Luis Vila, who it states are deceased or no longer affiliated with the Applicant, respectively, it indicated that "the requested notarized declarations of Hamon Francis Fytton and Ruben Alcoboa, stating that they approved of the filing of the Application, along with a notarized declaration of Mark Julian, confirming facts supplied in this Response within his knowledge, will be supplied shortly, sometime after the [December 25, 2024] Christmas and [January 1, 2025] New Year's holiday week, under separate cover."[18] Again, the Audio Division has received no such filing from MME.

Discussion. Consistent with the Commission's statutory authority to conduct investigations,[19] section 73.1015 of the Rules authorizes the Commission to require from a broadcast licensee written

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declaration or attestation, the document is not signed, consistent with MME's indication that Catherine Julian was unavailable at the time the response was filed.

[12] LOI Response, Response to Inquiries 1. b.; Exhibit 2.

[13] The LOI Response provides a screenshot of a brief obituary for Kirby Julian from the *Tampa Bay Times*. LOI Response, Exhibit 3.

[14] LOI Response, Response to Inquiries 2.

[15] *Id*.

[16] LOI Response, Response to Inquiries 1. b.; Exhibit 2.

[17] Application, Parties to the Application Section. As noted above, 16034 US Hwy 19 Suite E Hudson, FL 34667 appears to be a small, one-story office or industrial building and does not appear to be a residence.

[18] LOI Response, Response to Inquiries 1. c.

[19] It is well-established that the Commission has broad investigatory authority pursuant to its licensing function under sections 4(i), 4(j), and 403 of the Act, its Rules, and relevant precedent. *See* 47 U.S.C. § 154(i) (authorizing the Commission to "issue such orders, not inconsistent with this Act, as may be necessary in the execution of its

statements of fact relevant to any matter within its jurisdiction.[20] Specifically, section 73.1015 states: "The Commission or its representatives may, in writing, require from any applicant, permittee, or licensee written statements of fact relevant to a determination whether an application should be granted or denied, or to a determination whether a license should be revoked, or to any other matter within the jurisdiction of the Commission . . . ."[21]

In response to such an inquiry, it is important that licensees, permittees, and applicants respond fully—and truthfully—to Commission requests for information and in a timely manner, as the failure to do so impedes the Commission's ability to carry out its responsibilities.[22] As the Commission has often stated, full and clear disclosure of all material facts in every application—or in response to a Commission request for information—is essential to the efficient administration of the Commission's licensing process.[23] The Commission's proper analysis of an application is critically dependent on the accuracy and completeness of information and data that only the applicant can provide.[24] Thus, "applicants . . . have an affirmative duty to inform the Commission of the facts it needs in order to fulfill its statutory mandate."[25]

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functions"); 47 U.S.C. § 154(j) (stating "the Commission may conduct its proceedings in such manner as will best conduce to the proper dispatch of business and to the ends of justice"); 47 U.S.C. § 403 (granting the Commission "full authority and power at any time to institute an inquiry, on its own motion, in any case and as to any matter . . . relating to the enforcement of any of the provisions of this Act."). Various decisions have confirmed the Commission's authority to investigate potential rule violations and to assess penalties against those that disregard Commission inquiries. *See, e.g.*, *SBC Communications, Inc.*, Forfeiture Order, 17 FCC Rcd 7589, 7599-7600, paras. 23-28 (2002) (ordering $100,000 forfeiture for egregious and intentional failure to certify the response to a Bureau inquiry); *Fox Television Stations, Inc.*, Notice of Apparent Liability for Forfeiture, 25 FCC Rcd 7074 (EB 2010) (proposing a $25,000 forfeiture for failure to respond to a Bureau letter of inquiry) (*Fox Television*); *BigZoo.Com Corporation*, Forfeiture Order, 20 FCC Rcd 3954 (EB 2005) (ordering $20,000 forfeiture for failure to respond to a letter of inquiry); *Digital Antenna, Inc.*, Notice of Apparent Liability for Forfeiture and Order, 23 FCC Rcd 7600, 7602 (EB 2008) (proposing $11,000 forfeiture for failure to provide a complete response to a letter of inquiry); *see also* 47 CFR § 73.3568(a) (providing that the failure to prosecute an application or to respond to an official request for additional information will be cause for dismissal).

[20] 47 CFR § 73.1015.

[21] *Id*. In turn, section 1.17 of the Rules requires that parties responding to Commission inquiries must be truthful, complete, and accurate. 47 CFR § 1.17.

[22] *See, e.g.*, *Marion Education Exchange*, Hearing Designation Order, 37 FCC Rcd 2426, 2433-34, para. 21 (2022); *Fox Television*, 25 FCC Rcd at 7078, para. 10.

[23] *See Sinclair Broadcast Group*, Order, 35 FCC Rcd 5877, 5878, para. 2 (2020) ("Section 1.65 of the Rules requires timely, full, and clear disclosure of all material facts in every application, which is essential to the efficient administration of the Commission's licensing process. Proper analysis of an application is critically dependent on the accuracy and completeness of information and data that only the applicant can provide."); *Fox Television Stations, Inc.*, Memorandum Opinion and Order, 33 FCC Rcd 7221, 7238-39, para. 42 (2018) ("Full and clear disclosure of all material facts in every application is essential to the efficient administration of the Commission's licensing process, and proper analysis of an application is critically dependent on the accuracy and completeness of information and data that only the applicant can provide. Misrepresentation and lack of candor raise serious concerns as to the likelihood of a licensee's truthfulness.").

[24] *Id*.

[25] *WHW Enterprises, Inc., v. FCC*, 753 F.2d 1132, 1139 (D.C. Cir. 1985); *see also Contemporary Media, Inc. v. FCC*, 214 F.3d 187, 193 (D.C. Cir. 2000) (stating the Commission "relies heavily on the honesty and probity of its licensees in a regulatory system that is largely self-policing").

Moreover, the Rules provide that if an applicant is requested by the Commission to file additional documents or information, the failure to comply with such request will render the application defective and subject to dismissal.[26] Section 73.3568(a)(1) of the Rules similarly states that the failure to prosecute an application or to respond to official correspondence or requests for additional information will be cause for dismissal.[27] The LOI explicitly noted these regulations, stating that "[f]ailure to respond appropriately to this letter constitutes a violation of the Act and the Commission's rules and will be cause for dismissal of the Application."[28]

In this case, MME has failed to respond timely to the Audio Division's request for necessary information. Despite acknowledging that the LOI Response lacked all the requested information and despite asserting that the missing materials would be forthcoming, as of the date of this letter MME has still not supplied the information requested by the Audio Division. Accordingly, we dismiss the Application for failure to prosecute pursuant to section 73.3566(b) and section 73.3568(a)(1) of the Commission's Rules.[29]

We note as an aside that even beyond the failure to produce the requested materials, questions and potential problems with the Application abound. First among such problems is the fact that under Florida law not-for-profit corporations are required to have a minimum of three directors, meaning that MME's assertion that Hamon Francis Fytton is the sole director—even if substantiated—would appear to be inconsistent with applicable state law.[30] Moreover, as Mr. Fytton appears to reside 125-150 miles away from the Station's proposed transmitter site,[31] the Applicant's certification that it qualifies as local as a result of the fact that 75% of its board members reside within 10 miles of the proposed transmitter site appears to be false.[32] Further, contrary to the Applicant's assertion in the LOI Response that control of MME was somehow transferred from Kirby Julian, Ruben Alcoba, and Luis Vila to Hamon Francis Fytton, the most recent 2025 Annual Report filed by MME with the Florida Department of State continues to show that Kirby Julian, Ruben Alcoba, and Luis Vila, are the sole officers and directors of

[26] 47 CFR § 73.3566(b) ("If an applicant is requested by the FCC to file any additional documents or information not included in the prescribed application form, a failure to comply with such request will be deemed to render the application defective, and such application will be dismissed.").

[27] 47 CFR § 73.3568(a)(1) ("Failure to prosecute an application, or failure to respond to official correspondence or request for additional information, will be cause for dismissal.").

[28] LOI at 2 (citing, *inter alia*, 47 CFR § 73.3568(a)).

[29] 47 CFR §§ 73.3566(b), 73.3568(a); *see also LPFM MX Group 37*, Memorandum Opinion and Order, 31 FCC Rcd 7512, 7517, para. 12 (2016) (dismissing application for failure to respond to letter of inquiry).

[30] *See* FL Stat § 617.0803(1) (2025) ("A board of directors must consist of three or more individuals, with the number specified in or fixed in accordance with the articles of incorporation or bylaws.").

[31] *See supra* at 3, note 12, 17.

[32] In order to qualify as local, a nonprofit educational LPFM applicant in a top 50 urban radio market, such as MME, must either be physically headquartered within 10 miles of the site proposed for its transmitting antenna or have 75% of its board members residing within 10 miles of the site. 47 CFR § 73.853(b)(1), (2); *see also Creation of Low Power Radio Service*, Report and Order, 15 FCC Rcd 2205, 2219, para. 33 (2000). In the Application MME certifies that it qualifies as "local" on the basis of both tests. Application, Legal Certifications, Community-Based Criteria Certifications. Because we are dismissing the Application, we need not determine whether Applicant made a misrepresentation to the Commission, but we would be required to make this determination if the Applicant seeks reconsideration of this decision.

the Applicant.[33] Additionally, although the LOI Response purports to provide the Audio Division with copies of filings made with the "Division of Corporations – Florida Department of State" to update the composition of MME's board of directors and/or its registered agent,[34] those filings do not appear to be accessible in the records of the Florida Secretary of State.

In sum, in addition to the fact that MME has failed to prosecute its Application by responding fully, timely, and accurately to the Audio Division's request for information, we find the narrative provided in the LOI Response—which remains unsupported by proper declarations and documentation—to be problematic, incomplete, and uncredible.

Conclusion/Actions. For the reasons set forth above, **IT IS ORDERED** that the application for a construction permit for a new LPFM station at Hudson, Florida, filed by Money Matters Educational Inc., on December 13, 2023 (Application File No. 0000232727) **IS DISMISSED** pursuant to section 73.3566(b) and section 73.3568(a)(1) of the Commission's Rules.[35]

Sincerely,

Albert Shuldiner
Chief, Audio Division
Media Bureau

[33] *See* 2025 Florida Not For Profit Corporation Annual Report filed by Money Matters Educational Inc. on April 27, 2025, 3216545541CC, listing Kirby Julian, Luis Vila, and Ruben Alcoba as the sole officers and directors of MME, available at Florida Department of State: https://search.sunbiz.org/Inquiry/CorporationSearch/ByName.

[34] LOI Response, Exhibits 5, 6.

[35] 47 CFR §§ 73.3566(b), 73.3568(a)(1).

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

In the Matter of	)	
	)	
Petition of Gigapower, LLC for Preemption and	)	WC Docket No. 26-1
Declaratory Judgment Ruling Pursuant to Section	)	
253(d) of the Communications Act of 1934	)	

ORDER GRANTING EXTENSION OF TIME

Adopted: February 2, 2026 **Released: February 2, 2026**

Comment Date: April 6, 2026
Reply Comment Date: May 6, 2026

By the Chief, Wireline Competition Bureau

1. By this Order, the Wireline Competition Bureau (Bureau) grants a joint motion filed by Gigapower, LLC ("Gigapower") and the city of Rock Hill, South Carolina ("City") (collectively, the "parties") to extend the comment and reply comment deadlines in the above-captioned proceeding.[1] For the reasons stated below, the Bureau finds that a limited extension of time is warranted and extends the comment date to April 6, 2026 and the reply comment date to May 6, 2026.

2. On January 5, 2026, the Bureau released a Public Notice[2] seeking comment on a petition for preemption and declaratory ruling filed by Gigapower[3] asking the Commission to preempt the City's implementation of a contract with another provider in a manner that Gigapower argues has the effect of prohibiting its ability to provide telecommunications services in violation of section 253 of the Communications Act.[4] The Public Notice set February 4, 2026 as the deadline for filing comments and March 6, 2026 as the deadline for filing reply comments.[5]

3. On January 28, 2026, Gigapower and the City filed the Joint Motion to extend both the comment and reply comment filing deadlines by roughly two months.[6] The parties state that they have engaged in active discussions to resolve their dispute and "anticipate [that] this matter may reach a mutually satisfactory resolution and result in an amendment to the existing pole attachment agreement."[7] They state that "[t]he local process to approve the potential amendment requires consideration by the

[1] *See* Gigapower, LLC and City of Rock Hill, South Carolina, Joint Motion to Extend Comment Period, WC Docket No. 26-1 (rec. Jan. 28, 2026), https://www.fcc.gov/ecfs/document/101282411723781/1 (Joint Motion).

[2] *See Wireline Competition Bureau Seeks Comment On a Petition for Preemption and Declaratory Ruling Filed Pursuant to Section 253 of the Communications Act*, Public Notice, WC Docket No. 26-1 (WCB Jan. 5, 2026) (Public Notice).

[3] *Petition of Gigapower, LLC for Preemption and Declaratory Judgment Ruling Pursuant to Section 253(d) of the Communications Act of 1934* (rec. December 22, 2025), https://www.fcc.gov/ecfs/search/search-filings/filing/122248074928 (Petition).

[4] Public Notice at 1-2; 47 U.S.C. § 253.

[5] Public Notice at 1.

[6] Joint Motion at 1.

[7] *Id*.

Rock Hill City Council at two City Council meetings that may occur one month apart,"[8] and they thus require additional time to attempt to resolve their dispute. No opposition to the Joint Motion has been filed.

4. The Commission does not routinely grant extensions of time for filing comments.[9] In this case, however, the parties are seeking a limited extension to continue discussions and take actions that may eliminate the need to act on the Petition. We therefore conclude that the administrative efficiencies that could result from such discussions warrant granting the Joint Motion. We also find that granting the requested extension will not disadvantage either of the parties or other commenters since Gigapower and the City submitted the request jointly and no commenter has filed an opposition. Accordingly, we grant the unopposed Joint Motion and extend the comment deadline to April 6, 2026 and the reply comment deadline to May 6, 2026.

5. 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 sections 0.204, 0.291, and 1.46 of the Commission's rules, 47 CFR §§ 0.204, 0.291, 1.46, the Joint Motion filed by Gigapower and the City is **GRANTED.**

6. **IT IS FURTHER ORDERED** that the dates to file comments and reply comments on the Petition **ARE EXTENDED** to April 6, 2026 and May 6, 2026, respectively.

FEDERAL COMMUNICATIONS COMMISSION

Joseph S. Calascione
Chief
Wireline Competition Bureau

[8] *Id*.

[9] 47 CFR § 1.46.

Federal Communications Commission
Washington, D.C. 20554

February 3, 2026

DA 26-108
Released: February 3, 2026

Sinclair, Inc.
c/o Miles S. Mason
Pillsbury Winthrop Shaw Pittman LLP
1200 Seventeenth Street, NW
Washington, DC 20036

Cunningham Broadcasting Corporation and KMTR Television, LLC
c/o Scott R. Flick
Pillsbury Winthrop Shaw Pittman LLP
1200 Seventeenth Street, NW
Washington, DC 20036

DIRECTV, LLC
c/o Michael Nilsson
HWG LLP
1919 M Street, NW
Washington, DC 20036

Re: Applications for Assignment of Licenses from

Cunningham Broadcasting Corporation,
LMS File Nos. 0000276551 et al.

and

KMTR Television, LLC,
LMS File Nos. 0000276767 et al.

to Subsidiaries of Sinclair, Inc.

Dear Counsel:

The Video Division, Media Bureau, has before it two sets of applications that seek consent to the assignment of broadcast television stations to subsidiaries of Sinclair, Inc. (Sinclair). The first set seeks to assign KMTR(TV), Eugene, Oregon, from KMTR Television, LLC, a subsidiary of Roberts Media, LLC (Roberts) to a Sinclair subsidiary (Roberts Application). The second set seeks consent to assign the licenses of certain broadcast television stations from subsidiaries of Cunningham Broadcasting Corporation (Cunningham) to subsidiaries of Sinclair (Cunningham Applications, and jointly with the Roberts Application, Applications).[1] DIRECTV, LLC (DIRECTV) filed separate petitions to deny the Applications.[2] For the reasons set forth below, we deny the Petitions and grant the Applications.

[1] The Attachment provides a complete list of the Applications and the subject broadcast television station licenses. We refer to Cunningham, Roberts, and Sinclair, collectively, as the Applicants.

[2] Petition to Deny of DIRECTV, LLC, LMS Pleading File Nos. 000027651 et al. (filed Sept. 15, 2025) (DIRECTV Roberts Petition); Petition to Deny of DIRECTV, LLC, LMS Pleading File Nos. 0000276767 et al. (filed Sept. 18, 2025) (DIRECTV Cunningham Petition) (collectively, Petitions).

Applications. Grant of the Applications would result in Sinclair owning more than one station ranked among the top four in certain Nielsen Designated Market Areas (DMAs), as follows:[3]

- Eugene. Sinclair currently owns KVAL-TV, Eugene, Oregon, and would acquire KMTR, Eugene, Oregon.[4]
- Portland-Auburn. Sinclair currently owns WGME-TV, Portland, Maine, and would acquire WPFO(TV), Waterville, Maine.
- Eureka. Sinclair currently owns KAEF-TV, Arcata, California, and would acquire KBVU(TV), Eureka, California.
- Chico-Redding. Sinclair currently owns KRCR-TV, Redding, California, and would acquire KCVU(TV), Paradise, California.
- Tri-Cities, TN-VA. Sinclair currently owns WCYB-TV, Bristol, Virginia, and would acquire WEMT(TV), Greeneville, Tennessee.

Consistent with the Local Television Ownership Rule[5] in effect at the time the Applications were filed,[6] Sinclair initially requested that the Commission either grant a "failing" station waiver or, in the alternative, make a market-specific finding that common ownership of two top-four stations in these DMAs would serve the public interest.[7] Sinclair subsequently filed amendments asserting that, in light of *Zimmer Radio*, the Applications comply with the Local Television Ownership Rule and that neither a "failing" station waiver nor a case-by-case market analysis remains necessary.[8]

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[3] In the Greenville-New Bern-Washington DMA, Sinclair currently owns WCTI-TV, New Bern, North Carolina, and would acquire WYDO(TV), Greenville, North Carolina. While WCTI-TV is ranked among the top four stations in the DMA, WYDO is not. *See* WYDO Assignment Application, LMS File No. 0000276767, Multiple Ownership Exhibit at 1.

[4] Sinclair also would acquire KMCB(TV), Coos Bay, Oregon, and KTCW(TV), Roseburg, Oregon, both of which operate as full-power satellite stations of KMTR. *See* 47 CFR § 73.3555, Note 5. KMCB and KTCW have operated as satellites since 1991 and 1992, respectively, *see Shareholders of the Ackerley Group, Inc. (Transferor) and Clear Channel Communications, Inc. (Transferee)*, Memorandum Opinion and Order, 17 FCC Rcd 10828 (2002), and we find that there has been no material change in the underlying circumstances supporting grant of that status.

[5] 47 CFR § 73.3555(b) (vacated in part by *Zimmer Radio of Mid-Missouri, Inc. v. FCC et al.*, 145 F.4th 828 (8th Cir. 2025) (*Zimmer Radio*)) (Local Television Ownership Rule).

[6] The Roberts Application and the Cunningham Applications were filed on August 12, 2025, and August 15, 2025, respectively.

[7] *See*, *e.g.*, LMS File No. 0000276769, WPFO Failing Station Waiver at 1, n.3 (citing 47 CFR § 73.3555(b)(2) and Note 6). The Commission has granted such presumptive waivers for proposed top-four station combinations where at least one of the stations has been struggling for an extended period of time both in terms of its audience share and in its financial performance. *Review of the Commission's Regulations Governing Television Broadcasting, Report and Order*, 14 FCC Rcd 12903, 12938-39, paras. 79-81 (1999) (*Local Ownership Order*), *recon. granted in part*, 16 FCC Rcd 1067 (2001); 47 CFR § 73.3555, Note 7.

[8] *See*, *e.g.*, WPFO Assignment Application, LMS File No. 0000276769, WPFO-Reason for Amendment (11-2025). In addition, Sinclair states that, independent of the assignment of the stations' licenses, it has entered into agreements to acquire the network affiliations of WPFO and WEMT as of December 8, 2025, and the network affiliations of KBVU and KCVU as of December 9, 2025, implying that the relevant applications no longer involve the assignment of stations ranked among the top four in the market. *Id.*

Background. At the time the Applications were filed, the Local Television Ownership Rule provided that an entity may own two television stations licensed in the same DMA if: (1) the digital noise limited service contours of the stations . . . do not overlap; or (2) at the time the application to acquire . . . the station(s) is filed, at least one of the stations is not ranked among the top-four stations in the DMA, based on the Sunday to Saturday, 7 a.m. to 1 a.m. daypart audience share ratings averaged over a 12-month period immediately preceding the date of the application, as measured by Nielsen Media Research or by any comparable professional, accepted audience ratings service.[9] The Commission, in its 2018 quadrennial regulatory review, tightened application of the latter provision—the Top-Four Prohibition—by amending Note 11 to the Local Television Ownership Rule to prohibit, in relevant part, new station combinations in a single DMA involving low power television (LPTV) stations with top-four affiliated program streams, as well as the assignment or transfer of such pre-existing combinations.[10] For all transactions implicating the Top-Four Prohibition, the Commission, at the request of the applicants, would consider showings that the Top-Four Prohibition, including Note 11, should not apply due to specific circumstances in a local market or with respect to a specific transaction on a case-by-case basis.[11]

On July 23, 2025, the U.S. Court of Appeals, Eighth Circuit (Eighth Circuit), issued its decision in *Zimmer Radio*, holding that, in the *2018 Quadrennial Review Order*, the Commission had sufficiently justified "retention of the Two-Station Limit"[12] of the Local Television Ownership Rule, but that it "arbitrarily and capriciously retained the Top-Four Prohibition . . . and improperly tightened Note 11."[13] The court therefore vacated and remanded both the amendment to Note 11 and the Top-Four Prohibition, but it withheld for 90 days issuance of its Rule 41(b) mandate as to the Top-Four Prohibition.[14] It provided this delay to allow the Commission "an opportunity . . . to identify—in the existing record—adequate evidence to support any of its articulated justifications for retaining" the Top-Four Prohibition.[15] The Commission did not submit an additional filing to the court, and the court issued its mandate on October 23, 2025.[16]

Pleadings. In both of its nearly identical Petitions, DIRECTV asserts that it has standing to file, basing its claim primarily on allegations of direct economic harm due to higher input prices that it will have to pay as a result of the transactions.[17] With regard to the applicable standard governing Commission review of the Applications in the wake of *Zimmer Radio*, DIRECTV contends that "[n]othing in *Zimmer Radio*" alters the Applicants' obligation to show, or the Commission's obligation to find, that the transactions serve the public interest, convenience, and necessity, including that "the

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[9] 47 CFR § 73.3555(b) (vacated in part by *Zimmer Radio*). We will refer to the numerical ownership limit of the Local Television Ownership Rule as the "Two-Station Limit."

[10] *2018 Quadrennial Regulatory Review – Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996*, Report and Order, MB Docket No. 18-349, 38 FCC Rcd 12782, 12835-41, paras. 97-108 & n.335 (2023) (*2018 Quadrennial Review Order*), *vacated in part, aff'd in part*, *Zimmer Radio of Mid-Missouri, Inc. v. FCC et al.*, 145 F.4th 828 (8th Cir. July 23, 2025); *see also* 47 CFR § 73.3555(b), Note 11 (vacated in part by *Zimmer Radio*).

[11] 47 CFR § 73.3555(b)(2) (vacated in part by *Zimmer Radio*).

[12] *Zimmer Radio*, 145 F.4th at 853.

[13] *Id.* at 839.

[14] *Id.* at 862.

[15] *Id.* at 857 (internal citations omitted).

[16] *Zimmer Radio of Mid-Missouri, Inc. v. FCC et al.*, Mandate, No. 24-1380 (8th Cir. Oct. 23, 2025).

[17] DIRECTV Cunningham Petition at 6-9; DIRECTV Roberts Petition at 5-7.

potential public interest benefits of the proposed transaction outweigh the public interest harms."[18] DIRECTV further argues that the evidence shows that local television consolidation gives broadcasters more leverage to charge higher retransmission fees, which leads to higher bills for multichannel video programming distributor (MVPD) customers.[19] As an additional reason why the transactions will lead to higher prices, DIRECTV claims that "[t]he evidence has long shown that larger station groups (like Sinclair) can command higher retransmission consent rates than smaller ones" like Roberts or Cunningham.[20] With regard to the public interest benefits articulated by the Applicants, raised in the context of the "failing" station waivers, DIRECTV contends that the Applicants only make unverifiable "promises related to things like news," and that these showings are "woefully insufficient" and do not constitute actual commitments.[21]

DIRECTV also asserts that there is "little doubt" that Sinclair "controls" KMTR and "influences" the Cunningham stations "with respect to everything other than retransmission consent."[22] With regard to KMTR, DIRECTV points out that Sinclair already provides news and other services to KMTR through a shared service agreement (SSA) and that Sinclair is the successor in interest to an option agreement regarding KMTR.[23] Similarly, with regard to the five Cunningham stations, DIRECTV cites the joint sales agreements and SSAs between Sinclair and Cunningham for those stations,[24] as well as the Sinclair 10-K annual report filed with the Securities and Exchange Commission, in which Sinclair reports transactions with Cunningham as "Related Person Transactions," and also reports that the stations are Variable Interest Entities (VIEs).[25]

The Applicants jointly respond in their Oppositions that they have demonstrated that the proposed transactions are in the public interest.[26] The Joint Oppositions explain that the Commission relies on the application form's "requested certifications and related attachments to determine whether a proposed transaction complies with the applicable statutes and rules and is therefore in the public interest," and that

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[18] DIRECTV Cunningham Petition at 12; DIRECTV Roberts Petition at 10-11; *see also* 47 U.S.C. § 310(d).

[19] DIRECTV Cunningham Petition at 14; DIRECTV Roberts Petition at 12.

[20] DIRECTV Cunningham Petition at 19; DIRECTV Roberts Petition at 16.

[21] DIRECTV Cunningham Petition at 23-24; DIRECTV Roberts Petition at 20-21. DIRECTV also contends that Sinclair and Cunningham do not make a sufficient showing with regard to their request for failing station waivers. DIRECTV Cunningham Petition at 20-27.

[22] DIRECTV Cunningham Petition at 6; DIRECTV Roberts Petition at 4. In support of its assertion, DIRECTV observes that the online public files (OPIFs) of the stations list Sinclair entities as the licensee. DIRECTV Cunningham Petition at 5; DIRECTV Roberts Petition at 3. The public files for KMTR and Cunningham stations did inaccurately identify Sinclair entities as the licensees, but only because of a pervasive programming glitch in the Commission's Licensing and Management System (LMS) database that often populates the proposed assignee as the licensee upon certain filings, and the linkage between the Commission's OPIF database and LMS. The staff has corrected the licensee field in LMS and OPIF for these stations, as it typically does in due course for any filing triggering this programming bug.

[23] DIRECTV Roberts Petition at 2-3.

[24] DIRECTV Cunningham Petition at 3-4.

[25] *Id*. at 5-6.

[26] *See* Joint Opposition to Petition to Deny, LMS Pleading File No. 0000276551 (filed Sept. 25, 2025) (Roberts Joint Opposition); Joint Opposition to Petition to Deny, LMS Pleading File Nos. 0000276767 et al. (filed Sept. 25, 2025) (Roberts Joint Opposition) (collectively, Joint Oppositions).

the Commission has routinely granted countless assignment applications on this basis alone.[27] They further argue that DIRECTV's retransmission consent arguments do not raise cognizable public interest harms. Specifically, they assert that DIRECTV's retransmission consent allegations are legally irrelevant, and that an increase in rate paid by DIRECTV is not a public interest harm.[28] In addition, the Roberts Joint Opposition contends that DIRECTV's unauthorized control allegations are baseless and speculative.[29]

In its replies, DIRECTV concedes that while "[b]roadcasters may have chosen not to make [a public interest] showing in routine, uncontroversial assignments, as Applicants suggest, and the Media Bureau may have even granted such routine applications, especially when unopposed," such a practice "does not mean that broadcast transaction review—and only broadcast transaction review—constitutes an analysis-free zone even when a petition to deny has been filed challenging the public interest benefits of the transaction."[30] DIRECTV further argues that there is no "retransmission consent exception" to the Commission's transaction review.[31] In the DIRECTV Roberts Reply, DIRECTV also contends that the Applicants inaccurately minimize Sinclair's influence over KMTR.[32]

Standing. Under section 309(d) of the Communications Act of 1934, as amended (Act), only a "party in interest" has standing to file a petition to deny.[33] In addition to containing the necessary factual allegations to support a *prima facie* case that grant of the application would be inconsistent with the public interest, convenience, and necessity, a petition to deny must contain specific allegations of fact demonstrating that the petitioner is a party in interest.[34] The allegations of fact, except for those of which official notice may be taken, must be supported by an affidavit or declaration under penalty of perjury of someone with personal knowledge of the facts alleged.[35] In general, a petitioner in a transfer or assignment proceeding also must allege and prove that: (1) it has suffered or will suffer an injury in fact; (2) there is a causal link between the proposed assignment and the injury in fact; and (3) that not granting the transfer or assignment would remedy or prevent the injury in fact.[36] In the broadcast regulatory context, standing is generally shown in one of three ways: (1) as a competitor in the market subject to signal interference; (2) as a competitor in the market subject to economic harm; or (3) as a resident of the station's service area or regular listener of the station.[37] In the case of viewer standing, the petitioner

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[27] Roberts Joint Opposition at 7; Cunningham Joint Opposition at 6-7.

[28] Roberts Joint Opposition at 9-10; Cunningham Joint Opposition at 10-11.

[29] Roberts Joint Opposition at 5-6.

[30] Reply of DIRECTV, LLC, LMS File No. 0000280843, 3-4 (filed Nov. 18, 2025) (DIRECTV Roberts Reply); Reply of DIRECTV, LLC, LMS File Nos. 0000280846 et al., 4-5 (filed Nov. 18, 2025) (DIRECTV Cunningham Reply) (collectively, DIRECTV Replies).

[31] DIRECTV Roberts Reply at 5-11; DIRECTV Cunningham Reply at 6-12.

[32] DIRECTV Roberts Reply at 13-15.

[33] 47 U.S.C. § 309(d); 47 CFR § 73.3584.

[34] 47 U.S.C. § 309(d).

[35] *Id.*

[36] *See, e.g.*, *Lujan v. Defenders of Wildlife*, 504 U.S. 555 (1992); *MCI Communications Corp.*, Memorandum Opinion and Order, 12 FCC Rcd 7790 (1997); *Saga Communications of North Carolina, LLC and Library Productions, a Limited Partnership, re: WOXL-FM*, Letter Order, 20 FCC Rcd 11987 (MB 2005).

[37] *See, e.g.*, *Entercom License, LLC*, Hearing Designation Order, MB Docket No. 16-357, 31 FCC Rcd 12196, 12205 (2016); *Connoisseur Media Licenses, LLC*, Letter Order, 30 FCC Rcd 6045, 6048-6049 (MB 2015).

must allege that he or she is a resident of the station's service area or a regular viewer of the station.[38] An organization can establish standing on behalf of its members if it provides an affidavit or declaration "of one or more individuals entitled to standing indicating that the group represents local residents and that the petition is filed on their behalf."[39]

We find that DIRECTV has demonstrated that it meets the requirements for standing with regard to the Applications. In its Petitions, DIRECTV claims that grant of the transaction will have specific, negative effects on it, specifically related to retransmission consent fee negotiations, and that those harms can be cured by dismissal or denial of the Applications.[40] Based on these claims, and consistent with precedent, we find that DIRECTV has met the requirements for standing.[41]

Discussion. Section 310(d) of the Act provides that no station license shall be transferred or assigned except upon application to the Commission and upon a finding by the Commission "that the public interest, convenience, and necessity will be served thereby."[42] In making this determination, we first assess whether the proposed transaction complies with the specific provisions of the Act, other applicable statutes, and the Commission's rules.[43] If the proposed transaction does not violate a statute or rule, we then consider whether the transaction could result in public interest harms by substantially frustrating or impairing the objectives or implementation of the Act or related statutes.[44] For the reasons explained below, we find that the proposed transactions fully comply with the Commission's rules, including the post-*Zimmer Radio* Local Television Ownership Rule, and there are no issues or potential public interest harms identified in the record that would require further consideration. Notably, while the Commission will consider transaction-specific objections to otherwise rule-compliant transactions, we find that DIRECTV has failed advance any such objections. Accordingly, we conclude that grant of the Applications will result in public interest benefits and serve the public interest, convenience, and necessity.

In 1999, the Commission modified the Local Television Ownership Rule, setting for the first time the Two-Station Limit that remains in effect following the *Zimmer Radio* decision.[45] In so doing, the Commission clearly stated its belief that "the demonstrated benefits of same-market television station combinations support allowing the formation of such combinations in . . . cases where competition and diversity will not be unduly diminished" and that its "significant yet measured relaxation" of the Local

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[38] *See Rainbow/PUSH Coalition v. FCC*, 330 F.3d 539, 542-43 (D.C. Cir. 2003).

[39] *Cox Radio, Inc. & Summit Media, LLC*, Letter Order, 28 FCC Rcd 5674, 5676, n.12 (AD 2013).

[40] *See* Roberts Petition at 5; Cunningham Petition at 6. DIRECTV also submitted the necessary supporting affidavits. *See* KMTR Petition, Appx A, Declaration of Michael Hartmann; Sinclair-Cunningham Petition at 6, Appx. A, Declaration of Michael Hartmann.

[41] *See Applications of Tribune Media Company, Nexstar Media Group, Inc. et al*, MB Docket No. 19-30, Memorandum Opinion and Order, 34 FCC Rcd 8436, 8448, para. 24 (2019); *Applications to Transfer Control of License Subsidiaries of Media General, Inc., to Nexstar Broadcasting, Inc.*, MB Docket No. 16-57, Memorandum Opinion and Order, 32 FCC Rcd 183, 189, para. 16 (MB/WTB 2017).

[42] 47 U.S.C. § 310(d).

[43] *Applications for Consent to the Transfer of Control of Paramount Global*, Memorandum Opinion and Order, 40 FCC Rcd 5689, 5701, para. 25 (2025).

[44] *Id.*

[45] *Review of the Commission's Regulations Governing Television Broadcasting and Television Satellite Stations Review of Policy and Rules*, MB Docket Nos. 91-221 and 87-8, Report and Order, 14 FCC Rcd 12903 (1999) (*1999 Television Ownership Order*).

Television Ownership Rule was "targeted to promote the public interest without appreciable harm to [its] competition and diversity goals."[46] More expansively, the Commission stated:

> In considering the changes we have proposed to our local television ownership rules, we must assess the costs and benefits of such modifications in light of both our diversity and competition objectives. Our multiple ownership restrictions must strike a balance between the benefits to the industry and to the public of common ownership, such as economies of scale which can result in stronger stations and improved service to the public, and the reduction in the diversity of ownership and competition in a market that may arise from consolidation of station ownership.[47]

and

> Balancing these competing considerations . . . and recognizing the continuing dominant role played by broadcasting in society and the continuing importance of ensuring that diversity and competition are protected, we believe that the revisions we make today to our rules reflect the degree of relaxation warranted by the growth of alternatives to broadcast television, the demonstrated benefits of common ownership, and our objective of ensuring diversity and competition.[48]

While the Two-Station Limit was initially subject to restrictions, namely the Top-Four Prohibition and the requirement that eight independently owned, full power, and operational television stations (commercial and noncommercial) would remain in the DMA post-transaction (the Eight-Voices Test),[49] both of those restrictions have been eliminated. The Commission, in its 2014 quadrennial regulatory review, eliminated the Eight-Voices Test, while retaining the Two-Station Limit and modifying the Top-Four Prohibition to permit applicants to request a case-by-case analysis of proposed combinations.[50] This decision was ultimately upheld by the U.S. Supreme Court.[51] In addition, as discussed above, the Eighth Circuit vacated and remanded the amendment to Note 11 and the Top-Four Prohibition, in its entirety,[52] while finding that the Commission had sufficiently justified retention of the Two-Station Limit.[53] In vacating the Top-Four Prohibition, the court stated that the Commission "is in a better position than th[is] Court to assess the disruptive effect of vacating" the Top-Four Prohibition.[54] Ultimately the Commission chose not to defend further the Top-Four Prohibition prior to issuance of the

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[46] *Id.* at 12930-31, paras. 57-59.

[47] *Id.* at 12911, para. 16.

[48] *Id.* at 12923-24, para. 41.

[49] *Id.* at 12932-34, paras. 64-68.

[50] *2014 Quadrennial Regulatory Review – Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Television Communications Act of 1996*, Order on Reconsideration and Notice of Proposed Rulemaking, MB Docket Nos. 14-50, 09-182, 07-294, 04-256, 17-289, 32 FCC Rcd 9802 (2017), *subsequent history omitted*.

[51] *Federal Communications Commission v. Prometheus Radio Project*, 592 U.S. 414 (2021), *reversing* 939 F.3d 567 (2019).

[52] *Zimmer Radio*, 145 F.4th at 862.

[53] *Id.* at 853.

[54] *Id.* at 857.

court's mandate, and the Media Bureau is bound by the Commission's judgment concerning its necessity.

It is clear, therefore, that neither the Commission nor the courts have viewed the Eight-Voices Test or the Top-Four Prohibition as necessary to uphold the ongoing validity of the Two-Station Limit. Moreover, the vacatur of the amendment to Note 11 eliminates any consideration of LPTV stations with top-four affiliated program streams from determinations of compliance with the Local Television Ownership Rule. Indeed, the Two-Station Limit, without restriction, now *is* the Local Television Ownership Rule.

At the outset, we reject DIRECTV's argument that, even after certifying compliance with the Two-Station Limit, the Applicants must identify and discuss potential public interest harms, most notably the harm to competition. The Commission already completed that process in adopting the Two-Station Limit, stating that "[w]e believe that our decision strikes the appropriate balance between common ownership and our fundamental competition and diversity concerns, and ensures that our television ownership restrictions appropriately reflect ongoing changes in the broadcast television industry."[55] Where the Commission has adopted a specific, numerical ownership limit, as it has with the Two-Station Limit, an applicant satisfies its initial burden of showing that the transaction is in compliance with the Act and the Commission's rules and policies related to competition and diversity by correctly certifying compliance with that limit. Indeed, as the Commission stated when modifying its broadcast application forms to rely on "Yes/No" certifications, the "revised forms will significantly reduce burdens on applicants and on the Commission staff while continuing to provide a *sufficient basis for determining whether a proposed action is in compliance* with the Act, and Commission rules and policies."[56]

Thus, DIRECTV's argument runs directly counter to the Commission's stated intent in adopting the Two-Station Limit to "fashion a bright-line test, bring certainty to the permissibility of these transactions, and expedite their consummation, given that we do not believe as a general matter that they unduly compromise our competition and diversity goals."[57] A more detailed showing is necessary only if the applicant is seeking a waiver, if a petitioner raises cognizable potential public interest harms, or if the

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[55] *1999 Television Ownership Order*, 14 FCC Rcd at 12967, para. 151; *see also id.* at 12967, para. 154 (amending the Commission's rules "pursuant to the authority contained in Section[] . . . 310 . . . of the [Act]"); *2002 Biennial Regulatory Review – Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996*, Report and Order, 18 FCC Rcd 13620, 13645-47, paras. 80-85 (2003) (*2002 Biennial Regulatory Review*).

[56] *1998 Biennial Regulatory Review – Streamlining of Mass Media Applications, Rules, and Processes*, *and Policies and Rules Regarding Minority and Female Ownership of Mass Media Facilities*, MM Docket Nos. 98-43, 94-149, Report and Order, 13 FCC Rcd 23056, 23067, para. 22 (1998) (emphasis added). We, of course, recognize that the certifications contained in the Commission's standard assignment and transfer of control applications are not limited to compliance with our ownership rules and that there are, indeed, Commission rules and policies not motivated by our competition and diversity concerns.

[57] *1999 Television Ownership Order*, 14 FCC Rcd at 12933, para. 64; *see also* Separate Statement of Chairman William E. Kennard, August 5, 1999 Meeting ("For far too long it's been a case of administration by waiver, not by rule. Parties have presented us with a variety of business arrangements and combinations, and we have not been able to set a bright line test as to what's permitted and what's not, and so the problem just keeps getting worse. Today we are cleaning up our rules and providing the certainty that the market needs."); *2002 Biennial Regulatory Review*, 28 FCC Rcd at 13645, para. 81 (2003) ("Thus, the extensive rulemaking proceeding used to develop these broadcast ownership rules takes full account of the Commission's public policy goals of diversity, competition, and localism. These rules squarely embody the Commission's public interest goals of limiting the effect of market power and promoting localism and viewpoint diversity.").

Commission, on its own review, determines that additional information is required to process the application.[58]

The Applications fully comply with the Two-Station Limit, and DIRECTV has failed to provide any transaction-specific arguments that raise a substantial and material question of fact sufficient to show that grant of the Applications would be *prima facie* inconsistent with the public interest.[59] According to DIRECTV, the main point of the Petitions was to identify the retransmission consent harms raised by the proposed combinations.[60] The Petitions, however, do not contain any transaction-specific details that would meaningfully distinguish this transaction from any other transaction involving the acquisition of a second in-market station. In essence, DIRECTV argues that additional scale will lead to increased retransmission consent rates, which it will pass along to consumers. We find this argument, as it relates to these transactions, to be speculative and unsupported by any transaction-specific evidence. Moreover, as we have found on multiple occasions, issues of broad applicability, such as the effect of common ownership of two top-four stations on the market for retransmission consent, are best handled in a rulemaking of industry-wide effect.[61] We will not consider them in adjudications involving rule-compliant broadcast television duopolies.[62]

Furthermore, we reject DIRECTV's claim that "Sinclair already exercises substantial control over KMTR other than with respect to retransmission consent—without having obtained Commission authorization to do so."[63] While the Petitions allege various indicia of control primarily to challenge Sinclair's "failing" station waiver requests, rather than as an independent basis to oppose the Applications,[64] we nevertheless determine that these objections do not raise any material concerns of an unauthorized transfer of control warranting further inquiry into this matter with respect to the proposed transactions. Nothing in the record indicates that any person or entity affiliated with Sinclair prematurely or improperly identified Sinclair as the licensee for KMTR or the Cunningham stations in any Commission filing.[65] We also find no merit to DIRECTV's claims with regard to any of the sharing

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[58] We note that in large, multi-market broadcast transactions—which frequently include waiver requests—the parties routinely will voluntarily submit a public interest statement for the proposed transaction in the initial application. This practice, which is often in anticipation of varied levels of opposition to the proposed transaction, has no bearing on whether such a showing must be included in all rule-compliant broadcast transactions.

[59] 47 U.S.C. § 309(d)(1); *see also* 47 CFR § 73.3584.

[60] *See* DIRECTV Roberts Reply at 13; *see also* Cunningham Petition at 13-20.

[61] *ACME Television, Inc.*, Letter Decision, 26 FCC Rcd 5189, 5192 (MB 2011), *citing Pine Bluff Radio, Inc.*, Memorandum Opinion and Order, 14 FCC Rcd 6594, 6599 (1999); *Application of Great Empire Broadcasting, Inc. and Journal Broadcasting Corp.*, Memorandum Opinion and Order, 14 FCC Rcd 11145, 11148 (1999). *See, also, Community Television of Southern California v. Gottfried,* 459 U.S. 499, 511 (1983) ("[A] rulemaking is generally a better, fairer, and more effective method of implementing a new industry wide policy than uneven application of conditions in isolated [adjudicatory] proceedings.").

[62] On an alternative, independent basis, we also reject DIRECTV's challenge that assignment of the Cunningham stations would cause economic harm because Sinclair already acquired the network affiliations of these stations in December 2025, which was consistent with the rules in effect at that time.

[63] DIRECTV Roberts Petition at 2-3.

[64] *See* DIRECTV Roberts Reply at 13 ("In our Petition, we listed the ways in which Sinclair exercises influence over KMTR and suggested that the Commission might consider its own investigation as to whether Sinclair already controls the station. This was not the main point of our Petition, as we are principally concerned about retransmission consent.").

[65] *See supra* note 22.

agreement that it cites, as all of the sharing agreements are well within the realm of those previously approved by the Commission as sufficiently preserving licensee control over personnel, programming, and finances. Further, we note that Sinclair's VIE relationship with Cunningham by itself does not trigger attribution under the Commission's rules.[66]

Additionally, in the wake of *Zimmer Radio*'s vacatur of the Top Four Prohibition, we also dismiss as moot the Applicants' initial request for failing station waivers of that prohibition. Finally, based on our own review of the proposed transactions, we have not identified any issues or potential public interest harms that would require further consideration.

Accordingly, having reviewed the Applications and the record in this matter, **IT IS ORDERED**, pursuant to sections 4(i) and (j), and 310(d) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), 310(d), and pursuant to the authority delegated under section 0.283 of the Commission's rules, 47 CFR § 0.283, that the applications listed in the Attachment seeking consent to assign the licenses for certain broadcast television stations from subsidiaries of Roberts Media, LLC and Cunningham Broadcasting Corporation to subsidiaries of Sinclair, Inc., **ARE GRANTED**.

IT IS FURTHER ORDERED that the request for continued operation of KMCB(TV), Coos Bay, Oregon, and KTCW(TV), Roseburg, Oregon as satellite stations of KMTR(TV), Eugene, Oregon, pursuant to the "satellite exception" of Note 5 to section 73.3555 of the Commission's rules, 47 CFR § 73.3555, **IS GRANTED.**

IT IS FURTHER ORDERED, pursuant to sections 4(i) and (j), 309, and 310(d) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), 309, 310(d), that the Petitions to Deny (LMS Pleading File Nos. 0000278366 and 0000278519) filed by DIRECTV, LLC **ARE DENIED**.

Sincerely,

/s/

David J. Brown
Chief, Video Division
Media Bureau

[66] *See* Roberts Joint Opposition at 5-6.

Attachment

Proposed License Assignment from KMTR Television, LLC to Sinclair Eugene Licensee, LLC

Call Sign	Community of License	Facility ID No.	LMS File No.
KMTR	EUGENE, OR	35189	0000276551
KTCW	ROSEBURG, OR	35187	0000276552
K15KF-D	COOS BAY, OR	35188	0000276553
K31AE-D	SUTHERLIN, OR	35172	0000276554
K22GX-D	TRI CITY, OR	35184	0000276555
KMCB	COOS BAY, OR	35183	0000276556

Proposed License Assignment from Subsidiaries of Cunningham Broadcasting Corporation to Subsidiaries of Sinclair, Inc.

Call Sign	Community of License	Facility ID No.	LMS File No.
WYDO	GREENVILLE, NC	35582	0000276767
WPFO	WATERVILLE, ME	84088	0000276769
KBVU	EUREKA, CA	58618	0000276776
WEMT	GREENEVILLE, TN	40761	0000276775
KCVU	PARADISE, CA	58605	0000276777

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

In the Matter of	)	
	)	
Amendment of Part 11 of the Commission' Rules	)	PS Docket No. 15-94
Regarding the Emergency Alert System	)	

ORDER

Adopted: February 3, 2026 **Released: February 3, 2026**

By the Chief, Public Safety and Homeland Security Bureau:

I. INTRODUCTION

1. In this Order, the Public Safety and Homeland Security Bureau (Bureau) considers a request filed by the Fort Myers Broadcasting Company (FMBC) seeking a limited waiver of the Commission's rule addressing operational readiness for Emergency Alert System (EAS) equipment as applied to three broadcast radio stations (WINK-FM, WTLQ-FM, and WAVV-FM) and one broadcast television station (WINK-TV) that FMBC seeks to relocate to new a new facility. For the reasons discussed herein, the Bureau grants the request for FMBC's three broadcast radio stations (WINK-FM, WTLQ-FM, and WAVV-FM). The issue of whether to grant FMBC a limited waiver of the EAS operational readiness rules for its broadcast television station (WINK-TV) is moot because FMBC already moved that station's EAS equipment before Bureau action on its waiver request.

II. BACKGROUND

2. The EAS is a national system used to disseminate public warnings of impeding emergencies over broadcast, cable, and satellite networks to consumers' radios, televisions, and other audio and video devices.[1] EAS Participants are required to have devices installed and capable of sending and receiving EAS tests and messages.[2] In particular, section 11.35 of the FCC's rules requires EAS Participants to ensure that their EAS equipment is "installed so that the monitoring and transmitting functions are available during the times the stations and systems are in operation."[3] EAS Participants may operate without EAS equipment for up to 60 days pending the repair or replacement of defective equipment.[4]

3. FMBC is the licensee of broadcast radio stations WINK-FM, WTLQ-FM, and WAVV-FM and television station WINK-TV, which are all EAS Participants that operate EAS equipment that is

[1] *See* 47 CFR § 11.2(b) (defining "EAS Participants").

[2] *See*, *e.g.*, 47 CFR §§ 11.11(a) (summarizing EAS encoder and decoder requirements for broadcasters); 11.52(a) (requiring EAS Participants to be capable of receiving the attention signal and emergency messages of other broadcast stations); 11.56(a) (requiring EAS Participants to have deployed equipment that can receive and process Common Alerting Protocol messages from the Integrated Public Alert and Warning System).

[3] 47 CFR § 11.35(a).

[4] *Id.* § 11.35(b); *see also id.* § 11.35(c) (requiring EAS Participants to submit a request to the FCC for additional time if the repair or replacement is not completed within 60 days).

located in an office in Fort Myers, Florida.[5] On January 6, 2026, FMBC filed a petition seeking a waiver of section 11.35 to allow the relocation of these stations' EAS equipment to another location in Fort Myers, Florida on January 12, 2026.[6] To complete this relocation, FMBC represents that it will need to "to uninstall, pack, move, and reinstall the EAS equipment,"[7] thereby causing its stations to not meet the Commission's EAS requirements for a period not to exceed two hours. FMBC argues that the new location "is better protected from flood risk, the unavoidable outage will be limited in duration and scope, and there are no countervailing harms to the public interest."[8] FMBC states that it "explored alternative options to avoid an outage, such as securing new EAS equipment, but such options were not available . . ."[9] FMBC states that "no other EAS participants rely on FMBC's EAS signal so the unavoidable outage will briefly impact only FMBC's stations."[10] FMBC states that it has confirmed that its relocation "will not occur during a planned EAS test" and states that it "will not proceed with the move if there appears to be any risk of an emergency event during the brief outage."[11] Independent of its waiver request, FMBC asserts that removing its EAS equipment for two hours for the purpose of installing it at another location falls under the section 11.35 exception that allows EAS Participants to continue operating pending the repair or replacement of defective equipment.[12]

4. On January 12, 2026, FMBC informed Bureau staff that it would be moving WINK-TV's EAS equipment on January 12, 2026 without waiting for the Commission to decide its waiver request, but that FMBC would delay moving its broadcast radio stations. In a supplemental waiver request dated January 26, 2026,[13] FMBC indicated that it is scheduled to move WINK-FM and WAVV-FM on a staggered schedule on February 10, 2026, and WTLQ-FM, on February 11, 2026.

III. DISCUSSION

5. A provision of the Commission's rules "may be waived by the Commission on its own motion or on petition if good cause therefor is shown."[14] The Commission may find good cause to grant a waiver "if special circumstances warrant a deviation from the general rule and such deviation will serve the public interest."[15] The waiver applicant generally faces a high hurdle and must plead with particularity the facts and circumstances that warrant a waiver.[16] Based on the circumstances described herein, we conclude there is good cause to grant FMBC a limited waiver of the Commission's EAS requirements to facilitate the relocation of WINK-FM's and WAVV-FM's EAS equipment for a period not to exceed two hours on February 10, 2026, and the relocation of WTLQ-FM's EAS equipment for a period not to exceed two hours on February 11, 2026. Each of these limited waivers is conditioned on

[5] *See* Fort Myers Broadcasting Company - Limited Waiver Request of Rule 47 C.F.R. § 11.35, PS Docket No. 15-94 (filed Jan. 6, 2026) (*FMBC Waiver Request*). We construe FMBC's filing as a request to waive all rules, such as 11.11(a), 11.35(a), 11.52(a), and 11.56(a), that may require continuous operation of EAS equipment.

[6] *Id.* at 1-2.

[7] *Id.* at 2.

[8] *Id.* at 2-3 (noting that FMBC's current offices were flooded during Hurricane Ian in 2022).

[9] *Id.* at 2.

[10] *Id.*

[11] *Id.*

[12] *Id*. at 1.

[13] *See* Fort Myers Broadcasting Company - Supplement to Limited Waiver Request of Rule 47 C.F.R. § 11.35, PS Docket No. 15-94 (filed Jan. 26, 2026) (*FMBC Supplemental Request*).

[14] 47 CFR § 1.3.

[15] *See Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (citing *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969)).

[16] *WAIT Radio v. FCC*, 418 F.2d at 1157.

FMBC's statement that it will not proceed with the move if there appears to be any risk of an emergency event or a planned EAS test.[17]

6. The Bureau finds that special circumstances exist and that it is in the public interest to grant FMBC a narrow waiver to facilitate the relocation of EAS equipment necessary to enable FMBC's broadcast radio stations to continue to be able to support EAS and comply with FCC rules going forward. According to FMBC, its new office location is better protected from flood risks than the current facility, which will provide greater resiliency for the broadcaster and its EAS equipment and allow FMBC to continue broadcasting during severe weather events,[18] consistent with the underlying purpose of the EAS requirements. Because of the limited duration of the waiver and FMBC's assurance that it will not relocate the equipment during a planned EAS test or if there appears to be any risk of an emergency event, we conclude that the risk of harm to the public interest by granting the waiver is limited. Further, the Bureau finds that it would be unreasonable to require FMBC to purchase new EAS equipment solely for the purpose of meeting its EAS obligations during this brief period.

7. We dismiss the waiver request for WINK-TV as moot because its EAS equipment was already moved on January 12, 2026 without Commission approval. Although we dismiss this request as moot, this decision in no way implies retrospective Commission approval of that decision or a finding that FMBC's conduct complied with the Commission's EAS equipment rules. Our action here is without prejudice to any enforcement action by the Commission for noncompliance with the Communications Act of 1934, as amended, or the Commission's rules.

8. The Bureau rejects FMBC's assertion that the relocation of EAS equipment falls under the Commission's rules provision for the repair and replacement of defective EAS equipment.[19] Section 11.35(b) provides only for the continued operation of EAS Participants without further FCC action when EAS equipment becomes "defective."[20] The facts presented by FMBC indicate that its EAS equipment is not defective (i.e., the equipment itself became unable to exercise its monitoring or transmission functions),[21] but that it is in good operating condition and being taken offline only so that it can be relocated. Simply removing EAS equipment from operation does not make it defective.[22]

IV. ORDERING CLAUSES

9. Accordingly, IT IS ORDERED that, pursuant to sections 4(i) and (j) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i) and (j), and section 1.3 of the Commission's rules, 47 CFR § 1.3, sections 11.11(a), 11.35(a), 11.52(a), and 11.56(a) of the Commission's rules, 47 CFR §§ 11.11(a), 11.35(a), 11.52(a), and 11.56(a), ARE WAIVED, as to stations WINK-FM, WTLQ-FM, and WAVV-FM as specified herein.

10. The request is DISMISSED AS MOOT as to station WINK-TV.

11. Action on this request is without prejudice to any enforcement action by the Commission for non-compliance with the Communications Act of 1934, as amended, or the Commission's rules.

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[17] *FMBC Supplemental Request* at 2.

[18] *FMBC Waiver Request* at 2.

[19] 47 CFR § 11.35(b).

[20] *Id.*

[21] *Cf.* 47 CFR § 11.35(a) ("EAS Participants are responsible for ensuring that EAS . . . equipment . . . are installed so that the monitoring and transmitting functions are available during the times the stations and systems are in operation).

[22] *Cf. Charter Communications*, Consent Decree, 39 FCC Rcd 13136, 13141, para. 9 (EB 2004) (asserting that EAS equipment is not "defective" under section 11.35(b) when they are capable of performing the monitoring and transmitting functions that are required to be available during the times when the EAS participant's systems are in operation).

12. This action is taken under delegated authority pursuant to Sections 0.191 and 0.392 of the Commission's rules, 47 CFR §§ 0.191, 0.392.

FEDERAL COMMUNICATIONS COMMISSION

Zenji Nakazawa
Chief
Public Safety and Homeland Security Bureau

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

In the Matter of	)	File No.: EB-IHD-25-00038600
	)	CD Acct. No.: 202632080003
DR Fortress, LLC	)	FRN: 0025193376

ORDER

Adopted: February 6, 2026 **Released: February 6, 2026**

By the 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 DR Fortress, LLC (DR Fortress) violated the Cable Landing License Act of 1921, section 1.767 of the Commission's rules, and the terms and conditions of its cable landing license, when it failed to obtain prior Commission approval for the transfer of control of its cable landing license for the Hawaiki submarine cable system. To settle this matter, DR Fortress will implement a compliance plan and will pay a $40,000 voluntary contribution.

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 DR Fortress' compliance with the Cable Landing License Act of 1921, section 1.767 of the Commission's rules, and the terms and conditions of the Hawaiki cable landing license.[1]

3. In the absence of material new evidence relating to this matter, we do not set for hearing the question of DR Fortress' basic qualifications to hold or obtain any Commission license or authorization.[2]

4. Accordingly, **IT IS ORDERED** that, pursuant to section 4(i) of the 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.

5. **IT IS FURTHER ORDERED** that the above-captioned matter **IS TERMINATED**.

[1] 47 U.S.C. § 34; 47 CFR § 1.767; *Actions Taken Under Cable Landing License Act Section 1.767(a) Cable Landing Licenses, Modifications, & Assignments or Transfers of Control of Ints. in Cable Landing Licenses (47 C.F.R. 1.767(a))*, Public Notice, 32 FCC Rcd 10428 (2017) (File No. SCL-LIC-20160906-00019).

[2] *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 Nathan Osada, Chief Counsel, DR Fortress, LLC, 3375 Koapaka Street, Suite D198, Honolulu, HI 96819, and Brett Ferenchak, Tamar Finn, J.G. Harrington, Cooley LLP, Counsel for DR Fortress, LLC, 1299 Pennsylvania Avenue NW, Suite 700, Washington, D.C. 20004.

FEDERAL COMMUNICATIONS COMMISSION

Patrick Webre
Chief
Enforcement Bureau

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

In the Matter of	)	File No.: EB-IHD-25-00038600
	)	CD Acct. No.: 202632080003
DR Fortress, LLC	)	FRN: 0025193376

CONSENT DECREE

1. The Enforcement Bureau of the Federal Communications Commission (FCC or Commission) and DR Fortress, LLC (DR Fortress), by their authorized representatives, hereby enter into this Consent Decree for the purpose of terminating the Enforcement Bureau's investigation into whether DR Fortress violated the Cable Landing License Act of 1921, section 1.767 of the Commission's rules, and the terms and conditions of its cable landing license, when DR Fortress failed to obtain prior Commission approval for the transfer of control of its cable landing license for the Hawaiki submarine cable system. To resolve this matter, DR Fortress agrees to implement a compliance plan and pay a $40,000 voluntary contribution.

I. DEFINITIONS

2. For the purposes of this Consent Decree, the following definitions shall apply:

(a) "Adopting Order" means an order of the Bureau adopting the terms of this Consent Decree without change, addition, deletion, or modification.

(b) "Bureau" means the Enforcement Bureau of the Federal Communications Commission.

(c) "Cable Landing License Transfer Rules" means 47 CFR § 1.767(g)(6) and (7).

(d) "CD Acct No." means account number 202632080003, associated with payment obligations described in paragraph 22 of this Consent Decree.

(e) "Commission" and "FCC" mean the Federal Communications Commission and all of its bureaus and offices.

(f) "Compliance Plan" means the compliance obligations, program, and procedures described in this Consent Decree at paragraph 18.

(g) "Compliance Officer" means a senior corporate manager with the requisite corporate and organizational authority to fulfill the duties set forth in paragraph 17.

(h) "Covered Employees" means all employees and agents of Licensee who perform, supervise, oversee, or manage the performance of, duties that relate to Licensee's responsibilities under the Cable Landing License Transfer Rules.

(i) "DR Fortress" means DR Fortress, LLC.

(j) "Effective Date" means the date by which both the Bureau and DR Fortress have signed the Consent Decree and the Bureau has released an Adopting Order.

(k) "Hawaiki Cable System" means the cable system connecting the United States,

Australia, and New Zealand under the following FCC license: *Actions Taken Under Cable Landing License Act Section 1.767(a) Cable Landing Licenses, Modifications, & Assignments or Transfers of Control of Ints. in Cable Landing Licenses (47 C.F.R. 1.767(a))*, Public Notice, 32 FCC Rcd 10428 (2017) (File No. SCL-LIC-20160906-00019).

(l) "Investigation" means the investigation commenced by the Bureau in EB-IHD-25-00038600 regarding whether DR Fortress violated 47 U.S.C. § 34 and 47 CFR § 1.767.

(m) "Licensee," for purposes of effectuating the terms of this Consent Decree, means DR Fortress, LLC while it was a licensee to the Hawaiki Cable System, and its successors-in-interest as licensee, including but not limited to, GI DI Fortress SpinCo LLC.

(n) "Operating Procedures" means the standard internal operating procedures and compliance policies established by Licensee to implement the Compliance Plan.

(o) "Parties" means Licensee 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.

(q) "SpinCo" means GI DI Fortress SpinCo LLC and its successors-in-interest.

II. BACKGROUND

3. *Legal Background*. Under the Cable Landing License Act of 1921 (Cable Landing License Act), a person[1] is prohibited from landing or operating in the United States "any submarine cable directly or indirectly connecting the United States[2] with any foreign country, or connecting one portion of the United States with any other portion thereof, unless a written license to land or operate such cable has been issued by the President of the United States."[3] The Commission has been delegated the President's authority under the Cable Landing License Act.[4]

4. The Commission regulates United States-international as well as domestic submarine cable systems (i.e., cables that do not connect the United States with foreign points), unless all of the cables, including both terminals, lie wholly within the continental United States.[5] The Commission has authority to grant, withhold, revoke, or condition submarine cable landing licenses.[6] Cable landing licenses are subject to all Commission rules and regulations including certain routine conditions.[7] In relevant part, all licensees agree that the "cable landing license and rights granted in the license shall not be transferred, assigned, or disposed of, or disposed of indirectly by transfer of control of the licensee,

[1] "Person" means a "body of persons, corporate or incorporate." 47 U.S.C. § 30.

[2] "United States" includes "the Canal Zone and all territory continental or insular, subject to the jurisdiction of the United States of America." 47 U.S.C. § 38.

[3] 47 U.S.C. § 34. This prohibition does not apply to cables that are wholly within the continental United States, including both terminals. *Id*.

[4] *See* Exec. Ord. No. 10530, § 5(a) (May 10, 1954), reprinted as amended in 3 U.S.C. § 301; *see also* 47 CFR § 0.405(b).

[5] 47 U.S.C. § 34.

[6] Exec. Ord. No. 10530; 47 U.S.C. § 34; 47 CFR § 1.767.

[7] 47 CFR § 1.767(g)(1)(i); *see also id*. § 1.767(a)(9).

unless the [Commission] gives prior consent in writing."[8] An entity that submits an application to transfer or assign control of interests in a cable landing license must also notify the Commission no later than 30 days after such a transaction is consummated.[9]

5. When considering applications concerning submarine cable systems, the Commission seeks assistance from the Secretary of State and any executive department or establishment as it sees fit.[10] Applications to assign, transfer control of, or modify cable landing licenses are referred to the Executive Branch for review as the Commission sees fit.[11] This coordination is necessary because "[t]he security, integrity, and availability of United States telecommunications networks are vital to United States national security and law enforcement interests."[12]

6. *Factual Background*. DR Fortress is a limited liability company organized in Delaware as of September 21, 2006. On December 20, 2017, the Commission granted a cable landing license to land and operate a non-common carrier fiber-optic submarine cable between the United States, Australia, and New Zealand, called the Hawaiki Cable System, to Hawaiki Submarine Cable USA LLC (HSC USA), as well as Tillamook Lightwave IGA, ACS Cable Systems, LLC, DR Fortress, and the American Samoa Telecommunications Authority.[13] The licensees are required to comply with the routine conditions set forth in 1.767(g)(1)-(14) of the Commission rules and with the requirements of section 1.768 of the Commission's rules.[14]

7. Up until March 31, 2025, DR Fortress was a licensee on the Hawaiki Cable System as it managed and operated the cable landing station in Oahu, Hawaii under contract with HSC USA and served as the landing party for this cable landing station. At no time did DR Fortress own any capacity in the Hawaiki Cable System. On March 31, 2025, DR Fortress made a *pro forma* assignment of its license on the Hawaiki Cable System to an affiliate at the time, SpinCo.[15] Shortly thereafter, DR Fortress was acquired by a third party, DR Fortress Acquisition, LLC. Currently, SpinCo has replaced DR Fortress as one of the licensees to the Hawaiki Cable System and manages the Oahu cable landing station through the same contract with HSC USA. Through a service contract with SpinCo, DR Fortress provides services to SpinCo in connection with the HSC USA contract to operate and manage the Oahu cable landing station.

8. *Unauthorized Transaction.* On January 15, 2020, GI DI Fortress Parent LLC acquired control of DR Fortress through a Membership Interest Purchase Agreement between GI DI Coast Acquisition LLC (now known as GI DI Fortress Acquisition, LLC), DR Fortress, and the direct and indirect owners of DR Fortress, including DR Fortress, Inc. and DRF Holdings, LLC (2020 Transaction). Pursuant to that agreement, GI DI Fortress Acquisition, LLC acquired DR Fortress. GI DI Fortress Parent LLC indirectly, wholly owned GI DI Fortress Acquisition, LLC. GI DI Fortress Parent LLC is a Delaware limited liability company and is majority owned by GI DI Fortress Holdings LP. DR Fortress remained as a licensee of the Hawaiki Cable System under its new ownership.

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[8] *Id*. § 1.767(g)(6).

[9] *Id*. § 1.767(a)(11)(iii).

[10] *Id*. § 1.767(b); *see also* Exec. Ord. No. 10530, § 5(a).

[11] 47 CFR § 1.767(b).

[12] *See* Exec. Ord. No. 13913 (Apr. 4, 2020).

[13] DR Fortress was deemed a licensee to the Hawaiki Cable System because it operated and managed the cable landing station in Oahu, Hawaii, which is owned by HSC USA.

[14] *Actions Taken Under Cable Landing License Act Section 1.767(a) Cable Landing Licenses, Modifications, & Assignments or Transfers of Control of Ints. in Cable Landing Licenses (47 C.F.R. 1.767(a))*, Public Notice, 32 FCC Rcd 10428 (2017).

[15] *See* File No. SCL-ASG-20250331-00011.

9. Following the 2020 Transaction, DR Fortress was directly owned by GI DI Fortress Acquisition LLC. DR Fortress's indirect parent companies were GI DI Fortress Intermediate LLC, GI DI Fortress Parent LLC and GI DI Fortress Holdings LP. The transaction also resulted in minority, non-controlling interests in DR Fortress being indirectly owned, through GI DI Fortress Holdings LP, by Singaporean investment vehicles controlled by the Government of Singapore.[16]

10. DR Fortress did not seek prior Commission approval for the 2020 Transaction and continued to operate and manage the Oahu cable landing station. DR Fortress did not seek such approval until 2025.[17] Specifically, on March 31, 2025, DR Fortress and GI DI Fortress Parent, LLC filed an application requesting Commission consent for the transfer of control of the license held by DR Fortress in the Hawaiki Cable System.[18] At the same time, DR Fortress and GI DI Fortress Parent, LLC filed an application requesting Special Temporary Authority (STA) for DR Fortress to continue to be the landing party for, and operate the Oahu, Hawaii cable landing station for, the Hawaiki Cable System while the Commission reviewed the transfer of control application.[19] On May 21, 2025, the Commission granted the STA request, which expired on December 5, 2025.[20] On November 26, 2025, DR Fortress and GI DI Fortress Parent, LLC filed an application requesting extension of its STA, which application is pending.[21]

11. To settle this matter, the Parties enter into this Consent Decree and agree to the following terms and conditions.

III. TERMS OF AGREEMENT

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

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

14. **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.

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. In consideration for the termination of the Investigation, Licensee 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 Licensee concerning the matters that were the subject of the Investigation, or to set for hearing the question of Licensee's basic qualifications to be a Commission licensee or hold Commission licenses or

[16] At the time, each of these entities held a 16.17% equity and deemed voting interest in DR Fortress through a fund. *See* File No. SCL-STA-20250331-00010, Exhibit 2.

[17] *See* File No. SCL-T/C-20250331-00009.

[18] *Id.*

[19] *See* File No. SCL-STA-20250331-00010.

[20] The initial expiration date was November 25, 2025. *See* Public Notice, Actions Taken Under Cable Landing License Act, DA 25-438, SCL-STA-20250331-00010, at 3 (stating "[t]he STA expires on November 25, 2025"). The initial expiration date was extended by the Commission to December 5, 2025. *See* Public Notice, Revisions to Deadlines Following Resumption of Normal Operations, DA 25-943, at 5 (Nov. 17, 2025) (stating "Any STAs that would have expired from October 1, 2025, through December 5, 2025, are extended until December 5, 2025.").

[21] *See* File No. SCL-STA-20251125-00080.

authorizations based on the matters that were the subject of the Investigation.[22]

16. **Admission of Facts**. Licensee admits for the purpose of this Consent Decree and for Commission civil enforcement purposes, and in express reliance on the provisions of paragraph 15 herein, that paragraphs 6 through 10 are a true and accurate description of the facts underlying the Investigation.

17. **Compliance Officer**. Within thirty (30) calendar days after the Effective Date, Licensee 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 Licensee complies with the terms and conditions of the Compliance Plan and this Consent Decree. The Compliance Officer shall have specific knowledge of the Cable Landing License Transfer Rules prior to assuming his/her duties.

18. **Compliance Plan**. For purposes of settling the matters set forth herein, Licensee agrees that it shall, within sixty (60) calendar days after the Effective Date, develop and implement a Compliance Plan designed to ensure future compliance with the Cable Landing License Transfer Rules and with the terms and conditions of this Consent Decree. Licensee will implement, at a minimum, the following procedures:

(a) **Operating Procedures**. Within thirty (30) calendar days after the Effective Date, Licensee shall establish Operating Procedures that all Covered Employees must follow to help ensure its compliance with the Cable Landing License Transfer Rules. The Operating Procedures shall include internal procedures and policies specifically designed to ensure that Licensee's obligations under the Cable Landing License Transfer Rules are met. Licensee shall also develop a Compliance Checklist that describes the steps that a Covered Employee must follow to ensure compliance with the Cable Landing License Transfer Rules.

(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 Manual shall explain the Cable Landing License Transfer Rules and set forth the Operating Procedures that Covered Employees shall follow to help ensure Licensee's compliance with the Cable Landing License Transfer Rules. Licensee shall periodically review and revise the Compliance Manual as necessary to ensure that the information set forth therein remains current and accurate. Licensee shall distribute any revisions to the Compliance Manual promptly to all Covered Employees.

(c) **Compliance Training Program**. Licensee shall establish and implement a Compliance Training Program on compliance with the Cable Landing License Transfer Rules and the Operating Procedures. As part of the Compliance Training Program, Covered Employees shall be advised of Licensee's obligation to report any noncompliance with the Cable Landing License Transfer 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 sixty (60) 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. Licensee shall repeat compliance training on an annual basis, and shall periodically review and revise the

[22] *See* 47 CFR § 1.93(b).

Compliance Training Program as necessary to ensure that it remains current and complete and to enhance its effectiveness.

19. **Reporting Noncompliance**. Licensee shall report any noncompliance with the Cable Landing License Transfer 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 Licensee 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 Licensee has taken or will take to prevent the recurrence of any such noncompliance. All reports of noncompliance shall be submitted to the Investigations and Hearings Division at IHDTelecom@fcc.gov.

20. **Compliance Reports**. Licensee shall file compliance reports with the Commission ninety (90) 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 Licensee's efforts during the relevant period to comply with the terms and conditions of this Consent Decree and the Cable Landing License Transfer Rules. In addition, each Compliance Report shall include a certification by the Compliance Officer, as an agent of and on behalf of Licensee, 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, 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.[23]

(c) If the Compliance Officer cannot provide the requisite certification, the Compliance Officer, as an agent of and on behalf of Licensee, 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 Licensee 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 Licensee 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 the Investigations and Hearings Division at IHDTelecom@fcc.gov.

21. **Termination Date**. Unless stated otherwise, the requirements set forth in paragraphs 17 through 20 of this Consent Decree shall expire the earlier of (1) thirty-six (36) months after the Effective Date or (2) the date when Licensee is no longer subject to the Cable Landing License Transfer Rules (i.e., it is no longer a licensee on the Hawaiki Cable System as defined under the requirements of section 1.767 of the Rules). In the event the latter occurs, Licensee shall provide notification of such occurrence to the Investigations and Hearings Division at IHDTelecom@fcc.gov within five (5) calendar days of the date that Licensee is no longer a licensee on the Hawaiki Cable System.

22. **Voluntary Contribution**. DR Fortress will pay a voluntary contribution to the United

[23] 47 CFR § 1.16.

States Treasury in the amount of forty thousand dollars ($40,000) within thirty (30) calendar days of the Effective Date. DR Fortress acknowledges and agrees that upon execution of this Consent Decree, the Voluntary Contribution shall become a "Claim" or "Debt" as defined in 31 U.S.C. § 3701(b)(1).[24] Upon an Event of Default, all procedures for collection as permitted by law may, at the Commission's discretion, be initiated. DR Fortress shall send electronic notification of payment to IHDTelecom@fcc.gov on the date said payment is made. Payment of the Voluntary Contribution 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 Voluntary Contribution payments by check or money order. Below are instructions that payors 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. In the OBI field, enter the FRN(s) captioned above and the letters "FORF". In addition, a completed Form 159[26] or printed CORES form[27] 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).[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 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

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

[25] For questions regarding payment procedures, please contact the Financial Operations Group Help Desk by phone at 1-877-480-3201 (option #6).

[26] FCC Form 159 is accessible at https://www.fcc.gov/licensing-databases/fees/fcc-remittance-advice-form-159.

[27] 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.

[28] Instructions for completing the form may be obtained at http://www.fcc.gov/Forms/Form159/159.pdf.

"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.

23. **Event of Default**. Licensee agrees that an Event of Default shall occur upon the failure by DR Fortress to pay the full amount of the Voluntary Contribution 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 Voluntary Contribution 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 Voluntary Contribution, 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 DR Fortress.

25. **Waivers**. As of the Effective Date, 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. 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 the Adopting Order, neither Licensee nor the Commission shall contest the validity of the Consent Decree or the Adopting Order, and Licensee shall waive any statutory right to a trial *de novo*. Licensee hereby agrees to waive any claims it may otherwise have under the Equal Access to Justice Act[29] 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 Licensee does not expressly consent) that provision will be superseded by such Rule or order.

29. **Successors and Assigns**. Licensee agrees that the provisions of this Consent Decree shall be binding on Licensee's 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 Investigation.

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

32. **Paragraph Headings**. The headings of the paragraphs in this Consent Decree are

[29] *See* 5 U.S.C. § 504; 47 CFR §§ 1.1501–1.1530.

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 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.

_____
Patrick Webre
Chief
Enforcement Bureau

_____
Date

_____
Nathan Osada
Chief Counsel and Administrative Officer
DR Fortress, LLC on behalf of Licensee

_____
Date

Federal Communications Commission
Washington, DC 20554

February 4, 2026

DA 26-112

SMALL ENTITY COMPLIANCE GUIDE

Auction of Advanced Wireless Services (AWS-3) Licenses
(Auction 113 Procedures)

DA 25-1075
AU Docket No. 25-117
Released December 18, 2025

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 requirements announced in the above-referenced *Auction 113 Procedures Public Notice*. This Guide is not intended to replace or supersede rules adopted by the Federal Communications Commission (Commission or FCC) in rulemaking dockets, but to facilitate compliance with Commission rules. Although we have attempted to cover all parts of the Auction 113 procedures that might be especially important to small entities, the coverage may not be exhaustive. This Guide cannot anticipate all situations in which the Commission 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 Commission 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 in AU Docket No. 25-117 regarding this Guide 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 the Commission's 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

This Small Entity Compliance Guide (Guide) is designed to help individuals and small businesses understand the filing requirements and other procedures to be used for Auction 113. This Guide **is not a substitute** for reading and reviewing the orders, rules, and public notices applicable to the auction, nor is it a substitute for legal advice on how the competitive bidding rules apply to your circumstances.

In Auction 113, the Commission is offering 200 Advanced Wireless Services (AWS) licenses for spectrum in the Commission's inventory in the 1695-1710 MHz, 1755-1780 MHz, and 2155-2180 MHz bands. As explained in the *Auction 113 Procedures Public Notice,*[1] Auction 113 will bring valuable 5G-ready spectrum to market to the benefit of consumers and the U.S. economy. Proceeds from this auction will fund the Commission's ongoing efforts through its Supply Chain Reimbursement Program to protect American networks from untrustworthy and insecure foreign equipment.

The *Auction 113 Procedures Public Notice* provides details regarding the procedures, terms, and conditions, as well as dates and deadlines, governing participation in Auction 113 and an overview of the post-auction application and payment processes. Additional materials to assist small business entities in complying with the rules and procedures for Auction 113, such as the *Auction 113 Application Tutorial*, *FCC Form 175 Application Filing Instructions*, and the *Auction 113 Technical Guide* can be found in the Education section on the Commission's Auction 113 website at www.fcc.gov/auction/113.

II. COMPLIANCE REQUIREMENTS

A. Auction Specifics

Bidding in Auction 113 is scheduled to begin on **Tuesday, June 2, 2026**. The procedures for Auction 113 are substantially consistent with the auction procedures applied to other Commission wireless spectrum auctions.

- Any party interested in participating in the auction must first file an application to participate in the auction (FCC Form 175), also known as a "short-form application." The window for filing short-form applications begins on January 26, 2026, and all short-form applications must be submitted prior to 6:00 p.m. Eastern Time (ET) on **February 11, 2026**.
- An applicant must submit a sufficient upfront payment before 6:00 p.m. ET on **April 8, 2026**. A timely submitted upfront payment must be accompanied by a complete and accurate FCC Remittance Advice Form (FCC Form 159), following the procedures and instructions set forth in the *Auction 113 Procedures Public Notice*.
- Various resources are available to assist small business entities in complying with the rules and procedures for Auction 113 and can be found in the Education section on the Commission's Auction 113 website at www.fcc.gov/auction/113. These include: (1) instructions for completing the short-form application, and (2) web-based, interactive online tutorials produced by Commission staff explaining auction procedures, filing requirements, bidding procedures, and other matters related to the auction.

Licenses. The AWS-3 spectrum available in Auction 113 will be licensed on a geographic area basis. Of the 200 licenses offered in Auction 113, the 48 licenses located in the A1 block (1695-1700 MHz), B1 block (1700-1710 MHz), H block (1760-1765/2160-2165), I block (1765-1770/2165-2170), and J block

[1] *Auction of Advanced Wireless Services (AWS-3) Licenses; Notice and Filing Requirements, Minimum Opening Bids, Upfront Payments, and Other Procedures for Auction 113; Bidding Scheduled to Begin June 2, 2026*, AU Docket No. 25-117, Public Notice, DA 25-1075 (OEA/WTB rel. Dec. 18, 2025) (*Auction 113 Procedures Public Notice*).

(1770-1780 MHz/2170-2180 MHz) are based on Economic Areas (EAs) and the 152 licenses located in the G block (1755-1760/2155-2180) are based on Cellular Market Areas (CMAs).

- The AWS-3 frequencies will be licensed in paired and unpaired five and ten megahertz blocks, with each license having a total bandwidth of five, ten, or twenty megahertz (MHz).
- The list of licenses to be offered in Auction 113 is available in the Attachment A file on the Auction 113 website at www.fcc.gov/auction/113.

Incumbent Protection. The AWS-3 bands are being used currently for a variety of government and non-government uses. In 2014, the Commission allocated the 1695-1710 MHz and 1755-1780 MHz bands for commercial use.

- Licenses in the 1695-1710 MHz band are being made available on a shared basis with incumbent Federal meteorological-satellite data users. AWS-3 licenses in the 1755-1780 MHz band are being made available on a shared basis with a limited number of Federal incumbents indefinitely, and some Federal systems that have or will relocate out of the band over time.
- Licenses to operate in the 1695-1710 MHz and 1755-1780 MHz bands are subject to the condition that the AWS-3 licensee must not cause harmful interference to an incumbent Federal entity relocating from these bands under an approved Transition Plan. This condition remains in effect until the National Telecommunications and Information Administration (NTIA) terminates the applicable authorization of the incumbent Federal entity.
- In addition, AWS-3 licensees in the 1755-1780 MHz band must agree to accept interference from incumbent Federal users while the incumbent remains authorized to operate in the band. AWS-3 licensees in the 2155-2180 MHz band may have to protect or relocate and/or share in the cost of relocating non-Federal incumbent Fixed Microwave and Broadband Radio Service licensees in the band.
- AWS-3 licenses in the 1695-1710 MHz and 1755-1780 MHz bands are required to successfully coordinate with Federal incumbent users in these bands prior to operating in designated protection zones. AWS-3 licensees in the 1695-1710 MHz bands operating at certain power levels are required to coordinate with Federal incumbents in those protection zones and higher-powered operations would generally require nationwide coordination.
- Similarly, operations in the 1755-1780 MHz band are subject to successful coordination with Federal incumbents in the protection zones adopted for that band, with the default coordination zone being nationwide.
- Prior to commencing operations in the 1755-1780 MHz band, an AWS-3 licensee must reach a coordination arrangement on an operator-to-operator basis with each Federal agency that has an assignment with United States and Possessions authority. In 2014, various refinements were adopted to the previously-defined protection zones for each of these bands. The *FCC/NTIA Coordination Procedures Public Notice* contains various refinements to the previously-defined protection zones for each of these bands.[2] At the same time, information and guidance was provided on the overall coordination process for these bands, including informal pre-coordination discussion and the formal process of submitting coordination requests to relevant Federal agencies and receiving responses from relevant Federal agencies. Each potential applicant should carefully review these coordination requirements and the policies and procedures adopted by the

[2] *See The Federal Communications Commission and the National Telecommunications and Information Administration: Coordination Procedures in the 1695-1710 MHz and 1755-1780 MHz Bands*, GN Docket No. 13-185, Public Notice, 29 FCC Rcd 8527, 8530-35, 8540-42, 8542-69 (WTB 2014) (*FCC/NTIA Coordination Procedures Public Notice*).

Commission to implement them. Each potential applicant should carefully consider the impact of these requirements and policies on its business plans.

- Potential Auction 113 applicants should pay particular attention to the requirements presented by the temporary and indefinite sharing of portions of the AWS-3 bands by incumbent Federal users and AWS-3 licensees, which may vary by geography and frequency. The information in both the *FCC/NTIA Coordination Procedures Public Notice* and federal agencies' approved transition plans will be material to an applicant's potential participation in Auction 113. Therefore, we strongly encourage each potential applicant to closely review these materials, as well as future releases from the Commission and NTIA concerning these incumbent protection issues, and to carefully consider the technical and economic implications for commercial use of the AWS-3 bands.

Due Diligence Requirements. Each potential bidder is solely responsible for investigating and evaluating all technical and marketplace factors that may have a bearing on the potential uses of a license that it may seek in Auction 113. The Commission makes no representations or warranties about the use of this spectrum for particular services. The Commission makes no representations or guarantees regarding the accuracy or completeness of information in its databases or any third-party databases. The Commission makes no representations or guarantees regarding the accuracy or completeness of information that has been provided by incumbent licensees and incorporated into its databases.

- We encourage each potential bidder to perform technical analyses and/or refresh its previous analyses to assure itself that, should it become a winning bidder for any Auction 113 license, it will be able to build and operate facilities that will fully comply with all applicable technical and legal requirements.

- We urge each applicant to inspect any prospective sites for communications facilities located in, or near, the geographic area for which it plans to bid, confirm the availability of such sites, and to familiarize itself with the Commission's rules regarding the National Environmental Policy Act, the National Historic Preservation Act, and any other environmental statutes that may apply.

Applicant Responsibilities. As specified in section 27.1105 of the Commission's rules, Auction 113 will be governed by the competitive bidding procedures in part 1, subpart Q, of the Commission's rules. The Commission also has adopted rules regarding the AWS-3 bands, as well as the licensing and operating rules that are applicable to all part 27 services.[3] On July 24, 2025, the Commission adopted an order revising the part 27 rules that had applied to the Commission's first auction of AWS-3 spectrum in 2014.[4] Prospective applicants should familiarize themselves with those rules, including amendments and clarifications to those rules, as well as Commission decisions regarding competitive bidding procedures, application requirements, and obligations of Commission licensees.

- In addition, applicants must be thoroughly familiar with the procedures, terms, and conditions in the *Auction 113 Procedures Public Notice* and any future public notices related to Auction 113 that may be released. It is the responsibility of each applicant to remain current with all Commission rules and with all public notices pertaining to Auction 113. Each is required to certify, under penalty of perjury, that it has read the *Auction 113 Procedures Public Notice* and has familiarized itself with the auction procedures and the service rules for the AWS-3 bands.

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[3] *See generally* 47 CFR part 27, subpart M; 47 CFR § 2.106.

[4] *See Enhancing National Security Through the Auction of AWS-3 Spectrum Licenses*; *Applying New Average Annual Gross Revenue Benchmarks for Small Business Bidding Credits*; *Amendment of the Commission's Rules with Regard to Commercial Operations in the 1695-1710 MHz, 1755-1780 MHz, and 2155-2180 MHz Bands*, GN Docket Nos. 25-70, 25-71, 13-185, Report and Order and Second Report and Order, 40 FCC Rcd 5544 (2025).

- An Auction 113 applicant is responsible for submitting an accurate, complete, and timely short-form application (FCC Form 175), including each required certification.
- An Auction 113 applicant must submit a sufficient upfront payment for at least one of the licenses offered in Auction 113 and an FCC Remittance Advice Form (FCC Form 159) before 6:00 p.m. ET on April 8, 2026, following the procedures and instructions specified in the *Auction 113 Procedures Public Notice*.

B. Application Procedures

Any party interested in participating in Auction 113 is required to file a short-form application (FCC Form 175) to ensure that it is qualified to participate in the auction. The short-form application must be filed electronically via the Auction Application Portal in the Commission's new Auction Application System (AAS), following the procedures prescribed in the Auction 113 *FCC Form 175 Application Filing Instructions*, which can be located in the Education section on the Auction 113 website at www.fcc.gov/auction/113.

In order to access the Auction Application Portal within the new AAS, each individual must have a unique email address associated with an FCC Username Account that is linked to an applicant's FCC Registration Number (FRN) in the Commission Registration System (CORES). To create a new auction application or to view or edit an existing application for the applicant, each individual also must have been granted previously the appropriate permissions by the CORES Administrator for that FRN. On January 7, 2026, the FCC expects to make AAS available to the public for FRN Administrators to assign the appropriate auction permission to each unique FCC Username account associated with that FRN.[5]

- An applicant seeking to participate in Auction 113 must certify in an attachment in its short-form application, under penalty of perjury, that that it has read the public notice adopting procedures for Auction 113 and that it has familiarized itself both with those procedures and with the requirements for obtaining a license and operating facilities in the AWS-3 bands.
- Each applicant in Auction 113 wishing to bid on any license in the 1755-1780 MHz band must submit, as an attachment to its short-form application, a signed statement acknowledging that the applicant's operations in the 1755-1780 MHz may be subject to interference from Federal systems, that the applicant must accept interference from incumbent Federal operations, and that the applicant has considered these risks before submitting any bids for applicable licenses in Auction 113. The acknowledgement statement must be signed by the same individual that signs to certify the Auction 113 application on behalf of the applicant.
- An applicant whose application contains deficiencies is provided a limited opportunity to bring its application into compliance with the Commission's auction application rules during a resubmission window.
- Parties that timely submit a short-form applications are subject to the Commission's part 1 subpart Q competitive bidding rules regarding application requirements and certifications (e.g., joint bidding agreements relating to the spectrum licenses subject to auction) and the rules prohibiting certain communications. For example, the prohibition on certain communications for applicants in Auction 113 will begin at the short-form application filing deadline on February 11, 2026, and will end at the down payment deadline for Auction 113, to be announced in a future public notice.

[5] The Commission will release a public notice announcing the date on which the public may access the Commission's new AAS and will provide additional instructions therein.

- Certain information required on the short-form application (FCC Form 175) is necessary to ensure that only applicants that qualify as a small business or a rural service provider receive the bidding credits offered to such entities.

Provisions for Designated Entities

In Auction 113, bidding credits are available to applicants demonstrating eligibility for a small business bidding credit or a rural service provider bidding credit and subsequently winning license(s). Bidding credits are not cumulative—for each auction, an eligible applicant is permitted to claim either a small business bidding credit or a rural service provider bidding credit, but not both.

For Auction 113:

- A bidder with attributed average annual gross revenues that do not exceed $55 million for the preceding five years is eligible to receive a 15% discount on its winning bid.
- A bidder with attributed average annual gross revenues that do not exceed $20 million for the preceding five years is eligible to receive a 25% discount on its winning bid.
- A bidder satisfying the eligibility requirements for a rural service provider bidding credit is eligible to receive a 15% discount on its winning bid.

The *Auction 113 Procedures Public Notice* established caps on the total amount of bidding credits that may be awarded to an eligible small business or rural service provider in Auction 113.

- There is a $25 million cap on the total bidding credit discount that may be awarded to an eligible small business.
- There is a $10 million cap on the total bidding credit discount that may be awarded to an eligible rural service provider.
- No winning designated entity bidder may receive more than $10 million in bidding credit discounts in total for Auction 113 licenses won in markets with a population of 500,000 or fewer.

C. Bidding Procedures

Bidding in Auction 113 will be conducted using an ascending clock-1 auction format. The clock-1 auction format is similar to the clock phase of previous Commission ascending clock auctions, but rather than offering multiple generic spectrum blocks in a category in a geographic area, each frequency-specific license in a geographic area (CMA or EA) will constitute its own category with a supply of 1. Therefore, in the clock-1 auction format adopted for Auction 113, bidders will bid on frequency-specific licenses.

Each bidder will be able to bid for specific licenses in bidding rounds, in license-by-license bidding. The auction will proceed in a series of rounds, with bidding conducted simultaneously for all licenses available in the auction. For each bidding round, the bidding system will announce a clock price for each license, and a bidder will indicate its demand for licenses at the prices associated with the current round. Under the clock-1 auction format, a bidder's demand for a license can be zero or 1.

- The clock price for a license will increase from round-to-round if more than one bidder indicates demand for the license. The bidding rounds will continue until the number of bidders demanding each license does not exceed one. All licenses remain available for bidding until no license has excess demand. Once bidding rounds stop, the bidder with demand for a license will become the winning bidder.

- Bidding rounds will be open for predetermined periods of time. Bidders will be subject to activity and eligibility rules that govern the pace at which they participate in an auction.
- The *Auction 113 Procedures Public Notice* provides further information about bidding procedures.
- Prior to the start of bidding, qualified bidders will be given an opportunity to become familiar with auction procedures and the bidding system by participating in a mock auction, scheduled to occur on May 29, 2026. Qualified bidders will have access to a user guide for the bidding system, bidding file formats, and an online bidding procedures tutorial in advance of the mock auction. This material will be found in the Education section on the Auction 113 website at www.fcc.gov/auction/113.

Additional procedures for Auction 113 include:

- Under anonymous bidding/limited information procedures, we will not make public until after bidding has closed: (1) the markets that an applicant selects for bidding in its short-form application, (2) the amount of any upfront payment made by or on behalf of an applicant for Auction 113, (3) any applicant's bidding eligibility, and (4) any other bidding-related information that might reveal the identity of the bidder placing a bid;
- Use of information procedures which would make public after each round of Auction 113, for each license, the aggregate demand, the posted price of the last completed round, and the clock price for the next round;
- Establishment of a specific upfront payment amount for each license available in Auction 113, with a bidder's initial bidding eligibility (in bidding units) based on that bidder's upfront payment through assignment of a specific number of bidding units for each license;
- Establishment of a specific minimum opening bid amount for each license available in Auction 113, based on $0.01 per MHz-pop for the paired licenses in areas with a population of less than 300,000, $0.02 per MHz-pop for the paired licenses in areas with a population of at least 300,000 and less than 1,000,000, $0.05 per MHz-pop for the paired licenses in areas with a population of at least 1,000,000, and $0.01 per MHz-pop for the unpaired licenses. For all licenses, minimum opening bids will be subject to a minimum of $1,000 per license;
- Use of an activity rule requiring bidders to be active on between 90% and 100% of their bidding eligibility in all clock rounds, with the initial activity requirement percentage set at 95%, with the specific percentage for each round to be set by the Office of Economics and Analytics (OEA), and with OEA retaining discretion to change the activity requirement percentage during the auction;
- An option to permit a bidder to submit a proxy instruction to reduce its demand for a license to zero at a price higher than the current round's clock price, which will allow a bidder to express its demand without needing to monitor every round of the auction, and a requirement that each bidder indicate its demand in every round or submit appropriate proxy instructions;
- Establishment of acceptable bid amounts, including clock price increments and intra-round bids, along with a proposed methodology for calculating such amounts;
- Establishment of a methodology for processing bids and requests to reduce or increase demand subject to the "no excess supply" rule for bids to reduce demand and the eligibility rule for bids to increase demand, and as a direct result, under the no excess supply rule, the FCC

auction bidding system will not allow a bidder to reduce its demand for a license if the reduction would cause aggregate demand to fall below one;

- Retention by OEA of discretion to change the bidding schedule in order to manage the pace of Auction 113;
- Establishment of an additional default payment of 20% under section 1.2104(g)(2) of the Commission's rules in the event that a winning bidder defaults or is disqualified after the auction; and
- Provision of delegated authority to OEA, in conjunction with the Wireless Telecommunications Bureau, to exercise its discretion to delay, suspend, or cancel bidding in Auction 113 for any reason that affects the ability of the competitive bidding process to be conducted fairly and efficiently.

D. Post-Auction Procedures

Shortly after bidding ends in Auction 113, the Commission will issue a public notice declaring that the auction is closed and establishing the deadlines for winning bidders to submit down payments and final payments, as well as deadlines for filing long-form applications (FCC Form 601) and ownership disclosure information reports for wireless telecommunications services (FCC Form 602).

Compliance Requirements for Winning Bidders

Additional compliance requirements apply to winning bidders. As with other winning bidders, any individual or small entity that is a winning bidder will be required to comply with the following:

- Submit as a down payment sufficient funds (in addition to its upfront payment) to bring its total amount of money on deposit with the Commission to 20% of the net amount of its winning bids within 10 business days after release of the auction closing public notice for Auction 113;
- Submit the balance of the net amount for each of its winning bids within 10 business days after the down payment deadline;
- Electronically submit a properly completed post-auction application (FCC Form 601), also known as a long-form application, including the applicable filing fee and required exhibits, for the licenses won through Auction 113, within 10 days after release of the auction closing public notice;
- Provide as part of its long-form application (FCC Form 601) any agreement or arrangement it has entered into and a summary of the specific terms, conditions, and parties involved in any agreement it has entered into, including any bidding consortia, joint venture, partnership, or agreement, understanding, or other arrangement entered into relating to the competitive bidding process, and also including any agreement relating to the post-auction market structure;[6]
- A winning bidder claiming eligibility for a small business bidding credit or a rural service provider bidding credit must demonstrate its eligibility for the bidding credit sought in its FCC Form 601;[7]

[6] Such agreements must have been entered into prior to the filing of short-form applications pursuant to section 1.2105 of the Commission's rules. 47 CFR § 1.2105(a)(2)(viii).

[7] 47 CFR § 1.2112(b).

- A winning bidder organized as a bidding consortium must comply with the FCC Form 601 post-auction application procedures specified in section 1.2107(g) of the Commission's rules;
- Submit the required application filing fee with each long-form application (currently set at $3730 per FCC Form 601); and
- Comply with the ownership reporting requirements in the Commission's rules by electronically submitting a complete and accurate ownership disclosure information report for wireless telecommunications services (FCC Form 602) within 10 days after release of the auction closing public notice.

Tribal Lands Bidding Credit

A tribal land bidding credit is available to any winning bidder that commits to deploying facilities and providing services to qualifying Tribal lands.

- A qualifying tribal land for purposes of the tribal land bidding credit is defined as a qualifying Tribal area that has a wireline service penetration rate equal to or below 85%.
- The Tribal land bidding credit is in addition to, and separate from, any other bidding credit for which the applicant qualifies, such as the small business or rural service provider bidding credit.
- Unlike other bidding credits that are requested prior to bidding in the auction, a winning bidder applies for the tribal land bidding credit after the auction when it files its long-form application (FCC Form 601).
- Further information on tribal land bidding credits can be found on the Commission's website by going to www.fcc.gov/auctions and clicking on the Tribal Lands Credits link.

Further instructions on these and other filing requirements will be provided to winning bidders in the auction closing public notice for Auction 113.

III. RECORDKEEPING AND REPORTING REQUIREMENTS

Pursuant to section 1.65 of the Commission's rules, once an applicant submits a short-form application, it has a continuing obligation to maintain the accuracy and completeness of information furnished in the pending application.[8] Specifically, an applicant for Auction 113 must furnish additional or corrected information to the Commission within five business days after a significant occurrence or amend its short-form application (FCC Form 175) no more than five business days after the applicant becomes aware of the need for the amendment. The *Auction 113 Procedures Public Notice* provides instructions for each Auction 113 applicant to maintain the accuracy of its short-form application electronically using the Auction Application System and/or by direct communication with Auctions Division staff.[9]

[8] 47 CFR § 1.65.

[9] *Auction 113 Procedures Public Notice* at 45-46, paras. 123-29.

IV. IMPLEMENTATION DATE

The instructions and procedures set forth in the *Auction 113 Procedures Public Notice* became effective upon publication of a summary of that public notice in the Federal Register on December 23, 2025.

Implementation dates and deadlines associated with the execution of Auction 113 can be found in the *Auction 113 Procedures Public Notice*. Further information will be provided in the auction closing public notice for this auction.

V. INTERNET LINKS

A copy of the *Auction 113 Procedures Public Notice* is available at: www.fcc.gov/document/procedures-established-auction-113-aws-3.

A copy of the Federal Register Summary of the *Auction 113 Procedures Public Notice* is available at: https://www.govinfo.gov/content/pkg/FR-2025-12-23/pdf/2025-23785.pdf.

Auction 113 general information is available at: www.fcc.gov/auction/113.

PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, DC 20554

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

DA 26-113
Released: February 4, 2026

SPACE BUREAU ACCEPTS FOR FILING SPACEX'S APPLICATION FOR ORBITAL DATA CENTERS

ICFS File No. SAT-LOA-20260108-00016

Comments/Petitions Due: March 6, 2026
Response to Comments/Oppositions to Petition Due: March 16, 2026
Replies to Responses/Oppositions Due: March 23, 2026

By this Public Notice, the Space Bureau (Bureau) accepts for filing and seeks comment on an application by Space Exploration Holdings, LLC (SpaceX) for a new non-geostationary orbit (NGSO) system of up to one million satellites.[1] This satellite system will represent the "first step towards becoming a Kardashev II-level civilization – one that can harness the Sun's full power," according to SpaceX.[2]

On January 30, 2026, SpaceX filed an application seeking authority to launch and operate a new NGSO satellite system of up to one million satellites to operate as the "SpaceX Orbital Data Center system" (System). The System will operate at altitudes ranging from 500 km to 2,000 km and in 30 degree and sun-synchronous orbit inclinations within orbital shells spanning up to 50 km each.[3] The proposed satellites will use high-bandwidth optical inter-satellite links and conduct telemetry, tracking, and command (TT&C) operations.[4] The Bureau seeks comment on the application and the associated requests for waiver.

SpaceX's proposed System will primarily rely on optical intersatellite-links, which may connect with other satellites in the proposed System and with satellites in SpaceX's first- and second-generation Starlink systems.[5] SpaceX requests authority to use the 18.3-19.3 GHz (space-to-Earth) and 28.6-29.1

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[1] Space Exploration Holdings, LLC, Application for Authority to Launch and Operate the SpaceX Orbital Data Center System, ICFS File No. SAT-LOA-20260108-00016 (Call Sign S00798) (filed Jan. 30, 2026) (Application).

[2] Application, Narrative at 1. The Kardashev scale is a hypothetical method of measuring a civilization's technological advancement based on its energy consumption; a Type II civilization can harness and utilize all the energy output of its host star. *See* N.S. Kardashev, *Transmission of Information by Extraterrestrial Civilizations*, 8 Soviet Astronomy 217-221 (1964).

[3] Application, Narrative at 1. SpaceX plans to design and operate different versions of satellite hardware for its operations across orbital shells.

[4] Application, Attachment A at A-1 (Technical Attachment).

[5] Application, Narrative at 6. *See e.g.*, *Space Exploration Holdings, LLC Request for Orbital Deployment and Operating Authority for the SpaceX Gen2 NGSO Satellite System*, Order and Authorization, 37 FCC Rcd 14882, 14927 (2022) (*SpaceX Gen2 Authorization*); *Space Exploration Holdings, LLC Application for Authority for Modification of the SpaceX NGSO Satellite System,* Order and Authorization, DA 26-36 (SB rel. Jan 9, 2026) (*SpaceX Gen2 Upgrade Authorization*); *Space Exploration Holdings, LLC, Application for Approval for Orbital*

(continued….)

GHz (Earth-to-space) frequency bands on a non-interference, unprotected basis.

In connection with its application, SpaceX requests the following waivers of the Commission's rules[6]:

- Waiver of sections 25.156(d) and 25.157 of the NGSO processing and processing round procedures to allow for consideration of its application for the requested use of the 18.3-19.3 GHz and 28.6-29.1 GHz frequency bands outside of a processing round.
- Waiver of section 25.164 to exempt the System from the NGSO milestone requirements and deployment obligations.
- Waiver of section 25.165 to exempt the System from the NGSO surety bond requirements and obligations.
- Waiver, to the extent necessary, of section 25.114(a)(1) governing information to be submitted on the Commission's Schedule S form, with specific regard to channel plans for licensed beams, uplink and downlink beams, command beams, and orbital plane configurations.

Ex Parte Rules. Pursuant to section 1.1200(a) of the Commission's rules,[7] the Commission may adopt modified or more stringent *ex parte* procedures in particular proceedings if the public interest so requires. We announce that this proceeding will be governed by permit-but-disclose *ex parte* procedures that are applicable to non-restricted proceedings under section 1.1206 of the Commission's rules.[8] This proceeding shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.[9] Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

Filing Procedures. Interested parties may file comments and petitions on or before the dates indicated on the first page of this document.[10] All filings must be filed in the Commission's International Communications Filing System (ICFS) and refer to ICFS File No. SAT-LOA-20260108-00016 in accordance with section 25.154 of the Commission's 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).

Availability of Documents. Comments and reply comments, petitions, and *ex parte* submissions will be available via ICFS. Documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat.

-FCC-

Deployment and Operating Authority for the SpaceX NGSO Satellite System, Memorandum Opinion, Order and Authorization, 33 FCC Rcd 3391 (2018) (*SpaceX Gen1 Authorization*); *Space Exploration Holdings LLC, Grant Stamp*, ICFS File No. SAT-MOD-20230215-00036 (Granted Aug. 16, 2024) (*SpaceX Gen1 Fourth Modification Grant*); *Space Exploration Holdings, LLC, Request for Modification of the Authorization for the SpaceX NGSO Satellite System, Grant Stamp*, ICFS File No. SAT-MOD-20241104-00251 (Mar. 17, 2025) (*SpaceX Gen1 Swarm Modification*). SpaceX states that the "optical links will route traffic within the network and to satellites in the Starlink constellation, via its high capacity (petabit) and high reliability laser mesh, which in turn will transmit traffic to authorized earth stations on the ground." Application, Narrative at 1.

[6] Application, Waiver Requests.

[7] 47 CFR § 1.1200(a).

[8] 47 CFR § 1.1206.

[9] 47 CFR §§ 1.1200 *et seq.*

[10] 47 CFR §§ 1.2, 1.405.

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

In the Matter of Rural Health Care Support Mechanism Petition for Waiver of ENA Healthcare Services, LLC	))))))	WC Docket No. 17-310

ORDER

Adopted: February 4, 2026 **Released: February 4, 2026**

By the Chief, Wireline Competition Bureau:

I. INTRODUCTION

1. In this Order, we grant a petition for waiver of the Rural Health Care (RHC) Telecommunications (Telecom) Program invoice processing rules,[1] in order to facilitate reimbursement of ENA Healthcare Services, LLC (ENA) for service provided for the 23 RHC commitments listed in the Appendix. In these cases, certain Health Care Providers (HCPs) in Alabama, Mississippi, Montana, and New Mexico have proven unable or unwilling[2] to provide the normal service delivery certifications set out in section 54.627(c)(1)(i) of the Commission's rules for the invoicing process.[3] We accordingly waive the invoice filing deadlines for these 23 funding requests and allow ENA to submit alternate documentation to establish that service was provided to the HCP and that the HCP is unable or unwilling to file the FCC Form 467.[4]

II. BACKGROUND

2. Under the RHC universal service support mechanism, eligible HCPs may apply for discounts for telecommunications and broadband services necessary for the provision of health care.[5] The RHC Program has two component programs: (1) the Telecom Program, which permits eligible health care providers to apply for discounts to defray the cost of eligible telecommunications services in rural areas; and (2) the Healthcare Connect Fund (HCF Program), which supports the delivery of broadband services and development of state and regional healthcare networks.[6]

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[1] Petition for Waiver of ENA Healthcare Services, LLC, WC Docket No. 17-310 (filed June 28, 2024), https://www.fcc.gov/ecfs/document/121768040430/1 (Initial ENA Petition); Petition for Waiver of ENA Healthcare Services, LLC, WC Docket No. 17-310 (filed Dec. 17, 2024), https://www.fcc.gov/ecfs/search/search-filings/filing/121768040430 (Updated ENA Petition).

[2] *See* Initial ENA Petition at 1.

[3] 47 CFR § 54.627(c)(1).

[4] Starting in funding year 2024, FCC Form 467 (Connection Certification) was discontinued and replaced with FCC Form 469, which serves a similar function. The 23 funding requests in the Appendix are for funding years 2017-2020, so the HCPs were required to submit FCC Form 467. *See* Universal Service Administrative Company, *Welcome to RHC Connect – FCC Form 469*, https://www.usac.org/rural-health-care/telecommunications-program/step-5-invoice-usac/welcome-to-rhc-connect-fcc-form-469/ (last visited Feb. 4, 2026).

[5] 47 CFR § 54.602(a)-(b).

[6] 47 CFR §§ 54.602(a) and (b).

3. In the Telecom Program, a service provider that receives a bona fide request from an HCP is required to provide that HCP with the requested service at the relevant urban rate.[7] The Commission will then reimburse the service provider for the difference between the corresponding urban rate and its rural rate.[8] During the funding years in question, the RHC disbursement process was triggered when an HCP submitted FCC Form 467 (Connection Certification) to the Universal Service Administrative Company (USAC) to confirm that it had received the requested service from the service provider.[9] Under standard operating procedures, submission of the FCC Form 467 was the only way to initiate the reimbursement process.

4. In 2019, a program-wide invoice submission deadline was instituted,[10] taking effect in funding year 2020.[11] In an effort to improve program efficiency and financial management, a special deadline applying to earlier funding years was announced in December 2023. Specifically, invoices for Telecom Program reimbursement for funding years 2019 and earlier were due by July 1, 2024.[12]

5. ENA is a healthcare technology company that provides rural HCPs with eligible services and participates in the RHC Program. In its filings, ENA states that ENA or its predecessor company provided the services identified in the 23 funding requests from funding year 2017 to funding year 2020, but ENA has been unable to receive the associated reimbursements.[13] According to ENA, it has made repeated requests to the relevant HCPs to file their Forms 467, but ENA believes the forms will never be filed because the HCPs have gone out of business or are no longer ENA customers and therefore have no incentive to cooperate.[14]

6. On June 28, 2024, ENA filed a request with 10 funding commitments, seeking to waive the Commission's rules regarding the processing of invoices for HCPs that have failed to file the FCC Form 467 and to waive the related invoice filing deadlines.[15] ENA submitted an expanded list of RHC commitments, bringing the overall total to 23, in December 2024.[16]

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[7] 47 U.S.C. § 254(h)(1)(A)("A telecommunications carrier shall, upon receiving a bona fide request, provide telecommunications services which are necessary for the provision of health care services in a State ... to any public or non-profit health care provider that serves persons who reside in rural areas ... at rates that are reasonably comparable to rates charged for similar services in urban areas in that State.")

[8] *See* 47 CFR § 54.606 (stating that providers in the RHC program are reimbursed for the difference "between the urban and the rural rate charged for the services").

[9] *See* USAC, *Step 5: Invoice USAC*, https://www.usac.org/rural-health-care/telecommunications-program/step-5-invoice-usac/ (last visited Feb. 4, 2026).

[10] *See Promoting Telehealth in Rural America*, WC Docket No. 17-310, Report and Order, 34 FCC Rcd 7335, 7422-23, paras. 188-89 (2019).

[11] *Wireline Competition Bureau Provides Guidance on the Implementation Schedule for Reforms Adopted by the Rural Health Care Program Promoting Telehealth Report and Order*, WC Docket No. 17-310, Public Notice, 34 FCC Rcd 11983, 11984 (WCB 2019).

[12] *Promoting Telehealth in Rural America*, WC Docket No. 17-310, Report and Order, 38 FCC Rcd 12476, 12489, para. 34 (2023).

[13] *See* Initial ENA Petition at 4 (ENA has provided the specified services) and Updated ENA Petition at 4 (listing the 23 funding requests and associated HCPs).

[14] *See* Initial ENA Petition at 1, 6.

[15] *See* Initial ENA Petition at Exhibit 1.

[16] *See* Updated ENA Petition at 4.

III. DISCUSSION

7. Generally, the Commission's rules may be waived for good cause shown.[17] The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest.[18] In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.[19] Waiver of the Commission's rules is appropriate if both special circumstances warrant a deviation from the general rule and such deviation will serve the public interest.[20]

8. We find that good cause exists to grant ENA's petition for waiver of the requirement that an HCP file the FCC Form 467 prior to USAC processing a provider's invoice for reimbursement. The FCC Form 467 was designed, in part, to notify USAC that the service provider had begun providing service to the HCP in accordance with the terms of the program participant's Funding Commitment Letter (FCL). This ensures that service providers are reimbursed only for eligible services that are actually delivered. But in this context, a sensible measure to protect program integrity has transformed into a choke point that blocks routine reimbursement for the service provider.[21]

9. We find that granting ENA's petition for waiver will advance the public interest. The FCC Form 467 requirement creates an impossible dilemma when the HCP dissolves or otherwise fails to file it after receiving services.[22] The service provider has a statutory duty to provide service to the HCP, but without the FCC Form 467, it cannot be compensated for that same service. This is contrary to the intent and purposes of the Communications Act.[23] As such, waiver is appropriate and serves the public interest.

10. In conjunction with the service provider certifications required in section 54.627(c)(1)(ii) of the Commission's rules, we direct USAC to seek alternate documentation from ENA to verify its reimbursement claims. ENA must produce proof that it supplied the requested service to the HCP: proof of payment by the HCP, possibly to include invoices, bank statements, wire transaction statements, or similar documents; an affidavit signed by a service provider employee with direct knowledge or oversight of the HCP's account, including dates of service and types of services rendered; or any documentation containing information on network connectivity, network utilization, or similar technical evidence of provision or usage. For those situations where the HCP has ceased operation, ENA must produce documentation such as a certificate of corporate dissolution filed with a relevant secretary of state's office; a final declaration of a bankruptcy court; public-facing materials communicating the dissolution of the HCP, for example, a website, social media posts, or news articles; an affidavit from a service provider employee who had direct interaction with the HCP stating that the HCP is no longer in business, including the last date of interaction with the HCP; a notice of termination of a contract on the grounds of dissolution, originally provided by the HCP; or other credible documentation to show that the HCP has dissolved or ceased operation. For those situations where the HCP is non-responsive or refuses to submit the FCC Form 467, ENA must provide appropriate documentary evidence, which might include evidence of multiple attempts to communicate to the HCP that it must file the FCC Form 467 or an affidavit that describes the number of attempts, the time period over which the attempts occurred, and the communication methods utilized.

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[17] 47 CFR § 1.3.

[18] *See Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (*Northeast Cellular*).

[19] *See WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); *Northeast Cellular*, 897 F.2d at 1166.

[20] *See Northeast Cellular*, 897 F.2d at 1166.

[21] *See* Initial ENA Petition at 2-4.

[22] Initial ENA Petition at 6.

[23] Initial ENA Petition at 5. *See also* 47 U.S.C. §§ 254(b) and (h).

11. ENA's request pertains to funding requests from funding years 2017-2020, and all are well past the deadline for submitting invoices.[24] We grant ENA's request to waive the invoice deadline for the 23 funding requests listed in the Appendix and direct USAC to reinstate any funding that may have been deobligated. The new deadline for resolution of these reimbursement claims is 120 days from the release of this Order.

12. Finally, we remind RHC Program participants of their general obligations to comply with the invoice filing requirements set forth in our rules.[25] This waiver is based on the unique circumstances involving HCPs that are unwilling or unable to file the FCC Form 467, applies only to the requests listed in the Appendix, and does not impact the obligation of all HCPs to timely file the FCC Form 467 or successor form. In granting this waiver, we take no position on the merits of any future requests for waiver of our standard protocols for reimbursement. Accordingly, we direct USAC to accept invoices from ENA associated with the FRNs listed in the Appendix, even in the absence of a corresponding FCC Form 467 when ENA is able to submit documentation that the requisite service was provided but that the HCP is unable or unwilling to file the FCC Form 467.

IV. ORDERING CLAUSES

13. 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 sections 0.91, 0.291, and 1.3 of the Commission's rules, 47 CFR §§ 0.91, 0.291, and 1.3, the Petitions for Waiver filed by ENA on June 28, 2024, and December 17, 2024, are GRANTED.

14. 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 54.719(c) of the Commission's rules, 47 CFR §§ 0.91, 0.291, 1.3 and 54.719(c), that section 54.627(c)(1)(i) of the Commission's rules, 47 CFR § 54.627(c)(1)(i), is WAIVED to the limited extent provided herein.

15. 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

Joseph S. Calascione
Chief
Wireline Competition Bureau

[24] *See* Initial ENA Petition for Waiver, Exhibit 1, and Updated ENA Petition at 4 (containing the full list of 23 RHC funding requests).

[25] *See* 47 CFR §§ 54.600-633.

Appendix

ENA Funding Requests

Funding Year	FRN	HCP Name	HCP Number
2017	1711462	Ruby Valley Hospital	11410
2017	1720389	Jefferson Comprehensive Health Center	26182
2017	1723834	Tri-County Community Services, Inc. – Raton	35581
2017	1723839	Valle del Sol – Clayton	35582
2018	1838605	Twin Bridges Medical Center	44195
2018	1838609	Ruby Valley Hospital	11410
2018	1845665	Ruby Valley Medical Center	60452
2018	1846432	Southwest Alabama Health Services	11787
2018	1846434	Southwest Alabama Health Services	11787
2019	1965870	Ruby Valley Medical Center	60452
2020	2085656	Claiborne County Family Health Center	17033
2020	2085818	Claiborne County Family Health Center	26996
2020	2086375	Southwest Mississippi Mental Health Complex	26935
2020	2086403	Southwest Mississippi Mental Health Complex	26935
2020	2086411	Southwest Mississippi Mental Health Complex	26935
2020	2086414	Southwest Mississippi Mental Health Complex	26935
2020	2086422	Southwest Mississippi Mental Health Complex	26935
2020	2086428	Southwest Mississippi Mental Health Complex	26935
2020	2086440	Southwest Mississippi Mental Health Complex	26935
2020	2086442	Southwest Mississippi Mental Health Complex	26935
2020	2086450	Southwest Mississippi Mental Health Complex	26935
2020	2086454	Southwest Mississippi Mental Health Complex	26935
2020	2086457	Southwest Mississippi Mental Health Complex	26935

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 26-115
Released: February 5, 2026

APPLICATIONS OF CELLCO PARTNERSHIP AND USCELLULAR FOR CONSENT TO ASSIGN CELLULAR, AWS-1, AWS-3, AND PCS LICENSES

NRUF REPORTS AND LNP REPORTS PLACED INTO THE RECORD, SUBJECT TO THE PROTECTIVE ORDER

WT Docket No. 25-192
CC Docket No. 99-200

In connection with the Commission's review of the applications seeking Commission consent to assign several cellular, AWS-1, AWS-3, and PCS licenses from subsidiaries of United States Cellular Corporation (UScellular) to Cellco Partnership, an indirect, wholly-owned subsidiary of Verizon Wireless (Verizon Wireless) (collectively, the Applicants), the Commission is examining information contained in the biannual Numbering Resource Utilization and Forecast (NRUF) reports filed by wireless telecommunications carriers,[1] carrier-specific local number portability (LNP) data related to wireless telecommunications carriers, and further disaggregated monthly carrier-specific local number portability data (Carrier-to-Carrier LNP Data) related to wireless telecommunications carriers. These data may assist the Commission in assessing the competitive effects of the transaction. Accordingly, the NRUF reports for all wireless telecommunications carriers for December 2024 and the monthly LNP reports for all wireless telecommunications carriers for January 2024 through December 2024 are being placed in the record in these proceedings, subject to the provisions of a protective order.[2] Future NRUF and LNP reports will be placed in the record in these proceedings, subject to the provisions of a protective order, as they become available.

Section 251 of the Communications Act grants the Commission jurisdiction over the North American Numbering Plan (NANP) and related telephone numbering issues.[3] To monitor better the way numbering resources are used within the NANP and allocate NANP resources efficiently, the Commission requires telecommunications carriers to provide the Commission with a utilization report of their current inventory of telephone numbers and a five-year forecast of their numbering resource requirements.[4] LNP data are collected by the LNP Administrator and provided to the Commission.

The Commission has recognized that disaggregated, carrier-specific forecast and utilization data should be treated as confidential and should be exempt from public disclosure under 5 U.S.C. § 552(b)(4).[5] The NRUF and LNP reports are being placed into the record subject to the provisions of a

[1] 47 CFR §§ 1.907, 52.5.

[2] A protective order will be adopted shortly.

[3] 47 U.S.C. § 251.

[4] 47 CFR § 52.15(f); *see Numbering Resource Optimization*, Report and Order and Further Notice of Proposed Rulemaking, 15 FCC Rcd 7574, 7578-79, para. 5 (2000) (*Numbering Report and Order*).

[5] *Numbering Report and Order*, 15 FCC Rcd at 7607, para. 78.

protective order. As such, the NRUF and LNP data will not be available to the public except pursuant to the terms of the protective order, as outlined below.

Persons seeking to review the NRUF and LNP data may do so only for purposes of participating in this proceeding. Pursuant to the protective order, outside persons participating or intending to participate in the proceeding who are not involved in competitive decision-making activities and who have signed the Acknowledgment of Confidentiality attached to the protective order may review the NRUF and LNP data. We emphasize that persons seeking to review the NRUF and LNP data must have adequate protections in place to prevent improper use or disclosure of the information.

Affected parties have until **February 17, 2026** to oppose the limited disclosure of their NRUF and LNP data pursuant to the protective order.[6] In addition, affected parties will have five business days after the filing of an acknowledgment of confidentiality to object to the release of their data to a particular person who requests permission to review it.

Filing Requirements. Interested parties may submit of filings and other documents, referencing WT Docket No. 25-192, on or before the date identified above. Filings may be submitted using the Commission's Electronic Comment Filing System (ECFS).

- 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 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. 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.

One copy of each filing must be delivered electronically, by email, or if delivered as paper copy, by messenger delivery, commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (according to the procedures set forth above for paper filings), to: (1) Susannah Larson, Wireless Telecommunications Bureau, at Susannah.Larson@fcc.gov; (2) Judith Dempsey, Office of Economics and Analytics, at Judith.Dempsey@fcc.gov; and (3) Joel Rabinovitz, Office of General Counsel, at Joel.Rabinovitz@fcc.gov. Any submission emailed to these individuals should include in the subject line of the email, for example: (1) WT Docket No. 25-192; (2) the name of the submitting party; and (3) a brief description or title identifying the type of document being submitted (e.g., WT Docket No. 25-192, Widget Corp., NRUF Objection).

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 & Government Affairs Bureau at (202) 418-0530 (voice).

This action is taken pursuant to sections 4(i) and 310(d) of the Communications Act, 47 U.S.C. §§ 154(i), 310(d), section 4 of the Freedom of Information Act, 5 U.S.C. § 552(b)(4), and authority

[6] If disclosure is opposed, the procedures set forth in 47 CFR § 0.461(i) shall apply.

delegated under section 0.331 of the Commission's rules, 47 CFR § 0.331, and is effective upon its adoption.

For further information regarding this proceeding, please contact Susannah Larson, Susannah.Larson@fcc.gov; Judith Dempsey, Judith.Dempsey@fcc.gov; or Joel Rabinovitz, Joel.Rabinovitz@fcc.gov.

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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 Number: 26-116
Report No. TEL-02631 **Thursday February 5, 2026**

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, 63.20 of the Commission's rules, 47 CFR §§ 63.12, 63.20, other provisions of the Commission's rules, or procedures set forth in an earlier public notice listing the applications as accepted for filing.

Unless otherwise noted, these grants authorize the applicants: (1) to become a facilities-based international common carrier subject to 47 CFR §§ 63.21, 63.22; and/or (2) to become a resale-based international common carrier subject to 47 CFR §§ 63.21, 63.23; (3) to assign or transfer control of international section 214 authority in accordance with 47 CFR § 63.24; or (4) to exceed the foreign ownership benchmarks applicable to common carrier radio licensees under 47 U.S.C. § 310(b); see Subpart T of Part 1 of the Commission's rules, 47 CFR §§ 1.5000-5004.

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 thirty days of this public notice (see 47 CFR § 1.4(b)(2)).

ITC-ASG-20250807-00075 T-Mobile USA, Inc.
Date filed: 2025-08-07
Assignment
Grant of Authority
Current licensee: T-Mobile USA, Inc. Date of Action: 2026-02-04

On August 7, 2025, T-Mobile USA, Inc. (T-Mobile), a Washington corporation, filed a notification of the *pro forma* assignment of customers from United States Cellular Corporation Wireless Holdings, LLC (US Cellular), a wholly owned subsidiary of T-Mobile, to T-Mobile West LLC (T-Mobile West), T-Mobile Central LLC (T-Mobile Central), T-Mobile Northeast LLC (T-Mobile Northeast, and T-Mobile South LLC (T-Mobile South), all Delaware limited liability companies, effective August 1, 2025. The customers were acquired by T-Mobile from United States Cellular Corporation. *See Applications of T-Mobile Us, Inc. and United States Cellular Corporation*, GN Docket Bo, 24-286, Memorandum Opinion and Order, 40 FCC Rcd 4776 (WTB/OIA 2025). The customers were moved to T-Mobile West, T-Mobile Central, T-Mobile Northeast, and T-Mobile South based on the customer's location. US Cellular, T-Mobile West, T-Mobile Central, T-Mobile Northeast, and T-Mobile South are each wholly owned subsidiaries of T-Mobile and provide international service under T-Mobile's international Section 214 authorization (ITC-214-2001111600601), pursuant to Section 63.21(h) of the Commission's rules.

ITC-T/C-20240119-00012
Date filed: 2024-01-19
Transfer of Control
Grant of Authority

Verscom, Inc.

Date of Action: 2026-02-04

Verscom Inc.(Verscom), a Delaware corporation that holds an international section 214 authorization to provide global facilities-based and resale service (ITC-214-20050223-00074), filed an application for consent to the involuntary transfer of control of Verscom from Gokce Bilyay to his wife, Hidayet Didem Zapsu Bilyay (Zapsu Bilyay), upon the death of Gokce Bilyay on September 9, 2023. We granted Verscom special temporary authority (STA) to continue to provide international service to its customers at its own risk while the Commission considers the application. *See* ITC-STA-20240613-00104, ITC-STA-20250106-00001 and ITC-STA-20250626-00022.

Prior to his death, Gokce Bilyay held an 80% ownership interest in Verscom, and Emir Nil and Cihan Boztarla each held a 10% interest. Upon his death, Gokce Bilyay's interest in Verscom was inherited by his wife, Zapsu Bilyay, and their two minor children, all citizens of Turkey. According to the Applicants, under Turkish law, Zapsu Bilyay is the authorized representative of the children. As a consequence, Zapsu Bilyay controls 80% of the ownership interests in Verscom. Emir Nil and Cihan Boztarla, both citizens of Turkey, continue to each hold a 10% interest in Verscom. According to the Applicants, Emir Nil and Cihan Boztarla control all material aspects of Verscom's operations. Emir Nil is responsible for all of Verscom's corporate matters, including Verscom's day-to-day financial and business management-related operations. Cihan Boztarla manages Verscom's commercial operations.

Pursuant to Commission practice, the Application was referred to the relevant Executive Branch agencies for their views on any national security, law enforcement, foreign policy, or trade policy concerns related to the foreign ownership of the Applicants. On January 20, 2026, the National Telecommunications and Information Administration notified 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."

This authorization is without prejudice to the Commission's action in any other related pending proceedings.

SURRENDER:

ITC-214-20150615-00314 T251251 Hunter Communications & Technologies LLC
Date filed: 2017-04-11
International Telecommunications Authorizations
Surrender of Authorization

Date of Action: 2025-12-10

Service:
- Resale Service to a single destination country.

On December 10, 2025, the applicant notified the Commission of the surrender of its international section 214 authorization.

ITC-214-19980417-00261 T253625 Roanoke Long Distance, Inc.
Date filed: 1998-04-17
International Telecommunications Authorizations
Surrender of Authorization

Date of Action: 2025-12-05

Service:
- Global Resale Authority pursuant to section 63.18(e)(2) of the Commission's rules.

On December 5, 2025, the applicant notified the Commission of the surrender of its international section 214 authorization.

ITC-214-20070815-00326 T254217 West Tennessee Telephone Co., Inc.
Date filed: 2007-08-14
International Telecommunications Authorizations
Surrender of Authorization

Date of Action: 2025-12-05

Service:
- Global Resale Authority pursuant to section 63.18(e)(2) of the Commission's rules.

On December 5, 2025, the applicant notified the Commission of the surrender of its international section 214 authorization.

ITC-214-20050525-00215 T256494 National Telephone of Alabama, Inc. d/b/a
Date filed: 2005-05-25 Cherokee Long Distance
International Telecommunications Authorizations
Surrender of Authorization

Date of Action: 2025-12-05

Service:
- Global Resale Authority pursuant to section 63.18(e)(2) of the Commission's rules.

On December 5, 2025, the applicant 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. 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.

(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 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 C.F.R. § 61.19. Except as specified in Section 20.15 with respect to commercial mobile radio service providers, carriers regulated as non-dominant, as defined in Section 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.

(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-MSC-20181015-00182, Public Notice, 33 FCC Rcd 10008 (IB 2018).

(8) Any U.S. Carrier that owned or leased 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.

(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.

(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 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 Section 63.09.

(13) Carriers shall comply with the Communications Assistance for Law Enforcement Act (CALEA), see 47 CFR §§ 1.20000 et seq.

(14) Every carrier must designate an agent for service in the District of Columbia. See 47 U.S.C. § 413, 47 CFR §§ 1.47(h), 64.1195.

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, (202) 418-1480

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 Number: 26-117

Report No. SCL-00592 **Thursday February 5, 2026**

Section 1.767(a) Submarine Cable Landing Licenses, Modifications, and Assignments or Transfers of Control of Interests in Submarine Cable Landing Licenses (47 C.F.R. § 1.767(a))

Actions Taken Under Submarine Cable Landing License Act

By the Chief, Telecommunications and Analysis Division, Office of International Affairs:

Pursuant to an Act relating to the landing and operation of submarine cables in the United States, 47 U.S.C. §§ 34-39 (Submarine Cable Landing License Act), Executive Order No. 10530, Exec. Ord. No. 10530 reprinted as amended in 3 U.S.C. § 301, and section 1.767 of the Commission's rules, 47 CFR § 1.767, the following applications ARE GRANTED. These grants of authority are taken under section 0.261 of the Commission's rules, 47 CFR § 0.261. 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.

These applications have been coordinated with the Department of State and other Executive Branch agencies pursuant to section 1.767(b) of the Commission's rules, 47 CFR § 1.767(b), and consistent with procedures established with the Department of State. See Review of Commission Consideration of Applications under the Cable Landing License Act, IB Docket No. 00-106, Report and Order, 16 FCC Rcd 22167, 22192-93, paras. 51-52 (2001) (Submarine Cable Landing License Report and Order); Commission Announces Department of State's Revised Procedures for its Consideration of Submarine Cable Landing License Applications, IB Docket No. 16-155, Public Notice, DA 22-435 (rel. Apr. 19, 2022).

This public notice serves as each submarine cable landing licensee's Submarine Cable Landing License, or modification thereto, pursuant to the Cable Landing License Act and sections 1.767 and 1.768 of the Commission's rules. Submarine cable landing licensees should review the terms and conditions of their licenses. Failure to comply with these terms and conditions or relevant Commission rules and policies could result in fines or forfeitures.

SCL-RWL-20250715-00012 S250416 GlobeNet Cabos Submarinos America, Inc.
Date filed: 2025-07-17
Renewal
Grant of Authority Date of Action: 2026-02-04

GlobeNet Cabos Submarinos America, Inc. (GlobeNet or Applicant) filed an application for a new 25-

year cable landing license for the GlobeNet Cable System which connects two cable landing stations on the East Coast of the United States with cable landing stations in Bermuda, Brazil, Colombia and Venezuela. The GlobeNet Cable System's initial 25-year license (SCL-LIC-19990602-00010 and SCL-MOD-20121003-00012) will expire on March 28, 2026. The Applicant filed a supplement on September 5, 2025.

The application was placed on Public Notice on December 5, 2025. *See* SCL-RWL-20250715-00012, Streamlined Submarine Cable Landing License Applications, Accepted For Filing, Report No. SCL-00579S, Public Notice, DA 25-1013 (OIA Dec. 5, 2025) (*Public Notice*). No comments were filed in response to the *Public Notice*.

The Applicant states that GlobeNet Cable System has operated successfully for approximately 25 years pursuant to the cable landing license the Commission granted in 1999. According to the Applicant, the GlobeNet Cable System will continue to provide important bandwidth between North and South America and to enhance service quality, increase resiliency, and decrease latency in serving these routes.

The GlobeNet Cable System is a non-common carrier submarine cable consisting of approximately 14,000 miles of undersea fiber connecting the United States with Bermuda, Brazil, Colombia and Venezuela. The Applicant states that the system was originally configured in a self-healing ring with landing points at the following locations: Tuckerton, New Jersey; Boca Raton, Florida; Maiquetia, Venezuela; Fortaleza, Brazil; Rio de Janeiro, Brazil; and St. David's, Bermuda. The Applicant also states that the system was designed as two interconnected rings, with the Primary Ring to connect Tuckerton, Boca Raton, Maiquetia, Fortaleza, and St. Davids's, and the Rio Ring to connect Fortaleza and Rio de Janeiro. According to the application, the system consists of advanced fiber optic cable technology combined with dense wavelength division multiplexing (DWDM) channel technology and initially provided 640 Gbps (4096 STM-1s) of fully-restored service capacity, or 1.28 Tbps of total capacity, but was expanded to provide an additional 1.92Tbit/s per fiber pair for the Colombia modification. Total designed system capacity is now 195250.0 Gpbs.

Licensing History.

In 1999, the Commission granted a cable landing license to Atlantica USA LLC to land and operate a non-common carrier private fiber optic submarine cable system between the United States, Venezuela, and Bermuda. At that time the cable was called Atlantic-1. *See Application For a License to Land and Operate in the United States a Private Fiber Optic Submarine Cable System Extending Between the United States, Venezuela, Brazil and Bermuda (The Atlantica-1 Network),* SCL-LIC 19990602-00010, Cable Landing License, 14 FCC Rcd. 20787 (IB 1999). The cable system's international segment commenced operation on September 30, 2000, and the United States segments went into service on March 28, 2001. *See* Letter from Ulises R. Pin, counsel for GlobeNet, to Marlene H. Dortch, FCC, filed in SCL-LIC-19990602- 00010 (dated May 24, 2018). In 2003, Brasil Telecom of America, Inc. acquired the cable system and renamed the cable to the GlobeNet Cable System. *See* Actions Taken Under Cable Landing License Act, SCL-ASG-20030205-00004, Public Notice, 18 FCC Rcd. 6359 (IB 2003). In 2012, the Commission granted a modification of the license to connect to Colombia by the insertion of a branching unit, consisting of two additional fiber pair submarine cables, diverting a segment of the system that connects Boca Raton, Florida and Maiquetia, Venezuela to Barranquilla, Colombia. *See* Actions Taken Under Cable Landing License Act, SCL-MOD-20121003-00012, Public Notice, 27 FCC Rcd 14917 (IB 2012). In 2014, Brasil Telecom of America, Inc. changed its name to Cabos Submarinos America, Inc. (GlobeNet). *See* Letter from Ulises R. Pin, counsel for GlobeNet, to Marlene H. Dortch, FCC, filed in SCL-LIC-19990602-00010 and SCL-ASG-20030205-0004 (dated Feb. 3, 2014).

The GlobeNet Cable System license (SCL-LIC-19990602-00010, SCL-MOD-20121003-00012) is subject to a condition that GlobeNet comply with the commitments set out in the Letter of Agreement from Joshua Forman, General Counsel & Chief Compliance Office, GlobeNet Cabos Submarinos America, Inc., to the Under Secretary for Strategy, Policy and Plans, U.S. Department of Homeland Security; Chief, Foreign Investment Review Section (FIRS), Deputy Chief, Compliance and Enforcement (FIRS) on behalf of the Assistant Attorney General for National Security, United States Department of Justice; Office of Foreign Investment Review, Director, U.S. Department of Defense, dated May 27, 2022 (2022 GlobeNet LOA). See Actions Taken Under Cable Landing License Act, SCL-T/C-20211001-00043, Public Notice, 37 FCC Rcd 7680 (IB June 2022).

Executive Branch Review.

We exercised our discretion and did not refer the application to the Executive Branch for national security, law enforcement, foreign policy and trade policy review. We found that the application presents a low or minimal risk to national security, law enforcement, foreign policy, and trade policy. Unlike most cable landing license applications, the application involves an existing facility with a mitigation agreement specific to the cable system and that was agreed to in 2022. The application does not propose any changes to the cable system since the 2022 GlobeNet LOA was entered into and there have been no substantive changes in the foreign ownership since the LOA was entered into by the relevant parties. Finally, the Applicant requests that the Commission condition grant of the application on its continued compliance with the 2022 GlobeNet LOA. While we did not refer the application, we provided a courtesy copy of the Accepted-For-Filing Public Notice to the Executive Branch agencies. *Public Notice* at 5; *see Executive Branch Review Process Order*, 35 FCC Rcd 10927, 10939, para. 30, n.81. On January 16, 2026, the Department of Justice, on behalf of the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector (Committee), filed a letter stating that based on the Applicant's responses to the Standard Questions for Applications Subject to Executive Branch Review and the Committee's ongoing monitoring of the Applicant's compliance with the 2022 GlobeNet LOA, the Committee believes that referral of the application is not necessary. *See* Letter from Christopher R. Clements, Department of Justice, to Marlene H. Dortch, FCC, filed in SCL-RWL-20250715-00012 (dated Jan. 16, 2026).

On December 29, 2025, the Office of International Affairs referred the application to the Department of State (State) as required by Executive Order No. 10530, pursuant to section 1.767(b) of the Commission's rules, and consistent with the established Department of State procedures. Executive Order No. 10530, Section 5(a) reprinted as amended in 3 U.S.C. § 301; 47 CFR § 1.767(b); *Commission Announces Department of State's Revised Procedures for its Consideration of Submarine Cable Landing License Applications*, IB Docket No. 16-155, Public Notice, 37 FCC Rcd 5183 (2022). *See* SCL-RWL-20250715-00012, Streamlined Submarine Cable Landing License Applications, Accepted For Filing, Report No. SCL-00565S, Public Notice (OIA Jan. 2, 2026).

Action Taken.

Grant of a Cable Landing License to GlobeNet Cabos Submarinos America, Inc. for the purpose of continuing operation of the GlobeNet Cable System, a non-common carrier fiber-optic submarine cable system connecting the United States with Bermuda, Brazil, Colombia and Venezuela.

Ownership of the Applicant.

GlobeNet Cabos Submarinos America, Inc. a Delaware entity, is wholly owned by GlobeNet Cabos Submarinos Bermuda Ltd., a Bermuda entity. In turn, GlobeNet Cabos Submarinos Bermuda Ltd. is owned by: Oi S.A. – Em Recuperaçao Judicial, an entity organized in Brazil (26.785% equity and voting); BTG Pactual InfraCo Master Fundo de Investimento em Participações Multiestrategia, an entity organized in Brazil (68.945% equity and voting); and the remaining 4.27% equity and voting interests are held by other shareholders.

BTG Pactual InfraCo Master Fundo de Investimento em Participações Multiestrategia is owned by: Warrington Investment Pte. Ltd, an entity organized in Singapore (15.35% equity and voting); Canada Pension Plan Investment Board Private Holdings (4) Inc., an entity organized in Canada (14.99% equity and voting); BTG Pactual Economia Real Infraco Fundo De Investimento Em Participações Multiestrategia, an entity organized in Brazil (15.59% equity and voting); Fundo De Investimento Em Participaçoes BPAC3 Multiestrategia, an entity organized in Brazil (33.08% equity and voting); and the remaining 30.1% is owned by other shareholders each of which hold less than 10% equity and voting interests.

Warrington Investment Pte. Ltd is wholly owned by GIC Infra Holdings Pte. Ltd., which in turn is wholly owned by GIC (Ventures) Pte. Ltd., both a Singapore entity. GIC (Ventures) Pte. Ltd. is wholly owned by the Singapore Ministry of Finance.

The Canada Pension Plan Investment Board Private Holdings (4) Inc. is wholly owned by the Government of Canada.

The Applicants state that no other individual or entity holds a 10% or greater direct or indirect equity or voting interest in GlobeNet.

Cable System Design and Capacity.

The GlobeNet Cable System is a non-common carrier submarine cable consisting of approximately 14,000 miles of undersea fiber connecting the United States with Bermuda, Brazil, Colombia and Venezuela and consists of the following segments:

1. Tuckerton, NJ – Boca Raton, FL (approximately 1820 kilometers);
2. Boca Raton, Fl – Maiquetia, Venezuela (approximately 2870 kilometers);
3. Maiquetia, Venezuela – Fortaleza, Brazil (approximately 4300 kilometers);
4. St. David's, Bermuda – Fortaleza, Brazil (approximately 5285 kilometers);
5. St. David's, Bermuda – Tuckerton, NJ (approximately 1370 kilometers);
6. Fortaleza, Brazil – Rio de Janeiro, Brazil (approximately 3350 kilometers);
7. Fortaleza, Brazil – Rio de Janeiro, Brazil (approximately 3270 kilometers); and
8. A branching unit to Barranquilla, Colombia (approximately 990 kilometers).

The system consists of advanced fiber optic cable technology combined with dense wavelength division multiplexing (DWDM) channel technology and initially provided 640 Gbps (4096 STM-1s) of fullyrestored service capacity, or 1.28 Tbps of total capacity, but was expanded to provide an additional 1.92Tbit/s per fiber pair for the Colombia modification. The total designed system capacity is now 195250.0 Gpbs.

Each segment has a design capacity of 1360 gigabits per second (Gbps), except for (1) the segment from St. David's, Bermuda to Tuckerson, New Jersey which has a design capacity of 1500 Gbps, (2) the

branching unit connecting Barranquilla, Colombia to Boca Raton, Florida which has a design capacity of 1920 Gbps, and (3) the branching unit connecting Barranquilla, Colombia to Maiquetia, Venezuela which has a design capacity of 4000 Gbps.

Cable Landings.

The GlobeNet Cable System is a self-healing ring with landing points at the following locations: Tuckerton, New Jersey; Boca Raton, Florida; Maiquetia, Venezuela; Fortaleza, Brazil; Rio de Janeiro, Brazil; and St. David's, Bermuda. The GlobalNet Cable System has two interconnected rings, with the Primary Ring to connect Tuckerton, Boca Raton, Maiquetia, Fortaleza, and St. Davids's, and the Rio Ring to connect Fortaleza and Rio de Janeiro. The system also connects to Colombia by the insertion of a Branching Unit in 2012, consisting of two additional fiber pair submarine cable, diverting a segment of the system that connects Boca Raton, Florida and Maiquetia, Venezuela to Barranquilla, Colombia.

Ownership of the Cable System.

The GlobeNet Cable System is owned and operated by GlobeNet and affiliates of GlobeNet that are owned by V.tal Rede Neutra de Telecomunicacoes S.A. (f/k/a Globenet Cabos Submarinos S.A) (V.tal), the indirect parent of GlobeNet.

The ownership of each segment is as follows below:

1. Tuckerton, NJ – Boca Raton, FL (GlobeNet);
2. Boca Raton, Fl – Maiquetia, Venezuela (GlobeNet; Globenet Cabos Submarinos Bermuda Ltd. (Globenet Bermuda));
3. Maiquetia, Venezuela – Fortaleza, Brazil (V.tal.; Globenet Bermuda.);
4. St. David's, Bermuda – Fortaleza, Brazil (Globenet Bermuda.; V.tal);
5. St. David's, Bermuda – Tuckerton, NJ (GlobeNet; Globenet Bermuda);
6. Fortaleza, Brazil – Rio de Janeiro, Brazil (V.tal)
7. Fortaleza, Brazil – Rio de Janeiro, Brazil (V.tal); and
8. A branching unit to Barranquilla, Colombia (Globenet Bermuda).

GlobeNet states that neither Globenet Bermuda or V.tal will use the U.S. landing point of the system and thus are not required to be licensees on the GlobeNet Cable System under section 1.767(h)(2) of the Commission's rules. 47 CFR § 1.767(h)(2).

Regulatory Classification.

The GlobeNet Cable System is currently operated on a non-common carrier basis. The Applicant proposes to continue to operate the cable on a non-common carrier basis. GlobeNet states that the system will not operate on a common carrier basis. It states that the capacity is used by GlobeNet and its affiliates to meet their own internal needs for bandwidth, or made available to third parties pursuant to individually negotiated indefeasible rights of use (IRUs), the terms of which vary depending on the characteristics and needs of the particular purchase. GlobeNet further states that the cable system does not present competitive or other public interest concerns as it competes with other existing systems providing capacity in the markets it services including: America Móvil Cable System (AMX1), Monet, BRUSA, Seabras, South American Crossing, CFX, and the Americas II Cable System.

The Applicant has provided information and demonstrated that the proposed operation of the cable on a

non-common carrier basis satisfies the requirements set forth in National Association of Regulatory Utility Commissioners v. FCC, 525 F.2d 630, 642 (D.C. Cir 1976) (NARUC I), cert. denied, 425 U.S. 992 (1976). See also Submarine Cable Landing License Report and Order, 16 FCC Rcd at 22202-22203, paras. 69-70; Review of Commission Consideration of Applications under the Cable Landing License Act, IB Docket No. 00-106, Notice of Proposed Rulemaking, 15 FCC Rcd 20789, 20815-18, paras. 62-67 (2000).

Conditions and Requirements.

GlobeNet certifies that it accepts and will abide by the routine conditions specified in Section 1.767(g) of the Commission's rules. 47 C.F.R. § 1.767(g).

We grant the Applicant's request and condition grant of the application on GlobeNet's continued compliance with commitments and undertakings contained in the 2022 GlobeNet LOA. A copy of the 2022 GlobeNet LOA is publicly available and may be viewed on the FCC website through the International Communications Filing System (ICFS) by searching for the appropriate file number (SCL-RWL-20250715-00012) and accessing the "Attachment" tab in the Application Information page.

License Term.

The Globenet Cable System is currently operating and its present license expires March 28, 2026. The new license will be effective upon the expiration of the present license and will expire on March 28, 2051.

PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, DC 20554

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

DA 26-188
Released: February 25, 2026

FCC'S MEDIA BUREAU SEEKS COMMENT ON SPORTS BROADCASTING PRACTICES AND MARKETPLACE DEVELOPMENTS

MB Docket No. 26-45

Comments Due: March 27, 2026
Reply Comments Due: April 13, 2026

For decades, Americans have enjoyed turning on their television sets and quickly finding the games they wanted to watch for free on an over-the-air broadcast. Yet watching your favorite sports team play is not as easy these days. Many games are still available for free over broadcast TV, but there has been a surge in recent years of games going behind the paywalls of various streaming services. While this can increase the number of games and sports available to fans, many consumers today find it more difficult to find the events they want to watch and are now paying to sign up for one or more video distribution platforms that consumers can find difficult to navigate.

From a historic perspective, live sports and broadcast television have enjoyed a long and mutually beneficial relationship—one that worked well for consumers too. Sports leagues leveraged the wide distribution of broadcast TV to help grow their fan base and expand their revenues. In turn, broadcast television stations used the popularity of live sports and the advertising revenues from the programming to support their own industry and operations, including funding the local news and reporting that are so important to our country.

It is against this backdrop that the Media Bureau issues this Public Notice today. We would like for commenters to address the current and emerging trends in the distribution of live sports programming. How does the present marketplace benefit or harm consumers? How does the recent trends towards fragmentation facilitate or inhibit the ability of local broadcast television stations to meet their public interest obligations, including their production of local news and reporting? In what ways is the marketplace continuing to evolve and how will future changes impact consumer access to free over-the-air news and information, including public safety information? A broader range of questions are specified below.

Background. Live sports on television dates back to the 1939 World's Fair, when NBC (then owned by RCA) broadcast a college baseball game between Princeton and Columbia at Baker Field in New York. The picture quality left a lot to be desired back then, with reports indicating that the players looked like flies and the ball itself was rarely visible. It was early days for broadcast television. The signal was delivered through NBC's mobile television van and relayed to a transmitter atop the Empire State Building before being viewed across 400 or so television sets in the New York area. Princeton won 2-1 in ten innings.

Over the ensuing decades, a range of live sports—led by sports like boxing, baseball, hockey, basketball, and football—helped drive the American public's adoption of television. In turn, television led to an increased popularity of professional and collegiate sports, and a new source of revenue for sports leagues and teams through "media rights fees" paid by networks or stations for the right to broadcast sporting events. Since the 1960s, sports media rights fees have exponentially increased. For example, in

1960 the American Football League (AFL) entered into a five-year rights contract with ABC for $8.5 million and in 1961 the National Football League (NFL) entered into a two-year rights agreement with CBS for $9.8 million.[1] In comparison, the most recent media rights deals entered into by the NFL amounted to more than $10 billion per year.[2]

In an era when broadcast TV was the only way for the American public to watch professional sports, short of buying a ticket to attend a game in-person, Congress passed the Sports Broadcasting Act of 1961 (SBA), which provided certain antitrust relief to sports leagues to negotiate media rights. In particular, the SBA exempts from antitrust laws joint agreements among individual teams engaged in professional football, baseball, basketball, or hockey.[3] The SBA permits the professional sports leagues in each of those sports—the NFL, Major League Baseball (MLB), National Basketball Association (NBA), and National Hockey League (NHL)—to pool their individual teams' television rights and sell those rights as a package. The packaging of individual teams' television rights was thought to be necessary to enhance the financial stability of the leagues by assuring equal distribution of revenues among all teams.[4]

The SBA also permits the NFL, MLB, NBA, and NHL to "blackout" TV broadcasts "within the home territory of a member club of the league on a day when such club is playing a game at home."[5] TV blackouts were believed by the professional sports leagues to be necessary to protect gate receipts and encourage fans to attend games in-person.[6] The SBA does not provide any antitrust exemptions to college sports.

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[1] Dennis Deninger, Live Sports Media, The What, How and Why of Sports Broadcasting 28-29 (2d ed. 2022). The AFL and NFL agreed to merge into a single league in 1966, with the merger being completed under the NFL name in 1970.

[2] Eric Kasimov, *The NFL's Partner Web: Inside the $100B Media Rights Deals that Protect the Shield* (Aug. 22, 2025), https://sportsepreneur.com/nfl-partner-web-media-rights/.

[3] 15 U.S.C. § 1291.

[4] *See* Telecasting of Professional Sports Contents, House of Representatives Committee on the Judiciary, H.R. Report No. 87-1178, at 2-3 (Sept. 13, 1961).

[5] 15 U.S.C. § 1292.

[6] In 1975 the Commission adopted the "sports blackout rule" to address concerns that cable systems could frustrate sports leagues' blackout policies by importing the distant signal of a television station carrying the home game of a sports team that has elected to black out the game on a local broadcast station in its home territory due to lacking ticket sales. *Amendment of Part 76 of the Commission's Rules and Regulations Relative to Cable Television Systems and the Carriage of Sports Programs on Cable Television Systems*, Report and Order, 54 FCC 2d 265 (1975), recon. granted in part, denied in part, 56 FCC 2d 561 (1975). The rule was later extended to open video systems and direct broadcast satellite operators. *Implementation of Section 302 of the Telecommunications Act of 1996*, Second Report and Order, 11 FCC Rcd 18223 (1996), *recon. granted in part, denied in part*, Third Report and Order and Second Order on Reconsideration, 11 FCC Rcd 20227 (1996); *Implementation of the Satellite Home Viewer Improvement Act of 1999: Application of Network Non-Duplication, Syndicated Exclusivity, and Sports Blackout Rules to Satellite Retransmissions of Broadcast Signals*, Report and Order, 15 FCC Rcd 21688 (2000), *recon. granted in part, denied in part*, Order on Reconsideration, 17 FCC Rcd 27875 (2002). The sports blackout rule prohibited cable operators, satellite carriers, and open video systems from retransmitting, within a protected local blackout zone, the signal of a distant broadcast station carrying a sporting event if the event is not available live on a local television broadcast station. This rule was intended to ensure that the potential loss of gate receipts resulting from retransmission of distant stations did not lead sports teams to refuse to sell their broadcast rights to distant stations, which would reduce the overall availability of sports programming on television. Concluding that the rule was no longer necessary for ensuring the wide availability of sports programming to television viewers, the Commission eliminated its sports blackout rule in 2014. *Sports Blackout Rules*, Report and Order, 29 FCC Rcd 12053 (2014). Sports blackouts remain subject to private contractual arrangements between sports teams/leagues and their video program distributors.

Live sports are no longer on broadcast TV alone. Today, the NFL has media rights agreements with Disney (ESPN/ABC), Paramount (CBS/Paramount+), Fox Corporation (Fox/Fox One), NBCUniversal (NBC/Peacock), NFL Network, Amazon (Amazon Prime Video), Google (YouTube), and Netflix. Over the life of these agreements the NFL stands to bring in over $100 billion in sports rights fees.[7] The other major professional sports leagues, the NHL, MLB, and NBA, have also agreed to media rights contracts with a range of national video program distributors that amount to billions of dollars.[8]

Over the last two decades college athletic conferences have also entered into multi-billion dollar media rights agreements.[9] Both professional sports leagues and college athletic conferences have also launched their own networks[10] and direct-to-consumer streaming services.[11] As a result, today, NFL, MLB, NBA, and NHL games can be found on broadcast, cable, and streaming services. Further, revenue derived from sport rights fees (national and local) is now a vital revenue source in sports, and in some cases is replacing gate receipts and other forms of income as the largest source of revenue.[12]

At the same time, sports remain inherently local, despite the increasingly national nature and reach of both professional and college sports events. Just as communities turn to their local TV broadcasters for news, weather, and emergency information, they do the same for coverage of their local sports teams. Many sporting events that were previously available through free broadcast and traditional pay-TV packages, are now only available through a myriad of stand-alone subscription streaming services. This shift has led to notable frustration among many consumers and sports fans.[13] Sports fans

[7] *Supra* note 2.

[8] The NHL is currently in a 7-year contract with Disney (ESPN/ABC) and TNT Sports for nearly $4.5 billion that is scheduled to expire in 2028. S&P Global, *NHL thriving as it hits midway point of current media rights deal* (Nov. 23, 2024), https://www.spglobal.com/market-intelligence/en/news-insights/research/nhl-thriving-as-it-hits-midway-point-of-current-media-rights-deal. In 2025 the NBA started an 11-year deal with Disney, Amazon and NBCUniversal valued at $77 billion. Stephen Battaglio, *The new NBA TV deal begins Tuesday. Where are my games?* (Oct. 20, 2025), https://www.latimes.com/entertainment-arts/business/story/2025-10-20/its-a-new-nba-season-where-are-my-games. The MLB has rights deals with Disney (ESPN), Fox (Fox Broadcasting and Fox Sports), NBCUniversal (NBC and Peacock), TBS, AppleTV+, and Netflix, which collectively are valued at an estimated $1.6 billion annually through the end of the 2028 season. *ESPN, MLB reach new 3-year media rights agreement* (Nov. 19, 2025), https://www.espn.com/mlb/story/_/id/47026249/espn-mlb-reach-new-3-year-media-agreement; *see* Steve McCaskill, *Apple could lose MLB to NBC as ESPN 'nears' MLB.TV deal* (Aug. 20, 2025), https://www.sportspro.com/news/broadcast-ott/mlb-apple-tv-friday-night-baseball-august-2025/.

[9] In 2022 Fox, CBS, and NBC agreed to pay the Big Ten Conference $8 billion over seven years to air a range of college sports, most notably football and basketball. In addition to the Big Ten, many other college sports conferences have entered into multi-billion dollar media rights agreements with national video distributors. Business of College Sports, *Current College Sports Television Contracts* (Mar. 19, 2024), https://businessofcollegesports.com/current-college-sports-television-contracts/ (discussing media rights deals involving college conferences, including the ACC, Big Ten, Big 12, and SEC).

[10] In college the Big Ten, ACC, and SEC all have their own TV networks and are operated in partnership with various national video distributors. The NHL, MLB, NBA and NFL also each have their own TV networks which are either owned and operated by the league or in partnership with national video distributors.

[11] The NFL, NBA and MLB all offer direct-to-consumer subscription streaming services – MLB offers 'MLB.TV'; NFL offers 'NFL+'; and NBA offers 'NBA League Pass.' NHL games are available on ESPN+. The availability of games on these direct-to-consumer streaming services are subject to certain local and national blackout restrictions.

[12] *See* Jon Lafayette, *PwC Sees Sports Media Rights Revenue Topping Ticket Sales in 2018* (Dec. 11, 2017), https://www.sportsbusinessjournal.com/Journal/Issues/2018/11/05/Media/PwC/; Kurt Badenhausen, *How NBA Teams and Owners Make Their Money* (Oct. 21, 2025), https://www.sportico.com/leagues/basketball/2025/how-nba-teams-owners-make-money-1234874170/ (providing revenue breakdowns for the NFL, NBA, MLB, and NHL).

[13] *See e.g.,* Letter from Jim Jordan, Chairman, and Scott Fitzgerald, Chairman, Subcommittee on the Administrative State, Regulatory Reform, and Antitrust, U.S. House of Representatives, to Adam Silver, Commissioner, NBA at 2-3 (Aug. 11, 2025) (on file at https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/evo-

(continued….)

are increasingly left with a fragmented ecosystem that requires them to subscribe to multiple services to watch their favorite teams.[14]

Request for Comment. Given the nexus between sports programming and the local media marketplace—as well as the FCC's ongoing work to support local news and reporting—we believe it is important for us to evaluate the sports media landscape and understand how changes have impacted consumers and broadcasters. Accordingly, we seek comment on the following questions.

With respect to the sports media marketplace, how have recent developments in the marketplace affected the ability of broadcasters to obtain media rights to sports programming? How have changes in the marketplace affected viewers' ability to watch nationally televised live sports, as well as their local team(s), on broadcast TV? What type of rights (e.g. exclusive, simulcast, replay) are included in agreements between leagues or conferences and national video programming distributors? How prevalent are sports media rights deals between local TV broadcasters and local sports teams and what are their terms and conditions? How have changes in the marketplace impacted costs to consumers?

While streamers have helped expand access to professional and collegiate sports, they also appear to have contributed to the fragmentation of the sports media marketplace. In 2025, NFL games aired on 10 different services, which, according to some estimates, could cost a consumer over $1,500 to watch all games.[15] In addition, 20 NFL regular season games and one playoff game were nationally distributed, exclusively, on four different streaming services—Amazon Prime Video, YouTube, Peacock, and Netflix.[16] While the NFL requires streamers to syndicate/simulcast games over TV broadcast stations in the local markets of the competing teams, this is a private contractual arrangement between the NFL and its distributors. Do any other professional or collegiate sports also have such a requirement? Are there relevant differences between games being distributed on linear broadcast services versus other streaming platforms? Are there any SBA implications associated with games distributed through non-broadcast channels? Does it matter if the distribution platforms are subscription-based services or not?[17]

To what extent do current sports media rights contracts conflict with or impede TV broadcasters from meeting their public interest obligations? How should these arrangements be considered in the context of broadcasters' public interest obligations and the FCC's duty to ensure licensees meet their

(Continued from previous page)
media-document/2025-08-11-jdj-sf-to-silver-nba-re-sports-broadcasting.pdf); Senate Commerce Hearing at 15-16 (Statement of John Bergmayer).

[14] *See* Joon Lee, *$4,785. That's How Much It Costs to Be a Sports Fan Now*, N.Y. Times (Jun. 22, 2025), https://www.nytimes.com/2025/06/16/opinion/sports-nba-mlb-leagues-streaming-fan.html. *See also* Jessica Guynn, *Sports Streaming Shake-up? What the Disney Hulu + Live FuboTV Deal Means for You*, USA Today (Jan. 6, 2025), https://www.usatoday.com/story/money/2025/01/06/disney-hulu-live-tv-fubo/77492254007/ ("But what consumers really want does not exist in the market ... They want one service to go and get every piece of sports content they could possibly ever get.").

[15] Brandon Truitt, *Price of watching NFL adds up with more games on streaming services* (May 15, 2025), https://www.cbsnews.com/boston/news/nfl-streaming-games-cost-to-watch/.

[16] In addition to games that were exclusively streamed, games that were televised on ABC/ESPN, CBS, Fox, and NBC were also streamed on each networks respective streaming platform—ESPN+, Paramount+, Fox One, and Peacock, respectively. James K. Willcox, *How to Watch Every 2025-26 NFL Game*, Consumer Reports (Sept. 4, 2025), https://www.consumerreports.org/electronics-computers/streaming-media/how-to-stream-nfl-games-a8686490273/.

[17] *See Shaw v. Dallas Cowboys Football Club, Ltd.*, 172 F.3d 299 (3d Cir. 1999); *In re Nat'l Football League's Sunday Ticket Antitrust Litig.*, 933 F.3d 1136 (9th Cir. 2019); *Chicago Prof'l Sports Ltd. P'ship v. Nat'l Basketball Ass'n*, 961 F.2d 667 (7th Cir. 1992); *Chicago Prof'l Sports Ltd. P'ship v. Nat'l Basketball Ass'n*, 95 F.3d 593 (7th Cir. 1996).

statutory requirements?[18] Does it impact consumer access to public safety and other emergency information? What role does the FCC have and what steps could it take to ensure any broadcast licensee responsibilities are fulfilled? Do local broadcast TV stations face challenges in airing other sports programming of interest to their local communities (e.g., local high school sports)? With one or more significant sports rights deals coming up for renewal, how should those negotiations factor into the FCC's analysis?

In addition to these specific questions, we invite comment on any other matters that parties believe would help the Commission understand the current sports media marketplace, its legal authority, and what actions the FCC could take to ensure continued access by viewers to live sports through free over-the-air broadcast TV.

Interested parties may file comments on or before the dates indicated on the first page of this document. Parties should file all comments and reply comments in **MB Docket No. 26-45**.

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.[19] 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).[20] In proceedings governed by section 1.49(f),[21] 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.

Filing Requirements. 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.

[18] *See e.g.,* 47 U.S.C. §§ 307, 310(d), 309(k). The Communications Act also authorizes the Commission to promulgate regulations promoting the maximum utilization of broadcast facilities in the public interest. *See* 47 U.S.C. § 303; *Nat'l Broadcasting Corp. v. U.S.*, 319 U.S. 190, 224 (1943).

[19] 47 CFR §§ 1.1200 *et seq.*

[20] 47 CFR § 1.1206(b).

[21] 47 CFR § 1.49(f).

- 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.

Availability of Documents. Comments, reply comments, and *ex parte* submissions will be publicly available online via ECFS. Documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat.

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).

Additional Information. For further information regarding this Public Notice, please contact Chad Guo, Media Bureau, at Chad.Guo@fcc.gov or (202) 418-0652.

– FCC –

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 Number: 26-119

Report No. SCL-00593 **Thursday February 5, 2026**

Section 1.767(a) Submarine Cable Landing Licenses, Modifications, and Assignments or Transfers of Control of Interests in Submarine Cable Landing Licenses (47 C.F.R. § 1.767(a))

Actions Taken Under Submarine Cable Landing License Act

By the Chief, Telecommunications and Analysis Division, Office of International Affairs:

Pursuant to an Act relating to the landing and operation of submarine cables in the United States, 47 U.S.C. §§ 34-39 (Submarine Cable Landing License Act), Executive Order No. 10530, Exec. Ord. No. 10530 reprinted as amended in 3 U.S.C. § 301, and section 1.767 of the Commission's rules, 47 CFR § 1.767, the following applications ARE GRANTED. These grants of authority are taken under section 0.261 of the Commission's rules, 47 CFR § 0.261. 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.

These applications have been coordinated with the Department of State and other Executive Branch agencies pursuant to section 1.767(b) of the Commission's rules, 47 CFR § 1.767(b), and consistent with procedures established with the Department of State. See Review of Commission Consideration of Applications under the Cable Landing License Act, IB Docket No. 00-106, Report and Order, 16 FCC Rcd 22167, 22192-93, paras. 51-52 (2001) (Submarine Cable Landing License Report and Order); Commission Announces Department of State's Revised Procedures for its Consideration of Submarine Cable Landing License Applications, IB Docket No. 16-155, Public Notice, DA 22-435 (rel. Apr. 19, 2022).

This public notice serves as each submarine cable landing licensee's Submarine Cable Landing License, or modification thereto, pursuant to the Cable Landing License Act and sections 1.767 and 1.768 of the Commission's rules. Submarine cable landing licensees should review the terms and conditions of their licenses. Failure to comply with these terms and conditions or relevant Commission rules and policies could result in fines or forfeitures.

SCL-T/C-20250411-00012 GI DI Fortress SpinCo LLC
Date filed: 2025-04-11
Transfer of Control
Grant of Authority Date of Action: 2026-02-05

GI DI Fortress SpinCo LLC (SpinCo), a Delaware limited liability company, filed an application for

consent to the transfer of control of SpinCo from GI DI Fortress SpinCo Holdings LP (SpinCo Aggregator) to DR Fortress TRS, LLC (DR Fortress TRS). SpinCo is a licensee on the Hawaiki cable system (SCL-LIC-20160906-000019) and operates and manages the Oahu, Hawaii cable landing station. The proposed transaction will not affect the interests of the other licensees of the Hawaiki cable system—Tillamook Lightwave IGA, ACS Cable Systems, LLC, and Hawaiki Submarine Cable USA LLC. The Applicants filed a supplement with updated ownership information on July 24, 2025.

The Application was placed on Public Notice on May 30, 2025. SCL-T/C-20250411-00012, Non-streamlined Submarine Cable Landing License Applications Accepted for Filing, Report No. SCL-00550NS, Public Notice (OIA May 30, 2025). No comments were filed in response to the Public Notice.

SpinCo is a direct wholly owned subsidiary of GI DI Fortress SpinCo Parent LLC (SpinCo Parent). SpinCo Aggregator holds 91.9% equity and 100% voting interests in SpinCo Parent.

The proposed transaction is part of a larger transaction under which 1547 CSR - DR Fortress R, LLC (1547 CSR-DR Fortress) is acquiring assets from GI Partners, the ultimate parent of SpinCo, SpinCo Parent and SpinCo Aggregator. Under this transaction DR Fortress SpinCo Merger Sub, LLC, a wholly owned subsidiary of 1547 CSR-DR Fortress, will merge with SpinCo Parent with SpinCo Parent being the surviving entity. 1547 CSR-DR Fortress will then transfer SpinCo Parent to DR Fortress TRS, an indirect wholly owned subsidiary of 1547 CSR-DR Fortress. As result SpinCo Parent and SpinCo will become direct and indirect wholly owned subsidiaries of DR Fortress TRS respectively.

DR Fortress TRS is wholly owned by DR Fortress Acquisition, LLC which is wholly owned by DR Fortress Intermediate LLC which in turn is wholly owned by DR Fortress Parent, LLC (DR Fortress Parent), all Delaware limited liability companies. DR Fortress Blocker, LLC (Blocker) holds a 96.55% equity and voting interests in DR Fortress Parent. Blocker is wholly owned by 1547 CSR-DR Fortress which is wholly owned by HRSE-CSR Fund III DR Fortress, LLC (HRSE-CSR Fund III DR Fortress), both Delaware limited liability companies. HRSE-CSR Fund III DR Fortress is a joint venture of 1547 Fund III Holdco Subsidiary, LLC (1547 Fund III Subsidiary) (67.16% equity and 50% voting) and HRSE-CSR Fund VII, LLC (HRSE-CSR Fund VII) (32.84% equity and 50% voting), both Delaware limited liability companies.

HRSE-CSR Fund VII is wholly owned by HRSE-CSR Fund VIIA, LLC (HRSE-CSR Fund VIIA), a Delaware limited liability company. Christopher Merrill and Stephen Gordon, both U.S. citizens, each hold a 50% voting interest in HRSE-CSR Fund VIIA. Harrison Street CMA Best Ideas, L.P. (Best Ideas) holds a 77.78% equity interest in HRSE-CSR Fund VIIA. Harrison Street Collaborative Managed Account, L.P. (CMA) holds 100% of the limited partnership interests in Best Ideas and the California State Teacher’s Retirement System holds 98% of the limited partnership interests in CMA.

1547 Fund III Subsidiary is wholly owned by 1547 Fund III Holdco, LLC which is wholly owned by 1547 Data Center Fund III, L.P. (Data Center Fund), all Delaware entities. The general partner of Data Fund Center is 1547 Data Center Fund III GP, LLC (Data Fund Center GP), a Delaware limited liability company. J. Todd Raymond and Cory Welp, both U.S. citizens, each hold a 50% equity and voting interests in Data Fund Center GP. The limited partners of Data Center Fund are the State of Wisconsin Investment Board (22.92%), International Bank for Reconstruction and Development (IBRD) Pension Plans (Staff Retirement Plan and Trust; Staff Benefits Plan and Trust; and Post-Employment Benefits Plan) (22.92%), Prince Georges County, Maryland Pension Plans (Master Trust Fund for the Prince George’s County Comprehensive and Supplemental Pension Plans; Prince George’s County Fire Service

Pension Plan; Prince George's County Police Pension Plan) (13.3%), and Star USA Asset Holdings, LLC (Star USA) (13.75%), a Nevada limited liability company. Star USA is wholly owned by Star Indemnity & Liability Company, a Texas company, that is wholly owned by Star Global Financial, Inc., a Nevada company, which in turn is wholly owned by Star Insurance Holdings, Inc. (Star Holdings), a Nevada company. Star Holdings is wholly owned by Star Global Holdings AG which is wholly owned by Star International Company, which in turn is wholly owned by Star International Foundation, all entities organized in Switzerland.

DR Fortress TRS, LLC accepts and will abide by the routine conditions set out in section 1.767(g) of the Commission's rules. 47 CFR § 1.767(g).

Pursuant to Commission practice, the Application was referred to the relevant Executive Branch agencies for their views on any national security, law enforcement, foreign policy, or trade policy concerns related to the foreign ownership of the Applicants. On November 15, 2025, the National Telecommunications and Information Administration notified 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."

Following the completion of the Committee review of the Application, the Office of International Affairs (OIA) coordinated the Application with the Department of State as required by Executive Order 10530, pursuant to section 1.767(b) of the Commission's rules, and consistent with the established Department of State procedures. Executive Order 10530, Section 5(a) reprinted as amended in 3 U.S.C. § 301; 47 CFR §1.767(b); Commission Announces Department of State's Revised Procedures for its Consideration of Submarine Cable Landing License Applications, IB Docket No. 16- 155, Public Notice, 37 FCC Rcd 5183 (2022). See Non-Streamlined Submarine Cable Landing License Applications Accepted For Filing, Report No. SCL-00578NS, DA No. 25-995, Public Notice (OIA Nov. 26, 2025).

This authorization is without prejudice to the Commission's action in any other related pending proceedings.

SCL-ASG-20250331-00011 DR Fortress, LLC
Date filed: 2025-03-31
Assignment
Grant of Authority
Current licensee: GI DI Fortress SpinCo LLC Date of Action: 2026-02-05

On March 31, 2025, DR Fortress LLC (DR Fortress), a Delaware limited liability company that is a licensee on the cable landing license for the Hawaiki cable system (SCL-LIC-20160906-000019), filed a notification of the *pro forma* assignment of its interest in the Hawaiki cable system to GI DI Fortress SpinCo LLC (SpinCo), effective March 31, 2025. DR Fortress was, and SpinCo now, is the landing party for the Hawaiki cable system landing in Oahu, Hawaii and manages and operates the cable landing station. The transaction did not affect the interests of the other licensees of the Hawaiki cable system—Tillamook Lightwave IGA, ACS Cable Systems, LLC, and Hawaiki Submarine Cable USA LLC.

Prior to this *pro forma* assignment, DR Fortress was an indirect wholly owned subsidiary of GI DI Fortress Parent LLC (Fortress Parent) and GI DI Fortress Holdings LP (Fortress Holdings) held a 91.9% equity and 100% voting interest in Fortress Parent, all Delaware entities. In the first phase of the *pro forma* assignment, Fortress Parent distributed its interests in Fortress Holdings to the owners of Fortress parent and as a result GI DI Fortress Blocker LLC (Fortress Blocker) held 60.1% of the membership interests in Fortress Parent and GI Data Infrastructure Fund LP (DI Fund) held 31.5% of the membership interests, all Delaware entities.

In the second phase, DR Fortress assigned its interest in the Hawaiki license to GI DI Fortress Spinco Parent LLC (SpinCo Parent), a wholly owned subsidiary of DR Fortress, which in turn assigned the interest in Hawaiki to SpinCo, a wholly owned subsidiary of SpinCo Parent, all Delaware entities. Ownership of Spinco Parent was then assigned, through a series of steps, to Fortress Parent which distributed the interests in SpinCo Parent to Fortress Blocker and DI Fund. Fortress Blocker assigned its interests in SpinCo Parent to GI Data Infrastructure Fund-A LP (DI Fund-A), the sole member of Fortress Blocker. Finally, the owners of SpinCo Parent formed GI DI Fortress SpinCo Holdings LP (SpinCo Aggregator) and exchanged their membership interests in SpinCo Parent for equivalent membership interests in SpinCo Aggregator, all Delaware entities. As a result, SpinCo Aggregator holds 91.9% membership interests in SpinCo Parent and the owners Fortress Parent are now the owners of SpinCo Aggregator. Consequently, the owners of Fortress Parent, which controlled DR Fortress, are now the owners of SpinCo Aggregator, which controls SpinCo.

SCL-T/C-20250331-00009 DR Fortress, LLC
Date filed: 2025-03-31
Transfer of Control
Grant of Authority Date of Action: 2026-02-05

DR Fortress, LLC (DR Fortress) filed an application for transfer of control of DR Fortress from DR Fortress, LLC to GI DI Fortress Parent LLC (GI DI Parent) which occurred on January 15, 2020 without prior Commission consent. DR Fortress is a licensee on the Hawaiki cable system (SCL-LIC-20160906-000019) and operates and manages the Oahu, Hawaii cable landing station for the cable system. The transaction did not affect the interests of the other licensees of the Hawaiki cable system—Tillamook Lightwave IGA, ACS Cable Systems, LLC, and Hawaiki Submarine Cable USA LLC.

We granted DR Fortress special temporary authority (STA) to continue to operate and manage the Oahu

cable landing station at its own risk while the Commission considers this application. *See* SCL-STA-20250331-00010, SCL-STA-1125-00080.

The application was placed on Public Notice on May 30, 2025. *See* SCL-T/C-20250331-00009, Non-Streamlined Submarine Cable Landing License Applications Accepted for Filing, Report No. SCL-00550NS, Public Notice (OIA May 30, 2025). No comments were filed in response to the Public Notice.

Prior to this transaction in 2020, the 10% or greater owners of DR Fortress were DRF Holdings, LLC with 63.99% of the membership units of DR Fortress, DR Fortress, Inc. with 17.58 % of the membership units, and Jeff Brown with 13.52% membership units. On January 15, 2020, GI DI Coast Acquisition LLC (now known as GI DI Fortress Acquisition LLC) acquired all of the membership units of DR Fortress without prior Commission consent through a membership interest purchase agreement (2020 Transaction).

As a result of the 2020 Transaction, DR Fortress became a direct wholly owned subsidiary of GI DI Fortress Acquisition LLC, which is an indirect wholly owned subsidiary of GI DI Parent, all Delaware limited liability companies. The sole 10% or greater owner of GI DI Parent is GI DI Fortress Holdings LP (Fortress Holdings), a Delaware limited partnership (91.9% equity and 100% voting interests).

The limited partners of Fortress Holdings are GI DI Fortress Blocker LLC (Blocker) (62.24% equity and 0% voting) and GI Data Infrastructure Fund LP (DI Fund) (37.76% equity and 0% voting). GI Data Infrastructure Fund-A LP (DI Fund-A) is the sole member of Blocker. GI GP DI LP is the general partner for Fortress Holdings, DI Fund, and DI Fund-A, all Delaware entities. GI GP DI LP is ultimately controlled by GI Manager LLC, a Delaware limited liability company that is controlled by Richard Magnuson, a U.S. citizen, as the trustee of the Magnuson Living Trust, a California trust, that is the managing member of GI Manager LLC.

Three entities hold a 10% of greater limited partnership interests in DI Fund: Ohio Public Employee Retirement System (46.59%), Washington State Investment Board (40.76%) and GI GP DI LP (11.60%).

Sandalwood Investment Pte, Ltd. (Sandalwood), a Singapore entity, holds a 28.26% limited partnership interest in DI Fund-A. The sole owner of Sandalwood is GIC (Ventures) Pte. Ltd, a Singapore entity that is wholly owned by the Minister for Finance of the Government of Singapore.

In the Executive Branch Review Process Order, the Commission stated that it would generally refer applications with reportable foreign ownership to the Executive Branch for review for national security, law enforcement, foreign policy, and trade policy issues. *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 10927, 10935-36, para. 24 (2020) (Executive Branch Review Process Order); see 47 CFR § 1.40001(a)(1). We exercised our discretion and did not formally refer this application to the Executive Branch (see Executive Branch Review Process Order, 35 FCC at 10935-36, para. 24) because the licensee, now GI DI Fortress SpinCo Holdings LP, a wholly owned subsidiary of DR Fortress (see SCL-ASG-20250331-00011), filed a subsequent application that will replace the ownership set forth in this application. *See* SCL-T/C-20250411-00012 in this Public Notice, which we referred to the Executive Branch due to proposed new ownership that includes reportable foreign ownership.

Action on this application is without prejudice to any enforcement action by the Commission for non-

compliance with the Communications Act of 1934, as amended, or the Commission's rules.

This authorization is without prejudice to the Commission’s action in any other related pending proceedings.

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

In the Matter of	)	
	)	
Amendment of Section 73.622(j), Table of TV	)	MB Docket No. 25-287
Allotments, Television Broadcast Stations	)	RM-12010
(Hutchinson, Kansas)	)	

REPORT AND ORDER
(PROCEEDING TERMINATED)

Adopted: February 5, 2026 **Released: February 5, 2026**

By the Chief, Video Division, Media Bureau:

I. INTRODUCTION

1. The Video Division, Media Bureau (Bureau), has before it a *Notice of Proposed Rulemaking* (*NPRM*)[1] issued in response to a Petition for Rulemaking filed by Kansas Public Telecommunications Service, Inc. (Kansas Public or Petitioner),[2] the licensee of noncommercial educational PBS member television station KPTS(TV) (KPTS or Station), channel *8, Hutchinson, Kansas (Hutchinson). Kansas Public requests that the Bureau substitute channel *33 for channel *8 in the Table,[3] with the technical parameters specified in the Petition. Kansas Public filed comments in support of the Petition, stating its intention to apply for a construction permit for channel *33, and if authorized, to promptly construct the facility.[4] No other comments were received. For the reasons below, we conclude that the public interest would be served by substituting channel *33 for channel *8 at Hutchinson.

II. BACKGROUND

2. In support of its channel substitution request, the Petitioner asserts that allowing the Station to move from a VHF to a UHF channel would serve the public interest by improving signal reception for viewers.[5] According to the Petitioner, KPTS, as a VHF station, has had "a long history" of viewer reception issues following its digital conversion.[6] In support, the Petitioner observes that the Commission has recognized that "'VHF channels have certain characteristics that have posed challenges for their use in providing digital television service,' including 'propagation characteristics of these channels [that] allow undesired signals and noise to be receivable at relatively farther distances.'"[7]

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[1] *Amendment of Section 73.622(j), Table of TV Allotments, Television Broadcast Stations (Hutchinson, Kansas)*, MB Docket No. 25-287, Notice of Proposed Rulemaking, DA 25-854 (MB Sept. 16, 2025) (*NPRM*).

[2] Petition of Kansas Public Telecommunications, Service, Inc. for Rulemaking (filed Feb. 14, 2025, as amended Mar. 18, 2025), on file at LMS File No. 0000266714 (Petition). Allotments in the Table of TV Allotments (Table) designated by an asterisk (*) are reserved for noncommercial educational use. 47 CFR § 73.622(a).

[3] 47 CFR § 73.622(j).

[4] Kansas Public Comments at 1.

[5] *See NPRM* at para. 2; Petition at 1-2.

[6] *NPRM* at para. 2; Petition at 2.

[7] *NPRM* at para. 2; Petition at 2-3, citing *Innovation in the Broadcast Television Bands: Allocations, Channel Sharing and Improvements to VHF*, ET Docket No. 10-235, Notice of Proposed Rulemaking, 25 FCC Rcd 16498, 16511, para. 42 (2010) (*VHF Improvements NPRM*); *see also Amendment of Section 73.622(j), Table of Allotments,*
(continued….)

Additionally, the Petitioner notes that the Commission has observed "'large variability in the performance (especially intrinsic gain) of indoor antennas available to consumers, with most antennas receiving fairly well at UHF and the substantial majority not so well to very poor at high-VHF.'"[8]

3. An engineering statement provided by the Petitioner confirms that the proposed channel *33 contour would provide full principal community coverage to Hutchinson.[9] The proposed move to channel *33 from channel *8 is not predicted to create a loss of service to any viewers.[10] In fact, the Petition supports a finding that the proposed channel change is predicted to result in service to more viewers, both through better signal quality and an expanded coverage area.[11] Petitioner's engineering statement also confirms that the proposed channel substitution contour would not cause impermissible interference to any other licensed facilities.[12] The proposed channel *33 facility would remain at its licensed transmission site and operate at an effective radiated power of 1000 kW and height above average terrain (HAAT) of 244 meters.[13]

III. DISCUSSION

4. We find that channel *33 can be substituted for channel *8 at Hutchinson, as proposed, in compliance with the principal community coverage requirements of section 73.618(a) of the Commission's rules (Rules),[14] at coordinates 38-03'-21.4" N. and 97-46'-36.1" W. In addition, we find that this channel change meets the technical requirements set forth in section 73.622(a) of the Rules.[15] KPTS is currently operating on channel *8 and the substitution of channel *33 for channel *8 in the Table will allow the Station to improve its over-the-air reception within its coverage area and is not predicted to result in viewer loss. Accordingly, we conclude it is in the public interest to substitute channel *33 for channel *8 with the following specifications:

City and State	Channel	Power (kW)	Antenna HAAT (m)	Service Pop.
Hutchinson, Kansas	*33	1000	244	819,406

IV. PROCEDURAL MATTERS

5. Accordingly, pursuant to the authority contained in sections 4(i), 5(c)(1), 303(g), (r) and 307(b) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 155(c)(1), 303(g), (r), and 307(b), and sections 0.61, 0.204(b), and 0.283 of the Commission's rules, 47 CFR §§ 0.61, 0.204(b), and 0.283, **IT IS ORDERED** that, effective 30 days after publication of this Report and Order in the Federal Register, the Table of TV Allotments, section 73.622(j) of the Commission's rules, 47 CFR § 73.622(j), **IS AMENDED**, with respect to the community listed below, to read as follows:

City and State	Channel No.
Hutchinson, Kansas	19, *33, 35

Television Broadcast Stations (Knoxville, Tennessee), MB Docket No. 23-244 and RM-11955, Report and Order, 38 FCC Rcd 9304 (MB 2023) (approving a change in channel from high-band VHF to UHF in order to resolve viewer reception issues).

[8] *NPRM* at para. 2; Petition at 3, citing *VHF Improvements NPRM*, 25 FCC Rcd at 16512, para. 44.

[9] *NPRM* at para. 3; Petition, Engineering Statement at 4.

[10] *NPRM* at para. 3; Petition, Engineering Statement at 5.

[11] *NPRM* at para. 3; *see* Petition, Engineering Statement at 2-3; 5.

[12] *NPRM* at para. 3; Petition, Engineering Statement at 6.

[13] *NPRM* at para. 3; Petition, Engineering Statement at 6.

[14] 47 CFR § 73.618(a).

[15] 47 CFR § 73.622(a).

6. **IT IS FURTHER ORDERED** that, within 10 days of the effective date of this Report and Order, Kansas Public Telecommunications Service, Inc. shall submit to the Commission a minor change application for a construction permit (Form 2100, Schedule A) specifying channel *33.

7. **IT IS FURTHER ORDERED** that, pursuant to section 801(a)(1)(A) of the Congressional Review Act, 5 U.S.C. § 801(a)(1)(A), the Commission **SHALL SEND** a copy of the Report and Order to Congress and to the Government Accountability Office.

8. **IT IS FURTHER ORDERED** that, should no petitions for reconsideration or petitions for judicial review be timely filed, MB Docket No. 25-287 and RM-12010 **SHALL BE TERMINATED** and the dockets closed.

9. For further information concerning the proceeding listed above, contact Devin Loveland, Video Division, Media Bureau at Devin.Loveland@fcc.gov (legal); Emily Harrison, Video Division, Media Bureau, at Emily.Harrison@fcc.gov (legal); or Mark Colombo, Video Division, Media Bureau, at Mark.Colombo@fcc.gov (technical).

FEDERAL COMMUNICATIONS COMMISSION

David J. Brown
Chief, Video Division
Media Bureau

PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
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DA Number: 26-121

Report No. SCL-00594 **Thursday February 5, 2026**

Section 1.767(a) Submarine Cable Landing Licenses, Modifications, and Assignments or Transfers of Control of Interests in Submarine Cable Landing Licenses (47 C.F.R. § 1.767(a))

Actions Taken Under Submarine Cable Landing License Act

By the Chief, Telecommunications and Analysis Division, Office of International Affairs:

Pursuant to an Act relating to the landing and operation of submarine cables in the United States, 47 U.S.C. §§ 34-39 (Submarine Cable Landing License Act), Executive Order No. 10530, Exec. Ord. No. 10530 reprinted as amended in 3 U.S.C. § 301, and section 1.767 of the Commission's rules, 47 CFR § 1.767, the following applications ARE GRANTED. These grants of authority are taken under section 0.261 of the Commission's rules, 47 CFR § 0.261. 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.

These applications have been coordinated with the Department of State and other Executive Branch agencies pursuant to section 1.767(b) of the Commission's rules, 47 CFR § 1.767(b), and consistent with procedures established with the Department of State. See Review of Commission Consideration of Applications under the Cable Landing License Act, IB Docket No. 00-106, Report and Order, 16 FCC Rcd 22167, 22192-93, paras. 51-52 (2001) (Submarine Cable Landing License Report and Order); Commission Announces Department of State's Revised Procedures for its Consideration of Submarine Cable Landing License Applications, IB Docket No. 16-155, Public Notice, DA 22-435 (rel. Apr. 19, 2022).

This public notice serves as each submarine cable landing licensee's Submarine Cable Landing License, or modification thereto, pursuant to the Cable Landing License Act and sections 1.767 and 1.768 of the Commission's rules. Submarine cable landing licensees should review the terms and conditions of their licenses. Failure to comply with these terms and conditions or relevant Commission rules and policies could result in fines or forfeitures.

SCL-LIC-20241115-00046 S250410 Starfish Infrastructure Inc.
Date filed: 2026-02-04
Submarine Cable Landing License
Grant of Authority Date of Action: 2026-02-04

On December 1, 2025, we granted an application from Starfish Infrastructure Inc. (Starfish) for a cable

landing license for the purpose of constructing, landing and operating the Bulikula cable system, a non-common carrier fiber-optic submarine cable system that will connect Guam, the Commonwealth of the Northern Mariana Islands (CNMI), and Hawaii to Fiji and French Polynesia. *See* SCL-LIC-20241115-00046, Actions Taken Under Submarine Cable Landing License Act, Report No. SCL- 00582, Public Notice, DA 25-1049 (OIA Dec. 11, 2025). On February 4, 2026, Starfish filed an amendment to the application to add a new branching unit (BU), BU 1A. Starfish currently anticipates that BU 1A will be eventually used to connect the separately owned and operated Le Vasa cable system landing in American Samoa to the Bulikula cable system. Starfish anticipates that the owner(s) of any such separately owned and operated cable system from American Samoa would apply for its own submarine cable license from the Commission at the appropriate time.

The grant of the application for the Bulikula cable system is revised to read as follows:

Starfish Infrastructure Inc. (Starfish) filed an application for a license to construct, land, and operate the Bulikula cable system, a non-common carrier fiber-optic submarine cable system that will connect Guam, the Commonwealth of the Northern Mariana Islands (CNMI), and Hawaii to Fiji and French Polynesia. Starfish filed supplements to the application on February 14, 2025, March 18, 2025 and November 19, 2025. On April 4, 2025, the application was placed on Public Notice. See SCL-LIC20241115-00046, Streamlined Submarine Cable Landing License Applications, Accepted For Filing, Report No. SCL00534S, Public Notice (OIA Apr 4, 2025). No comments were filed in response to the Public Notice. On February 4, 2026, Starfish filed an amendment to the application to add a new branching unit (SCL-AMD-20260203-00021).

Starfish states that grant of the license is in the public interest. Bulikula will be the first system to (1) directly connect Guam to Fiji and French Polynesia, and (2) directly connect the CNMI to Hawaii, Fiji, and French Polynesia. Bulikula is designed with dual landing points in both Fiji and French Polynesia, providing path diversity and redundancy in island connectivity in case of a single branch failure. Further, grant of the license will accelerate Guam's position as a growing gateway for international connectivity, and improve reliability, add capacity, and reduce latency in the Pacific Island region.

Executive Branch Review.

On April 7, 2025, the U.S. Department of Homeland Security (DHS) notified the Commission that it was reviewing the application and requested that the Commission defer action on the application until it completes its review. Pursuant to Commission practice, the application was referred to the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector (Committee) for its views on any national security, law enforcement, foreign policy or trade policy concerns. SCL-LIC-20241115-00046, Non-Streamlined Submarine Cable Landing License Applications, Accepted For Filing, Report No. SCL-00535NS, Public Notice (OIA Apr. 10, 2025). 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). On April 10, 2025, the Committee notified the Commission that it was reviewing the application. SCL-LIC20241115-00046, Non-Streamlined Submarine Cable Landing License Applications, Accepted For Filing, Report No. SCL-00537NS, Public Notice (OIA Apr. 18, 2025). On November 25, 2025, the National Telecommunications and Information Administration (NTIA), on behalf of the Committee, filed a Petition to Adopt Conditions to Authorization and License. The Committee states that it has no objection to the Commission approving authority to land and operate the Bulikula cable system, provided that the Commission conditions its approval on the assurances of Starfish and Google, LLC (Google) to abide by the commitments and undertakings of the November 17, 2025 National Security Agreement between

Starfish and Google on the one hand, and the Committee, represented by DHS, the U.S. Department of Justice, and the U.S. Department of Defense, on the other hand (November 17, 2025 NSA).

Following the completion of the Committee review of the application, the Office of International Affairs coordinated the application with the Department of State as required by Executive Order 10530, pursuant to section 1.767(b) of the Commission's rules, and consistent with the established Department of State procedures. Executive Order 10530, Section 5(a) reprinted as amended in 3 U.S.C. § 301; 47 CFR §1.767(b); Review of Commission Consideration of Applications under the Cable Landing License Act, IB Docket No. 00-106, Report and Order, 16 FCC Rcd 22167, 22192-93, paras. 51-52 (2001) (Submarine Cable Landing License Report and Order); Commission Announces Department of State's Revised Procedures for its Consideration of Submarine Cable Landing License Applications, IB Docket No. 16-155, Public Notice, DA 22-435 (rel. Apr. 19, 2022). See SCL-LIC-20241115-00046, NonStreamlined Submarine Cable Landing License Applications, Accepted For Filing, Report No. SCL00564NS, Public Notice, DA 25-1014 (OIA Dec. 5, 2025).

Actions Taken.

1. Grant of a Cable Landing License to Starfish Infrastructure Inc. for the purpose of constructing, landing and operating the Bulikula cable system, a non-common carrier fiber-optic submarine cable system that will connect Guam, the Commonwealth of the Northern Mariana Islands (CNMI), and Hawaii to Fiji and French Polynesia;
2. Grant of the request for waiver of section 1.767(h)(1) of the Commission's rules in connection with the license; and
3. Grant of the Petition to Adopt Conditions to Authorization and License filed by the National Telecommunications and Information Administration on November 25, 2025.

Licensee Ownership Information.

Starfish is an indirect wholly owned subsidiary of Google LLC, a Delaware company. As of June 30, 2024, the 10% or greater direct or indirect interest holders of Starfish are: (1) Sea Coral Holdings LLC, a Delaware company (100% equity and voting interest in Starfish); (2) Google LLC (100% equity and voting interest in Sea Coral Holdings LLC); (3) XXVI Holdings Inc. (XXVI Holdings), a Delaware company (100% equity and voting interest in Google LLC); (4) Alphabet Inc. (Alphabet), a Delaware company (100% equity interest and more than 99% voting interest in XXVI Holdings); (5) Larry Page, a U.S. citizen (26.8% voting interest in Alphabet through ownership of 44.9% of Alphabet's Class B common stock); and (6) Sergey Brin, a U.S. citizen (25% voting interest in Alphabet through ownership of 41.9% of Alphabet's Class B common stock). Alphabet's shares are publicly traded on the NASDAQ stock market. As of June 30, 2024, no other individual or entity holds a 10% or greater direct or indirect equity or voting interest in either Alphabet or Starfish.

Cable System Design and Capacity.

The Bulikula cable system will consist of the following segments and branching units (BUs): (1) segment from Tahiti Nui, French Polynesia to BU1, a length of approximately 55 kilometers; (2) segment from BU1 to Tahiti Iti, French Polynesia, a length of approximately 70 kilometers; (3) segment from BU1 to BU2, a length of approximately 4,100 kilometers; (4) segment from BU2 to Suva, Fiji, a length of approximately 270 kilometers; (5) segment from BU2 to BU3, a length of approximately 20

kilometers; (6) segment from BU3 to Natadola, Fiji, a length of approximately 90 kilometers; (7) segment from BU3 to BU4, a length of approximately 5,500 kilometers; (8) segment from BU4 to Piti, Guam, a length of approximately 100 kilometers; (9) segment from BU4 to BU5, a length of approximately 20 kilometers; (10) segment from BU5 to Tinian, CNMI, a length of approximately 230 kilometers; (11) segment from BU5 to BU6, a length of approximately 6,500 kilometers; (12) segment from BU6 to BU7, a length of approximately 20 kilometers; (13) segment from BU7 to Oahu, Hawaii, a length of approximately 245 kilometers; (14) segment from BU7 to BU8, a length of approximately 4,300 kilometers; (15) segment from BU8 to Tahiti Iti, French Polynesia, a length of approximately 80 kilometers; and (16) segment from BU8 to Tahiti Nui, French Polynesia, a length of approximately 103 kilometers. Each segment will have 16 fiber pairs, and each fiber pair will have a minimum design capacity of approximately 6 Terabits per second (Tbps).

Starfish states that the Bulikula cable system will include two unused branching units (BU 1A and BU 2A) on the segment from BU1 to BU2 and also include four additional branching units on the segment from BU3 to BU4 (labeled BU 3A-BU 3D). Starfish states that there are specific plans to use one of these branching units, BU 3A, to connect to a non-U.S. owned cable system, the Tuvalu Vaka system, that will be owned and operated separately from the Bulikula cable system. The separate system will have four fiber pairs and will be owned and operated by Tuvalu Telecommunications Corporation, which will obtain onward connectivity from Tuvalu to Suva, Fiji, via individually negotiated indefeasible rights of use (IRU) for dark fiber on the Bulikula cable system. In addition, Starfish currently anticipates that BU 1A will be eventually used to connect the separately owned and operated Le Vasa cable system landing in American Samoa to the Bulikula cable system. Starfish anticipates that the owner(s) of any such separately owned and operated cable system from American Samoa would apply for its own submarine cable license from the Commission at the appropriate time. Further, neither Starfish nor its affiliates currently have specific plans to utilize other unused branching units on the Bulikula cable system.

Ownership of the Cable System.

Starfish and its affiliates will own and control the Bulikula cable system as follows: (1) Starfish, a Delaware company, will hold 100% of the equity and voting interests in the portion in U.S. territory; (2) Sea Fan Singapore Infrastructure Pte. Ltd. (Sea Fan), a Singapore company, will hold 100% of the equity and voting interests in the portion in international waters; (3) Yellowfin Infrastructure Pte Ltd (Yellowfin), a Fijian company, will hold 100% of the equity and voting interests in the portion in Fijian territory; and (4) Octopus Infrastructure S.A.S. (Octopus), a French company, will hold 100% of the equity and voting interests in the portion in French Polynesia territory. Starfish, Sea Fan, Yellowfin, and Octopus are all indirect, wholly owned subsidiaries of Google LLC. Starfish states that because Sea Fan, Yellowfin, and Octopus will not use the U.S. endpoints of the system, none of these entities is required by section 1.767(h)(2), 47 CFR § 1.767(h)(2) of the Commission's rules, to be an applicant for the cable landing license.

Ownership of Landing Stations.

The Bulikula cable landing stations are owned and controlled as follows: (1) Piti, Guam: Tata Communications (Guam) Ltd (Tata), a U.S. company, owns an existing cable landing station and Starfish will be the U.S. landing party and control the landing station; (2) Tinian, CNMI: Unicornfish Services Inc. (Unicornfish), a Google affiliate, will construct and own a new cable landing station and Starfish will be the U.S. landing party and control the landing station; (3) Oahu, Hawaii: Humuhumu Services LLC (Humuhumu), a Hawaiian company, will construct and own a new cable landing station

and Starfish will be the U.S. landing party and control the landing station; (4) Natadola, Fiji: Staghorn Services Pte Ltd (Staghorn), a Singapore company, will construct and own a new cable landing station and Yellowfin will be the landing party and control the landing station; (5) Suva, Fiji: Staghorn will construct and own a new cable landing station and Yellowfin will be the landing party and control the landing station; (6) Tahiti Nui, French Polynesia: Sea Turtle Services (Sea Turtle) will construct and own a new cable landing station and Octopus will be the landing party and control the landing station; and (7) Tahiti Iti, French Polynesia: Sea Turtle will construct and own a new cable landing station and Octopus will be the landing party and control the landing station. Unicornfish, Humuhumu, Staghorn, and Sea Turtle are all indirect, wholly-owned subsidiaries of Google LLC. Starfish states that consistent with section 1.767(a)(5) it will file a more specific description of each landing point no later than ninety (90) days prior to construction. 47 CFR § 1.767(a)(5).

Waiver of 47 CFR § 1.767(h)(1).

Starfish requests a waiver of section 1.767(h)(1) of the Commission's rules, 47 CFR § 1.767(h)(1), so that Tata, Unicornfish, and Humuhumu are not required to be applicants for a U.S. cable landing license for the Bulikula system. Section 1.767(h)(1) requires that "[a]ny entity that owns or controls a cable landing station in the United States" shall be "applicants for, and licensees on, a cable landing license." Starfish asserts neither Tata, Unicornfish, nor Humuhumu will have any independent ability to affect the operation of Bulikula, and including them as applicants is not necessary to ensure compliance by Starfish with the Cable Landing License Act, the Commission's cable landing license rules, or the terms of any cable landing license. According to Starfish, in U.S. territory, Tata, Unicornfish and Humuhumu are expected to provide certain limited services at the U.S. cable stations that would not enable them to significantly affect the Bulikula system's operation, as these services will be provided at Starfish's direction and under its supervision. Starfish states that it intends to contract with Tata, Unicornfish, and Humuhumu for the right to use separately-caged collocation space in the Guam, Tinian, and Hawaiian cable landing stations, respectively, and for the provision of certain operation and maintenance services at the cable landing stations. Further, Starfish states that Tata, Unicornfish, and Humuhumu are not expected to have access to Starfish's space, except: (i) to perform certain operation and maintenance services as per Starfish's direction and instructions; (ii) to conduct work in the space unrelated to the system, after providing Starfish advance notice and opportunity to supervise any such work; or (iii) in cases of emergency. The agreements with Tata, Unicornfish, and Humuhumu are expected to have an initial term of 25 years.

The purpose of the 1.767(h)(1) requirement is to ensure that entities with a significant ability to affect the operation of the cable system become licensees so that they are subject to the conditions and responsibilities associated with the license. See Submarine Cable Landing License Report and Order, 16 FCC Rcd at 22194-95, paras. 53-54. Although Tata, Unicornfish and Humuhumu will own the Guam, Tinian and Hawaiian cable landing stations respectively, we find, based on the record in this proceeding that neither Tata, Unicornfish nor Humuhumu will have the ability to affect significantly the operation of the cable system. Accordingly, we grant the Applicant a waiver of section 1.767(h)(1) and do not require Tata, Unicornfish or Humuhumu to become an applicant/licensee for the Bulikula cable system.

Regulatory Status.

Starfish proposes to operate the Bulikula cable system on a non-common carrier basis. Starfish states that the system's capacity will be used by either Starfish and its affiliates to meet their own internal needs for bandwidth or made available to third parties pursuant to individually negotiated indefeasible rights of use (IRUs), the terms of which will vary depending on the characteristics and needs of the

particular capacity purchase. Further, the capacity provided to affiliates will be pursuant to inter-affiliate agreement.

Starfish asserts that Bulikula will compete with other existing and planned submarine cable systems serving the Pacific Island region. Systems connecting Guam or Hawaii to Fiji include Southern Cross and Tabua and systems connecting Guam or Hawaii to French Polynesia include Honotua and Halaihai. Between Guam and Hawaii, Bulikula will compete with SEA-US and Asia-American Gateway.

The Applicant has provided information and demonstrated that the proposed operation of the cable on a non-common carrier basis satisfies the requirements set forth in National Association of Regulatory Utility Commissioners v. FCC, 525 F.2d 630, 642 (D.C. Cir 1976) (NARUC I), cert. denied, 425 U.S. 992 (1976). See also Submarine Cable Landing License Report and Order, 16 FCC Rcd at 2220222203, paras. 69-70; Review of Commission Consideration of Applications under the Cable Landing License Act, IB Docket No. 00-106, Notice of Proposed Rulemaking, 15 FCC Rcd 20789, 20815-18, paras. 62-67 (2000).

Conditions and Requirements.

Starfish shall comply with the routine conditions specified in sections 1.767(g) and 1.70007 of the Commission's rules, 47 CFR §§ 1.767(g), 1.70007.

We grant the Petition to Adopt Conditions to Authorization and License (Petition) filed in this proceeding by NTIA, on behalf of the Committee, on July 25, 2025. Accordingly, we condition grant of the application on Starfish and Google abiding by the commitments and undertakings set forth in the November 17, 2025 NSA. A copy of the Petition and November 17, 2025 NSA are publicly available and may be viewed on the FCC website through the International Communications Filing System (ICFS) by searching SCL-LIC-20241115-00046 and accessing the "Pleadings & Comments" tab in the Document Viewing area.

A failure to comply and/or remain in compliance with any of these commitments and undertakings shall constitute a failure to meet a condition of the cable landing license and thus grounds for declaring the license terminated without further action on the part of the Commission. Failure to meet a condition of the license may also result in monetary sanctions or other enforcement action by the Commission.

License Term.

Under the Commission's rules, a cable landing license shall expire 25 years after the in-service date for the cable. The Licensee must notify the Commission within thirty (30) days of the date the cable is placed into service. 47 CFR § 1.767(g)(15). The in-service notification must be filed in ICFS through the "Pleadings and Comments" for file number. SCL-LIC-20241115-00046.

SCL-AMD-20260203-00021 S250410 Starfish Infrastructure Inc.
Date filed: 2026-02-04
Amendment
Grant of Authority Date of Action: 2026-02-04

See discussion of ICFS File No. SCL-LIC-20241115-00046 S250410 in this Public Notice.

PUBLIC NOTICE

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

DA 26-122
Released: February 5, 2026

WIRELINE COMPETITION BUREAU ANNOUNCES FILING WINDOW FOR BRINGING PUERTO RICO TOGETHER FUND AND CONNECT USVI FUND CARRIERS TO SUBMIT LOCATION ADJUSTMENT CERTIFICATIONS

WC Docket No. 10-90
WC Docket No. 18-143

The Wireline Competition Bureau (Bureau) announces a filing window for Bringing Puerto Rico Together Fund (PR Fund) and Connect USVI Fund carriers to submit certifications to have their required location totals and support adjusted based on the December 2025 Broadband Serviceable Location (BSL) Fabric (Fabric) dataset.[1] **The window will open Friday, February 6, 2026 and close Monday, March 9, 2026.** Attachment A provides the number of units associated with BSLs in each carrier's service areas based on the December 2025 Fabric. Carriers that do not submit timely certifications will be subject to the Commission's non-compliance measures.[2]

Filing Requirements. In the *High-Cost Fabric Order*, the Bureau established procedures for making adjustments to PR Fund and Connect USVI Fund support recipients' location totals and support based on the December 2025 Fabric.[3] Specifically, during the filing window, a PR Fund or Connect USVI Fund carrier must submit a certification electronically in WC Docket Nos. 10-90 and 18-143 certifying that it has reviewed the December 2025 Fabric and that it reflects more or fewer units than its original estimated location total, as applicable, in each of the carrier's supported service areas where it receives PR Fund or Connect USVI Fund support.[4] The Bureau will find that carriers that timely make this certification have satisfied the preponderance of the evidence standard to have their support and required location totals adjusted for each area.[5]

Location Total and Support Adjustments. The Bureau, in coordination with the Universal Service Administrative Company (USAC), will then review certifications, verify Fabric-based unit counts, and

[1] *See Connect America Fund et al.*, WC Docket No. 10-90 et al., Order, 40 FCC Rcd 281, 305-07, paras. 57-62 (WCB 2025) (*High-Cost Fabric Order*).

[2] *See, e.g.*, 47 CFR § 54.320(c).

[3] *High-Cost Fabric Order*, 40 FCC Rcd at 305-07, paras. 57-62.

[4] *Id.* at 305, para. 57. On December 18, 2025, the Bureau posted on its website the final required location list for the PR Fund and Connect USVI Fund based on the December 2025 Fabric. *Interim Required Locations Lists Posted for the Rural Digital Opportunity Fund and Final Location Lists Posted for the Bringing Puerto Rico Together Fund and the Connect USVI Fund*, WC Docket Nos. 10-90 et al., Public Notice, DA 25-1081 (WCB 2025). On January 16, 2026, the Bureau posted updated lists that incorporated corrections to unit counts.

[5] *High-Cost Fabric Order*, 40 FCC Rcd at 306-07, paras. 61-62.

recalculate support on a pro rata per location basis for each supported area.[6] The Bureau will release a future public notice notifying carriers of their revised support and deployment obligations. Adjusted support amounts will be applied to remaining PR Fund or Connect USVI Fund disbursements.

For additional information or questions, please contact Dangkhoa Nguyen, Dangkhoa.Nguyen@fcc.gov or (202) 418-7865, or Heidi Lankau, Heidi.Lankau@fcc.gov or (202) 418-2876, of the Wireline Competition Bureau, Telecommunications Access Policy Division.

-FCC-

[6] Pursuant to the *High-Cost Fabric Order*, if the number of units associated with BSLs in the December 2025 Fabric is lower than originally estimated, we will make a corresponding downward adjustment to the carrier's required location total and reduce the carrier's support on a pro rata basis. *See High-Cost Fabric Order*, 40 FCC Rcd at 306, para. 61. The new support amount would be calculated by reducing authorized support by (total support/original required number of locations) x number of deficient locations. *The Uniendo a Puerto Rico Fund and the Connect USVI Fund et al.*, WC Docket No. 18-143 et al., Report and Order and Order on Reconsideration, 34 FCC Rcd 9109, 9145, para. 65 n.238 (2019). If the number of units associated with BSLs in the December 2025 Fabric is higher than originally estimated, we will make a corresponding upward adjustment to the carrier's required location total and increase the carrier's support on a pro rata basis. *See High-Cost Fabric Order,* 40 FCC Rcd at 307, para. 62. The new support amount would be calculated by increasing the authorized support by (total support/original required number of locations) x number of additional locations. Carriers are on notice that any outstanding or pending challenges that were filed and not incorporated into the December 2025 Fabric will not be considered for determining carriers' final deployment obligations. *Id.* at 306, para. 60.

Attachment A

Number of Units in Bringing Puerto Rico Together Fund (PR Fund) Service Areas Based on Broadband Serviceable Locations in the December 2025 Fabric

PR Fund Carrier	Municipio	Number of Units in December 2025 Fabric
Liberty Communications	San Juan	262,978
Liberty Communications	Carolina	100,881
Liberty Communications	Bayamón	102,138
Liberty Communications	Ponce	70,231
Liberty Communications	Caguas	63,435
Liberty Communications	Toa Baja	38,903
Liberty Communications	Arecibo	40,283
Liberty Communications	Mayagüez	38,091
Liberty Communications	Guaynabo	40,706
Liberty Communications	Cabo Rojo	24,717
Liberty Communications	Vega Baja	23,349
Puerto Rico Telephone Co.	Aguadilla	24,431
Puerto Rico Telephone Co.	Manatí	18,397
Liberty Communications	Fajardo	16,429
Liberty Communications	Guayama	18,120
Liberty Communications	Salinas	13,471
Liberty Communications	Cataño	12,012
Puerto Rico Telephone Co.	San Sebastián	17,026
Liberty Communications	Isabela	18,490
Liberty Communications	Juana Díaz	18,389
Puerto Rico Telephone Co.	Yauco	15,411
Liberty Communications	Dorado	15,547
Liberty Communications	Cayey	18,706
Puerto Rico Telephone Co.	Guánica	8,487
Liberty Communications	Río Grande	20,138
Puerto Rico Telephone Co.	Camuy	13,563
Puerto Rico Telephone Co.	Lajas	10,747
Liberty Communications	Toa Alta	25,931
Liberty Communications	Juncos	15,811
Liberty Communications	Loíza	10,854
Liberty Communications	Canóvanas	17,773
Liberty Communications	Ceiba	6,407
Puerto Rico Telephone Co.	Coamo	15,480
Puerto Rico Telephone Co.	San Lorenzo	14,946
Puerto Rico Telephone Co.	San Germán	13,604
Liberty Communications	Santa Isabel	9,359

PR Fund Carrier	Municipio	Number of Units in December 2025 Fabric
Liberty Communications	Sabana Grande	9,991
Liberty Communications	Luquillo	8,531
Puerto Rico Telephone Co.	Aguada	15,273
Puerto Rico Telephone Co.	Peñuelas	7,994
Liberty Communications	Arroyo	7,981
Puerto Rico Telephone Co.	Utuado	11,485
Liberty Communications	Humacao	21,852
Puerto Rico Telephone Co.	Vieques	4,699
Puerto Rico Telephone Co.	Aibonito	9,562
Liberty Communications	Barceloneta	10,226
Puerto Rico Telephone Co.	Guayanilla	7,469
Puerto Rico Telephone Co.	Patillas	7,407
Liberty Communications	Vega Alta	13,964
Liberty Communications	Naguabo	10,372
Liberty Communications	Trujillo Alto	24,420
Puerto Rico Telephone Co.	Quebradillas	9,438
Puerto Rico Telephone Co.	Lares	9,985
Liberty Communications	Las Piedras	14,315
Puerto Rico Telephone Co.	Moca	13,516
Liberty Communications	Yabucoa	12,354
Liberty Communications	Rincón	6,276
Liberty Communications	Cidra	14,279
Liberty Communications	Culebra	1,355
Puerto Rico Telephone Co.	Ciales	6,076
Puerto Rico Telephone Co.	Florida	4,579
Liberty Communications	Gurabo	16,689
Liberty Communications	Hormigueros	6,697
Puerto Rico Telephone Co.	Villalba	7,480
Puerto Rico Telephone Co.	Orocovis	7,264
Puerto Rico Telephone Co.	Maunabo	4,293
Puerto Rico Telephone Co.	Adjuntas	6,532
Puerto Rico Telephone Co.	Añasco	10,188
Puerto Rico Telephone Co.	Las Marías	3,136
Puerto Rico Telephone Co.	Jayuya	4,965
Puerto Rico Telephone Co.	Corozal	11,203
Puerto Rico Telephone Co.	Maricao	2,025
Liberty Communications	Barranquitas	9,349
Puerto Rico Telephone Co.	Comerío	6,297
Puerto Rico Telephone Co.	Morovis	9,887
Liberty Communications	Hatillo	14,390

PR Fund Carrier	Municipio	Number of Units in December 2025 Fabric
Puerto Rico Telephone Co.	Naranjito	9,030
Puerto Rico Telephone Co.	Aguas Buenas	8,287

Number of Units in Connect USVI Service Areas Based on Broadband Serviceable Locations in the December 2025 Fabric

Connect USVI Carrier	Area	Number of December 2025 BSL Units
Broadband VI LLC	St. John & St. Thomas Islands	29,223
Broadband VI LLC	St. Croix Island	28,133

PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, DC 20554

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

DA 26-123
Released: February 5, 2026

WIRELINE COMPETITION BUREAU ANNOUNCES FILING WINDOW FOR A-CAM I CARRIERS TO SUBMIT CERTIFICATIONS REQUESTING DOWNWARD LOCATION ADJUSTMENTS

WC Docket No. 10-90

The Wireline Competition Bureau (Bureau) announces a filing window for Alternative Connect America Cost Model (A-CAM) I carriers to submit certifications in WC Docket No. 10-90 requesting a downward adjustment to their required location counts and associated support amounts based on the December 2025 Broadband Serviceable Location (BSL) Fabric (Fabric) dataset.[1] **The window will open Friday, February 6, 2026 and close Monday, April 6, 2026.** Attachment A provides the number of units associated with BSLs in each A-CAM I carrier's service area based on the December 2025 Fabric. This will be the only opportunity for A-CAM I carriers to seek an adjustment to their obligations based on the Broadband Serviceable Location Fabric (Fabric).

Filing Requirements. The *High-Cost Fabric Order* adopted a process for A-CAM I, Revised A-CAM I, and A-CAM II support recipients to seek a downward adjustment in their required location counts and associated obligations based on the relevant version of the Fabric.[2] Consistent with the *High-Cost Fabric Order*, an A-CAM I carrier requesting a downward adjustment to its required location count and associated support must file a certification stating that it has reviewed the December 2025 Fabric and that it reflects fewer units in its funded service area than the Connect America Cost Model estimated count.[3] The Bureau will find that carriers that timely make this certification will have satisfied the preponderance of the evidence standard to have their required location totals and support adjusted downward.[4] Carriers must submit the certification electronically in WC Docket No. 10-90 during the filing window.[5] The Bureau will not consider a downward adjustment to a location total for any carrier that does not timely submit a certification by the April 6, 2026, deadline.

The Bureau, in coordination with the Universal Service Administrative Company (USAC), will then review certifications, verify Fabric-based unit counts, and recalculate support using the original A-

[1] *See Connect America Fund et al.*, WC Docket No. 10-90 et al., Order, 40 FCC Rcd 281, 308-09, paras. 67-68 (WCB 2025) (*High-Cost Fabric Order*).

[2] *Id.* at 308-09, paras. 66-70. The adjustment process for Revised A-CAM I and A-CAM II carriers will be based on the June 2026 Fabric dataset. *Id.* at 309, para. 67. The Bureau will announce a certification window for those carriers at a later date.

[3] *Id.* at 309, para. 68. Carriers are on notice that any outstanding or pending Fabric challenges that were filed but not incorporated in the December 2025 Fabric will not be considered for determining a carrier's final deployment obligation. *Id.* at 309, para. 69.

[4] *Id.* at 309, para. 68.

[5] *Id.* at 308-09, paras. 67-68.

CAM model parameters.[6] We will use the unit total and the location density criteria applied previously to each carrier under its current A-CAM mechanism to recalculate the carrier's revised 25/3 Mbps, 10/1 Mbps, 4/1 Mbps and reasonable request deployment obligations.[7] The Bureau will then release a public notice notifying carriers of their revised support and deployment obligations. Adjusted support amounts will be applied to remaining A-CAM disbursements. To the extent that a carrier's revised support level is lower than the amount of support it has left to receive, the Bureau/USAC will recover support consistent with Commission rules.

For additional information or questions, please contact Heidi Lankau of the Wireline Competition Bureau, Telecommunications Access Policy Division, Heidi.Lankau@fcc.gov or (202) 418-2876.

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[6] *Id.* at 309, para. 70 & n.194. Given the Bureau only has the authority to adjust a carrier's support downward, we will cap the amount of support that a carrier can receive through this adjustment process at its existing levels. *Id.* at 310, para. 70.

[7] *Id.* at 310, para. 70.

Attachment A

Number of Units in A-CAM I Carriers' Service Areas Based on Broadband Serviceable Locations in the December 2025 Fabric

A-CAM I Carrier	Study Area Code	Number of Units in December 2025 Fabric
MGW TEL. CO. INC.	190238	1912
HOME TEL CO	240527	3451
GEORGETOWN TEL CO	280456	304
MIDDLE POINT HOME	300633	462
REYNOLDS TEL CO, INC	341075	226
BARNES CITY COOP	351108	152
NORTH ENGLISH COOP	351257	293
TITONKA TEL CO	351310	350
ARKANSAS TEL CO	401692	4935

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

In the Matter of	)	
	)	
Applications of Cellco Partnership and United States Cellular Corporation	)	WT Docket No. 25-192
	)	
	)	
For Consent To Assign Several Cellular, AWS-1, AWS-3, and PCS Licenses	)	
	)	

NRUF/LNP PROTECTIVE ORDER

Adopted: February 5, 2026 **Released: February 5, 2026**

By the Chief, Wireless Telecommunications Bureau:

1. In connection with the Commission's review of the transactions at issue in this proceeding, the Commission is examining information contained in the Numbering Resource Utilization and Forecast (NRUF) reports filed by carriers engaged in the provision of wireless telecommunications services[1] (Wireless Telecommunications Carriers) and disaggregated, carrier-specific local number portability (LNP) data related to Wireless Telecommunications Carriers. We find that such materials are necessary to develop a more complete record on which to base the Commission's decision. We also anticipate that parties participating in the proceeding may seek to review this data.

2. Section 251 of the Communications Act of 1934, as amended, grants the Commission jurisdiction over the North American Numbering Plan (NANP) and related telephone numbering issues.[2] In order to better monitor the way numbering resources are used within the NANP and efficiently allocate NANP resources, the Commission requires telecommunications carriers to provide the Commission with a utilization report of their current inventory of telephone numbers and a five-year forecast of their numbering resource requirements—the NRUF report.[3] LNP data are collected by the LNP Administrator and provided to the Commission. The Commission has recognized that disaggregated, carrier-specific forecast and utilization data should be treated as confidential and should be exempt from general public disclosure under 5 U.S.C. § 552(b)(4).[4]

3. While we are mindful of the highly sensitive nature of such information, we are also mindful of the right of the public to participate in this proceeding in a meaningful way. Therefore, consistent with past practice,[5] the NRUF reports and LNP data will not be available to the public except pursuant to the terms of this NRUF/LNP Protective Order; we will make such information available to participants in this proceeding, but limit such access to their Outside Counsel of Record and Outside

[1] 47 CFR §§ 1.907, 52.5.

[2] 47 U.S.C. § 251.

[3] 47 CFR § 52.15(f); *see Numbering Resource Optimization*, Report and Order and Further Notice of Proposed Rulemaking, 15 FCC Rcd 7574, 7578-79, para. 5 (2000) (*Numbering Report and Order*).

[4] *Numbering Report and Order*, 15 FCC Rcd at 7607, para. 78.

[5] *See, e.g.*, *AT&T Inc. and Deutsche Telekom AG for Consent To Assign or Transfer Control of Licenses and Authorizations*, Protective Order, 26 FCC Rcd 6031 (WTB 2011); *AT&T Inc. and Centennial Communications Corp. for Consent To Transfer Control of Licenses, Authorizations, and Spectrum Leasing Arrangements*, Protective Order, 24 FCC Rcd 13915 (WTB 2009).

Consultants whom they retain to assist them in this proceeding, and their Outside Counsel's and Outside Consultants' employees. We conclude that the procedures we adopt in this NRUF/LNP Protective Order give appropriate access to the public while protecting particularly competitively sensitive information from improper disclosure, and that the procedures we adopt thereby serve the public interest.[6]

4. *Definitions.* As used herein, capitalized terms not otherwise defined in this NRUF/LNP Protective Order shall have the following meanings:

"Acknowledgment" means the Acknowledgment of Confidentiality attached as Appendix A hereto.

"Competitive Decision-Making" means that a person's activities, association, or relationship with any of his or her clients involve advice about or participation in the relevant business decisions or the analysis underlying the relevant business decisions of the client in competition with or in a business relationship with a Wireless Telecommunications Carrier.

"NRUF/LNP Confidential Information" means the NRUF reports, the data contained in those reports, the LNP data, and any information derived from the reports or the data that is not otherwise available from publicly available sources.

"Outside Counsel of Record" or "Outside Counsel" means the attorney(s), firm(s) of attorneys, or sole practitioner(s), as the case may be, retained by a Participant in this proceeding, provided that such attorneys are not involved in Competitive Decision-Making. The term "Outside Counsel of Record" includes any attorney representing a non-commercial Participant in this proceeding, provided that such attorney is not involved in Competitive Decision-Making.

"Outside Consultant" means a consultant or expert retained for the purpose of assisting Outside Counsel or a Participant in this proceeding, provided that such consultant or expert is not involved in Competitive Decision-Making. The term "Outside Consultant" includes any consultant or expert employed by a non-commercial Participant in this proceeding, provided that such consultant or expert is not involved in Competitive Decision-Making.

"Outside Firm" means a firm, whether organized as a partnership, limited partnership, limited liability partnership, limited liability company, corporation, or otherwise, of Outside Counsel or Outside Consultants.

"Participant" means a person or entity that has filed, or has a good faith intention to file, an application, petition to deny, or material comments in this proceeding.

"Reviewing Party" means a person who has obtained access to NRUF/LNP Confidential Information pursuant to paragraphs 5 or 7 of this NRUF/LNP Protective Order.

"Support Personnel" means employees of a Reviewing Party's Outside Firm and third-party contractors and employees of third-party contractors who are assisting in this proceeding, provided such persons are involved solely in performing clerical or ministerial functions with regard to documents and information connected with this proceeding, including performing one or more aspects of organizing, filing, coding, converting, storing, or retrieving documents or data or designing programs for handling data connected with this proceeding.

5. *Procedure for Obtaining Access to NRUF/LNP Confidential Information*. Access to NRUF/LNP Confidential Information (including Stamped Highly Confidential Documents) is limited to Outside Counsel of Record, Outside Consultants, their employees and employees of their Outside Firms, and Support Personnel. Any person other than Support Personnel seeking access to NRUF/LNP Confidential Information shall sign and date the Acknowledgment agreeing to be bound by the terms and

[6] This NRUF/LNP Protective Order does not constitute a resolution of the merits concerning whether any information submitted under the NRUF/LNP Protective Order would be released publicly by the Commission upon a proper request under the Freedom of Information Act (FOIA) or otherwise.

conditions of this NRUF/LNP Protective Order, and file the Acknowledgment with the Commission, so that it is received at least five business days prior to such person's reviewing or having access to the NRUF/LNP Confidential Information. Each Wireless Telecommunications Carrier shall have an opportunity to object to the disclosure of its NRUF/LNP Confidential Information to any such person. A Wireless Telecommunications Carrier must file any such objection at the Commission and serve it on Counsel representing, retaining, or employing such person within five business days after that person's Acknowledgment has been filed with the Commission. Until any timely objection is resolved by the Commission in favor of the person seeking access and, if a motion for a judicial stay is timely filed, until such a motion is acted upon, a person subject to an objection from a Wireless Telecommunications Carrier shall not have access to that carrier's NRUF/LNP Confidential Information.[7] If an objection is not timely filed with the Commission, the Commission will nonetheless consider the objection and retains its discretion to prohibit further access to NRUF/LNP Confidential Information by the Reviewing Party until the objection is resolved.

6. *Review of NRUF/LNP Confidential Information.* A Reviewing Party shall contact Judith Dempsey, Judith.Dempsey@fcc.gov, Office of Economics and Analytics, or Susannah Larson, Susannah.Larson@fcc.gov, Wireless Telecommunications Bureau, to receive instructions on how to obtain and review NRUF/LNP Confidential Information. A Reviewing Party may temporarily load onto a computer NRUF/LNP Confidential Information. Once loaded, any files containing NRUF/LNP Confidential Information shall be password protected immediately. The NRUF/LNP Confidential Information may not be stored on a computer after being analyzed. After the analysis is complete, the results of such analysis may be stored by saving the results (but not the original underlying NRUF/LNP Confidential Information) to a mobile data storage medium. All files containing NRUF/LNP Confidential Information shall be deleted from the computer as soon as practicable. The mobile storage medium containing the results shall be stored securely and a record kept of any persons given access to them.

7. *Use of NRUF/LNP Confidential Information*. Persons obtaining access to NRUF/LNP Confidential Information under this NRUF/LNP Protective Order shall use the information solely for the preparation and conduct of this proceeding before the Commission and any subsequent judicial proceeding arising directly from this proceeding and, except as provided herein, shall not use such information for any other purpose, including without limitation business, governmental, or commercial purposes, or in other administrative, regulatory, or judicial proceedings. Should the Commission rely upon or otherwise make reference to the contents of any NRUF/LNP Confidential Information in its decision in this proceeding, it will do so either by redacting any NRUF/LNP Confidential Information from the public version of the decision and by making the unredacted version of the decision available only to a court and to those persons entitled to access to NRUF/LNP Confidential Information under this NRUF/LNP Protective Order or by aggregating the NRUF/LNP Confidential Information such that no information of any Wireless Telecommunications Carrier (other than the Applicants) is revealed.

8. *Permissible Disclosure*. A Reviewing Party may discuss and share the contents of NRUF/LNP Confidential Information with another Reviewing Party, with Support Personnel, as appropriate, and with the Commission and its staff. A Wireless Telecommunication Carrier's own NRUF/LNP Confidential Information may also be disclosed to employees and Counsel of the carrier.

9. *Filings with the Commission*. A Reviewing Party may in any document that it files in this proceeding disclose NRUF/LNP Confidential Information only if it complies with the following procedure. The party shall file in the Electronic Comment Filing System (ECFS) as confidential one copy

[7] An objection ordinarily will first be ruled upon by the Wireless Telecommunications Bureau (Bureau). If the Bureau rejects the objection, the objecting party will be provided 10 business days to file an Application for Review with the Commission; if an Application for Review is not filed within that time, the NRUF/LNP Confidential Information shall be made available to the Reviewing Party. If an Application for Review is timely filed and is denied by the Commission, the objecting party will be provided 10 business days to seek a judicial stay of the Commission's Order; if a motion for stay is not filed within that time, the NRUF/LNP Confidential Information shall be made available to the Reviewing Party.

of the filing containing NRUF/LNP Confidential Information (the "NRUF/LNP Confidential Filing") and an accompanying cover letter. The cover or first page of the NRUF/LNP Confidential Filing and each page of the NRUF/LNP Confidential Filing that contains or discloses NRUF/LNP Confidential Information must be clearly marked "HIGHLY CONFIDENTIAL INFORMATION—SUBJECT TO PROTECTIVE ORDER IN WT DOCKET NO. 25-192 before the Federal Communications Commission." The cover letter shall also contain this legend. The NRUF/LNP Confidential Filing will not be placed in the Commission's public file. The party shall also submit in ECFS a copy of the filing in redacted form, i.e., containing no Confidential Information (the "Redacted NRUF/LNP Confidential Filing").[8] The Redacted NRUF/LNP Confidential Filing and the accompanying cover letter shall be stamped "REDACTED—FOR PUBLIC INSPECTION." The cover letter accompanying the Redacted NRUF/LNP Confidential Filing shall state that the party is filing a redacted version of the filing. Each Redacted NRUF/LNP Confidential Filing shall have the same pagination as the NRUF/LNP Confidential Filing from which it is derived. To the extent that any page of the NRUF/LNP Confidential Filing contains any type of Confidential Information and non-confidential information, only the Confidential Information (of whatever type) shall be redacted and the page of the unredacted Confidential Filing shall clearly distinguish among the various types of Confidential Information and the non-confidential information. One copy of each Redacted NRUF/LNP Confidential Filing and the accompanying cover letter must also be sent by email to Susannah Larson, Susannah.Larson@fcc.gov. Parties should not provide courtesy copies of pleadings containing NRUF/LNP Confidential Information to Commission staff unless the Bureau so requests, and any such courtesy copies shall be submitted under seal.

10. *Non-Disclosure of NRUF/LNP Confidential Information*. Except as provided under this NRUF/LNP Protective Order, NRUF/LNP Confidential Information shall not be disclosed further.

11. *Protection of Stamped NRUF/LNP Confidential Information.* A Reviewing Party shall have the obligation to ensure that access to NRUF/LNP Confidential Information is strictly limited as prescribed in this NRUF/LNP Protective Order. A Reviewing Party shall further have the obligation to ensure that NRUF/LNP Confidential Information is used only as provided in this NRUF/LNP Protective Order.

12. *Requests for Additional Disclosure*. If any person requests disclosure of NRUF/LNP Confidential Information outside the terms of this NRUF/LNP Protective Order, such a request will be treated in accordance with sections 0.442 and 0.461 of the Commission's rules.

13. *Client Consultation*. Nothing in this NRUF/LNP Protective Order shall prevent or otherwise restrict Outside Counsel from rendering advice to their clients relating to the conduct of this proceeding and any subsequent judicial proceeding arising therefrom and, in the course thereof, relying generally on examination of NRUF/LNP Confidential Information; *provided, however*, that in rendering such advice and otherwise communicating with such client, Outside Counsel shall not disclose NRUF/LNP Confidential Information.

14. *No Waiver of Confidentiality*. Disclosure of NRUF/LNP Confidential Information as provided herein by any person shall not be deemed a waiver by any affected party of any privilege or entitlement to confidential treatment of such NRUF/LNP Confidential Information. Reviewing Parties, by viewing this material agree: (1) not to assert any such waiver; (2) not to use NRUF/LNP Confidential Information to seek disclosure in any other proceeding; and (3) that accidental disclosure of NRUF/LNP Confidential Information shall not be deemed a waiver of any privilege or entitlement.

15. *Subpoena by Courts, Departments, or Agencies*. If a court or a federal or state department or agency issues a subpoena for or orders the production of NRUF/LNP Confidential

[8] If a party is not able to submit filings via ECFS, it must submit two copies each of the NRUF/LNP Confidential Filing and Redacted NRUF/LNP Confidential Filing, along with their respective cover letters, to the Office of the Secretary, Federal Communications Commission, via first-class or overnight U.S. Postal Service mail addressed to 45 L Street, NE, Washington, DC 20554, or via commercial courier (any deliveries not by U.S. Postal Service) to 9050 Junction Drive, Annapolis Junction, MD 20701.

Information that a party has obtained under terms of this NRUF/LNP Protective Order, such party shall promptly notify the Commission and each affected Wireless Telecommunications Carrier of the pendency of such subpoena or order. Consistent with the independent authority of any court, department, or agency, such notification must be accomplished such that the Commission and each affected Wireless Telecommunications Carrier has a full opportunity to oppose such production prior to the production or disclosure of any NRUF/LNP Confidential Information.

16. *Violations of NRUF/LNP Protective Order*. Should a Reviewing Party violate any of the terms of this NRUF/LNP Protective Order, such Reviewing Party shall immediately convey that fact to the Commission. Further, should such violation consist of improper disclosure of NRUF/LNP Confidential Information, the violating person shall take all necessary steps to remedy the improper disclosure. The Commission retains its full authority to fashion appropriate sanctions for violations of this NRUF/LNP Protective Order, including but not limited to suspension or disbarment of Counsel or Outside Consultants from practice before the Commission, forfeitures, cease and desist orders, and denial of further access to NRUF/LNP Confidential Information in this or any other Commission proceeding. Nothing in this NRUF/LNP Protective Order shall limit any other rights and remedies available to the affected Wireless Telecommunications Carriers at law or in equity against any person using NRUF/LNP Confidential Information in a manner not authorized by this NRUF/LNP Protective Order.

17. *Termination of Proceeding*. The provisions of this NRUF/LNP Protective Order shall not terminate at the conclusion of this proceeding. Within two weeks after conclusion of this proceeding and any administrative or judicial review, Reviewing Parties shall destroy or return to the Commission all NRUF/LNP Confidential Information and all copies of the same. No material whatsoever containing NRUF/LNP Confidential Information may be retained by any person having access thereto, except Outside Counsel and Outside Consultants may retain, under the continuing strictures of this NRUF/LNP Protective Order, two copies of pleadings (one of which may be in electronic format) prepared in whole or in part by that party that contain NRUF/LNP Confidential Information, and one copy of orders issued by the Commission or Bureau that contain NRUF/LNP Confidential Information. All Reviewing Parties shall certify compliance with these terms and shall deliver such certification to the Commission not more than three weeks after conclusion of this proceeding. The provisions of this paragraph regarding retention of NRUF/LNP Confidential Information shall not be construed to apply to the Commission or its staff.

18. *Questions*. Substantive questions concerning this Protective Order should be addressed to Judith Dempsey, Judith.Dempsey@fcc.gov, Office of Economics and Analytics; Susannah Larson, Susannah.Larson@fcc.gov, Wireless Telecommunications Bureau; and Joel Rabinovitz, Joel.Rabinovitz@fcc.gov.

19. *Authority*. This Order is issued pursuant to sections 4(i), 214, and 310(d) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 214, and 310(d), section 4 of the Freedom of Information Act, 5 U.S.C. § 552(b)(4), and authority delegated under section 0.331 of the Commission's rules, 47 CFR § 0.331, and is effective upon its adoption.

FEDERAL COMMUNICATIONS COMMISSION

Joel Taubenblatt
Chief, Wireless Telecommunications Bureau

APPENDIX A

Acknowledgment of Confidentiality

WT Docket No. 25-192

I hereby acknowledge that I have received and read a copy of the foregoing NRUF/LNP Protective Order in the above-captioned proceeding, and I understand it.

I agree that I am bound by the NRUF/LNP Protective Order and that I shall not disclose or use NRUF/LNP Confidential Information except as allowed by the NRUF/LNP Protective Order.

I acknowledge that a violation of the NRUF/LNP Protective Order is a violation of an order of the Federal Communications Commission. I further acknowledge that the Commission retains its full authority to fashion appropriate sanctions for violations of the Protective Order, including but not limited to suspension or disbarment of Counsel or Consultants from practice before the Commission, forfeitures, cease and desist orders, and denial of further access to NRUF/LNP Confidential Information in this or any other Commission proceeding.

I acknowledge that nothing in the NRUF/LNP Protective Order limits any other rights and remedies available at law or in equity against me if I use NRUF/LNP Confidential Information in a manner not authorized by the NRUF/LNP Protective Order.

I certify that I am not involved in Competitive Decision-Making.

Without limiting the foregoing, to the extent that I have any employment, affiliation, or role with any person or entity other than a conventional private law firm (such as, but not limited to, a lobbying or advocacy organization), I acknowledge specifically that my access to any information obtained as a result of the NRUF/LNP Protective Order is due solely to my capacity as Outside Counsel or Outside Consultant to a Participant or as a person described in paragraph 7 of the foregoing NRUF/LNP Protective Order and agree that I will not use such information in any other capacity.

I acknowledge that it is my obligation to ensure that NRUF/LNP Confidential Information is not duplicated except as specifically permitted by the terms of the Protective Order and to ensure that there is no disclosure of NRUF/LNP Confidential Information in my possession or in the possession of those who work for me, except as provided in the Protective Order.

I certify that I have verified that there are in place procedures at my firm or office to prevent unauthorized disclosure of NRUF/LNP Confidential Information.

Capitalized terms used herein and not otherwise defined shall have the meanings ascribed to them in the NRUF/LNP Protective Order.

Executed this ___ day of _____, 20___.

_____

[Name]

[Position]

[Address]

[Telephone]

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 26-125
Released: February 5, 2026

APPLICATIONS OF AT&T MOBILITY II LLC AND ECHOSTAR CORPORATION FOR CONSENT TO ASSIGN LICENSES

NRUF REPORTS AND LNP REPORTS PLACED INTO THE RECORD, SUBJECT TO THE PROTECTIVE ORDER

WT Docket No. 25-303
CC Docket No. 99-200

In connection with the Commission's review of the applications seeking Commission consent to assign EchoStar's 3.45 GHz and 600 MHz spectrum licenses to AT&T (collectively, the Applicants), the Commission is examining information contained in the biannual Numbering Resource Utilization and Forecast (NRUF) reports filed by wireless telecommunications carriers,[1] carrier-specific local number portability (LNP) data related to wireless telecommunications carriers, and further disaggregated monthly carrier-specific local number portability data (Carrier-to-Carrier LNP Data) related to wireless telecommunications carriers. These data may assist the Commission in assessing the competitive effects of the transaction. Accordingly, the NRUF reports for all wireless telecommunications carriers for December 2024 and the monthly LNP reports for all wireless telecommunications carriers for January 2024 through December 2024 are being placed in the record in these proceedings, subject to the provisions of a protective order.[2] Future NRUF and LNP reports will be placed in the record in these proceedings, subject to the provisions of a protective order, as they become available.

Section 251 of the Communications Act grants the Commission jurisdiction over the North American Numbering Plan (NANP) and related telephone numbering issues.[3] To monitor better the way numbering resources are used within the NANP and allocate NANP resources efficiently, the Commission requires telecommunications carriers to provide the Commission with a utilization report of their current inventory of telephone numbers and a five-year forecast of their numbering resource requirements.[4] LNP data are collected by the LNP Administrator and provided to the Commission.

The Commission has recognized that disaggregated, carrier-specific forecast and utilization data should be treated as confidential and should be exempt from public disclosure under 5 U.S.C. § 552(b)(4).[5] The NRUF and LNP reports are being placed into the record subject to the provisions of a protective order. As such, the NRUF and LNP data will not be available to the public except pursuant to the terms of the protective order, as outlined below.

[1] 47 CFR §§ 1.907, 52.5.

[2] A protective order will be adopted shortly.

[3] 47 U.S.C. § 251.

[4] 47 CFR § 52.15(f); *see Numbering Resource Optimization*, Report and Order and Further Notice of Proposed Rulemaking, 15 FCC Rcd 7574, 7578-79, para. 5 (2000) (*Numbering Report and Order*).

[5] *Numbering Report and Order*, 15 FCC Rcd at 7607, para. 78.

Persons seeking to review the NRUF and LNP data may do so only for purposes of participating in this proceeding. Pursuant to the protective order, outside persons participating or intending to participate in the proceeding who are not involved in competitive decision-making activities and who have signed the Acknowledgment of Confidentiality attached to the protective order may review the NRUF and LNP data. We emphasize that persons seeking to review the NRUF and LNP data must have adequate protections in place to prevent improper use or disclosure of the information.

Affected parties have until **February 17, 2026** to oppose the limited disclosure of their NRUF and LNP data pursuant to the protective order.[6] In addition, affected parties will have five business days after the filing of an acknowledgment of confidentiality to object to the release of their data to a particular person who requests permission to review it.

Filing Requirements. Interested parties may submit of filings and other documents, referencing WT Docket No. 25-303, on or before the date identified above. Filings may be submitted using the Commission's Electronic Comment Filing System (ECFS).

- 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 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. 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.

One copy of each filing must be delivered electronically, by email, or if delivered as paper copy, by messenger delivery, commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (according to the procedures set forth above for paper filings), to: (1) Susannah Larson, Wireless Telecommunications Bureau, at Susannah.Larson@fcc.gov; (2) Judith Dempsey, Office of Economics and Analytics, at Judith.Dempsey@fcc.gov; and (3) Joel Rabinovitz, Office of General Counsel, at Joel.Rabinovitz@fcc.gov. Any submission emailed to these individuals should include in the subject line of the email, for example: (1) WT Docket No. 25-303; (2) the name of the submitting party; and (3) a brief description or title identifying the type of document being submitted (e.g., WT Docket No. 25-303, Widget Corp., NRUF Objection).

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 & Government Affairs Bureau at (202) 418-0530 (voice).

This action is taken pursuant to sections 4(i) and 310(d) of the Communications Act, 47 U.S.C. §§ 154(i), 310(d), section 4 of the Freedom of Information Act, 5 U.S.C. § 552(b)(4), and authority

[6] If disclosure is opposed, the procedures set forth in 47 CFR § 0.461(i) shall apply.

delegated under section 0.331 of the Commission's rules, 47 CFR § 0.331, and is effective upon its adoption.

For further information regarding this proceeding, please contact Susannah Larson, Susannah.Larson@fcc.gov; Judith Dempsey, Judith.Dempsey@fcc.gov; or Joel Rabinovitz, Joel.Rabinovitz@fcc.gov.

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PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, DC 20554

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

DA 26-126
Released: February 5, 2026

WIRELINE COMPETITION BUREAU ANNOUNCES SAVAGE COMMUNICATIONS, FIBERLIGHT OF VIRGINIA, SOUTH CENTRAL CONNECT, SIUSLAW BROADBAND, AND SOUTHWEST ARKANSAS TELECOMMUNICATIONS & TECHNOLOGY OPEN CERTAIN MINNESOTA, VIRGINIA, ARKANSAS, OREGON, AND LOUISIANA RDOF CENSUS BLOCK GROUPS TO ELIGIBILITY FOR OTHER FUNDING PROGRAMS

AU Docket No. 20-34
WC Docket No. 19-126
WC Docket No. 10-90

By this Public Notice, the Wireline Competition Bureau (WCB or Bureau) announces that certain Rural Digital Opportunity Fund (RDOF) census block groups (CBG) are now eligible for other funding programs. Specifically, Savage Communications, Inc. (Savage) has notified the Commission of its decision to withdraw from the RDOF support program in the CBGs covered by its remaining authorized winning bids in Minnesota (study area code (SAC) 369052).[1] FiberLight of Virginia, LLC (FiberLight) has also notified the Commission of its decision to withdraw from the RDOF support program in the CBGs covered by its remaining authorized winning bids in Virginia (SAC 199031).[2] Additionally, South

[1] Letter from Scott Friedman, Counsel for Savage Communications, Inc., to Joseph Calascione, Chief, Wireline Competition Bureau, FCC, WC Docket No. 19-126 et al. (filed Nov. 19, 2025) (*Savage Withdrawal Letter*). In December 2021, Savage was authorized to receive $6,090,479.10 in RDOF support over 10 years to serve 4,541 model-estimated locations in Minnesota. *Rural Digital Opportunity Fund Support Authorized for 2,008 Winning Bids*, AU Docket No. 20-34 et al., Public Notice, 36 FCC Rcd 17198 (WCB/OEA 2021) (*Savage Authorization Public Notice*). In September 2025, WCB approved Savage's transfer of its remaining RDOF support and obligations associated with its non-defaulted RDOF CBGs to Midcontinent Communications. *Domestic Section 214 Application Granted for the Acquisition of Certain Assets of Savage Communications, Inc. by Midcontinent Media, Inc.*, WC Docket No. 25-507, Public Notice, DA 25-908 (WCB Sept. 26, 2025).

[2] Letter from Ron Kormos, Chief Strategy Officer, FiberLight, LLC, to Trent Harkrader, Chief, Wireline Competition Bureau, FCC, WC Docket No. 19-126 et al. (filed Aug. 13, 2024) (*FiberLight Withdrawal Letter*); Letter from Russell Blau and Kimberly Morning, Counsel to FiberLight, LLC and FiberLight of Virginia, LLC, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 10-90 et al. (filed Dec. 2, 2025) (*Supplement to FiberLight Withdrawal Letter*). FiberLight LLC assigned its winning bids to FiberLight. *Long-Form Applicants in the Rural Digital Opportunity Fund Phase I Auction (Auction 904)*, AU Docket No. 20-34 et al., Public Notice, 36 FCC Rcd 4140 (WCB/OEA 2021) (*Auction 904 Long-Form Applicants Public Notice*). In July 2022, FiberLight was authorized to receive $1,067,075.80 in RDOF support over 10 years to serve 3,038 model-estimated locations in Virginia. *Rural Digital Opportunity Fund Support Authorized for 1,605 Winning Bids*, AU Docket No. 20-34 et al., Public Notice, 37 FCC Rcd 8331 (WCB/OEA 2022) (*FiberLight Authorization Public Notice*). In January 2025, WCB approved FiberLight to transfer the RDOF support and obligations associated with one of its authorized CBGs to Central Virginia Services, Inc. d/b/a Firefly Broadband. *Domestic Section 214 Application Granted for the Acquisition of Certain Assets of FiberLight of Virginia, LLC by Central Virginia Services, Inc.*, WC Docket No. 24-688, Public Notice, 40 FCC Rcd 1094 (WCB 2025); *Streamlined Resolution of Requests Related to Actions by the Universal Service Administrative Company*, CC Docket No. 02-6 et al., Public Notice, 40 FCC Rcd 1970, 1987-88 (WCB 2025).

Central Connect, LLC (South Central Connect) has notified the Commission it will not fulfill its commitment to offer voice and broadband service to certain CBGs within its RDOF supported service area in Arkansas (SAC 409043).[3] Southwest Arkansas Telecommunications & Technology, Inc. d/b/a Four States Fiber (Four States Fiber) has also notified the Commission it will not fulfill its commitment to offer voice and broadband to certain CBGs within its RDOF supported service areas in Arkansas (SAC 409055) and Louisiana (SAC 279060).[4] Finally, Siuslaw Broadband, LLC dba Hyak (Hyak) has notified the Commission of its decision to withdraw from the RDOF program in Oregon (SAC 539024).[5] These carriers will be subject to non-compliance measures, as described below. Additionally, we refer Savage, South Central Connect, Four States Fiber, and Hyak's defaults to the Enforcement Bureau for further consideration.[6]

By announcing in this Public Notice that 1) Savage, FiberLight, and Hyak will not meet their RDOF obligations in the eligible census blocks covered by their remaining authorized winning bids in

[3] Letter from Todd B. Lantor, Counsel to South Central Connect, LLC, to Joseph Calascione, Chief, Wireline Competition Bureau, FCC, WC Docket No. 19-126 et al. (filed Dec. 31, 2025). The Rural Electric Cooperative Consortium assigned some of its Arkansas winning bids to South Central Connect. *Auction 904 Long-Form Applicants Public Notice*. In April 2022, South Central Connect was authorized to receive $20,040,966.40 in RDOF support over 10 years to serve 7,562 model-estimated locations in Arkansas. *Rural Digital Opportunity Fund Support Authorized for 1,345 Winning Bids*, AU Docket No. 20-34 et al., Public Notice, 37 FCC Rcd 4897 (WCB/OEA 2022) (*South Central Connect and Hyak Authorization Public Notice*). The Bureau also approved Four States Fiber's transfer of RDOF support and obligations associated with one CBG to South Central Connect covering 453 model-estimated locations. *Domestic Section 214 Application Granted for the Acquisition of Certain Assets of Southwest Arkansas Telecommunications and Technology, Inc. D/B/A Four States Fiber by South Central Connect, LLC*, WC Docket No. 24-92, Public Notice, 39 FCC Rcd 9519 (WCB 2024) (*South Central Connect Four States Fiber Transfer Public Notice*). South Central Connect is defaulting on 1,482 model-estimated locations in Arkansas. South Central Connect remains obligated to meet its RDOF commitments in the remaining CBGs in its RDOF supported area. 47 CFR § 54.802(c).

[4] Letter from Todd B. Lantor, Counsel to Southwest Arkansas Telecommunications and Technology, Inc. d/b/a Four States Fiber, to Joseph Calascione, Chief, Wireline Competition Bureau, FCC, WC Docket No. 19-126 et al. (filed Jan. 23, 2026). The Rural Electric Cooperative Consortium assigned some of its Arkansas and Louisiana winning bids to Four States Fiber *Auction 904 Long-Form Applicants Public Notice*. In February 2022, Four States Fiber was authorized to receive $47,605,335.30 in RDOF support over 10 years to serve 17,999 model-estimated locations in Arkansas and $5,738,170.20 in RDOF support over 10 years to serve 1,656 model-estimated locations in Louisiana. *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/OEA 2022) (*Four States Fiber Authorization Public Notice*). As noted above, the Bureau also approved Four States Fiber's transfer of RDOF support and obligations associated with one CBG to South Central Connect covering 453 model-estimated locations. *South Central Connect Four States Fiber Transfer Public Notice*. Four States Fiber is defaulting on 10,945 model-estimated locations in Arkansas and 1,567 model-estimated locations in Louisiana. Four States Fiber remains obligated to meet its RDOF commitments in the remaining CBGs in its RDOF supported areas. 47 CFR § 54.802(c).

[5] Letter from Todd B. Lantor, Counsel to Siuslaw Broadband, LLC dba Hyak, to Joseph Calascione, Chief, Wireline Competition Bureau, FCC, WC Docket No. 19-126 et al. (filed Jan. 12, 2026). In April 2022, Hyak was authorized to receive $1,611,684.90 in RDOF support over 10 years to serve 554 model-estimated locations in Oregon. *South Central Connect and Hyak Authorization Public Notice*.

[6] FiberLight coordinated with the Virginia Department of Housing and Community Development and as a result, the locations in the defaulted area were made eligible for the Broadband Equity, Access, and Deployment (BEAD) program to the extent they were otherwise eligible pursuant to the BEAD program rules and carriers were provisionally awarded BEAD funding to serve these locations. *See Supplement to FiberLight Withdrawal Letter* at 1-2 & Attach. A.

Minnesota, Virginia and Oregon,[7] and 2) South Central Connect and Four States Fiber will not meet their RDOF obligations in the identified census blocks within the defaulted CBGs in Arkansas and Louisiana, we take the necessary step to formally announce that the relevant census blocks are eligible for funding from other federal and state funding programs subject to the rules of the other programs, furthering our responsibility to coordinate with other agencies to maximize the deployment of high-quality broadband service across the United States.[8] To promote the efficient use of broadband funding, a number of funding programs make areas ineligible for broadband deployment funding where a service provider is already subject to an enforceable commitment to serve.[9] This announcement avoids leaving these areas

[7] The minimum geographic unit for bidding for RDOF was a CBG containing one or more eligible census blocks. *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, 6146, para. 213 (2020). Accordingly, a default must occur at the CBG level. While bidders were required to bid at the CBG level, they can only use their support to offer service in the eligible census blocks within those CBGs. *Id.*; *Rural Digital Opportunity Fund et al.*, WC Docket No. 19-126 et al., Report and Order, 35 FCC Rcd 686, 690-94, paras. 9-16 (2020) (*RDOF Order*).

[8] 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.*) (BICA) (requiring the Federal Communications Commission, the Department of Agriculture, and the National Telecommunications and Information Administration to "enter into an interagency agreement requiring coordination between the covered agencies for the distribution of funds for broadband deployment . . . ."). On June 25, 2021, the agencies announced that they had entered into an agreement. 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-sign-interagency-pact-broadband-funding-deployment. In an effort to further facilitate broadband deployment funding coordination, on May 9, 2022, the FCC, USDA, and NTIA entered into an interagency agreement with the Department of Treasury. 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).

[9] *See, e.g.*, Department of Commerce, National Telecommunications and Information Administration, Broadband Equity, Access, and Deployment (BEAD) Program Notice of Funding Opportunity at 36-37 & n.52 (May 13, 2022), https://broadbandusa.ntia.doc.gov/sites/default/files/2022-05/BEAD%20NOFO.pdf (BEAD Program NOFO) (explaining that any location that is already subject to an enforceable commitment for the deployment of qualifying broadband cannot be treated as unserved or underserved); Department of Commerce, National Telecommunications and Information Administration, Tribal Broadband Connectivity Program Round 2 Notice of Funding Opportunity at 10-11, 28 (July 27, 2023), https://www.ntia.gov/sites/default/files/2023-07/ntia-tbcp-round2-nofo.pdf ("A Tribal Government may not certify Tribal Lands covered under an Enforceable Buildout Commitment as defined [in the NOFO] . . ., as Unserved"); Department of Agriculture, Rural Utilities Service, Notice of Funding Opportunity for the Community Connect Grant Program for Fiscal Year 2025, 90 Fed. Reg. 1946, 1947 (Jan. 10, 2025) ("Areas already receiving Federal funding to construct terrestrial facilities providing at least 10 Mbps downstream and 1 Mbps upstream service in the project PFSA as of the date of this notice, and which have been reported to the Agency, are ineligible."); Department of Agriculture, Rural Utilities Service, Rural eConnectivity (ReConnect) Program Notice of Funding Opportunity, 89 Fed. Reg. 13035, 13036 (Feb. 21, 2024) (defining an enforceable commitment to mean "a legally enforceable obligation by any federal, state, or local agency, utilizing Federal Funds, to provide broadband service with speeds of at least 100 megabits per second (Mbps) downstream and 20 (Mbps) upstream"); Department of Treasury, Guidance for the Coronavirus Capital Projects Fund for States, Territories, and Freely Associated States, at 3-4 (Sept. 2021), https://home.treasury.gov/system/files/136/Capital-Projects-Fund-Guidance-States-Territories-and-Freely-Associated-States.pdf ("To the extent Recipients are considering deploying broadband to locations where there are existing enforceable federal or state funding commitments for reliable wireline service at speeds of at least 100 Mbps of download speed and 20 Mbps of upload speed, the Recipient should ensure that the Capital Projects Fund grant funding will not be used for costs that will be reimbursed by the

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unserved for the duration of the RDOF deployment terms,[10] because providers may now have access to alternative funding to serve these areas.

These carriers remain subject to all eligible telecommunications carrier (ETC) obligations unless and until they follow the relevant procedures to relinquish their designations.[11] Additionally, they cannot discontinue voice service without Commission approval.[12]

South Central Connect and Four States Fiber. In Attachment A, available here, we provide a list of all the RDOF eligible census blocks contained within the CBGs South Central Connect and Four States Fiber will not serve in Arkansas and Louisiana pursuant to their RDOF obligations. In addition, we will also update the Broadband Funding Map to remove these census blocks from South Central Connect and Four States Fiber's service areas.[13] Below, we provide a limited waiver of the Commission's non-compliance rules to adjust support to reflect that these areas will not be served. South Central Connect and Four States Fiber otherwise remain subject to RDOF non-compliance measures for failure to meet the terms and conditions of support, including support recovery for all unserved locations at the end of the deployment term.[14] We will continue to use the available tools to monitor South Central Connect and Four States Fiber compliance with the applicable deployment obligations in their remaining supported service areas.[15]

While South Central Connect and Four States Fiber notified the Commission that they will not serve the identified census blocks, they are not withdrawing from RDOF in Arkansas. The RDOF support program rules do not provide for partial withdrawals from the program. The Commission takes compliance with the terms and conditions of its high-cost programs seriously and imposes non-compliance measures if the requirements are not met.[16] South Central Connect and Four States Fiber remain subject to the program rules, including the applicable non-compliance measures,[17] for the duration of the support term except as explained below, and remain obligated to serve the eligible census blocks within the remaining CBGs in their supported service area with voice and broadband service meeting program requirements.

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other federal or state funding stream(s). That is, Capital Projects Fund grant funds must be used only for complementary purposes.").

[10] RDOF recipients authorized in 2021 and 2022 must offer the required service to 100% of their original location total by December 31, 2027 and December 31, 2028, respectively. *RDOF Order*, 35 FCC Rcd at 709, para. 45. If more locations than the original estimated are identified during the support term, recipients will have an additional two years to serve the additional locations subject to limited exceptions. *Id.* at 710, para. 49.

[11] 47 U.S.C. § 214(e)(4).

[12] 47 U.S.C. § 214(a); 47 CFR § 63.71.

[13] Federal Communications Commission, Broadband Funding Map, https://fundingmap.fcc.gov/home (last visited Feb. 4, 2026).

[14] *See, e.g.*, 47 CFR §§ 54.320(c), (d), 54.806(b), (c).

[15] *See, e.g.*, 47 CFR §§ 54.316, 54.320(d)(1).

[16] *See, e.g.,* 47 CFR §§ 54.320(c), (d), 54.806(b), (c); *Connect America Fund et al.*, WC Docket No. 10-90 et al., Report and Order, 29 FCC Rcd 15644, 15694-700, paras. 142-54 (2014) (*2014 Connect America Order*) (adopting a framework for support reductions, support recovery, and reporting obligations that are calibrated to the extent of a support recipient's non-compliance with service milestones); *RDOF Order*, 35 FCC Rcd at 710, para. 48 (explaining that compliance with RDOF deployment obligations would be determined at the state level).

[17] *See, e.g.*, 47 CFR §§ 54.320(c), (d), 54.806(b), (c).

On our own motion, we find good cause to waive in part sections 54.320(d) and 54.806(c)(1) of the Commission's rules for the census blocks identified in Attachment A consistent with precedent,[18] and instruct USAC to stop paying support for the identified census blocks pursuant to section 54.320(c) of the Commission's rules.[19] Consistent with previous precedent, we also provide a limited waiver of section 54.802(c)(1)(iii) of the Commission's rules to the extent South Central Connect and Four States Fiber would be required to serve upon reasonable request locations in the defaulted census blocks that are newly built after the Bureau adopts revised location totals for RDOF.[20] Generally, the Commission's rules may be waived for good cause shown.[21] 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.[22]

Despite our limited waivers, which are narrowly limited to stopping payments of future support for the identified census blocks and eliminating the requirement that South Central Connect and Four States Fiber serve newly built locations in the defaulted census blocks upon reasonable request, South Central Connect and Four States Fiber otherwise remain subject to section 54.320(d) and 54.806(c)(1) of the Commission's rules.[23] If South Central Connect and Four States Fiber fail to meet their interim service milestones by not serving the required number of locations based on their original authorized location totals, they will be placed in the associated non-compliance tier.[24] If the applicable non-compliance tier requires that we withhold an amount of support that exceeds the amount of support we have stopped paying for the identified census blocks, we will withhold an amount of additional support that equals the difference between: 1) the amount of support required to be withheld pursuant to section 54.320(d)(1), and 2) the amount of support we stopped paying for the identified census blocks.[25] If the

[18] *Wireline Competition Bureau Announces Certain RDOF and CAF II Auction Census Block Groups are Eligible for Other Funding Programs*, AU Docket No. 20-34 et al., Public Notice, 39 FCC Rcd 1474 (WCB 2024) (*Feb 2024 Post-Authorization Default Public Notice*).

[19] 47 CFR §§ 54.320(c), (d), 54.806(b), (c)(1). Section 54.320(c) of the Commission's rules states that support recipients that "fail to comply with public interest obligations or any other terms and conditions may be subject to further action, including . . . reductions in support amounts . . . ." 47 CFR § 54.320(c). Future monthly support payments will be reduced pro rata based on the number of locations associated with the CBGs that the support recipient is defaulting on and calculated as follows, subject to any applicable non-compliance tiers: ((total monthly authorized support/total authorized locations) x (total authorized locations – defaulted locations)). Subject to support withholding pursuant to any applicable non-compliance tiers, South Central Connect's new monthly support will be approximately $148,516 in Arkansas, and Four States Fiber's new monthly support amount will be approximately $143,528 in Arkansas and $2,569 in Louisiana.

[20] 47 CFR § 54.802(c)(1)(iii); *Wireline Competition Bureau Announces Lumen Technologies, Inc.'s Default on its RDOF Obligations in Four States and Also Announces Broadband Deployment Alignment Plan Procedures*, AU Docket No. 20-34 et al., Public Notice, 39 FCC Rcd 10360, 10364 n.22 (WCB 2024).

[21] 47 CFR § 1.3.

[22] *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) (*WAIT Radio)*) (*Northeast Cellular*).

[23] 47 CFR §§ 54.320(d), 54.806(c)(1).

[24] 47 CFR §§ 54.320(d)(1), 54.806(c).

[25] 47 CFR § 54.320(d)(1). As a simplified example, if a carrier receiving $100 per month in support is required to serve 100 locations and has indicated it will not serve eligible census blocks within CBGs covering 20 of those locations, we will reduce the carrier's ongoing monthly support by a pro rata amount to stop future payments for the defaulted census blocks so that the carrier is now receiving $80 per month (i.e., the Commission will no longer pay the $20 per month associated with the identified census blocks) (($100/100) x (100-20) = $80 a month). If the carrier is in non-compliance Tier 3 so that we are required to withhold 25% of support (i.e., $25; .25 x $100), we

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applicable non-compliance tier requires that we withhold less support than the amount of support we have stopped paying for the identified census blocks pursuant to our limited waiver, we will make no further adjustments to South Central Connect and Four States Fiber's monthly disbursements, i.e., we will withhold no support other than the support we stopped paying for the identified census blocks.[26] At the end of the deployment period, we will apply section 54.806(c)(1) to recover support for all unserved locations, including the locations covered by the identified census blocks.[27] Any additional issues related to the support recovery required by section 54.806(c)(1) of the Commission's rules will be addressed in a separate release.[28]

Savage, FiberLight, and Hyak. We consider Savage, FiberLight, and Hyak to have defaulted on their RDOF service milestones in Minnesota, Virginia, and Oregon. These carriers will receive no further RDOF auction support payments[29] and they are subject to support recovery and non-compliance measures consistent with the Commission's rules.[30] We will also remove their RDOF service areas from the Broadband Funding Map.[31]

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would withhold an extra $5 a month so that we are not paying the carrier $25 in total each month (i.e., $20 for the defaulted census blocks + $5 additional). If the carrier comes back into compliance so that it is entitled to have its support restored, we would only restore the additional monthly amount of support that we withheld (i.e., $5 a month) and would not restore the $20 we have stopped paying for the identified census blocks. 47 CFR § 54.320(d)(1)(iii).

[26] Assuming the same simplified example as in the prior footnote, if the carrier is in non-compliance Tier 2 so that we are required to withhold 15% a month (i.e., $15, .15 x $100), we would not withhold any additional monthly support since we have already stopped paying the carrier $20 a month for defaulted census blocks, and $20 exceeds the $15 we are required to withhold. 47 CFR § 54.320(d)(1)(ii).

[27] 47 CFR § 54.806(c)(1).

[28] *Id.*

[29] *See* 47 CFR § 54.804(c)(4) ("Authorization to receive Rural Digital Opportunity Fund support is conditioned upon full and timely performance of all of the requirements set forth in this section, and any additional terms and conditions upon which the support was granted."). *See also Savage Authorization Public Notice*, 36 FCC Rcd at 17198-208; *FiberLight Authorization Public Notice*, 37 FCC Rcd at 8331-38; *South Central Connect and Hyak Authorization Public Notice*, 37 FCC Rcd at 4897-905. After Savage, FiberLight, and Hyak notified WCB of their intent to withdraw from the RDOF support program, WCB instructed USAC to suspend their RDOF support payments. 47 CFR §§ 54.320(c), 54.806(b).

[30] 47 CFR §§ 54.804(c)(4), 54.320, 54.806(c). Savage, FiberLight, and Hyak's decision to withdraw from the RDOF support program and not pursue further support constitutes notification that they will not meet the final service milestone and that they will not come into compliance after a 12-month grace period or at any point during the support term. If a support recipient does not repay the required support recovery amount within six months of receiving an invoice from USAC, the Bureau will authorize USAC to draw on the support recipient's letter of credit. 47 CFR § 54.804(c)(4)(i). Carriers seeking relief from applicable support recovery measures have the option of submitting a request for waiver. 47 CFR § 1.3. Savage filed a petition for waiver of the required support recovery that remains pending. Savage Communications Petition for Review, WC Docket No. 19-126 et al. (filed Nov. 24, 2025).

[31] The census blocks covered by Savage, FiberLight, and Hyak's authorized winning bids are available on the "Results" tab of the Auction 904 website at https://www.fcc.gov/auction/904 in the document "Historical Authorized Auction 904 Long-Form Applicants Data."

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

ORDER

Adopted: February 5, 2026 **Released: February 5, 2026**

By the Chief, Wireline Competition Bureau:

I. INTRODUCTION

1. In this Order, the Wireline Competition Bureau (WCB or Bureau) dismisses and denies South Central Connect, LLC (South Central) and Union Telephone Company's (Union) Petition for Reconsideration of the Bureau's *High-Cost Fabric Order*.[1] The Bureau rejects South Central and Union's request to engage in an additional location adjustment process relying on the Federal Communications Commission's (Commission) Broadband Serviceable Location (BSL) Fabric (Fabric) for final required location buildout totals, and clarifies that WCB had already adopted the use of the Fabric to verify the Connect America Fund (CAF) Phase II auction carriers' compliance with their obligations.

2. The Bureau also grants in part and denies in part Tri-Co Connections, LLC's (Tri-Co) request for waiver of the support recovery required by section 54.320(d)(2) of the Commission's rules because, based on the Fabric, the actual number of locations in Tri-Co's CAF Phase II auction service area is lower than its required number of locations.[2] We deny Tri-Co's petition to the extent it seeks relief from the required support recovery if, based on the June 2026 Fabric, Tri-Co's service area includes 95% or more of the number of locations it is required to serve.[3] However, WCB grants Tri-Co's petition in part to the extent that the location discrepancy exceeds 5% based on the June 2026 Fabric and Tri-Co has served all actual locations. If this were to happen, Tri-Co is responsible for paying the required support recovery for the first 5% of locations that make up the discrepancy, and we waive section 54.320(d)(2) of the Commission's rules and reduce support on a pro rata basis for the remaining locations that make up the discrepancy.[4]

[1] South Central Connect, LLC and Union Telephone Company Petition for Reconsideration, WC Docket No. 10-90 et al. (filed Apr. 4, 2025) (South Central and Union Petition); *Connect America Fund et al.*, WC Docket No. 10-90 et al., Order, 40 FCC Rcd 281, 284-290, paras. 9-18 (WCB 2025) (*High-Cost Fabric Order*).

[2] Tri-Co Connections, LLC Petition for Waiver and for Modification of Defined CAF II Deployment Obligations, WC Docket No. 10-90 (filed July 2, 2025) (Tri-Co Petition).

[3] 47 CFR §§ 54.310(c)(2), 54.320(d)(2); *Connect America Fund et al.*, WC Docket No. 10-90 et al., Report and Order et al., 31 FCC Rcd 5949, 5965-66, 6017, paras. 44-47, 191 (2016) (*CAF Phase II Auction Order*).

[4] 47 CFR §§ 54.310(c)(2); 54.320(d)(2).

II. BACKGROUND

3. Carriers receiving support as a result of the CAF Phase II auction must offer voice and broadband service meeting the relevant performance requirements to a defined number of locations by certain interim service milestones.[5] The number of locations carriers are required to serve is based on the Connect America Cost Model's (CAM) estimate of how many locations are in the eligible census blocks in the carrier's service area, and compliance with service milestones is determined on a state-level basis—i.e., the Bureau will confirm a carrier is serving the required location totals across all of its eligible census blocks within a state, rather than on a census block-by-census block basis.[6] More specifically, CAF Phase II auction carriers must offer voice and broadband service meeting the relevant performance obligations to 40% of the required number of locations by December 31, 2022; 60% of the required number of locations by December 31, 2023; 80% of the required number of locations by December 31, 2024; and 100% of the required number of locations by December 31, 2025.[7]

4. Carriers are required to report the locations where they are offering service meeting the required performance obligations in the High Cost Universal Broadband (HUBB) portal and certify the data on an annual basis.[8] Anticipating that CAF Phase II auction support recipients might face unexpected obstacles in building out their networks, the Commission provided these carriers with the flexibility to deploy to 95% of their defined deployment obligation in a given state and repay a certain amount of support in lieu of being found in default.[9] Specifically, if a carrier elects to deploy to at least 95% but less than 100% of the required number of locations, its support is reduced by an amount equal to the number of locations not served multiplied by 1.89 times the average support amount per location in the state.[10]

5. The Commission takes compliance with the terms and conditions of the CAF Phase II auction support mechanism seriously and imposes non-compliance measures if the requirements are not met. For the final 100% service milestone, if a CAF Phase II auction carrier fails to serve at least 95% of its required number of locations, the Commission requires that the Bureau recover "an amount of support that is equal to 1.89 times the average amount of support per location received in the state over the six-year period for the relevant number of locations the [carrier] has failed to offer service to, plus 10 percent of the [carrier's] total [CAF] Phase II support received in the state over the six-year period for deployment."[11] Carriers must pay the required support recovery within six months after support recovery

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[5] 47 CFR § 54.310(a), (c); *CAF Phase II Auction Order*, 31 FCC Rcd at 5964, para. 40; *Connect America Fund et al.*, WC Docket No. 10-90 et al., Order, 35 FCC Rcd 109, 112, para. 9 (2020) (*CAF Phase II Auction Alignment Order*).

[6] *CAF Phase II Auction Order*, 31 FCC Rcd at 5966, para. 46.

[7] 47 CFR § 54.310(c); *CAF Phase II Auction Order*, 31 FCC Rcd at 5964, para. 40; *CAF Phase II Auction Alignment Order*, 35 FCC Rcd at 112, para. 9.

[8] 47 CFR § 54.316.

[9] 47 CFR § 54.310(c)(2); *CAF Phase II Auction Order*, 31 FCC Rcd at 5965-66, paras. 44-47.

[10] 47 CFR § 54.310(c)(2); *CAF Phase II Auction Order*, 31 FCC Rcd at 5965-66, paras. 44-47. The Commission determined that 1.89 is equivalent to "one-half the average support for the top five percent of the highest cost funded locations nationwide." *Connect America Fund et al.*, WC Docket No. 10-90 et al., Report and Order, 29 FCC Rcd 15644, 15660-61, para. 42 (2014) (*2014 Connect America Order*); *CAF Phase II Auction Order*, 31 FCC Rcd at 5966, para. 45.

[11] *CAF Phase II Auction Order*, 31 FCC Rcd at 6017, para. 191; 47 CFR § 54.320(d)(2). A CAF Phase II auction carrier has one year after the final service milestone to cure its non-compliance before we will initiate support recovery. 47 CFR § 54.320(d)(2).

is initiated, or the Bureau will direct the Universal Service Administrative Company (USAC or Administrator) to draw on the carrier's letter of credit.[12]

6. After the adoption of the CAF Phase II auction rules and prior to the auction, several parties sought clarification on whether the Commission would give funding recipients the opportunity to bring to the Commission's attention any discrepancies between the number of funded locations and the number of actual locations in a state.[13] To address these concerns, the Commission created a challenge process to facilitate adjustments to defined deployment obligations on a statewide basis and directed the Bureau to adjust support and implement procedures for the process.[14]

7. To participate in the CAF Phase II auction, the Commission required that bidders certify in their short-form applications that they had the sole responsibility for conducting due diligence.[15] The Commission specifically acknowledged that the number of required locations would be based on CAM estimates and emphasized that "[e]ach applicant should verify that it can identify enough locations within the eligible census blocks that it intends to include in its bids to be able to offer service meeting the relevant requirements to the required number of locations if it becomes a winning bidder and is authorized to receive" CAF Phase II auction support.[16]

8. Noting that it had adopted a location adjustment process for support recipients that "cannot identify enough locations to meet their state location totals" to "demonstrate that the number of actual, on-the-ground locations is lower than the number estimated by the CAM," the Commission in announcing procedures for the CAF Phase II auction explained that "[a]pplicants' due diligence should be informed by the availability of and requirements for this process, in addition to other factors."[17] The Commission stated that the due diligence certification would help ensure that a carrier would take responsibility for its bids and would "not attempt to place responsibility for the consequences of its bidding activity" on the Commission.[18]

9. *ELAP*. After the CAF Phase II auction, the Bureau adopted procedures for the Eligible Locations Adjustment Process (ELAP) consistent with the parameters set forth in the *CAF Phase II Auction Reconsideration Order* and prior Commission guidance for making adjustments to defined deployment obligations.[19] As directed by the Commission, the Bureau permitted CAF Phase II auction support recipients to participate in ELAP on a voluntary basis by submitting to the Commission certain

[12] 47 CFR § 54.315(c)(4)(i); *CAF Phase II Auction Order*, 31 FCC Rcd at 6017, para. 191.

[13] *Connect America Fund et al*., WC Docket No. 10-90 et al., Order on Reconsideration, 33 FCC Rcd 1380, 1389, para. 22 (2018) (*CAF Phase II Auction Reconsideration Order*); *see also* Request for Clarification or Partial Reconsideration of Southern Tier Wireless, Inc., WC Docket No. 10-90 et al., at 4-5 (filed July 20, 2016); Petition for Reconsideration of Broad Valley Micro Fiber Networks, Inc., WC Docket No. 10-90 et al., at 3 (filed July 20, 2016); Petition for Clarification or Reconsideration of Crocker Telecommunications, LLC, WC Docket No. 10-90 et al., at 3-4 (filed July 18, 2016).

[14] *CAF Phase II Auction Reconsideration Order*, 33 FCC Rcd at 1389-90, paras. 23-25 & n.62 (explaining that the "new support amount in the state would be reduced by (total state support/model locations) x number of deficient locations").

[15] *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 et al., Public Notice, 33 FCC Rcd 1428, 1472, para. 119. (2018) (*Auction 903 Procedures Public Notice*).

[16] *Id.* at 1471, para. 114.

[17] *Id.* at 1471-72, para. 114.

[18] *Id.* at 1472, para. 119.

[19] *See generally Connect America Fund*, WC Docket No. 10-90, Order, 34 FCC Rcd 10395 (WCB 2019) (*Locations Adjustment Order*).

location information (e.g., geocoordinates, addresses) for locations within their supported areas in a state, with an opportunity for stakeholders to challenge the information submitted.[20]

10. By August 3, 2021, the ELAP participant filing deadline, 25 participants reporting for 23 states submitted all required ELAP information.[21] On February 9, 2023, the Bureau released an order determining that each ELAP participant had met its burden of proof and modifying the obligations and support of each of these participants, state by state on a pro rata basis.[22]

11. *Fabric.* In July 2020 and January 2021, the Commission adopted rules establishing certain elements of the Fabric, consistent with the Broadband DATA Act.[23] The Broadband DATA Act defines the Fabric as the "common dataset of all locations in the United States where fixed broadband internet access service can be installed, as determined by the Commission,"[24] and directs that the Fabric "shall . . . serve as the foundation upon which all data relating to the availability of fixed broadband internet service . . . shall be reported and overlaid."[25] The Broadband DATA Act also requires the Commission to create a process whereby information included in the Fabric may be challenged by "consumers, State, local and Tribal government entities, and other entities or individuals."[26] In November 2021, the Commission awarded the contract for Fabric development to CostQuest Associates.[27] In April 2022, the Broadband Data Task Force, WCB, and the Office of Economics and Analytics (OEA) provided access to a preliminary version of the Fabric,[28] in June 2022 released the first production version of the Fabric,[29] and have continued to release updated versions of the Fabric every six months.[30]

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[20] *Id.* at 10397-10413, paras. 18-49.

[21] Connect America Fund Phase II Auction (Auction 903), "Summary of Eligible Locations Adjustment Process Prima Facie Participant Location Information by State and Study Area Code," https://www.fcc.gov/auction/903 (identifying participants) (ELAP Participant Summary).

[22] *See generally Connect America Fund*, WC Docket No. 10-90, Order, 38 FCC Rcd 1135 (WCB 2023) (*ELAP Resolution Order*). For details regarding these modifications, *see id*. at 1143-44, Attach.

[23] *Establishing the Digital Opportunity Data Collection; Modernizing the FCC Form 477 Data Program*, WC Docket No. 19-195 et al., Second Report and Order and Third Further Notice of Proposed Rulemaking, 35 FCC Rcd 7460, 7483-84, paras. 52-54 (2020) (*Second BDC Report and Order*); *Establishing the Digital Opportunity Data Collection; Modernizing the FCC Form 477 Data Program*, WC Docket No. 19-195 et al., Third Report and Order, 36 FCC Rcd 1126, 1175-77, paras. 126-32 (2021) (*Third BDC Report and Order*). In March 2020, Congress passed the Broadband DATA Act which requires the Commission to establish a semiannual collection of geographically granular fixed broadband availability data for publication on the National Broadband Map, adopt processes for the public to challenge that availability data and for accepting crowdsourced information, and create a comprehensive dataset of Broadband Serviceable Locations (BSL). Broadband Deployment Accuracy and Technological Availability Act, Pub. L. No. 116-130, 134 Stat. 228 (2020) (codified at 47 U.S.C. §§ 641-646) (Broadband DATA Act).

[24] 47 U.S.C. § 642(b)(1)(A)(i).

[25] 47 U.S.C. § 642(b)(1)(B)(ii).

[26] 47 U.S.C. § 642(b)(5)(A).

[27] *Broadband Data Task Force Announces Access to Preliminary Broadband Serviceable Location Fabric to Fixed Service Providers and Guidance for Filing Fixed Broadband Availability Data*, WC Docket No. 19-195 et al., Public Notice, 37 FCC Rcd 5046, 5048 (BDTF, OEA, WCB 2022) (*Preliminary Fabric Public Notice*).

[28] *See generally id.*

[29] *Broadband Data Task Force Announces the Availability of the Production Version of the Broadband Serviceable Location Fabric*, WC Docket No. 19-195 et al., Public Notice, 37 FCC Rcd 7537 (BDTF, WCB, OEA 2022).

[30] *See, e.g.*, *Broadband Data Task Force Announces Opening of Seventh Broadband Data Collection Filing Window and Release of Updated Broadband Serviceable Location Fabric*, WC Docket No. 11-10 et al., Public Notice, 40

(continued….)

12. In January 2025, the Bureau released an order adopting the use of the Fabric "for generally verifying compliance with high-cost program deployment obligations" for all high-cost programs.[31] The Bureau also adopted procedures for the location adjustment process using the Fabric for Rural Digital Opportunity Fund (RDOF), Bringing Puerto Rico Together Fund, the Connect USVI Fund, Alternative Connect America Cost Model (A-CAM) I, Revised A-CAM I, and A-CAM II carriers.[32] In a footnote, the Bureau explained that a location adjustment process for the CAF Phase II auction was outside the scope of the *High-Cost Fabric Order* because the Bureau had already conducted ELAP.[33]

13. *South Central and Union Petition for Reconsideration.* Union and the Rural Electric Cooperative Consortium (RECC), a bidding consortium of which South Central was a part, separately submitted short form applications to participate in the CAF Phase II auction pursuant to the program rules and were found qualified to bid.[34] Union and RECC (on behalf of South Central) then placed winning bids in the auction, each identifying the areas where it would like to provide service meeting the CAF Phase II auction obligations, the performance tier and level of latency at which it proposed to provide service, and the level of support it would need to offer voice and broadband service meeting the relevant performance obligations.[35] RECC then assigned certain of its winning bids to South Central.[36]

14. South Central and Union each filed a long-form application seeking to be authorized to receive support for winning bids in exchange for the deployment of voice and broadband to locations covered by its assigned winning bids.[37] In 2019, South Central was authorized to receive $2,826,047 in CAF Phase II auction support over 10 years to serve a model-estimated 566 locations in Arkansas.[38] Also in 2019, Union was authorized to receive $5,437,562 in CAF Phase II support over 10 years to serve a model-estimated 1,468 locations in Wyoming.[39] Neither South Central nor Union participated in ELAP.[40] The final CAF Phase II auction buildout deadline for each support recipient was December 31, 2025,[41] at which point all CAF Phase II support recipients were to have completed buildout to 100% of the locations in their winning bid areas, or to 100% of those locations as reduced by their participation in the ELAP.[42]

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FCC Rcd 4307 (BDTF 2025) (*Version 7 Fabric Public Notice*) (announcing the release of Version 7 of the Fabric to existing Fabric licensees).

[31] *High-Cost Fabric Order*, 40 FCC Rcd at 284-90, paras. 9-18.

[32] *Id.* at 290-310, paras. 19-70.

[33] *Id.* at 282, para. 2 n.3.

[34] *220 Applicants Qualified to Bid in the Connect America Fund Phase II Auction (Auction 903); Bidding to Begin on July 24, 2018*, AU Docket No. 17-182 et al., Public Notice, 33 FCC Rcd 6171 (WCB/WTB 2018) (*Auction 903 Qualified Bidders Public Notice*).

[35] *Auction 903 Procedures Public Notice*, 33 FCC Rcd at 1493, paras. 199-202.

[36] *134 Long-Form Applicants in the Connect America Fund Phase II Auction (Auction 903)*, AU Docket No. 17-182 et al., Public Notice, 33 FCC Rcd 10967 (WCB/WTB 2018) (*Auction 903 Long-Form Applicants Public Notice*).

[37] *Id.*

[38] *Connect America Phase II Auction Support Authorized for 459 Winning Bids*, AU Docket No. 17-182 et al., Public Notice, 34 FCC Rcd 3142 (WCB/OEA 2019).

[39] *Connect America Phase II Auction Support Authorized for 387 Winning Bids*, AU Docket No. 17-182 et al., Public Notice, 34 FCC Rcd 9406 (WCB/OEA 2019).

[40] *See* ELAP Participant Summary.

[41] 47 CFR § 54.310(c); *CAF Phase II Auction Alignment Order*, 35 FCC Rcd 109.

[42] *CAF Phase II Auction Alignment Order*, 35 FCC Rcd at 112, para. 9.

15. On April 4, 2025, South Central and Union filed what they styled a Petition for Reconsideration of the Bureau's *High-Cost Fabric Order*,[43] arguing that the Commission should use the Fabric both to generally verify high-cost obligations and for an additional location adjustment process for CAF Phase II auction location counts.[44] Petitioners assert that "the Bureau should reconsider its decision . . . to exclude CAF II support recipients from the processes and policies that will rely on the Fabric as the basis for verifying compliance with deployment obligations and for identifying broadband serviceable locations."[45]

16. *Tri-Co Petition for Waiver.* Tri County Rural Electric Cooperative, Inc. (Tri County Rural Electric), Tri-Co's parent company, submitted a short-form application to participate in the CAF Phase II auction pursuant to the program rules and was found qualified to bid.[46] Tri County Rural Electric then bid in the auction, identifying the areas where it would like to provide service meeting the CAF Phase II auction obligations, the performance tier and level of latency at which it proposed to provide service, and the level of support it would need to offer voice and broadband service meeting the relevant performance obligations.[47]

17. Tri Country Rural Electric successfully outbid another auction participant in certain areas in Pennsylvania.[48] Tri County Rural Electric then assigned all of its winning bids to Tri-Co.[49] Tri-Co filed a long-form application seeking to be authorized to receive support for winning bids in exchange for the deployment of voice and broadband to locations covered by its assigned winning bids.[50] In August 2019, Tri-Co was authorized to receive $32,326,228 in CAF Phase II auction support over 10 years to serve 7,015 locations in Pennsylvania.[51] Tri-Co did not participate in ELAP.[52]

18. In July 2025, Tri-Co filed a petition seeking waiver of the Commission's support recovery rules and to have its required location total adjusted downward to reflect the number of units in its service area based on the latest version of the Fabric.[53] Based on the version of the Fabric used for the Broadband Data Collection (BDC) reporting as of December 2025 (Version 8), in Tri-Co's CAF Phase II auction service area there are 6,635 units associated with BSLs that qualify for CAF Phase II auction support—i.e., approximately 94.5% of the 7,015 locations that Tri-Co is required to serve pursuant to its CAF Phase II auction obligations.[54]

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[43] *High-Cost Fabric Order,* 40 FCC Rcd at 284-290, paras. 9-18.

[44] South Central and Union Petition at 1-2.

[45] *Id.* at 5.

[46] *See generally Auction 903 Qualified Bidders Public Notice*, 33 FCC Rcd 6171.

[47] *Auction 903 Procedures Public Notice*, 33 FCC Rcd at 1493, paras. 199-202.

[48] *Connect America Fund Phase II Auction (Auction 903) Closes; Winning Bidders Announced; FCC Form 683 Due October 15, 2018*, AU Docket No. 17-182 et al., Public Notice, 33 FCC Rcd 8257, 8279, Attach. A (WCB/WTB 2018) (*Auction 903 Closing Public Notice*).

[49] *See generally Auction 903 Long-Form Applicants Public Notice*, 33 FCC Rcd 10967.

[50] *Id.*

[51] *Connect America Phase II Auction Support Authorized for 593 Winning Bids*, AU Docket No. 17-182 et al., Public Notice, 34 FCC Rcd 7081 (WCB/OEA 2019).

[52] *See* ELAP Participant Summary.

[53] *See generally* Tri-Co Petition.

[54] A BSL is a business or residential location in the United States at which fixed broadband Internet access service is, or can be, installed. High-cost carriers are required to serve housing units and small businesses, i.e., businesses to which mass market services will be made available. CostQuest Associates, Inc., Connect America Cost Model (continued….)

19. Tri-Co argues it should not be subject to the required support recovery for failure to serve the required number of locations because there are not enough actual locations to serve the required number of locations, it has served "nearly 98%" of actual locations, and the "policy objective" of the CAF Phase II auction "is to support and ensure the deployment of broadband services to all serviceable locations."[55] Tri-Co references the Bureau's decision to allow Rural Broadband Experiment (RBE) carriers to reduce their required location total to the "number of actual locations that they had identified," arguing that this was an example of the Bureau finding "that it does not serve the public interest to penalize High-Cost support recipients for their inability to deploy their broadband facilities to serve locations that are identified by the CAM but that, in fact, do not exist."[56]

20. Tri-Co also claims that if it has to pay the required support recovery, "the company would be forced to recoup the lost support from its rural customers," many of which "fall below the national poverty level," and that the support recovery would "have a crippling effect on Tri-Co"[57] Tri-Co argues that it would be "equitable" to allow Tri-Co to adjust its location total because it adopted similar processes for the RDOF and other high-cost programs, and that the Bureau "should accept the data from its own Fabric and acknowledge that the CAM data significantly overstates Tri-Co's actual [CAF Phase II auction] serviceable locations" given the Bureau's intention to verify high-cost support recipients' compliance with Fabric data.[58]

21. Tri-Co also claims that ELAP was a voluntary process that occurred early on in the deployment term without the benefit of the Fabric.[59] Because Tri-Co can now more easily demonstrate the number of actual locations in its service area using the Fabric, Tri-Co seeks the "same relief that is being afforded to RDOF support recipients" for which the Bureau decided it would find good cause to waive service milestones if RDOF providers can demonstrate there are not enough actual locations in their service areas to meet the service milestones.[60] Tri-Co also later expressed concern that imposing support recovery in this situation "could prove detrimental" to Tri-Co's "future broadband funding opportunities," given that many funding programs "consider an applicant's compliance with prior broadband buildout obligations when deciding how to allocate program funding."[61]

III. DISCUSSION

A. South Central and Union Petition for Reconsideration

22. We dismiss the Petition for Reconsideration's request that the Commission should use the Fabric to verify high-cost obligations in the CAF Phase II proceeding, and we deny the request for an

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(CACM): Model Methodology 12-15 (Dec. 22, 2014), https://www.fcc.gov/sites/default/files/CAM-Methodology-V4-2.pdf (CAM Methodology). We use "location" throughout this Order to refer to the number of units associated with a housing unit or small business BSL in the Fabric. Tri-Co originally asserted in its petition that Version 6 of the Fabric showed 5,985 BSLs or approximately "16% fewer locations than originally identified by the CAM," and later acknowledged that Version 6 identified 6,952 units associated with these BSLs. Tri-Co Petition at 4; Letter from Todd B. Lantor, Counsel to Tri-Co Connections, LLC, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 10-90 (filed July 10, 2025) (Tri-Co July 10, 2025 *Ex Parte* Letter).

[55] Tri-Co Petition at 6-9.

[56] *Id.* at 7-8. *See also* Tri-Co July 10, 2025 *Ex Parte* Letter at 2.

[57] Tri-Co Petition at 6, 8.

[58] *Id.* at 9-10.

[59] *Id.* at 10-11.

[60] *Id.* at 11.

[61] Tri-Co July 10, 2025 *Ex Parte* Letter at 2.

additional location adjustment process for CAF Phase II auction location counts relying on the Fabric.[62] Initially, the Bureau has already noted in the *High-Cost Fabric Order* that it intends to rely on the Fabric to verify all high-cost buildout obligations, and thus no reconsideration is needed to accomplish that reliance.[63] Second, though this Petition is framed as a Petition for Reconsideration of the 2025 *High-Cost Fabric Order*, it is instead an untimely request for reconsideration of the 2019 *Locations Adjustment Order* that established the ELAP mechanism by which CAF Phase II auction locations counts could be adjusted.[64] The *Locations Adjustment Order* set forth the ELAP process for revising location counts for CAF Phase II auction participants, so creating a new location adjustment for CAF Phase II was not within the delegation that authorized the *High-Cost Fabric Order* in 2025. The reference to CAF Phase II in footnote three of the *High-Cost Fabric Order* did not re-open the issue of a CAF Phase II auction location adjustment process, but merely stated that the location adjustment process for CAF II had already occurred.[65] We further note that the statement in the *High Cost Fabric Order* that the Fabric would be used to verify compliance with deployment obligations for all high-cost mechanisms also did not re-open the issue of a location adjustment process for CAF Phase II.[66]

23. Petitioners, like all CAF Phase II auction participants, certified prior to the auction that they had performed due diligence on the areas in which they were placing their bids to determine whether they could fulfill the program requirements in those areas.[67] ELAP was held two years after petitioners were authorized to begin receiving CAF Phase II support. Petitioners could have used that time to continue their due diligence in investigating whether there were sufficient locations in their winning bid areas to fulfill their CAF Phase II auction commitments, and if they had determined that there were insufficient locations, ELAP would have relieved them of obligations they were unable to meet due to realities on the ground.

24. The rationales that petitioners offer for not participating in ELAP are typical business decisions, not changed circumstances, and do not persuade us to give petitioners another opportunity to reduce their location totals without the full required support recovery.[68] While Petitioners emphasize that ELAP was voluntary,[69] it was voluntary in the sense that those participants that had determined that there were sufficient locations to meet their obligations need not participate—but those participants that had fewer locations than estimated and that desired to avoid the full support recovery were on notice of the need to participate in ELAP. In choosing not to participate in ELAP, a CAF Phase II auction participant

[62] Public notice is not required under section 1.429(e) of the Commission's rules (which requires publishing in the Federal Register "public notice" of a petition for reconsideration's filing, 47 CFR §§ 1.3, 1.429(e)) because the petition is untimely and outside the scope of the *High-Cost Fabric Order*, and it was not "timely filed in proper form."

[63] *High-Cost Fabric Order*, 40 FCC Rcd at 284-90, paras. 9-18.

[64] *See Locations Adjustment Order*, 34 FCC Rcd. at 10397-10413, paras. 18-49; 47 CFR § 1.429(d).

[65] *High-Cost Fabric Order,* 40 FCC Rcd at 282, para. 2 n.3.

[66] *Id.* at 284-90, paras. 9-18.

[67] 47 CFR § 54.315(a)(2); *Auction 903 Procedures Public Notice*, 33 FCC Rcd at 1471-73, paras. 112-20.

[68] South Central and Union Petition at 4, n.15 (noting that at the time of ELAP, Union was participating in equipment replacement related to the Secure and Trusted Communications Networks Act of 2019, experiencing employee turnover, and maintaining operations during the COVID-19 pandemic. South Central states that it did not anticipate a substantial discrepancy between its CAF Phase II estimated locations and the locations it was identifying on the ground, so it could not justify the "considerable resources that would be needed to participate in ELAP.").

[69] *Locations Adjustment Order,* 34 FCC Rcd at 10397-10413, paras. 18-49; South Central and Union Petition at 4 and 10.

also elected the option to receive support for any new locations constructed between the time of ELAP and the end of the term. Further, it would be contrary to the public interest and undermine future analogous processes if we were to say now that ELAP was not a needed process for those who wished to reduce their location obligations—participants that did take part in ELAP spent significant time and resources correcting their obligations, lost any option to receive support for any newly constructed locations, and received reduced ongoing support.

25. CAF Phase II auction support recipients were also granted flexibility to serve at least 95% of the model locations, rather than a 100% service requirement.[70] The Commission previously considered and rejected a petition to increase that flexibility in the *CAF Phase II Auction Reconsideration Order*, noting that the 95% flexibility was the right measure to encourage auction participation without incentivizing stranded unserved locations.[71] The Commission reasoned that 95% flexibility allowed just enough flexibility that an auction participant would still plan its buildout to serve 100% of locations and would only rely on the 5% flexibility if unavoidable.[72]

26. Furthermore, petitioners did not raise the issue of additional CAF Phase II auction location adjustments during the comment period for the *High-Cost Fabric Order*. After not performing adequate due diligence prior to the auction, not participating in ELAP, not commenting during the period when the *High-Cost Fabric Order* was under consideration, and waiting until mere months before the final buildout deadline of the multi-year CAF Phase II process to suggest an additional location adjustment process, the Petition for Reconsideration is not only untimely but also beyond the scope of the *High Cost Fabric Order* and is therefore denied.[73] In the event that South Central and Union file Petitions for Waiver seeking relief similar to that granted to Tri-Co below, those Petitions would be considered on their own merits.[74]

B. Tri-Co Petition for Waiver

27. Generally, the Commission's rules may be waived for good cause shown.[75] 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.[76]

28. We find good cause to grant Tri-Co's petition in part, but we also deny Tri-Co's petition in part. Specifically, we find that to the extent that Tri-Co serves all actual locations within its CAF Phase II auction service area and there is a discrepancy between the actual number of locations in Tri-Co's CAF Phase II auction service area based on the version of the Fabric for reporting June 30, 2026 BDC data (June 2026 Fabric) and the required number of locations, we will reduce support as follows. For the first 5% of locations that make up the discrepancy, we will reduce Tri-Co's support based on the

[70] *CAF Phase II Auction Order*, 31 FCC Rcd at 5966, para. 45.

[71] *CAF Phase II Auction Reconsideration Order*, 33 FCC Rcd at 1393-4, paras. 32-25.

[72] *Id.*

[73] 47 CFR § 1.429(l)(5).

[74] South Central also submitted a petition for waiver seeking similar relief, but later withdrew it after it determined based on a later version of the Fabric that there was no longer a location discrepancy between the Fabric and its CAF Phase II auction required location total. South Central Connect, LLC Petition for Waiver and for Modification of Defined CAF II Deployment Obligations, WC Docket No. 10-90 (filed Apr. 21, 2025); Motion to Withdraw Petition for Waiver and for Modification of Defined CAF II Deployment Obligations, WC Docket No. 10-90 (filed July 22, 2025).

[75] 47 CFR § 1.3.

[76] *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)).

average support per location in the state times 1.89 for the number of locations between the actual locations and required locations consistent with the 95% flexibility option the Commission adopted for CAF Phase II auction carriers.[77] Thus, we effectively deny Tri-Co's petition in part to the extent it would seek to instead reduce its support on a pro rata basis for those locations within the 5% threshold. However, to the extent that more than 5% of locations do not exist in Tri-Co's service area based on the June 2026 Fabric and Tri-Co has served all actual locations, we will reduce Tri-Co's support on a pro rata basis for the number of locations that exceed the 5%. Thus, we grant Tri-Co's petition in part for any locations that exceed the 5% if these circumstances occur.[78]

29. The fact that Tri-Co has now discovered a discrepancy between the CAM-estimated location total and the actual locations in its CAF Phase II auction service area is not a special circumstance that warrants the full relief that Tri-Co requests.[79] The Commission emphasized prior to the auction that such discrepancies could occur and adopted a specific approach for addressing these discrepancies.[80] CAF Phase II auction carriers participated in the auction fully on notice regarding these terms and conditions of the program and made a due diligence certification in their short-form applications prior to bidding.[81] First, the Commission emphasized that carriers were responsible for conducting due diligence prior to bidding to identify where there may be discrepancies so that they could bid strategically.[82] Second, the Commission adopted ELAP to give carriers an opportunity to have their

[77] As a simplified example, if a carrier is required to serve 100 locations and receives $1,000 in 10-year CAF Phase II auction support, but there are only 97 actual locations within the carrier's service area and the carrier serves all 97 locations, we would reduce the carrier's support by $56.70 as follows: (($1,000/100) x 1.89 x 3 locations) = $56.70; $1,000- $56.70= $943.30.

[78] As a simplified example, if a carrier is required to serve 100 locations and receives $1,000 in 10-year CAF Phase II auction support, but there are only 93 actual locations (5 locations within the 5% threshold and 2 locations outside of the 5% threshold) within the carrier's service area and the carrier serves all 93 locations, we would reduce the carrier's support by as follows: 1) 95% calculation: (($1,000/100) x 1.89 x 5 locations) = $94.50; 2) pro rata calculation: (($1,000/100) x 2 locations) =$20; 3) support reduction: ($1,000- ($94.5 + $20)) =$885.50. It is unclear whether Tri-Co is also seeking waiver of a pro rata support reduction if there is a location discrepancy. Tri-Co Petition at 1 (seeking a general waiver of the Commission's CAF Phase II auction "default rules" and citing 47 CFR § 54.320(d)(2)). To the extent Tri-Co is seeking waiver of the pro rata support reduction, we deny that request for the reasons we discuss in this order.

[79] Tri-Co Petition at 6-7.

[80] *See, e.g.*, *CAF Phase II Auction Order*, 31 FCC Rcd at 5965-66, paras. 44-46; *CAF Phase II Auction Reconsideration Order,* 33 FCC Rcd at 1389-90, paras. 23-25; *Auction 903 Procedures Public Notice*, 33 FCC Rcd at 1471-72, para. 114.

[81] *Auction 903 Procedures Public Notice*, 33 FCC Rcd at 1471-72, paras. 111-19.

[82] *See, e.g.*, *CAF Phase II Auction Reconsideration Order,* 33 FCC Rcd at 1390, 1392, paras. 25, 32 (explaining "[b]ecause compliance will be determined on a state-wide basis, the bidder can identify additional locations in the other eligible census blocks within the census block group or choose to bid on additional census block groups where it is able to identify more locations in eligible census blocks than the CAM had identified to meet its statewide total"; and emphasizing "applicants are required to conduct the necessary due diligence prior to submitting their short-form applications, including identifying locations they will serve within the eligible areas, so that they can certify that they will be able to meet the relevant public interest obligations when they submit their applications"); *Auction 903 Procedures Public Notice*, 33 FCC Rcd at 1471-72, paras. 111, 114 (requiring bidders to make a due diligence certification and explaining that as part of this due diligence "[e]ach applicant should verify that it can identify enough locations within the eligible census blocks that it intends to include in its bids to be able to offer service meeting the relevant requirements to the required number of locations if it becomes a winning bidder and is authorized to receive [CAF] Phase II [auction] support"); *CAF Phase II Auction Order*, 31 FCC Rcd at 5966, para. 47 ("Potential bidders are responsible for undertaking the necessary due diligence in advance of bidding to identify

(continued….)

support and obligations adjusted to account for discrepancies.[83] Third, the Commission retained the 95% flexibility for ELAP participants so that they could address any unforeseen circumstances, including any location discrepancies that may appear after ELAP had concluded.[84] Finally, the Commission made clear that carriers that did not serve 100% of their required number of locations would be subject to support recovery determined using an objective calculation.[85]

30. We are not convinced that Tri-Co presents any special circumstances justifying deviation from the terms and conditions of the program to which it and its parent company agreed. Tri-Co argues such special circumstances derive from the fact that it can now more easily substantiate the discrepancy due to the availability of the Fabric.[86] In fact, the location discrepancy does not constitute "circumstances beyond its control," because Tri-Co could have taken earlier steps to address the fact that its required location total was based on older data that did not accurately depict the facts on the ground.[87]

31. Tri-Co does not explain whether it conducted the required due diligence prior to bidding so that it could have made strategic decisions in deciding where to bid and how much support to bid for. Moreover, Tri-Co does not provide much explanation for why it "opted not to participate in ELAP" other than to suggest that ELAP occurred too early in the support term and without the benefit of being able to use the Fabric.[88] There is no indication that Tri-Co raised concerns when the location adjustment process was adopted prior to the auction or when the Bureau was soliciting feedback for ELAP. And finally, despite being on notice that Tri-Co would be subject to an objective support recovery calculation if it chose not to participate in ELAP and a discrepancy was later found,[89] Tri-Co now claims that the support recovery would be too expensive when applied to its specific circumstances.[90]

32. We also find that it would not serve the public interest to grant the full relief that Tri-Co requests. Such an approach would undermine auction integrity. Carriers may have bid differently in the auction if they had known they could forgo participating in ELAP without being subject to the 95%

(Continued from previous page)
particularly problematic census blocks when they are preparing their bids and have the option of not including such blocks in their bids.").

[83] *Phase II Auction Reconsideration Order,* 33 FCC Rcd at 1389-90, paras. 23-25.

[84] *Id.* at 1389, para. 23, n.61. *See also Connect America Fund*, WC Docket No. 10-90, Order, 40 FCC Rcd 3257, 3268-69, para. 22 (WCB 2025) (*2025 ELAP Order*) ("The Commission plainly established the 5% flexibility as a built-in mechanism to allow for necessary location adjustments later in the deployment plan . . . .").

[85] 47 CFR §§ 54.310(c)(2), 54.320(d); *CAF Phase II Auction Order*, 31 FCC Rcd at 5965-66, 6017, paras. 44-46, 191.

[86] Tri-Co Petition at 7, 11.

[87] *Id.* at 6. *See also Connect America Fund*, WC Docket No. 10-90, Order, 36 FCC Rcd 15428, 15438, para. 23 (WCB 2021) (*ELAP Reconsideration Order*) ("Without a more fulsome demonstration that their alleged location shortages were the result of unforeseeable circumstances and could not be reasonably anticipated at the time of bid placement, we are not persuaded that [the petitioning parties] could not have factored at least some of the location discrepancy . . . into their bids.").

[88] Tri-Co Petition at 3, 11.

[89] 47 CFR §§ 54.310(c)(2), 54.320(d); *CAF Phase II Auction Order*, 31 FCC Rcd at 5965-66, 6017, paras. 44-46, 191. *See also ELAP Reconsideration Order*, 36 FCC Rcd at 15436, para. 16 ("[CAF] Phase II auction support recipients risk default if they choose not to participate in ELAP and fail to build out to at least 95% of the requisite number of funded locations, providing sufficient motivation to participate in ELAP and to accurately identify and serve every qualifying actual location in the state as of the end of their build-out period.").

[90] *See, e.g.*, Tri-Co Petition at 6, 8; Tri-Co July 10, 2025 *Ex Parte* Letter at 1-2.

flexibility support recovery in circumstances where there was a location discrepancy.[91] Moreover, it would be inequitable to grant Tri-Co's requested relief and recover support from Tri-Co as if it had participated in ELAP. Carriers with fewer locations in their service areas that did comply with the terms and conditions of the program and participated in ELAP went through a resource-intensive process that they may not have otherwise participated in if they knew they could later request the same relief.[92]

33. In addition to avoiding the burdens of this process, Tri-Co also was able to obtain certain other advantages by not participating in ELAP as compared to those carriers that did participate. If Tri-Co had participated in ELAP, the Bureau would have reduced its support on pro rata basis more than two and a half years ago.[93] By making the business decision to not participate in ELAP, Tri-Co was able to take advantage of an interest free loan from the Commission by retaining its full support for two and a half additional years. In addition, in the event that more locations were later built in its service area, Tri-Co by forgoing ELAP was giving itself the opportunity to retain support that it would have had to forgo if it had participated in ELAP. While we acknowledge that ELAP was a voluntary process in that no carrier was required to seek a location adjustment, carriers were on notice that if they did not conduct the required due diligence and then participate in ELAP, they would be subject to the applicable support recovery if there was a location discrepancy.[94]

34. By not participating in ELAP, Tri-Co made the business decision to take on the risk of potential support recovery if it could not later identify enough locations to serve, and we find that it should be subject to the minimum terms and conditions that Tri-Co knew would be applicable at the time it decided to take on that risk. At a minimum, Tri-Co knew that it would be subject to the support recovery associated with the 95% flexibility option if it could not identify enough locations to serve.[95] In adopting the 95% support recovery option, the Commission recognized that CAF Phase II auction carriers were similarly situated to price cap carriers that accepted CAF Phase II model-based support in that they would face certain "unforeseeable challenges to meeting [their] obligations" due to "facts on the ground" that "may necessitate some flexibility regarding the number of locations,"[96] which the Commission had previously identified included the "variance between the number of funded locations as specified by the [CAM] and the actual number of locations in a given area" and changes in the number of locations over time.[97]

35. In addressing such issues, the Commission found that applying a multiplier of 1.89 to the required support recovery was a reasonable proxy to account for the fact that a carrier will have served fewer than the number of locations it had agreed to serve in exchange for receiving its authorized support amount.[98] Thus, we find it serves the public interest to enforce the terms and conditions that the

[91] *See, e.g.*, *Connect America Fund et al.*, WC Docket No. 10-90 et al., Order, 39 FCC Rcd 12627, 12636, para. 23 (WCB 2024); *Connect America Fund et al.*, WC Docket No. 10-90 et al., Order, 40 FCC Rcd 5984, 5991, para. 18 (WCB 2025); *Connect America Fund et al.*, WC Docket No. 10-90 et al., Order, DA 25-845, at 6, para. 14 (WCB Sept. 12, 2025). *See also 2025 ELAP Order*, 40 FCC Rcd at 3274-75, para. 36 ("The Commission has deemed the fairness and integrity of past auction processes an essential consideration when considering retroactive changes to the terms and conditions under which bidders placed bids and accepted support . . . .").

[92] *See generally Locations Adjustment Order,* 34 FCC Rcd 10395.

[93] *See generally ELAP Resolution Order*, 38 FCC Rcd 1135.

[94] 47 CFR §§ 54.310(c)(2), 54.320(d); *Auction 903 Procedures Public Notice*, 33 FCC Rcd at 1471-72, para. 114; *CAF Phase II Auction Order*, 31 FCC Rcd at 5965-66, 6017, paras. 44-46, 191.

[95] 47 CFR § 54.310(c)(2); *CAF Phase II Auction Order*, 31 FCC Rcd at 5965-66, paras. 44-46.

[96] *CAF Phase II Auction Order*, 31 FCC Rcd at 5965, para. 44.

[97] *2014 Connect America Order*, 29 FCC Rcd at 15659, para. 38.

[98] *Id.* at 15660-61, paras. 42-43; *CAF Phase II Auction Order*, 31 FCC Rcd at 5966, para. 45.

Commission intended to apply to all CAF Phase II auction carriers regardless of their reason for not serving the required number of locations and subject Tri-Co to the same 95% support recovery. Accordingly, if the June 2026 Fabric shows that there are fewer actual locations than Tri-Co is required to serve, but the number of actual locations is at least 95% of the required number of locations, and Tri-Co has served all of the actual locations, pursuant to section 54.310(c)(2) of our rules we will reduce Tri-Co's support by 1.89 times the average support amount per location in the state for the number of locations within the discrepancy between Tri-Co's required location total and the number of locations as shown by the Fabric.[99] We will rely on the June 2026 Fabric because we find it is a good balance between providing time for Tri-Co to make any challenges to the Fabric prior to this version being released but also to make any adjustments to its plans prior to the end of the cure period, if necessary. We note that Tri-Co has had the opportunity to make challenges to the Fabric for several years.[100]

36. We disagree that the Bureau's decision to find that it served the public interest to allow RBE carriers to seek an adjustment to their location totals is controlling here, or that it is inequitable to require Tri-Co to be subject to the 95% flexibility option when RDOF carriers or other funding recipients have the opportunity to adjust their location totals towards the end of their deployment term.[101] The Bureau has consistently explained that decisions the Commission or Bureau makes regarding the terms and conditions of one funding program are not necessarily applicable to another program because "these programs were established under different circumstances, with different requirements, with different risks and consequences, and implemented at different times," and applicants of different support programs "did not compete for support to serve the same high cost areas and therefore, did not face competitors that had received competitive advantages arising out of the participation in another program."[102]

37. For example, for the RBEs, some of the factors contributing to the Bureau's decision to allow carriers to seek a location adjustment are not applicable to the CAF Phase II auction, including the fact "RBE recipients received support pursuant to a nascent program designed to identify limitations of the CAM, did not receive specific notice of the CAM limitations at the time of bid placement, and in general, did not have the flexibility afforded other recipients of CAM-based support because their deployment obligations were not defined at the state level (as were the obligations of CAF Phase II support recipients and electing price cap carriers)."[103] RBE carriers were also at risk for having their letter of credit drawn if they missed serving even one of their required locations.[104] Similarly, for RDOF, the Bureau has declined requests "to selectively apply to [CAF] Phase II auction support recipients only those parts of [RDOF] that could potentially provide a financial benefit without imposing correlated parts of the program that may increase financial costs," including that RDOF bidders took on the risk that they may have to serve more than the required number of locations if there were more actual locations identified in their service areas near the end of the deployment term and the requirement that they serve certain

[99] 47 CFR § 54.310(c)(2).

[100] *See, e.g.*, *Broadband Data Task Force Announces the Start of the Broadband Serviceable Location Fabric Bulk Challenge Process*, WC Docket Nos. 19-195, 11-10, Public Notice, 37 FCC Rcd 10140 (BDTF/WCB/OEA 2022).

[101] Tri-Co Petition at 7-11.

[102] *2025 ELAP Order*, 40 FCC Rcd at 3271, para. 29.

[103] *Connect America Fund et al.*, WC Docket No. 10-90 et al., Order, 37 FCC Rcd 115, 120, para. 11 (WCB 2022) (*Skybeam and Midwest Waiver Order*). *See also Connect America Fund et al.*, WC Docket No. 10-90 et al., Order, 37 FCC Rcd 12328, 12331-32, para. 9 (WCB 2022) (*Douglas Services Waiver Order*).

[104] *Connect America Fund et al.*, WC Docket No. 10-90 et al., Report and Order and Further Notice of Proposed Rulemaking, 29 FCC Rcd 8769, 8799-8800, paras. 92-93 (2014). *See also Skybeam and Midwest Waiver Order*, 37 FCC Rcd at 120, para. 11; *Douglas Services Waiver Order*, 37 FCC Rcd at 12332, para. 9.

additional new locations upon reasonable request.[105]

38. We are also not convinced by Tri-Co's claims that "the principle of equity supports" grant of its requested relief in light of the Bureau's decision to verify compliance with CAF Phase II auction obligations using the Fabric, or now that the Fabric is available, the Bureau "should accept the data from its own Fabric and acknowledge that the CAM data significantly overstates" the number of actual locations.[106] As we explained above, the Commission already acknowledged the potential for a discrepancy and prior to the auction laid out a path for how a CAF Phase II auction carrier could ensure that its required location total more accurately reflects the facts on the ground.[107] Tri-Co's decision to not take advantage of this path does not mean that Tri-Co is now entitled to different terms and conditions that are tailored to account for its own business decisions, nor does it preclude the Bureau from utilizing this new data source to inform its verifications without making adjustments to the required support recovery.

39. Similarly, the support recovery that Tri-Co claims it will pass on to its customers may have been avoided if Tri-Co had conducted the required due diligence, bid accordingly, and participated in ELAP.[108] Instead, Tri-Co took on the risk that there would be a location discrepancy, and we are not convinced that it would serve the public interest to now provide Tri-Co with relief as if it had participated in ELAP. We are also not persuaded by Tri-Co's unsupported claims that the support recovery will have a "crippling effect" on the company, and "halt" its broadband deployment plans and its "ability to continue serving customers,"[109] particularly when the .89 multiplier is limited to the support recovery associated with just 5% of locations that Tri-Co is required to serve.[110] Finally, a claim that applying the 5% location flexibility option to Tri-Co would potentially jeopardize its ability to obtain future funding is speculative and unlikely in this context where the Commission has clearly explained that CAF Phase II auction carriers have this flexibility option.[111]

40. However, we recognize that the public interest balance may shift if Tri-Co has served all of the actual locations within its service area but still cannot serve even 95% of the required number of locations because more than 5% of the required locations do not exist. In such a situation, the support recovery continues to increase in relation to the number of missing locations and Tri-Co must also return an additional 10% of support received during the deployment term.[112] We have to balance the importance of maintaining auction integrity and ensuring that carriers abide by the program's terms and conditions with one of the fundamental objectives of the program—ensuring that all relevant locations have been served and carriers are able to maintain service to these locations.[113] Once Tri-Co has served all the locations in its funded footprint, no additional noncompliance measure can provide any incentive to serve additional locations in the footprint. At the same time, by electing to forgo ELAP, Tri-Co received significant benefits, including the ongoing interest free funding associated with those model locations, the

[105] *ELAP Reconsideration Order*, 36 FCC Rcd at 15436, para. 17.

[106] Tri-Co Petition at 10.

[107] *See supra* para. 29.

[108] Tri-Co Petition at 8.

[109] *Id.* at 6.

[110] See *infra* paras. 40-41.

[111] Tri-Co July 10, 2025 *Ex Parte* Letter at 2; *CAF Phase II Auction Order*, 31 FCC Rcd at 5965-66, paras. 44-46.

[112] 47 CFR § 54.320(d)(2); *CAF Phase II Auction Order*, 31 FCC Rcd at 6017, para. 191.

[113] *CAF Phase II Auction Order*, 31 FCC Rcd at 5968, para. 52 ("One of our objectives is to ensure that as many consumers as possible lacking 4/1 Mbps Internet access service become served through implementation of Phase II.").

option to receive funding for new locations, and avoiding the cost of participating in ELAP.

41. Accordingly, to the extent Tri-Co has served all actual locations within its service area and the June 2026 Fabric shows that more than 5% of the required number of locations do not exist, we find that there is good cause to waive section 54.320(d) of the Commission's rules, and, as a condition of this waiver, we will reduce Tri-Co's support on a pro rata basis for locations that do not exist beyond the 5% of required locations.[114] Such an approach will require that Tri-Co be subjected to the 95% flexibility option consistent with the terms of the program, representing the minimum risk Tri-Co accepted by not conducting the required due diligence or participating in ELAP and the benefits Tri-Co received by not participating in ELAP.[115]

IV. ORDERING CLAUSES

42. Accordingly, IT IS ORDERED, pursuant to sections 1, 4(i), 5(c), 254, and 405(a) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 155(c), 254, 405(a), and sections 0.91, 0.291, 1.3, 1.429 of the Commission's rules, 47 CFR §§ 0.91, 0.291, 1.3, 1.429, that this Order IS ADOPTED.

43. IT IS FURTHER ORDERED that the petition for reconsideration of South Central Connect, LLC and Union Telephone Company is DENIED.

44. IT IS FURTHER ORDERED that the petition for waiver of Tri-Co Connections, LLC is GRANTED IN PART and DENIED IN PART to the extent described herein.

45. 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

Joseph S. Calascione
Chief
Wireline Competition Bureau

[114] To obtain relief we grant in this Order, Tri-Co will need to seek a verification from USAC that it has served 100% of the actual locations in its service area. Tri-Co will be responsible for aligning its HUBB deployment data based on geocoordinates to Fabric BSL IDs prior to seeking this verification and submitting the data necessary in a format and manner specified by USAC to perform a verification. To request a verification, a carrier should email HCVerifications@usac.org. *See* Universal Service Administrative Company, *Deployment Verification Reviews*, https://www.usac.org/high-cost/annual-requirements/fund-verification-reviews/ (last visited Feb. 3, 2026).

[115] 47 CFR § 54.310(c).

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

In the Matter of	)	
	)	
Applications of AT&T Mobility II LLC and	)	WT Docket No. 25-303
EchoStar Corporation for Consent to Assign	)	
Licenses	)	

NRUF/LNP PROTECTIVE ORDER

Adopted: February 5, 2026 **Released: February 5, 2026**

By the Chief, Wireless Telecommunications Bureau:

1. In connection with the Commission's review of the transactions at issue in this proceeding, the Commission is examining information contained in the Numbering Resource Utilization and Forecast (NRUF) reports filed by carriers engaged in the provision of wireless telecommunications services[1] (Wireless Telecommunications Carriers) and disaggregated, carrier-specific local number portability (LNP) data related to Wireless Telecommunications Carriers. We find that such materials are necessary to develop a more complete record on which to base the Commission's decision. We also anticipate that parties participating in the proceeding may seek to review this data.

2. Section 251 of the Communications Act of 1934, as amended, grants the Commission jurisdiction over the North American Numbering Plan (NANP) and related telephone numbering issues.[2] In order to better monitor the way numbering resources are used within the NANP and efficiently allocate NANP resources, the Commission requires telecommunications carriers to provide the Commission with a utilization report of their current inventory of telephone numbers and a five-year forecast of their numbering resource requirements—the NRUF report.[3] LNP data are collected by the LNP Administrator and provided to the Commission. The Commission has recognized that disaggregated, carrier-specific forecast and utilization data should be treated as confidential and should be exempt from general public disclosure under 5 U.S.C. § 552(b)(4).[4]

3. While we are mindful of the highly sensitive nature of such information, we are also mindful of the right of the public to participate in this proceeding in a meaningful way. Therefore, consistent with past practice,[5] the NRUF reports and LNP data will not be available to the public except pursuant to the terms of this NRUF/LNP Protective Order; we will make such information available to participants in this proceeding, but limit such access to their Outside Counsel of Record and Outside Consultants whom they retain to assist them in this proceeding, and their Outside Counsel's and Outside Consultants' employees. We conclude that the procedures we adopt in this NRUF/LNP Protective Order

[1] 47 CFR §§ 1.907, 52.5.

[2] 47 U.S.C. § 251.

[3] 47 CFR § 52.15(f); *see Numbering Resource Optimization*, Report and Order and Further Notice of Proposed Rulemaking, 15 FCC Rcd 7574, 7578-79, para. 5 (2000) (*Numbering Report and Order*).

[4] *Numbering Report and Order*, 15 FCC Rcd at 7607, para. 78.

[5] *See, e.g.*, *AT&T Inc. and Deutsche Telekom AG for Consent To Assign or Transfer Control of Licenses and Authorizations*, Protective Order, 26 FCC Rcd 6031 (WTB 2011); *AT&T Inc. and Centennial Communications Corp. for Consent To Transfer Control of Licenses, Authorizations, and Spectrum Leasing Arrangements*, Protective Order, 24 FCC Rcd 13915 (WTB 2009).

give appropriate access to the public while protecting particularly competitively sensitive information from improper disclosure, and that the procedures we adopt thereby serve the public interest.[6]

4. *Definitions*. As used herein, capitalized terms not otherwise defined in this NRUF/LNP Protective Order shall have the following meanings:

"Acknowledgment" means the Acknowledgment of Confidentiality attached as Appendix A hereto.

"Competitive Decision-Making" means that a person's activities, association, or relationship with any of his or her clients involve advice about or participation in the relevant business decisions or the analysis underlying the relevant business decisions of the client in competition with or in a business relationship with a Wireless Telecommunications Carrier.

"NRUF/LNP Confidential Information" means the NRUF reports, the data contained in those reports, the LNP data, and any information derived from the reports or the data that is not otherwise available from publicly available sources.

"Outside Counsel of Record" or "Outside Counsel" means the attorney(s), firm(s) of attorneys, or sole practitioner(s), as the case may be, retained by a Participant in this proceeding, provided that such attorneys are not involved in Competitive Decision-Making. The term "Outside Counsel of Record" includes any attorney representing a non-commercial Participant in this proceeding, provided that such attorney is not involved in Competitive Decision-Making.

"Outside Consultant" means a consultant or expert retained for the purpose of assisting Outside Counsel or a Participant in this proceeding, provided that such consultant or expert is not involved in Competitive Decision-Making. The term "Outside Consultant" includes any consultant or expert employed by a non-commercial Participant in this proceeding, provided that such consultant or expert is not involved in Competitive Decision-Making.

"Outside Firm" means a firm, whether organized as a partnership, limited partnership, limited liability partnership, limited liability company, corporation, or otherwise, of Outside Counsel or Outside Consultants.

"Participant" means a person or entity that has filed, or has a good faith intention to file, an application, petition to deny, or material comments in this proceeding.

"Reviewing Party" means a person who has obtained access to NRUF/LNP Confidential Information pursuant to paragraphs 5 or 7 of this NRUF/LNP Protective Order.

"Support Personnel" means employees of a Reviewing Party's Outside Firm and third-party contractors and employees of third-party contractors who are assisting in this proceeding, provided such persons are involved solely in performing clerical or ministerial functions with regard to documents and information connected with this proceeding, including performing one or more aspects of organizing, filing, coding, converting, storing, or retrieving documents or data or designing programs for handling data connected with this proceeding.

5. *Procedure for Obtaining Access to NRUF/LNP Confidential Information*. Access to NRUF/LNP Confidential Information (including Stamped Highly Confidential Documents) is limited to Outside Counsel of Record, Outside Consultants, their employees and employees of their Outside Firms, and Support Personnel. Any person other than Support Personnel seeking access to NRUF/LNP Confidential Information shall sign and date the Acknowledgment agreeing to be bound by the terms and conditions of this NRUF/LNP Protective Order, and file the Acknowledgment with the Commission, so that it is received at least five business days prior to such person's reviewing or having access to the

[6] This NRUF/LNP Protective Order does not constitute a resolution of the merits concerning whether any information submitted under the NRUF/LNP Protective Order would be released publicly by the Commission upon a proper request under the Freedom of Information Act (FOIA) or otherwise.

NRUF/LNP Confidential Information. Each Wireless Telecommunications Carrier shall have an opportunity to object to the disclosure of its NRUF/LNP Confidential Information to any such person. A Wireless Telecommunications Carrier must file any such objection at the Commission and serve it on Counsel representing, retaining, or employing such person within five business days after that person's Acknowledgment has been filed with the Commission. Until any timely objection is resolved by the Commission in favor of the person seeking access and, if a motion for a judicial stay is timely filed, until such a motion is acted upon, a person subject to an objection from a Wireless Telecommunications Carrier shall not have access to that carrier's NRUF/LNP Confidential Information.[7] If an objection is not timely filed with the Commission, the Commission will nonetheless consider the objection and retains its discretion to prohibit further access to NRUF/LNP Confidential Information by the Reviewing Party until the objection is resolved.

6. *Review of NRUF/LNP Confidential Information.* A Reviewing Party shall contact Judith Dempsey, Judith.Dempsey@fcc.gov, Office of Economics and Analytics, or Susannah Larson, Susannah.Larson@fcc.gov, Wireless Telecommunications Bureau, to receive instructions on how to obtain and review NRUF/LNP Confidential Information. A Reviewing Party may temporarily load onto a computer NRUF/LNP Confidential Information. Once loaded, any files containing NRUF/LNP Confidential Information shall be password protected immediately. The NRUF/LNP Confidential Information may not be stored on a computer after being analyzed. After the analysis is complete, the results of such analysis may be stored by saving the results (but not the original underlying NRUF/LNP Confidential Information) to a mobile data storage medium. All files containing NRUF/LNP Confidential Information shall be deleted from the computer as soon as practicable. The mobile storage medium containing the results shall be stored securely and a record kept of any persons given access to them.

7. *Use of NRUF/LNP Confidential Information*. Persons obtaining access to NRUF/LNP Confidential Information under this NRUF/LNP Protective Order shall use the information solely for the preparation and conduct of this proceeding before the Commission and any subsequent judicial proceeding arising directly from this proceeding and, except as provided herein, shall not use such information for any other purpose, including without limitation business, governmental, or commercial purposes, or in other administrative, regulatory, or judicial proceedings. Should the Commission rely upon or otherwise make reference to the contents of any NRUF/LNP Confidential Information in its decision in this proceeding, it will do so either by redacting any NRUF/LNP Confidential Information from the public version of the decision and by making the unredacted version of the decision available only to a court and to those persons entitled to access to NRUF/LNP Confidential Information under this NRUF/LNP Protective Order or by aggregating the NRUF/LNP Confidential Information such that no information of any Wireless Telecommunications Carrier (other than the Applicants) is revealed.

8. *Permissible Disclosure*. A Reviewing Party may discuss and share the contents of NRUF/LNP Confidential Information with another Reviewing Party, with Support Personnel, as appropriate, and with the Commission and its staff. A Wireless Telecommunication Carrier's own NRUF/LNP Confidential Information may also be disclosed to employees and Counsel of the carrier.

9. *Filings with the Commission*. A Reviewing Party may in any document that it files in this proceeding disclose NRUF/LNP Confidential Information only if it complies with the following procedure. The party shall file in the Electronic Comment Filing System (ECFS) as confidential one copy of the filing containing NRUF/LNP Confidential Information (the "NRUF/LNP Confidential Filing") and an accompanying cover letter. The cover or first page of the NRUF/LNP Confidential Filing and each

[7] An objection ordinarily will first be ruled upon by the Wireless Telecommunications Bureau (Bureau). If the Bureau rejects the objection, the objecting party will be provided 10 business days to file an Application for Review with the Commission; if an Application for Review is not filed within that time, the NRUF/LNP Confidential Information shall be made available to the Reviewing Party. If an Application for Review is timely filed and is denied by the Commission, the objecting party will be provided 10 business days to seek a judicial stay of the Commission's Order; if a motion for stay is not filed within that time, the NRUF/LNP Confidential Information shall be made available to the Reviewing Party.

page of the NRUF/LNP Confidential Filing that contains or discloses NRUF/LNP Confidential Information must be clearly marked "HIGHLY CONFIDENTIAL INFORMATION—SUBJECT TO PROTECTIVE ORDER IN WT DOCKET NO. 25-303 before the Federal Communications Commission." The cover letter shall also contain this legend. The NRUF/LNP Confidential Filing will not be placed in the Commission's public file. The party shall also submit in ECFS a copy of the filing in redacted form, i.e., containing no Confidential Information (the "Redacted NRUF/LNP Confidential Filing").[8] The Redacted NRUF/LNP Confidential Filing and the accompanying cover letter shall be stamped "REDACTED—FOR PUBLIC INSPECTION." The cover letter accompanying the Redacted NRUF/LNP Confidential Filing shall state that the party is filing a redacted version of the filing. Each Redacted NRUF/LNP Confidential Filing shall have the same pagination as the NRUF/LNP Confidential Filing from which it is derived. To the extent that any page of the NRUF/LNP Confidential Filing contains any type of Confidential Information and non-confidential information, only the Confidential Information (of whatever type) shall be redacted and the page of the unredacted Confidential Filing shall clearly distinguish among the various types of Confidential Information and the non-confidential information. One copy of each Redacted NRUF/LNP Confidential Filing and the accompanying cover letter must also be sent by email to Susannah Larson, Susannah.Larson@fcc.gov. Parties should not provide courtesy copies of pleadings containing NRUF/LNP Confidential Information to Commission staff unless the Bureau so requests, and any such courtesy copies shall be submitted under seal.

10. *Non-Disclosure of NRUF/LNP Confidential Information*. Except as provided under this NRUF/LNP Protective Order, NRUF/LNP Confidential Information shall not be disclosed further.

11. *Protection of Stamped NRUF/LNP Confidential Information.* A Reviewing Party shall have the obligation to ensure that access to NRUF/LNP Confidential Information is strictly limited as prescribed in this NRUF/LNP Protective Order. A Reviewing Party shall further have the obligation to ensure that NRUF/LNP Confidential Information is used only as provided in this NRUF/LNP Protective Order.

12. *Requests for Additional Disclosure*. If any person requests disclosure of NRUF/LNP Confidential Information outside the terms of this NRUF/LNP Protective Order, such a request will be treated in accordance with sections 0.442 and 0.461 of the Commission's rules.

13. *Client Consultation*. Nothing in this NRUF/LNP Protective Order shall prevent or otherwise restrict Outside Counsel from rendering advice to their clients relating to the conduct of this proceeding and any subsequent judicial proceeding arising therefrom and, in the course thereof, relying generally on examination of NRUF/LNP Confidential Information; *provided, however*, that in rendering such advice and otherwise communicating with such client, Outside Counsel shall not disclose NRUF/LNP Confidential Information.

14. *No Waiver of Confidentiality*. Disclosure of NRUF/LNP Confidential Information as provided herein by any person shall not be deemed a waiver by any affected party of any privilege or entitlement to confidential treatment of such NRUF/LNP Confidential Information. Reviewing Parties, by viewing this material agree: (1) not to assert any such waiver; (2) not to use NRUF/LNP Confidential Information to seek disclosure in any other proceeding; and (3) that accidental disclosure of NRUF/LNP Confidential Information shall not be deemed a waiver of any privilege or entitlement.

15. *Subpoena by Courts, Departments, or Agencies*. If a court or a federal or state department or agency issues a subpoena for or orders the production of NRUF/LNP Confidential Information that a party has obtained under terms of this NRUF/LNP Protective Order, such party shall promptly notify the Commission and each affected Wireless Telecommunications Carrier of the pendency

[8] If a party is not able to submit filings via ECFS, it must submit two copies each of the NRUF/LNP Confidential Filing and Redacted NRUF/LNP Confidential Filing, along with their respective cover letters, to the Office of the Secretary, Federal Communications Commission, via first-class or overnight U.S. Postal Service mail addressed to 45 L Street, NE, Washington, DC 20554, or via commercial courier (any deliveries not by U.S. Postal Service) to 9050 Junction Drive, Annapolis Junction, MD 20701.

of such subpoena or order. Consistent with the independent authority of any court, department, or agency, such notification must be accomplished such that the Commission and each affected Wireless Telecommunications Carrier has a full opportunity to oppose such production prior to the production or disclosure of any NRUF/LNP Confidential Information.

16. *Violations of NRUF/LNP Protective Order.* Should a Reviewing Party violate any of the terms of this NRUF/LNP Protective Order, such Reviewing Party shall immediately convey that fact to the Commission. Further, should such violation consist of improper disclosure of NRUF/LNP Confidential Information, the violating person shall take all necessary steps to remedy the improper disclosure. The Commission retains its full authority to fashion appropriate sanctions for violations of this NRUF/LNP Protective Order, including but not limited to suspension or disbarment of Counsel or Outside Consultants from practice before the Commission, forfeitures, cease and desist orders, and denial of further access to NRUF/LNP Confidential Information in this or any other Commission proceeding. Nothing in this NRUF/LNP Protective Order shall limit any other rights and remedies available to the affected Wireless Telecommunications Carriers at law or in equity against any person using NRUF/LNP Confidential Information in a manner not authorized by this NRUF/LNP Protective Order.

17. *Termination of Proceeding*. The provisions of this NRUF/LNP Protective Order shall not terminate at the conclusion of this proceeding. Within two weeks after conclusion of this proceeding and any administrative or judicial review, Reviewing Parties shall destroy or return to the Commission all NRUF/LNP Confidential Information and all copies of the same. No material whatsoever containing NRUF/LNP Confidential Information may be retained by any person having access thereto, except Outside Counsel and Outside Consultants may retain, under the continuing strictures of this NRUF/LNP Protective Order, two copies of pleadings (one of which may be in electronic format) prepared in whole or in part by that party that contain NRUF/LNP Confidential Information, and one copy of orders issued by the Commission or Bureau that contain NRUF/LNP Confidential Information. All Reviewing Parties shall certify compliance with these terms and shall deliver such certification to the Commission not more than three weeks after conclusion of this proceeding. The provisions of this paragraph regarding retention of NRUF/LNP Confidential Information shall not be construed to apply to the Commission or its staff.

18. *Questions*. Substantive questions concerning this Protective Order should be addressed to Judith Dempsey, Judith.Dempsey@fcc.gov, Office of Economics and Analytics; Susannah Larson, Susannah.Larson@fcc.gov, Wireless Telecommunications Bureau; and Joel Rabinovitz, Joel.Rabinovitz@fcc.gov.

19. *Authority*. This Order is issued pursuant to sections 4(i), 214, and 310(d) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 214, and 310(d), section 4 of the Freedom of Information Act, 5 U.S.C. § 552(b)(4), and authority delegated under section 0.331 of the Commission's rules, 47 CFR § 0.331, and is effective upon its adoption.

FEDERAL COMMUNICATIONS COMMISSION

Joel Taubenblatt
Chief, Wireless Telecommunications Bureau

APPENDIX A

Acknowledgment of Confidentiality

WT Docket No. 25-303

I hereby acknowledge that I have received and read a copy of the foregoing NRUF/LNP Protective Order in the above-captioned proceeding, and I understand it.

I agree that I am bound by the NRUF/LNP Protective Order and that I shall not disclose or use NRUF/LNP Confidential Information except as allowed by the NRUF/LNP Protective Order.

I acknowledge that a violation of the NRUF/LNP Protective Order is a violation of an order of the Federal Communications Commission. I further acknowledge that the Commission retains its full authority to fashion appropriate sanctions for violations of the Protective Order, including but not limited to suspension or disbarment of Counsel or Consultants from practice before the Commission, forfeitures, cease and desist orders, and denial of further access to NRUF/LNP Confidential Information in this or any other Commission proceeding.

I acknowledge that nothing in the NRUF/LNP Protective Order limits any other rights and remedies available at law or in equity against me if I use NRUF/LNP Confidential Information in a manner not authorized by the NRUF/LNP Protective Order.

I certify that I am not involved in Competitive Decision-Making.

Without limiting the foregoing, to the extent that I have any employment, affiliation, or role with any person or entity other than a conventional private law firm (such as, but not limited to, a lobbying or advocacy organization), I acknowledge specifically that my access to any information obtained as a result of the NRUF/LNP Protective Order is due solely to my capacity as Outside Counsel or Outside Consultant to a Participant or as a person described in paragraph 7 of the foregoing NRUF/LNP Protective Order and agree that I will not use such information in any other capacity.

I acknowledge that it is my obligation to ensure that NRUF/LNP Confidential Information is not duplicated except as specifically permitted by the terms of the Protective Order and to ensure that there is no disclosure of NRUF/LNP Confidential Information in my possession or in the possession of those who work for me, except as provided in the Protective Order.

I certify that I have verified that there are in place procedures at my firm or office to prevent unauthorized disclosure of NRUF/LNP Confidential Information.

Capitalized terms used herein and not otherwise defined shall have the meanings ascribed to them in the NRUF/LNP Protective Order.

Executed this ___ day of _____, 20___.

_____

[Name]

[Position]

[Address]

[Telephone]

PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, DC 20554

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

DA 26-129
Released: February 5, 2026

WIRELINE COMPETITION BUREAU SEEKS COMMENT ON A PETITION FOR PREEMPTION AND DECLARATORY RULING FILED PURSUANT TO SECTION 253 OF THE COMMUNICATIONS ACT

WC Docket No. 26-27

Comments Due: March 9, 2026
Reply Comments Due: March 24, 2026

The Wireline Competition Bureau seeks comment on a petition for preemption and declaratory ruling filed by Talkie Communications, Inc. (Talkie)[1] pursuant to section 253(d) of the Communications Act (Act).[2] The Petition asks the Commission to preempt requirements that the County of Queen Anne, Maryland (the County) and the Maryland Department of Information Technology (DoIT) seek to impose on Talkie's request to install a utility pole in a right-of-way controlled by the Maryland Department of Transportation State Highway Administration (MD SHA).[3] The Petition states that Talkie is authorized to operate in the State of Maryland as a facilities-based competitive local exchange carrier (CLEC),[4] and pursuant to section 8-103 of the Maryland Public Utilities Code,[5] "has statutory authority to construct lines and install utility poles along any Maryland highway[.]"[6] The Petition states that Talkie obtained a permit from MD SHA to install a utility pole,[7] but that it has been "pulled back, rejected or otherwise made inactive"[8] due to interventions by the County and DoIT.[9] According to the Petition, the County and DoIT each seek to impose additional requirements on Talkie's installation of a pole that will support Tarana fixed wireless technology,[10] which the Petition states "will enable Talkie to extend its fiber-based

[1] *Petition of Talkie Communications, Inc. for Preemption and Declaratory Ruling Pursuant to Section 253(d) of the Communications Act of 1934* (filed January 28, 2026), https://www.fcc.gov/ecfs/search/search-filings/filing/101280895815136 (Petition).

[2] 47 U.S.C. § 253(d); *see also* 47 CFR § 1.2(b).

[3] *See* Petition at 1, 23-24, 31-32.

[4] *Id*. at 1-3, 16.

[5] Md. Code Ann., Pub. Util. § 8-103.

[6] Petition at 7.

[7] *Id*. at 4-5.

[8] *Id*. at 10 (quotation marks and citation omitted). The Petition states that Talkie previously installed its utility pole pursuant to a permit from MD SHA, but that Talkie removed the pole after receiving a letter and citation from the County. *Id*. at 5-6.

[9] *See id*. at 2, 10, 16-17.

[10] Petition at 2, 8-10, 16-17.

services on a fixed-wireless basis,"[11] allowing "customers at fixed locations . . . to obtain Talkie's commingled voice, data, and cable services without a direct last-mile FTTH connection from Talkie."[12] The Petition states that the additional requirements that the County and DoIT seek to impose will competitively disadvantage Talkie and constitute *de facto* moratoria in violation of section 253 of the Communications Act.[13] The Petition states that Talkie will not proceed with the deployment of utility poles within MD SHA rights-of-way or "provide telecommunications and non-telecommunications services on a commingled basis or otherwise to Maryland residences and businesses from such poles" if the requirements that the County and DoIT seek to impose are not preempted.[14]

Interested parties may file comments or oppositions to the Petition on or before **March 9, 2026** and reply comments on or before **March 24, 2026**. All filings addressing the Petition must reference WC Docket No. 26-27. All comments or oppositions must be addressed to the Secretary, Office of the Secretary, Federal Communications Commission.

- *Electronic Filers*: Comments and oppositions may be filed electronically using the Internet by accessing the Commission's Electronic Comment Filing System (ECFS): www.fcc.gov/ecfs.[15]
- *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.
    - 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.

Ex Parte Rules. The proceeding this Notice initiates shall be treated as "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

[11] *Id*. at 9.

[12] *Id*. at 9-10.

[13] *Id*. at 23-36; 47 U.S.C. § 253.

[14] *Id*. at 31, 35.

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

[16] 47 CFR § 1.1200 *et seq*.

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 these proceedings should familiarize themselves with the Commission's *ex parte* rules.

For further information, please contact Elizabeth Drogula, Competition Policy Division, Wireline Competition Bureau, at (202) 418-1591 or via e-mail at Elizabeth.Drogula@fcc.gov.

- FCC -

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 Number: 26-130
Report No. SAT-01973 **Friday February 6, 2026**

Satellite Licensing Division and Satellite Programs and Policy Division Information

RE: 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-20241030-00243 S3210 Logos Space Services, Inc.
Date filed: 2024-10-30
Launch and Operating Authority
Granted in Part/ Deferred in Part Date of Action: 2026-01-30

Nature of Service:
- Inter-Satellite Service
- Fixed-Satellite Service

Granted in part, deferred in part, denied in part, with conditions.

SAT-STA-20260109-00021 S3069 Space Exploration Holdings, LLC
Date filed: 2026-01-09
Special Temporary Authority
Grant of Authority Date of Action: 2026-02-03

Granted with conditions.

SAT-STA-20251210-00378 S3065 AST & Science, LLC
Date filed: 2025-12-11
Special Temporary Authority
Granted in Part/ Deferred in Part Date of Action: 2026-01-30

Granted in part, deferred in part, with conditions.

SAT-STA-20251210-00377 S3065 AST & Science, LLC
Date filed: 2025-12-11
Special Temporary Authority
Grant of Authority Date of Action: 2026-01-30

Granted with conditions.

SAT-MOD-20231031-00269 S2912 Planet Labs PBC
Date filed: 2023-10-31
Modification 2024-12-19 - 2029-02-28
Grant of Authority Date of Action: 2026-01-30

Nature of Service: Earth Exploration-Satellite Service

Granted with conditions.

SAT-MOD-20240723-00157 S2912 Planet Labs PBC
Date filed: 2024-07-23
Modification
Grant of Authority Date of Action: 2026-01-30

Nature of Service: Earth Exploration-Satellite Service

Granted with conditions.

SAT-AMD-20250328-00084 S3210 Logos Space Services, Inc.
Date filed: 2025-03-28
Amendment
Granted in Part/ Deferred in Part Date of Action: 2026-01-30

Nature of Service:
- Inter-Satellite Service
- Fixed-Satellite Service

Granted in part, deferred in part, denied in part, with conditions.

SAT-AMD-20231127-00290 S2912 Planet Labs PBC
Date filed: 2023-11-27
Amendment 2024-12-19 - 2029-02-28
Grant of Authority Date of Action: 2026-01-30

Nature of Service: Earth Exploration-Satellite Service

Granted with conditions.

SAT-AMD-20250130-00033 S2912 Planet Labs PBC
Date filed: 2025-01-30
Amendment
Grant of Authority Date of Action: 2026-01-30

Nature of Service: Earth Exploration-Satellite Service

Granted with conditions.

SAT-MOD-20250527-00129 S2912 Planet Labs PBC
Date filed: 2025-05-27
Modification
Granted in Part/ Deferred in Part Date of Action: 2026-01-30

Nature of Service: Earth Exploration-Satellite Service

Granted in part, deferred in part, with conditions.

SAT-MOD-20251117-00320 S2678 Embratel TVSAT Telecomunicacoes S.A.
Date filed: 2025-11-21
Modification
Grant of Authority Date of Action: 2026-02-05

Nature of Service: Fixed-Satellite Service

Granted with conditions.

SAT-STA-20260123-00039 S3198 Turion Space Corp.
Date filed: 2026-01-23
Special Temporary Authority
Grant of Authority Date of Action: 2026-02-05

Granted with conditions.

SAT-MOD-20220421-00042 S2912 Planet Labs PBC
Date filed: 2022-04-21
Modification
Grant of Authority Date of Action: 2026-01-30

Nature of Service: Earth Exploration-Satellite Service

Granted with conditions.

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 26-131
Released: February 6, 2026

WIRELINE COMPETITION BUREAU SEEKS TO REFRESH THE RECORD ON ICONECTIV PETITION FOR COMPETITIVE PROCUREMENT OF THE TOLL FREE NUMBERING ADMINISTRATOR

WC Docket No. 20-174
WC Docket No. 17-192
CC Docket No. 95-155

Comments Due: March 9, 2026
Reply Comments Due: March 24 , 2026

By this Public Notice, the Wireline Competition Bureau (Bureau) seeks to refresh the record on iconectiv, LLC's petition requesting that the Commission implement a competitive procurement process to select the Toll Free Numbering Administrator, a matter on which the Bureau originally sought comment on June 29, 2020.[1]

Filing Requirements. Interested parties may file comments on or before the dates shown above.[2] All comments must reference WC Docket Nos. 20-174 and 17-192 and CC Docket No. 95-155. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS).[3]

- 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 hand or messenger delivery, by commercial overnight courier, or by U.S. Postal Service. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

[1] Petition of iconectiv, LLC for Competitive Procurement of the Toll Free Numbering Administrator Role, WC Docket No. 17-192, CC Docket No. 95-155, at 2 (filed Jun. 11, 2020) https://www.fcc.gov/ecfs/filing/106110355629328 (requesting that the Commission migrate from a tariff-based system by conducting a competitive procurement process to select the Toll Free Numbering Administrator and set the rates for its services); *Wireline Competition Bureau Invites Comments on iconectiv Petition for Competitive Procurement of the Toll Free Numbering Administrator*, WC Docket No. 20-174 *et al*., Public Notice, 35 FCC Rcd 6587 (WCB 2020). The Bureau seeks to refresh the record in light of, among other things, renewed activity in the record. *See* Letter from John T. Nakahata, Counsel for iconectiv, LLC, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 20-174 et al. (filed Jan. 28, 2026), https://www.fcc.gov/ecfs/document/10128111704715/1.

[2] *See* 47 CFR §§ 1.1, 1.3, 1.45.

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

- 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 may be addressed to 45 L Street, NE, Washington, DC 20554.

Ex Parte Rules. The proceeding this Public Notice initiates shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.[4] 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). In proceedings governed by section 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 Consumer and Governmental Affairs Bureau at (202) 418-0530.

Additional Information. For further information, please contact William Andrle, Competition Policy Division, Wireline Competition Bureau, at (202) 418-2298 or via e-mail at william.andrle@fcc.gov.

- FCC -

[4] 47 CFR § 1.1200 *et seq.*

PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, DC 20554

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

DA 26-133
Released: February 6, 2026

WIRELINE COMPETITION BUREAU REMINDS ROBOCALL MITIGATION DATABASE (RMD) FILERS OF INCREASED BASE FORFEITURES FOR SUBMITTING FALSE OR INACCURATE INFORMATION AND FOR FAILURE TO UPDATE RMD FILINGS

WC Docket No. 24-213, MD Docket No. 10-234

1. In this Public Notice, the Wireline Competition Bureau (Bureau) reminds Robocall Mitigation Database (RMD) filers of changes to the base forfeiture amounts that apply only to RMD filers for submitting false or inaccurate information to the RMD and failing to update their RMD filings within 10 business days, as required by the Commission's rules. These forfeiture changes **only** apply to violations related to filings in the RMD and not CORES information for non-RMD filers.

2. On December 30, 2024, the Commission adopted the *Robocall Mitigation Database Report and Order*.[1] On January 22, 2026, the Bureau released a *Public Notice* explaining that the rules adopted in the *Robocall Mitigation Database Report and Order* would become effective on February 5, 2026.[2]

3. As stated in the *Public Notice*, the *Robocall Mitigation Database Report and Order* increased base forfeiture amounts **for submission of false or inaccurate information into the RMD and for failure to update information in the RMD**.[3] Specifically, the *Robocall Mitigation Database Report and Order* amended "Table 1 to Paragraph (b)(11)—Base Amounts for Section 503 Forfeitures" in section 1.80 of the Commission rules to: (1) add an increased base forfeiture amount of $10,000 for each violation for filers that submit false or inaccurate information into the RMD; and (2) add an increased base forfeiture amount of $1,000 for failure to update information in the RMD within 10 business days for information that has changed as required by the Commission's rules.[4] The amendment also provided that these violations continue until cured, meaning that forfeitures for submission of false or inaccurate

[1] *Improving the Effectiveness of the Robocall Mitigation Database, Amendment of Part I of the Commission's Rules Concerning Practice and Procedure, Amendment of CORES Registration System*, WC Docket No. 24-213, MD Docket No. 10-234, Report and Order, 40 FCC Rcd 599 (2025) (*Robocall Mitigation Database Report and Order*).

[2] *Wireline Competition Bureau Announces OMB Approval and Effective Dates for Robocall Mitigation Database (RMD) Rules, Provides Guidance for Filing in the RMD, Reminds RMD Filers of their March 1, 2026, Annual Recertification Requirement, and Establishes A Reporting Mechanism for RMD Deficiencies*, WC Docket No. 24-213, MD Docket No. 10-234, Public Notice, DA 26-72 (rel. Jan. 22, 2026) (*Public Notice*). The requirement to submit an application fee as required by the amendment to 47 CFR § 1.1105 is not yet effective. *Id.* at 3.

[3] *Public Notice* at 1, 3-4.

[4] *See id.* at 3-4, *Robocall Mitigation Database Report and Order*, 40 FCC Rcd at 605, para. 14, Appendix A; 47 CFR § 1.80; s*ee also* 47 CFR §§ 64.6305(d)(5), (e)(5), (f)(5) (setting the requirement for voice service providers, gateway providers, and non-gateway intermediate providers to update their RMD filings within in 10 business days of any change to that information).

information into the RMD or failure to update information in the RMD would be assessed on a daily basis up to the statutory maximum for continuing violations.[5] These forfeiture changes only apply to violations related to filings in the RMD.

4. Separately, as stated in the *Public Notice*, the *Robocall Mitigation Database Report and Order* also amended section 1.8002(b)(2) of the Commission's rules to require that all entities and individuals that register with the Commission to obtain an FCC Registration Number (FRN) in CORES must update designated information in CORES within 10 business days of any change to that information.[6] **The *Robocall Mitigation Database Report and Order* did not address or change any forfeiture amounts that may be associated with failures to update the CORES information by non-RMD filers.**[7]

5. For further information regarding the RMD rules, please contact Merry Wulff, Wireline Competition Bureau, Competition Policy Division, at (202) 418-1084 or by email at Merry.Wulff@fcc.gov.

[5] *See Public Notice* at 3-4; *Robocall Mitigation Database Report and Order*, 40 FCC Rcd at 605, para. 14.

[6] *See Public Notice* at 3-4; *Robocall Mitigation Database Report and Order*, 40 FCC Rcd at 604, para. 13; 47 CFR § 1.8002(b)(2). Specifically, providers must update the information listed in paragraph (b)(1) of section 1.8002 of the Commission's rules. *See* 47 CFR § 1.8002(b)(1) (showing that this information only includes an entity's name, entity type, contact name and title, address, valid email address, and taxpayer identifying number (TIN)).

[7] For RMD filers, certain information in CORES automatically populates into RMD filings. If the information an RMD filer needs to update in CORES is the same information that needs to be updated in the RMD, the RMD filer needs to update its CORES information within 10 business days to ensure that its RMD filing is updated within 10 business days, or it may be subject to the RMD forfeiture. Further guidance for updating CORES-related information in the RMD is available in the RMD Filing Instructions at https://www.fcc.gov/sites/default/files/rmd-instructions.pdf.

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 26-134
February 9, 2026

FCC ANNOUNCES INTENT TO RE-CHARTER THE COMMUNICATIONS SECURITY, RELIABILITY, AND INTEROPERABILITY COUNCIL AND SOLICITS NOMINATIONS FOR MEMBERSHIP

By this Public Notice, the Federal Communications Commission (FCC or Commission), consistent with the Federal Advisory Committee Act (FACA),[1] announces its intent to re-charter the Communications Security, Reliability, and Interoperability Council (CSRIC or Council) on or before March 26, 2026, following consultation with the General Services Administration. This will be the FCC's tenth charter of CSRIC, established for a two (2) year term, with an expected first meeting in June 2026. By this Public Notice, we also seek nominations for membership and a chairperson(s) for the Council.

CSRIC X will provide advice and recommendations to the Commission to improve the security, reliability, and interoperability of the nation's communications systems. Specifically, Chairman Brendan Carr will ask CSRIC X to consider and address six topics: National Security Implications of the Dark Fiber Market; Ensuring Submarine Cable Security and Resiliency; Malicious SIM Farm Mitigation; Reducing Common Causes of Sunny Day Outages; Expanding NG911's Multimedia Availability and Increasing 911 Accessibility; and Enhancing Communications Network Security.

In seeking nominations for CSRIC X, Chairman Carr will look to include a broad array of stakeholders in the Council's membership, including representation from the FCC's federal government partners with similar interests.

All organizational or individual members appointed to the Council, or its working groups are subject to an ethics review by the Commission's Office of General Counsel. Some applicants possessing expertise or perspectives of interest to the Council, and who have been appointed to serve on the Council in an individual capacity (and not as the representative of a nonprofit organization, corporation, or other entity) are deemed to be Special Government Employees (SGEs). Such individuals are ineligible to serve if they are federally registered lobbyists. SGEs are subject to a variety of restrictions under the conflict of interest statutes, 18 U.S.C. § 203 et seq., and the Standards of Ethical Conduct for Employees of the Executive Branch, 5 C.F.R. Part 2635. SGEs must file confidential employee financial disclosure reports prior to beginning their service and annually thereafter. SGEs will also be subject to ethics restrictions in section 4(b) of the Communications Act, 47 U.S.C. § 154(b), and in the Commission's rules, 47 CFR Part 19 and 5 CFR Parts 3901 and 3902.

All members will have an initial and continuing obligation to disclose any interests in, or connections to, persons or entities that are, or will be, regulated by or have interests before the

[1] 5 U.S.C. § 10.

Commission and shall promptly report to the Council's Designated Federal Officer (DFO) any changes in representation during their tenure on the Council. Council members will not be compensated for their service.

Nominations for membership to CSRIC X should be submitted to the FCC no later than Wednesday, March 11, 2026. Procedures for submitting nominations are set forth below, and applications should be sent by email to CSRIC@fcc.gov .

MISSION

The purpose of the Council is to provide recommendations to the FCC regarding ways the FCC can strive for security, reliability, and interoperability of the nation's communications systems. CSRIC X's recommendations will focus on a range of public safety- and homeland security-related communications matters, including: (1) the security and reliability of communications systems and infrastructure; (2) 911, E911, and NG911; (3) emergency alerting; and (4) national security/emergency preparedness communications, including law enforcement access to communications. CSRIC X will be organized under, and will operate in accordance with, the provisions of FACA. As authorized by FACA, the Council is authorized to facilitate its work through informal subcommittees, or other subgroups of the Council, which shall report their activities and recommendations to the Council as a whole.

WHO MAY APPLY FOR MEMBERSHIP

The Commission seeks applications from representatives of various sectors of the communications industry, representatives of state, local and tribal government agencies and organizations, and representatives of consumers and community organizations that wish to be considered for membership on CSRIC X. The Commission is particularly interested in receiving nominations and expressions of interest from individuals and organizations in the following categories:

- State, tribal, territorial and/or local government agencies and organizations with expertise in communications, public safety, emergency management and/or homeland security matters;
- Federal government agencies with expertise in communications, public safety, emergency management and/or homeland security matters;
- Communications service providers and/or industry organizations representing communications service providers (to include representation by different types of communications provider interests, e.g., wireless, wireless, satellite, broadcast radio, and television, and by including representation by smaller and rural providers);
- Developers of software applications and operating systems for mobile and desktop computing devices;
- Developers of mobile devices;
- Developers of new technologies;
- Organizations and other entities representing users of communications systems, such as organizations representing the business, finance, energy, education, health care, and similar sectors;
- Consumer or community organizations, such as those representing people with disabilities, the elderly, those living in rural areas, and those representing populations that speak, as their primary language, languages other than English; and
- Qualified representatives of other stakeholders and interested parties with relevant expertise regarding the subject matter.

Members will be selected to balance the expertise and viewpoints that are necessary to effectively address the issues to be considered by the Council.

OBLIGATIONS OF MEMBERS AND COUNCIL MEETINGS

Members will serve at the discretion of Chairman Carr of the FCC. Members should be willing to commit to a two-year term of service from the date of the re-charter of the Committee. Members will be encouraged to participate in deliberations of at least one (1) informal subcommittee or subgroup, if any are established. The time commitment for participation in any informal subcommittee or other subgroup may be substantial. However, subcommittee or other subgroup meetings may be conducted informally, using suitable technology to facilitate the meetings, subject to oversight by the Designated Federal Officer of CSRIC X.

Meetings of the full Council shall be open to the public and timely notice of each meeting shall be published in the Federal Register and shall be further publicized through other appropriate vehicles. All such meetings will be fully accessible to individuals with disabilities.

APPLICATION PROCEDURE, DEADLINE, AND MEMBER APPOINTMENTS

Organizational Applicants

Applications from nonprofit organizations, corporations, or other entities ("organizational applicants") proposing a nominee should include the following:

- Name, title, and organization of the nominee and a description of the organization, sector or other interest the nominee will represent;
- Nominee's mailing address, e-mail address, and telephone number;
- A statement summarizing the nominee's qualifications and reasons why the nominee should be appointed to the Council;
- A current resume of the nominee; and
- A statement describing the organization the nominee will represent as well as the benefit of having the organization represented on the Council.

For applicants seeking to represent an organization or company, the applicant's nomination to the Council must be accompanied by confirmation on the following two (2) issues:

1. The nomination must be confirmed by a written statement of an authorized person (*e.g.*, organization or company official) that such organization or company supports the application of the nominee to represent it on the Council. The nominating official must possess the executive authority or hold a sufficiently high-level position within the organization or company to select a representative whose actions will be legally binding on the organization or company. For example, this confirmation may be in the following format:

   "I am [insert official's name], the [insert official's title] at the [insert name of organization - *e.g.*, company, government entity, trade association, *etc.*], with responsibilities for [concise description of position]. My organization supports [insert proposed member's name], who is currently [an employee of/consultant/attorney to the company], to serve as our representative on the Commission's Communications Security, Reliability, and Interoperability Council."

2. For applicants seeking to represent an entity that is, or who are themselves, a party to an FCC contract or subcontract or providing services for the benefit of the FCC under contract or subcontract, the application must include the following: 1) a general description of the contract/agreement; 2) a description of the product/services that the applicant provides pursuant to the contract/agreement; 3) a list of all parties to the contract/agreement; 4) the name of the Commission contracting officer (if known); and 5) a certification of the applicant that the applicant has provided written notice to the contracting officer and the FCC Manager, Contracts and Purchasing Center, that the applicant or representative nominee, as applicable, has applied for membership on the Commission's Communications Security, Reliability, and Interoperability Council.

In addition, organizational nominees are required to disclose whether they represent clients before the Commission or represent clients in matters that may come before the Council, other than representing the organizational applicant that has nominated them for service on the Council. Each nominee shall provide with the application all details of any such representation.

Individual Applicants

Applications from individual applicants who would serve as SGEs, as defined above, should include the following:

- Name and title of the applicant; current mailing address, email address, and telephone number;
- A statement summarizing the applicant's qualifications and reasons why the applicant should be appointed to the Council. The statement shall include the individual's specific knowledge or expertise that is relevant to the work of the Council;
- A current resume of the applicant;
- A statement that the individual applicant is not a registered federal lobbyist (as noted above, financial and other additional disclosures may also apply to individual applicants);
- An acknowledgement that the individual will not be entitled to receive reimbursement of travel expenses or payment of honoraria or other compensation from the Commission;
- A statement that the applicant does not have a contractual or other financial agreement (including as a subcontractor) with the Commission; and
- A statement that the applicant does not have clients with matters before the Commission or matters that may come before the Council.

Please note this *Public Notice* is not intended to be the exclusive method by which the Commission will solicit nominations to identify qualified candidates; however, all candidates for membership on the Council will be subject to the same evaluation criteria.

All nominations, including the requisite statements listed above, should be submitted by e-mail to CSRIC@fcc.gov, and should be received by the Commission as soon as possible, but no later than Wednesday, March 11, 2026.

ACCESSIBLE FORMATS

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).

More information about the CSRIC can be found at https://www.fcc.gov/about-fcc/advisory-committees/communications-security-reliability-and-interoperability-council. You may also contact Suzon Cameron, Designated Federal Official (DFO) for CSRIC X, Public Safety and Homeland Security Bureau, at (202) 418-1916, or via the CSRIC e-mail account at CSRIC@fcc.gov.

-FCC-

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

In the Matter of	)	
	)	
Amendment of section 73.202(b)	)	MB Docket No. 25-298
Table of Allotments,	)	
FM Broadcast Stations.	)	
(Various Locations)	)	

REPORT AND ORDER

Adopted: February 9, 2026 **Released: February 9, 2026**

By the Assistant Chief, Audio Division, Media Bureau:

I. INTRODUCTION

1. The Audio Division has before it the *Notice of Proposed Rule Making*[1] proposing to amend the Table of FM Allotments (FM Table), section 73.202(b) of the Commission's rules (Rules),[2] by substituting the FM channel or class for five existing vacant FM allotments located in various communities in Alabama, California, and Texas. No comments or counterproposals were filed in this proceeding. For the reasons discussed below, we substitute the channels or class for those communities.

II. BACKGROUND

2. The Audio Division, on its own motion, proposed the substitution of five vacant FM allotments located in various communities in Alabama, California, and Texas, because a recent staff engineering analysis determined that these vacant FM allotments do not comply with the minimum distance separation requirement of section 73.207 of the Rules.[3] Specifically, the *Notice* stated that: 1) vacant Channel 221A, Hamilton, Alabama is short-spaced by 8 kilometers to FM station WOWL, Burnsville, Mississippi and by 11 kilometers to FM station WMSU, Starkville, Mississippi; 2) vacant Channel 261B, Coalinga, California is short-spaced by 6 kilometers to FM station KMAK, Orange Cove, California;[4] 3) vacant Channel 291A, Rocksprings, Texas is short-spaced by 2 kilometers to FM station KKVR, Kerrville, Texas; 4) vacant Channel 221A, Silverton, Texas is short-spaced by 30 kilometers to vacant Channel 221C2 at Turkey, Texas; and 5) vacant Channel 260C2, Spur, Texas is short-spaced by 7 kilometers to licensed FM station KCHT, Childress, Texas.[5]

III. DISCUSSION

3. Accordingly, we substitute Channel 277A for vacant Channel 221A at Hamilton,

[1] *Various Locations*, Notice of Proposed Rule Making, DA 25-911, rel. September 30, 2025 (MB 2025), ("*Notice*"); *see also* 90 FR 51630 (published November 18, 2025).

[2] 47 CFR § 73.202(b).

[3] 47 CFR § 73.207.

[4] The staff engineering analysis determined that vacant Channel 261B at Coalinga also does not comply with the city-grade coverage requirements of 47 CFR § 73.315. *See Notice* at ¶ 4. The *Notice* proposed the downgrade of the vacant Coalinga allotment from Class B to Class B1, because there are no alternate Class B channels available at Coalinga that would comply with 47 CFR §§ 73.207 and 73.315. *See Notice* at ¶ 8, note 28.

[5] *See Notice* at ¶¶ 3-7.

Alabama;[6] Channel 261B1 for vacant Channel 261B at Coalinga, California;[7] Channel 289A for vacant Channel 291A at Rocksprings, Texas;[8] Channel 261A for vacant Channel 221A at Silverton, Texas;[9] and Channel 281C2 for vacant Channel 260C2 at Spur, Texas.[10] We find that the FM substitutions would be in the public interest under Priority (4),[11] because it resolves the existing FM spacing conflicts consistent with the minimum distance separation requirements pursuant to section 73.207 of the Rules.[12] The staff engineering analysis indicates that the FM substitutions also comply with the city-grade coverage requirements pursuant to section 73.315 of the Rules.[13]

4. *Paperwork Reduction and Regulatory Flexibility*. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980, as amended,[14] do not apply to a rulemaking proceeding to amend the Table of FM Allotments, section 73.202(b) of the Rules.[15] This document does not contain information collection requirements subject to the Paperwork Reduction Act of 1995.[16] 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.[17]

IV. ORDERING CLAUSES

5. IT IS ORDERED that, pursuant to authority found in 47 U.S.C. sections 4(i), 5(c)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 155(c)(1), 303(g), (r), and 307(b) and sections 0.61, 0.204(b), and 0.283 of the Rules, 47 CFR §§ 0.61, 0.204(b), and 0.283, March 26, 2026, the Table of FM Allotments, 47 CFR § 73.202(b), IS AMENDED,

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[6] Channel 277A can be allotted to Hamilton, Alabama consistent with the minimum distance separation requirements of 47 CFR § 73.207, provided there is a site restriction of 7 kilometers (4.4 miles) north of the community at reference coordinates 34-11-50 NL and 88-01-37 WL.

[7] Channel 261B1 can be allotted to Coalinga, California consistent with the minimum distance separation requirements of 47 CFR § 73.207, without a site restriction at the community's reference coordinates 36-8-23 NL and 120-21-37 WL.

[8] Channel 289A can be allotted to Rocksprings, Texas consistent with the minimum distance separation requirements of 47 CFR § 73.207, provided there is a site restriction of 12.1 kilometers (7.5 miles) west of the community at reference coordinates 29-59-52 NL and 100-20-10 WL.

[9] Channel 261A can be allotted to Silverton, Texas consistent with the minimum distance separation requirements of 47 CFR § 73.207, provided there is a site restriction of 11 kilometers (6.8 miles) northwest of the community at reference coordinates 34-33-34 NL and 101-21-13 WL.

[10] Vacant Channel 260C2 at Spur, Texas is not currently listed in the FM Table. *See Notice* at note 35. Channel 281C2 can be allotted to Spur, Texas consistent with the minimum distance separation requirements of 47 CFR § 73.207, provided there is a site restriction of 22.5 kilometers (14 miles) east of the community at reference coordinates 33-26-51 NL and 100-36-59 WL.

[11] *See Revision of FM Assignment Policies and Procedures,* Second Report and Order, 90 FCC 2d 88 (1982). The FM allotment priorities are: (1) First fulltime aural service, (2) Second fulltime aural service, (3) First local service and (4) Other public interest matters. Co-equal weight is given to Priorities (2) and (3).

[12] 47 CFR § 73.207.

[13] 47 CFR § 73.315.

[14] 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).

[15] 47 CFR § 73.202(b).

[16] 44 U.S.C. §§ 3501-3520.

[17] 44 U.S.C. § 3506(c)(4).

with respect to the community listed below, to read as follows:

Community	Channel No.
Hamilton, Alabama	277A
Coalinga, California	261B1
Rocksprings, Texas	289A
Silverton, Texas	261A
Spur, Texas	281C2

6. The window period for filing applications for these vacant FM allotments will not be opened at this time. Instead, the issue of opening these allotments for filing will be addressed by the Commission in a subsequent order.

7. IT IS FURTHER ORDERED, That the Commission will send a copy of this *Report and Order* in a report to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. § 801(a)(1)(A).

8. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

9. For further information concerning this proceeding, contact Rolanda F. Smith, Media Bureau, (202) 418-2054.

FEDERAL COMMUNICATIONS COMMISSION

Nazifa Sawez
Assistant Chief, Audio Division
Media Bureau

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 26-137
Released: February 10, 2026

COMMENTS INVITED ON SECTION 214 APPLICATION TO DISCONTINUE DOMESTIC NON-DOMINANT CARRIER TELECOMMUNICATIONS SERVICES

WC Docket No. 26-24

Comments Due: February 25, 2026

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 **March 13, 2026**, 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 service ("Authorized Date"). Any applicant whose application has been deemed granted may discontinue their Affected Service(s) in their Service Area(s) on or after the authorized discontinuance 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 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 applicable. Should no petitions for reconsideration,

[1] 47 CFR § 63.71.

[2] 47 U.S.C. § 214.

[3] 47 CFR § 63.71.

[4] *See* 47 CFR § 63.71(f)(1) (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.").

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 the application(s) listed in the Appendix must be filed with the Commission on or before **February 25, 2026**. Comments should refer to the specific WC Docket No. and Comp. Pol. File No. listed in the Appendix for the Section 214 Discontinuance Application. 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). *Electronic Filers*: Comments may be filed electronically using the Internet by accessing the ECFS: https://www.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.

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.

This proceeding(s) shall be treated as a "permit-but-disclose" proceeding(s) in accordance with 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(s) 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.

[5] 47 CFR § 1.1200 *et seq*.

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/general/domestic-section-214-discontinuance-service.

– FCC –

Appendix

1) **Applicant: Granite Telecommunications, LLC**
WC Docket No. 26-24, Comp. Pol. File No. 2093
Link – https://www.fcc.gov/ecfs/search/search-filings/results?q=(proceedings.name:(%2226-24%22))
Affected Services – resold legacy TDM-based business local exchange service
Service Areas – in certain wire centers located in Alabama, Arkansas, Florida, Georgia, Indiana, Kentucky, Louisiana, Michigan, Missouri, Mississippi, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, and Wisconsin
Authorized Date – on or after June 30, 2026
Contact – Kimberly Jackson, (202) 418-7393 (voice), Kimberly.Jackson@fcc.gov, of the Competition Policy Division, Wireline Competition Bureau
Note: Granite filed its application in compliance with the Commission's technology transition rules in 47 CFR §63.71(f)(2)(i). The application will be processed, however, as a standard §63.71 discontinuance application because AT&T, the underlying provider, received authority on August 25, 2025 to discontinue the underlying service on or after June 30, 2026. AT&T's technology transition was automatically granted because the Commission has recognized, pursuant to the Adequate Replacement Test in 47 CFR § 63.71(f)(2)(i), that AT&T Phone for Business – Advanced is an adequate replacement.[6]

[6] *See Comments Invited on AT&T's Section 214 Application to Discontinue Domestic Legacy Voice Service as a Part of a Technology Transition*, Public Notice, DA 25-667 (July 25, 2025).

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

In the Matter of	)	
	)	
Request for Review and/or Waiver of Decision of the Universal Service Administrator by	)	
	)	
	)	
Child Development Resources of Ventura County, Inc., Oxnard, CA	)	Application No. ECF202113179
	)	
	)	
Establishing Emergency Connectivity Fund to Close the Homework Gap	)	WC Docket No. 21-93
	)	
	)	

ORDER

Adopted: February 10, 2026 **Released: February 10, 2026**

By the Chief, Wireline Competition Bureau:

I. INTRODUCTION

1. In this Order, we deny a request for review and/or waiver filed by Child Development Resources of Ventura County, Inc. (Child Development Resources) regarding an Emergency Connectivity Fund (ECF) program decision.[1] Specifically, the Universal Service Administrative Company (USAC) denied a request for reimbursement and a subsequent appeal of the denial for a number of reasons, including for seeking reimbursement for over 1,500 Wi-Fi hotspots that had not been used. Child Development Resources now seeks review and/or a waiver of the ECF program rules. We deny the request, finding that denial of the reimbursement was appropriate and that Child Development Resources has not demonstrated special circumstances necessary to justify a waiver of the ECF program rules.

II. BACKGROUND

2. As part of the American Rescue Plan Act of 2021 (Act), Congress appropriated $7.171 billion and directed the Commission to promulgate rules for distributing funding from the ECF to eligible schools and libraries for the purchase of eligible equipment and/or advanced telecommunications and information services, including Wi-Fi hotspots, for use by students, school staff, and library patrons for remote learning at locations that include locations other than a school or library.[2] On May 10, 2021, the Commission adopted the *Emergency Connectivity Fund Report and Order* establishing rules for the ECF

[1] Request for Review and/or Waiver of Child Development Resources of Ventura County, Inc., WC Docket No. 21-93 (filed June 30, 2025), https://www.fcc.gov/ecfs/search/search-filings/filing/10630895405437 (Request for Review and/or Waiver).

[2] American Rescue Plan Act, 2021, H.R. 1319, Pub. L. No. 117-2, 117th Cong., tit. VII, § 7402(a)(1)-(2) (2021) (enacted), available at https://www.congress.gov/bill/117th-congress/house-bill/1319/text (American Rescue Plan Act) (enrolled bill).

program to distribute the funding to eligible schools and libraries.[3]

3. The Commission and USAC opened three application filing windows, during which applicants could request funding for eligible equipment and services received or delivered during the applicable funding periods.[4] On May 11, 2023, the COVID-19 public health emergency expired, triggering the sunset date of June 30, 2024 for the ECF program.[5] All ECF purchases of eligible equipment and services had to be completed by this date.[6]

4. Pursuant to the *Emergency Connectivity Fund Report and Order*, ECF program funding was limited to requests for eligible equipment and services to meet the unmet needs of students, school staff, and library patrons that otherwise lacked access to equipment and/or Internet access services sufficient to engage in remote learning during the COVID-19 emergency period.[7] The Commission adopted a maximum support amount of $250 for Wi-Fi hotspots, but explained that reimbursement would be based on the actual costs of the equipment.[8] Applicants were also required to certify to unmet need as part of their funding application – specifically that they were only seeking support for equipment or services provided to students and school staff who would otherwise lack access to connected devices or broadband services sufficient to engage in remote learning.[9] Eligible school staff is limited to staff who were "providing . . . educational services during the relevant time periods [who] would otherwise lack access to . . . broadband connections sufficient to facilitate remote learning during the pandemic."[10] Due to the emergency nature of the program, applicants were permitted to request ECF support based on estimates of unmet need, but they were only permitted to request reimbursement for services or equipment that fulfilled an actual unmet need.[11] For school districts that provide devices through 1:1 device initiatives to all students regardless of need, the Commission limited support to the purchase of devices or services for students that did not have access to an adequate device.[12] Finally, applicants and

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[3] *See generally Establishing the Emergency Connectivity Fund to Close the Homework Gap*, WC Docket No. 21-93, Report and Order, 36 FCC Rcd 8696 (2021) (*Emergency Connectivity Fund Report and Order*).

[4] *See* 47 CFR § 54.1710; *Emergency Connectivity Fund Report and Order*, 36 FCC Rcd at 8734, 8737, paras. 78, 83.

[5] *See Wireline Competition Bureau and Office of the Managing Director Provide Guidance on Emergency Connectivity Fund Program Upon Termination of the Emergency Period,* WC Docket No. 21-93, Public Notice, 38 FCC Rcd 4282, 4284 (WCB 2023) (*ECF Sunset Public Notice*); *see also* H.R. 1319, tit. VII, § 7402(d)(5)(B).

[6] *Id*.

[7] See *Emergency Connectivity Fund Report and Order*, 36 FCC Rcd at 8736-37, para. 81.

[8] 47 CFR § 54.1707(a); *see also Emergency Connectivity Fund Report and Order*, 36 FCC Rcd at 8731, para. 69; *see also* Emergency Connectivity Fund FAQs, Question 5.10, https://www.fcc.gov/emergency-connectivity-fund-faqs (last visited Feb. 10, 2026) (explaining that the reimbursement amount is based on the actual or market-based cost of the requested equipment and not the $400 or $250 reasonable support amount and that the request for reimbursement may be reduced or denied if it is determined to be unreasonable).

[9] 47 CFR § 54.1710(a)(1)(vii); *see also* Emergency Connectivity Fund FAQs, Question 6.12, https://www.fcc.gov/emergency-connectivity-fund-faqs (last visited Feb. 10, 2026).

[10] *See Emergency Connectivity Fund Report and Order*, 36 FCC Rcd at 8729, para. 63.

[11] *See generally Emergency Connectivity Fund Report and Order*, 36 FCC Rcd at 8704, para. 18; *see also* Emergency Connectivity Fund FAQs, Question 6.1 (outlining how applicants may estimate unmet needs).

[12] *See Emergency Connectivity Fund Report and Order*, 36 FCC Rcd at 8736, n.229 (addressing 1:1 initiatives that provide devices to all students regardless of need and stating that the Commission did not find "it appropriate to support the purchase of devices or services for students that already have access to an adequate device"); *see also* Emergency Connectivity Fund FAQs, Question 6.12, https://www.fcc.gov/emergency-connectivity-fund-faqs (last visited Feb. 10, 2026) (stating that applicants cannot request funding for all students as part of a 1:1 initiative and must only seek support for students and school staff who lacked access to connected devices or services).

service providers submitting requests for reimbursement were required to certify that they were "not willfully or knowingly requesting reimbursement for equipment or services that are not being used."[13]

5. Child Development Resources filed an ECF funding application on August 12, 2021 seeking support for 1,502 Wi-Fi hotspots at a cost of $249.99 each, along with 12 months of service, for pre-kindergarten students and staff in its Head Start centers.[14] USAC issued a funding commitment on March 7, 2022 for the two requests.[15] The service provider, The Cost Cutters, then submitted two requests for reimbursement in the amounts of $375,484.98 for Wi-Fi hotspots and $83,060.60 for services.[16] During review of the invoices, USAC sent outreach to Child Development Resources to verify unmet needs, request information about the service provider, and determine whether the request was for a 1:1 device initiative. The two reimbursement requests were denied on October 17, 2024.[17] Child Development Resources appealed the Wi-Fi hotspot related decision to USAC on November 14, 2024.[18] USAC denied the appeal, stating that Child Development Resources did not justify the cost of the Wi-Fi hotspots as reasonable, did not show how unmet needs were determined, nor demonstrate that the devices were not part of a 1:1 device initiative, and finally, Child Development Resources made clear that the Wi-Fi hotspots had never been connected to a mobile service and thus, had not been used by students or school staff.[19]

6. Child Development Resources now seeks timely review and/or waiver of USAC's appeal decision with the Wireline Competition Bureau (Bureau).[20] It states first that its "outreach and needs assessment conducted via informal family services surveys identified students without home internet as part of our 1:1 device initiative."[21] Second, it says that the cost of the Wi-Fi hotspots "represents a good-faith, reasonable expenditure" in light of the public health emergency and supply chain disruptions that resulted in a "a sharp increase in the cost of hardware."[22] Third, it states that the intended use was to support students and teaching staff, and that it required additional time to develop a compliant distribution plan.[23] It also provides a future deployment plan for the Wi-Fi hotspots with its request.[24] In the alternative, it asks for a waiver of the Commission's rules because it is in the public interest to reinstate

[13] 47 CFR § 54.1711(a)(1)(viii) and (a)(2)(vi).

[14] ECF Application No. ECF202113179, Child Development Resources of Ventura County, Inc. Head Start, (Aug. 12, 2021).

[15] *See* Letter from USAC, to Child Development Resources of Ventura County, Inc. Head Start, concerning ECF Application No. ECF202113179 (Mar. 7, 2022) (Funding Commitment Decision Letter).

[16] *See* FCC Form 474 Request for Reimbursement SPI202308189 (Oct. 11, 2023) (Hotspots Invoice); FCC Form 474 Request for Reimbursement SPI202308190 (Oct. 11, 2023) (Services Invoice).

[17] *See* Reimbursement Decision Batch Number ECF-IN-FY2024.21 (Oct. 17, 2024) (denying the hotspots and services invoices).

[18] Request for Review of Child Development Resources of Ventura County, Inc., to USAC (Nov. 14, 2024) (USAC Appeal). Child Development Resources informed USAC it was not appealing the decision regarding services.

[19] *See* Letter from USAC, to Child Development Resources of Ventura County, Inc. Head Start, concerning ECF Application No. ECF202113179 (June 4, 2025) (Revised Funding Commitment Decision Letter).

[20] Request for Review and/or Waiver.

[21] *Id.* at 1.

[22] *Id.* at 1-2.

[23] *Id.* at 2.

[24] *Id.* at 2-3.

the ECF support due to the impact of the denial of funds on the children and families in the region.[25]

III. DISCUSSION

7. We deny Child Development Resources' request for review. First and foremost, Child Development Resources made clear in its communications with USAC that it had not used the Wi-Fi hotspots.[26] ECF participants may not seek reimbursement for equipment and/or services that are not being used,[27] and as such, reimbursement for the Wi-Fi hotspots that had never been provided with a mobile service, and could not be used is a violation of program rules.[28]

8. While the non-usage of the Wi-Fi hotspots is sufficient for denial, we also briefly note additional flaws in Child Development Resources' ECF request and its request for review. First, the applicant did not provide sufficient evidence that the $249.99 cost of the Wi-Fi hotspots was reasonable, nor that it represented the actual costs of the equipment.[29] ECF participants were required to be able to explain their selections and costs to determine reasonability beyond simply providing an invoice and mentioning supply chain issues.[30] Under Bureau guidance, USAC could look to pricing for other similar equipment requested in the ECF program, as well as research public information.[31] The average cost of Wi-Fi hotspots funded through the ECF program in Windows 1 and 2 during this time period was $107.80 per hotspot,[32] and a review of the hotspot at issue from June 2020, listed a $90 manufacturer's suggested retail price, which is just over a third of the cost Child Development Resources sought in 2021 and 2022 in these funding requests.[33] In sum, Child Development Resources did not explain the reasonableness of the requested $249.99 cost.[34] Second, Child Development Resources failed to provide evidence of how it determined unmet need for an Internet connection amongst its pre-kindergarten students and its school staff. In requesting 1,502 Wi-Fi hotspots for 1,294 enrolled pre-kindergarten students[35] and 208 staff, the request appears to be part of 1:1 device initiative with no evidence that a

[25] *Id.* at 3.

[26] Initially, Child Development Resources stated as part of its USAC Appeal that it was "not requesting reimbursement for [the services] FRN." After USAC sought to confirm this information, Child Development Resources replied that "We received the hotspots without service and only realized this upon distribution." *See* Response to USAC from Child Development Resources (filed Mar. 18, 2025).

[27] 47 CFR § 54.1711(a)(2)(vi).

[28] *See* 47 CFR § 54.1711(a)(1)(viii) and (a)(2)(vi).

[29] *See, e.g., Emergency Connectivity Fund Report and Order*, 36 FCC Rcd at 8731, para. 69.

[30] *See id.* at 8732, para. 72.

[31] *See, e.g.*, Emergency Connectivity Fund FAQs, Question 5.10, https://www.fcc.gov/emergency-connectivity-fund-faqs (last visited Feb. 10, 2026) (explaining that the reimbursement amount is based on the actual or market-based cost of the requested equipment and not the $400 or $250 reasonable support amount and that the request for reimbursement may be reduced or denied if it is determined to be unreasonable).

[32] *See* Universal Service Administrative Company, Emergency Connectivity Fund FCC Form 471, https://opendata.usac.org/Emergency-Connectivity-Fund/Emergency-Connectivity-Fund-FCC-Form-471/i5j4-3rvr (last visited Feb. 10, 2026) (reporting data on Wi-Fi hotspot devices and services that have been requested in the ECF program).

[33] *See* Sascha Segan, *Alcatel LinkZone 2 Review: An affordable hotspot, but far from fast*, PCMag.com (June 11, 2020), https://www.pcmag.com/reviews/alcatel-linkzone-2#.

[34] For example, applicants and/or service providers should provide evidence that the price of the device at the time it was purchased, rather than requested, was higher than normal, or cost comparisons that include similar or identical features.

[35] In its appeal to USAC, the enrolled population was stated as 1,072. *See* USAC Appeal.

survey or other determination of need for Wi-Fi hotspots was conducted.[36] In correspondence with USAC, it also appears that Child Development Resources included many non-teaching school staff in its staff recipient list[37] while only teachers and assistant teachers (with unmet need) providing educational services are eligible for a Wi-Fi hotspot through the ECF program.[38] Child Development Resources makes clear through its "Updated Deployment Plan," included with its request for review, that surveys to determine actual need would be conducted in the future, well beyond the funding period of these funding requests and the June 30, 2024 sunset of the Emergency Connectivity Fund program.[39]

9. We also deny Child Development Resources' request for a waiver. Generally, the Commission's rules may be waived for good cause shown.[40] The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest.[41] Child Development Resources states that granting a waiver is in the public interest, "as denial of these funds directly impacts vulnerable children and families in our region."[42] The Commission has consistently held that the assertion of financial need of the applicant and the detrimental impact a denial of support will have on the students who make use of the services does not meet the requirement of special circumstances that warrant a waiver of the Commission's rules.[43] In addition, we find that it is not in the public interest to waive the Commission's rules when there is evidence that the requested Wi-Fi hotspots were never used.[44] Child Development Resources does not otherwise demonstrate any special circumstances that warrant deviation from the ECF program rules, and therefore, we deny the request for a waiver.

IV. ORDERING CLAUSES

10. ACCORDINGLY, IT IS ORDERED, pursuant to the authority contained in sections 1-4

[36] *See also* Request for Review and/or Waiver at 1 (stating that their needs assessment of students without home internet was part of its 1:1 device initiative).

[37] USAC Appeal (suggesting that 230 staff were eligible, including Classroom Aides, Site Supervisors, Health & Nutrition Coordinators as potential recipients of the ECF-requested Wi-Fi hotspots).

[38] *See Emergency Connectivity Fund Report and Order*, 36 FCC Rcd at 8729, para. 63; Emergency Connectivity Fund FAQs, Question 4.1, https://www.fcc.gov/emergency-connectivity-fund-faqs (last visited Feb. 10, 2026) (explaining that only school staff, such as teachers and para-professionals, that provide educational services to students are eligible to receive ECF-funded equipment and services).

[39] Request for Review and/or Waiver at 2.

[40] 47 CFR § 1.3.

[41] *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

[42] Request for Review and/or Waiver at 3.

[43] *See, e.g., Application for Review of a Decision of the Wireline Competition Bureau by Mescalero Apache School; Schools and Libraries Universal Support Mechanism*, CC Docket No. 02-6, Order, 20 FCC Rcd 5848, 5850, para. 5 (2005); *Request for Review by Northern Waters Library Service, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, CC Docket Nos. 96-45 and 97-21, Order, 17 FCC Rcd 1756, para. 7 (CCB 2002) (finding that financial need does not meet the requirement of special circumstances that warrant a waiver of the Commission's rules).

[44] *See supra* para. 7 and note 26 (explaining that the Wi-Fi hotspots did not include an associated mobile service and the devices therefore could not be used); s*ee also, e.g., Request for Review of Decisions of the Universal Service Administrator by Joseph M. Hill Trustee in Bankruptcy for Lakehills Consulting, LP; Schools and Libraries Universal Service Support Mechanism*, CC Docket No. 02-6, Order, 26 FCC Rcd 16586, 16602, para 30 (2011) (*Lakehills Order*) (finding that it is not in the public interest to waive the Commission's rules when there is evidence of waste).

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, 54.1710(a)(1)(vii); and 54.1711(a)(2)(vi) of the Commission's rules, 47 CFR §§ 0.91, 0.291, 1.3, 54.1710(a)(1)(vii); and 54.1711(a)(2)(vi), that the Request for Review and/or Waiver filed by Child Development Resources of Ventura County, Inc., filed June 30, 2025, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Joseph S. Calascione
Chief
Wireline Competition Bureau

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 Between 3.7 and 24 GHz	)	GN Docket No. 17-183
	)	

FOURTH REPORT AND ORDER AND THIRD FURTHER NOTICE OF PROPOSED RULEMAKING

Adopted: January 29, 2026 **Released: January 30, 2026**

Comment Date: 30 days after Federal Register publication
Reply Comment Date: 60 days after Federal Register publication

By the Commission: Chairman Carr and Commissioner Trusty issuing separate statements.

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I. INTRODUCTION

1. Unlicensed devices operating under standards such as Wi-Fi are an indispensable part of everyone's life, enabling people to connect, access information, and conduct research anywhere within range of a hotspot. Recognizing the growing impact of unlicensed devices, the Commission adopted rules in 2020 to provide more flexibility for unlicensed devices accessing 1200 megahertz of spectrum across the 6 gigahertz (GHz) band (5.925-7.125 GHz), resulting in increased unlicensed device usage. In 2020, the Commission authorized two types of 6 GHz unlicensed devices: standard-power devices and low power indoor (LPI) devices. Standard-power devices operate at fixed locations under the control of automated frequency coordination (AFC) systems which protect incumbent licensed services in the 6 GHz band from receiving harmful interference. LPI devices are restricted to indoor operation and operate at lower power to protect licensed incumbent users. Recognizing additional benefits for consumers, the Commission adopted rules in 2023 for a third type of 6 GHz band unlicensed device, very low power (VLP) unlicensed devices, which operate at even lower power levels than LPI devices but can be used anywhere without the need for an AFC system. These rules have unleashed a torrent of devices taking advantage of the new Wi-Fi 6E standard to provide users across the U.S. with a better Wi-Fi user experience.

2. To build upon this foundation of innovation, we now authorize a new category of unlicensed devices in the 6 GHz band known as geofenced variable power (GVP) devices. GVP devices promise to overcome technical and regulatory constraints on LPI and VLP devices. For one, GVP devices offer data rates suitable for reality/virtual reality, short-range hotspots, automation processes, and indoor location and navigation because they operate at significantly higher power than VLP devices. For another, GVP devices need not be restricted indoors, as is the case with LPI. These benefits are possible by restricting GVP devices from operating in exclusion zones on certain frequencies to protect incumbent licensed services from any significant risk of harmful interference. Exclusion zones will be calculated consistent with the protection methodology being used by the AFC systems and GVP devices will obtain that information to avoid causing any significant risk of harmful interference to incumbent licensed users.

3. We also issue a Third Further Notice of Proposed Rulemaking to seek comment on proposals that could provide more utility for unlicensed devices in the 6 GHz band. Specifically, we seek comment on a proposal to allow composite standard-power/LPI access points that operate under the control of an AFC system to operate with additional power under certain circumstances. Because these access points are restricted to indoor operations, they will be able to operate at higher power than what an AFC would allow for outdoor standard-power access points at the same location without presenting a significant risk of harmful interference. The additional power will enable composite standard-power/LPI access points to increase indoor coverage and provide more versatility to American consumers. We also seek comment on a proposal to permit LPI access points to operate on cruise ships. Although the Commission prohibited the operation of LPI access points on boats in the *6 GHz First Order*, we note that the risk of harmful interference to Earth Exploration Satellite Service operations could be reduced because of the limited number of cruise ships and the fact that transmissions from within cruise ships would be significantly attenuated by the thick metal walls of the ship. We also note that cruise ships need more spectrum for unlicensed device operation because they have thousands of passengers within a relatively small footprint.

II. BACKGROUND

4. The 6 GHz band is allocated 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] and make significant use of the U-NII-5 and U-NII-7 bands as well as limited use of 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]

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)

[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 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 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, fig.1.

[4] As of August 5, 2025, , the FCC databases indicate that there are 32,050 call signs for fixed microwave links in U-NII-5, 355 in U-NII-6, 16,180 in U-NII-7, and 5,166 in U-NII-8. The predominant usage in the U-NII-5 and UNII-7 bands is common carrier, industrial/business pool, and public safety pool fixed point-to-point links. The UNII-6 band is dominated by mobile industrial/business pool and public safety pool microwave and TV Pickup operations. The predominant usage in the U-NII-8 band is TV intercity relay stations and TV studio-to-translator links. There are also 311 mobile stations (304 TV mobile pickup and 7 Broadcast Auxiliary Service low power stations) in the UNII-8 band.

[5] *6 GHz First Order*, 35 FCC Rcd at 3855, para. 7 (citing Fixed Wireless Communications Coalition Comments at 3 (filed Oct. 2, 2017)).

5. 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]

6. The Fixed Satellite Service (FSS) is allocated in the Earth-to-space direction across the entire 6 GHz band, 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 4.0-4.2 GHz frequency band in the space-to-Earth direction to comprise the "conventional C band."[11] Predominant FSS uses include content 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] However, no such earth stations are currently licensed in the U-NII-7 band, and the U-NII-8 allocation (7.025-7.075 GHz) is limited to two grandfathered satellite systems with three grandfathered earth station locations.[15]

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[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 8739, 8789-90, paras. 131-32 (2015).

[10] 47 CFR § 2.106.

[11] 47 CFR § 25.103. While the Commission's rules currently define the conventional C-band as the U-NII-5 band and the 3700-4200 MHz band, the Commission has transitioned 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). *Upper C-band (3.98 to 4.2 GHz)*, GN Docket No. 25-59, Notice of Inquiry, FCC 25-13, at 1-2, paras. 3-4 (Feb. 28, 2025).

[12] *Notice*, 33 FCC Rcd at 10501, para. 12.

[13] 47 CFR § 25.214(c)(5).

[14] 47 CFR § 2.106(b)(458)(ii) (International footnote 5.458B) (providing 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).

[15] 47 CFR § 2.106(b)(458)(ii), (d)(172) (international footnote 5.458B and non-governmental footnote NG172). The space-to-Earth allocation is limited to non-geostationary Mobile-Satellite Service feeder links, and earth stations receiving in this band are limited to locations within 300 meters of coordinates in Brewster, WA, Clifton, TX, and Finca Pascual, PR. *Id.* § 2.106(d)(172).

7. In addition to these licensed incumbent services, the table of frequency allocations requires that we take "all practicable steps" to protect the radio astronomy service in the 6.650-6.6752 GHz range from harmful interference.[16] Finally, low-power unlicensed ultra-wideband (UWB) and wideband systems operate in the 6 GHz band under our part 15 rules.[17] Like all other part 15 devices, UWB and wideband devices operate on a non-interference basis—i.e., they must not cause harmful interference and must accept interference.[18]

8. 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).[19] The *6 GHz First Order* adopted rules for two categories of unlicensed operations—standard-power operations and low-power indoor (LPI) operations.[20] 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.[21] Low-power indoor access points can operate across the entire 6 GHz band, but at lower power levels than standard power operations, and must incorporate a contention-based protocol.[22] Client devices operate under the control of either a standard-power or low-power indoor access point and communicate using power levels that are 6 dB below the authorized power for the type of access point to which they are connected.[23]

9. 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*).[24] VLP devices are authorized to operate anywhere, indoors and outdoors,

[16] 47 CFR § 2.106(c)(342) & tbl.17 ("In making assignments to stations of other services to which the bands in table 17 to paragraph (c)(342) of this section are allocated . . ., all practicable steps must be taken to protect the radio astronomy service from harmful interference."); *see also id.* § 2.106(b)(458)(i) (international footnote 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.").

[17] 47 CFR § 15.250; *id.* pt. 15, subpt. F. Unlicensed UWB operations are permitted in many frequency bands. *See id.* pt. 15, subpt. F. Wideband operations are mostly limited to the 6 GHz band. *Id.* § 15.250 (limiting wideband operations to the 5.925-7.250 GHz band). For both 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), 15.515(d), 15.517(c), 15.519(c), 15.250(d)(1).

[18] 47 CFR § 15.5(b) ("Operation of an intentional, unintentional, or incidental radiator is subject to the conditions that no harmful interference is caused and that interference must be accepted that may be caused by the operation of an authorized radio station, by another intentional or unintentional radiator, by industrial, scientific and medical (ISM) equipment, or by an incidental radiator.").

[19] *6 GHz First Order*.

[20] *Id*. at 3860, paras. 17-18.

[21] 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. *6 GHz First Order*, 35 FCC Rcd at 3862, para. 22; *see 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." 47 CFR § 15.403.

[22] *6 GHz First Order*, 35 FCC Rcd at 3860, 3889-90, paras. 18, 101, 103.

[23] *Id.* at 3860, para. 18.

[24] *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, Second Report and Order, Second Further Notice of Proposed

(continued….)

without being under the control of an AFC system.[25] VLP devices are limited to power levels that allow them to coexist with incumbent operations in the band: 14 dBm EIRP and -5 dBm/MHz EIRP power spectral density.[26] Additionally, VLP devices are 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 are required to employ a contention-based protocol.[27] VLP devices are prohibited from operating as part of a fixed outdoor infrastructure, such as poles or buildings.[28] Also, VLP devices are required to prioritize operations above 6.105 GHz prior to operating on frequencies between 5.925 GHz and 6.105 GHz to ensure that services below the U-NII-5 band are protected from potential harmful interference.[29] VLP devices in the U-NII-5 and U-NII-7 bands are required to comply with the transmission emission mask adopted in the *6 GHz First Order.*[30] 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,[31] 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.[32] 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[33]. 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 bands, must be suppressed by at least 40 dB.[34] 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).[35] Consistent with the rules adopted in the *6 GHz Second Order* for LPI and standard power devices, VLP devices are prohibited from operating in low flying aircraft and unmanned aircraft systems.[36] For aircraft above 10,000 feet, VLP devices can operate across the 5.925-6.425 GHz band.[37] Consistent with the *6 GHz Second Order*, VLP devices are prohibited from operating on oil platforms but are permitted to operate on boats.[38]

10. 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

(Continued from previous page)
Rulemaking, and Memorandum Opinion and Order on Remand, 38 FCC Rcd 10523, 10532, para. 18 (2023) (*6 GHz Second Order* or *6 GHz Second FNPRM*).

[25] *See id.* at 10, 39, paras. 18, 67.

[26] 47 CFR § 15.407(a)(9); *6 GHz Second Order,* 38 FCC Rcd at 10534, para. 24.

[27] 47 CFR § 15.407(d)(6), (d)(10); *6 GHz Second Order,* 38 FCC Rcd at 10556, 10561, paras. 56, 67.

[28] 47 CFR § 15.407(d)(8); *6 GHz Second Order,* 38 FCC Rcd at 10555-56, para. 55.

[29] 47 CFR § 15.407(d)(9); *6 GHz Second Order*, 38 FCC Rcd at 10572, para. 94.

[30] *6 GHz Second Order,* 38 FCC Rcd at 10568, para. 86

[31] *Id*.

[32] *Id.*

[33] *Id.*

[34] *Id.*

[35] *6 GHz Second Order*, 38 FCC Rcd at 10568-69, para. 87.

[36] *6 GHz Second Order*, 38 FCC Rcd at 10573, para. 97.

[37] *Id.*; 47 CFR § 15.407(d)(1)(iv).

[38] 47 CFR § 15.407(d)(1)(i); *6 GHz Second Order*, 38 FCC Rcd at 10573, para. 96.

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.[39] On December 13, 2024, the Commission released a Third Report and Order (*6 GHz Third Order*) that authorized VLP operation in the U-NII-6 and U-NII-8 bands.[40] The Commission adopted the same technical and operational requirements previously established for VLP devices in the U-NII-5 and U-NII-7 bands.[41] For example, VLP devices operating 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.[42]

11. The *6 GHz Second FNPRM* also proposed to permit VLP operation at higher power levels while under the control of a geofencing system.[43] The geofencing system would utilize Commission databases to create exclusion zones to protect incumbent licensed services.[44] In addition, because the current 6 GHz unlicensed rules prohibit direct communication between client devices,[45] the *6 GHz Second FNPRM* sought comment on allowing such communications between client devices to 6 GHz unlicensed low-power indoor access points.[46] In this Fourth Report and Order, we only address the *6 GHz Second FNPRM* proposal for VLP operation with a geofencing system in the U-NII-5 and U-NII-7 bands while deferring the remaining open issues from the *6 GHz Second FNPRM,* including operation of GVP devices in the U-NII-6 and U-NII-8 bands, to future Commission actions.[47]

12. The Commission received comments from numerous parties in favor of adopting rules for GVP devices, as well as from parties representing incumbent licensees that raise concerns about the proposed GVP device power levels and system architecture.[48] 6 GHz band unlicensed device proponents – including Apple, Broadcom, Google, Intel Corporation, Meta Platforms (Meta), Microsoft Corporation, Qualcomm, the Wi-Fi Alliance, the Wireless Broadband Alliance, and the Consumer Technology

[39] *6 GHz Second FNPRM*, 38 FCC Rcd at 10576, 10600-01, paras. 104, 173.

[40] *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, 39 FCC Rcd 13901, 13908, para. 12 (2024) (*6 GHz Third Order*).

[41] *Id.* at 13908, para. 13.

[42] *Id*.

[43] *6 GHz Second FNPRM*, 38 FCC Rcd at 10576, para. 104.

[44] *Id*. at 10583-84, paras. 121, 123.

[45] 47 CFR § 15.407(d)(5) (stating that "[c]lient devices are prohibited from connecting directly to another client device").

[46] *6 GHz Second Order*, 38 FCC Rcd at 10608-09, paras. 191-94.

[47] To be clear, we are not addressing the other open issues raised in the *6 GHz Second FNPRM*, and they remain open for resolution in this proceeding. For the reasons discussed in this Fourth Report and Order, we believe that the benefits of permitting higher power VLP operation in the U-NII-5 and U-NII-7 bands under the supervision of geofencing systems are clear enough at this time that such expansion should not be delayed pending resolution of other issues in this docket.

[48] Theodora Scarato has filed numerous scientific studies about the biological effects of radio frequency transmissions. *See, e.g.*, filings of Theodora Scarato on March 27, 2025 and February 26, 2025 in ET Docket No. 18-295. Because the Commission is addressing potential changes to its rules concerning radio frequency exposure in another proceeding, we are not addressing this issue here. *See Proposed Changes in the Commission's Rules Regarding Human Exposure to Radiofrequency Electromagnetic Fields; Reassessment of Federal Communications Commission Radiofrequency Exposure Limits and Policies; Targeted Changes to the Commission's Rules Regarding Human Exposure to Radiofrequency Electromagnetic Fields*, ET Docket Nos. 03-137, 13-84, and 19-226, Resolution of Notice of Inquiry, Second Report and Order, Notice of Proposed Rulemaking, and Memorandum Opinion and Order, 34 FCC Rcd 11687 (2019).

Association – support the Commission's proposals for authorizing unlicensed GVP devices.[49] They advocate that GVP can operate at higher power levels without increasing the risk of harmful interference.[50] They assert that these higher power levels would improve performance for a multitude of applications for the newly available VLP devices.[51] While they all agree on granting GVP devices higher power, they have varying recommendations over whether the geofencing system's architecture should be centralized, decentralized, or an alternative.[52]

13. Opponents claim that more time is required to observe current VLP device operations in real-world scenarios.[53] Additionally, they assert that any VLP expansion be adopted alongside additional or adequate protections for incumbents.[54] They express concern that higher power levels will increase what they argue is already a concerning harmful interference risk.[55] While there is no consensus among the GVP proponents on a single architecture for the geofencing system, the opposing comments all argue that a centralized architecture is the best approach for protecting incumbent microwave links.[56]

III. FOURTH REPORT AND ORDER

14. We adopt rules for GVP devices to operate in the U-NII-5 and U-NII-7 portions of the 6 GHz band at up to 11 dBm/MHz EIRP power spectral density (PSD) and 24 dBm EIRP.[57] GVP devices must work in tandem with a geofencing system to minimize the likelihood of a significant risk of harmful interference to licensed fixed microwave links and radio astronomy observatories. The geofencing systems will calculate exclusion zones in which the GVP devices will not be permitted to operate co-frequency with microwave links or in a portion of the U-NII-7 band used by radio astronomy. Each GVP access point will be required to have a geolocation capability to determine its location and avoid operating on prohibited frequencies within the exclusion zones. GVP client devices will operate under the control

[49] A group of companies that includes Apple Inc., Broadcom Inc., Google LLC, Intel Corporation, Meta Platforms, Inc., Microsoft Corporation, and Qualcomm Inc. 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 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 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 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).

[50] *E.g.*, Apple, Broadcom et al. Comments at 30; Wireless Broadband Alliance Comments at 2-4; Wi-Fi Alliance Comments at 9-13.

[51] *E.g.*, Apple, Broadcom et al. Comments at 34-35; Letter from J. David Grossman, Rachel Nemeth, Consumer Technology Association, to Marlene H. Dortch, Secretary, FCC, ET Docket No. 18-295, at 2 (filed Mar 27, 2024) (CTA Letter); Wi-Fi Alliance Comments at 16; Wireless Broadband Alliance Comments at 2.

[52] Federated Wireless Reply at 10-11; Wi-Fi Alliance Comments at 4.

[53] API Comments at 5; AT&T Comment at 3-4; Evergy Reply at 3; FWCC Reply at 7; Letter from Jeffrey S. Cohen, Chief Counsel, APCO, to Marlene H. Dortch, Secretary, FCC, ET Docket No. 18-295, at 1-2 (filed May 20, 2024) (*APCO Ex Parte*).

[54] Evergy Reply at 10; Evergy Comments at 7; APCO Reply at 3.

[55] Evergy Comments at 4; UTC/EEI Reply at 7.

[56] AT&T Comments at 4; Evergy Reply at 10; UTC/EEI Reply at 10; Comsearch Comments at 2.

[57] We are referring to this new class of 6 GHz unlicensed devices as "geofenced variable power" (GVP) devices instead of "geofenced very low power" devices as was done in the *6 GHz Second FNPRM.* Apple, Broadcom et al. suggested this name change to avoid confusion because the new class of devices would have much higher power than VLP devices and would employ an access point/client hierarchy instead of the peer-to-peer configuration of VLP devices. Apple, Broadcom et al. Comments at 25. We agree that using a more distinct name will convey the unique characteristics of these devices and help avoid confusion.

of GVP access points at 6 dB less power than the authorized power of the controlling GVP access point. Using geofencing will enable GVP devices to operate at significantly higher power levels than the -5 dBm/MHz EIRP PSD and 14 dBm EIRP at which non-geofenced VLP devices are permitted to operate. At this time, we are limiting the GVP device operation to the U-NII-5 and U-NII-7 portions of the 6 GHz band and defer considering such action for the U-NII-6 and U-NII-8 bands.

Table 2: Authorized Unlicensed Devices in the 6 Gigahertz Band

Sub-band	Frequency Range (GHz)	Authorized Unlicensed Devices
U-NII-5	5.925-6.425	Standard power Low power indoor (LPI) Very low power (VLP) Geofenced variable power (GVP) Ultra-wideband (UWB)
U-NII-6	6.425-6.525	Low power indoor (LPI) Very low power (VLP) Ultra-wideband (UWB)
U-NII-7	6.525-6.875	Standard power Low power indoor (LPI) Very low power (VLP) Geofenced variable power (GVP) Ultra-wideband (UWB)
U-NII-8	6.875-7.125	Low power indoor (LPI) Very low power (VLP) Ultra-wideband (UWB)

A. Power Limits for GVP Access Points

15. In the *6 GHz Second FNPRM,* the Commission sought comment on the appropriate power limits for GVP devices in the U-NII-5 and U-NII-7 bands.[58] As an initial matter, the Commission noted that Apple, Broadcom et al. had requested that it permit VLP devices to operate at up to 1 dBm/MHz EIRP PSD and 14 dBm EIRP.[59] Based on the technical record, the Commission declined in the *6 GHz Second Order* to adopt this PSD level and instead limited VLP operations to a maximum of -5 dBm/MHz EIRP PSD and 14 dBm EIRP.[60] However, the Commission explained that it could allow GVP devices to operate at a higher PSD level if such devices are prohibited from operating co-channel and in close proximity to licensed microwave receive sites.[61] The Commission proposed that VLP devices be permitted to operate across the entire 6 GHz band—U-NII-5, U-NII-6, U-NII-7, and U-NII-8—at up to 1 dBm/MHz EIRP PSD and 14 dBm EIRP while under the control of a geofencing system to minimize the likelihood of harmful interference to licensed incumbent services.[62] Although the Commission expressly sought comment on these proposed power limits, it also asked whether it should allow GVP devices to

[58] *6 GHz Second FNPRM*, 38 FCC Rcd at 10576-77, paras. 105-07.

[59] *6 GHz Second FNPRM*, 38 FCC Rcd at 10576-77, para. 105; *see also 6 GHz Second Order*, 38 FCC Rcd at 10532, para. 20 (citing Apple, Broadcom et al. Comments, ET Docket No. 18-295, at 14 (rec. June 29, 2020)).

[60] *See 6 GHz Second Order*, 38 FCC Rcd at 10534, 10522, paras. 24, 50.

[61] *6 GHz Second FNPRM*, 38 FCC Rcd at 10577, para. 106.

[62] *6 GHz Second FNPRM*, 38 FCC Rcd at 10577, para. 106.

operate with higher PSD and EIRP limits.[63] The Commission sought comment on a range of power limits and specifically asked whether it could "allow a power limit higher than 14 dBm EIRP," identifying as one such example power levels "up to 21 dBm EIRP."[64] Furthermore, the Commission asked whether "even higher PSD and EIRP limits [would] increase the risk of harmful interference to licensed incumbent services" and whether "the proposed geofencing system . . . [would] be sufficient to reduce this risk."[65] By using the phrase "even higher," the Commission signaled that it sought comment on power limits higher than those discussed earlier in the paragraph—i.e., higher than 1 dBm/MHz EIRP PSD and 21 dBm EIRP.

16. Apple, Broadcom et al. request that GVP devices be permitted to operate at up to 8 dBm/MHz EIRP PSD and 21 dBm EIRP across the entire 6 GHz band.[66] According to Apple, Broadcom et al., creating geofencing-capable devices "will require manufacturers to add expensive new hardware and software to a wide range of consumer and enterprise equipment," and such investment cannot be justified for the marginal benefit that would be provided by the proposed power limits.[67] Apple, Broadcom et al. stress that unless the GVP maximum permitted power is 21 dBm EIRP, consumers will not experience any additional benefit from a higher PSD when using channels wider than 80-megahertz because total power transmitted is proportional to the PSD and capping the maximum EIRP at 21 dBm would allow all channel bandwidths to operate with more than 14 dBm EIRP total power.[68] They explain that "increas[ing] power limits for *all* channel sizes available in the 6 GHz band . . . is important because wider channels are subject to more noise and therefore require additional power to maintain a sufficient signal-to-noise ratio.[69] Apple, Broadcom et al. similarly recommend permitting a maximum PSD of 8 dBm/MHz EIRP so that all channels, regardless of bandwidth, can operate at the maximum power level.[70] They further claim that "an increase in the PSD limit would not result in any higher risk of harmful interference because of the limitations imposed by the proposed geofencing system" (e.g., the proposal that "the size of an exclusion zone must increase in proportion to a GVP device's power level").[71]

17. Apple, Broadcom et al. point to several computer simulations they submitted prior to the issuance of the *6 GHz Second FNPRM* as evidence that GVP devices can operate at up to 21 dBm EIRP without creating a significant risk of harmful interference to licensed incumbents.[72] One computer simulation that modeled the interaction between outdoor VLP devices and the 97,888 6 GHz band fixed microwave links in the United States for 20-, 40-, 80-, and 160-megahertz bandwidth VLP signals[73] concluded that there was only a 0.00059% probability that a VLP device operating at 21 dBm EIRP

[63] *6 GHz Second FNPRM*, 38 FCC Rcd at 10577, para. 107.

[64] *6 GHz Second FNPRM*, 38 FCC Rcd at 10577, para. 107.

[65] *Id.*

[66] Apple, Broadcom et al. Comments at 26.

[67] Apple, Broadcom et al. Comments at 26.

[68] *See id*. at 27-28. The comments contain a table showing the trade-offs between various PSD and maximum power levels for each channel bandwidth. *Id.*

[69] *Id*. at 28.

[70] *Id*. at 28-29. For example, Apple, Broadcom et al. note that unless the PSD level is increased above 1 dBm/MHz, a 20-megahertz channel could not transmit with more than 14 dBm EIRP, whereas that 20-megahertz channel could transmit with 21 dBm EIRP at an 8 dBm/MHz PSD level. *Id.* at 29 tbl.2.

[71] *Id*. at 29.

[72] *Id*. at 34-40.

[73] *Id*. at 35. This computer simulation was discussed in the *6 GHz Second Order*, 38 FCC Rcd at 10535-37, paras. 27-28.

would cause a microwave link to experience an interference-to-noise (I/N) ratio greater than -6 dB.[74] According to Apple, Broadcom et al., the computer simulation demonstrates that VLP devices operating at 21 dBm with no additional mitigation rules would not create a significant harmful interference risk.[75] Apple, Broadcom et al. argued that this minimal risk would be mitigated by the proposed geofencing rules, which "would prohibit transmissions in the very rare instances where the [computer simulations] found that [VLP] operations could exceed the -6 dB I/N metric."[76]

18. The Dynamic Spectrum Alliance (DSA) and Wi-Fi Alliance support the same power levels for GVP devices as Apple, Broadcom et al. DSA believes that the GVP power levels proposed by the Commission, 14 dBm EIRP and 1 dBm/MHz EIRP PSD, do not "provide[] a sufficient economic incentive for companies to make the necessary investments [to] develop[] and commercializ[e] such [devices]."[77] DSA points out that the proposed power levels would only benefit devices operating on 20-megahertz or 40-megahertz channels, but that most use cases are better suited to larger channel sizes.[78] DSA urges the Commission to instead adopt a geofenced VLP framework with a 21 dBm EIRP limit and 8 dBm/MHz EIRP PSD.[79] According to DSA, "[t]he higher EIRP limit . . . will provide greater reliability for [augmented reality/virtual reality] applications," and "[t]he increased EIRP PSD limits will enable narrow band applications, which may not be feasible under the [current] VLP limits."[80] The Wi-Fi Alliance ask that the Commission "create a new device class for higher power VLP devices capable of operating at up to 21 dBm EIRP and 8 dBm/MHz EIRP PSD.[81] According to the Wi-Fi Alliance, allowing VLP devices to operate at up to 21 dBm EIRP "will enable new applications that are not possible at the current VLP power levels and enable a more robust connectivity for existing applications."[82]

19. While Apple initially joined Apple, Broadcom et al. in requesting GVP power levels of up to 8 dBm/MHz EIRP PSD and 21 dBm maximum EIRP,[83] Apple later proposed a simplified geofencing version with only two power levels: 1 dBm/MHz EIRP PSD and 8 dBm/MHz EIRP PSD, both with a maximum 21 dBm EIRP, instead of permitting variable power up to the 8 dBm/MHz EIRP PSD and 21 dBm EIRP limits.[84] The geofencing systems would calculate two exclusion zones—one for each PSD level—and a GVP device would check its location to determine whether it may operate and, if so, its maximum power level.[85] This version would reduce the calculations needed by the geofencing systems because they would not need to support variable GVP power levels.

20. More recently, Apple and Meta contend that maximum authorized power levels of at least 11 dBm/MHz PSD and 24 dBm EIRP for GVP access points and 5 dBm/MHz PSD and 18 dBm EIRP for

[74] Apple, Broadcom et al. Comments at 35.

[75] *Id*.

[76] *Id*. at 40.

[77] Dynamic Spectrum Alliance Comments at 14.

[78] *Id*.

[79] *Id*.

[80] *Id*. at 14-15.

[81] Wi-Fi Alliance Reply at 12.

[82] Wi-Fi Alliance Comments at 16.

[83] Apple, Broadcom et al. Comments at 23.

[84] Letter from Paul Margie, Counsel, Apple Inc., to Marlene H. Dortch, Secretary, FCC, ET Docket No. 18-295, GN Docket No. 17-183, Attach. at 2 (filed Oct. 17, 2024).

[85] *Id*. at 4.

GVP client devices are "essential for adequate reliability and performance for GVP use cases."[86] They claim that "GVP devices are likely to predominately be wearable devices," such as smartwatches and augmented reality glasses, which have "significant latency and throughput requirements."[87] These wearable devices would face up to 96 dB of attenuation communicating across the user's body.[88] They also point to other use cases, such as multiple peer-to-peer links, which would also greatly benefit from higher power levels.[89] They claim that their analysis shows that these higher power levels are essential to meet the performance goals for these and other envisioned use cases.[90]

21. Federated Wireless supports the Commission's proposal to allow greater power for VLP devices operating under the control of a geofencing system, but instead of spending time and resources developing a new system for geofencing, Federated Wireless advocates relying on the currently authorized AFC systems.[91] Federated Wireless also encourages permitting GVP devices to operate at higher power than the proposed 1 dBm/MHz EIRP PSD and 14 dBm EIRP because AFC systems are "capable of offering the same level of protection to incumbents regardless of the unlicensed device transmit power."[92]

22. The Wi-Fi Alliance points out that the computer simulations upon which the Commission relied in permitting VLP operations "show virtually no impact on the microwave links even for VLP devices operating at 1 dBm/MHz EIRP PSD."[93] The Wi-Fi Alliance claims that VLP devices will be predominantly used indoors, that their signals will be attenuated by body loss when they are used outdoors, and that outdoor VLP transmitters will operate far below the likely height of any 6 GHz microwave facilities.[94] Therefore, the Wi-Fi Alliance claims that existing mitigation requirements are sufficient to protect microwave operations from VLP devices operating at up to 1 dBm/MHz EIRP PSD and 14 dBm EIRP.[95] The Wi-Fi Alliance contends that because the risk of harmful interference from VLP devices operating at this power level "is already extremely low," there is no benefit in imposing geofencing requirements.[96] The IEEE LAN/MAN Standards Committee (IEEE LMSC) also does not believe that the Commission should require geofencing if it increases the power level to 1 dBm/MHz EIRP PSD and 14 dBm EIRP because it effectively only would permit higher power for 20-megahertz and 40-megathertz channels and would not result in increased risk to incumbent services.[97] IEEE LMSC claims that the incremental improvement from this power increase does not justify mandating the

[86] Letter from Megan Anne Stull, Senior Manager, Government Affairs and Regulatory, Apple Inc., and Alan Norman, Public Policy Director, Meta Platforms, Inc., to Marlene H. Dortch, Secretary, FCC; ET Docket No. 18-295, GN Docket No. 17-183, at 1 (filed Aug. 8, 2025) (Apple and Meta Aug. 8, 2025 Ex Parte); *see also* Letter from Paul Margie, Counsel, Apple Inc., to Marlene H. Dortch, Secretary, FCC, ET Docket No. 18-295, GN Docket No. 17-183, at 2 (filed June 26, 2025) (GVP "client devices must operate at a minimum of 18 dBm EIRP and 5 dBm/MHz EIRP PSD to overcome body loss and deliver requisite levels of reliability and performance").

[87] Apple and Meta Aug. 8, 2025 Ex Parte at 1.

[88] *Id*.

[89] *Id*.

[90] *Id*. at 1-2.

[91] Federated Wireless Comments at 2-3.

[92] *Id*. at 3.

[93] Wi-Fi Alliance Comments at 11 (quoting *6 GHz Second Order*, 38 FCC Rcd at 10552, para. 50).

[94] *Id*. at 12.

[95] *Id*.

[96] Wi-Fi Alliance Comments at 15.

[97] *See* IEEE LAN/MAN Standards Committee Comments at 4 (filed by Paul Nikolich).

relatively complex geofencing mechanism and that developing this geofencing mechanism will potentially delay this VLP mode from deploying.[98]

23. Cisco and HP Enterprise support slightly higher VLP power levels to accommodate body loss, but caution that increasing VLP power needs to be done so as to ensure that unlicensed LPI devices continue to coexist among themselves and with VLP devices.[99] According to Cisco and HP Enterprise, the top request of enterprise customers is that Wi-Fi be more predictable and reliable.[100] Cisco and HP Enterprise explain that interference to enterprise Wi-Fi means less spectrum availability, which results in smaller channels with decreased capacity and increased latency.[101] They point out that "[g]eofencing does not consider coexistence with enterprise [Wi-Fi] networks" and that "[h]igher power VLP . . . could interfere with other VLP use[s]."[102] They claim that enterprise customers would like VLP to be coordinated by the infrastructure when in the presence of LPI access points.[103] Cisco and HP state that the actual affect that VLP and GVP devices will have on enterprise Wi-Fi networks is unknown, but that CableLabs is currently studying that issue.[104] Cisco and HP Enterprise recommend that the Commission "adopt reasonable limits on GVP/VLP while standards develop"—i.e., "slightly higher powered VLP to accommodate body loss"—that improve coexistence among the different types of Wi-Fi devices.[105]

24. AT&T urges caution with respect to liberalizing the 6 GHz unlicensed rules and expresses concern that the computer simulations on which VLP device rules are based remain unfiled and untested.[106] AT&T suggests that the Commission "gain some understanding of the impact of actual, commercially deployed VLP devices before liberalizing the rules by which they operate and, if it ultimately determines to do so, to act with caution in a manner that is reversible."[107] AT&T suggests that the power limits for GVP devices "should start conservatively, provide for future modification, and be capped with reference to [the] risks defined by geolocation parameters," with the power levels lower if the Commission adopts a geofencing framework that carries substantial risk to incumbent microwave receivers.[108] AT&T is concerned that the proposal of 1 dBm/MHz EIRP PSD limit "does not appear to be a conservative starting point" and, "[e]ven more dire, the *6 GHz Second FNPRM* seeks comment on increasing the [maximum] EIRP to 21 dBm."[109] AT&T complains that "the [GVP] proponents' response to the *6 GHz Second FNPRM* amounts to platitudes that geofencing . . . will self-evidently protect incumbents and the Commission need not worry because their prior studies . . . should nonetheless carry the day."[110] AT&T claims that "no geofencing advocate has advanced a proposal for geofencing that allows incumbents to rationally evaluate the potential for harmful interference."[111] AT&T demands that

[98] *Id*.

[99] Cisco and HP Enterprise June 20, 2025 *Ex Parte* Presentation at 16.

[100] *Id*. at 3.

[101] *Id*. at 10.

[102] *Id*. at 16.

[103] *Id*.

[104] *Id*. at 12.

[105] *Id*. at 16.

[106] AT&T Comments at 5-6.

[107] *Id*. at 6.

[108] AT&T Comments at 12.

[109] *Id*. at 13.

[110] AT&T Reply at 4.

[111] *Id*.

before the Commission authorizes GVP operations, the record should contain proposed rules that cover such topics as location determination and accuracy, how geofencing boundaries will be implemented, additive interference, the geofencing model (geofencing system architecture), GVP device elevation, database and geofence reauthorization intervals, and an exclusion zone buffer to account for mobility.[112]

25. Evergy cautions that the Commission "should hold off on further expanding unlicensed operations in the 6 GHz band until enough real-world experience has occurred to gain the confidence of incumbents in the utility industry."[113] Evergy is concerned that unlicensed devices will raise the noise floor and result in harmful interference to incumbent licensed operations.[114] Evergy cautions that if harmful interference occurs, its "existing mission-critical systems may become unreliable and inoperable while its engineers engage in . . . [the] extremely difficult, if not impossible, task" of identifying the responsible unlicensed device(s).[115] Evergy describes the proposed 1 dBm/MHz EIRP PSD as "a dramatic increase in power that poses significant risk to incumbent licensees" and urges the Commission to reject this proposal as well as the request by GVP advocates for maximum power levels of 21 dBm EIRP and 8 dBm/MHz EIRP PSD.[116] Evergy asks that the Commission ensure that any geofencing solution protect microwave links commensurate with the protection provided by the AFC system.[117]

26. The American Petroleum Institute (API) does not support permitting VLP devices to operate at 1 dBm/MHz EIRP PSD until more field data on VLP devices and interference is collected, which it predicts would take two years or more.[118] Provided data is collected over the proper time frame and the results show VLP devices are operating without impacting incumbents, API claims that the proposed geofencing system allowing GVP devices to operate at up to 1 dBm/MHz EIRP PSD and 14 dBm EIRP appears to have merit.[119] The Utilities Technology Council and the Edison Electric Institute (UTC/EEI) joint comments advise the Commission to "refrain from further expanding unlicensed operations in the 6 GHz band" until it better understands the interference environment from currently authorized 6 GHz unlicensed devices.[120] The Association of Public-Safety Communications Officials, International (APCO), noting the rules for that VLP devices have only recently been implemented, advises the Commission to let "[r]eal-world operational experience and testing . . . guide any future decision-making rather than risk essential public safety communications networks with theoretical models and lab testing alone."[121]

27. The Electric Power Research Institute (EPRI) states that if VLP devices "[are] allowed to operate at 1 dBm/MHz [EIRP] PSD, then it is imperative that the method used to prevent operation in areas with elevated risk of harmful interference be infallible."[122] EPRI claims that its research shows that

[112] *Id*. at 4-6.

[113] Evergy Reply at 4.

[114] *Id*.

[115] *Id*.

[116] *Id*. at 9. Evergy also asks the Commission to reject the request by the Wi-Fi Alliance to allow VLP devices to operate at 1 dBm/MHz EIRP PSD without geofencing. *Id.*

[117] *Id*. at 10.

[118] API Comments at 5.

[119] *Id*.

[120] UTC/EEI Reply at 5.

[121] APCO Reply at 2.

[122] EPRI Comments at 1. While this document is listed in the docket as being from Robert Chapman, Tim Godrey, and Jay Herman, the document clearly indicates that it represents the technical comments of the Electric Power Research Institute (EPRI). This document shall be referred to as the "EPRI Comments."

even at the -5 dBm/MHz EIRP PSD level at which VLP devices operate, a scheme to prevent VLP devices from operating co-channel in a microwave receiver's main beamwidth is necessary to prevent harmful interference and that exclusion zones could be an effective method to protect these sites provided the propagation models align with the findings from real-world testing.[123]

28. *Discussion*. We are adopting rules to permit GVP devices to operate in the U-NII-5 and U-NII-7 portions of the 6 GHz band at up to 11 dBm/MHz EIRP PSD and 24 dBm EIRP while under the control of a geofencing system. As discussed in more detail below, the geofencing system must comply with various requirements to prevent GVP operations at locations where they may cause a significant risk of harmful interference to licensed incumbent services that share the 6 GHz band. The geofencing system will use the same propagation models and protection criteria that are employed by AFC systems to calculate exclusion zones in which the GVP access points will not be permitted to operate co-channel with a microwave receiver.[124] The geofencing system will also prevent GVP access points from operating near certain radio astronomy observatories. The GVP access points will be required to have a geolocation capability to determine when they enter an exclusion zone and must adjust their operating frequency, if necessary, to meet this condition. GVP client devices, which will not be required to have a geolocation capability, will operate only under the control of a GVP access point at 6 dB less than the controlling access point's authorized power.

29. We adopt the 11 dBm/MHz EIRP PSD and 24 dBm EIRP power levels rather than the 1 dBm/MHz EIRP PSD and 14 dBm EIRP power levels proposed in the *6 GHz Second FNPRM* for several reasons. First, the geofencing systems will be equally effective in preventing a significant risk of harmful interference at the higher power levels because the size of the exclusion zones will increase to account for the higher power—i.e., the size of the exclusion zones scales with the power level. Second, we agree with commenters who opine that permitting higher power levels than those proposed in the *6 GHz Second FNPRM* provides a stronger incentive for manufacturers to invest in geofencing systems and GVP devices.[125] Moreover, we recognize that adopting the proposed GVP power levels, which are only an incremental power increase to the VLP power levels, may not convince industry to undertake the expenses associated with developing this new class of devices.[126] Lastly, we believe that 11 dBm/MHz EIRP PSD and 24 dBm EIRP are necessary for GVP access points to deliver the required reliability and performance for body worn applications, as Apple and Meta point out.[127] According to measurements conducted by the Wireless Research Center of North Carolina, which examined the attenuation between two body worn devices for six test subjects, body attenuation can range from 28 to 96 dB.[128] Considering the high level of signal attenuation that must be overcome between body-worn devices, we conclude that the higher power levels we are permitting are appropriate.

30. Commenters agree that permitting higher power levels will enable more versatile GVP devices to be developed and result in a wide variety of innovative products.[129] As Apple, Broadcom et al., point out, the higher PSD level will be particularly useful for applications that rely on narrow channels such as high bitrate audio and control signaling while the higher maximum power will benefit data-

[123] *Id*. at 2.

[124] Apple, Broadcom et al. Comments at 29.

[125] Apple, Broadcom et al. Comments at 26; Dynamic Spectrum Alliance Comments at 14; Wi-Fi Alliance Reply at 12.

[126] Apple, Broadcom et al. Comments at 26; Dynamic Spectrum Alliance Comments at 14; IEEE LAN/MAN Standards Committee Comments at 4.

[127] Apple and Meta Aug. 8, 2025 Ex Parte at 1.

[128] Apple, Broadcom et al. Comments, ET Docket No. 18-295, Attach. B at 9, Figure 15 (filed June 29, 2020).

[129] Apple, Broadcom et al. Comments at 30-31; Wi-Fi Alliance Comments at 9-10; IEEE LAN/MAN Standards Committee Comments at 3; DSA Comments at 14-15.

intensive tasks in applications such as artificial reality/virtual reality, automotive technologies, screen mirroring, hotspots, and indoor location and navigation.[130] Adopting the higher power levels requested by industry with a geofencing requirement provides more versatility to encourage innovative uses and incentivize investment without increasing the harmful interference risk to incumbent users. We also point out that even though we are permitting up to 11 dBm/MHz PSD and 24 dBm EIRP levels, we expect the majority of devices to operate below these maximum levels most of the time. For many reasons, including to increase battery life, portable devices generally operate at the minimum power level necessary to close the link. In addition, we note that Apple and Meta's filing shows that body attenuation is highly variable based on individual factors; the maximum power is only needed for the extreme cases when body attenuation is at its highest. Thus, the higher power levels we are allowing combined with a geofencing system that scales exclusion zones to the power level provides maximum flexibility for the development of versatile devices to provide new applications to the public while continuing to protect incumbent services from a significant risk of harmful interference.

31. We decline to adopt the two-power level model suggested by Apple.[131] We appreciate the desire to simplify geofencing system implementation, but believe this decision is best driven by geofencing system providers based on their intended customers and applications or through industry consensus within a standards process. The rules we adopt simply define maximum PSD and EIRP and permit geofencing system providers to determine whether to calculate a single exclusion zone based on the maximum power or to calculate multiple exclusion zones indexed for lower power levels. Thus, geofencing system providers can determine the proper tradeoff between the flexibility and complexity associated with calculating a single or multiple exclusion zones.

32. We also do not find it appropriate to limit the power available to GVP devices to protect enterprise LPI Wi-Fi devices, as suggested by Cisco and HP Enterprise. 6 GHz band unlicensed devices are expected to share the band with other unlicensed devices. The operators of enterprise Wi-Fi networks have no basis to expect that they can manage use of the 6 GHz band spectrum solely for their benefit. One of the Commission's goals for expanding unlicensed use in the 6 GHz bands is to encourage the development of innovative consumer devices. By increasing the power available to VLP devices that employ geofencing, we will enable exciting new applications, such as body-worn devices for augmented reality/virtual reality, as well as provide for higher data rates for existing uses, such as Wi-Fi hotspots. We do not believe that it would be in the public interest to forego these new applications to potentially prevent harmful interference from occurring to other unlicensed device users. The new applications and higher data rates will be widely available to all consumers and businesses. We believe this is preferrable to the alternative of restricting the capabilities of GVP devices by limiting their power in order to, in effect, permit enterprises to exclusively use the shared 6 GHz band spectrum within their facilities. Moreover, we note that our rules contain provisions designed to promote coexistence among all devices operating in the 6 GHz bands. For example, GVP devices will need to comply with the same contention-based protocol requirements already in place for LPI and VLP devices and the dynamic transmit power control requirement in place for VLP devices.[132]

33. We decline to delay adopting GVP rules in order to collect more data or conduct testing, as suggested by API, UTC/EEI, APCO, Evergy, and AT&T.[133] We also see no reason to adopt the incremental approach of initially adopting a lower GVP level and potentially increasing it after we gain more experience with GVP operations.[134] The Commission's rules for AFC-enabled standard-power

[130] Apple, Broadcom et al. Comments at 30.

[131] Letter from Paul Margie, Counsel, Apple Inc., to Marlene H. Dortch, Secretary, FCC, ET Docket No. 18-295, GN Docket No. 17-183, Attach. at 2 (filed Oct. 17, 2024).

[132] 47 CFR § 15.407(d)(6), (10).

[133] AT&T Comments at 6; Evergy Reply at 4; API Comments at 5; UTC/EEI Reply at 5; APCO Reply at 2.

[134] AT&T Comments at 6.

devices were adopted in 2020,[135] and AFC systems have been approved for commercial operation since February 2024.[136] The Commission has not received any interference complaints related to 6 GHz standard-power devices operating under the control of AFC systems. Because GVP geofencing systems will employ the same propagation models and determine exclusion zones using the same I/N threshold as the AFC systems, we are confident that the geofencing systems will be equally effective at preventing a significant risk of harmful interference. Also, in the unlikely event that harmful interference occurs, we will require geofencing systems to adjust any or all exclusion zones. Thus, the rules contain an effective mitigation strategy should harmful interference occur.[137]

34. We are unpersuaded by Evergy's concerns regarding increasing the noise floor or causing harmful interference to microwave receivers.[138] The geofencing system will prevent operation of GVP access points and associated client devices at locations where they present a risk of causing harmful interference to microwave receivers. We note that Evergy has not presented any technical analysis indicating that such harmful interference will occur in practice or that GVP devices operating in conjunction with a geofencing system will raise the noise floor. Our experience with AFC systems and the fact that the exclusion zones can be adjusted, if necessary, indicate that harmful interference is unlikely to be an issue and that if any interference issues do arise, they can be addressed by the Commission. As to EPRI's contention that any method used to prevent VLP device operation in areas with elevated interference risk must be "infallible," we acknowledge that no spectrum management system is infallible.[139] However, based on past experience with using databases to effect spectrum management opportunities, such as with the AFC systems and the spectrum access systems (SAS) used to manage access to the 3550-3700 MHz band in the Citizens Broadband Radio Service, we believe that the geofencing systems that our rules are enabling will permit GVP operation without posing a significant risk of harmful interference.[140]

35. We disagree with AT&T that the lack of a specific proposal by GVP advocates prevented incumbents from rationally evaluating the potential for harmful interference.[141] The rules we are adopting closely mirror our proposal in the *6 GHz Second FNPRM* and require GVP devices to operate pursuant to a geofencing system that will be based on the same propagation models as used for the AFC systems. The *6 GHz Second FNPRM* sufficiently discussed the topics that AT&T claims must be included in a serious proposed set of GVP rules.[142]

36. We are not increasing the general (i.e., non-geofenced) VLP PSD to 1 dBm/MHz EIRP, as suggested by the Wi-Fi Alliance and the IEEE LMSC.[143] The *6 GHz Second FNPRM* explicitly

[135] *6 GHz First Order*, 35 FCC Rcd at 3861-88, paras. 20-95.

[136] *OET Announces Approval of Seven 6 GHz Band Automated Frequency Coordination Systems for Commercial Operation and Seek Comment on C3Spectra's Proposed AFC System, Public Notice*, 39 FCC Rcd 1370 (OET 2024).

[137] *Infra* para. 160.

[138] Evergy Reply at 8-9.

[139] EPRI Comments at 1.

[140] 47 CFR pt. 96.

[141] AT&T Reply at 4-6.

[142] These topics included location determination and accuracy, *6 GHz Second FNPRM*, 38 FCC Rcd at 10595, para. 155; implementation of geofencing boundaries, *id.* at 10584-86, paras. 124-28; additive interference, *id.* at 10584, paras. 125-26; the geofencing model, *id.* at 10583, paras. 121-22; GVP device elevation, *id.* at 10596, para. 158; and database and geofence reauthorization intervals, *id.* at 10592, 10595-96, paras. 145, 156-57. Although AT&T could argue that the *6 GHz Second FNPRM* did not explicitly discuss expanding exclusion zone sizes to account for GVP devices that may be in motion, i.e., a "buffer for mobility," this concern is subsumed by the discussion for GVP devices to timely adjust operating frequencies when moving into exclusion zones. *See id.* at 10595, para. 156.

[143] Wi-Fi Alliance Comments at 13-15; IEEE LAN/MAN Standards Committee Comments at 4.

declined to seek comment on modifying the VLP rules for devices operating without a geofencing system except for some aspects of the out-of-band emission limits.[144] Thus, any consideration of higher power for non-geofenced VLP devices is beyond the scope of this proceeding.

37. Finally, AT&T questions the computer simulations on which the Commission relied when adopting the VLP device rules.[145] However, we are not relying on those computer simulation results in reaching our decision to permit GVP operations. Instead, we base our decision to permit GVP on the adoption of rules requiring the use of a geofencing system to prevent any significant risk of harmful interference. Therefore, the veracity of the simulations the Commission relied on when authorizing VLP devices is not relevant to our decision here permitting GVP operations.

B. GVP Client Device Power

38. The *6 GHz Second FNPRM* proposed to require client devices operating under the control of a GVP access point to transmit only on channels determined by that GVP access point.[146] Under this proposal, client devices would not be required to directly obtain or calculate exclusion zones.[147] The *6 GHz Second FNPRM* proposed that client devices operating under the control of a GVP access point be permitted to operate at the same power level as the GVP access point.[148]

39. AT&T expresses concern that the *6 GHz Second FNPRM* proposed to permit client devices connected to GVP access points to operate at the same power as the GVP access point, even though only the GVP access points will be subject to geolocation and geofencing requirements.[149] AT&T calls this a "significant and unexplained departure from the requirement" for standard-power and LPI operations that client devices operate at power levels at least 6 dB less than the associated access points.[150] AT&T suggests that if the Commission does not require GVP client devices to similarly operate at lower power levels, the exclusion zones should be extended by 365 meters, the range over which AT&T claims that two GVP devices could communicate.[151]

40. Apple, Broadcom et al. suggest that the Commission's rationale for adopting lower power limits for standard-power and LPI client devices does not apply to GVP devices.[152] Apple, Broadcom et al., note that the Commission mandated lower power for standard-power and LPI client devices "as a precaution against the theoretical scenario that a client device could operate in a location with a substantially different interference potential compared to its associated standard-power [access point]."[153] Apple, Broadcom et al. claim that scenario will not occur for GVP client devices because they "must operate in close proximity [to their access point] due to their lower power levels relative to standard power [access points]."[154] Apple, Broadcom et al. further explain that the power level for LPI client

[144] *6 GHz Second FNPRM*, 38 FCC Rcd at 10576, para. 104.

[145] AT&T Comments at 5-6.

[146] *6 GHz Second FNPRM*, 38 FCC Rcd at 10582, para. 119.

[147] *Id*.

[148] *Id*.

[149] AT&T Comments at 13.

[150] *Id*.

[151] *Id*.

[152] Apple, Broadcom et al. Reply at 24.

[153] *Id*. at 24-25.

[154] *Id*. at 25.

devices was specifically lowered to prevent outdoor use, an issue that is not relevant for GVP client devices, which would be allowed to operate outdoors.[155]

41. Apple supports the Commission's proposal to authorize the same power levels for GVP access points and client devices because the devices will rely on symmetrical bi-directional communication.[156] Apple suggests that if the Commission decides to adjust the size of the exclusion zones determined by the geofencing system to account for the potential separation distance between a GVP access point and client device, "expanding the exclusion zones by 75 meters would be a very conservative approach," as demonstrated by data presented by Apple and Meta.[157] The Apple and Meta data show the separation distance that can be achieved between GVP access points and client devices when operating a communication link at different Wi-Fi modulation and coding schemes (MCS) in urban and suburban areas.[158] These calculations were based on operation with 21 dBm EIRP, 4 dB of body loss, 0 dBi antenna gain, a transmit frequency of 6.5 GHz, and the use of the propagation models specified in the Commission's rules for AFC operation.[159] This data illustrates that as the MCS level increases the GVP access points and client devices must be closer together to successfully communicate.[160] Apple and Meta maintain that these calculations show that "a 75-meter buffer would more than account for the potential distance between a [GVP access point] and client [device] . . . because this would be larger than the maximum separation distance established using AFC modeling for devices operating at MCS 4."[161] Apple and Meta claim that "[GVP] devices are likely to overwhelmingly operate at MCS 4 and above" because "[o]peration at MCS 1 would not support the throughput requirements needed for this class of devices, which will enable [augmented reality], video, and other high-throughput applications."[162] They also maintain that "in the real world, [GVP] devices will rarely, if ever, be separated by 75 meters" because they "may not be fixed, must be workable at far lower power than standard Wi-Fi, and include a geolocation-capable [access point]."[163] Apple and Meta note that GVP devices "[t]ypically will be body-worn devices that operate with negligible separation distances."[164] Apple and Meta also claim that AT&T's suggested 365-meter buffer distance cannot be replicated and that AT&T relies on unrealistic assumptions, such as using only the free-space propagation model.[165]

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[155] *Id*.

[156] Apple June 26, 2025 *Ex Parte* at 1.

[157] *Id*. at 1-2.

[158] Letter from Paul Margie, Counsel, Apple Inc., to Marlene H. Dortch, Secretary, FCC, ET Docket No. 18-295, GN Docket No. 17-183, Attach. at 3-4 (filed June 13, 2025).

[159] Apple and Meta June 13, 2025 *Ex Parte* at 1-2.

[160] An MCS is a combination of the modulation scheme used to encode digital data into a radio signal and the error control coding technique used to correct bit errors. In general, with a higher order MCS, the signal can carry a higher data rate but it is more susceptible to interference. Using a higher order MCS requires the signal to have a greater signal-to-noise ratio. Therefore, devices using a lower order MCS can communicate over a greater distance than those using a higher order MCS for a given power and signal-to-noise ratio. For example, two devices using an MCS 1 can be separated by a greater distance than if they are using MCS 4.

[161] *Id*. at 2.

[162] *Id*.

[163] *Id*.

[164] *Id*.

[165] *Id*. at 2-3. Apple and Meta note that the Commission has previously concluded that the free-space propagation model is appropriate only for distances of fewer than 30 meters. *Id.* (citing *6 GHz First Order*, 35 FCC Rcd at 3875, para. 64; *6 GHz Second Order*, 38 FCC Rcd at 10535-36, paras. 27, 29, 34).

42. Recently, Apple and Meta have implicitly supported a 6 dB power differential between GVP access points and associated client devices by advocating that maximum authorized power levels of at least 11 dBm/MHz PSD and 24 dBm EIRP for GVP access points and 5 dBm/MHz PSD and 18 dBm EIRP for GVP client devices are essential for adequate reliability and performance for GVP use cases.[166]

43. *Discussion*. We are adopting GVP access point power levels that are higher than were proposed in the *6 GHz Second FNPRM*—up to 11 dBm/MHz EIRP PSD and 24 dBm EIRP instead of the proposed 1 dBm/MHz EIRP PSD and 14 dBm EIRP.[167] At these higher power levels, it is possible for client devices to operate at distances farther from the controlling GVP access point than anticipated under our proposal. Although many potential GVP applications, such as body-worn devices for augmented reality/virtual reality, will involve access points and client devices located on the same person, other applications, such as a GVP mobile hotspot, would likely involve client devices that are distant from the access point. Consequently, a client device operating at the same power as its controlling GVP access point could be located within an exclusion zone even when the GVP access point is safely outside of the exclusion zone. Therefore, consistent with existing 6 GHz client device rules,[168] we will require client devices under the control of a GVP access point to operate at power levels at least 6 dB less than the power level determined by the geofencing system for the associated GVP access point. Because we are implementing this power reduction requirement for GVP client devices, we decline to extend the exclusion zone boundaries, as AT&T suggests.

44. Apple, Broadcom et al. provide no rationale to support their claim that GVP client devices must operate in close proximity to GVP access points.[169] While Apple, Broadcom et al. are correct that one of the motivations for the 6 dB power differential between LPI access points and their associated client devices was to limit the client devices to indoor operation, client devices connected to standard-power access points are also restricted to 6 dB less power than their associated access point and such access points and client devices are not limited to indoor operation.[170] This illustrates that when adopting the rules for standard-power devices the Commission believed that it is necessary to impose a 6 dB power difference between access points and client devices to prevent the client devices from operating too close to microwave receivers even when the associated access point is operating under the control of an AFC system. We continue to hold to that reasoning and reach the same conclusion for GVP devices. In addition, Apple provides no basis for contending that GVP devices will rely on symmetrical bi-directional communication.[171] Other 6 GHz unlicensed devices such as standard-power and LPI devices function with a 6 dB power differential between access points and client devices and we see no basis for concluding that GVP devices cannot also be designed to account for this power difference.

45. We find that providing 6 dB lower power for GVP client devices is a superior approach for compensating for the separation distance between GVP access points and client devices than adding a 75-meter buffer to the exclusion zone boundaries, as suggested by Apple and Meta. The 75-meter buffer size is based on the assumption that at least MCS 4 will always be necessary for these devices. While this may be the case for the augmented-reality glasses and wristband electromyography technology that are the subject of Apple and Meta's presentation,[172] we are not limiting GVP devices to particular technologies or applications. GVP devices operating under the rules we are adopting are expected to

[166] Apple and Meta August 8, 2025 Ex Parte at 1.

[167] *6 GHz Second FNPRM*, 38 FCC Rcd at 10577, para. 106.

[168] 47 CFR § 15.407(a)(7); *6 GHz First Order*, 35 FCC Rcd at 3862, 3890, paras. 22, 103; *see* 47 CFR § 15.407(a)(8).

[169] Apple, Broadcom et al. Reply at 25.

[170] 47 CFR § 15.407(a)(7); *6 GHz First Order,* 35 FCC Rcd at 3922-23, paras. 189-91.

[171] Apple June 26, 2025 *Ex Parte* at 1.

[172] Apple and Meta June 13, 2025 *Ex Parte* Attach. at 2.

operate at a range of MCS levels as needed for different applications and will be able to employ technologies other than Wi-Fi. Consequently, we cannot conclude that GVP access points and client devices will always be limited to a 75-meter separation distance. Applying the same 6 dB power level differential between access points and client devices as we have used for other types 6 GHz unlicensed devices is a more straightforward approach to protecting licensed operations that share the 6 GHz band, while also enabling GVP client devices to operate at the power levels that Apple and Meta state are necessary to ensure reliable communications.[173] This approach also maintains the coexistence scheme already in place to protect incumbents from a significant risk of harmful interference.

46. We do not believe that imposing a 6 dB power differential between GVP access points and associated client devices will hinder the usefulness of GVP devices. As noted above, Apple and Meta have advocated that GVP client devices should have a maximum permitted power level of at least 18 dBm and 5 dBm/MHz to support the envisioned use cases, such as body-worn devices for augmented reality applications and multiple peer-to-peer links.[174] While Apple, Broadcom et al. have indicated that they support 8 dBm/MHz EIRP PSD and 21 dBm EIRP power levels and also advocate for no power differential between GVP assess points and client devices, they have not indicated that limiting client devices to 3 dB below these power levels will hinder the implementation of particular use cases.[175] Therefore, we have no reason to conclude that the power limits we are establishing for client devices under the control of GVP access points will inhibit the usefulness of GVP devices.

47. Under the rules we are adopting, GVP client devices are limited to a maximum of 5 dBm/MHz EIRP PSD and 18 dBm EIRP. In addition, for GVP access points operating within an exclusion zone and pursuant to geofencing instructions limiting power below the maximum permitted, associated client devices will similarly be required to reduce power such that they are at least 6 dB less than the maximum power permitted for the GVP access point. For example, if a GVP access point is operating in an exclusion zone and limited by the geofencing system to 1 dBm/MHz EIRP PSD and 14 dBm EIRP, an associated client device will be limited to -5 dBm/MHz EIRP PSD and 8 dBm EIRP. However, if a GVP access point transmits at less than its maximum permitted power level, the maximum power for the client device is determined by subtracting 6 dB from the access points maximum permitted power, not by subtracting 6 dB from the access points transmit power. For example, if a GVP access point that is operating outside of any exclusion zone transmits at 5 dBm/MHz PSD and 18 dBm EIRP, an associated client device could transmit at this same power level because the maximum permitted power level of the access point is 11 dBm/MHz PSD and 24 dBm EIRP.

C. GVP Operations in U-NII-6 and U-NII-8

48. In the *6 GHz Second FNPRM,* the Commission proposed that geofencing systems protect BAS and CARS operations in the U-NII-6 and U-NII-8 bands.[176] The Commission noted that both the U-NII-6 and U-NII-8 bands are used by mobile broadcast auxiliary services, including outdoor electronic news gathering (ENG) trucks and low power short range devices, such as portable cameras and microphones.[177] Low Power Auxiliary Stations, which are licensed in portions of the U-NII-8 band, 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.[178] ENG trucks transmit video programming, generally using telescoping directional antennas that are oriented

[173] Apple and Meta August 25, 2025 Ex Parte at 1.

[174] *Id*. at 1-2.

[175] Apple, Broadcom et al. Comments at 26-27, 32-33.

[176] *6 GHz Second FNPRM*, 38 FCC Rcd at 10586, para. 130.

[177] *Id.*

[178] 47 CFR pt. 74, subpt. H.

toward a central receive site from remote sites, such as the location of news or sporting events, to a central receive site.[179] The Commission proposed that the geofencing systems protect the BAS and CARS operations using the same propagation models, interference protection criterion, and body loss assumptions as used to protect microwave receivers in the U-NII-5 and U-NII-7 bands.[180]

49. Due to the steerable nature of the central receive antennas, the Commission asked if exclusion zones surrounding central receive sites need to be circular to ensure protection in all directions, or could they be only part of a circle, i.e., less than 360 degrees.[181] The Commission noted that BAS and CARS operations are typically licensed for the entire band(s) in which they operate (i.e., U-NII-6, U-NII-8, or both), and asked whether GVP devices should avoid operation across the entire band that a BAS/CARS site receives within the exclusion zones.[182] The Commission sought comment on whether there are ways to reduce the size of the exclusion zones to protect BAS and CARS receive sites, limit the number of frequencies excluded within those zones, or limit receive site protection to only the specific times when they are in use.[183] More specifically, the Commission asked whether BAS and CARS users should be required to notify a geofencing system of their ENG operations, and for the geofencing systems to incorporate a push notification feature or similar functionality to provide information (e.g., actual operating locations and frequency usage, on a near real-time basis) to GVP devices so that the exclusion zones in the U-NII-6 and U-NII-8 bands can be tailored to actual usage rather than all possible usage areas.[184] The Commission noted that if we were to adopt a push notification or similar approach to protect BAS/CARS based on usage, there would be a need for one or more centralized systems to register BAS/CARS usage and provide the information to geofencing systems.[185]

50. The Commission proposed that low power short range BAS and CARS devices, such as portable cameras and microphones, and Low Power Auxiliary stations be protected from harmful interference by a combination of a required contention-based protocol and the low probability of a GVP device operating on the same channel in a nearby location.[186] The Commission explained that the sensing function associated with the contention-based protocol, along with the low probability for co-channel operation, is sufficient to ensure that GVP devices detect nearby mobile BAS operations and avoid transmitting co-channel to protect those operations from harmful interference.[187]

51. Apple, Broadcom et al. point to a computer simulation they submitted prior to the issuance of the *6 GHz Second FNPRM* as evidence that harmful interference will not occur to ENG receive sites from GVP operations at 21 dBm EIRP.[188] This simulation examined two ENG receive sites at Cowles Mountain, San Diego, CA, and the Old Post Office in Washington, DC.[189] The simulations analyzed mobile links from ENG trucks to BAS central receive sites for a total of six links per site.[190]

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[179] These are referred to as "TV pickup stations" in the part 74 rules. 47 CFR § 74.601(a).

[180] *6 GHz Second FNPRM*, 38 FCC Rcd at 10586, para. 131.

[181] *6 GHz Second FNPRM*, 38 FCC Rcd at 10586, para. 130.

[182] *6 GHz Second FNPRM*, 38 FCC Rcd at 10586-87, para. 131.

[183] *6 GHz Second FNPRM*, 38 FCC Rcd at 10587, para. 133.

[184] *6 GHz Second FNPRM*, 38 FCC Rcd at 10587-88, para. 133.

[185] *6 GHz Second FNPRM*, 38 FCC Rcd at 10588-89, para. 136.

[186] *6 GHz Second FNPRM*, 38 FCC Rcd at 10589, para. 138.

[187] *6 GHz Second FNPRM*, 38 FCC Rcd at 10590, para. 139.

[188] Apple, Broadcom et al. Comments at 38.

[189] Apple, Broadcom et al. Comments Attach. A: *Frequency Sharing for Very Low Power ("VLP") Radio Networks in the 6 GHz Band*, RKF Engineering at 47-48, 51 (June 29, 2020).

[190] *Id*. at 50.

The simulations purport to show that both sites had a close to zero percent probability of experiencing an I/N higher than -6 dB due to VLP devices operating at 21 dBm.[191] While Apple, Broadcom et al. claim the record shows there will be an insignificant risk of harmful interference when GVP operates at 21 dBm EIRP, they "support the Commission's belt-and-suspenders use of geofencing for this GVP device class."[192] They note that adopting a contention-based protocol requirement and the opportunity for broadcasters to report on ENG link locations will further diminish the risk of harmful interference to ENG incumbent licensees.[193]

52. NAB contends that the Commission's proposal to protect mobile operations using exclusion zones around registered ENG central receive sites is based on an incomplete view of how this spectrum is used.[194] It points out that "[w]hile transmission from a mobile ENG truck to a central receive site is a common way that licensed users of this spectrum operate," "[b]roadcasters make use of this spectrum in myriad ways when covering newsworthy events, including from camera-back transmitters to temporary receivers mounted on trucks that can operate nationwide."[195] NAB claims that the proposal for BAS users to provide operating locations and frequencies to a database administrator would "add[] significant burden and delay to the newsgathering process" and require "untold expense to implement a system to capture this information."[196] NAB also criticizes the computer simulation upon which Apple, Broadcom et . al. rely, claiming that the analysis showing absolutely no interference to ENG receivers is plainly unreasonable because many hypothetical VLP transmitter locations near an ENG receive antenna would present a signal exceeding a –6 dB I/N level.[197]

53. *Discussion*. We defer adoption of rules to permit GVP operation in the U-NII-6 and U-NII-8 bands because we do not believe that the record currently contains sufficient details to adopt geofencing that will efficiently manage spectrum while protecting mobile BAS and CARS operations. Because news events can occur anywhere with little notice, a geofencing system that is based on the actual location and directionality of the links between ENG truck transmitters and the central receive sites will require updated information on the locations of ENG truck transmitters. If the ENG operations are not tracked in a centralized database, the geofencing systems will have to protect the ENG receivers over a 360-degreee radius at all times. This large area will need to be protected across the entire U-NII-6 and U-NII-8 bands because BAS and CARS licenses typically permit transmissions across the entire bands. Because ENG news gathering is conducted by broadcasters throughout the nation, establishing exclusion zones at every ENG central receive site that covers the entire U-NII-6 and U-NII-8 bands will remove a tremendous amount of spectrum from use by GVP devices. Hence, to efficiently manage access to this spectrum we find that we should consider how geofencing systems can be designed to use information on actual ENG use to quickly update the exclusion zones governing GVP device use.

54. While Apple, Broadcom et al. support the use of geofencing systems for GVP devices operating in the U-NII-6 and U-NII-8 band and contend that NAB has not substantiated its claim that providing real-time information on BAS/CARS use would be a burden to newsgathering operations,[198] they have not provided any details on how geofencing systems would collect BAS/CARS usage information and manage GVP device spectrum use. For us to adopt rules for geofencing systems that use

[191] Apple, Broadcom et al. Comments at 39-40.

[192] *Id*. at 40-41.

[193] Apple, Broadcom et al. Reply at 40.

[194] NAB Comments at 11.

[195] *Id.*

[196] *Id*.

[197] NAB Comments at 8-9.

[198] Apple, Broadcom et al. Reply at 41-42.

real-time information on BAS/CARS use, we would have to address many issues such as: How would the information on BAS/CARS use be collected? Who would collect this information? What specific information would be collected? How would the information be propagated to the various geofencing systems? How would updated exclusion zones based on this information be pushed to the GVP access points? How quickly would the GVP access points need to adjust their spectrum use as BAS/CARS spectrum use changes? Given the lack of record on how this process would work in practice, we do not believe that we have sufficient information to adopt rules for geofencing systems for the U-NII-6 and U-NII-8 bands. In adopting rules to permit GVP device operations in the U-NII-5 and U-NII-7 bands while deferring consideration of operations in the U-NII-6 and U-NII-8 bands, we are following the same path the Commission used to adopt rules for VLP devices. In the 2023 *6 GHz Second Order,* the Commission adopted rules to permit VLP device operation in U-NII-5 and U-NII-7.[199] In 2024, after obtaining a more robust record, the Commission expanded VLP operations to the U-NII-6 and U-NII-8 bands in the *6 GHz Third Order*.[200]

D. Geofencing System Architecture

55. In the *6 GHz Second FNPRM* the Commission proposed to provide manufacturers with flexibility to design appropriate geofencing systems for different equipment use cases rather than mandate a specific geofencing system architecture and provided three examples.[201] A first example architecture could have a centralized geofencing system calculate exclusion zones based on information obtained from Commission databases, e.g., the Universal Licensing System (ULS), as well the Commission's rules.[202] A GVP access point would contact the centralized geofencing system to download exclusion zones and then manage its spectrum use based on the downloaded information.[203] A second example architecture could have a GVP access point regularly send its location to a centralized geofencing system, which would then inform the access point as to the channels it may use.[204] This second example architecture would use the same methodology as the existing AFC systems that manage standard-power access point spectrum access with the added requirement to account for the inherent mobility associated with GVP access points.[205] A third example architecture could integrate the geofencing system within a GVP access point.[206] A GVP access point would obtain local licensing data by downloading information from an external source.[207] The GVP device would need to contain software necessary to use that data to independently determine exclusion zones and manage its spectrum use.[208] The first and second examples are categorized as "centralized" architectures because they rely on a central server to perform the calculations necessary to implement the geofenced exclusion zones, while the last is a "distributed architecture" in which the calculations are performed by each GVP access point. The Commission proposed to permit either a distributed or centralized architecture.[209] The Commission also sought

[199] *6 GHz Second Order*, 38 FCC Rcd at 10532, para. 18.

[200] *6 GHz Third Order*, 39 FCC Rcd at 13908, para. 12.

[201] *6 GHz Second FNPRM*, 38 FCC Rcd at 10583, para. 121.

[202] *Id.* AFC systems are designed to provide lists of available channels and power levels to standard power access points and fixed client devices in the U-NII-5 and U-NII-7 bands at the single set of geographic coordinates where a device is registered. 47 CFR § 15.407(k)(4).

[203] *6 GHz Second FNPRM*, 38 FCC Rcd at 10583, para. 121.

[204] *Id.*

[205] *Id.*

[206] *Id.*

[207] *Id.*

[208] *Id.*

[209] *6 GHz Second FNPRM*, 38 FCC Rcd at 10583, para. 121.

comment on whether it should provide flexibility for the geofencing system implementations or specify a single approach.[210]

56. AT&T suggests that we require a geofencing architecture where the GVP device downloads keyhole-shaped geofenced exclusion zones from a central server because such a system would be simpler than the Commission's other two example architectures.[211] This suggested architecture is a specific example of the first example architecture which uses simplified exclusion zone boundaries rather than permitting more complex exclusion zones determined by propagation models consistent with the AFC systems as the Commission has proposed.[212] AT&T notes that the simplified approach of the first example architecture would "reduce[] the complexity and storage requirements of those [GVP] devices."[213] By contrast, AT&T claims that the Commission's second example architecture, in all practicality, would revert to the existing AFC system and result in overly complex exclusion zones.[214] AT&T also advises the Commission not to authorize a distributed architecture, i.e., the Commission's third example architecture.[215] According to AT&T, a distributed architecture would effectively require each device to be its own AFC system but without the controls in place for AFC systems, such as the standards-based interference calculation, AFC system public validation through trials, and a common interference reporting system.[216] AT&T claims that AFC system and device implementation variations would render device certification untenable.[217] AT&T argues that permitting these types of devices would "impose[] massive burdens on [fixed microwave] incumbents to continually monitor every VLP device application and conduct assessments to determine if a multiplicity of self-coordinating devices using proprietary mechanisms will actually protect [fixed microwave] incumbents.[218] Evergy advocates that the Commission require a centralized architecture to calculate exclusion zones to ensure licensed incumbents are protected in a consistent and predictable manner.[219] UTC/EEI also favor a centralized architecture, noting that a distributed framework would not be as effective and would pose a greater interference risk to incumbents.[220]

57. Apple, Broadcom et al. explain that the Commission's proposal to "allow[] both centralized and distributed geofencing systems affords device manufacturers sufficient flexibility to facilitate higher- power operations while still providing robust protections for incumbent operators."[221] According to Apple, Broadcom et al., "AT&T's opposition to the Commission's proposal fails to recognize that (1) the AFC rules prohibit mobile devices and (2) the Commission's geofencing proposal has several critical benefits compared to AFC—energy efficiency, consumer privacy, and flexibility."[222] Apple, Broadcom et al. claim that the fundamental difference between what the Commission proposes

[210] *6 GHz Second FNPRM*, 38 FCC Rcd at 10583, para. 122.

[211] AT&T Comments at 7-8, 14-16.

[212] *6 GHz Second FNPRM*, 38 FCC Rcd at 10583, para. 121.

[213] AT&T Comments at 7-8.

[214] AT&T Comments at 8, 14-15.

[215] AT&T Comments at 15.

[216] AT&T Comments at 15.

[217] AT&T Comments at 15.

[218] AT&T Comments at 15-16.

[219] Evergy Reply at 10-11.

[220] UTC/EEI Comments at 10-11.

[221] Apple, Broadcom et al. Reply at 30.

[222] *Id*. at 31.

and AT&T's proposal is that the Commission's proposal facilitates mobile operations.[223] They note that the AFC rules prohibit mobile operations and that the Commission's proposal is "simple enough to facilitate mobile operations without imposing unnecessary device or AFC system complexity."[224] Apple, Broadcom et al. also claim that AT&T's proposal "would require frequent AFC system queries, which would drain consumers' batteries" and would compromise consumer privacy due to the need to constantly transmit the access point's location to third parties.[225] Apple, Broadcom et al. also claim that the Commission's proposal will support GVP technology adoption for a broad range of applications.[226] Apple, Broadcom et al. also disagree with AT&T's claim that consumer devices will not be capable of implementing a distributed architecture.[227] They explain that device manufacturers can choose which approach is best for its device; noting that the Commission's proposal allows more capable devices to use the distributed approach.[228]

58. Comsearch recommends that the Commission allow flexibility for the geofencing architecture, noting that the GVP device use case should determine which architecture is most feasible.[229] According to Comsearch, if a centralized approach, such as the current AFC systems, is used, the need for a mobile device to keep the centralized system informed of its location, direction, and velocity "would substantially complicate message exchange and spectrum availability calculations" compared to AFC systems.[230] However, Comsearch states that a centralized approach, such as an AFC system, would be more feasible for stationary GVP devices.[231]

59. Federated Wireless urges the Commission to "adapt the currently authorized AFC systems for the new [GVP] class" rather than certifying a novel system.[232] According to Federated Wireless, "[t]he information that AFC systems currently provide to [s]tandard [p]ower devices in the 6 GHz band is identical to what would be needed to allow higher-power [GVP] devices to access those frequencies."[233] In order to account for GVP device mobility, Federated Wireless suggests that information on channel availability and power levels could be calculated for a predefined area, with the device only needing to check-in with the AFC system again if it moves outside that area.[234] Federated Wireless recommends that "AFC system operators work with [GVP] device manufacturers to specify how this interaction would work in practice and to address other challenges that are specific to [GVP] devices, including battery power consumption and privacy."[235] Federated Wireless also agrees with other commenters, such as Comsearch, that the Commission should accommodate any geofencing system architecture that allows GVP devices to operate without causing harmful interference to incumbents.[236]

[223] *Id*. at 31.

[224] *Id*. at 31.

[225] *Id*. at 31-32.

[226] *Id*. at 32-33.

[227] *Id*. at 33-34.

[228] *Id*. at 33-34.

[229] Comsearch Comments at 2.

[230] *Id.*

[231] *Id*.

[232] Federated Wireless Comments at 3.

[233] Federated Wireless Reply at 2.

[234] Federated Wireless Reply at 3.

[235] Federated Wireless Reply at 3.

[236] *Id*. at 3-4.

API claims that the geofencing calculation is best done by an AFC system rather than by a separate geofencing provider.[237]

60. *Discussion.* We will require geofencing systems to use a centralized architecture to control GVP access points. Although we sought comment on also permitting a distributed geofencing architecture, we find that it is appropriate to limit geofencing systems to a centralized architecture because of concerns that it would be difficult to test a distributed architecture geofencing system and that such a system would make it difficult to address any instance of harmful interference, should it occur. As AT&T notes, a distributed geofencing architecture would essentially permit each device to act as its own AFC system, but without any of the controls placed on AFC systems.[238] AFC systems are only authorized after extensive lab testing using industry developed test vectors and a public trial where interested parties have the opportunity to examine AFC system outputs for specific locations.[239] Because each GVP access point in a distributed geofencing system would need to calculate the exclusion zones, each GVP access point model would need to be tested to verify compliance with our exclusion zone rules. As AT&T states, the need to monitor every VLP device application and conduct sophisticated assessments on those devices would impose massive burdens on primary microwave incumbents to determine whether the VLP device adequately protects those systems.[240] Although AT&T raises concerns with testing the operation of distributed geofencing systems in its comments, no commenters provide any suggestions on how such systems may be tested. Given the importance that we place on preventing harmful interference from occurring to licensed incumbents and the need to verify through adequate testing the proper functioning of the geofencing systems, we will not permit use of a distributed geofencing architecture.

61. In the *6 GHz Second FNPRM*, the Commission proposed that each geofencing system operator for centralized systems establish and follow protocols to comply with Commission instructions regarding enforcement actions and to adjust exclusion zones, as necessary, to more accurately reflect the potential for harmful interference.[241] We are adopting these requirements for centralized geofencing systems.[242] These provisions enable the Commission to take action in the unlikely event that a GVP device causes harmful interference to a licensed incumbent. Under a centralized architecture, the Commission can simply issue necessary instructions to the approved geofencing systems to mitigate any harmful interference instances by either eliminating certain devices from operating as GVP devices or to adjust exclusion zones. However, it is not apparent, and commenters have not addressed, how these requirements can be satisfied for a distributed geofencing architecture where each GVP access point may not have regular contact with a database to receive such instructions in a timely manner. This is another reason we are not permitting a distributed geofencing architecture.

62. While the Commission noted two examples of centralized geofencing architectures, we are providing flexibility for geofencing administrators to implement various centralized architectures. Our approach will permit geofencing systems to leverage existing AFC systems which could accelerate the time for GVP technology becoming commercially available.[243] However, we will not require that geofencing systems be based on the currently authorized AFC systems, as Federated Wireless and API suggest, because this may discourage innovation and limit the number of geofencing systems that are

[237] API Comments at 5.

[238] AT&T Comments at 15.

[239] *OET Announces Commencement of Testing of the 6 GHz Band Automated Frequency Coordination Systems*, ET Docket 21-352, Public Notice, 38 FCC Rcd 7733, 7733, 7735-39, 7744-45, paras. 1, 6-18, 36 (OET 2023) https://www.fcc.gov/edocs/search-results?t=advanced&daNo=23-759.

[240] AT&T Comments at 15.

[241] *6 GHz Second FNPRM*, 38 FCC Rcd at 10627-28, Appx. B, § 15.407(o)(11).

[242] *Infra* para. 160.

[243] Federated Wireless Comments at 3.

developed with no apparent benefit.[244] So long as a geofencing system uses a centralized architecture and meets our other requirements, we will not restrict administrators from implementing their preferred method. We believe that this flexible approach will lead to GVP devices that meet a wide variety of use cases. We believe that the first example architecture, where GVP access points determine whether they are in an exclusion zone by downloading information describing those zones from a centralized geofencing system, may be most likely to be deployed, but we will not require use of this specific architecture. Apple, Broadcom et al. argue that AT&T's opposition to the Commission's proposal to permit flexibility in the geofencing architecture fails to recognize the benefits that the proposal has compared to requiring an AFC system, such as energy efficiency, consumer privacy, and flexibility.[245] While we are not adopting the proposal to permit use of a distributed architecture, the flexibility that we are providing to permit use of any type of centralized architecture provides these benefits. Under the first example architecture, only infrequent communication is needed between the GVP access point and geofencing server because the GVP access point can download exclusion zones for a large area, thereby enhancing device battery life.[246] Because only infrequent communication will be required, use of the first example architecture will not substantially complicate message exchange and spectrum availability calculations as Comsearch implies.[247] The first example architecture will also protect consumer privacy because the device does not need to inform the database as it changes position.[248] The rules we are adopting provide the flexibility to use any type of centralized architecture, which should provide device manufacturers with the flexibility to work with geofencing system providers and design appropriate geofencing systems for different use cases.[249]

E. Protection of Fixed Microwave Systems

63. As proposed in the *6 GHz Second FNPRM*, we will protect fixed microwave services from a significant risk of harmful interference by requiring geofencing systems to determine location- and frequency-based exclusion zones for GVP access points around fixed microwave receivers based on the same criterion used by AFC systems to protect microwave receivers from standard-power access points and fixed client devices.[250] Specifically, the geofencing systems will calculate frequency-based exclusion zones using the same propagation models used by the AFC systems to avoid causing an I/N greater than the –6 dB interference protection criterion established for the AFC systems.[251] The – 6 dB criterion was established as an appropriate threshold to protect fixed microwave receivers. Individual GVP devices will use these exclusion zones to determine where they are prohibited from transmitting on particular frequencies to prevent harmful interference from occurring.[252]

64. *Interference protection criterion.* The *6 GHz Second FNPRM* proposed that geofencing systems calculate the GVP exclusion zones based on the same – 6 dB I/N interference protection criterion that the Commission adopted in the *6 GHz First Order* for AFC systems.[253] EPRI characterizes -6 dB as

[244] Federated Wireless Comments at 3; API Comments at 5.

[245] Apple, Broadcom et al. Reply at 31.

[246] *Id*. at 31-32.

[247] *Id*. at 32.

[248] *Id*. at 32.

[249] *Id*. at 32-33.

[250] *6 GHz Second FNPRM*, 38 FCC Rcd at 10584, 10585, paras. 124, 127.

[251] *Id.*

[252] *Id.*

[253] *6 GHz Second FNPRM*, 38 FCC Rcd at 10584, para. 124.

the appropriate interference protection metric,[254] while AT&T states that this metric "should be adjusted in view of additive impacts and the 'at sufferance' nature of Part 15 RLAN devices."[255]

65. The Commission adopted the – 6 dB I/N criterion for use by AFC systems based on an extensive technical record[256] and was supported by the Fixed Wireless Communications Coalition, the Utilities Technology Council et al., and other representatives of fixed microwave incumbents.[257] The – 6 dB I/N metric has also been extensively used in numerous computer simulations developed for analyzing the harmful interference risk posed by unlicensed devices in the 6 GHz band.[258] The – 6 dB I/N interference protection criterion used by AFC systems has been widely supported by 6 GHz unlicensed device proponents and microwave incumbents.[259] The –6 dB metric in conjunction with the propagation models required in our rules have proven sufficient in enabling adequate protection to fixed microwave receivers when standard power devices access spectrum under the supervision of an AFC system. The geofenced systems can similarly use this proven methodology to ensure microwave receivers are protected when unlicensed GVP devices access spectrum in a manner the geofenced system has determined will not present a significant risk of harmful interference. Therefore, we are adopting this same metric for geofencing systems to use when determining exclusion zones. Geofencing systems will be required to determine exclusion zone boundaries based on calculating locations where the I/N ratio exceeds – 6 dB using the propagation models specified in our rules.

66. While AT&T argues that additive interference undermines the technical justification for using the – 6 dB I/N metric, 6 GHz unlicensed devices only present a risk of interference if they are in the microwave antenna's main beam at a close enough distance.[260] The geofenced system that controls GVP access points' spectrum access will prevent those devices from operating at locations where they would present a significant risk of harmful interference. Furthermore, Monte Carlo analysis by Apple shows that the additive effects of LPI and VLP devices, operating without any frequency management mechanism such as a geofencing or AFC system, do not present a significant risk of harmful interference to microwave links.[261] Therefore, we do not agree with AT&T that additive effects undermine the technical reasoning for adopting the –6 dB metric. By adopting this metric, we ensure consistency between the calculation methods used by AFC and geofencing systems which should enable geofencing administrators to easily develop and implement these systems. Moreover, use of this metric by AFC systems has been effective in preventing harmful interference from occurring to licensed incumbents from standard power device operations. In adopting the use of this metric by geofencing systems, we are not making a determination that any signal received with an I/N greater than – 6 dB would constitute

[254] EPRI Comments at 4.

[255] AT&T Reply at 7; *see* AT&T Comments at 11 n.20 (stating that "[t]he -6 dB criteria is the minimum that should be considered to protect primary [fixed microwave] incumbents" but that this metric should be adjusted to account for aggregate interference).

[256] *6 GHz First Order,* 35 FCC Rcd at 3878, para. 70.

[257] *See, e.g.*, Fixed Wireless Communications Coalition Comments at 27 (rec. Mar. 18, 2019); Utilities Technology Council et al. Comments at 3, 16 (rec. Mar. 18, 2019); Association of American Railroads Comments at 10 (rec. Mar. 19, 2019); Tucson Electric Power Comments at 26 (rec. Mar. 19, 2019); National Spectrum Managers Association Comments at 7 (rec. Mar. 18, 2019).

[258] CableLabs Dec. 20, 2019 *Ex Parte* at 9; Apple, Broadcom et al. Feb. 28, 2023 *Ex Parte* at 6, 14, 22; Apple Feb. 13, 2023 *Ex Parte* at 4, 6.

[259] *6 GHz First Order*, 35 FCC Rcd at 3878, para. 71.

[260] *6 GHz Second R&O*, 38 FCC Rcd at 10558, para. 61.

[261] Apple Feb. 13, 2023 *Ex Parte* at 17.

"harmful interference" but are instead using this as a conservative means to ensure that microwave receivers are protected.[262]

67. *Propagation models.* The *6 GHz Second FNPRM* proposed that geofencing systems, to determine the VLP device exclusion zones, use the same propagation models that are used by AFC systems to provide channel and power information to standard power access points and fixed client devices.[263] Specifically, the Commission proposed to require geofencing systems to use the free space path-loss model at separation distances of up to 30 meters, the Wireless World Initiative New Radio phase II (WINNER II) model at separation distances greater than 30 meters and up to and including 1 kilometer, and the Irregular Terrain Model (ITM) combined with the appropriate clutter model at separation distances greater than 1 kilometer.[264] The Commission also proposed to require geofencing systems to use site-specific information, including buildings and terrain data, to determine the line-of-sight/non-line-of-sight path component in the WINNER II model, where such data are available.[265] For evaluating paths where such data are not available, the Commission proposed that geofencing systems use a probabilistic model combining the line-of-sight path and non-line-of-sight path into a single path-loss as set forth in the requirements for AFC systems.[266] The *6 GHz Second FNPRM* proposed that these propagation models be used to calculate the GVP exclusion zones.[267] These proposals were designed to ensure consistency among operating locations and parameters for various GVP systems, as well as consistency with the consensus methodology WinnForum published for AFC systems.[268]

68. EPRI agrees with the Commission that exclusion zones can be an effective method to protect microwave receivers, "provided that the propagation models that define the zones align with findings from real-world interference testing" and that the models account for line-of-sight paths between outdoor unlicensed devices and microwave receivers.[269] EPRI suggests using a purely geometric exclusion zone rather than relying on the Commission's proposed propagation models.[270] The geometric exclusion zone would be based on a 30-meter radius around the microwave receiver that extends into a keyhole shape with edges defined by the microwave receive antenna 3 dB bandwidth out to a distance of 10 kilometers.[271] EPRI states that such distance is necessary to eliminate a discontinuity between the WINNER II and ITM propagation models used by the AFC systems, which EPRI claims implies that AFC systems under-protect FS systems.[272] If the Commission uses a propagation model approach to defining exclusion zones, EPRI advocates using free space path loss as a reliable conservative

[262] *6 GHz First Order*, 35 FCC Rcd at 3878, para. 71. The Commission defines harmful interference as "[i]nterference which endangers the functioning of a radionavigation service or of other safety services or seriously degrades, obstructs, or repeatedly interrupts a radiocommunication service operating in accordance with ITU Radio Regulations." 47 CFR § 2.1(c); *see also id.* § 15.3(m).

[263] *6 GHz Second FNPRM*, 38 FCC Rcd at 10585, para. 127.

[264] *Id.*

[265] *Id.*; *see also* 47 CFR § 15.407(l)(1)(ii).

[266] *6 GHz Second FNPRM*, 38 FCC Rcd at 10585, para. 127; *see also* 47 CFR § 15.407(l)(1)(ii).

[267] *6 GHz Second FNPRM*, 38 FCC Rcd at 10585, para. 127.

[268] *6 GHz Second FNPRM*, 38 FCC Rcd at 10585, para. 127; 47 CFR § 15.407(l)(1); *Functional Requirements for the U.S. 6 GHz Band under the Control of an AFC System*, Document WINNF-TS-1014 Version V1.4.0, available at https://winnf.memberclicks.net/assets/work_products/Specifications/WINNF-TS-1014.pdf.

[269] EPRI Comments at 2.

[270] EPRI Comments at 4.

[271] EPRI Comments at 4, 8.

[272] EPRI Comments at 4; Letter from EPRI to Marlene H. Dortch at 4 (Jan. 18, 2024) (on file in ET Docket No. 18-295) (*EPRI Letter*).

approach.[273] EPRI also questions whether the ITM clutter models used by the AFCs are relevant for GVP devices because they do not contain a specific category for roads and highways.[274] EPRI opines that automotive GVP devices are likely to be the first to market and that clutter may not be accurately modeled because the WINNER II model includes morphologies for "urban" and "suburban" areas but lacks guidance for roads and highways.[275]

69. AT&T similarly advocates for a simple keyhole exclusion zone that can be defined by a few discrete numbers such as latitude and longitude of the microwave receiver, direction of the main beam, radius of a circle around the receiver, and angle and distance defining a triangle with its apex at the microwave receiver and its base perpendicular to the main beam.[276] It points out that if the exclusion zone is more terrain-dependent, "it could only be defined with a string of high-precision latitude/longitude pairs," which is more complex and similar to the AFC systems that already exist.[277] AT&T suggests using free space path loss to determine the geofencing area and including a 1.9-kilometer buffer for mobility.[278] According to AT&T, the ITM propagation models "are extremely nuanced and susceptible to major variations even with minor changes in distance" and that the algorithms can be implemented in different ways leading to significantly different results.[279]

70. Apple, Broadcom et al. state that the AFC propagation models, which are based on the distance between a GVP device and a microwave receiver, "sufficiently protects incumbents and can be easily applied in the [GVP] context."[280] Further, they claim that using these models "ensures that the exclusion zones are effectively tailored to the actual operating conditions."[281] Apple, Broadcom et al. object to the suggestion that only free space path loss be used for calculating exclusion zones.[282] They point out that the Commission previously found the free space path loss model inappropriate "because it fails to account for obstruction and terrain variation."[283] According to Apple, Broadcom et al., while free space path loss can be appropriate for short paths to account for a higher line-of-sight potential, "it does not reflect real-world operating conditions for other locations."[284]

71. We are adopting rules that base the exclusion zones on the same propagation models as used for AFC systems, which were adopted after carefully considering the record.[285] The Commission explained that the adopted approach, which uses a combination of propagation models to accommodate a variety of environments and distances, is the best way to balance unlicensed device access and incumbent

[273] ERPI Comments at 6-7; *see* UTC/EEI Reply at 7.

[274] EPRI Comments at 7-8. Specifically, EPRI points out that the National Land Clutter Database (NLCD) has no distinct classification for highways, streets, and roads. *Id.* at 7. In accordance with the WInnForum TS-1014 standard the AFC systems map the NLCD category for the location of the unlicensed device to the clutter types used in the clutter models. *Functional Requirements for the U.S. 6 GHz Band under the Control of an AFC System*, Document WINNF-TS-1014 Version V1.4.0 at 31.

[275] EPRI Comments at 7-8.

[276] AT&T Comments at 8.

[277] AT&T Comments at 8.

[278] AT&T Comments at 11-12.

[279] AT&T Comments at 12.

[280] Apple, Broadcom et al. Reply at 25.

[281] Apple, Broadcom et al. Reply at 25.

[282] Apple, Broadcom et al. Reply at 26.

[283] Apple, Broadcom et al. Reply at 26.

[284] *Id*.

[285] *6 GHz First Order,* 35 FCC Rcd at 3874-75, paras. 63-64; Apple Oct. 17, 2024 *Ex Parte GVP Presentation* at 4.

protection.[286] Because GVP devices will operate on the same spectrum as standard power devices, their transmissions are subject to the same physical and temporal environment as those devices. Thus, we conclude that our experience with these propagation models, which account for the 6 GHz operating environment, since adopting the standard-power device rules provides strong support for concluding that they are similarly appropriate for managing GVP device spectrum access.[287] Since the first AFC systems were approved for commercial operation in February 2024,[288] we have not received any reports that harmful interference occurred to microwave receivers from standard-power access points.

72. When the Commission adopted the standard-power device rules, the record included contentions by microwave licensees that terrain and clutter losses should not be assumed using statistical models and that the appropriate propagation model should be free space path loss.[289] The Commission disagreed with the claims that a free space model must be used in cases where clutter and terrain data are not known.[290] While the Commission adopted the free space path loss model for short separation distances (up to 30 meters), it noted that this model drastically underpredicts path loss for longer distances because there is almost always interaction with the environment that reduces the signal level below free space.[291] As with standard power devices, using the free space path loss model to protect microwave receivers from GVP devices would overprotect such systems and unnecessarily restrict GVP devices resulting in less efficient spectrum use.[292]

73. By deciding to use the AFC propagation models, we reject the notion that geofencing exclusion zones should be defined using purely geometric models or simplified circle and triangle shapes, as suggested by EPRI and A&T. Instead, we will permit geofencing systems flexibility to specify exclusion zones using more complex boundaries, which we recognize can result in exclusion zones with complex shapes. Therefore, to simplify and reduce the data that needs to be conveyed to a GVP device, we will permit geofencing system administrators to simplify the exclusion zone boundaries, so long as they do not provide any less protection to microwave receivers. In other words, the exclusion zones can be simplified or smoothed to ease implementation, as long as the result protects microwave receivers to the same level or more than what the propagation models and the -6 dB I/N metric indicate. To accommodate GVP devices from different manufacturers and potentially multiple geofencing systems, and to ensure that exclusion zones are calculated and provided to GVP devices in a consistent manner, we expect that industry groups will create necessary standards, including an interface specification.[293]

74. We disagree with EPRI's concern that the ITM model under-protects microwave systems due to a discontinuity between the predicted propagation loss with the Winner II model at a distance of 1 kilometer.[294] EPRI provides no actual evidence that the ITM model is under-protecting the microwave

[286] *6 GHz First Order,* 35 FCC Rcd at 3874, para. 63.

[287] *6 GHz First Order*, 35 FCC Rcd at 3861-88, paras. 20-95.

[288] *OET Announces Approval of Seven 6 GHz Band Automated Frequency Coordination Systems for Commercial Operation and Seeks Comment on C3Spectra's Proposed AFC System*, Public Notice, 39 FCC Rcd 1370 (OET 2024).

[289] *6 GHz First Order,* 35 FCC Rcd at 3874, para. 62.

[290] *6 GHz First Order,* 35 FCC Rcd at 3877, para. 67.

[291] *6 GHz First Order,* 35 FCC Rcd at 3874, para. 64.

[292] Apple, Broadcom et al. Reply at 26.

[293] The Wi-Fi Alliance oversaw standards development for AFC systems. For example, the Wi-Fi Alliance created a specification for the communications between standard-power devices and AFC systems. *AFC System to AFC Device Interface Specification*, Wi-Fi Alliance, Version 1.0 (2021) available at https://www.wi-fi.org/file/afc-specification-and-test-plans.

[294] EPRI Comments at 4.

receivers. In the *6 GHz First Order*, the Commission concluded that the ITM model was the appropriate propagation model for the AFC systems to use for distances greater than 1 kilometer, noting that it is supported by the record and has served reliably as a propagation model.[295] In addition, the ITM model has been used to determine spectrum availability in the spectrum access systems (SAS) used to manage access to the 3550-3700 MHz band in the Citizens Broadband Radio Service.[296] Given the lack of actual evidence that the ITM and Winner II models are not appropriate for use by the geofencing systems and our previous experience with these models for the AFC systems, we see no grounds to depart from the propagation models proposed in the *6 GHz Second FNPRM*.

75. Additionally, we disagree with EPRI's concerns that the clutter models used with the ITM model do not represent device use along roads. The clutter models specify clutter levels based on broad land use categories such as urban, suburban, and rural with the model for rural areas using different modeling based on barren areas, high crop yield fields, deciduous trees, coniferous trees, and village center.[297] Because roads are surrounded by buildings or trees that are reflective of these categories, we would expect the signals from devices transmitting on or along roadways to experience attenuation from clutter in the same manner as signals transmitted by devices located away from the roadway. For example, a signal transmitted from a GVP device located along a roadway in a suburban area would experience clutter effects from the buildings and trees in the surrounding environment that are reflective of a suburban environment. EPRI appears to be expecting a degree of precision from clutter models that is not realistic. The same considerations apply to EPRI's concerns regarding the WINNER II model's lack of guidance for use on roads.

76. *GVP Transmit Height.* The *6 GHz Second FNPRM* stated that the geofencing systems could use an antenna height above ground of 1.5 meters in the propagation models when creating the GVP exclusion zones.[298] AT&T points out that for unlicensed whitespace devices, the "geofencing parameters explicitly consider the elevation—antenna height—of the potentially interfering device."[299] AT&T also contends that an assumed antenna height of 1.5 meters is inappropriate because the microwave receiver main beam is highly directional and therefore is sensitive to changes in interferer elevation.[300] AT&T suggests that the "geofencing boundaries . . . should be determined using the worst-case antenna elevation based on terrain, topology, or LIDAR data."[301]

77. We expect that antenna height will not be a significant factor in calculating exclusion zones because most GVP device use will occur indoors. The computer simulations submitted by Apple, Broadcom et al. that the Commission relied on when adopting the rule to permit VLP operation assumed that only 6% of the people using VLP devices would be outdoors.[302] The Commission concluded that this assumption was reasonable because it was based on Department of Transportation and Environmental Protection Agency statistics.[303] Because transmissions from indoor GVP devices will be subject to

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[295] *6 GHz First Order*, 35 FCC Rcd at 3876-77, para. 66.

[296] *Requirements for Commercial Operation in the U.S. 3550-3700 MHz Citizens Broadband Radio Service Band*, Wireless Innovation Forum, Document WINNF-TS-0112, at 11 (June 25, 2019), https://winnf.memberclicks.net/assets/CBRS/WINNF-TS-0112.pdf.

[297] *Functional Requirements for the U.S. 6 GHz Band under the Control of an AFC System*, Document WINNF-TS-1014 at 31, available at https://winnf.memberclicks.net/assets/work_products/Specifications/WINNF-TS-1014.pdf.

[298] *6 GHz Second FNPRM*, 38 FCC Rcd at 10585, para. 127.

[299] AT&T Comments at 10 (citing 47 CFR § 15.711(k)(5)).

[300] AT&T Comments at 10.

[301] AT&T Comments at 10.

[302] Apple, Broadcom et al. Feb. 28, 2023 *Ex Parte* at 9.

[303] *6 GHz Second Order*, 38 FCC Rcd at 10541, para. 35.

significant building attenuation, we believe that operation of indoor GVP devices at any elevation will not present a harmful interference risk. Hence, for 94% of GVP device use, the device elevation will not be a factor.

78. We also expect the vast majority of outdoor GVP device use will occur at ground level—that is, people will use the portable devices outdoors at ground level. For such use, we find that 1.5 meters above ground level is an appropriate approximate height.[304] We also note that the ITM model does account for terrain and hence does compensate for any difference in terrain height between the microwave receiver location and a GVP device being used at an elevation of 1.5 meters above the ground level.[305] While the WINNER II model does not account for the actual terrain, because this model is only used for distances less than one kilometer we do not expect that there will be significant variations in terrain for most cases.

79. There will be a small number of situations where GVP devices are used on building balconies and rooftops. In such cases, assuming a 1.5-meter device height above ground level would not be appropriate. However, we cannot endorse AT&T's proposed worst-case height solution based on terrain, topology, or LIDAR data as it would result in significantly overprotecting microwave receivers in most situations, such as when GVP devices are being used indoors, or at lower heights. Considering the ever-increasing demand for spectrum, we cannot justify eliminating more spectrum than is necessary from GVP use. Also, using such data, where available, would, in effect, assume all in-building GVP use is on the building rooftops instead of indoors or on lower elevation balconies, dramatically reducing the GVP operating area absent an increased harmful interference risk. We also note that LIDAR data is not available in all locations.

80. To compensate for the relatively fewer GVP devices that may be operating on building rooftops and balconies, we are requiring geofencing systems to assume a 10-meter height above ground level for GVP devices when calculating exclusion zones. We are using a 10-meter height for the GVP access points because this is the height assumed in *OET Bulletin No. 69*, which describes using the terrain-dependent Longley-Rice point-to-point propagation model for estimating received signal strength of television signals.[306] *OET Bulletin No. 69* was used by the Commission to make broadcast television signal coverage predictions when assigning channels during the transition from analog to digital television.[307] *OET Bulletin No. 69* provides an appropriate precedent for the assumed GVP device height for two reasons. First, GVP devices, like television sets, will be used where people live or work, which may be in buildings ranging in size from one-story houses to multi-story buildings. When choosing the height to use for *OET Bulletin No. 69*, the Commission chose a height that was appropriate to represent the wide variety of possible antenna locations.[308] This height is also appropriate to represent the wide

[304] The Commission previously found it reasonable for two computer simulations to assume that 90% of VLP devices would operate at a 1.5-meter height above ground level. *6 GHz Second Order*, 38 FCC Rcd at 10546, para. 41; *see also 6 GHz First Order,* 35 FCC Rcd at 3910, para. 153 (noting that an NAB study assumed indoor access points were at a height of 1.5 meters).

[305] *OET Bulletin No. 69, Longley-Rice Methodology for Evaluating TV Coverage and Interference*, at 1 (Feb. 6, 2004) (*OET Bulletin No. 69*), available at www.fcc.gov/Bureaus/Engineering_Technology/Documents/bulletins/oet69/oet69.pdf.

[306] *OET Bulletin No. 69* at 6.

[307] *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MB Docket No. 87-268, Seventh Report and Order and Eighth Further Notice of Proposed Rule Making, 22 FCC Rcd 15581, 15588-89, paras. 17-18 (2007) (*Advanced Television Systems Seventh R&O*); *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, MB Docket No. 87-268, Seventh Further Notice of Proposed Rule Making, 21 FCC Rcd 12100, 12106, paras. 18-19 (2006).

[308] *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service,* Seventh Report and Order and Eighth Further Notice of Proposed Rulemaking, 22 FCC Rcd 15581, 15583, para. 2 (2007).

variety of indoor GVP use. Second, the Longley-Rice propagation model is the basis of the ITM model,[309] which we are requiring geofencing systems to use for distances greater than one kilometer.[310] While using a 10-meter height will, in most cases, result in larger than necessary exclusion zones, we also note that some outdoor GVP use could occur at greater heights. In the latter case, however, such use will only present a harmful interference risk if it occurs on the same channel as being used by a microwave link and within a microwave receiver's main beam within a few kilometers from the microwave receiver location. We conclude that such cases are likely to be so rare as to present an insignificant risk of harmful interference occurring. Moreover, similar to VLP devices, GVP devices are designed to be inherently mobile, and any instances of potential interference are expected to be fleeting.[311]

81. *Body Loss.* The *6 GHz Second FNPRM*, similar to the Commission's conclusion for VLP devices in the *6 GHz Second Order*,[312] proposed to allow geofencing systems to assume 4 dB for body loss when calculating exclusion zones.[313] AT&T urges the Commission not to assume that all GVP devices will be body worn and subject to 4 dB of body loss, noting that "there is no rule that requires VLP devices to be body worn" and therefore "no basis for assuming [GVP] devices will, in fact, be body worn."[314] If the Commission adopts an assumption for body loss, AT&T suggests that the rules bar certification for GVP devices that are not explicitly designed to be body worn.[315] AT&T also asserts that because "VLP devices are likely to be deployed in pairs, . . . it is irrational to assume that both endpoints of the [communication] will be subject to body attenuation."[316] UTC/EEI point out that not all VLP devices will be oriented or used on the body where 4 dB of body loss can be assumed to occur.[317] EPRI states that if the GVP device is oriented such that there is no body shielding to the microwave receiver, a 0 dB body loss would be appropriate.[318] EPRI also suggests that "the first mass-market VLP devices will be automotive" and that, "[b]ecause automotive bodies have glass in all directions[,] . . . more study is needed to determine what value of loss or gain is required to match real-world deployments."[319]

82. Apple, Broadcom et al. disagree with AT&T's suggestion that the Commission ignore body loss unless the rules require a device to be body worn, noting that "even if a device is not directly

[309] Institute for Telecommunication Sciences, *Irregular Terrain Model (ITM) (Longley-Rice)*, https://its.ntia.gov/software/itm (last visited June 26, 2025).

[310] *See* discussion *supra* paras. 67, 71; *6 GHz First Order*, 35 FCC Rcd at 3874, para. 63.

[311] GVP devices are expected to behave similar to VLP devices in being inherently mobile and we similarly prevent GVP devices from being installed on fixed infrastructure. *See infra* para. 119. In the *6 GHz Second Order*, the Commission stated, "In addition, device mobility results in devices, even if remaining in a general location, constantly changing their orientation due to even subtle body movements. Such movements can result in widely varying VLP signal levels in any given direction. Thus, the maximum VLP signal level, which is likely to be less than the maximum our rules permit for a device in the worst-case location and operating co-channel to a microwave system, may only be oriented toward a microwave receiver for a short period of time, which also serves to keep the potential for causing harmful interference to a minimum." *6 GHz Second Order*, 38 FCC Rcd at 10556, para. 55.

[312] *6 GHz Second Order*, 38 FCC Rcd at 10545, para. 40.

[313] *6 GHz Second FNPRM*, 38 FCC Rcd at 10584, 10586, paras. 125, 131.

[314] AT&T Comments at 13.

[315] AT&T Comments at 13-14; AT&T Reply at 7; *see also* Evergy Reply at 11 ("To the extent that the Commission proposes to allow an assumption of 4 dB for body loss in the exclusion zone calculations, it should require that VLP devices operate on the body.").

[316] AT&T Comments at 14.

[317] UTC/EEI Reply at 8.

[318] EPRI Comments at 5.

[319] EPRI Comments at 5.

worn on the body, proximity effects can still be present."[320] Apple, Broadcom et al. note that the Commission previously concluded that "'such losses [still] occur due to absorption and reflections from a table or other surface the device is sitting on or, for in-vehicle use, from the vehicle's cabin.'"[321] Apple, Broadcom et al. also claim that "[GVP device] operations in cars will actually be *more protective* than on-body operations" because automotive bodies have close to 9 dB mean attenuation – far higher than our assumed body loss value.[322] API supports using 4 dB body loss for GVP devices.[323]

83. In the *6 GHz Second Order*, the Commission explained that a body loss value for analytic purposes must reflect not just the body loss itself, but also the wide range of values possible, the varying behavior of VLP device users, and the variety of uses for which VLP devices may be employed.[324] The Commission noted that a 4 dB body loss is appropriate because "body loss is used to represent attenuation from a range of objects near the VLP device such as a human body or the surface of table."[325] The Commission also found that a 4 dB body loss "appears to be a conservative assumption" because "the body loss measurements submitted by Apple, Broadcom et al. and Meta show a distribution with a mean higher than 4 dB and some measured attenuations were much greater than the 8 dB maximum of the truncated distributions used in the simulations."[326]

84. In the *6 GHz Third Order*, the Commission recognized that several related technical studies filed by Broadcom and Apple, Broadcom et al., referred to as the ENG Truck Receiver Studies, provided evidence to support its conclusion that harmful interference would not occur to electronic newsgathering (ENG) truck receivers from VLP device operations.[327] The ENG Truck Receiver Studies used a link budget methodology to calculate the signal-to-interference-plus-noise ratio (SINR) for an ENG camera transmitting at a fixed location 94 meters from an ENG truck receiver with antennas at various heights receiving interference from a single VLP device.[328] The ENG Truck Receiver Studies assumed 4 dB of body loss for the transmissions from the VLP device.[329] The Commission concluded in the *6 GHz Third Order* that using 4 dB for body loss in these link budget calculations is consistent with assumptions that it found were appropriate in the *6 GHz Second Order*.[330]

85. We find, consistent with the Commission's previous conclusions in the *6 GHz Second Order* and *6 GHz Third Order*, that it is appropriate for geofencing systems to assume a 4 dB body loss value when calculating the exclusion zones to protect microwave receivers. Several commenters object to an assumption of 4 dB of body loss because not all GVP devices will be body worn.[331] While we agree with commenters that not all GVP devices will be body worn, we reiterate our statement from the *6 GHz Second Order* that the term "body loss" refers not only to the attenuation when a GVP device is used on or near a human body, but also to the attenuation from other nearby objects, such as a table that the device

[320] Apple, Broadcom et al. Reply at 48.

[321] *Id*. (quoting *6 GHz Second Order*, 38 FCC Rcd at 10545, para. 40).

[322] *Id*. at 39 (citing LS telecom UK, *Final Report: In-car Mobile Signal Attenuation Measurements*, at 33, Fig. 13 (2017)).

[323] API Comments at 6.

[324] *6 GHz Second FNPRM*, 38 FCC Rcd at 10545, para. 40.

[325] *6 GHz Second FNPRM*, 38 FCC Rcd at 10545, para. 40.

[326] *6 GHz Second FNPRM*, 38 FCC Rcd at 10545-46, para. 40.

[327] *6 GHz Third Order*, 39 FCC Rcd at 13923, para. 43.

[328] *6 GHz Third Order*, 39 FCC Rcd at 13917, para. 31.

[329] Apple, Broadcom et al. Comments at 16.

[330] *6 GHz Third Order*, 39 FCC Rcd at 13923, para. 43.

[331] *E.g.*, AT&T Comments at 13-14; UTC/EEI Reply at 8; EPRI Comments at 5; *see* Evergy Reply at 11.

is sitting on or a vehicle's passenger cabin. Apple, Broadcom et al. concur that "body loss" can occur "even if a device is not directly worn on the body" because "proximity effects can still be present."[332] Although some commenters appear to claim that the 4 dB body loss assumption should not apply in certain scenarios,[333] we note that they did not submit any technical data to support those claims. Thus, based on the record before us, we will permit geofencing systems to account for up to 4 dB body loss consistent with our previous conclusion as to the appropriate body loss to assume for interference related VLP device calculations.

86. The body-loss measurements that Apple, Broadcom et al. previously submitted on the record illustrate that 4 dB is a conservative body-loss value. According to these measurements, a smartphone transmitting in six different locations on six different people, the measured body loss was greater than 4 dB 90% of the time and could be as high as 30 dB.[334] These measurements indicate that excluding body loss from the exclusion zone calculation will result in larger exclusion zones than are necessary to protect the microwave links the vast majority of the time. Therefore, assuming no body loss, as several commenters suggest, would conflict with the Commission's goal to promote efficient spectrum use.

87. We do not agree with EPRI that more study is needed regarding VLP use in automobiles before we adopt a body loss value for the geofencing systems.[335] As noted, body loss also refers to loss from nearby objects. Notably, Apple, Broadcom, et al. cited a technical study finding that, on average, vehicles cause 9 dB of signal attenuation to devices operating in the 2 GHz band.[336] While the 6 GHz band was not explicitly tested, this study demonstrates that devices operating in-vehicle at 6 GHz would experience some level of attenuation. Therefore, because signals transmitted by a GVP device within an automobile will be subject to some amount of attenuation from the vehicle cabin, we believe it is appropriate to assume that at least 4 dB of attenuation will be present for this use case.

88. *Aggregate interference*. The *6 GHz Second FNPRM* proposed that geofencing systems not be required to consider aggregate interference effects from multiple GVP devices, noting that these devices will operate at a significantly lower power level than standard-power access points and fixed client devices for which the Commission previously determined that an aggregate interference limit is not necessary.[337] Apple, Broadcom et al. agree that the risk of aggregate interference from GVP is even lower than for standard-power devices because "GVP devices will operate at a considerably lower power level compared to standard power [access points]" and the required contention-based protocol will "greatly decrease[] the likelihood of simultaneous transmission that could lead to aggregate interference."[338] EPRI claims that its real-world testing confirms that additive interference effects are real and that geofencing systems must acknowledge additive interference.[339] According to EPRI, locations where line-of-sight paths occur between unlicensed devices and microwave receivers are not rare corner cases and that when multiple devices operate at such locations the aggregate interference effects significantly increases the

[332] Apple, Broadcom et al. Reply at 48.

[333] *See* AT&T Comments at 14; EPRI Comments at 5.

[334] Apple, Broadcom et al. Comments, ET Docket No. 18-295, Attach. B at Figure 26 (rec. June 29, 2020).

[335] EPRI Comments at 5.

[336] Apple, Broadcom, et al. Reply at 39, n.146; *see also* Apple, Broadcom et al. Comments, ET Docket No. 18-95, at E-6 (Feb. 15, 2019) ("[A]n average of 10 dB of [vehicle penetration loss] is a conservative value.").

[337] *6 GHz Second FNPRM*, 38 FCC Rcd at 10584, para. 125 (citing *6 GHz First Order,* 35 FCC Rcd at 3879, para. 72).

[338] Apple, Broadcom et al. Reply at 28.

[339] EPRI Comments at 2.

potential for harmful interference.[340] AT&T suggests that the Commission follow the practice adopted in the United Kingdom and the European Union "where an additional 4 dB margin was included to adjust for aggregate effects."[341] AT&T also cites an instance where the Commission assumed a 4 dB margin to account for aggregate interference when setting a power flux density interference limit into satellite earth station receivers.[342] AT&T notes that the Commission's previous finding regarding aggregate interference pre-dates the two technical studies filed by EPRI and FirstEnergy and the technical study filed by Southern Company.[343]

89. The two studies conducted by EPRI and FirstEnergy, which AT&T references, purport to show measured reduction in microwave link fade margin from aggregate effects of multiple access points.[344] However, these two studies show inconsistencies that cast doubt on the results. For example, the first study shows that, in some instances, the reduction in link fade margin actually decreases when multiple access points are transmitting compared to when just one access point is transmitting but increases in other instances.[345] We speculate that the inconsistencies in the two EPRI and FirstEnergy studies are related to the methodology employed for measuring the impact from unlicensed device operation on microwave links. EPRI and FirstEnergy regularly measured a baseline fade margin with no unlicensed devices transmitting by reducing the microwave transmitter power level until bit errors occurred.[346] One or more unlicensed devices were then turned on and the microwave link power level was reduced until errors occurred.[347] The difference in the microwave link power level at which errors occurred between these two cases was the "reduction in fade margin," which EPRI and FirstEnergy claims is due to unlicensed device operation.[348] But this methodology is flawed because the fading level experienced on a microwave link constantly changes, which means that the baseline fade margin does not remain constant during the testing. To account for variation in link fading, EPRI and FirstEnergy either used the baseline fade margin before the unlicensed devices were turned on, or interpolated or calculated the average of the baseline fade margin measurements made before and after the measurements with the unlicensed devices.[349] As the fade margin measurement plot in the second EPRI and FirstEnergy test report shows, the baseline fade margin over the three-day testing period varied between 25 and 29 dB and

[340] EPRI Reply at 2.

[341] AT&T Comments at 11 n.20 (citing Statement*: Improving Spectrum Access for Wifi –Spectrum Use in the 5 and 6 GHz Bands*, UK Ofcom (Jan. 17, 2020), available at: https://www.ofcom.org.uk/consultations-and-statements/category-2/improvingspectrum-access-for-wi-fi; *Sharing and compatibility studies related to Wireless Access Systems including Radio Local Area Networks (WAS/RLAN) in the frequency band 5925-6425 MHz*, Electronic Communications Committee, European Conference of Postal and Telecommunications Administrations, ECC Report 302 at 31, Table 17 (May 29, 2019) available at: https://docdb.cept.org/download/cc03c766-35f8/ECC%20Report%20302.pdf).

[342] AT&T Comments at 11 n.20 (citing *Expanding Flexible Use of the 3.7 to 4.2 GHz Band*, Report and Order and Order of Proposed Modification, 35 FCC Rcd 2343, 2475-76, para. 363 (2020)).

[343] AT&T Comments at 11 n.20.

[344] EPRI, FirstEnergy 6 GHz Additive Interference Study – Public, Oct. 12, 2022 *Ex Parte* at 6-1, 6-2; EPRI FirstEnergy 6 GHz Additive Interference Study – Phase 2 Winter, May 9, 2023 *Ex Parte* at vii.

[345] EPRI, FirstEnergy 6 GHz Additive Interference Study – Public, Oct. 12, 2022 *Ex Parte* at Figures 4-6, 4-9, 4-10.

[346] EPRI, FirstEnergy 6 GHz Additive Interference Study – Public, Oct. 12, 2022 *Ex Parte* at 2-16.

[347] EPRI, FirstEnergy 6 GHz Additive Interference Study – Public, Oct. 12, 2022 *Ex Parte* at 2-16.

[348] EPRI, FirstEnergy 6 GHz Additive Interference Study – Public, Oct. 12, 2022 *Ex Parte* at 2-17.

[349] EPRI, FirstEnergy 6 GHz Additive Interference Study – Public, Oct. 12, 2022 *Ex Parte* at 4-7; EPRI FirstEnergy 6 GHz Additive Interference Study – Phase 2 Winter, May 9, 2023 *Ex Parte* at 2-11.

the difference between two successive baseline fade margin measurements was as much as 2 dB.[350] Based on the data in these test reports, it is difficult to conclude whether the fade margin reduction was due to variation in the baseline fade margin over time[351] or was caused by the additive effect from multiple unlicensed devices simultaneously transmitting. We also note that when using multiple simultaneously transmitting unlicensed devices, EPRI and FirstEnergy set them to use "iperf-tenstreams" which generates "10 concurrent streams of maximum rate TCP."[352] This produced continuous extremely high-rate transmissions instead of the bursty discontinuous transmissions typical of Wi-Fi. Hence, we would not expect this type of testing to accurately model the effects of typical unlicensed devices. The technical study by Southern Company, which AT&T also references, is also lacking because it merely speculates that aggregate interference could occur from multiple access points in a specific building rather than actually measuring whether such aggregate interference actually occurs.[353] Therefore, we do not find these technical studies persuasive and conclude that there is no need to adjust the exclusion zones based on the potential for aggregate interference from multiple GVP devices.

90. AT&T points out that the Commission assumed a 4 dB factor for aggregate interference when setting a power flux density (PFD) limit for out-of-band emissions from base and mobile stations in the 3.7-3.98 GHz band into satellite earth station antennas in the adjacent 4-4.2 GHz band.[354] The 3.7-3.98 GHz band has been auctioned to wireless mobile broadband carriers.[355] Spectrum use by wireless carriers typically differs from spectrum use by unlicensed devices. Wireless carriers set up their networks to provide ubiquitous coverage with higher power levels than are permitted for unlicensed devices. Base stations employed by wireless carriers transmit continuously, unlike the bursty transmissions of unlicensed Wi-Fi devices. Given the differences in how the licensed 3.7-3.98 GHz band is being used compared to the likely characteristics of GVP devices, we do not believe that our prior decision assuming a 4 dB margin for aggregate interference in the 3.7-3.98 GHz band is relevant to 6 GHz GVP devices.

91. AT&T refers to a statement from the United Kingdom spectrum regulator on 5 and 6 GHz band Wi-Fi use and a report on a simulation study conducted by the Electronic Communications Committee of the European Conference on Postal and Telecommunications Administrations to support a claim that the United Kingdom and the European Union use a 4 dB margin for aggregate effects.[356] We note that neither of these documents mentions a 4 dB margin to compensate for the aggregate interference effects.

92. *Adjacent channel protection.* The *6 GHz Second FNPRM* proposed that GVP exclusion zones only account for co-channel operation and not consider adjacent channel operations.[357] This is a departure from the rules for standard-power devices, which require AFC systems to account for the

[350] EPRI FirstEnergy 6 GHz Additive Interference Study – Phase 2 Winter, May 9, 2023 *Ex Parte* at Figure 3-1, at 3-2.

[351] In microwave point-to-point links, fading can change rapidly, with fading occurring over a few seconds due to rapidly changing atmospheric conditions. For example, a 40 dB fade can last about 4 seconds. *See* George Kizer, *Digital Microwave Communications* 339 (2013).

[352] EPRI, FirstEnergy 6 GHz Additive Interference Study – Public, Oct. 12, 2022 *Ex Parte* at 2-11.

[353] Southern Company Services March 21, 2021 *Ex Parte* Letter attachment: "Test Report on the Effects of 6 GHz Unlicensed RLAN units on Fortson to Columbus Microwave Link" at 52 (stating that most rooms "have a similar view of the site and the impact would be additive if more than one overlapped Columbus frequency").

[354] *Expanding Flexible Use of the 3.7 to 4.2 GHz Band*, Report and Order and Order of Proposed Modification, 35 FCC Rcd 2343, 2475-76, para. 363 (2020).

[355] *FCC Announces Winning Bidders in C-Band Auction*, Press Release (Feb. 24, 2021), available at https://docs.fcc.gov/public/attachments/DOC-370267A1.pdf.

[356] AT&T Comments at 11 n.20.

[357] *6 GHz Second FNPRM*, 38 FCC Rcd at 10591, para. 144.

potential of standard-power devices causing harmful interference to microwave links operating on an adjacent channel.[358] The *6 GHz Second FNPRM* explained that this was appropriate due to the significantly lower operating power of GVP devices compared to standard-power devices.[359] AT&T argues that there is "no basis to exclude adjacent channel protection if the keyhole calculations indicate that adjacent channel geofencing is warranted."[360] Apple, Broadcom et al. agree with the *6 GHz Second FNPRM* proposal, noting that the Commission already concluded in the *6 GHz First Order* that the adjacent channel interference risk to microwave receivers from standard-power devices is low.[361] They argue that because "[GVP] devices will operate at significantly lower power levels than standard-power devices, . . . the already low risk [is] insignificant."[362]

93. We will not require that geofencing systems account for potential adjacent channel interference effects when determining exclusion zones because we do not believe that such adjacent channel operations will present a significant harmful interference risk to microwave receivers. The rules we are adopting for GVP devices require emissions to be suppressed by 20 dB at 1 megahertz outside the channel edge, by 28 dB at one channel bandwidth from the channel center, and by 40 dB at one- and one-half times the channel bandwidth away from channel center.[363] This means that energy from a GVP device will be limited to -9 dBm/MHz at one megahertz outside the channel edge with even lower power at greater spectral distance.[364] Given the low energy level that GVP devices will emit into adjacent channels, we conclude that they are unlikely to present an interference risk to microwave receivers on adjacent channels. Thus, we cannot justify imposing such additional complexity on geofencing systems. We recognize that this is a departure from our rules for standard-power devices. However, we conclude that the lower GVP signal levels compared to standard-power devices (i.e., standard-power client devices operate at a maximum 17 dBm/MHz) justifies our approach.

94. *Exclusion zone update interval.* The *6 GHz Second FNPRM* proposed to require geofencing systems to obtain the most recent public access file data from the Commission's ULS database at least once per day and to recalculate the exclusion zones, as necessary, to account for any new or updated information.[365] The *6 GHz Second FNPRM* explained that a once-per-day interval is appropriate because ULS, which contains the data required to determine exclusion zones to protect fixed microwave receivers, is generally updated on a daily basis.[366] Therefore, a daily update interval would ensure that newly registered microwave receive sites are promptly protected.[367] Furthermore, the *6 GHz Second FNPRM* proposed to require GVP access points to obtain updated exclusion zones from the geofencing systems at least once per day.[368]

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[358] 47 CFR § 15.407(l); *6 GHz First Order,* 35 FCC Rcd at 3881, para. 77.

[359] *6 GHz Second FNPRM*, 38 FCC Rcd at 10591, para. 144.

[360] AT&T Comments at 12.

[361] Apple, Broadcom et al. Reply at 38.

[362] Apple, Broadcom et al. Reply at 38.

[363] 47 CFR § 15.407(b)(7).

[364] The 11 dBm/MHz EIRP PSD limit reduced by 20 dB is -9 dBm/MHz EIRP PSD.

[365] *6 GHz Second FNPRM*, 38 FCC Rcd at 10592, 10596, paras. 145, 160. The *6 GHz Second FNPRM* also proposed to require geofencing systems to obtain updated data from the COALS database that contains information on BAS/CARS central receive sites. Because there are no BAS/CARS licensees in the U-NII-5 and U-NII-7 bands where GVP devices will operate, there is no need to require geofencing systems to obtain updated data from COALS.

[366] *6 GHz Second FNPRM*, 38 FCC Rcd at 10592, para. 145.

[367] *6 GHz Second FNPRM*, 38 FCC Rcd at 10592, 10596, paras. 145, 160.

[368] *6 GHz Second FNPRM*, 38 FCC Rcd at 10596, para. 160.

95. There were no comments opposing the daily ULS update interval for geofencing systems. AT&T agrees that a daily ULS database update is reasonable.[369] We will require geofencing systems to update their data from the ULS database at least once per day and to update the exclusion zones daily based on the updated data.

96. AT&T asks the Commission to require GVP access points to obtain updated exclusion zones from the geofencing system every hour.[370] AT&T notes that this one-hour reauthentication interval would be consistent with the rules for unlicensed whitespace devices and contends that the Commission provided no rationale for not proposing the same rule for GVP access points.[371] However, this fails to acknowledge that GVP devices will have different operational characteristics than white space devices. White space devices are required to update hourly because there are wireless microphones in the band that can be registered at any time.[372] In the 6 GHz band, newly registered microwave receivers are added to the ULS database once a day. Consequently, it is unnecessary for the geofencing systems to update the exclusion zones or for the GVP access points to download the updated exclusion zones more than once a day. Therefore, we will require a GVP access point to obtain updated exclusion zones from the geofencing system at least once per day. If the GVP access point fails to obtain the updated information on any given day, the GVP access point may continue to operate until 11:59 p.m. of the following day at which time it must cease operations until it can obtain updated frequency-specific information for its location.

97. Microwave links may begin operation prior to obtaining a license so long as certain criteria are met, such as completing successful frequency coordination and filing an application that appears in the ULS database as pending.[373] In addition, temporary fixed microwave links may be authorized by a blanket authorization, in which case the licensee is not required to obtain approval from the Commission prior to operating at specific locations or report the technical details of their operation to the Commission.[374] The *6 GHz Second FNPRM* sought comment on requiring geofencing systems to follow the same criteria for protecting fixed and temporary fixed sites as AFC systems use for standard power access points and fixed client devices.[375] No comments from the record directly address this issue. Accordingly, for the reasons set forth in the *6 GHz First Report and Order*,[376] we will require that the geofencing systems protect pending facilities and temporary fixed stations that are registered in ULS. Because the geofencing systems must have knowledge of the location of temporary fixed links in order to protect them from harmful interference, we will require operators of temporary fixed stations register the details of their operations (transmitter and receiver location, antenna height, antenna azimuth, antenna make, and model, etc.) in the ULS database if they desire to be protected from potentially receiving harmful interference from GVP devices in the U-NII-5 and U-NII-7 bands.

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[369] AT&T Reply at 6.

[370] AT&T Comments at 9; *see* AT&T Reply at 6.

[371] AT&T Reply at 6; AT&T Comments at 9.

[372] *Amendment of Part 74 of the Commission's Rules for Low Power Auxiliary Stations in the Repurposed 600 MHz Band and the 600 MHz Duplex Gap, Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions, Unlicensed White Space Device Operations in the Television Bands, Unlicensed Operation in the TV Broadcast Bands*, ET Docket No. 14-165, GN Docket No. 12-268, ET Docket Nos. 20-36 and 04-186, Second Order on Reconsideration, Further Notice of Proposed Rulemaking, and Order, 37 FCC Rcd at 1393, para. 22 (2022) (*2022 White Spaces Order and FNPRM*).

[373] 47 CFR § 101.31(b).

[374] 47 CFR § 101.31(a)(2).

[375] *6 GHz Second FNPRM*, 38 FCC Rcd at 10584, para. 124; *6 GHz First Order,* 35 FCC Rcd at 3865, para. 32.

[376] *6 GHz First Order,* 35 FCC Rcd at 3865, para. 32.

98. *Exclusion or Inclusion Zones*. Under the requirements we are adopting, geofencing systems will determine exclusion zones around microwave receiver and radio astronomy observatories where GVP access points are required to avoid operating on particular frequencies. The *6 GHz Second FNPRM* proposed that as an alternative to defining exclusion zones, the geofencing systems may also determine areas where particular frequencies are available throughout the entire area based on the same criteria used to calculate exclusion zones.[377] Allowing geofencing systems to specify "inclusion zones" instead of exclusion zones could provide increased flexibility for implementing geofencing. No commenters addressed this alternative. Because using either exclusion zones or inclusion zones will provide equivalent protection to microwave receivers and radio astronomy observatories, we will permit geofencing systems to use either an exclusion-zone or an inclusion-zone approach. We expect that industry groups will create necessary standards, including addressing the most efficient method for implementing incumbent protection.

F. Protection of FSS

99. The entire 6 GHz band is allocated for the FSS in the Earth-to-space direction, except for the 7.075-7.125 GHz portion of the band.[378] Additionally, portions of the U-NII-7 and U-NII-8 bands are allocated for FSS space-to-Earth (downlink) operations.[379] However, there are no licensed downlink earth stations in the U-NII-7 band. Sirius XM and Globalstar, the only satellite licensees who filed comments in response to the *6 GHz Second FNPRM*, limited those comments to their U-NII-8 band operations.[380] Because we are permitting GVP devices to operate only in the U-NII-5 and U-NII-7 bands at this time, Sirius XM's and Globalstar's concerns regarding their operations in the U-NII-8 band are not relevant to GVP operation.

100. In the *6 GHz First Order*, the Commission concluded that because the satellites receiving in the U-NII-5 and U-NII-7 bands are limited to geostationary orbits, approximately 35,800 kilometers above the equator, the Commission found that standard power unlicensed devices would be unlikely to cause harmful interference to the space station receivers.[381] The only restriction that the Commission adopted to protect the satellite receivers, which the Commission characterized as a "precautionary measure," was to require that outdoor standard-power access points limit their maximum EIRP above a 30-degree elevation angle to 21 dBm.[382] In the *6 GHz Second Order*, the Commission determined that no restrictions on VLP devices are necessary to protect FSS Earth-to-space operations.[383] This conclusion was based on the fact that VLP devices, operating at up to 14 dBm EIRP, transmit at significantly lower power than the 21 dBm allowed for standard power access points above 30 degrees elevation.[384]

101. We conclude that GVP operations will not cause harmful interference to FSS satellite receivers. FSS satellites in geostationary orbits are unlikely to receive harmful interference from GVP

[377] *6 GHz Second FNPRM*, 38 FCC Rcd at 10581, para. 115.

[378] 47 CFR § 2.106. The space-to-Earth allocation is limited to non-geostationary Mobile-Satellite Service feeder links, and earth stations receiving in this band are limited to locations within 300 meters of coordinates in Brewster, WA, Clifton, TX, and Finca Pascual, PR. *Id.* § 2.106(d)(172). Globalstar also operates earth station receive sites at Wasilla, AK and Sebring, FL. Globalstar Comments at 3-4. These last two locations are authorized to operate on a coprimary basis for feeder downlinks for FSS, except for 7.025-7.055 GHz band, where they are authorized only on an unprotected basis. *Id*. § 2.106(b)(458).

[379] 47 CFR § 25.214(c)(5).

[380] Sirius XM Comments (filed Mar. 27, 2024); Globalstar Reply (filed Mar. 27, 2024).

[381] *6 GHz First Order,* 35 FCC Rcd at 3886, para. 91.

[382] *6 GHz First Order,* 35 FCC Rcd at 3886, para. 92; *accord* 47 CFR § 15.407(a)(4).

[383] *6 GHz Second Order*, 38 FCC Rcd at 10567, para. 82.

[384] *6 GHz Second Order*, 38 FCC Rcd at 10567, para. 82.

devices because of the relatively low transmit powers of the GVP devices and the large distance to the satellites. This conclusion is supported by a study conducted by RKF Engineering (2018 RKF Study), which found that the interference level at the satellites would be less than -20 dB I/N from 6 GHz unlicensed devices that included outdoor access points operating at up 36 dBm.[385] While Sirius XM criticized a number of the assumptions used in the 2018 RKF Study, as the Commission explained in the *6 GHz Third Order*, Sirius XM's contentions do not provide a reason to reconsider our conclusion about the likelihood of interference occurring to FSS uplinks.[386] We also note that no one has produced any technical studies illustrating that GVP devices operating at the power levels we are adopting will present a harmful interference risk to geostationary satellite receivers.

102. We do not believe it is necessary to adopt a restriction on GVP EIRP for higher elevation angles as we did for standard power access points. Because we are prohibiting GVP devices from use on fixed infrastructure, these will be portable, battery-powered devices. Such devices will generally operate at the lowest power necessary to maximize their operating time. While these devices may operate at the maximum power we are permitting in certain situations, such as to overcome large body losses or to compensate for longer than typical distances, we expect such situations to be rare. This differs from access points, which typically operate at a constant power level. Therefore, we see no reason to adopt the precautionary restriction on power transmitted above 30 degrees elevation that we applied to standard power access points.

G. Protection of Passive Services

103. *Radio astronomy.* 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.[387] The table of frequency allocations urges that we take "all practicable steps" to protect the radio astronomy service in the 6.650-6.675.2 GHz range from harmful interference.[388] In the *6 GHz Second FNPRM*, the Commission proposed to require that geofencing systems implement the same exclusion zone rules for protecting radio astronomy sites in the 6.650-6.6752 GHz band as standard power access points and fixed client devices, which are based on the distance to the radio horizon.[389] The locations of the protected radio astronomy sites and the protection criteria for these sites are specified in the standard power access point and fixed client device rules.[390]

104. The National Academy of Sciences' Committee on Radio Frequencies (CORF) points to its previous arguments that VLP devices should avoid channels that overlap the 6.7 GHz radio astronomy band.[391] In the *6 GHz Second Order*, the Commission considered and rejected CORF's request to prohibit VLP devices from using certain frequencies or channels to protect radio astronomy operations, stating that VLP devices' interference potential in the U-NII-7 band is even lower than for LPI devices that were

[385] Apple, Broadcom et al. Reply at 18 (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. 26, 2018 ("2018 RKF Study")); 2018 RKF Study at 21, 42-43.

[386] *6 GHz Third Order*, 39 FCC Rcd at 13931-32, para. 62.

[387] *6 GHz First Order*, 35 FCC Rcd at 3884, para. 87.

[388] 47 CFR § 2.106(c)(342) & tbl.17 ("In making assignments to stations of other services to which the bands in table 17 to paragraph (c)(342) of this section are allocated . . ., all practicable steps must be taken to protect the radio astronomy service from harmful interference."); *see also id.* § 2.106(b)(458)(i) (international footnote 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.").

[389] *6 GHz Second FNPRM*, 38 FCC Rcd at 10590, para. 141 (citing 47 CFR § 15.407(m)).

[390] 47 CFR § 15.407(m).

[391] CORF Comments at 10.

already permitted to operate at higher power levels than those adopted for VLP devices.[392] However, GVP devices will operate at higher power than VLP, which increases their potential for causing harmful interference to radio astronomy operations. Therefore, we will prohibit GVP access points from operating inside of exclusion zones in the 6.65-6.6752 GHz portion of the U-NII-7 band used by radio astronomy. We conclude that the geofencing system will prevent higher power GVP devices from operating co-frequency inside exclusion zones around radio observatory sites where they could cause harmful interference.

105. *Earth-Exploration Satellite Service (EESS).* Remote sensing using the EESS, which CORF states is critical to weather prediction and studying climate change and the Earth in general, operates in the 6.425-7.250 GHz band, which includes the U-NII-6, U-NII-7, and U-NII-8 bands.[393] In the *6 GHz Second FNPRM*, the Commission sought comment on the harmful interference risk from GVP devices on oil platforms to EESS monitoring operations.[394] We also sought comment on appropriate restrictions for VLP device use on boats to protect EESS operations, and if so, should those restrictions be limited to boats in the oceans, given that EESS is used for sensing over the ocean.[395] CORF suggests that EESS (passive) observations in the U-NII-6, U-NII-7, and U-NII-8 bands can be protected by programming GVP devices to avoid these bands while in oceanic zones and coastal waters.[396] We agree with CORF and conclude that geofencing will prevent GVP devices in the U-NII-7 band from operating co-frequency with EESS observations within ocean exclusion zones. However, CORF has not indicated what boundary should be used to designate ocean exclusion zones. To balance EESS protection requirements with providing flexibility to maximize locations in which GVP devices can operate, we will use the United States territorial sea border to define the boundary of the ocean exclusion zones, which is 12 nautical miles (nm) from the baseline of each coastal State. This will allow GVP devices to operate near the coastlines while ensuring that EESS sensing ocean temperatures avoid receiving harmful interference over ocean areas.

106. We will also exclude GVP access points from oil platforms to mirror the rules for VLP devices, standard-power access points, and low power indoor access points.[397] We note that Apple, Broadcom et al. and API support not permitting GVP access on oil platforms.[398] The Wi-Fi Alliance suggests removing all restrictions on unlicensed operation on oil platforms, claiming the 2023 World Radio Conference (WRC-23) resolved to migrate all EESS ocean sensor measurements to other frequency bands.[399] We note, however, that the WRC-23 resolution cited by the Wi-Fi Alliance only resolved to study other frequency bands for EESS and does not indicate that EESS would stop using the 6 GHz band.[400] Therefore, we have no grounds to change our policy regarding 6 GHz unlicensed devices on oil platforms.

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[392] *6 GHz Second Order*, 38 FCC Rcd at 10567-68, para. 84.

[393] CORF Comments at 10. The table of frequency allocations indicates that "[i]n the band 6425-7075 MHz, passive microwave sensor measurements are carried out over the oceans." 47 CFR § 2.106(b)(458) (stating that "Administrations should bear in mind the needs of the Earth exploration-satellite (passive) . . . service[] in their future planning of the bands 6425-7075 MHz and 7075-7250 MHz").

[394] *6 GHz Second FNPRM*, 38 FCC Rcd at 10600, para. 170.

[395] *Id.*

[396] CORF Comments at 12.

[397] 47 CFR § 15.407(d)(1)(i).

[398] Apple, Broadcom et al. Reply at 49; API Comments at 7.

[399] Wi-Fi Alliance Reply at 7.

[400] *World Radio Conference 2023 Final Acts*, International Telecommunications Union at 565-566 (2023) available https://www.itu.int/dms_pub/itu-r/opb/act/R-ACT-WRC.16-2024-PDF-E.pdf.

107. CORF also indicates that EESS sensing operations may be extended to large inland bodies of water, such as the Great Lakes, and requests that the Commission not allow VLP devices on boats in these bodies of water.[401] It suggests geofencing could also be used to prevent GVP operations in these inland lakes.[402] We find these concerns about potential future EESS use to be speculative and decline to prohibit GVP devices from operating on boats in the Great Lakes or in other large inland bodies of water at this time.

H. GVP Device Requirements

108. *Geolocation capability.* Consistent with the requirements for standard power access points, in the *6 GHz Second FNPRM,* the Commission proposed to require that GVP access points include a geolocation capability to determine their geographic coordinates.[403] Additionally, the Commission proposed that the geolocation capability include the ability to determine location uncertainty in meters, with a 95% confidence level, and that the applicant for certification of a GVP access point demonstrate the accuracy of the geo-location method used and the location uncertainty.[404] The Commission further proposed to require a GVP access point, using its geographic coordinates, to take this location uncertainty into account when determining whether it is within an exclusion zone.[405] AT&T contends that geofencing proponents should describe how devices will determine not only their location, but also the accuracy associated with that location determination.[406] Furthermore, AT&T claims that the location accuracy determination must be specific to the area in which the location measurement is being taken.[407] Alternatively, AT&T suggests that geofencing proponents explain how the Commission's rules will ensure that any flexibility granted to equipment manufacturers to develop individualized systems for determining a device's location will meet those requirements.[408]

109. We see no reason why geofencing proponents should have to describe how GVP access points will determine their location and the accuracy associated with that location determination, as suggested by AT&T, because device manufacturers will be required to provide this information as part of the equipment certification process. Our rules will require GVP device manufacturers to provide an attestation describing the geolocation method used, the method's accuracy, and the location uncertainty accuracy as part of the FCC certification process. Therefore, the GVP manufacturers will be required to demonstrate the accuracy of the geolocation method used and the location uncertainty estimate. Device manufacturers of standard-power access points have successfully demonstrated their devices' compliance with our previous geolocation requirements.

110. Consistent with our previous actions for standard-power access points and white space devices, we will require GVP access points to include a geolocation capability to determine their geographic coordinates. Unlike for standard-power access points, we will not provide the option for the GVP access points to use an external geolocation source.[409] This is because we expect that most GVP access points will be devices, such as mobile phones, that have a built-in geolocation capability. We also

[401] CORF Comments at 13.

[402] *Id.*

[403] *6 GHz Second FNPRM*, 38 FCC Rcd at 10595, para. 155 (citing 47 CFR § 15.407(k)(9)(i); *6 GHz First Order*, 35 FCC Rcd at 3868, para. 40).

[404] *6 GHz Second FNPRM*, 38 FCC Rcd at 10595, para. 155.

[405] *6 GHz Second FNPRM*, 38 FCC Rcd at 10595, para. 155.

[406] AT&T Reply at 5.

[407] *Id*.

[408] *Id*.

[409] 47 CFR § 15.407(k)(9).

note that no commenters have indicated that we should provide the option for GVP access points to use an external geolocation source. We are requiring GVP access points to determine their location uncertainty in meters with a 95% confidence level, as is the case for standard-power access points.[410] Furthermore, we are requiring that the GVP access point use its determined coordinates and location uncertainty when comparing the device's specific location to frequency-specific information (i.e., exclusion zones) obtained from the geofencing system. This means that when the access point estimates that the geolocation coordinates are less accurate, the GVP access point will have to operate at a greater distance from the boundary of the exclusion zone. Taking into account the uncertainty estimate when determining whether the GVP access point is outside of an exclusion zone recognizes the fact that no geolocation technique is absolutely accurate and thereby provides a greater level of protection to the microwave receivers. These geolocation requirements serve as part of the multi-faceted methodology in protecting fixed microwave receivers by ensuring GVP devices operate appropriately based on their location respective to exclusion zones.

111. *Geofence re-check interval.* In the *6 GHz Second FNPRM*, the Commission proposed to require GVP access points to have the capability to timely adjust their operating frequencies when moving into, out of, or between exclusion zones.[411] The Commission proposed flexible requirements for the device re-check or update interval to enable device designers to optimize efficiency while still ensuring that the devices do not operate on channels where the – 6dB I/N metric is not met.[412] The Commission proposed that the time interval for a geofenced device to re-check its location and adjust its frequency usage must decrease proportionally based on an increase in the mobile device's speed.[413] This would require a GVP access point to regularly re-check its location and speed to properly identify its position with respect to any exclusion zones that may exist within its vicinity.[414] As an additional safeguard, the Commission proposed to require a GVP access point to determine its location and speed at least once every minute.[415] The Commission sought comment on the efficacy of its proposals and on any alternatives that may better provide GVP device designers sufficient flexibility without degrading the protection granted to incumbents.[416]

112. Apple, Broadcom et al. recommend the Commission permit manufacturers to comply with a location re-check interval in a manner that does not result in unnecessary, frequent checks that drain the device's battery and impact the user experience.[417] To that end, they advocate that the Commission not require GVP access points to determine their location and speed at least once per minute as this would unnecessarily undermine device performance.[418] Instead, they recommend the Commission adopt a flexible and technology-neutral approach that does not require a specific time interval or a particular technology solution.[419] Additionally, they urge the Commission to permit manufacturers to demonstrate that their approach effectively complies with the exclusion zone rules when submitting a new device for certification.[420]

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[410] *6 GHz First Order*, 35 FCC Rcd at 3868, para. 42 & n.100.

[411] *6 GHz Second FNPRM*, 38 FCC Rcd at 10595, para. 156.

[412] *6 GHz Second FNPRM*, 38 FCC Rcd at 10595, para. 156.

[413] *Id*.

[414] *Id*.

[415] *Id*.

[416] *Id*. at 10595-96, para. 157.

[417] Apple, Broadcom, et al. Comments at 45-47.

[418] Apple, Broadcom, et al. Comments at 46.

[419] Apple, Broadcom, et al. Comments at 46-47.

[420] Apple, Broadcom, et al. Comments at 46-47.

113. AT&T suggests that the rules for unlicensed whitespace devices could provide a model for how to protect fixed microwave incumbents and points to white space provisions for a 60-second reauthorization interval, a 1.9 km buffer, and a 100-meter reauthorization requirement.[421] Regarding an appropriate re-check interval, AT&T suggests that a GVP access point be required to re-check its location every 60 seconds.[422] AT&T also suggests that a GVP access point be required to re-check its location upon a location change (i.e., if the device moves a certain distance), or due to a device's proximity to the nearest exclusion zone.[423]

114. We will not require a specific methodology for the re-check interval at which the GVP access point must re-check its location and determine whether it is complying with the geofencing information. Instead, we will require that the GVP access point re-check its location at an interval that ensures that the device adjusts its operating frequencies within one second of when any portion of the device's location uncertainty area crosses into an exclusion zone, so as to ensure that no harmful interference occurs to incumbents. Rather than being prescriptive, we will permit device manufacturers to choose any re-check interval methodology that ensures that a GVP access point complies with this requirement. This requirement will provide flexibility for device manufacturers and promote innovative solutions without compromising incumbent protection. We disagree with AT&T that we should follow an approach based on the white space device requirements.[424] The white space device rules addressed mobility using rigid assumptions, such as a 60 second recheck interval and a 1.9 km buffer, which was based on a mobile device traveling at 70 mph and re-checking every 60 seconds.[425] These rigid assumptions deviate from the flexible approach the Commission is taking with GVP devices. This flexible approach recognizes that some geolocation solutions are able to provide additional information beyond a device's current position, such as its velocity and acceleration. The flexible approach will ensure that GVP devices re-check less frequently if they are stationary or moving at slow speeds, thus conserving power. Similarly, GVP devices traveling faster or near the boundary of an exclusion zone will be required to re-check their location more frequently. In this way, the flexible approach will provide superior protection to licensees while enhancing GVP device operations. This flexible approach is intended to facilitate the benefits of these devices for the public while still protecting licensees. Given the benefits of this flexible approach, we see no need to follow the more rigid approach the Commission used for mobile white space devices. We also note that no mobile white space devices have ever been certified and therefore we have no real-world experience with the efficacy of those more rigid restrictions in protecting other users. Furthermore, AT&T does not present any specific concerns that the proposed re-check interval, or any alternatives presented on the record, will contribute to an increased harmful interference risk.

115. *Transmit Power Control.* In the *6 GHz Second FNPRM*, the Commission proposed to require GVP devices operating within the U-NII-5 through U-NII-8 bands to employ a transmit power control (TPC) mechanism that has the capability to operate at least 6 dB below the maximum EIRP permitted for the bands (e.g., 14 dBm or 21 dBm).[426] The Commission proactively determined that it did not expect that a TPC requirement for GVP devices would present an undue burden on device manufacturers because GVP devices were expected to be battery-powered devices and were likely to implement TPC in order to conserve battery power.[427] As a result, the Commission reasoned that

[421] AT&T Comments at 8-9 (citing 47 CFR § 15.711(d)(1), (d)(2), (k)(8)).

[422] AT&T Comments at 9.

[423] AT&T Comments at 9.

[424] AT&T Reply at 10.

[425] *Unlicensed White Space Device Operations in the Television Bands*, Report and Order and Further Notice of Proposed Rulemaking, 35 FCC Rcd 12603, 12625-26, para. 58 (2020).

[426] *6 GHz Second FNPRM*, 38 FCC Rcd at 10578, para. 108.

[427] *6 GHz Second FNPRM*, 38 FCC Rcd at 10578, para. 108.

"[b]ecause many VLP devices will be capable of both geofenced and non-geofenced operation, these devices will by necessity incorporate the ability to implement at least a 6 dB power reduction."[428] The Commission sought comment on a variety of issues related to the relative power levels necessary for GVP devices to mitigate any potential for harmful interference.[429] More specifically, the Commission asked whether there was a need to specify any additional TPC requirements for GVP devices given that they would be permitted to operate with higher power than VLP devices.[430] The Commission noted that there is a European requirement that TPC shall provide, on average, a mitigation factor of at least 3 dB on the maximum permitted output power of the systems; or, if transmit power control is not in use, then the maximum permitted mean EIRP and the corresponding mean EIRP density limit shall be reduced by 3 dB.[431]

116. In response, API recommends that the Commission require TPC on all VLP devices, not just those operating at higher powers.[432] It suggests a more expansive TPC power reduction with a 12 dB range, applied in steps no greater than 3 dB, with the output power reduced to as low as 2 dBm EIRP / -11 dBm/MHz EIRP PSD.[433] It claims that this would help to minimize interference to incumbents and other unlicensed 6 GHz users.[434] Apple Broadcom et al. note that the Commission has already determined that "a 6 dB [TPC] range is sufficient to protect incumbents," and that API has provided "no new evidence demonstrating that this conclusion was incorrect."[435] They claim that requiring a 12 dB TPC range would negatively impact consumers and would dissuade manufacturers from investing in both VLP and GVP devices because it would increase transceiver complexity and cost.[436]

117. We will require GVP access points to meet the same TPC requirements as stipulated in our rules for VLP devices.[437] GVP access points will be required to employ a TPC mechanism with the capability to operate at least 6 dB below the maximum 11 dBm/MHz EIRP PSD. The record lacks technical justification to adopt a different TPC requirement than what is already in place for VLP devices. TPC would help minimize the risk of interference to incumbents as it provides GVP devices with the ability to adjust power levels and subsequently operate at power levels that do not increase the risk of harmful interference. We believe that requiring GVP devices to comply with the same rule in place for VLP devices is sufficient to ensure that devices have the capability to dynamically adjust power to operate both efficiently and in a manner that continues to minimize the harmful interference risk to incumbents.

118. *Contention-Based Protocol.* To add to the protections afforded to licensed incumbents, the *6 GHz Second FNPRM* proposed to require that GVP devices implement a contention-based protocol.[438] While no comments directly support requiring GVP devices to implement a contention-based

[428] *6 GHz Second FNPRM*, 38 FCC Rcd at 10578, paras. 1-8.

[429] *6 GHz Second FNPRM*, 38 FCC Rcd at 10578, para. 108.

[430] *6 GHz Second FNPRM*, 38 FCC Rcd at 10578, para. 108.

[431] *6 GHz Second FNPRM*, 38 FCC Rcd at 10578, para. 108; *see* ECC Decision (04)08, On the harmonized use of the 5 GHz frequency bands for Wireless Access Systems including Radio Local Area Networks (WAS/RLAN), amended 1 July 2022, available at https://docdb.cept.org/download/4053.

[432] API Comments at 6.

[433] *Id*.

[434] API Comments at 6.

[435] Apple, Broadcom et al. Reply at 46-47.

[436] *Id*. at 47.

[437] 47 CFR § 15.407(d)(10).

[438] *6 GHz Second FNPRM*, 38 FCC Rcd at 10590, para. 139.

protocol and no comments oppose such a requirement, several commenters highlight the efficacy of contention-based protocols in mitigating the risk of harmful interference.[439] GVP devices will be operating co-channel with both LPI and VLP unlicensed devices. Requiring use of a contention-based protocol will help promote efficient spectrum sharing between the different types of unlicensed devices. Furthermore, GVP devices will likely also be capable of operating as VLP devices, which are required to employ a contention-based protocol. Consistent with our rules for VLP unlicensed devices, we will require GVP devices to implement a contention-based protocol that will act to avoid channels on which incumbent systems are transmitting and to promote efficient spectrum usage in channels where other unlicensed users are transmitting.

119. *Fixed Infrastructure.* In the *6 GHz Second FNPRM*, the Commission proposed to prohibit GVP devices from operating as part of a fixed outdoor infrastructure as an additional measure to reduce the likelihood of harmful interference to licensed incumbent users.[440] We note that no commenters oppose the adoption of this prohibition. API, the only commenter to address this issue, agrees that GVP devices attached to fixed outdoor infrastructure should be prohibited.[441] Consistent with the requirements we adopted for VLP devices in the *6 GHz Second Order*, we will prohibit GVP devices from operating as part of a fixed outdoor infrastructure.[442] Thus, GVP devices will be prohibited from attaching to outdoor infrastructure, such as poles or buildings, which will help ensure that the GVP devices are used only for mobile applications.[443] Device mobility prevents GVP devices from remaining in potentially problematic locations for significant periods of time. In addition, as the *6GHz Second Order* explained with regard to VLP devices, by prohibiting GVP use as part of fixed outdoor infrastructure, we are ensuring that the GVP devices will be subject to body and/or clutter loss and that most of the GVP devices will operate at 1.5 meters above ground.[444]

120. *Integrated Antenna*. In the *6 GHz Second FNPRM,* the Commission proposed to require that GVP access points employ a permanently attached integrated antenna.[445] An identical provision requiring use of an integrated antenna currently applies to LPI access points and subordinate devices.[446] No commenters addressed the proposed integrated antenna requirement. As proposed, we will require GVP access points to use a permanently attached integrated antenna. Because this requirement will prevent users from replacing GVP antennas with high gain directional antennas, it will help ensure that GVP use complies with the power limits that are specified in terms of radiated power (i.e., EIRP).[447]

121. In the *6 GHz Second Order*, the Commission defined a VLP device as "a device that operates in the 5.925-6.425 GHz and 6.525-6.875 GHz bands and has an integrated antenna."[448] However, the Commission inadvertently did not add VLP devices to the rule provision requiring a permanently attached integrated antenna for low power indoor and subordinate devices. For consistency,

[439] DSA Comments at 7-8; IEEE LAN/MAN Standards Committee Comments at 3; Apple, Broadcom et al. Reply at 28.

[440] *6 GHz Second FNPRM*, 38 FCC Rcd at 10596, para. 159.

[441] API Comments at 6-7.

[442] *6 GHz Second Order*, 38 FCC Rcd at 10555, para. 55.

[443] *6 GHz Second Order*, 38 FCC Rcd at 10555, para. 55.

[444] *6 GHz Second Order*, 38 FCC Rcd at 10555, para. 55.

[445] *6 GHz Second FNPRM*, 38 FCC Rcd at 10625, Appx. B: 47 CFR § 15.407(a)(10).

[446] 47 CFR § 15.407(a)(10).

[447] The Commission explained when adopting the integrated antenna requirement for LPI access points that it would prevent use of high gain directional antennas. *6 GHz First Order*, 35 FCC Rcd at 3891, para. 107.

[448] 47 CFR § 15.403; *6 GHz Second FNPRM*, 38 FCC Rcd at 10621, Appx. A: 47 CFR § 15.403.

we now add VLP devices to this rule provision.[449] We find that notice and comment are unnecessary as simply extending the application of this requirement from LPI and subordinate devices to VLP devices for the sake of consistency with the existing rule definition is insignificant in nature and the impact would be inconsequential to the industry and to the public.[450]

I. GVP Client-to-Client Communications

122. In the *6 GHz Second FNPRM*, the Commission proposed to permit direct client-to-client communications between GVP client devices when they are both under the control of the same GVP access point and the geofencing system determines that they are operating outside of any geofencing restrictions; i.e., there are channels available for GVP use that are not subject to geofencing requirements in the location where these devices are being used.[451] Apple, Broadcom et al. "support the concept of direct client communications between client devices when operating under geofencing requirements."[452] The Ultra Wide Band Alliance (UWBA) also supports client-to-client communications, emphasizing that clients can use reduced transmit power to reach another client directly and that overall traffic will be reduced by reducing clients communicating through an access point.[453] UTC/EEI raise concerns that "client-to-client operations will exponentially increase the interference threat to licensed microwave systems, and the Commission should refrain from authorizing [client-to-client] for low power indoor ("LPI") and VLP operations."[454] They suggest that the record does not provide sufficient evidence that geofencing will be able to control VLP client-to-client communications. [455]

~~123.~~ We adopt our proposal to allow direct communication between two client devices under control of a GVP access point subject to the client devices being required to operate on the frequency in either the U-NII-5 or U-NII-7 band that they are using to communicate with the GVP access point. All GVP access points will still be subject to the applicable geofencing requirements, including location and geofencing recheck intervals and switching channels or ceasing communications should they enter an exclusion zone and are currently using a channel that is prohibited within that area. If a GVP access point switches frequencies, the client devices will also be required to switch frequencies to continue operating in a client-to-client mode. We note that UTC/EEI's concerns do not address direct communication between client devices under the control of GVP access points but instead are directed at LPI and VLP operations. The GVP access point and the client devices under its control will operate only on a frequency consistent with the exclusion zones obtained from the geofencing system. Because each client device will be limited to 6 dB less power than what is permitted for the controlling GVP access point, they will operate close enough to the access point to keep them from operating within any exclusion zone, thus ensuring they do not operate in locations and on channels that could potentially increase the risk of harmful interference to microwave receivers. Because each client device in this scenario would be limited to using the maximum power permitted for GVP client devices for the intra-client communications, there would be no increase in the potential for causing harmful interference to microwave receivers compared to the client devices each individually communicating with the controlling

[449] We note that because the definition of a VLP device includes the requirement that it have an integrated antenna, this is not a substantial change to the rules.

[450] *See* 5 U.S.C § 553(b)(B); *see also Mack Trucks, Inc. v. EPA*, 682 F.3d 87, 94 (D.C. Cir. 2012) (stating that notice and comment are "unnecessary" when "the administrative rule is a routine determination, insignificant in nature and impact, and inconsequential to the industry and to the public" (internal quotation marks omitted)).

[451] *6 GHz Second FNPRM*, 38 FCC Rcd at 10594, para. 151.

[452] Apple, Broadcom et al. C2C Comments at 4.

[453] UWBA Comments at 4.

[454] UTC/EEI Reply Comments at 1.

[455] UTC/EEI Reply Comments at 9.

GVP access point. As Wi-Fi Alliance and UWBA point out, direct client-to-client communication will allow reduced overall traffic through an access point thus promoting a more efficient use of spectrum.[456]

124. In the *6 GHz Second FNPRM*, the Commission also proposed to permit GVP devices that are operating under the control of the same low power indoor access point to directly communicate with each other.[457] In addition, the Commission sought comment on permitting direct communication between clients of low power indoor access points.[458] We are deferring any decision on client-to-client communications for devices operating under the control of low power indoor access points.

125. We note that the rules we are adopting permit GVP access points to directly communicate with each other. This communication can be conducted at the power levels permitted for GVP access points — i.e. at a maximum 11 dBm/MHz EIRP PSD and 24 dBm EIRP in accordance with the exclusion zones provided by a geofencing system. Therefore, devices that would typically operate as client devices, such as body-worn augmented reality glasses, smart wristwatches, or laptop computers, can operate at the higher access point power level if they meet the requirements of GVP access points, such as having a geolocation capability and operating on frequencies and at power levels only in accordance with the exclusion zones provided by a geofencing system. These devices will not be able to operate at the higher GVP access point power level unless they have first obtained exclusion zone information. This may require them to initially operate at lower power levels as a GVP client device or VLP device to communicate with an access point to obtain the exclusion zones before they can operate at the higher GVP access point power level. We note that nothing in our rules prohibits a GVP access point from relaying exclusion zone information obtained from a geofencing system to another GVP access point. Consequently, a GVP access point could operate as a client device to another GVP access point, use this connection to register with and obtain exclusion zone information from a geofencing system, and then switch to operation as a GVP access point and increase its transmit power level accordingly.

J. Approval of Geofencing Systems

126. We delegate to the Commission's Office of Engineering and Technology (OET) the authority to administer the geofencing systems and geofencing system operator functions in accordance with the rules we are adopting to govern 6 GHz band geofencing systems. We also delegate OET authority to develop specific methods that will be used to designate geofencing system operators; to designate geofencing system operators; to develop procedures that these geofencing system operators will use to ensure compliance with the requirements for geofencing system operations; to make determinations regarding the continued acceptability of individual geofencing system operators; and to perform other functions as needed to administer the geofencing systems. We amend part 0 of our rules to delegate to OET authority to oversee the geofencing systems.[459]

127. OET's review process to designate geofencing system operators should ensure adequate testing to verify that the geofencing systems are calculating appropriate exclusion zones in conformance with our geofencing system rules. When the Commission adopted rules for AFC systems, it directed OET to follow a multi-step testing and review process to approve AFC operators and to ensure that AFC system operators administered their systems with minimal chance of harmful interference occurring to licensed incumbents.[460] In doing so, the Commission and OET gained substantial experience in determining the specific steps necessary to ensure efficient administration of unlicensed device access to spectrum using automated coordination mechanisms. Given this history of review, certification, and

[456] WFA Comments at 19-20; UWBA Comments at 4.

[457] *6 GHz Second FNPRM*, 38 FCC Rcd at 10593, para 150.

[458] *6 GHz Second FNPRM*, 38 FCC Rcd at 10608, para 192.

[459] 47 CFR § 0.241(k) in the Final Rules Appendix.

[460] *6 GHz First Order*, 35 FCC Rcd at 3870-71, para. 49.

testing, we are confident that OET has sufficient expertise overseeing spectrum access management system development. As such, we do not believe it is necessary to require or specifically spell out overly prescriptive review, testing, and administration procedures here. Instead, we delegate authority to OET to develop a review and testing process for geofencing systems.

128. During AFC system development, industry groups took an active role in developing the AFC systems and the AFC test process. Specifically, the WInnForum developed a functional requirements document that specified many operational requirements for the AFC systems, and the Wi-Fi Alliance developed an interface standard for the communications between the standard-power access points and AFC systems.[461] The Wi-Fi Alliance developed a plan for AFC system lab testing, and the WInnForum and the Wi-Fi Alliance jointly developed test vectors for lab testing.[462] The test plan and test vectors were used as one step in the AFC system test process before approval for commercial operations.[463] The development of the geofencing systems may be distinct from that of the AFC systems, and we anticipate the development and approval of a diverse set of solutions.[464] We encourage industry groups, including, but not limited to WInnForum and the Wi-Fi Alliance, to develop geofencing system specifications as well as test processes and test vectors that can be used to verify the proper geofencing system functioning. We note that the WInnForum has indicated its willingness to support geofencing system development and a desire "to work with the Commission as well as all stakeholders in the development of specifications, recommendations and reports that will be required to develop and ultimately certify VLP geofencing systems."[465] FWCC indicates that its members "stand ready to work with other stakeholders through the WInnForum to develop and test appropriate geofencing systems."[466] We welcome industry group efforts, such as those from the WInnForum and Wi-Fi Alliance, to develop geofencing systems to enable GVP device deployment and encourage microwave incumbents to participate in such efforts.

129. We will permit OET to designate multiple geofencing systems as implied in the *6 GHz Second FNPRM.*[467] While the *6 GHz Second FNPRM* did not explicitly address whether there should be multiple or a single geofencing system operator, the Commission clearly contemplated the potential designation of multiple geofencing system operators by proposing several rules that presumed there would be multiple geofencing system operators. For example, the Commission proposed that "[f]or

[461] Wireless Innovation Forum, *Functional Requirements for the U.S. 6 GHz Band under the Control of an AFC System*, Document WINNF-TS-1014, Version V1.5.0, available at https://winnf.memberclicks.net/assets/work_products/Specifications/WINNF-TS-1014.pdf; Wi-Fi Alliance, *AFC System to AFC Device Interface Specification*, Version 1.0 (2021).

[462] 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; Wi-Fi Alliance, *AFC System (SUT) Compliance Test Vectors v1.2*, available at https://www.wi-fi.org/discover-wi-fi/6-ghz-afc-resources.

[463] *OET Announces Commencement of Testing of the 6 GHz Band Automated Frequency Coordination Systems*, ET Docket 21-352, Public Notice, 38 FCC Rcd 7733, 7735-37, paras. 7-9 (OET 2023), https://www.fcc.gov/edocs/search-results?t=advanced&daNo=23-759.

[464] Letter from Paul Margie, Counsel to Apple, Inc. to Marlene H. Dortch, Secretary, FCC, ET Docket No. 18-295, at 2 (filed January 23, 2026).

[465] WInnForum Comments at 3.

[466] FWCC Reply at 7. FWCC does caution that "the Commission should not make further changes to the [6 GHz] band's rules until it can ensure the protection of licensed incumbents and after the industry develops additional experience with the recent rule changes." *Id*.

[467] *6 GHz Second FNPRM*, 38 FCC Rcd at 10592-93, 10627, para. 147, Appx. B, § 15.407(o)(7)(i) (emphasis added))

centralized geofencing systems, geofencing system *operators* must provide continuous service."[468] It also proposed requirements "for geofencing system *operators*"[469] and for "*[e]ach* geofencing system and operator thereof."[470] In seeking comment on these proposed rules, the Commission implicitly expressed that it intended to consider permitting multiple geofencing system operators rather than only a single operator. No commenters addressed whether the Commission should designate multiple geofencing operators. Designating multiple geofencing system operators is consistent with our actions for 6 GHz AFC systems, television white spaces, and CBRS.[471] Designating multiple geofencing systems will prevent one party from obtaining a monopoly, which should provide an incentive for geofencing system operators to provide reliable service and to keep costs low.

130. In the *6 GHz Second FNPRM*, the Commission proposed that geofencing systems may charge fees for providing service and that the Commission may, upon request, review the fees and require changes to the fees if it finds them to be unreasonable.[472] No commenters addressed this fee issue. We appreciate that different financial models are likely to be employed by geofencing systems. For example, a device manufacturer may operate a geofencing system to provide service to GVP access points it manufactures without charging any fees to the access point user. Other geofencing systems may employ a subscription model requiring the device user to pay for services. We will not prohibit geofencing systems from charging fees for their services. As has been the case for AFC systems, we expect that there will be multiple geofencing systems approved for commercial operations and that competition from these different systems will keep any fees charged to reasonable levels. However, as a safeguard, we will adopt our proposal that we may, upon request, review the fees charged and require changes if they are unreasonable.

131. In the *6 GHz Second FNPRM*, the Commission proposed that centralized geofencing systems must provide continuous service to all GVP devices for which they are designated to provide service, and that if a geofencing system ceases operation, the operator must provide at least 30-days' notice to the Commission and make arrangements for those devices to continue to receive exclusion zone update information.[473] No commenters addressed this proposal. This requirement addresses a concern that if a geofencing system stops operating, GVP devices may be stranded with no means to obtain updated geofencing exclusion zones. To ensure that consumers who use GVP devices are protected from such an occurrence, we are adopting this requirement. However, upon review, we believe the term "designated" is potentially unclear as it implies that some entity has designated that the geofencing system is to provide service to particular GVP devices. Instead, we shall replace "are designated" with "have agreed" in the rule to avoid any confusion.

K. Technical Rules

132. *Emission mask*. In the *6 GHz Second FNPRM*, the Commission proposed to require GVP devices within the U-NII-5 through U-NII-8 bands to comply with the transmission emission mask adopted for standard-power and LPI devices in the *6 GHz First Order* and for VLP devices in the *6 GHz Second Order*.[474] The Commission reasoned that because GVP devices would likely operate in the same

[468] *6 GHz Second FNPRM*, 38 FCC Rcd at 10592-93, 10627, para. 147, Appx. B, § 15.407(o)(7)(i); *id.* at 10592, para. 146 (proposing requirements "for geofencing system operators" (emphasis added)).

[469] *Id.* at 10592, para. 146 (emphasis added).

[470] *Id.* at 10627, Appx. B, § 15.407(o)(11) (emphasis added).

[471] 47 CFR §§ 15.407(k)(12), 15.715, 96.63; *6 GHz First Order,* 35 FCC Rcd at 3871, para. 51.

[472] *6 GHz Second FNPRM*, 38 FCC Rcd at 10593, para. 147.

[473] *6 GHz Second FNPRM*, 38 FCC Rcd at 10592-93, para. 147.

[474] *6 GHz Second FNPRM*, 38 FCC Rcd at 10578, para. 109 (citing *6 GHz Second Order*, 38 FCC Rcd at 10568, para. 86; *6 GHz First Order,* 35 FCC Rcd at 3924-25, para. 196).

bands and on the same channels as VLP, LPI, and standard-power 6 GHz devices and need to protect the same incumbent operations, utilizing the same emission mask for GVP devices is appropriate.[475] The Commission stated that using the same mask would ensure that licensed incumbents are fully protected from unlicensed adjacent channel operations.[476] The Commission believed that specifying the same emissions requirements would reduce costs by permitting devices throughout the VLP ecosystem to use the same filters and benefit from economies of scale.[477] No commenters addressed the proposed transmission GVP emission mask. For the reasons discussed in *6 GHz Second FNPRM,* we adopt the proposed transmission emission mask.

133. This emission mask requires GVP devices to suppress their power spectral density by 20 dB at one megahertz outside of an unlicensed device's channel edge, 28 dB at one channel bandwidth from an unlicensed device's channel center, and 40 dB at one and one-half times the channel bandwidth away from an unlicensed device's channel center.[478] At frequencies between one megahertz outside an unlicensed device's channel edge and one channel bandwidth from the center of the channel, the limits are linearly interpolated between the 20 dB and 28 dB suppression levels.[479] At frequencies between one and one and one-half times an unlicensed device's channel bandwidth from the center of the channel, the limits are linearly interpolated between the 28 dB and 40 dB.[480] 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-8 bands, are to be suppressed by at least 40 dB.[481]

134. *Emission Limits outside of U-NII-5 and U-NII-8.* As proposed in the *6 GHz Second FNPRM*, we are adopting emission limits for GVP devices outside of the 6 GHz band that are identical to the emission limits adopted in the *6 GHz First Order* for standard-power and low power indoor devices and in the *6 GHz Second Order* for VLP devices.[482] Specifically, we are adopting 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), but will not apply this limit between the sub-bands, i.e., between the U-NII-5 and U-NII-6, the U-NII-6 and U-NII-7, and the U-NII-7 and U-NII-8 bands.[483] Those emissions are already subject to an emission mask discussed above. We note that these limits are designed to protect cellular vehicle-to-everything (C-V2X) operations below and federal operations above the 6 GHz band.[484] While the Commission previously determined that the -27 dBm/MHz limit was sufficient to ensure C-V2X operations were protected from harmful interference from U-NII devices operating in other bands,[485]

[475] *6 GHz Second FNPRM*, 38 FCC Rcd at 10579, para. 109.

[476] *6 GHz Second FNPRM*, 38 FCC Rcd at 10579, para. 109.

[477] *Id*.

[478] *6 GHz First Order,* 35 FCC Rcd at 3925, para. 196.

[479] *Id*.

[480] *Id*.

[481] *Id*.

[482] *See 6 GHz Second FNPRM*, 38 FCC Rcd at 10579, para. 110; *see also* 47 CFR § 15.407(b)(6); *6 GHz First Order,* 35 FCC Rcd at 3925, para. 197; *6 GHz Second Order*, 38 FCC Rcd at 10568-69, para. 87.

[483] *See 6 GHz Second FNPRM*, 38 FCC Rcd at 10579, para. 110. Emissions between the sub-bands are subject to the emission mask discussed above. *See supra* para. 132.

[484] *6 GHz Second FNPRM*, 38 FCC Rcd at 10579, para. 110.

[485] *6 GHz First Order*, 35 FCC Rcd at 3925-26, paras. 197-98 (recognizing that -27 dBm/MHz is the appropriate out-of-band emission limit and that using a root-mean-square (RMS) measurement is sufficient to protect incumbent services from unlicensed 6 GHz devices); *6 GHz Second Order*, 38 FCC Rcd at 10670, para. 90; *see Use of the 5.850-5.925 GHz Band*, ET Docket No. 19-138, First Report and Order, Further Notice of Proposed Rulemaking, and Order of Proposed Modification, 35 FCC Rcd 13440, 13474-76, paras. 80-83 (2020); *see also Revision of Part*

(continued….)

in the *6 GHz Second FNPRM*, the Commission sought comment on whether any adjustments are needed to our VLP device rules to adequately protect C-V2X operation in vehicles.[486] We are deferring consideration of adjusting the in-vehicle VLP device OOBE issue raised in the *6 GHz Second FNPRM* at this time, as potential adjustments to those limits are outside of the scope of this instant Report and Order, which is directed to authorizing GVP devices, and are more appropriately considered in a future proceeding.

135. Prior to adoption of the *6 GHz Second FNPRM,* NTIA filed comments directed at VLP operations that included a Department of Transportation study (*DoT Exhibit*) addressing C-V2X protection requirements in the 5.895-5.925 GHz Intelligent Transportation Systems (ITS) band in which C-V2X technology is used.[487] ITS operators in this band transmit basic safety messages for crash-avoidance and require low-latency, harmful-interference-free operation.[488] According to the *DoT Exhibit*, testing showed that if 6 GHz devices that comply with the -27 dBm/MHz OOBE limit were to operate inside of a motor vehicle, the operational range of C-V2X receivers operating in the same vehicle would decrease by more than 50%.[489] The *DoT Exhibit* claims that implementing both parts of a two-part compromise submitted by several VLP proponents, which would require VLP devices to prioritize operations to frequencies above 6.105 GHz and limit VLP OOBE below 5.925 GHz to -37 dBm/MHz, is necessary to protect C-V2X receivers.[490]

136. We note that no commenter opposed adopting a GVP out-of-band emission (OOBE) limit below the U-NII-5 band and above the U-NII-8 band. The Wi-Fi Alliance contends that given the adequate protection afforded to C-V2X operations by the OOBE limit in place for other U-NII devices, there is no reason to subject GVP devices to more restrictive OOBE limits than for VLP devices.[491] Qualcomm Incorporated (Qualcomm) claims that the Commission should adopt a more stringent OOBE level for VLP devices and that this level of protection should be extended to GVP devices.[492] It contends that at the transmit power level of 21 dBm for GVP devices, Qualcomm's 6 GHz chipsets support an OOBE level of -38 dBm/MHz at the 5.925 GHz edge, which is already well below -37 dBm/MHz and would not require any transmit power reduction for unlicensed operations in the 320, 160, 80, 40, or 20 megahertz-wide Wi-Fi channels closest to the 5.925 GHz band edge.[493] Thus, Qualcomm claims that "there is no technical obstacle to 6 GHz VLP unlicensed devices complying with a -37 dBm/MHz OOBE level that is needed to protect C-V2X operation in the 5.9 GHz band from harmful interference."[494] It

(Continued from previous page)
15 of the Commission's Rules to Permit Unlicensed National Information Infrastructure (U-NII) Devices in the 5 GHz Band, First Report and Order, 29 FCC Rcd 4127, 4158-60, paras. 114-20 (2014).

[486] *6 GHz Second FNPRM*, 38 FCC Rcd at 10605-06, paras. 185-86.

[487] *6 GHz Second FNPRM*, 38 FCC Rcd at 10605, para. 185 (citing Letter from Charles Cooper, Associate Administrator, Office of Spectrum Management, NTIA, to Marlene H. Dortch, Secretary, FCC, ET Docket No. 18-295, at 5-7 (filed Oct. 10, 2023) (*DOT Exhibit*)).

[488] *6 GHz Second FNPRM*, 38 FCC Rcd at 10605, para. 185.

[489] *DOT Exhibit* at 2.

[490] *Id*. at 3 (citing Broadcom, Cisco, Facebook, Intel, Qualcomm Mar. 1, 2021 *Ex Parte* at 1).

[491] Wi-Fi Alliance Comments at 19.

[492] Qualcomm Reply at 1-2.

[493] Qualcomm Reply at 1; *see also* Letter from John Kuzin, Senior Vice President, Qualcomm, Inc., to Marlene H. Dortch, Secretary, FCC, ET Docket No. 18-295, GN Docket No. 17-183, at 1-2 (filed July 25, 2025).

[494] Qualcomm Reply at 1.

requests that the Commission maintain the 6.105 GHz prioritization rule, which can be relaxed to 6.0 GHz, and at the same time adopt a more stringent OOBE limit at the bottom edge of the U-NII-5 band.[495]

137. The 5G Automotive Association (5GAA) asserts that the Commission's -27 dBm/MHz VLP, and by extension the proposed GVP, OOBE limit is insufficient.[496] According to 5GAA, DOT testing shows that when one or more VLP devices are in close proximity (i.e., inside a vehicle), their respective OOBE reduces the range at which C-V2X devices can effectively communicate by more than 50%, particularly in non-line-of-sight scenarios.[497] It claims that the U-NII interference from adjacent channels could reduce the ideal 300-meter range for safety applications to as little as 25 meters, thus diminishing driver response time and impacting critical safety alerts.[498] Therefore, 5GAA proposes an OOBE no less restrictive than -37 dBm/MHz.[499] 5GAA also challenges the Commission's conclusion that more stringent protection is not required as C-V2X devices are already designed to coexist with one another.[500] It explains that this misconstrues the system in place that coordinates with other C-V2X devices, which is not true for VLP devices because they operate outside the C-V2X system.[501] Additionally, it claims that VLP devices can operate with higher duty cycles over a several-second period in which critical C-V2X messages need to be successfully transmitted.[502] The Alliance for Automotive Innovation claims that in addition to prioritizing VLP operation frequencies above 6105 MHz, the Commission should adopt the -37 dBm/MHz OOBE limit for VLP devices.[503] It contends that this limit has been agreed to by stakeholders in the unlicensed and C-V2X industries.[504] It also claims that ongoing DOT testing is being done to assess the interference risks presented by mobile VLP devices in the lower U-NII-5 band.[505] 5GAA has filed several slides that it claims are from a presentation given by DOT about U-NII-5 band test results.[506]

138. The Association of State Highway and Transportation Officials (ASHTO) et al. echoes the overall sentiment of the automotive industry and opines that while a prioritization rule helps to mitigate the potential for harmful interference, the Commission has acknowledged that many VLP devices will still operate on the lowermost channels.[507] While ASHTO et al. make no specific request regarding GVP devices, they do however request that the Commission adopt a -37 dBm/MHz OOBE

[495] Qualcomm Reply at 1-2; Letter from John Kuzin, Senior Vice President, Qualcomm, Inc., to Marlene H. Dortch, Secretary, FCC, ET Docket No. 18-295, GN Docket No. 17-183, at 3 (filed July 25, 2025).

[496] 5GAA Comments at 1-2; *see also* Letter from Suzanne M. Tetreault, Counsel, 5G Automotive Association, to Marlene H. Dortch, Secretary, FCC, ET Docket No. 18-295, GN Docket No. 17-183, Slides at 2 (filed July 30, 2025) ("interference caused by out-of-band emissions (OOBE) from VLP and potential new Geofenced Variable Power (GVP) devices in the 6 GHz band risk diminishing C-V2X's effectiveness.")

[497] 5GAA Comments at 4.

[498] 5GAA Comments at 5.

[499] 5GAA Comments at 3-6.

[500] 5GAA Comments at 7.

[501] 5GAA Comments at 7.

[502] *Id.* at 7.

[503] Alliance for Automotive Innovation Comments at 4.

[504] Alliance for Automotive Innovation Comments at 5.

[505] Alliance for Automotive Innovation Comments at 8.

[506] Letter from Suzanne M. Tetreault, Counsel, 5G Automotive Association, to Marlene H. Dortch, Secretary, FCC, ET Docket No. 18-295, GN Docket No. 17-183, at 1, slides at 6-7 (filed July 30, 2025).

[507] ASHTO et al. Comments at 2.

limit for VLP devices, which will provide C-V2X safety operations much-needed protection.[508] They claim that this OOBE limit can be achieved without lowering in-band VLP transmit power and that VLP devices comply with an European Union -45 dBm/MHz OOBE limit without impacting their transmit power.[509]

139. We decline to adopt a general GVP OOBE limit lower than what we originally proposed in the *6 GHz Second FNPRM*—e.g., -37 dBm/MHz. In particular, we cannot rely on the testing scenario in the *DOT Exhibit* filed by NTIA and DOT on October 10, 2023, as a basis for a real-world interference analysis. The *DOT Exhibit* analysis included operations from devices in the U-NII-4 band and is intended to extrapolate its findings to the U-NII-5 band. In its analysis, DOT selected operational parameters from channel 171 (5855 MHz) and applied them in a manner intended to represent a channel whose OOBE it claimed could potentially interfere with CV2X channel 183 (5915 MHz).[510] However, this analysis is not persuasive because U-NII-4 devices have different operational parameters than U-NII-5 GVP devices. Operational parameters for U-NII-4 devices include a maximum of 36 dBm EIRP for 40 MHz channels and when spanning the bands of U-NII-3 and U-NII-4 or utilizing concatenated channels to create an 80 MHz channel this power limit is not raised.[511] In addition, devices operating in the U-NII-4 band are only permitted to operate indoors only and must not be housed in a weatherized enclosure.[512] Therefore, a device configured in the manner in which it was configured in the *DOT Exhibit* could not exist under the Commission's current rules. Likewise, there are operational differences for GVP devices that do not apply to U-NII-4 Channel 171. For instance, the power limit we are adopting for U-NII-5 GVP devices is lower than those permitted for U-NII-4 devices.[513] In fact, the maximum EIRP limit that we adopt today for GVP devices is 12 dB lower than those permitted for a U-NII-4 access point.[514] In addition, devices authorized to operate under U-NII-5 rules must suppress emission by as much as 40 dB outside of its intended operating channel,[515] as opposed to a U-NII-4 device where no such in-band channel emission mask is required by the Commission's rules. Here we note that the use cases and the resultant rules of the UNII-4 and UNII-5 bands were derived for different purposes. Each rule set is uniquely defined and not intended for substitution or cross-application.

140. The *DOT Exhibit* also used a 70% duty cycle for the unlicensed devices.[516] However, with the current proposed uses of unlicensed devices in the 6 GHz band, GVP devices will utilize wide channels up to 320 MHz, as opposed to the 80 MHz channel the *DOT Exhibit* intended to model. Assuming that the 80 MHz wide channel selection was appropriate, we note that wider channels (i.e. channels exceeding 20 MHz) and channels with more advanced modulations schemes tend to transfer larger amounts of data faster. Thus, the resultant duty cycle is typically lower than for narrower channels or for legacy technology with less advanced modulation schemes. Because the commenters advocating for a lower OOBE limit rely on the *DOT Exhibit* as evidence for their arguments, their arguments are not

[508] ASHTO et al. Comments at 2.

[509] ASHTO et al. Comments at 1-4.

[510] *DOT Exhibit* at 5-7.

[511] 47 CFR § 15.407(a)(3)(ii).

[512] 47 CFR § 15.403. This rule defines "Indoor Access Point," in relevant part, as "an access point that operates in the 5.850-5.895 GHz or the 5.925-7.125 GHz band, is supplied power from a wired connection, has an integrated antenna, is not battery powered, and does not have a weatherized enclosure." *Id.*

[513] 47 CFR § 15.407(a)(7) and (b)(8)(iii) in the Final Rules Appendix.

[514] *Id.*

[515] 47 CFR § 15.407(b)(7).

[516] *DOT Exhibit* at 5.

persuasive.[517] We cannot express an opinion about the more recent DOT testing that 5GAA references because the two slides they provide summarizing the testing do not provide adequate technical details for us to reach any conclusion.[518] We also note that the Wi-Fi channel plan starts at 5.945 GHz, which provides a 20 megahertz-wide guard band to the edge of the U-NII-5 band, thereby providing additional protection to C-V2X operations.[519] In addition, the requirement to prioritize operations above 6.105 GHz, noted below, will minimize the number of devices operating near the lower portion of the 6 GHz band closest to C-V2X operations. Thus, based on the record, we remain unconvinced that a more stringent OOBE limit for GVP U-NII-5 devices is necessary to protect ITS services in the adjacent band. As such, we are extending the -27 dBm/ MHz OOBE limit currently applied for VLP, standard-power, and low power indoor devices to GVP devices.

141. *Prioritization of operations over 6.105 GHz.* To provide protection from harmful interference to C-V2X operations below 5.925 GHz, in the *6 GHz Second FNPRM*, the Commission proposed to impose a channel prioritization requirement on GVP devices.[520] The Commission reasoned that because GVP devices could be mobile and potentially used near C-V2X receivers, it proposed to require GVP devices to prioritize spectrum above 6.105 GHz.[521] This prioritization requirement was part of a compromise proposal between the auto industry, chip manufacturers, and technology aggregators,[522] whereby it was claimed that prioritizing channels above 6.105 GHz will reduce the likelihood of VLP devices operating adjacent to the ITS band when VLP devices are used in vehicles.[523] The Commission adopted this prioritization suggestion for VLP devices in the *6 GHz Second Order* to protect ITS operations below the U-NII-5 band from harmful interference.[524]

142. Several commenters generally support adopting this prioritization requirement for GVP devices, while no commenters opposed imposing this requirement.[525] Qualcomm initially supported the prioritization of operations over 6.105 GHz but in a more recent filing has proposed lowering this threshold.[526] Qualcomm now contends that lowering the prioritization threshold from 6.105 GHz to 6.0 GHz is feasible, would continue to protect CV2X reception, and would provide additional channels to be used when a GVP device first select an operating channel in accordance with the prioritization rule.[527]

143. We find that the Commission's original analysis supporting such prioritization for VLP devices applies equally to GVP devices for the same underlying reasons. Prioritizing channels for operations above 6.105 GHz provides an additional layer of protection for both in-vehicle and out-of-

[517] 5GAA Comments at 3-6; 5GAA Comments at 1-2; Alliance for Automotive Innovation Comments at 4; ASHTO et al. Comments at 2; *see also* 5GAA July, 28 2025 *Ex Parte* at 2.

[518] Letter from Suzanne M. Tetreault, Counsel, 5G Automotive Association, to Marlene H. Dortch, Secretary, FCC, ET Docket No. 18-295, GN Docket No. 17-183, at 1, slides at 6-7 (filed July 30, 2025).

[519] A general overview of the Wi-Fi 6E Channelization available at https://www.litepoint.com/blog/wi-fi-6e-standard-and-channels/.

[520] *6 GHz Second FNPRM*, 38 FCC Rcd at 10579, paras. 110-11.

[521] *6 GHz Second FNPRM*, 38 FCC Rcd at 10579, para. 110.

[522] Broadcom, Cisco, Facebook, Intel, Qualcomm Mar. 1, 2021 *Ex Parte* at 1.

[523] Broadcom, Cisco, Facebook, Intel, Qualcomm Mar. 1, 2021 *Ex Parte* at 1.

[524] *6 GHz Second Order*, 38 FCC Rcd at 10572, para. 94.

[525] Alliance of Automotive Innovation Comments at 5-7; ASHTO Comments at 1-2; 5GAA Comments at 1; *see also* Qualcomm Inc. Reply at 1-2.

[526] Letter from John Kuzin, Senior Vice President, Qualcomm, Inc., to Marlene H. Dortch, Secretary, FCC, ET Docket No. 18-295, GN Docket No. 17-183, at 3 (filed July 25, 2025).

[527] *Id.*

vehicle devices by helping to reduce congestion in the lower portion of the band. This approach also enhances protection for adjacent band devices by statistically increasing the average spectral separation from the CV2X channels, thereby reducing the likelihood of harmful interference. At the same time, it avoids the unnecessary exclusion of valuable 6 GHz spectrum from potential use. The combination of existing out-of-band emission (OOBE) limits, channel mask requirements, and the prioritization of operations above 6.105 GHz constitutes a comprehensive framework of technical restrictions. Collectively, these measures are expected to provide sufficient protection and mitigate the potential for harmful interference into CV2X receivers operating in adjacent bands. As previously noted, these restrictions were adopted for VLP devices out of an abundance of caution to ensure that safety of life services below the U-NII-5 band are protected from harmful interference.[528] Therefore, we are requiring GVP devices to prioritize operations on frequencies above 6.105 GHz prior to operating on frequencies between 5.925 GHz and 6.105 GHz.

144. We set 6.105 GHz as the breakpoint for prioritization rather than use 6.0 GHz, as Qualcomm suggests. No commenters other than Qualcomm suggest using 6.0 GHz for this purpose and Qualcomm has provided no technical data supporting its position. Given the lack of justification for adopting a different prioritization scheme for GVP devices than for VLP devices, we see no reason to adopt a different rule for GVP devices.

145. *GVP Device Registration*. In the *6 GHz First Order*, the Commission defined specific information that standard-power access points are required to provide when registering with an AFC system.[529] These parameters include geographic coordinates (latitude and longitude referenced to North American Datum 1983 (NAD 83)), antenna height above ground level, FCC identifier (FCC ID), and unique manufacturer's serial number.[530] The AFC system requires an access point's latitude and longitude coordinates and antenna height above ground to determine which frequencies are available at the access point's location.[531] The AFC system also uses the FCC ID and the access point's serial number to verify that the device is authorized for 6 GHz band operations and, if necessary, to address any interference concerns.[532] Consistent with the requirements set forth for standard-power devices operating under the control of an AFC system, we will impose similar requirements for GVP devices to register with a geofencing system when requesting exclusion zones.[533] To register, a GVP access point will be required to provide the geofencing system with the access point's FCC ID and either its unique manufacturer's serial number or its model name/number or other information sufficient to uniquely identify the device manufacturer and model.[534] Although the access point's FCC ID, serial number, model name/number, or other information uniquely identifying the device manufacturer and model are not required to calculate exclusion zones, geofencing systems will use the information for two purposes.[535] First, the information will be used to authenticate the access point to ensure that no unauthorized devices are operating in the band.[536] Geofencing systems will verify the device's FCC ID

[528] *6 GHz Second Order*, 38 FCC Rcd at 10571-72, paras. 93-94.

[529] *6 GHz First Order*, 35 FCC Rcd at 3867, 3883, 3954, paras. 38, 83, Appx. A, § 15.407(k)(8)(ii).

[530] *Id.*

[531] *6 GHz First Order*, 35 FCC Rcd at 3867, para. 38.

[532] *6 GHz First Order*, 35 FCC Rcd at 3883, para. 83.

[533] The Commission requires standard-power access points to report their FCC ID and serial number to the AFC system during registration. 47 CFR § 15.407(k)(8)(ii).

[534] *6 GHz First Order*, 35 FCC Rcd at 3883, para. 83; Letter from Paul Margie, Counsel to Apple, Inc. to Marlene H. Dortch, Secretary, FCC, ET Docket No. 18-295, at 1 (filed January 23, 2026).

[535] *6 GHz First Order*, 35 FCC Rcd at 3883, para. 83.

[536] *6 GHz First Order*, 35 FCC Rcd at 3883, para. 83.

by accessing the Commission's Equipment Authorization System (EAS) database.[537] Second, the information will be used for interference mitigation and enforcement purposes to investigate the source if harmful interference were to occur.[538] During the registration process, GVP access points are required to provide sufficient information necessary for geofencing systems to assign exclusion zones for initial operation.

146. Consistent with the requirements for AFC systems, we will require geofencing systems to store registered information in a secure database until a GVP access point ceases operation, which we will define as a VLP access point not contacting the geofencing system to verify exclusion zone information for more than three months. In addition, since GVP access points will be in motion, they may need to download additional exclusion zone information, and they are required to contact the geofencing system daily to obtain any updated exclusion zones. As a result, new information will get updated in the geofencing systems' databases on at least a daily basis, which alleviates the need to store registered information for longer than three months. To ensure users' privacy, the geofencing system will use the registered data only to protect incumbents and for potential interference mitigation.

147. In previous filings, several parties voiced privacy concerns related to device registration in the AFC system, stating that registration requirements would compromise user privacy.[539] We will require that GVP access points provide geofencing systems with only the information necessary to receive its geofenced area of operation. A GVP access point will obtain exclusion zones for the area in which it is located from the geofencing system that will enable it to determine the frequencies on which it may operate and the power level it may transmit at. The exclusion zones may be downloaded for areas with varying levels of geographic granularity, including but not limited to: polygons with specified vertices, a circle of specified radius centered at a point, or a broader region up to and including entire states. Consequently, the GVP access point will not need to provide its specific latitude and longitude to download the exclusion zones and will not need to continuously provide its coordinates to the geofencing system as it moves. We believe this approach will provide greater flexibility in implementing the geofencing system without raising any potential privacy concerns.

148. *Security Issues.* In the *6 GHz Second FNPRM*, the Commission proposed to require that GVP access points and geofencing systems incorporate adequate security measures.[540] While we received no comments in response to these security proposals, previous security requirements adopted for AFC standard power access points received strong support.[541] Reliable and secure communication between any GVP devices and associated geofencing systems are essential for successful GVP operations and incumbents' protection. Consistent with our previous actions and the proposal in the *6 GHz Second FNPRM*, we will require that GVP access points and geofencing systems employ protocols and procedures to ensure that all communications and interactions between the access points and the geofencing system are accurate and secure and that unauthorized parties cannot access or alter the exclusion zones sent to an access point.[542] These security measures must (1) prevent GVP access points from accessing geofencing systems not approved by the Commission, (2) ensure that unauthorized parties

[537] *6 GHz First Order*, 35 FCC Rcd at 3883, para. 83.

[538] *6 GHz First Order*, 35 FCC Rcd at 3883, para. 83.

[539] Qualcomm Comments at 3,11 (filed Feb. 15, 2019)(arguing that the rules for the AFC need to be simple and flexible and should not require unlicensed system registration);; Hewlett Packard Enterprise Reply at 28 (filed Mar. 18, 2019) (arguing that the Commission should not require device registration or identifiers); Apple Comments at 14 (filed Feb. 15, 2019) (declaring that creating a log of uniquely-identified 6 GHz devices would be fundamentally inconsistent with users' privacy expectations).

[540] *6 GHz Second FNPRM*, 38 FCC Rcd at 10596-97, para. 161.

[541] *6 GHz First Order*, 35 FCC Rcd at 3881, para. 78.

[542] *6 GHz Second FNPRM*, 38 FCC Rcd at 10596-97, para. 161.

cannot modify devices to operate in a manner inconsistent with the rules and licensed incumbent protection criteria, and (3) ensure that communications between VLP access points and geofencing systems are secure to prevent corruption or unauthorized interception of data.[543] Additionally, geofencing systems must incorporate security measures to protect against unauthorized data input or alteration of stored data (e.g., database information and the list of excluded/ available frequencies) and to protect the communication link between the geofencing system and Commission databases.[544] We will also require that geofencing systems and/or associated GVP access points establish communications authentication procedures for communications between GVP access points and GVP client devices.[545] We do not mandate specific security models. Instead, we will require GVP device manufacturers and geofencing system operators to demonstrate that their systems contain the necessary communication and information security features during the device certification and geofencing system approval processes.[546]

149. *International Borders*. In the *6 GHz Second FNPRM*, the Commission proposed that GVP operations would have to comply with international agreements with Canada and Mexico.[547] No commenters addressed this proposal. As is the case for AFC systems, we will require the geofencing systems to implement the terms of international agreements with Canada and Mexico by protecting microwave operations in Canada and Mexico near the United States border.[548]

150. *Restrictions on GVP device use on airplanes.* In the *6 GHz Second FNPRM* the Commission sought comment on permitting GVP devices to be more generally used onboard commercial and general aviation aircraft.[549] Additionally, the Commission sought comment on whether it should permit GVP devices to operate across all flight phases, whether GVP devices could be permitted to operate only when above 10,000 feet, and whether to permit GVP devices to operate on aircraft at all.[550] Apple, Broadcom et al. note that while the Commission banned standard-power access points from operating on any moving vehicle including aircraft, "the Commission's geofencing proposal . . . is explicitly designed to be simple enough to facilitate mobile operations without imposing unnecessary device or . . . system complexity."[551] Furthermore, they claim that "[p]ortability is the key feature for the [GVP] device class."[552]

151. We will prohibit GVP device use on board any aircraft. While we recognize that unlicensed GVP proponents want to expand the opportunity for unlicensed connectivity on aircraft, we note that the Commission already authorized VLP devices to operate on aircraft above 10,000 feet in the U-NII-5 band.[553] We find there are logistical issues that would prevent GVP devices from adequately

[543] *6 GHz Second FNPRM*, 38 FCC Rcd at 10596-97, para. 161.

[544] *6 GHz Second FNPRM*, 38 FCC Rcd at 10597, para. 161.

[545] *6 GHz Second FNPRM*, 38 FCC Rcd at 10597, para. 161.

[546] *See 6 GHz Second FNPRM*, 38 FCC Rcd at 10597, para. 163 (proposing that "[a]pplicants seeking [GVP] device certifications would have to show in their applications how their device will comply with any geofencing requirements adopted in this proceeding," which includes these security requirements); *id.* at 10580, para. 112 ("We also propose procedures for testing and approving geofencing systems to ensure that they would operate as intended . . . .").

[547] *6 GHz Second FNPRM*, 38 FCC Rcd at 10584, para. 123.

[548] 47 CFR § 15.407(k)(14); *6 GHz First Order,* 35 FCC Rcd at 3866, para. 33.

[549] *6 GHz Second FNPRM*, 38 FCC Rcd at 10599, para. 168.

[550] *Id*.

[551] Apple, Broadcom et al. Reply at 31.

[552] Apple, Broadcom et al. Reply at 31.

[553] *6 GHz Second Order*, 38 FCC Rcd at 10573, para. 97.

operating while in compliance with the geofencing requirements. For example, GVP devices in aircraft would likely be unable to check their location and verify they are not operating in an exclusion zone. While most fixed links are directed to the horizon and below and would not be impacted by GVP operations in aircraft at high altitudes, we recognize there are some links that are configured to point above the horizon to establish links to sites at higher elevation. In these scenarios, a GVP device operating on an aircraft that is unable to update its location could transmit while in the main beam of a microwave link. Therefore, we will prohibit the use of GVP devices on aircraft.

152. In the *6 GHz Second FNPRM,* the Commission noted that VLP devices mounted on a unmanned aircraft system (UAS) could pose more than an insignificant harmful interference risk, given the potential for a UAS to fly almost anywhere and have a clear line-of-sight to a microwave receiver.[554] The Commission also recognized that an exclusion zone for UAS usage would be much larger than for general usage because a UAS flies at a higher altitude than the 1.5 meters that the Commission proposed that geofencing systems would assume in calculating exclusion zones.[555] Nonetheless, the Commission sought comment on whether there are operational limitations or guidelines that it could adopt to permit VLP devices to operate mounted on a UAS.[556] API, the only commenter to address GVP UAS use, recommends prohibiting GVP use on UAS regardless of their operating altitude.[557] We will not permit GVP use on UAS. Because UAS may fly at altitudes exceeding the 10-meter height that we are mandating geofencing systems assume in calculating exclusion zones, we believe such use will present a harmful interference risk.

153. *Mandatory firmware updates.* AT&T contends that the Commission should mandate that "all new unlicensed devices be required to accept mandatory firmware updates that alter operating parameters."[558] AT&T points to a statement by the R St. Institute that "'once spectrum is designated for unlicensed use, it cannot be reallocated as the most productive use of particular bands changes.'"[559] AT&T claims that its proposal is consistent with NTIA Commerce Spectrum Management Advisory Committee's (CSMAC) views, which recommended that "'[a]ccess to new unlicensed bands should generally be conditioned in ways that reserve the flexibility to reallocate a band in the future or to change its operating rules.'"[560] APCO International states that the Commission should, wherever possible, require unlicensed devices and systems to have capability to modify system parameters through over-the-air firmware updates.[561]

154. In reply, Apple, Broadcom et. al. maintain that mandatory firmware updates are "unnecessary, would impose substantial costs on manufacturers, and could undermine the cybersecurity of consumer devices."[562] They contend that "a change to a device's firmware could require a manufacturer to seek recertification," which "is a lengthy process and therefore should not be approached lightly."[563] They state that "rather than maximizing spectrum efficiency, . . . a mandate that every unlicensed device must permit over-the-air . . . firmware updates that can change the device's core radio

[554] *6 GHz Second FNPRM*, 38 FCC Rcd at 10600, para. 169.

[555] *Id*.

[556] *Id*.

[557] API Comments at 8.

[558] AT&T Comments at 6-7; AT&T Reply at 2-3.

[559] AT&T Comments at 6 (quoting R St. Institute Comments at 3).

[560] AT&T Comments at 7 (quoting Commerce Spectrum Management Advisory Committee, Unlicensed Uses Subcommittee Report (dated Jan. 11, 2010)).

[561] APCO Reply at 3.

[562] Apple, Broadcom et. al. Reply at 45.

[563] *Id*.

functions would create a serious security risk."[564] Apple, Broadcom et. al. claim that such a change would "require[] manufacturers to build in a pathway that a threat actor could exploit to remotely increase unlicensed devices' power levels or frequency ranges across the country."[565]

155. In the *6 GHz Third Order*, the Commission declined to impose a mandatory firmware update for VLP devices because of its conclusion that there is an insignificant risk that harmful interference would occur due to VLP device operations.[566] The Commission noted that the vast majority of devices have the inherent capability for firmware updates as manufacturers regularly make changes and upgrades to correct bugs, enable more efficient operation, or add capabilities.[567] We believe that this same rationale applies to GVP devices. As the Commission noted in the *6 GHz Third Order*, such a mandate could be complex and was not raised in the *6 GHz Second FNPRM*, and therefore, 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 GVP devices in the U-NII-5 and U-NII-7 bands, we do not believe that such a mandate is necessary. A firmware mandate is even less necessary for GVP devices than for VLP devices because GVP devices will be under the supervision of geofencing systems. The geofencing systems will be able to adjust the operating frequencies and exclusion zone calculations if required by future rule changes or to respond in the event of a harmful interference incident. Additionally, manufacturers typically design devices to support firmware updates, even in the absence of a mandate. These updates are commonly used to correct software issues, improve performance, or modify device behavior. Given these factors, we do not see a compelling reason to impose a firmware or software update mandate. No evidence has been presented to justify such a requirement, and imposing one would amount to an unnecessary regulatory burden. Therefore, we decline to mandate automatic over-the-air firmware updates for GVP devices.

156. *Enforcement instructions.* The National Public Safety Telecommunications Council (NPSTC) states that "it is imperative that 6 GHz licensees have a viable mechanism to report and expeditiously resolve any . . . harmful interference to critical microwave links."[568] It notes that several AFC systems have committed to establish a "'centralized means to receive and address complaints regarding purported harmful interference from AFC-authorized unlicensed operations.'"[569] NTPSC contends that even if these recommended procedures are used, they would only apply to AFC-controlled 6 GHz devices and are concerned that this is not a comprehensive approach.[570] If harmful interference does occur, NPSTC is unclear how the interference source will be determined, i.e., whether it is from a standard-power, low power indoor, VLP, or a GVP device.[571] It claims that licensed stakeholders in the 6

[564] *Id*. (internal quotation marks omitted).

[565] *Id*.

[566] *6 GHz Third Order*, 39 FCC Rcd at 13936-37, para.78-79.

[567] *6 GHz Third Order*, 39 FCC Rcd at 13937, para. 79.

[568] National Public Safety Telecommunications Council (NPSTC) Comments at 5.

[569] NTPSTC Comments at 5-6 (quoting *OET Announces Approval of Seven 6 GHz Band Automated Frequency Coordination Systems for Commercial Operation and Seek Comment on C3Spectra's Proposed AFC System,* Public Notice, 39 FCC Rcd 1370, 1379, para. 18 (OET 2024)). NPSTC claims that the microwave incumbents were not part of the effort to develop an interference complaint and resolution process, but they remain hopeful that AFC operators will adhere to the procedures established and endorse the microwave incumbent's perspective in the multi-stakeholder group report. NTPSTC Comments at 6 (citing Letter from Richard Bernhardt, Don Root, Edgar Figueroa, and Brett Kilbourne, Chairs of the 6 GHz Multi-Stakeholder Group to Marlene H. Dortch, Secretary, Federal Communications Commission, ET Docket No. 18-295 (filed July 11, 2022), attaching "Best Practices and Recommended Procedures for Interference Detection, Reporting, and Resolution to Protect Fixed Microwave Service Receivers in the 6 GHz Band.").

[570] NPSTC Comments at 6.

[571] NPSTC Comments at 6.

GHz band need a viable means to report and expeditiously resolve harmful interference regardless of the 6 GHz unlicensed device involved.[572]

157. NPSTC indicates that past enforcement cases show that the Commission's established procedures for resolving interference issues are not as expeditious as it would prefer.[573] As an example, it refers to an ongoing interference case involving an unlicensed device interfering with a commercial wireless system that took almost a year to address.[574] NPSTC recommends that "the Commission put in place a more expeditious and effective process to resolve any harmful interference."[575]

158. In reply, Apple, Broadcom et al. view the Commission's current enforcement and reporting mechanisms as proven to be sufficient as evidenced by the operation of millions of unlicensed consumer devices in the 6 GHz band, beginning in 2020, without any evidence of harmful interference to licensed users.[576] They state that "unlicensed devices have also operated in other bands with sensitive users, such as the 5 GHz band, without the need for special enforcement rules."[577] They believe that the Commission has enforcement requirements in place and that "any additional enforcement requirements would be superfluous to the Commission's current enforcement authority."[578]

159. We find that in a general sense, and as it applies to 6 GHz devices, the Commission has a long history of performing interference analyses and using such analyses in carefully crafting part 15 rules to protect incumbent systems. These analyses have demonstrated that the likelihood of a 6 GHz unlicensed device causing harmful interference is insignificant, based on the technical rules that the Commission has adopted.[579] As 6 GHz devices are unlicensed, we note that section 15.5(b) of the Commission's rules provides that "[o]peration of an intentional, unintentional, or incidental radiator is subject to the condition[] that no harmful interference is caused."[580] In the unlikely event that harmful interference does occur due to 6 GHz device operations, section 15.5(c) of the Commission's rules provides that "[t]he 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," even if the device was properly certified and configured, and that "[o]peration shall not resume until the condition causing the harmful interference has been corrected."[581] We recognize the Enforcement Bureau's efforts and reiterate that the Commission does not promise a zero chance of interference.[582] As

[572] NPSTC Comments at 6.

[573] NPSTC Comments at 7.

[574] *Id.* at 7 (citing Citation and Order, File No. EB-FIELDNER-22-00033924. Released May 19, 2023).

[575] NPSTC Comments at 8.

[576] Apple, Broadcom et al. Reply at 45.

[577] Apple, Broadcom et al. Reply at 45.

[578] Apple, Broadcom et al. Reply at 45 (citing *6 GHz Second Order*, 38 FCC Rcd at 10557, para. 58 & n.280).

[579] *6 GHz Second Order,* 38 FCC Rcd at 10557, para. 58.

[580] 47 CFR. § 15.5(b); *see also* 47 CFR § 15.3(m) (defining "harmful interference" as "[a]ny emission, radiation or induction that endangers the functioning of a radio navigation service or of other safety services or seriously degrades, obstructs or repeatedly interrupts a radiocommunications service operating in accordance with this chapter"); *6 GHz Second Order*, 38 FCC Rcd at 10557, para. 58; *6 GHz First Order*, 35 FCC Rcd at 3909, para. 149 ("[O]nce interference to a protected service crosses the relevant threshold specified in section 15.3(m) for harmful interference, it is immediately actionable for enforcement purposes.").

[581] 47 CFR. § 15.5(c).

[582] *See* 47 CFR §§ 0.311, 0.111(a)(4) (stating that a function of the Enforcement Bureau is to "[r]esolve complaints regarding radiofrequency interference and complaints regarding radiofrequency equipment and devices"). Part of the Commission's Enforcement Bureau web page discusses the investigation and resolution of harmful interference, (continued….)

Apple, Broadcom et al. point out, unlicensed devices have operated in many bands without the requirement to include additional enforcement protections. As it pertains to low power indoor and VLP devices, we believe that the rules that we have adopted are sufficient to adequately protect incumbent users from harmful interference.

160. Because these enforcement and compliance mechanisms are applicable to GVP devices, we are adopting provisions to enable harmful interference that occurs from the operation of GVP devices to be mitigated. In the *6 GHz Second FNPRM,* the Commission recognized a need for geofenced systems to seamlessly coordinate enforcement requests and database updates.[583] In that respect, it proposed several enforcement-related rules concerning data updates and enforcement instructions.[584] We are adopting these proposals. That is, the following rules that are consistent with the rules for AFC systems will apply to geofencing systems. We require geofencing systems to ensure that their databases contain the information required by our rules, including frequency-specific exclusion zones and GVP access point's authorization parameters. We also require the geofenced systems to respond in a timely manner to verify, correct, or remove, as appropriate, data in the event that the Commission or a party presents a claim of inaccuracies in the geofencing system. In addition, we require geofencing systems to establish and follow protocols to comply with enforcement instructions from the Commission, including discontinuing GVP access point operations on specified frequencies in designated geographic areas and predetermined exclusion zones. We also require geofencing systems to comply with instructions from the Commission to adjust exclusion zones, if necessary, to more accurately reflect the harmful interference potential.

161. As for NPSTC's request that the Commission put in place a more expeditious and effective process to resolve any harmful interference, this appears to be directed at the Commission's enforcement procedures in general rather than specifically at 6 GHz unlicensed GVP operations.[585] The example case that NPSTC refers to as "interference from an unlicensed device to a licensed commercial wireless system"[586] does not involve someone operating an unlicensed part 15 device in accordance with the Commission's rules that causes interference to a licensed receiver. Instead, it involves someone operating a device in violation of the Commission's rules which causes harmful interference to a licensed radio receiver.[587] While the operator of the interfering radio equipment in that case did not have a license to transmit in the frequency band at issue and in that sense was "unlicensed," that operator was not operating an unlicensed part 15 device in compliance with our rules such as would be the case for GVP

(Continued from previous page)
including highlighting the ability of the Enforcement Bureau's field agents to "us[e] their radio frequency expertise and specialized instruments and equipment, including direction-finding equipment, to identify the source of radio frequency interference." https://www.fcc.gov/enforcement/areas/interference-resolution. In adopting the *6 GHz First Order*, the Commission noted that "Enforcement Bureau field agents use fixed, vehicular-mounted, and portable commercial and specialized spectrum monitoring equipment to conduct investigations and carry out interference resolution and enforcement activities." *6 GHz First Order*, 35 FCC Rcd at 3909, para. 149 n.397. The Commission also stated that "[t]he Enforcement Bureau works with entities at the federal, state, county, and local levels of government to resolve interference." *Id.* To further the Enforcement Bureau's efforts to resolve any occurrences of harmful interference, the Commission established an online, user-friendly "Radio Frequency Service Interference Complaint Portal" for the submission of radio interference complaints by, among others, public safety, commercial, and federal entities. https://fccprod.servicenowservices.com/psix-esix.

[583] *6 GHz Second Order*, 38 FCC Rcd at 10592, para. 146.

[584] *Id.*

[585] NPSTC Comments at 8.

[586] NPSTC Comments at 7.

[587] *Luis Martinez, York, Pennsylvania*, File No.: EB-FIELDNER-22-00033924, Citation and Order, 38 FCC Rcd 4747 (EB 2023).

devices.[588] To the extent that NPSTC's concerns are that our enforcement rules and procedures are not sufficiently expeditious, this involves addressing issues more far reaching than the scope of this proceeding.

162. *Definitions of GVP Access Points and Client Devices*. In the *6 GHz Second FNPRM*, the Commission proposed to define a GVP access point as an access point that operates in the 5.925–7.125 GHz band, has an integrated antenna, and uses a geofencing system to determine channel availability at its location.[589] The *6 GHz Second FNPRM* explained that this definition adequately describes the types of VLP devices that could operate under a geofencing system, and the proposed requirement for an integrated antenna, which is consistent with the current rules for indoor access points and subordinate devices, will help ensure that GVP devices cannot be easily modified to increase their EIRP.[590] No commenters addressed this proposed definition. No commenters addressed this proposed definition. This definition is a straightforward description of a GVP access point. Other than adjusting the frequency range to account for the fact that we are not permitting GVP devices to operate in the U-NII-6 or U-NII-8 bands, we see no reason to modify this definition, which we shall incorporate into our rules.

163. The *6 GHz Second FNPRM* did not propose a definition of GVP client devices, and no commenters have suggested such a definition. However, the *6 GHz Second FNPRM* noted that client devices that operate under the control of a GVP access point may also be capable of operating under the control of LPI access points and standard power access points, in which case the client devices must adjust their power levels depending on which type of access point they are connected to.[591] Our rules currently define a client device as "[a] U-NII device whose transmissions are generally under the control of an access point and is not capable of initiating a network."[592] This definition currently applies to client devices that operate under the control of either standard-power or LPI access points. This definition, by its current wording, will also apply to client devices that operate under the control of a GVP access point. Therefore, we see no need to adopt an additional definition that explicitly defines a GVP client device. All client devices will be restricted to transmitting at power levels no more than 6 dB less than the level at which the controlling access point is authorized to operate, whether that access point is a standard-power, low power indoor, or GVP access point.

L. Benefits and Costs

164. In the *6 GHz Second FNPRM*, the Commission sought comment on the benefits and costs of its proposals for implementing GVP devices in the 6 GHz band.[593] The Commission did not receive any comments that included economic benefit or cost estimates for GVP devices.

165. Benefit estimates from rules we previously adopted in this proceeding have been substantial. One report estimates that opening the 6 GHz band to unlicensed use has produced $870 billion in economic value in 2023 and 2024 together, and that this total benefit will increase to $1.2 trillion by 2027.[594] In the *6GHz Second Order*, the Commission conservatively estimated benefits from

[588] The device caused interference to T-Mobile operations in the 2500 MHz band (i.e. 2400-2690 MHz). *Id*. at 4748, para. 4. The Commission's rules do not permit the operation unlicensed part 15 devices in the 2500 MHz band at power levels that could cause this type of harmful interference.

[589] *See 6 GHz Second FNPRM*, 38 FCC Rcd at 10582, para. 118.

[590] *Id*.

[591] *6 GHz Second FNPRM*, 38 FCC Rcd at 10582, para. 119.

[592] 47 CFR § 15.403.

[593] *6 GHz Second FNPRM*, 38 FCC Rcd at 10582, 10583, 10584, 10585, 10588, 10589, 10590, 10591, 10593, paras. 117, 122, 126, 128, 134, 135, 137, 140, 143, 148.

[594] Telecom Advisory Services, LLC, Assessing the Economic Value of Wi-Fi in the United States at 7, 95 (Sept. 2024), https://wififorward.org/wp-content/uploads/2024/09/Assessing-the-Economic-Value-of-Wi-Fi.pdf.

permitting VLP devices to operate in the U-NII-5 and U-NII-7 bands to be $2 billion.[595] In the *6 GHz Third Order*, the Commission conservatively estimated benefits from opening the U-NII-6 and U-NII-8 bands to VLP devices would be $820 million.[596]

166. Consistent with previous experience in this proceeding, we anticipate that the rules permitting GVP devices to operate in the U-NII-5 and U-NII-7 portions of the 6 GHz band will yield substantial benefits. The higher power GVP devices will enable increased data rates and greater range for current VLP applications. While geofencing will limit GVP operating areas, even a 5% improvement in economic value derived from these devices relative to our estimated benefits for VLP in the U-NII-5 and U-NII-7 portions of the 6 GHz band would result in $100 million in additional benefits over a five-year period, or on average, annual benefits of $20 million.[597] We believe this estimate to be conservative because higher data rates and range will not only enhance existing VLP applications, but also create opportunities for new applications, including augmented reality/virtual reality, short-range hotspots, automation processes, and indoor location and navigation. The expanded opportunities presented by these new GVP applications have the potential to yield benefits comparable to the benefits from existing VLP devices already operating within areas that may be subject to geofencing. Thus, GVP use may yield benefits much higher than $100 million over a longer time horizon.

167. We anticipate that the rules we are promulgating will impose no additional costs on the public. While manufacturers and users may incur costs in setting up the new GVP ecosystem, these costs will be voluntarily incurred and thus will not result in a private cost without a countervailing private benefit. This would include any costs for switching to new devices or developing and maintaining the geofencing systems. 6 GHz band users will be protected from harmful interference by the geofencing system, so there will be no costs imposed on other 6 GHz band users. We therefore conclude that permitting GVP devices to operate in the 6 GHz band will yield substantial economic benefits to the American public.

IV. THIRD FURTHER NOTICE OF PROPOSED RULEMAKING

A. Use of Building Entry Loss by AFC Systems

168. In this Third Further Notice of Proposed Rulemaking, we propose to allow AFC systems to take into account building entry loss (BEL) when determining frequency and power-level availability for access points that are authorized to operate in both standard power and LPI modes — i.e., composite indoor/standard-power access points. [598] In a Public Notice approving conditional operation for the first seven AFC systems, OET recognized that BEL could be an input to any predictive propagation model to determine permitted power levels for 6 GHz standard-power devices.[599] However, OET took no position on whether to permit AFC systems to account for BEL in their calculations.[600] OET stated that it may

[595] *6 GHz Second Order,* 38 FCC Rcd at 10575-76, para. 102.

[596] *6 GHz Third Order*, 39 FCC Rcd at 13937, para. 82.

[597] Discounting the average benefit using a discount rate of 7% yields a discounted net present benefit of approximately $82 million.

[598] The term "composite" refers to device certified under more than one equipment class. In this case, the access point is both an "indoor access point" and a "standard power access point," as defined in 47 CFR § 15.403, and hence is a "composite indoor/standard power access point." We note that while the term "indoor access point" is used in our part 15 rules, these devices are often referred to as a "low power indoor" or "LPI" access points in Commission documents to be more descriptive because they operate with significantly lower power than standard power access points. For consistency with our rules, we will refer to them as "indoor access points" in this section of the Further Notice.

[599] *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*).

[600] *Id*.

consider waiver requests by AFC operators to use BEL in their calculations as long as the waiver request provides full support for how standard power devices will be constrained to indoor locations, how interference protection to incumbent spectrum users will be provided, and any arrangements by the AFC operators to ensure that indoor versus outdoor location data is being properly transmitted, interpreted, and acted on appropriately.[601] In response, the Wi-Fi Alliance,[602] Broadcom Inc.,[603] Sony,[604] Comsearch,[605] C3Spectra,[606] Federated Wireless, Qualcomm,[607] and AXON Networks[608] filed waiver requests to input BEL into their AFC system propagation models when assessing frequency availability and power constraints for composite indoor/standard-power access points. In the waiver requests, the companies explained that their respective AFC systems were capable of distinguishing between indoor composite indoor/standard-power access points and stand-alone standard power access points based on the FCC identification number and certified equipment class information.[609]

169. On March 21, 2023, OET issued a Public Notice soliciting comments on the Wi-Fi Alliance Waiver Request.[610] The Commission received comments from numerous parties in favor of allowing AFC systems to adjust their calculations to incorporate BEL,[611] as well as from parties representing microwave licensees' interests raising concerns about potential harmful interference.[612] Broadcom pointed out 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

[601] *Id*.

[602] *Request by Wi-Fi Alliance for Waiver of Section 15.407(l)(2) of the Commission's Rules*, ET Docket No. 23-107 (filed Feb. 17, 2023) (*Wi-Fi Alliance Waiver Request*). 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).

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

[604] *Sony Waiver Request*, ET Docket No. 23-107 (filed Jan. 23, 2024) (*Sony Waiver Request*).

[605] *Request by Comsearch for Waiver of Section 15.407(l)(1) of the Commission's Rules*, ET Docket No. 21-352 (filed Jan. 27, 2025) (*Comsearch Waiver Request*).

[606] *Request for Waiver of Section 15.407(l)(1) to Incorporate Building Entry Loss (BEL) into C3Spectra's AFC System*, ET Docket No. 21-352 (filed Feb. 9, 2025) (*C3Spectra Waiver Request*).

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

[608] *AXON Networks Inc. Request for Waiver of Section 15.407 (l)(1) to Account for Building Entry Loss*, ET Docket No. 21-352 (filed July 24, 2025) (*AXON Networks Waiver Request*).

[609] Wi-Fi Alliance Waiver Request at 3-4; Broadcom Waiver Request at 2-4; Sony Waiver Request at 2-3; Comsearch Waiver Request at 3-5; C3Spectra Waiver Request at 1; Qualcomm and Federated Wireless Waiver Request at 3-4; AXON Networks Waiver Request at 1-2.

[610] *Office of Engineering and Technology Seeks Comment on Wi-Fi Alliance Request for Waiver of Section 15.407(l)(2) of the Commission's Part 15 Rules for AFC System Operation in the 6 GHz Band*, ET Docket No. 23-107, Public Notice, 38 FCC Rcd 2059 (OET 2023).

[611] NCTA - The Internet & Television Association; Hewlett Packard Enterprise (HPE); Dynamic Spectrum Alliance (DSA); Broadcom Inc.; Federated Wireless, Inc.; Cisco Systems, Inc.; Public Interest Spectrum Coalition; 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.

[612] *See generally* AT&T Comments; UTC Comments; Southern Company Services, Inc. Comments; APCO Comments; NWCC Reply.

criterion for standard power operations.[613] NCTA—The Internet and Television Association (NCTA) explained 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."[614] Dynamic Spectrum Alliance (DSA) emphasized that indoor-only composite devices can help satisfy the growing demand for affordable and enhanced broadband access by allowing efficient 6 GHz band unlicensed use.[615]

170. Several commenters representing incumbent users sought additional information on how AFC systems can ensure that composite devices would only operate indoors and protect fixed microwave incumbents from harmful interference.[616] Commenters, including AT&T, UTC, Southern, APCO, and NWCC, also raised harmful interference concerns. For example, UTC claimed that taking BEL into consideration poses a risk because there is a "mountain of evidence that LPI devices are certain to cause interference."[617] AT&T also raised concerns regarding potential interference caused by communication between standard-power client devices operating outdoors and composite indoor/standard-power access points operating indoors.[618] APCO expressed interference concerns in its filing, questioning how public safety communications will be protected from harmful interference.[619]

171. On December 5, 2024, OET granted waiver relief to the Wi-Fi Alliance, Broadcom, Sony, Federated Wireless, and Qualcomm to include BEL into their respective AFC systems' predictive propagation models.[620] Waiver relief was also granted to Comsearch and C3Spectra on May 20, 2025.[621] To ensure that harmful interference to authorized operations and other spectrum users would not occur, OET required that the AFC systems be capable of identifying composite indoor/standard-power access points based on the FCC identification number and certified Equipment Class information provided by a standard-power access point spectrum inquiry request.[622] In addition, OET only permitted the AFC systems to incorporate building entry loss up to and including 6 dB in their predictive propagation model calculations limited to a spectrum inquiry request initiated from a composite indoor/standard-power access point.[623]

172. We propose to update our rules consistent with the waivers OET granted to permit the AFC operators to take BEL into consideration in their calculations. We propose to adopt rules that will require AFC systems to be capable of identifying composite indoor/standard-power access points based on the FCC ID provided by the access point during registration and certified equipment class information obtained from the Commission's Equipment Authorization System in order to be eligible to apply BEL

[613] Broadcom Comments at 4.

[614] NCTA Comments at 3.

[615] DSA Comments at 3.

[616] AT&T Comments at 3-5; UTC Comments at 3; Southern Company Comments at 4-6; APCO Comments at 3-4; NWCC Reply at 4; FWCC Nov. 12, 2024 *Ex Parte* at 1-2.

[617] UTC Comments at 6.

[618] 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.

[619] APCO Comments at 3.

[620] *Wi-Fi Alliance Request for Waiver of Section 15.407(l)(2) of the Commission's Rules for AFC System Operation in the 6 GHz Band*, ET Docket No. 23-107, Public Notice, 39 FCC Rcd 13216, 13216, 13224, paras. 1, 20 (OET 2024) (*BEL Waiver Order*).

[621] *Comsearch and C3Spectra Request for Waiver of Section 15.407(l)(1) of the Commission's Rules for AFC System Operation in the 6 GHz Band*, ET Docket Nos. 23-107 and 21-352, Order, DA 25-362 (OET May 20, 2025).

[622] *BEL Waiver Order*, 39 FCC Rcd at 13224, para. 19.

[623] *Id*.

in their propagation calculations. Only upon confirmation that a device is certified as an composite indoor/standard-power access point can the AFC system assume no more than 6 dB of BEL when it provides frequency and power-level information to that device. Allowing the AFC systems to consider BEL when determining frequency availability will increase the composite indoor/standard-power access point operating power 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 to encourage more efficient spectrum use. We seek comment on our proposal. Are there any other factors that need to be taken into consideration to permit the AFC systems to apply BEL in their calculations?

173. We seek comment on whether 6 dB is the correct amount of BEL attenuation to permit the AFC systems to use in their calculation for composite indoor/standard-power access points or whether the 6 dB accommodation we made in the waiver grants can be increased. What is the harmful interference risk, if any, to licensed incumbents associated with increasing the amount of BEL an AFC can use when it provides frequency and power-level information to a composite indoor/standard-power access point? What are the advantages and disadvantages of allowing a higher BEL attenuation? What tangible risks, if any, would there be for harmful interference occurring if the AFC systems use a BEL greater than 6 dB in their calculations? Should we require AFC operators to use a particular methodology to determine the appropriate amount of BEL for a given composite indoor/standard-power access point and, if so, what should that methodology be? Alternatively, should AFC operators have discretion to determine the amount of BEL to apply up to 6 dB? If AFC operators should have such discretion, what factors should they be required to take into consideration when determining the amount of BEL to apply?

B. Low Power Indoor Access Points on Cruise Ships

174. In the *6 GHz First Order*, the Commission prohibited low power indoor (LPI) access point operation on boats.[624] The Commission noted that according to the National Academy of Science's Committee on Radio Frequency, the 6.425-7.075 GHz and 7.075-7.250 GHz bands are used for remote sensing by the Earth Exploration Satellite Service, including over oceans.[625] The Commission explained that it was prohibiting LPI access point use on boats because of the lack of building attenuation when the access points are used indoors and to protect Earth Exploration Satellite Service operations over the oceans.[626]

175. Cisco Systems (Cisco) requests that the Commission modify its prohibition on shipborne LPI access points by creating an exception for cruise ships.[627] According to Cisco, "there is insufficient spectrum available in large congested indoor common areas of cruise ships, such as restaurants, casinos, theaters, and promenades[,] [which] can impact Wi-Fi performance."[628] Cisco explains that the inability to access the 6 GHz band limits the available non-overlapping Wi-Fi channels leading to increased co-channel and adjacent channel interference and that access to the entire 6 GHz band would increase the likelihood of achieving gigabit speeds in the dense environment.[629] Cisco also points out that "signals within cruise ships experience high building entry loss ('BEL') due to the vessels' thick metal walls and

[624] *6 GHz First Order*, 35 FCC Rcd at 3929, 3931, paras. 207, 212,

[625] *6 GHz First Order*, 35 FCC Rcd at 3931, para. 212 (citing The National Academy of Sciences Committee on Radio Frequencies Comments, ET Docket No. 18-295, at 8-9 (rec. Feb. 14, 2019)).

[626] *6 GHz First Order*, 35 FCC Rcd at 3931, para. 212. The Commission also prohibited the operation of standard-power access points on ships. *Id*.

[627] Cisco Comments, ET Docket No. 18-295, at 3 (rec. April 11, 2025) (Cisco Comments); Cisco June 25, 2025 *Ex Parte*; Cisco June 17, 2025 *Ex Parte*.

[628] Cisco Comments at 5.

[629] *Id*. at 5-6.

thermally efficient glass windows."[630] Cisco claims that "[c]ruise ships are also likely have far higher BEL than traditional land-based hotels, which do not have walls made of metal."[631]

176. We propose to amend our rules to permit LPI access points to operate on cruise ships. As Cisco has pointed out, transmissions made from within cruise ships are likely to experience significant attenuation from the thick metal walls of the cruise ship, thereby reducing the risk of harmful interference to Earth Exploration Satellite Service operations. In addition, there are a limited number of cruise ships.[632] We appreciate the need for additional spectrum for unlicensed device operation on board cruise ships considering that many of these ships have thousands of passengers contained within a relatively small footprint.[633] We seek comment on this proposal. What impact will the operation of LPI access points on cruise ships have on Earth Exploration Satellite Service measurements made over the oceans?

177. We propose limiting this exception to our rules to cruise ships for two reasons. First, smaller boats may have less substantial construction with reduced BEL that could present a greater interference risk to Earth Exploration Satellite Service operations. Second, completely removing the prohibition on LPI use on boats would greatly increase the amount of LPI use over the oceans, which would increase the potential risk to the Earth Exploration Satellite Service. For purposes of this rule exception, we propose to adopt the definition of cruise ships in 33 CFR § 101.105:

> Cruise Ship means any vessel over 100 gross register tons, carrying more than 12 passengers for hire which makes voyages lasting more than 24 hours, of which any part is on the high seas. Passengers from cruise ships are embarked or disembarked in the U.S. or its territories. Cruise ships do not include ferries that hold Coast Guard Certificates of Inspection endorsed for "Lakes, Bays, and Sounds", that transit international waters for only short periods of time on frequent schedules.[634]

178. We seek comment on limiting the exception to the prohibition on use of LPI access points on boats to cruise ships as defined in 33 CFR § 101.105. Should our rules reflect a more or less restrictive definition of cruise ships? Would specifying a larger number of passengers in the cruise ship definition be appropriate because only larger cruise ships will have a need for increased Wi-Fi spectrum? Would it be appropriate to permit LPI access points to be used on other types of boats?

C. Updating the Existing 6 GHz Band Unlicensed Rules

179. In the five years since the Commission adopted rules for standard power and low power indoor devices, the 6 GHz band has become an essential part of the unlicensed device ecosystem. More than 5000 different Wi-Fi device models that support the 6 GHz band were released between 2021 and 2024.[635] Now that 6 GHz band unlicensed devices have become widely deployed, we believe that it is appropriate to consider whether any adjustments are needed to the 6 GHz band unlicensed rules to encourage further innovation. We seek comment broadly on any changes that could be made to the 6 GHz band unlicensed rules to reflect technological and business developments since the rules were first

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[630] *Id*. at 8.

[631] *Id*.

[632] According to the Cruise Lines International Association, there are 306 cruise ships in the fleets of member cruise lines. Cruise Lines International Association, *CLIA Main Site*, https://cruising.org/CLIA-cruise-lines (last visited May 30, 2025).

[633] "Cruise ships can carry as many as 10,000 passengers and crew . . . ." Cisco Comments at 2.

[634] 33 CFR § 101.105. Cisco proposed that we use this definition of cruise ships. Cisco Comments at 10.

[635] Clas Hetting, *Massive Market Adoption: 5000+ Wi-Fi Devices Now Support 6 GHz, 1200+ Support Wi-Fi 7, Intel Says*, WiFi Now (April 22, 2025), https://wifinowglobal.com/news-and-blog/massive-market-adoption-5000-wi-fi-devices-now-support-6-ghz-1230-support-wi-fi-7-intel-says/.

adopted in 2020.[636] These rule modifications could involve any of the categories of 6 GHz band unlicensed devices: standard power access points, indoor access points, geofenced variable power access point, or client device as well as the AFC and geofencing systems.[637]

D. Benefits and Costs

180. We seek comment on whether the proposed rules discussed above would generate benefits that outweigh the associated costs. We tentatively conclude that the proposed rules will yield modest benefits, including a one-time cost savings of $4,800 from streamlining the AFC waiver application process and a recurring annual benefit of $35.6 million. We seek comment on these preliminary assessments and request that commenters provide applicable estimates with supporting data and statistics.

181. *Benefits*. We anticipate that these proposed rule changes–permitting AFC systems to account for BEL and authorizing LPI access point operation aboard cruise ships—would result in modest economic benefits of approximately $4,800 in one-time cost savings and $35.6 million in annual benefit to society as a whole. Eight AFC operators have filed waiver requests to incorporate BEL into their AFC system propagation models,[638] and seven of those operators have been granted waiver relief.[639] Because OET has authority to grant such waivers on an individual basis, updating our rules to align with the relief already granted would not materially alter current BEL adjustment practices. The primary impact of the proposed rule change would be creating regulatory certainty and reducing the time and resources that AFC operators and the Commission are required to devote to the waiver application and review process. To date, the Commission has conditionally approved fifteen AFC systems.[640] Excluding the seven AFC operators already granted the waivers, we estimate that up to eight additional AFC operators could benefit from the time savings associated with eliminating the need for individual waiver requests. Further, we assume that operators will rely on outside counsel to file waiver requests at the hourly rate of an attorney

[636] We are focusing this inquiry on updates to the 6 GHz unlicensed rules that reflect developments since their adoption. Our goal is to identify opportunities to enhance flexibility for unlicensed devices and promote more efficient use of the band. Unless supported by compelling, real-world evidence, this inquiry should not be interpreted as an opportunity to revisit prior decisions. We will not consider changes that diminish flexibility or impose new restrictions on unlicensed operations without strong, evidence-based justification.

[637] Letter from Bill Davenport, Chief Director for Connectivity and Technology Policy, Cisco Systems Inc., to Marlene H. Dortch, Secretary, FCC, ET Docket No. 18-295, at 1-2 (filed January 16, 2026) (suggesting the Commission seek comment on updating the 6 GHz band unlicensed rules); Letter from Brett Kilbourne, Senior Vice President Policy and General Counsel, Utilities Technology Council, to Marlene H. Dortch, Secretary, FCC, ET Docket No. 18-295, at 2 (filed January 22, 2026) (suggesting the Commission invite comment on modifying the requirements for AFC and geofencing systems regarding propagation models and additive interference).

[638] The eight operators are the Wi-Fi Alliance, Broadcom Inc., Sony, Comsearch, C3Spectra, Federated Wireless, Qualcomm, and AXON Networks.

[639] The waiver was granted to the Wi-Fi Alliance, Broadcom, Sony, Federated Wireless, Qualcomm, Comsearch, and C3Spectra.

[640] *OET Announces Conditional Approval for 6 GHz Band Automated Frequency Coordination System*, ET Docket No. 21-352, Public Notice, 37 FCC Rcd 13071, 13071, para. 1 (OET 2022) (conditionally approving thirteen entities to operate automated frequency coordination (AFC) systems to manage access to 6 GHz band spectrum by standard-power unlicensed devices: Broadcom, Google, Comsearch, Sony Group, Kyrio, Key Bridge Wireless, Nokia Innovations, Federated Wireless, Wireless Broadband Alliance, Wi-Fi Alliance, Qualcomm, Plume Design, and RED Technologies); *OET Announces Conditional Approval Of C3spectra's 6 GHz Band Automated Frequency Coordination System And Seeks Comment On Axon Networks' Proposed AFC System*, ET Docket No. 21-352, Public Notice, 39 FCC Rcd 7040, 7040, para. 1 (OET 2024); O*ET Announces Approval Of Axon Networks' 6 GHz Band Automated Frequency Coordination System For Commercial Operation*, ET Docket No. 21-352, Public Notice, DA 25-559, at 1, para. 1 (OET June 27, 2025).

at $300/hour.[641] We assume that each waiver requires two hours of work by an attorney and calculate the potential cost savings from reduced waiver burdens as follows: 1 attorney × $300/hour × 2 hours × 8 operators = $4,800. This estimate is conservative, as it does not account for potential cost savings resulting from reduced internal communications, including those that may require engineering input or consultation between operators and outside counsel. Based on this analysis, we believe that our proposals to streamline the waiver process will result in a one-time cost savings of approximately $4,800.

182. On the other hand, we find that permitting LPI operation on cruise ships would result in higher economic benefits by enabling cruise ship passengers to remain connected throughout their voyages in a more cost-efficient manner. We estimate that the proposed rules would contribute approximately $35.6 million in annual benefits. In 2025, approximately 19 million U.S. residents are expected to take cruise vacations,[642] with an average trip duration of approximately 7.1 days.[643] These cruise ship vacations account for approximately 0.11% of the aggregate annual American man-hours as calculated as follows: (19 million cruise ship passengers × 7.1 days)/(342 million U.S. population × 365 days) = 0.11%.[644] Based on the economic analysis cited in prior Commission orders,[645] authorizing LPI operation in 6 GHz is expected to contribute approximately $32.4 billion to the U.S. economy in 2025.[646] Assuming that cruise ship passenger-time represents 0.11% of total U.S. consumers time, we estimate the annual benefit attributable to LPI operation on board cruise ships as follows: $32.4 billion × 0.11% = $35,623,500, which we round to $35.6 million. Taken together, we expect that the proposed rules would result in a one-time benefit of approximately $4,800 from streamlining the consideration of BEL in AFC system applications and an annual benefits of approximately $35.6 million from permitting LPI device operation on board cruise ships.

183. *Costs*. For the proposed rule permitting AFC systems to account for BEL, we anticipate that the rule will impose no additional costs on the public. While AFC operators may incur costs to reconfigure their systems to incorporate BEL into their propagation models and adjust coordination procedures accordingly, such costs would be incurred voluntarily only when operators determine that the expected benefits outweigh the associated cost. Therefore, we do not separately account for these costs, as we anticipate this proposal to be cost-neutral from a regulatory perspective. Moreover, we expect that allowing AFC systems to account for BEL will not result in harmful interference to existing licensed operations. As such, we anticipate no additional costs would be imposed on incumbent licensed users.

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[641] Our estimated rate for attorneys ($300/hour) is based on the Commission's estimates of labor costs as represented in a 2024 Paperwork Reduction Act (PRA) analysis. International Section 214 Process and Tariff Requirements – 47 CFR Sections 63.10-63.25, 1.40001, 1.40003, OMB Control No. 3060-0686 Paperwork Reduction Act (PRA) Supporting Statement at 10 (Mar. 2024), https://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=202404-3060-002.

[642] AAA, Record 19 million Americans Projected to Cruise This Year (Jan. 27, 2025), https://newsroom.aaa.com/2025/01/aaa-record-19-million-americans-projected-to-cruise-this-year/.

[643] CLIN, State of the Cruise Industry Report 2025 at 26 (2025), https://cruising.org/sites/default/files/2025-05/State%20of%20the%20Cruise%20Industry%20Report%202025.pdf.

[644] U.S. Census Bureau, U.S. and World Population Clock, https://www.census.gov/popclock/ (last visited July 30, 2025) (estimating the U.S. population to be approximately 342 million).

[645] *See 6 GHz First Order*, 35 FCC Rcd at 3937, para. 229 & n.601; *see also 6 GHz Second Order*, 38 FCC Rcd at 10575, para. 102 & n.42.

[646] Telecom Advisory Services, LLC, Assessing the Economic Value of Unlicensed Use in the 5.9 GHz & 6 GHz Bands at 56, tbl. 4-15 (Apr. 2020), http://wififorward.org/wp-content/uploads/2020/04/5.9-6.0-FINAL-for-distribution.pdf (estimating LPI benefits in 6 GHz band in 2025 include $6.138 billion from return to speed, $1.338 billion from consumer surplus, $10.362 billion from broader deployment of IoT, and $14.547 billion from savings in enterprise traffic, totaling $32.385 billion).

184. For the proposed use of LPI devices on board cruise ships, we similarly anticipate no cost to the public. While the proposed rule may stimulate consumer demand for LPI devices to be used on board cruise ships, any associated consumer expenditures are expected to be captured by device manufacturers as producer surplus. Therefore, these expenditures represent a transfer within the economy rather than a net cost, and are not included in our cost estimates. We recognize that cruise ship operators may incur costs to install LPI access points indoors for use by passengers and crew. However, such installations are entirely voluntary, and operators are expected to proceed only when the expected benefits (e.g., premiums they can charge for the use) exceed the associated costs. Accordingly, we consider this proposal to be cost-neutral from a regulatory standpoint. Based on this expectation, we do not separately quantify the costs associated with voluntary adoption of LPI access points on board cruise ships. Meanwhile, we anticipate that permitting LPI access points to operate on board cruise ships will not result in harmful interference to Earth Exploration Satellite Service operations. The expectation is based on the limited number of such ships and the substantial attenuation of indoor signals caused by the thick metal walls and internal structures of the vessels. Therefore, we tentatively conclude that the proposed rules will not incur any substantial costs.

V. PROCEDURAL MATTERS

185. *Regulatory Flexibility Act*. The Regulatory Flexibility Act of 1980, as amended (RFA),[647] 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."[648] Accordingly, the Commission has prepared a Final Regulatory Flexibility Analysis (FRFA) concerning the possible impact of the rule changes contained in this *Fourth Report and Order* on small entities. The FRFA is set forth in Appendix C.

186. The Commission has also prepared an Initial Regulatory Flexibility Analysis (IRFA) concerning the potential impact of rule and policy change proposals on small entities in the *Third Further Notice of Proposed Rulemaking*. The IRFA is set forth in Appendix D. 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 *Third Further Notice of Proposed Rulemaking* indicated on the first page of this document and must have a separate and distinct heading designating them as responses to the IRFA.

187. *Paperwork Reduction Act.* This *Fourth Report and Order* does not contain new or modified information collections subject to the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. §§ 3501-3521. 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, 44 U.S.C. § 3506(c)(4).

188. This *Third Further Notice of Proposed Rulemaking* does not contain proposed information collections subject to the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. §§ 3501-3521. 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, 44 U.S.C. § 3506(c)(4).

189. *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

[647] 5 U.S.C. §§ 601-612. The RFA has been amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA), Pub. L. No. 104-121, 110 Stat. 847 (1996).

[648] *Id.* § 605(b).

copy of this *Fourth Report and Order* to Congress and the Government Accountability Office pursuant to 5 U.S.C. § 801(a)(1)(A).

190. *Providing Accountability Through Transparency Act*. Consistent with the Providing Accountability Through Transparency Act, Public Law 118-9, a summary of the *Third Further Notice of Proposed Rulemaking* will be available on https://www.fcc.gov/proposed-rulemakings.

191. *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. 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.

192. *Ex Parte Rules*. This proceeding shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.[649] 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.

[649] 47 CFR § 1.1200 *et seq.*

193. *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.

194. *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.

VI. ORDERING CLAUSES

195. Accordingly, IT IS ORDERED that, 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 *Fourth Report and Order and Third Further Notice of Proposed Rulemaking* IS HEREBY ADOPTED.[650]

196. IT IS FURTHER ORDERED that this *Fourth Report and Order and Third Further Notice of Proposed Rulemaking* SHALL BE EFFECTIVE 60 days after publication in the Federal Register.

197. IT IS FURTHER ORDERED that the Office of the Secretary SHALL SEND a copy of this *Fourth Report and Order and Third Further Notice of Proposed Rulemaking,* including the Final and Initial Regulatory Flexibility Analyses, to the Chief Counsel for Advocacy of the Small Business Administration.

198. IT IS FURTHER ORDERED that the Office of Managing Director, Performance Program Management, SHALL SEND a copy of this *Fourth 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

[650] Pursuant to Executive Order 14215, 90 Fed. Reg. 10447 (Feb. 20, 2025), this regulatory action has been determined to be economically significant under Executive Order 12866, 58 Fed. Reg. 68708 (Dec. 28, 1993).

APPENDIX A

Final Rules

Parts 0 and 15 of Title 47 of the Code of Federal Regulations are amended as follows:

PART 0 – COMMISSION ORGANIZATION

1. The authority citation for part 0 continues to read as follows:

AUTHORITY: 47 U.S.C. 151, 154(i), 154(j), 155, 225, 409, and 1754, unless otherwise noted.

2. Amend § 0.241 by revising paragraph (k) to read as follows:

§ 0.241 Authority delegated.

* * * * *

(k) The Chief of the Office of Engineering and Technology is delegated authority to administer the Automated Frequency Coordination (AFC) systems, AFC system operator functions, geofencing systems, and geofencing system operator functions set forth in subpart E of part 15 of this chapter. The Chief is delegated authority to develop specific methods that will be used to designate AFC system and geofencing system operators; to designate AFC system and geofencing system operators; to develop procedures that these AFC system and geofencing system operators will use to ensure compliance with the requirements for AFC system and geofencing system operations; to make determinations regarding the continued acceptability of individual AFC system and geofencing system operators; and to perform other functions as needed to administer the AFC and geofencing systems.

* * * * *

PART 15 – RADIO FREQUENCY DEVICES

1. 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.

2. Amend § 15.403 by adding the definitions of "Geofenced variable power access point," "Geofencing," and "Geofencing system" in alphabetical order, to read as follows:

§ 15.403 Definitions.

* * * * *

Geofenced variable power access point. For the purpose of this subpart, an access point that operates in the 5.925–6.425 GHz and 6.525 -6.875 GHz bands, has an integrated antenna, and uses a geofencing system to determine channel availability at its location.

Geofencing. For the purposes of this subpart, a method of establishing exclusion zones within which geofenced variable power access points and associated devices are not permitted to operate on frequencies specified by the geofencing system; and inclusions zones within which such devices are permitted to operate on frequencies specified by the geofencing system.

Geofencing system. A system that automatically determines frequency specific zones where geofenced variable power access points are either permitted to operate or not permitted to operate in the 5.925-6.425 GHz and 6.525-6.875 GHz bands.

* * * * *

3. Amend § 15.407 by:

a. Redesignating paragraphs (a)(7) and (8) as paragraphs (a)(8)(i) and (ii);

b. Adding paragraphs (a)(7) and (a)(8)(iii);

c. Revising paragraphs (a)(10), (d)(1)(i), (d)(1)(iv), (d)(3), and (d)(5);

d. Redesignating paragraph (d)(7) as paragraph (d)(5)(iii);

e. Adding and reserving paragraph (d)(7);

f. Revising paragraphs (d)(8) through (10);

g. Revising paragraph (k)(3);

h. Redesignating and revising paragraph (l) as paragraph (n);

i. Adding paragraph (l);

j. Redesignating and revising paragraph (m) as paragraph (o); and

h. Redesignating and revising paragraph (n) as paragraph (p) to read as follows:

§ 15.407 General technical requirements.

(a) * * *

(7) For a geofenced variable power access point operating in the 5.925–6.425 GHz or 6.525–6.875 GHz band, the maximum power spectral density must not exceed 11 dBm e.i.r.p. in any 1-megahertz band. In addition, the maximum e.i.r.p. over the frequency band of operation must not exceed 24 dBm.

(8) Client device operation:

(i) For client devices, except for fixed client devices as defined in this subpart, operating under the control of a standard power access point in 5.925–6.425 GHz and 6.525–6.875 GHz bands, the maximum power spectral density must not exceed 17 dBm e.i.r.p. in any 1-megahertz band, the maximum e.i.r.p. over the frequency band of operation must not exceed 30 dBm, and the device must limit its power to no more than 6 dB below its associated standard power access point's authorized transmit power.

(ii) For client devices operating under the control of an indoor access point in the 5.925–7.125 GHz bands, the maximum power spectral density must not exceed −1 dBm e.i.r.p. in any 1-megahertz band, and the maximum e.i.r.p. over the frequency band of operation must not exceed 24 dBm.

(iii) For client devices operating under the control of a geofenced variable power access point in the 5.925–6.425 GHz and 6.525–6.875 GHz bands, the maximum power spectral density must not exceed 5 dBm e.i.r.p. in any 1-megahertz band, the maximum e.i.r.p. over the frequency band of operation must not exceed 18 dBm, and the device must limit its power to no more than 6 dB below its associated geofenced variable power access point's authorized transmit power.

* * * * *

(10) Access points operating under the provisions of paragraphs (a)(5), (6), (7) and (9) of this section must employ a permanently attached integrated antenna.

* * * * *

(d) * * *

(1) * * *

(i) ***Oil platforms.*** Standard power access points, fixed client devices, geofenced variable power access points, very low power devices, and low-power indoor access points in the 5.925-7.125 GHz band are prohibited from operating on oil platforms.

* * * * *

(iv) ***Aircraft.*** Standard power access points, fixed client devices, geofenced variable power access points, very low power devices, and low-power indoor access points in the 5.925-7.125 GHz band are prohibited from operating on aircraft, except that very low power devices and low-power indoor access points are permitted to operate in the 5.925-6.425 GHz bands in large aircraft while flying above 10,000 feet.

* * * * *

(3) Transmitters operating under the provisions of paragraphs (a)(5), (6), and (8)(ii) of this section are limited to indoor locations.

* * * * *

(5) Client Devices:

(i) In the 5.925–7.125 GHz band, client devices must operate under the control of a standard power access point, indoor access point, subordinate device, or geofenced variable power access point; Subordinate devices must operate under the control of an indoor access point.

(ii) Access points and subordinate devices may connect to other access points or subordinate devices.

(iii) Fixed client devices may only connect to a standard power access point.

(iv) In all cases, an exception exists such that a client device may transmit brief messages to an access point when attempting to join its network after detecting a signal that confirms that an access point is operating on a particular channel.

(v) Client-to-client communications: Client devices are prohibited from connecting directly to another client device, except that client devices under the control of the same geofenced variable power access point may communicate directly with each other using the same frequency they are using to communicate with the geofenced variable power access point.

* * * * *

(7) [Reserved]

(8) Very low power devices, geofenced variable power access points, and clients operating under the control of a geofenced variable power access point may not be installed on fixed outdoor infrastructure. Such devices may not be mounted on outdoor structures, such as buildings or poles.

(9) Geofenced variable power access points and very low power devices must prioritize operations on frequencies above 6.105 GHz prior to operating on frequencies between 5.925 GHz and 6.105 GHz.

(10) Transmit power control (TPC). Geofenced variable power access points and very low power devices operating in the 5.925-7.125 GHz band shall employ a TPC mechanism with the capability to operate at least 6 dB below the device's maximum e.i.r.p. PSD value.

(k) * * *

(3) An AFC system must obtain information on protected services within the 5.925-6.425 GHz and 6.525-6.875 GHz bands from Commission databases and use that information to determine frequency availability for standard power access points and fixed client devices. Based on the criteria specified in paragraph (n) of this section, an AFC system must establish location and frequency-based exclusion zones (both co-channel and adjacent channel) around fixed microwave receivers operating in the 5.925-6.425 GHz and 6.525-6.875 GHz bands. Individual standard power access points and fixed client devices must not operate co-channel to fixed microwave system frequencies within co-channel exclusion zones, or on adjacent channel frequencies within adjacent channel exclusion zones.

* * * * *

(7)

* * * * *

(iii) Providing standard power access points and fixed client devices with the permissible frequencies and the maximum permissible power in each frequency range at their locations using propagation models and interference protection criteria defined in paragraph (n) of this section.

* * * * *

(l) ***Geofencing System.***

(1) A geofencing system must obtain information on protected services within the 5.925–6.425 GHz and 6.525–6.875 GHz bands from Commission databases and use that information to determine frequency specific zones for geofenced variable power access points and provide that information to those devices. These zones must be determined for specified frequencies based on the propagation models and protection criteria specified in paragraph (n) of this section.

(i) The zones can be determined as exclusion zones specifying frequencies on which and locations where geofenced variable power devices are not permitted to operate or inclusion zones specifying frequencies on which and locations where geofenced variable power devices are permitted to operate.

(ii) The geofencing system must assume that geofenced variable power devices are at a height of 10 meters when determining exclusion zones.

(iii) The geofencing system must access the Commission's licensing databases and update the frequency-specific zones at least once per day to ensure that they are based on the most recent information in the Commission's databases.

(2) Geofencing systems must establish exclusion or inclusion zones to prevent geofenced variable power access point operations between 6.525-6.875 GHz on the oceans beyond the United States territorial sea as defined in 33 CFR 2.22(a)(1).

(3) The geofencing system must ensure that all communications and interactions between the geofencing system and the geofenced variable power access point and/or all communications between the geofencing system and Commission databases are accurate and secure and that unauthorized parties cannot access or alter the database or any information it provides to geofenced variable power access points. Additionally, the geofencing system must incorporate security measures to protect against unauthorized data input or alteration of stored data.

(4) A geofencing system must verify the validity of the FCC identifier (FCC ID) of any geofenced variable power access point seeking access to its services prior to authorizing the access point to begin operation. A list of geofenced variable power access points with valid FCC IDs and the FCC IDs of those devices must be obtained from the Commission's Equipment Authorization System.

(5) A geofencing system must implement the terms of international agreements with Mexico and Canada.

(6) With regard to enforcement instruction *and* data accuracy, each geofencing system must:

(i) Ensure that a regularly updated geofencing system database that contains the information described in this section, including frequency-specific exclusion or inclusion zones and geofenced variable power access points authorization parameters, is maintained.

(ii) Respond in a timely manner to verify, correct, or remove, as appropriate, data in the event that the Commission or a party presents a claim of inaccuracies in the geofencing system.

(iii) Establish and follow protocols to comply with enforcement instructions from the

Commission, including discontinuing geofenced variable power access point operations on specified frequencies in designated geographic areas and predetermined exclusion zones.

(iv) Comply with instructions from the Commission to adjust frequency-specific exclusion or inclusion zones to more accurately reflect the potential for harmful interference.

(7) A geofencing system operator must provide continuous service to all geofenced variable power access points for which it has agreed to provide service. If a geofencing system ceases operation, the operator must provide at least 30 days' notice to the Commission and a description of any arrangements made for those devices to continue to receive location and frequency-specific update information.

(8) A geofencing system operator may charge fees for providing service. The Commission may, upon request, review the fees and can require changes to those fees if the Commission finds them to be unreasonable.

(m) ***Geofenced variable power access point requirements.***

(1) A geofenced variable power access point must register with and be authorized by a geofencing system prior to the geofenced variable power access point's initial service transmission. At registration the geofenced variable power access point must provide its FCC identifier (FCC ID) and either its unique manufacturer's serial number or its model name/number or other information sufficient to uniquely identify the device manufacturer and model.

(2) Geofenced variable power access point device geo-location capability:

(i) A geofenced variable power access point must include an internal geo-location capability to automatically determine the geofenced variable power access point's geographic coordinates and location uncertainty (in meters), with a 95% confidence level. The geofenced variable power access point must use such coordinates and location uncertainty when comparing the device's specific location to frequency-specific information for its location obtained from the geofencing system.

(ii) Geofenced variable power access point equipment authorization applicants must provide an attestation describing the geo-location method used, that method's accuracy, and the location uncertainty accuracy.

(3) A geofenced variable power access point must access a geofencing system to obtain frequency-specific information (i.e., exclusion zones or inclusion zones) for the area in which it is operating or intends to operate (e.g., within a specific point radius or within specific boundaries) prior to transmitting. If the geofenced variable power access point moves beyond those boundaries, it must obtain additional frequency-specific information for the new area and adjust its operating frequency, if necessary, prior to operating in this new area. If the geofenced variable power access point does not obtain frequency specific information for the area in which it is currently located, it may not transmit. The geofenced variable power access point must obtain updated frequency-specific information from the geofencing system at least once per day. If the geofenced variable power access point fails to obtain the updated frequency specific information on any given day, the geofenced variable power access point may continue to operate until 11:59 p.m. of the following day at which time it must cease operations until it can obtain updated frequency-specific information for its location.

(4) A geofenced variable power access point must determine its location and avoid transmitting on frequencies that are not available in accordance with the frequency-specific information for its location obtained from the geofencing system. The geofenced variable power access point may not permit a client device operating under its control to transmit on frequencies that are not available to the geofenced variable power access point. The geofenced variable power access point must determine its location frequently enough to ensure that it can adjust its operating frequency, including ceasing operation, within one second after any portion of the access point's

location uncertainty region crosses into an area in which its current operating frequency is prohibited.

(5) A geofenced variable power access point must incorporate adequate security measures to prevent it from accessing geofencing systems not approved by the FCC, to ensure that unauthorized parties cannot modify the device to operate in a manner inconsistent with the rules and protection criteria set forth in this section, and to ensure that communications between the geofenced variable power access point and geofencing systems and between the geofenced variable power access point and a client device operating under its control are secure to prevent corruption or unauthorized interception of data.

(n) ***Incumbent protection by AFC and geofencing systems: Fixed microwave services.***

(1) Propagation Models: Propagation models to determine the appropriate separation distance between a standard power access point, a fixed client device, or geofenced variable power access point and an incumbent fixed microwave service receiver. For a separation distance:

(i) Up to 30 meters, the AFC system and geofencing system must use the free space path-loss model.

(ii) More than 30 meters and up to and including one kilometer, the AFC system and geofencing system must use the Wireless World Initiative New Radio phase II (WINNER II) model. The AFC system or geofencing system must use site-specific information, including buildings and terrain data, for determining the line-of-sight/non-line-of-sight path component in the WINNER II model, where such data is available. For evaluating paths where such data is not available, the AFC system and geofencing system must use a probabilistic model combining the line-of-sight path and non-line-of-sight path into a single path-loss as follows:

$$\text{Path-loss (L)} = \Sigma_i P(i) * L_i = P_{LOS} * L_{LOS} + P_{NLOS} * L_{NLOS},$$

where P_{LOS} is the probability of line-of-sight, L_{LOS} is the line-of-sight path loss, P_{NLOS} is the probability of non-line-of sight, L_{NLOS} is the non-line-of-sight path loss, and L is the combined path loss. The WINNER II path loss models include a formula to determine P_{LOS} as a function of antenna heights and distance. P_{NLOS} is equal to $(1-P_{LOS})$. In all cases, the AFC system and geofencing system will use the correct WINNER II parameters to match the morphology of the path between a standard power access point or geofenced variable power access point and a fixed microwave receiver (*i.e.,* Urban, Suburban, or Rural).

(iii) More than one kilometer, the AFC system and geofencing system must use Irregular Terrain Model (ITM) combined with the appropriate clutter model. To account for the effects of clutter, such as buildings and foliage, the AFC system and geofencing system must combine the ITM with the ITU-R P.2108-0 (06/2017) clutter model for urban and suburban environments and the ITU-R P.452-16 (07/2015) clutter model for rural environments. The AFC system and geofencing system should use the most appropriate clutter category for the local morphology when using ITU-R P.452-16. However, if detailed local information is not available, the "Village Centre" clutter category should be used. The AFC system and geofencing system must use 1 arc-second digital elevation terrain data and, for locations where such data is not available, the most granular available digital elevation terrain data.

(2) Interference Protection Criteria:

(i) The AFC system and geofencing system must use −6 dB I/N as the interference protection criteria in determining the size of the co-channel zone where I (interference) is the co-channel signal from the standard power access point, geofenced variable power access point, or fixed client

device at the fixed microwave service receiver, and N (noise) is background noise level at the fixed microwave service receiver.

(ii) The AFC system must use −6 dB I/N as the interference protection criteria in determining the size of the adjacent channel zone, where I (interference) is the signal from the standard power access point or fixed client device's out of channel emissions at the fixed microwave service receiver and N (noise) is background noise level at the fixed microwave service receiver. The adjacent channel zone must be calculated based on the emissions requirements of paragraph (b)(7) of this section.

(3) Geofencing systems may include up to 4 dB additional loss to account for losses due to scattering and absorption from a nearby body or object.

(o) ***Incumbent protection by AFC and geofencing systems: Radio Astronomy Services.*** The AFC system and geofencing system must enforce a zone to the following radio observatories that observe between 6650-6675.2 MHz: Arecibo Observatory, the Green Bank Observatory, the Very Large Array (VLA), the 10 Stations of the Very Long Baseline Array (VLBA), the Owens Valley Radio Observatory, and the Allen Telescope Array. The zone sizes are based on the radio line-of-sight and determined using 4/3 earth curvature and the following formula:

dkm_los = 4.12 * (sqrt(Htx) + sqrt(Hrx)),

where Htx is the height of the unlicensed standard power access point or fixed client device and Hrx is the height of the radio astronomy antenna in meters above ground level. Htx is 10 meters for an unlicensed geofenced variable power access point. Coordinate locations of the radio observatories are listed in § 2.106(c)(131), (c)(385) of this chapter.

(p) ***Incumbent protection of Fixed-Satellite Services.*** Standard power access points and fixed client devices located outdoors must limit their maximum e.i.r.p. at any elevation angle above 30 degrees as measured from the horizon to 21 dBm (125 mW) to protect fixed satellite services.

APPENDIX B

Proposed Rules

For the reasons discussed in the document, the Federal Communications Commission proposes to amend 47 CFR part 15 as follows:

PART 15 – RADIO FREQUENCY DEVICES

1. 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.

2. Amend § 15.407 by revising paragraphs (d)(1)(iii) and (d)(4) and adding paragraphs (k)(17) and (l)(1)(iv) to read as follows:

§ 15.407 General technical requirements.

* * * * *

(d) * * *

(1) * * *

* * * * *

(iii) ***Boats.*** Operation of standard power access points, fixed client devices, and indoor access points in the 5.925-7.125 GHz band is prohibited on boats, except that indoor access points are permitted to operate on cruise ships as defined in 33 CFR 101.105.

* * * * *

(4) In the 5.925-7.125 GHz band, indoor access points and subordinate 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. The operation of this device is prohibited on oil platforms, cars, trains, boats, and aircraft, except that operation of this device is permitted in large aircraft while flying above 10,000 feet and on cruise ships as defined in 33 CFR 101.105.

(k) * * *

* * * * *

(17) An AFC system must be capable of identifying composite indoor/standard-power access points based on the FCC ID provided by the access point during registration and certified equipment class information obtained from the Commission’s Equipment Authorization System.

(l) * * *

(1) * * *

* * * * *

(iv) An AFC system may incorporate building entry loss up to and including 6 dB in its propagation model calculations in response to a spectrum inquiry request initiated from a composite low-power indoor/standard-power access point.

* * * * *

APPENDIX C

Final Regulatory Flexibility Analysis

1. As required by the Regulatory Flexibility Act of 1980, as amended (RFA),[1] the Federal Communications Commission (Commission) incorporated an Initial Regulatory Flexibility Analysis (IRFA) in the *Unlicensed Use of the 6 GHz Band, et al., Second Report and Order, Second Further Notice of Proposed Rulemaking, and Memorandum Opinion and Order on Remand*, released in November 2023.[2] The Commission sought written public comment on the proposals in the *Second Further Notice of Proposed Rulemaking*, including comment on the IFRA. No comments were filed addressing the IRFA. This Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA and it (or summaries thereof) will be published in the Federal Register.[3]

A. Need for, and Objectives of, the Rules

2. The Commission previously adopted rules to permit several types of unlicensed devices to operate in the 6 GHz band (5.925-7.125 GHz). Standard-power devices operate at fixed locations under the control of automated frequency coordination (AFC) systems which protect incumbent licensed services in the 6 GHz band from receiving harmful interference. Low power indoor (LPI) devices are restricted to indoor operation and operate at lower power to protect licensed incumbent users. Very low power (VLP) unlicensed devices, which operate at even lower power levels than LPI devices, can be used anywhere without the need for an AFC system.

3. In the *Fourth Report and Order* the Commission adopts rules for an additional type of 6 GHz band unlicensed device, geofenced variable power (GVP) devices. GVP devices operate at significantly higher power than VLP devices but will be restricted from operating in exclusion zones on certain frequencies to protect incumbent licensed services from harmful interference. GVP devices will be required to download frequency-specific exclusion zones for the area in which they are operating from a geofencing system. The geofencing system will determine the exclusion zones based on information in the Commission's licensing database using propagation models and interference protection criteria specified by the Commission. Because GVP devices will not operate in exclusion zones on particular frequencies, they will not present a significant risk of causing harmful interference to licensed services which share the 6 GHz band. GVP device operations are limited to the U-NII-5 (5.925-6.425 GHz) and U-NII-7 (6.525-6.875 GHz) portions of the 6 GHz band and they can transmit at up to 11 dBm/MHz EIRP power spectral density (PSD) and 24 dBm EIRP. GVP devices will provide the capability for increased data rates and greater range than VLP devices thereby enabling exciting new applications such as augmented reality/virtual reality, short-range hotspots, automation processes, and indoor location and navigation.

B. Summary of Significant Issues Raised by Public Comments in Response to the IRFA

4. No comments were filed addressing the impact of the proposed rules on small entities.

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[1] 5 U.S.C. §§ 601 *et seq*., as amended by the Small Business Regulatory Enforcement and Fairness Act (SBREFA), Pub. L. No. 104-121, 110 Stat. 847 (1996).

[2] *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, Appendix D (2023) (*6 GHz Second FNPRM*).

[3] 5 U.S.C. § 604.

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, which amended the RFA,[4] the Commission is required to respond to any comments filed by the Chief Counsel for the Small Business Administration (SBA) Office of Advocacy, and provide a detailed statement of any change made to the proposed rules as a result of those comments.[5] The Chief Counsel did not file any comments in response to the proposed rules in this proceeding.

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 the rules adopted herein.[6] The RFA generally defines the term "small entity" as having the same meaning as under the Small Business Act.[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. Our actions, over time, may affect small entities that are not easily categorized at present. We therefore describe three broad groups of small entities that could be directly affected by our actions.[10] 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 34.75 million businesses.[12] Next, "small organizations" are not-for-profit enterprises that are independently owned and operated and not dominant their field.[13] While we do not have data regarding the number of non-profits that meet that criteria, over 99 percent of nonprofits have fewer than 500 employees.[14] Finally, "small governmental jurisdictions" are defined as cities, counties, towns, townships, villages, school districts, or special districts with populations of less than fifty thousand.[15] Based on the 2022 U.S. Census

[4] Small Business Jobs Act of 2010, Pub. L. No. 111-240, 124 Stat. 2504 (2010).

[5] 5 U.S.C. § 604 (a)(3).

[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, *Frequently Asked Questions About Small Business* (July 23, 2024), https://advocacy.sba.gov/wp-content/uploads/2024/12/Frequently-Asked-Questions-About-Small-Business_2024-508.pdf.

[12] *Id.*

[13] 5 U.S.C. § 601(4).

[14] *See* SBA, Office of Advocacy, *Small Business Facts, Spotlight on Nonprofits* (July 2019), https://advocacy.sba.gov/2019/07/25/small-business-facts-spotlight-on-nonprofits/.

[15] 5 U.S.C. § 601(5).

of Governments data, we estimate that at least 48,724 out of 90,835 local government jurisdictions have a population of less than 50,000.[16]

8. The actions taken in the *Fourth Report and Order* will apply to small entities in the industries identified in the chart below by their six-digit North American Industry Classification System (NAICS)[17] codes and corresponding SBA size standard.[18]

Regulated Industry (NAICS Classification)	NAICS Code	SBA Size Standard	Total Firms[19]	Small Firms[20]	% Small Firms in Industry
Wireless Telecommunications Carriers (except Satellite)[21]	517112	1,500 employees	2,893	2,837	98.06
Satellite Telecommunications[22]	517410	$47 million	275	242	88.00
Radio Stations[23]	516110	$47 million	2,963	1,879	63.42

9. Based on currently available U.S. Census data regarding the estimated number of small firms in each identified industry, we conclude that the adopted rules will impact a substantial number of small entities. Where available, we provide additional information regarding the number of potentially affected entities in the above identified industries, and information for other affected entities, as follows.

2024 Universal Service Monitoring Report Telecommunications Service Provider Data[24] (Data as of December 2023)	SBA Size Standard (1500 Employees)		
Affected Entity	**Total # FCC Form 499A Filers**	**Small Firms**	**% Small Entities**

[16] *See* U.S. Census Bureau, 2022 Census of Governments –Organization, https://www.census.gov/data/tables/2022/econ/gus/2022-governments.html, tables 1-11.

[17] The North American Industry Classification System (NAICS) is the standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy. *See* www.census.gov/NAICS for further details regarding the NAICS codes identified in this chart.

[18] The size standards in this chart are set forth in 13 CFR 121.201 by six digit NAICS code.

[19] *See* U.S. Census Bureau, *2017 Economic Census of the United States*, *Employment Size of Firms for the U.S.: 2017,* Table ID: EC1700SIZEEMPFIRM, *and 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.

[20] *Id.*

[21] Affected Entities in this industry include Fixed Microwave Services and Public Safety Radio Licensees.

[22] Affected Entities in this industry include Fixed Satellite Small Transmit/Receive Earth Stations.

[23] Affected Entities in this industry include Auxiliary, Special Broadcast and Other Program Distribution Services.

[24] Federal-State Joint Board on Universal Service, Universal Service Monitoring Report at 26, Table 1.12 (2024), https://docs.fcc.gov/public/attachments/DOC-408848A1.pdf.

2024 Universal Service Monitoring Report Telecommunications Service Provider Data [24] (Data as of December 2023)	SBA Size Standard (1500 Employees)		
Affected Entity	**Total # FCC Form 499A Filers**	**Small Firms**	**% Small Entities**
Wireless Telecommunications Carriers (except Satellite)[25]	585	498	85.13

E. Description of Economic Impact and Projected Reporting, Recordkeeping and Other Compliance Requirements for Small Entities

10. The RFA directs agencies to provide a description of the projected reporting, recordkeeping and other compliance requirements of the rule, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report or record.[26]

11. The adopted rules will permit GVP devices to operate across the U-NII-5 (5.925-6.425 GHz) and U-NII-7 (6.525-6.875 GHz) sub-bands of the 6 GHz band at a power level no greater than 11 dBm/MHz EIRP PSD and 24 dBm EIRP. The GVP devices will be required to avoid operation on particular frequencies within exclusion zones that are obtained from a geofencing system to avoid causing harmful interference to fixed microwave receivers and radio astronomy receive sites. Consistent with existing 6 GHz unlicensed client device rules, client devices under the control of a GVP access point must operate at power levels at least 6 dB less than the power level determined by the geofencing system for the associated GVP access point. Geofencing systems will be required to use a centralized architecture to control GVP access points and determine the location and frequency-based exclusion zones for GVP access points around fixed microwave receivers based on the same criteria used to protect microwave receivers from standard-power access points and fixed client devices. Geofencing systems must assume a 10 meter height above ground level for GVP devices when calculating exclusion zones. Geofencing systems must obtain updated information on microwave receivers from the Commission's licensing database and update the frequency-based exclusion zones daily. GVP access points must obtain updated frequency-based exclusion zones from the geofencing system daily. GVP access points must also meet the same transmit power control (TPC) requirements as stipulated in our rules for VLP devices. GVP devices will be prohibited from use on aircraft or attaching to outdoor infrastructure, and must use a permanently attached integrated antenna.

12. The rules will require applicants for certification of GVP devices to show in their application for device certification how their devices will comply with all technical requirements in the rules. This new requirement will not increase the cost of applying for device certification due to its similarities to our existing part 15 rules regarding standard-power devices operating in conjunction with Automated Frequency Coordination (AFC) systems to protect the same incumbent licensed services. .

13. Operators of geofencing systems will be required to undergo a review process to be developed by the Commission's Office of Engineering and Technology (OET) which will involve adequate testing to verify that the geofencing systems are calculating appropriate exclusion zones. Because OET has not yet developed this review process, we are unable to estimate the cost the geofencing operator will incur during the process. In essence, the geofencing systems for the 6 GHz band build upon the principles established in other automated spectrum sharing frameworks, such as AFC systems in the 6

[25] Affected Entities in this industry include all reporting wireless carriers and service providers.

[26] 5 U.S.C. § 604(a)(5).

GHz band and spectrum access systems (SAS) used to manage access to the 3550-3700 MHz band in the Citizens Broadband Radio Service.[27] These frameworks emphasize dynamic spectrum access, leveraging automated coordination systems to enable efficient spectrum use while protecting incumbent licensees.

14. No comments were received regarding cost estimates for GVP devices operated by small entities, however the Commission estimates the economic value to wireless device users in the 6 GHz band will vastly exceed their cost.[28] By opening access to the 6 GHz band, the adopted rules will foster extensive growth in the market for GVP devices and open up exciting new applications such as augmented reality/virtual reality, short-range hotspots, automation processes, and indoor location and navigation. The adopted rules will permit unlicensed small entities to operate GVP devices in the 6 GHz band without the additional complications or costs incurred to obtain a license.

F. Discussion of Steps Taken to Minimize the Significant Economic Impact on Small Entities, and Significant Alternatives Considered

15. 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."[29]

16. The rules adopted by the Commission in the *Fourth Report and Order* should benefit small entities by giving them more options for gaining access to valuable spectrum while creating little to no risk of harmful interference to licensed incumbents sharing the 6 GHz band. The adopted rules reflect the Commission's efforts to balance the benefits provided to GVP device users with protecting incumbent operators in the 6 GHz band from harmful interference. Additionally, the Commission considered alternative proposals and weighed their benefits against their potential costs to small businesses and other entities. For example, in considering the types of architectures that the geofencing systems could utilize, the Commission considered proposals to permit the geofencing systems to use either a centralized architecture, where the GVP device must download the exclusion zones from a server, or a decentralized architecture, where the GVP device can calculate the exclusion zones. The Commission chose to require use of a centralized architecture because it would permit the Commission to adjust the size of the exclusion zones if needed to address any interference issues that may arise. The Commission believed this decision was appropriate even though it limited the flexibility in deploying GVP devices, because it would help protect licensed microwave receivers.

17. The Commission also adopted the 11 dBm/MHz EIRP PSD and 24 dBm EIRP power levels rather than the 1 dBm/MHz EIRP PSD and 14 dBm EIRP power levels proposed in the *6 GHz Second FNPRM*, agreeing with commenters that permitting higher power levels provides a stronger incentive for manufacturers to invest in geofencing systems and GVP devices. We declined to adopt other alternatives proposed by commenters, such as establishing additional power levels or limiting power to protect low power indoor Wi-Fi devices because these proposals may discourage the development of innovative consumer devices. The Commission also declined to adopt geofencing exclusion zones that use geometric models or simplified circle and triangle shapes as suggested by commenters, and instead, will allow small and other operators flexibility to specify exclusion zones using more complex boundaries

[27] *Requirements for Commercial Operation in the U.S. 3550-3700 MHz Citizens Broadband Radio Service Band*, Wireless Innovation Forum, Document WINNF-TS-0112, at 11 (June 25, 2019), https://winnf.memberclicks.net/assets/CBRS/WINNF-TS-0112.pdf.

[28] Specifically, our minimal estimate of the discounted aggregate economic benefit of approximately $82 million over a five-year period will exceed the estimated one-time aggregate implementation cost of approximately $32 million.

[29] *Id*. § 604(a)(6).

so long as they do not provide any less protection to microwave receivers. Commenters also suggested specific methodology for the GVP access point to re-check its location at a specific time interval. Instead, the Commission will allow for more flexibility and will permit small and other device manufacturers to choose any re-check interval methodology that ensures a GVP access point complies with interference requirements.

18. Many of the entities holding licenses for use of the 6 GHz band qualify as small entities. The adopted rules for unlicensed operation in this band are designed to prevent the unlicensed GVP devices from causing harmful interference to the licensed services operating in the band. 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 GVP unlicensed devices to operate in the 6 GHz band.

19. The Commission believes that this rulemaking, by permitting GVP devices to operate in the 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

20. The Commission will send a copy of the *Fourth Report and Order*, including this Final Regulatory Flexibility Analysis, in a report to Congress pursuant to the Congressional Review Act.[30] In addition, the Commission will send a copy of the *Fourth Report and Order*, including this Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the SBA and will publish a copy of the *Fourth Report and Order*, and this Final Regulatory Flexibility Analysis (or summaries thereof) in the Federal Register.[31]

[30] *Id.* § 801(a)(1)(A).

[31] *Id.* § 604(b).

APPENDIX D

Initial Regulatory Flexibility 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 policies and rules proposed in the *Third Further Notice of Proposed Rulemaking* assessing the possible significant economic impact on a substantial number of small entities. The Commission requests written public comments on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments specified on the first page of the *Third Further Notice of Proposed Rulemaking*. The Commission will send a copy of the *Third Further Notice of Proposed Rulemaking*, including this IRFA, to the Chief Counsel for the Small Business Administration (SBA). Office of Advocacy.[2] In addition, the *Third Further Notice of Proposed Rulemaking* and IRFA (or summaries thereof) will be published in the Federal Register.[3]

A. Need for, and Objectives of, the Proposed Rules

2. The Commission has previously adopted rules to permit two types of unlicensed access points to operate in the 6 GHz band (5.925-7.125 GHz): standard-power access points and low power indoor (LPI) access points.[4] Standard-power access points operate at fixed locations under the control of automated frequency coordination (AFC) systems which protect incumbent licensed services in the 6 GHz band from receiving harmful interference. Standard-power access points provide their location to an AFC system and the AFC system uses propagation models specified in the Commission rules to determine the frequencies and power levels that the standard-power access point can operate at to prevent microwave receivers that share the 6 GHz band from receiving harmful interference.[5] LPI access points operate independently of AFC systems, are restricted to indoor operation, and operate at lower power than standard-power devices to protect the microwave receivers from receiving harmful interference.[6] Unlicensed client devices operate under the control of either a standard-power or low power indoor access point.[7]

3. In the *Third Further Notice of Proposed Rulemaking* the Commission proposes to permit AFC systems to take into account building entry loss (BEL) when determining frequency and power-level availability for access points that are authorized to operate in both LPI and standard power modes — i.e., composite indoor/standard-power access points. The proposed rules will require AFC systems to be capable of distinguishing between indoor composite indoor /standard power access points and standard power access points based on the access point's FCC identification number and certified equipment class information to be eligible to apply BEL in the propagation calculations. Only upon confirmation that a device is certified as an indoor composite indoor/standard-power access point can the AFC system assume up to 6 dB of BEL when it provides channel and power level information to that device. Allowing the AFC systems to consider BEL when determining channel availability will increase the composite indoor/standard-power access point operating power when appropriate, thereby increasing their

[1] 5 U.S.C. §§ 601 *et seq*., as amended by the Small Business Regulatory Enforcement and Fairness Act (SBREFA), Pub. L. No. 104-121, 110 Stat. 847 (1996).

[2] *Id.* § 603(a).

[3] *Id*.

[4] *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, 3860, paras. 17-18 (2020) (*6 GHz First Order*).

[5] 47 CFR §§ 15.407(l).

[6] *6 GHz First Order*, 35 FCC Rcd 3888-89, paras. 98-103.

[7] 47 CFR §§ 15.403, 15.407(a)(7), 15.407(a)(8).

utility to consumers. While the Commission in the *Third Further Notice of Proposed Rulemaking* proposed to permit AFC systems to assume up to 6 dB of BEL for composite indoor/standard-power access points, it also seeks comment on permitting the AFC systems to assume a larger amount of BEL.

4. The Commission's rules currently prohibit the operation of LPI access points on boats. The Commission adopted this prohibition because of the lack of building attenuation when the access points are used on boats and to protect earth exploration satellite service operations over the oceans. In the *Third Further Notice of Proposed Rulemaking* the Commission proposes to relax the prohibition on shipborne operation of LPI access points by permitting their operation on cruise ships. The Commission is making this proposal due to the limited number of cruise ships and the fact that transmissions within cruise ships are likely to experience significant attenuation from the thick metal walls of the ship thereby reducing the risk of harmful interference to earth exploration satellite service operations.

B. Legal Basis

5. The proposed action is authorized 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.

C. Description and Estimate of the Number of Small Entities to Which the Proposed 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 the rules adopted herein.[8] The RFA generally defines the term "small entity" as having the same meaning as under the Small Business Act.[9] In addition, the term "small business" has the same meaning as the term "small business concern" under the Small Business Act."[10] 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.[11]

7. Our actions, over time, may affect small entities that are not easily categorized at present. We therefore describe three broad groups of small entities that could be directly affected by our actions.[12] In general, a small business is an independent business having fewer than 500 employees.[13] These types of small businesses represent 99.9% of all businesses in the United States, which translates to 34.75 million businesses.[14] Next, "small organizations" are not-for-profit enterprises that are independently owned and operated and not dominant their field.[15] While we do not have data regarding the number of

[8] *Id.* § 604 (a)(4).

[9] *Id.* § 601(6).

[10] *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."

[11] 15 U.S.C. § 632.

[12] 5 U.S.C. § 601(3)-(6).

[13] *See* SBA, Office of Advocacy, *Frequently Asked Questions About Small Business* (July 23, 2024), https://advocacy.sba.gov/wp-content/uploads/2024/12/Frequently-Asked-Questions-About-Small-Business_2024-508.pdf.

[14] *Id.*

[15] 5 U.S.C. § 601(4).

non-profits that meet that criteria, over 99 percent of nonprofits have fewer than 500 employees.[16] Finally, "small governmental jurisdictions" are defined as cities, counties, towns, townships, villages, school districts, or special districts with populations of less than fifty thousand.[17] Based on the 2022 U.S. Census of Governments data, we estimate that at least 48,724 out of 90,835 local government jurisdictions have a population of less than 50,000.[18]

8. The actions taken in the *Third Further Notice of Proposed Rulemaking* will apply to small entities in the industries identified in the chart below by their six-digit North American Industry Classification System[19] codes and corresponding SBA size standard.[20]

Regulated Industry (NAICS Classification)	NAICS Code	SBA Size Standard	Total Firms[21]	Small Firms[22]	% Small Firms in Industry
Wireless Telecommunications Carriers (except Satellite)[23]	517112	1,500 employees	2,893	2,837	98.06
Satellite Telecommunications[24]	517410	$47 million	275	242	88.00

9. Based on currently available U.S. Census data regarding the estimated number of small firms in each identified industry, we conclude that the proposed rules may impact a substantial number of small entities. Where available, we provide additional information regarding the number of potentially affected entities in the above identified industries, and information for other affected entities, as follows.

2024 Universal Service Monitoring Report Telecommunications Service Provider Data [25] (Data as of December 2023)	SBA Size Standard (1500 Employees)

[16] *See* SBA, Office of Advocacy, *Small Business Facts, Spotlight on Nonprofits* (July 2019), https://advocacy.sba.gov/2019/07/25/small-business-facts-spotlight-on-nonprofits/.

[17] 5 U.S.C. § 601(5).

[18] *See* U.S. Census Bureau, 2022 Census of Governments –Organization, https://www.census.gov/data/tables/2022/econ/gus/2022-governments.html, tables 1-11.

[19] The North American Industry Classification System (NAICS) is the standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy. *See* www.census.gov/NAICS for further details regarding the NAICS codes identified in this chart.

[20] The size standards in this chart are set forth in 13 CFR 121.201 by six digit NAICS code.

[21] *See* U.S. Census Bureau, *2017 Economic Census of the United States*, *Employment Size of Firms for the U.S.: 2017,* Table ID: EC1700SIZEEMPFIRM, *and 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.

[22] *Id.*

[23] Affected Entities in this industry include Fixed Microwave Services and Public Safety Radio Licensees.

[24] Affected Entities in this industry include Fixed Satellite Small Transmit/Receive Earth Stations.

[25] Federal-State Joint Board on Universal Service, Universal Service Monitoring Report at 26, Table 1.12 (2024), https://docs.fcc.gov/public/attachments/DOC-408848A1.pdf.

Affected Entity	Total # FCC Form 499A Filers	Small Firms	% Small Entities
Wireless Telecommunications Carriers (except Satellite)[26]	585	498	85.13

D. Description of Economic Impact and Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities

10. The RFA directs agencies to describe the economic impact of proposed rules on small entities, as well as projected reporting, recordkeeping and other compliance requirements, including an estimate of the classes of small entities which will be subject to the requirements and the type of professional skills necessary for preparation of the report or record. [27]

11. The proposed rule will permit AFC systems to assume up to an additional 6 dB of BEL attenuation when determining the available frequencies and power levels for composite indoor/standard-power access points. Only AFC systems that are capable of distinguishing between indoor composite indoor/standard power access points and standard power access points based on the FCC identification number and certified equipment class information will be eligible to apply BEL in their propagation calculations. The proposed rules will not require AFC systems to apply BEL in their propagation calculations. Therefore, the AFC system operators will not be required to add the capability to distinguish between indoor composite indoor/standard power access points and standard power access points to their AFC systems and will not have any mandatory compliance cost from the proposed rule. Because this rule only applies to AFC systems' propagation calculations, users of standard-power, LPI, or composite indoor/standard-power access points will have no compliance cost from the proposed rules.

12. Due to the fact that the AFC systems will only be permitted to apply BEL for calculations involving access points that are composite indoor/standard-power access points, they will only use BEL in calculations for access points that are located indoors. Signals transmitted by access points located indoors will experience significant attenuation as they pass through the structure. Therefore, permitting the AFC systems to use BEL in their calculations will not result in a significant increase in the risk that harmful interference will occur to microwave receivers that operate in the 6 GHz band. Finally, microwave licensees, including those that are considered small businesses, should experience no impact from the proposed rule.

13. We do not believe that the proposed rule permitting LPI access point operation on cruise ships will impose any reporting, recordkeeping, or other compliance cost on small entities. This rule will apply to all LPI access point operators, including small business entities. Due to the fact that indoor access points are unlicensed devices under the Commission's Part 15 rules, there is no need for device users to obtain a license, report their operations, or incur other compliance cost.

E. Discussion of Significant Alternatives Considered That Minimize the Significant Economic Impact on Small Entities

14. The RFA directs agencies to provide a description of any significant alternatives to the proposed rules that would accomplish the stated objectives of applicable statutes, and minimize any significant economic impact on small entities.[28] The discussion is required to include alternatives such as: "(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

[26] Affected Entities in this industry include all reporting wireless carriers and service providers.

[27] 5 U.S.C. § 603(b)(4).

[28] *Id.* § 603(c).

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."[29]

15. As discussed above, we do not believe that the proposed rule to permit AFC systems to assume up to an additional 6 dB of BEL attenuation for composite indoor/standard-power access points will have a significant economic impact on small entities. For that reason, we do not believe that there is a need to consider alternatives to minimize the economic impact on small entities. Adoption of the proposed rule will enable composite indoor/standard-power access points to potentially operate at locations where they would currently be prohibited from operating or may permit them to transmit with greater power than currently permitted. This proposed rule will increase the coverage area or data rates of the composite indoor/standard-power access points. Small entities that use these composite indoor/standard-power access points will be able to take advantage of the enhanced capabilities of these devices. Because the user is not required to obtain a license to use a 6 GHz unlicensed device, they are ideal for use by small entities.

16. Ultimately, due to the discussion above, we do not believe that the proposed rule permitting LPI access point use on cruise ships will impose a compliance cost on small entities and therefore there will not be any significant economic impact on small entities.

F. Federal Rules that May Duplicate, Overlap, or Conflict with the Proposed Rules

17. None.

[29] *Id.* § 603(c)(1)-(4).

APPENDIX E

Regulatory Impact Analysis
6 GHz Fourth Report and Order

I. EXECUTIVE SUMMARY

A. Summary

1. In the *6 GHz Fourth Report and Order*, the Federal Communications Commission (FCC) expands the Very Low Power (VLP) rules to allow geofenced variable power (GVP) devices to operate in the U-NII-5 and U-NII-7 portions of the 6 GHz band. These GVP devices can operate at significantly higher power than VLP devices, but they will be restricted from operating in exclusion zones on certain frequencies to protect incumbent licensed services from harmful interference. Exclusion zones will be calculated consistent with the protection methodology being used by the AFC systems that control spectrum access by standard-power devices to avoid causing harmful interference to incumbent licensed users. GVP devices will provide capability for increased data rates and greater range thereby enabling new applications such as augmented reality/virtual reality, short-range hotspots, automation processes, and indoor location and navigation. This economically significant regulatory action is submitted to the Office of Information and Regulatory Affairs (OIRA) for interagency review. This regulatory impact analysis (RIA) presents an assessment of the regulatory compliance costs and benefits associated with this action and is consistent with Executive Order 12866. Comparing the GVP rules with other alternative policy options, we conclude that the adoption of these proposed rules will result in significant benefits that outweigh the associated costs. This rule is considered a deregulatory action under Executive Order 14192.

B. Table of Benefits and Costs

2. *Summary of Benefits and Costs*. Based on our analysis, the present value of benefits over five years discounted using a 3% and 7% discount rate would be, respectively, $91.6 million and $82 million. This would be accompanied by a one-time cost of approximately $4.1 million to the U.S. government as well as $28.3 million in private costs. Because all costs incurred to achieve the benefits are voluntary, we find that private entities would only incur these costs if they expect that their private benefits will exceed such costs in the foreseeable future. As a result, we believe the overall benefits of the regulatory action easily outweigh the total costs, with no negative impact on the public or the existing licensed users that would be subject to the geofencing requirements.

	One-time	Recurring (per year)	Present Value over 5 Years (3% discount)	Present Value over 5 Years (7% discount)
Benefit		$20,000,000	$91,600,000	$82,000,000
Costs				
Private	$28,300,000		$28,300,000	$28,300,000
Government	$4,100,000		$4,100,000	$4,100,000

II. NEED FOR REGULATORY ACTION

3. Wireless telecommunications devices function by transmitting signals over the electromagnetic spectrum, a finite public resource managed by the FCC. To promote efficient use of the spectrum and to minimize harmful interference, the FCC allocates spectrum into various bands. It designates some bands for licensed use—such as commercial broadcast radio or mobile telephony, and others for unlicensed use under technical standards to prevent harmful interference. Unlicensed devices operate under standards and rules that limit power levels and emissions to prevent interference, and that

have enabled ubiquitous technologies, such as Wi-Fi, Bluetooth, and other short-range wireless systems. These unlicensed uses have facilitated seamless connectivity and innovation across sectors and have become essential to modern life. However, rapidly increasing demand for unlicensed spectrum access has outpaced the capacity of existing allocations.

4. By adopting the rules in the *6 GHz Fourth Report and Order* that permit GVP device access points to operate at a higher power level (up to 11 dBm/MHz EIRP power spectral density (PSD) and 24 dBm EIRP) outside of exclusion zones 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 (5.925-7.125 GHz), the Commission addresses a regulatory constraint that has adversely restricted the development and deployment of advanced unlicensed use cases.[1] These include short-range, high-throughput wireless applications such as hotspots, wearable technology, and augmented reality (AR) and virtual reality (VR) connectivity. Current rules do not adequately accommodate these emerging applications and have resulted in a market inefficiency where available spectrum is underutilized relative to its economic potential.

5. The adoption of the proposed rules corrects this regulatory failure by enabling more intensive use of the 6 GHz band while safeguarding incumbent licensed operations through geofencing constraints. In doing so, the Commission furthers its statutory obligation and longstanding policy objective to ensure that spectrum is put to its highest and best use. By allowing GVP devices to operate under specific technical standards that balance innovation with interference protection, the Report and Order advances spectrum efficiency and responds to technological evolution and consumer demand.

III. BACKGROUND ON 6 GHZ

6. The *6 GHz Fourth Report and Order* expands unlicensed use in the 6 GHz band.[2] This modifies the current ways unlicensed use is allowed in the 6 GHz band. In terms of licensed use, the 6 GHz band is allocated for the Fixed Service, Mobile Service, and Fixed Satellite Service (FSS) across four sub-bands.[3] 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. The Fixed Satellite Service operates in all four sub-bands except for the 7.075-7.125 GHz portion of the U-NII-8 band. Fixed Microwave is a predominant licensed service in U-NII-5, U-NII-7 and U-NII-8 bands. 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.

7. In 2020, the Commission adopted a Report and Order and Further Notice of Proposed Rulemaking (*6 GHz First Order*) that made unlicensed operations available in the 6 GHz band (5.925-7.125 GHz).[4] Specifically, the *6 GHz First Order* adopted rules for two categories of unlicensed

[1] *Unlicensed Use of the 6 GHz Band; Expanding Flexible Use in Mid-Band Spectrum Between 3.7 and 24 GHz*, Fourth Report and Order, and Third Further Notice of Proposed Rulemaking, and Memorandum Opinion and Order on Remand, ET Docket No. 18-295, GN Docket No. 17-183 (2025) (*6 GHz Fourth Report and Order)*.

[2] The following discussion in this section heavily references passages in the *6 GHz Fourth Report and Order. 6 GHz Fourth Report and Order*, Section II (2025).

[3] *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 Order* and reversing and remanding to address issue of whether to "reserve a sliver of the 6 GHz band for licensed mobile operation").

[4] *6 GHz First Order*.

operations—standard-power operations and low-power indoor (LPI) operations.[5] 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*).[6] VLP devices are authorized to operate anywhere, indoors and outdoors, without being under the control of an AFC system.[7] In the Second Further Notice of Proposed Rulemaking (*6 GHz Second FNPRM*), which was 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.[8] On December 11, 2024, the Commission released a Third Report and Order (*6 GHz Third Order*) that, adopting the same technical and operational requirements previously established for VLP devices in the U-NII-5 and U-NII-7 bands, authorized VLP operation in the U-NII-6 and U-NII-8 bands.[9]

IV. REGULATORY ACTION

8. The *6 GHz Fourth Report and Order* adopts rules permitting GVP devices to operate in the U-NII-5 and U-NII-7 portions of the 6 GHz band with up to 11 dBm/MHz EIRP PSD and 24 dBm EIRP.[10] Geofencing systems provide the GVP devices with exclusion zones in which the GVP devices are prohibited from operating on particular frequencies. The geofencing system calculates these exclusion zones to avoid causing harmful interference to licensed fixed microwave links and radio astronomy observatories. Using geofencing will enable GVP devices to operate at significantly higher power levels than the -5 dBm/MHz EIRP PSD and 14 dBm EIRP at which non-geofenced VLP devices are currently permitted to operate. The adopted rules are summarized as follows:

A. Power limits for GVP Access Points

9. The rules will permit GVP devices to operate at up to 11 dBm/MHz EIRP PSD and 24 dBm EIRP maximum power while under the control of a geofencing system, which prevents GVP operation at locations where they may cause harmful interference to licensed incumbent services that share the 6 GHz band. The geofencing system will use the same propagation models and protection criteria that are employed by AFC systems to calculate exclusion zones within which the GVP access points will not be permitted to operate co-channel with a microwave receiver. The GVP access points will be required to have a geolocation capability to determine when they enter an exclusion zone and must adjust their operating frequency, if necessary, to meet this condition. GVP client devices, which will not be required to have a geolocation capability, will operate only under the control of a GVP access point at 6 dB less than the controlling access point's authorized power.

[5] *Id*. at 3860, paras. 17-18.

[6] *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*).

[7] *See 6 GHz Second Order,* 38 FCC Rcd at 10532, 10561, paras. 18, 67.

[8] *6 GHz Second FNPRM*, 38 FCC Rcd at 10576, 10600-01, paras. 104, 173.

[9] *Unlicensed Use of the 6 GHz Band; Expanding Flexible Use in Mid-Band Spectrum Between 3.7 and 24 GHz*, Third Report and Order, ET Docket No. 18-295, GN Docket No. 17-183, 39 FCC Rcd 13901, 13908, paras. 12-13 (2024) (*6 GHz Third Order*).

[10] The following discussion in this section heavily references passages in the *6 GHz Fourth Report and Order. 6 GHz Fourth Report and Order*, Section III (2025).

B. GVP Client Device Power

10. The rules set GVP access point power levels of 11 dBm/MHz PSD EIRP and 24 dBm maximum EIRP. Consistent with existing 6 GHz client device rules,[11] client devices under the control of a GVP access point will be required to operate at power levels at least 6 dB less than the power level determined by the geofencing system for the associated GVP access point. The rules limit GVP client devices to a maximum of 5 dBm/MHz PSD EIRP and 18 dBm EIRP. In addition, for GVP access points that are required to operate with reduced power in accordance with the exclusion zones, associated client devices will similarly be required to reduce power such that they are at least 6 dB less than the power permitted for the GVP access point by the geofencing system. Consistent with the *6 GHz Second FNPRM*, GVP access point are defined as an access point that operates in the 5.925–6.425 GHz and 6.525-6.875 GHz bands, has an integrated antenna, and uses a geofencing system to determine channel availability at its location.[12] All client devices will be restricted to transmitting at power levels no more than 6 dB less than the level at which the controlling access point is authorized to operate; whether that access point is a standard-power, low power indoor, or GVP access point.

C. Geofencing System Architecture

11. Geofencing systems will be required to use a centralized architecture to control GVP access points.[13] The geofencing system operator will be required to establish and follow protocols to comply with Commission instructions regarding enforcement actions and to adjust exclusion zones, as necessary.

D. Protection of Fixed Microwave Systems

12. When calculating the GVP exclusion zones to protect microwave receivers, the geofencing systems will be required: (1) to use the same -6 dB I/N interference protection criterion that the Commission adopted in the *6 GHz First Order* for AFC systems; (2) to use the free space path-loss model at separation distances up to 30 meters, the Wireless World Initiative New Radio phase II (WINNER II) model at separation distances greater than 30 meters and up to and including 1 kilometer, and the Irregular Terrain Model (ITM) combined with the appropriate clutter model at separation distances greater than 1 kilometer; (3) to assume a 10 meter height above ground level for GVP devices; (4) to assume a 4 dB body loss value; and (5) to update their data from the Commission's Universal Licensing System (ULS) database at least once per day and to update the exclusion zones daily based on the updated data.

E. Protection of Passive Services

13. GVP access points will be prohibited from operating inside of exclusion zones around certain radio astronomy observatories in the 6.65-6.6752 GHz portion of the U-NII-7 band.

F. Earth-Exploration Satellite Service (EESS)

14. To protect EESS passive sensors that are used over the oceans, GVP access points will be prohibited from operating in ocean exclusion zones. The United States territorial sea border will be used to define the boundary of the ocean exclusion zones, which is 12 nautical miles (nm) from the baseline boarder of each coastal State. GVP access points are also prohibited from use on oil platforms to mirror the rules for VLP devices, standard-power access points, and low power indoor access points.

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[11] 47 CFR § 15.407(a)(7), (a)(8); *6 GHz First Order*, 35 FCC Rcd at 3862, 3890, paras. 22, 103.

[12] *6 GHz Second FNPRM*, 38 FCC Rcd at 10582, para. 118.

[13] In a centralized architecture the GVP access points contact the geofencing system over the internet to receive the exclusion zones. This is in contrast to a distributed architecture where the GVP access points calculate the exclusion zones.

G. GVP Device Requirements

15. GVP access points will be required: (1) to include a geolocation capability to determine their geographic coordinates with a determined location uncertainty in meters with a 95% confidence level; (2) to re-check their locations at an interval that ensures the device adjusts its operating frequencies, within one second, after any portion of the device's location uncertainty area crosses into an exclusion zone so as to ensure no harmful interference occurs; (3) to employ a transmit power control (TPC) mechanism that has the capability to operate at least 6 dB below the maximum EIRP permitted for the bands (e.g., 14 dBm or 21 dBm); (4) to implement a contention-based protocol which will act to avoid channels on which incumbent systems are actively transmitting; (5) to not attach to outdoor infrastructure, such as poles or buildings, which will help ensure that the GVP devices are used only for mobile applications; and (6) to use a permanently attached integrated antenna.

H. GVP Client-to-Client Communications

16. Direct communication between two client devices under control of a GVP access point will be allowed, subject to the client devices being required to operate on the frequency in either the U-NII-5 and U-NII-7 band that they are using to communicate with the GVP access point. As previously indicated, if a GVP access point switches frequencies, the client devices will also be required to switch frequencies to continue operating in a client-to-client mode.

I. Approval of Geofencing Systems

17. Authority to administer the geofencing systems and geofencing system operator functions in accordance with the rules Commission is adopting to govern 6 GHz band geofencing systems is delegated to the Commission's Office of Engineering and Technology (OET). OET is further authorized to develop a review process for designating geofencing operators and to designate geofencing system operators based on the outcome of this process. This review process will involve adequate testing to verify that the geofencing systems are calculating appropriate exclusion zones in conformance with the geofencing system rules. OET will be permitted to designate multiple geofencing systems. Geofencing systems will not be prohibited from charging fees for their services. Centralized geofencing systems must provide continuous service to all VLP devices for which they have agreements to provide service, and that if a geofencing system ceases operation, the operator must provide at least 30-day notice to the Commission and make arrangements for those devices to continue to receive exclusion zone update information.

J. Technical Rules

18. The Commission adopts the following technical rules for GVP devices:

19. *Emission Mask*. GVP devices must suppress their power spectral density by 20 dB at one megahertz outside of an unlicensed device's channel edge, 28 dB at one channel bandwidth from an unlicensed device's channel center, and 40 dB at one and one-half times the channel bandwidth away from an unlicensed device's channel center. At frequencies between one megahertz outside an unlicensed device's channel edge and one channel bandwidth from the center of the channel, the limits are linearly interpolated between the 20 dB and 28 dB suppression levels. At frequencies between one and one and one-half times an unlicensed device's channel bandwidth from the center of the channel, the limits are linearly interpolated between the 28 dB and 40 dB. 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-8 bands, are to be suppressed by at least 40 dB.

20. *Emission Limits Outside of U-NII-5 and U-NII-8*. The Commission is adopting a -27 dBm/MHz EIRP out-of-band emission 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), but will not apply this limit

between the sub-bands, i.e., between the U-NII-5 and U-NII-6, the U-NII-6 and U-NII-7, and the U-NII-7 and U-NII-8 bands.[14]

21. *Prioritization of Operations Over 6.105 GHz.* GVP devices will be required to prioritize operations on frequencies above 6.105 GHz prior to operating on frequencies between 5.925 GHz and 6.105 GHz.

22. *GVP Device Registration*. To register, a GVP access point will be required to provide the geofencing system with the access point's FCC ID and either its unique manufacturer's serial number or its model name/number or other information sufficient to uniquely identify the device manufacturer and model. The geofencing system uses the FCC ID and the access point's serial number to verify that the device is authorized for 6 GHz band operations and, if necessary, to address any interference concerns.

23. *Security Issues.* GVP access points and geofencing systems will be required to employ protocols and procedures to ensure that all communications and interactions between the access points and the geofencing system are accurate and secure and that unauthorized parties cannot access or alter the exclusion zones sent to an access point. These security measures must also: 1) prevent GVP access points from accessing geofencing systems not approved by the Commission, 2) ensure that unauthorized parties cannot modify devices to operate in a manner inconsistent with the rules and licensed incumbent protection criteria, and 3) ensure that communications between GVP access points and geofencing systems are secure to prevent corruption or unauthorized interception of data. Additionally, geofencing systems must incorporate security measures to protect against unauthorized data input or alteration of stored data and to protect the communication link between the geofencing system and Commission databases.

24. *International Borders.* The geofencing systems will be required to implement the terms of international agreements with Canada and Mexico.

25. *Restrictions on GVP Device Use on Airplanes.* GVP device use is prohibited on board any aircraft.

26. *Enforcement Instructions.* Geofencing systems will be required to ensure that their databases contain the information required by our rules, including frequency-specific exclusion zones and GVP access point's authorization parameters. In addition, the geofenced systems will be required to respond in a timely manner to verify, correct, or remove, as appropriate, data in the event that the Commission or a party presents a claim of inaccuracies in the geofencing system. In addition, geofencing systems will be required to establish and follow protocols to comply with enforcement instructions from the Commission, including discontinuing GVP access point operations on specified frequencies in designated geographic areas and predetermined exclusion zones. Finally, geofencing systems will be required to comply with instructions from the Commission to adjust exclusion zones, if necessary, to more accurately reflect the harmful interference potential.

V. BENEFITS

27. To assess the potential benefits of the rules, we evaluate their anticipated effect on the development and growth of AR/VR applications using the 6 GHz band, specifically in terms of incremental producer surplus and associated spillover effects on overall U.S. GDP. Our analysis is limited to hardware, software, and content sold within the United States, and the estimated producer surplus reflects only the incremental profits accruing to U.S.-based producers.

28. In the *6 GHz Second Order*, we noted that one industry report estimated the overall economic value of allowing VLP devices to operate in the 6 GHz band to be approximately $39 billion

[14] Emissions between the sub-bands are subject to the emission mask discussed above.

over a five-year period.[15] This estimated benefit includes a total of $13.74 billion from the increase in producer surplus derived from AR/VR sales by U.S. firms and $25.78 billion of increased GDP as the spillover value of AR/VR to the economy in the United States between 2021 and 2025.[16] Because the Commission, in the *6 GHz Second Order,* only allowed VLP devices to operate with -5 dBm/MHz EIRP PSD and 14 dBm EIRP across the U-NII-5 and U-NII-7 portions of the 6 GHz band, we conservatively estimated the overall benefits of the rules adopted in the *6 GHz Second Order* to be 5% of the $39 billion, which is approximately $2 billion over a five-year period. As the Report and Order increases the power level of VLP devices from -5 dBm/MHz EIRP power spectral density (PSD) and 14 dBm EIRP to 11 dBm/MHz EIRP power spectral density (PSD) and 24 dBm EIRP with restrictions of geofencing in the U-NII-5 and U-NII-7 portions of the 6 GHz band, we anticipate that connectivity for some of the existing VLP devices will improve, and more VLP devices would be allowed to operate in these bands.

29. We estimate that, even if the incremental benefit of the Report and Order were only 5% of the $2 billion from allowing VLP devices to operate at a lower power limit in the same band as adopted in the *6 GHz Second Order*, it would result in a $100 million benefit over the five-year period, or $20 million annually. This estimate is highly conservative, as it focuses solely on the impact of the spectrum policy change on AR/VR development and its associated spillover effects, while largely omitting potential additional benefits from enhanced signal strength for other GVP devices, including hotspots and wearable devices. Additionally, we note that our estimate is only 0.25% (= 5% × 5%) of the estimated $39 billion value of allowing VLP devices to operate in the 6 GHz that we refer to above, and so we view this as a benefits floor. We anticipate that the actual benefits could be many times higher than this estimate.

30. These benefits are not discounted as we limit the analysis to a five-year period consistent with the assessments in *6 GHz First Order and 6 GHz Second Order* based on the original Telcom Advisory Services analysis.[17] Given the rapid pace of technological change, we lack sufficient confidence to project benefits beyond five years and therefore consider it reasonable to present undiscounted benefits over the five-year horizon. For reference, assuming the $20 million annual benefit accrued perpetually, we estimate that the net present value of the benefits over a five year period would be approximately $91.6 million and $82 million, using, respectively, the 3% and 7% discount rates.[18]

31. Our analysis of the benefits is inherently constrained by the uncertainty surrounding emerging technological opportunities. The increased power limit for VLP devices has the potential to enable a broad range of applications, many of which we cannot anticipate. These future use cases, which would operate under the newly adopted higher power limits with geofencing requirements, are expected

[15] *6 GHz Second Order*, 38 FCC Rcd at 10575, para. 102 & n.423 (citing 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).

[16] The study estimated the ratio used to determine the impact on Wi-Fi equipment sales from the allocation of 45 MHz in 5.9 GHz band ranging between 24.58% of sales in 2021 and 28.87% in 2025. It then applied these same ratios as the effect attributable to the spectrum policy change to the 6 GHz band. *See* Telecom Advisory Services, LLC, Assessing the Economic Value of Unlicensed Use in the 5.9 GHz & 6 GHz Bands at 53-55 (Apr. 2020), http://wififorward.org/wp-content/uploads/2020/04/5.9-6.0-FINAL-for-distribution.pdf.

[17] The Telecom Advisory Services Report only calculated benefits between 2020 and 2025. The Telecom Advisory Services, LLC, Assessing the Economic Value of Unlicensed Use in the 5.9 GHz & 6 GHz Bands at 4-8 (Apr. 2020), http://wififorward.org/wp-content/uploads/2020/04/5.9-6.0-FINAL-for-distribution.pdf.

[18] Assuming the rules result in $20 million annual benefit in the next five years, the net present value is approximately $92 million (= $\frac{\$20,000,000}{(1+3\%)^1} + \frac{\$20,000,000}{(1+3\%)^2} + \frac{\$20,000,000}{(1+3\%)^3} + \frac{\$20,000,000}{(1+3\%)^4} + \frac{\$20,000,000}{(1+3\%)^5}$ = $91,594,144 ~ $92 million) under a 3% discount rate, and $82 million under a 7% discount rate (= $\frac{\$20,000,000}{(1+7\%)^1} + \frac{\$20,000,000}{(1+7\%)^2} + \frac{\$20,000,000}{(1+7\%)^3} + \frac{\$20,000,000}{(1+7\%)^4} + \frac{\$20,000,000}{(1+7\%)^5}$ = $82,003,949 ~ $82 million).

to differ significantly from historical use patterns. As a result, we lack sufficient detail to conduct a comprehensive benefits analysis and instead reference the general analysis of the 2020 Telecom Advisory Services Report, which glosses over unknowable details of future use cases.[19] While our estimate of benefits may inherit inaccuracies from the underlying assumptions of this report upon which we rely, we mitigate this uncertainty by conservatively assuming that only a small fraction of the projected benefits will be realized. Accordingly, we believe our estimates are likely to understate the true potential benefits.

VI. COSTS

32. We anticipate that all costs associated with the rules we are adopting would be optional. While manufacturers and users may incur costs to transition to and operate in the new GVP ecosystem, they would do so voluntarily, such that our updated rules would not result in private costs without countervailing private benefits. This would include any costs for switching to new devices or developing and maintaining the geofencing systems. We anticipate that manufacturers and users will pursue new use cases only where the expected benefits exceed associated costs. Accordingly, we find that the Commission's action is likely to generate net benefits for the industry. Below, we quantify the estimated private costs of implementing geofencing systems and developing new devices, as well as separately, costs to the Federal Government.

33. GVP devices must work in tandem with a geofencing system to avoid causing harmful interference to licensed fixed microwave links and radio astronomy observatories. The geofencing systems will calculate exclusion zones in which the GVP devices will not be permitted to operate co-frequency with microwave links or in a portion of the U-NII-7 band used by radio astronomy. Each GVP access point will be required to have a geolocation capability to determine its location and avoid operating on prohibited frequencies within the exclusion zones. Therefore, 6 GHz band users will be protected from harmful interference by the geofencing system, so there will be no costs imposed on other 6 GHz band users.

34. *Geofencing System Providers*. The main costs that geofencing system providers would incur involve the development of geofencing standards and implementing these standards in the geofencing systems. We anticipate that most geofencing system providers are currently offering the AFC services given the large overlap of information and technologies used in both geofencing and AFC systems. We anticipate the geofencing standards development process to be similar to that of the AFC standards development in which about thirty engineers from various interested parties collaborated over several months in a working group.[20] We estimate that it may take up to six months to develop such standards. Assuming an average computer network architect's monthly compensation is $22,648,[21] we estimate that standards development would incur an aggregate one-time fixed cost from 30 engineers × 6 months × $22,648 = $4,076,640, which we round to $4.1 million.

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[19] Telecom Advisory Services, LLC, Assessing the Economic Value of Unlicensed Use in the 5.9 GHz & 6 GHz Bands (Apr. 2020), http://wififorward.org/wp-content/uploads/2020/04/5.9-6.0-FINAL-for-distribution.pdf.

[20] Wireless Innovation Forum, *Functional Requirements for the U.S. 6 GHz Band under the Control of an AFC System* at 7 (Oct. 6, 2023), https://winnf.memberclicks.net/assets/work_products/Specifications/WINNF-TS-1014-V1.0.0%206GHz%20Functional%20Requirements.pdf.

[21] The Bureau of Labor Statistics (BLS) estimates the average computer network architect's annual income is $135,890. BLS, *Occupational Employment and Wage Statistics, Industry: Cross-industry, Private, Federal, State, and Local Government Period: May 2024*, https://data.bls.gov/oes/#/industry/000000 (last visited July 23, 2025) (navigating to "Computer Network Architects (15-1241)"). We assume a 100% markup of the wage for the overhead (including benefit) costs and estimate the average total compensation of a computer network architect to be $135,890 × 200% = $271,780. Compensation for 1 months of work would therefore be (1/12) × $271,780 = $22,648. U.S. Department of Health and Human Services, Guidelines for Regulatory Impact Analysis 2016 at 30, https://aspe.hhs.gov/sites/default/files/migrated_legacy_files//171981/HHS_RIAGuidance.pdf.

35. Because geofencing systems perform many of the same tasks as AFC systems, AFC system operators will be able to rely on the existing AFC software for a lot of functionality while an entity that tries to create a geofencing system from scratch will have a much higher cost. Given the substantial overlap of the geo-information and technology that geofencing and AFC systems share, we anticipate that the geofencing system developers are likely to be a subset of existing AFC system providers. There were 13 AFC system operators that applied and obtained conditional approvals for testing their AFC systems,[22] nine of which were approved for commercial operations.[23] We estimate that it requires three computer network architects, working around four months, to design, implement, and test the new geofencing system. Accounting for potential market entrants, we conservatively double the applicant count and assume that all 26 applicants eventually obtain the approval to commercially operate their geofencing systems. We estimate a total cost to create the geofencing systems as follows: 3 computer network architects × 4 months × $22,648 × 26 operators = $7,066,176, which we round to $7.1 million. Therefore, the total private cost incurred to develop geofencing standards and systems is approximately $4.1 million + $7.1 million = $11.2 million as a one-time cost.

36. Based on our experience with payment structures in the Citizens Broadband Radio Service (CBRS), we anticipate that users of G-VLP may incur payments to geofencing providers. Although the specific compensation arrangements are confidential private information,[24] such payments would constitute transfers between the geofencing system operator and the G-VLP users. Accordingly, while these costs are not easily quantifiable, they do not affect overall societal costs. The *6 GHz Second FNPRM* proposed that the Commission may, upon request, review the fees and require changes to the fees if it finds them to be unreasonable.[25] As has been the case for AFC systems, we expect that there will be multiple geofencing systems approved for commercial operations and that competition from these different systems will keep any fees charged to reasonable levels. However, as a safeguard we will adopt our proposal that we may, upon request, review the fees charged and require changes if they are unreasonable.

37. *Device Manufacturers.* Adoption of G-VLP is anticipated to spur innovation in device designs and expand market demand for G-VLP access point and client devices. Given the inherent

[22] *OET Announces Conditional Approval for 6 GHz Band Automated Frequency Coordination System*, ET Docket No. 21-352, Public Notice, DA 22-1146, at 1 (OET Nov. 2, 2022) (conditionally approves thirteen entities to operate automated frequency coordination (AFC) systems to manage access to 6 GHz band spectrum by standard-power unlicensed devices: Broadcom, Google, Comsearch, Sony Group, Kyrio, Key Bridge Wireless, Nokia Innovations, Federated Wireless, Wireless Broadband Alliance, Wi-Fi Alliance (WFA), Qualcomm, Plume Design, and RED Technologies).

[23] *See 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*, ET Docket No. 21-352, Public Notice, DA 24-166, at 1 (OET Feb. 23, 2024) (approves seven applications to operate automated frequency coordination (AFC) systems submitted by Qualcomm Incorporated (Qualcomm), Federated Wireless, Inc. (Federated Wireless), Sony Group Corporation (Sony), Comsearch, a CommScope Company (Comsearch), the Wi-Fi Alliance Services Corporation (Wi-Fi Alliance),[23] the Wireless Broadband Alliance, Inc. (Wireless Broadband Alliance), and Broadcom Inc (Broadcom)); *see also OET Announces Approval of C3Spectra's 6 GHz Band Automated Frequency Coordination System for Commercial Operation*, ET Docket No. 21-352, Public Notice, DA 25-47, at 1 (OET Jan. 15, 2025) (approves C3spectra's application to operate automated frequency coordination (AFC) system); *OET Announces Approval of AXON Networks' 6 GHz Band Automated Frequency Coordination System for Commercial Operation*, ET Docket No. 21-352, Public Notice, DA 25-559, at 1 (OET June 27, 2025) (approves AXON Networks' application to operate automated frequency coordination (AFC) system).

[24] One AFC provider in CBRS and 6 GHz, Federate Wireless had CBRS rates on their website in May 2025 but has recently changed their URL and removed these rates from their current website. Federated Wireless, CBRS for WISPs, https://web.archive.org/web/20250518215913/https://www.federatedwireless.com/wispa/ (last visited May 18, 2025).

[25] *6 GHz Second FNPRM*, 38 FCC Rcd at 10593, para. 147.

uncertainty associated with innovation in emerging technologies, we are unable to quantify with precision the research and development costs associated with new device models or the material costs of newly introduced devices. Nonetheless, we anticipate that existing device software will require updates to enable operation in the geofenced 6 GHz band. We expect such software modification to be limited in scope, as they would be similar to those currently utilized for AFC operations in the 6 GHz band. Accordingly, we estimate that a single software developer working over a two-month period would be sufficient to develop, test and implement the necessary software updates for each manufacturer. Given that there are 93 VLP devices authorized as of July 2025,[26] we use the number of approved VLP devices as the proxy for the number of device manufacturers. This figure is conservatively high as it implies that each device is manufactured by a distinct firm, whereas many firms, such as Apple, produce multiple types of VLP devices. We estimate that each manufacturer would incur a one-time cost of approximately $48,190,[27] representing the two-month compensation for a software developer. Thus the total manufacturers' cost of software updating would be approximately 93 manufacturers × $48,190 per manufacturer = $4,481,670, which we round to $4.5 million.

38. Additionally, existing VLP devices seeking to operate at higher power limits under the geofencing requirement will need to obtain re-certification through the FCC's permissive change process, which involves validation through independent lab testing. There are currently 93 VLP devices authorized to operate in the 6 GHz band.[28] We estimate that a team of three FCC-recognized accredited testing laboratory engineers could complete the required testing within one month, and that a separate team of three in-house engineers working for a manufacturer could prepare the necessary application materials and accompanying reports in an additional month. Assuming a monthly compensation of $22,648 per engineer,[29] the total costs of re-authorization is calculated as follows: 2 teams × 3 engineers × 93 devices × $22,648 per engineer per month × 1 month = $12,637,584, which we round to $12.6 million. We do not account for the cost of equipment authorization for any newly developed devices, as such costs would be incurred irrespective of any changes to the applicable spectrum rules. Thus, the total cost incurred by manufacturers to update their software and re-certify existing devices in order to operate under the G-VLP provisions is approximately $4.5 million + $12.6 million = $17.1 million as a one-time cost.

39. *Estimated Costs to Federal Government*. We anticipate that implementation of the proposed rules could result in modest costs to the Commission in three areas: (1) support for the development of geofencing standards; (2) review and approval of each geofencing system; and (3) review of VLP device re-certification requests. Each of these activities is expected to require some level of technical expertise. Accordingly, we estimate the relevant labor cost based on the annual wage of a GS-12, Step 5 employee in the Washington-DC-Baltimore locality, which is $114,923.[30] After adjusting to

[26] FCC, staff query of the equipment authorization database.

[27] The Bureau of Labor Statistics (BLS) estimates the average software developer's annual income is $144,570. BLS, Occupational Employment and Wage Statistics, Industry: Cross-industry, Private, Federal, State, and Local Government Period: May 2024, https://data.bls.gov/oes/#/industry/000000, Data extracted on July 23, 2025. Accounting for benefits, we therefore estimate the average total compensation of a software developer to be $144,570 × 200% = $289,140. Compensation for 2 months of work would therefore be (2/12) × $289,140 = $48,190.

[28] *Supra* note 37.

[29] OPM, *Salary Table 2025-DCB* (Jan. 2025), https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2025/DCB.pdf.

[30] OPM, *Salary Table 2025-DCB* (Jan. 2025), https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2025/DCB.pdf.

account for overhead and fringe benefits, we estimate the full annual compensation for such an employee to be approximately $229,846.[31]

40. For the development of geofencing standards, we assume that no more than three FCC staff members would be engaged over a six-month period in collaboration with industry stakeholders. Based on the estimated $229,846 annual compensation, we calculate the associated cost as follows: $229,846 × 3 staff × 6 months / 12 months = $344,769, which we round to $300,000.

41. For the review and approval of geofencing systems, we again assume a team of 3 FCC staff members would be assigned to evaluate submitted applications and accompanying test results. Given that properly prepared applications are expected to be relatively straightforward to assess, we estimate that each review can be completed within a two-month period. We further assume that the number of geofencing system providers will be comparable to the number of AFC systems providers in the 6 GHz band. At present, 13 operators are conditionally approved to operate AFC systems in the 6 GHz band,[32] with nine having obtained approval for commercial operations.[33] To be conservative, we double the AFC operators to account for potential new entrants and assume that 26 geofencing system applications will be submitted for FCC approval. Accordingly, we estimate the total geofencing system review and approval costs to be $229,846 × 3 staff × 26 geofencing providers × 2 months / 12 months = $2,987,998, which we round to $3 million to avoid the appearance of false precision.

42. For the review and approval of VLP devices to operate as GVP devices through recertification requests, we again assume a team of 3 FCC staff members to be responsible for the process. Because test results from FCC-recognized accredited testing labs are required for recertification, the FCC would randomly select these requests for an in-depth review in practice. Even if we conservatively assume that all applications go through the FCC in-depth review, and each review takes three days, we calculate the FCC review and approval costs for device recertification as follows: $229,846 × 93 VLP devices recertification requests × 3 staff × 3 days / (52 weeks × 5 work days) = $739,927, which we round to $700,000.

43. Taken together, we expect that the government would incur a total cost of $4 million (= $300,000 for standards development + $3,000,000 for geofencing approval + $700,000 for VLP recertification = $4,000,000, or $4 million). Given that we assume most of the associated costs are

[31] By adding a 100% overhead (including benefit) mark-up, we estimate the total compensation to be $114,923 × (200%) = $229,846. U.S. Department of Health and Human Services, Guidelines for Regulatory Impact Analysis 2016 at 30, https://aspe.hhs.gov/sites/default/files/migrated_legacy_files//171981/HHS_RIAGuidance.pdf.

[32] *OET Announces Conditional Approval for 6 GHz Band Automated Frequency Coordination System*, ET Docket No. 21-352, Public Notice, DA 22-1146, at 1 (OET Nov. 2, 2022) (conditionally approves thirteen entities to operate automated frequency coordination (AFC) systems to manage access to 6 GHz band spectrum by standard-power unlicensed devices: Broadcom, Google, Comsearch, Sony Group, Kyrio, Key Bridge Wireless, Nokia Innovations, Federated Wireless, Wireless Broadband Alliance, Wi-Fi Alliance (WFA), Qualcomm, Plume Design, and RED Technologies).

[33] *See 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*, ET Docket No. 21-352, Public Notice, DA 24-166, at 1 (OET Feb. 23, 2024) (approves seven applications to operate automated frequency coordination (AFC) systems submitted by Qualcomm Incorporated (Qualcomm), Federated Wireless, Inc. (Federated Wireless), Sony Group Corporation (Sony), Comsearch, a CommScope Company (Comsearch), the Wi-Fi Alliance Services Corporation (Wi-Fi Alliance),[33] the Wireless Broadband Alliance, Inc. (Wireless Broadband Alliance), and Broadcom Inc (Broadcom)); *see also OET Announces Approval of C3Spectra's 6 GHz Band Automated Frequency Coordination System for Commercial Operation*, ET Docket No. 21-352, Public Notice, DA 25-47, at 1 (OET Jan. 15, 2025) (approves C3spectra's application to operate automated frequency coordination (AFC) system); *OET Announces Approval of AXON Networks' 6 GHz Band Automated Frequency Coordination System for Commercial Operation*, ET Docket No. 21-352, Public Notice, DA 25-559, at 1 (OET June 27, 2025) (approves AXON Networks' application to operate automated frequency coordination (AFC) system).

incurred within the first year of our rules taking into effect, this estimate is likely overstated as applications may arrive over the next five years and we do not discount our numerical cost estimates.

VII. ALTERNATE POLICIES

A. Alternative A – No Action

44. Under this alternative, the Commission would decline to adopt the proposed rules in the *6 GHz Second FNPRM* and take no further regulatory action to expand VLP operations in the 6 GHz band. As a result, VLP devices would remain limited to the existing technical parameters established in the *6 GHz Second Order*, namely, up to the -5 dBm/MHz EIRP PSD and 14 dBm EIRP across all bands in 6 GHz. Maintaining the status quo would constrain the development and deployment of unlicensed portable applications that require greater power levels or broader propagation characteristics—such as augmented and virtual reality systems, short-ranged outdoor connectivity. These use cases, which are projected to generate additional producer surplus and GDP, would remain technically infeasible or commercially unviable under the current rules.

45. In addition, failure to act would leave the 6 GHz band underutilized relative to its potential economic and technological value. Demand for unlicensed spectrum access has continued to grow rapidly as more devices and applications rely on high-throughput, low-latency wireless connections. Without further action, the Commission would forgo an opportunity to promote more efficient use of spectrum, stimulate innovation, and generate substantial net benefits to the economy.

B. Alternative B – Low Power Limit with Geofencing throughout the 6 GHz Band

46. In the *6 GHz Second FNPRM*, the Commission proposed to allow VLP devices to operate in the U-NII-5 through U-NII-8 bands (i.e., a total of 1200 MHz of spectrum) at a PSD level at up to 1 dBm/MHz EIRP PSD and 14 dBm EIRP—provided they operate under the control of a geofencing system that prevents devices from operating in close proximity to co-channel licensed incumbent services in these bands.[34]

47. Under this alternative, the Commission would raise the power spectral density limit from up to -5 dBm/MHz EIRP PSD and 14 dBm EIRP to up to 1 dBm/MHz EIRP PSD and 14 dBm EIRP instead of the rules the order is adopting (up to 11 dBm/MHz EIRP PSD and 24 dBm EIRP maximum power), while still applying geofencing restrictions to VLP. Under this proposed alternative, consumers might not experience benefit when using wider channels, which is anticipated under Alternative C as adopted. Meanwhile, both Alternatives B and C would be equally effective in preventing harmful interference as geofencing systems dynamically adjust the size of the exclusion zones in accordance with the proposed power levels.

48. Under both this alternative and the rules that we adopt, GVP devices would be required to incorporate a capability to ensure that they avoid transmitting on certain channels within certain geographic areas, i.e., this is analogous to erecting a fence to prevent VLP devices from operating on certain channels within certain geographic areas, hence the descriptive term "geofencing system." While a geofencing system is not identical to an AFC system that several parties requested be required for VLP device operation, it will provide similar protection to licensed incumbent operations.[35]

49. Apple, Broadcom and others contend that creating geofencing capable devices will require manufacturers to add new expensive hardware and software to a wide range of consumer and enterprise equipment and that such investment cannot be justified for the marginal benefit that would be provided by the proposed power limits.[36] These parties stress that, unless the GVP maximum permitted

[34] *6 GHz Second FNPRM*, 38 FCC Rcd at 10576, para. 104.

[35] *6 GHz Second FNPRM*, 38 FCC Rcd at 10577, para. 106.

[36] Apple, Broadcom et al. Comments at 26.

power is raised to 21 dBm, consumers will not experience any benefit when using channels wider than 40-megahertz because total power transmitted is proportional to the PSD and capping maximum EIRP at 14 dBm would limit all channel bandwidths, 20-megahertz or larger to that maximum power whereas capping maximum power at 21 dBm would allow all channel bandwidths, 40-megarherz or wider to operate with more than 14 dBm total power.[37] These parties similarly recommend increasing the PSD to 8 dBm/MHz EIRP so that all channels regardless of bandwidth can operate at the maximum power level.[38] They explain that increasing the power level for all channel sizes is important because wider bandwidth channels are subject to more noise and therefore require additional power to maintain a sufficient signal-to-noise ratio.[39]

50. Similarly, the Dynamic Spectrum Alliance (DSA) argues that the GVP power levels proposed by the Commission, 14 dBm EIRP and 1 dBm/MHz EIRP PSD, does not provide a sufficient economic incentive for manufacturers to make the investments necessary to develop and commercialize such devices.[40] DSA points out that the proposed power levels would only benefit devices operating on 20-megahertz or 40-megahertz channels, but that most use cases are better suited to larger channel sizes.[41]

51. Although this alternative offers a conservative path forward, it may have limited practical values with the relatively low power spectral density limit and constrain the further development and deployment of VLP devices in the 6 GHz bands. Accordingly, we believe this alternative will generate negligible net benefits to the economy as a whole.

C. Alternative C (adopted rules)– High Power Limit with Geofencing in Selected Sub-bands of 6 GHz Band

52. Under this alternative, the Commission would increase the power limit of VLP devices to 11 dBm/MHz EIRP PSD and 24 dBm EIRP under the control of a geofencing system while restricting the application to U-NII-5 and U-NII-7 bands only. Similar to alternative B, incorporating geofencing capabilities will protect licensed incumbent operations by ensuring transmissions occur only outside of defined exclusion zones surrounding critical microwave and FSS transmission equipment.

53. Apple points out that the GVP exclusion zone calculations can account for any power level because the geofenced areas around the microwave receivers will grow commensurate with the power level of the GVP device.[42] However, Apple contends that sufficient GVP client device power levels are essential for reliable GVP device operation to meet consumer expectations.[43] Apple claims that, to overcome body loss, client devices must operate with at least 5 dBm/MHz EIRP PSD and 18 dBm EIRP to deliver the required reliability and performance.[44] It states that operation below this power level

[37] *Id*. at 27-28. The comments contain a table showing the trade-offs between various PSD and maximum power levels for each channel bandwidth.

[38] *Id*. at 28-29. Apple, Broadcom et al. note that unless the PSD level is increased above 1 dBm/MHz, a 20-megahertz channel could not transmit with more than 14 dBm EIRP whereas that 20-megahertz channel could transmit with 21 dBm EIRP at an 8 dBm/MHz PSD level.

[39] *Id*. at 28.

[40] Dynamic Spectrum Alliance Comments at 14.

[41] *Id*.

[42] Letter from Paul Margie, Counsel, Apple Inc., to Marlene H. Dortch, Secretary, FCC, ET Docket Nos. 18-295, 17-183, at 2 (filed June 26, 2025).

[43] *Id*.

[44] *Id*.

would result in frequent dropped connections.[45] Apple and Meta contend that maximum authorized power levels of at least 11 dBm/MHz PSD and 24 dBm EIRP for GVP access points and 5 dBm/MHz PSD and 18 dBm EIRP for GVP client devices are essential for adequate reliability and performance for GVP use cases.[46]

54. The Report and Order adopts the 11 dBm/MHz EIRP PSD and 24 dBm EIRP power levels rather than the 1 dBm/MHz EIRP PSD and 14 dBm EIRP power levels proposed in the *6 GHz Second FNPRM* for several reasons. First, the geofencing systems will be equally effective in preventing harmful interference at the higher power level because the size of the exclusion zones will increase to account for the higher power — *i.e.*, the size of the exclusion zones scales with the power level.

55. Second, the Report and Order finds that permitting higher power levels provides a stronger incentive for manufacturers to invest in geofencing systems and GVP devices. Moreover, other countries currently permit VLP devices to operate at 1 dBm/MHz without the need for a geofencing system and that such an incremental power increase to our existing VLP rules as proposed in the *6 GHz Second FNPRM* may not convince industry to undertake expenses associated with developing this new class of devices.[47]

56. Lastly, Apple and Meta point out that 11 dBm/MHz EIRP PSD and 24 dBm EIRP are necessary for GVP access points to deliver the required reliability and performance for body worn applications.[48] As noted by commenters, permitting higher power levels will enable more versatile GVP devices to be developed and result in a wide variety of innovative products.[49] Adopting the higher power levels requested by industry with a geofencing requirement provides more versatility to encourage innovative uses and incentivize investment without increasing the harmful interference risk to incumbent users. We find that the higher PSD level that the Report and Order adopts relative to other alternatives will be particularly useful for applications that rely on narrow channels such as high bitrate audio and control signaling while the higher maximum power will benefit data-intensive tasks in applications such as artificial reality/virtual reality, automotive technologies, screen mirroring, hotspots, and indoor location and navigation. Our analysis finds that this alternative generates the highest net benefits after accounting for associated costs.

[45] *Id*.

[46] Letter from Megan Anne Stull, Senior Manager, Government and Regulatory Affairs, Apple Inc.; and Alan Norman, Public Policy Director, Meta Platforms, Inc.; to Marlene H. Dortch, Secretary, FCC; ET Docket Nos. 18-295, 17-183, at 1 (filed August 8, 2025).

[47] Apple, Broadcom et al. Comments at 26; Dynamic Spectrum Alliance Comments at 14; IEEE LAN/MAN Standards Committee Comments at 4; *6GHz harmonization decision: more spectrum available for better and faster Wi-Fi* (June 17, 2021), https://digital-strategy.ec.europa.eu/en/library/6ghz-harmonisation-decision-more-spectrum-available-better-and-faster-wi-fi (The specific rules can be found in the downloadable Annex); Australian Government, *Radiocommunications (Low Interference Potential Devices) Class Licence 2015* (May 19, 2023), https://www.legislation.gov.au/F2015L01438/latest/text (technical rules for VLP devices classified as 63AB class of transmitter); Ofcom, *Improving spectrum access for Wi-Fi Spectrum use in the 5 GHz and 6 GHz bands* (July 24, 2020), https://www.ofcom.org.uk/siteassets/resources/documents/consultations/category-2-6-weeks/189812-improving-spectrum-access-for-wi-fi----spectrum-use-in-the-5-and-6-ghz-bands/associated-documents/6ghz-statement.pdf?v=325088 (This statement outlines the newly adopted technical rules for, among other devices, VLP devices operating at an EIRP of 14 dBm).

[48] Letter from Megan Anne Stull, Senior Manager, Government and Regulatory Affairs, Apple Inc.; and Alan Norman, Public Policy Director, Meta Platforms, Inc.; to Marlene H. Dortch, Secretary, FCC; ET Docket Nos. 18-295, 17-183, at 1-2 (filed August 8, 2025).

[49] Apple, Broadcom et al. Comments at 30.

VIII. JUSTIFICATION DETERMINATION

A. Benefits Exceed Costs

57. Consistent with previous experience in this proceeding, we anticipate that the rules permitting GVP devices to operate in the U-NII-5 and U-NII-7 portions of the 6 GHz band will yield substantial benefits. The higher power GVP devices will enable increased data rates and greater range for current VLP applications. While geofencing will limit GVP operating areas, even a 5% improvement in economic value derived from these devices relative to our estimated benefits for VLP in the U-NII-5 and U-NII-7 portions of the 6 GHz band would result in $100 million in additional benefits over a five-year period, or $20 million annually. We believe this estimate to be conservative because higher data rates and range will not only enhance existing VLP applications but also create opportunities for new applications, including augmented reality/virtual reality, short-range hotspots, automation processes, and indoor location and navigation. Assuming these annual benefits persist indefinitely, the present value of the benefit stream discounted at a 7% rate is approximately $286 million.

58. Because all costs incurred to achieve the benefits are optional, we find that private entities would only incur these costs if they expect that they will be able to recoup such costs in the foreseeable future. As noted above, while manufacturers and users may incur costs to transition to and operate in the new GVP ecosystem, they would do so voluntarily, such that our updated rules would not result in private costs without countervailing private benefits. 6 GHz band users will be protected from harmful interference by the geofencing system, so there will be no costs imposed on other 6 GHz band users. We estimate that the overall implementation cost to the government is approximately $1.9 million. We therefore conclude that permitting GVP devices to operate in the 6 GHz band will yield substantial economic benefits to the American public that outweigh the associated implementation costs.

B. Highest Net-Benefit Alternative

59. Based on the record and economic analysis, we find that Alternative C—the higher power limit with geofencing—offers the greatest net benefit among the three alternatives considered. By authorizing GVP operations at up to 11 dBm/MHz EIRP PSD and the maximum 24 dBM EIRP, Alternative C enables a wider range of high-throughput, low-latency applications that are not technically feasible under the lower power limits in Alternative B or the status quo in Alternative A. At the same time, the geofencing requirement provides a targeted and cost-effective means of mitigating interference to licensed incumbent operations.

60. Although Alternative B offers lower interference risk, it also yields significantly reduced economic benefits with the limited use cases under a much lower power limit. Alternative A, which maintains current rules, forgoes substantial potential gains altogether. Even under conservative assumptions—such as capturing only 5% of a $2 billion in benefits—Alternative C would generate benefits exceeding $100 million over a five-year period, far outweighing anticipated implementation costs. Accordingly, we conclude that Alternative C best advances the Commission's goals of promoting innovation, maximizing spectrum efficiency, and delivering the highest measurable net benefits to the public among the alternative options.

IX. SMALL ENTITY IMPACTS

61. The rules adopted by the Commission in the Report and Order should benefit small entities by giving them more options for gaining access to valuable spectrum while creating little to no risk of harmful interference to licensed incumbents sharing the 6 GHz band.[50]

62. The adopted rules reflect the Commission's efforts to balance the benefits provided to GVP device users with protecting incumbent operators in the 6 GHz band from harmful interference.

[50] This discussion of small entity impacts heavily excerpts from *6 GHz Fourth Report and Order*, Appx. C (2025).

Additionally, the Commission considered alternative proposals and weighed their benefits against their potential costs to small businesses and other entities.

63. Many of the entities holding licenses for use of the 6 GHz band qualify as small entities. The Regulatory Flexibility Act of 1980, as amended (RFA),[51] generally defines the term "small entity" as having the same meaning as under the Small Business Act.[52] In addition, the term "small business" has the same meaning as the term "small business concern" under the Small Business Act."[53] 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.[54]

64. Our actions, over time, may affect small entities that are not easily categorized at present. We therefore describe three broad groups of small entities that could be directly affected by our actions.[55] In general, a small business is an independent business having fewer than 500 employees.[56] Next, "small organizations" are not-for-profit enterprises that are independently owned and operated and not dominant their field.[57] Finally, "small governmental jurisdictions" are defined as cities, counties, towns, townships, villages, school districts, or special districts with populations of less than fifty thousand.[58]

65. The actions taken in the *Fourth Report and Order* will apply to small entities in three six-digit industries of the North American Industry Classification System (NAICS),[59] and are identified by the corresponding SBA size standard.[60] Industries Wireless Telecommunications Carriers (except Satellite) (NAICS Code: 517122), Satellite Telecommunications (NAICS Code: 517410), and Radio Stations (NAICS Code: 516110) have 2,837 small firms, 242 small firms, and 1,879 small firms, respectively. We further note that the 2025 Universal Service Monitoring Report Telecommunications

[51] 5 U.S.C. §§ 601 *et seq*., as amended by the Small Business Regulatory Enforcement and Fairness Act (SBREFA), Pub. L. No. 104-121, 110 Stat. 847 (1996).

[52] *Id.* § 601(6).

[53] *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."

[54] 15 U.S.C. § 632.

[55] 5 U.S.C. § 601(3)-(6).

[56] *See* SBA, Office of Advocacy, *Frequently Asked Questions About Small Business* (July 23, 2024), https://advocacy.sba.gov/wp-content/uploads/2024/12/Frequently-Asked-Questions-About-Small-Business_2024-508.pdf.

[57] 5 U.S.C. § 601(4).

[58] 5 U.S.C. § 601(5).

[59] The North American Industry Classification System (NAICS) is the standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy. *See* www.census.gov/NAICS for further details regarding the NAICS codes identified in this chart.

[60] The size standards are set forth in 13 CFR 121.201 by six-digit NAICS code. The size standard is 1,500 employees for Wireless Telecommunications Carriers (except Satellite). The size standard is $47 million in annual receipts for Satellite Telecommunications and Radio Stations.

Service Provider Data reports 498 small entities in Wireless Telecommunications Carriers (except Satellite).[61]

66. The adopted rules for unlicensed operation in this band are designed to prevent the unlicensed GVP devices from causing harmful interference to the licensed services operating in the band. 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 GVP unlicensed devices to operate in the 6 GHz band. 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 GVP devices under the adopted rules and this would provide small entities with access to valuable spectrum without the expense and inconvenience of having to obtain a license. The Commission believes that this rulemaking, by permitting GVP devices to operate in the 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.

X. IMPACTS ON DISADVANTAGED POPULATIONS

67. Disparate impacts on disadvantaged populations such as the poor or the disabled are unlikely to occur. Benefits from expanded unlicensed spectrum will be broad-based as they will not be specific to a particular license holder. Thus, no particular population will be likely to enjoy less benefits than others. Moreover, costs are limited to those entities developing and managing new geofencing system and support devices and not private individuals. Some device users may incur additional fees to use the geofencing systems, but there is no reason to believe this will affect any subpopulations disproportionately. Thus, disadvantaged populations are unlikely to incur disproportionate costs.

[61] Affected Entities in this industry include all reporting wireless carriers and service providers. The size standard is 1,500 employees. Federal-State Joint Board on Universal Service, Universal Service Monitoring Report at 26, Table 1.12 (2024), https://docs.fcc.gov/public/attachments/DOC-408848A1.pdf.

APPENDIX F

Regulatory Impact Analysis
6 GHz Third Further Notice of Proposed Rulemaking

I. EXECUTIVE SUMMARY

A. Summary

1. In the *6 GHz Third Further Notice of Proposed Rulemaking*, we propose allowing AFC systems to account for building entry loss (BEL) when determining frequency and power availability for composite indoor/standard-power access points. Consistent with prior OET waivers, AFC systems must identify these devices using FCC ID and certified equipment class information from the Commission's Equipment Authorization System before applying BEL in propagation calculations. Once confirmed, AFC systems may assume up to 6 dB BEL when providing frequency and power-level data. This change will enable higher operating power for eligible devices, improving their utility to consumers. We also propose amending our rules to allow LPI access points on cruise ships. Transmissions from inside cruise ships face significant attenuation from thick metal walls, reducing interference risk to Earth Exploration Satellite Service operations. Given the limited number of ships and thousands of passengers in confined spaces, additional spectrum for onboard unlicensed devices is proposed.

B. Table of Benefits and Costs

2. *Summary of Benefits and Costs*. We tentatively conclude that the proposed rules will yield a one-time cost savings of $4,800 from streamlining the AFC waiver application process and a recurring annual benefit of $35.6 million. The estimated present value of the benefits over a five year period is respectively, $163 million and $146 million using discount rates of 3% and 7%. We anticipate minimal costs to the public as a result of the proposed rules. We seek comment on these preliminary assessments and request that commenters provide applicable estimates with supporting data and statistics.

	One-time	Recurring (per year)	Present Value over 5 Years (3% discount)	Present Value over 5 Years (7% discount)
Benefit	$4,800	$35,600,000	$163,000,000	$146,000,000

II. NEED FOR REGULATORY ACTION

3. Regulatory action is necessary to provide clarity and consistency in how AFC systems account for building entry loss (BEL). While waiver relief has enabled some operators to incorporate BEL, relying on individual waivers creates uncertainty and inefficiencies. Updating the rules will standardize this practice, ensure accurate identification of composite indoor/standard-power access points, and allow appropriate power adjustments without compromising interference protection. These changes will improve indoor coverage, support higher data rates, and promote more efficient use of the 6 GHz band, advancing the Commission's goal of expanding unlicensed spectrum access.

4. Furthermore, regulatory action is needed to address the growing demand for reliable high-speed connectivity in the dense environments of cruise ships. Current restrictions on LPI access points aboard vessels limit available spectrum, causing congestion and degraded Wi-Fi performance in large indoor areas. Allowing LPI operation on cruise ships would alleviate these issues while posing minimal interference risk to Earth Exploration Satellite Service operations, as signals are significantly attenuated by the ships' thick metal walls and glass structures. Combined with the limited number of cruise ships, this targeted exception would enhance passenger connectivity without compromising incumbent services.

III. BACKGROUND ON 6 GHZ

5. The *6 GHz Fourth Report and Order* expands unlicensed use in the 6 GHz band.[1] This modifies the current ways unlicensed use is allowed in the 6 GHz band. In terms of licensed use, the 6 GHz band is allocated for the Fixed Service, Mobile Service, and Fixed Satellite Service (FSS) across four sub-bands.[2] 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. The Fixed Satellite Service operates in all four sub-bands except for the 7.075-7.125 GHz portion of the U-NII-8 band. Fixed Microwave is a predominant licensed service in U-NII-5, U-NII-7 and U-NII-8 bands. 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. In 2020, the Commission adopted a Report and Order and Further Notice of Proposed Rulemaking (*6 GHz First Order*) that made unlicensed operations available in the 6 GHz band (5.925-7.125 GHz).[3] Specifically, the *6 GHz First Order* adopted rules for two categories of unlicensed operations—standard-power operations and low-power indoor (LPI) operations.[4] 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*).[5] VLP devices are authorized to operate anywhere, indoors and outdoors, without being under the control of an AFC system.[6] In the Second Further Notice of Proposed Rulemaking (*6 GHz Second FNPRM*), which was 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.[7] On December 11, 2024, the Commission released a Third Report and Order (*6 GHz Third Order*) that, adopting the same technical and operational requirements previously established for VLP devices in the U-NII-5 and U-NII-7 bands, authorized VLP operation in the U-NII-6 and U-NII-8 bands.[8]

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[1] The following discussion in this section heavily references passages in the *6 GHz Fourth Report and Order. 6 GHz Fourth Report and Order*, Section II (2025).

[2] *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 Order* and reversing and remanding to address issue of whether to "reserve a sliver of the 6 GHz band for licensed mobile operation").

[3] *6 GHz First Order*.

[4] *Id*. at 3860, paras. 17-18.

[5] *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*).

[6] *See 6 GHz Second Order,* 38 FCC Rcd at 10532, 10561, paras. 18, 67.

[7] *6 GHz Second FNPRM*, 38 FCC Rcd at 10576, 10600-01, paras. 104, 173.

[8] *Unlicensed Use of the 6 GHz Band; Expanding Flexible Use in Mid-Band Spectrum Between 3.7 and 24 GHz*, Third Report and Order, ET Docket No. 18-295, GN Docket No. 17-183, 39 FCC Rcd 13901, 13908, paras. 12-13 (2024) (*6 GHz Third Order*).

IV. REGULATORY ACTION

7. This *6 GHz Third Further Notice of Proposed Rulemaking* proposes the following regulatory actions.

A. Allow AFC Systems to Account for Building Entry Loss (BEL)

8. The Commission proposes updating its rules to permit Automated Frequency Coordination (AFC) systems to incorporate BEL when determining frequency and power levels for composite indoor/standard-power access points. AFC systems would be required to verify device certification and apply up to 6 dB of BEL in propagation calculations, enabling higher indoor operating power and improving coverage and data rates.

B. Permit Low Power Indoor (LPI) Access Points on Cruise Ships

9. The Commission proposes amending its rules to allow LPI access points to operate aboard cruise ships. This change addresses Wi-Fi congestion in large indoor areas on ships and leverages the significant signal attenuation caused by thick metal walls, which minimizes interference risk to Earth Exploration Satellite Service operations. The exception would apply only to cruise ships as defined in federal regulations.

V. BENEFITS

10. We anticipate that these proposed rule changes–permitting AFC systems to account for BEL and authorizing LPI access point operation aboard cruise ships—would result in economic benefits of approximately $4,800 in one-time cost savings and $35.6 million in annual benefit to society as a whole. Eight AFC operators have filed waiver requests to incorporate BEL into their AFC system propagation models,[9] and seven of those operators have been granted waiver relief.[10] Because OET has authority to grant such waivers on an individual basis, updating our rules to align with the relief already granted would not materially alter current BEL adjustment practices. The primary impact of the proposed rule change would be creating regulatory certainty and reducing the time and resources that AFC operators and the Commission are required to devote to the waiver application and review process. To date, the Commission has conditionally approved fifteen AFC systems.[11] Excluding the seven AFC operators already granted the waivers, we estimate that up to eight additional AFC operators could benefit from the time savings associated with eliminating the need for individual waiver requests. Further, we assume that operators will rely on outside counsel to file waiver requests at the hourly rate of an attorney at $300/hour.[12] We assume that each waiver requires two hours of work by an attorney and calculate the

[9] The eight operators are the Wi-Fi Alliance, Broadcom Inc., Sony, Comsearch, C3Spectra, Federated Wireless, Qualcomm, and AXON Networks.

[10] The waiver was granted to the Wi-Fi Alliance, Broadcom, Sony, Federated Wireless, Qualcomm, Comsearch, and C3Spectra.

[11] *OET Announces Conditional Approval for 6 GHz Band Automated Frequency Coordination System*, ET Docket No. 21-352, Public Notice, 37 FCC Rcd 13071, 13071, para. 1 (OET 2022) (conditionally approving thirteen entities to operate automated frequency coordination (AFC) systems to manage access to 6 GHz band spectrum by standard-power unlicensed devices: Broadcom, Google, Comsearch, Sony Group, Kyrio, Key Bridge Wireless, Nokia Innovations, Federated Wireless, Wireless Broadband Alliance, Wi-Fi Alliance, Qualcomm, Plume Design, and RED Technologies); *OET Announces Conditional Approval Of C3spectra's 6 GHz Band Automated Frequency Coordination System And Seeks Comment On Axon Networks' Proposed AFC System*, ET Docket No. 21-352, Public Notice, 39 FCC Rcd 7040, 7040, para. 1 (OET 2024); O*ET Announces Approval Of Axon Networks' 6 GHz Band Automated Frequency Coordination System For Commercial Operation*, ET Docket No. 21-352, Public Notice, DA 25-559, at 1, para. 1 (OET June 27, 2025).

[12] Our estimated rate for attorneys ($300/hour) is based on the Commission's estimates of labor costs as represented in a 2024 Paperwork Reduction Act (PRA) analysis. International Section 214 Process and Tariff Requirements – 47 CFR Sections 63.10-63.25, 1.40001, 1.40003, OMB Control No. 3060-0686 Paperwork Reduction Act (PRA)
(continued….)

potential cost savings from reduced waiver burdens as follows: 1 attorney × $300/hour × 2 hours × 8 operators = $4,800. This estimate is conservative, as it does not account for potential cost savings resulting from reduced internal communications, including those that may require engineering input or consultation between operators and outside counsel. Based on this analysis, we believe that our proposals to streamline the waiver process will result in a one-time cost savings of approximately $4,800.

11. On the other hand, we find that permitting LPI operation on cruise ships would result in higher economic benefits by enabling cruise ship passengers to remain connected throughout their voyages in a more cost-efficient manner. We estimate that the proposed rules would contribute approximately $35.6 million in annual benefits. In 2025, approximately 19 million U.S. residents are expected to take cruise vacations,[13] with an average trip duration of approximately 7.1 days.[14] These cruise ship vacations account for approximately 0.11% of the aggregate annual American man-hours as calculated as follows: (19 million cruise ship passengers × 7.1 days)/(342 million U.S. population × 365 days) = 0.11%.[15] Based on the economic analysis cited in prior Commission orders,[16] authorizing LPI operation in 6 GHz is expected to contribute approximately $32.4 billion to the U.S. economy in 2025.[17] Assuming that cruise ship passenger-time represents 0.11% of total U.S. consumers time, we estimate the annual benefit attributable to LPI operation on board cruise ships as follows: $32.4 billion × 0.11% = $35,623,500, which we round to $35.6 million. Taken together, we expect that the proposed rules would result in a one-time benefit of approximately $4,800 from streamlining the consideration of BEL in AFC system applications and an annual benefits of approximately $35.6 million from permitting LPI device operation on board cruise ships. The estimated present value of the total benefits over a five year period is $163 million and $146 million using a 3% and 7% discount rate respectively.[18]

VI. COSTS

12. For the proposed rule permitting AFC systems to account for BEL, we anticipate that the rule will impose no additional costs on the public. While AFC operators may incur costs to reconfigure their systems to incorporate BEL into their propagation models and adjust coordination procedures accordingly, such costs would be incurred voluntarily only when operators determine that the expected

(Continued from previous page)
Supporting Statement at 10 (Mar. 2024), https://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=202404-3060-002.

[13] AAA, Record 19 million Americans Projected to Cruise This Year (Jan. 27, 2025), https://newsroom.aaa.com/2025/01/aaa-record-19-million-americans-projected-to-cruise-this-year/.

[14] CLIN, State of the Cruise Industry Report 2025 at 26 (2025), https://cruising.org/sites/default/files/2025-05/State%20of%20the%20Cruise%20Industry%20Report%202025.pdf.

[15] U.S. Census Bureau, U.S. and World Population Clock, https://www.census.gov/popclock/ (last visited July 30, 2025) (estimating the U.S. population to be approximately 342 million).

[16] *See 6 GHz First Order*, 35 FCC Rcd at 3937, para. 229 & n.601; *see also 6 GHz Second Order*, 38 FCC Rcd at 10575, para. 102 & n.42.

[17] Telecom Advisory Services, LLC, Assessing the Economic Value of Unlicensed Use in the 5.9 GHz & 6 GHz Bands at 56, tbl. 4-15 (Apr. 2020), http://wififorward.org/wp-content/uploads/2020/04/5.9-6.0-FINAL-for-distribution.pdf (estimating LPI benefits in 6 GHz band in 2025 include $6.138 billion from return to speed, $1.338 billion from consumer surplus, $10.362 billion from broader deployment of IoT, and $14.547 billion from savings in enterprise traffic, totaling $32.385 billion).

[18] Assuming the proposed rules result in $4,800 one-time cost saving in the first year, and $35.6 million annual benefit in the next five years, the net present value is approximately $163 million ($=\frac{\$4,800}{(1+3\%)^1}+\frac{\$35,600,000}{(1+3\%)^1}+\frac{\$35,600,000}{(1+3\%)^2}+\frac{\$35,600,000}{(1+3\%)^3}+\frac{\$35,600,000}{(1+3\%)^4}+\frac{\$35,600,000}{(1+3\%)^5}$ = $163,037,576 ~ $163 million) under a 3% discount rate, and $146 million under a 7% discount rate ($=\frac{\$4,800}{(1+7\%)^1}+\frac{\$35,600,000}{(1+7\%)^1}+\frac{\$35,600,000}{(1+7\%)^2}+\frac{\$35,600,000}{(1+7\%)^3}+\frac{\$35,600,000}{(1+7\%)^4}+\frac{\$35,600,000}{(1+7\%)^5}$ = $145,967,029 ~ $146 million).

benefits outweigh the associated cost. Therefore, we do not separately account for these costs, as we anticipate this proposal to be cost-neutral from a regulatory perspective. Moreover, we expect that allowing AFC systems to account for BEL will not result in harmful interference to existing licensed operations. As such, we anticipate no additional costs would be imposed on incumbent licensed users.

13. For the proposed use of LPI devices on board cruise ships, we similarly anticipate no cost to the public. While the proposed rule may stimulate consumer demand for LPI devices to be used on board cruise ships, any associated consumer expenditures are expected to be captured by device manufacturers as producer surplus. Therefore, these expenditures represent a transfer within the economy rather than a net cost, and are not included in our cost estimates. We recognize that cruise ship operators may incur costs to install LPI access points indoors for use by passengers and crew. However, such installations are entirely voluntary, and operators are expected to proceed only when the expected benefits (e.g., premiums they can charge for the use) exceed the associated costs. Accordingly, we consider this proposal to be cost-neutral from a regulatory standpoint. Based on this expectation, we do not separately quantify the costs associated with voluntary adoption of LPI access points on board cruise ships. Meanwhile, we anticipate that permitting LPI access points to operate on board cruise ships will not result in harmful interference to Earth Exploration Satellite Service operations. The expectation is based on the limited number of such ships and the substantial attenuation of indoor signals caused by the thick metal walls and internal structures of the vessels. Therefore, we tentatively conclude that the proposed rules will not incur any substantial costs.

VII. ALTERNATE POLICIES

14. An alternative is to take no regulatory action, leaving current rules unchanged. This approach would forgo all potential benefits, including improved spectrum efficiency, enhanced device performance, and consumer connectivity gains that could result from the proposed changes.

VIII. JUSTIFICATION DETERMINATION

15. The estimated benefits of the proposed rules far exceed any potential costs. Permitting AFC systems to account for building entry loss will streamline waiver processes, saving approximately $4,800 in one-time costs, while authorizing LPI access points on cruise ships is projected to generate $35.6 million in annual benefits. Over five years, the present value of these benefits ranges from $146 million to $163 million. In contrast, the anticipated costs are negligible, as system adjustments and cruise ship installations are voluntary and expected only when benefits outweigh expenses to individual stakeholders. This clear disparity demonstrates that the proposed rules deliver substantial net benefits to consumers and industry without imposing significant regulatory burdens.

IX. SMALL ENTITY IMPACTS

16. The rules proposed by the Commission in the 6 GHz Further Notice of Proposed Rulemaking should benefit small entities by giving them more options for gaining access to valuable spectrum while creating little to no risk of harmful interference to licensed incumbents sharing the 6 GHz band.[19]

17. The proposed rules reflect the Commission's efforts to balance the benefits provided to unlicensed device users with protecting incumbent operators in the 6 GHz band from harmful interference.

18. Many of the entities holding licenses for use of the 6 GHz band qualify as small entities. The Regulatory Flexibility Act of 1980, as amended (RFA),[20] generally defines the term "small entity" as

[19] This discussion of small entity impacts heavily excerpts from *6 GHz Fourth Report and Order*, Appx. C (2025).

[20] 5 U.S.C. §§ 601 *et seq*., as amended by the Small Business Regulatory Enforcement and Fairness Act (SBREFA), Pub. L. No. 104-121, 110 Stat. 847 (1996).

having the same meaning as under the Small Business Act.[21] In addition, the term "small business" has the same meaning as the term "small business concern" under the Small Business Act."[22] 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.[23]

19. Our actions, over time, may affect small entities that are not easily categorized at present. We therefore describe three broad groups of small entities that could be directly affected by our actions.[24] In general, a small business is an independent business having fewer than 500 employees.[25] Next, "small organizations" are not-for-profit enterprises that are independently owned and operated and not dominant their field.[26] Finally, "small governmental jurisdictions" are defined as cities, counties, towns, townships, villages, school districts, or special districts with populations of less than fifty thousand.[27]

20. The actions proposed in the *6 GHz Third Further Notice of Proposed Rulemaking* will apply to small entities in three six-digit industries of the North American Industry Classification System (NAICS),[28] and are identified by the corresponding SBA size standard.[29] Industries Wireless Telecommunications Carriers (except Satellite) (NAICS Code: 517122), Satellite Telecommunications (NAICS Code: 517410), and Radio Stations (NAICS Code: 516110) have 2,837 small firms, 242 small firms, and 1,879 small firms, respectively. We further note that the 2025 Universal Service Monitoring Report Telecommunications Service Provider Data reports 498 small entities in Wireless Telecommunications Carriers (except Satellite).[30]

21. The proposed rules allowing AFC systems to account for building entry loss (BEL) and to allow LPI access points on cruise ships are designed to prevent the unlicensed devices from causing harmful interference to the licensed services operating in the band. Consequently, we do not expect that the current and future licensees in the band, including small entities, would experience a significant economic impact. 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 unlicensed devices under the

[21] *Id.* § 601(6).

[22] *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."

[23] 15 U.S.C. § 632.

[24] 5 U.S.C. § 601(3)-(6).

[25] *See* SBA, Office of Advocacy, *Frequently Asked Questions About Small Business* (July 23, 2024), https://advocacy.sba.gov/wp-content/uploads/2024/12/Frequently-Asked-Questions-About-Small-Business_2024-508.pdf.

[26] 5 U.S.C. § 601(4).

[27] 5 U.S.C. § 601(5).

[28] The North American Industry Classification System (NAICS) is the standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy. *See* www.census.gov/NAICS for further details regarding the NAICS codes identified in this chart.

[29] The size standards are set forth in 13 CFR 121.201 by six-digit NAICS code. The size standard is 1,500 employees for Wireless Telecommunications Carriers (except Satellite). The size standard is $47 million in annual receipts for Satellite Telecommunications and Radio Stations.

[30] Affected Entities in this industry include all reporting wireless carriers and service providers. The size standard is 1,500 employees. Federal-State Joint Board on Universal Service, Universal Service Monitoring Report at 26, Table 1.12 (2024), https://docs.fcc.gov/public/attachments/DOC-408848A1.pdf.

proposed rules and this would provide small entities with access to valuable spectrum without the expense and inconvenience of having to obtain a license. The Commission believes that this rulemaking 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.

X. IMPACTS ON DISADVANTAGED POPULATIONS

22. Disparate impacts on disadvantaged populations such as the poor or the disabled are unlikely to occur. Benefits from expanded unlicensed spectrum will be broad-based as they will not be specific to a particular license holder. Thus, no particular population will be likely to enjoy less benefits than others. Moreover, costs are limited to those entities developing and managing new geofencing system and support devices and not private individuals. AFC system providers may incur small adjustment fees to account for BEL, but there is no reason to believe this will affect any subpopulations disproportionately. Thus, disadvantaged populations are unlikely to incur disproportionate costs.

STATEMENT OF
CHAIRMAN BRENDAN CARR

Re: *Unlicensed Use of the 6 GHz Band; Expanding Flexible Use in Mid-Band Spectrum Between 3.7 and 24 GHz*, Fourth Report and Order and Third Further Notice of Proposed Rulemaking, ET Docket No. 18-295, and GN Docket No. 17-183 (January 29, 2026).

Earlier this month, I made the annual pilgrimage to the Consumer Electronics Show in Las Vegas. And as is tradition, I eventually found a chance to duck out and stroll the bustling floor, where I admired the whiz-bang gadgets on display—robots, concept cars, paper-thin TVs, you name it. Witnessing ingenuity in action never gets old.

But perhaps one of the most consequential innovations at CES was not as exotic: the next generation of Wi-Fi. You see, at this year's show, America's tech industry debuted Wi-Fi 8 routers and chips for launch as soon as this year. This next generation of Wi-Fi will offer blazing fast speeds and massive bandwidth with more efficient power, higher throughput, and better client-to-client communications.

That is a big deal. After all, we have seen so much innovation take place across our spectrum bands—both licensed and unlicensed. And at CES, you could see unlicensed bands powering everything from AI-enabled wearables to consumer drones (American-made drones, of course).

Now, you might not have seen the FCC's own dedicated teams of engineers at CES. But they deserve a shoutout here because they are the ones who worked tirelessly to bring more unlicensed spectrum to the marketplace and to allow innovators to supercharge existing unlicensed bands.

In 2020, under the first Trump Administration, Chairman Ajit Pai recognized that we faced an acute shortage of unlicensed spectrum as American companies were busy building a new generation of consumer devices. So, the FCC went big and opened up 1,200 megahertz in the 6 GHz band for unlicensed use. Consumers across America now benefit from a better Wi-Fi experience.

Today, we build on that foundation and offer more flexibility to support future innovations in the 6 GHz band. We create a new class of devices known as geofenced variable power devices (a name that just rolls right off the tongue). These devices can operate at higher power and—unlike previous device categories—can be used both indoors and outdoors. With these devices, we are finally filling an important gap left open by our previous decisions. To make it possible, we will use geofencing to protect incumbent users from interference.

With higher power and outdoor mobility, expect more compelling AR/VR, short-range hotspots, automation, and navigation. And importantly, we keep the 6 GHz band moving forward as a platform for America's wireless leadership and technological dynamism. Our consumers, our economy, and our innovators will be better off for it.

President Trump has been clear that the Administration is working successfully to unleash America's technological leadership. And today's FCC decision marks another win in this broader effort.

For their work on this item, I would like to thank Andrew Hendrickson, Nicholas Oros, Michael Ha, Bahman Badipour, Aole Wilkinsel, Aniqa Tahsin, and Matthew Miller at the Office of Engineering and Technology and Keith McCrickard from the Office of General Counsel and Aleks Yankelevich, Cher Li, and Patrick Sun from the Office of Economics & Analytics.

STATEMENT OF
COMMISSIONER OLIVIA TRUSTY

Re: *Unlicensed Use of the 6 GHz Band; Expanding Flexible Use in Mid-Band Spectrum Between 3.7 and 24 GHz*, Fourth Report and Order and Third Further Notice of Proposed Rulemaking, ET Docket No. 18-295, and GN Docket No. 17-183 (January 29, 2026).

United States leadership in spectrum innovation requires a balanced spectrum policy that recognizes the importance of both licensed and unlicensed operations. I'm pleased to support today's Fourth Report and Order because it will enhance the value of the 6 GHz band and reinforce U.S. leadership in next generation technologies.

Unlicensed innovation is rapidly expanding into applications that demand low latency, high throughput, and reliable indoor connectivity. Among other things, these applications could include Augmented Reality glasses supporting remote collaboration; immersive training tools for first responders and industrial workers; or wearable devices that monitor health, fitness, and environmental conditions in real time. By authorizing geofenced variable power, or GVP, devices, the Commission enables these technologies to scale and meet growing consumer demand, while maintaining appropriate protections for incumbent users. Importantly, while the 6 GHz band offers significant promise for wearable and other emerging use cases, this item appropriately takes a technology-neutral approach that leaves room for future innovations we cannot yet predict.

The Further Notice of Proposed Rulemaking builds on this progress by proposing additional opportunities for unlicensed use in the 6 GHz band. Specifically, it seeks comment on allowing certain devices to operate at higher power under defined conditions, which could improve indoor coverage and deliver greater benefits to American consumers. The FNPRM also explores expanding connectivity at sea by proposing rule changes to permit low-power indoor access points on cruise ships. Together, these proposals move us closer to our shared goal of universal connectivity, ensuring that advanced wireless capabilities are available wherever Americans live, work, or travel.

I thank the staff of the Office of Engineering and Technology for their work on this item.

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

In the Matter of	)	
	)	
Protecting Our Communications Networks by Promoting Transparency Regarding Foreign Adversary Control	)	GN Docket No. 25-166
	)	
	)	

REPORT AND ORDER

Adopted: January 29, 2026 **Released: January 30, 2026**

By the Commission: Chairman Carr and Commissioner Trusty issuing separate statements.

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I. INTRODUCTION

1. To strengthen the security of U.S. communications networks, we adopt new attestation and disclosure requirements that will enhance our ability to assess and respond to emerging threats from foreign adversaries. We tailor these requirements to balance national security concerns against the burden on licensees, authorization holders, and other regulated entities subject to compliance. In today's *Report and Order*, we categorize licenses, authorizations, and other Commission approvals into groups, each subject to different attestation and disclosure requirements based on risk to national security of Foreign Adversary Control.[1] We then set forth the information to be collected for each group, method of collection, and, subject to statutory exceptions, a streamlined process for revocation for non-compliance. This framework builds on prior action taken to protect our communications networks and will provide the Commission with a more comprehensive and systematic view of threats posed by foreign adversaries.

2. We expect that this information will improve our situational awareness and allow the Commission to develop approaches to eliminate or mitigate national security threats from foreign adversaries. Transparency into whether and to what extent such foreign adversaries hold interests in Commission licensees, authorization holders, permit holders, and holders of other approvals will allow relevant stakeholders, including the public and the communications industry, as well as our law enforcement partners, to assess the national security risks associated with such foreign adversaries.

II. BACKGROUND

3. U.S. communications networks face significant threats from foreign adversaries and entities with ties to foreign adversaries.[2] In recent years, such entities have engaged in widespread and coordinated efforts to exploit, attack, and otherwise compromise the integrity of communications networks. For example, in December 2024, a top U.S. security agency confirmed reports that state-sponsored Chinese foreign actors "infiltrated at least eight U.S. communications companies, compromising sensitive systems and exposing vulnerabilities in critical telecommunications infrastructure."[3] The risks of Foreign Adversary Control also extend to broadcasters and other entities that do not provide two-way communications services (such as some multichannel video programming distributors), both in terms of securing the equipment used to send emergency alerts[4] and influencing the distribution of programming.[5] Although specific risks to different types of licenses and authorizations

[1] *See infra* note 50.

[2] *See* 15 CFR §§ 791.2, 791.4.

[3] FCC, *Fact Sheet: Implications of Salt Typhoon Attack and FCC Response* (Dec. 5, 2024).

[4] *Public Safety and Homeland Security Bureau Reminds Broadcasters to Ensure They Comply with Best Practices to Prevent Cyberattacks*, Public Notice, DA 25-996 (Nov. 26, 2025).

[5] *See Sponsorship Identification Requirements for Foreign Gov't-Provided Programming*, Report and Order, 36 FCC Rcd 7702, 7734-35, para. 69 (2021), *subsequent history omitted* ("As discussed above and at length in the *NPRM*, the government has a compelling interest in ensuring that the public is aware of when a party has sponsored content on a broadcast station. We find that interest is even more important when a foreign governmental entity is involved in the sponsorship of the programming material, and that transparency to American audiences as to the sponsorship of such programming is a compelling interest."); *id.* at n.15 ("As set forth in the *NPRM*, complete and accurate disclosure regarding the source of programming is critical to allowing audiences to determine the reliability and credibility of the information they receive."); *Commission Policies and Procedures under Section 310(b)(4) of the Communications Act, Foreign Investment in Broadcast Licensees*, Declaratory Ruling, 28 FCC Rcd 16244, 16244, para. 2 (2013) (*Broadcasting Foreign Investment Declaratory Ruling*) (noting that the statutory foreign ownership limitations of 47 U.S.C. § 310(b) were meant to "thwart the airing of foreign propaganda on broadcast stations"); *id.* at 16245-46, para. 3 ("The Commission's approach to the benchmark for foreign investments in broadcast licensees has reflected 'heightened concern for foreign influence over or control of [broadcast] licensees which exercise editorial discretion over the content of their transmissions.'"); *Request for Declaratory Ruling Concerning the Citizenship Requirements of Section 310(b)(3) and (4) of the Communications Act of 1934, as amended*, Declaratory Ruling, 103 F.C.C.2d 511, 516-17 (1985) (*Section 310 Citizenship Requirements Declaratory*

(continued….)

may vary, we find generally that Foreign Adversary Control of entities that hold Commission licenses or authorizations could potentially raise significant national security risks by providing opportunities for foreign adversary governments to access, disrupt, and/or misroute U.S. communications, which in turn allows them to engage in espionage and other harmful activities against the United States. For example, misuse of broadcast or wireless equipment by foreign adversaries could result in public mayhem from false emergency alerts, public safety risks if emergency alerts were deliberately suppressed, or disruption of Presidential messages.[6]

4. The U.S. Government has undertaken multiple steps to mitigate threats to national security, through actions to safeguard military operations,[7] implement export controls and other supply chain protections,[8] and improve cybersecurity and research security by restricting foreign adversarial

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Ruling) (stating that "[s]ection 310(b) reflects the broader purpose of 'safeguard[ing] the United States from foreign influence' in the field of broadcasting").

[6] *See, e.g.*, Stefanie Schappert, *Hackers Hijack US Radio Stations, Listeners Subjected to "Obscene" Messages, Fake Alerts*, Cybernews (Nov. 26, 2025), https://cybernews.com/security/us-radio-stations-hackers-play-obscene-messages-fake-emergency-alerts; Leslie Stimson, *Next Fake EAS Alert Could Be More Malicious, Warns NAB*, Radioworld (Dec. 17, 2014), https://www.radioworld.com/news-and-business/next-fake-eas-alert-could-be-more-malicious-warns-nab; Adam Clark Estes, *Hacking the Emergency Alert System Is Funny Until It's Not*, Atlantic (Feb. 11, 2013), https://www.theatlantic.com/technology/2013/02/hacking-emergency-alert-system-funny-until-its-not/318467; *see also Amendment of Part 11 of the Commission's Rules Regarding the Emergency Alert System*; *Wireless Emergency Alerts*; *Protecting the Nation's Communications Systems from Cybersecurity Threats*, PS Docket Nos. 15-94, 15-91, 22-329, Notice of Proposed Rulemaking, 37 FCC Rcd 12932, 12934-35, para. 4 (2022) (describing "several incidents that raise concerns about the security of the EAS").

[7] *See, e.g.*, National Defense Authorization Act for Fiscal Year 2016, Pub. L. No. 114-92, 129 Stat. 726, 1118 (2015) (FY2016 NDAA) (requiring war games to assess U.S. Cyber Command's ability to counter cyber threats and large-scale attacks by foreign adversaries); John S. McCain National Defense Authorization Act for Fiscal Year 2019, Pub. L. 115-232, 132 Stat. 1636, 1905 (2018) (FY2019 NDAA) (establishing restrictions on military engagement with certain foreign nations and enhancing cybersecurity in defense operations); Consolidated Appropriations Act, 2021, Pub. L. No. 116-260, 134 Stat. 1182 (2020) (imposing limitations on funding military assistance to certain foreign governments); William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, Pub. L. No. 116-283, 134 Stat. 3388 (2021) (FY2021 NDAA) (directing the Department of Defense to assess and refine cyber strategy for military operations and counter-campaigns); Consolidated Appropriations Act, 2022, Pub. L. No. 117-103, 136 Stat. 49, 1026 (2022) (analyzing gray zone military tactics, including cyber warfare, information operations, and unconventional military threats); James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, Pub. L. No. 117-263, 136 Stat. 2395, 2562 (2022) (FY2023 NDAA) (providing classified briefings on military cooperation between foreign governments and adversarial regimes, including involvement in unconventional warfare); 50 U.S.C. § 3369d (expanding the scope of the Committee to Counter Active Measures to address foreign military influence and adversarial operations); 10 U.S.C. § 394 (mandating a comprehensive list of countries of concern for military operations and national security strategy); *id.* § 989 (restricting employment of former military personnel with foreign governments or entities of concern); 31 CFR § 2.2(f) (outlining restrictions on military-related national security risks posed by foreign adversaries).

[8] *See, e.g.*, FY2019 NDAA, 132 Stat. at 1905 (implementing restrictions on defense-related supply chains and banned procurement from certain foreign sources); FY2021 NDAA, 134 Stat. at 3388 (assessing vulnerabilities in military and national security-related supply chains and identified countermeasures); CHIPS Act of 2022, Pub. L. No. 117-167, 136 Stat. 1366 (2022) (establishing a process for reviewing and restricting membership in U.S. manufacturing institutes by foreign entities to protect supply chain security); FY2023 NDAA, 136 Stat. at 2562 (analyzing foreign efforts to evade sanctions and restrictions on supply chains and trade flows); Consolidated Appropriations Act, 2023, Pub. L. No. 117-328, 136 Stat. 4459 (2022) (requiring identification and assessment of supply chain risks posed by foreign agencies and affiliated entities); 10 U.S.C. § 394 (mandating an evaluation of supply chain risks linked to foreign countries of concern and their impact on national security); 15 U.S.C. § 4651 (defining foreign countries and entities of concern for supply chain security and restricted transactions with those entities); *id.* § 4652 (prohibiting certain supply chain transactions involving foreign adversaries for entities receiving
(continued….)

access to sensitive data and emerging technologies.[9] For instance, the National Defense Authorization Act (NDAA) of 2018 prohibits the Department of Defense from entering into a satellite-related contract with a foreign entity if the Defense Secretary reasonably believes such entity is controlled by a foreign adversary.[10] Section 889 of the FY2019 NDAA enacted broader prohibitions against the federal government entering into or renewing contracts that include "covered equipment or services."[11]

5. In May 2019, President Donald Trump issued Executive Order 13873, entitled "Securing the Information and Communications Technology and Services [ICTS] Supply Chain," declaring a national emergency in response to the "unusual and extraordinary" threat posed by our foreign adversaries exploiting vulnerabilities in the ICTS supply chain, and prohibiting U.S. persons from engaging in certain ICTS transactions with foreign adversaries.[12] In March 2020, the Secure and Trusted Communications Networks Act of 2019 (Secure Networks Act) was enacted, which among other things, mandates that the Commission publish and maintain a list of communications equipment and services (the Covered List) that agencies with national security responsibilities have determined pose an unacceptable risk to the

(Continued from previous page)
federal financial assistance); 42 U.S.C. § 19040 (requiring disclosure of financial interests and supply chain dependencies involving foreign entities of concern); 50 U.S.C. § 4811 (imposing export controls on foreign adversaries to mitigate national security threats); *id.* § 4565 (regulating foreign investments and transactions involving critical industries); 41 U.S.C. § 4713 (granting executive agencies authority to mitigate supply chain risks in procurement, particularly related to adversarial nations); 49 U.S.C. § 20171 (restricting the use of foreign-manufactured components in U.S. railroad freight cars for national security reasons); 10 U.S.C. § 4872(d)(2) (restricting acquisition of sensitive materials for "covered nations"); *id.* § 4875(d)(2) (same for personal protective equipment and other items); 42 U.S.C. § 18741(a)(5)(C) (limiting battery processing and manufacturing tax credits to entities under the control of countries of concern); *id.* § 18743(a)(5)(C) (same for critical minerals mining and recycling research tax credits); *id.* § 19221(a)(2)(C) (requiring the role of "foreign countr[ies] of concern" to be included in a report on the nation's economic security, science, research, and innovation to support the national security strategy).

[9] *See, e.g.*, FY2021 NDAA, 134 Stat. at 3751-53 (Department of Defense cybersecurity strategy review); FY2022 NDAA, 136 Stat. at 1026 (foreign cyber and disinformation tactics); FY2023 NDAA, 136 Stat. at 2562 (foreign adversary cybersecurity threats); 6 U.S.C. § 188 (defining "countries of concern" for research); 10 U.S.C. § 394 (cybersecurity risk assessment); 15 CFR § 7.4 (2024) (designating foreign cyber threats); 28 CFR § 202.209 (defining "country of concern" for data security); 31 CFR § 2.2(f) (foreign entities in cyber intrusions); 42 U.S.C. § 18743 (limiting foreign participation in research); *id.* § 18912 (restricting funding to adversarial entities); *id.* § 19040 (disclosure of foreign collaborations); *id.* § 19221 (defining "foreign entities of concern"); *id.* § 6627 (banning research on pandemic pathogens abroad); 50 U.S.C. § 2367 (foreign cyber threat reporting); *id.* § 3241 (intelligence reports on biological threats); *id.* § 4811 (export controls on cybersecurity technology); Protecting Americans from Foreign Adversary Controlled Applications Act, Pub. L. 118-50, div. H, § 2(g)(2), 138 Stat. 895, 959 (2024) (codified at 15 U.S.C. § 9901) (restricting the ability of certain entities controlled by foreign adversaries to operate social media companies in the U.S.); Protecting Americans' Data from Foreign Adversaries Act of 2024, Pub. L. 118-50, div. I, § 2(c)(4), 138 Stat. 895, 961 (2024) (codified at 15 U.S.C. § 9901(c)(2)) (restricting transfer of personally identifiable sensitive data on U.S. persons to foreign adversaries).

[10] *See* National Defense Authorization Act for Fiscal Year 2018, Pub. L. 115-91, 131 Stat. 1283, 1722 § 1603 (2017) (amending 10 U.S.C. § 2279(a)) (FY2018 NDAA); 10 U.S.C. § 2279(f)(1) (defining "covered foreign country" to mean (A) "[a] country described in section 1261(c)(2) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239; 126 Stat. 2019)" (namely, the People's Republic of China, North Korea, and any country that is a state sponsor of terrorism), and (B) the Russian Federation).

[11] FY2019 NDAA, 132 Stat. at 1917 § 889(a)(1)(A)-(B); *see id.* at 1918 § 889(f)(2) (defining "covered foreign country" to mean the People's Republic of China).

[12] Exec. Order No. 13,873, 84 Fed. Reg. 22689 (May 15, 2019); *see also id.* at § 2(b) ("Rules and regulations issued pursuant to this order may, among other things, determine that particular countries or persons are foreign adversaries for the purposes of this order"); *see id.* at § 3(b) (defining the term "foreign adversary" to mean "any foreign government or foreign non-government person engaged in a long-term pattern or serious instances of conduct significantly adverse to the national security of the United States or security and safety of United States persons").

national security of the United States or the security of U.S. persons.[13] The Secure Networks Act was followed by the Secure Equipment Act of 2021, which directs the Commission not to review or approve any equipment authorization application for equipment that is on the Covered List.[14]

6. In February 2025, President Trump issued a memorandum announcing the America First Investment Policy which, among other things, states that "[e]conomic security is national security," discusses the need to limit certain investments in strategic sectors by the six foreign adversaries named above.[15] The March 2025 Annual Threat Assessment of the U.S. Intelligence Community also identifies foreign adversaries as cyberthreats to critical infrastructure.[16] Federal agencies have also issued warnings concerning attacks and infiltration of U.S. communications networks by various of these foreign adversaries.[17]

7. Congress has also taken initial legislative steps to address the risks of foreign adversary ownership or control of entities holding licenses and authorizations granted by the Commission. Late last year, the U.S. House of Representatives passed the Foreign Adversary Communications Transparency (FACT) Act and the U.S. Senate passed the companion version of the legislation.[18] The FACT Act would direct the Commission to publish and maintain a list of entities that hold a license issued by the Commission and (1) in which a covered entity holds an equity or voting interest that is required to be reported to the Commission under the Commission's ownership rules, or (2) that are controlled by a covered entity as determined by an appropriate national security agency.[19] For purposes of this legislation, covered entities would include: (1) the government of North Korea, China, Russia, or Iran; (2) entities organized under the laws of those countries; and (3) subsidiaries of those entities.[20]

8. As part of the Commission's continuing efforts to promote national security and support law enforcement, the Commission has taken action under its existing authorities to address the present

[13] Secure and Trusted Communications Networks Act of 2019, Pub. L. No. 116-124, 133 Stat. 158 (2020) (codified as amended at 47 U.S.C. §§ 1601–1609) (Secure Networks Act).

[14] Secure Equipment Act of 2021, Pub. L. No. 117-55, 133 Stat. 423 (2021).

[15] Memorandum on America First Investment Policy, 2025 Daily Comp. Pres. Doc. 292 § 4 (Feb. 21, 2025) (*America First Investment Policy Memo*) ("Certain foreign adversaries, including . . . China . . . , systematically direct and facilitate investment in United States companies and assets to obtain cutting-edge technologies, intellectual property, and leverage in strategic industries."); 15 CFR § 791.4.

[16] Office of the Director of National Intelligence, Annual Threat Assessment of the U.S. Intelligence Community at 11 (2025), https://www.dni.gov/files/ODNI/documents/assessments/ATA-2025-Unclassified-Report.pdf. The Threat Assessment identifies China as "the most active and persistent cyber threat to U.S. government, private-sector, and critical infrastructure networks." *Id.* It also emphasizes China's "campaign to preposition access on critical infrastructure for attacks during crisis or conflict, tracked publicly as Volt Typhoon, and its more recently identified compromise of U.S. telecommunications infrastructure, . . . referred to as Salt Typhoon." *Id.*

[17] *See* CISA, *Russian Military Cyber Actors Target U.S. and Global Critical Infrastructure* (Sep. 5, 2024), https://www.cisa.gov/sites/default/files/2024-09/aa24-249a-russian-military-cyber-actors-target-us-and-global-critical-infrastructure.pdf; CISA, *IRGC-Affiliated Cyber Actors Exploit PLCs in Multiple Sectors, Including US Water and Wastewater Systems Facilities* (Dec. 18, 2024), https://www.cisa.gov/sites/default/files/2024-12/aa23-335a-irgc-affiliated-cyber-actors-exploit-plcs-in-multiple-sectors.pdf; 15 CFR § 791.4.

[18] *See* Foreign Adversary Communications Transparency Act, H.R. 906, 119th Cong. § 2(a) (2025) (H.R. 906); Foreign Adversary Communications Transparency Act, S. 259, 119th Cong. § 2(b) (2025) (S. 259; received in the House).

[19] H.R. 906, § 2(a), (e); S. 259, § 2(a), (b).

[20] H.R. 906, § 2(e)(3)-(4) (defining the term "covered entity" to include "the government of a covered country," and defining the term "covered country" to signify a country specified in 10 U.S.C. § 4872(f)(2)); S. 259, § 2(a)(3)-(4) (defining the term "covered entity" to include "the government of a covered country," and defining the term "covered country" to signify a country specified in 10 U.S.C. § 4872(f)(2)); *see* 10 U.S.C. § 4872(f)(2).

and persistent threat that foreign adversaries pose from within the nation's communications networks to the extent that they act through surrogate companies that they "own or control" and that hold licenses, authorizations, and other permissions granted by the Commission.[21] The attestation and disclosure requirements adopted in this *Report and Order* are the latest of several actions taken to protect U.S. communications networks and supply chains from threats posed by entities with ties to foreign adversaries. Previously, the Commission denied an application for international section 214 authority[22] and revoked, and in certain cases terminated for failure to satisfy conditions, the domestic and international section 214 authority of carriers ultimately majority-owned and controlled by the Chinese government.[23] In these actions, the Commission found that these entities are subject to exploitation, influence, and control by the Chinese government, and that mitigation would not address the national security and law enforcement concerns.[24] In addition, the Commission has maintained and published the Covered List pursuant to the Secure Networks Act, and revised its equipment authorization program to prohibit authorization of equipment identified on the Covered List as posing an unacceptable risk to

[21] Two of the key responsibilities of the Commission, as outlined in section 1 of the Communications Act of 1934, as amended (the Act), are "national defense" and "promoting the safety of life and property through the use of wire and radio communication." 47 U.S.C. § 151. Section 310(a) of the Act prohibits any radio license from being granted to or held by any foreign government or a representative thereof. *See id.* § 310(a). Section 310(b) of the Act restricts the extent to which foreign governments, entities, and individuals may hold ownership interests in any broadcast, common carrier, or aeronautical en route or aeronautical fixed radio station license, including through ownership of U.S. corporations. *See id*. § 310(b).

[22] *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*, File No. ITC-214-20110901-00289, Memorandum Opinion and Order, 34 FCC Rcd 3361-62, 3365-66, 3376-77, 3380, paras. 1, 6, 8, 31-33, 38 (2019) (*China Mobile USA Order*).

[23] *See China Telecom (Americas) Corporation*, GN Docket No. 20-109, File Nos. ITC-214-20010613-00346, ITC-214-20020716-00371, ITC-T/C-20070725-00285, Order on Revocation and Termination, 36 FCC Rcd 15966, 15966-68, 15974, 15992-16030, paras. 1-3, 9, 44-99 (2021) (*China Telecom Americas Revocation Order*), *aff'd*, *China Telecom (Americas) Corp. v. FCC*, 57 F.4th 256 (D.C. Cir. 2022); *China Unicom (Americas) Operations Limited*, GN Docket No. 20-110, File Nos. ITC-214-20020728-00361, ITC-214-20020724-00427, Order on Revocation, 37 FCC Rcd 1480, 1480-81, 1489-90, 1508-55, paras. 1-3, 16, 49-110 (2022) (*China Unicom Americas Revocation Order*), *aff'd*, *China Unicom (Americas) Operations Ltd. v. FCC*, 124 F.4th 1128 (9th Cir. 2024); *Pacific Networks Corp. and ComNet (USA) LLC*, GN Docket No. 20-111, File Nos. ITC-214-20090105-00006, ITC-214-20090424-00199, Order on Revocation and Termination, 37 FCC Rcd 4220, 4220-22, 4232-33, 4251-4314, paras. 1-3, 14, 44-113 (2022) (*Pacific Networks/ComNet Revocation Order*), *aff'd*, *Pac. Networks Corp. v. FCC*, 77 F.4th 1160 (D.C. Cir. 2023).

[24] In the *China Telecom Americas Revocation Order*, *China Unicom Americas Revocation Order*, and *Pacific Networks/ComNet Revocation Order*, the Commission also found that the significant national security and law enforcement risks associated with those entities' retention of their section 214 authority "pose a clear and imminent threat to the security of the United States," including "numerous opportunities to access, monitor, store, disrupt, and/or misroute U.S. communications in ways that are not authorized and that can facilitate espionage and other activities harmful to U.S. national security and law enforcement interests." *See China Telecom Americas Revocation Order*, 36 FCC Rcd at 16008, para. 65; *China Unicom Americas Revocation Order*, 37 FCC Rcd at 1530, para. 74; *Pacific Networks/ComNet Revocation Order*, 37 FCC Rcd at 4287, para. 74. The Commission found, among other things, that "the record raises serious and unacceptable concerns that the Chinese government can, for example, direct or otherwise influence" those entities "to act on opportunities presented by their access to U.S. telecommunications infrastructure and U.S. customer information." *China Telecom Americas Revocation Order*, 36 FCC Rcd at 16008, para. 65; *China Unicom Americas Revocation Order*, 37 FCC Rcd at 1530, para. 74; *Pacific Networks/ComNet Revocation Order*, 37 FCC Rcd at 4287, para. 74.

national security of the United States or the security or safety of U.S. persons and generally prohibited the marketing and importation of such equipment in the United States.[25]

9. The Commission has also taken action to obtain additional information regarding foreign adversary ownership of select Commission authorizations. The *Evolving Risks Order* required, in part, that all international section 214 authorization holders respond to a one-time information collection to update the Commission's records regarding their foreign ownership, including foreign adversary ownership, given the Commission had incomplete and outdated information.[26] The Commission stated that this information would assist the Commission in developing a timely and effective process for prioritizing the review of international section 214 authorizations that are most likely to raise national security, law enforcement, foreign policy, or trade policy concerns.[27] In 2023, the Commission adopted rules requiring interconnected Voice over Internet Protocol (VoIP) applicants for direct access authorizations to disclose foreign ownership information.[28] While the rules adopted in 2023 only applied to new applicants, the Commission recently updated the rules to apply the same public safety and national security disclosure requirements to direct access authorization holders whose authorizations predate the adoption of the 2023 rules.[29]

10. The Commission has accelerated actions to protect national security under the leadership of the Chairman's Council on National Security, which serves to leverage the full range of the Commission's regulatory, investigatory, and enforcement authorities in order to promote U.S. national security and counter the threats posed by our foreign adversaries.[30] In May 2025, the Commission adopted rules to help ensure that the telecommunications certification bodies (TCBs), measurement facilities (test labs), and laboratory accreditation bodies that participate in our equipment authorization program are not subject to ownership, direction, or control by untrustworthy actors that pose a risk to national security, including entities listed as foreign adversaries by the Executive Branch, including China.[31] In September 2025, we began proceedings to withdraw recognition of these "bad labs."[32] We

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[25] *See Protecting Against National Security Threats to the Communications Supply Chain through the Equipment Authorization Program et al.*, ET Docket No. 21-232 et al., Report and Order, Order, and Further Notice of Proposed Rulemaking, 37 FCC Rcd 13493 (2022) (*Equipment Authorization Security Order* or *Equipment Authorization Security Order Further Notice*) (establishing the Covered List). This action was initiated on the Commission's independent regulatory authority but was later mandated by the Secure Equipment Act of 2021. Secure Equipment Act of 2021, Pub. L. No. 117-55, 135 Stat. 423 (codified at 47 U.S.C. § 1601).

[26] *Review of International Section 214 Authorizations to Assess Evolving National Security, Law Enforcement, Foreign Policy, and Trade Policy Risks et al.*; *Amendment of the Schedule of Application Fees Set Forth in Sections 1.1102 through 1.1109 of the Commission's Rules*, IB Docket No. 23-119, MD Docket No. 23-134, Order and Notice of Proposed Rulemaking, 38 FCC Rcd 4346, 4359-62, paras. 1, 16-23 (2023) (*Evolving Risks Order* or *Evolving Risks Notice*); *see id.* at 4361, para. 20.

[27] *Id.* at 4359, para. 16.

[28] *See Numbering Policies for Modern Communications et al.*, WC Docket Nos. 13-97 et al., Second Report and Order and Second Further Notice of Proposed Rulemaking, 38 FCC Rcd 8951 (2023) (*VoIP Direct Access Second Report and Order and Second Further Notice*). The Commission concluded that the disclosure requirements were necessary because "[a]llowing [VoIP providers with foreign ownership or control] direct access to numbers and critical numbering databases raises . . . potential national security and law enforcement risks with access to U.S. telecommunications network operations." *Id.* at 8963, para. 19.

[29] *See Numbering Policies for Modern Communications et al.*, WC Docket No. 13-97 et al., Third Report and Order and Third Further Notice of Proposed Rulemaking, FCC 25-86 (Dec. 19, 2025) (*VoIP Direct Access Third Report and Order* or *VoIP Direct Access Third Further Notice*).

[30] Press Release, FCC, Chairman Carr Establishes New Council on National Security Within Agency (Mar. 13, 2025), https://docs.fcc.gov/public/attachments/DOC-410155A1.pdf.

[31] *See generally Promoting the Integrity and Security of Telecommunications Certification Bodies, Measurement Facilities, and the Equipment Authorization Program*, ET Docket No. 24-136, Report and Order and Further Notice (continued….)

are investigating the continued U.S. operations of Chinese Communist Party (CCP)-aligned businesses whose equipment or services are on the Covered List.[33]

11. In August 2025, the Commission took action to protect the security, integrity, and resilience of submarine cable systems by targeting foreign adversary threats to this critical U.S. communications infrastructure.[34] The *Submarine Cable Report and Order* adopted a presumption that a foreign adversary applicant is not qualified to hold a cable landing license unless the applicant overcomes the adverse presumption.[35] We adopted a condition prohibiting cable landing licensees from entering into a new, or extending an existing, arrangement for Indefeasible Rights of Use (IRU) or leases for capacity where such arrangements would give a foreign adversary entity the ability to install, own, or manage Submarine Line Terminal Equipment (SLTE) on a submarine cable landing in the United States.[36] In the *Submarine Cable Further Notice*, we proposed to build upon these efforts to prevent national security risks from current and potential foreign adversaries, while encouraging the use of trusted technology and measures to further accelerate the buildout of submarine cables.[37] For example, we sought comment on whether to require an applicant to certify, as a condition of the potential grant of an application, that it will not use any equipment in the operation of the submarine cable system that is produced by a foreign adversary entity[38] and proposed to adopt a routine condition prohibiting the use of certain third-party service providers, including foreign adversary entities.[39]

12. In October 2025, we addressed security vulnerabilities in electronic equipment marketed in the United States by closing two potential loopholes in our equipment authorization program and proposing to extend our equipment security rules to a larger class of foreign adversary-controlled

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of Proposed Rulemaking, 40 FCC Rcd 3616 (2025) (*Equipment Authorization Integrity Order* or *Equipment Authorization Integrity Further Notice*).

[32] *Equipment Authorization Integrity Order and Further Notice*; *see* Press Release, FCC, FCC Takes Action on "Bad Labs" Apparently Controlled By China (Sept. 8, 2025), https://docs.fcc.gov/public/attachments/DOC-414369A1.pdf; Press Release, FCC Denies Second Batch of "Bad Labs" Controlled By China (Sept. 26, 2025), https://docs.fcc.gov/public/attachments/DOC-414863A1.pdf.

[33] Press Release, FCC, Carr Announces Sweeping New Investigation into CCP-Aligned Entities (Mar. 21, 2025), https://docs.fcc.gov/public/attachments/DOC-410318A1.pdf.

[34] *See generally Review of Submarine Cable Landing License Rules and Procedures to Assess Evolving National Security, Law Enforcement, Foreign Policy, and Trade Policy Risks*; *Amendment of the Schedule of Application Fees Set Forth in Sections 1.1102 through 1.1109 of the Commission's Rules*, OI Docket No. 24-523 and MD Docket No. 24-524, Report and Order and Further Notice of Proposed Rulemaking, 40 FCC Rcd 6481 (2025) (*Submarine Cable Report and Order* or *Submarine Cable Further Notice*); *corrected by* Erratum, https://docs.fcc.gov/public/attachments/DOC-414544A1.pdf (OIA and OMD, rel. Sep. 16, 2025); *corrected by* Second Erratum, https://docs.fcc.gov/public/attachments/DOC-415107A1.pdf (OIA and OMD, rel. Oct. 24, 2025).

[35] *Id.* at 6497-98-, paras. 30-31; id. at 6484, para. 4 ("Specifically, we adopt a presumption that will preclude the grant of applications filed by any entity owned by, controlled by, or subject to the jurisdiction or direction of a foreign adversary; any entity identified on the Commission's 'Covered List'; and/or any entity whose authorization, license, or other Commission approval, whether or not related to operation of a submarine cable, was denied or revoked and/or terminated or is denied or revoked and/or terminated in the future on national security and law enforcement grounds, as well as the current and future affiliates or subsidiaries of any such entity.").

[36] *Id.* at 6485, para. 4. We also adopted rules requiring applicants to certify that they have created and will implement and update a cybersecurity and physical security risk management plan, and that they comply with Covered List requirements. *Id.* at 6539, 6540-53-, paras. 102, 105-135.

[37] *Id.* at 6486, para. 8.

[38] *Submarine Cable Further Notice*, 40 FCC Rcd at 6600, para. 263.

[39] *Id.* at 6601-02, para. 265.

devices.[40] The Office of International Affairs, Wireline Competition Bureau, and Enforcement Bureau issued an Order to Show Cause directing HKT (International) Limited (HKT) and its wholly owned subsidiaries to demonstrate why the Commission should not initiate a proceeding to revoke their domestic section 214 authority and revoke and terminate HKT's international section 214 authority.[41] Also, the Public Safety and Homeland Security Bureau, in coordination with the Chairman's Council on National Security, released a *National Security Advisory* reiterating that communications equipment and services on the Covered List have been determined to pose unacceptable risks to the national security of the United States and its citizens.[42] Most of the equipment and services identified in the *National Security Advisory* are closely tied to foreign adversaries.[43]

13. Today's action builds upon these efforts—and prior steps in this proceeding—to safeguard America's networks and promote national security. In May 2025, the Commission adopted the *Foreign Adversary Control Notice of Proposed Rulemaking* (*Notice*) that proposed collecting information to "fill gaps in the Commission's existing rules and give the Commission, and the public, a new and comprehensive view of threats from foreign adversaries in the communications sector."[44] The *Notice* proposed to apply reporting "requirements on entities holding every type of license, permit, or authorization" and sought comment on the "scope, requirements, and implementation of the . . . information collection."[45] In this *Report and Order*, we adopt the proposals set out in the *Notice*, with modifications discussed herein, and pursuant to the legal authorities discussed in the *Notice*,[46] which generally were not challenged in the record except as discussed herein.

III. DISCUSSION

A. Scope of the Information Collection

14. In this section, we set forth the scope of licenses, leases, authorizations, permits, grants, and other approvals subject to the attestation and disclosure requirements (reporting requirements) we adopt in this *Report and Order*. For the purposes of regulatory consistency, we use the Commission's preexisting definitions of an individual or entity "owned by, controlled by, or subject to the jurisdiction or direction of a foreign adversary,"[47] "foreign adversary,"[48] and "foreign adversary country"[49] to govern the scope of individuals and entities which are subject to our Foreign Adversary Control rules.[50] We then

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[40] Press Release, FCC, FCC Approves New Safeguards Against Untrustworthy Gear (Oct. 28, 2025), https://docs.fcc.gov/public/attachments/DOC-415131A1.pdf;

[41] *HKT (International) Limited et al.*, GN Docket No. 25-308 et al., Order to Show Cause, DA 25-928 (OIA, WCB, EB Oct. 15, 2025).

[42] *Reminder: Communications Equipment and Services on the Covered List Pose an Unacceptable Risk to National Security*, WC Docket No. 18-89 et al., Public Notice and National Security Advisory No. 2025-01, 40 FCC Rcd 3730, 3731, para. 1 (PSHSB Oct. 14, 2025).

[43] *Id*.

[44] *Protecting our Communications Networks by Promoting Transparency Regarding Foreign Adversary Control*, GN Docket No. 25-166, Notice of Proposed Rulemaking, 40 FCC Rcd 3730, 3731, para. 1 (2025) (*Foreign Adversary Control Notice*).

[45] *Id.*

[46] *See Foreign Adversary Control Notice*, 40 FCC Rcd at 3760-66, paras. 72-85.

[47] 47 CFR § 1.70001(g).

[48] *Id.* § 1.70001(e).

[49] *Id.* § 1.70001(f).

[50] In this *Report and Order*, we use the term "Foreign Adversary Control" to refer to the term "owned by, controlled by, or subject to the jurisdiction or direction of a foreign adversary" as defined by the Commission. *See id.*

define three categories of licenses, leases, authorizations, permits, grants, and other Commission approvals (hereafter, Covered Authorizations)—Schedules A, B, and C—which apply different attestation requirements under our Foreign Adversary Control rules. Finally, we place each Covered Authorization into one or more of these Schedules, weighing various factors including national security risk of Foreign Adversary Control, public interest in transparency, and administrability.

1. Definitions

15. *Owned by, controlled by, or subject to the jurisdiction or direction of a foreign adversary.* For the purposes of our Foreign Adversary Control attestation and disclosure requirements, we use the definition of "owned by, controlled by, or subject to the jurisdiction or direction of a foreign adversary" that was adopted by the Commission in the *Submarine Cable Report and Order*.[51] As explained in the *Submarine Cable Report and Order*, the Commission adopted this definition consistent with the Department of Commerce's rule, 15 CFR § 791.2, with certain narrow modifications.[52] Specifically, pursuant to section 1.70001(g) of our rules, the term "owned by, controlled by, or subject to the jurisdiction or direction of a foreign adversary" applies to:

(1) Any individual or entity, wherever located, who acts as an agent, representative, or employee, or any person who acts in any other capacity at the order, request, or under the direction or control, of a foreign adversary or of an individual or entity whose activities are directly or indirectly supervised, directed, controlled, financed, or subsidized in whole or in majority part by a foreign adversary;

(2) Any individual, wherever located, who is a citizen of a foreign adversary or a country controlled by a foreign adversary, and is not a United States citizen or permanent resident of the United States;

(3) Any entity, including a corporation, partnership, association, or other organization, that has a principal place of business in, or is headquartered in, incorporated in, or otherwise organized under the laws of a foreign adversary or a country controlled by a foreign adversary; or

(4) Any entity, including a corporation, partnership, association, or other organization, wherever organized or doing business, that is owned or controlled by a foreign adversary, to include circumstances in which any person identified in paragraphs (1) through (3) of this section possesses the power, direct or indirect, whether or not exercised, through the ownership of a majority or a dominant minority (10% or greater) of the total outstanding voting interest and/or equity interest, or through a controlling interest, in an entity, board representation, proxy voting, a special share, contractual arrangements, formal or informal arrangements to act in concert, or other means, to determine, direct, or decide important matters affecting an entity.[53]

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[51] *See Foreign Adversary Control Notice*, 40 FCC Rcd at 3737-38, para. 15; *Submarine Cable Report and Order*, 40 FCC Rcd at 6492-93, para. 23; *see also id.* at 6496-97, paras. 28-29; 47 CFR § 1.70001(g); *see also* 15 CFR § 791.2.

[52] *Submarine Cable Report and Order*, 40 FCC Rcd at 6492-97, paras. 23-29; *see* 15 CFR § 791.2.

[53] 47 CFR § 1.70001(g); *Submarine Cable Report and Order*, 40 FCC Rcd at 6492-93, para. 23; *see also id.* at 6496-97, para. 29 & n.77. In determining whether a foreign adversary "possesses the power . . . to determine, direct, or decide important matters affecting an entity," we refer to the factors indicative of control found in section 63.24, note 1 to paragraph (d), of our rules. *See* 47 CFR § 63.24, Note 1 to paragraph (d); *see also, e.g.*, *Equipment Authorization Integrity Order*, 40 FCC Rcd at 3651-52, para. 75 ("Factors indicating direction or control could include the power to decide matters pertaining to the entity's reorganization, merger, or dissolution; the opening or closing of facilities or major expenditures or to exercise authority over its operating budget; selection of new lines of business; entering into, terminating, or otherwise affecting the fulfillment of significant contracts; adopting policies relating to treatment of non-public or proprietary information; appointing officers or senior leadership; appointing or dismissing employees with access to critical or sensitive technology; or amending the entity's organizational documents. Such indicators would be relevant regardless of whether the power was exercised, and could take the

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16. We find that cross-referencing the Commission's preexisting definition of this term, which incorporates the Department of Commerce's definition in 15 CFR § 791.2, promotes regulatory consistency not only across Commission rules but also across other Federal agencies implementing Executive Order 13873.[54] We also find that the inclusion of equity and controlling interests in our preexisting definition is applicable here and supports the national security goals of this proceeding by capturing all mechanisms of Foreign Adversary Control,[55] and that applying a dominant minority threshold of 10% promotes consistency with other Commission rules.[56] As the Commission noted in the

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form of, for example, ownership of securities or partnership or other ownership interests, board representation, holding a special share, contractual arrangements, or other formal or informal arrangements to act in concert or to decide important matters affecting an entity." (citing 31 CFR § 800.208; 15 CFR § 791.2; 47 CFR §1.2110(c)(2)(i)); *Intermountain Microwave*, 24 Rad. Reg. (P&F) 983 (1963) (setting forth six factors indicative of control); *WGPR, Inc.*, 10 FCC Rcd 8140, 8142 (1995); *Stereo Broadcasters, Inc. Station WLIR (FM), Garden City, N.Y. for Renewal of Broadcast License*, Memorandum Opinion and Order, 55 F.C.C.2d 819, 821-22 (1975) (discussing the broadcast control standard). As we stated in the *Submarine Cable Report and Order*, we note that, while we include factors indicative of control in our definition of "owned by, controlled by, or subject to the jurisdiction or direction of a foreign adversary," a determination of control is not limited to these factors. *See Submarine Cable Report and Order*, 40 FCC Rcd at 6495-96, para. 27. The Commission will consider the totality of the circumstances reflected in the record. *Id.*

[54] *See* Exec. Order 13,873, 84 Fed. Reg. at 22689 (setting forth that "foreign adversaries are increasingly creating and exploiting vulnerabilities in information and communications technology and services" and prescribing, among other things, that "[r]ules and regulations issued pursuant to this order may, among other things, determine that particular countries or persons are foreign adversaries for the purposes of this order; identify persons owned by, controlled by, or subject to the jurisdiction or direction of foreign adversaries for the purposes of this order . . . ."); *see also Submarine Cable Report and Order*, 40 FCC Rcd at 6493, para. 24 & n.57 (explaining how other agencies have adopted a similar approach); *id.* at 6492-93, para. 23 (adopting definition of "owned by, controlled by, or subject to the jurisdiction or direction of a foreign adversary"); *Process Reform for Executive Branch Review of Certain FCC Applications and Petitions Involving Foreign Ownership*, IB Docket No. 16-155, Report and Order, 35 FCC Rcd 10927, 10938, para. 28 (2020) (*Executive Branch Process Reform Order*) (stating that, subject to certain exceptions, the Commission will continue to refer to the Executive Branch agencies international section 214 applications and submarine cable applications with a 10% or greater direct or indirect owner that is not a U.S. citizen or U.S. business entity).

[55] *Foreign Adversary Control Notice*, 40 FCC Rcd at 3738-39, paras. 15-16. We note that, rather than proposing to adopt a definition that differs in language from the Department of Commerce's definition in 15 CFR § 791.2, the *Notice* proposed to interpret "that is owned . . . by a foreign adversary" in subpart (4) of that definition to include both equity and voting interests and to interpret "dominant minority" to mean a minimum of 10% interest. *Foreign Adversary Control Notice*, 40 FCC Rcd at 3739, para. 16. Given the Commission has adopted a definition of "owned by, controlled by, or subject to the jurisdiction or direction of a foreign adversary" that incorporates these clarifications within the text and is thus aligned with the interpretation proposed in the *Notice*, we find that cross-referencing section 1.70001(g) for purposes of implementing the Foreign Adversary Control rules will have the same effect as our original proposal while simplifying administrability of the new rules. *See* 47 CFR § 1.70001(g).

[56] *See, e.g.*, 47 CFR §§ 1.767(a)(8)(i), 63.18(h)(1); *Equipment Authorization Integrity Order*, 40 FCC Rcd at 3648-50, paras. 66-73. The National Association of Broadcasters (NAB) notes that the 10% dominant minority threshold for voting and equity interests differs from the 5% threshold applied to broadcast licensees under the broadcast attribution rules. *See* The National Association of Broadcasters Comments at 11-16 (NAB); 47 CFR § 73.3555 Note 2a. First, NAB argues that we should *raise* the 10% threshold to a level that it considers to be "controlling," yet does not suggest a specific percentage. *See* NAB Comments at 11. Second, NAB argues that, for broadcast licensees, we should instead match the *lower* threshold of 5% voting interests to which broadcasters are already subject under the broadcast attribution rules, for the sake of reducing burdens. *See id.* at 12. While we understand NAB's desire for the Commission to harmonize the voting thresholds for broadcast licensees subject to existing ownership disclosure requirements, we find that adopting a uniform threshold of 10% equity and voting interests across all Covered Authorizations for purposes of the Foreign Adversary Control rules strikes the right balance between promoting national security, reducing regulatory burdens, and promoting regulatory consistency. For this reason, we also reject Foundation for Defense of Democracies' (FDD) suggestion to adopt a 5% dominant minority
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Submarine Cable Report and Order, an individual or entity may exert direction or control, or significant influence, over a subject entity even without holding a majority of the equity and/or voting interests, and ownership interests as low as five and ten percent are relevant to protecting national security by identifying foreign adversary involvement in a licensee.[57] Consistent with that view and in light of our decisions today, for purposes of section 1.70001(g)(4) of the Commission's rules, we treat a holder of 10% or greater of the total outstanding voting and/or equity interest in a Regulatee as "possess[ing] the power . . . to determine, direct, or decide important matters affecting an entity."[58] Accordingly, to the extent that any individual or entity identified in section 1.70001(g)(1)-(3) possesses such an interest in a Regulatee, the Regulatee is covered by section 1.70001(g)(4) and shall attest affirmatively where applicable to the Regulatee under our reporting requirements, and include the requisite additional disclosures.[59] To the extent such Regulatee believes that the 10% or greater voting and/or equity interest in the Regulatee does not allow the interest holder to "determine, direct, or decide important matters affecting an entity," it must attest affirmatively and demonstrate by clear and convincing evidence why such interest does not meet section 1.70001(g)(4).[60]

17. Commenters largely support our adoption of this definition.[61] As the Foundation for Defense of Democracies (FDD) notes, our expansion beyond mere ownership will "stymie [foreign adversaries'] efforts to use . . . regulatory and legal architecture to coerce nominally independent firms into furthering the [adversary's] geopolitical ambitions."[62] FDD further adds that a foreign adversary may "use[] a range of corporate governance structures, including 'golden shares,' shell companies, and other

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threshold. *See* FDD July 21, 2025 Comments at 6. We respond specifically to NAB's arguments about increased burdens below. *See infra* Section III.D. Finally, NAB concedes, "[i]n the event that the Commission chooses not to apply the 5% voting interest threshold consistent with broadcast attribution rules, NAB supports the use of a 10% voting or equity threshold." NAB Comments at 16 & n.44.

[57] *Submarine Cable Report and Order*, 40 FCC Rcd at 6496-97, para. 29 (citing *Equipment Authorization Integrity Order*, 40 FCC Rcd at 3650, para. 72; *Rules and Policies on Foreign Participation in the U.S. Telecommunications Market*; *Market Entry and Regulation of Foreign-Affiliated Entities*, IB Docket Nos. 97-142 and 95-22, Report and Order and Order on Reconsideration, 12 FCC Rcd 23891, 23992, para. 223 (1997) (*Foreign Participation Order*), *recon. denied*, *Rules and Policies on Foreign Participation in the U.S. Telecommunications Market*, IB Docket 97-142, Order on Reconsideration, 15 FCC Rcd 18158 (2000)). The Commission also stated that this ownership threshold is consistent with Commission rules and precedent for assessment of any national security, law enforcement, foreign policy, and/or trade policy concerns regarding certain applications filed with the Commission as they relate to the applicant's reportable foreign ownership. *Id.* at 6497, para. 29 n.77 (citing *Foreign Participation Order*, 12 FCC Rcd at 23918-21, paras. 59-66; *Executive Branch Process Reform Order*, 35 FCC Rcd at 10928-29, 10938, 10965-66, paras. 3-4, 28, 95-96).

[58] 47 CFR § 1.70001(g)(4).

[59] *See infra* Section III.B.

[60] We delegate authority to the Licensing Bureaus and Offices, and the Enforcement Bureau, to review, conduct further inquiries, request additional information, and make determinations on such provisional attestations. We also delegate authority to OEA and PSHSB, in consultation with the Licensing Bureaus and Offices and the Enforcement Bureau as appropriate, to determine how to treat such attestations in the Foreign Adversary Control System after review is concluded and a determination is made.

[61] *See, e.g.*, Computer & Communications Industry Association Comments at 2-3 (CCIA) (supporting alignment of our control thresholds with other Federal governmental bodies); FDD July 21, 2025 Comments at 2, 6; National Wireless Communications Council Comments at 2 (NWCC); The Center for Procurement Advocacy Comments at 1 (supporting the Commission's proposal "to consider not just foreign ownership but also whether the entity is controlled by or subject to the jurisdiction or direction of a foreign adversary").

[62] FDD July 21, 2025 Comments at 2.

intermediaries, to obscure its control over nominally commercial ventures."[63] We agree with FDD that, by adopting this expanded definition of Foreign Adversary Control, the Commission "will effectively capture these dynamics within the regulatory process."[64]

18. We disagree with the Information Technology Industry Council's (ITI) contention that the definition is "overly broad and lacks sufficient clarity to be reliably implemented in the communications sector."[65] While ITI agrees that "control may also be exercised through other vectors," it suggests that the term "subject to the jurisdiction of" "broadens the scope of the . . . rule significantly without producing tangible upside from a supply chain risk management perspective."[66] ITI also argues that inclusion of the term "risks forcing FCC Regulatees to classify employees based on citizenship status, rather than actual control or influence, thereby complicating compliance and undermining workforce equity and operational certainty."[67] We disagree that this term will raise such a risk. The attestation and disclosure requirements we adopt herein pertain to the Regulatee, whether an individual or entity, that holds the Covered Authorization.[68] Under our definition, a Regulatee would not be deemed "owned by, controlled by, or subject to the jurisdiction or direction of a foreign adversary" solely because it has an employee that is a citizen of a foreign adversary country, as the definition would be applied to the Regulatee instead of the employee.[69] The definition would apply to circumstances, for example, where a Regulatee is an employee of a foreign adversary country, or a Regulatee is owned or controlled by (as those terms are defined herein) an employee of a foreign adversary or of an individual or entity that is owned or controlled by a foreign adversary.[70] We also reiterate that this definition has been adopted by the Commission and the Department of Commerce, and thus our implementation of such definition for purposes of the Foreign Adversary Control rules would promote consistency and minimize burdens for Regulatees subject to various similar regulations. For this reason, we also decline ITI's suggestion that we adopt a 50% ownership threshold, rather than a 10% threshold.[71] Lastly, we dispute NAB's contention that requiring all Regulatees to identify their voting *and* equity interests for the purposes of our Foreign Adversary Control rules would be unfair to those, such as broadcasters, that only must identify voting interests on their ownership reports by "creat[ing] additional burdens that are not being imposed on other services."[72] Rather, we find that applying the rule broadly across different services reduces any perceived unfairness by requiring the same burden of reporting to which some Regulatees have already been subject. We additionally note that, as we explain below, we adopt a more tailored application of the attestation and reporting requirements to account for different entity types, sizes, and levels of sophistication.

19. Despite TP-Link's claims to the contrary, nothing in this Order labels Regulatees or

[63] *Id.* at 6.

[64] *Id.*

[65] Information Technology Industry Council Comments at 2 (ITI).

[66] *Id.*

[67] *Id.* at 3.

[68] *See* 47 CFR § 1.70001(g).

[69] *See id.* § 1.70001(g)(1). The rule does not define an individual or entity that is "owned by, controlled by, or subject to the jurisdiction or direction of a foreign adversary" to include any individual or entity that employs a person who is a citizen of a foreign adversary country. *See id.*

[70] *See id.* § 1.70001(g)(1), (4).

[71] *See* ITI Comments at 2.

[72] NAB Comments at 12.

individual owners of Regulates as "foreign adversaries."[73] Rather, "foreign adversaries" are the six specific governments or persons identified to date by the Secretary of Commerce.[74] The requirements we adopt today apply when a Regulatee is "owned by, controlled by, or subject to the jurisdiction or direction of a foreign adversary," as that term is defined elsewhere in Commission rules.[75] That definition addresses not just "control" but also when a person or entity is subject to the "jurisdiction or direction of a foreign adversary." TP-Link fails to address the "jurisdiction or direction" element of the definition, including the extent to which citizens of a foreign adversary country fall under that provision because they must comply with that country's laws and regulations. Indeed, as the Commission recognized specifically with respect to China, "Chinese law requires citizens . . . to cooperate, assist, and support Chinese intelligence efforts *wherever they are in the world*."[76] While the alternatives put forth by TP-Link would provide an exception for citizens of foreign adversary countries that hold U.S. visas, reside in the United States, or have applications for citizenship or petitions for permanent residency pending,[77] none of these alternatives address the fact that such citizens of foreign adversary countries nonetheless remain subject to foreign laws.[78] Accordingly, requiring attestation when a Regulatee is itself a citizen of a foreign adversary country[79] or when such citizen possesses the power to determine, direct, or decide important matters affecting an entity[80] is a factual statement regarding the association that such citizen, and hence the Regulatee, has with a foreign adversary. As such, the rules we adopt today do not compel speech in violation of the First Amendment. To the contrary, a requirement to report information to the government fundamentally differs from the typical compelled speech case, which generally involves situations where "the complaining speaker's own message [is] affected by the speech it [is] forced to accommodate."[81] Conversely, the rules here require reporting of factual information to the Commission—a Regulatee's association with a foreign adversary—to allow the Commission to analyze

[73] Letter from Gregory Guice, Esq., Vernonburg Group LLC, Counsel for TP-Link Systems, Inc., to Marlene H. Dortch, Secretary, FCC, at 2 (Jan. 19, 2026) (TP-Link *Ex Parte*) (stating that "being a citizen of a foreign-adversary country does not make that person a foreign adversary").

[74] 47 CFR § 1.70001(e) (defining "foreign adversary" as "any foreign government or foreign non-government person determined by the Secretary of Commerce, pursuant to Executive Order 13873 of May 15, 2019, to have engaged in a long-term pattern or serious instances of conduct significantly adverse to the national security of the United States or security and safety of United States persons as identified in 15 CFR 791.4").

[75] 47 CFR § 1.70001(g). This definition mostly tracks the Department of Commerce's definition at 15 CFR § 791.2.

[76] *China Mobile International (USA) Inc.*, Memorandum Opinion and Order, 34 FCC Rcd 3361, 3369, para. 17 (2019) (emphasis added); *see also China Telecom Americas Order on Revocation and Termination*, 36 FCC Rcd at 16006, para. 63 (finding that Article 7 of China's 2017 National Intelligence Law requires that "[a]ll . . . citizens shall support, assist, and cooperate with national intelligence efforts in accordance with law, and shall protect national intelligence work secrets they are aware of"), *aff'd*, *China Telecom (Ams.) Corp. v. FCC.*

[77] TP-Link *Ex Parte* at 4-5.

[78] Under the rules we adopt today, a Regulatee that attests as to Foreign Adversary Control is also required to "describe the nature of the foreign adversary ownership, control, jurisdiction, or direction to which the Regulatee is subject." *Infra* para. 68. Therefore, any Regulatee would be able to explain why such Regulatee meets our definition of "owned by, controlled by, or subject to the jurisdiction or direction of a foreign adversary" but, in the Regulatee's view, should not be considered "owned by, controlled by, or subject to the jurisdiction or direction of a foreign adversary."

[79] 47 CFR § 1.70001(g)(2).

[80] *Id.* § 1.70001(g)(4).

[81] *Rumsfeld v. Forum for Acad. & Institutional Rights, Inc.*, 547 U.S. 47, 61 (2006); *see, e.g.*, *Pac. Gas & Elec. Co. v. Pub. Util. Comm'n,* 475 U.S. 1, 20 (1986) (holding that requiring a utility company to distribute a third party's newsletter in its own billing envelopes is unconstitutional); *Miami Herald Publ'g Co. v. Tornillo,* 418 U.S. 241 (1974) (holding that requiring newspapers to publish replies from political candidates is unconstitutional).

potential national security risks.[82] There is no message being forced by the government.[83]

20. We decline to adopt SentinelOne's suggestion to expand the definition of Foreign Adversary Control to encompass more subtle forms of foreign adversary influence such as "commercial dependencies and critical contractual relationships, . . . material business interests, . . . economic coercion and strategic dependence scenarios, and . . . intellectual property and critical supply chain dependencies."[84] In the *Submarine Cable Report and Order*, we also declined to include the word "influence" in defining the term "owned by, controlled by, or subject to the jurisdiction or direction of a foreign adversary," and instead adopted a clearer and narrower definition that is also "aligned with interagency national security regulations deriving from President Trump's Executive Order 13873, covering the closely related matter of 'Securing the Information and Communications Technology and Services Supply Chain.'"[85] We recognized "that industry has recommended and prefers clear lines and directions rather than ambiguous and potentially capacious terminology."[86] We noted that, "while every major global company is 'subject to the influence' of the government of the People's Republic of China, including many prominent cable landing licensees, not all companies may be subject to a degree of influence such that they threaten national security and law enforcement interests."[87] We reach the same conclusion here, that, "[w]hile we wish to sweep broadly enough to cover private entities subject to multi-faceted forms of foreign adversary control, we do not desire or intend a scope as broad as 'subject to the influence' by itself implies."[88] We also noted, however, that the Commission's rules recognize that "[b]ecause the issue of control inherently involves issues of fact, it must be determined on a case-by-case basis and may vary with the circumstances presented by each case."[89] We similarly find for purposes of the Foreign Adversary Control rules that, "[w]hile we include factors indicative of control in our

[82] Despite TP-Link's claims to the contrary, the rules we adopt today impose only a reporting requirement. Unlike in the other decisions TP-Link notes, our Report and Order today does not adopt any adverse presumptions based on a Regulatee's association with a foreign adversary. *See* TP-Link *ex parte* at 2-3.

[83] *See Riley v. National Federation of the Blind of North Carolina, Inc.*, 487 U.S. 781 (1988) (applying strict scrutiny to a law requiring professional fund-raisers to disclose to potential donors the percentage of charitable contributions actually turned over to charity, but explaining that a permissible alternative that would not raise First Amendment concerns would be for the State to collect the same data from fundraisers and then publish it because this would not "burden[] a speaker with unwanted speech during the course of a solicitation"); *see also United States v. Sindel*, 53 F.3d 874, 878 (8th Cir. 1995) (rejecting First Amendment challenge to IRS Form 8300). Even assuming that speech rights are implicated, our reporting requirements are consistent with the First Amendment, as they entail disclosure of "purely factual and uncontroversial" information in a commercial context and the disclosure is reasonably related to a substantial governmental interest (ensuring information needed to assess national security risks) which outweighs the "minimal" interest in not disclosing purely factual, uncontroversial information. *Zauderer v. Office of Disciplinary Counsel*, 471 U.S. 626, 651 (1985); *see also id.* at 652 n.14; *Am. Meat Inst. v. USDA,* 760 F.3d 18, 20 (D.C. Cir. 2014) (en banc). In the alternative, even assuming our requirements are subject to heightened First Amendment review, our reporting requirements satisfy this higher standard because there is a substantial interest in knowing whether Regulatees are associated with foreign adversaries to assess national security risks and the requirement is not more extensive than is necessary because the information will be collected in a manner that balances national security concerns against the burden on regulated entities. *Central Hudson v. Pub. Serv. Comm'n of N.Y.,* 447 U.S. 557, 566 (1980); *see infra* Section III.B (categorizing licenses and authorizations into groups, each subject to different attestation and disclosure requirements based on risk to national security of Foreign Adversary Control).

[84] SentinelOne Comments at 3-4.

[85] *Submarine Cable Report and Order*, 40 FCC Rcd at 6493-94, para. 24.

[86] *Id.*

[87] *Id.* at 6494, para. 24.

[88] *Id.*

[89] *Id.* at 6495, para. 27 & n.67 (citing 47 CFR § 63.24, Note 1 to paragraph (d)).

definition of 'owned by, controlled by, or subject to the jurisdiction or direction of a foreign adversary,' a determination of control is not limited to these factors."[90] The Commission will consider the totality of the circumstances reflected in the record.[91] We are confident that applying the definition through a fact-based analysis on a case-by-case basis will allay SentinelOne's concerns regarding specific scenarios potentially raised by Foreign Adversary Control. We note that, while we decline to amend the definition to include more subtle forms of control, we nevertheless retain the authority to take action to mitigate national security risks stemming from such forms of control should such actions be necessary.

21. We also decline to "exclude any companies headquartered in the U.S. or an allied nation . . . who use a Chinese-incorporated subsidiary to conduct business in China's commercial marketplace," as the Center for Procurement Advocacy suggests.[92] The Center for Procurement Advocacy adds that we should consider exempting "companies that have firewalled any Chinese operations appropriately, thereby insulating non-Chinese business operations from risk."[93] Exempting such companies from disclosure could sweep too broadly by allowing a Regulatee to determine that a firewall is sufficient without even disclosing a Chinese-incorporated subsidiary. This would deprive the Commission of the information needed to assess national security risk associated with the subsidiary, given that the multitude of domestic businesses which have foreign adversary-incorporated subsidiaries may have varying levels of "firewalls" protecting their domestic operations from Foreign Adversary Control. Given that the purpose of the rules is to establish a disclosure mechanism to fill gaps in the Commission's knowledge of the forms of Foreign Adversary Control over Covered Authorizations, we find it important to gather all relevant information that would enable the Commission to responsibly protect national security interests. Indeed, in contrast to the submarine cable rules that rely on this definition, we are not today even imposing legal restrictions on entities with Foreign Adversary Control,[94] merely attestation and disclosure requirements. We thus find that our case-by-case approach to evaluating Foreign Adversary Control is well-suited to account for risk factors presented by Chinese-incorporated subsidiaries as well as the sufficiency of any mitigating measures such as firewalls. Additionally, as noted above, our interest in maintaining regulatory consistency within the agency and with other Federal agencies that administer this definition supports our decision not to adopt an exemption for such arrangements.[95]

22. *Foreign adversary and foreign adversary country.* For the purposes of our Foreign Adversary Control attestation and disclosure requirements, we use the definition of "foreign adversary" that was adopted by the Commission in the *Submarine Cable Report and Order*.[96] Specifically, the Commission defined "foreign adversary" consistent with the Department of Commerce's rule, 15 CFR § 791.2, as "any foreign government or foreign non-government person determined by the Secretary of Commerce, pursuant to Executive Order 13873 of May 15, 2019, to have engaged in a long-term pattern or serious instances of conduct significantly adverse to the national security of the United States or security and safety of United States persons as identified in 15 CFR [§] 791.4."[97] For the purposes of implementing the rules we adopt today, we follow the Department of Commerce's determination of

[90] *Id.* at 6495-96, para. 27.

[91] *Id.*

[92] The Center for Procurement Advocacy Comments at 1.

[93] *Id.* As noted above, *see supra* at para. 19, TP Link also urges the Commission to narrow this definition. TP-Link *Ex Parte* at 3-4.

[94] *See, e.g.*, 47 CFR § 1.70001(a)(1)(i).

[95] Of course, any entity subject to this definition is free to petition the Commission to waive its rules as applied to such entity "for good cause." *Id.* § 1.3.

[96] *See* 47 CFR § 1.70001(e); *Submarine Cable Report and Order*, 40 FCC Rcd at 6491, para. 20.

[97] 47 CFR § 1.70001(e); *see also* 15 CFR § 791.2.

foreign adversaries, consistent with the *Submarine Cable Report and Order*,[98] which currently includes:

> (1) The People's Republic of China, including the Hong Kong Special Administrative Region and the Macau Special Administrative Region;
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> (2) Republic of Cuba;
>
> (3) Islamic Republic of Iran;
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> (4) Democratic People's Republic of Korea;
>
> (5) Russian Federation; and
>
> (6) Venezuelan politician Nicolás Maduro.

In this *Report and Order*, our use of the term "foreign adversary country" incorporates the meaning of the Department of Commerce's rule, 15 CFR § 791.4, which specifically identifies "foreign governments or foreign non-government persons" (in lieu of "countries") as "constitut[ing] foreign adversaries."[99] As in the *Submarine Cable Report and Order*,[100] we define "foreign adversary country" to include both the foreign governments identified as foreign adversaries in 15 CFR § 791.4 and countries controlled by a foreign adversary (including foreign nongovernment persons) identified in 15 CFR § 791.4.[101] We find that, as with our definition of Foreign Adversary Control, applying a definition that is already in use across Federal agencies and previously adopted by this agency promotes regulatory consistency and efficiency, and aligns with the policy goals of Executive Order 13873.[102] We agree with ITI that alignment with the Department of Commerce's rule "will mitigate business uncertainty that would arise if multiple national security review programs were to make divergent determinations as to what countries are determined as 'foreign adversaries.'"[103]

23. We disagree with FDD that we should "expand sourcing for [the] list of 'foreign adversaries' to include the Consolidated Screening List and other designations" such as "the Entity List maintained by the Bureau of Industry and Security and the 1260H List maintained by the Department of Defense."[104] As noted above, our adoption of the list of foreign adversaries designated by the Department of Commerce for its ICTS rules is aligned with Executive Order 13873 which addresses the risks presented by foreign adversaries' exploitation of "vulnerabilities in information and communications technology and services, which store and communicate vast amounts of sensitive information, facilitate the digital economy, and support critical infrastructure and vital emergency services."[105] The foreign governments or foreign non-government persons identified in the Department of Commerce's rule, 15 CFR § 791.4, "have engaged in a long-term pattern or serious instances of conduct significantly adverse to the national security of the United States or security and safety of United States persons."[106] We

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[98] 47 CFR § 1.70001(e) (defining "foreign adversary"); 15 CFR § 791.4(a); *Submarine Cable Report and Order*, 40 FCC Rcd at 6491-92, para. 21.

[99] *See* 15 CFR § 791.4(a); *Submarine Cable Report and Order*, 40 FCC Rcd at 6492, para. 22.

[100] *See Submarine Cable Report and Order*, 40 FCC Rcd at 6492, para. 22; 47 CFR § 1.70001(f) (defining "Foreign adversary country").

[101] *See* 15 CFR §§ 791.4(a), 791.2 (referring to "a foreign adversary or a country controlled by a foreign adversary").

[102] *See* 15 CFR § 791.4(b); 47 CFR § 1.70001(e)-(f). We note that our list of foreign adversary countries is also currently identical to the list of "foreign governments" determined by the Attorney General, with the concurrence of the Secretaries of State and Commerce, to be "countries of concern." *See* 28 CFR § 202.601(a).

[103] ITI Comments at 2.

[104] FDD July 21, 2025 Comments at 6.

[105] Exec. Order 13,873, 84 Fed. Reg. at 22689.

[106] 15 CFR § 791.4(a).

decline to adopt the Entity List maintained by the Department of Commerce's Bureau of Industry and Security,[107] which, designates "certain foreign persons—including businesses, research institutions, government and private organizations, individuals, and other types of legal persons—that are subject to specific license requirements for the export, reexport and/or transfer (in-country) of specified items."[108] Such a list may be unnecessarily granular with respect to "foreign persons" than would be necessary or appropriate for purposes of addressing the risks of Foreign Adversary Control associated with holders of Commission-issued licenses and authorizations. We also decline to adopt the 1260H List given that the inclusion of China on the Department of Commerce's ICTS list of foreign adversaries would necessarily cover all the entities included on the 1260H List.[109]

2. Establishing a Risk-Based Framework of Schedules to Classify Covered Authorizations

24. We adopt rules to establish a reporting framework that distinguishes and categorizes each Covered Authorization based on whether the Regulatee is: (A) required to submit an attestation either affirming or denying Foreign Adversary Control; (B) solely required to submit an attestation affirming Foreign Adversary Control; or (C) is not required to file an attestation in either event.[110] We then categorize Commission-granted licenses, leases, authorizations, permits, grants, and other approvals onto three Schedules that assign each of these levels of reporting requirements based on a variety of factors including national security risk of Foreign Adversary Control and reporting burdens. We find this approach ensures the Commission receives the information it needs to promote national security while minimizing burdens to entities that present minimal or no national security risk.[111] The complete listing of Covered Authorizations by Schedule can be found in Appendix A, section 1.80002(a)-(c). Under this approach, we clarify that, if a Regulatee with an attestation obligation is unsure how to respond, it must respond "yes," and Commission staff will review the matter. "No" responses must be definitive, and filers may not seek staff clarification in their attestations or include materials with such responses meant to disclose information for staff review.

25. *Schedule A*. We assign to Schedule A those Covered Authorizations for which Regulatees must make a definitive attestation as to whether or not they are subject to Foreign Adversary Control.[112] We find that Covered Authorizations in Schedule A present heightened national security risks because any exploitation of such Regulatees through Foreign Adversary Control could directly compromise the integrity of the nation's communications networks. These entities typically provide essential services upon which the entire communications ecosystem depends. Their facilities often serve as the backbone of the nation's communications networks, such that vulnerabilities presented by even a single facility could be exploited to cause negative impacts that cascade across multiple networks and sectors. Because of this systemic importance, we find it necessary for Schedule A Regulatees to provide

[107] *Id.* part 744, Supplement No. 4 to Part 744—Entity List.

[108] U.S. Department of Commerce, Bureau of Industry and Security, *What is the Entity List?* (2024), https://www.bis.doc.gov/index.php/cbc-faqs/faq/281-1-what-is-the-entity-list; *see also* 15 CFR part 744, Supplement No. 4 (listing the Entity List under the Export Administration Regulations).

[109] *See* Department of Defense, Office of the Secretary, Notice of Availability of Designation of Chinese Military Companies, 90 Fed. Reg. 1105 (Jan. 7, 2025). Most of the entities on the Entity List are also covered under the rules we adopt today. *See* 15 CFR part 744, Supplement No. 4.

[110] *See infra* Section III.B.

[111] *See* ITI Comments at 4 ("While we appreciate the goal of ensuring transparent disclosures, requiring all FCC licensees and authorization holders to make such a certification may impose an undue burden, especially on entities with no nexus to national security concerns. Many covered entities operate in sectors or provide services that pose no credible risk of foreign adversary influence. They should not be subject to a one-size-fits-all attestation mandate.").

[112] *See infra* Section III.B.

definitive "yes" or "no" attestations, ensuring that the Commission and our national security Federal partners receive transparent and actionable information.[113] Further, we considered typical entity size when making determinations for how to classify Covered Authorizations, and those assigned to Schedule A include some of the largest Regulatees. These larger entities typically have larger networks and greater resources, including the means to obtain legal or compliance advice, that would facilitate compliance with these attestation and disclosure requirements. Thus, we conclude Regulatees with Covered Authorizations in Schedule A will be able to sustain the regulatory burden of completing the attestation and disclosure requirements, and the benefits of collecting this information outweigh the burdens.

26. *Schedule B*. We assign to Schedule B those Covered Authorizations for which Regulatees must make a definitive attestation only if they are subject to Foreign Adversary Control. We find that the systemic national security risks associated with Foreign Adversary Control of these entities is lower than for Schedule A Regulatees, but nevertheless Schedule B Regulatees operate in markets or provide services where knowledge of the presence of Foreign Adversary Control would be critical to the Commission's oversight and protection of the nation's communications networks. This tailored approach ensures that the Commission will receive "yes" attestations where risk is present, while minimizing compliance burdens where no or minimal risk exists.[114]

27. *Schedule C*. We assign to Schedule C those Covered Authorizations that are exempt from initially attesting as to whether or not they are subject to Foreign Adversary Control.[115] We exempt these Covered Authorizations from the initial attestation requirement because we find that likelihood of Foreign Adversary Control is limited, other reporting obligations already provide sufficient visibility into their ownership or control, their role in communications networks presents minimal national security risks, or they are already subject to other Commission regulations that adequately address the risks of Foreign Adversary Control. Further, we find that individual or small-entity Regulatees may pose a lesser risk to national security should they be under Foreign Adversary Control. Therefore, the collection of this information would be unnecessarily burdensome upon these individuals and entities, substantially outweighing the benefits. By exempting these Covered Authorizations, we prioritize efficiency and reduce duplicative reporting requirements.[116]

28. *Future Adjustments*. We recognize that national security risks associated with Foreign Adversary Control may change over time, both as the broader national security landscape evolves and as communications technologies, market forces, and economic realities that influence the communications sector continue to develop. We must balance our need to obtain a clear understanding of the presence of Foreign Adversary Control in the communications sector with the administrability of the information collection. Accordingly, we delegate authority to the respective Bureau or Office issuing the Covered Authorization (including those not addressed in this *Report and Order*) to modify the list of Covered Authorizations within each Schedule to add a new Covered Authorization, reassign an existing Covered

[113] FDD Oct. 3, 2025 Comments at 2 (explaining that the Commission should require "both positive and negative attestations" because it would result in "a more comprehensive registry while also allowing for potential [enforcement action against entities] found to be falsifying submissions").

[114] ITI Comments at 3-4.

[115] *See* Appx. A (§ 1.80002(c)) (designating in Schedule C voluntarily filed antenna structure registrations; Commission auction applications; wireless licenses in the Personal Radio Services, including Amateur, GMRS, ship, and aircraft; Part 13 radio operator licenses and permits; and Supplier's Declaration of Conformity). Unless the relevant licensing Bureau or Office has provided clarification, a license, authorization, grant, or other Commission approval that is not listed in Schedules A, B, or C shall apply Schedule C requirements, and the Regulatee is exempt from initially attesting to whether they are subject to Foreign Adversary Control.

[116] *See* ITI Comments at 4 ("To avoid regulatory inefficiency, we urge the Commission to coordinate with existing frameworks and clearly delineate the applicability of any new rules to avoid overlapping with established processes.").

Authorization from one Schedule to another, or remove a Covered Authorization, subject to the analysis described below. A Bureau or Office may make such modifications on petition or its own motion, through notice-and-comment rulemaking as necessary, and such modifications will be published in the Federal Register.[117]

29. Bureaus and Offices must consider and discuss the following factors when determining whether a modification is warranted:

> (1) National security risks. This includes assessing (i) the type and size of Regulatee; (ii) the communications sector involved, including supply chain dependencies; (iii) the nature and type of the underlying infrastructure; (iv) the possibility and probability of Foreign Adversary Control; and (v) the existence of risk-mitigating Commission regulations;
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> (2) Administrability. This includes assessing (i) whether the modification would simplify or complicate existing compliance processes for both the Commission and Regulatees, and (ii) the feasibility of agency review and enforcement;
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> (3) Burden on Regulatee. This includes evaluating (i) whether the attestation and disclosure requirements substantially duplicate existing reporting requirements; (ii) whether the burden would fall disproportionately on smaller entities; and (iii) whether the license, lease, authorization, permit, grant, or other Commission-granted approval is similarly situated to an existing Covered Authorization and thus should be treated similarly; and
>
> (4) Other relevant considerations. This includes any other criteria deemed relevant by the applicable Bureau or Office, such as whether the attestation requirement for the Covered Authorization remains necessary in light of technological or industry developments.

30. When a Bureau or Office considers whether to make adjustments to the Covered Authorizations list or to assign a Covered Authorization to a Schedule, these factors should be evaluated and taken in balance such that the benefits of the reporting outweigh the burdens.[118] Commenters agree that it is important for the Commission to be aware of Foreign Adversary Control in the communications sector, but disagree as to whether the list of Covered Authorizations should be expanded or narrowed. Some urge a broader scope to reduce opportunities for foreign adversaries to access U.S. networks or circumvent reporting requirements.[119] Others believe that existing Commission disclosure processes are sufficient.[120] Several commenters support a balanced approach that secures necessary information without imposing unnecessary burdens on entities that do not pose Foreign Adversary Control risks.[121] Commenters also emphasize the need to account for sector-specific risk exposure so that regulatory resources remain focused on genuine national security threats and compliance costs do not hinder

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[117] Prior to adopting any modifications, the Bureau or Office will seek comment on any such modifications to the Schedules in accordance with the requirements of the Administrative Procedure Act (APA), 5 U.S.C. § 553, and the Commission's rules, 47 CFR §§ 1.399-1.430.

[118] CCIA Comments at 2 (supporting a balanced approach and recommending "[a] risk-based set of disclosure rules—requiring more information from entities with demonstrable and significant foreign adversary control").

[119] *See, e.g.*, FDD Oct. 3, 2025 Comments at 2 (arguing that the Commission "should broaden the scope . . . to cover all applicants" as expanding would "streamline efforts to prevent China and other foreign adversaries from accessing the nation's telecommunications network, while preventing states, entities, and individuals from circumventing reporting requirements.").

[120] *See* NAB Comments at 6 (explaining that "existing processes ensure that the Commission and the Executive Branch are aware of foreign adversaries' relationships to Regulatees."); *see also* ITI Comments at 3 (noting that "for certain sectors . . . there is already an existing disclosure process in place . . .").

[121] *See, e.g.*, CCIA Comments at 1-2 (supporting the Commission's proposed balance between obtaining "necessary information, while not unduly burdening Regulatees without reportable Foreign Adversary Control"); ITI Comments at 1, 5.

innovation or investment.[122] We agree with CCIA that "[a] risk-based set of disclosure rules—requiring more information from entities with demonstrable and significant foreign adversary control" provides an appropriate approach.[123] Guided by these considerations, we find that the framework adopted today balances the need for the Commission's insight into Foreign Adversary Control and the burdens placed on reporting entities.

3. Types of Licenses Required to Report

a. Wireless Services

31. We adopt our proposal to include all licenses, leases, authorizations, permits, grants, and other approvals in the wireless services within the scope of our Foreign Adversary Control rules,[124] but adopt a tailored approach to the application of the rules by individually categorizing each license type within the three Schedules discussed above.[125]

32. *Broadband-capable geographic-area wireless licenses and Commission-certified frequency coordinators.* We assign to Schedule A geographic-area wireless licenses capable of 4G or 5G mobile broadband service. These exclusive-use licenses cover the backbone of commercial wireless communications networks in the United States. Foreign Adversary Control of such licenses would therefore present a great risk to our national security interests. We also include in this category Commission-certified frequency coordinator certifications.[126] Frequency coordinators make key recommendations to the Wireless Telecommunications Bureau regarding frequency assignments over a wide range of spectrum bands. Given their unique role in spectrum assignments, we likewise find that the national security risk of Foreign Adversary Control of such Regulatees outweighs the burden of filing a Schedule A certification.

33. *Site-based wireless licenses and geographic-area licenses not covered by Schedule A or C, and FCC-appointed managers of third-party registration database(s) (part 101 subpart Q).* We designate on Schedule B all site-based wireless licenses, and those geographic-area wireless licenses that do not fall within Schedule A or C, i.e., geographic-area licenses: (1) for services that do not have sufficient capacity to support broadband, (2) that under our service rules may not provide mobile service, or (3) that are not exclusive-use or are individually licensed. These licenses and authorizations largely play localized roles in supporting business and industry (and to a much lesser extent, mass-market consumers) and therefore the risk of Foreign Adversary Control over these licenses and authorizations is lower than those on Schedule A.[127] We also agree with National Wireless Communications Council's (NWCC) argument that there would be administrability challenges in applying a Schedule A attestation requirement on private, non-common-carrier licensees.[128] As NWCC argues, "requiring certifications from private and non-common carrier licensees authorized under [47 CFR parts 22, 80, 87, 90, 95, 96, 101] may be unduly burdensome for the FCC, whose staff will need to review each such certification.

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[122] *See* ITI Comments at 3 (recommending that we consider the "risk exposure" of each sector in order to avoid "divert[ing] scarce regulatory resources from genuine national-security threats . . . [and] imposing unnecessary costs that chill innovation and investment").

[123] CCIA Comments at 2.

[124] *Foreign Adversary Control Notice*, 40 FCC Rcd at 3742, para. 22.

[125] *See* Appx. A (§ 1.80002(a)-(c)) (listing all wireless Covered Authorizations by Schedule).

[126] 47 CFR part 26 (Space Launch Services); *id.* part 87 (Aviation Services); *id.* part 90 (Private Land Mobile Radio Services); *id.* part 95 (Personal Radio Services); *id.* part 96 (Citizens Broadband Radio Service); *id.* part 101 (Fixed Microwave Services).

[127] *See* NWCC Comments at 3 (arguing that it is unlikely that "a foreign adversary would have reason to attempt to control or direct such systems in an effort to compromise our national security").

[128] *Id.* at 2.

There are several hundred thousand such licensees, including a large number of [public safety] entities, and the communications networks they operate are internal to their own organizations."[129]

34. *Mandatory antenna structure registrations.* Consistent with our authority under sections 301 and 303 of the Act,[130] we assign to Schedule B registrations of towers in the Antenna Structure Registration (ASR) system pursuant to mandatory filing under 47 CFR § 17.4(a). Unless such owners also hold Commission-granted licenses or authorizations, they do not directly access the public communications network and thus Foreign Adversary Control over such entities would pose less of a risk to national security. ASR owners that also hold Covered Authorizations assigned to Schedule A shall report according to the attestation rules applicable to that Schedule.

35. *Other wireless licenses and authorizations.* We assign to Schedule C Amateur Radio Service licenses; voluntary antenna structure registrations; Ship and Aircraft licenses; General Mobile Radio Service (GMRS) licenses; Commercial Radio Operator licenses (pursuant to 47 CFR part 13); and authorizations for individuals to operate stations by rule in the Ship, Aircraft, and Personal Radio Services (pursuant to 47 CFR parts 80, 87, and 95).

36. We agree with the National Association for Amateur Radio (ARRL) that, while there is a need to protect national security where entities are "engaged in commerce by providing networks, services or equipment to the American public, where there is the possibility of sensitive information being surreptitiously accessed."[131] As ARRL notes, "[a]mateur radio licensees not only do not sell or provide any communications service, network, or equipment to the public, but in fact they are prohibited from doing so by both international and domestic law."[132] The risk to national security of Foreign Adversary Control over these licenses is minimal due to the lack of connection to any of the nation's communications networks used by the public. We also agree with ARRL that this reasoning applies to similar services where licenses are held by individuals (e.g., GMRS, Commercial Radio Operators), as well as other licenses and authorizations that lack sufficient connection to commercial wireless communications networks in the United States. Furthermore, the Personal Radio Services—a category that encompasses over 1.6 million unique, mostly individual licensees—operate in shared spectrum bands for hobbyist and safety purposes, posing little threat to national security. Similarly, we include antenna structure owners that voluntarily register their towers in Schedule C because they are likely to be individuals or companies that lack sufficient connection to commercial communications networks. Given the sheer number of licensees and authorization holders in this group, the drain on Commission personnel and resources to process the collections and attestations for each individual licensee would far outweigh the little benefit to the public or the agency of doing so.

b. Section 310(b) Declaratory Rulings

37. We adopt our proposal to include both pending and granted section 310(b) petitions for declaratory ruling[133] within the scope of the attestation and disclosure rules, and place them in Schedule

[129] *Id.* at 3.

[130] 47 U.S.C. §§ 301, 303.

[131] The National Association for Amateur Radio Comments at 2 (ARRL).

[132] *Id*.

[133] 47 U.S.C. § 310(b)(3), (4). Section 310(b) of the Communications Act imposes certain restrictions on who may hold various types of radio licenses and requires the Commission to review foreign investment in broadcast, common carrier, aeronautical en route, and aeronautical fixed radio station licensees. *Id.* § 310(b). Section 310(b)(3) prohibits foreign individuals and entities from holding equity and/or voting interests of more than 20% in a U.S. broadcast, common carrier, or aeronautical radio station licensee. *Id.* § 310(b)(3). Section 310(b)(4) prohibits foreign individuals and entities from holding equity and/or voting interests of more than 25% in a U.S.-organized entity that directly or indirectly controls a U.S. broadcast, common carrier, or aeronautical en route or aeronautical fixed radio station licensee. *Id.* § 310(b)(4). With a prior Commission finding that the proposed

(continued….)

A.[134] Section 310(b) of the Act provides for Commission review of foreign investment in radio station licenses and imposes specific restrictions on who may hold certain types of radio station licenses.[135] In evaluating a petition for a declaratory ruling seeking a determination that it is in the public interest to exceed the section 310(b)(3) and (b)(4) statutory foreign ownership benchmarks, the Commission's public interest analysis considers, among other things, any national security, law enforcement, foreign policy, and trade policy concerns raised by the proposed foreign investment.[136] While the rules set forth ownership disclosure requirements,[137] those requirements do not capture the information that we need to ascertain whether a petitioner is "controlled by, or subject to the jurisdiction or direction of a foreign adversary."[138] Foreign Adversary Control of a Regulatee may raise similar national security risks to critical U.S. communications infrastructure as foreign adversary ownership. Without this up-to-date information, the Commission lacks full visibility into the risks within our networks presented by such Foreign Adversary Control. We thus include section 310(b) petitions that are pending or have been granted in Schedule A to close this information gap and assist the Commission's review of public interest implications of a section 310(b) petition. We clarify that Regulatees that hold Covered Authorizations that are assigned to Schedules B or C and have a pending section 310(b) petition for declaratory ruling or are subject to a section 310(b) declaratory ruling will instead be required to file Schedule A attestations.

c. Satellite

38. We adopt the Commission's proposal to include space and earth station authorizations

(Continued from previous page)
foreign ownership is in the public interest, a foreign individual, government, or entity may hold, directly or indirectly, more than 25% (and up to 100%) of the equity and voting interests of a licensee's controlling U.S. parent. *Id.*; 47 CFR §§ 1.5000-1.5004; *see 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*, GN Docket No. 25-149, Notice of Proposed Rulemaking, 40 FCC Rcd 3516 (2025); *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*, GN Docket No. 25-149, Report and Order (Jan. 29, 2026) (codifying definitions and concepts underlying the foreign ownership rules and practices to clarify and streamline the review processes).

[134] *Foreign Adversary Control Notice*, 40 FCC Rcd at 3742-43, para. 24. No comment in the record addresses how best to receive certification and reporting from entities holding section 310(b) declaratory rulings.

[135] 47 U.S.C. § 310(b) (applying foreign ownership restrictions to broadcast, common carrier, aeronautical en route, aeronautical fixed radio station licenses, and spectrum lessees). "Spectrum lessees" are defined in section 1.9003 of Part 1, Subpart X of the rules. 47 CFR § 1.9003.

[136] 47 U.S.C. § 310(b)(3)-(4); *Rules and Policies on Foreign Participation in the U.S. Telecommunications Market*; *Market Entry and Regulation of Foreign-Affiliated Entities*, IB Docket Nos. 97-142 and 95-22, Report and Order and Order on Reconsideration, 12 FCC Rcd 23891, 23918-21, paras. 59-66 (1997); *Review of Foreign Ownership Policies for Common Carrier and Aeronautical Radio Licensees under Section 310(b)(4) of the Communications Act, as Amended*, IB Docket No. 11-133, First Report and Order, 27 FCC Rcd 9832, 9843, para. 27 (2012); *Review of Foreign Ownership Policies for Common Carrier and Aeronautical Radio Licensees Under Section 310(b)(4) of the Communications Act of 1934, as Amended*, IB Docket 11-133, Second Report and Order, 28 FCC Rcd 5741, 5751, para. 13 (2013).

[137] The Commission's rules set out the specific requirements for what must be included in the petition, which include, among other things, the proposed aggregate foreign ownership and the citizenship for all individuals and entities, both United States or foreign, that will hold a direct or indirect 10% or greater equity and/or voting interest in the controlling U.S. parent of the licensee(s). 47 CFR § 1.5001(e), (f), (g), (h).

[138] *See, e.g.*, *id.* § 1.70001(g); *Submarine Cable Report and Order*, 40 FCC Rcd at 6628, Appx. A (§ 1.70001(g)); *see supra* Section III.A.1. Unlike the newly adopted certification rules for applicants for submarine cable landing licenses, the Commission's requirements for a petition for section 310(b) declaratory ruling do not include a certification as whether or not a petitioner is owned by, controlled by, or subject to the jurisdiction or direction of a foreign adversary. *See* 47 CFR §§ 1.5000-1.5004; *see also Submarine Cable Report and Order*, 40 FCC Rcd at 6540, para. 103.

within the scope of the attestation and disclosure requirements and place them in Schedule A.[139] As discussed in the *Notice*, the Commission requires applicants for space and earth station authorizations, including authorizations for U.S. market access, to submit FCC Form 312—Main Form, which includes certain disclosures regarding reportable foreign ownership interests in the applicant or licensee.[140] ITI suggests the Commission should avoid creating overlapping requirements with existing frameworks.[141] To avoid duplicative disclosure requirements, we decline to incorporate the Foreign Adversary Control attestation into the current FCC Form 312 in favor of a unified reporting approach for all Regulatees.[142] No commenter objected to the proposed reporting requirements. As such, we conclude that all Regulatees submitting, or who have submitted, FCC Form 312 or otherwise seeking or holding an authorization under Part 25 of the Commission's rules[143] must also submit a Foreign Adversary Control attestation, consistent with the procedures adopted herein. We find that attestations from these Regulatees will serve the public interest by providing more accurate and specific information regarding Foreign Adversary Control in space and earth station networks.[144] Further, we determine that any burdens or overlaps in reporting posed by these attestation and disclosure requirements are minimal and outweighed by the necessity and benefit of disclosure and transparency in protecting U.S. satellite networks from foreign adversaries.

d. Media

39. *Broadcast licenses and Cable Television Relay Service*. We adopt our proposal to include broadcast licenses[145] within the scope of the attestation and disclosure rules, and place them in either Schedule A or Schedule B, depending on certain qualifications.[146] Specifically, we assign to Schedule A broadcast and Cable Television Relay Service (CARS) licenses held by a Regulatee (or its affiliate) with six or more full-time employees.[147] We assign all other broadcast and CARS licenses to Schedule B. Historically, the Commission has exempted broadcast licensees with five or fewer employees from rules or given those licensees more time to comply with Commission rules, and we

[139] *See Foreign Adversary Control Notice*, 40 FCC Rcd at 3743-44, para. 27.

[140] *See id*. at 3744, para. 27 & n.60; FCC Form 312—Main Form at 3.

[141] *See* ITI Comments at 3 (stating that the satellites sector already discloses foreign ownership via FCC Form 312, and suggesting that the Commission coordinate any new requirements with existing frameworks).

[142] *Foreign Adversary Control Notice*, 40 FCC Rcd at 3743-44, para. 27.

[143] *See* 47 CFR § 25.102(a) (stating that "no person shall use or operate apparatus for the transmission of energy or communications or signals by space or earth stations under, and in accordance with, an appropriate authorization granted by the Federal Communications Commission").

[144] The Commission's *Space Modernization for the 21st Century Notice of Proposed Rulemaking* (*Space Modernization Notice*) adopted in October 2025 proposes to modernize and revise the space and earth station licensing procedures under part 25 of the Commission's rules, including the foreign ownership reporting for these applicants and licensees. *See Space Modernization for the 21st Century*, SB Docket No. 25-306, Notice of Proposed Rulemaking, FCC 25-69, at 17-18, paras. 45-47 (Oct. 29, 2025) (*Space Modernization Notice*). We clarify that the Foreign Adversary Control attestation and disclosure requirements adopted herein do not affect, or conflict with, any proposed revisions or requirements in the *Space Modernization Notice* and any changes to the part 25 rules or proposed part 100 rules specific to foreign ownership reporting will be addressed in that proceeding.

[145] Broadcast licenses include AM, FM, Low Power FM, FM Translator, FM Booster, TV, Class A TV, Low Power TV, and TV Translator station licenses. *See* 47 CFR parts 73, 74.

[146] As explained with respect to section 310(b) petitions for declaratory rulings, *see supra* para. 36, a broadcaster, regardless of size, that has filed a petition for declaratory ruling or is subject to a declaratory ruling will be assigned to Schedule A.

[147] In calculating the number of full-time employees, a Regulatee should include all of the full-time employees of the Regulatee's affiliates in addition to its own full-time employees.

believe that the same treatment is appropriate here.[148] Consistent with the *Notice*, we find that the public interest will be served by requiring larger broadcasters and those with Foreign Adversary Control to provide more accurate information about foreign adversary interests in accordance with the uniform initial reporting deadline we establish in this rulemaking, rather than postponing the filing of this information until the next license renewal cycle.[149] The attestation and disclosure rules will fill critical information gaps regarding the Foreign Adversary Control of broadcast licensees in a timely manner. The Commission requires all existing broadcast licensees to certify in their renewal applications filed every eight years that they comply with our foreign ownership requirements and in foreign ownership petitions for declaratory ruling if the licensee will have foreign investment that exceeds specified thresholds.[150] Immediate reporting will ensure that if a foreign adversary takes ownership of, or exerts other forms of control over, a licensee that provides critical information to our local communities, we will not need to wait up to eight years to discover that fact.

40. *Foreign adversary sponsorship.* As we note in multiple contexts and in the *Notice*, ownership is only one of many forms of control that a foreign adversary may exercise over a Regulatee. As such, in the broadcast context, we consider a recipient of an affirmative response from a foreign adversary to the required inquiries applicable to airtime lessees under the Commission's foreign sponsorship identification rules to be subject to a higher national security risk comparable to Foreign Adversary Control, and require such recipients to file foreign adversary lessee information with the Commission.[151] Specifically, any broadcaster that receives an affirmative response under the

[148] *See, e.g.*, 47 CFR § 73.2080(d); *Expansion of Online Public File Obligations to Cable and Satellite TV Operators and Broadcast and Satellite Radio Licensees*, MB Docket No. 14-127, Report and Order, 31 FCC Rcd 526, 558-559, para. 83 (2016).

[149] We note that the Commission has found that "leased airtime [is] the primary means by which foreign governmental entities are accessing U.S. airwaves to persuade the American public without adequately disclosing the true sponsor." *Sponsorship Identification Requirements for Foreign Government-Provided Programming*, MB Docket No. 20-299, Second Report and Order, 39 FCC Rcd 6049, 6051-52, para. 4 (2024) (*Foreign Sponsorship Identification Second Report and Order*), *review denied*, *National Ass'n of Broadcasters v. FCC*, 147 F.4th 978 (D.C. Cir. 2025). In the case of foreign adversary countries, however, we find that the national security risks discussed above justify a heightened and more immediate level of reporting with respect to lessees as well as the licensees themselves. *See generally supra* Section III.A.2.

[150] *See* 47 CFR § 73.1020; FCC Form 2100, Schedule 303-S, Alien Ownership and Control Question ("Licensee certifies that it complies with the provisions of Section 310 of the Communications Act of 1934, as amended, relating to interests of aliens and foreign governments."). Filings of non-biennial Ownership Reports on occasion also capture station ownership but do not specifically collect foreign ownership information, as do applications for new station construction permits and applications for assignment or transfer of control of a broadcast station. *See* 47 CFR § 73.3615; FCC Form 2100, Schedule 301 (commercial AM or FM station); FCC Form 2100, Schedule 318 (Low Power FM station); FCC Form 2100, Schedule 340 (Noncommercial Educational FM station); FCC Form 2100, Schedule 349 (FM Translator or FM Booster Station); FCC Form 2100, Schedule A (Commercial TV station), Schedule A-340 (Noncommercial Educational TV station), Schedule C (Low Power or TV Translator station), and Schedule F (Class A TV station); FCC Form 2100, Schedule 314 (Application for Consent to Assignment of Broadcast Station Construction Permit or License); FCC Form 2100, Schedule 315 (Application for Consent to Transfer Control of Corporation Holding Broadcast Station Construction Permit or License), FCC Form 2100, Schedule 316 (Application for Consent to Assign Broadcast Station Construction Permit or License or Transfer Control of Entity Holding Broadcast Station Construction Permit or License); FCC Form 2100, Schedule 345 (LPTV Assignment and Transfer Application). The Commission also collects foreign ownership information from broadcasters that are publicly traded companies and that have a sudden change in ownership. *See* 47 CFR §§ 1.5000(a)(1), 1.5004(f)(3). Where foreign ownership does not exceed the thresholds in section 310, the licensee does not need to provide anything other than a simple certification with its renewal application.

[151] *See* 47 CFR § 73.1212(j); *see also Foreign Sponsorship Identification Second Report and Order*, 39 FCC Rcd at 6051-52, para. 4 ("The disclosure requirements apply to leased programming because the record in the underlying

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Commission's foreign sponsorship identification rules from a lessee that is a foreign adversary must file with the Commission the information the lessee provided to the broadcaster. If the broadcast licensee has fewer than six employees and receives an affirmative response under the Commission's foreign sponsorship identification rules from a lessee that is a foreign adversary but the licensee itself does not meet the criteria for a "yes" attestation, then the broadcaster will fulfill its duties under Schedule A by filing a copy of the lessee's information with the Commission; the licensee will not be required to attest "no." Our foreign sponsorship identification rules require radio and television stations to provide an on-air disclosure whenever the licensee broadcasts programming that is provided by a foreign governmental entity through a lease of time on their stations and place additional information regarding the disclosures and corresponding programming in the station's Online Public Inspection File (OPIF).[152] The Commission found these requirements were necessary because instances of foreign government involvement in the broadcast of programming had gone undisclosed.[153] However, affirmative responses are not filed with the Commission, and although lessees must identify the country associated with a foreign governmental entity, they are not required to state whether a reported foreign governmental entity is also a foreign adversary. Requiring all broadcasters that lease airtime to foreign adversaries to file foreign adversary lessee information with the Commission will fill this information gap by making the relevant information readily available to Commission staff and the public, separate and apart from all of the other information that is filed in OPIF, without unduly burdening broadcasters.

41. NAB raises concerns about the burden on broadcasters that the Commission's attestation and disclosure requirements will impose.[154] NAB argues that "mandating tens of thousands of broadcasters and other Regulatees to conduct due diligence and submit certifications about foreign adversary control is merely imposing another costly layer of regulation on holders of Covered Authorizations with no corresponding public interest benefit. In particular, there is no point in tens of thousands of Regulatees reporting that they lack any foreign adversary control."[155] NAB adds that, "[g]iven the existing burdens facing broadcasters and the fact that they already are required to conduct diligence and submit ownership-related information to the Commission, imposing a foreign adversary control certification would be an unjustified burden on broadcast licensees."[156] While we agree that the Commission should avoid imposing unnecessary burdens wherever possible, we find that the national security risk of Foreign Adversary Control over larger broadcasters outweighs the cost of filing a Schedule A attestation.[157] To mitigate the burdens on smaller broadcasters, we adopt the less burdensome

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proceeding identified leased airtime as the primary means by which foreign governmental entities are accessing U.S. airwaves to persuade the American public without adequately disclosing the true sponsor.").

[152] *Foreign Adversary Control Notice*, 40 FCC Rcd at 3745, para. 30; *see also Foreign Sponsorship Identification Second Report and Order*, 39 FCC Rcd at 6051-52, para. 4.

[153] *Foreign Sponsorship Identification Second Report and Order*, 39 FCC Rcd at 6049-50.

[154] *See* NAB Comments at 7. NAB argues that the requirements we are adopting are unnecessary because the Commission cannot point to a single instance of Foreign Adversary Control going undetected except with respect to several Chinese state-owned section 214 authorizations. *See id*. at 6-7; *see also id*. at 7 (the Commission has not cited evidence that foreign adversary ownership of broadcasters is a real problem), 9 (urging the Commission at least to not require all broadcasters to report but instead only those with Foreign Adversary Control).

[155] *Id.* at 7.

[156] *Id.* at 9.

[157] *See Broadcasting Foreign Investment Declaratory Ruling*, 28 FCC Rcd at 16244, para. 2 (noting that the statutory foreign ownership limitations of 47 U.S.C. § 310(b) were meant to "thwart the airing of foreign propaganda on broadcast stations."); *Section 310 Citizenship Requirements Declaratory Ruling*, 103 F.C.C.2d at 516-17 (stating that "Section 310(b) reflects the broader purpose of 'safeguard[ing] the United States from foreign influence' in the field of broadcasting"); *see also National Ass'n of Broadcasters v. FCC*, 147 F.4th 978, 988 (D.C. Cir. 2025) (explaining in detail the longstanding congressional concern about foreign influence in broadcasting).

Schedule B attestation requirement which enables broadcasters with five or fewer employees to comply with attestation and disclosure requirements only in the event of Foreign Adversary Control. In addition, we provide an extended initial response period for certain small broadcasters.[158] We anticipate that many broadcasters will qualify for this extended deadline. We discuss NAB's assessment of costs in more detail in Section III.D below.[159]

42. NAB also claims the Commission lacks authority under the sponsorship identification rules to require broadcasters to inquire whether a lessee is a foreign adversary or make any disclosure not already required by those rules.[160] NAB adds that no broadcaster that is not leasing time to a foreign governmental entity should be required to make any additional or different inquiries of lessees or undertake additional "due diligence" to ascertain the identity of the sponsor.[161] NAB's statutory authority objections are not applicable to the final rule. Our rule does not require broadcasters to obtain any new information from lessees or undertake additional inquiries of lessees. Rather, we require only that the broadcaster determine whether the country named in a foreign governmental entity sponsorship ID disclosure is one of the six foreign adversaries identified in our rules[162] and file a foreign adversary lessee's disclosure in the Foreign Adversary Control System.[163] A lessee's status as a foreign adversary clearly goes to its identity and not to unrelated characteristics that are outside the scope of the Commission's authority under section 317 of the Communications Act.[164] Further, in determining whether a foreign country named by a foreign governmental entity lessee is a "foreign adversary" pursuant to the Commission rule that identifies foreign adversaries by name, a broadcaster is not conducting "due diligence" to ensure that the lessee has properly reported its status; rather, the broadcaster is applying the Commission's rule to the facts to determine whether it must file a copy of the lessee's disclosure in the Foreign Adversary Control System.[165]

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[158] *See infra* Section III.C.3.

[159] *See infra* Section III.D.

[160] NAB Comments at 22.

[161] *Id.* at 23 ("Under no circumstances should *any* broadcaster that is *not* leasing time to foreign governmental entities be required to make any additional or different inquiries of lessees or take any other steps in furtherance of so-called 'diligence' concerning the identity of the entity who is sponsoring leased programming.") (emphasis in original).

[162] *See* 47 CFR § 1.70001(e)-(f).

[163] Our rule does not require any new on-air disclosure. *See* NAB Comments at 22-23 (urging the Commission to "limit any new obligations to broadcasters *already making disclosures* concerning foreign government sponsored programming, such as, for example, adding the phrase 'which is a U.S. foreign adversary' to the end of the existing on-air and online public file disclosures") (emphasis in original); *see also Foreign Sponsorship Identification Second Report and Order*, 39 FCC Rcd at 6051-52, para. 4 ("The disclosure requirements apply to leased programming because the record in the underlying proceeding identified leased airtime as the primary means by which foreign governmental entities are accessing U.S. airwaves to persuade the American public without adequately disclosing the true sponsor."). We describe the Foreign Adversary Control System in Section III.C.2 below. *See infra* Section III.C.2.

[164] *See* NAB Comments at 22 (stating that "[a]ny interpretation of the statute to allow [a requirement that broadcasters "inquire whether a lessee is a foreign adversary, or make a further disclosure beyond what is already required under the foreign sponsorship identification rules"] would effectively place no limit on what inquiries broadcasters must make and what information they must disclose about sponsors of broadcast material. Broadcasters could be required to ask restaurant sponsors whether they face pending investigations from local health departments or contractors sponsoring broadcast material whether they have paid fines to state or local home improvement regulators and make related disclosures").

[165] *See id.* at 21-22 ("A broadcaster's statutory obligation to identify the entity that has sponsored a program . . . does not extend to making inquiries about, doing research on, or disclosing various characteristics about that sponsor beyond the sponsor's identity."). This modest requirement is wholly distinguishable from the judicially vacated due

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43. *International broadcast station licenses.* We adopt our proposal to include international broadcast station (IBS) licenses within the scope of the attestation and disclosure rules, treating them consistently with other broadcast licenses, and place them in Schedules A and B, depending on the number of employees of the Regulatee. We assign to Schedule A international broadcast station licenses held by a Regulatee (or its affiliate) with six or more employees, and assign to Schedule B all other IBS licenses.[166] International broadcast stations engage in cross border communications that rely on receivers and audiences in foreign countries, which have made them targets for control by foreign entities. Any IBS licensee that receives an affirmative response under the Commission's foreign sponsorship identification rules from a lessee that is a foreign adversary must file with the Commission the information the lessee provided to the broadcaster. If the broadcast licensee has fewer than six employees and receives an affirmative response under the Commission's foreign sponsorship identification rules from a lessee that is a foreign adversary but the licensee itself does not meet the criteria for a "yes" attestation, then the broadcaster will fulfill its duties under Schedule A by filing a copy of the lessee's information with the Commission; the licensee will not be required to attest "no." Consistent with the *Notice*, we find that the public interest will be served by requiring larger broadcasters and those with Foreign Adversary Control to provide more accurate information about foreign adversary interests. We received no comment adverse to adoption of this proposal.

44. *Section 325(c) authorizations.* We adopt our proposal to include section 325(c) authorizations within the scope of the attestation and disclosure rules, and place them in Schedules A and B, depending on the number of employees of the authorization holder, as section 325(c) authorizations are subject to the same criteria for meeting the programming standards component of the public interest, convenience, and necessity requirement as domestic broadcast licensees.[167] We assign to Schedule A section 325(c) authorizations held by a Regulatee (or its affiliate) with six or more employees, and assign to Schedule B all other section 325(c) authorizations. Any section 325(c) authorization holder that receives an affirmative response under the Commission's foreign sponsorship identification rules from a lessee that is a foreign adversary must file with the Commission the information the lessee provided to the authorization holder. If the section 325(c) authorization holder has fewer than six employees and receives an affirmative response under the Commission's foreign sponsorship identification rules from a lessee that is a foreign adversary but the authorization holder itself does not meet the criteria for a "yes" attestation, then the authorization holder will fulfill its duties under Schedule A by filing a copy of the lessee's information with the Commission; the authorization holder will not be required to attest "no." Consistent with the *Notice*, we find that the public interest will be served by requiring larger broadcasters and those with Foreign Adversary Control to provide more accurate information about foreign adversary interests. We received no comment adverse to adoption of this proposal.

e. Submarine Cables

45. *Submarine cable landing licenses*. We adopt our proposal to include submarine cable landing licenses within the scope of the attestation and disclosure requirements, and place them in

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diligence requirement that broadcasters must "[i]ndependently confirm the sponsor's status, at both the time of the lease and the time of any renewal, by checking the Department of Justice's Foreign Agents Registration Act website and the FCC's U.S.-based foreign media outlets reports." *National Ass'n of Broadcasters v. FCC*, 39 F.4th 817, 819 (D.C. Cir. 2022).

[166] For definitions relevant to the count of employees, *see* 47 CFR § 73.2080(e); *supra* para. 38 & n.136.

[167] *See, e.g.*, *Fox Television Stations, Inc.*, Memorandum Opinion and Order, 11 FCC Rcd 14870, 14875-78, paras. 16-25 (D.C. Cir. 1996), *aff'd sub nom*., *Radio Television S.A. de C.V. et al. v. FCC*, 130 F.3d 1078 (D.C. Cir. 1997); *see also Application of American Broadcasting Cos., Inc., (ABC) for Renewal of Authority to Deliver Network Television Programs to Station XETV, Tijuana, Mexico*, Docket No. 18606, File No. BFP-381, Decision, 35 F.C.C.2d 1, 5-6, para. 9 (1972).

Schedule A.[168] We require all submarine cable landing licensees and applicants to certify whether or not they are subject to Foreign Adversary Control because submarine cables are critical to national security.[169] In the *Submarine Cable Report and Order*, we took action to protect the security, integrity, and resilience of this critical infrastructure by adopting certain information requirements, certification requirements, conditions, and prohibitions that will enable the Commission to identify and mitigate foreign adversary threats.[170] Among other things, we adopted a new Foreign Adversary Annual Report requirement that will enable the Commission to identify existing cable landing licensees—whose license was or is granted prior to the effective date of those new rules—that are owned by, controlled by, or subject to the jurisdiction or direction of a foreign adversary.[171] We also adopted a new certification requirement that will require an applicant to certify whether or not it exhibits any of the criteria set out in a presumptive disqualifying condition, including whether it is owned by, controlled by, or subject to the jurisdiction or direction of a foreign adversary.[172] While the Commission took significant steps, the new submarine cable rules will, however, leave a critical information gap. Importantly, while our rules require entities that own or control 5% or greater interest in the cable system and use the U.S. points of the cable system to become cable landing licensees,[173] we did not adopt a requirement that any licensee that is subject to the Foreign Adversary Annual Report requirement provide up-to-date ownership information,[174] or

[168] *Foreign Adversary Control Notice*, 40 FCC Rcd at 3746-47, para. 34. No comments in the record address how best to receive certification and reporting from cable landing licensees.

[169] Submarine cables serve as the foundation for the global Internet infrastructure and carry over 99% of transoceanic digital communications. *Review of Submarine Cable Landing License Rules and Procedures to Assess Evolving National Security, Law Enforcement, Foreign Policy, and Trade Policy Risks*; *Amendment of the Schedule of Application Fees Set Forth in Sections 1.1102 through 1.1109 of the Commission's Rules*, OI Docket No. 24-523, MD Docket No. 24-524, Notice of Proposed Rulemaking, 39 FCC Rcd 12730, 12763, para. 45 (2024) (*2024 Cable Notice*); Mary Jander, *Internet Growth Fuels Undersea Cable Race*, Futuriom (Feb. 23, 2021), https://www.futuriom.com/articles/news/whats-happening-in-submarine-cable/2021/02; Jill C. Gallagher, Cong. Research Serv., R47237, *Undersea Telecommunication Cables: Technology Overview and Issues for Congress* at 1 (Sept. 13, 2022), https://crsreports.congress.gov/product/pdf/R/R47237. Submarine cables are also critical infrastructure that historically have carried more than 95% of all U.S.-international voice, data, and Internet traffic, including civilian and military U.S. Government traffic. *2024 Cable Notice*, 39 FCC Rcd at 12763-64, para. 45; *Section 43.62 Reporting Requirements for U.S. Providers of International Services*; *2016 Biennial Review of Telecommunications Regulations*, Report and Order, 32 FCC Rcd 8115, 8129, para. 28 (2017); *see* Communications, Security, Reliability, and Interoperability Council (CSRIC) IV, Working Group 8 Submarine Cable Routing And Landing, Final Report—Protection of Submarine Cables Through Spatial Separation at 1 (2014), http://transition.fcc.gov/pshs/advisory/csric4/CSRIC_IV_WG8_Report1_3Dec2014.pdf.

[170] *See generally Submarine Cable Report and Order*.

[171] In the *Submarine Cable Report and Order*, we adopted a new routine condition requiring a cable landing licensee whose license was or is granted prior to the effective date of the new rules to file a Foreign Adversary Annual Report if such licensee meets one or more of the criteria specified therein, including a licensee that is owned by, controlled by, or subject to the jurisdiction or direction of a foreign adversary, as defined in section 1.70001(g) of the newly adopted rules. *Id.* at 6555, 6569-70, paras. 140, 179, 181. Such licensees will be required to file an annual report containing (1) information as required in section 1.70005(a) through (g), (i), and (m) of the newly adopted rules, and (2) certifications as set forth under section 1.70006 of the newly adopted rules. *Id.* at 6570, para. 182.

[172] We adopted rules requiring an applicant seeking a cable landing license or modification, assignment, transfer of control, or renewal or extension of a cable landing license to certify whether or not it exhibits any of the criteria set out in the foreign adversary presumptive disqualifying condition adopted therein, including whether it is owned by, controlled by, or subject to the jurisdiction or direction of a foreign adversary, as defined in section 1.70001(g) of the newly adopted rules. *Id.* at *6497-6501, 6540, paras. 30-35, 103; 47 CFR § 1.70001(g).

[173] 47 CFR § 1.767(h)(2).

[174] *See infra* Section III.B. While we adopted a one-time information collection that will require cable landing licensees to provide certain information—such as updated information about the licensed submarine cables and

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disclose their 5% or greater interest holders annually.[175] Additionally, our rules do not require all other licensees to attest whether or not they are subject to Foreign Adversary Control.[176] We assess that including cable landing licenses within the scope of the attestation and disclosure requirements set out in Schedule A supplements the new submarine cable rules and ensures the Commission has the information necessary for the protection and security of submarine cables.

46. Our action today, combined with the rules adopted in the *Submarine Cable Report and Order*, takes further steps to ensure the Commission has complete information to address foreign adversary threats to critical submarine cable infrastructure. The Commission will receive timely notification of ownership changes such as when a cable landing licensee becomes subject, or is no longer subject, to Foreign Adversary Control, or where a licensee with reportable Foreign Adversary Control has a new 5% or greater interest holder.[177] While a narrow subset of cable landing licensees will be required to attest in the initial attestation requirement adopted here and in the Foreign Adversary Annual Report as to whether or not they are owned by, controlled by, or subject to the jurisdiction or direction of a foreign adversary,[178] we believe any burden of this additional reporting is outweighed by the benefit of obtaining accurate, consistent, and up-to-date foreign adversary ownership information.[179] We therefore find that requiring submarine cable landing licensees and applicants to submit an attestation under Schedule A will enable the Commission to have comprehensive and accurate insight into any Foreign Adversary Control of cable landing licenses and to verify that licensees are in compliance with the Foreign Adversary Annual Report requirement.

f. Telephone and Common Carrier

47. *Domestic section 214 authority.* We adopt our proposal to include authorizations to provide domestic interstate telecommunications service pursuant to section 214 of the Act within the scope of the attestation and disclosure rules,[180] and place them in Schedule A. Section 214(a) prohibits any carrier from constructing, acquiring, or operating any line, and from engaging in transmission through any such line, without first obtaining a certificate from the Commission "that the present or future public convenience and necessity require or will require the construction, or operation, or construction and

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licensees, information about submarine line terminal equipment (SLTE), and information as to whether or not the licensee currently uses any equipment or services identified on the Covered List, or uses a third-party foreign adversary service providers—that collection will not require licensees to provide up-to-date ownership information. *Submarine Cable Report and Order*, 40 FCC Rcd at 6582-84, paras. 214-222.

[175] In the *Submarine Cable Report and Order*, we considered but declined to lower the current 10% ownership reporting threshold to 5% or greater direct or indirect equity and/or voting interests in the applicant(s) and licensee(s). *Id.* at 6532-33, para. 89. Instead, we retained the rule for applicants to identify the 10% or greater direct and indirect equity and/or voting interests held in the applicants. *Id.* We assessed that national security risks are best addressed through the certifications adopted regarding whether the applicant is owned by, controlled by, or subject to the jurisdiction or direction of a foreign adversary. *Id.* Pursuant to this *Report and Order*, we will apply a 5% ownership disclosure requirement to a submarine cable applicant that is owned by, controlled by, or subject to the jurisdiction or direction of a foreign adversary, as defined in section 1.70001(g) of the newly adopted rules, but will apply the 10% ownership threshold for all other applicants seeking a cable landing license or modification, assignment, transfer of control, or renewal or extension of a cable landing license. *See infra* Section III.B.

[176] *Submarine Cable Report and Order*, 40 FCC Rcd at 6569-70, paras. 179, 181-182.

[177] *See infra* Section III.B.

[178] *See infra id.*; *Submarine Cable Report and Order*, 40 FCC Rcd at 6555, 6569-70, paras. 140, 179, 181.

[179] We do not modify in this proceeding the information content requirements for the Foreign Adversary Annual Report that are set forth in section 1.70017 of our newly adopted rules. *Submarine Cable Report and Order*, 40 FCC Rcd at 6653-54, Appx. A (§ 1.70017).

[180] *Foreign Adversary Control Notice*, 40 FCC Rcd at 3747-48, para. 35 (citing 47 U.S.C. § 214(a)).

operation, of such . . . line . . . ."[181] The Commission has emphasized that it takes seriously this mandate to ensure that the operation of telecommunications carrier lines furthers the public convenience and necessity both presently and in the future.[182] While the Commission has granted all telecommunications carriers blanket authority under section 214 to provide domestic interstate services and to construct or operate any domestic transmission line, it retains full authority to protect the present and future public convenience and necessity and stop abusive practices by domestic carriers, including through revocation of such blanket authority when necessary.[183] It is therefore imperative that the Commission exercise its authority to review and ensure that the public convenience and necessity continue to be served by a domestic carrier's operations, particularly as it relates to the promotion and protection of national security. In light of heightened threats to the nation's telecommunications infrastructure, we find that the public interest will be served by applying the same attestation and disclosure requirements we adopt today for international section 214 carriers and others directly to carriers operating in the United States pursuant to blanket domestic section 214 authority. We emphasize that we are not requiring entry certification or pre-approval for domestic interstate carriers to construct, operate, or engage in transmission over lines of communications. The Commission has found that blanket authority promotes competition by removing regulatory hurdles to market entry, and we do not change that regulatory treatment here.[184]

48. No commenter disagrees with the inclusion of blanket domestic section 214 authorization holders within the scope of the attestation and disclosure rules. USTelecom affirmatively supports the requirements, while noting that it is important to minimize reporting burdens where possible.[185] To this end, we adopt the proposal in the *Notice* to identify carriers operating pursuant to blanket domestic section 214 authority through the existing registration requirement for interstate telecommunications carriers that is associated with the FCC Form 499-A and section 64.1195 of the Commission's rules.[186] Section 64.1195 directs a telecommunications carrier that will provide interstate telecommunications service to file certain registration information on FCC Form 499-A, and states that any telecommunications carrier already providing interstate telecommunications service must do the same.[187] We require domestic interstate carriers subject to section 64.1195 to comply with the foreign adversary attestation and disclosure requirements. We do not require them to otherwise register or provide additional identifying information other than what they already provide through the FCC Form 499-A

[181] 47 U.S.C. § 214(a).

[182] *See Evolving Risks Notice*, 38 FCC Rcd at 4364-65, para. 29.

[183] *Implementation of Section 402(b)(2)(A) of the Telecommunications Act of 1996*; *Petition for Forbearance of the Independent Telephone & Telecommunications Alliance*, CC Docket No. 97-11, AAD File No. 98-43, Report and Order in CC Docket No. 97-11, and Second Memorandum Opinion and Order in AAD File No. 98-43, 14 FCC Rcd 11364, 11365-66, 11373, paras. 2, 14 (1999) (*Domestic 214 Blanket Authority Order*); 47 CFR § 63.01 ("Any party that would be a domestic interstate communications common carrier is authorized to provide domestic, interstate services to any domestic point and to construct or operate any domestic transmission line as long as it obtains all necessary authorizations from the Commission for use of radio frequencies.").

[184] *Domestic 214 Blanket Authority Order*, 14 FCC Rcd at 11372, 11374, paras. 12, 16.

[185] USTelecom Reply at 1-2.

[186] *Foreign Adversary Control Notice*, 40 FCC Rcd at 3747-48, para. 36 (citing 47 CFR § 64.1195).

[187] *Id.* at 3747-48, para. 36 & n.80 (explaining that a telecommunications carrier that is subject to the registration requirement in section 64.1195 must provide (1) the carrier's business name and primary address; (2) the names and business addresses of the carrier's chief executive officer, chairperson, and president, or, in the event that a company does not have such executives, three similarly senior-level officials of the company; (3) the carrier's regulatory contact and/or designated agent; (4) all the names the carrier has used in the past; and (5) the states in which the carrier provides telecommunications service). Updated registration data is available at https://apps.fcc.gov/cgb/form499/499a.cfm.

process prior to complying with the new requirements.[188]

49. *Eligible Telecommunications Carriers.* We adopt our proposal to include Eligible Telecommunications Carriers (ETCs) within the scope of our attestation and disclosure rules, and place them in Schedule A. We explained in the *Notice* that while section 214(e) grants primary jurisdiction for ETC designations and relinquishments to the states,[189] where a state does not have jurisdiction over a carrier, the Commission is able to designate ETCs under section 214(e)(6), and all ETCs are subject to federal Universal Service Fund rules enacted by the Commission.[190] ETCs receiving Lifeline support and/or high cost support are generally required to offer voice telephony services,[191] and we find that, like other providers operating and serving customers in the U.S., it is necessary to ensure we can protect communications networks and the public interest by bringing them within the scope of the rules we adopt today. We received no comment regarding the inclusion of ETCs within the scope of our Foreign Adversary Control rules.

50. *International section 214 authorizations*. We adopt our proposal to include international section 214 authorizations within the scope of the attestation and disclosure rules, and place them in Schedule A. Given that international section 214 authorizations are critical to national security, we need maximum transparency about any Foreign Adversary Control over such authorization holders.[192] In recent years, for example, the Commission found that significant national security and law enforcement risks were associated with certain carriers' retention of section 214 where the carrier was controlled by a foreign adversary.[193] In April 2023, the Commission adopted the *Evolving Risks Order* that required all

[188] We also note that to the extent domestic wireline carriers also hold an international section 214 authorization, they will already be tracking their existing ownership percentages. *See* 47 CFR § 63.18. In addition, domestic wireline carriers seeking authority to transfer control pursuant to section 214 must disclose the name, address, citizenship, and principal business of any person or entity that directly or indirectly owns 10% or more of the equity interests and/or voting interests, or a controlling interest, of the applicant. *Id.* § 63.04(a)(4).

[189] *Foreign Adversary Control Notice*, 40 FCC Rcd at 3748, para. 37 (citing 47 U.S.C. § 214(e)).

[190] 47 U.S.C. §§ 214(e)(6), 254(e); 47 CFR § 54.201.

[191] *See* 47 CFR §§ 54.101, 54.201; *Lifeline and Link Up Reform and Modernization et al.*, WC Docket Nos. 11-42 et al., Third Report and Order, Further Report and Order, and Order on Reconsideration, 31 FCC Rcd 3962, 4078-4093, paras. 324-60 (2016). For VoIP providers that are also designated as ETCs, the Commission has consistently recognized that although the Commission has not broadly addressed the statutory classification of interconnected VoIP as a general matter, a provider may offer VoIP on a Title II basis if it voluntarily "holds itself out as a telecommunications carrier and complies with appropriate federal and state requirements." *IP-Enabled Services*; *E911 Requirements for IP-Enabled Service Providers*, WC Docket Nos. 04-36 and 05-196, First Report and Order and Notice of Proposed Rulemaking, 20 FCC Rcd 10245, 10268, para. 38 n.128 (2005), *aff'd sub nom. Nuvio Corp. v. FCC*, 473 F.3d 302 (D.C. Cir. 2006); *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 Rcd 17663, 18143-44, para. 1389 ("[S]ome providers of facilities-based retail VoIP services state[d] that they are providing those services on a common carrier basis . . . .").

[192] No comment in the record addresses how best to receive attestation and disclosure from international section 214 authorization holders.

[193] In the *China Telecom Americas Revocation Order*, *China Unicom Americas Revocation Order*, and *Pacific Networks/ComNet Revocation Order*, the Commission found, among other things, that the significant national security and law enforcement risks associated with those entities' retention of their section 214 authority "pose a clear and imminent threat to the security of the United States," including "numerous opportunities to access, monitor, store, disrupt, and/or misroute U.S. communications in ways that are not authorized and that can facilitate espionage and other activities harmful to U.S. national security and law enforcement interests." *See China Telecom Americas Revocation Order*, 36 FCC Rcd at 16008, para. 65, *aff'd*, *China Telecom (Ams.) Corp. v. FCC*; *China Unicom Americas Revocation Order*, 37 FCC Rcd at 1530, para. 74, *aff'd*, *China Unicom (Ams.) Operations Ltd. v. FCC*; *Pacific Networks/ComNet Revocation Order*, 37 FCC Rcd at 4287, para. 74, *aff'd*, *Pac. Networks Corp. v. FCC*; *see generally Evolving Risks Order and NPRM*.

international section 214 authorization holders to respond to a one-time information collection to update the Commission's records regarding their foreign ownership, including foreign adversary ownership, given the Commission had incomplete and outdated information.[194] Our action today takes further steps to improve the Commission's insight into threats by foreign adversary-controlled entities to critical communications infrastructure.

51. We assess that applying the attestation and disclosure rules adopted herein would address a critical gap in the Commission's knowledge regarding Foreign Adversary Control of international section 214 authorization holders and applicants. Although section 63.18(h) of the rules sets out certain ownership disclosure requirements (including a 10% disclosure threshold) for international section 214 applications,[195] those requirements do not capture whether an applicant is "controlled by, or subject to the jurisdiction or direction of a foreign adversary."[196] Similarly, while the Commission obtained updated foreign ownership information, including foreign adversary ownership, through the one-time collection for international section 214 authorization holders, the information collection was based on the requirements set forth in section 63.18(h),[197] and thus did not collect information on whether an authorization holder is "controlled by, or subject to the jurisdiction or direction of a foreign adversary"[198] or 5% ownership of those subject to Foreign Adversary Control.[199] Additionally, the ownership information provided to the Commission is dated as of December 2023 and may not reflect current information.[200] Furthermore, that information collection was a one-time collection, and the Commission

[194] *Evolving Risks Order*, 38 FCC Rcd at 4359-62, paras. 1, 16-23; *see id.* at 4361, para. 20.

[195] The Commission's rules require that any person or entity that seeks to provide U.S.–international common carrier telecommunications service must obtain prior Commission approval pursuant to section 214 of the Act by filing with the Commission an application that contains information required by section 63.18 of the Commission's rules. 47 CFR § 63.18; *see* 47 U.S.C. § 214; 47 CFR §§ 63.21, 63.22, 63.23. An applicant for international section 214 authority must identify, among other things, "[t]he name, address, citizenship, and principal businesses of any individual or entity that directly or indirectly owns ten percent or more of the equity interests and/or voting interests, or a controlling interest, of the applicant, and the percentage of equity and/or voting interest owned by each of those entities (to the nearest one percent)." 47 CFR § 63.18(h)(1). Applicants seeking an assignment or transfer of control of an international section 214 authorization are also subject to the ownership disclosure requirement in section 63.18(h) pursuant to section 63.24 of the Commission's rules. *See id.* §§ 63.24, 63.18(h). With certain exceptions, the Commission generally will refer to the Committee for the Assessment of Foreign Participation in the U.S. Telecommunications Services Sector (Committee) applications for international section 214 authorizations and applications to assign, transfer control of, or modify such authorizations, among other things, where the applicant has reportable foreign ownership. *Id.* § 1.40001(a).

[196] 47 CFR § 1.70001(g); *see Submarine Cable Report and Order*, 40 FCC Rcd at 6629, Appx. A (§ 1.70001(g)); *see supra* Section III.A.1.

[197] *Evolving Risks Order*, 38 FCC Rcd at 4360-61, paras. 18, 20. Specifically, the Commission directed each international section 214 authorization holder to identify its 10% or greater direct or indirect foreign interest holders that hold such equity and/or voting interests (reportable foreign ownership) as of thirty (30) days prior to the filing deadline. *Id*. at 4360, para. 18.

[198] 47 CFR § 1.70001(g); *see Submarine Cable Report and Order*, 40 FCC Rcd at 6629, Appx. A (§ 1.70001(g)); *see supra* Section III.A.1.

[199] Pursuant to this *Report and Order*, we will apply a 5% ownership disclosure requirement to an applicant as discussed below that is owned by, controlled by, or subject to the jurisdiction or direction of a foreign adversary, as defined in section 1.70001(g) of the newly adopted rules, but will apply the 10% ownership threshold for all other applicants seeking an international section 214 authorization or modification, assignment, or transfer of control of international section 214 authorization. *See infra* Section III.B.

[200] *See Evolving Risks Order*, 38 FCC Rcd at 4360, para. 18; Federal Communications Commission, Review of International Authorizations to Assess Evolving National Security, Law Enforcement, Foreign Policy, and Trade Policy Risks; Amendment of the Schedule of Application Fees, 88 Fed. Reg. 85514 (Dec. 8, 2023); *The Office of International Affairs Announces the Opening of the One-Time Information Collection Filing Window for*

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has not adopted new rules in that proceeding, including any ongoing reporting requirement.[201] Therefore, we conclude that applying the new attestation and disclosure requirements will fill this information gap by providing comprehensive and up-to-date information on whether any international section 214 authorization holders and applicants are subject to Foreign Adversary Control. Moreover, we find that requiring these entities to submit an attestation under Schedule A will enable the Commission to have comprehensive and accurate insight into any Foreign Adversary Control of international section 214 authorization holders. We find that international telecommunications services subject to section 214 of the Communications Act are critical to national security, and therefore, maximum transparency about these authorization holders is necessary.

52. *VoIP direct access to numbering resources authorizations.* We adopt our proposal to include interconnected Voice over Internet Protocol (VoIP) direct access to numbering resources authorizations within the scope of our attestation and disclosure rules, and place them in Schedule A.[202] Interconnected VoIP providers with this authorization may access North American Numbering Plan (NANP) telephone numbers directly from the Numbering Administrators, rather than through intermediary providers.[203] The Commission has found that this benefits both competition and consumers, improves responsiveness in the number porting process, and increases visibility and accuracy of number utilization, enabling the Commission to more effectively protect the nation's finite numbering resources.[204] The VoIP direct access authorization also enhances the Commission's ability to enforce rules governing interconnected VoIP providers, and helps stakeholders and the Commission identify the sources of call routing, including by allowing providers to determine more easily with whom they are exchanging traffic.[205] Since 2023, the Commission has also required the disclosure of ownership and control by entities applying for the VoIP numbering authorization, enabling greater transparency into who is seeking access to numbering resources and whether foreign ownership is involved, especially to the extent that it could facilitate illegal robocalling from sources outside the United States.[206] While interconnected VoIP providers with direct access to numbers comply with specific rules that allow the Commission to protect the public interest,[207] we estimate that VoIP providers that do not also provide

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International Section 214 Authorization Holders to Provide Foreign Ownership Information, IB Docket No. 23-119, MD Docket No. 23-134, Public Notice, 38 FCC Rcd 11841, 11841 n.1 (OIA 2023).

[201] *See, e.g.*, *Evolving Risks Notice*, 38 FCC Rcd at 4350, 4411-14, paras. 4, 146-155 (proposing to require authorization holders to provide updated ownership information, cross border facilities information, and other information every three years).

[202] *Foreign Adversary Control Notice*, 40 FCC Rcd at 3749, para. 39.

[203] *See Numbering Policies for Modern Communications et al*., WC Dockets No. 13-97 et al., Report and Order, 30 FCC Rcd 6829 (2015), *appeal dismissed*, *NARUC v. FCC*, 851 F.3d 1324 (D.C. Cir. 2017) (*VoIP Direct Access First Report and Order*); *VoIP Direct Access Second Report and Order and Second Further Notice*, 38 FCC Rcd at 8992, para. 81. The Commission's rules require interconnected VoIP providers seeking to obtain numbering resources to comply with both the requirements applicable to telecommunications carriers seeking to obtain numbering resources and certain interconnected VoIP-specific requirements for applying for, and maintaining, a Commission authorization for direct access to numbering resources, including providing certifications related to an applicant's technical, managerial, and financial capacity to provide service and comply with multiple Commission requirements. *VoIP Direct Access First Report and Order*, 30 FCC Rcd at 6844, para. 13; 47 CFR § 52.15(g).

[204] *VoIP Direct Access First Report and Order*, 30 FCC Rcd at 6845-48, paras. 15-19.

[205] *Id.* at 6845-46, para. 16.

[206] *VoIP Direct Access Second Report and Order and Second Further Notice*, 38 FCC Rcd at 8962-66, paras. 19-23. The Commission has proposed applying these same requirements to all existing VoIP direct access authorizations holders, in addition to entities that have applied for the authorization since the 2023 effective date of the *VoIP Direct Access Second Report and Order*. *Id*. at 8991-93, paras. 80-85.

[207] *See* 47 CFR § 52.15(g).

telecommunications service likely do not hold any other Commission licenses or authorizations that would require them to make the same foreign adversary attestation and disclosures we adopt here for all other communications providers operating in the United States.[208] Like other communications providers, VoIP providers subject to Foreign Adversary Control that directly access U.S. numbering resources in order to provide their service could pose an unacceptable risk to national security.[209] We therefore find that it is in the public interest to require interconnected VoIP direct access authorization holders to comply with the attestation and disclosure rules we adopt today. No commenter opposes this requirement, and we find that there are no reasons why these providers could not comply with the requirements in the same manner as other Covered Authorization holders.

g. Other

53. *FCC auction applications.* We adopt our proposal to include applications to participate in an FCC auction within the scope of the attestation and disclosure rules, and place them in Schedule C.[210] We received no comment on our proposal to include auction applications within the scope of these rules. Generally, the Commission's auctions are only the first part of a two-stage application and review process, in which parties initially apply to participate in the auction and, if successful in the bidding, subsequently apply for a spectrum license, construction permit, or universal service support.[211] Current Commission regulations require all applicants to participate in any Commission auction to certify under penalty of perjury their compliance with Commission rules applicable to winning bidders that apply for spectrum licenses or universal service support.[212] Thus, any applicant to participate in an auction that is not in compliance with those rules, including the applicable rules regarding attestation and disclosure with respect to foreign adversary involvement, cannot truthfully complete an auction application consistent with the certification requirement.[213] Following an auction, all winning bidders will be subject to the

[208] The Commission has not addressed the regulatory classification of interconnected VoIP service or interconnected VoIP service providers. *See Advancing IP Interconnection et al.*, WC Docket Nos. 25-304 et al., Notice of Proposed Rulemaking, FCC 25-73, at 27-35, paras. 65-81 (2025); *IP-Enabled Services*, WC Docket No. 04-36, Notice of Proposed Rulemaking, 19 FCC Rcd 4863 (2004).

[209] *VoIP Direct Access Third Further Notice* at 15, para. 30.

[210] *See* Section III.A.2 (discussing reasons for placing Covered Authorizations in Schedule C).

[211] *See, e.g.*, *Auction of Flexible-Use Service Licenses in the 3.7–3.98 GHz Band for Next-Generation Wireless Services*, AU Docket 20-25, Public Notice, 35 FCC Rcd 8404, 8409-10, paras. 13-16 (2020) (*Auction 107 Procedures PN*) (application process in a spectrum license auction); *Auction of Construction Permits for Full Power Television Licenses*, AU Docket 21-449, Public Notice, 37 FCC Rcd 1155, 1159-1160, paras. 11-13 (OEA-MB 2022) (application process in a television construction permit auction); *Rural Digital Opportunity Fund Phase I Auction Scheduled for October 29, 2020*, AU Docket 20-34, Public Notice, 35 FCC Rcd 6077, 6088-89, paras. 27-29 (2020) (*RDOF Auction Procedures PN*) (application process in a universal service support auction).

[212] 47 CFR § 1.2105(a)(2)(v)-(vi) (required spectrum license auction certifications that "the applicant is legally, technically, financially and otherwise qualified pursuant to section 308(b) of the Communications Act of 1934, as amended; . . . is in compliance with the foreign ownership provisions of section 310 of the Communications Act of 1934, as amended; [or has pending a request from relief thereof] . . . [and] is and will, during the pendency of its application(s), remain in compliance with any service-specific qualifications applicable to the licenses on which the applicant intends to bid including, but not limited to, financial qualifications [unless the Commission alternatively provides that certification that] the applicant will, following grant of a license, come into compliance with certain service-specific rules, including, but not limited to, ownership eligibility limitations."); *id.* § 1.21001(b) (requiring universal service support competitive bidding certification "that the applicant is in compliance with all statutory and regulatory requirements for receiving the universal service support that the applicant seeks, or, if expressly allowed by the rules specific to a high-cost support mechanism, a certification that the applicant acknowledges that it must be in compliance with such requirements before being authorized to receive support").

[213] *See id.* § 1.2105(a)(2) (spectrum license and broadcast permit auction application certifications are under penalty of perjury), (b)(1)(i) (spectrum license and broadcast permit auction applications without required certifications are unacceptable for filing); *id.* § 1.2100(f)(2) (universal service support auction applications "cannot be corrected

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applicable attestation and disclosure requirements for Commission licensees and recipients of universal service support, protecting against the risk of foreign adversary influence.[214]

54. Placing auction applications on Schedule C and waiting until winning bidders are identified to collect additional information, if necessary, is consistent with the Commission's long-standing approach to auction applications, which values ease of entry at the short-form stage.[215] Pre-auction certification combined with post-auction verification enables the Commission to expeditiously process auction applications, through initial review and correction, to competitive bidding, without the delay that could arise from any potential review of additional disclosures, which might not provide any corresponding benefit. As noted, Commission regulations already require applicants to provide substantial information regarding ownership.[216] By placing auction applications on Schedule C we minimize duplicative regulation and prioritize efficiency.

55. *Equipment authorization certifications.* With an exception for Regulatees obtaining an Authorization under the Supplier's Declaration of Conformity (SDoC) discussed below, we adopt our proposal to include equipment authorization certifications within the scope of the attestation and disclosure rules, and place them in Schedule A. We find that requiring disclosure of Foreign Adversary Control by holders and applicants of such certifications is necessary to minimize vulnerabilities and strengthen national security within the communications equipment supply chain, and ensure that the Commission has sufficient information to address evolving national security, law enforcement, foreign policy, and trade policy risks on a continuing basis. Requiring applicants for equipment certification to comply with the attestation and disclosure rules will help the Commission identify equipment that may warrant heightened scrutiny before it is made available for marketing, importation, and use within the United States. This approach is consistent with our implementation of similar information collection activities in other areas of the equipment authorization process.[217]

56. We place Covered Authorizations obtained solely under the SDoC process in Schedule C. We agree with CCIA's and ITI's suggestion that entities operating under the SDoC process presently "do not pose the same systemic risk as operators of public networks and direct-connectivity infrastructure."[218] For devices subject to SDoC, the responsible party must keep on file information that includes a compliance statement that lists a U.S.-based responsible party.[219] The SDoC process is "streamlined" in the sense that, unlike the equipment certification process, it does not require submission of applicable

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subsequent to the applicable deadline for submitting applications . . . [and those not including all certifications required] will be deemed incomplete and the applicant will not be found qualified to bid); *RDOF Auction Procedures PN*, 35 FCC Rcd at 6089, para. 30 (required certifications made under penalty of perjury).

[214] *See supra* Section III.A.3 (discussing wireless and broadcast licenses, and Eligible Telecommunications Carriers receiving universal service support).

[215] For example, auction applicants identify the existence of agreements that subsequently may need to be disclosed but submit the contents of any relevant agreements only at the post-auction application stage. *See, e.g.*, *Auction 107 Procedures PN*, 35 FCC Rcd at 8412-15, paras. 24-31 (describing disclosures required in auction application and noting additional detail required in any winning bidder's application for a license).

[216] *See* 47 CFR §§ 1.2112(a) (spectrum license auction application required ownership information), 1.21001(b)(1) (incorporating the same regulation for universal service support auction applications).

[217] *See Equipment Authorization Integrity Order*, 40 FCC Rcd at 3652-58, paras. 76-89.

[218] CCIA Comments at 2; ITI Comments at 3 (suggesting that authorizations obtained under the SDoC process should be excluded "unless the equipment is designated as high risk"). At this time, we decline to place equipment authorizations under the SDoC process that are designated as high-risk within Schedule A.

[219] The responsible party is the party responsible for the compliance of the equipment with the applicable standards. 47 CFR §§ 2.909(b), 2.1077(a)(3).

information to a Commission-recognized telecommunication certification body.[220] However, the Commission can specifically request that a responsible party provide compliance documentation or device samples as necessary.[221] The Commission already prohibits equipment that is produced by entities identified on the Covered List from obtaining SDoC authorization, requiring that any such equipment be authorized under our equipment certification procedures.[222] Thus, any equipment authorization application determined to pose a national security risk would already be subject to the broader Schedule A attestation and reporting of ownership for any equipment that requires authorization. When balanced against the burden of requiring attestations and disclosures for every SDoC authorization, we find that the adoption of the broader reporting requirements for equipment authorization certifications and applications combined with the existing SDoC safeguards (including prohibiting authorization of equipment produced by entities identified on the Covered list and requiring a responsible party located in the United States) provides sufficient protection against the risk of Foreign Adversary Control while preserving the streamlined nature of the SDoC process.

57. *Data Network Identification Codes*. We adopt our proposal to include Data Network Identification Codes (DNIC) within the scope of the attestation and disclosure rules, and place them in Schedule A.[223] DNICs raise important national security considerations.[224] The DNIC[225] is the central

[220] For example, while our rules require that the equipment authorized under the SDoC procedure must include a unique identifier the equipment is not listed in a Commission equipment authorization database. *Id.* § 2.1074. We observe that the format of "unique identifier" is at the responsible party's discretion and has no correlation to a Commission-established FCC ID.

[221] The responsible party is required to retain records on the equipment that demonstrates compliance with the Commission's requirements for that equipment. *Id.* § 2.938. The Commission may request these records and request equipment samples. *Id.* §§ 2.906(a), 2.945(b)-(c).

[222] *Id.* § 2.906(d).

[223] *Foreign Adversary Control Notice*, 40 FCC Rcd at 3750, para. 42. No comments in the record addressed how best to receive certification and reporting from DNIC holders.

[224] The Commission assigns DNICs under International Telecommunication Union ITU-T Recommendation X.121. 47 CFR §§ 1.10007(a), 1.10014(h); International Telecommunication Union, ITU-T Recommendation X.121 (10/2000), Series X: Data Networks and Open System Communications, Public data networks—Network aspects, International numbering plan for public data networks, https://www.itu.int/rec/T-REC-X.121-200010-I/en (ITU-T Recommendation X.121); *International Communications Policies Governing Designation of Recognized Private Operating Agencies, Grants of IRUs in International Facilities and Assignment of Data Network Identification Codes*, CC Docket No. 83-1230, Report and Order, 104 F.C.C.2d 208, 219, para. 13 & n.38 (1986) (*1986 International Communications Report and Order*); *International Communications Policies Governing Designation of Recognized Private Operating Agencies, Grants of IRUs in International Facilities and Assignment of Data Network Identification Codes*, CC Docket No. 83–1230, Order on Reconsideration, 2 FCC Rcd 7375 (1987); Federal Communications Commission, Information Collection Being Submitted for Review and Approval to Office of Management and Budget, 88 Fed. Reg. 42720 (July 3, 2023) (DNIC Federal Register Notice).

[225] DNICs are unique numerical codes designed to provide discrete identification of individual public data networks. *See International Communications Policies Governing Designation of Recognized Private Operating Agencies, Grants of IRUs in International Facilities and Assignment of Data Network Identification Codes*, CC Docket No. 83–1230, Notice of Inquiry, 95 F.C.C.2d 627, 629, para. 5 (1983) (*1983 International Communications Notice of Inquiry*); ITU-T Recommendation X.121 at 3-4, 33 (Subclauses 6, 7.1, and 7.2.1, Annex K); DNIC Federal Register Notice, 88 Fed. Reg. at 42721. Under ITU-T Recommendation X.121, the definition of a public data network will be interpreted in accordance with national laws and regulations. ITU-T Recommendation X.121 at 14 (Annex C); *see also id.* at 34 (Annex K) (stating "a network with the following properties is generally regarded as public": a network that is openly accessible to the general public and allows non-discriminatory access; a network which provides a basic carriage service; a network operated by the holder of a carrier or service license (where such requirements exist); and a network that has the capability to support connectivity (via a standard network to network interface protocol) to other networks for the purpose of routing of traffic between networks).

device of the international data numbering plan developed by the International Telecommunication Union (ITU) and is intended to identify and permit automated switching of data traffic to particular networks.[226] While operators of public data networks must provide to the Commission information about the network and the service(s) and/or application(s) for which a DNIC will be used,[227] the Commission currently does not obtain information about their ownership or control. As a result, the Commission does not have up-to-date information as to whether DNIC holders are owned by, controlled by, or subject to the jurisdiction or direction of a foreign adversary, and lacks full visibility into the risks to U.S. critical communications infrastructure presented by such Foreign Adversary Control. We conclude that applying Schedule A to DNIC holders and applicants will enable the Commission to have comprehensive and accurate insight into any Foreign Adversary Control of such entities.

58. *International Signaling Point Codes.* We adopt our proposal to include International Signaling Point Codes (ISPC) within the scope of the attestation and disclosure rules, and place them in Schedule A.[228] ISPCs raise important national security considerations, as they are used at the international level for signaling message routing and identification of signaling points involved.[229] ISPCs are used, for example, by international SS7 gateways as addresses for routing domestic voice traffic to an international provider.[230] In recent years, the Commission found that significant national security risks were associated with a carrier's use of an ISPC.[231] While applicants must provide certain information

[226] *1986 International Communications Report and Order*, 104 F.C.C.2d at 218, para. 12; DNIC Federal Register Notice, 88 Fed. Reg. at 42721; *1983 International Communications Notice of Inquiry*, 95 F.C.C.2d at 650, para. 60. The assignment of a DNIC to a particular data network allows network switches throughout the world to recognize that network and to direct traffic to it. *1983 International Communications Notice of Inquiry*, 95 F.C.C.2d at 629, para. 5.

[227] Currently, applicants seeking a DNIC must include in the application, among other things, a network diagram showing the international nature of the network; a description of the service(s)/application(s) for which the DNIC will be used (e.g., voice, SMS text messaging, or other applications); information showing that the applicant's network has the capability to efficiently interconnect with existing public data networks and the network also provides a capability for routing transit traffic; and a statement explaining how allocation of the code is necessary because alternative technical scenarios will not be sufficient. *See* DNIC Federal Register Notice; Federal Communications Commission, FCC Application for Data Network Identification Code, OMB Control No. 3060-1029 (FCC 245/DNC-NEW), https://fccprod.servicenowservices.com/ibfs?id=app&subsystem=DNC&type=NEW.

[228] *Foreign Adversary Control Notice*, 40 FCC Rcd at 3750, para. 43. No comments in the record address how best to receive certification and reporting from ISPC holders. The Commission, as the Administrator for the United States, assigns ISPCs for Signaling System No. 7 (SS7) networks under International Telecommunication Union ITU-T Recommendation Q.708. 47 CFR §§ 1.10007(a), 1.10014(h); International Telecommunication Union, ITU-T Recommendation Q.708 (03/1999), Series Q: Switching and Signalling, Specifications of Signalling System No. 7 – Message transfer part (MTP), Assignment procedures for international signalling point codes, https://www.itu.int/rec/T-REC-Q.708-199903-I/en (ITU-T Recommendation Q.708).

[229] *See* ITU-T Recommendation Q.708 at 1 (Subclause 3.4). The ITU-T Recommendation Q.708 defines an international signaling point code as a "code with a unique 14-bit format used at the international level for [signaling] message routing and identification of [signaling] points involved." *Id.* Such signaling points are within an SS7 switch. *Id.* For this reason, only carriers that operate their own switch would need a signaling point code. *Reporting Requirements for U.S. Providers of International Telecommunications Services*; *Amendment of Part 43 of the Commission's Rules*, Notice of Proposed Rulemaking, 19 FCC Rcd 6460, 6474, para. 36, n.83 (2004).

[230] *China Unicom Americas Revocation Order*, 37 FCC Rcd at 1561, para. 121 & n.548, *aff'd*, *China Unicom (Ams.) Operations Ltd. v. FCC*; *Pacific Networks/ComNet Revocation Order*, 37 FCC Rcd at 4347-48, para. 157 & n.824, *aff'd*, *Pac. Networks Corp. v. FCC*; *China Telecom (Americas) Corporation*, GN Docket No. 20-109, File Nos. ITC-214-20010613-00346, ITC-214-20020716-00371, ITC-T/C-20070725-00285, Order Instituting Proceedings on Revocation and Termination and Memorandum Opinion and Order, 35 FCC Rcd 15006, 15040, para. 58 (2020).

[231] *See Pacific Networks/ComNet Revocation Order*, 37 FCC Rcd at 4347-48, para. 157 (finding significant national security and law enforcement risks with the companies' retention of their section 214 authority and that those same risks apply to ComNet (USA) LLC's use of its ISPCs); *see also* Letter from Denise Coca, Chief,

(continued….)

such as how the ISPC will be used and its location,[232] the Commission currently does not obtain information about their ownership or control. As a result, the Commission does not have up-to-date information as to whether ISPC holders are owned by, controlled by, or subject to the jurisdiction or direction of a foreign adversary, and lacks full visibility into the risks to U.S. critical communications infrastructure presented by such Foreign Adversary Control. We conclude that placing ISPC holders and applicants in Schedule A will enable the Commission to have comprehensive and accurate insight into any Foreign Adversary Control of such entities.

59. *Recognized Operating Agencies*. We adopt our proposal to include recognized operating agencies and applicants within the scope of the attestation and disclosure rules, and place them in Schedule A.[233] We will require all recognized operating agencies and applicants to certify whether or not they are subject to Foreign Adversary Control because designation of recognized operating agency status raises important national security considerations.[234] We therefore need maximum transparency about any Foreign Adversary Control of such entities. Any party requesting designation as a recognized operating agency within the meaning of the International Telecommunication Convention must file a request for such designation with the Commission.[235] While section 63.701 of the Commission's rules sets out

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Telecommunications and Analysis Division, FCC International Bureau, to Zhao-feng Ye, Xiaoyi Liu, China Telecom (Americas) Corporation, DA 20-1368 (Nov. 18, 2020) (on file in GN Docket No. 20-109, File Nos. SPC-NEW-20030314-00014, SPC-NEW-20100314-00006, SPC-NEW-20100326-00007, ITC-214-20010613-00346, ITC-214-20020716-00371, ITC-T/C-20070725-00285); Letter from Denise Coca, Chief, Telecommunications and Analysis Division, FCC, International Bureau, to Robert E. Stup, Jr. and Paul C. Besozzi, Counsel for China Unicom (Americas) Operations Limited, DA 21-227 (Mar. 10, 2021) (on file in GN Docket No. 20-110, File Nos. SPC-NEW-20030730-00031, SPC-NEW-20031009-00040, SPC-New-20070112-00002, ITC-214-20020728-00361, ITC-214-20020724-00427).

[232] Currently, applicants seeking an ISPC must include in the application, among other things, a statement regarding the nature of the use of the ISPC(s) in the network; a network diagram that shows how the ISPC(s) will be used; a statement regarding the signaling point manufacturer/type; and the physical address where the ISPC(s) will be located. Federal Communications Commission, Information Collection Being Submitted for Review and Approval to Office of Management and Budget, 88 Fed. Reg. 43347 (July 3, 2023) (ISPC Federal Register Notice); Federal Communications Commission, FCC Application for an International Signaling Point Code (ISPC), OMB Control No. 3060-1028 (FCC 230/SPC-NEW), https://fccprod.servicenowservices.com/ibfs?id=app&subsystem=SPC&type=NEW.

[233] *Foreign Adversary Control Notice*, 40 FCC Rcd at 3750-51, para. 44. No comments in the record addressed how best to receive certification and reporting from recognized operating agencies.

[234] *See* International Telecommunication Union (ITU), Constitution and Convention of the International Telecommunication Union at Annex, para. 1007 (2022), https://search.itu.int/history/HistoryDigitalCollectionDocLibrary/5.23.61.en.100.pdf (ITU Constitution and Convention Annex) (defining "Operating Agency" as "[a]ny individual, company, corporation or governmental agency which operates a telecommunication installation intended for an international telecommunication service or capable of causing harmful interference with such a service"); *id.* at para. 1008 (defining "Recognized Operating Agency" as "[a]ny operating agency, as defined above, which operates a public correspondence or broadcasting service and upon which the obligations provided for in Article 6 of this Constitution are imposed by the Member State in whose territory the head office of the agency is situated, or by the Member State which has authorized this operating agency to establish and operate a telecommunication service on its territory"); *see also* FCC, Information Collection Being Submitted for Review and Approval to Office of Management and Budget, 88 Fed. Reg. 42719 (July 3, 2023) (ROA Federal Register Notice) (explaining that the term "recognized private operating agency" was used in the International Telecommunication Convention to refer to private-sector providers of international telecommunication services that had been "recognized" either by the government of the country in which they had been incorporated, or the country where they operated, and that the term "recognized private operating agency" is interchangeable with the term "recognized operating agency (ROA)").

[235] 47 CFR §§ 1.10014(h), 63.701. Pursuant to sections 1.10014(h) and 63.701 of the rules, the Commission sends a letter to the Department of State recommending grant or denial of recognized operating agency status. *Id.*
(continued….)

certain ownership disclosure requirements for such applications,[236] those requirements do not capture whether an applicant is "controlled by, or subject to the jurisdiction or direction of a foreign adversary."[237] However, control, jurisdiction, or direction of a Regulatee by a foreign adversary would be directly relevant to the question of whether recognized operating agency status may present national security risks to critical U.S. communications infrastructure. The Commission does not have up-to-date information as to whether recognized operating agencies are owned by, controlled by, or subject to the jurisdiction or direction of a foreign adversary, and lacks full visibility into the risks that may be presented by any such Foreign Adversary Control. Therefore, we conclude that assigning recognized operating agencies and applicants to Schedule A is necessary to enable the Commission to have comprehensive and accurate insight into any Foreign Adversary Control of such entities and to inform the decision whether to recommend grant or denial of an applicant's request for such designation.

60. *Telecommunications Relay Services.* We adopt our proposal to include Internet-based Telecommunication Relay Services (TRS) certification applicants and holders within the scope of the attestation and disclosure rules and place them in Schedule A.[238] Currently, in an application for certification to provide Internet-based TRS, applicants must include a list of individuals or entities that hold at least a 10% equity interest in the applicant, have the power to vote 10% or more of the securities of the applicant, or exercise *de jure* or *de facto* control over the applicant.[239] In addition, proposed changes in ownership require a new application for certification, unless the new owner is already certified to provide Internet-based TRS.[240] We find that the public interest will be served by requiring entities holding or seeking certification to provide Internet-based TRS to provide more complete information about Foreign Adversary Control. No commenters disagreed with the inclusion of Internet-based TRS certification holders within the scope of the attestation and disclosure rules. The additional burdens to these entities are minimal and outweighed by the disclosure benefits to ensure we can protect our communications networks from foreign adversaries.

B. Attestation and Disclosure Requirements

61. *Attestation.* We adopt new attestation and disclosure requirements for Schedule A and Schedule B Regulatees described herein, and exempt Schedule C Regulatees from the initial attestation

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Recognized operating agencies may participate in the ITU. *See* ITU Constitution and Convention Annex at paras. 228-229; *1983 International Communications Notice of Inquiry*, 95 F.C.C.2d at 635, para. 22 (explaining that "[recognized private operating agency] status gives such private entities an official status in the ITU . . . and allows such entities to contribute to the work of the ITU while reassuring the governmental members that the private entities will abide by the international regulations"); *see also* ROA Federal Register Notice, 88 Fed. Reg. at 42720.

[236] Any party requesting designation as a recognized operating agency must include in the application, among other things, "[a] statement of the ownership of a non-corporate applicant, or the ownership of the stock of a corporate applicant, including an indication whether the applicant or its stock is owned directly or indirectly by an alien." 47 CFR § 63.701.

[237] *Id.* § 1.70001(g); *Submarine Cable Report and Order*, 40 FCC Rcd at 6629, Appx. A (§ 1.70001(g)); *see supra* Section III.A.1.

[238] *See Foreign Adversary Control Notice*, 40 FCC Rcd at 3751, para 45. 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 engage in communication by wire or radio . . . 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." 47 U.S.C. § 225(a)(3); 47 CFR § 64.601(a)(48).

[239] 47 CFR § 64.606(a)(2)(ii)(B).

[240] *See Consumer and Governmental Affairs Bureau Clarifies the Transferability of Telecommunications Relay Service (TRS) Provider Certification*, CG Docket No. 03-123, Public Notice, 23 FCC Rcd 10438, 10438-39 (CGB 2008); *see also Structure and Practices of the Video Relay Service Program*, CG Docket No. 10-51, Second Report and Order and Order, 26 FCC Rcd 10898, 10918, para. 47 (2011) (reaffirming the ruling).

requirement.[241] For all Regulatees holding Covered Authorizations listed in Schedule A or that have an application for a Covered Authorization listed in Schedule A pending before the Commission, we require an officer or other authorized representative of the Regulatee to submit an attestation to the Commission that it is or is not owned by, controlled by, or subject to the jurisdiction or direction of a foreign adversary as defined above[242] (i.e., Foreign Adversary Control).[243] For Regulatees subject to Foreign Adversary Control holding Covered Authorizations listed in Schedule B or that have an application for a Covered Authorization listed in Schedule B pending before the Commission, we require an officer or other authorized representative of the Regulatee to attest affirmatively to Foreign Adversary Control. We decline to require Schedule B Regulatees that are not subject to Foreign Adversary Control to attest to that fact, and exempt Regulatees holding Covered Authorizations listed in Schedule C or that have an application for a Covered Authorization listed in Schedule C pending before the Commission from the initial attestation requirement altogether.[244] Finally, we require all Regulatees filing Foreign Adversary Control attestations to attest to the truth and accuracy of the attestation.

62. We find that adopting a sliding-scale approach to the application of our attestation and disclosure requirements, rather than a one-size-fits-all approach as proposed in the *Notice*,[245] effectively promotes the Commission's goal of promoting national security while also maximizing efficiency and reducing regulatory burdens. This tailored approach recognizes the differing risk levels of Foreign Adversary Control by type of authorization, and reduces unnecessary regulatory and administrative burdens in cases where the risk is relatively minimal. We agree with commenters that Foreign Adversary Control over Commission-granted licenses and authorizations does not pose the same risk to national security across all license and authorization types, and indeed, the likelihood of Foreign Adversary Control over certain lower risk license and authorization types is presently slim.[246]

63. We received support in the record for adopting the attestation requirement broadly across various Commission-issued license and authorization types.[247] As FDD notes, "[w]hile the FCC has targeted select sectors for greater scrutiny, such as equipment testing laboratories and submarine cables, these measures have not extended to other FCC-regulated markets, leaving an opening for the [Chinese Communist Party] to expand its influence."[248] By broadening the scope of our Foreign Adversary Control attestation requirements to reach a variety of license and authorization types, the Commission "will streamline efforts to prevent China and other foreign adversaries from accessing the nation's

[241] *See supra* Section III.A.2 (discussing Schedules of Covered Authorizations). We clarify that Regulatees holding a variety of Covered Authorizations listed in different Schedules will be required to comply with the requirements pertaining to the Schedule with more requirements. For example, a Regulatee holding both a Schedule A and a Schedule C license would be required to file a single Schedule A attestation covering all licenses held. A Regulatee holding both a Schedule B license and a Schedule C license would be required to file a single Schedule B attestation if the Regulatee is subject to Foreign Adversary Control.

[242] *Supra* para. 15.

[243] *See Foreign Adversary Control Notice*, 40 FCC Rcd at 3752, para. 48.

[244] As noted below, we require all entities attesting that they are subject to Foreign Adversary Control, regardless of Schedule, to file additional disclosures about the nature of that Foreign Adversary Control, and additionally impose ongoing reporting requirements. *See infra* para. 67.

[245] *See Foreign Adversary Control Notice*, 40 FCC Rcd at 3752, para. 48.

[246] *See, e.g.*, ARRL Comments at 3.

[247] *See, e.g.*, FDD Comments at 2, 5-6; FDD *Ex Parte* at 2; NWCC Comments at 2.

[248] FDD Comments at 1.

telecommunications network, while preventing states, entities, and individuals from circumventing reporting requirements."[249]

64. *Sliding-scale approach.* While we received assurance from some commenters that complying with an attestation requirement applicable to all Commission-issued licenses and authorizations would be feasible,[250] we received a fair number of comments that argue for a more nuanced and targeted approach. For example, CCIA, ITI, and NAB all advocate for "limit[ing] certification requirements to entities with actual or reportable foreign adversary ownership or control"[251] to avoid imposing an "undue burden, especially on entities with no nexus to national security concerns."[252] As described in Section III.A.3, a variety of Regulatee stakeholders raise concerns that certain licenses and authorizations have little to no likelihood of Foreign Adversary Control, or that the risk to national security of Foreign Adversary Control of such licenses and authorizations is extremely limited. We recognize these concerns and thus adopt a more tailored approach to the attestation requirement by categorizing licenses and authorizations into three Schedules. We find that such a sliding-scale approach will reduce burdens on Regulatees whose potential Foreign Adversary Control poses less of a threat to national security, while preserving enhanced attestation and disclosure requirements for Regulatees where the threat is greater. We thus adopt our proposal to require Regulatees holding licenses and authorizations that would confer rights and privileges that would present a sizeable risk to national security should they be controlled by a foreign adversary to file "yes" or "no" attestations,[253] and impose less burdensome requirements on Regulatees holding licenses and authorizations where such risk is lower. We have also considered the balance of risks and burdens in structuring the reporting categories.

65. *Exemptions.* We exempt holders of Schedule C licenses or authorizations from the initial Foreign Adversary Control attestation requirement. As noted in Section III.A.2, Foreign Adversary Control over Schedule C licenses and authorizations is less likely, poses a less critical risk to national security, or poses a risk that is already mitigated by other Commission regulations, or the administrability burdens of requiring attestations from such entities substantially outweigh any transparency benefits. Nevertheless, as noted above, we require all Regulatees attesting to Foreign Adversary Control to provide the additional disclosures described in this Section.

66. We also exempt federally recognized Tribal Nations and businesses controlled by federally recognized Tribal Nations from the attestation and disclosure requirements adopted by this *Report and Order*. Federally recognized Tribal Nations are sovereign, domestic dependent nations, and the Commission through its long-standing policy statement recognizes a unique government-to-government relationship with them.[254] We also exempt state and local governmental licensees from our attestation and disclosure requirements, given that, by definition, these entities cannot be foreign

[249] *Id.* at 2.

[250] *See, e.g.*, NWCC Comments at 2 ("If the FCC determines to require certifications from all Regulatees, the NWCC FACs will file as required and will work with their members to promote compliance."); USTelecom Reply at 2 (considering the Commission's proposed approach to "minimiz[e] reporting burdens" by requiring only a "simple certification").

[251] CCIA Comments at 2; *see also* ITI Comments at 4; NAB Comments at 9.

[252] ITI Comments at 4.

[253] FDD also argues that requiring filers to make either a positive or negative attestation "will be effective in building out a more comprehensive registry while also allowing for potential prosecution of claimants found to be falsifying submissions." FDD *Ex Parte* at 2.

[254] *Statement of Policy on Establishing a Government-to-Government Relationship with Indian Tribes*, Policy Statement, 16 FCC Rcd 4078 (2000).

adversaries or subject to Foreign Adversary Control.[255]

67. We decline to adopt any further exemptions at this time. CCIA and ITI request that we avoid imposing duplicative obligations on Regulatees that are already subject to mitigation agreements entered into with the Executive Branch agencies and with which compliance is a conditions of the license and/or authorization.[256] We find that the approach we adopt is sufficiently tailored to remove concerns of duplicative reporting, and thus decline to adopt a blanket exemption for such Regulatees. Existing mitigation agreements contain specific and varying commitments for each Regulatee, including with respect to reporting obligations.[257] While recent mitigation agreements may require reporting of certain ownership information to relevant national security agencies, for example,[258] such reporting obligations

[255] For example, wireless licensees that identify as "Governmental Entities, Tribal Nations, or Businesses controlled by Tribal Nations" in response to FCC Form 601, Question 14, are exempt for purposes of Foreign Adversary Control reporting. *See* FCC Form 601, https://www.fcc.gov/sites/default/files/fcc-form-601.pdf. Governmental licensees should be aware of the restrictions on the procurement and use of certain covered telecommunications equipment as a result of the John S. McCain National Defense Authorization Act of 2019 and subsequent legislation. In compliance with the FY 2019 NDAA, governmental agencies may not procure, obtain, extend, renew, or enter into a contract with certain covered telecommunications providers. The Commission maintains the list of communications equipment and services deemed threats to U.S. national security. *See* FCC, *List of Equipment and Services Covered by Section 2 of The Secure Networks Act* (July 23, 2025), http://www.fcc.gov/supplychain/coveredlist.

[256] *See* CCIA Comments at 3 ("CCIA urges the Commission not to impose multiple layers of disclosure requirements on licensees that already are subject to Team Telecom mitigation agreements. Instead, the FCC should coordinate with Team Telecom and relevant agencies to share licensee information about their ownership and control."); ITI Comments at 4 ("For licensees already subject to Team Telecom mitigation agreements, we urge the Commission to avoid duplicative obligations. Instead, the FCC should coordinate with the Administration to share applicable ownership and control reporting, which will thereby streamline oversight while protecting sensitive information already reviewed under national security protocols"). The Commission, in its discretion, may refer applications, petitions, and other filings to the Executive Branch for review for national security, law enforcement, foreign policy, and/or trade policy concerns. 47 CFR § 1.40001(a). The Commission will generally refer to the Executive Branch applications filed for an international section 214 authorization and submarine cable landing license as well as an application to assign, transfer control of, or modify those authorizations and licenses where the applicant has reportable foreign ownership and petitions for section 310(b) foreign ownership rulings for broadcast, common carrier wireless, and common carrier satellite earth station licenses pursuant to sections 1.767, 63.18, 63.24, and 1.5000 through 1.5004 of the rules. *Id.* § 1.40001(a)(1). The Executive Branch agencies are either Members of or Advisors to the Committee created pursuant to Executive Order 13913. *See* Exec. Order No. 13,913, 85 Fed. Reg. 19643, 19643-44 (Sec. 3(b), (d)) (Apr. 8, 2020). The Department of Justice (DOJ), Department of Homeland Security (DHS), and the Department of Defense (DOD) also are known informally as "Team Telecom." *Executive Branch Process Reform Order*, 35 FCC Rcd at 10929-30, para. 5.

[257] *See Executive Branch Process Reform Order*, 35 FCC Rcd at 10949, para. 59 (noting, prior to Executive Order 13913, that "[f]requently, the filing of an Executive Branch recommendation to the Commission is extended by time spent by the agencies to negotiate assurances from applicants to comply with the existing law enforcement assistance requirements and draft individualized mitigation agreements"); *id.* at 10932-34, paras. 11-14 (explaining that the Committee, at the conclusion of its review pursuant to Executive Order 13913, may recommend among other things that the Commission condition grant on the applicant's compliance with standard or non-standard mitigation measures); *see* Exec. Order 13,913, 85 Fed. Reg. at 19643-44.

[258] *See, e.g.*, Edge Cable Holdings USA, LLC et al., National Security Agreement with the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector at 23 (Dec. 13, 2024) (on file in File No. SCL-LIC-20221209-00036) (requiring written notice to DHS, DOJ, and DOD if "any single foreign entity or individual, other than those already identified, has or likely will obtain an ownership interest, whether direct or indirect, in the Licensees . . . above five (5) percent" or "if any foreign entity or individual, singly or in combination with other foreign entities or individuals, has or likely otherwise will gain either: (i) control, within the meaning of the definition sent forth in 47 C.F.R. § 63.09(b); or (ii) *de facto* or *de jure control* of the Licensees . . ."); GU Holdings Inc., National Security Agreement with the Committee for the Assessment of Foreign (continued….)

are not necessarily tailored to capture multi-faceted forms of Foreign Adversary Control, or whether and to what extent a Regulatee currently is or becomes subject to Foreign Adversary Control, such as the standard we apply to the attestation and disclosure requirements herein. We also note generally that the framework we establish by this *Report and Order* solely involves reporting requirements, and does not prohibit or limit the actual granting of Covered Authorizations.

68. *Additional disclosures.* We require any Schedule A, B, or C Regulatee that attests it is owned by, controlled by, or subject to the jurisdiction or direction of a foreign adversary to further disclose to the Commission all 5% or greater direct or indirect equity and/or voting interests held in the Regulatee, as well as several other disclosures. Specifically, a Schedule A, B, or C Regulatee that attests it is owned by, controlled by, or subject to the jurisdiction or direction of a foreign adversary, must:

(1) identify its 5% or greater direct or indirect equity and/or voting interest holders and controlling interest holders,[259] and include an ownership diagram that illustrates the Regulatee's vertical ownership structure,[260] specifically—

(a) for each reported natural person interest holder of a direct or indirect interest of 5% or greater, or a controlling interest, disclose name; address; the country or countries of citizenship; principal business(es); the percentage of equity and/or voting interest or a description (including any percentage) of the controlling interest, held directly or indirectly in the Regulatee; and

(b) for each reported entity (including a government entity) interest holder of a direct or indirect interest of 5% or greater, or a controlling interest, disclose name; address; the country under the laws of which the entity is organized and the country of the principal place of business and headquarters; type of entity and principal business(es); the percentage of equity and/or voting interest or a description (including any percentage) of the controlling interest, held directly or indirectly in the Regulatee;

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Participation in the United States Telecommunications Services Sector at 26-27 (Dec. 13, 2024) (on file in File No. SCL-LIC-20220715-00024).

[259] Specifically, we require that disclosure of ownership information must include the equity and voting interests and controlling interests as calculated through use of the requirements set out in section 63.18(h) of the Commission's rules. 47 CFR § 63.18(h)(1)(i)-(ii). Equity interests that are held by an individual or entity indirectly through one or more intervening entities shall be calculated by successive multiplication of the equity percentages for each link in the vertical ownership chain, regardless of whether any particular link in the chain represents a controlling interest in the company positioned in the next lower tier. *Id.* § 63.18(h)(1)(i). Voting interests that are held through one or more intervening entities shall be calculated by successive multiplication of the voting percentages for each link in the vertical ownership chain, except that wherever the voting interest for any link in the chain is equal to or exceeds 50% or represents actual control, it shall be treated as if it were a 100% interest. *Id.* § 63.18(h)(1)(ii). We find that applying a uniform methodology based on rules that currently apply to certain Regulatees will ensure consistency of information, provide clarity to Regulatees complying with the new attestation and disclosure requirements, and promote administrative efficiency.

[260] Specifically, we require that the Regulatee must include an ownership diagram consistent with the requirements set out in section 63.18(h) of the Commission's rules. *Id.* § 63.18(h)(2). The Regulatee shall provide an ownership diagram that illustrates its vertical ownership structure, including the direct and indirect equity and/or voting interests held by the individuals and entities identified pursuant to this disclosure requirement. *See id.* Every such individual or entity with equity and/or voting interests shall be depicted and all controlling interests must be identified. *See id.* If an individual or entity submits an attestation and additional disclosures as part of an application for a transfer of control or assignment, as discussed below, the ownership diagram shall include both the pre-transaction and post-transaction ownership of the Regulatee. *See id.*; *infra* para. 71.

(2) identify the foreign adversary or foreign adversary country or countries the Regulatee is owned by, controlled by, or subject to the jurisdiction or direction of;

(3) describe the nature of the foreign adversary ownership, control, jurisdiction, or direction to which the Regulatee is subject; and

(4) attest to the truth and accuracy of all information.

Consistent with rules governing receiving approval of foreign ownership in broadcast, common carrier, aeronautical en route, and aeronautical fixed radio station licensees and common carrier spectrum lessees, to the extent that a Regulatee subject to this additional reporting requirement is an eligible U.S. public company, as that term is defined in section 1.5000(e) of the Commission's rules, we adopt the same standard as is found in that section governing what information the company shall use in identifying its 5% or greater direct or indirect interest holders, the citizenship(s) or place of organization of disclosable interest holders, and other information required by our Foreign Adversary Control rules.[261] As USTelecom notes, "[g]iven that a publicly traded company's stock is purchased on the open market, when that company will know about a new shareholder may vary considerably."[262] We find that application of this preexisting standard for publicly traded companies will result in regulatory consistency and reduced burdens for such entities.

69. We affirm our tentative conclusion in the *Notice* that limiting our attestation requirements to require information about Foreign *Adversary* Control, as opposed to foreign control more broadly, and limiting the reporting obligations to Regulatees that have Foreign Adversary Control will minimize the compliance burden on Regulatees.[263] We also affirm our tentative conclusion in the *Notice* that a 5% or greater direct or indirect equity and/or voting interest threshold is reasonable given that the requirement to file such disclosures is limited to Regulatees with reportable Foreign Adversary Control and because a higher reporting threshold may not fully capture national security risks presented by foreign ownership, particularly when there is Foreign Adversary Control.[264] We received support both for adopting these additional reporting requirements, and for adopting a 5% disclosure threshold.[265] We find that this disclosure threshold is consistent with similar Commission regulations,[266] and thus "would promote regulatory clarity, reduce compliance costs for low-risk entities, and allow the Commission to concentrate its resources on high-risk ownership structures that genuinely run the risk of compromising U.S. communications infrastructure."[267]

70. We decline suggestions in the record to require disclosures beyond what we adopt today. The Coalition for a Prosperous America suggests that we require manufacturers of high-wattage connected appliances "to explicitly disclose detailed information about foreign adversary ownership or control," and to "prominently communicate, in consumer-facing privacy policies and at the point-of-sale, the precise nature and extent of data collection, storage, and any potential access or usage by foreign governments."[268] Whirlpool submits similar suggestions.[269] The purpose of this proceeding is limited to

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[261] *See* 47 CFR § 1.5000(e)(1)(i) (defining "eligible U.S. public company"); *see also id.* § 1.5000(e)(2)-(4).

[262] USTelecom Reply at 2.

[263] *Foreign Adversary Control Notice*, 40 FCC Rcd at 3752-53, para. 49.

[264] *Id.* at 3753-54, para. 52.

[265] *See, e.g.*, CCIA Comments at 2; FDD Comments at 6; The Center for Procurement Advocacy Comments at 1; SentinelOne Comments at 5 (recommending that the Commission require disclosure of indirect ownership interests).

[266] *See, e.g.*, *Equipment Authorization Integrity Order*, 40 FCC Rcd at 3619, para. 5 (requiring all recognized telecommunication certification bodies (TCBs), test labs, and laboratory accreditation bodies to certify to the Commission that they are not owned by, controlled by, or subject to the direction of a prohibited entity and to report all equity or voting interests of 5% or greater by any entity).

[267] CCIA Comments at 2-3.

gathering information about Foreign Adversary Control over Covered Authorizations for the use of the Commission and disclosure to the public, so we decline to expand it at this stage to include the data-handling practices of Regulatees. Because this information will be available to the public through Commission databases, we decline to require point-of-sale or similar additional disclosures. We find that the benefit such disclosures would provide to consumers is outweighed by the complexity that would burden not only manufacturers but also distributors, resellers, and others in the supply chain resulting from ownership changes that could occur too frequently to ensure consistent accuracy.

71. We also decline the similar suggestions raised by SentinelOne and Michael Ravnitsky to establish a "verification framework" of submitted attestations,[270] or conduct "mandatory screening of all FCC licensees and regulated entities, irrespective of their self-reported foreign ties."[271] As discussed in Section III.C.4 below, we delegate authority to the Licensing Bureaus and Offices and the Enforcement Bureau, to conduct investigations into potential false attestations, and to initiate revocation proceedings with respect to any Covered Authorizations held by a wrongdoer.[272] In multiple contexts, instead of independently validating filings as they are submitted,[273] the Commission has opted to rely on an investigation and enforcement process should the Commission later discover a deficiency. For example, in the interconnected Voice over Internet Protocol (VoIP) direct access authorization application process, the Commission delegated to both the Wireline Competition Bureau and the Enforcement Bureau the authority to revoke authorizations should either Bureau later discover a rule violation or a false statement, among other conditions.[274] Similarly, in the context of Robocall Mitigation Database certifications by voice service providers, gateway providers, and non-gateway intermediate providers, the Commission pursues enforcement action after conducting investigations into apparent violations of the Robocall Mitigation Database rules.[275] While we expect that our adoption of post-filing investigation and enforcement mechanisms will sufficiently deter bad actors from submitting false or deficient attestations, we reserve the ability in the future to adopt additional information disclosures and enforcement mechanisms as necessary to achieve our national security goals.

72. *Applicability.* After the deadline for initial attestations, and on an ongoing basis, we require a new attestation, and if affirmative, additional disclosures, by:

(1) any Regulatee holding a Covered Authorization designated in Schedule A or B, regardless of whether it has already filed an attestation;

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[268] The Coalition for a Prosperous America Comments at 3.

[269] *See* Whirlpool Comments at 2.

[270] Michael Ravnitsky Comments at 1; *see* SentinelOne Comments at 7.

[271] SentinelOne Comments at 5.

[272] *See infra* Section III.C.4.

[273] As noted below, however, we direct the Licensing Bureaus and Offices to review the filings submitted and promptly compile a list of Regulatees in Schedule A that failed to file, and identify those entities subject to Schedules A and B that filed after the deadline. *See id.* We also delegate to the Licensing Bureaus and Offices authority to contact filers for additional information and make preliminary assessments regarding the willfulness of a deficiency. *See id.*

[274] *See VoIP Direct Access Second Report and Order and Second Further Notice*, 38 FCC Rcd at 8983-84, para. 63.

[275] *See* 47 CFR § 64.6305(d)-(f) (requiring certification in the Robocall Mitigation Database by voice service providers, gateway providers, and non-gateway intermediate providers); *id.* § 0.111(a)(28)(i) (enabling the Enforcement Bureau to take enforcement action, "including de-listing from the Robocall Mitigation Database, against any provider: (i) Whose certification . . . is deficient after giving that provider notice and an opportunity to cure the deficiency . . ."); *Robocall Mitigation Database Filers*, EB-TCD-25-0003859, Order, DA 25-737 (EB Aug. 25, 2025) (removing over 1,200 deficient listings from the Robocall Mitigation Database).

(a) within 30 days of the Regulatee becoming subject to Foreign Adversary Control, to the extent such change does not require Commission approval; or

(b) within 60 days, or for small entities within 120 days, of the effective date of an addition to the Department of Commerce's list of foreign adversaries in 15 CFR § 791.4 of a foreign government or foreign non-government person that has Foreign Adversary Control over the Regulatee;

(2) any Regulatee of a Covered Authorization newly designated in Schedule A regardless of whether it has already filed an attestation, within 30 days of the effective date of a public notice announcing the designation;

(3) a Schedule A or B Regulatee that is subject to Foreign Adversary Control, or any Regulatee whose last attestation was affirmative;

(a) upon application for any new Covered Authorization;

(b) upon application for an assignment, except a *pro forma* assignment,[276] of any Covered Authorization held by the Regulatee;

(c) upon application for a renewal of any Covered Authorization;

(d) upon application for a modification of any Covered Authorization;

(e) within 30 days of any changes to 5% or greater direct or indirect equity and/or voting interests, or controlling interests, held in the Regulatee; or

(f) within 30 days of the effective date of a public notice designating a Covered Authorization held by the Regulatee in Schedule B;

(4) any entity regardless of Foreign Adversary Control;

(a) upon application for the entity's initial Covered Authorization designated in Schedule A; or

(b) upon application for the entity to be the transferee or assignee of its initial Covered Authorization designated in Schedule A, except in the case of a *pro forma* transfer of control or assignment;[277]

(5) any entity that is subject to Foreign Adversary Control;

(a) upon application for the entity's initial Covered Authorization designated in Schedule B;

(b) upon application for the entity to be the transferee or assignee of its initial Covered Authorization designated in Schedule B, except in the case of a *pro forma* transfer of control or assignment;[278] or

(c) upon application for modification of a Covered Authorization designated in Schedule A or B that would cause the entity to be a licensee or lessee of the Covered Authorization; and

(6) any Regulatee whose last attestation was affirmative within 30 days of its determination that it is no longer subject to Foreign Adversary Control.

[276] *See* 47 CFR § 63.24(d) (describing *pro forma* transfers of control and assignments as transactions that "do not result in a change in the actual controlling party"); *see also id.* § 63.24(d) notes 1-2.

[277] *See id.*

[278] *See id.*

We adopt these ongoing requirements to file new attestations based on delineated circumstances, rather than in a generally applicable annual attestation, to tailor the filing requirements to those Regulatees whose Foreign Adversary Control would present the greatest risk. This tailored approach thereby reduces burdens on the large number of Regulatees which hold Covered Authorizations presenting lower risks and either are not subject to Foreign Adversary Control or are already subject to other Commission regulations that adequately address the risks of any Foreign Adversary Control. We received support for requiring Regulatees to report changes as they arise, rather than in an annual attestation.[279] We agree with SentinelOne that, by requiring a new attestation in the event of material changes, we will ensure "real-time accuracy" as to the extent of Foreign Adversary Control over Regulatees.

C. Implementation Considerations

73. In this section, we amend the Commission's rules to create a new subpart setting forth the attestation and disclosure requirements. Next, we adopt our proposal to create a single, consolidated reporting system, and establish a general deadline for reporting, with an exception for small entities. We then establish a streamlined revocation procedure, applicable where consistent with existing statutory requirements, and discuss enforcement mechanisms. Finally, we adopt our proposal to publish the data and address privacy considerations.

1. Rule Updates

74. We amend part 1 of the Commission's rules to establish a new subpart GG, where we adopt the rules detailed in this *Report and Order*.[280] We find that consolidating all new Foreign Adversary Control attestation and disclosure rules in a single subpart will promote clarity and administrative efficiency, and facilitate a Regulatee's ability to readily identify the rules that are applicable to their various licenses and authorizations.[281] We conclude that incorporating these rules into existing licensing rules with respect to applications, transfers of control, and assignments would reduce ease of searchability, result in unnecessary redundancy across the Commission's rules, and potentially create inconsistencies across Covered Authorizations.

2. Method of Collection

75. We adopt our proposal to establish a single, consolidated reporting system, which we designate as the Foreign Adversary Control System (FACS).[282] We require all Regulatees with a reporting obligation to make their attestations and submit any further required information within the FACS. We affirm our conclusion in the *Notice* that collecting all required information in a single, consolidated system "would allow entities and individuals to enter their Foreign Adversary Control information once covering all of their existing Covered Authorizations."[283] We agree with USTelecom on

[279] *See* CCIA Comments at 4; ITI Comments at 4-5; SentinelOne Comments at 7.

[280] *See infra* Appx. A. We did not receive any comment in response to proposals in the *Notice* on this issue.

[281] Part 1 of the Commission's rules contains other rules related to foreign ownership, such as Subpart DD, Secure and Trusted Communications Networks. *See, e.g.*, 47 CFR §§ 1.50000-1.50007 (Secure and Trusted Communications Networks); *see also id.* §§ 1.5000-1.5004 (Foreign Ownership of Broadcast, Common Carrier, Aeronautical En Route, and Aeronautical Fixed Radio Station Licensees); *id.* §§ 1.40001-1.40004 (Review of Applications, Petitions, Other Filings, and Existing Authorizations or Licenses with Reportable Foreign Ownership By Executive Branch Agencies for National Security, Law Enforcement, Foreign Policy, and Trade Policy Concerns).

[282] *See Foreign Adversary Control Notice*, 40 FCC Rcd at 3756-57, paras. 61-62.

[283] *Foreign Adversary Control Notice*, 40 FCC Rcd at 3756, para. 60; *see also supra* note 241 (explaining that Regulatees with Covered Authorizations on multiple Schedules are only required to file once).

the importance of streamlining the process to the extent possible,[284] and find that centralizing attestations and disclosures into a single system will minimize duplicative and burdensome requirements to file information regarding Foreign Adversary Control across multiple systems and platforms.[285] In addition, this approach will enhance the accuracy and reliability of the data by minimizing the potential for filing inconsistencies across disparate systems.

76. We delegate authority to the Office of Economics and Analytics (OEA) and the Public Safety and Homeland Security Bureau (PSHSB), in consultation with the relevant licensing Bureaus and Offices and the Office of the Managing Director, to determine all aspects of the design, development, implementation, and ongoing operations of the FACS, consistent with the direction and objectives of this *Report and Order*.[286] We also delegate to the Licensing Bureaus and Offices, to OEA, and to the Office of the Managing Director authority to conduct a rulemaking proceeding to determine whether a fee must be assessed for the filing of attestations and disclosures, and if so, the fee amount.[287] Upon the launch of the FACS, we direct OEA and PSHSB to publish a notice that details the attestations required for the holders of licenses listed in each Schedule and instructions for how such Regulatees should submit such information for their Covered Authorizations. We also delegate to OEA and PSHSB, and the relevant Licensing Bureaus and Offices authority to provide rule clarifications or further guidance with respect to the use of the FACS, including amendments to the Code of Federal Regulations to reflect the filing method and deadlines.[288]

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[284] *See* USTelecom Reply at 2 ("To the extent the Commission can streamline the certification process for entities with multiple licenses, such as allowing bulk submissions, it should do so.").

[285] Generally, the reporting requirements of this collection will provide the Commission greater insight into Regulatee's Foreign Adversary Control, where applicable, compared to what is currently collected. However, we note that the Commission collects ownership information associated with applications involving certain Covered Authorizations in existing Commission systems. *See, e.g.*, *supra* Section III.A.3.d (for example, broadcasters are required to file lessee attestations in both the OPIF and FACS). In the limited instances where the burden may be duplicative, we find it reasonable to require Regulatees with Covered Authorizations to comply with the attestation and reporting requirements using the FACS because it facilitates compliance, helping to ensure that all necessary information is collected in a standardized format. Given the expense associated with making modifications to existing systems, we do not expect Bureaus and Offices to make changes to existing systems in response to this *Report and Order*, except where necessary to enable the operation of the FACS. However, Bureaus and Offices should take into consideration the information collected in the FACS when making modifications to existing systems for other reasons.

[286] *See* 47 CFR § 0.191 ("The Public Safety and Homeland Security Bureau advises and makes recommendations to the Commission, or acts for the Commission under delegated authority, in all matters pertaining to public safety, homeland security, national security, emergency management and preparedness, disaster management, and ancillary operations. The Bureau has responsibility for coordinating public safety, homeland security, national security, emergency management and preparedness, disaster management, and related activities within the Commission.").

[287] *See* 47 U.S.C. § 158. Section 8(c) of the Act requires the Commission to, by rule, amend the application fee schedule if the Commission determines that the schedule requires amendment so that: (1) such fees reflect increases or decreases in the costs of processing applications at the Commission or (2) such schedule reflects the consolidation or addition of new categories of applications. *Id.* § 158(c). Section 8(c) of the Act does not mandate a timeframe for making any such amendments under section 8(c). The Commission previously explained that when the application fee schedule may require an amendment pursuant to section 8(c), the Commission will initiate a rulemaking to seek comment on any proposed amendment(s) to the application fee schedule. *Amendment of the Schedule of Application Fees Set Forth in Sections 1.1102 through 1.1109 of the Commission's Rules*, MD Docket No. 20-270, Order, 37 FCC Rcd 14994, 14994, para. 1 n.2 (2022).

[288] The delegations in this paragraph include authority to use notice-and-comment procedures if OEA and the relevant Licensing Bureaus and Offices deem it necessary or advisable to do so.

77. All Regulatees with Covered Authorizations subject to the attestation and disclosure requirements must submit the required information via the FACS.[289] Covered Authorizations that do not have a separate licensing system must also use the FACS to submit attestations and any required disclosures. Entities that file registration information on FCC Form 499-A indicating that they provide interstate telecommunications service shall submit attestations as holders of blanket domestic section 214 authorizations. Similarly, interconnected VoIP direct access authorization holders must also file through the FACS. By requiring blanket domestic section 214 authorization holders and interconnected VoIP direct access authorization holders to submit attestations, we close potential gaps in the Commission's oversight.

78. *Training and outreach*. We direct OEA and PSHSB, along with the relevant Licensing Bureaus and Offices, in consultation with the Consumer and Governmental Affairs Bureau, to conduct outreach and training regarding the FACS and the requirements for filing. NAB recommends that the outreach and training efforts "should include contacting licensees at . . . addresses on file with the Commission, holding at least one webinar, . . . highlighting the new requirements . . . [on] the Commission's website and social media sites" and notifying member and industry organizations of the new requirements.[290] Although NAB expressed specific concern for broadcast licensees,[291] we find that a broad outreach campaign is warranted to ensure that Regulatees understand the reporting requirements and will enhance compliance rates and the quality of the information collected.

3. Deadline

79. *General rule*. We establish a filing deadline of 60 days after the public notice announcing the launch of the FACS.[292] Regulatees holding Covered Authorizations or that have an application for a Covered Authorization pending before the Commission must file Foreign Adversary Control information as of the date of the beginning of the 60-day period. For example, if the rules become effective on May 1 and the public notice is released on June 1, the deadline to submit attestations and any additional required information would be July 31. In this example, Regulatees must submit their Foreign Adversary Control status as of June 1 by the deadline of July 31. We find that a 60-day deadline as a general rule appropriately balances the importance of the Commission obtaining information about foreign adversary risks in the communications sector in a timely manner with the need for Regulatees to have adequate time to complete their attestations and provide any further required information.

80. In the *Notice*, we proposed to require Regulatees to complete the required attestation and disclosures, as applicable, "within a 60-day window from the effective date of the information collection based on Foreign Adversary Control information as of 30 days prior to the filing deadline."[293] Commenters express concerns that a 60-day reporting window and 30-day lookback period "do not provide sufficient time" for Regulatees to comply.[294] Both CCIA and ITI recommend extending the

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[289] Use of the FACS satisfies only the requirements of Subpart GG.

[290] NAB Comments at 10.

[291] *See generally id.* (proposing ways the Commission can gather information related to Foreign Adversary Control for broadcasting licensees).

[292] *See supra* Section III.C.2 (directing OEA and PSHSB to release a public notice announcing the details of attestation requirements and how to submit attestations in the FACS).

[293] *Foreign Adversary Control Notice*, 40 FCC Rcd at 3757, para. 63.

[294] CCIA Comments at 3-4 (explaining that ownership information can take time to collect and delays are common, particularly for Supplier Declaration of Conformity authorization holders); ITI Comments at 4 (same). We reject Michael Schafer's contention that, because the Commission "knows the location of the Foreign Adversary (FA) labs and TCBs," we need not give Regulatees any time to file attestations. Schafer July 21, 2025 Comments at 2. As noted above, this rulemaking fills gaps in the Commission's knowledge regarding a much broader swath of Covered Authorizations than merely equipment authorizations and TCBs. Additionally, giving Regulatees time to file

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reporting window to 120 days, "allowing certifications based on ownership information as of 30 days before filing . . . ."[295] We understand CCIA and ITI's concerns, and so rather than adopt a 60-day deadline with a 30-day lookback period (which effectively gives Regulatees 30 days to file),[296] we require Regulatees to attest to Foreign Adversary Control as of the start of the 60-day period. We find that this effectively doubled filing period will be adequate for most Regulatees. For small-entity Regulatees which typically have fewer resources, we adopt an extended deadline of 120 days, as described below. To the extent a Regulatee is unable to comply with the deadline, the Regulatee may file a waiver request to be reviewed under the Commission's good cause standard.[297]

81. *Small entity exception*. For small entities, as defined below, we establish a filing deadline of 120 days after the public notice announcing the launch of the FACS. Regulatees meeting the definition of a small entity must file information based on the Foreign Adversary Control status as of the date of the beginning of the 120-day period. For example, if the rules became effective May 1 and the public notice was released June 1, the deadline for small entities to submit attestations and any additional required information would be September 29. In this example, Regulatees must submit their Foreign Adversary Control status as of June 1 by the September 29 deadline.

82. Consistent with the Commission's longstanding use of the North American Industry Classification System (NAICS) and the Small Business Administration (SBA) small business size standards[298] in the rulemaking context, we apply the same standards in this proceeding. If a Regulatee meets the definition of a small business for the purposes of the Regulatory Flexibility Act of 1980,[299] the Regulatee is subject to the 120-day filing deadline. While we make distinctions based on the size of certain Regulatees for the purposes of applying different attestation requirements,[300] these distinctions are based on specific policy considerations concerning whether and what attestations such Regulatees should file. For the purposes of the filing deadline, we apply the same definition of small entity across all Regulatees by using the standards set forth by the NAICS and SBA.[301] Given that the Covered Authorizations cut across the communications sector, we find this approach ensures consistency across Commission actions and minimizes burden as small entity Regulatees that are likely already familiar with these standards.

83. As noted, commenters highlight the potential challenges Regulatees may face in complying with the attestation and disclosure requirements. ITI explains that "collecting ownership

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enables them to make accurate attestations after conducting an appropriate investigation into Foreign Adversary Control.

[295] CCIA Comments at 3-4; ITI Comments at 4.

[296] For example, under the approach proposed in the *Notice*, with an effective date of May 1, Regulatees would have been required to submit their Foreign Adversary Control information as of May 31 by June 30—effectively leaving only 30 days for Regulatees to gather and submit the information.

[297] 47 CFR § 1.3.

[298] 13 CFR § 121.201; *see also* U.S. Small Business Administration, *Table of size standards*, https://www.sba.gov/document/support-table-size-standards (last visited Dec. 11, 2025).

[299] 5 U.S.C. §§ 601 *et seq.*, as amended by the Small Business Regulatory Enforcement and Fairness Act (SBREFA), Pub. L. No. 104-121, 110 Stat. 847 (1996).

[300] *See* Appx. A; 47 CFR § 1.80002 (delegating authority to Bureaus and Offices to consider national security risk, including type and size of entity, when modifying the Schedules).

[301] To determine the applicable filing deadline, a Regulatee should first determine which Schedule applies to its Covered Authorization, and then determine whether it falls under the SBA's small business size standard. We clarify that the small entity exception applies to Regulatees that are individuals subject to attestation and disclosure requirements under Schedule A or B.

information can be time-consuming, and delays in responses from interest holders are common."[302] We recognize that small entities have fewer resources and may need additional time to comply with the attestation and disclosure requirements. In light of these considerations, we find it appropriate to provide an extended deadline to small entities.

84. *Administration*. We delegate to OEA and PSHSB, in consultation with the relevant Licensing Bureaus and Offices, authority to extend these deadlines as appropriate.[303] We recognize that the deadlines established here may overlap with the period during which Regulatees apply for, or receive approval of, certain Covered Authorizations. Thus, we encourage Regulatees to submit any required attestations or disclosures prior to the applicable deadline.

4. Enforcement and Revocation

85. *Enforcement*. The reporting requirements we adopt today aim to protect U.S. communications networks from entities with ties to foreign adversaries. Equally important, we adopt enforcement mechanisms that will allow the Commission to identify and address Foreign Adversary Control of Regulatees with Covered Authorizations. In appropriate cases, the Commission may take enforcement actions against Regulatees, such as issuing citations, imposing monetary penalties, or more serious actions that result in license or authorization revocations. Enforcement actions will take into account several non-exhaustive factors, such as national security risk, potential harm to the public, and any effect on downstream providers.[304]

86. *Late and Nonresponsive Filers*. Regulatees must submit their attestation and disclosure requirements by the initial filing deadline adopted in this *Report and Order*.[305] Following that deadline, we direct the relevant Licensing Bureaus and Offices to promptly compile a list of Regulatees in Schedule A that failed to file the required attestation by the deadline or filed attestations after the deadline. The Licensing Bureaus and Offices will refer these Regulatees to the Enforcement Bureau for possible enforcement action.[306] The Licensing Bureau or Office and/or the Enforcement Bureau, consistent with the process described below, may initiate a revocation proceeding against Regulatees that fail to file the required attestation by the deadline.

87. *Incomplete or Inaccurate Responses*. Following the receipt of an attestation required under our new rules, the Licensing Bureau or Office may refer the Regulatee's attestation to the Enforcement Bureau for further investigation where it appears that an attestation may be incomplete or inaccurate. Before referring a matter to the Enforcement Bureau for further investigation, the Licensing Bureau or Office may seek additional information to remedy completeness and accuracy issues present in the initial filing. The Enforcement Bureau, in coordination with other staff as necessary or desirable, may pursue revocation, monetary sanctions, or any other appropriate enforcement actions.

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[302] ITI Comments at 4; *see also* CCIA Comments at 3-4.

[303] This delegation includes authority to use notice-and-comment procedures if OEA and PSHSB deem it necessary or advisable to do so.

[304] The Commission may consider other factors that the Regulatee presents when determining an appropriate enforcement action.

[305] *See supra* Section III.C.3.

[306] Section 503(b) of the Act authorizes the Commission to impose a forfeiture against any entity that "willfully or repeatedly fail[s] to comply with any of the provisions of [the Act] or of any rule, regulation, or order issued by the Commission[.]" 47 U.S.C. § 503(b). The maximum amount varies by type of entity. *See* 47 CFR § 1.80(b)(1)-(3) and (10) (maximum forfeiture penalty for any case not previously covered). The penalty for failing to file or filing late or inaccurate imposed may be up to the maximum permitted by the Commission's rules.

88. *Revocation*. To the extent consistent with applicable law,[307] we adopt a streamlined revocation or reclamation procedure for Regulatees that is similar to the revocation procedure for TCBs and test labs.[308] These streamlined procedures consist of an informal, written process with abbreviated time to reply, except where the Communications Act requires otherwise. We delegate to the Enforcement Bureau and the Licensing Bureaus and Offices authority to use additional procedures if necessary. In cases of false attestation of no Foreign Adversary Control or failure to timely, accurately, or completely respond to the attestation and disclosure requirements, we direct the Enforcement Bureau and the Licensing Bureaus and Offices to coordinate prior to initiating enforcement or revocation actions against a Regulatee with a deficient filing.

89. The streamlined revocation procedure will consist of three steps: (1) Notice of Deficiency and Opportunity to Respond (except in the case of willfulness or those in which public health, interest, or safety requires otherwise, in which we case we may proceed directly to step two[309]); (2) Order to Show Cause; and (3) Order on Revocation.[310]

90. *Step 1: Notice of Deficiency and Opportunity to Respond.* Where the Licensing Bureau or Office and/or Enforcement Bureau determine that a Regulatee has violated the reporting requirements or assesses that Foreign Adversary Control of the Covered Authorization may pose an unacceptable risk to national security, it will notify the Regulatee of the apparent deficiency or national security risk, consistent with section 1.89 of the Commission's rules, citing the FACS reporting requirement and providing 30 days to come into compliance or otherwise respond to the notice before a Bureau or Office takes further action.[311]

91. Where the Licensing Bureau or Office and/or the Enforcement Bureau conclude that a Regulatee acted willfully in providing an incomplete, inaccurate, or misleading attestation, or where the national security risks presented by the Regulatee warrant dispensing with the first step notice, the Licensing Bureau or Office and/or the Enforcement Bureau may move directly to issue an Order to Show Cause without first issuing a Notice of Deficiency and Opportunity to Respond.[312]

92. *Step 2: Order to Show Cause.* If the Regulatee fails to cure the filing defect noted in the Notice of Deficiency and Opportunity to Respond, or otherwise fails to respond to that notice or demonstrate why revocation proceedings should not be initiated, the Licensing Bureau or Office and/or the Enforcement Bureau may issue an Order to Show Cause initiating a revocation proceeding and providing the Regulatee with fifteen (15) calendar days to explain why its authorization(s) should not be

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[307] *See, e.g.*, 5 U.S.C. § 558(c); 47 U.S.C. § 312; *Matthews v. Eldridge*, 424 U.S. 319, 333 (1976).

[308] *See Equipment Authorization Integrity Order*, 40 FCC Rcd at 3663-64, paras. 105-107.

[309] *See, e.g.*, 5 U.S.C. § 558(c) (allowing an agency to dispense with the first step in cases of "willfulness or those in which public health, interest, or safety requires otherwise").

[310] This process will provide Regulatees with ample notice and opportunity to be heard before any enforcement action is adopted. *See* Michael Ravnitzky Comments at 1 (raising concerns about "selective enforcement"). The Licensing Bureaus and Offices and/or the Enforcement Bureau will follow prescribed steps when initiating an enforcement action, including revocation. As applicable, those steps will include processes prescribed by the Communications Act, *e.g.*, 47 U.S.C §§ 312(c), 503(b).

[311] We clarify that 47 CFR § 1.89 applies to the streamlined process but our 30-day response period constitutes "such other period as may be specified" for purposes of that rule. In the event the Commission does not have any or updated information about a Regulatees mailing address for service of process, 47 U.S.C. § 413 states that the requirement may be satisfied "by posting such notice, process, order, requirement, or decision in the office of the secretary of the Commission." 47 U.S.C. § 413.

[312] *See* 5 U.S.C. § 558(c).

revoked, except where statutory revocation procedures apply instead.[313] The response period of less than 30 days reflects the heightened national security risks associated with undisclosed foreign adversary ownership.[314]

93. *Step 3: Order of Revocation*. After providing the Regulatee notice and opportunity to respond to the Order to Show Cause, if the ALJ/Presiding Officer (in cases subject to 47 U.S.C. § 312) or pertinent Bureau/Office find that revocation is warranted, they will issue an Order of Revocation. This order will revoke the Regulatee's authorization(s).[315]

94. We find that these procedures are consistent with due process and procedural requirements under the Communications Act and the Administrative Procedure Act (APA). Congress has granted the Commission broad authority to "conduct its proceedings in such manner as will best conduce to the proper dispatch of business and to the ends of justice."[316] We find that the process we adopt will ensure the development of an adequate administrative record and appropriate procedural safeguards to ensure due process.

95. FDD supports revocation of a Regulatee's Covered Authorization within 30 days of failure to comply after an opportunity to correct or explain any deficiencies to ensure the continued

[313] For revocation of broadcast and wireless licenses, steps two and three are governed by section 312 of the Communications Act and section 1.91 of the Commission's rules. The procedure for revoking a broadcast or wireless license involves issuing an order to show cause for an evidentiary administrative hearing before the Commission's administrative law judge (ALJ) or other presiding officer as that term is defined in section 1.241 of the Commission's rules. The issued order sets out the factual basis for any allegations that may warrant revocation and directs the ALJ/Presiding Officer to determine whether those facts bear out and whether the license/authorization should be revoked. *See* 47 CFR §§ 1.201-1.377 (setting forth the procedures governing these administrative hearings). Pursuant to section 2.939(b) of the Commission's rules, *id.* § 2.939(b), except for the limited circumstances set forth in section 2.939(d) of the Commission's rules, revocation of equipment authorizations shall be made in the same manner as revocation of broadcast licenses and wireless licenses described above. The limited exception to this process, as authorized by section 2.939(d) of the Commission's rules, applies when a false statement or representation is made in an equipment certification application, or in materials or responses submitted in connection therewith, that the equipment in the subject application is not prohibited from receiving an equipment authorization pursuant to section 2.903 of the Commission's rules (i.e., it is not Covered Communications Equipment), and the Commission subsequently determines that the equipment is Covered Communications Equipment. Section 2.939(d) of the Commission's rules sets forth the procedures for revoking equipment authorizations in these limited circumstances. *Id.*

[314] We delegate authority to the Bureaus and Offices to afford additional process as they deem necessary or appropriate. *See Submarine Cable Report and Order*, 40 FCC Rcd at 6511-13, 6516, para. 54, 58 (delegating authority to the Office of International Affairs to determine appropriate procedures for revocation on a case by case basis, as required by due process and applicable law).

[315] *See, e.g.*, *China Telecom (Americas) Corp. v. FCC*, 57 F.4th at 268-69 (holding that "given the record in this case," discovery and live hearing procedures, and an opportunity to achieve or demonstrate compliance were not required "by statute, regulation, FCC practice, or the Constitution").

[316] 47 U.S.C. § 154(j); *China Telecom (Ams.) Corp.*, 57 F.4th at 265. The Commission has broad discretion to craft its own rules "of procedure and to pursue methods of inquiry capable of permitting them to discharge their multitudinous duties." *Id.* at 268 (citing *FCC v. Schreiber*, 381 U.S. 279, 290 (1965)) (internal quotations omitted); *see also Vermont Yankee Nuclear Power Corp. v. Nat. Res. Def. Council, Inc.*, 435 U.S. 519, 543 (1978); *VoIP Direct Access Second Report and Order and Second Further Notice*, 38 FCC Rcd at 8984, para. 64 (delegating authority to the Wireline Competition Bureau and the Enforcement Bureau to determine appropriate procedures and initiate revocation and/or termination proceedings and to revoke and/or terminate a direct access authorization, as required by due process and applicable law and in light of the relevant facts and circumstances, including providing the direct access authorization holder with notice and opportunity to respond); *Evolving Risks Notice*, 38 FCC Rcd at 4382, para. 77; *Submarine Cable Report and Order*, 40 FCC Rcd at 6508-16, paras. 50-58.

accuracy and reliability of disclosures regarding Foreign Adversary Control.[317] As explained above, we find the record supports adopting a streamlined revocation process as a default across Covered Authorizations where consistent with applicable law. We find that our procedures are warranted by the national security and law enforcement risks arising from Foreign Adversary Control over Covered Authorizations while comporting with the Communications Act, the APA, and the requirements of due process.

96. NAB opposes the application of a streamlined revocation process for broadcasters, pointing out that a streamlined process would not comport with section 312 of the Communications Act.[318] We agree that the Communications Act prescribes specific procedures for certain Commission-granted licenses, such as broadcast licenses, as described above.[319] We therefore make clear that, in all such cases where a statute, treaty, the Constitution, or other applicable law requires that the Commission apply procedure that conflicts with the streamlined procedure we adopt today, we direct the Bureaus and Offices to apply the procedures mandated by the statute or other applicable law.[320] A streamlined

[317] *See* FDD July 21, 2025 Comments at 6-7; *see also* Schafer July 15, 2025 Comments at 39-41.

[318] NAB Comments at 16-18.

[319] *See supra* para. 91 & note 313.

[320] We exclude certain Covered Authorizations from the revocation procedures adopted herein to the extent revocation of such Covered Authorizations is subject to other statutory requirements that we will apply accordingly, or the Commission has existing processes for revocation (or other comparable action) of such Covered Authorizations that we believe are also appropriately applied in matters involving the Regulatee's compliance (or lack thereof) with these attestation and disclosure requirements. When determining whether existing processes are appropriate to apply, Licensing Bureaus and Offices are directed to consider whether such processes are solely Commission regulations (i.e., not required by statute, treaty, Executive Order, or the Constitution) and, if so, whether the streamlined revocation procedure may be applied, with modifications as necessary.

In the *Submarine Cable Report and Order*, we adopted an informal written process in cases involving revocation and/or termination of a cable landing license, consistent with due process and procedural requirements under the Cable Landing License Act of 1921, the Communications Act, and the APA. *Submarine Cable Report and Order*, 40 FCC Rcd at 6508, para. 50. We also noted that the Commission and the State Department have existing procedures by which the State Department approves the Commission's revocation of a cable landing license, as required by Executive Order 10530, and these procedures would continue to apply to any revocation of a cable landing license. *Id.* at 6510, para. 52. As set forth in our rules, recognized operating agency status is granted or revoked by the U.S. Department of State. 47 CFR §§ 1.10014(h), 63.701. To the extent we consider any matter relating to recognized operating agency's compliance or lack thereof with the attestation and disclosure requirement, we will assess whether it warrants a recommendation to revoke the entity's recognized operating agency status and coordinate with the State Department as needed. *See* 47 CFR §§ 1.10014(h), 63.701; *1986 International Communications Report and Order*, 104 F.C.C.2d 208, 250-52, paras. 59-60. The Office of International Affairs (OIA) may, for example, issue a notice of intent to recommend revocation and will provide notice of such as required by 47 U.S.C. § 413 where applicable. 47 U.S.C. § 413 ("[I]n default of such designation of such agent, service of any notice or other process in any proceeding before said Commission, or of any order, decision, or requirement of the Commission, may be made by posting such notice, process, order, requirement, or decision in the office of the secretary of the Commission.").

To the extent we consider whether reclamation of an ISPC or DNIC is warranted due to an ISPC holder's or DNIC holder's failure to comply with the attestation and disclosure requirement, we will follow our existing reclamation procedures consistent with ITU-T Recommendation Q.708 and ITU-T Recommendation X.121, respectively. *See, e.g.*, *Potential Reclamation of Savontel Communications, Inc.'s International Signaling Point Code, 3-055-7 (Jackson Heights, NY)*, Letter, 39 FCC Rcd 1033 (OIA 2024); *Potential Reclamation of Sakon, LLC's International Signaling Point Code, 3-187-5 (Holmdale, NJ)*, Letter, 38 FCC Rcd 10355 (OIA 2023); *International Communications Policies Governing Designation of Recognized Private Operating Agencies, Grants of IRUs in International Facilities and Assignment of Data Network Identification Codes*, CC Docket No. 83-1230, Notice of Proposed Rulemaking, FCC 85-369, 1985 FCC LEXIS 2766, *92, para. 72 & n.66 (1985); ITU-T Recommendation Q.708 at 4 (Subclause 9.2), at 5-6 (Subclause 11); ITU-T Recommendation X.121 at 6 (Subclause 7.3.2), 34 (Annex

(continued….)

revocation process is appropriate in light of the risks that foreign adversaries pose to our networks when they act through surrogates that they "own or control" and that hold licenses, authorizations, and other approvals granted by the Commission. As discussed above, these risks include the ability to directly compromise the integrity of the nation's communications networks.[321]

5. Publication of Data and Privacy Considerations

97. We adopt our proposal in the *Notice* to make the attestations and additional disclosures available to the public.[322] We find that increasing transparency into the control structures of Regulatees across all industries will serve to deter future Foreign Adversary Control over critical infrastructure and protect consumers. By publishing this information, we enhance accountability and advance the Commission's national security and public interest objectives by deterring noncompliance and enabling outside parties to raise concerns where appropriate. We received no comment opposing this approach. We delegate to OEA and PSHSB, in coordination with Licensing Bureaus and Offices and the Enforcement Bureau, the authority to adopt necessary policies and procedures, and conduct notice-and-comment rulemaking where necessary, to enable the publication of both the information collected by these rules and also of Foreign Adversary Control information more broadly, and to publish the information. To account for the possibility that certain information may need to remain non-public, we delegate authority to OEA and PSHSB, in consultation with the relevant Licensing Bureaus and Offices and the Office of General Counsel, to determine what information, if any, should be withheld from public disclosure and the method and format in which to publicly disclose these filings.

D. Cost–Benefit Considerations

98. *Benefits.* Protecting national security and preserving the substantial economic activity conducted online are the most tangible benefits of identifying foreign adversary threats. The Commission has previously recognized that "a foreign adversary's access to American communications networks could result in hostile actions to disrupt and surveil our communications networks, impacting our nation's economy generally and online commerce specifically, and result in the breach of confidential data."[323] In the *Notice*, we argued that even a temporary disruption in communications could cause billions of dollars in economic losses given that our national gross domestic product was over $29 trillion in 2024,[324] the digital economy accounted for approximately 16% of the U.S. economy,[325] and the volume of

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L). First, OIA will issue a letter notifying the ISPC holder or DNIC holder of its intent to reclaim its provisionally assigned code(s) and require the entity to respond within thirty (30) days. Second, if the ISPC holder or DNIC holder fails to cure the filing defect noted in the letter, or fails to adequately demonstrate why OIA should not reclaim its ISPC(s) or DNIC(s), or otherwise fails to respond to that letter, OIA will issue a letter reclaiming the ISPC(s) or DNIC(s) and notify the ITU of the reclamation. OIA will then make the code(s) available for reassignment.

[321] *See supra* Section III.A.2.

[322] *See Foreign Adversary Control Notice*, 40 FCC Rcd at 3759, para. 67.

[323] *Protecting Against National Security Threats to the Communications Supply Chain Through FCC Programs et al.*, WC Docket No. 18-19 et al., Report and Order, Further Notice of Proposed Rulemaking, and Order, 34 FCC Rcd 11423, 11465, para. 109 (2019).

[324] *See* Press Release, Bureau of Economic Analysis, U.S. Department of Commerce, Gross Domestic Product (Third Estimate), Corporate Profits, and GDP by Industry, 4th Quarter and Year 2024 (Mar. 27, 2025), https://www.bea.gov/sites/default/files/2025-03/gdp4q24-3rd.pdf.

[325] Staff estimates that the digital economy accounts for approximately 16% of the U.S. GDP based on the statistics published by the Bureau of Economic Analysis as of 2021: $3.7 trillion of digital economy/$23 trillion U.S. GDP = 16%. *See* Tina Highfill & Christopher Surfield, Bureau of Economic Analysis, U.S. Department of Commerce, New and Revised Statistics of the U.S. Digital Economy, 2005-2021 (November 2022), https://www.bea.gov/system/files/2022-11/new-and-revised-statistics-of-the-us-digital-economy-2005-2021.pdf (estimating that the U.S. digital economy accounted for $3.70 trillion of gross output); *see also* Press Release,
(continued….)

international trade for the United States (exports and imports) was $5.4 trillion in 2024.[326] Thus, the benefits gained from deterring foreign adversaries or other untrustworthy actors and preventing disruption to the U.S. economy and critical communications infrastructure could be significant. Likewise, the attestations and disclosures will enable the Commission and our federal partners to more effectively address the widespread and coordinated efforts to exploit, attack, and otherwise compromise the integrity of communications networks for the purpose of undermining national security. Additional benefits include preventing the possible loss of confidential data, including the interception of sensitive governmental information, and the undermining of public safety. Requiring Regulatees to report Foreign Adversary Control can mitigate vulnerabilities in the communications infrastructure and strengthen national security by identifying potential threats. Such reporting, however, is only the first step in neutralizing the threat posed by hostile foreign governments. Additional steps include close scrutiny and, where deemed appropriate, revocations to neutralize credible threats.

99. *Costs*. In the *Notice*, the Commission reasoned that collecting information on Regulatees owned by, controlled by, or subject to the jurisdiction or direction of a foreign adversary is unlikely to impose significant reporting costs for several reasons. First, many Regulatees are already subject to the Commission's existing foreign ownership reporting requirements.[327] Second, a privately held company likely knows the investors or stakeholders that hold interests of 10% or greater or exert significant control over its business directives, while a publicly held company is required to identify its interest holders in requisite filings with the U.S. Securities and Exchange Commission.[328] Third, for those Regulatees not currently reporting foreign ownership nor aware of their ownership interests, Commission staff estimated a one-time foreign adversary ownership reporting cost of $116 per Regulatee.[329]

100. NAB argues that we have underestimated the reporting burden by oversimplifying the complexity of the required reporting tasks, erroneously assigning them to support staff instead of attorneys, and underestimating the time to complete them.[330] In order to substantiate these claims, NAB would have to produce precise, large industry cost estimates to exceed plausible estimates of Foreign Adversary Control reporting benefits. To illustrate, the United States' digital economy amounted to $4.67 trillion in 2024, for an average of $389 billion per month, $13 billion per day, and $540 million per hour.[331] Therefore, any disruption of the digital economy by a foreign adversary, even for an hour's duration, is likely to generate billions of dollars in lost value-added, the prevention of which is a

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Bureau of Economic Analysis, U.S. Department of Commerce, Gross Domestic Product, Fourth Quarter and Year 2021 (Second Estimate), https://www.bea.gov/news/2022/gross-domestic-product-fourth-quarter-and-year-2021-second-estimate (estimating that the U.S. GDP was around $23 trillion in 2021).

[326] *See* Press Release, Bureau of Economic Analysis, U.S. Department of Commerce, U.S. International Trade in Goods and Services, December and Annual 2024 (Feb. 5, 2025), https://www.bea.gov/news/2025/us-international-trade-goods-and-services-december-and-annual-2024.

[327] *See, e.g.*, 47 CFR §§ 63.18(h) (requiring a disclosure of 10% or more of the equity and/or voting interests for international section 214 authorizations), 63.04(a)(4) (requiring a disclosure of 10% or more of the equity and/or voting interests for domestic section 214 transfer of control applications), 73.1020 (requiring all existing broadcast licensees to submit information about foreign ownership every eight years).

[328] 15 U.S.C. § 78m(d)(1).

[329] Consistent with the Commission's calculations in Paperwork Reduction Act (PRA) statements, we estimated the median hourly wage for support staff (paralegals and legal assistants) as $40. To account for estimated benefits, we added 45% for a total hourly labor cost of $58. *See Foreign Adversary Control Notice*, 40 FCC Rcd at 3760, para. 70 & n.131. We estimated that for this one-time review, each Regulatee would spend about two hours total to research and report any 10% or greater foreign-adversary ownership stake.

[330] NAB Comments at 15 n.43.

[331] 16% of 2024 US GDP of $29.18 trillion = $4.67 trillion. *See supra* note 325.

benefit.[332] NAB has not provided any cost data for the Commission to consider. Further, although NAB submits an example of the time it would take for a single station owner to submit foreign ownership attestations, we find that the concern is mitigated by our sliding-scale Schedule approach to only require certain entities to submit attestations and disclosures, and specifically for broadcast licensees, the distinction in reporting requirements for larger and smaller entities.[333]

101. Accordingly, we conclude that the benefits of the Foreign Adversary Control attestation and disclosure requirements far exceed the costs. Apart from the economic benefits, we believe that the benefits to national security also outweigh any economic costs, as "[i]t is obvious and unarguable that no governmental interest is more compelling than the security of the Nation," which these rules promote.[334]

IV. SEVERABILITY

102. All of the rules that are adopted in this *Report and Order* are designed to mitigate the national security risk of Foreign Adversary Control of Commission-granted licenses, leases, authorizations, permits, grants, and other approvals. Each individual provision of the rules we adopt here serves to address this strategic policy goal. Therefore, it is our intent that each of the separate rules we adopt herein shall be severable. If any subset of the rules is declared invalid or unenforceable for any reason, it is our intent that the remaining rules shall remain in full force and effect.

V. PROCEDURAL MATTERS

103. *Regulatory Flexibility Act.* The Regulatory Flexibility Act of 1980, as amended (RFA),[335] 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."[336] Accordingly, the Commission has prepared a Final Regulatory Flexibility Analysis (FRFA) concerning the possible impact of the rule changes contained in this Report and Order on small entities. The FRFA is set forth in Appendix B.

104. *Paperwork Reduction Act*. This *Report and Order* may contain new or substantively modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104-13. All such requirements will be submitted to the Office of Management and Budget (OMB) for review under Section 3507(d) of the PRA. OMB, the general public, and other federal agencies will be invited to comment on any new or modified information collection requirements contained in this proceeding. In addition, we note that pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, *see* 44 U.S.C. § 3506(c)(4), we previously sought specific comment on how the Commission might further reduce the information collection burden for small business concerns with fewer than 25 employees.

105. In this present document, we describe several steps we have taken to minimize the information collection burdens on small entities.[337] We have assessed the effects of the attestation and

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[332] Any disruption that spillovers into global digital commerce—some of which transits U.S. communications networks—is sure to multiply benefits. The World Bank estimated that the digital economy comprised 15% of world nominal GDP in 2024, amounting to approximately $16 trillion of the $108 trillion world economy, over three times as much as U.S. digital commerce alone. Roger Stukhoff, International Data Center Authority, *Global Digital Economy Report – 2025*, https://www.idc-a.org/insights/qUi9XgvyrzSkyDUy9Tqr (last visited Dec. 9, 2025).

[333] *See supra* para. 38.

[334] *Haig v. Agee,* 453 U.S. 280, 307 (1981) (quotation marks and citation omitted).

[335] 5 U.S.C. §§ 601 *et seq*., as amended by the Small Business Regulatory Enforcement and Fairness Act (SBREFA), Pub. L. No. 104-121, 110 Stat. 847 (1996).

[336] 5 U.S.C. § 605(b).

[337] *See infra* Appx. B, paras. 12-14.

disclosure requirements adopted herein and find that they will not impose significant costs on Regulatees because similar requirements currently exist for many Covered Authorizations and they are likely to be familiar with the processes required for compliance. Further, we created a sliding-scale Schedule-based approach to the application of our attestation and disclosure requirements to minimize the burdens of complying across differently situated Regulatees. By doing so, we place certain Covered Authorizations that are typically or exclusively held by small entities in Schedule C and exempt these Regulatees from the initial reporting requirements. We also extended the duration of the filing deadline for small entities, minimizing any burdens they may face in complying with these requirements.

106. *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).

107. *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 "non-major" under the Congressional Review Act, 5 U.S.C. § 804(2). The Commission will send a copy of this Report and Order to Congress and the Government Accountability Office pursuant to 5 U.S.C. § 801(a)(1)(A).

108. *OPEN Government Data Act*. The OPEN Government Data Act,[338] requires agencies to make "public data assets" available under an open license and as "open Government data assets," i.e., in machine-readable, open format, unencumbered by use restrictions other than intellectual property rights, and based on an open standard that is maintained by a standards organization.[339] This requirement is to be implemented "in accordance with guidance by the Director" of OMB.[340] The term "public data asset" means "a data asset, or part thereof, maintained by the Federal Government that has been, or may be, released to the public, including any data asset, or part thereof, subject to disclose under [the Freedom of Information Act (FOIA)]."[341] A "data asset" is "a collection of data elements or data sets that may be grouped together,"[342] and "data" is "recorded information, regardless of form or the media on which the data is recorded."[343]

109. *Further Information*. For additional information on this proceeding, contact Mason Shefa, Attorney Advisor, Competition Policy Division, Wireline Competition Bureau, at Mason.Shefa@fcc.gov or (202) 418-2494; Andrew McArdell, Attorney Advisor, Mobility Division, Wireless Telecommunications Bureau, at Andrew.McArdell@fcc.gov or (202) 418-1576; Gabrielle Kim, Attorney Advisor, Telecommunications and Analysis Division, Office of International Affairs, at Gabrielle.Kim@fcc.gov or (202) 418-0730; Chris Smeenk, Attorney Advisor, Operations and Emergency Management Division, Public Safety and Homeland Security Bureau, at Chris.Smeenk@fcc.gov or (202) 418-1630; Brendan Murray, Deputy Chief, Policy Division, Media Bureau, at Brendan.Murray@fcc.gov or (202) 418-1573; or Tanner Hinkel, Industry Economist, Office of Economics and Analytics, at Tanner.Hinkel@fcc.gov or (202) 418-1536.

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[338] Congress enacted the OPEN Government Data Act as Title II of the Foundations for Evidence-Based Policymaking Act of 2018, Pub. L. No. 115-435 (2019), §§ 201-202.

[339] 44 U.S.C. §§ 3502(20), (22) (definitions of "open Government data asset" and "public data asset"), 3506(b)(6)(B) (public availability).

[340] *See* OMB Memorandum M-25-05, *Phase 2 Implementation of the Foundations for Evidence-Based Policymaking Act of 2018: Open Government Data Access and Management Guidance* (Jan. 15, 2025).

[341] 44 U.S.C. § 3502(22).

[342] *Id.* § 3502(17).

[343] *Id.* § 3502(16).

VI. ORDERING CLAUSES

110. Accordingly, IT IS ORDERED, pursuant to sections 1, 2, 3, 4(i), 4(n), 5, 201-205, 211-220, 222, 225, 251(e), 254, 301, 302, 303, 304, 307-310, 312, 316, 317, 319, 325, 332, 335, 336, 337, 338(i), 403, 409(e), 601, 631, and 653 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 152, 153, 154(i), 154(n), 155, 201-205, 211-220, 222, 225, 251(e), 254, 301, 302a, 303, 304, 307-310, 312, 316, 317, 319, 325, 332, 335, 336, 337, 338(i), 403, 409(e), 521, 551, 573; sections 6001-6004, 6101-6102, 6201-6213, 6301-6303, 6401-6413, and 6502-6507 of the Middle Class Tax Relief and Job Creation Act of 2012, 47 U.S.C. §§ 1401-1473; the Cable Landing License Act of 1921, 47 U.S.C. §§ 34-39; Executive Order No. 10,530, § 5(a), 19 Fed. Reg. 2709, 2711-12 (May 12, 1954), reprinted as amended in 3 U.S.C. § 301 note; section 601 of the Communications Satellite Act of 1961, 47 U.S.C. § 761; section 706 of the Telecommunications Act of 1996, 47 U.S.C. § 1302; and section 6(a) of the TRACED Act, 47 U.S.C. § 227b-1, this *Report and Order* IS ADOPTED.[344]

111. IT IS FURTHER ORDERED that this *Report and Order* SHALL BE EFFECTIVE 60 days after publication in the Federal Register. Compliance with sections 1.80003 and 73.1212(j)(8) of the Commission's rules, 47 CFR §§ 1.80003, 73.1212(j)(8), which may contain new or modified information collections, will not be required until the Office of Management and Budget completes review of any information collections that the Office of Economics and Analytics and the Public Safety and Homeland Security Bureau determine is required under the Paperwork Reduction Act. The Commission directs the Office of Economics and Analytics and the Public Safety and Homeland Security Bureau to announce the compliance date for sections 1.80003 and 73.1212(j)(8) by subsequent Public Notice in the Federal Register, and to cause sections 1.80003 and 73.1212(j)(8) to be revised accordingly.

112. IT IS FURTHER ORDERED that the Office of the Managing Director, Performance Program Management, SHALL SEND a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, see 5 U.S.C. § 801(a)(1)(A).

113. IT IS FURTHER ORDERED that the Commission's Office of the Secretary SHALL SEND a copy of this *Report and 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

[344] Pursuant to Executive Order 14215, 90 Fed. Reg. 10447 (Feb. 20, 2025), this regulatory action has been determined to be not significant under Executive Order 12866, 58 Fed. Reg. 68708 (Dec. 28, 1993).

APPENDIX A

Final Rules

For the reasons set forth above, parts 1 and 73 of title 47 of the Code of Federal Regulations are 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. Add subpart GG, consisting of §§ 1.80000 through 1.80004, to read as follows:

Subpart GG – Foreign Adversary Control of Commission-Granted Licenses and Authorizations

Sec.

1.80000 Purpose.

1.80001 Definitions.

1.80002 Schedules of licenses and authorizations subject to Foreign Adversary Control rules.

1.80003 Foreign adversary control attestation and disclosures.

1.80004 Enforcement and streamlined revocation procedure.

Authority: 47 U.S.C. chs. 2, 5, 9, 11, 12, 13, 15.

§ 1.80000 Purpose.

The purpose of this subpart is to mitigate the risk to national security and public safety of Foreign Adversary Control, as that term is defined in § 1.80001, of an individual or entity that holds a Commission license, lease, authorization, permit, grant, or other approval by requiring attestations and disclosures regarding any such Foreign Adversary Control by the holder of such license, lease, authorization, permit, grant, or other approval, and by an applicant for such license, lease, authorization, permit, grant, or other approval as set forth in § 1.80003.

§ 1.80001 Definitions.

(a) *Covered Authorization.* The term *Covered Authorization* means a license, lease, authorization, permit, grant, or other approval granted by the Commission that appears on a Schedule as described in § 1.80002.

(b) *Foreign adversary.* The term *foreign adversary* is given the same meaning as defined in § 1.70001(e).

(c) *Foreign adversary country.* The term *foreign adversary country* is given the same meaning as defined in § 1.70001(f).

(d) *Licensing Bureaus and Offices.* The term *Licensing Bureaus and Offices* means a Federal Communications Commission Bureau or Office that grants a license, lease, authorization, permit, grant, or other approval held by a Regulatee as defined in paragraph (f) of this section. These include the Consumer and Governmental Affairs Bureau, Media Bureau, Public Safety and Homeland Security Bureau, Space Bureau, Wireless Telecommunications Bureau, Wireline Competition Bureau, Office of Economics and Analytics, Office of Engineering and Technology, and Office of International Affairs.

(e) *Owned by, controlled by, or subject to the jurisdiction or direction of a foreign adversary.* The term *owned by, controlled by, or subject to the jurisdiction or direction of a foreign adversary* is given the same meaning as defined in § 1.70001(g). For the purposes of § 1.70001(g)(4), the Commission shall generally deem a holder of 10% or greater of the total outstanding voting and/or equity interest in a Regulatee as possessing the power to determine, direct, or decide important matters affecting an entity, and delegates authority to the Licensing Bureaus and Offices, and the Enforcement Bureau, the authority to make exceptions to this general determination on a case-by-case basis. The term *Foreign Adversary Control* is used coterminously with this term for the purposes of this subpart.

(f) *Regulatee.* The term *Regulatee* refers to the holder or grantee of a Covered Authorization as defined in paragraph (a) of this section, or an applicant therefor.

(g) *Schedule.* The term *Schedule* refers to the groupings used to categorize Covered Authorizations and Regulatees, as described in § 1.80002, based on the applicable attestation and disclosure requirements.

(h) *Small entity.* The term *small entity* means a Regulatee with a size not exceeding the size standards listed in 13 CFR 121.201.

§ 1.80002 Schedules of Covered Authorizations subject to Foreign Adversary Control rules.

(a) *Schedule A Covered Authorizations.*

Table 1 to Paragraph (a)

Legal Authority Citation	Covered Authorization Type	Qualification(s)
47 CFR parts 22, 24, 27, 30, 90, 96, and 101	Broadband-capable, geographic-area wireless licenses in the following services: • AWS-4 (2000-2020 MHz and 2180-2200 MHz) • AWS-H Block (at 1915-1920 MHz and 1995-2000 MHz) • AWS-3 (1695-1710 MHz, 1755-1780 MHz, and 2155-2180 MHz) • AWS (1710-1755 MHz and 2110-2155 MHz) • 1670-1675 MHz Band, Market Area • Broadband Radio Service • 900 MHz Broadband Service • Commercial Aviation Air-Ground Radiotelephone (800 MHz band) • Cellular • PCS Broadband • 1910-1915/1990-1995 MHz Bands, Market Area • Educational Broadband Service • 3.45 GHz Service • 3.5 GHz Band Priority Access License • 3.7 GHz Service • Upper Microwave Flexible Use Service • Wireless Communications Service • 600 MHz Band • 700 MHz Upper Band (Block C) • 700 MHz Lower Band (Blocks A, B & E) • 700 MHz Lower Band (Blocks C, D)	
47 CFR parts 26, 87, 90, 95, and 96	Frequency coordinator certifications	
47 U.S.C. 310(b); 47 CFR part 1	Section 310(b) declaratory rulings	
47 CFR part 25	Space and earth station authorizations	

Legal Authority Citation	Covered Authorization Type	Qualification(s)
47 CFR parts 73, 74, 76, and 78	• Broadcast licenses (AM, FM, LPFM, FM translator, FM Booster, Full Power TV, Class A TV, LPTV, TV translator) • Cable television relay service station (CARS) licenses	The holder of which has 6 or more full-time employees or, in the case of a holder of a broadcast license, receives an affirmative response under the Commission's foreign sponsorship identification rules from a lessee that is a foreign adversary.
47 CFR part 73	International broadcast station licenses	The holder of which has 6 or more full-time employees or receives an affirmative response under the Commission's foreign sponsorship identification rules from a lessee that is a foreign adversary.
47 U.S.C. 325(c); 47 CFR part 73	Section 325(c) authorizations	The holder of which has 6 or more full-time employees or receives an affirmative response under the Commission's foreign sponsorship identification rules from a lessee that is a foreign adversary.
Cable Landing License Act of 1921; Executive Order 10530 of 1954; 47 CFR part 1	Submarine cable landing licenses	
47 U.S.C. 214(a); 47 CFR part 63	Domestic section 214(a) authorizations	
47 U.S.C. 214(e), 47 CFR part 54, subpart C	Eligible telecommunications carrier designations	
47 U.S.C. 214; 47 CFR part 63	International section 214 authorizations	
47 CFR part 52	Interconnected Voice over Internet Protocol direct access to numbering resources authorizations	
47 CFR part 2, subpart J	Equipment certifications	
47 CFR part 1; ITU-T Recommendation X.121	Data network identification codes	
47 CFR part 1; ITU-T Recommendation Q.708	International signaling point codes	

Legal Authority Citation	Covered Authorization Type	Qualification(s)
47 CFR part 1; 47 CFR part 63; Constitution and Convention of the International Telecommunication Union	Recognized operating agencies	
47 U.S.C. 225; 47 CFR part 64, subpart F	Internet-based telecommunications relay services certifications	

(b) *Schedule B Covered Authorizations.*

Table 2 to Paragraph (b)

Legal Authority Citation	Covered Authorization Type	Qualification(s)
47 CFR parts 22, 24, 26, 27, 30, 74, 80, 87, 90, 95, 97, and 101	Geographic and site-based wireless licenses in the following services: • Aviation Auxiliary Group • Aural Microwave Booster • Aeronautical and Fixed • Aural Intercity Relay • Aviation Radionavigation • Aural Studio Transmitter Link • 3.5 GHz General Authorized Access (licensed by rule) • 1390-1392 MHz Band, Market Area • 1392-1395 and 1432-1435 MHz Bands, Market Area • BETRS • Paging and Radiotelephone • Digital Electronic Message Service - Common Carrier • Common Carrier Fixed Point to Point Microwave • General Aviation Air-ground Radiotelephone • PCS Narrowband • Offshore Radiotelephone • Part 22 VHF/UHF Paging (excluding 931MHz) • Rural Radiotelephone • Local Television Transmission • Part 22 931 MHZ Paging • Multichannel Video Distribution and Data Service • Business, 806-821/851-866 MHz, Conventional • 929-931 MHz Band, Auctioned • Other Indust/Land Transp, 896-901/935-940 MHz, Conv. • Business/Industrial/Land Trans, 809-824/854-869 MHz, Conv. • 800 MHz Conventional SMR (SMR, Site-specific)	

Legal Authority Citation	Covered Authorization Type	Qualification(s)
	• Other Indust/Land Transp, 806-821/851-866 MHz, Conv. • SMR, 896-901/935-940 MHz, Conventional • Private Carrier Paging, 929-930 MHz • Business, 896-901/935-940 MHz, Conventional • SMR, 806-821/851-866 MHz, Conventional • Industrial/Business Pool, Conventional • Industrial/Business Pool - Commercial, Conventional • Intelligent Transportation Service (Public Safety) • Local Multipoint Distribution Service • 902-928 MHz Location Narrowband (Non-multilateration) • Broadcast Auxiliary Low Power • Location and Monitoring Service, Multilateration (LMS) • Low Power Wireless Assist Video Devices • 902-928 MHz Location Wideband (Grandfathered AVM) • Marine Auxiliary Group • Coastal Group • Microwave Industrial/Business Pool • Alaska Group • Millimeter Wave 70/80/90 GHz Service • Marine Radiolocation Land • Multiple Address Service, Auctioned • Microwave Public Safety Pool • Nationwide Commercial 5 Channel, 220 MHz • 3650-3700 MHz • Public Coast Stations, Auctioned • Digital Electronic Message Service - Private • 220-222 MHz Band, Auctioned • Non-Nationwide Data, 220 MHz • Non-Nationwide Public Safety/Mutual Aid, 220 MHz • Non-Nationwide Other, 220 MHz • Intelligent Transportation Service (Non-Public Safety) • Non-Nationwide 5 Channel Trunked, 220 MHz • Broadcast Auxiliary Remote Pickup • Land Mobile Radiolocation • TV Microwave Booster • MSS Ancillary Terrestrial Component (ATC) Leasing • TV Intercity Relay • TV Pickup • TV Studio Transmitter Link • TV Translator Relay	

Legal Authority Citation	Covered Authorization Type	Qualification(s)
	• Microwave Aviation • Microwave Marine • Microwave Radiolocation • 700 MHz Guard Band • Business, 806-821/851-866 MHz, Trunked • SMR, 806-821/851-866 MHz, Auctioned • SMR, 896-901/935-940 MHz, Auctioned • Industrial/Business Pool, Trunked • SMR, 806-821/851-866 MHz, Auctioned (Rebanded YC license) • Other Indust/Land Transp. 896-901/935-940 MHz, Trunked • Business/Industrial/Land Trans, 809-824/854-869 MHz, Trunked • Industrial/Business Pool - Commercial, Trunked • 800 MHz Trunked SMR (SMR, Site-specific) • Other Indust/Land Transp. 806-821/851-866 MHz, Trunked • SMR, 896-901/935-940 MHz, Trunked • Business, 896-901/935-940 MHz, Trunked • SMR, 806-821/851-866 MHz, Trunked • 218-219 MHz Service	
47 CFR part 101, subpart Q	Database Managers for 70/80/90 GHz Band Registrations	
47 CFR part 17	Mandatorily filed antenna structure registrations	
47 CFR parts 73 and 74	• Broadcast licenses (AM/FM/LPFM/FM Translator/FM Booster/Full Power TV/Class A TV/LPTV/TV translator) • Cable television relay service station (CARS) licenses	Not included in Schedule A
47 CFR part 73	International broadcast station licenses	Not included in Schedule A
47 U.S.C. 325(c); 47 CFR part 73	Section 325(c) authorizations	Not included in Schedule A

(c) *Schedule C Covered Authorizations.*

Table 3 to Paragraph (c)

Legal Authority Citation	Covered Authorization Type	Qualification(s)
47 CFR part 17	Voluntarily filed antenna structure registrations	
47 CFR part 1	Commission auction applications	
47 CFR parts 80, 87, 90, 95, 97, and 101	Wireless licenses in the following services: • Aircraft • Commercial Operator • Amateur • Vanity • Restricted Operator	

Legal Authority Citation	Covered Authorization Type	Qualification(s)
	• Ship Recreational or Voluntarily Equipped • Ship Compulsory Equipped • General Mobile Radio (GMRS) • PubSafty/SpecEmer/PubSaftyNtlPlan,806-817/851-862MHz,Conv • Public Safety Ntl Plan, 821-824/866-869 MHz, Conv. • Public Safety/Spec Emerg, 806-821/851-866 MHz, Conv. • Public Safety 4940-4990 MHz Band • 4940-4990 MHz Public Safety, Base/Mobile • 4940-4990 MHz Public Safety, Pt-to-Pt, Pt-to-Multi-Pt • Public Safety Pool, Conventional • Conventional Public Safety 700 MHz • Public Safety 700 MHZ Band-State License • 700 MHz Public Safety Broadband Nationwide License • Trunked Public Safety 700 MHz • PubSafty/SpecEmer/PubSaftyNtlPlan,806-817/851-862MHz,Trunked • Public Safety Ntl Plan, 821-824/866-869 MHz, Trunked • Public Safety/Spec Emerg, 806-821/851-866 MHz, Trunked • Public Safety Pool, Trunked	
47 CFR part 13	Part 13 radio operator licenses and permits	
47 CFR 2.1071 through 2.1077	Supplier's Declaration of Conformity	

(d) *Publication of the Schedules.* The Office of Economics and Analytics, in coordination with the Licensing Bureaus and Offices, shall publish the Schedules on the Commission's website, and maintain and update the Schedules in accordance with paragraph (e)(2) of this section.

(e) *Updates to the Schedules*.—(1) A Licensing Bureau or Office may, upon petition or its own motion, conduct a notice-and-comment rulemaking to modify one or more Schedules as it pertains to a Covered Authorization over which the Commission has delegated to the Licensing Bureau or Office appropriate authority.

(2) The Licensing Bureau or Office shall adopt such modification(s) upon determination that such a revision is necessary or appropriate based on an analysis that weighs the following criteria:

(i) National security risk, taking into account:

(A) Type and size of Regulatee;

(B) Applicable communications sector and supply chain dependencies;

(C) Nature and type of underlying infrastructure;

(D) Possibility and probability of Foreign Adversary Control, as defined in § 1.80001(e); and

(E) Existence of risk-mitigating Commission regulations in this part;

(ii) Administrability, taking into account:

(A) Whether the modification(s) would simplify or complicate existing compliance processes for both the Commission and Regulatees; and

(B) Feasibility of agency review and enforcement;

(iii) Burden on Regulatee, taking into account:

(A) Existence of substantially duplicative reporting requirements;

(B) Whether the burden would fall disproportionately on smaller entities; and

(C) Whether the license, lease, authorization, permit, grant, or other Commission-granted approval is similarly situated to another Covered Authorization and thus should be treated similarly; and

(iv) Other criteria deemed relevant by the Licensing Bureau or Office, such as whether the attestation requirement for the Covered Authorization remains necessary in light of technological or industry developments.

(3) The Licensing Bureaus and Offices shall provide written notice to announce a Schedule modification, including a filing deadline for new attestations required by § 1.80003, where applicable, that is no earlier than 30 days after the effective date of the public notice.

§ 1.80003 Foreign adversary control attestation and disclosures.

(a) *Schedule A attestations.* Except as provided in paragraphs (f) and (g) of this section, an officer or

other authorized representative of a Schedule A Regulatee shall attest to the Commission that it is or is not owned by, controlled by, or subject to the jurisdiction or direction of a foreign adversary as defined in § 1.80001(e). Schedule A includes Covered Authorizations thus identified in § 1.80002(a). An attestation that an entity is not owned by, controlled by, or subject to the jurisdiction or direction of a foreign adversary as defined in § 1.80001(e) must be definitive, and filers may not seek staff clarification in their attestations or include materials with such responses meant to disclose information for staff review.

(b) *Schedule B attestations.* Except as provided in paragraph (f) of this section, an officer or other authorized representative of a Schedule B Regulatee, that is owned by, controlled by, or subject to the jurisdiction or direction of a foreign adversary as defined in § 1.80001(e), shall attest to the Commission thereof. Schedule B includes Covered Authorizations thus identified in § 1.80002(b).

(c) *Schedule C attestations.* An officer or other authorized representative of a Schedule C Regulatee is exempt from filing initial attestations required by this section. Schedule C includes Covered Authorizations thus identified in § 1.80002(c).

(d) *Regulatees holding or applying for Covered Authorizations in different Schedules.* An officer or other authorized representative of a Regulatee holding or applying for Covered Authorizations listed in different Schedules shall attest according to the requirements of the Covered Authorization listed in a Schedule that applies more reporting requirements. For example, if a Regulatee holds or applies for a Covered Authorization from Schedule A and another from Schedule B, the Regulatee shall only file a single attestation, according to the rules for Schedule A attestations.

(e) *Provisional attestations.* An officer or other authorized representative of a Regulatee that attests affirmatively pursuant to paragraphs (a) or (b) of this section, but denies that an interest obligating the Regulatee to attest affirmatively confers upon the interest holder the ability to determine, direct, or decide important matters affecting an entity, shall demonstrate by clear and convincing evidence why such interest does not meet § 1.70001(g)(4).

(f) *Exemptions.* No state or local government agency, federally recognized Tribal Nation, or business

controlled by a federally recognized Tribal Nation is subject to the provisions in this subpart.

(g) *Foreign adversary sponsorship*. An entity with a broadcast license (AM, FM, LPFM, FM translator, FM Booster, Full Power TV, Class A TV, LPTV, TV translator), a cable television relay service station (CARS) license, an international broadcast station license, or section 325(c) authorization encompassed by table 2 to section 1.80002(b) that does not otherwise hold a Covered Authorization from Schedule A but receives an affirmative response under the Commission's foreign sponsorship identification rules from a lessee that is a foreign adversary shall fulfill its duties under paragraph (a) of this section by filing a copy of the lessee's information with the Commission pursuant to § 73.1212(j)(8) of this chapter.

(h) *Deadline for initial attestations.* Except as provided in paragraph (i) of this section, a Regulatee shall file any attestation required by paragraph (a) or (b) of this section no later than 60 days after the publication of a public notice announcing the creation of the attestation portal, and shall attest to its Foreign Adversary Control status as of the publication date of the same public notice.

(i) *Deadline for initial attestations made by small entities.* A Regulatee that is a small entity shall file any attestation required by paragraph (a) or (b) of this section no later than 120 days after the publication of a public notice announcing the creation of the attestation portal, and shall attest to its Foreign Adversary Control status as of the publication date of the same public notice.

(j) *Additional disclosures for entities subject to Foreign Adversary Control.* Except as provided in paragraph (f) of this section, a Schedule A, B, or C Regulatee that attests that it is owned by, controlled by, or subject to the jurisdiction or direction of a foreign adversary, shall disclose to the Commission subject to the applicable deadline set forth in paragraphs (h), (i), or (l) of this section, or a deadline set by a Licensing Bureau or Office pursuant to § 1.80002(e)(3):

(1) All 5% or greater direct or indirect equity and/or voting interest holders, and controlling interest holders, specifically:

(i) For each reported natural person interest holder, his or her:

(A) Name;

(B) Address;

(C) Country or countries of citizenship;

(D) Percentage of equity and/or voting interest, and all controlling interests, held directly or indirectly in the Regulatee; and

(ii) For each reported entity (including a government entity) interest holder, its:

(A) Name;

(B) Address;

(C) Country under the laws of which the entity is organized;

(D) Country of the principal place of business, headquarters, and place of incorporation or organization;

(E) Type of entity and principal business(es);

(F) Percentage of equity and/or voting interest, and all controlling interests, held directly or indirectly in the Regulatee; and

(iii) An ownership diagram that illustrates the Regulatee's vertical ownership structure, including the direct and indirect equity and/or voting interests, and/or controlling interests, as applicable, held by the individuals and entities named in response to this paragraph (j)(1). Every such individual or entity with equity and/or voting interests shall be depicted and all controlling interests must be identified. For disclosures provided pursuant to paragraphs (l)(3)(ii), (l)(4)(ii), and (l)(5)(ii) of this section, the ownership diagram shall include both the pre-transaction and post-transaction ownership of the Regulatee;

(2) The identity of the foreign adversary or foreign adversary country the Regulatee is owned by, controlled by, or subject to the jurisdiction or direction of; and

(3) The nature of the Foreign Adversary Control to which the Regulatee is subject.

(4) A Regulatee filing a disclosure pursuant to this paragraph (j) shall include a statement certifying to the truth and accuracy of all information included in the disclosure.

(k) *Eligible U.S. public companies.* A Regulatee that is an eligible U.S. public company, as that term is

defined in § 1.5000(e), and that is subject to the reporting requirements set forth in paragraph (j) of this section, shall follow the same standards set forth in § 1.5000(e), to the extent applicable, in its reporting under paragraph (j) of this section.

(l) *Ongoing attestation and disclosure requirements.* After the deadline for initial attestations set forth in paragraphs (h) and (i) of this section, the following entities shall file a new attestation pursuant to paragraphs (a) and (b) of this section, as applicable, and, if affirmative, the additional disclosures required by paragraph (j) of this section:

(1) Any Regulatee holding a Covered Authorization designated in Schedule A or B, regardless of whether it has already filed an attestation;

(i) Within 30 days of the Regulatee becoming subject to Foreign Adversary Control, to the extent such change does not require Commission approval; or

(ii) Within 60 days, or for small entities within 120 days, of the effective date of an addition to the Department of Commerce's list of foreign adversaries in 15 CFR 791.4 of a foreign government or foreign non-government person that has Foreign Adversary Control over the Regulatee;

(2) Any Regulatee of a Covered Authorization newly designated in Schedule A regardless of whether it has already filed an attestation, within 30 days of the effective date of a public notice announcing the designation;

(3) A Schedule A or B Regulatee that is subject to Foreign Adversary Control, or any Regulatee whose last attestation was affirmative;

(i) Upon application for any new Covered Authorization;

(ii) Upon application for an assignment, except a *pro forma* assignment as defined in § 63.24(d), of any Covered Authorization held by the Regulatee;

(iii) Upon application for a renewal of any Covered Authorization;

(iv) Upon application for a modification of any Covered Authorization;

(v) Within 30 days of any changes to 5% or greater direct or indirect equity and/or voting

interests, or controlling interests, held in the Regulatee; or

(vi) Within 30 days of the effective date of a public notice designating a Covered Authorization held by the Regulatee in Schedule B;

(4) Any entity regardless of Foreign Adversary Control;

(i) Upon application for the entity's initial Covered Authorization designated in Schedule A; or

(ii) Upon application for the entity to be the transferee or assignee of its initial Covered Authorization designated in Schedule A, except in the case of a *pro forma* transfer of control or assignment as defined in § 63.24(d);

(5) Any entity that is subject to Foreign Adversary Control;

(i) Upon application for the entity's initial Covered Authorization designated in Schedule B;

(ii) Upon application for the entity to be the transferee or assignee of its initial Covered Authorization designated in Schedule B, except in the case of a *pro forma* transfer of control or assignment as defined in § 63.24(d); or

(iii) Upon application for modification of a Covered Authorization designated in Schedule A or B that would cause the entity to be a licensee or lessee of the Covered Authorization; and

(6) Any Regulatee whose last attestation was affirmative within 30 days of its determination that it is no longer subject to Foreign Adversary Control.

(m) *Foreign adversary control filing method.* The Office of Economics and Analytics and the Public Safety and Homeland Security Bureau, in coordination with Licensing Bureaus and Offices, shall announce the creation of the attestation portal and the method of filing the attestations and disclosures required by this section therein.

(n) *Administration.* The Commission delegates authority to the Office of Economics and Analytics and the Public Safety and Homeland Security Bureau, in consultation with the Licensing Bureaus and Offices

and the Enforcement Bureau where appropriate, to adopt necessary policies and procedures, and conduct notice-and-comment rulemaking, where appropriate, relating both to the administration of the information collection described in this section and Foreign Adversary Control information more broadly, including rule clarifications and further guidance, modification of deadlines, publication of information, and treatment of provisional attestations.

(o) *Compliance date.* Compliance with this section will not be required until after the completion of such review by the Office of Management and Budget as the Office of Economics and Analytics and the Public Safety and Homeland Security Bureau deem necessary. The Commission will publish a document in the Federal Register announcing that compliance date and revising or removing this paragraph (o) accordingly.

§ 1.80004 Enforcement and streamlined revocation procedure.

(a) *Enforcement*. The Commission may take enforcement action against a Regulatee for failure to comply with the deadlines in § 1.80003; for an incomplete or inaccurate filing, including a false statement or representation; or if the Commission assesses that Foreign Adversary Control of the Covered Authorization may pose an unacceptable risk to national security. Prior to taking enforcement action, the Enforcement Bureau shall:

(1) Review referrals and coordinate with the applicable Licensing Bureaus and Offices where appropriate; and

(2) Consider national security risks, potential harms to the public, any effect on downstream providers, and other factors presented by the Regulatee when determining an appropriate enforcement action.

(b) *Streamlined revocation procedure*. To the extent consistent with applicable law, and except in cases of willfulness or those in which public health, interest, or safety requires otherwise, prior to revoking a Regulatee's Covered Authorization, the Enforcement Bureau and/or Licensing Bureau or Office

(1) Shall issue a public Notice of Deficiency and Opportunity to Comply—consistent with the

provisions of § 1.89, except that the response period shall be 30 days—and provide courtesy copy to the Regulatee's most recent contact information on file with the Commission that will:

(i) Inform the Regulatee of the specific failure to comply, such as failure to file or other identified deficiencies;

(ii) Provide thirty (30) calendar days to cure the deficiency and demonstrate why a revocation proceeding should not be initiated; and

(iii) Specify that failure to provide a full and complete response within the 30-day period will result in an Order to Show Cause commencing a revocation proceeding;

(2) May, if the Regulatee fails to cure the filing defect or respond to the Notice of Deficiency and Opportunity to Comply, or where that step is not required due to willfulness or considerations of public health, interest, or safety, pursuant to 5 U.S.C. § 558(c), issue an Order to Show Cause to commence a revocation proceeding and provide the Regulatee fifteen (15) calendar days to explain why the Regulatee's Covered Authorization should not be revoked; and

(3) May, after the conclusion of the period for notice and opportunity to respond as specified in paragraphs (b)(1) and (2) of this section, issue an Order of Revocation revoking the Regulatee's Covered Authorization(s).

(c) *Review of submissions*—(1) *Failure to comply with deadlines.* The Licensing Bureaus and Offices may refer Regulatees that failed to timely file any filing required by this subpart to the Enforcement Bureau for possible enforcement action, including monetary penalties or commencement of the revocation process consistent with this section.

(2) *Incomplete or inaccurate responses.* Following the receipt of an attestation or disclosure required by § 1.80003, the Licensing Bureau or Office shall make a preliminary assessment on whether it has a reasonable basis for finding that the attestation and/or disclosures submitted by the Regulatee is incomplete or inaccurate. In making a preliminary assessment, the Licensing Bureau or Office shall consider:

(i) Willfulness;

(ii) Potential national security risks;

(iii) Any effect on downstream providers;

(iv) Any adverse impact on the public; and

(v) Other factors the Licensing Bureau or Office deems relevant.

PART 73—RADIO BROADCAST SERVICES

3. 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.

Subpart H—Rules Applicable to All Broadcast Stations

4. Amend § 73.1212 by redesignating paragraph (j)(8) as (j)(9) and adding new paragraph (j)(8) to read as follows:

§ 73.1212 Sponsorship identification; list retention; related requirements.

* * * * *

(8) A licensee of a broadcast station receiving a response from a lessee under paragraph (j)(3)(ii) of this section that identifies the lessee as a foreign adversary or foreign adversary country as defined in § 1.70001 of this chapter shall file with the Commission a copy of the disclosure provided by the lessee according to the procedure established under § 1.80003(m) of this chapter within 60 days, or 120 days for stations with five or fewer employees, of the licensee's receipt of the disclosure provided by the lessee. Compliance with this paragraph (j)(8) will not be required until after the completion of such review by the Office of Management and Budget as the Office of Economics and Analytics and the Public Safety and Homeland Security Bureau deem necessary, after which time this sentence shall be removed or modified.

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APPENDIX B

Final Regulatory Flexibility Analysis

1. As required by the Regulatory Flexibility Act of 1980, as amended (RFA),[1] the Federal Communications Commission (Commission) incorporated an Initial Regulatory Flexibility Analysis (IRFA) in the *Protecting our Communications Networks by Promoting Transparency Regarding Foreign Adversary Control* (*Notice*), released in May 2025.[2] The Commission sought written public comment on the proposals in the *Notice*, including comment on the IFRA. The comments received are addressed below. This Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA and it (or summaries thereof) will be published in the Federal Register.[3]

A. Need for, and Objectives of, the Rules

2. The *Report and Order* adopts new attestation and disclosure requirements that will enhance the Commission's ability to assess and respond to emerging threats from Foreign Adversary Control over U.S. communications networks. This action builds upon the Commission's efforts to gain a more comprehensive and systematic view of threats posed by foreign adversaries. The adopted rules categorize licenses, leases, authorizations, permits, grants, and other Commission approvals into distinct groups, each subject to different attestation and disclosure requirements. Specifically, we adopt rules to establish a reporting framework that distinguishes and categorizes each Covered Authorization based on whether the Regulatee is: (A) required to submit an attestation either affirming or denying Foreign Adversary Control; (B) solely required to submit an attestation affirming Foreign Adversary Control; or (C) is not required to file an attestation in either event. We find this approach ensures the Commission receives the information it needs to promote national security while minimizing burdens to entities that present minimal or no national security risk. The *Report and Order* also sets forth the information to be collected for each group, method of collection, and, subject to statutory exceptions, a streamlined process for revocation for non-compliance. These rules will allow the Commission, as well as our law enforcement partners, to improve situational awareness and develop approaches to eliminate or mitigate national security threats from foreign adversaries.

B. Summary of Significant Issues Raised by Public Comments in Response to the IRFA

5. Comments regarding the impact of the rule on small entities were filed by Michael Ravnitzky.[4] In his comments, Ravnitzky suggested that reporting mechanisms should be tailored to accommodate the realities of small business, which could prevent undue consolidation in the industry and encourage continued innovation and competition.[5] As discussed in greater detail below in Section E, the Commission takes steps to minimize compliance burdens for small entities by exempting certain small entities from the initial attestation requirements, and provides an extended filing deadline for small entities that are required to attest that they are subject to Foreign Adversary Control.

[1] 5 U.S.C. §§ 601 *et seq*., as amended by the Small Business Regulatory Enforcement and Fairness Act (SBREFA), Pub. L. No. 104-121, 110 Stat. 847 (1996).

[2] *Protecting our Communications Networks by Promoting Transparency Regarding Foreign Adversary Control*, GN Docket No. 25-166, Notice of Proposed Rulemaking, 40 FCC Rcd 3730, Appx. A (2025).

[3] 5 U.S.C. § 604.

[4] Michael Ravnitzky Comments at 1.

[5] *Id.*

C. Response to Comments by the Chief Counsel for the Small Business Administration Office of Advocacy

6. Pursuant to the Small Business Jobs Act of 2010, which amended the RFA,[6] the Commission is required to respond to any comments filed by the Chief Counsel for the Small Business Administration (SBA) Office of Advocacy, and also provide a detailed statement of any change made to the proposed rules as a result of those comments.[7] The Chief Counsel did not file any comments in response to the proposed rules in this proceeding.

D. Description and Estimate of the Number of Small Entities to Which the 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 adopted rules.[8] The RFA generally defines the term "small entity" as having the same meaning as the terms "small business," "small organization," and "small governmental jurisdiction."[9] In addition, the term "small business" has the same meaning as the term "small business concern" under the Small Business Act.[10] 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.[11] The SBA establishes small business size standards that agencies are required to use when promulgating regulations relating to small businesses; agencies may establish alternative size standards for use in such programs, but must consult and obtain approval from SBA before doing so.[12]

8. Our actions, over time, may affect small entities that are not easily categorized at present. We therefore describe three broad groups of small entities that could be directly affected by our actions.[13] In general, a small business is an independent business having fewer than 500 employees.[14] These types of small businesses represent 99.9% of all businesses in the United States, which translates to 34.75 million businesses.[15] Next, "small organizations" are not-for-profit enterprises that are independently owned and operated and are not dominant in their field.[16] While we do not have data regarding the number of non-profits that meet that criteria, over 99 percent of nonprofits have fewer than 500

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[6] Small Business Jobs Act of 2010, Pub. L. No. 111-240, 124 Stat. 2504 (2010).

[7] 5 U.S.C. § 604 (a)(3).

[8] *Id. at* § 604.

[9] *Id*. at § 601(6).

[10] *Id*. at § 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."

[11] 15 U.S.C. § 632.

[12] 13 CFR § 121.903.

[13] 5 U.S.C. § 601(3)-(6).

[14] *See* SBA, Office of Advocacy, *Frequently Asked Questions About Small Business* (July 23, 2024), https://advocacy.sba.gov/wp-content/uploads/2024/12/Frequently-Asked-Questions-About-Small-Business_2024-508.pdf.

[15] *Id*.

[16] 5 U.S.C. § 601(4).

employees.[17] Finally, "small governmental jurisdictions" are defined as cities, counties, towns, townships, villages, school districts, or special districts with populations of less than fifty thousand.[18] Based on the 2022 U.S. Census of Governments data, we estimate that at least 48,724 out of 90,835 local government jurisdictions have a population of less than 50,000.[19]

9. The rules adopted in the *Report and Order* will apply to small entities in the industries identified in the chart below by their six-digit North American Industry Classification System (NAICS)[20] codes and corresponding SBA size standard.[21] Based on currently available U.S. Census data regarding the estimated number of small firms in each identified industry, we conclude that the adopted rules will impact a substantial number of small entities. Where available, we also provide additional information regarding the number of potentially affected entities in the identified industries below.

Table 1. 2022 U.S. Census Bureau Data by NAICS Code

Regulated Industry (Footnotes specify potentially affected entities within a regulated industry where applicable)	NAICS Code	SBA Size Standard	Total Firms[22]	Total Small Firms[23]	% Small Firms
All Other Telecommunications[24]	517810	$40 million	1,673	1,007	60.19%
Radio Broadcasting Stations[25]	516110	$47 million	2,616	2,136	81.65%
Wired Telecommunications Carriers[26]	517111	1,500 employees	3,403	3,027	88.95%
Computer Infrastructure Providers, Data Processing, Web Hosting, and Related Services	518210	$40 million	12,054	8,895	73.79%
Wireless Telecommunications	517112	1,500	1,184	1,081	91.30%

[17] *See* SBA, Office of Advocacy, *Small Business Facts, Spotlight on Nonprofits* (July 2019), https://advocacy.sba.gov/2019/07/25/small-business-facts-spotlight-on-nonprofits/.

[18] 5 U.S.C. § 601(5).

[19] *See* U.S. Census Bureau, 2022 Census of Governments –Organization, https://www.census.gov/data/tables/2022/econ/gus/2022-governments.html, tables 1-11.

[20] The North American Industry Classification System (NAICS) is the standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy. *See* www.census.gov/NAICS for further details regarding the NAICS codes identified in this chart.

[21] The size standards in this chart are set forth in 13 CFR 121.201, by six digit NAICS code.

[22] *U.S. Census Bureau*, "*Selected Sectors: Employment Size of Firms for the U.S.: 2022*." Economic Census, ECN Core Statistics Economic Census: Establishment and Firm Size Statistics for the U.S., Table EC2200SIZEEMPFIRM, 2025, and "*Selected Sectors: Sales, Value of Shipments, or Revenue Size of Firms for the U.S.: 2022*." Economic Census, ECN Core Statistics Economic Census: Establishment and Firm Size Statistics for the U.S., Table EC2200SIZEREVFIRM, 2025.

[23] *Id.*

[24] Affected Entities in this industry include Telecommunications Relay Service (TRS) Providers.

[25] Affected Entities in this industry include Amateur Radio Service and Auxiliary, Special Broadcast and Other Program Distribution Services.

[26] Affected Entities in this industry include Cable Companies and Systems (Rate Regulation), Cable System Operators (Telecom Act Standard), and Facilities-Based Carriers (International Telecom Carriers).

Regulated Industry (Footnotes specify potentially affected entities within a regulated industry where applicable)	NAICS Code	SBA Size Standard	Total Firms[22]	Total Small Firms[23]	% Small Firms
Carriers (except Satellite)[27]		employees			
Satellite Telecommunications[28]	517410	$44 million	332	195	58.73%
Business Associations[29]	813910	$15.5 million	14,599	13,134	89.97%
Web Search Portals and All Other Information Services	519290	1,000 employees	1,004	803	79.98%
Other Communications Equipment Manufacturing	334290	800 employees	310	294	94.84%
Radio and Television Broadcasting and Wireless Communications Equip Manufacturing[30]	334220	1,250 employees	155	136	87.74%
Telecommunications Resellers	517121	1,500 employees	955	847	88.69%
Television Broadcasting Stations[31]	516120	$47 million	413	316	76.51%
Aircraft Manufacturing[32]	336411	1,500 employees	234	209	89.32%
Uncrewed Aircraft System (UAS) Operators	None	100 employees or less[33]	Data Not Disclosed	Data Not Disclosed	92.20%[34]

Table 2. Telecommunications Service Provider Data

2024 Universal Service Monitoring Report Telecommunications Service Provider Data [35] (Data as of December 2023)	SBA Size Standard (1500 Employees)		
Affected Entity	Total # FCC Form 499A Filers	Small Firms	% Small Entities
Telecommunications Resellers	633	615	97.16
Wired Telecommunications Carriers[36]	4,682	4,276	91.33

[27] Affected Entities in this industry include Fixed Microwave Services and Private Land Mobile Radio Licensees (PLMR).

[28] Affected Entities in this industry include Fixed Satellite Small Transmit/Receive Earth Stations and Mobile Satellite Earth Stations.

[29] Affected Entities in this industry include Frequency Coordinators.

[30] Affected Entities in this industry include Uncrewed Aircraft Radio Equipment Manufacturers.

[31] Affected Entities in this industry include Auxiliary, Special Broadcast and Other Program Distribution Services.

[32] Affected Entities in this industry include Uncrewed Aircraft Radio Equipment Manufacturers.

[33] *See* Federal Aviation Administration, Department of Transportation, Remote Identification of Unmanned Aircraft, 86 Fed. Reg. 4390, 4494 (Jan. 15, 2021) (*Remote ID Rule*).

[34] *Id.*

[35] Federal-State Joint Board on Universal Service, Universal Service Monitoring Report at 26, Table 1.12 (2024), https://docs.fcc.gov/public/attachments/DOC-408848A1.pdf.

2024 Universal Service Monitoring Report Telecommunications Service Provider Data [35] (Data as of December 2023)	SBA Size Standard (1500 Employees)		
Affected Entity	**Total # FCC Form 499A Filers**	**Small Firms**	**% Small Entities**
Wireless Telecommunications Carriers (except Satellite)[37]	585	498	85.13

Table 3. Broadcast Entity Data

Broadcast Station Owners (as of August 8, 2025)	SBA Size Standard ($47 Million)		
Affected Entity	**# Commercial Licensed[38] [39]**	**Small Firms**	**% Small Entities**
Radio Stations (AM & FM) Groups	2,881	2,863	99.38
Television Stations	171	142	83.04

Table 4. Cable Entities Data

Cable Entities	Size Standard	Total Firms	Small Firms	% Small Firms in Industry
Cable System Operators (Telecom Act Standard) Small Cable Operator	Serves fewer than 498,000 subscribers, either directly or through affiliates[40] [41]	530[42]	524[43]	98.87%

(Continued from previous page)

[36] Local Resellers fall into another U.S. Census Bureau industry (Telecommunications Resellers) and therefore data for these providers is not included in this industry.

[37] Affected Entities in this industry include all reporting wireless carriers and service providers.

[38] According to Commission staff review of the BIA Kelsey Inc. Media Access Pro Television Database (BIA) on August 8, 2025.

[39] As of September 30, 2025, there were 1,389 licensed commercial television stations. There were also 1,343 licensed commercial AM radio stations and 6,594 licensed commercial FM radio stations, for a combined total of 10,937 commercial radio stations. Additionally, there were 4,730 licensed noncommercial (NCE) FM radio stations, 1,985 low power FM (LPFM) stations, 8,871 FM translators and boosters, 387 licensed noncommercial educational (NCE) television stations, 397 Class A TV stations, 1,759 LPTV stations and 3,096 TV translator stations. *Broadcast Station Totals as of September 30, 2025*, Public Notice, DA 25-964 (rel. Nov. 25, 2025) (*November 2025 Broadcast Station Totals PN*), https://docs.fcc.gov/public/attachments/DA-25-964A1.pdf.

[40] Pursuant to 47 U.S.C. § 543(m)(2) of the Communications Act of 1934, as amended, the size standard for a "small cable operator," is a cable operator that, directly or through an affiliate, serves in the aggregate fewer than 1% of all U.S. subscribers and has no affiliation with entities with gross annual aggregate revenues exceed $250,000,000.

[41] *FCC Announces Updated Subscriber Threshold for the Definition of Small Cable Operator*, Public Notice, DA 23-906 (MB 2023) (*2023 Subscriber Threshold PN*). In the Public Notice, the Commission determined that there were approximately 49.8 million cable subscribers in the United States at that time using the most reliable source publicly available. This threshold will remain in effect until the Commission issues a superseding Public Notice. *See* 47 CFR § 76.901(e)(1).

Cable Entities	Size Standard	Total Firms	Small Firms	% Small Firms in Industry
Cable Companies and Systems (Rate Regulation) Small Cable Company	Serves 400,000 or fewer subscribers nationwide[44] [45]	530[46]	523[47]	98.51%
Cable Companies and Systems (Rate Regulation) Small Cable System (headends)	Serves 15,000 or fewer subscribers[48]	4,545[49]	3,965[50]	87.24%

E. Description of Economic Impact and Projected Reporting, Recordkeeping and Other Compliance Requirements for Small Entities

10. The RFA directs agencies to describe the economic impact of adopted rules on small entities, as well as projected reporting, recordkeeping and other compliance requirements, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report or record.[51]

11. The *Report and Order* adopts reporting requirements based on a variety of factors including national security risk of Foreign Adversary Control and reporting burdens. Specifically, the Commission exempts Covered Authorizations designated in Schedule C from the initial attestation requirements for a variety of reasons, including that they are typically held by individuals or small entities that may pose a lesser risk to national security should they be under Foreign Adversary Control.[52] Other entities, such as broadcasters with five or fewer employees, are only required to complete an attestation if the entity is subject to Foreign Adversary Control. Small entities that are required to file this attestation must do so within 120 days of the public notice announcing the launch of the Foreign Adversary Control System. This approach ensures the Commission receives the information it needs to promote national security while minimizing burdens to small and other entities that present minimal or no national security risk.

12. In the *Report and Order*, the Commission affirms its estimates that a one-time foreign adversary reporting cost would be $116 per Regulatee.[53] We find that many Regulatees are already

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[42] Based on Commission staff review of S&P Global Market Intelligence, S&P Capital IQ Pro, U.S., *Broadband & Video Subscribers by Geography Q3-2025(June 2025)* data (last visited Sept. 15, 2025).

[43] *Id.*

[44] 47 CFR § 76.901(d).

[45] *Id*.

[46] Based on Commission staff review of S&P Global Market Intelligence, S&P Capital IQ Pro, U.S., *Broadband & Video Subscribers by Geography Q3-2025(June 2025)* data (last visited Sept. 15, 2025).

[47] *Id.*

[48] 47 CFR § 76.901(c).

[49] Based on Commission staff review of S&P Global Market Intelligence, S&P Capital IQ Pro, U.S. MediaCensusDW, *Operator Subscribers by Geography Q3-2025(June 2025)* data (last visited Sept. 15, 2025).

[50] *Id.*

[51] 5 U.S.C. § 604(a)(5).

[52] *Report and Order,* Section III.A.2 ((Establishing a Risk-Based Framework of Schedules to Classify Covered Authorizations).

[53] Consistent with the Commission's calculations in Paperwork Reduction Act (PRA) statements, we estimated the median hourly wage for support staff (paralegals and legal assistants) as $40. To account for estimated benefits, we

(continued….)

subject to the Commission's existing foreign ownership reporting requirements and are familiar with similar reporting requirements, thereby, lessening the additional burden that would be imposed on these entities.[54] Further, a privately held company likely knows the investors or stakeholders that hold interests of 10% or greater or exert significant control over its business directives, while a publicly held company is required to identify its interest holders in requisite filings with the U.S. Securities and Exchange Commission.[55] We also observe that certain types of small entities are less likely to be subject to Foreign Adversary Control and may therefore be subject to an exemption from the attestation and reporting requirements.

F. Discussion of Steps Taken to Minimize the Significant Economic Impact on Small Entities, and Significant Alternatives Considered

13. 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."[56]

14. In the *Report and Order*, the Commission considers a number of alternatives to minimize the economic impact of its attestation and disclosure requirements on small entities, especially those entities that are unlikely to pose national security concerns. First, the Commission creates a sliding-scale Schedule-based approach to the application of our attestation and disclosure requirements to minimize the burdens of complying across differently situated Regulatees. The exploitation of some larger entities, such as many designated Schedule A, can cause negative impacts to multiple networks. In contrast, small entities' role in communications networks generally presents minimal national security risks because many lack sufficient connection to commercial communications networks, and they are less likely to be under Foreign Adversary Control. Further, they are subject to other existing reporting obligations that provide sufficient visibility into their ownership or control, or they are already subject to other Commission regulations that adequately address the risks of Foreign Adversary Control. Specifically, instead of requiring all Regulatees to submit an attestation, we exempt certain types of Covered Authorizations (those designated in Schedule C) from the initial attestation requirements for a variety of reasons including, for some Covered Authorizations, that they are typically or exclusively held by individuals or small entities.[57] For other entities, such as broadcasters with 5 for fewer employees, we reduce compliance burdens by only requiring an attestation where the entity is subject to Foreign Adversary Control. While other Schedule assignments may not be directly based on size, we require the licensing Bureaus and Offices to consider the size of a Regulatee in determining any changes to the Schedules on an ongoing basis.

15. Further, the Commission adopts an extended filing deadline for initial attestations and

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added 45% for a total hourly labor cost of $58. *See Foreign Adversary Control Notice*, 40 FCC Rcd at 3760, para. 70 & n.131. We estimated that for this one-time review, each Regulatee would spend about two hours total to research and report any 10% or greater foreign-adversary ownership stake.

[54] *See, e.g.*, 47 CFR §§ 63.18(h) (requiring a disclosure of 10% or more of the equity and/or voting interests for international section 214 authorizations), 63.04(a)(4) (requiring a disclosure of 10% or more of the equity and/or voting interests for domestic section 214 transfer of control applications), 73.1020 (requiring all existing broadcast licensees to submit information about foreign ownership every eight years).

[55] 15 U.S.C. § 78m(d)(1).

[56] 5 U.S.C. § 604(a)(6).

[57] *Supra Report and Order*, Section III.A.2 (Establishing a Risk-Based Framework of Schedules to Classify Covered Authorizations).

disclosures for small entities, recognizing that small entities may have fewer resources.[58] Small entities are required to file within 120 days after the effective date of the rules or the public notice announcing the launch of the Foreign Adversary Control System, whichever is later, while larger entities are required to file within 60 days.[59] Doubling the duration of the filing period for small-entity Regulatees will reduce the burden of ascertaining the extent of Foreign Adversary Control of Covered Authorizations and becoming familiarized with any related compliance obligations in a timely manner. Further, this action will better accommodate smaller entities, who frequently have limited resources and compliance capacity. When considered in their totality, we find these actions will meet the Commission's objectives of increasing transparency regarding Foreign Adversary Control while significantly reducing the economic impact on small entities and individual licensees.

G. Report to Congress

16. The Commission will send a copy of the *Report and Order*, including this Final Regulatory Flexibility Analysis, in a report to Congress pursuant to the Congressional Review Act.[60] In addition, the Commission will send a copy of the *Report and Order*, including this Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the SBA and will publish a copy of the *Report and Order*, and this Final Regulatory Flexibility Analysis (or summaries thereof) in the Federal Register.[61]

[58] *Supra Report and Order*, Section III.C.3 (Deadline).

[59] *Id.*

[60] 5 U.S.C. § 801(a)(1)(A).

[61] *Id.* § 604(b).

STATEMENT OF
CHAIRMAN BRENDAN CARR

Re: *Protecting our Communications Networks by Promoting Transparency Regarding Foreign Adversary Control*, GN Docket No. 25-166, Report and Order (January 29, 2026).

Almost four years ago now, I said that the FCC should publish a list of every entity with an FCC license or authorization that is owned or controlled by a foreign adversary government. Fast-forward to today, and the Commission now votes to complete a rulemaking that does exactly that.

This decision also builds on the specific and concrete steps the FCC has been taking to promote our country's national security. Indeed, from the day I stepped into this role a year ago, I made national security a priority, establishing a Council on National Security to coordinate actions across the Commission. Today's item includes sections from 10 Bureaus and Offices, reflecting our comprehensive, Commission-wide approach to national security.

Foreign adversaries have made clear their intent to probe and penetrate vulnerabilities across our communications ecosystem. We have seen this through cyberattacks like Salt Typhoon. We have seen it in the equipment pipeline, where foreign adversary□controlled labs could attempt to influence the testing and approval of devices bound for the U.S. marketplace. We have seen it in the online marketplace, where millions of prohibited devices linked to foreign adversaries were being sold to American consumers. And we have seen it at the carrier level, where entities with concerning ties to foreign governments have sought to operate in U.S. networks despite clear national□security risks. In all of these areas, the FCC has taken action.

We do so again today. This decision builds on a year's worth of national security initiatives and establishes a uniform system for identifying foreign adversary control across all FCC licensees and authorization holders. This item sets up a clear, risk-based reporting structure that requires entities to attest to whether they are owned by, controlled by, or subject to the direction of a foreign adversary. This approach tracks and broadens the bipartisan FACT Act led by Senator Deb Fischer, and I appreciate the leadership behind that legislation.

This single, consolidated reporting system will give us and our national security partners the visibility needed to spot foreign adversary control before it is exploited. Additionally, this action will fill gaps in our information collection and ensure that we have consistent visibility across all entities that come before the Commission.

At a time when foreign adversaries are probing for weaknesses in our communications infrastructure, the FCC must lead with clarity and resolve. Today's action reflects that responsibility.

This has truly been an agency wide effort. And for their work on today's item, I'd like to thank Joseph Calascione, Allison Baker, Jodie May, Mason Shefa and Shabbir Hamid from the Wireline Competition Bureau; Chris Smeenk from the Public Safety & Homeland Security Bureau; Michael Scott

from the Consumer and Governmental Affairs Bureau; Jamie McCoy from the Enforcement Bureau; Jamie Coleman from the Office of Engineering and Technology; Douglas Klein from the Office of General Counsel; Tanner Hinkel from the Office of Economics and Analytics; Gabrielle Kim from the Office of International Affairs; Brendan Murray from the Media Bureau; Carolyn Mahoney from the Space Bureau; and Thomas Reed and Roger Noel from the Wireless Telecommunications Bureau.

STATEMENT OF
COMMISSIONER OLIVIA TRUSTY

Re: *Protecting Our Communications Networks by Promoting Transparency Regarding Foreign Adversary Control,* Report and Order, GN Docket No. 25-166 (January 29, 2026).

Communications networks are strategic terrain. Foreign adversaries increasingly view communications technologies as tools of geopolitical influence. The U.S. must anticipate these risks and respond with foresight and resolve.

The FCC has an important role to play in the government-wide effort to address foreign threats. One way the Commission fulfills that responsibility is by identifying and assessing potential national security risks posed by vendors, technologies, and operators seeking to participate in U.S. communications networks.

Information is essential to that mission. Today's item adopts a carefully calibrated approach to ensure the FCC has the critical ownership and control information it needs to evaluate potential risks from foreign adversaries as it carries out its authorization and licensing responsibilities.

Just as importantly, the Commission must be prepared to act on that information. This order establishes an agency-wide directive for staff to monitor these filings, analyze ownership information submitted, and, where appropriate, pursue enforcement action.

These actions complement past and ongoing government-wide efforts to address national security threats. The rules build on the Department of Commerce's work to identify foreign adversaries, as well as the Commission's own longstanding efforts to protect U.S. communications networks from foreign threat actors.

Safeguarding America's communications networks is not a one-time exercise, it is a continuous effort that demands vigilance from all stakeholders. I look forward to continuing to work with my colleagues, our federal partners, Congress, and industry leaders to help ensure the security and integrity of our communications networks.

I thank the Wireline Competition Bureau and the many Bureaus and Offices across the agency that contributed to this item, and I appreciate the significant work that lies ahead as the Commission makes full and effective use of the information these rules will generate.

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

In the Matter of	)	
	)	
Review of Foreign Ownership Policies for	)	GN Docket No. 25-149
Broadcast, Common Carrier and Aeronautical	)	
Radio Licensees under Section 310(b)(4) of the	)	
Communications Act of 1934, as Amended	)	
	)	

REPORT AND ORDER

Adopted: January 29, 2026 **Released: January 30, 2026**

By the Commission: Chairman Carr and Commissioner Trusty issuing separate statements.

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I. INTRODUCTION

1. Foreign investment in U.S. companies and networks promotes technical innovation, creates jobs, and strengthens the U.S. economy. We recognized that, as stated in the *America First Investment Policy* Memorandum, "[e]conomic security is national security"[1] and certain foreign investment may raise national security risks and other concerns. But, at the same time, "[i]nvestment by United States allies and partners can create hundreds of thousands of jobs and significant wealth for the United States."[2] In this *Report and Order*, we balance these interests by streamlining and clarifying the Commission's foreign ownership rules for broadcast and common carrier wireless and aeronautical licensees under Section 310(b)(4) of the Communications Act of 1934, as amended (the Act).[3] Over the past decade, the Commission developed policies to ensure entities with foreign ownership comply with Section 310(b) and adopted precedent for evaluating complex ownership structures.[4] Today, we adopt rules to codify our relevant definitions and concepts, clarify the information required in initial and remedial filings, minimize the need for additional filings, and promote efficient and shorter processing times of Section 310(b) petitions for declaratory ruling (petitions). Overall, today's actions further the Commission's efforts to encourage investment in the United States while preserving the Commission's ability to comprehensively review foreign investment in our licensees "to protect the United States from new and evolving threats."[5]

II. BACKGROUND

2. On April 28, 2025, the Commission adopted the *Section 310 NPRM*, initiating a review of the Section 310(b) foreign ownership rules[6] to codify definitions and concepts underlying the foreign ownership rules and practices and to streamline the review process.[7] In the *Section 310 NPRM*, the Commission discussed in detail its relevant statutory authority under Section 310(b), and our implementing rules to assess foreign ownership.[8] The *Section 310 NPRM* also discussed prior foreign

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[1] Memorandum on America First Investment Policy, 2025 Daily Comp. Pres. Doc. 292 § 1 (Feb. 21, 2025) (*America First Investment Policy*), *available at* https://www.whitehouse.gov/presidential-actions/2025/02/america-first-investment-policy/.

[2] *Id.*

[3] 47 U.S.C. § 310(b)(4). For ease of reference, we refer to broadcast, common carrier wireless, aeronautical en route and aeronautical fixed radio station applicants and licensees (including broadcast permittees) and to common carrier spectrum lessees collectively as "licensees" unless the context warrants otherwise. We also use the term "common carrier" or "common carrier licensees" to encompass common carrier wireless, aeronautical en route and aeronautical fixed radio station applicants and licensees, and spectrum lessees. "Spectrum lessees" is defined in Section 1.9003 of Part 1, Subpart X ("Spectrum Leasing"). 47 CFR § 1.9003.

[4] *See 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*, GN Docket No. 25-149, Notice of Proposed Rulemaking, 40 FCC Rcd 3516, 3519-3521, paras. 4-8 (2025) (*Section 310 NPRM*) (discussing relevant Commission proceedings under Section 310(b)(4)).

[5] *America First Investment Policy* § 1.

[6] 47 CFR § 1.5000 *et seq*.

[7] *Section 310 NPRM*, 40 FCC Rcd at 3516, para. 1.

[8] *Id.* at 3517, paras. 2-3. Section 310(b)(3) of the Act prohibits foreign individuals, governments, and corporations from holding equity and/or voting interests of more than 20 percent in a U.S. broadcast, common carrier, or aeronautical en route or aeronautical fixed radio station licensee. 47 U.S.C. § 310(b)(3). Section 310(b)(4) of the Act prohibits foreign individuals, governments, and corporations from holding equity and/or voting interests of more than 25 percent in a U.S.-organized entity that directly or indirectly controls a U.S. broadcast, common carrier, or aeronautical en route or aeronautical fixed radio station licensee unless the Commission finds that it is in the public interest. 47 U.S.C. § 310(b)(4). We note that the Commission adopted a forbearance approach for common carrier licensees, where these licensees may file a Section 310(b)(3) petition requesting Commission approval before

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ownership proceedings, the Commission's process of reviewing petitions, as well as the Commission's process of coordinating petitions with the Executive Branch agencies to assess any national security, law enforcement, foreign policy, and/or trade policy concerns.[9]

3. *Recent Commission Actions Regarding Foreign Ownership and National Security*. The Commission has recognized that national security depends on promoting the prosperity and robustness of the communications sector while also protecting the nation's communications infrastructure from foreign adversary threats. In furtherance of that approach, the Commission continues to adopt policies and rules to promote infrastructure development, secure our networks, and address the risks associated with foreign ownership in Commission licensees and authorization holders. Specifically, since May 2025, the Commission has taken action in several distinct proceedings to protect our nation's communications infrastructure from foreign adversary threats. First, in the *Foreign Adversary NPRM*, the Commission proposed to adopt certification and information collection requirements on certain entities to "provide the Commission with a comprehensive view into the presence of foreign adversary ownership or control over our communications networks."[10] Second, in the *Equipment Authorizations Report and Order and FNPRM*, the Commission adopted new rules to ensure that the equipment test labs and telecommunications certification bodies that certify wireless electronic devices in the United States do not have foreign adversary ownership interests that present national security risks.[11] Third, to protect the security of our communications networks and equipment supply chains, the Commission in the *Supply Chain Second Report and Order and Second FNPRM*, established a targeted process to prohibit the continued importation, marketing, and sale of Covered List devices based on national security concerns and ensured that Covered List modular transmitters could no longer be incorporated within otherwise lawful or authorized devices.[12] Finally, in the *Submarine Cable Report and Order and FNPRM*, the

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foreign ownership exceeds the 20 percent limit if the foreign ownership interests would be held in the licensee through intervening U.S.-organized entities that do not control the licensee. *See Review of Foreign Ownership Policies for Common Carrier and Aeronautical Radio Licensees under Section 310(b)(4) of the Communications Act of 1934, as Amended*, IB Docket No. 11-133, First Report and Order, 27 FCC Rcd 9832 (2012); *Review of Foreign Ownership Policies for Common Carrier and Aeronautical Radio Licenses Under Section 310(b)(4) of the Communications Act of 1934, as Amended,* IB Docket No. 11-133, Second Report and Order, 28 FCC Rcd 5741, 5763, para. 37 (2013); 47 CFR § 1.5000(a)(2). However, the Commission's forbearance authority does not extend to broadcast or aeronautical radio station licensees covered by Section 310(b)(3). *See* 47 U.S.C. § 160; 47 U.S.C. § 310(b)(3).

[9] *Section 310 NPRM*, 40 FCC Rcd at 3519-3523, paras. 4-11.

[10] *Protecting our Communications Networks by Promoting Transparency Regarding Foreign Adversary Control*, GN Docket No. 25-166, Notice of Proposed Rulemaking, 40 FCC Rcd 3730, 3737, para. 13 (2025) (*Foreign Adversary NPRM*); *Protecting Our Communications Networks by Promoting Transparency Regarding Foreign Adversary Control*, GN Docket No. 25-166, Report and Order, FCC 26-2 (Jan. 29, 2026).

[11] *Promoting the Integrity and Security of Telecommunications Certification Bodies, Measurement Facilities, and the Equipment Authorization Program*, ET Docket No. 24-136, Report and Order and Further Notice of Proposed Rulemaking, 40 FCC Rcd 3616, 3617, para. 2 (2025) (*Equipment Authorizations Report and Order and FNPRM*); *pet. for recon*. filed Sept. 9, 2025. The Commission recently took its first two actions under these rules, issuing notices that began proceedings to withdraw recognition or deny applications from fifteen test labs owned or controlled by the Chinese government. Press Release, FCC, FCC Takes Action on "Bad Labs" Apparently Controlled By China (Sept. 8, 2025), https://docs.fcc.gov/public/attachments/DOC-414369A1.pdf; Press Release, FCC Denies Second Batch of "Bad Labs" Controlled by China (Sept. 26, 2025), https://docs.fcc.gov/public/attachments/DOC-414863A1.pdf.

[12] *Protecting Against National Security Threats to the Communications Supply Chain through the Equipment Authorization Program*, ET Docket No. 21-232, Second Report and Order and Second Further Notice of Proposed Rulemaking, FCC 25-71 (Oct. 29, 2025).

Commission adopted new rules to protect submarine cable networks, including a new definition for identifying foreign adversaries to protect against national security risks.[13]

4. *Section 310 NPRM*. On April 28, 2025, the Commission adopted the *Section 310 NPRM*, which sought to codify and streamline the Commission's foreign ownership requirements for broadcast and common carrier licensees. Specifically, in the *Section 310 NPRM*, as applied to both common carrier and broadcast licenses, the Commission proposed or sought comment on a proposal, to amend the rules to: (1) codify existing policy regarding which entity is the controlling U.S. parent; (2) codify the Commission's advance approval policy regarding certain deemed voting interests; (3) require identification in petitions of trusts and trustees; (4) extend the remedial procedures and methodology to privately held companies; (5) add requirements regarding the contents of remedial petitions for declaratory ruling under Section 310(b)(4) (remedial petition); (6) require the filing of amendments as a complete restatement to petitions for declaratory ruling; and (7) clarify U.S. residency requirements.[14] Additionally, regarding broadcast licensees only, the Commission sought comment on: (1) how the Commission should process applications filed by a broadcast licensee during the pendency of a remedial petition; and (2) other foreign ownership considerations related to processing applications for noncommercial educational (NCE) and low power FM (LPFM) stations.[15] Finally, the Commission sought comment on other proposals to streamline and clarify the Commission's foreign ownership rules.[16]

5. The Commission received three comments and one *ex parte* from industry stakeholders,[17] with some comments supporting the Commission's proposals to clarify the foreign ownership rules and reduce burdens on petitioners[18] and other comments opposing certain aspects of the proposals.[19] For example, in support, NCTA – The Internet & Television Association (NCTA) states that the Commission's "proposals would increase transparency and predictability while preserving the Commission's ability to fulfill its Section 310(b)(4) statutory obligations."[20] The National Association of Broadcasters (NAB) offers support for certain proposals, but opposes adding requirements regarding the contents of remedial petitions stating it "unnecessarily compounds filing burdens and increases processing timelines for petitioners . . . ."[21] Finally, an individual commenter, Erik Cudd opposes any foreign ownership of U.S. broadcasters, favoring stricter broadcast ownership limitations.[22]

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[13] *Review of Submarine Cable Landing License Rules and Procedures to Assess Evolving National Security, Law Enforcement, Foreign Policy, and Trade Policy Risks*, OI Docket No. 24-523, MD Docket No. 24-524, Report and Order and Further Notice of Proposed Rulemaking, 40 FCC Rcd 6481 (Aug. 13, 2025) (*Submarine Cable Report and Order and Further Notice*); *corrected by* Erratum, https://docs.fcc.gov/public/attachments/DOC-414544A1.pdf (OIA and OMD Sept. 16, 2025); *corrected by* Second Erratum, https://docs.fcc.gov/public/attachments/DOC-415107A1.pdf (OIA and OMD Oct. 24, 2025).

[14] *Section 310 NPRM*, 40 FCC Rcd at 3523-3531, paras. 14-29.

[15] *Id.* at 3535, para. 41.

[16] *Id.* at 3541, para. 56.

[17] *See* Appendix C (List of Commenters, Replies, and *Ex Partes*).

[18] *See, e.g.*, Comments of NCTA – The Internet & Television Association, GN Docket No. 25-149 (July 23, 2025) (NCTA Comments); Comments of National Association of Broadcasters, GN Docket No. 25-149 (July 23, 2025) (NAB Comments).

[19] *See, e.g.*, NAB Comments at 7-8, 11-13; Comments of Erik Cudd, GN Docket No. 25-149 (June 24, 2025) (Erik Cudd Comments).

[20] NCTA Comments at 2.

[21] *See* NAB Comments at 6-7.

[22] Erik Cudd Comments at 1.

III. DISCUSSION

6. In this *Report and Order*, we codify and clarify longstanding policies and practices with respect to the Commission's foreign ownership requirements and streamline its review processes under Section 310(b) of the Act. Certain updates apply to common carrier and broadcast licensees, and others apply only to broadcast licensees subject to Section 310(b), as discussed below. Through these streamlining efforts, we promote efficiency, clarity, and consistency of our rules while continuing to analyze foreign investment to ensure that it complies with statutory requirements.[23]

A. Common Carrier and Broadcast Licensees

7. For common carrier and broadcast licensees, we adopt the proposals in the *Section 310 NPRM* to codify certain longstanding foreign ownership policies and practices to streamline the Commission's review process under Section 310(b).[24] Specifically, we: (1) codify existing policy regarding which entity in the ownership chain should be designated as the controlling U.S. parent; (2) codify the Commission's advance approval policy regarding certain deemed voting interests; (3) amend our rules to clarify the requirement to identify trusts and trustees in petitions; (4) amend our rules to extend the remedial procedures to privately held companies and continue to allow privately held companies to use the methodology on a case-by-case basis; (5) amend our rules to clarify requirements regarding the contents of remedial Section 310(b) petitions; (6) specify the process of filing amendments to Section 310(b) petitions; and (7) clarify U.S. residency requirements.

1. Controlling U.S. Parent Definition

8. As proposed in the *Section 310 NPRM*, we adopt a definition of controlling U.S. parent[25] to provide regulatory certainty, ease administrative burdens, and codify the Commission's longstanding practice.[26] For purposes of Section 310(b)(4), we define the controlling U.S. parent as "the first controlling entity organized in the United States that is directly above the licensee(s) in the vertical chain of control and does not itself hold a license subject to [S]ection 310(b)."[27] NCTA agrees with the Commission's proposal and no commenter opposes it.[28] NCTA states the definition "would provide regulatory certainty for petitioners in determining how to appropriately factor the controlling U.S. parent in foreign ownership analyses."[29]

9. Importantly, identifying the controlling U.S. parent is the basis for assessing foreign ownership in all Section 310(b)(4) petitions.[30] With the correctly identified controlling U.S. parent,

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[23] 47 U.S.C. § 310(b)(4) ("[A]ny corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country, if the Commission finds that the public interest will be served by the refusal or revocation of such license.").

[24] *Section 310 NPRM*, 40 FCC Rcd at 3523-31, paras. 13-29.

[25] *See* Appendix A (Section 1.5000(d)).

[26] *See Section 310 NPRM*, 40 FCC Rcd at 3524-3525, paras. 14-17 (discussing the proposed definition of controlling U.S. parent).

[27] We codify this definition in Section 1.5000(d). *See* Appendix A. For purposes of Section 310(b) of the Act, control includes actual working control (*de jure* or *de facto* control) in whatever manner exercised and is not limited to majority stock ownership. Control also includes direct or indirect control, such as through intervening subsidiaries. 47 CFR § 1.5000(d)(3).

[28] NCTA Comments at 3.

[29] *Id*.

[30] Identification of the controlling U.S. parent is required only for petitions filed under Section 310(b)(4). 47 U.S.C. § 310(b)(4).

entities can properly calculate the aggregate foreign ownership interests, ascertain all the disclosable interest holders, and determine which interests require specific and/or advance approval.[31] As explained in the *Section 310 NPRM*, we have encountered mixed approaches where some petitions correctly identify the controlling U.S. parent as the first controlling entity organized in the United States that is directly above the licensee(s) in the vertical chain of control that does not itself hold a license subject to Section 310(b), while others incorrectly identify the entity higher up in the vertical ownership chain where there is first direct foreign ownership.[32] By adopting the proposed controlling U.S. parent definition, we simply codify our existing practice[33] to bring clarity to our rules. Finally, we remind petitioners that they continue to have the flexibilities provided in Sections 1.5004(c)(1) (insertion of new controlling foreign organized company), 1.5004(d)(1) (insertion of new non-controlling foreign organized company),[34] 1.5001(e)-(f) (disclosable interest holders), 1.5001(i) (specific approvals), and 1.5001(k) (advance approval)[35]—which all rely on properly identifying the controlling U.S. parent.[36]

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[31] *See* 47 CFR § 1.5000(a)(1).

[32] *Section 310 NPRM*, 40 FCC Rcd at 3524-3525, paras. 14-17.

[33] We provide some examples of several petitions for declaratory rulings with our existing practice of designating the controlling U.S. parent as the first controlling entity organized in the United States that is directly above the licensee(s) in the vertical chain of control and does not itself hold a license subject to Section 310(b). *See, e.g.*, *International Authorizations Granted, Section 214 Applications (47 CFR § 63.18), Section 310(b) Requests*, Public Notice, Report No. TEL-02379, DA 24-697 (OIA July 18, 2024) (granting petitioners' request for a declaratory ruling and finding that "the public interest would not be served by prohibiting foreign ownership in Novacap Holdings, the *controlling U.S. parent of Licensees*, in excess of the 25 percent benchmarks in [S]ection 310(b)(4) of the Act";) (emphasis added); *Applications of Liberty Latin America Ltd. and AT&T Inc. for Consent to the Transfer of Control of the Licenses, Authorizations, and Spectrum Lease Held by AT&T Mobility Puerto Rico Inc. and AT&T Mobility USVI Inc. to Liberty Latin America Ltd.*, WT Docket No. 19-384, Memorandum and Order and Declaratory Ruling, 36 FCC Rcd 2328 (WTB, WCB, and IB 2020) (finding "that the public interest would not be served by prohibiting the foreign ownership that would be held in the Transferred Companies' proposed, *controlling U.S. parent*, Beach, post-closing.") (emphasis added).

[34] 47 CFR § 1.5004(c)(1) (permitting the insertion of a new controlling foreign-organized company in the vertical chain above the controlling U.S. parent under certain circumstances); *id.* § 1.5004(d)(1) (permitting the insertion of a new non-controlling foreign-organized company in the vertical ownership chain above the controlling U.S. parent under certain circumstances). Our rules require petitioners to notify the Commission of such changes. *See id.* § 1.5004(c)(2), (d)(2).

[35] *Id.* § 1.5001(e)-(f), (i), and (k).

[36] To illustrate proper identification of the controlling U.S. parent, we provide the following example: U.S.-organized Companies A, B, and C are each broadcast radio licensees. Each of these licensees is wholly owned and controlled by U.S.-organized Company D, which is the first controlling U.S.-organized company in the ownership chain that does not itself hold a license. Under Section 1.5000(a)(1) of the Commission's rules, the petitioner(s) must obtain Commission approval for its foreign ownership in excess of the 25 percent benchmarks in Section 310(b)(4) of the Act. In this particular Section 310(b) petition, the petitioner(s) must identify U.S.-organized Company D as the controlling U.S. parent of Companies A, B, and C, as defined in Section 1.5000(d), because Company D is the first controlling entity organized in the United States that is above all of the licensees in the vertical chain of control. Notably, the presence of any intervening controlling companies between an individual licensee (Company A, B, or C) and Company D would not change the determination that Company D is the controlling U.S. parent in this example unless any such company has control over all licensees subject to 310(b). We would expect Company D, in this example, to file a single Section 310 petition on behalf of all of the licensees subject to 310(b). *See* 47 CFR § 1.5000(c)(2). We encourage parties to consult Commission staff if their particular circumstances are not addressed by this example. The petitioner(s) must also identify and request specific approval for any foreign individual or entity, or "group" as defined in Section 1.5000(d), that holds an equity and/or voting interest that would exceed 5 percent in Company D, unless the foreign investment is exempt under Section 1.5001(i)(3).

2. Deemed Voting Interest and Advance Approval of Certain Limited Partners and LLCs

10. We adopt the proposals in the *Section 310 NPRM*[37] and amend the rules to codify the Commission's existing practice regarding the treatment of entities that hold a deemed voting interest and are limited partners in a limited partnership (LP) or are members of a limited liability company (LLC).[38] We adopt these rules to provide regulatory certainty to petitioners, streamline the review process, and ensure that the Commission's long-standing approach is reflected in the foreign ownership rules. As discussed in detail in the *Section 310 NPRM*, a foreign individual or entity that receives specific approval under Section 1.5001(i) may request advance approval to increase the ownership interest in the future without the need to request additional authority.[39] Limited partners and LLC members may be deemed to hold a greater voting interest in the controlling U.S. parent than their actual interests.[40] Although a foreign individual or entity with a *de jure* or *de facto* controlling interest in the controlling U.S. parent may request advance approval for 100 percent of the direct and/or indirect equity and/or voting interests in the controlling U.S. parent, a foreign individual or entity with a deemed voting interest of 50 percent or greater may only request advance approval for up to a non-controlling 49.99 percent direct and/or indirect equity and/or voting interests in the controlling U.S. parent.[41] The current rules regarding advance approval under Section 1.5001(k) do not specifically address deemed voting interests for limited partnerships and LLCs.[42]

11. To provide certainty to petitioners and investors, we codify our long-standing practice concerning the amount of advance approval that interest holders with deemed voting interest may request for interest held in LPs and LLCs.[43] The new rules clarify that foreign individuals and/or entities,

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[37] *Section 310 NPRM*, 40 FCC Rcd at 3525-29, paras. 18-26.

[38] *See* Appendix A (Section 1.5001(i)(3)(iii); Section 1.5001(i)(4)(ii)(C)(*3*)) (incorporating new revisions to the rule sections).

[39] *Section 310 NPRM*, 40 FCC Rcd at 3526, para. 19. The *Section 310 NPRM* also discussed in detail the requirements for specific approval, advance approval, deemed voting interest and control, deemed voting interest and influence with respect to limited partners and LLC members. *Id*. at 3526-29, paras. 19-25.

[40] Under the deemed voting interest analysis for voting interests held by limited partners and LLC members, the Commission assesses whether the interests held in the limited partnership and LLC are or are not insulated. The Commission determines whether interests are insulated for limited partnerships, limited liability partnerships, and LLCs in accordance with 47 CFR § 1.5003. If the limited partnership or LLC is considered to be insulated under the Commission's rules, the limited partner or LLC member is deemed to hold a voting interest equal to its equity interest. On the other hand, if the limited partnership or LLC is determined to be uninsulated, the limited partner or LLC member is deemed to hold the same voting interest as the limited partnership or LLC holds in the next lower tier in the licensee's vertical ownership chain. If the limited partnership or LLC holds its interest directly in the controlling U.S. parent, it is deemed to hold a 100 percent voting interest. *Section 310 NPRM*, 40 FCC Rcd at 3527, para. 20. *See* 47 CFR § 1.5001(i), Notes 1 and 2 to paragraph (i)(3)(ii)(C). *See also* 47 CFR § 1.5003 (Insulation criteria for interests in limited partnerships, limited liability partnerships, and limited liability companies).

[41] *Section 310 NPRM*, 40 FCC Rcd at 3526, para. 20. The Commission utilizes deemed voting interests to measure foreign influence separate from its analysis of whether a particular investor has actual decision-making power. As such, a determination that a foreign investor has deemed voting interests in the controlling U.S. parent does not necessarily mean that such foreign investor also has *de jure* or *de facto* control of the controlling U.S. parent. *Id.* at 3528-29, para. 24.

[42] 47 CFR § 1.5001(k).

[43] Deemed voting interest is only used in a Section 310(b) review to determine which entities require specific approval, and for which advance approval may be requested. *Section 310 NPRM*, 40 FCC Rcd at 3527-28, para. 22. A finding of a deemed voting interest of 50 percent or more is not a finding of *de jure* or *de facto* control of the controlling U.S. parent. Rather, it is an indication of the potential influence of the limited partner or LLC member in the partnership or LLC. *Id.*

including LPs and LLCs, requesting specific approval pursuant to Section 1.5001(i) of the Commission's rules that have a deemed voting interest but not an actual controlling voting interest, may request advance approval under Section 1.5001(k) to increase their interest at a future time to a non-controlling 49.99 percent.[44] However, if the Commission determines that there is an actual controlling interest then the petitioner may request advance approval of up to and including a controlling 100 percent interest. NCTA supports the proposals stating that "[c]odifying these current practices would add needed clarity to the Commission's rules."[45] No commenter opposes the proposals.

12. Therefore, we adopt our proposal[46] and codify our long-standing practice that under Sections 1.5001(i) and 1.5001(k) of the Commission's rules, a finding of deemed voting interest of 50 percent or more is not a finding of control in and of itself.[47] First, we amend the specific approval rule in Section 1.5001(i) to codify our long-standing practice that a finding that a foreign individual or entity is deemed to hold a 100 percent voting interest in the controlling U.S. parent for purposes of Section 1.5001(i)(4)(ii)(C)(*1*) or a 50 percent or greater voting interest in the controlling U.S. parent pursuant to Section 1.5001(i)(4)(ii)(C)(*2*), does not indicate that the interest constitutes *de jure* control for purposes of compliance with Section 310(d) of the Act.[48] Second, we amend the advance approval rule in Section 1.5001(k) to state that a foreign individual or entity that has a deemed voting interest of 100 percent pursuant to Section 1.5001(i)(4)(ii)(C)(*1*)[49] or a 50 percent or greater voting interest in the controlling U.S. parent pursuant to Section 1.5001(i)(4)(ii)(C)(*2*),[50] but that does not have *de jure* or *de facto* control of the controlling U.S. parent, may request advance approval for the foreign individual or entity to increase its interests, at some future time, up to any non-controlling amount not to exceed a 49.99 percent equity and/or voting interest.[51]

3. Trust and Trustees Requirements

13. As proposed in the *Section 310 NPRM,*[52] we amend the rules to codify the existing practice to require that petitioners identify the trustees of trusts that are disclosable interest holders in the controlling U.S. parent.[53] The rule changes will provide clarity about the type of information required for trusts and trustees in a petition, streamline the filing process, and enable the Commission to more

[44] 47 CFR § 1.5001(i), (k).

[45] NCTA Comments at 3-5 (stating that it "supports the Commission's proposal to clarify the deemed voting interests applicable to certain LP and LLC members to add rule language specifying that a finding of deemed voting interest of 50 percent or more is not a finding of control in and of itself."); *id*. at 4 ("it would be helpful for the Commission to amend its rules to clarify that, when a foreign investor has neither *de jure* nor *de facto* control on the basis of its deemed voting interests, the Commission permits advanced approval to increase that investor's interest up to 49.99 percent in the future (but no higher))."

[46] *Section 310 NPRM*, 40 FCC Rcd at 3525-26, paras. 18, 20.

[47] *Id.* at 3525, para. 18.

[48] *See* Appendix A.

[49] 47 CFR § 1.5001(i)(4)(ii)(C)(*1*).

[50] 47 CFR § 1.5001(i)(4)(ii)(C)(*2*).

[51] *See* Appendix A, (Section 1.5001(k)); Section 1.5001(k) of the Commission's rules permits petitioners to request advance approval for named individuals and/or entities that have requested specific approval under Section 1.5001(i) to increase their interests in the controlling U.S. parent at some future time. The maximum percentage of advance approval depends on whether the individual or entity holds controlling or non-controlling interests. Where there is not actual control over the controlling U.S. parent, a petitioner may only request advance approval of up to a non-controlling 49.99 percent equity and/or voting interest.

[52] *Section 310 NPRM*, 40 FCC Rcd at 3529-31, paras. 27-29.

[53] *See* Appendix A (Section 1.5001(e)(5); Section 1.5001(f)(4)).

efficiently review petitions.[54] In the *Section 310 NPRM*, the Commission proposed to amend our rules to conform with policy and practice that the trustees must be disclosed under Sections 1.5001(e), (f), and (i), as applicable.[55] We received no comments on this proposal.

14. Under Section 1.5001(e) and (f) of the rules, a petitioner must disclose trusts, as well as any other entity or individual, U.S. or foreign, as a disclosable interest holder, if the entity or individual holds, or would hold, a direct or indirect interest of 10 percent or more, or a controlling interest, in the controlling U.S. parent of the petitioning common carrier and broadcast applicant or licensee.[56] In the broadcast context, the petitioner must utilize the attribution rules and policies applicable to broadcasters to determine the U.S. and foreign interests that must be disclosed in a Section 310(b)(4) petition.[57] To analyze whether a particular trust holds an equity and/or voting interest in the controlling U.S. parent for purposes of compliance with Section 310(b), Commission staff have required the petitioners to provide the identity of trustees of a trust through supplemental filings. Therefore, we codify our practice and amend Sections 1.5001(e), (f), and (i), to require petitioners to provide the name(s) of the trustee(s) in petitions.[58]

4. Extending the Remedial Process to Privately Held Entities

15. We amend the Commission's rules in Sections 1.5004(f)(3) and (f)(4) to extend the remedial process available for U.S. public companies to privately held entities for inadvertent non-compliance with the foreign ownership benchmarks.[59] In the *Section 310 NPRM*, the Commission sought comment on extending the Commission's remedial process available to U.S. public companies for inadvertent non-compliance with the foreign ownership benchmarks to privately held U.S. companies for all services subject to Section 310(b)(4).[60] The Commission explained that since the *2016 Foreign*

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[54] Sections 1.5001(e), (f), and (i). As required by Section 1.5001(e) and (f), broadcast petitioners must continue to disclose their U.S. and foreign ownership interests based on the attribution rules and policies set out in the notes to Section 73.3555 of the Commission's rules, which apply to interests held through trusts. 47 CFR § 1.5000(e), (f); *see id*. § 73.3555, note 2(d) (setting forth the attribution standard for voting interests held in a broadcast licensee or applicant through a trust).

[55] *Section 310 NPRM*, 40 FCC Rcd at 3529-31, paras. 27-29.

[56] 47 CFR § 1.5001(e)-(f).

[57] *Section 310 NPRM*, 40 FCC Rcd at 3529-31, paras. 27-29; ("Another requirement in a petition is that with regard to foreign equity and/or voting interests that are more than 5 percent, both broadcast and common carrier petitioners must also request specific approval for such interests in a controlling U.S. parent of the petitioning applicant or licensee. In particular, specific approval must be requested for a foreign trust or other entity that is organized in a foreign country, or an individual that is a citizen of a foreign country, if such entity or individual 'holds, or would hold, directly and/or indirectly, more than 5 percent of the equity and/or voting interests, or a controlling interest, in the controlling U.S. parent,' in the petitioning common carrier applicant or licensee, unless the foreign investment is exempt. For any foreign entity or individual for which the petitioner requests specific approval under Section 1.5001(i) of the Commission's rules, the petitioner may request advance approval 'to increase its direct and/or indirect equity and/or voting interests in the controlling U.S. parent of the' petitioning applicant/licensee at some future point above the amount requested under paragraph (i) without needing to file another petition with the Commission. We also note that Section 1.5004(f)(2) prohibits parties from using a trust 'as part of a plan or scheme to evade the application of the Commission's rules or policies under [S]ection 310(b)' and subjects violators to enforcement action by the Commission.") (internal citations omitted). *Id*. at 3530-31, para. 28.

[58] *See* Appendix A (Sections 1.5001(e), (f), and (i)).

[59] *See* Appendix A (Section 1.5004(f)(3)-(4)).

[60] *See Section 310 NPRM*, 40 FCC Rcd at 3531-32, para. 30. In 2016, the Commission reasoned that privately held companies, such as privately held corporations, partnerships, and LLCs, do not face the same difficulties in identifying interest holders and that they have greater flexibility to enact controls—such as restrictions on the transfer of ownership interests—necessary to ensure continued compliance with Section 310(b). *See Review of Foreign Ownership Policies for Broadcast, Common Carrier and Aeronautical Radio Licensees Under Section*

(continued….)

Ownership Report and Order, it has observed increasingly complex ownership structures of its licensees, including both U.S. public and privately held companies.[61] Notably, licensees whose controlling U.S. parents are privately held companies have reported that they experience similar issues as public companies, including the "up-the-chain" ownership structures that include entities, such as equity funds, that may themselves either be public companies or have diverse ownership interests (including other funds).[62] These licensees also have indicated that they have experienced difficulty in controlling or preventing changes in these funds, even when the entities are privately held.[63] Absent the safe harbor available to U.S. public companies with existing foreign ownership, however, privately held U.S. companies are subject to potential enforcement action if there is an inadvertent violation of the foreign ownership benchmarks.[64] NAB supports the Commission extending its remedial filing process to privately held companies, and welcomes this development to "modernize" the rules to "reflect the increasing complexity of ownership structures among regulated entities."[65] NAB is "not aware of specific data to suggest that broadcasters are any more or less likely to have complex ownership structures," but asserts that the change would "reduce burdens on privately held licensees with complex ownership structures and lower their risk of enforcement actions from inadvertent violations of the foreign ownership limits."[66] No other comments were received on this topic.

16. Accordingly, we amend our rules to allow privately held licensees to use the remedial filing process and will require them to adhere to the remedial filing requirements applicable to publicly held companies.[67] We clarify that in the event that the licensee, regardless of whether its controlling U.S. parent is a privately held or U.S. public company, satisfies the elements of this safe harbor for remedial action in the Commission's rules,[68] the Commission would not expect to take enforcement action related to the non-compliance. This approach will provide privately held U.S. companies with a safe harbor for non-compliance with the rules for changes in ownership beyond the licensee's control and that were not reasonably foreseeable by, or known to, the licensee.

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310(b)(4) of the Communications Act of 1934, as Amended, GN Docket No. 15-236, Report and Order, 31 FCC Rcd 11272, 11311, paras. 85-87 (*2016 Foreign Ownership Report and Order*), *pet. for recon. dismissed*, 32 FCC Rcd 4780 (2017).

[61] For example, as the Commission stated in the *Section 310 NPRM*, the Commission has generally observed in recent years petitions for declaratory ruling involving offshore investment vehicles, pension or insurance funds, Employee Stock Ownership Plans, and other ownership structures such as the use of LLCs to potentially seek to insulate foreign owners. *Section 310 NPRM*, 40 FCC Rcd at 3532, note 87.

[62] *Id.* at 3532, para. 31.

[63] Id.

[64] *Id.*; *see* 47 CFR § 1.5004(f)(3)-(4).

[65] NAB Comments at 2-3.

[66] *Id*. at 3.

[67] *See* Appendix A (Section 1.5004(f)(3)-(4)). The elements of the safe harbor for remedial action are contained in 47 CFR § 1.5004(f)(3)(i) and (ii), except as otherwise provided in (f)(3)(iii). The rule changes adopted in this *Report and Order* direct privately held licensees to notify the Office of International Affairs or the Media Bureau by letter no later than 10 days after learning of the non-compliance and specify it will file a petition for declaratory ruling pursuant to 47 CFR § 1.5000(a)(1), or alternatively, take remedial action to come into compliance within 30 days of learning of the non-compliant foreign interest(s). The licensee will also need to demonstrate, in any subsequent petition for declaratory ruling or in a letter notifying the Office of International Affairs or the Media Bureau that the non-compliance has been timely remedied, that the licensee's non-compliance with the terms of the licensee's existing foreign ownership ruling or the foreign ownership rules was due solely to circumstances beyond the licensee's control that were not reasonably foreseeable to or known by the licensee with the exercise of the required due diligence.

[68] *See* Appendix A (47 CFR § 1.5004(f)(3)(i) and (ii), except as otherwise provided in (f)(3)(iii)).

17. Finally, we find that no action is necessary on the separate issue of formally extending the blanket methodology used by U.S. public companies to privately held companies. As discussed in the *Section 310 NPRM*, the Commission has allowed privately held licensees to use the calculation methodology that is applicable to U.S. public companies on a case-by-case basis, when, for example, "there are significant impediments that prevent a privately held entity from conducting an up-the-chain analysis to ascertain all of its indirect ownership interests, including non-voting equity interests held by remote, insulated investors."[69] Neither the record nor the Commission's own experience indicates a need to depart from this case-by-case approach.[70] Accordingly, we find that it is appropriate to continue to allow privately held entities to use this methodology applicable to U.S. public companies on a case-by-case basis.[71]

5. Contents of Remedial Petitions

18. We adopt the proposal in the *Section 310 NPRM*[72] to add Section 1.5004(f)(5) of the rules to clarify that, consistent with current practice, remedial petitions must contain all of the information required for an initial petition for declaratory ruling[73] and not just the information related to the newly discovered non-compliant interest(s) with respect to all services subject to Section 310(b).[74] As the Commission explained in the *Section 310 NPRM*, the Commission's foreign ownership rules already require that remedial petitions must be filed as new petitions[75] and set forth the required contents of

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[69] *Section 310 NPRM*, 40 FCC Rcd at 3531-32, para. 30 (citing *2016 Foreign Ownership Report and Order*, 31 FCC Rcd at 11311-12, para. 88). For an example of how the Commission will determine whether to allow for applying the methodology to privately held entities in a particular case, see *Applications of LightSquared Subsidiary LLC, Debtor-in-Possession, and LightSquared Subsidiary LLC For Consent to Assign and Transfer Licenses and Other Authorizations and Request for Declaratory Ruling on Foreign Ownership*, IB Docket No. 15-126, Memorandum Opinion and Order and Declaratory Ruling, 30 FCC Rcd 13988, 13999-14002, paras. 23-26 (2015) (permitting Fortress, a widely held, publicly traded limited liability company to be treated in the same manner as a corporation for purposes of calculating foreign voting interests in the licensee through Fortress).

[70] As noted in the *Section 310 NPRM*, the Commission has stated that privately held companies "do not face the same challenges in identifying shareholders/interest holders as publicly traded companies (e.g., shares held largely in the name of a bank or broker), and [privately held companies] have greater flexibility to enact controls—such as restrictions on the transfer of ownership interests—necessary to ensure continued compliance with Section 310(b)." *Section 310 NPRM*, 40 FCC Rcd at 3531, note 85, citing *2016 Foreign Ownership Report and Order*, 31 FCC Rcd at 11311, para. 87. While NAB supports allowing private companies to use the same methodology as U.S. public companies for determining foreign ownership, NAB concedes that it is "not aware of specific data to suggest that broadcasters are any more or less likely to have complex ownership structures." NAB Comments at 3. No other commenter offered specific data suggesting that privately held companies face the same challenges as publicly traded companies in identifying their shareholders/interest holders. The record also failed to offer a consistent framework for adopting a blanket methodology for privately held companies.

[71] We note that the Commission staff frequently works with private entities to address and resolve impediments to identifying ownership interests, and we expect that this collaborative process will continue as private entities explore whether it is appropriate to rely on the methodology available for U.S. publicly traded companies.

[72] *Section 310 NPRM*, 40 FCC Rcd at 3533-35, paras. 35-38.

[73] Section 1.5001 of the Commission's rules sets out the required information to be disclosed by petitioners. 47 CFR § 1.5001.

[74] *See* Appendix A (Section 1.5004(f)(5)).

[75] *Section 310 NPRM*, 40 FCC Rcd at 3533, para. 35; *see* existing Section 1.5004(f)(3) ("Where the controlling U.S. parent of a . . . licensee . . . is an eligible U.S. public company within the meaning of § 1.5000(e), the licensee may file a remedial petition for declaratory ruling under § 1.5000(a)(1) seeking approval of particular foreign equity and/or voting interests that are non-compliant with the licensee's foreign ownership ruling or the Commission's rules relating to foreign ownership . . ."). Petitions for declaratory ruling under Section 1.5000(a)(1) must contain the information requirements in Section 1.5001. *See* 47 CFR §§ 1.5000(a)(1); 1.5001.

petitions for declaratory ruling.[76] Thus, when an eligible licensee opts to file a remedial petition under Sections 1.5004(f)(3) or (f)(4) to address an instance of non-compliance with the Commission's foreign ownership rules, the Commission has required that the remedial petition contain all the information required for an initial petition and not just the information related to the non-compliant interest(s).[77] And while the Commission has observed that most petitioners voluntarily submit a full petition, staff has observed instances where some petitioners initially provided only the information related to the non-compliant interest(s), resulting in added correspondence and coordination with staff and additional petitioner submissions.[78] We believe that failure to provide all relevant information unduly delays and frustrates efficient processing of remedial petitions.

19. NCTA supports the Commission's proposal, asserting it would "reduce the need for follow-up questions from Commission staff and would align with the Commission's current practice."[79] NCTA also suggests that since this proposal echoes similar requirements in other sections of the Commission's foreign ownership rules, this proposed rule change would result in a more streamlined process.[80] In contrast, NAB asserts that even if this proposed amendment reflects current staff practice, NAB believes this practice "unnecessarily compounds filing burdens and increases processing timelines for petitioners that are subject to an existing Section 310(b) declaratory ruling that authorizes a certain level of foreign ownership and may approve individual foreign investors."[81] NAB essentially takes issue with what our rules already require, suggesting that under the Commission's proposal, "*every* remedial petition would be considered a new petition that would need to include information concerning not only new foreign investor(s), but also foreign investor(s) that may already be authorized by the FCC through a declaratory ruling."[82] NAB adds that "[t]he proposal would also require petitioners to re-justify existing foreign ownership that has already been carefully considered and approved by the FCC in a previous proceeding."[83] As an alternative to the Commission's proposal, and to "alleviate filing burdens," NAB urges the Commission to codify an exception for petitioners subject to existing Section 310(b) rulings, requiring such petitioners to "provide information and public interest justifications in a remedial petition with respect to only new foreign investors for which Commission approval is required under Section 310(b)."[84] Further, "NAB encourages the FCC to extend this exception to Section 310(b) petitions seeking *prior* FCC consent for prospective new foreign investment where the petitioner is already subject to a Section 310(b) declaratory ruling."[85]

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[76] 47 CFR § 1.5001.

[77] *Section 310 NPRM*, 40 FCC Rcd at 3534, para. 36.

[78] *Id*.

[79] NCTA Comments at 5.

[80] *Id*.

[81] NAB Comments at 6-7.

[82] *Id*. at 7.

[83] *Id*.

[84] *Id*.

[85] *Id.* NAB also "encourages the Commission to ensure that this exception also applies to the petitioner's responses to the Standard Questions submitted to the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector (Committee). NAB specifically encourages the FCC to revise its rules in 47 C.F.R. Part 1, Subpart CC to specify that a petitioner subject to an existing Section 310(b) declaratory ruling is required to file responses to the Standard Questions only with respect to the petitioner's new foreign investors." *Id*. at 8 (internal citations omitted). We reject this proposal from NAB because, as we discuss in Section III.C *infra*, we believe that the Commission's current discretionary approach for excluding certain petitions from referral to the Committee is sufficient to alleviate burdens on petitioners and expedite Commission review of initial and remedial petitions.

20. We agree with NCTA's assertions and therefore, we adopt our proposal to codify the existing practice by adding Section 1.5004(f)(5) to clarify that remedial petitions must contain all of the information required for an initial petition and not just the information related to the newly discovered non-compliant interest(s) with respect to all services subject to Section 310(b).[86] This approach allows us to view the comprehensive picture of foreign ownership at the outset of our review as opposed to solely the new foreign investors for which Commission approval is required. Further, as NCTA asserts, this approach will reduce the need for follow-up questions.[87] We disagree with NAB's concern that the proposal would be burdensome because it would require that every remedial petition be re-justified as a new petition, including existing foreign ownership. While remedial petitions are filed as new petitions, the Commission staff's review will focus on the new, non-compliant interests in the context of the information submitted via the remedial petition, limiting the burden of that review on licensees participating in the proceeding. Furthermore, with respect to the filing of information regarding existing foreign ownership, we find that any burden would be mitigated by the fact that such information was filed previously and that NAB's comment has not quantified any additional burden from refiling such information. On the other hand, we believe that requiring that a remedial petition contain the same information as an initial petition is of significant value because it will enable staff to review a complete filing and to more efficiently and effectively make the appropriate determination under the Section 310(b) public interest analysis. Therefore, we reject NAB's proposed categorical exemption for reviewing and approving only the new foreign investors, as we find that this limitation could frustrate our ability to conduct a comprehensive analysis as required under Section 310(b). On balance, we find that the benefits of adopting the proposal to codify the existing practice outweigh any unquantified additional filing burdens. Obtaining complete information in the first instance, in turn, will streamline the review process for remedial petitions and reduce the processing timelines that are also of significant concern to NAB.[88]

6. Filing Amendments to Petitions for Declaratory Ruling

21. To ensure that the public and Commission staff can access accurate and complete ownership information without undue confusion about which filings or portions of filings are active and/or current, we reaffirm and codify existing amendment filing practices in Section 1.5000(b)(1)-(2).[89] In the *Section 310 NPRM*, the Commission sought comment on whether to codify Commission staff's practice of having petitioners file a complete restatement of the Section 310(b) petition in cases involving substantial changes to the petition along with a cover letter providing a narrative description of what is being amended.[90] To further minimize burdens, the Commission sought comment on whether certain

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[86] Consistent with our decision to extend the Commission's remedial process for inadvertent violations of the foreign ownership benchmarks to U.S. privately held companies, we clarify that our requirements regarding the contents of remedial petitions apply to both U.S. public companies and U.S. privately held companies. *See supra* Section III.A.4.

[87] For further discussion of similar information requirements in other parts of our foreign ownership rules, see *Section 310 NPRM*, 40 FCC Rcd at 3534, para. 37.

[88] Nonetheless, we encourage applicants to consult with Commission staff to discuss particular facts and circumstances if they believe that a different approach is warranted or if there are specific factors that will help facilitate staff's review of the petition.

[89] *Section 310 NPRM*, 40 FCC Rcd at 3535, para. 39. As the Commission stated in the *Section 310 NPRM*, the Commission adopted rules for the filing and processing of petitions in the *2016 Foreign Ownership Report and Order*, but it did not codify procedures for filing an amendment to a pending petition. *See, e.g.*, *2016 Foreign Ownership Report and Order*, 31 FCC Rcd at 11289, para. 34 (establishing procedures for filing broadcast petitions for declaratory ruling).

[90] *Section 310 NPRM*, 40 FCC Rcd at 3535, para. 39. Because we require a cover letter identifying the amendments, we do not agree with NAB's premise that supplements are preferable to complete restatements because "amended and restated Section 310(b) petitions . . . do not identify each particularized change to the original filing." *See* NAB Comments at 6.

ministerial changes could be filed as an amendment or supplement rather than as a complete restatement.[91]

22. No commenter opposes a requirement that any amendments to a pending petition must be filed as a complete restatement of the initial petition, but NAB urges that if the Commission does so, it should "codify an exception allowing for ministerial changes to be filed as a supplement in the relevant docket that details the minor amendments."[92] NAB suggests that ministerial changes could include "changes made to: correct lists of attributable interest holders to remove duplicate entries; update such lists to add additional interest holders or revise identifying information; or update equity and voting interests to reflect slight changes to entities or individuals that have already been disclosed in the initial petitions consistent with the FCC's foreign ownership or attribution rules."[93] NCTA is broadly supportive of requiring that amendments be filed as a complete restatement of the initial petition, agreeing with the Commission's reasoning for adopting such a requirement.[94]

23. Based on the record, we codify our existing practices.[95] Specifically, for substantial changes, an amendment to a pending petition must be filed as a complete restatement in the International Communications Filing System (ICFS) (for common carriers) or Electronic Comment Filing System (ECFS) (for broadcasters) of the initial petition with a cover letter providing a narrative description of the substantial change.[96] Also, consistent with existing practice, in the case of ministerial change(s), petitioners must file an amendment in ICFS (for common carriers) or in ECFS (for broadcasters) under the relevant application or docket detailing only the relevant change(s). Similar to what NAB suggests, we provide as guidance the following non-exhaustive list of ministerial changes: (1) correcting lists of attributable interest holders to remove duplicate entries; (2) updating such lists to revise identifying information; (3) correcting equity and voting interests amounts to reflect any changes to entities or individuals that have already been disclosed in the initial petition consistent with the Commission's foreign ownership or attribution rules; or (4) correcting misspellings or incorrect addresses.[97] For such ministerial changes, we expect that petitioners will submit a new version of the relevant exhibit or attachment with the necessary corrections and provide a brief explanation of the ministerial change in the corrected exhibit/attachment or by cover letter.[98] We find that this flexible approach will reduce undue filing burdens on applicants and promote prompt processing.[99]

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[91] *Section 310 NPRM*, 40 FCC Rcd at 3535, para. 39.

[92] NAB Comments at 5 (internal citations omitted).

[93] *Id*. (internal citations omitted).

[94] NCTA Comments at 5-6.

[95] *See* Appendix A (Section 1.5000(b)(1)-(2)).

[96] The ICFS homepage is located at https://www.fcc.gov/icfs. The ECFS homepage is located at https://www.fcc.gov/ecfs.

[97] For all other types of changes not covered by this list, we encourage applicants to contact Commission staff to review whether a particular change is substantial or ministerial in nature.

[98] For common carriers, petitioners will submit amendments to a petition under Form 235, ISP-AMD via ICFS. Ministerial changes to fields in the online application form can be submitted by changing the response in the application form itself. Ministerial changes to attachments can be submitted by uploading a new attachment to the amendment application.

[99] We caution applicants that filing multiple amendments or supplements for ministerial changes may increase Commission staff processing time and/or create undue confusion about which aspects of the filings are active and/or current. Therefore, in those instances, we urge applicants to detail the totality of the ministerial change(s) in a complete restatement of the initial petition.

7. U.S. Residency Requirements

24. We affirm the proposed clarification in the *Section 310 NPRM* that there is no Commission requirement that foreign investors in companies seeking a petition must maintain U.S. residency. We received no comments on this topic and therefore adopt our proposed clarification. As we stated in the *Section 310 NPRM*, a foreign investor's lack of a U.S. residence is not a factor in the Commission's assessment of whether a petition is in the public interest.[100] We find that requiring a foreign investor to maintain U.S. residency would be antithetical to the Commission's policy of allowing certain levels of foreign ownership that are not contrary to the public interest.[101] As proposed in the *Section 310 NPRM*, this clarification applies to all services subject to Section 310(b).[102]

B. Broadcast Licensees Only

25. As discussed below, regarding broadcast licensees only, we: (1) direct the Media Bureau to issue processing guidelines as appropriate detailing how the Commission will process applications filed by a broadcast licensee during the pendency of a remedial petition under Section 310(b)(4); and (2) clarify other foreign ownership considerations related to processing applications for NCE and LPFM stations.

1. Processing Broadcast Licensee Applications During the Remedial Process

26. We adopt our tentative conclusion in the *Section 310 NPRM* that the broadcast industry will be best informed by processing guidelines establishing how the Commission will process broadcast applications during the pendency of a remedial petition filed pursuant to Section 1.5004(f) of the Commission's rules. We therefore direct and delegate authority to the Media Bureau to specify such processing guidelines.[103]

27. In the *Section 310 NPRM*, the Commission explained that when an eligible licensee files a remedial Section 310(b)(4) petition seeking approval of above-benchmark, aggregate foreign ownership interests or new specific approval not covered under the licensee's existing Section 310(b)(4) ruling,[104] the Commission does not, as a general rule, expect to take enforcement action related to the licensee's non-compliance with the foreign ownership rules, provided the licensee satisfies certain requirements.[105] Nonetheless, the Commission may ultimately determine that the licensee was not actually entitled to use the remedial process, or the Commission may ultimately reject the proposed foreign ownership.[106]

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[100] *Section 310 NPRM*, 40 FCC Rcd at 3535, para. 40; *id*. (explaining that United States residency status is not part of the current rule and has not been required or expected previously under our foreign ownership rules); *see generally* 47 CFR §§ 1.5000-1.5004 (which do not specify residency requirements).

[101] *See generally America First Investment Policy*. By contrast, for service of process purposes, the Commission explained in the *Section 310 NPRM* that the Commission's rules require all applicants to certify in their petition that they agree to "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." *Section 310 NPRM*, 40 FCC Rcd at 3535, note 105. *See* 47 CFR § 1.5001(n)(1)(i) (broadcast applicants), § 1.5001(n)(2)(iii) (common carrier applicants); *Process Reform for Executive Branch Review of Certain FCC Applications and Petitions Involving Foreign Ownership*, IB Docket No. 16-155, Report and Order, 35 FCC Rcd 10927, 10948, 10952, paras. 55-56, 68 (2020) (*Executive Branch Review Report and Order*).

[102] *Section 310 NPRM*, 40 FCC Rcd at 3535, para. 40.

[103] *Id.* at 3536, para. 42; 47 CFR § 1.5004(f).

[104] *Section 310 NPRM,* 40 FCC Rcd at 3536, para. 43; 47 CFR § 1.5004(f)(3).

[105] *See Section 310 NPRM,* 40 FCC Rcd at 3536, para. 44; *2016 Foreign Ownership Report and Order*, 31 FCC Rcd at 11309-10, para. 80.

[106] The Commission has the right to take enforcement action in cases where the licensee was not actually entitled to use the remedial process. 47 CFR § 1.5004(f)(1) ("Except as specified in paragraph (f)(3) of this section, if at any time the licensee, including any successor-in-interest and any subsidiary or affiliate as described in paragraph (b) of

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Therefore, as the Commission further explained in the *Section 310 NPRM*, the existence of the remedial process, on its own, does not necessarily resolve the issue of whether the broadcast licensee is in compliance with the Commission's rules during the pendency of a remedial petition or following remedy of the non-compliance. This is significant because it has been the Media Bureau's practice, often in consultation with the Enforcement Bureau, to place a hold on certain types of applications while a broadcast licensee is subject to an investigation for a potential violation of the Commission's rules.[107] As a result, any unresolved foreign ownership questions presented by non-compliance with our rules or the terms of a prior declaratory ruling may impede the processing of pending license applications. The Commission therefore sought comment in the *Section 310 NPRM* on whether the Commission should grant the licensee new authorizations or allow a licensee to dispose of certain authorizations while the remedial petition is pending.[108] The Commission also sought comment on whether any grant of an authorization should be explicitly conditioned on the grant of the pending remedial petition or subject to any enforcement action that may be warranted if the remedial petition is deemed inadequate, or, alternatively, if staff should hold pending applications until review of a remedial petition is complete. Also, the Commission asked if there are certain types of applications that should or should not be processed in the ordinary course during the pendency of the remedial process.[109] Finally, the Commission sought comment on whether to adopt processing guidelines for this purpose or instead adopt rules.[110]

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this section, knows, or has reason to know, that it is no longer in compliance with its foreign ownership ruling or the Commission's rules relating to foreign ownership, it shall file a statement with the Commission explaining the circumstances within 30 days of the date it knew, or had reason to know, that it was no longer in compliance therewith. Subsequent actions taken by or on behalf of the licensee to remedy its non-compliance shall not relieve it of the obligation to notify the Commission of the circumstances (including duration) of non-compliance. Such licensee and any controlling companies, whether U.S.- or foreign-organized, shall be subject to enforcement action by the Commission for such non-compliance, including an order requiring divestiture of the investor's direct and/or indirect interests in such entities.").

[107] "Enforcement holds" are often placed by the Commission's Enforcement Bureau in connection with complaints filed against a licensee or its stations that remain under investigation. For example, pursuant to guidance from the Enforcement Bureau, while "such an enforcement hold is in place, the renewal application subject to the hold will not be granted until the Enforcement Bureau releases the hold." *See Enforcement Bureau Provides Guidance for Renewal Hold Checks*, Public Notice, 35 FCC Rcd 2888, 2888 (IHD 2020).

[108] *Section 310 NPRM*, 40 FCC Rcd at 3537, para. 45.

[109] *Id*. As discussed in the *Section 310 NPRM*, the Media Bureau has, on occasion, found that the public interest would be served by granting an assignment of license or transfer of control application during the pendency of a remedial Section 310(b)(4) petition. *Id*. at 3537, para. 46. In these instances, the Media Bureau has concluded that the public interest would be served by granting certain applications, e.g., assignment applications, with conditions that are designed to insulate, to the extent possible, certain foreign interests while a remedial petition is pending. These conditions, as discussed in the *Section 310 NPRM*, serve to acknowledge the non-compliant foreign ownership and to ensure the applicant's ability and commitment to comply with the outcome of the Commission's review. Notably, these conditions have included the suspension of any voting rights for the unapproved interests, heightened insulation requirements for the new foreign interests, limitations on the payment of all dividends and/or distributions while the remedial petition is pending, and the ability to unwind the transaction if the proposed foreign ownership is ultimately rejected. *See, e.g.*, *Cumulus Licensing LLC (Assignor) and Cumulus Licensing Holding Company II LLC (Assignee), et al*., Application File Nos. 0000240099, et al., Memorandum Opinion and Order, 39 FCC Rcd 4108 (MB 2024) (granting applications for assignment of license to Cumulus Licensing Holding Company II LLC, with conditions designed to insulate, to the extent possible, new foreign interests in Cumulus Media, Inc., while the remedial petition seeking specific approval of such interests was pending); *Applications of Mortenson Broadcasting Co. of Texas, Inc., et al.,* Application File Nos. 0000129304, *et al*., Memorandum Opinion and Order, 36 FCC Rcd 5935, 5939-42, paras. 9-12 (MB 2021) (granting applications for assignment of licenses to iHM Licenses, LLC, with conditions designed to insulate, to the extent possible, new foreign interests in iHeart Media, Inc., while the remedial petition seeking specific approval of such interests was pending). *Section 310 NPRM*, 40 FCC Rcd at 3537, note 115.

28. In a written *ex parte*,[111] NAB states that it "anticipates that the establishment of specific standards for the processing of broadcast applications during the pendency of a remedial petition may benefit, not burden, broadcast licensees."[112] No other commenters addressed this issue.

29. We find that processing guidelines would benefit the Commission's treatment of broadcast license applications, and we direct and delegate authority to the Media Bureau to specify processing guidelines for applications filed by a broadcast licensee during the pendency of the remedial process.[113] The processing guidelines will provide guidance on the topics discussed in the *Section 310 NPRM*, including: (1) routine types of applications that should continue to be processed in the normal course during the pendency of the remedial process, such as applications related to the continued operations of currently authorized broadcast facilities (e.g., applications for special temporary authority or minor modifications); and (2) non-routine applications such as major modifications, license renewals, and assignments/transfers of control, that would require heightened scrutiny during the pendency of a remedial petition. We find that guidelines are preferable to rules for this purpose, as guidelines will provide the necessary flexibility to permit individualized approaches to specific cases as warranted by the facts and circumstances.

2. Assessing Foreign Ownership of Noncommercial Educational (NCE) and Low Power FM (LPFM) Stations

30. To better incorporate the governance structures of NCE and LPFM licensees seeking approval for proposed foreign ownership into our Section 310(b) reviews and to provide regulatory certainty to such licensees, we clarify how we determine the foreign ownership levels of these particular stations.[114] In the *Section 310 NPRM*, the Commission sought comment on changes to the Commission's foreign ownership rules that would assess the foreign ownership levels of NCE stations, including full-service FM radio and television stations and LPFM stations, by considering their unique governance structures.[115] The Commission noted that while there have been relatively few requests for proposed foreign ownership of NCE and LPFM stations, several applications were pending before the Media Bureau involving NCE applicants with foreign ownership.[116] We received no comments on this issue.

31. As the Commission explained in the *Section 310 NPRM*, the ownership of NCE and LPFM stations is subject to the provisions of Section 310(b), just like commercial stations.[117] As such,

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[110] *Section 310 NPRM*, 40 FCC Rcd at 3538, para. 47.

[111] NAB's Written *Ex Parte* seeks to withdraw opposition on this point that NAB included in its initial comments to the *Section 310 NPRM*. *See* Letter from Erin Dozier, Senior Vice President and Deputy General Counsel, Legal and Regulatory Affairs, NAB, to Marlene H. Dortch, Esq., Secretary, FCC, GN Docket No. 25-149, at 1 (filed Aug. 22, 2025) (NAB Written *Ex Parte*); NAB Comments at 8-10. At NAB's request, we consider its initial opposition to the adoption of these guidelines withdrawn.

[112] NAB Written *Ex Parte* at 1.

[113] Consistent with our decision to extend the Commission's remedial process for inadvertent violations of the foreign ownership benchmarks to privately held entities, we consider "broadcast licensees" to encompass broadcast station licensees and permittees that are controlled by U.S. public companies as well as broadcast station licensees and permittees that are controlled by U.S. privately held entities. *See supra* Section III.A.4.

[114] In light of the applicability of our rules as clarified in this section we do not believe specific codification is necessary in this instance.

[115] *Section 310 NPRM*, 40 FCC Rcd at 3538-9, para. 48.

[116] *Id.* at 3539, para. 49 & note 121.

[117] *Id.* at 3538-9, para. 48 & note 117. 47 U.S.C. § 310; *see also Wilner and Scheiner*, Declaratory Ruling, 103 F.C.C.2d 511, 514, para. 7 (1985), *recon. granted in part*, 1 FCC Rcd 12 (1986) ("Consistent with this statutory language, the Commission has applied the strictures of Section 310(b) to a variety of noncorporate entities.") (citing *Kansas City Broadcasting Co.*, 5 R.R. 1057 (1952) (members of a church); *Chicagoland TV Co.*, 4 R.R.2d 747, 752
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the Commission's foreign ownership rules are not limited to commercial stations, though the rules discuss ownership in terms of the voting and equity shares of individuals and entities.[118] This characterization of ownership, however, is rarely applicable in the NCE/LPFM context, as these entities are often governed by a board of directors or an unincorporated association without traditional voting or equity shares in the entity. The Commission's rules and policies, however, have long recognized that these governing bodies—and, by extension, the individual board members—direct the operations of these stations.[119] The Commission has addressed this in the broadcast ownership report context, for attribution purposes, by looking to the composition of the respondent's governing board or other governing entity, and whether it is directly or indirectly under the control of another entity.[120]

32. Consistent with our approach in the broadcast ownership reporting context, for purposes of determining the voting shares of NCE stations in the course of our Section 310(b) review, we adopt the proposal in the *Section 310 NPRM* to consider the composition of the governing board or other governing entity, and whether it is directly or indirectly under the control of another entity for purposes of assessing compliance with the foreign ownership limits set forth in the Act and the Commission's rules. For example, if an NCE station licensee (or applicant) is governed by a board with five members, each member of the governing board would be deemed to hold a 20 percent voting interest in the licensee absent provisions in the bylaws or other governance document that formally allocates voting power to governing board members on something other than a pro rata basis, only if such voting arrangements are permitted under the laws of the state where the licensee or applicant was incorporated. In any such cases, each governing board member would be deemed to hold the voting interest designated in the governing documents.[121] If there are four governing board members, each member would be deemed to hold a 25

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(1965) (labor union))); *Creation of Low Power Radio Service*, Memorandum Opinion and Order on Reconsideration, 15 FCC Rcd 19208, 19244, para. 90 (2000) ("We recognize that many entities that will hold LPFM licenses will be non-stock corporations or other non-stock entities, and that non-stock entities do not have 'owners' in the traditional sense. As the Commission has explained, the specific citizenship requirements of Section 310(b) reflect a deliberate judgment on the part of Congress to prevent undue foreign influence in broadcasting. Thus, for the purpose of determining whether a non-stock LPFM applicant or licensee complies with the statutory foreign ownership requirements, we will first consider the citizenship of those individuals who would have the ability, comparable to that of a traditional owner, to influence or control the licensee.") (internal citations and subsequent history omitted); *Casa de Oracion Getsemani et al.*, Memorandum Opinion and Order, 23 FCC Rcd 4118, 4126, para. 17 (2008) ("Because Ephese [Ephese French SDA Church] does not have stockholders, we look to the persons 'who would have the ability, comparable to that of a traditional owner, to influence or control the licensee.'") (subsequent history omitted); FCC Form 2100, Schedule 315 – Application for Consent to Transfer Control of Entity Holding Broadcast Station Construction Permit or License (stating that all applicants, including those seeking to acquire control of an NCE station(s), must comply with Section 310(b), including the requirement in Section 310(b)(4) that the applicant file a petition for declaratory ruling if the proposed level of indirect foreign ownership exceeds 25 percent).

[118] *See* 47 CFR § 1.5000 *et seq*.

[119] *See*, *e.g.*, 47 CFR § 73.3573(a)(1) (addressing transfers of control of NCE FM applicants resulting from changes in the governing board); *see also generally Transfers of Control of Certain Licensed Non–Stock Entities*, MM Docket No. 89-77, Notice of Inquiry, 4 FCC Rcd 3403 (1989) (evaluating transfer of control issues for certain non-stock licensed entities, e.g., NCE station licensees).

[120] *See* 47 CFR § 73.3555; *see also* FCC Form 323-E, Instructions for Ownership Report for Noncommercial Broadcast Stations; *Casa de Oracion Getsemani et al.*, Memorandum Opinion and Order, 23 FCC Rcd 4118, 4126, para. 17 (2008) (finding NCE applicant to be in compliance with 310(b)(3) based on the U.S. citizenship of its five board members, whom the Commission found to be the relevant persons in control of the applicant in the absence of stockholders).

[121] If the record indicates that the governing documents are inconsistent with state law, we will consider the relevance of this information in light of facts and circumstances presented by the case and any applicable precedent or policies.

percent voting interest, and so forth, absent provisions in the governing document allocating voting power to governing board members on a non-pro rata basis.[122] In the event that greater than 25 percent of the controlling interest holders in the licensee's controlling U.S. parent would be non-U.S. citizens, the licensee would first need to seek approval for such foreign ownership consistent with Section 310(b)(4)[123] and the Commission's foreign ownership rules. Direct and indirect foreign interests in the licensee, other than those held through a controlling U.S. parent, remain subject to the 20 percent limits in Section 310(b)(3).[124]

33. We also acknowledge that, as with the broadcast ownership context, there may be station-specific agreements or circumstances that could impact how the ownership percentages are calculated. For example, the governing board could cede its decision-making authority over the station to an executive in the operating organization. Such circumstances will continue to be subject to individual, case-by-case review under Section 310(b). In addition, while governing board members in NCE entities do not typically have equity interests in the licensee, any such equity interests specific to a particular licensee are subject to the 310(b) benchmarks.[125] We will recognize weighted governance structures (i.e., non pro rata) to the extent they are permitted by applicable federal and state laws regarding the incorporation and governance of NCE entities. In the course of our review of the structures referenced in this paragraph, applicants, upon request, must file a copy of the bylaws, or other written organizational document as appropriate, to accompany their Section 310(b) analysis, either in a Section 310(b)(4) petition or when certifying compliance with Section 310(b).[126] Such organizational documents must substantiate the entity's governance structure, as well as establish that the structure is permitted under relevant state law.

3. NCE/LPFM Application Processing Issues

34. As discussed below, to promote regulatory consistency, we make several clarifications to address various foreign ownership considerations in the context of filing windows for construction permits for NCE authorizations. In the *Section 310 NPRM*, the Commission sought comment on whether and how to clarify the Commission's rules and procedures related to filing windows for NCE construction permits with respect to the application of Section 310(b).[127] No commenters addressed these issues.

35. As discussed in the *Section 310 NPRM*, entities with foreign interest holders above the statutory benchmarks in Section 310(b)(4) are eligible to apply for new construction permits that are available for application during a filing window, including NCE filing windows, provided they are covered by an existing foreign ownership declaratory ruling, or have filed a Section 310(b)(4) petition.[128]

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[122] *See, e.g.*, *NCE MX Group 503*, Letter, 26 FCC Rcd 6155 (MB 2011); *Texas Educational Broadcasting Co-operative, Inc.*, Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, 22 FCC Rcd 13038 (MB 2007).

[123] 47 U.S.C. § 310(b)(4).

[124] 47 U.S.C. § 310(b)(3). As noted above, the Commission's forbearance authority does not extend to broadcast or aeronautical radio station licensees covered by Section 310(b)(3).

[125] *See Caribbean Festival Association, Inc.*, Letter Order, 22 FCC Rcd 19238 (MB 2007) (acknowledging that an "equity interest" in an LPFM station would be subject to 310(b)).

[126] The Commission reserves the right to ask for such other information as necessary to verify that the documentation is consistent with the relevant state law requirements. We caution applicants that should it be determined that sham agreements are being filed, the Commission will act within its enforcement authority.

[127] *Section 310 NPRM*, 40 FCC Rcd at 3540-41, paras. 53-55; *see* 47 CFR § 1.5000(b).

[128] *Section 310 NPRM*, 40 FCC Rcd at 3540, para. 53; *see* 47 CFR § 1.2105(a)(2)(vi). In the rare circumstance that an entity that is out of compliance with an existing foreign ownership declaratory ruling seeks to participate in a filing window. we will address participation on a case-by-case basis due to the fact specific nature of any potential instance.

While the Commission observes it to be a rare occurrence for such entities to apply for new construction permits, to offer some further clarity, we adopt the clarification proposed in the *Section 310 NPRM* that, with respect to construction permit applications, under the current requirements in Section 1.5000(b), entities with foreign ownership in excess of the statutory benchmarks in Section 310(b)(4) and *without* an existing declaratory ruling can participate in an NCE/LPFM filing window so long as they file a Section 310(b)(4) petition seeking approval of the foreign ownership interest at the *same time* they file the application required for participation in the filing window.[129] Moreover, for participants in these windows with foreign ownership above the benchmarks in Section 310(b)(4), we clarify that we will apply the same processing guidelines we use in the commercial context for applications that include a Section 310(b)(4) petition for declaratory ruling, which we will specify in any subsequent procedures public notice for an NCE window, while allowing for a tailored approach, if appropriate, in the context of a particular filing window.[130] Accordingly, we find that we need not consider at this time the other issues raised in the *Section 310 NPRM* regarding how we will process applications from entities with foreign ownership in excess of the benchmarks,[131] to the extent relevant, as those issues will be resolved in the context of a particular filing window. In addition, because the Commission's forbearance authority, and thus its Section 310(b)(3) forbearance approach, does not extend to broadcast licensees, all NCE and LPFM filing window participants are subject to the 20 percent limits on foreign ownership under Section 310(b)(3) of the Act.

C. Other Improvements to the Foreign Ownership Rules

36. In the *Section 310 NPRM*, the Commission sought comment generally on other opportunities to improve the foreign ownership rules or reduce regulatory burdens. The Commission also sought comment on opportunities to alleviate unnecessary regulatory burdens consistent with the *Delete, Delete, Delete Proceeding*.[132] We received several proposals from NAB and an individual commenter, Erik Cudd. Although, as discussed more fully below, we do not accept certain specific proposals offered by NAB and Erik Cudd that those commenters assert could reduce burdens, we note that nevertheless the decisions in this *Report and Order* reduce regulatory burdens overall. Specifically, in this *Report and Order*, we find that clarifying our rules, codifying existing requirements and practices related to foreign ownership, and providing guidance with respect to filing of petitions will reduce uncertainty for applicants, which in turn should reduce the need to revise or refile requests and thus will reduce regulatory burdens.

37. *NAB Suggestions.* NAB urges the Commission to establish a limit on the amount of time from the filing of a Section 310(b) petition to the Commission's issuance of a public notice announcing that the Section 310(b) petition has been accepted for filing, as well as a timeline for ruling on a petition.[133] NAB also urges the Commission to consider exempting certain applications from Executive

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[129] *Section 310 NPRM*, 40 FCC Rcd at 3540-41, paras. 53-54.

[130] *See, e.g.*, *Auction of Construction Permits for Full Power Television Stations, Notice and Filing Requirements, Minimum Opening Bids, Upfront Payments, and Other Procedures for Auction 112*, AU Docket No. 21-449, Public Notice, 37 FCC Rcd 1155 (OEA/MB 2022) (*Auction 112 PN*). The *Auction 112 PN* provided procedures regarding foreign ownership disclosure requirements. For example, if the applicant had foreign ownership interests in excess of the applicable limit or benchmark set forth in Section 310(b), it could participate in Auction 112 only if it had filed a petition with the Media Bureau prior to the FCC Form 175 filing deadline. *Id*. at 1166, para. 34.

[131] *Section 310 NPRM*, 40 FCC Rcd at 3540-41, paras. 53-55.

[132] *See generally Delete, Delete, Delete Proceeding*, GN Docket No. 25-133, Public Notice, 40 FCC Rcd 1601 (2025) (opening the docket *Delete, Delete, Delete*, GN Docket No. 25-133). *See, e.g.*, Executive Order 14192; *see also* Executive Order 14219. No comments were received in this proceeding that were specific to the *Delete, Delete, Delete Proceeding*.

[133] NAB Comments at 11 ("For example, the Commission could apply the 180-day informal timeline it currently applies to transactions to Section 310(b) petitions.").

Branch review, for example those involving applicants that have been approved in the recent past, and to adopt expedited or streamlined Executive Branch reviews for known foreign investors or for foreign interest holders from countries allied with the United States."[134] NAB states that this approach "would be consistent with other Administrative initiatives" such as the Treasury Department's Committee on Foreign Investment in the United States (CFIUS) fast-track pilot program,[135] which has "a 'known investor' portal where CFIUS can collect information from foreign investors prior to a filing" that is "intended to help effectuate the President's America First Investment Policy."[136] NAB also urges the Commission to consider "excluding certain applications from referral to the [Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector (Committee)][137] if they involve applicants that have been approved in the recent past, as well as streamlining the Commission's own review under such circumstances."[138] We did not receive any reply comments on NAB's suggestions.

38. We decline to adopt NAB's proposals at this time. First, we decline to specify a timeframe to place petitions on accepted for filing public notice. While we strive to adhere to the Commission's 180-day transaction review timeline, our review of petitions depends on the complexity of the underlying transaction, the completeness of the information provided, and the timeliness of the petitioner in responding to staff inquires.[139] Second, we reject NAB's proposal for the Commission to adopt a streamlined process for known foreign investors or from allied countries. This proposal raises many complex issues, including determining who would qualify as known foreign investors, defining what constitutes an allied country, and establishing a Commission 'known foreign investor portal' similar to that of the Treasury Department's known investor portal. We note that the CFIUS fast-track pilot program is still in its nascent stages. Third, we decline to exclude certain petitions from referral to the Committee as we currently exclude referral of petitions to the Committee when the only foreign ownership is through intermediate holding companies and U.S. individuals or entities that have ultimate control.[140] NAB states that it "understands from members and their counsel that the amount of time from the filing of petitions to their placement on public notice varies significantly. Petitioners would benefit from greater predictability in the initial stages of processing."[141] We note that we have, on a discretionary basis, excluded petitions with only minor ownership changes after consultation with Committee staff. We will continue to use our discretion to exclude petitions from referral to the Committee when appropriate. We believe that our current approach is adequate to alleviate burdens and expedite review of Section 310(b) petitions.

39. *Individual Commenter Suggestions.* Erik Cudd, an individual commenter opposes any foreign ownership of U.S. broadcasters and favors stricter broadcast ownership limitations.[142] Erik Cudd states that foreign ownership of U.S. broadcasters "poses serious risks to national interests," including

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[134] *Id*. at 12.

[135] *U.S. Department of the Treasury Announces Intent to Launch Fast Track Pilot Program for Foreign Investors,* https://home.treasury.gov/news/press-releases/sb0136 (May 8, 2025).

[136] NAB Comments at 12-13.

[137] *See Exec. Order No. 13913*, § 6(a), 85 Fed. Reg. 19643 (2020) (establishing the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector).

[138] NAB Comments at 12.

[139] *See FCC, Informal Timeline for Consideration of Applications for Transfers or Assignments of Licenses or Authorizations Relating to Complex Mergers*, https://www.fcc.gov/general/informal-timeline-consideration-applications-transfers-or-assignments-licenses-or (last visited Sept. 25, 2025).

[140] 47 CFR § 1.40001(2)(ii); *Executive Branch Review Report and Order,* 35 FCC Rcd at 10938-39, paras. 29-30.

[141] NAB Comments at 11.

[142] Erik Cudd Comments at 1.

potential foreign influence over content and editorial direction, lack of transparency regarding ownership and controlling parties, and "[i]ncreased [difficulty] in holding parties accountable to the American public and legal standards."[143] We did not receive any comments on these suggestions. We decline to adopt these suggestions. The summary comment without any analysis or data has not persuaded us that it is necessary to prohibit all foreign ownership of broadcasters in the context of this rulemaking which is focused specifically on streamlining, clarifying, and codifying procedures and processing requirements. Erik Cudd's views about ownership concentration among broadcasters are not relevant to this proceeding.[144] As explained at the outset,[145] our decisions carefully balance the dual public interest objectives of prohibiting potentially harmful foreign investment and promoting non-harmful foreign investment. Instead of prohibiting foreign ownership outright, our rules, as improved herein, provide transparency regarding ownership and controlling parties so that we can hold relevant individuals and entities accountable for compliance with our rules and the Act. Our foreign ownership review process includes Executive Branch review aimed at identifying and addressing potential harms to national security. Erik Cudd has not provided any evidence or particularized reasons for his concerns.[146]

40. *Corrections and Updates.* Additionally, we hereby adopt as proposed in the *Section 310 NPRM* various ministerial, non-substantive changes reflected throughout Appendix A, including shifting the language in existing notes and examples into the text of the relevant rules as subsections, which practice conforms to the publishing conventions of the National Archives and Records Administration's Office of the Federal Register.[147] These changes also include, among other things, revisions to language and terms to ensure consistency of references used in Sections 1.5000-1.5004 of the Commission's rules. Appendix A contains a complete republication of Subpart T (47 CFR §§ 1.5001-1.5004).

D. Pending Proceedings

41. In the *Section 310 NPRM*, the Commission noted that applications were pending before the Media Bureau that might be affected by the outcome of this proceeding and sought comment on how to treat such pending applications.[148] No commenter addressed this issue, nor the larger issue of the potential impact of our *Report and Order* on any other pending applications or petitions, if any. Accordingly, we determine that the rules we adopt herein will apply to petitions and applications filed on

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[143] *Id*.

[144] Erik Cudd's concerns about concentration of broadcast ownership do not appear to turn on foreign ownership and thus are not relevant to this proceeding. Erik Cudd Comments at 1 ("Instead of relaxing ownership rules, the FCC should pursue stricter limits on corporate consolidation of media outlets. The current landscape, where a handful of large corporations' control vast numbers of stations across multiple states, undermines localism, viewpoint diversity, and independent journalism."). The Commission media ownership rules are the subject of a separate proceeding pursuant to Section 202(h) of the Telecommunications Act of 1996. *See 2022 Quadrennial Regulatory Review – Review of the Commission's Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996*, MB Docket No. 22-459, Notice of Proposed Rulemaking, FCC 25-64 (Sept. 30, 2025).

[145] *See supra* para. 1.

[146] Erik Cudd also states that "all stakeholders, regardless of ownership percentage, should be clearly disclosed and made available in the public record[.] The public has a right to know who owns the media they consume . . . ." Erik Cudd Comments at 1. Again, we find that Erik Cudd's concerns appear to relate to broadcast ownership generally rather than foreign ownership and are thus not relevant to this proceeding. Furthermore, we reject the proposal because requiring the disclosure of all ownership interests, regardless of ownership threshold, would be unnecessarily burdensome. We continue to find that our current disclosure thresholds for foreign ownership disclosure appropriately balance national security and law enforcement interests, while minimizing the risk of any undue burdens on petitioners.

[147] *Section 310 NPRM*, 40 FCC Rcd at 3542, para. 57.

[148] *Id.* at 3539, note 121.

or after the effective date of the *Report and Order*. Petitions and applications that have not been the subject of any staff decision as of the effective date of this *Report and Order* and that are still pending on the effective date will be decided based on the rules in existence at the time the respective petition or application was filed.[149]

IV. COST/BENEFIT ANALYSIS

42. In the *Section 310 NPRM* we sought comment on the costs and benefits associated with the proposals made in the *NPRM*. The record reflects that the commenters generally support the proposals in the *Section 310 NPRM*[150] and no commenters addressed or opposed the cost and benefit assessments. As such, in this *Report and Order*, we find that clarifying our rules, codifying existing requirements and practices related to foreign ownership, and providing guidance with respect to filing of petitions will reduce uncertainty for applicants, which in turn should reduce the need to revise or refile requests and thus will reduce regulatory burdens. Overall, the rules and policies adopted will expedite the application approval process without creating additional burdens for petitioners. More broadly, by clarifying the rules and potentially streamlining processes, we find that the adopted rules, clarifications, and processing guidelines will ensure continued robust investment in the U.S. market, while simultaneously reducing any risks to national security, law enforcement, foreign policy, and trade policy interests.[151] Additionally we find that the costs associated with the adopted rules are likely negative as a result of an anticipated reduction in application revisions and enforcement, thus enabling potential increased investment in the U.S. economy.

V. PROCEDURAL MATTERS

43. *Regulatory Flexibility Act*. The Regulatory Flexibility Act of 1980, as amended (RFA),[152] 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."[153] Accordingly, the Commission has prepared a Final Regulatory Flexibility Analysis (FRFA) concerning the possible impact of the rule and policy changes contained in this *Report and Order* on small entities. The FRFA is set forth in Appendix B.

44. *Paperwork Reduction Act*. This document does not contain new or substantively modified information collections subject to the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. §§ 3501-3521. Therefore it also 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, 44 U.S.C. § 3506(c)(4). This document may contain non-substantive modifications to approved information collections. Any such modifications will be submitted to OMB for review pursuant to OMB's non-substantive modification process.

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[149] *See Melcher v. FCC*, 134 F.3d 1143, 1165 (D.C. Cir. 1998); *Chadmoore Communications, Inc. v. FCC*, 113 F.3d 235, 241 (D.C. Cir. 1997) (citing *Hispanic Inf. & Telecomm. Network, Inc. v. FCC*, 865 F.2d 1289, 1294–95 (D.C. Cir. 1989) ("The filing of an application creates no vested right to a hearing; if the substantive standards change so that the applicant is no longer qualified, the application may be dismissed.")).

[150] As NAB acknowledges that the Commission's proposed rules in the *Section 310 NPRM* reflect current Commission practice, we find that adopting the rules and clarifications as proposed in the *Section 310 NPRM* will not incur additional costs to petitioners and will provide clarity and lead to administrative efficiency as additional benefits. *See* NAB Comments at 6-8.

[151] For instance, we amend Section 1.5001(k)(1) to specify that such foreign entities that are minority shareholders can only request advance approval of up to a non-controlling 49.99 percent interest.

[152] 5 U.S.C. §§ 601 *et seq*., as amended by the Small Business Regulatory Enforcement and Fairness Act (SBREFA), Pub. L. No. 104-121, 110 Stat. 847 (1996).

[153] *Id.* § 605(b).

45. *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 "non-major" under the Congressional Review Act, 5 U.S.C. § 804(2). The Commission will send a copy of this *Report and Order* to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. § 801(a)(1)(A).

46. *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 (voice).

47. *Additional Information*. For additional information on this proceeding, contact Fara Mohsenikolour, Telecommunications and Analysis Division, Office of International Affairs, at Fara.Mohsenikolour@fcc.gov or (202) 418-1429.

VI. ORDERING CLAUSES

48. Accordingly, **IT IS ORDERED** that, pursuant to the authority found in Sections 1, 2, 4(i), 4(j), 303, 307, 308, 309, 310 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 152, 154(i), 154(j), 303, 307, 308, 309, 310, this Report and Order **IS ADOPTED**.[154]

49. **IT IS FURTHER ORDERED** that, pursuant to the authority found in Sections 1, 2, 4(i), 4(j), 303, 307, 308, 309, 310 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 152, 154(i), 154(j), 303, 307, 308, 309, 310, the Commission's rules **ARE AMENDED** as set forth in Appendix A.

50. **IT IS FURTHER ORDERED** that this Report and Order **SHALL BECOME EFFECTIVE** 30 days after publication in the Federal Register. Such publication which will not occur until after the Office of Management and Budget (OMB) has completed review, pursuant to the Paperwork Reduction Act of 1995, Public Law 104-13, of any non-substantive changes to current information collection requirements contained in sections 1.5000 to 1.5004, 47 CFR §§ 1.5000-1.5004.

51. **IT IS FURTHER ORDERED** that the Commission's Office of the Secretary, **SHALL SEND** a copy of this *Report and Order*, including the Final Regulatory Flexibility Analysis, to the Chief Counsel for the Small Business Administration (SBA) Office of Advocacy.

52. **IT IS FURTHER ORDERED** that the Office of the Managing Director, Performance Program Management **SHALL SEND** a copy of this Report and Order in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. § 801(a)(1)(A).

53. **IT IS FURTHER ORDERED** that should no petitions for reconsideration or petitions for judicial review be timely filed, GN Docket No. 25-149 **SHALL BE TERMINATED,** and the docket closed.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

[154] Pursuant to Executive Order 14215, 90 Fed. Reg. 10447 (Feb. 20, 2025), this regulatory action has been determined to be not significant under Executive Order 12866, 58 Fed. Reg. 68708 (Dec. 28, 1993).

APPENDIX A
FINAL RULES

For the reasons discussed in this preamble, the Federal Communications Commission amends 47 CFR part 1 to read 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. Revise and republish subpart T, consisting of §§ 1.5000 through 1.5004, to read as follows:

SUBPART T-- FOREIGN OWNERSHIP OF BROADCAST, COMMON CARRIER, AERONAUTICAL EN ROUTE, AND AERONAUTICAL FIXED RADIO STATION LICENSEES

Sec.
1.5000 Citizenship and filing requirements under section 310(b) of the Communications Act of 1934, as amended.
1.5001 Contents of petitions for declaratory ruling under section 310(b) of the Communications Act of 1934, as amended.
1.5002 How to calculate indirect equity and voting interests.
1.5003 Insulation criteria for interests in limited partnerships, limited liability partnerships, and limited liability companies.
1.5004 Routine terms and conditions.

§ 1.5000 Citizenship and filing requirements under section 310(b) of the Communications Act of 1934, as amended.

The rules in this subpart establish the requirements and conditions for obtaining the Commission's prior approval of foreign ownership in broadcast, common carrier, aeronautical en route, and aeronautical fixed radio station licensees and common carrier spectrum lessees that would exceed the 25 percent benchmarks in section 310(b)(4) of the Act. These rules also establish the requirements and conditions for obtaining the Commission's prior approval of foreign ownership in common carrier (but not broadcast, aeronautical en route or aeronautical fixed) radio station licensees and spectrum lessees that would exceed the 20 percent limit in section 310(b)(3) of the Act. These rules also establish the methodology applicable to eligible U.S. public companies for purposes of determining and ensuring their compliance with the foreign ownership limitations set forth in sections 310(b)(3) and 310(b)(4) of the Act.

(a)(1) A broadcast, common carrier, aeronautical en route or aeronautical fixed radio station licensee or common carrier spectrum lessee shall file a petition for declaratory ruling to obtain Commission approval

under section 310(b)(4) of the Act, and obtain such approval, before the aggregate foreign ownership of any controlling U.S. parent exceeds, directly and/or indirectly, 25 percent of the controlling U.S. parent's equity interests and/or 25 percent of its voting interests. An applicant for a broadcast, common carrier, aeronautical en route or aeronautical fixed radio station license or common carrier spectrum leasing arrangement shall file the petition for declaratory ruling required by this paragraph at the same time that it files its application.

(i) Paragraph (a)(1) of this section implements the Commission's foreign ownership policies under section 310(b)(4) of the Act, 47 U.S.C. 310(b)(4), for broadcast, common carrier, aeronautical en route, and aeronautical fixed radio station licensees and common carrier spectrum lessees. It applies to foreign equity and/or voting interests that are held, or would be held, directly and/or indirectly in a controlling U.S. parent that itself directly or indirectly controls a broadcast, common carrier, aeronautical en route, or aeronautical fixed radio station licensee or common carrier spectrum lessee. A foreign individual or entity that seeks to hold a controlling interest in such a licensee or spectrum lessee must hold its controlling interest indirectly, in a controlling U.S. parent that itself directly or indirectly controls the licensee or spectrum lessee. Such controlling interests are subject to section 310(b)(4) and the requirements of paragraph (a)(1) of this section. The Commission assesses foreign ownership interests subject to section 310(b)(4) separately from foreign ownership interests subject to section 310(b)(3).

(ii) [Reserved]

(2) A common carrier radio station licensee or spectrum lessee shall file a petition for declaratory ruling to obtain approval under the Commission's section 310(b)(3) forbearance approach, and obtain such approval, before aggregate foreign ownership, held through one or more intervening U.S.- organized entities that hold non-controlling equity and/or voting interests in the licensee, along with any foreign interests held directly in the licensee or spectrum lessee, exceeds 20 percent of its equity interests and/or 20 percent of its voting interests. An applicant for a common carrier radio station license or spectrum leasing arrangement shall file the petition for declaratory ruling required by this paragraph at the same time that it files its application. Foreign interests held directly in a licensee or spectrum lessee, or other

than through U.S.-organized entities that hold non-controlling equity and/or voting interests in the licensee or spectrum lessee, shall not be permitted to exceed 20 percent.

(i) Paragraph (a)(2) of this section implements the Commission's section 310(b)(3) forbearance approach adopted in the First Report and Order in IB Docket No. 11-133, FCC 12-93 (released Aug. 17, 2012), 77 FR 50628 (Aug. 22, 2012). The section 310(b)(3) forbearance approach applies only to foreign equity and voting interests that are held, or would be held, in a common carrier licensee or spectrum lessee through one or more intervening U.S.-organized entities that do not control the licensee or spectrum lessee. Foreign equity and/or voting interests that are held, or would be held, directly in a licensee or spectrum lessee, or indirectly other than through an intervening U.S.-organized entity, are not subject to the Commission's section 310(b)(3) forbearance approach and shall not be permitted to exceed the 20 percent limit in section 310(b)(3) of the Act, 47 U.S.C. 310(b)(3). The Commission's forbearance approach does not apply to broadcast, aeronautical en route or aeronautical fixed radio station licenses.

(ii) [Reserved]

(3) *Examples under paragraphs (a)(1) and (2) of this section*— (i) *Example 1*. U.S.-organized Corporation A is preparing an application to acquire a common carrier radio license by assignment from another licensee. U.S.-organized Corporation A is wholly owned and controlled by U.S.-organized Corporation B. U.S.-organized Corporation B is 51 percent owned and controlled by U.S.-organized Corporation C, which is, in turn, wholly owned and controlled by foreign-organized Corporation D. The remaining non-controlling 49 percent equity and voting interests in U.S.-organized Corporation B are held by U.S.-organized Corporation X, which is, in turn, wholly owned and controlled by U.S. citizens. Paragraph (a)(1) of this section requires that U.S.-organized Corporation A file a petition for declaratory ruling to obtain Commission approval of the 51 percent foreign ownership of its controlling U.S. parent, Corporation B, by foreign-organized Corporation D, which exceeds the 25 percent benchmarks in section 310(b)(4) of the Act for both equity interests and voting interests. Corporation A is also required to identify and request specific approval in its petition for any foreign individual or entity, or "group," as defined in paragraph (d) of this section, that holds directly and/or indirectly more than 5 percent of

Corporation B's total outstanding capital stock (equity) and/or voting stock, or a controlling interest in Corporation B, unless the foreign investment is exempt under § 1.5001(i)(3).

(ii) *Example 2*. U.S.-organized Corporation A is preparing an application to acquire a common carrier radio license by assignment from another licensee. U.S.-organized Corporation A is 51 percent owned and controlled by U.S.-organized Corporation B, which is, in turn, wholly owned and controlled by U.S. citizens. The remaining non-controlling 49 percent equity and voting interests in U.S.-organized Corporation A are held by U.S.-organized Corporation X, which is, in turn, wholly owned and controlled by foreign-organized Corporation Y. Paragraph (a)(2) of this section requires that U.S.-organized Corporation A file a petition for declaratory ruling to obtain Commission approval of the non-controlling 49 percent foreign ownership of U.S.-organized Corporation A by foreign-organized Corporation Y through U.S.-organized Corporation X, which exceeds the 20 percent limit in section 310(b)(3) of the Act for both equity interests and voting interests. U.S.-organized Corporation A is also required to identify and request specific approval in its petition for any foreign individual or entity, or "group," as defined in paragraph (d) of this section, that holds an equity and/or voting interest in foreign-organized Corporation Y that, when multiplied by 49 percent, would exceed 5 percent of U.S.-organized Corporation A's equity and/or voting interests, unless the foreign investment is exempt under § 1.5001(i)(3).

(iii) *Example 3*. U.S.-organized Corporation A is preparing an application to acquire a common carrier radio license by assignment from another licensee. U.S.-organized Corporation A is 51 percent owned and controlled by U.S.-organized Corporation B, which is, in turn, wholly owned and controlled by foreign-organized Corporation C. The remaining non-controlling 49 percent equity and voting interests in U.S.-organized Corporation A are held by U.S.-organized Corporation X, which is, in turn, wholly owned and controlled by foreign-organized Corporation Y. Paragraphs (a)(1) and (a)(2) of this section require that U.S.-organized Corporation A file a petition for declaratory ruling to obtain Commission approval of foreign-organized Corporation C's 100 percent ownership interest in U.S.-organized parent, Corporation B, and of foreign-organized Corporation Y's noncontrolling, 49 percent foreign ownership interest in U.S.-organized Corporation A through U.S–organized Corporation X, which exceed the 25 percent benchmark and 20 percent limit in sections 310(b)(4) and 310(b)(3) of the Act, respectively, for both

equity interests and voting interests. U.S–organized Corporation A's petition also must identify and request specific approval for ownership interests held by any foreign individual, entity, or "group," as defined in paragraph (d) of this section, to the extent required by § 1.5001(i).

(b) [Reserved]

(1) Except for petitions involving broadcast stations only, the petition for declaratory ruling required by paragraph (a) of this section, or any amendments thereto, shall be filed electronically through the International Communications Filing System (ICFS) or any successor system thereto. For information on filing a petition through ICFS, see subpart Y of this part and the ICFS homepage at https://www.fcc.gov/icfs. Petitions for declaratory ruling required by paragraph (a) of this section, or any amendments thereto, involving broadcast stations only shall be filed electronically on the Internet through the Media Bureau's 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).

(2) Amendments to petitions for declaratory ruling required by paragraph (a) of this section must be filed in the following form:

(i) Substantial amendments to pending petitions for declaratory ruling shall be filed as a complete restatement of the initial petition, with a cover letter providing a narrative description of the substantial change(s).

(ii) Ministerial amendments to pending petitions for declaratory ruling shall be filed as an amendment to the petition, detailing only the relevant change(s).

(c)(1) Each applicant, licensee, or spectrum lessee filing a petition for declaratory ruling required by paragraph (a) of this section shall certify to the information contained in the petition in accordance with the provisions of § 1.16 and the requirements of this paragraph. The certification shall include a statement that the applicant, licensee and/or spectrum lessee has calculated the ownership interests disclosed in its

petition based upon its review of the Commission's rules and that the interests disclosed satisfy each of the pertinent standards and criteria set forth in the rules.

(2) Multiple applicants and/or licensees shall file jointly the petition for declaratory ruling required by paragraph (a) of this section where the entities are under common control and contemporaneously hold, or are contemporaneously filing applications for, broadcast, common carrier licenses, common carrier spectrum leasing arrangements, or aeronautical en route or aeronautical fixed radio station licenses. Where joint petitioners have different responses to the information required by § 1.5001, such information should be set out separately for each joint petitioner, except as otherwise permitted in § 1.5001(h)(2).

(i) Each joint petitioner shall certify to the information contained in the petition in accordance with the provisions of § 1.16 with respect to the information that is pertinent to that petitioner. Alternatively, the controlling parent of the joint petitioners may certify to the information contained in the petition.

(ii) Where the petition is being filed in connection with an application for consent to transfer control of licenses or spectrum leasing arrangements, the transferee or its ultimate controlling parent may file the petition on behalf of the licensees or spectrum lessees that would be acquired as a result of the proposed transfer of control and certify to the information contained in the petition.

(3) Multiple applicants and licensees shall not be permitted to file a petition for declaratory ruling jointly unless they are under common control.

(d) The following definitions shall apply to this section and §§ 1.5001 through 1.5004.

Aeronautical radio licenses refers to aeronautical en route and aeronautical fixed radio station licenses only. It does not refer to other types of aeronautical radio station licenses.

Affiliate refers to any entity that is under common control with a licensee, defined by reference to the holder, directly and/or indirectly, of more than 50 percent of total voting power, where no other individual or entity has *de facto* control.

Control includes actual working control in whatever manner exercised and is not limited to majority stock ownership. Control also includes direct or indirect control, such as through intervening subsidiaries.

Controlling U.S. parent is the first controlling entity organized in the United States that is directly above the licensee(s) in the vertical chain of control and that does not itself hold a license subject to section 310(b).

Entity includes a partnership, association, estate, trust, corporation, limited liability company, governmental authority or other organization.

Group refers to two or more individuals or entities that have agreed to act together for the purpose of acquiring, holding, voting, or disposing of their equity and/or voting interests in the relevant licensee, controlling U.S. parent, or entity holding a direct and/or indirect equity and/or voting interest in the licensee or controlling U.S. parent.

Individual refers to a natural person as distinguished from a partnership, association, corporation, or other organization.

Licensee as used in §§ 1.5000 through 1.5004 includes a spectrum lessee as defined in § 1.9003.

Privately held company refers to a U.S.- or foreign-organized company that has not issued a class of equity securities for which beneficial ownership reporting is required by security holders and other beneficial owners under sections 13(d) or 13(g) of the Securities Exchange Act of 1934, as amended, 15 U.S.C. 78a et seq. (Exchange Act), and corresponding Exchange Act Rule 13d-1, 17 CFR 240.13d-1, or a substantially comparable foreign law or regulation.

Public company refers to a U.S.- or foreign-organized company that has issued a class of equity securities for which beneficial ownership reporting is required by security holders and other beneficial owners under sections 13(d) or 13(g) of the Securities Exchange Act of 1934, as amended, 15 U.S.C. 78a et seq. (Exchange Act) and corresponding Exchange Act Rule 13d-1, 17 CFR 240.13d-1, or a substantially comparable foreign law or regulation.

Subsidiary refers to any entity in which a licensee owns or controls, directly and/or indirectly, more than 50 percent of the total voting power of the outstanding voting stock of the entity, where no other individual or entity has *de facto* control.

Voting stock refers to an entity's corporate stock, partnership or membership interests, or other equivalents of corporate stock that, under ordinary circumstances, entitles the holders thereof to elect the entity's board of directors, management committee, or other equivalent of a corporate board of directors. *Would hold* as used in §§ 1.5000 through 1.5004 includes interests that an individual or entity proposes to hold in an applicant, licensee, or spectrum lessee, or their controlling U.S. parent, upon consummation of any transactions described in the petition for declaratory ruling filed under paragraphs (a)(1) or (2) of this section.

(e)(1) This section sets forth the methodology applicable to broadcast, common carrier, aeronautical en route, and aeronautical fixed radio station licensees and common carrier spectrum lessees that are, or are directly or indirectly controlled by, an eligible U.S. public company for purposes of monitoring the license's or spectrum lessee's compliance with the foreign ownership limits set forth in sections 310(b)(3) and 310(b)(4) of the Act and with the terms and conditions of a licensee's or spectrum lessee's foreign ownership ruling issued pursuant to paragraph (a)(1) or (2) of this section. For purposes of this section:

(i) An "eligible U.S. public company" is a company that is organized in the United States; whose stock is traded on a stock exchange in the United States; and that has issued a class of equity securities for which beneficial ownership reporting is required by security holders and other beneficial owners under sections 13(d) or 13(g) of the Securities Exchange Act of 1934, as amended, 15 U.S.C. 78a et seq. (Exchange Act) and corresponding Exchange Act Rule 13d–1, 17 CFR 240.13d–1;

(ii) A "beneficial owner" of a security refers to any person who, directly or indirectly, through any contract, arrangement, understanding, relationship, or otherwise has or shares voting power, which includes the power to vote, or to direct the voting of, such security; and

(iii) An "equity interest holder" refers to any person or entity that has the right to receive or the power to direct the receipt of dividends from, or the proceeds from the sale of, a share.

(2) An eligible U.S. public company shall use information that is known or reasonably should be known by the company in the ordinary course of business, as described in this paragraph, to identify the beneficial owners and equity interest holders of its voting and non-voting stock:

(i) Information recorded in the company's share register;

(ii) Information as to shares held by officers, directors, and employees;

(iii) Information reported to the Securities and Exchange Commission (SEC) in Schedule 13D (17 CFR 240.13d–101) and in Schedule 13G (17 CFR 240.13d–102), including amendments filed by or on behalf of a reporting person, and company specific information derived from SEC Form 13F (17 CFR 249.325);

(iv) Information as to beneficial owners of shares required to be identified in a company's annual reports (or proxy statements) and quarterly reports;

(v) Information as to the identify and citizenship of a beneficial owner and/or equity interest holder where such information is actually known to the public company as a result of shareholder litigation, financing transactions, and proxies voted at annual or other meetings; and

(vi) Information as to the identity and citizenship of a beneficial owner and/or equity interest holder where such information is actually known to the company by whatever source.

(3) An eligible U.S. public company shall use information that is known or reasonably should be known by the company in the ordinary course of business to determine the citizenship of the beneficial owners and equity interest holders, identified pursuant to paragraph (e)(2) of this section, including information recorded in the company's shareholder register, information required to be disclosed pursuant to rules of the Securities and Exchange Commission, other information that is publicly available to the company, and information received by the company through direct inquiries with the beneficial owners and equity interest holders where the company determines that direct inquiries are necessary to its compliance efforts.

(4) A licensee or spectrum lessee that is, or is directly or indirectly controlled by, an eligible U.S. public company, shall exercise due diligence in identifying and determining the citizenship of such public company's beneficial owners and equity interest holders.

(5) To calculate aggregate levels of foreign ownership, a licensee or spectrum lessee that is, or is directly or indirectly controlled by, an eligible U.S. public company, shall base its foreign ownership calculations on such public company's known or reasonably should be known foreign equity and voting interests as described in paragraphs (e)(2) and (3) of this section. The licensee shall aggregate the public company's known or reasonably should be known foreign voting interests and separately aggregate the public

company's known or reasonably should be known foreign equity interests. If the public company's known or reasonably should be known foreign voting interests and its known or reasonably should be known foreign equity interests do not exceed 25 percent (20 percent in the case of an eligible publicly traded licensee subject to section 310(b)(3)) of the company's total outstanding voting shares or 25 percent (20 percent in the case of an eligible publicly traded licensee subject to Section 310(b)(3)) of the company's total outstanding shares (whether voting or non-voting), respectively, the company shall be deemed compliant, under this section, with the applicable statutory limit.

(i) *Example*. Assume that a licensee's controlling U.S. parent is an eligible U.S. public company. The publicly traded controlling U.S. parent has one class of stock consisting of 100 total outstanding shares of common voting stock. The licensee (and/or the controlling U.S. parent on its behalf) has exercised the required due diligence in following the above-described methodology for identifying and determining the citizenship of the controlling U.S. parent's "known or reasonably should be known" interest holders and has identified one foreign shareholder that owns 6 shares (i.e., 6 percent of the total outstanding shares) and another foreign shareholder that owns 4 shares (i.e., 4 percent of the total outstanding shares). The licensee would add the controlling U.S. parent's known foreign shares and divide the sum by the number of the controlling U.S. parent's total outstanding shares. In this example, the licensee's controlling U.S. parent would be calculated as having an aggregate 10 percent foreign equity interests and 10 percent foreign voting interests (6 + 4 foreign shares = 10 foreign shares; 10 foreign shares divided by 100 total outstanding shares = 10 percent). Thus, in this example, the licensee would be deemed compliant with Section 310(b)(4).

(ii) [Reserved]

§ 1.5001 Contents of petitions for declaratory ruling under section 310(b) of the Communications Act of 1934, as amended.

The petition for declaratory ruling required by § 1.5000(a)(1) and/or (2) shall contain the following information:

(a) *Applicant or licensee information*. With respect to each petitioning applicant or licensee, provide its name; FCC Registration Number (FRN); mailing address; place of organization; telephone number; facsimile number (if available); electronic mail address (if available); type of business organization (e.g., corporation, unincorporated association, trust, general partnership, limited partnership, limited liability company, other (include description of legal entity)); name and title of officer certifying to the information contained in the petition.

(b) *Third party information*. If the petitioning applicant or licensee is represented by a third party (e.g., legal counsel), specify that individual's name, the name of the firm or company, mailing address and telephone number/electronic mail address.

(c) *Services covered*. (1) For each named licensee, list the type(s) of radio service authorized (e.g., broadcast service, cellular radio telephone service; microwave radio service; mobile satellite service; aeronautical fixed service). In the case of broadcast licensees, also list the call sign, facility identification number (if applicable), and community of license or transmit site for each authorization covered by the petition.

(2) If the petition is filed in connection with an application for a radio station license or a spectrum leasing arrangement, or an application to acquire a license or spectrum leasing arrangement by assignment or transfer of control, specify for each named applicant:

(i) The File No(s). of the associated application(s), if available at the time the petition is filed; otherwise, specify the anticipated filing date for each application; and

(ii) The type(s) of radio services covered by each application (e.g., broadcast service, cellular radio telephone service; microwave radio service; mobile satellite service; aeronautical fixed service).

(d) *Type of Declaratory Ruling*. With respect to each petitioner, include a statement as to whether the petitioner is requesting a declaratory ruling under § 1.5000(a)(1) and/or (2).

(e) *Disclosable interest holders—direct U.S. or foreign interests in the controlling U.S. parent*. Paragraphs (e)(1) through (4) of this section apply only to petitions filed under § 1.5000(a)(1) and/or (2) for common carrier, aeronautical en route, and aeronautical fixed radio station applicants or licensees, as applicable. Petitions filed under § 1.5000(a)(1) for broadcast licensees shall provide the name of any

individual or entity that holds, or would hold, directly, an attributable interest in the controlling U.S. parent of the petitioning broadcast station applicant(s) or licensee(s), as defined in the Notes to § 73.3555 of this chapter. Where no individual or entity holds, or would hold, directly, an attributable interest in the controlling U.S. parent (for petitions filed under § 1.5000(a)(1)), the petition shall specify that no individual or entity holds, or would hold, directly, an attributable interest in the controlling U.S. parent, applicant(s), or licensee(s).

(1) *Direct U.S. or foreign interests of ten percent or more or a controlling interest*. With respect to petitions filed under § 1.5000(a)(1), provide the name of any individual or entity that holds, or would hold, directly 10 percent or more of the equity interests and/or voting interests, or a controlling interest, in the controlling U.S. parent of the petitioning common carrier or aeronautical radio station applicant(s) or licensee(s) as specified in paragraphs (e)(4)(i) through (iv) of this section.

(2) *Direct U.S. or foreign interests of ten percent or more or a controlling interest*. With respect to petitions filed under § 1.5000(a)(2), provide the name of any individual or entity that holds, or would hold, directly 10 percent or more of the equity interests and/or voting interests, or a controlling interest, in each petitioning common carrier applicant or licensee as specified in paragraphs (e)(4)(i) through (iv) of this section.

(3) Where no individual or entity holds, or would hold, directly 10 percent or more of the equity interests and/or voting interests, or a controlling interest, in the controlling U.S. parent (for petitions filed under § 1.5000(a)(1)) or in the applicant or licensee (for petitions filed under § 1.5000(a)(2)), the petition shall state that no individual or entity holds or would hold directly 10 percent or more of the equity interests and/or voting interests, or a controlling interest, in the controlling U.S. parent, applicant or licensee.

(4)(i) Where a controlling U.S. parent, applicant, or licensee is organized as a corporation, provide the name of any individual or entity that holds, or would hold, 10 percent or more of the outstanding capital stock and/or voting stock, or a controlling interest.

(ii) Where a controlling U.S. parent, applicant, or licensee is organized as a general partnership, provide the names of the partnership's constituent general partners.

(iii) Where a controlling U.S. parent, applicant, or licensee is organized as a limited partnership or limited liability partnership, provide the name(s) of the general partner(s) (in the case of a limited partnership), any uninsulated partner, regardless of its equity interest, and any insulated partner with an equity interest in the partnership of at least 10 percent (calculated according to the percentage of the partner's capital contribution). With respect to each named partner (other than a named general partner), the petitioner shall state whether the partnership interest is insulated or uninsulated, based on the insulation criteria specified in § 1.5003.

(iv) Where a controlling U.S. parent, applicant, or licensee is organized as a limited liability company, provide the name(s) of each uninsulated member, regardless of its equity interest, any insulated member with an equity interest of at least 10 percent (calculated according to the percentage of its capital contribution), and any non-equity manager(s). With respect to each named member, the petitioner shall state whether the interest is insulated or uninsulated, based on the insulation criteria specified in § 1.5003, and whether the member is a manager.

(5) With respect to trusts holding equity and/or voting or controlling interests in the petitioner, applicant/licensee, a non-controlling intervening U.S. entity, or the controlling U.S. parent, provide the name(s) of the trustee(s) regardless of the amount of equity and/or voting or controlling interests.

(6) The Commission presumes that a general partner of a general partnership or limited partnership has a controlling (100 percent) voting interest in the partnership. A general partner shall in all cases be deemed to hold an uninsulated interest in the partnership.

(f) *Disclosable interest holders — indirect U.S. or foreign interests in the controlling U.S. parent*. Paragraphs (f)(1) through (3) of this section apply only to petitions filed under § 1.5000(a)(1) and/or § 1.5000(a)(2) for common carrier, aeronautical en route, and aeronautical fixed radio station applicants or licensees, as applicable. Petitions filed under § 1.5000(a)(1) for broadcast licensees shall provide the name of any individual or entity that holds, or would hold, indirectly, an attributable interest in the controlling U.S. parent of the petitioning broadcast station applicant(s) or licensee(s), as defined in the Notes to § 73.3555 of this chapter. Where no individual or entity holds, or would hold, indirectly, an attributable interest in the controlling U.S. parent (for petitions filed under § 1.5000(a)(1)), the petition

shall specify that no individual or entity holds, or would hold, indirectly, an attributable interest in the controlling U.S. parent, applicant(s), or licensee(s).

(1) *Indirect U.S. or foreign interests of 10 percent or more or a controlling interest*. With respect to petitions filed under § 1.5000(a)(1), provide the name of any individual or entity that holds, or would hold, indirectly, through one or more intervening entities, 10 percent or more of the equity interests and/or voting interests, or a controlling interest, in the controlling U.S. parent of the petitioning common carrier or aeronautical radio station applicant(s) or licensee(s). Equity interests and voting interests held indirectly shall be calculated in accordance with the principles set forth in § 1.5002.

(2) *Indirect U.S. or foreign interests of 10 percent or more or a controlling interest*. With respect to petitions filed under § 1.5000(a)(2), provide the name of any individual or entity that holds, or would hold, indirectly, through one or more intervening entities, 10 percent or more of the equity interests and/or voting interests, or a controlling interest, in the petitioning common carrier radio station applicant(s) or licensee(s). Equity interests and voting interests held indirectly shall be calculated in accordance with the principles set forth in § 1.5002.

(3) Where no individual or entity holds, or would hold, indirectly 10 percent or more of the equity interests and/or voting interests, or a controlling interest, in the controlling U.S. parent (for petitions filed under § 1.5000(a)(1)) or in the petitioning applicant(s) or licensee(s) (for petitions filed under § 1.5000(a)(2)), the petition shall specify that no individual or entity holds indirectly 10 percent or more of the equity interests and/or voting interests, or a controlling interest, in the controlling U.S. parent, applicant(s), or licensee(s).

(4) With respect to trusts, provide the name(s) of the trustee(s) of the trust regardless of the trustee(s)' equity interests and/or voting interests, or a controlling interest in the petitioner or applicant/licensee, or any interest in a non-controlling intervening U.S. entity, or the controlling U.S. parent.

(5) The Commission presumes that a general partner of a general partnership or limited partnership has a controlling interest in the partnership. A general partner shall in all cases be deemed to hold an uninsulated interest in the partnership.

(g) *Citizenship and other information*— (1) *Citizenship and other information for disclosable interests in common carrier, aeronautical en route, and aeronautical fixed radio station applicants and licensees*. For each 10 percent interest holder named in response to paragraphs (e) and (f) of this section, specify the equity interest held and the voting interest held (each to the nearest one percent); in the case of an individual, his or her citizenship; and in the case of a business organization, its place of organization, type of business organization (e.g., corporation, unincorporated association, trust, general partnership, limited partnership, limited liability company, other (include description of legal entity)), and principal business(es).

(2) *Citizenship and other information for disclosable interests in broadcast station applicants and licensees*. For each attributable interest holder named in response to paragraphs (e) and (f) of this section, describe the nature of the attributable interest and, if applicable, specify the equity interest held and the voting interest held (each to the nearest one percent); in the case of an individual, his or her citizenship; and in the case of a business organization, its place of organization, type of business organization (e.g., corporation, unincorporated association, trust, general partnership, limited partnership, limited liability company, other legal entity (include description)), and a description of the principal business(es).

(h) *Ownership information*— (1) *Estimate of aggregate foreign ownership*. For petitions filed under § 1.5000(a)(1), attach an exhibit that provides a percentage estimate of the controlling U.S. parent's aggregate direct and/or indirect foreign equity interests and its aggregate direct and/or indirect foreign voting interests. For petitions filed under § 1.5000(a)(2), attach an exhibit that provides a percentage estimate of the aggregate foreign equity interests and aggregate foreign voting interests held directly in the petitioning applicant(s) and/or licensee(s), if any, and the aggregate foreign equity interests and aggregate foreign voting interests held indirectly in the petitioning applicant(s) and/or licensee(s). The exhibit required by this paragraph must also provide a general description of the methods used to determine the percentages, and a statement addressing the circumstances that prompted the filing of the petition and demonstrating that the public interest would be served by grant of the petition.

(2) *Ownership and control structure*. Attach an exhibit that describes the ownership and control structure of the applicant(s) and/or licensee(s) that are the subject of the petition, including an ownership diagram

and identification of the real party-in-interest disclosed in any companion applications. The ownership diagram should illustrate the petitioner's vertical ownership structure, including the controlling U.S. parent named in the petition (for petitions filed under § 1.5000(a)(1)) and either:

(i) For common carrier, aeronautical en route, and aeronautical fixed radio station applicants and licensees, the direct and indirect ownership (equity and voting) interests held by the individual(s) and/or entity(ies) named in response to paragraphs (e) and (f) of this section; or

(ii) For broadcast station applicants and licensees, the attributable interest holders named in response to paragraphs (e) and (f) of this section. Each such individual or entity shall be depicted in the ownership diagram and all controlling interests labeled as such. Where the petition includes multiple petitioners, the ownership of all petitioners may be depicted in a single ownership diagram or in multiple diagrams.

(i) *Requests for specific approval*. Provide, as required or permitted by this paragraph, the name of each foreign individual and/or entity for which each petitioner requests specific approval, if any, and the respective percentages of equity and/or voting interests (to the nearest one percent) that each such foreign individual or entity holds, or would hold, directly and/or indirectly, in the controlling U.S. parent of the petitioning broadcast, common carrier or aeronautical radio station applicant(s) or licensee(s) for petitions filed under § 1.5000(a)(1), and in each petitioning common carrier applicant or licensee for petitions filed under § 1.5000(a)(2).

(1) Each petitioning broadcast, common carrier or aeronautical radio station applicant or licensee filing under § 1.5000(a)(1) shall identify and request specific approval for any foreign individual, entity, or group of such individuals or entities that holds, or would hold, directly and/or indirectly, more than 5 percent of the equity and/or voting interests, or a controlling interest, in the petitioner's controlling U.S. parent unless the foreign investment is exempt under paragraph (i)(3) of this section. Equity and voting interests held indirectly in the petitioner's controlling U.S. parent shall be calculated in accordance with the principles set forth in §§ 1.5002 and 1.5003. Equity and voting interests held directly in a petitioner's controlling U.S. parent that is organized as a partnership or limited liability company shall be calculated in accordance with paragraph (i)(4)(ii)(C)(*1*) of this section.

(2) Solely for the purpose of identifying foreign interests that require specific approval under this paragraph (i), broadcast station applicants and licensees filing petitions under § 1.5000(a)(1) should calculate equity and voting interests in accordance with the principles set forth in §§ 1.5002 and 1.5003 and *not* as set forth in the Notes to § 73.3555 of this chapter, to the extent that there are any differences in such calculation methods. Notwithstanding the foregoing, the insulation of limited partnership, limited liability partnership, and limited liability company interests for broadcast applicants and licensees *shall* be determined in accordance with Note 2(f) of § 73.3555 of this chapter.

(3) Each petitioning common carrier radio station applicant or licensee filing under § 1.5000(a)(2) shall identify and request specific approval for any foreign individual, entity, or group of such individuals or entities that holds, or would hold, directly, and/or indirectly through one or more intervening U.S.-organized entities that do not control the applicant or licensee, more than 5 percent of the equity and/or voting interests in the applicant or licensee unless the foreign investment is exempt under paragraph (i)(3) of this section. Equity and voting interests held indirectly in the applicant or licensee shall be calculated in accordance with the principles set forth in §§ 1.5002 and 1.5003. Equity and voting interests held directly in an applicant or licensee that is organized as a partnership or limited liability company shall be calculated in accordance with paragraph (i)(4)(ii)(C)(*1*) of this section.

(i) Certain foreign interests of 5 percent or less may require specific approval under paragraphs (i)(1) and (2). See paragraph (i)(4)(ii)(C)(*2*) of this section.

(ii) Two or more individuals or entities will be treated as a "group" when they have agreed to act together for the purpose of acquiring, holding, voting, or disposing of their equity and/or voting interests in the licensee and/or controlling U.S. parent of the licensee or in any intermediate company(ies) through which any of the individuals or entities holds its interests in the licensee and/or controlling U.S. parent of the licensee.

(iii) *Example*. Assume a common carrier ("Petitioner") is preparing a petition for declaratory ruling to request Commission approval for foreign ownership of its controlling U.S. parent to exceed the 25 percent benchmarks in section 310(b)(4) of the Act and section 1.5000(a)(1) of the Commission's rules. The Petitioner identifies that Trust A, a U.S. entity, will indirectly hold 40 percent equity and voting

interests in the Petitioner's controlling U.S. parent. Trust A has three trustees, each with equal interests in the trust, one of which is a foreign citizen. None of the trustees have a controlling interest in the trust. In such a case, the Applicant must disclose all the name(s) of the trustees to Trust A and provide the information required under section 1.5001(e) for each trustee. Pursuant to section 1.5001(i), if the foreign trustee(s) holds or will hold more than five percent equity and/or voting interests, as is the case in this example, the trustee(s) must request specific approval for its equity and/or voting interests in the Applicant's controlling U.S. parent prior to its interests exceeding five percent.

(4) A foreign investment is exempt from the specific approval requirements of paragraphs (i)(1) and (2) of this section where:

(i) The foreign individual or entity holds, or would hold, directly and/or indirectly, no more than 10 percent of the equity and/or voting interests of the controlling U.S. parent (for petitions filed under § 1.5000(a)(1)) or the petitioning applicant or licensee (for petitions filed under § 1.5000(a)(2)); and

(ii) The foreign individual or entity does not hold, and would not hold, a controlling interest in the petitioner or any controlling parent company, does not plan or intend to change or influence control of the petitioner or any controlling parent company, does not possess or develop any such purpose, and does not take any action having such purpose or effect. The Commission will presume, in the absence of evidence to the contrary, that the following interests satisfy this criterion for exemption from the specific approval requirements in paragraphs (i)(1) and (2) of this section:

(A) Where the petitioning applicant or licensee, controlling U.S. parent, or entity holding a direct or indirect equity and/or voting interest in the applicant/licensee or controlling U.S. parent is a "public company," as defined in § 1.5000(d), provided that the foreign holder is an institutional investor that is eligible to report its beneficial ownership interests in the company's voting, equity securities in excess of 5 percent (not to exceed 10 percent) pursuant to Exchange Act Rule 13d-1(b), 17 CFR 240.13d-1(b), or a substantially comparable foreign law or regulation. This presumption shall not apply if the foreign individual, entity or group holding such interests is obligated to report its holdings in the company pursuant to Exchange Act Rule 13d-1(a), 17 CFR 240.13d-1(a), or a substantially comparable foreign law or regulation.

(*1*) *Example*. Common carrier applicant ("Applicant") is preparing a petition for declaratory ruling to request Commission approval for foreign ownership of its controlling U.S. parent to exceed the 25 percent benchmarks in section 310(b)(4) of the Act. Applicant does not currently hold any FCC licenses. Shares of controlling U.S. parent trade publicly on the New York Stock Exchange. Based on a review of its shareholder records, controlling U.S. parent has determined that its aggregate foreign ownership on any given day may exceed an aggregate 25 percent, including a 6 percent common stock interest held by a foreign-organized mutual fund ("Foreign Fund"). Controlling U.S. parent has confirmed that Foreign Fund is not currently required to report its interest pursuant to Exchange Act Rule 13d-1(a) and instead is eligible to report its interest pursuant to Exchange Act Rule 13d-1(b). Controlling U.S. parent also has confirmed that Foreign Fund does not hold any other interests in controlling U.S. parent's equity securities, whether of a class of voting or non-voting securities. Applicant may, but is not required to, request specific approval of Foreign Fund's 6 percent interest in controlling U.S. parent.

(*2*) Where an institutional investor holds voting, equity securities that are subject to reporting under Exchange Act Rule 13d-1, 17 CFR 240.13d-1, or a substantially comparable foreign law or regulation, in addition to equity securities that are not subject to such reporting, the investor's total capital stock interests may be aggregated and treated as exempt from the 5 percent specific approval requirement in paragraphs (i)(1) and (2) of this section so long as the aggregate amount of the institutional investor's holdings does not exceed 10 percent of the company's total capital stock or voting rights and the investor is eligible to certify under Exchange Act Rule 13d-1(b), 17 CFR 240.13d-1(b), or a substantially comparable foreign law or regulation that it has acquired its capital stock interests in the ordinary course of business and not with the purpose nor with the effect of changing or influencing the control of the company. In calculating foreign equity and voting interests, the Commission does not consider convertible interests such as options, warrants and convertible debentures until converted, unless specifically requested by the petitioner, i.e., where the petitioner is requesting approval so those rights can be exercised in a particular case without further Commission approval.

(B) Where the petitioning applicant or licensee, controlling U.S. parent, or entity holding a direct and/or indirect equity and/or voting interest in the applicant/licensee or controlling U.S. parent is a "privately

held" corporation, as defined in § 1.5000(d), provided that a shareholders' agreement, or similar voting agreement, prohibits the foreign holder from becoming actively involved in the management or operation of the corporation and limits the foreign holder's voting and consent rights, if any, to the minority shareholder protections listed in paragraph (i)(6) of this section.

(C) Where the petitioning applicant or licensee, controlling U.S. parent, or entity holding a direct and/or indirect equity and/or voting interest in the licensee or controlling U.S. parent is "privately held," as defined in § 1.5000(d), and is organized as a limited partnership, limited liability company ("LLC"), or limited liability partnership ("LLP"), provided that the foreign holder is "insulated" in accordance with the criteria specified in § 1.5003.

(*1*) For purposes of identifying foreign interests that require specific approval, where the petitioning applicant, licensee, or controlling U.S. parent is itself organized as a partnership or LLC, a general partner, uninsulated limited partner, uninsulated LLC member, and non-member LLC manager shall be deemed to hold a controlling (100 percent) voting interest in the applicant, licensee, or controlling U.S. parent.

(*2*) For purposes of identifying foreign interests that require specific approval, where interests are held indirectly in the petitioning applicant, licensee, or controlling U.S. parent through one or more intervening partnerships or LLCs, a general partner, uninsulated limited partner, uninsulated LLC members, and non-member LLC managers shall be deemed to hold the same voting interest as the partnership or LLC holds in the company situated in the next lower tier of the petitioner's vertical ownership chain and, ultimately, the same voting interest as the partnership or LLC is calculated as holding in the controlling U.S. parent (for petitions filed under § 1.5000(a)(1)) or in the applicant or licensee (for petitions filed under § 1.5000(a)(2)). See § 1.5002(b)(2)(ii)(A) and (b)(2)(iii)(A). Where a limited partner or LLC member is insulated, the limited partner's or LLC member's voting interest in the controlling U.S. parent (for petitions filed under § 1.5000(a)(1)), or in the applicant or licensee (for petitions filed under § 1.5000(a)(2)) is calculated as equal to the limited partner's or LLC member's equity interest in the controlling U.S. parent or in the applicant or licensee, respectively. See § 1.5002(b)(2)(ii)(B) and (b)(2)(iii)(B). Thus, depending on the particular ownership structure presented in the petition, a foreign

general partner, uninsulated limited partner, LLC member, or non-member LLC manager of an intervening partnership or LLC may be deemed to hold an indirect voting interest in the controlling U.S. parent or in the petitioning applicant or licensee that requires specific approval because the voting interest exceeds the 5 percent amount specified in paragraphs (i)(1) and (2) of this section and, unless the voting interest is otherwise insulated at a lower tier of the petitioner's vertical ownership chain, the voting interest would not qualify as exempt from specific approval under this paragraph (i)(4)(ii)(C) even in circumstances where the voting interest does not exceed 10 percent.

(*3*) A finding that a foreign individual or entity is deemed to hold a 100 percent voting interest in the controlling U.S. parent for purposes of § 1.5001(i)(4)(ii)(C)(*1*) or a 50 percent or greater voting interest in the controlling U.S. parent pursuant to §1.5001(i)(4)(ii)(C)(*2*), does not indicate that the interest constitutes *de jure* control for purposes of compliance with Section 310(d) of the Act.

(5) A petitioner may, but is not required to, request specific approval for any other foreign individual or entity that holds, or would hold, a direct and/or indirect equity and/or voting interest in the controlling U.S. parent (for petitions filed under § 1.5000(a)(1)) or in the petitioning applicant or licensee (for petitions filed under § 1.5000(a)(2)).

(6) The minority shareholder protections referenced in paragraph (i)(3)(ii)(B) of this section consist of the following rights:

(i) The power to prevent the sale or pledge of all or substantially all of the assets of the corporation or a voluntary filing for bankruptcy or liquidation;

(ii) The power to prevent the corporation from entering into contracts with majority shareholders or their affiliates;

(iii) The power to prevent the corporation from guaranteeing the obligations of majority shareholders or their affiliates;

(iv) The power to purchase an additional interest in the corporation to prevent the dilution of the shareholder's pro rata interest in the event that the corporation issues additional instruments conveying shares in the company;

(v) The power to prevent the change of existing legal rights or preferences of the shareholders, as provided in the charter, by-laws or other operative governance documents;

(vi) The power to prevent the amendment of the charter, by-laws or other operative governance documents of the company with respect to the matters described in paragraph (i)(6)(i) through (v) of this section.

(7) The Commission reserves the right to consider, on a case-by-case basis, whether voting or consent rights over matters other than those listed in paragraph (i)(6) of this section shall be considered permissible minority shareholder protections in a particular case.

(j) *Specific approval information*. For each foreign individual or entity named in response to paragraph (i) of this section, provide the following information:

(1) In the case of an individual, his or her citizenship and principal business(es);

(2) In the case of a business organization:

(i) Its place of organization, type of business organization (e.g., corporation, unincorporated association, trust, general partnership, limited partnership, limited liability company,

other legal entity (include description)), and a description of the principal business(es);

(ii)(A) For common carrier, aeronautical en route, and aeronautical fixed radio station applicants and licensees, the name of any individual or entity that holds, or would hold, directly and/or indirectly, through one or more intervening entities, 10 percent or more of the equity interests and/or voting interests, or a controlling interest, in the foreign entity for which the petitioner requests specific approval. Specify for each such interest holder, his or her citizenship (for individuals) or place of legal organization (for entities). Equity interests and voting interests held indirectly shall be calculated in accordance with the principles set forth in § 1.5002.

(B) For broadcast applicants and licensees, the name of any individual or entity that holds, or would hold, directly and/or indirectly, through one or more intervening entities, an attributable interest in the foreign entity for which the petitioner requests specific approval. Specify for each such interest holder, his or her citizenship (for individuals) or place of legal organization (for entities). Attributable interests shall be calculated in accordance with the principles set forth in the Notes to § 73.3555 of this chapter.

(iii)(A) For common carrier, aeronautical en route, and aeronautical fixed radio station applicants and licensees, where no individual or entity holds, or would hold, directly and/or indirectly, 10 percent or more of the equity interests and/or voting interests, or a controlling interest, the petition shall specify that no individual or entity holds, or would hold, directly and/or indirectly, 10 percent or more of the equity interests and/or voting interests, or a controlling interest, in the foreign entity for which the petitioner requests specific approval.

(B) For broadcast applicants and licensees, where no individual or entity holds, or would hold, directly and/or indirectly, an attributable interest in the foreign entity, the petition shall specify that no individual or entity holds, or would hold, directly and/or indirectly, an attributable interest in the foreign entity for which the petitioner requests specific approval.

(k) *Requests for advance approval*. The petitioner may, but is not required to, request advance approval in its petition for any foreign individual or entity named in response to paragraph (i) of this section to increase its direct and/or indirect equity and/or voting interests in the controlling U.S. parent of the broadcast, common carrier or aeronautical radio station licensee, for petitions filed under § 1.5000(a)(1), and/or in the common carrier licensee, for petitions filed under § 1.5000(a)(2), above the percentages specified in response to paragraph (i) of this section. Requests for advance approval shall be made as follows:

(1) *Petitions filed under § 1.5000(a)(1)*. Where a foreign individual or entity named in response to paragraph (i) of this section holds, or would hold upon consummation of any transactions described in the petition, a *de jure* or *de facto* controlling interest in the controlling U.S. parent, the petitioner may request advance approval in its petition for the foreign individual or entity to increase its interests, at some future time, up to any amount, including 100 percent of the direct and/or indirect equity and/or voting interests in the controlling U.S. parent. The petitioner shall specify for the named controlling foreign individual(s) or entity(ies) the maximum percentages of equity and/or voting interests for which advance approval is sought or, in lieu of a specific amount, state that the petitioner requests advance approval for the named controlling foreign individual or entity to increase its interests up to and including 100 percent of the controlling U.S. parent's direct and/or indirect equity and/or voting interests.

(2) *Petitions filed under § 1.5000(a)(1) and/or (2).* Where a foreign individual or entity named in response to paragraph (i) of this section holds, or would hold upon consummation of any transactions described in the petition, a non-controlling interest in the controlling U.S. parent of the licensee, for petitions filed under § 1.5000(a)(1), or in the licensee, for petitions filed under § 1.5000(a)(2), the petitioner may request advance approval in its petition for the foreign individual or entity to increase its interests, at some future time, up to any non-controlling amount not to exceed 49.99 percent. The petitioner shall specify for the named foreign individual(s) or entity(ies) the maximum percentages of equity and/or voting interests for which advance approval is sought or, in lieu of a specific amount, shall state that the petitioner requests advance approval for the named foreign individual(s) or entity(ies) to increase their interests up to and including a non-controlling 49.99 percent equity and/or voting interest in the licensee, for petitions filed under § 1.5000(a)(2), or in the controlling U.S. parent of the licensee, for petitions filed under § 1.5000(a)(1).

(3) Foreign individuals or entities that are deemed to hold 100 percent voting interest pursuant to § 1.5001(i)(4)(ii)(C)(*1*) or a 50 percent or greater voting interest in the controlling U.S. parent pursuant to § 1.5001(i)(4)(ii)(C)(*2*), but do not have *de jure* or *de facto control* of the controlling U.S. parent, may request advance approval in the petition for declaratory ruling for the foreign individual or entity to increase its interests, at some future time, up to any non-controlling amount not to exceed 49.99 percent.

(l) Each applicant, licensee, or spectrum lessee filing a petition for declaratory ruling shall certify to the information contained in the petition in accordance with the provisions of § 1.16 and the requirements of § 1.5000(c)(1).

(m) *Submission of petition and responses to standard questions to the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector*. For each petition subject to a referral to the executive branch pursuant to § 1.40001, the petitioner must submit:

(1) Responses to standard questions, prior to or at the same time the petitioner files its petition with the Commission, pursuant to subpart CC of this part, directly to the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector (Committee). The standard questions and instructions for submitting the responses are available on the FCC website. The required

information shall be submitted separately from the petition and shall be submitted directly to the Committee.

(2) A complete and unredacted copy of its FCC petition(s), including the file number(s) and docket number(s), to the Committee within three (3) business days of filing it with the Commission. The instructions for submitting a copy of the FCC petition(s) to the Committee are available on the FCC website.

(n) *Certifications*. (1) Broadcast applicants and licensees shall make the following certifications by which they agree:

(i) To 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;

(ii)(A) That the petitioner is responsible for the continuing accuracy and completeness of all information submitted, whether at the time of submission of the petition or subsequently in response to either the Commission or the Committee's request, as required in § 1.65(a), and that the petitioner agrees to inform the Commission and the Committee of any substantial and significant changes while a petition is pending; and

(B) After the petition is no longer pending for purposes of § 1.65, the petitioner must notify the Commission and the Committee of any changes in petitioner information and/or contact information promptly, and in any event within thirty (30) days; and

(iii) That the petitioner understands that if the petitioner or an applicant or licensee covered by the declaratory ruling fails to fulfill any of the conditions and obligations in the certifications set out in paragraph (n)(1) of this section or in the grant of an application, petition, license, or authorization associated with the declaratory ruling and/or that if the information provided to the United States Government is materially false, fictitious, or fraudulent, the petitioner, applicants, and licensees may be subject to all remedies available to the United States Government, including but not limited to revocation and/or termination of the Commission's declaratory ruling, authorization or license, and criminal and civil penalties, including penalties under 18 U.S.C. 1001.

(2) Common carrier applicants, licensees, or spectrum lessees shall make the following certifications by which they agree:

(i) To comply with all applicable Communications Assistance for Law Enforcement Act (CALEA) requirements and related rules and regulations, including any and all FCC orders and opinions governing the application of CALEA, pursuant to the Communications Assistance for Law Enforcement Act and the Commission's rules and regulations in subpart Z of this part;

(ii) To 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;

(iii) To 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;

(iv)(A) That the petitioner is responsible for the continuing accuracy and completeness of all information submitted, whether at the time of submission of the petition or subsequently in response to either the Commission or the Committee's request, as required in § 1.65(a), and that the petitioner agrees to inform the Commission and the Committee of any substantial and significant changes while a petition is pending; and

(B) After the petition is no longer pending for purposes of § 1.65 of the rules, the petitioner must notify the Commission and the Committee of any changes in petitioner information and/or contact information promptly, and in any event within thirty (30) days; and

(v) That the petitioner understands that if the petitioner or an applicant or licensee covered by the declaratory ruling fails to fulfill any of the conditions and obligations set forth in the certifications set out in paragraph (n)(2) of this section or in the grant of an application, petition, license, or authorization associated with this declaratory ruling and/or that if the information provided to the United States

Government is materially false, fictitious, or fraudulent, the petitioner, applicants, and licensees may be subject to all remedies available to the United States Government, including but not limited to revocation and/or termination of the Commission's declaratory ruling, authorization or license, and criminal and civil penalties, including penalties under 18 U.S.C. 1001.

§ 1.5002 How to calculate indirect equity and voting interests.

(a) The criteria specified in this section shall be used for purposes of calculating indirect equity and voting interests under § 1.5001.

(b) *Indirect equity and voting interests*— (1) *Equity interests held indirectly in the licensee and/or controlling U.S. parent*. Equity interests that are held by an individual or entity indirectly through one or more intervening entities shall be calculated by successive multiplication of the equity percentages for each link in the vertical ownership chain, regardless of whether any particular link in the chain represents a controlling interest in the company positioned in the next lower tier.

(i) *Example (for rulings issued under § 1.5000(a)(1))*. Assume that a foreign individual holds a non-controlling 30 percent equity and voting interest in U.S.-organized Corporation A which, in turn, holds a non-controlling 40 percent equity and voting interest in U.S.-organized Parent Corporation B. The foreign individual's equity interest in U.S.-organized Parent Corporation B would be calculated by multiplying the foreign individual's equity interest in U.S.-organized Corporation A by that entity's equity interest in U.S.-organized Parent Corporation B. The foreign individual's equity interest in U.S.-organized Parent Corporation B would be calculated as 12 percent (30% × 40% = 12%). The result would be the same even if U.S.-organized Corporation A held a *de facto* controlling interest in U.S.-organized Parent Corporation B.

(ii) [Reserved]

(2) *Voting interests held indirectly in the licensee and/or controlling U.S. parent*. Voting interests that are held by any individual or entity indirectly through one or more intervening entities will be determined depending upon the type of business organization(s) in which the individual or entity holds a voting interest as follows:

(i) Voting interests that are held through one or more intervening corporations shall be calculated by successive multiplication of the voting percentages for each link in the vertical ownership chain, except that wherever the voting interest for any link in the chain is equal to or exceeds 50 percent or represents actual control, it shall be treated as if it were a 100 percent interest.

(A) Example (for rulings issued under § 1.5000(a)(1)). Assume that a foreign individual holds a non-controlling 30 percent equity and voting interest in U.S.-organized Corporation A which, in turn, holds a *controlling* 70 percent equity and voting interest in U.S.-organized Parent Corporation B. Because U.S.-organized Corporation A's 70 percent voting interest in U.S.-organized Parent Corporation B constitutes a *controlling* interest, it is treated as a 100 percent interest. The foreign individual's 30 percent voting interest in U.S.-organized Corporation A would flow through in its entirety to U.S. Parent Corporation B and thus be calculated as 30 percent (30% × 100% = 30%).

(B) [Reserved]

(ii) Voting interests that are held through one or more intervening partnerships shall be calculated depending upon whether the individual or entity holds a general partnership interest, an uninsulated partnership interest, or an insulated partnership interest as specified in paragraphs (b)(2)(ii)(A) and (B) of this section.

(A) *General partnership and other uninsulated partnership interests*. A general partner and uninsulated partner shall be deemed to hold the same voting interest as the partnership holds in the company situated in the next lower tier of the vertical ownership chain. A partner shall be treated as uninsulated unless the limited partnership agreement, limited liability partnership agreement, or other operative agreement satisfies the insulation criteria specified in § 1.5003.

(B) *Insulated partnership interests*. A partner of a limited partnership (other than a general partner) or partner of a limited liability partnership that satisfies the insulation criteria specified in § 1.5003 shall be treated as an insulated partner and shall be deemed to hold a voting interest in the partnership that is equal to the partner's equity interest.

(C) The Commission presumes that a general partner of a general partnership or limited partnership has a controlling interest in the partnership. A general partner shall in all cases be deemed to hold an uninsulated interest in the partnership.

(iii) Voting interests that are held through one or more intervening limited liability companies shall be calculated depending upon whether the individual or entity is a non-member manager, an uninsulated member or an insulated member as specified in paragraphs (b)(2)(iii)(A) and (B) of this section.

(A) *Non-member managers and uninsulated membership interests*. A non-member manager and an uninsulated member of a limited liability company shall be deemed to hold the same voting interest as the limited liability company holds in the company situated in the next lower tier of the vertical ownership chain. A member shall be treated as uninsulated unless the limited liability company agreement satisfies the insulation criteria specified in § 1.5003.

(B) *Insulated membership interests*. A member of a limited liability company that satisfies the insulation criteria specified in § 1.5003 shall be treated as an insulated member and shall be deemed to hold a voting interest in the limited liability company that is equal to the member's equity interest.

§ 1.5003 Insulation criteria for interests in limited partnerships, limited liability partnerships, and limited liability companies.

(a) A limited partner of a limited partnership and a partner of a limited liability partnership shall be treated as uninsulated within the meaning of § 1.5002(b)(2)(ii)(A) unless the partner is prohibited by the limited partnership agreement, limited liability partnership agreement, or other operative agreement from, and in fact is not engaged in, active involvement in the management or operation of the partnership and only the usual and customary investor protections are contained in the partnership agreement or other operative agreement. These criteria apply to any relevant limited partnership or limited liability partnership, whether it is the licensee, a controlling U.S. parent, or any partnership situated above them in the vertical chain of ownership. Notwithstanding the foregoing, the insulation of limited partnership and limited liability partnership interests for broadcast applicants and licensees shall be determined in accordance with Note 2(f) of § 73.3555 of this chapter.

(b) A member of a limited liability company shall be treated as uninsulated for purposes of § 1.5002(b)(2)(iii)(A) unless the member is prohibited by the limited liability company agreement from, and in fact is not engaged in, active involvement in the management or operation of the company and only the usual and customary investor protections are contained in the agreement. These criteria apply to any relevant limited liability company, whether it is the licensee, a controlling U.S. parent, or any limited liability company situated above them in the vertical chain of ownership. Notwithstanding the foregoing, the insulation of limited liability company interests for broadcast applicants and licensees shall be determined in accordance with Note 2(f) of § 73.3555 of this chapter.

(c) The usual and customary investor protections referred to in paragraphs (a) and (b) of this section shall consist of:

(1) The power to prevent the sale or pledge of all or substantially all of the assets of the limited partnership, limited liability partnership, or limited liability company or a voluntary filing for bankruptcy or liquidation;

(2) The power to prevent the limited partnership, limited liability partnership, or limited liability company from entering into contracts with majority investors or their affiliates;

(3) The power to prevent the limited partnership, limited liability partnership, or limited liability company from guaranteeing the obligations of majority investors or their affiliates;

(4) The power to purchase an additional interest in the limited partnership, limited liability partnership, or limited liability company to prevent the dilution of the partner's or member's pro rata interest in the event that the limited partnership, limited liability partnership, or limited liability company issues additional instruments conveying interests in the partnership or company;

(5) The power to prevent the change of existing legal rights or preferences of the partners, members, or managers as provided in the limited partnership agreement, limited liability partnership agreement, or limited liability company agreement, or other operative agreement;

(6) The power to vote on the removal of a general partner, managing partner, managing member, or other manager in situations where such individual or entity is subject to bankruptcy, insolvency, reorganization, or other proceedings relating to the relief of debtors; adjudicated insane or incompetent by a court of

competent jurisdiction (in the case of a natural person); convicted of a felony; or otherwise removed for cause, as determined by an independent party;

(7) The power to prevent the amendment of the limited partnership agreement, limited liability partnership agreement, or limited liability company agreement, or other organizational documents of the partnership or limited liability company with respect to the matters described in paragraph (c)(1) through (c)(6) of this section.

(d) The Commission reserves the right to consider, on a case-by-case basis, whether voting or consent rights over matters other than those listed in paragraph (c) of this section shall be considered usual and customary investor protections in a particular case.

§ 1.5004 Routine terms and conditions.

Foreign ownership declaratory rulings issued pursuant to §§ 1.5000 through 1.5004 shall be subject to the following terms and conditions, except as otherwise specified in a particular declaratory ruling:

(a)(1) Aggregate allowance for declaratory rulings issued under § 1.5000(a)(1). In addition to the foreign ownership interests approved specifically in a licensee's declaratory ruling issued pursuant to § 1.5000(a)(1), the controlling U.S. parent named in the declaratory ruling (or a U.S.-organized successor-in-interest formed as part of a pro forma reorganization) may be 100 percent owned, directly and/or indirectly through one or more U.S- or foreign-organized entities, on a going-forward basis (i.e., after issuance of the declaratory ruling) by other foreign investors without prior Commission approval. This "100 percent aggregate allowance" is subject to the requirement that the licensee seek and obtain Commission approval before any foreign individual, entity, or "group" not previously approved acquires, directly and/or indirectly, more than 5 percent of the controlling U.S. parent's outstanding capital stock (equity) and/or voting stock, or a controlling interest, with the exception of any foreign individual, entity, or "group" that acquires an equity and/or voting interest of 10 percent or less, provided that the interest is exempt under § 1.5001(i)(3).

(2) Aggregate allowance for declaratory rulings issued under § 1.5000(a)(2). In addition to the foreign ownership interests approved specifically in a licensee's declaratory ruling issued pursuant to § 1.5000(a)(2), the licensee(s) named in the ruling (or a U.S.-organized successor-in-interest formed as part

of a pro forma reorganization) may be 100 percent owned on a going forward basis (i.e., after issuance of the declaratory ruling) by other foreign investors holding interests in the licensee indirectly through U.S.-organized entities that do not control the licensee, without prior Commission approval. This "100 percent aggregate allowance" is subject to the requirement that the licensee seek and obtain Commission approval before any foreign individual, entity, or "group" not previously approved acquires directly and/or indirectly, through one or more U.S.-organized entities that do not control the licensee, more than 5 percent of the licensee's outstanding capital stock (equity) and/or voting stock, with the exception of any foreign individual, entity, or "group" that acquires an equity and/or voting interest of 10 percent or less, provided that the interest is exempt under § 1.5001(i)(3). Foreign ownership interests held directly in a licensee shall not be permitted to exceed an aggregate 20 percent of the licensee's equity and/or voting interests.

(3) Licensees have an obligation to monitor and stay ahead of changes in foreign ownership of their controlling U.S. parent (for declaratory rulings issued pursuant to § 1.5000(a)(1)) and/or in the licensee itself (for declaratory rulings issued pursuant to § 1.5000(a)(2)), to ensure that the licensee obtains Commission approval before a change in foreign ownership renders the licensee out of compliance with the terms and conditions of its declaratory ruling(s) or the Commission's rules. Licensees, their controlling parent, and other entities in the licensee's vertical ownership chain may need to place restrictions in their bylaws or other organizational documents to enable the licensee to ensure compliance with the terms and conditions of its declaratory ruling(s) and the Commission's rules.

(4) *Example 1 (for declaratory rulings issued under § 1.5000(a)(1))*. U.S. Corp. files an application for a common carrier license. U.S. Corp. is wholly owned and controlled by U.S. Parent, which is a newly formed, privately held Delaware Corporation in which no single shareholder has *de jure* or *de facto* control. A shareholder's agreement provides that a five-member board of directors shall govern the affairs of the company; five named shareholders shall be entitled to one seat and one vote on the board; and all decisions of the board shall be determined by majority vote. The five named shareholders and their respective equity interests are as follows: Foreign Entity A, which is wholly owned and controlled by a foreign citizen (5 percent); Foreign Entity B, which is wholly owned and controlled by a foreign citizen

(10 percent); Foreign Entity C, a foreign public company with no controlling shareholder (20 percent); Foreign Entity D, a foreign pension fund that is controlled by a foreign citizen and in which no individual or entity has a pecuniary interest exceeding one percent (21 percent); and U.S. Entity E, a U.S. public company with no controlling shareholder (25 percent). The remaining 19 percent of U.S. Parent's shares are held by three foreign-organized entities as follows: F (4 percent), G (6 percent), and H (9 percent). Under the shareholders' agreement, voting rights of F, G, and H are limited to the minority shareholder protections listed in § 1.5001(i)(6). Further, the agreement expressly prohibits G and H from becoming actively involved in the management or operation of U.S. Parent and U.S. Corp.

(i) As required by the rules, U.S. Corp. files a section 310(b)(4) petition concurrently with its application. The petition identifies and requests specific approval for the ownership interests held in U.S. Parent by Foreign Entity A and its sole shareholder (5 percent equity and 20 percent voting interest); Foreign Entity B and its sole shareholder (10 percent equity and 20 percent voting interest), Foreign Entity C (20 percent equity and 20 percent voting interest), and Foreign Entity D (21 percent equity and 20 percent voting interest) and its fund manager (20 percent voting interest). The Commission's declaratory ruling specifically approves these foreign interests. The declaratory ruling also provides that, on a going-forward basis, U.S. Parent may be 100 percent owned in the aggregate, directly and/or indirectly, by other foreign investors, subject to the requirement that U.S. Corp. seek and obtain Commission approval before any previously unapproved foreign investor acquires more than 5 percent of U.S. Parent's equity and/or voting interests, or a controlling interest, with the exception of any foreign investor that acquires an equity and/or voting interest of ten percent or less, provided that the interest is exempt under § 1.991(i)(3).

(ii) In this case, foreign entities F, G, and H would each be considered a previously unapproved foreign investor (along with any new foreign investors). However, prior approval for F, G and H would only apply to an increase of F's interest above 5 percent (because the ten percent exemption under § 1.5001(i)(3) does not apply to F) or to an increase of G's or H's interest above 10 percent (because G and H do qualify for this exemption). U.S. Corp. would also need Commission approval before Foreign Entity D appoints a new fund manager that is a non-U.S. citizen and before Foreign Entities A, B, C, or D increase their respective equity and/or voting interests in U.S. Parent, unless the petition previously

sought and obtained Commission approval for such increases (up to non-controlling 49.99 percent interests). (See § 1.5001(k)(2).) Foreign shareholders of Foreign Entity C and U.S. Entity E would also be considered previously unapproved foreign investors. Thus, Commission approval would be required before any foreign shareholder of Foreign Entity C or U.S. Entity E acquires (1) a controlling interest in either company; or (2) a non-controlling equity and/or voting interest in either company that, when multiplied by the company's equity and/or voting interests in U.S. Parent, would exceed 5 percent of U.S. Parent's equity and/or voting interests, unless the interest is exempt under § 1.5001(i)(3).

(5) *Example 2 (for declaratory rulings issued under § 1.5000(a)(2))*. Assume that the following three U.S.-organized entities hold non-controlling equity and voting interests in common carrier Licensee, which is a privately held corporation organized in Delaware: U.S. corporation A (30 percent); U.S. corporation B (30 percent); and U.S. corporation C (40 percent). Licensee's shareholders are wholly owned by foreign individuals X, Y, and Z, respectively. Licensee has received a declaratory ruling under § 1.5000(a)(2) specifically approving the 30 percent foreign ownership interests held in Licensee by each of X and Y (through U.S. corporation A and U.S. corporation B, respectively) and the 40 percent foreign ownership interest held in Licensee by Z (through U.S. corporation C). On a going-forward basis, Licensee may be 100 percent owned in the aggregate by X, Y, Z, and other foreign investors holding interests in Licensee indirectly, through U.S.-organized entities that do not control Licensee, subject to the requirement that Licensee obtain Commission approval before any previously unapproved foreign investor acquires more than 5 percent of Licensee's equity and/or voting interests, with the exception of any foreign investor that acquires an equity and/or voting interest of 10 percent or less, provided that the interest is exempt under § 1.5001(i)(3). In this case, any foreign investor other than X, Y, and Z would be considered a previously unapproved foreign investor. Licensee would also need Commission approval before X, Y, or Z increases its equity and/or voting interests in Licensee unless the petition previously sought and obtained Commission approval for such increases (up to non-controlling 49.99 percent interests). (See § 1.5001(k)(2).)

(b) *Subsidiaries and affiliates*. A foreign ownership declaratory ruling issued to a licensee shall cover it and any U.S.-organized subsidiary or affiliate, as defined in § 1.5000(d), whether the subsidiary or

affiliate existed at the time the declaratory ruling was issued or was formed or acquired subsequently, provided that the foreign ownership of the licensee named in the declaratory ruling, and of the subsidiary and/or affiliate, remains in compliance with the terms and conditions of the licensee's declaratory ruling and the Commission's rules.

(1) The subsidiary or affiliate of a licensee named in a foreign ownership declaratory ruling issued under § 1.5000(a)(1) may rely on that declaratory ruling for purposes of filing its own application for an initial broadcast, common carrier or aeronautical license or spectrum leasing arrangement, or an application to acquire such license or spectrum leasing arrangement by assignment or transfer of control provided that the subsidiary or affiliate, and the licensee named in the declaratory ruling, each certifies in the application that its foreign ownership is in compliance with the terms and conditions of the foreign ownership declaratory ruling and the Commission's rules.

(2) The subsidiary or affiliate of a licensee named in a foreign ownership declaratory ruling issued under § 1.5000(a)(2) may rely on that declaratory ruling for purposes of filing its own application for an initial common carrier radio station license or spectrum leasing arrangement, or an application to acquire such license or spectrum leasing arrangement by assignment or transfer of control provided that the subsidiary or affiliate, and the licensee named in the declaratory ruling, each certifies in the application that its foreign ownership is in compliance with the terms and conditions of the foreign ownership declaratory ruling and the Commission's rules.

(3) The certifications required by paragraphs (b)(1) and (2) of this section shall also include the citation(s) of the relevant declaratory ruling(s) (i.e., the DA or FCC Number, FCC Record citation when available, and release date).

(c) *Insertion of new controlling foreign-organized companies*. (1) Where a licensee's foreign ownership declaratory ruling specifically authorizes a named, foreign investor to hold a controlling interest in the licensee's controlling U.S. parent, for declaratory rulings issued under § 1.5000(a)(1), or in an intervening U.S.-organized entity that does not control the licensee, for declaratory rulings issued under § 1.5000(a)(2), the declaratory ruling shall permit the insertion of new, controlling foreign-organized companies in the vertical ownership chain above the controlling U.S. parent, for declaratory rulings

issued under § 1.5000(a)(1), or above an intervening U.S.-organized entity that does not control the licensee, for declaratory rulings issued under § 1.5000(a)(2), without prior Commission approval only where the foreign investor approved in the declaratory ruling maintains 100 percent ownership and control of any new foreign-organized company(ies).

(2) Where a previously unapproved foreign-organized entity is inserted into the vertical ownership chain of a licensee, or its controlling U.S. parent, without prior Commission approval pursuant to paragraph (c)(1) of this section, the licensee shall file a letter to the attention of the Chief, Office of International Affairs, within 30 days after the insertion of the new, foreign-organized entity. The letter must include the name of the new, foreign-organized entity and a certification by the licensee that the entity complies with the 100 percent common ownership and control requirement in paragraph (c)(1) of this section. The letter must also reference the licensee's foreign ownership declaratory ruling(s) by ICFS File No. and FCC Record citation, if available. This letter notification need not be filed if the ownership change is instead the subject of a pro forma application or pro forma notification already filed with the Commission pursuant to the relevant broadcast service rules, wireless radio service rules or satellite radio service rules applicable to the licensee.

(3) For broadcast stations, in order to insert a previously unapproved foreign-organized entity in which the foreign investor approved in the declaratory ruling maintains 100 percent common ownership and control into the vertical ownership chain of the licensee's controlling U.S. parent, as described in paragraph (c)(1) of this section, the licensee must always file a pro forma application requesting prior consent of the FCC pursuant to section 73.3540(f) of this chapter.

(4) Nothing in this section is intended to affect any requirements for prior approval under 47 U.S.C. 310(d) or conditions for forbearance from the requirements of 47 U.S.C. 310(d) pursuant to 47 U.S.C. 160.

(5) *Example (for declaratory rulings issued under § 1.5000(a)(1))*. Licensee of a common carrier license receives a foreign ownership declaratory ruling under § 1.5000(a)(1) that authorizes its controlling, U.S. parent ("U.S. Parent A") to be wholly owned and controlled by a foreign-organized company ("Foreign Company"). Foreign Company is minority owned (20 percent) by U.S.-organized Corporation B, with the

remaining 80 percent controlling interest held by Foreign Citizen C. After issuance of the declaratory ruling, Foreign Company forms a wholly-owned, foreign-organized subsidiary ("Foreign Subsidiary") to hold all of Foreign Company's shares in U.S. Parent A. There are no other changes in the direct or indirect foreign ownership of U.S. Parent A. The insertion of Foreign Subsidiary into the vertical ownership chain between Foreign Company and U.S. Parent A would not require prior Commission approval, except for any approval otherwise required pursuant to section 310(d) of the Communications Act and not exempt therefrom as a pro forma transfer of control under § 1.948(c)(1).

(6) *Example (for rulings issued under § 1.5000(a)(2))*. An applicant for a common carrier license receives a foreign ownership ruling under § 1.5000(a)(2) that authorizes a foreign-organized company ("Foreign Company") to hold a non-controlling 44 percent equity and voting interest in the applicant through Foreign Company's wholly-owned, U.S.-organized subsidiary, U.S. Corporation A, which holds the non-controlling 44 percent interest directly in the applicant. The remaining 56 percent of the applicant's equity and voting interests are held by its controlling U.S.-organized parent, which has no foreign ownership. After issuance of the ruling, Foreign Company forms a wholly-owned, foreign-organized subsidiary to hold all of Foreign Company's shares in U.S. Corporation A. There are no other changes in the direct or indirect foreign ownership of U.S. Corporation A. The insertion of the foreign-organized subsidiary into the vertical ownership chain between Foreign Company and U.S. Corporation A would not require prior Commission approval.

(d) *Insertion of new non-controlling foreign-organized companies*. (1) Where a licensee's foreign ownership declaratory ruling specifically authorizes a named, foreign investor to hold a non-controlling interest in the licensee's controlling U.S. parent, for declaratory rulings issued under § 1.5000(a)(1), or in an intervening U.S.-organized entity that does not control the licensee, for declaratory rulings issued under § 1.5000(a)(2), the declaratory ruling shall permit the insertion of new, foreign-organized companies in the vertical ownership chain above the controlling U.S. parent, for declaratory rulings issued under § 1.5000(a)(1), or above an intervening U.S.-organized entity that does not control the licensee, for declaratory rulings issued under § 1.5000(a)(2), without prior Commission approval where

the foreign investor approved in the declaratory ruling maintains 100 percent ownership and control of any new foreign-organized company(ies).

(i) Where a licensee has received a foreign ownership declaratory ruling under § 1.5000(a)(2) and the declaratory ruling specifically authorizes a named, foreign investor to hold a non-controlling interest directly in the licensee (subject to the 20 percent aggregate limit on direct foreign investment), the declaratory ruling shall permit the insertion of new, foreign-organized companies in the vertical ownership chain of the approved foreign investor without prior Commission approval where the approved foreign investor maintains 100 percent ownership and control of any new foreign-organized company(ies).

(ii) *Example (for declaratory rulings issued under § 1.5000(a)(1))*. Licensee receives a foreign ownership declaratory ruling under § 1.5000(a)(1) that authorizes a foreign-organized company ("Foreign Company") to hold a non-controlling 30 percent equity and voting interest in Licensee's controlling, U.S. parent ("U.S. Parent A"). The remaining 70 percent equity and voting interests in U.S. Parent A are held by U.S.-organized entities which have no foreign ownership. After issuance of the declaratory ruling, Foreign Company forms a wholly-owned, foreign-organized subsidiary ("Foreign Subsidiary") to hold all of Foreign Company's shares in U.S. Parent A. There are no other changes in the direct or indirect foreign ownership of U.S. Parent A. The insertion of Foreign Subsidiary into the vertical ownership chain between Foreign Company and U.S. Parent A would not require prior Commission approval.

(iii) *Example (for declaratory rulings issued under § 1.5000(a)(2))*. Licensee receives a foreign ownership declaratory ruling under § 1.5000(a)(2) that authorizes a foreign-organized entity ("Foreign Company") to hold approximately 24 percent of Licensee's equity and voting interests, through Foreign Company's non-controlling 48 percent equity and voting interest in a U.S.-organized entity, U.S. Corporation A, which holds a non-controlling 49 percent equity and voting interest directly in Licensee. (A U.S. citizen holds the remaining 52 percent equity and voting interests in U.S. Corporation A, and the remaining 51 percent equity and voting interests in Licensee are held by its U.S.-organized parent, which has no foreign ownership. After issuance of the declaratory ruling, Foreign Company forms a wholly-owned, foreign-organized subsidiary ("Foreign Subsidiary") to hold all of Foreign Company's shares in

U.S. Corporation A. There are no other changes in the direct or indirect foreign ownership of U.S. Corporation A. The insertion of Foreign Subsidiary into the vertical ownership chain between Foreign Company and U.S. Corporation A would not require prior Commission approval.

(2) Where a previously unapproved foreign-organized entity is inserted into the vertical ownership chain of a licensee, or its controlling U.S.- parent, without prior Commission approval pursuant to paragraph (d)(1) of this section, the licensee shall file a letter to the attention of the Chief, Office of International Affairs, within 30 days after the insertion of the new, foreign-organized entity; or in the case of a broadcast licensee, the licensee shall file a letter to the attention of the Chief, Media Bureau, within 30 days after the insertion of the new, foreign-organized entity. The letter must include the name of the new, foreign-organized entity and a certification by the licensee that the entity complies with the 100 percent common ownership and control requirement in paragraph (d)(1) of this section. The letter must also reference the licensee's foreign ownership declaratory 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 declaratory ruling(s) by LMS File No., Docket No., call sign(s), facility identification number(s), and FCC Record citation, if available. This letter notification need not be filed if the ownership change is instead the subject of a pro forma application or pro forma notification already filed with the Commission pursuant to the relevant broadcast service, wireless radio service rules or satellite radio service rules applicable to the licensee.

(e) *New petition for declaratory ruling required*. A licensee that has received a foreign ownership declaratory ruling, including a U.S.-organized successor-in-interest to such licensee formed as part of a pro forma reorganization, or any subsidiary or affiliate relying on such licensee's declaratory ruling pursuant to paragraph (b) of this section, shall file a new petition for declaratory ruling under § 1.5000 to obtain Commission approval before its foreign ownership exceeds the routine terms and conditions of this section, and/or any specific terms or conditions of its declaratory ruling.

(f) *Continuing compliance*. (1) Except as specified in paragraph (f)(3) of this section, if at any time the licensee, including any successor-in-interest and any subsidiary or affiliate as described in paragraph (b) of this section, knows, or has reason to know, that it is no longer in compliance with its foreign ownership

declaratory ruling or the Commission's rules relating to foreign ownership, it shall file a statement with the Commission explaining the circumstances within 30 days of the date it knew, or had reason to know, that it was no longer in compliance therewith. Subsequent actions taken by or on behalf of the licensee to remedy its non-compliance shall not relieve it of the obligation to notify the Commission of the circumstances (including duration) of non-compliance. Such licensee and any controlling companies, whether U.S.- or foreign-organized, shall be subject to enforcement action by the Commission for such non-compliance, including an order requiring divestiture of the investor's direct and/or indirect interests in such entities.

(2) Any individual or entity that, directly or indirectly, creates or uses a trust, proxy, power of attorney, or any other contract, arrangement, or device with the purpose or effect of divesting itself, or preventing the vesting, of an equity interest or voting interest in the licensee, or in a controlling U.S. parent, as part of a plan or scheme to evade the application of the Commission's rules or policies under section 310(b) shall be subject to enforcement action by the Commission, including an order requiring divestiture of the investor's direct and/or indirect interests in such entities.

(3) Where the controlling U.S. parent of a broadcast, common carrier, aeronautical en route, or aeronautical fixed radio station licensee or common carrier spectrum lessee is an eligible U.S. public company within the meaning of § 1.5000(e), or where the controlling U.S. parent of a broadcast, common carrier, aeronautical en route, or aeronautical fixed radio station licensee or common carrier spectrum lessee is a U.S. privately held company within the meaning of § 1.5000(d), the licensee may file a remedial petition for declaratory ruling under § 1.5000(a)(1) seeking approval of particular foreign equity and/or voting interests that are non-compliant with the licensee's foreign ownership declaratory ruling or the Commission's rules relating to foreign ownership; or, alternatively, the licensee may remedy the non-compliance by, for example, redeeming the foreign interest(s) that rendered the licensee non-compliant with the licensee's existing foreign ownership declaratory ruling. In either case, the Commission does not expect to take enforcement action related to the non-compliance subject to the requirements specified in paragraphs (f)(3)(i) and (ii) of this section and except as otherwise provided in paragraph (f)(3)(iii) of this section.

(i) The licensee shall notify the relevant Bureau by letter no later than 10 days after learning of the investment(s) that rendered the licensee non-compliant with its foreign ownership ruling or the Commission's rules relating to foreign ownership and specify in the letter that it will file a petition for declaratory ruling under § 1.5000(a)(1) or, alternatively, take remedial action to come into compliance within 30 days of the date it learned of the non-compliant foreign interest(s).

(ii) The licensee shall demonstrate in its petition for declaratory ruling (or in a letter notifying the relevant Bureau that the non-compliance has been timely remedied) that the licensee's non-compliance with the terms of the licensee's existing foreign ownership ruling or the foreign ownership rules was due solely to circumstances beyond the licensee's control that were not reasonably foreseeable to or known by the licensee with the exercise of the required due diligence.

(iii) Where the licensee has opted to file a petition for declaratory ruling under § 1.5000(a)(1), the Commission will not require that the licensee's controlling U.S. parent redeem the non-compliant foreign interest(s) or take other action to remedy the non-compliance during the pendency of the licensee's petition. If the Commission ultimately declines to approve the petition, however, the licensee must have a mechanism available to come into compliance with the terms of its existing declaratory ruling within 30 days following the Commission's decision. The Commission reserves the right to require immediate remedial action by the licensee where the Commission finds in a particular case that the public interest requires such action — for example, where, after consultation with the relevant Executive Branch agencies, the Commission finds that the non-compliant foreign interest presents national security or other significant concerns that require immediate mitigation.

(4) Where a publicly traded common carrier licensee is an eligible U.S. public company within the meaning of § 1.5000(e), or where a common carrier licensee is a U.S. privately held company within the meaning of § 1.5000(d), the licensee may file a remedial petition for declaratory ruling under § 1.5000(a)(2) seeking approval of particular foreign equity and/or voting interests that are non-compliant with the licensee's foreign ownership declaratory ruling or the Commission's rules relating to foreign ownership; or, alternatively, the licensee may remedy the non-compliance by, for example, redeeming the foreign interest(s) that rendered the licensee non-compliant with the licensee's existing foreign ownership

declaratory ruling. In either case, the Commission does not, as a general rule, expect to take enforcement action related to the non-compliance subject to the requirements specified in paragraphs (f)(3)(i) and (f)(3)(ii) of this section and except as otherwise provided in paragraph (f)(3)(iii) of this section.

(i) For purposes of this paragraph, the provisions in paragraphs (f)(3)(i) through (f)(3)(iii) that refer to petitions for declaratory ruling under § 1.5000(a)(1) shall be read as referring to petitions for declaratory ruling under § 1.5000(a)(2).

(ii) [Reserved]

(5) For all remedial petitions for declaratory ruling, as specified in paragraphs (f)(3) and (f)(4) of this section, the licensee must include all applicable information required by § 1.5001 for all interest holders in addition to identifying the non-compliant interest(s).

APPENDIX B

Final Regulatory Flexibility Analysis

1. As required by the Regulatory Flexibility Act of 1980, as amended (RFA),[1] the Federal Communications Commission (Commission) incorporated an Initial Regulatory Flexibility Analysis (IRFA) in the *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* (*Section 310 NPRM*), released in April 2025.[2] The Commission sought written public comment on the proposals in the *Section 310 NPRM*, including comment on the IFRA. No comments were filed addressing the IRFA. This Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA and it (or summaries thereof) will be published in the Federal Register.[3]

A. Need for, and Objectives of, the Rules

2. In the *Report and Order*, the Commission seeks to balance promoting technical innovation, creating jobs, and strengthening the U.S. economy with national security risks and other concerns by streamlining and clarifying the Commission's foreign ownership rules for broadcast and common carrier wireless and aeronautical licensees under Section 310(b)(4) of the Communications Act of 1934, as amended (the Act).[4] Over the past decade, the Commission developed policies to ensure entities with foreign ownership comply with Section 310(b) and adopted precedent for evaluating complex ownership structures.[5] The Commission adopts in the *Report and Order* rules to largely codify existing practices, including relevant definitions and concepts, clarify the information required in filings, minimize the need for additional filings, and promote efficient and shorter processing times of Section 310(b) petitions for declaratory ruling (petitions). Overall, these actions further the Commission's efforts to encourage investment in the United States while preserving the Commission's ability to comprehensively review foreign investment in its licensees "to protect the United States from new and evolving threats."[6]

3. Specifically, this *Report and Order* clarifies the Commission's foreign ownership rules, requirements, and practices for broadcast and common carrier licensees subject to Section 310(b) of the Act.[7] Specifically, with respect to all of these entities, the *Report and Order*: (1) codifies existing policy regarding which entity in the ownership chain should be designated as the controlling U.S. parent; (2) codifies the Commission's advance approval policy regarding certain deemed voting interests; (3) amends

[1] 5 U.S.C. §§ 601 *et seq*., as amended by the Small Business Regulatory Enforcement and Fairness Act (SBREFA), Pub. L. No. 104-121, 110 Stat. 847 (1996).

[2] *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*, GN Docket No. 25-149, Notice of Proposed Rulemaking, 40 FCC Rcd 3516, 3571-3614, Appendix B (2025) (*Section 310 NPRM*).

[3] 5 U.S.C. § 604.

[4] 47 U.S.C. § 310(b)(4).

[5] *See Section 310 NPRM*, 40 FCC Rcd at 3519-3521, paras. 4-8 (discussing relevant Commission proceedings under Section 310(b)(4)).

[6] Memorandum on America First Investment Policy, 2025 Daily Comp. Pres. Doc. 292 § 1 (Feb. 21, 2025) (*America First Investment Policy*), *available at* https://www.whitehouse.gov/presidential-actions/2025/02/america-first-investment-policy/.

[7] For ease of reference, we refer to broadcast, common carrier wireless, aeronautical en route and aeronautical fixed radio station applicants and licensees (including broadcast permittees) and to common carrier spectrum lessees collectively as "licensees" unless the context warrants otherwise. We also use the term "common carrier" or "common carrier licensees" to encompass common carrier wireless, aeronautical en route and aeronautical fixed radio station applicants and licensees, and spectrum lessees. "Spectrum lessees" is defined in Section 1.9003 of Part 1, Subpart X ("Spectrum Leasing"). 47 CFR § 1.9003.

the Commission's rules to clarify the requirement to identify trusts and trustees in petitions; (4) continues to allow privately held companies to use the public company methodology on a case-by-case basis and amends the Commission's rules to extend the remedial procedures to privately-held companies; (5) amends the Commission's rules to clarify requirements regarding the contents of remedial Section 310(b) petitions for declaratory ruling (remedial petitions); (6) codifies the existing process of filing amendments to petitions; and (7) clarifies U.S. residency requirements. Additionally, regarding broadcast licensees only, the *Report and Order*: (1) directs the Media Bureau to issue processing guidelines as appropriate detailing how the Commission will process applications filed by a broadcast licensee during the pendency of a remedial petition; and (2) clarifies how foreign ownership will be calculated for noncommercial educational (NCE) and low power FM (LPFM) stations and various foreign ownership considerations in the context of filing windows for construction permits for NCE authorizations.

4. The Commission received three comments and one *ex parte* from industry stakeholders,[8] with some comments supporting the Commission's proposals to clarify the foreign ownership rules and reduce burdens on petitioners[9] and other comments opposing certain aspects of the proposals.[10] For example, in support, NCTA – The Internet & Television Association (NCTA) states that the Commission's "proposals would increase transparency and predictability while preserving the Commission's ability to fulfill its Section 310(b)(4) statutory obligations."[11] The National Association of Broadcasters (NAB) offers support for certain proposals, but opposes adding requirements regarding the contents of remedial petitions, stating it "unnecessarily compounds filing burdens and increases processing timelines for petitioners . . . ."[12] Finally, an individual commenter, Erik Cudd opposes any foreign ownership of U.S. broadcasters, favoring stricter broadcast ownership limitations.[13]

B. Summary of Significant Issues Raised by Public Comments in Response to the IRFA

5. No comments were filed addressing the impact of the proposed rules on small entities.

C. Response to Comments by the Chief Counsel for the Small Business Administration Office of Advocacy

6. Pursuant to the Small Business Jobs Act of 2010, which amended the RFA,[14] the Commission is required to respond to any comments filed by the Chief Counsel for the Small Business Administration (SBA) Office of Advocacy, and also provide a detailed statement of any change made to the proposed rules as a result of those comments.[15] The Chief Counsel did not file any comments in response to the proposed rules in this proceeding.

D. Description and Estimate of the Number of Small Entities to Which the 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 adopted rules.[16] The RFA generally defines the

[8] *See* Appendix C (List of Commenters, Replies, and *Ex Partes*).

[9] *See, e.g.*, Comments of NCTA – The Internet & Television Association, GN Docket No. 25-149 (July 23, 2025) (NCTA Comments); Comments of National Association of Broadcasters, GN Docket No. 25-149 (July 23, 2025) (NAB Comments).

[10] *See, e.g.*, NAB Comments at 7-8, 11-13; Comments of Erik Cudd, GN Docket No. 25-149 (June 24, 2025) (Erik Cudd Comments).

[11] NCTA Comments at 2.

[12] *See* NAB Comments at 6-7.

[13] Erik Cudd Comments at 1.

[14] Small Business Jobs Act of 2010, Pub. L. No. 111-240, 124 Stat. 2504 (2010).

[15] 5 U.S.C. § 604 (a)(3).

term "small entity" as having the same meaning as the terms "small business," "small organization," and "small governmental jurisdiction."[17] In addition, the term "small business" has the same meaning as the term "small business concern" under the Small Business Act (SBA).[18] 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.[19] The SBA establishes small business size standards that agencies are required to use when promulgating regulations relating to small businesses; agencies may establish alternative size standards for use in such programs, but must consult and obtain approval from SBA before doing so.[20]

8. Our actions, over time, may affect small entities that are not easily categorized at present. We therefore describe three broad groups of small entities that could be directly affected by our actions.[21] In general, a small business is an independent business having fewer than 500 employees.[22] These types of small businesses represent 99.9% of all businesses in the United States, which translates to 34.75 million businesses.[23] Next, "small organizations" are not-for-profit enterprises that are independently owned and operated and are not dominant in their field.[24] While we do not have data regarding the number of non-profits that meet that criteria, over 99 percent of nonprofits have fewer than 500 employees.[25] Finally, "small governmental jurisdictions" are defined as cities, counties, towns, townships, villages, school districts, or special districts with populations of less than fifty thousand.[26] Based on the 2022 U.S. Census of Governments data, we estimate that at least 48,724 out of 90,835 local government jurisdictions have a population of less than 50,000.[27]

9. The rules adopted in the *Report and Order* will apply to small entities in the industries identified in the chart below by their six-digit North American Industry Classification System (NAICS)[28]

(Continued from previous page)

[16] 5 U.S.C. § 604.

[17] *Id*. § 601(6).

[18] *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."

[19] 15 U.S.C. § 632.

[20] 13 CFR § 121.903.

[21] 5 U.S.C. § 601(3)-(6).

[22] *See* SBA, Office of Advocacy, *Frequently Asked Questions About Small Business* (July 23, 2024), https://advocacy.sba.gov/wp-content/uploads/2024/12/Frequently-Asked-Questions-About-Small-Business_2024-508.pdf.

[23] *Id*.

[24] 5 U.S.C. § 601(4).

[25] *See* SBA, Office of Advocacy, *Small Business Facts, Spotlight on Nonprofits* (July 2019), https://advocacy.sba.gov/2019/07/25/small-business-facts-spotlight-on-nonprofits/.

[26] 5 U.S.C. § 601(5).

[27] *See* U.S. Census Bureau, 2022 Census of Governments –Organization, https://www.census.gov/data/tables/2022/econ/gus/2022-governments.html, tables 1-11.

[28] The North American Industry Classification System (NAICS) is the standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy. *See* www.census.gov/NAICS for further details regarding the NAICS codes identified in this chart.

codes and corresponding SBA size standard.[29] Based on currently available U.S. Census data regarding the estimated number of small firms in each identified industry, we conclude that the proposed rules will impact a substantial number of small entities. Where available, we also provide additional information regarding the number of potentially affected entities in the identified industries below.

TABLE 1. 2022 U.S. CENSUS BUREAU DATA BY NAICS CODE

Regulated Industry (Footnotes specify potentially affected entities within a regulated industry where applicable)	NAICS Code	SBA Size Standard	Total Firms[30]	Total Small Firms[31]	% Small Firms
Radio Broadcasting Stations[32]	516110	$47 million	2,616	2,136	81.65%
Television Broadcasting Stations[33]	516120	$47 million	413	316	76.51%
Wireless Telecommunications Carriers (except Satellite)[34]	517112	1,500 employees	1,184	1,081	91.30%
Telecommunications Resellers[35]	517121	1,500 employees	955	847	88.69%

[29] The size standards in this chart are set forth in 13 CFR 121.201, by six digit NAICS code.

[30] *U.S. Census Bureau*, "*Selected Sectors: Employment Size of Firms for the U.S.: 2022*." Economic Census, ECN Core Statistics Economic Census: Establishment and Firm Size Statistics for the U.S., Table EC2200SIZEEMPFIRM, 2025, and "*Selected Sectors: Sales, Value of Shipments, or Revenue Size of Firms for the U.S.: 2022*." Economic Census, ECN Core Statistics Economic Census: Establishment and Firm Size Statistics for the U.S., Table EC2200SIZEREVFIRM, 2025.

[31] Id.

[32] Affected Entities in this industry include FM Translator Stations and Low Power FM Stations, Educational Broadcasting Services (Radio), NCE and Public Broadcast Stations (Radio).

[33] Affected Entities in this industry include NCE and Public Broadcast Stations (TV).

[34] Affected Entities in this industry include 1670–1675 MHz Services, 2.3 GHz Wireless Communications Services, 218-219 MHz Service, 39 GHz Service, 600 MHz Band, 700 MHz Guard Band Licensees, Advanced Wireless Services - AWS Services, Air-Ground Radiotelephone Services, Aviation and Marine Radio Services, Aeronautical en route Services, Aeronautical Fixed Radio Service, Broadband Personal Communications Service, Broadband Radio Service and Educational Broadband Service, Cellular Radiotelephone Service, Fixed Microwave Services, Future 24 GHz Licensees, Government Transfer Bands, Incumbent 24 GHz Licensees, Local Multipoint Distribution Service (LMDS), Location and Monitoring Service (LMS), Lower 700 MHz Band Licenses, Marine Radio Services, Multichannel Video Distribution and Data Service (MVDDS), Multiple Address Systems, Narrowband Personal Communications Services, Rural Radiotelephone Service, Specialized Mobile Radio Licenses, Upper 700 MHz Band Licenses.

[35] Affected Entities in this industry include Local Resellers and Toll Resellers.

TABLE 2. TELECOMMUNICATIONS SERVICE PROVIDER DATA

2024 Universal Service Monitoring Report Telecommunications Service Provider Data [36] **(Data as of December 2023)**	**SBA Size Standard (1500 Employees)**		
Affected Entity	**Total # FCC Form 499A Filers**	**Small Firms**	**% Small Entities**
Local Resellers	222	217	97.75
Toll Resellers	411	398	96.84

E. Description of Economic Impact and Projected Reporting, Recordkeeping and Other Compliance Requirements for Small Entities

10. The RFA directs agencies to describe the economic impact of proposed rules on small entities, as well as projected reporting, recordkeeping and other compliance requirements, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report or record.[37]

11. The Commission finds that the costs associated with the adopted rules and clarifications are likely negative as a result of an anticipated reduction in application revisions and enforcement, thus enabling potential increased investment in the U.S. economy. As a result, we cannot estimate the cost of complying with the rules, or compare such costs for large and small entities. The Commission believes that these clarifications will make the rules more transparent and accessible to small entities and reduce the time and cost associated with compliance and reporting requirements related to Section 310(b) petitions.

12. In determining the economic impact and projected compliance requirements for small and other entities, in the *Section 310 NPRM*, the Commission sought comment on the costs and benefits associated with the proposals made in the *Section 310 NPRM*. As discussed above, the record reflected some comments supporting the Commission's proposals to clarify the foreign ownership rules and reduce burdens on petitioners and other comments opposing certain aspects of the proposals. No commenters addressed or opposed the cost and benefit assessments.[38] As such, in the *Report and Order*, the Commission finds that clarifying its rules, codifying existing requirements and practices related to foreign ownership, and providing guidance with respect to filing of petitions will reduce uncertainty for applicants, and, in turn, these actions should reduce the need to revise or refile requests. Overall, the rules and policies adopted will expedite the application approval process without significantly burdening petitioners. We estimate that the rule changes discussed in this *Report and Order* will result in a reduction in the time and expense associated with filing petitions and will not result in significant, material changes to reporting, recordkeeping, or compliance obligations for small and other Commission licensees. For example, the *Report and Order* clarifies and streamlines the Section 310(b) foreign ownership rules as applied to both broadcast and common carrier licensees by defining the terms

[36] Federal-State Joint Board on Universal Service, Universal Service Monitoring Report at 26, Table 1.12 (2024), https://docs.fcc.gov/public/attachments/DOC-408848A1.pdf.

[37] 5 U.S.C. § 604(a)(5).

[38] As NAB acknowledges that the Commission's proposal in the *Section 310 NPRM* to clarify the contents of remedial petitions reflects current Commission practice, the Commission in the *Report and Order* finds that adopting the rules and clarifications as proposed in the *Section 310 NPRM* will not incur additional costs to petitioners and will provide clarity and lead to administrative efficiency as additional benefits. *See* NAB Comments at 6-8.

"controlling U.S. parent" to make the Commission's rules consistent with its longstanding practices without disturbing or contradicting the substantive requirements in Section 310(b)(4). Other amendments to the rules clarify, for example, the disclosure requirements for trusts and trustees and the treatment of deemed voting interests for specific and advance approval requests to avoid duplicative filings and reduce the burdens imposed on petitioners subject to Section 310(b).

13. In addition, for all licensees subject to Section 310(b), the *Report and Order* amends the Commission's rules to clarify that, consistent with current practice, remedial petitions must contain all of the information required for an initial petition and not be limited to the information related to the newly discovered non-compliant interest(s). We do not expect this existing procedure to result in any additional burdens for small businesses entities. In addition, the *Report and Order* clarifies that, with respect to petitions that request approval for certain foreign investors to increase their equity and/or voting interests in the controlling U.S. parent, for both common carrier and broadcast licensees, there is no Commission requirement that such foreign investors must reside within the United States, which would have no regulatory burden on small entities. Although U.S. residency status has not previously been required or expected under the Commission's foreign ownership rules, the *Report and Order* clarifies that a foreign investor's lack of a U.S. residence is not a factor in the Commission's assessment of whether a granting a petition in the public interest. We therefore believe that this rule clarification will not have an impact on any small business entities.

14. The *Report and Order* also extends the Commission's remedial process for inadvertent violations of the foreign ownership rules to privately-held entities for licensees subject to Section 310(b), which would significantly ease the regulatory and enforcement burdens on small entities. The *Report and Order* also formalizes the existing petition amendment filing practices by codifying a requirement that an amendment to a pending petition must be a complete restatement of the initial petition and filed in the International Communications Filing System (ICFS) (for common carrier licensees) or Electronic Comment Filing System (ECFS) (for broadcast licensees) with a cover letter providing a narrative description of the substantial change. We do not expect this existing procedure for substantial amendments to result in any additional paperwork obligations for small business entities. In the case of ministerial change(s), the Commission will continue to allow petitioners to instead file an amendment in ICFS (for common carriers) or in ECFS (for broadcasters) under the relevant application or docket detailing only the relevant change(s). We believe that the guidance in the *Report and Order* regarding what counts as "ministerial" may reduce the burdens on small entities by providing regulatory certainty.

15. With respect to potentially affected small entities within the radio and television broadcasting station industries, the *Report and Order* directs the Media Bureau to issue processing guidelines as appropriate detailing how the Commission will process applications filed by a broadcast licensee during the pendency of a remedial petition under Section 310(b)(4); and clarifies other foreign ownership considerations related to calculating foreign ownership interests of NCE and LPFM stations and in the context of filing windows for construction permits for NCE authorizations.

F. Discussion of Steps Taken to Minimize the Significant Economic Impact on Small Entities, and Significant Alternatives Considered

16. 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."[39]

17. In the *Section 310 NPRM*, the Commission considered alternatives such as extending the remedial process to privately owned entities to provide a clearer path for foreign investment in licensees

[39] 5 U.S.C. § 604(a)(6).

by aligning Commission rules with developments in the market, which will minimize the impact of the regulations on small entities by reducing burdens associated with noncompliance. In addition, the Commission sought comment on whether there are certain ministerial changes to petitions for declaratory ruling that could be filed by an amendment without filing a complete restatement. In the *Report and Order*, to minimize the impact on small and other entities, in the case of ministerial change(s) to a petition, the Commission decided to codify the existing practice of allowing petitioners to file an amendment in ICFS (for common carrier licensees) or in ECFS (for broadcaster licensees) under the relevant application or docket detailing only the relevant change(s).

18. The Commission sought comment on whether any of the burdens associated with the filing, recordkeeping and reporting requirements described in the *Section 310 NPRM* could be minimized for small entities. As noted above, the Commission did not receive any comments on the IRFA.

G. Report to Congress

19. The Commission will send a copy of the *Report and Order*, including this Final Regulatory Flexibility Analysis, in a report to Congress pursuant to the Congressional Review Act.[40] In addition, the Commission will send a copy of the *Report and Order*, including this Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the SBA and will publish a copy of the *Report and Order*, and this Final Regulatory Flexibility Analysis (or summaries thereof) in the Federal Register.[41]

[40] 5 U.S.C. § 801(a)(1)(A).

[41] *Id.* § 604(b).

APPENDIX C

List of Commenters, Reply Commenters, and *Ex Partes*

NPRM Comments

Erik Cudd

National Association of Broadcasters (NAB)

NCTA – The Internet & Television Association (NCTA)

NPRM Reply Comments

None

Ex Partes

NAB

STATEMENT OF
CHAIRMAN BRENDAN CARR

Re: *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, GN Docket No. 25-149 (January 29, 2026).

Last year, the Commission launched its Delete, Delete, Delete proceeding. Since then, we have successfully identified and eliminated tens of thousands of words of regulations that no longer serve the public interest because they regulate obsolete technology, are no longer used in practice by the FCC, industry, or the public, or are otherwise outdated or unnecessary.

This effort to slash costly regulations is necessary and vital. But the FCC also has a significant set of regulatory requirements that are off the books and many more regulatory provisions that are unclear. Having those uncodified and unclear rules adds needless costs, makes it harder for entities to understand and navigate our requirements, and risks inconsistent outcomes while potentially wasting staff resources.

One case in point is the FCC's set of foreign ownership requirements. Over the past decade, we've approved many transactions involving foreign investment in the country. That's a good thing. As President Trump's America First Investment Policy Memo notes, "Welcoming foreign investment … will be a key part of America's Golden Age." Along the way, we considered new questions about the meaning of our rules. But in many cases, we never codified those decisions or regulations.

So today we write those down in the CFR. Call it an exercise in good government. But good government also means simplifying outdated rules when possible, and we will take that opportunity here too. To that end, we streamline our review process.

For their fantastic work on this item I'd like to thank Erin Boone, Emily Harrison, Benjamin Arden, Christopher Clark, Hillary DeNigro, and Brendan Holland from the Media Bureau and Tom Sullivan, Denise Coca, Fara Mohsenikolour, David Krech, Joseph Meyer, and Brenda Villanueva from the Office of International Affairs.

STATEMENT OF
COMMISSIONER OLIVIA TRUSTY

Re: *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, GN Docket No. 25-149 (January 29, 2026).

Recognizing the economic benefits of foreign investment in U.S. companies while remaining vigilant against foreign threat actors is critical to protecting both our economic and national security. For more than a decade, the Commission, supported by its dedicated and expert staff, has developed and applied policies to safeguard the public interest by ensuring that foreign entities with ownership in broadcast, common carrier, and aeronautical radio licensees comply with the Communications Act.

In furtherance of transparency, consistency, and efficiency, this item takes the important step of codifying the Commission's longstanding policies and practices pursuant to our statutory obligations. Doing so provides greater clarity to stakeholders while strengthening the integrity of the foreign ownership review process.

This Report and Order strikes the proper balance: encouraging investment in the United States while advancing the America First Investment policy of protecting our country from new and consistently evolving national security threats. The item builds on the Commission's ongoing efforts to streamline regulatory processes, enhance oversight, and prevent bad actors from gaining access to our communications networks. I particularly support the increased regulatory certainty for industry, the simplification of the petition process, and the reduced burdens on both stakeholders and Commission staff during the ownership review process.

I thank the staff of the Media Bureau and the Office of International Affairs for their work on this item.

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

In the Matter of	)	
	)	
Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities	)	CG Docket No. 03-123
	)	
Structure and Practices of the Video Relay Service Program	)	CG Docket No. 10-51
	)	
Misuse of Internet Protocol Relay Service	)	CG Docket No. 12-38
	)	

NOTICE OF PROPOSED RULEMAKING

Adopted: January 29, 2026 **Released: January 30, 2026**

Comment Date: (30 days after date of publication in the Federal Register)
Reply Comment Date: (60 days after date of publication in the Federal Register)

By the Commission: Chairman Carr and Commissioners Gomez and Trusty issuing separate statements.

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I. INTRODUCTION

1. The continual evolution of communication platforms necessitates periodic, proactive re-evaluation of existing rules. Telecommunications Relay Services (TRS) rules are no exception. Changes in communications technology continue to reshape the TRS landscape, requiring us to re-examine existing regulations with the objective of improving service quality, increasing efficiency, and removing unnecessary regulation. In this Notice of Proposed Rulemaking (Notice), the Federal Communications Commission (Commission) proposes measures to secure the viability and enhance the effectiveness and functional equivalency of Internet-based TRS. This proceeding proposes targeted reforms that align Internet-based TRS with twenty-first century technological advancements in relay services that can better serve the needs of persons with disabilities.

2. We propose specific enhancements for Internet Protocol (IP) Relay and Video Relay Services (VRS), along with administrative reforms to streamline the TRS program. For IP Relay, our proposals address the use of automatic speech recognition (ASR) for speech-to-text conversion and advanced text-to-speech technologies, the need for metrics for IP Relay quality, and compatibility of IP Relay with Real-Time Text (RTT) technology. We propose to enhance VRS functionality by adding captioning functionality to VRS platforms, amend VRS calling rules for calls to U.S. embassies and consulates by U.S. residents while traveling abroad, and adjust call center requirements. Finally, we propose to streamline TRS provider certification and user registration processes, update or eliminate obsolete rules, and close outdated dockets.

II. BACKGROUND

A. Internet-Based Telecommunication Relay Services

3. Title IV of the Americans with Disabilities Act of 1990 (ADA), codified at section 225 of the Communications Act of 1934, as amended (the Act), established the foundation for the nationwide TRS program.[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 one or more individuals, in a manner that is functionally equivalent to the ability of a person without such disabilities to communicate using voice communications services.[2] Section 225 directs the Commission to ensure that TRS are available "to the extent possible and in the most efficient manner" to people with hearing and speech disabilities in the United States.[3] To support the availability of TRS, the Commission established the Interstate Telecommunications Relay Services Fund (TRS Fund), which is funded by contributions from telecommunications and VoIP service providers.[4]

4. Initially, the TRS program focused on circuit-switched, or "analog" services, such as Text Telephone (TTY)-based Relay Service, in which a Communications Assistant (CA) converted voice to text and text to voice, enabling telephone communication by consumers who used TTYs connected to

[1] *See* Americans with Disabilities Act, Pub. L. No. 101-336, § 401, 104 Stat. 327, 336-69 (1990); 47 U.S.C. § 225.

[2] 47 U.S.C. § 225(a)(3).

[3] 47 U.S.C. § 225(a)(3), (b)(1).

[4] 47 CFR § 64.604(c)(5)(iii).

the Public Switched Telephone Network (PSTN).[5] Beginning in the early 2000s, leveraging the growth of broadband Internet access, the Commission authorized several Internet-based forms of TRS.

5. *Video Relay Service.* In March 2000, the Commission authorized VRS,[6] which employs video connections to enable American Sign Language (ASL) users to make telephone calls while communicating in their primary language.[7] In a typical VRS call, a consumer uses a broadband video link to communicate in ASL with a CA, who voices the signed message via telephone to the hearing party and then signs the voice response back to the VRS user.

6. *VRS Program Protections*. Following the discovery of widespread fraud against the TRS Fund, including illicit schemes generating illegitimate VRS minutes and resultant criminal prosecutions, the Commission adopted regulations between 2011 and 2013 to safeguard the program's integrity and ensure efficient use of resources.[8] Among the initial anti-fraud measures adopted in 2011, the Commission prohibited VRS CAs from handling calls at home workstations[9] and prohibited VRS providers from entering into contracts for interpretation or call center functions with entities not certified by the Commission.[10] The Commission also prohibited TRS Fund compensation for VRS calls originating in foreign countries, except for calls placed to the United States by VRS users traveling abroad if the user notified their default VRS provider of their travel before leaving the United States.[11]

7. In recent years, the Commission has refined its rules to better target and prevent potential fraud while allowing for additional operational flexibilities. For example, in the *2023 VRS Improvements Order*, the Commission revised the international calling restrictions,[12] removing the pre-departure notification requirement and allowing users to place calls to the United States while traveling abroad for up to one year, provided they notify their default VRS provider of their travel prior to placing such calls.[13]

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[5] A text telephone is a machine that employs graphic communication in the transmission of coded signals through a wire or radio communication system. 47 CFR § 64.601(a)(49).

[6] *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, 5153, para. 22 (2000) (*2000 VRS Order*).

[7] 47 CFR § 64.601(a)(57).

[8] *Structure and Practices of the Video Relay Service Program*, CG Docket No. 10-51, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 5545, 5546, para. 1 (2011) (*2011 VRS Call Practices Order*); *Structure and Practices of the Video Relay Service Program*; *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities,* 10-51, 03-123, Report and Order and Further Notice of Proposed Rulemaking, 28 FCC Rcd 8618, 8647-56, paras. 62-86 (2013), aff'd in part and vacated in part, *Sorenson Communications, LLC v. FCC*, 765 F.3d 37 (2014) (*2013 VRS Reform Order*).

[9] *2011 VRS Call Practices Order*, 26 FCC Rcd at 5556-59, paras. 16-20; 47 CFR § 64.604(d)(7).

[10] *2011 VRS Call Practices Order*, 26 FCC Rcd at 5574, para. 58; 47 CFR § 64.604(d)(1)(iii).

[11] *2011 VRS Call Practices Order*, 26 FCC Rcd at 5564, para. 32; 47 CFR § 64.604(d)(6). *See also Structure and Practices of the Video Relay Service Program*, CG Docket No. 10-51, Declaratory Ruling, 25 FCC Rcd 1868, 1872, para. 9 (CGB 2010) (*2010 VRS Declaratory Ruling*) (VRS calls that both originate and terminate outside of the United States are not compensable from the Fund under section 225).

[12] *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Structure and Practices of the Video Relay Services Program; Petition for Rulemaking and Interim Waiver of Convo Communications, LLC*, CG Docket Nos. 03-123, 10-51, Report and Order and Order, 38 FCC Rcd 12750, 12763-65, paras. 32-37 (2023) (*2023 VRS Improvements Order*).

[13] *2023 VRS Improvements Order*, 38 FCC Rcd at 12763, paras. 32-33. While these important changes have been adopted, the specific rule amendments relating to international calls (47 CFR § 64.604(d)(6)) contain modified information collection requirements and will not become effective until the Office of Management and Budget (OMB) completes its review and a notice is published in the Federal Register announcing OMB approval and the relevant effective date.

The Commission also amended its rules to allow VRS CAs to handle calls at home workstations[14] with rules that allow up to 80 percent of a provider's monthly minutes to be handled at home workstations, subject to technical and personnel safeguards to minimize the risk of waste, fraud, and abuse and ensure the protection of user privacy.[15] The Commission also revised the limit on VRS providers contracting for interpreting services, allowing VRS providers to contract with uncertified interpreters or interpreting services for up to 30 percent of their monthly call minutes.[16]

8. *Internet Protocol Relay Service*. In April 2002, the Commission recognized IP Relay as a form of TRS.[17] IP Relay is text-based and allows an individual with a hearing or speech disability to communicate using an Internet Protocol-enabled device via the Internet, rather than relying on a TTY and the PSTN.[18] In a typical IP Relay call, the user transmits text via the Internet to an IP Relay provider which converts the user's text to speech for the hearing party and converts that party's speech to text for the IP Relay user.[19]

9. IP Relay, as well as VRS, is subject to rules designed to integrate the use of these Internet-based relay services with the North American Numbering Plan (NANP). When a consumer registers for IP Relay, a provider must assign that user, or facilitate that user's request to port-in, a NANP telephone number.[20] The provider must also route and deliver all of that user's inbound and outbound calls unless the user chooses to place a call with, or receives a call from an alternate provider.[21] IP Relay providers provision the telephone number and other needed routing information in the TRS Numbering Directory to facilitate this call routing, identify whether both callers are IP Relay users, and ensure IP Relay users can be reached by telephone numbers in the same way as voice telephone users.[22]

10. *Internet Protocol Captioned Telephone Service*. A third form of Internet-based TRS, Internet Protocol Captioned Telephone Service (IP CTS), was approved by the Commission in 2007.[23] IP CTS permits an individual who can speak but has difficulty hearing over the telephone to use an IP-

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[14] *Structure and Practices of the Video Relay Service Program; Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilitie*s, CG Docket Nos. 10-51 and 03-123, Report and Order, 35 FCC Rcd 831 (2020) (*2020 VRS At-Home Call-Handling Order*); 47 CFR 64.604(d)(7).

[15] *2023 VRS Improvements Order*, 38 FCC Rcd at 12755, para. 11.

[16] *Id.* at 127610, para. 25; 47 CFR § 64.604(d)(1)(iii)(B).

[17] *Provision of Improved Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Petition for Clarification of WorldCom, Inc.*, CC Docket No. 98-67, Declaratory Ruling and Second Further Notice of Proposed Rulemaking, 17 FCC Rcd 7779, 7779-80, para. 1 (2002) (*2002 IP Relay Declaratory Ruling*).

[18] 47 CFR § 64.601(a)(27).

[19] *See 2002 IP Relay Declaratory Ruling*, 17 FCC Rcd at 7780-81, paras. 3-4.

[20] 47 CFR § 64.611(a)(1).

[21] 47 CFR § 64.611(a)(2).

[22] 47 CFR § 64.611(c)(1) (requiring providers to provision routing information in the TRS Numbering Directory); 47 CFR § 64.613(a)(2) (designating the IP Relay user information to be maintained in the TRS Numbering Director); *see also 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, WC Docket No. 05-196, Report and Order and Further Notice of Proposed Rulemaking, 23 FCC Rcd 11591, 11592-93, para. 1 (2008) (*2008 First Numbering Directory Order*).

[23] *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, 387, para. 19 (2007) (*2007 IP CTS Declaratory Ruling*).

enabled device via the Internet to simultaneously listen to and read captions of what the other party is saying.[24] Captions are generated either with the assistance of a CA or solely through ASR technology.[25]

B. Current Certification Process for Providing Internet-Based TRS

11. The Commission's rules provide that Internet-based TRS providers must receive certification from the Commission to be eligible for TRS Fund support.[26] The documentation required for certification includes a detailed description of the services the applicant intends to provide, and an explanation of how they will meet each mandatory minimum standard applicable to the type of TRS offered.[27] Recertification applications are required at least 90 days before the expiration of a provider's current certification, which typically occurs every five years, and providers must include all required information in their recertification applications.[28]

12. Internet-based TRS providers, once certified, are also subject to reporting and notification requirements. For example, certified providers of VRS, IP Relay, and IP CTS are obligated to notify the Commission of any substantive changes to their TRS programs, services, and features and certify that they continue to meet the Commission's mandatory minimum standards after implementing such changes.[29] Furthermore, each Internet-based TRS provider must file an annual report demonstrating its continuing compliance with the mandatory minimum standards.[30]

C. Current User Registration and Verification Requirements.

13. To ensure that consumers can effectively use Internet-based TRS and to prevent waste, fraud, and abuse in the TRS program, Internet-based TRS providers are required to register their subscribers.[31] Different user registration requirements apply to each of the three current forms of Internet-based TRS—IP Relay, VRS, and IP CTS.[32]

14. IP Relay providers are required to register each user of that service and collect registration information, including the consumer's name and mailing address, before issuing a ten-digit telephone number.[33] In addition, IP Relay providers must "implement a reasonable means of verifying registration and eligibility information that is not unduly burdensome."[34] While no particular verification procedures are mandated, examples include sending a postcard to the mailing address for return,

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[24] 47 CFR § 64.601(a)(26).

[25] *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, 5827, para. 48 (2018) (*2018 IP CTS Order and Declaratory Ruling*).

[26] 47 CFR § 64.606.

[27] 47 CFR § 64.606(a)(2)(i)-(ii).

[28] 47 CFR § 64.606(c)(2).

[29] 47 CFR § 64.606(f).

[30] 47 CFR § 64.606(g).

[31] 47 CFR § 64.611.

[32] *See* 47 CFR § 64.611(a)(3)-(6) (applicable to VRS providers), 64.611(a) and (b) (applicable to VRS and IP Relay providers), and 64.611(j) (applicable to IP CTS providers).

[33] 47 CFR § 64.611(a).

[34] *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, WC Docket No. 05-196, CC Docket No. 98-67, Second Report and Order and Order on Reconsideration, 24 FCC Rcd 791, 809, para. 37 (2008) (*2008 Second TRS Numbering Order*).

conducting in-person or on-camera ID checks, or using other verification processes similar to those employed by voice telephone providers, banks, and credit card companies.[35]

15. More detailed rules apply to VRS and IP CTS. VRS providers must collect additional information, including the user's date of birth, the last four digits of their Social Security Number or Tribal Identification Number, and a self-certification of eligibility.[36] Further, in 2013, the Commission mandated the establishment of a TRS User Registration Database (User Database) to centralize user registration records and identity verification.[37] The User Database's core function is to ensure that TRS is provided only to registered users whose eligibility has been established and identities verified based on uniform criteria, thereby protecting the TRS Fund from waste, fraud, and abuse.[38] VRS user registration data must be submitted to and verified by the User Database,[39] and VRS providers are generally prohibited from seeking compensation for service to users who do not pass the identity verification check conducted by the User Database.[40] A pre-verification "grace period" allows providers to offer service to new or porting users for up to two weeks while identity verification is pending, with compensation contingent upon eventual verification.[41] IP CTS providers are also required to collect registration data from users, similar to that required from VRS users.[42] In addition, the Commission has adopted rules providing for the transmission and verification of IP CTS registration data in the User Database, subject to the same procedures applicable to VRS.[43] However, a notice indicating that the User Database is ready to receive IP CTS user data has not yet been published.

D. Performance Metrics

16. In 2016 and 2017, the Commission issued Notices of Inquiry seeking comment on whether and how to establish performance measures and metrics for VRS and IP CTS, respectively.[44] In

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[35] *2008 Second TRS Numbering Order*, 24 FCC Rcd at 809-10, para. 38. Such materials also should make it clear that the consumer may obtain a telephone number from, and register with, his or her provider of choice (notwithstanding any prior relationship the consumer may have had with another provider); (2) the consumer may change default providers at any time and, in doing so, retain his or her telephone number by porting the number to the new default provider; (3) the consumer may make calls through, and receive calls from, any provider (and the consumer is not limited to making or receiving calls through his or her default provider); and (4) the provider cannot condition the ongoing use or possession of equipment, or the receipt of different or upgraded equipment, on the consumer continuing to use the provider as its default provider. *2008 Second TRS Numbering Order*, 24 FCC Rcd at 809-10, para. 38.

[36] 47 CFR § 64.611(a)(3), (4), (j)(1).

[37] *2013 VRS Reform Order*, 28 FCC Rcd at 8647-56, paras. 62-86; 47 CFR §§ 64.611, 64.615.

[38] *See Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Structure and Practices of the Video Relay Services Program; Misuse of Internet Protocol (IP) Captioned Telephone Service; et al*, CG Docket Nos. 03-123, 10-51, 13-24, Report and Order, Notice of Proposed Rulemaking, Order, and Declaratory Ruling, 37 FCC Rcd 8107, 8109, para. 5 (2022) (*2022 VRS Improvements Order and NPRM*).

[39] 47 CFR § 64.611(a)(3), (4).

[40] 47 CFR § 64.615(a)(6)(ii), (iii), (iv).

[41] 47 CFR § 64.615(a)(6)(v).

[42] 47 CFR § 64.611(j)(1).

[43] 47 CFR § 64.611(j)(2). *See 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, 03-123, Report and Order, Further Notice of Proposed Rulemaking, and Order, 34 FCC Rcd 691, 696-98, paras. 13-15 (2019) (*2019 IP CTS User Database Order*).

[44] *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, 03-123, Report and

(continued….)

2020, the Commission issued a Notice of Proposed Rulemaking proposing to adopt measures and metrics for IP CTS.[45]

E. Recent Developments

17. Improved communication and information technology has the potential to enhance the capabilities of Internet-based TRS.[46] For text-based relay services, improved ASR systems offer a formidable alternative to the use of human CAs.[47] ASR-generated captions frequently approach or surpass the accuracy of human captioning while increasing speed and reducing cost.[48] Beginning in 2020, the Commission has certified several IP CTS providers that rely solely on ASR.[49]

18. More recently, conditional certifications have been granted to IP Relay providers utilizing automatic text-to-speech and ASR technologies, broadening the available options for text-based phone communications.[50] In late 2024, the Commission certified two IP Relay providers to operate fully automatic IP Relay using ASR and text-to-speech technologies.[51] These innovations aim to provide more

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Order, Notice of Inquiry, Further Notice of Proposed Rulemaking, and Order, 32 FCC Rcd 2436 (2017) (*2017 VRS Improvements Order and FNPRM*); *2018 IP CTS Order and Declaratory Ruling*, 33 FCC Rcd 5800.

[45] *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, 10-51, Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking, 33 FCC Rcd 10866 (2020) *(2020 IP CTS Metrics Further Notice)*.

[46] *See Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*; *Speech-to-Speech and Internet Protocol (IP) Speech-to-Speech Telecommunications Relay Services*; CG Docket Nos. 03-123, 08-15, Notice of Proposed Rulemaking, FCC 25-79, paras. 12-16 (2025) (*2025 Analog TRS Modernization NPRM*).

[47] *2018 IP CTS Order and Declaratory Ruling*, 33 FCC Rcd at 5807, para. 13; *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, 03-123, Memorandum Opinion and Order, 35 FCC Rcd 14193, 14206, para. 30 (2020) (*2020 IP CTS Order*).

[48] *2018 IP CTS Order and Declaratory Ruling*, 33 FCC Rcd at 5828-29, paras. 50-51. The Commission's National Testing Lab offers testing of IP CTS applicants and providers to measure caption delay and accuracy. Such testing generally indicates that ASR captions meet or exceed aggregate speed or accuracy test results for IP CTS providers. *See, e.g.*, *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket 03-123, Order, 39 FCC Rcd 254, 256-57, paras. 9-10 (CGB 2024) (*NexTalk Conditional Certification*); *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket 03-123, Order, 39 FCC Rcd 245, 247-48, paras. 9-10 (CGB 2024) (*Rogervoice Conditional Certification*); *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket 03-123, Order, 39 FCC Rcd 92, 95-96, paras. 9-10 (CGB 2024) (*Nagish Conditional Certification*); *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket 03-123, Order, 39 FCC Rcd 82, 86-87, paras. 11-12 (CGB 2024) (*Global Caption Conditional Certification*).

[49] *2020 IP CTS Metrics Further Notice*, 35 FCC Rcd at 10896, para. 61.

[50] *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Internet-based TRS Certification Application of Mezmo Corporation to Provide IP Relay Service*, CG Docket No. 03-123, Order, 39 FCC Rcd 13800, 13802, para 8 (2024) (*InnoCaption IP Relay Certification Order*); *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; TRS Certification Application of Nagish, Inc.*, CG Docket No. 03-123, Order, 39 FCC Rcd 13811, 13814, paras. 9-10 (2024) (*Nagish IP Relay Certification Order*) (conditionally certifying InnoCaption and Nagish, Inc., respectively, for compensation from the Interstate TRS Fund to provide IP Relay on a fully automated basis).

[51] *InnoCaption IP Relay Certification Order*, 39 FCC Rcd at 13802, para 8; *Nagish IP Relay Certification Orde*r, 39 FCC Rcd at 13814, paras. 9-10.

diverse communication options, and better address users' varied needs.[52] The automation of IP Relay enables providers to route calls without interposing a call center, alleviating the need to put users' telephone numbers into the TRS Numbering Directory.[53] However, concerns have been raised regarding the performance of fully automated IP Relay in real-life call scenarios.[54] A coalition of accessibility advocacy and research organizations (AARO) has urged the adoption of objective performance metrics for IP Relay offerings that rely on ASR.[55]

19. Real-Time Text (RTT), an IP-based technology, also has potential to improve the performance of text-based relay services. In the *2025 Analog TRS Modernization NPRM*, we seek comment on the potential to replace TTY-based relay service.[56] In addition, recently updated smartphone operating systems allow users to set third-party applications, including IP Relay applications, as the default for handling calls. This functionality permits a user to select a preferred application to direct all outgoing and incoming calls through the chosen app, potentially integrating the IP Relay service more seamlessly into a user's wireless communications service.

20. On the VRS side, recognizing that video conferencing has evolved into an essential, mainstream communication vehicle, the Commission recently amended its TRS rules to expressly authorize the TRS Fund to support the integrated provision of relay services in video conferences, where the CA is included as a participant on the video conferencing platform.[57] The FCC adopted performance objectives requiring interoperable video conferencing service (IVCS) platforms to provide captions that accurately and synchronously display the spoken communications, and mandate user interface control functions enabling users to activate and adjust the display of captions, including size, font, color, and on-screen location.[58]

III. NOTICE OF PROPOSED RULEMAKING

21. This Notice explores ways to modernize Internet-based relay services, such as IP Relay and VRS, while streamlining Commission requirements. For IP Relay, the Notice seeks comment on the use of ASR for IP Relay speech-to-text conversion and advanced text-to-speech technologies, the compatibility of IP Relay with RTT technology, and metrics for IP Relay quality. In addition, the Notice seeks comment on providing captioning functionality in VRS calls, allowing additional VRS calling by U.S. residents traveling abroad, and adjusting VRS physical call center requirements. Finally, the notice seeks comment on streamlining TRS provider certification and registration processes, updating or eliminating obsolete rules, and closing several outdated dockets.

A. IP Relay

22. The Commission must ensure that our TRS rules encourage the use of existing technology and do not discourage the development of improved technology.[59] With the emergence of

[52] *Id.* at 13801-02, para. 6 (quoting comments filed by AARO).

[53] 47 CFR § 64.613(a)(2).

[54] *InnoCaption IP Relay Certification Order*, 39 FCC Rcd at 13801-02, para. 6 (quoting comments filed by AARO).

[55] *Id. See 2020 IP CTS Metrics Further Notice*, 35 FCC Rcd at 10898-902, paras. 66-77. A working group has been working to identify caption quality measures and metrics related to IP CTS. *See* MITRE, *Telephone Caption Quality Measures and Metrics Working Group Final Report*, https://www.mitre.org/news-insights/publication/telephone-caption-quality-measures-and-metrics-working-group-final-report (June 14, 2024). This set of measures and metrics would be applicable to IP CTS's speech-to-text services.

[56] *2025 Analog TRS Modernization NPRM* at 29.

[57] *Access to Video Conferencing et al.*, CG Docket 23-161, Second Report and Order and Further Notice of Proposed Rulemaking, 39 FCC Rcd 11068, 11102-03, para. 97 (2024) (*2024 IVCS Order*).

[58] 47 CFR § 14.21(b)(4).

[59] 47 U.S.C. § 225(d)(2).

ASR technology and text-to-speech functionalities in IP Relay, we seek to leverage this technological progress while understanding and addressing its systemic impact. We invite comment regarding the deployment, performance, potential benefits, or challenges of ASR and automated text-to-speech technologies in the IP Relay context. How can further advancements in text-to-speech technologies enhance the functional equivalency and user experience of IP Relay services?

23. Below, we examine and seek comment on how the availability of ASR and text-to-speech impacts the provision of service and how our rules may need to evolve to address these technological changes, including: establishing appropriate billing requirements for providers that offer both IP Relay and IP CTS on the same platform to prevent accidental or fraudulent overcompensation; reviewing numbering obligations, particularly those concerning the provisioning of routing information for IP Relay users in the TRS Numbering Directory; addressing compatibility with RTT technology to facilitate a smoother transition away from outdated analog systems; and developing quantifiable metrics for speech-to-text and text-to-speech performance to ensure these automated systems consistently meet required minimum standards for quality and functional equivalence.

1. Appropriate Billing when Both IP Relay and IP CTS are Offered on the Same Platform

24. The Commission is committed to ensuring sound financial stewardship of the TRS Fund. While many consumers register for only one form of TRS, individuals with both hearing and speech disabilities may register for both IP Relay and IP CTS.[60] Furthermore, modern applications allow a single platform or device to provide multiple forms of TRS within the application, giving users the flexibility to choose the specific communication mode—such as typing text or speaking—that best suits their needs for a particular call. Users of these platforms now have the ability to switch between IP CTS and IP Relay during the call.[61]

25. This distinction is critical because of the current differential between IP Relay and IP CTS compensation rates, which may create a risk of waste, fraud, and abuse when these services are delivered on the same platforms. For the current Fund Year, IP Relay providers are compensated at a per-minute rate of $2.1970.[62] By contrast, CA-assisted IP CTS is compensated at $1.40 a minute (plus a potential supplement), while ASR-only IP CTS is compensated at $1.05 per minute.[63] The substantial difference in compensation rates appears to create a financial incentive for providers offering both services to potentially misclassify minutes, or to design their platforms to drive users to IP Relay, to secure the higher rate.

26. Recently certified providers offering fully automatic IP Relay utilize ASR to convert the hearing party's speech to text (for the IP Relay user to read) and text-to-speech engines to convey the user's typed message to the hearing party. This fully automated functionality shares significant technical characteristics with ASR-only IP CTS, which consists solely of automated voice-to-text transcription. In

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[60] *See, e.g., Nagish IP Relay Certification Order*, 39 FCC Rcd at 13820, para. 25 ("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*." (emphasis added)).

[61] *See* Internet-based TRS Certification Application of Nagish, Inc., CG Docket No. 03-123, at 2-3 (filed June 23, 2022), https://www.fcc.gov/ecfs/document/106231030902855/1 ("Nagish has combined its IP CTS and IP Relay offerings into a single Internet-based TRS … solution, allowing users to switch seamlessly between IP CTS and IP Relay on the fly, including during a call.").

[62] *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, 10-51, Order, 40 FCC Rcd 4354, para. 1 (2025). We may address in a future proceeding the issue of whether to compensate CA-assisted IP Relay service at a different rate than ASR-only IP Relay to take account of any differences in costs between CA-assisted and ASR-only IP Relay service.

[63] *Id.*

granting certification for these services, the Consumer and Governmental Affairs Bureau (CGB) cautioned that providers utilizing shared platforms must take care not to bill the TRS Fund at the higher IP Relay rate for minutes that involve only transcription of a caller's speech, without the necessary conversion of the user's communication from text to speech.[64]

27. How should the Commission address the issues arising from the differences in compensation between fully automated IP Relay and ASR-based IP CTS? Should we resolve the difference through changes to the compensation plan for IP Relay or consider technology-based solutions or solutions based on user registration or call reporting requirements? For example, should the Commission establish a rule stating that a call is compensable only at the ASR-only IP CTS rate unless verifiable records demonstrate that the user actively utilized the text-to-speech output necessary for the full IP Relay conversion process? Are there technical mechanisms (e.g., software checks, specialized signaling, real-time logging of active speech or text-to-speech modules) that integrated service platforms could implement to reliably and automatically distinguish minutes provided as IP Relay versus IP CTS in call detail records? Should providers offering both IP Relay and IP CTS on an integrated platform be allowed to include a feature giving users the affirmative choice of selecting the desired service mode at the outset of the call, or the ability to seamlessly switch between modes during the call, to ensure the recorded service type reflects user preference and necessity? Does allowing for such switching impede the ability of providers to automatically collect call detail records? Could such switching increase the likelihood for providers to improperly categorize minutes of use, thus increasing administrative costs for the TRS Fund when corrective action is taken? Are there changes to the process for recording and submitting requests for compensation that could help mitigate such risks? Which registration and verification requirements should users seeking access to both IP Relay and IP CTS follow? How should we ensure the Commission or the Fund administrator will be able to fully review and audit the call detail records and requests for compensation to ensure the reported minutes align with the service provided?

28. We seek comment on whether we should take steps to ensure that CA-assisted IP Relay does not disappear entirely.[65] Does the availability of a human CA provide essential assistance for specific customer segments? Conversely, have ASR and text-to-speech technologies advanced sufficiently to provide comparable service quality even in specialized or challenging contexts? We seek comment on whether a rule requiring a human-assistance option to be included in every IP Relay offering would help maintain IP Relay service quality,[66] or if the current IP Relay environment, which allows consumers to choose between fully automated and CA-assisted forms of IP Relay (which may be offered by the same or different providers), sufficiently protects service quality.

2. IP Relay Numbering Obligations

29. Another issue that arises when IP CTS and IP Relay are provided on the same underlying platform concerns the need for users to designate a default provider for IP Relay and to use the TRS numbering directory to route IP Relay calls. Historically, the infrastructure of IP Relay has involved a live CA converting communications in both directions between the user's text-based Internet connection and the voice caller via the PSTN, thereby creating a necessary two-legged call structure.[67] To improve access to emergency service, allow direct dialing of IP Relay calls, and provide a uniform method for

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[64] *See InnoCaption IP Relay Certification Order*, 39 FCC Rcd at 13810, para. 28; *Nagish IP Relay Certification Order*, 39 FCC Rcd at 13822, para. 31.

[65] Currently, T-Mobile offers CA-assisted IP Relay service, while InnoCaption and Nagish offer automated IP Relay services.

[66] Analogously, in May 2024, the Accessibility Organizations filed a petition for rulemaking requesting that the Commission reverse its decision to allow IP CTS providers to rely exclusively on ASR and instead require an option for users to switch to CA-generated captions at any point during a call. *See Request for Comment on Petition for Rulemaking to Require a Communications Assistant Option for IP CTS*, CG Docket Nos. 13-24, 03-123, RM-11987, Public Notice, 39 FCC Rcd 8533, 8533, para. 1 (CGB 2024).

[67] *2002 IP Relay Declaratory Ruling*, 17 FCC Rcd at 7780-81, paras. 3-4.

calling IP Relay users, the Commission adopted rules providing that an IP Relay user's designated "default" provider shall assign (or port) a geographically appropriate ten-digit NANP number to a IP Relay user and facilitate call routing by entering routing information in the TRS Numbering Directory.[68]

30. Fully automated IP Relay service, which uses automated technology for both speech-to-text and text-to-speech conversions, eliminates the need to connect to a human CA intermediary at a call center and allows IP Relay users to make calls directly to the recipient using an app-based VoIP connection.[69] Therefore, providers of fully automated service may no longer need to put an IP Relay user's telephone number in the TRS Numbering Directory.[70] Further, in relying on existing number assignment processes for VoIP providers, these IP Relay providers would be subject to the Commission's porting and numbering rules applicable to VoIP providers and would no longer need to be identified as default providers, subject to TRS numbering and porting requirements.

31. We seek comment on the continuing need to require all IP Relay providers to add a designated NANP telephone number and associated Uniform Resource Identifier (URI) for each IP Relay user. Are IP Relay providers utilizing ASR and automated text-to-speech able to achieve full connectivity between IP Relay users and voice communication users without utilizing the TRS Numbering Directory? Are such providers able to ensure IP Relay users can call emergency services, including 911 and 988? Are we able to relieve IP Relay providers of the obligation to provision information in the Numbering Directory, or do some IP Relay providers still require a mechanism that maps telephone numbers to a user name, domain name, or IP address? Should we allow the provision of IP Relay without assigning the user a designated Internet-based TRS phone number, if a user has the ability to place and receive IP Relay calls using the number associated with their telephone service? Are there other impacts to call routing if some, but not all IP Relay numbers are in the TRS numbering directory? Will it change or affect how some IP Relay users reach emergency services? If a provider requires the use of the Directory, would it impede the provision of calls between IP Relay users if some or all IP Relay users' telephone numbers are not in the Directory? Do providers have another mechanism to identify IP Relay calls between different providers, to flag such calls as non-compensable from the TRS Fund?[71] What technical methods could be implemented to prevent IP Relay providers from submitting compensation requests for such direct IP Relay-to-IP Relay calls, ensuring accurate Call Detail Records and compliance with the Commission's TRS rules? Are there other fraud or security concerns that may arise from no longer requiring IP Relay providers to provision information in the Numbering Directory? Are there other policy considerations that would support maintaining a requirement that all telephone numbers associated with IP Relay be entered in the TRS Numbering Directory?

3. Compatibility with RTT Technology

32. IP Relay, being a text-based service transmitted over the Internet, shares fundamental characteristics with RTT technology due to its reliance on text and IP networks. In the *2025 Analog*

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[68] 47 CFR § 64.611(a). This requirement to assign a geographically appropriate NANP number applies only to VRS and IP Relay providers.

[69] *See Nagish IP Relay Certification Order*, 39 FCC Rcd at 13814-15, paras. 11-12; *Innocaption IP Relay Certification Order*, 39 FCC Rcd at 13803-04, paras. 11-12; *2025 Analog TRS Modernization Notice*, para. 28.

[70] *See* Nagish Comments, CG Docket Nos. 23-161, 10-213, and 03-123, at 5, n.12 (rec. Feb. 3, 2025) (discussing the potential integration of IP Relay into interoperable video conferencing services and questing whether requirements for integration with the TRS numbering director and registering as a default provider may prove redundant when IP Relay is provided in a similar way to IP CTS); *see also* Nagish Comments, GN Docket No. 25-133, at 2, 5-6 (rec. Apr. 14, 2025) (proposing the Commission delete the TRS default provider requirements).

[71] Calls between just IP Relay users are not compensable. 47 CFR § 64.604(c)(14). *See Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Report and Order and Further Notice of Proposed Rulemaking, 34 FCC Rcd 8483, 8487, para. 11 (2019) ("[i]n most cases, people using the same form of TRS can understand each other without additional help from a relay service …. The same applies to calls between two TTY users or between two users of IP Relay").

Modernization NPRM, we seek comment on the development of an RTT-based TRS to help facilitate the transition from a TTY-based, analog service to one that can be effectively provided on IP networks. Here, we seek to better understand the compatibility and differences between these two IP- and text-based forms of relay—IP Relay, as currently configured, and an RTT-based relay service.

33. We seek comment on the compatibility and interoperability of RTT and IP Relay in an IP calling environment. What standards do IP Relay providers use to carry text conversations across an IP network? Is the text transmission able to synchronize with voice or video transmission to allow for multimedia conversation? How does the connection to a CA in a call center affect the transmission of the text? How does the use of text-to-speech and ASR technologies effect the transmission of the text.

34. We also seek comment on specific rule changes that would facilitate improved compatibility between IP Relay and RTT, including any technical standards or interoperability requirements that should be adopted or modified. For instance, the Disability Advisory Committee's (DAC's) RTT on Wireline Networks Report outlines that interoperation connections must be IP, engineered to support audio and text simultaneously, and support SIP signaling standards, with media elements adhering to RFC 4103.[72] We ask whether further action is needed to ensure support for these standards and protocol in the provision of IP Relay.[73]

35. What specific modifications or standards are necessary for IP Relay access technology (e.g., equipment or software provided by the IP Relay provider) to natively support RTT protocols and user interface features, such as displaying text character-by-character as it is generated, consistent with RTT standards? Would the features and functions of RTT (full duplex operation and seamless integration of voice and text) translate into improved functional equivalence for IP Relay users? We ask commenters to quantify or describe any expected improvements in pacing, conversation flow, and overall efficiency. Would switching from current IP Relay text-typing methods to character-by-character RTT functionality impact the speed, usability, and accessibility for users relying on assistive technologies such as refreshable braille displays or screen readers? Would RTT integration create opportunities for enhanced interoperability across advanced communication service platforms?

36. What are the estimated capital and operational costs required for IP Relay providers to implement RTT compatibility, including necessary changes to access technology, call handling infrastructure, and training for CAs or ASR and text-to-speech engines? Which costs are one-time start-up costs and which are recurring costs? Will integrating RTT into IP Relay create opportunities for long term cost savings?

37. If the Commission mandates RTT integration into IP Relay, what is an appropriate transition period for providers to implement this change? Should this period be a fixed time (e.g., 18 or 24 months), or should implementation be tied to milestones related to the ongoing transition from analog to IP-based networks across the country? Given that RTT integration is proposed to ensure a seamless transition for legacy TTY users,[74] are there specific measures to inform these users about any new RTT-integrated IP Relay options and to assist them in making the transition?

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[72] Disability Advisory Committee, RTT Deployment in Wireline Networks Report at 4 (2022), https://www.fcc.gov/file/22908/download (DAC RTT on Wireline Networks Report). The final term of the DAC ended in December 2024. The Consumer Protection and Accessibility Advisory Committee (CPAAC) continues the work of the DAC making recommendations to the Commission on topics relating to accessibility issues. *See* FCC, Consumer Protection and Accessibility Advisory Committee, https://www.fcc.gov/consumer-governmental-affairs/advisory-committees-and-groups/consumer-protection-and-accessibility-advisory-committee (last visited Dec. 30, 2025).

[73] *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, at 10 (filed Aug. 12, 2024) (Analog TRS Transition White Paper), https://www.fcc.gov/ecfs/document/10812315813172/1.

[74] *2025 Analog TRS Modernization NPRM*, para. 29.

4. Speech-to-Text and Text-to-Speech Metrics

38. *Measures and metrics*. The Commission seeks comment on developing objective, quantifiable measures and metrics for IP Relay services, particularly those employing ASR and automated text-to-speech technologies. The speech-to-text feature of current fully automatic IP Relay services relies on the same ASR engines as providers' IP CTS offerings,[75] and the Commission is already engaged in developing quantitative standards for IP CTS.[76] Therefore, we seek comment on the extent to which such future metrics for IP CTS could be directly applied or adapted to assess the speech-to-text component of IP Relay done using either ASR or with the assistance of a CA. How should we account for differences in expected use between IP Relay and IP CTS? For example, we believe most IP CTS users rely on both captions and residual hearing for comprehension, while most IP Relay users rely solely on the resulting text. Should the quantitative metric for accuracy required for IP Relay be set at a more stringent standard than an accuracy standard adopted for IP CTS? Does the fact that an IP Relay user types a response, suggest the quantitative standard for caption delay for IP Relay should differ from the standard set for IP CTS? Should such questions be brought to a standards body or designated working group for further development?

39. We also seek comment on whether to consider measures and metrics for the text-to-speech functionality in IP Relay, beyond the current qualitative standard requiring CAs to possess clear and articulate voice communication skills.[77] What process should we pursue to develop measures and metrics for text-to-speech? Should we also consider developing measures for CA-assisted text-to-voice IP Relay? What quantitative measures could effectively assess text-to-speech accuracy, clarity, and naturalness? How should the concept of automated text-to-speech "clarity" be quantified—for example, by measuring synthetic voice recognition rates by external testing panels, or by adopting metrics derived from industry standards for audio quality, independent of the ASR transcription process? Should the Commission establish a quantitative standard for the latency or delay of the text-to-speech component? What would be the appropriate measures to consider for such conversational latency or delay in IP Relay?

40. *Performance testing and results*. If the Commission develops metrics and measures for the provision of IP Relay, how should the Commission perform service quality tests? Should the Commission require IP Relay providers offering a hybrid service (ASR and text-to speech alongside human CAs) to report automated performance metrics separate from CA-assisted performance metrics? What level of quality is acceptable and what statistical methods are appropriate for assessing provider performance? How, and how often, should the information be collected? To ensure the accuracy and impartiality of data, should the measurement of IP Relay ASR and text-to-speech quality rely predominantly on testing conducted by an independent entity chosen and overseen by the Commission, or should providers also be required to perform and submit self-testing results? Does the extent to which performance data are self-reported or collected through a third party affect how we should analyze or understand the results? Should the collection method affect the level of performance deemed acceptable? What methodology is appropriate for testing ASR performance in call environments particularly relevant to IP Relay users, such as those using assistive technology like refreshable braille displays or screen readers? Are there rule changes we should consider to facilitate such performance testing? How

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[75] *InnoCaption IP Relay Certification Order*, 39 FCC Rcd at 13803, para. 11; *Nagish IP Relay Certification Order*, 39 FCC Rcd at 13815, para. 12.

[76] *2020 IP CTS Metrics Further Notice*, 35 FCC Rcd at 10898-902, paras. 66-77.

[77] 47 CFR § 64.604(a)(1)(ii). InnoCaption states that its text-to-speech technology uses "a natural sounding human voice selected by the consumer" and generates speech audio "verbatim." *InnoCaption IP Relay Certification Order*, 39 FCC Rcd at 13806-07, para. 19. Nagish states that its text-to-speech technology uses "high-quality voices . . . 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, and properly vocalizes punctuation—for example, by adding longer pauses for periods than for commas." *Nagish IP Relay Certification Orde*r, 39 FCC Rcd at 13818-09, para. 21.

frequently should such testing be performed and submitted? Should the Commission publish the results of such performance testing? Should it develop a dashboard of performance metrics for IP Relay? What information would be most useful to publish on the dashboard to convey IP Relay performance for the public and for users?

41. Should the Commission adopt specific consequences or remediation practices for IP Relay providers whose measured performance falls below the minimum qualitative standards for ASR accuracy or automated text-to-speech quality?[78] For example, should providers that fail to meet these metrics be required to develop and submit for Commission approval a corrective compliance plan detailing steps and timelines for service improvement?[79] If testing reveals performance disparities (e.g., lower accuracy or clarity), should compensation be withheld or reduced until standards are met?[80] Should testing be part of the Commission's certification and re-certification review processes?

B. Video Relay Service

42. VRS enables individuals with hearing or speech disabilities who use ASL to communicate by video with voice telephone users.[81] The service operates through a video link via the Internet, allowing a CA—a qualified sign language interpreter—to view and interpret the party's signed conversation and relay the conversation back and forth with (in most cases) a voice caller.

1. ASR Captioning

43. As reflected in the Commission's recent adoption of captioning requirements for video conference providers, automation has transformed the economics of captioning, making it practicable to offer captioning with most forms of video communication.[82] As video communication technologies continue to advance and become more integrated into daily life, we believe it is timely to consider similar enhancements for VRS to ensure its continued functional equivalence with voice communication services and other video communication platforms.

44. Captioning has become a widespread and commonplace feature across various communication platforms, including general IVCS platforms, where the Commission has moved to adopt performance objectives for the provision of captions that are accurate and synchronous.[83] With the increased availability of captioning to any person (including hearing individuals) using communications services, we seek comment on requiring VRS providers to build in captioning functionality for what the CA voices when transliterating signs to spoken English. This would ensure that the VRS user, in addition to seeing the CA's signed interpretation, would also simultaneously receive a text display of the CA's spoken output. We assume that integrating captioning functionality directly into VRS platforms would be beneficial for ensuring conversation comprehension between ASL users and hearing individuals, by providing the ASL user with a secondary check to their conveyed information, comparable to the ability of hearing individual to hear their own words in a voice communication.[84] VRS users would be able to monitor the quality[85] of the CA's interpretation by allowing them to assess the CA's voiced interpretation

[78] *2020 IP CTS Metrics Further Notice*, 35 FCC Rcd at 10905-06, para. 85.

[79] *Id*.

[80] *Id*.

[81] 47 CFR § 64.601(a)(57) (definition of VRS).

[82] *2024 IVCS Order*, 39 FCC Rcd at 11084-85, para. 38 (requiring IVCS providers to "provide at least one mode with captions that accurately and synchronously display the spoken communications in a video conference").

[83] *Id*.

[84] 47 U.S.C. § 225(a)(3) (defining TRS to be communication services that enable communication that is functionally equivalent to voice communications services used by hearing individuals).

[85] *See, e.g., 2017 VRS Improvements Order and FNPRM*, 32 FCC Rcd at 2466, para. 68 (citing to consumer organizations which have shown concern about the quality of VRS interpretation).

of their signs—by comparing the simultaneously displayed text of that interpretation with what they originally signed, thereby ensuring the accuracy of their communication, while also enhancing the transparency and accountability of the relay service.[86] We seek comment on these assumptions.

45. In addition to captioning the CA's voiced interpretation, we seek comment on whether to require VRS providers to build in captioning functionality for what the hearing caller is saying. Such options align with communications services currently available to hearing users in the communications services marketplace.[87] This would provide the VRS user with direct text of the hearing party's speech, complementing the CA's signed interpretation. This integration would provide greater flexibility for the user, allowing them to choose how they receive and process information during a VRS call, depending on their individual preferences, communication mode (e.g., residual hearing combined with visual text), or environmental factors. We assume this would offer VRS users a more complete and redundant visual representation of the conversation, potentially enhancing comprehension and further facilitating a multi-modal approach to communication in a manner functionally equivalent to the voice communication available to hearing individuals. We seek comment on this assumption.

46. We also seek comment on whether users should be able to adjust the display of captions on VRS software. In the *Second IVCS Order*, the Commission adopted performance objectives for IVCS providers to provide user interface controls, which permit users to activate and adjust the display of captions.[88] We seek comment on adopting a similar requirement that users be able to activate and adjust the display of captions, allowing them to alter the size, font, and on-screen location of captions, and adjust the color and opacity of both the captions and the caption background. We assume that this measure aligns with the Commission's broader goal of empowering individuals with disabilities through independent user control over accessibility-related settings, which is essential for managing individual preferences and needs across various communication platforms.[89] Additionally, we assume independent user control of the display of captions would enhance access for people who use ASL and have limited vision. By enabling VRS users to optimize caption readability and have effective communication, such controls would appear to advance the statutory mandate for functionally equivalent TRS to be made available in the most efficient manner.[90] We seek comment on these assumptions. Are there potential unintended consequences with allowing simultaneous captioning and signing? For example, given that there are grammatical differences between written English and ASL, could the simultaneous display of ASL and text cause confusion or impede the flow of conversation, if VRS users seek to verify the ongoing accuracy of CA signing? Are there captioning settings or best practices available that could help mitigate any unintended consequences?

47. We seek comment on the costs and benefits of implementing built-in captioning and customizable display settings. Is it technically feasible for VRS providers to implement built-in captioning with customizable display settings? Are there potential cost savings associated with the enhance comprehension that captions may provide? What are the one-time and ongoing costs that VRS providers would incur to develop and maintain built-in captioning and customizable display settings? How should the TRS Fund administrator categorize those costs? Are there alternative ways VRS

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[86] 47 U.S.C. § 225(d)(1)(G) (prohibiting relay operators from intentionally altering conversations); 47 CFR § 64.604(a)(1)(iv) (requiring VRS CAs to be qualified interpreters).

[87] IVCS platforms, as well as certain operating systems for wireless providers, including iOS and Android, include options for users to enable captioning. *See 2025 Analog TRS Modernization NPRM*, para. 44 (discussing the inclusion of native ASR functions on smart devices).

[88] *2024 IVCS Order*, 39 FCC Rcd at 11089-90, para. 53. "Adjusting the display of captions means that a video conference participant can alter the size, font, and on-screen location of captions and adjust the color and opacity of both the captions and the caption background." 47 CFR § 14.21(b)(4)(ii)(A).

[89] *See, e.g.,* 47 CFR § 14.21(b)(1) (in the IVCS context, requiring that input, control, and mechanical functions be locatable, identifiable, and operable in accordance with listed factors).

[90] 47 U.S.C. § 225(a)(3), (b)(1).

providers could make captioning available, such as, through integration of third-party applications? We ask that commenters discuss the costs and benefits of any alternative proposals.

48. We also seek comment on whether any captioning requirements we adopt should be applicable to dedicated VRS devices (i.e., videophones) distributed by providers, as well as the VRS software made available for use with off-the-shelf devices such as smart phones, tablets, computers, and laptops, or via web versions of the VRS platform? Would captioning functionality be most efficiently provided in the VRS context by attaching it to the service, as with most IVCS platforms, or by providing it through a VRS user's equipment, as with the captioning made available through the operating systems of wireless devices, independently of a voice communications service? We seek comment on the scope of our authority under section 225 to require manufacturers of VRS access technology equipment to support captions and customizable display settings.[91] The Commission often distinguishes between its ability to allow TRS Fund support for services and service-related software and web-based applications for off-the-shelf devices and provider build and provisioned consumer premises equipment (CPE).[92] Is the Commission only able to adopt such a requirement where it is able to ensure such costs are compensable through TRS Fund support? To meet the definition of TRS, must a telephone transmission service, such as VRS, or a manufacturer of VRS access equipment conform to the requirement that equipment used for advanced communications service or telecommunications services is accessible to and usable by individuals with disabilities, even if the equipment costs are not compensable through the TRS Fund?[93]

2. International Dialing while Traveling Abroad

49. U.S. residents who are VRS users frequently need to make telephone calls while traveling abroad. Our current rules allow TRS Fund support (after notice to the user's default VRS provider) when such users place calls to the United States,[94] but they do not address compensation for calls placed to other endpoints. Recently, the United States Department of State (State Department) asked the Commission to permit TRS Fund support when VRS users traveling abroad make calls to U.S. embassies and consulates, which have telephone numbers local to the country where they are located.[95] In its request, the State Department explains that its "dedicated consular teams around the world stand ready to assist, and our embassies and consulates maintain duty rosters to coordinate help on a 24/7 basis, for U.S. residents who need assistance due to a medical emergency, lost passport, death, arrest, or other unanticipated event."[96]

50. To facilitate the safety and security of VRS users traveling abroad, we propose to require VRS providers to complete VRS calls to a designated list of international numbers for U.S. embassies and consulates. We seek comment on the technical feasibility, estimated costs, and potential benefits of mandating VRS providers to facilitate these types of calls to a pre-approved list of diplomatic facilities. How would such a requirement impact VRS provider operations, the TRS Fund, and the functional

[91] 47 U.S.C. § 225(a)(3), (b)(1).

[92] *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, 10-51, Report and Order, Further Notice of Proposed Rulemaking, 38 FCC Rcd 9157, 9172-73, 9177-78, paras. 32, 34, 45-46 (2023) (*2023 VRS Compensation Order*).

[93] 47 U.S.C. §§ 255, 617.

[94] 47 CFR § 64.604(d)(6).

[95] *Comment Sought on Request by U.S. Department of State to Allow International VRS Calls to U.S. Embassies and Consulates*, CG Docket Nos. 03-123, 10-51, Public Notice, 39 FCC Rcd 12454 (2024).

[96] *See* Letter from Rena Bitter, Assistant Secretary, U.S. Department of State, to Jessica Rosenworcel, Chairwoman, FCC (filed Sept. 23, 2024), https://www.fcc.gov/ecfs/document/10923573719951/1 (State Department Petition).

equivalence of VRS for users seeking to connect with U.S. government services while abroad? What safeguards are necessary to ensure appropriate use and prevent misuse of this service?

51. We also note that, in comments on the State Department proposal, some commenters also contended that to allow calling between two foreign points *only* if such calls terminate in international numbers for U.S. embassies and consulates would be "difficult to implement."[97] What technical modifications would be necessary to be able to facilitate connections between VRS users and U.S. government services using non-NANP numbers?

52. In prior comments on the State Department's request, several parties urged the Commission to allow VRS providers to be compensated for calls between any foreign end points.[98] We decline, however, to broaden the scope of our international calling rules beyond the specific requirement proposed today regarding calls placed to U.S. embassies and consulates. Nor do we seek to revisit the Commission's prior determination that, in general, calls that originate and terminate outside of the United States are non-compensable.[99] We limit our proposal to an exception for calls to U.S. embassies and consulates that we believe are permissible under section 225.

53. *Legal Authority*. We also seek comment on our legal authority to allow TRS Fund support for U.S. residents' use of TRS for calls to U.S. embassies and consulates. CGB previously determined that VRS calls that both originate and terminate outside the United States are not compensable.[100] This determination was based on the text of section 225, which directs the Commission to ensure that TRS are available to "hearing-impaired and speech-impaired individuals in the United States."[101] However, in so directing the Commission, section 225 expressly references section 1 of the Act, which establishes the Commission, "for the purpose of regulating interstate and *foreign* commerce in communication by wire and radio," so as to make communication service available "to all the people *of* the United States."[102] To interpret section 225 in harmony with section 1, we believe that section 225 should not be construed as limiting the Commission's authority to make VRS available to "the people of the United States" (i.e., to U.S. citizens and legal U.S. residents) when such individuals are temporarily located outside the United States.

54. Further, the Commission has previously interpreted section 225 as allowing U.S. residents to make calls to the United States while temporarily located abroad for periods of up to one year.[103] We believe that supporting VRS calls to U.S. embassies and consulates by U.S. residents traveling abroad, even where the dialed number is a foreign end point, is similarly permissible under section 225, notwithstanding CGB's prior determination regarding international calling in general. U.S. embassies and consulates are the primary way for a U.S. citizen traveling abroad to contact the United

[97] Convo Reply Comments at 3 (rec. Dec. 16, 2024); Sorenson Comments at 2 (rec. Dec. 10, 2024).

[98] Convo Reply Comments at 3 (rec. Dec. 16, 2024); Sorenson Comments at 1 (rec. Dec. 10, 2024); Deaf Equality et. al Comments at 2 (rec. Dec. 6, 2024).

[99] *See Structure and Practices of the Video Relay Service Program*, CG Docket No. 10-51, Declaratory Ruling, Order and Notice of Proposed Rulemaking, 25 FCC Rcd 6012, 6024, para. 27 (2010) (*2010 VRS Notice of Proposed Rulemaking*) ("VRS calls that both originate *and* terminate outside the United States are not compensable").

[100] *See Structure and Practices of the Video Relay Service Program*, CG Docket No. 10-51, Declaratory Ruling, 25 FCC Rcd 1868, 1872, para. 9 (CGB 2010) (*2010 VRS Declaratory Ruling*) (VRS calls that both originate and terminate outside of the United States are not compensable from the Fund under section 225); *2010 VRS Notice of Proposed Rulemaking*, 25 FCC Rcd at 6024, para. 27 (citing the *2010 VRS Declaratory Ruling*).

[101] 47 U.S.C. § 225(b)(1).

[102] 47 U.S.C. § 151 (emphasis added).

[103] *2022 VRS Improvements Order and NPRM*, 37 FCC Rcd at 8134, para. 69.

States government for support and assistance.[104] While the U.S government has chosen to utilize calling numbers assigned to the country where the U.S. embassy or consulate is located, that does not change the intent of the VRS caller to reach the United States government. We note that, as a strictly legal matter, U.S. embassies and consulates may not constitute the territory of the United States. However, international law regards the premises of a foreign mission as "inviolable," such that "the agents of the receiving State may not enter them, except with the consent of the head of the mission."[105] In addition, "[t]he receiving State is under a special duty to take all appropriate steps to protect the premises of the mission against any intrusion or damage and to prevent any disturbance of the peace of the mission or impairment of its dignity," and "[t]he premises of the mission, their furnishings and other property thereon and the means of transport of the mission shall be immune from search, requisition, attachment or execution."[106] Conversely, embassy and consular staff are subject to the laws of their home country.[107] Thus, it appears that for many legal purposes, a U.S. embassy or consulate is treated *as if* it were part of the United States. For these reasons, we believe it is permissible to designate such calls as compensable and to require VRS providers to ensure that VRS users may complete such calls. We seek comment on these beliefs.

55. In what specific respects are embassies or consulates treated (or not treated) as if they were part of the United States? In construing section 225 in this context, how should we resolve the seeming incongruity between the Commission's authority under section 225 "to carry out the purposes established under section 151 of this title, to make available to individuals *in* the United States a rapid, efficient nationwide communication service" by ensuring the availability of TRS,[108] and the purpose actually stated under section 151, i.e., "regulating interstate and *foreign* commerce in communication by wire and radio so as to make available, so far as possible to all people *of* the United States…a rapid, efficient, Nation-wide, and world-wide wire and radio communication service…"[109] To the extent that we find the phrase "in the United States" in section 225(b)(1) refers to the physical territory of the United States, does that preclude the Commission from ensuring that communications capabilities made available to U.S. residents are also available to such individuals when they leave the United States? Do the provisions of section 225 requiring common carriers to ensure the availability of TRS throughout the area in which it offers services[110] and requiring the Commission to ensure the regulations do not discourage or impair the development of improved technology,[111] permit international TRS, when technologically feasible and where TRS Fund contributors offer such world-wide voice communication services? If the people of the United States can use voice communications services to engage in communications world-

[104] *See* U.S. Department of State, *Help Abroad*, https://travel.state.gov/en/international-travel/help-abroad.html (last visited Dec. 29, 2025); State Department Petition at 1 ("dedicated consular teams around the world stand ready to assist U.S. citizens 24/7 in a medical emergency, when they are victims of crime, when crisis strikes, or when faced with other unanticipated events").

[105] Vienna Convention on Diplomatic Relations (1961), art. 22, § 1 (Vienna Convention), https://legal.un.org/ilc/texts/instruments/english/conventions/9_1_1961.pdf.

[106] Vienna Convention, art. 22, §§ 2-3.

[107] *See, e.g.*, 18 U.S.C. § 7 (With respect to criminal offenses committed by or against a national of the United States, including the premises of United States diplomatic, consular, military or other United States Government missions or entities in foreign States, within the scope of its jurisdiction); Vienna Convention, art. 31, § 4 (Immunity from the jurisdiction of the receiving State does not exempt diplomatic agent from the jurisdiction of the sending state); *U.S. v. Corey*, 232 F.3d 1166, 1180 (Ninth Cir. 2000) (Independent nations ceded their exclusive control over their territory through treaties, and the terms of those agreements govern concurrent jurisdiction).

[108] 47 U.S.C. § 225(b)(1).

[109] 47 U.S.C. § 151 (emphasis added).

[110] 47 U.S.C. § 225(c).

[111] 47 U.S.C. § 225(d)(2).

wide regardless of their location, does functional equivalence necessitate telephone transmission services being available on the same worldwide scale to meet the definition of TRS?

3. Cap On VRS At-Home Minutes

56. In the *2023 VRS Improvements Order*, the Commission increased the cap on VRS call minutes that could be handled by CAs working from home workstations from 50% to 80% of a provider's monthly minutes.[112] This action implicitly established a 20% minimum requirement for monthly VRS minutes to be handled within physical call centers.[113]

57. The decision to maintain the minimum 20% physical call center requirement was deemed necessary to ensure that newly hired or inexperienced CAs can benefit from in-person supervision or mentoring by experienced CAs and to help ensure continuity of service.[114] Although VRS providers were permitted to operate entirely remotely during the COVID-19 pandemic, pursuant to waivers, even during that period no provider relied exclusively on at-home CAs. Given that the arguments for complete removal of the cap had not been empirically tested, the Commission decided to maintain a minimum level of call center staffing.[115]

58. In its November 13, 2025, *ex parte*, Sorenson notes that VRS is the only form of TRS subject to a physical call center mandate and advocates for more flexibility as to the minimum 20% physical call center requirement.[116] In consideration of its arguments, we seek comment on whether, based on provider and consumer experience since the 80% cap became effective, the rationale supporting the 20% minimum physical call center minute requirement remains valid and whether the 80% cap should be removed.

59. Does the experience of VRS providers operating under the 20% mandatory minimum for minutes handled through physical call centers show that these call centers are still essential for safeguarding the quality, reliability, and continuity of VRS? Are the monitoring and oversight rules regarding supervision, technical requirements, and random inspections[117] adequate to provide comparable supervision and training remotely, thereby obviating the need for a fixed 20% minimum call center minute requirement? Given that no other form of TRS is subject to a mandatory physical call center threshold, does this requirement for VRS create unnecessary cost burdens or inefficiencies that hinder VRS providers' ability to utilize their labor force in the most cost-effective manner? If eliminated, what benefits (e.g., reduced overhead expenses or improved CA retention) could be realized and how should the Commission quantify these savings and benefits?

60. What is the impact of the current 20% minimum physical presence requirement on VRS providers' ability to recruit and retain qualified CAs? Are there any quantitative data on call quality, speed-of-answer compliance, and consumer complaint rates for minutes handled in physical call centers versus at-home workstations since the 80% cap took effect, including any metrics related to CA productivity or turnover? How has the 20% minimum physical presence requirement impacted the service experience of VRS users? Is there any empirical evidence demonstrating a quantifiable degradation of service quality directly attributable to increased reliance on at-home CAs? Conversely, absent such evidence, should the minimum physical presence requirement be removed entirely? If the Commission were to remove the 20% minimum minute requirement, should it mandate that VRS

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[112] *2023 VRS Improvements Order*, 38 FCC Rcd at 12755, para. 11.

[113] *Id.* at 12757, para. 15.

[114] *Id.*

[115] *Id.* at 12757, para. 15 and n.64.

[116] Letter from Howard Waltzman, Counsel to Sorenson Communications, LLC, to Marlene H. Dortch, Secretary, FCC, CG Docket Nos. 03-123, 08-15, at 2 (filed Nov. 13, 2025) (Sorenson *Ex Parte*).

[117] 47 CFR § 64.604(d)(7).

providers continue to maintain a minimum number of physical call centers (not related to minute volume) to ensure infrastructure redundancy and sufficient resources for staff supervision and technical support?

61. Should the Commission remove the 20% minimum requirement for monthly VRS minutes to be handled within physical call centers, then it may be possible that a VRS provider will no longer have any call centers. In light of that possibility, we seek comment on making conforming changes to several requirements for VRS providers to provide services at home workstations "equivalent to" or "to the same extent as" those provided at call centers.[118] We seek comment on how removing the 20% minimum call center requirement would affect the current requirements for VRS providers to "provide at-home CAs equivalent support to that provided to CAs working from call centers,"[119] "ensure that each home workstation enables the provision of confidential and uninterrupted service to the same extent as the provider's call centers,"[120] and "ensure that off-site supervision approximates the level of supervision at the provider's call center."[121] Would it be sufficient to require VRS providers to provide support and supervision to CAs and require all home workstations to enable the provision of "confidential and uninterrupted service" even without a physical call center to serve as a point of comparison for these standards?[122]

C. TRS User Registration and Verification Requirements

62. *Streamlining existing user registration and verification requirements*. We seek comment on unifying and streamlining the existing user registration and verification requirements, particularly those currently organized within section 64.611 of our rules, which are presently grouped by VRS, IP CTS, and IP Relay. The objective of this streamlining is to create a more coherent and consistent regulatory framework, while retaining specific provisions where necessary to address inherent differences between particular forms of TRS, such as technological capabilities or service delivery models.

63. Currently, section 64.611 delineates distinct registration requirements for each Internet-based form of TRS. For instance, section 64.611(a)(4) specifies the information to be collected and transmitted to the User Database for VRS users.[123] Similarly, IP CTS providers are required to collect and transmit user information to the User Database under section 64.611(j)(2).[124] As the Commission moves towards extending user registration and verification requirements to all forms of TRS, including analog services and future IP-based services,[125] the need for a unified and streamlined regulatory framework becomes even more apparent. We believe such an approach would enhance clarity, reduce complexity for providers, and ensure consistent application of anti-fraud measures across the entire TRS program. Are there considerations that cut against this belief? We seek comment on how to best achieve this unification and streamlining within section 64.611. Are there specific rule consolidations we should consider? Are any distinctions between user registration and verification requirements for specific forms of Internet-based TRS necessary? What impact, if any, would there be on compliance and administration

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[118] 47 CFR § 64.604(d)(7)(ii)(B) (provide at-home CA support equivalent to that provided to CAs working from call centers), (d)(7)(iii) (confidential and uninterrupted service at home workstations to be provided at the same extent as call centers), (d)(7)(iv)(C) (off-site supervision to approximate the level of supervision at a call center), (d)(7)(v) (home workstations and their records shall be subject to review, inspection, or audit by the Commission to the same extent as call centers and call center records).

[119] 47 CFR § 64.604(d)(7)(ii)(B).

[120] 47 CFR § 64.604(d)(7)(iii).

[121] 47 CFR § 64.604(d)(7)(iv)(C).

[122] 47 CFR § 64.604(a)(2) (confidentiality), 64.604(b)(4)(ii) (uninterrupted power for emergency use).

[123] 47 CFR § 64.611(a)(4).

[124] 47 CFR § 64.611(j)(2).

[125] *2025 Analog TRS Modernization NPRM*, paras. 79-81.

as a result of this consolidation and streamlining of existing user registration and verification requirements?

64. *Optimal allocation of user registration and verification responsibilities*. Building on these considerations, we seek comment on the optimal allocation of responsibilities within the user registration process. Under our rules, VRS and IP CTS providers collect user information and transmit it to the User Database administrator, who then conducts the identity verification check.[126] Is this division of labor the most efficient and effective model, or are changes warranted? Should the User Database Administrator remain the primary entity for identity verification, or is there a more efficient option? For example, we seek comment on the feasibility and desirability of the administrator establishing a direct user registration portal. This alternative model would allow users to submit their registration information directly to the User Database, rather than through their chosen provider, potentially streamlining the initial collection process and enhancing neutrality. In addition, this approach would eliminate the need for users to register and obtain identity verification each time they change to a different TRS provider. What are the operational implications, costs, benefits, and any associated privacy concerns for each of these models, including how they might impact user experience, program integrity, and the overall efficiency of the TRS program? How would this improve the user experience compared to how user registration is currently done?

D. TRS Certification Applications

65. We seek comment on how the overall provider certification process could be streamlined to reduce the amount of detail the applicant must provide to demonstrate it will meet all applicable TRS mandatory minimum standards. To what extent are detailed descriptions essential for determining whether to certify a provider? How can an applicant provide a detailed description of how the applicant will meet all applicable TRS mandatory minimum standards in a way that demonstrates the applicant's eventual ability to actually comply with these standards? To what extent are detailed descriptions essential for determining whether to certify a provider? Is there information we collect unnecessarily, or require providers to retain beyond its useful period? For example, should we limit the required listing of employees to those who are CAs, executives, or officers?[127] Should we reduce the retention period for employment agreements for employees other than CAs, executives, or officers?[128] Should we eliminate the requirement to include in certification applications detailed descriptions and copies of certain deeds or leases (e.g., for facilities, their technology and equipment, and automatic call distribution) for call centers located within the United States, while requiring these descriptions and copies for call centers located outside the United States?[129]

66. What are the potential benefits, drawbacks, and feasibility of streamlining the certification process in this manner, particularly concerning its impact on administrative efficiency, regulatory oversight, and the continued assurance of functional equivalence for TRS users while preventing waste, fraud, or abuse of the TRS Fund? Is there any aspect of the certification process, including other relevant rules, that the Commission should consider as it works to streamline the certification process for Internet-based TRS providers? Are there other certification processes that we should evaluate as useful models?

67. Additionally, we seek comment on how the recertification process could be streamlined to reduce the amount of detail the applicant must provide to demonstrate it continues to meet all

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[126] 47 CFR § 64.611(a)(4), (j)(2). While the rule structure is in place, IP CTS providers do not currently submit user data to the User Database administrator.

[127] 47 CFR § 64.606(a)(2)(ii)(C).

[128] 47 CFR § 64.606(a)(2)(ii)(D).

[129] 47 CFR § 64.606(a)(2)(ii)(A). *See* ZP Better Together, LLC, Comments, GN Docket No. 25-133, at 8-9 (rec. Apr. 11, 2025), https://www.fcc.gov/ecfs/document/10411597621479/1 (recommending that the Commission significantly streamline the requirements for certification applications).

applicable TRS mandatory minimum standards. How can we leverage information collected with the initial application and during the certification period, while maintaining a robust recertification process? Would requiring details only when a change has been made since the initial application meet the goal of ensuring the Commission has complete and accurate information to consider applications for recertification? Should we allow Internet-based TRS providers to refer to information previously filed with the Commission in lieu of including detailed descriptions of how they will meet the mandatory minimum standards applicable to each form of TRS in their recertification applications?[130] If we retain requirements to include detailed descriptions and copies of certain deeds or leases (e.g., for call center facilities, their technology and equipment, and automatic call distribution) in initial certification application, should we eliminate the requirement for recertification applications?[131] Should the Commission eliminate the requirement to file copies of sponsorship arrangements?[132]

68. We also seek comment on several additional targeted revisions to the TRS provider certification rule in an effort to enhance administrative efficiency, remove redundant obligations, and ensure the accuracy of our regulatory text. We propose correcting a cross-reference to ensure that the required certification documentation, which describes measures taken by IP CTS providers to prevent seeking compensation for ineligible users, accurately points to the proper IP CTS registration and certification rules codified under section 64.611(j).[133] To provide greater administrative flexibility, we propose deleting unnecessary constraints regarding the format used by the Commission to issue certification,[134] recognizing that while these rules may have previously specified a letter or order, the Commission currently uses various administrative documents to grant conditional certification, provided the provider is determined to meet all applicable mandatory minimum TRS standards and compliance requirements.

69. Finally, to reduce paperwork burden now that the relevant programs have matured, we propose to eliminate the requirement for Internet-based TRS providers to submit an annual compliance report demonstrating that they are in compliance with section 64.604 of the Commission's rules.[135] We also propose to eliminate a parallel requirement that applicants promise to file an annual compliance report.[136] Through this proposal, we would also eliminate the additional obligation on VRS providers to submit a compliance plan describing the provider's policies, procedures, and practices for complying with section 64.604(c)(13)[137] and submit specific statistics related to at-home call handling.[138] We believe that annual compliance reports impose an unnecessary administrative burden on TRS providers.

70. While we believe that comprehensive annual reporting on compliance creates unnecessary and burdensome paperwork, we also maintain a strong commitment to the prevention of waste, fraud, and abuse in the TRS program. We believe all TRS providers must have in place, and train their staff to carry out, clearcut, detailed procedures for compliance with applicable Commission rules. Therefore, instead of the annual compliance reporting currently required, we propose to require that, upon request by the Commission, a TRS provider must submit a detailed description of its current practice and future plans for complying with each rule specified in such request. We propose that a provider should be able to complete and submit such a compliance report and plan within 60 days of receiving a request from

[130] 47 CFR § 64.606(a)(2)(ii).

[131] 47 CFR § 64.606(a)(2)(ii)(A).

[132] 47 CFR § 64.606(a)(2)(ii)(E).

[133] 47 CFR § 64.606(a)(2)(ii)(F).

[134] 47 CFR § 64.606(b)(1), (2).

[135] 47 CFR § 64.606(g).

[136] 47 CFR § 64.606(a)(2)(iv).

[137] 47 CFR § 64.606(g)(3)-(4).

[138] 47 CFR § 64.606(g)(5).

the Commission. The new requirement and timeframe are similar to our current rule, under which the Commission may notify a VRS provider if we determine its compliance plan currently on file is inadequate to prevent waste, fraud, and abuse of the TRS Fund and giving the provider up to 60 days to submit an amended compliance plan.[139] The current requirement is limited to VRS providers, while the proposed rule would apply to providers of all forms of TRS. We seek comment on these proposals and beliefs.

E. Notification of Substantive Changes

71. Section 64.606(f)(2) of the Commission's rules requires VRS and IP Relay providers to notify the Commission of substantive changes in their TRS programs, services, and features within 60 days of when such changes occur.[140] Providers must also certify that the interstate TRS program continues to meet federal minimum standards after implementing the substantive change.[141] While section 64.606(f)(2) mentions only VRS and IP Relay providers, the Commission has required some IP CTS providers (as a condition of certification) to promptly report any changes in the information provided to the Commission during their application and supplemental filings, including changes in service agreements, suppliers, or the manner in which they provide service.[142]

72. In recognition of this inconsistent policy and to ensure clarity and uniformity across all Internet-based relay services, we propose to amend section 64.606(f)(2) to replace the specific references to "VRS and IP Relay providers" with the broader term "Internet-based TRS providers."[143] This proposed modification would ensure that a uniform notification requirement is applicable to each Internet-based TRS provider. Furthermore, this amendment would accommodate the emergence of new Internet-based relay services, such as the recently proposed Internet Protocol Speech-to-Speech Relay Service (IP STS),[144] avoiding the need for further rule modifications for each new service. This approach promotes efficiency and minimizes administrative burdens for both providers and the Commission by establishing a clear, overarching requirement for all Internet-based TRS offerings. We seek comment on this proposal.

73. We also propose to adjust the text of the rule to eliminate any possible doubt regarding the timing of the required notification.[145] The rule currently requires that "[s]tates must notify the Commission of substantive changes in their TRS programs within 60 days of when they occur" and providers "must notify the Commission of substantive changes in their TRS programs, services, and features within 60 days of when such changes occur." We propose to replace "of when" with "after" to emphasize that this notification does not have to be given in advance of a substantive change. We seek comment on this proposal.

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[139] 47 CFR § 64.606(g)(4).

[140] 47 CFR § 64.606(f)(2).

[141] 47 CFR § 64.606(f)(2).

[142] *See, e.g., NexTalk Conditional Certification*, 39 FCC Rcd at 259-60, para. 16 (certifying NexTalk as an IP CTS provider and requiring NexTalk "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 NexTalk provides service"); *Rogervoice Conditional Certification*, 39 FCC Rcd at 250-51, para. 16 (same, for Rogervoice); *Nagish Conditional Certification*, 39 FCC Rcd at 98, para. 16 (same, for Nagish).

[143] 47 CFR § 64.606(f)(2).

[144] *See 2025 Analog TRS Modernization Notice*, para. 51 (proposing to authorize IP STS as a compensable form of TRS).

[145] 47 CFR § 64.606(f)(1) (states), (2) (providers).

F. Incentives for Use of TRS

74. The Commission's rules currently prohibit IP CTS and VRS providers from offering direct or indirect incentives, financial or otherwise, to encourage registration for or use of these services.[146] These prohibitions were established to prevent waste, fraud, and abuse in the TRS program, in which, due to the per-minute compensation system, providers may be motivated to encourage unnecessary use of relay services solely for the purpose of generating additional revenue.[147] Such practices result in increased costs that are borne by all providers and users of communication services, impeding the statutory goal of making functionally equivalent services available in the most efficient manner.[148]

75. To protect the long-term sustainability and integrity of the TRS Fund as new technologies arise, we propose to amend section 64.604(c)(8) so that the prohibition on incentives and inducements applies broadly to all Internet-based TRS, including IP Relay and prospective services such as IP STS, Video-Assisted STS, and RTT-based relay service.[149] This expansion is intended to strengthen the integrity and safeguard the TRS Fund from waste, fraud, and abuse program-wide. We seek comment on this proposal.

G. Calling Party Identification Requirement.

76. Section 64.604(b)(6) currently requires that when a TRS facility is capable of transmitting calling party identifying information, it must pass through, to the called party, at least one of three options: the number of the TRS facility, 711, or the 10-digit number of the calling party.[150] This requirement was initially established to ensure that a called party subscribing to Caller ID could, at a minimum, identify the incoming call as being from a TRS facility, which helped prevent the rejection of calls that might otherwise display as blocked or unavailable.[151] We propose to amend this rule by eliminating the phrase, "the number of the TRS facility," as this option has become superfluous. For TRS providers that route calls as a part of providing their service the functional equivalency mandate is best met by transmitting to the called party the caller's specific 10-digit number, if one is assigned, or (if no number is assigned to the caller) by providing the universal 711 code. For call recipients, 711 is easily identified as the number for TRS call centers, while the telephone number assigned to a TRS facility is often unadvertised and not readily distinguishable from other 8XX toll-free telephone numbers. We believe the continued inclusion of the generic TRS facility number option appears unnecessary and inconsistent with modern TRS numbering standards, and its removal will clarify the emphasis on providing the most accurate identification information possible. We seek comment on this proposal and belief.

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[146] 47 CFR § 64.604(c)(8)(i), (v). Section (c)(8) also prohibits IP CTS providers from offering or providing any direct or indirect incentives to hearing health professionals that are tied to a consumer's decision to register for or use IP CTS and prohibit joint marketing agreements between IP CTS providers and hearing health professionals. 47 CFR § 64.604(c)(8)(ii)-(iv). We do not propose to change the applicability of those provisions.

[147] *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, 3414-17, paras. 33-37 (2019) (*2019 VRS Program Management Order*).

[148] *Id.*

[149] *See Analog TRS Modernization Notice*, paras. 29-31 (RTT-based relay service), 51 (IP STS and Video-Assisted STS).

[150] 47 CFR § 64.604(b)(6).

[151] *Telecommunication Relay Services and Speech-To-Speech Services for Individuals With Hearing and Speech Disabilities, Telecommunications Relay*, CG Docket Nos. 98-67, Second Report and Order, Order on Reconsideration, and Notice of Proposed Rulemaking, 18 FCC Rcd 12379, 12395, para. 25 (2003) (*2003 TRS Order*).

H. Updating or Deleting Obsolete or Unnecessary Rules

77. As part of our effort to modernize the TRS program, we propose to update the TRS rules by deleting or modifying regulations that are obsolete; create burdensome and unnecessary record retention, reporting obligations, or disclosures; govern a time period that has passed; or contain duplicative or superfluous language. We also propose to make technical corrections to correct cross cites to other rules. We seek comment on these proposals and the questions, beliefs, and assumptions stated below.

78. *Automatic Call Distribution Platform*. Section 64.604(b)(4)(iv) mandates that if an Automatic Call Distribution (ACD) platform is leased or licensed between two eligible VRS providers, the lessee or licensee must locate the ACD platform on its own premises and utilize its own employees to manage the ACD platform.[152] We believe retaining this restriction may be unduly burdensome on operational flexibility. While intended as a safeguard against the types of unlawful activities seen on the part of many white label providers,[153] we believe that the current VRS program structure, which encourages competition among providers, reduces the need to explicitly require VRS providers to locate the ACD platform on its premises and utilize its own employees. We believe it is sufficient to rely on the requirements that VRS providers enter into a written lease for an ACD platform and that the lease must not include compensation of the lessor by the lessee related to minutes of use or revenue sharing agreements between the lessor and the lessee.[154] Thus, we propose to delete the last sentence of Section 64.604(b)(4)(iv).[155] We seek comment on this proposal. Would it be beneficial to retain this specific restriction? If so, what are the costs and benefits of doing so?

79. *VRS Access Technology Reference Platform*. Section 64.619 provides for the availability and administration of a "VRS Access Technology Reference Platform" (Technology Reference Platform),[156] defined as a software product that "performs consistently with the rules in this part," including the technical standards for VRS interoperability and portability incorporated in section 64.621 of the rules.[157] By establishing a Technology Reference Platform, the Commission intended to provide a means of ensuring that VRS providers comply with the interoperability and portability standards contained in section 64.621.[158] Section 64.621(a)(3) requires VRS providers to ensure that their access technologies and video communication service platforms are interoperable with the Technology Reference Platform and prohibits compensation of VRS providers for minutes of use involving non-interoperable access technologies or video communication service platforms that are not interoperable with the Technology Reference Platform.[159] In March 2020, the Commission suspended the compliance deadline requiring VRS interoperability with the Technology Reference Platform pending completion of the standards development process for a VRS provider-to-user-device communications standard and a

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[152] 47 CFR § 64.604(b)(4)(iv). The ACD platform is recognized as hardware and/or software that performs the essential function of call distribution and is a core component of Internet-based TRS. *See 2013 VRS Reform Order*, 28 FCC Rcd at 8657, n.214.

[153] *Structure and Practices of the Video Relay Service Program*, CG Docket No. 10-51, Second Report and Order and Order, 26 FCC Rcd 10898, 10906, paras. 17-19 (2011) (*2011 TRS Certification Order*)

[154] 47 CFR § 64.604(b)(4)(iv).

[155] The sentence we propose to delete currently reads, "In addition, if any such lease is between two eligible VRS providers, the lessee or licensee must locate the ACD platform on its own premises and must utilize its own employees to manage the ACD platform." 47 CFR § 64.604(b)(4)(iv).

[156] 47 CFR § 64.619.

[157] 47 CFR § 64.619(a).

[158] 47 CFR § 64.621(b).

[159] 47 CFR § 64.621(a)(3).

rulemaking proceeding to incorporate such a standard into the rules.[160] Compliance with requirement remains pending. Following its initial development, the Technology Reference Platform was decommissioned by its administrator, and the Commission has not pursued redevelopment of the platform. We propose to eliminate the requirement to be interoperable with the Technology Reference Platform[161] and delete the related rules for its establishment and administration.[162] We seek comment on this proposal.

80. *Single URL Address*. Section 64.604(d)(1)(ii) requires that VRS service must be offered under the certified provider's name or clearly identified sub-brand, and specifically mandates that "[p]roviders must route all VRS calls through a single URL address used for each name or sub-brand used."[163] This requirement was initially intended to reinforce provider identity and help maintain regulatory oversight, in part by preventing the delegation of call center functions and ensuring calls were not routed through multiple, potentially unauthorized URLs to mask misuse. The Commission adopted this rule in part because it found that the complex branding and commercial relationships that had previously existed between eligible and ineligible VRS providers hindered consumers from making informed choices among VRS providers.[164] We propose to amend this rule by deleting the phrase, "Providers must route all VRS calls through a single URL address used for each name or sub-brand used." We believe this specific routing limitation has become obsolete and unnecessarily burdensome in the current technical environment. The Commission now supports the VRS Provider Interoperability Profile, which enables server-based routing using provider domain names recorded in the TRS Numbering Directory.[165] This protocol helps ensure that each NANP telephone number in the TRS Numbering Database is connected to a unique Uniform Resource Identifier with a server domain name for the VRS provider, allowing for the provider to be identified, even if multiple IP addresses are used.[166] Further, VRS providers only complete calls with domain or IP addresses that are found in the TRS Numbering Directory.[167] Furthermore, our comprehensive suite of measures to prevent waste, fraud, and abuse provides robust oversight regardless of the specific URL structure, including user registration and validation requirements and Call Detail Record reporting requirements that capture critical technical data necessary for audit purposes, such as IP addresses.[168] Therefore, retaining this specific phrase appears unnecessary given the current technical reliance on domain names for routing and the enhanced accountability provided by other regulatory requirements. We seek comment on this belief.

81. *Interoperability with the Neutral Video Communication Service Platform*. Section 64.621(a)(4) requires that all VRS providers ensure their VRS access technologies and video communication service platforms are interoperable with the Neutral Video Communication Service

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[160] *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 No. 10-51, 03-123, Order on Reconsideration and Order Suspending Compliance Deadline, 35 FCC Rcd 1878 (CGB 2020).

[161] 47 CFR § 64.621(a)(3).

[162] 47 CFR §§ 64.619 (defining the VRS Access Technology Reference Platform and its administration); 64.623(a), (b)(4) (provisions that include the administrator of the VRS Access Technology Reference Platform within administrator requirements).

[163] 47 CFR § 64.604(d)(1)(ii).

[164] *See Structure and Practices of the Video Relay Service Program; Internet-based TRS Certification Application of Healinc Telecom, LLC*, CG Docket No. 10-51, Order, 28 FCC Rcd 1381, 1384, n.24 (2013).

[165] 47 CFR § 64.621.

[166] 47 CFR § 64.613(a)(2).

[167] 47 CFR § 64.613(a)(5).

[168] 47 CFR §§ 64.604(c)(5)(iii)(D) (call detail records), 64.613 (TRS User Registration Database).

Platform (Neutral VRS Platform).[169] This requirement mandated compatibility with a centralized platform intended to handle non-core functions like call routing, thereby enabling efficient competition among providers who would focus primarily on CA services.[170] We propose to delete Section 64.621(a)(4) in its entirety because the underlying technology it governs was never successfully implemented, making the provision obsolete and unnecessary.[171] Maintaining a specific requirement to ensure interoperability with a service platform that does not exist constitutes mere surplusage and imposes an unnecessary standard that cannot be met. We seek comment on this proposal.

82. *Administrator Requirements*. Section 64.623(a) defines the term "Administrator" for purposes of that section by consolidating references to the administrator of the TRS Numbering Directory, the administrator of the TRS User Registration Database, the administrator of the VRS Access Technology Reference Platform, and the provider of the Neutral Video Communication Service Platform.[172] We propose to delete the phrases referencing the "administrator of the VRS Access Technology Reference Platform" and the "provider of the Neutral Video Communication Service Platform" from paragraph (a) and removing related references in paragraph (b)(4),[173] as these administrative functions govern platforms that were never successfully developed.[174] Given that the platforms themselves do not exist or are not operational, retaining specific regulatory language that mandates the inclusion of their administrators in this definition is unnecessary surplusage.

83. *Consumer Complaint Logs*. Section 64.604(c)(1) requires state TRS programs and TRS providers to maintain a detailed log of consumer complaints alleging violations of federal mandatory minimum standards.[175] It also requires that providers submit annual summaries of these logs to the Commission by July 1st of each year, indicating the number of complaints received.[176] This rule is intended to assist the Commission in monitoring compliance trends and whether further inquiry or actions requiring coordinated solutions are needed.[177] With the growth of Internet-based TRS and the availability of alternative oversight tools, we believe the burden to state TRS programs and TRS providers in submitting annual summaries of these logs to the Commission outweighs the benefit from this required submission.[178] We propose to eliminate the requirement to submit summaries of the complaint logs, while retaining the requirement to maintain complaint logs, and instead require that complaint logs be provided to the Commission upon request. We seek comment on this proposal and belief.

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[169] 47 CFR § 64.621(a)(4).

[170] *2013 VRS Reform Order*, 28 FCC Rcd at 8657, para. 89.

[171] *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, 03-123, 32 FCC Rcd 5891, 5930-31, paras. 74-76 (2017).

[172] 47 CFR § 64.623(a).

[173] 47 CFR § 64.623(b)(4).

[174] *See supra*.

[175] 47 CFR § 64.604(c)(1)(i).

[176] 47 CFR 64.604(c)(1)(ii).

[177] *2000 VRS Order*, 15 FCC Rcd at 5190-91, para. 122 (2000).

[178] We also note several comments filed in Docket 25-133 (In Re: Delete, Delete, Delete) on the issue of annual consumer complaint summaries. *See* ZP Better Together Comments, GN 25-133, at 6-7 (rec. Apr. 11, 2025) (recommending elimination of the annual complaint summaries requirement); ClearCaptions Reply Comments, GN 25-133, at 3 (rec. Apr. 29, 2025) (same); Nagish Reply Comments, GN 25-133, at 4-5 (rec. Apr. 14, 2025) (quarterly complaint logs for conditionally certified providers are not necessary and redundant); Accessibility Organizations Reply Comments, GN 25-133, at 15 (rec. Apr. 28, 2025) (opposing elimination of the annual complaint summaries requirement).

84. *Specific Contact Information*. Section 64.604(c)(2) requires state TRS programs, interstate TRS providers, and TRS providers with state contracts submit specific contact information to the Commission for handling consumer inquiries and complaints.[179] The existing rule details this submission through mandatory subparagraphs requiring, at a minimum, the name and address of the office receiving complaints; voice, TTY, fax, e-mail, and web addresses; and the separate physical address for correspondence. We believe retaining a fixed list of communication methods can become unnecessarily burdensome when certain formats become obsolete, such as the mandatory inclusion of a fax number and we propose to delete in its entirety the exhaustive list of specific minimum requirements detailed in paragraphs (i), (ii), and (iii) of § 64.604(c)(2).[180] To streamline this administrative requirement while preserving consumer access, we propose revising the introductory text of paragraph (c)(2) to generally require the submission of information necessary for consumer contact and complaint resolution (e.g., telephone number and email address), thereby giving providers flexibility to update their communication channels without adherence to an overly prescriptive checklist. We seek comment on this proposal and belief.

85. *Public Awareness Methods*. Section 64.604(c)(3) establishes requirements for common carriers providing telephone voice transmission services to ensure that callers in their service areas are aware of the availability and use of all forms of TRS.[181] Specifically, this rule requires carriers to assure public awareness through a prescriptive listing of methods such as publication in their directories, periodic billing inserts, placement of TRS instructions in telephone directories, through directory assistance services, and the incorporation of TTY numbers in telephone directories. We propose to delete section 64.604(c)(3) because this provision is largely obsolete and unnecessarily burdensome in today's rapidly evolving communications environment. Originally adopted in 1991 to reflect prevailing methods of public information dissemination,[182] these specific requirements appear outdated now, in light of the transition to IP-based networks and decline in the use of analog relay services like TTY-based Relay.[183] Further, the Commission has previously raised concerns about the effectiveness of such methods as directories and bill inserts in achieving widespread public awareness of TRS.[184] We seek comment on this proposal and belief. Are common carriers best positioned to raise awareness about modern TRS services? Should we revise section 64.604(c)(3) to require common carriers to share information about TRS with their subscribers in a modern, flexible way that is more aligned with modern practices? Are common carriers already raising awareness about TRS in modern ways? If so, how do common carriers ensure public awareness of TRS?

86. *TRS Advisory Council*. Among other provisions, section 64.604(c)(5)(iii)(H) directs the Administrator to establish a voluntary group (known as the TRS Advisory Council) consisting of diverse stakeholders, to monitor TRS cost recovery matters.[185] We propose to delete this requirement. In adopting its proposal to select the National Exchange Carrier Association (NECA) as the original TRS Fund administrator, the Commission also adopted the recommendation to establish an advisory committee

[179] 47 CFR § 64.604(c)(2).

[180] 47 CFR § 64.604(c)(2)(i)-(iii).

[181] 47 CFR § 64.604(c)(3).

[182] *Telecommunications Services for Individuals with Hearing and Speech Disabilities and the Americans with Disabilities Act*, CC Docket No. 90-571, Report and Order and Request for Comments, 6 FCC Rcd 4657, 4663, para. 28 (1991).

[183] *See e.g. Analog TRS Modernization Notice* at paras. 9-18.

[184] *See 2003 TRS Order*, 18 FCC Rcd at 12441, paras. 128-129 (noting that these methods may not be fully effective in ensuring that the public is aware of TRS).

[185] 47 CFR § 64.604(c)(5)(iii)(H).

to monitor TRS cost recovery issues.[186] The Commission found merit in the proposal for an advisory committee to monitor TRS issues and provide guidance to the Fund administrator[187] and believed it would help serve as a safeguard (among other requirements) to address concerns associated with the administrator's association with local exchange carriers and its alleged inability to control administrative costs.[188]

87. We recognize that since its inception, the TRS Advisory Council has served an informative role in advising the TRS Fund administrator, and the Commission benefits from direct consultation with TRS stakeholders and accessibility community representatives.[189] We question, however, whether the same benefits can be proffered by a less regulated mechanism. Is a direct regulatory requirement, which is not statutorily mandated and which limits both the scope of and makeup of the TRS Advisory Council, the appropriate mechanism for facilitating advisory input by stakeholders?[190] Further, the process for how the Commission monitors TRS and establishes compensation has evolved substantially in the 33 years since the TRS Advisory Council was established. The Commission now selects the Fund administrator through a competitive procurement process.[191] Furthermore, the Council's narrow focus on TRS cost recovery, as written in the rule, is less critical today, given the Commission's assumption of a more active role in setting TRS compensation and the various oversight, monitoring, and auditing tools used by the Commission and the Fund administrator. In using the rulemaking process, the Commission affords the opportunity for individuals with disabilities and organizations representing such groups to actively participate and provide feedback on TRS compensation and how to structure and change the TRS program to ensure the Commission is meeting its statutory obligations. The Commission also uses the statutory Federal Advisory Committee process to procure recommendations on TRS and other accessibility issues while ensuring transparency, public involvement, and accountability.[192] We also have included within the scope of work, for entities working at the Commission's direction, the ability or requirement to form working groups or otherwise involve a

[186] *Telecommunications Relay Services and the Americans with Disabilities Act of 1990*, CC Docket No. 90-571, Third Report and Order, 8 FCC Rcd 5300, 5301, paras. 4, 8 (1993) (*Third TRS Report and Order*). NCLD, NARUC, and Robinson, in their comments, proposed the creation of advisory council to monitor interstate TRS compliance and address telecommunications issues related to TRS. *Id*. at 5301, para. 4. The scope adopted and codified by the Commission was much narrower, limiting the scope to TRS cost recovery issues. *Id*. at 5301, para. 4; 47 CFR § 64.604(c)(5)(iii)(H).

[187] *Third TRS Report and Order*, 8 FCC Rcd at 5301, para. 8; Letter from Zainab Alkebsi, Chief Policy Office, Deaf Equality, and Jan Withers, Chair and Acting CEO, TDIforAccess, to Marlene Dortch, Secretary, FCC, CG Docket Nos 03-123, 10-51, and 12-38, at 2-3 (filed Jan. 21, 2026) (Accessibility Organizations *Ex Parte*).

[188] *Third TRS Report and Order* 8 FCC Rcd 5300, 5301, paras. 5, 7-8.

[189] *See 2013 VRS Reform Order*, 28 FCC Rcd at 8712, para. 244; Accessibility Organizations *Ex Parte* at 3.

[190] The Commission has on multiple occasions sought through the rulemaking process to dissolve, reform, or replace the Council because of changes in the TRS program were viewed outside of the Council scope because of the inflexibility of codifying its nature, composition, and functions. *See 2013 VRS Reform Order*, 28 FCC Rcd at 8712-814, paras. 244-248; *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Docket No. 90-571, 98-67, CG Docket No. 03-123, Report and Order, Order on Recommendation, and Further Notice of Proposed Rulemaking, 19 FCC Rcd 12475, 12570-71, paras. 251-254 (2004).

[191] *See e.g. 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, 10-51, Order, 26 FCC Rcd 9972, 9975, para. 8 (2011) (awarding the TRS Fund Administrator contract to Rolka Loube Saltzer Associates, LLC, after a competitive procurement process).

[192] The Commission currently receives guidance and recommendations relating to accessibility and the needs and interests of consumers from the Consumer Protection and Accessibility Advisory Committee (CPAAC) and previously received such guidance from its prior advisory committees, including the Consumer Advisory Committee and the Disability Advisory Committee.

diverse group of stakeholders to inform and provide guidance without imposing a specific structure on such processes. As such, we believe the cost and administrative burden of maintaining the TRS Advisory Council outweighs its benefits. We seek comment on this proposal and beliefs. Are there benefits to retaining the TRS Advisory Council? We seek comment on how the TRS Advisory Council has benefitted the TRS Fund administrator and the Commission. Are those benefits distinguishable from the benefits received from established Federal Advisory Committees or the Commission rulemaking process? What has been the impact of explicitly identifying certain groups for membership on the Council? Has the stated purpose of monitoring "TRS cost recovery matters" limited the guidance the Council has been able to provide? Would allowing or requiring the TRS Fund administrator to maintain an advisory council within its scope of work, without a separate rule, sufficiently maintain any identified benefits of the Council?

88. *Call Centers*. Section 64.604(d)(2) mandates that VRS providers file detailed written reports for each physical call center, including centers located outside the United States, with the Commission and the TRS Fund Administrator on April 1st and October 1st of every year, detailing information such as the facility's complete street address, the number of CAs and their managers, and the managers' contact information.[193] In addition, VRS providers must notify the Commission and the TRS Fund Administrator at least 30 days prior to the opening, closing, or relocation of any call center.[194] We propose to delete section 64.604(d)(2), eliminating the requirement for call center reports and the 30-day advance notice requirement. In light of other Commission rules and measures to ensure effective oversight, fund administration, and accountability, we believe the requirement for call center reports may be eliminated without an adverse impact on the Commission's ability to prevent waste, fraud, and abuse of the TRS Fund.[195] We also believe elimination of the 30-day advance notice period for facility changes would provide operational flexibility necessary in a modern communications industry. We seek comment on this proposal and these beliefs. Are there aspects of the reporting requirement, we should retain, such as the location of each call center or just those call centers located outside of the United States? If so, should we reduce the frequency of reporting for any retained requirements to once per year? Should we find that the opening, closing, or relocating of a call center constitutes a substantive change, and thereby require a provider to notify the Commission within 60 days after such a change, to ensure that the Commission is able to maintain a complete and accurate list of call center locations for each provider, for auditing and other oversight purposes?

89. *Monitoring of At-Home Workstations*. Section 64.604(d)(7)(vi) requires that, with their monthly requests for compensation, VRS providers report home work station identification number and full street address; the CA identification number of each individual handling VRS calls from that home workstation; and the call center identification number, street address, and name of the supervisor of the call center responsible for oversight of the workstation.[196] We propose to eliminate these monthly reporting requirements. We believe the data in these reports is duplicative of the data providers are required to submit in the monthly call detail records.[197] We seek comment on this proposal and belief. Are there any data or information collected in these monthly reports that we should add to the rules requiring call detail records?

90. *Long-Past Dates.* Sections 64.604, 64.611, and 64.621 contain numerous prescriptive references to long-past implementation dates, compliance deadlines, and transitional periods that initially governed various elements of the TRS program. We propose eliminating this historical information, as it has become obsolete and constitutes surplusage, detracting from the clarity of the current regulatory

[193] 47 CFR § 64.604(d)(2).

[194] 47 CFR § 64.604(d)(2)(iii).

[195] *See, e.g.*, 47 CFR § 64.604(c)(5)(iii)(D); 64.604(d)(7).

[196] 47 CFR § 64.604(d)(7)(vi).

[197] 47 CFR § 64.604(c)(5)(iii)(D)(*2*).

obligations. Specifically, we propose deleting foundational and transitional date language from cost recovery rules found in § 64.604(c)(5): the original TRS implementation date "Effective July 26, 1993;"[198] the start date phrases "(beginning July 1, 2023)"[199] regarding the commencement of expanded TRS Fund contributions supporting VRS and IP Relay; and in § 64.604(c)(7) the start date phrase ("Beginning on July 21, 2000, all future"). Similarly, the transitional compliance phrase "On or after December 8, 2018," which set the deadline for IP CTS equipment volume controls to be independently adjustable, is now redundant.[200] We further propose deleting the phrase "Beginning October 17, 2024," marking the effective date for the permanent 80% cap on at-home VRS CA minutes.[201] Finally, we propose to update the VRS interoperability rules by removing the original compliance phrases "Beginning no later than December 20, 2017,"[202] and "Beginning no later than October 24, 2017"[203] as these compliance deadlines have passed.

91. *Authorization of At-Home Service*. Section 64.604(b)(4)(iii) prohibits VRS providers from allowing CAs to handle calls from home workstations unless the provider was specifically authorized by the Commission.[204] We propose to delete this rule in its entirety. We believe this provision is now obsolete and superfluous, as the prohibition and its exception are entirely superseded by the current regulatory framework governing at-home VRS call handling.[205] As a conforming change, we also propose to delete the language in section 64.604(d)(7)(i) that references VRS providers "authorized by the Commission to employ at-home CAs."[206] The continuous nature of this authorized service means that the generalized prohibition in section 64.604(b)(4)(iii) is no longer necessary, as authorization and ongoing oversight are now comprehensively integrated into the provider certification and compliance requirements.[207] We seek comment on this proposal and its underlying rationale.

92. *Duplicative Audit Authority*. Section 64.604(c)(5)(iii)(E)(*5*) grants the Commission authority to audit TRS providers and ensure access to all data collected by the TRS Fund administrator, concurrently affirming the Fund administrator's authority to perform audits of TRS providers reporting data to it.[208] We propose to delete this provision in its entirety because this audit authority is comprehensively provided elsewhere in our regulations, rendering this section unnecessary and duplicative. Specifically, a different mandate for stringent financial oversight explicitly grants the Fund administrator, the Commission, and the Office of Inspector General (OIG) the authority to examine and verify TRS provider data as necessary to assure the accuracy and integrity of TRS Fund payments.[209] Further, that same provision mandates that TRS providers must submit to audits annually or at times determined appropriate. Since these requirements already ensure that the Commission maintains robust

[198] 47 CFR § 64.604(c)(5)(iii). We also propose to delete the obsolete interim administrator language in the same paragraph, since the Commission now selects the Fund administrator through a competitive procurement process.

[199] 47 CFR § 64.604(c)(5)(ii), (c)(5)(iii)(A)(*1*)(*ii*).

[200] 47 CFR § 64.604(c)(10)(ii).

[201] 47 CFR § 64.604(d)(7)(i).

[202] 47 CFR § 64.621(b)(1).

[203] 47 CFR § 64.621(b)(2).

[204] 47 CFR § 64.604(b)(4)(iii).

[205] 47 CFR § 64.604(d)(7).

[206] 47 CFR § 64.604(d)(7).

[207] 47 CFR § 64.606(a)(4).

[208] 47 CFR § 64.604(c)(5)(iii)(E)(*5*).

[209] 47 CFR § 64.604(c)(5)(iii)(D)(*6*).

access and verification authority over all provider data and audit processes, the continued retention of Section 64.604(c)(5)(iii)(E)(*5*) constitutes surplusage. We seek comment on this proposal.

93. *Duplicative Certification Requirement*. Section 64.604(c)(5)(iii)(I) contains a requirement for the certification of compensation requests or provider reports by a senior executive, similar to the provision stipulating that the chief executive officer (CEO), chief financial officer (CFO), or other senior executive must certify under penalty of perjury that cost and demand data submitted for reimbursement from the TRS Fund are true and accurate.[210] We propose to delete this portion because the requirement for executive certification regarding the truthfulness, accuracy, and completeness of financial and operational data already exists within the immediate administrative subsection detailing data collection and auditing.[211] We seek comment on this proposal.

94. *Complaint Procedures*. Section 64.604(c)(6)(v) sets forth informal and formal consumer complaint procedures against TRS providers.[212] The subsequent detailed subparagraphs (A) through (I) lays out the specific administrative procedures governing these processes, including the acceptable forms for filing informal complaints (such as letter, facsimile, telephone (voice/TRS/TTY), or Internet e-mail), the precise content required for formal complaints, detailed service protocols, and mandated deadlines for filing answers and replies.[213] These rules overlap with and often conflict with the rules for handling both informal and formal complaints generally applicable to all regulated entities, in Part 1, subpart E of the Commission's rules.[214] Consequently, we propose to cross reference these complaint procedures, which would streamline our regulations, reduce administrative burden, and ensure that the process for resolving TRS complaints aligns efficiently with the unified regulatory and administrative framework. We seek comment on this proposal.

95. *At-Home Call Handling*. Section 64.604(d)(7)(iii)(B) and (C) currently mandate specific technical and environmental safeguards for at-home VRS call handling.[215] Specifically, paragraph (B) requires that home workstations "Allow a CA to use all call-handling technology to the same extent as call-center CAs", and paragraph (C) requires that the home workstation "Be capable of supporting VRS in compliance with the applicable mandatory minimum standards set out in this section to the same degree as at call centers." We propose to delete these two provisions because they are duplicative of the encompassing requirements already set forth elsewhere in this section and other mandatory minimum standards. The introductory text already requires VRS providers to ensure that each home workstation enables the provision of confidential and uninterrupted service to the same extent as the provider's call centers and is seamlessly integrated into the provider's call routing, distribution, tracking, and support systems.[216] It also requires that each home workstation meet the applicable mandatory minimum technical and emergency call handling standards "to the same degree as these are available at call centers."[217] Maintaining separate provisions that merely reiterate these core performance expectations constitutes surplusage. We seek comment on this proposal.

96. *TRS Numbering Directory and TRS User Registration Database Administration*. Section 64.613(b) concerns the administrative requirements and compensation procedures for the administrator

[210] 47 CFR § 64.604(c)(5)(iii)(I).

[211] 47 CFR § 64.604(c)(5)(iii)(D)(*5*).

[212] 47 CFR § 64.604(c)(6)(v).

[213] 47 CFR § 64.604(c)(A)-(I).

[214] *See* 47 CFR §§ 1.716-1.719 (informal complaints), 1.720-1.735 (formal complaints).

[215] 47 CFR § 64.604(d)(7)(iii)(B)-(C).

[216] 47 CFR § 64.604(d)(7)(iii).

[217] *Id*.

responsible for maintaining the TRS Numbering Directory.[218] We propose to delete this provision in its entirety because its administrative and compensation requirements are duplicative of the consolidated rules set forth in section 64.623. We similarly propose to delete section 64.615(b) because the administrative and compensation requirements for the administrator of the User Registration Database are duplicative of the consolidated rules set forth in section 64.623.[219] Section 64.623 defines a unified set of requirements—including rules governing neutrality, terms of administration, and compensation—applicable to all designated TRS administrators, explicitly naming the TRS Numbering and the administrator of the TRS User Registration Database.[220] Therefore, retaining separate, dedicated administrative provisions within section 64.613(b) constitutes unnecessary surplusage that needlessly complicates the regulatory structure.

97. *IP CTS Labeling Requirements*. Section 64.604(c)(11) contains rules governing IP CTS user devices, including prohibitions on captions usage by unregistered users and device labeling requirements.[221] We propose deleting or revising sections (c)(11)(ii)(B), (iii), and (iv) to remove transitional language governing passed time periods or utilizing obsolete cross-references. Specifically, we propose to delete paragraph (c)(11)(ii)(B) in its entirety, as it contains transitional registration requirements applicable to IP CTS users existing as of March 7, 2013, and make conforming changes to paragraph (11)(ii).[222] The IP CTS registration framework was subsequently consolidated under Section 64.611, rendering the provisional registration language and cross-reference obsolete.[223] We also propose deleting the second sentence of paragraph (c)(11)(iii), which set a non-recurrent compliance date for providers to distribute labels for previously supplied equipment no later than August 11, 2014.[224] Since this deadline has long passed, the sentence is surplusage. We further propose to delete paragraph (c)(11)(iv), requiring providers to maintain records of provided IP CTS equipment and stating whether the label was affixed.[225] We believe the record retention requirement provides minimal benefit towards ensuring compliance with the labeling requirement. We also propose to delete paragraph (c)(11)(v) requiring providers to ensure that their informational materials and websites include language about the limitations on the use of IP CTS. We believe that IP CTS providers should have more flexibility in their informational materials and websites to inform consumers and professionals about IP CTS while meeting their obligations to prevent misuse of IP CTS. As such, we believe it is unnecessary to require repetitive labeling information that users will see on their device or when they log onto the app. Providers have sufficient incentive to ensure that users know how the service is provided and who may use the service, without the additional explicit directive. We seek comment on these beliefs.

98. *Correcting Cross Cites*. We propose to correct inaccurate cross-references in the TRS rules. First, section 64.604(c)(5)(iii)(E)(*3*) has an outdated cross reference to "paragraph (c)(5)(iii)(C).[226] We propose to amend this rule to correct this cross-reference, to paragraph (c)(5)(iii)(D).[227] Second,

[218] 47 CFR § 64.613(b).

[219] 47 CFR § 64.615(b).

[220] 47 CFR § 64.623.

[221] 47 CFR § 64.604(c)(11).

[222] 47 CFR § 64.604(c)(11)(ii).

[223] 47 CFR § 64.611(j).

[224] 47 CFR § 64.604(c)(11)(iii).

[225] 47 CFR § 64.604(c)(11)(iv).

[226] 47 CFR § 64.604(c)(5)(iii)(E)(*3*).

[227] 47 CFR 64.604(c)(5)(iii)(D).

section 64.615(a)(4)(ii)(B) has an incorrect cross reference to paragraph (a)(3)(i).[228] We propose to correct this cross-reference to Section 64.615(a)(4)(i).[229] We seek comment on these proposals.

I. Closing CG Docket Nos. 10-51 and 12-38

99. We seek comment on closing CG Docket Nos. 10-51, Structure and Practices of the Video Relay Service; and 12-38, Misuse of Internet Protocol Relay Service. The Commission previously conducted proceedings in these dockets in parallel with CG Docket No. 03-123. In seeking to develop a fresh record on VRS and IP Relay, we do not see a need to maintain a separate duplicative record, and we believe closing these dockets eliminates a duplicative filing requirement that unnecessarily burden commenters, and could lead to unnecessary confusion. We seek comment on this belief.

IV. PROCEDURAL MATTERS

100. *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. 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.

101. *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).

102. *Ex Parte Rules*. This proceeding shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.[230] 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

[228] 47 CFR 64.615(a)(4)(ii)(B).

[229] 47 CFR § 615(a)(4)(i).

[230] *See* 47 CFR §§ 1.1200 *et seq*.

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).[231] Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

103. *Regulatory Flexibility Act*. The Regulatory Flexibility Act of 1980, as amended (RFA),[232] requires that an agency prepare a regulatory flexibility analysis 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."[233] Accordingly, the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA), concerning potential rule and policy changes contained in this Notice. 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 Notice indicated on the first page of this document, and must also have a separate and distinct heading designating them as responses to the IRFA.

104. *Paperwork Reduction Act Analysis*. This document may contain proposed new or modified information collections. 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 any information collections contained in this document, as required by the Paperwork Reduction Act of 1995, 44 U.S.C. §§ 3501-3521.[234] In addition, pursuant to the Small Business Paperwork Relief Act of 2002, we seek specific comment on how we might further reduce the information collection burden for small business concerns with fewer than 25 employees.[235]

105. *Providing Accountability Through Transparency Act.* Consistent with the Providing Accountability Through Transparency Act, Public Law 118-9, a summary of this Notice of Proposed Rulemaking will be available on https://www.fcc.gov/proposed-rulemakings..

106. *Further Information*. For further information regarding this proceeding, contact Joshua Mendelsohn, CGB, Disability Rights Office, (202) 559-7304, e-mail Joshua.Mendelsohn@fcc.gov.

V. ORDERING CLAUSES

107. 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, this Notice of Proposed Rulemaking IS ADOPTED.[236]

108. IT IS FURTHER ORDERED that, pursuant to applicable procedures set forth in sections 1.415 and 1.419 of the Commission's Rules, 47 CFR §§ 1.415, 1.419, interested parties may file

[231] *Id*. § 1.1206(b).

[232] 5 U.S.C. §§ 601 *et seq*., as amended by the Small Business Regulatory Enforcement and Fairness Act (SBREFA), Pub. L. No. 104-121, 110 Stat. 847 (1996).

[233] *Id.* § 605(b).

[234] 44 U.S.C. §§ 3501-3521.

[235] *Id.* § 3506(c)(4).

[236] Pursuant to Executive Order 14215, 90 Fed. Reg. 10447 (Feb. 20, 2025), this regulatory action has been determined to be not significant under Executive Order 12866, 58 Fed. Reg. 68708 (Dec. 28, 1993).

comments on the Notice of Proposed Rulemaking on or before 30 days after publication in the Federal Register, and reply comments on or before 60 days after publication in the Federal Register.

109. IT IS FURTHER ORDERED that the Commission's Office of the Secretary, SHALL SEND a copy of this Further Notice of Proposed Rulemaking, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for the Small Business Administration (SBA) Office of Advocacy.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

APPENDIX A
PROPOSED RULES

Deleted text is marked with a ~~strikethrough~~. Added text is marked with an underline.

The Federal Communications Commission proposes to amend 47 CFR part 64 as follows:

PART 64 – Miscellaneous Rules Relating to Common Carriers

1. The authority for part 64 continues to read as follows:

AUTHORITY: 47 U.S.C. §§ 151, 152, 154, 201, 202, 217, 218, 220, 222, 225, 226, 227, 227b, 228, 251(a), 251(e), 254(k), 255, 262, 276, 403(b)(2)(B), (c), 616, 620, 716, 1401-1473, unless otherwise noted; Pub. L. 115-141, Div. P, sec. 503, 132 Stat. 348, 1091; Pub. L. 117-338, 136 Stat. 6156.

2. Amend § 64.604 as follows:

   a. revise paragraphs (b)(4)(iv), (b)(6), (c)(1), (c)(2), (c)(5)(ii), (c)(5)(iii), (c)(5)(iii)(A)(*1*)(*ii*), (c)(5)(iii)(E)(*3*), (c)(5)(iii)(H), (c)(5)(iii)(I), (c)(6), (c)(7), (c)(8), (c)(8)(v)-(vi), (c)(10)(ii), (c)(11), and (d)(1)(ii);

   b. remove and reserve paragraphs (b)(4)(iii), (c)(3), (c)(5)(iii)(E)(*5*), (c)(11)(ii)(A)-(B), (d)(7)(iii)(B)-(C), (c)(8)(i), (d)(2), and (d)(7)(i), (d)(7)(vi);

§ 64.604 Mandatory minimum standards.

* * * * *

(b) * * *

(4) * * *

(iii) [Reserved]

(iv) A VRS provider leasing or licensing an automatic call distribution (ACD) platform must have a written lease or license agreement. Such lease or license agreement may not include any revenue sharing agreement or compensation based upon minutes of use. ~~In addition, if any such lease is between two eligible VRS providers, the lessee or licensee must locate the ACD platform on its own premises and must utilize its own employees to manage the ACD platform.~~

* * * * *

(6) ***Caller ID.*** When a TRS facility is able to transmit any calling party identifying information to the public network, the TRS facility must pass through, to the called party, at least one of the following: ~~the number of the TRS facility,~~ 711~~,~~ or the 10-digit number of the calling party.

* * * * *

(c) * * *

(1) ***Consumer complaint logs***. States and interstate providers must maintain a log of consumer complaints including all complaints about TRS in the state, whether filed with the TRS provider or the State, and must retain the log until the next application for certification is granted. The log shall include, at a minimum, the date the complaint was filed, the nature of the complaint, the date of resolution, and an explanation of the resolution.

(2) ***Contact persons***. ~~Beginning on June 30, 2000,~~ State TRS Programs, interstate TRS providers, and TRS providers that have state contracts must submit to the Commission ~~a~~ contact information, including a phone number and email, for the person ~~and/~~or office responsible for TRS consumer information and complaints about ~~a~~ the service provided by the certified State TRS Program~~'s provision of intrastate TRS~~,

or, ~~as appropriate, about the~~ TRS provider~~'s service~~. ~~This submission must include, at a minimum, the following:~~

~~(i) The name and address of the office that receives complaints, grievances, inquiries, and suggestions;~~

~~(ii) Voice and TTY telephone numbers, fax number, e-mail address, and web address; and~~

~~(iii) The physical address to which correspondence should be sent.~~

(3) [Reserved]

* * * * *

(5) * * *

(ii) ***Cost recovery.*** Costs caused by interstate TRS shall be recovered from all subscribers for every interstate service, utilizing a shared-funding cost recovery mechanism. Except as noted in this paragraph (c)(5)(ii), costs caused by intrastate TRS shall be recovered from the intrastate jurisdiction. In a state that has a certified program under § 64.606, the state agency providing TRS shall, through the state's regulatory agency, permit a common carrier to recover costs incurred in providing TRS by a method consistent with the requirements of this section. Costs caused by the provision of interstate and intrastate IP CTS, ~~and (beginning July 1, 2023) for~~ VRS, and IP Relay, if not provided through a certified state program under § 64.606, shall be recovered from all subscribers for every interstate and intrastate service, using a shared-funding cost recovery mechanism.

(iii) ***Telecommunications Relay Services Fund***. ~~Effective July 26, 1993, an~~An Interstate Cost Recovery Plan, hereinafter referred to as the TRS Fund, shall be administered by an entity selected by the Commission (administrator). ~~The initial administrator, for an interim period, will be the National Exchange Carrier Association, Inc.~~

(A) * * *

(*1*) * * *

(*ii*) For the support of IP CTS, ~~and (beginning July 1, 2023) for~~ VRS, and IP Relay, on the basis of interstate and intrastate end-user revenues.

* * * * *

(E) * * *

(*3*) In addition to the data required under paragraph (c)(5)(iii)~~(C)~~(D) of this section, all TRS providers, including providers who are not interexchange carriers, local exchange carriers, or certified state relay providers, must submit reports of interstate TRS minutes of use to the administrator in order to receive payments.

* * * * *

(*5*) [Reserved]

* * * * *

(H) ***Administrator reporting, monitoring, and filing requirements***. The administrator shall perform all filing and reporting functions required in paragraphs (c)(5)(iii)(A) through (c)(5)(iii)(~~J~~K) of this section. TRS payment formulas and revenue requirements shall be filed with the Commission on May 1 of each year, to be effective the following July 1. The administrator shall report annually to the Commission an itemization of monthly administrative costs which shall consist of all expenses, receipts, and payments associated with the administration of the TRS Fund. The administrator is required to keep the TRS Fund separate from all other funds administered by the administrator, shall file a cost allocation manual (CAM) and shall provide the Commission full access to all data collected pursuant to the administration of the TRS Fund. The administrator shall account for the financial transactions of the TRS Fund in accordance with generally accepted accounting principles for federal agencies and maintain the accounts of the TRS

Fund in accordance with the United States Government Standard General Ledger. When the administrator, or any independent auditor hired by the administrator, conducts audits of providers of services under the TRS program or contributors to the TRS Fund, such audits shall be conducted in accordance with generally accepted government auditing standards. In administering the TRS Fund, the administrator shall also comply with all relevant and applicable federal financial management and reporting statutes. ~~The administrator shall establish a non-paid voluntary advisory committee of persons from the hearing and speech disability community, TRS users (voice and text telephone), interstate service providers, state representatives, and TRS providers, which will meet at reasonable intervals (at least semi-annually) in order to monitor TRS cost recovery matters. Each group shall select its own representative to the committee. The administrator's annual report shall include a discussion of the advisory committee deliberations.~~

(I) ***Information filed with the administrator***. ~~The Chief Executive Officer (CEO), Chief Financial Officer (CFO), or other senior executive of a provider submitting minutes to the Fund for compensation must, in each instance, certify, under penalty of perjury, that the minutes were handled in compliance with section 225 of the Communications Act of 1934 and the Commission's rules and orders, and are not the result of impermissible financial incentives or payments to generate calls. The CEO, CFO, or other senior executive of a provider submitting cost and demand data to the TRS Fund administrator shall certify under penalty of perjury that such information is true and correct.~~ The administrator shall keep all data obtained from contributors and TRS providers confidential and shall not disclose such data in company-specific form unless directed to do so by the Commission. Subject to any restrictions imposed by the Chief of the Consumer and Governmental Affairs Bureau, the TRS Fund administrator may share data obtained from carriers with the administrators of the universal support mechanisms (see § 54.701 of this chapter), the North American Numbering Plan administration cost recovery (see § 52.16 of this chapter), and the long-term local number portability cost recovery (see § 52.32 of this chapter). The TRS Fund administrator shall keep confidential all data obtained from other administrators. The administrator shall not use such data except for purposes of administering the TRS Fund, calculating the regulatory fees of interstate and intrastate common carriers and VoIP service providers, and aggregating such fee payments for submission to the Commission. The Commission shall have access to all data reported to the administrator, and authority to audit TRS providers. Contributors may make requests for Commission nondisclosure of company-specific revenue information under § 0.459 of this chapter by so indicating on the Telecommunications Reporting Worksheet at the time that the subject data are submitted. The Commission shall make all decisions regarding nondisclosure of company-specific information.

* * * * *

(6) * * *

(v) * * *

(A) * * *

(1) ***Form.*** An informal complaint may be transmitted to the Consumer & Governmental Affairs Bureau and shall contain the information required by § 1.716 ~~by any reasonable means, such as letter, facsimile transmission, telephone (voice/TRS/TTY), Internet e-mail, or some other method that would best accommodate a complainant's hearing or speech disability~~.

(2) [Reserved]

(3) ***Service; designation of agents***. The Commission shall ~~promptly~~ forward any complaint ~~meeting the requirements of this subsection~~ to the TRS provider named in the complaint. Such TRS provider shall be called upon to satisfy or answer the complaint within the time specified by the Commission. Every TRS provider shall file with the Commission a statement designating an agent ~~or agents whose principal responsibility will be~~ to receive ~~all~~ complaints~~, inquiries, orders, decisions, and notices and other pronouncements forwarded by the Commission~~. Such designation shall include a name or department designation, business address, telephone number ~~(voice and TTY)~~, ~~facsimile number~~ and, ~~if available,~~ ~~internet~~ e-mail address.

(B) * * *

(1) Where it appears from the TRS provider's answer, or from other communications with the parties, that an informal complaint has been satisfied, the Commission may, in its discretion, consider the matter closed without response to the complainant or defendant. In all other cases, the Commission shall inform the parties of its review and disposition of a complaint filed under this subpart. ~~Where practicable, this information shall be transmitted to the complainant and defendant in the manner requested by the complainant (e.g., letter, facsmile transmission, telephone (voice/TRS/TTY) or Internet e-mail.~~

* * * * *

(C) ***Formal Complaints.*** A formal complaint shall ~~be in writing, addressed to the Federal Communications Commission, Enforcement Bureau, Telecommunications Consumer Division, Washington, DC 20554 and shall contain:~~ follow the Formal Complaints process in part 1, subpart E of this title.

~~(1) The name and address of the complainant,~~

~~(2) The name and address of the defendant against whom the complaint is made,~~

~~(3) A complete statement of the facts, including supporting data, where available, showing that such defendant did or omitted to do anything in contravention of this subpart, and~~

~~(4) The relief sought.~~

~~(D) Amended complaints. An amended complaint setting forth transactions, occurrences or events which have happened since the filing of the original complaint and which relate to the original cause of action may be filed with the Commission.~~

~~(E) Number of copies. An original and two copies of all pleadings shall be filed.~~

~~(F) Service.~~

~~(1) Except where a complaint is referred to a state pursuant to § 64.604(c)(6)(i), or where a complaint is filed directly with a state entity, the Commission will serve on the named party a copy of any complaint or amended complaint filed with it, together with a notice of the filing of the complaint. Such notice shall call upon the defendant to satisfy or answer the complaint in writing within the time specified in said notice of complaint.~~

~~(2) All subsequent pleadings and briefs shall be served by the filing party on all other parties to the proceeding in accordance with the requirements of § 1.47 of this chapter. Proof of such service shall also be made in accordance with the requirements of said section.~~

~~(G) Answers to complaints and amended complaints. Any party upon whom a copy of a complaint or amended complaint is served under this subpart shall serve an answer within the time specified by the Commission in its notice of complaint. The answer shall advise the parties and the Commission fully and completely of the nature of the defense and shall respond specifically to all material allegations of the complaint. In cases involving allegations of harm, the answer shall indicate what action has been taken or is proposed to be taken to stop the occurrence of such harm. Collateral or immaterial issues shall be avoided in answers and every effort should be made to narrow the issues. Matters alleged as affirmative defenses shall be separately stated and numbered. Any defendant failing to file and serve an answer within the time and in the manner prescribed may be deemed in default.~~

~~(H) Replies to answers or amended answers. Within 10 days after service of an answer or an amended answer, a complainant may file and serve a reply which shall be responsive to matters contained in such answer or amended answer and shall not contain new matter. Failure to reply will not be deemed an admission of any allegation contained in such answer or amended answer.~~

~~(I) Defective pleadings. Any pleading filed in a complaint proceeding that is not in substantial conformity with the requirements of the applicable rules in this subpart may be dismissed.~~

(7) ***Treatment of TRS customer information.*** ~~Beginning on July 21, 2000, all future~~ Contracts between the TRS administrator and the TRS vendor shall provide for the transfer of TRS customer profile data from the outgoing TRS vendor to the incoming TRS vendor. Such data must be disclosed in usable form at least 60 days prior to the provider's last day of service provision. Such data may not be used for any purpose other than to connect the TRS user with the called parties desired by that TRS user. Such information shall not be sold, distributed, shared or revealed in any other way by the relay center or its employees, unless compelled to do so by lawful order.

* * * * *

(8) ***Incentives for use of ~~IP CTS and VRS~~ Internet-based TRS.***

(i) [Reserved]

* * * * *

(v) An ~~VRS~~ Internet-based TRS provider shall not offer or provide to any person or entity any form of direct or indirect incentives, financial or otherwise, for the purpose of encouraging individuals to register for or use the ~~VRS~~ Internet-based TRS provider's service.

(vi) Any ~~IP CTS or VRS~~ Internet-based TRS provider that does not comply with this paragraph (c)(8) shall be ineligible for compensation for such service from the TRS Fund.

* * * * *

(10) * * *

(ii) ~~On or after December 8, 2018, any~~Any volume control or other amplification feature can be adjusted separately and independently of the caption feature.

(11) * * *

(ii) No person shall use IP CTS equipment or software with the captioning on, unless such person is registered to use IP CTS pursuant to 47 CFR 64.611(j).

(iii) IP CTS providers shall ensure that any ~~newly~~ distributed IP CTS equipment has a label on its face in a conspicuous location with the following language in a clearly legible font: "FEDERAL LAW PROHIBITS ANYONE BUT REGISTERED USERS WITH HEARING LOSS FROM USING THIS DEVICE WITH THE CAPTIONS ON." ~~For IP CTS equipment already distributed to consumers by any IP CTS provider as of July 11, 2014, such provider shall, no later than August 11, 2014, distribute to consumers equipment labels with the same language as mandated by this paragraph for newly distributed equipment, along with clear and specific instructions directing the consumer to attach such labels to the face of their IP CTS equipment in a conspicuous location.~~ For software applications on mobile phones, laptops, tablets, computers or other similar devices, IP CTS providers shall ensure that, each time the consumer logs into the application, the notification language required by this paragraph appears in a conspicuous location on the device screen immediately after log-in.

(iv) ~~IP CTS providers shall maintain, with each consumer's registration records, records describing any IP CTS equipment provided, directly or indirectly, to such consumer, stating the amount paid for such equipment, and stating whether the label required by paragraph (c)(11)(iii) of this section was affixed to such equipment prior to its provision to the consumer. For consumers to whom IP CTS equipment was provided directly or indirectly prior to the effective date of this paragraph (c)(11), such records shall state whether and when the label required by paragraph (c)(11)(iii) of this section was distributed to such consumer. Such records shall be maintained for a minimum period of five years after the consumer ceases to obtain service from the provider.~~

(v) ~~IP CTS providers shall ensure that their informational materials and websites used to market, advertise, educate, or otherwise inform consumers and professionals about IP CTS include the following language in a prominent location in a clearly legible font: "FEDERAL LAW PROHIBITS ANYONE BUT REGISTERED USERS WITH HEARING LOSS FROM USING INTERNET PROTOCOL (IP)~~

~~CAPTIONED TELEPHONES WITH THE CAPTIONS TURNED ON. IP Captioned Telephone Service may use a live operator. The operator generates captions of what the other party to the call says. These captions are then sent to your phone. There is a cost for each minute of captions generated, paid from a federally administered fund." For IP CTS provider websites, the language shall be included on the website's home page, each page that provides consumer information about IP CTS, and each page that provides information on how to order IP CTS or IP CTS equipment. IP CTS providers that do not make any use of live CAs to generate captions may shorten the notice to leave out the second, third, and fourth sentences.~~

* * * * *

(d) * * *

(1) * * *

(ii) VRS service must be offered under the name by which the eligible VRS provider offering such service became certified and in a manner that clearly identifies that provider of the service. Where a TRS provider also utilizes sub-brands to identify its VRS, each sub-brand must clearly identify the eligible VRS provider. ~~Providers must route all VRS calls through a single URL address used for each name or sub-brand used.~~

* * * * *

(2) [Reserved]

(7) * * *

(i) [Reserved]

* * * * *

(iii) * * *

(B) [Reserved]

(C) [Reserved]

* * * * *

(vi) [Reserved]

* * * * *

3. Amend § 64.606 as follows:

a. revise paragraphs (f)(1), (f)(2), and (g);

§ 64.606 Internet-based TRS provider and TRS program certification.

* * * * *

(f) * * *

(1) States must notify the Commission of substantive changes in their TRS programs within 60 days ~~of when~~after they occur, and must certify that the state TRS program continues to meet federal minimum standards after implementing the substantive change.

(2) ~~VRS and IP Relay~~Internet-based TRS providers certified under this section must notify the Commission of substantive changes in their TRS programs, services, and features within 60 days ~~of when~~after such changes occur, and must certify that the interstate TRS provider continues to meet Federal minimum standards after implementing the substantive change. Substantive changes shall include, but not be limited to:

* * * * *

(g) An Internet-based TRS provider, certified under this section, ~~under this section shall file with the Commission, on an annual basis, a report demonstrating that they are in compliance with § 64.604~~ must within 60 days of receiving a request from the Commission, submit a report with a detailed description of its current practice and future plans for complying with each rule specified in such request.

~~(1) Such reports must update the information required in paragraph (a)(2) of this section and include updated documentation and a summary of the updates, or certify that there are no changes to the information and documentation submitted with the application for certification, application for renewal of certification, or the most recent annual report, as applicable.~~

~~(2) The chief executive officer (CEO), chief financial officer (CFO), or other senior executive of an Internet-based TRS provider under this section with first hand knowledge of the accuracy and completeness of the information provided, when submitting an annual report under paragraph (g) of this section, must, with each such submission, certify as follows:~~

> ~~I swear under penalty of perjury that I am _____ (name and title), an officer of the above-named reporting entity, and that I have examined the foregoing submissions, and that all information required under the Commission's rules and orders has been provided and all statements of fact, as well as all documentation contained in this submission, are true, accurate, and complete.~~

~~(3) Each VRS provider shall include within its annual report a compliance plan describing the provider's policies, procedures, and practices for complying with the requirements of § 64.604(c)(13) of this subpart. Such compliance plan shall include, at a minimum:~~

~~(i) Identification of any officer(s) or managerial employee(s) responsible for ensuring compliance with § 64.604(c)(13) of this subpart;~~

~~(ii) A description of any compliance training provided to the provider's officers, employees, and contractors;~~

~~(iii) Identification of any telephone numbers, Web site addresses, or other mechanisms available to employees for reporting abuses;~~

~~(iv) A description of any internal audit processes used to ensure the accuracy and completeness of minutes submitted to the TRS Fund administrator; and~~

~~(v) A description of all policies and practices that the provider is following to prevent waste, fraud, and abuse of the TRS Fund. A provider that fails to file a compliance plan shall not be entitled to compensation for the provision of VRS during the period of noncompliance.~~

~~(4) If, at any time, the Commission determines that a VRS provider's compliance plan currently on file is inadequate to prevent waste, fraud, and abuse of the TRS Fund, the Commission shall so notify the provider, shall explain the reasons the plan is inadequate, and shall direct the provider to correct the identified defects and submit an amended compliance plan reflecting such correction within a specified time period not to exceed 60 days. A provider that fails to comply with such directive shall not be entitled to compensation for the provision of VRS during the period of noncompliance. A submitted compliance plan shall not be prima facie evidence of the plan's adequacy; nor shall it be evidence that the provider has fulfilled its obligations under § 64.604(c)(13) of this subpart.~~

~~(5) If a VRS provider is authorized to provide at-home call handling, its annual compliance report shall include the following information:~~

~~(i) The total number of CAs handling VRS calls from home workstations over the preceding year;~~

~~(ii) The number of 911 calls handled by the provider's home workstations;~~

~~(iii) The total number of complaints, if any, submitted to the provider regarding its at-home call handling program or calls handled by at-home CAs; and~~

~~(iv) A description of any substantive changes in the VRS provider's currently effective at-home call-~~

~~handling compliance plan.~~

4. Amend § 64.613 as follows:

    a. remove and reserve paragraph (b).

§ 64.613 Numbering directory for Internet-based TRS users.

* * * * *

(b) [Reserved]

* * * * *

5. Amend § 64.615 as follows:

    a. revise paragraph (a)(4)(ii)(B).

    b. remove and reserve paragraph (b).

(a) * * *

(4) * * *

(ii) * * *

(B) Any user for which a VRS or IP CTS provider makes a request under paragraph (a)~~(3)~~(4)(i) of this section

* * * * *

(b) [Reserved]

6. Remove and reserve section 64.619

§ 64.619 [Reserved]

7. Amend § 64.621 as follows:

    a. revise paragraphs (b)(1) and (b)(2);

    b. remove and reserve paragraphs (a)(3) and (a)(4).

§ 64.621 Interoperability and portability.

(a) * * *

(3) [Reserve]

(4) [Reserve]

(b) * * *

(1) ~~Beginning no later than December 20, 2017,~~ VRS providers shall ensure that their provision of VRS and video communications, including their access technology, meets the requirements of the VRS Provider Interoperability Profile.

(2) ~~Beginning no later than October 24, 2017,~~ VRS providers shall provide a standard xCard export interface to enable users to import their lists of contacts in xCard XML format, in accordance with IETF RFC 6351.

* * * * *

8. Amend § 64.623 as follows:

    a. revise paragraphs (a) and (b)(4).

§ 64.623 Administrator requirements.

(a) For the purposes of this section, the term "Administrator" shall refer to ~~each of~~ the TRS Numbering administrator~~,~~ and the administrator of the TRS User Registration Database~~, the administrator of the VRS Access Technology Reference Platform, and the provider of the Neutral Video Communication Service Platform~~. A single entity may serve in one or more of these capacities.

(b) * * *

(4)~~None of~~ Neither the administrator of the TRS User Registration Database~~, the administrator of the VRS Access Technology Reference Platform, or the provider of the Neutral Video Communication Service Platform,~~ nor any affiliates thereof~~,~~ shall be unduly influenced, as determined by the Commission, by parties with a vested interest in the outcome of TRS-related activities.

* * * * *

APPENDIX B
INITIAL REGULATORY FLEXIBILITY 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 policies and rules proposed in the *Notice of Proposed Rulemaking* (*Notice*) assessing the possible significant economic impact on a substantial number of small entities. The Commission requests written public comments on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments specified on the first page of the *Notice*. The Commission will send a copy of the *Notice*, including this IRFA, to the Chief Counsel for the Small Business Administration (SBA) Office of Advocacy.[2] In addition, the *Notice* 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 *Notice*, the Commission proposes specific enhancements for Internet Protocol (IP) Relay and Video Relay Services (VRS), along with administrative reforms to streamline the Telecommunications Relay Services (TRS) program. For IP Relay, the Commission addresses the use of automatic speech recognition (ASR) for speech-to-text conversion and advanced text-to-speech technologies, the need for metrics for IP Relay quality, and compatibility of IP Relay with Real-Time Text (RTT) technology. For VRS, the Commission proposes to require VRS providers to build in captioning functionality and provide VRS providers with increased operational flexibility by loosening restrictions on VRS calls while traveling abroad and adjusting physical call center requirements. Finally, the Commission proposes to streamline TRS provider certification processes and update or eliminate obsolete rules.

B. Legal Basis

3. The proposed action is authorized 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.

C. Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply

4. 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 (SBA).[6] A "small business concern" is one which: (1) is independently owned and operated; (2) is not dominant in its field

[1] 5 U.S.C. §§ 601 *et seq*., as amended by the Small Business Regulatory Enforcement and Fairness Act (SBREFA), Pub. L. No. 104-121, 110 Stat. 847 (1996).

[2] *Id.* § 603(a).

[3] *Id*.

[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 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."

of operation; and (3) satisfies any additional criteria established by the SBA.[7] The SBA establishes small business size standards that agencies are required to use when promulgating regulations relating to small businesses; agencies may establish alternative size standards for use in such programs, but must consult and obtain approval from SBA before doing so.[8]

5. Our actions, over time, may affect small entities that are not easily categorized at present. We therefore describe three broad groups of small entities that could be directly affected by our actions.[9] 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 34.75 million businesses.[11] Next, "small organizations" are not-for-profit enterprises that are independently owned and operated and not dominant their field.[12] While we do not have data regarding the number of non-profits that meet that criteria, over 99 percent of nonprofits have fewer than 500 employees.[13] Finally, "small governmental jurisdictions" are defined as cities, counties, towns, townships, villages, school districts, or special districts with populations of less than fifty thousand.[14] Based on the 2022 U.S. Census of Governments data, we estimate that at least 48,724 out of 90,835 local government jurisdictions have a population of less than 50,000.[15]

6. The rules proposed in the *Notice* will apply to small entities in the industries identified in the chart below by their six-digit North American Industry Classification System (NAICS)[16] codes and corresponding SBA size standard.[17] Based on currently available U.S. Census data regarding the estimated number of small firms in each identified industry, we conclude that the proposed rules will impact a substantial number of small entities. Where available, we also provide additional information regarding the number of potentially affected entities in the above identified industries.

[7] 15 U.S.C. § 632.

[8] 13 CFR 121.903.

[9] 5 U.S.C. § 601(3)-(6).

[10] *See* SBA, Office of Advocacy, *Frequently Asked Questions About Small Business* (July 23, 2024), https://advocacy.sba.gov/wp-content/uploads/2024/12/Frequently-Asked-Questions-About-Small-Business_2024-508.pdf.

[11] *Id*.

[12] 5 U.S.C. § 601(4).

[13] *See* SBA, Office of Advocacy, *Small Business Facts, Spotlight on Nonprofits* (July 2019), https://advocacy.sba.gov/2019/07/25/small-business-facts-spotlight-on-nonprofits/.

[14] 5 U.S.C. § 601(5).

[15] *See* U.S. Census Bureau, 2022 Census of Governments –Organization, https://www.census.gov/data/tables/2022/econ/gus/2022-governments.html, tables 1-11.

[16] The North American Industry Classification System (NAICS) is the standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy. *See* www.census.gov/NAICS for further details regarding the NAICS codes identified in this chart.

[17] The size standards in this chart are set forth in 13 CFR 121.201, by six digit North American Industrial Classification System (NAICS) code.

Table 1. Census Bureau Data By NAICS Code

Regulated Industry (NAICS Classification)	NAICS Code	SBA Size Standard	Total Firms[18]	Small Firms[19]	% Small Firms in Industry
Wired Telecommunications Carriers[20]	517111	1,500 employees	3,054	2,964	97.05
All Other Telecommunications	517810	$40 million	1,079	1,039	96.29

Table 2. Telecommunications Service Provider Data

2024 Universal Service Monitoring Report Telecommunications Service Provider Data [21] (Data as of December 2023)	SBA Size Standard (1500 Employees)		
Affected Entity	**Total # FCC Form 499A Filers**	**Small Firms**	**% Small Entities**
Wired Telecommunications Carriers[22]	4,682	4,276	91.33

D. Description of Economic Impact and Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities

7. The RFA directs agencies to describe the economic impact of proposed rules on small entities, as well as projected reporting, recordkeeping and other compliance requirements, including an estimate of the classes of small entities which will be subject to the requirements and the type of professional skills necessary for preparation of the report or record.[23]

8. The changes proposed in the *Notice*, if adopted, could impose new or modified reporting, recordkeeping, or other compliance obligations on certain small entities that provide VRS and IP Relay service. Small entities may need to hire professionals such as attorneys, consultants, and engineers to comply with the proposed changes in the *Notice.* The Commission seeks comment on the impact of

[18] *See* U.S. Census Bureau, *2017 Economic Census of the United States*, *Employment Size of Firms for the U.S.: 2017,* Table ID: EC1700SIZEEMPFIRM, *and 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.

[19] *Id.*

[20] Affected Entities in this industry include Competitive Local Exchange Carriers (CLECs), Incumbent Local Exchange Carriers (Incumbent LECs), Interexchange Carriers (IXCs), Local Exchange Carriers (LECs), Other Toll Carriers.

[21] Federal-State Joint Board on Universal Service, Universal Service Monitoring Report at 26, Table 1.12 (2024), https://docs.fcc.gov/public/attachments/DOC-408848A1.pdf.

[22] Local Resellers fall into another U.S. Census Bureau industry (Telecommunications Resellers) and therefore data for these providers is not included in this industry.

[23] 5 U.S.C. § 603(b)(4).

requiring RTT technology compatibility for IP Relay providers, and requiring VRS providers to provide built-in ASR captioning. The Commission seeks comment on streamlining existing user registration and verification requirements, which may involve optimal allocations of user registration and verification responsibilities between the provider and the TRS Fund Administrator. The Commission also seeks comment on reducing certification and re-certification requirements for applicants to provide TRS, which would reduce the amount of detail the applicant must provide to demonstrate it will meet all applicable TRS mandatory minimum standards. The information we receive in comments will help the Commission identify and evaluate relevant compliance matters, costs, and other burdens for small entities that may result from the proposals and inquiries made in the *Notice*.

E. Discussion of Significant Alternatives Considered That Minimize the Significant Economic Impact on Small Entities

9. The RFA directs agencies to provide a description of any significant alternatives to the proposed rules that would accomplish the stated objectives of applicable statutes, and minimize any significant economic impact on small entities.[24] The discussion is required to include alternatives such as: "(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."[25]

10. The proposed changes to the Commission's TRS rules are designed to ensure that Internet-based TRS align with twenty-first century technological developments and continue to serve the needs of the disability community. For IP Relay, the Commission seeks comment of the economic impact of ensuring compatibility of IP Relay with RTT technology. The Commission also proposes to revise its rule to facilitate the provision of IP Relay using ASR and text-to-speech technologies For VRS, the Commission seeks comment on the potential costs incurred by VRS providers to build in captioning functionality. The Commission also would provide VRS providers with increased operational flexibility by loosening restrictions on VRS calls while traveling abroad and adjusting physical call center requirements. The item also seeks to reduce the burden of the certification process on applicants to provide TRS. The item also inquiries about reducing burdens through updating or deleting obsolete or unnecessarily burdensome rules.

11. The *Notice* seeks comment from all interested parties, particularly those of small entities. Small entities are encouraged to bring to the Commission's attention any specific concerns they may have with the proposals outlined in the *Notice* and suggest alternatives. The Commission expects to consider alternatives that might minimize the economic impact of any final rules on small entities in reaching its final conclusions and taking action in this proceeding.

F. Federal Rules that May Duplicate, Overlap, or Conflict with the Proposed Rules

12. None.

[24] 5 U.S.C. § 603(c).

[25] *Id.* § 603(c)(1)-(4).

STATEMENT OF
CHAIRMAN BRENDAN CARR

Re: *Telecommunications Relay Services and Speech to-Speech Services for Individuals with Hearing and Speech Disabilities*; *Structure and Practices of the Video Relay Service Program*; *Misuse of Internet Protocol Relay Service*, CG Docket Nos. 03-123, 10-51, 12-38, Notice of Proposed Rulemaking (January 29, 2026).

Last year marked the 35th Anniversary of the Americans with Disabilities Act. The FCC plays a critical role in implementing and enforcing the ADA's requirements, including for Telecommunications Relay Services, which allow deaf, hard-of-hearing, or speech impaired individuals to place or receive telephone calls in a functionally equivalent way.

Last fall, we kicked off a proceeding to modernize analog TRS. At the time, I said it was time for the agency to take a first principles approach to accessibility to ensure that the FCC's rules are aligned with modern technology. The technological advancements that necessitated a fresh look at analog TRS also impact IP-based TRS. With today's item, we continue the work we started last year by proposing targeted reforms to Internet-based forms of TRS. This is what I'm calling TRS modernization part two, and this action supports our broader effort to encourage the IP transition. As we make the transition, we are mindful of consumer protection provisions and necessary updates to them like those we propose today.

Principally, we seek comment on changes to improve the provision of IP Relay and Video Relay Service. We also seek comment on streamlining our rules and deleting or updating outdated rules that no longer reflect reality. I look forward to a robust record in this proceeding.

For their great work on this item, I would like to thank Eduard Bartholme, Lisa Wilson Edwards, Michael Scott, William David Wallace, and Joshua Mendelsohn from the Consumer and Governmental Affairs Bureau. I would also like to thank staff from the Office of General Counsel, Office of Economics and Analytics, Office of the Managing Director, Office of Communications Business Opportunities, Wireline Competition Bureau, and Enforcement Bureau for their contributions to this item.

STATEMENT OF
COMMISSIONER ANNA M. GOMEZ

Re: *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*; *Structure and Practices of the Video Relay Service Program*; *Misuse of Internet Protocol Relay Service*, CG Docket Nos. 03-123, 10-51, 12-38, Notice of Proposed Rulemaking (January 29, 2026).

At the end of last year, the FCC began looking at ways to modernize the Telecommunications Relay Services (TRS). TRS are a type of communications services that allow persons who are deaf, hard of hearing, deafblind, or have speech disabilities to communicate by telephone in a manner that is functionally equivalent to the way persons without such disabilities use telephone service. Over time and with technological advancements, telecommunications relay services have evolved from relying on the analog telephone network to now also being available over the Internet. The proceeding we adopted last November focuses on modernizing analog TRS. Today, we consider a Notice of Proposed Rulemaking (NPRM) to begin a conversation about modernizing Internet-based TRS.

As we undertake the task of assessing the impact of new technologies like Automated Speech Recognition in established Internet-based telecommunications services like IP Relay, IP CTS, and VRS, and as we consider deleting and amending rules that help these services catch up with today's world, we cannot lose sight of our responsibility to prioritize solutions that serve the disability community.

Thank you to the Chairman for incorporating my edits in the NPRM, including asking about how common carriers can share information about TRS with their subscribers in a modern way, and asking about the benefits to retaining the TRS Advisory Council – which has been a forum where consumers, providers, and state policy makers can provide input on the administration of the TRS Fund.

I look forward to hearing from the disability community, industry, state decision-makers involved in the provision of TRS, and the Communications Assistant workforce, on the proposals we make today.

STATEMENT OF
COMMISSIONER OLIVIA TRUSTY

Re: *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*; *Structure and Practices of the Video Relay Service Program*; *Misuse of Internet Protocol Relay Service*, CG Docket Nos. 03-123, 10-51, and 12-38, Notice of Proposed Rulemaking (January 29, 2026).

In November, the Commission initiated a proceeding to ensure that users of analog forms of Telecommunications Relay Services (TRS) are not left behind as our nation's communications networks transition to IP-based technologies. As I noted at the time, the ultimate goal is to ensure that TRS users can fully benefit from the enhanced capabilities made possible by advanced communications networks.

Today's NPRM continues that work, with a focus on Internet-based forms of TRS. We seek comment on how users and providers can take advantage of innovative technologies and expanded service capabilities, including the potential for automatic speech recognition and other advanced tools to improve IP Relay and Video Relay Service.

This item builds on the FCC's prior actions making ASR capabilities available as an option for providers and users of IP Captioned Telephone Service, another Internet-based TRS offering. Consistent with those efforts, the Commission's objective here is to enhance the consumer experience and ensure that Internet-based TRS continues to evolve alongside other services in the modern communications marketplace.

I thank the Consumer and Governmental Affairs Bureau for its excellent work on this item.

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

In the Matter of	)	
	)	
Amendment to Part 0 of the Commission's	)	MD Docket No. 26-18
Rules Regarding Delegations of Authority	)	

ORDER

Adopted: February 2, 2026 **Released: February 5, 2026**

By the Commission:

1. In this Order, the Federal Communications Commission (the Commission or FCC) takes action to streamline its operations by amending the rules governing the delegated authority of the Chairman and the Managing Director to settle claims filed against the FCC pursuant to either the Federal Tort Claims Act (FTCA)[1] or the Military Personnel and Civilian Employees' Claims Act.[2]

2. The FTCA provides that "[t]he head of each Federal agency or his designee, in accordance with regulations prescribed by the Attorney General, may . . . settle any claim for money damages against the United States for injury or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any employee of the agency while acting within the scope of his office or employment under circumstances where the United States, if a private person, would be liable to the claimant" under applicable law, up to $25,000.[3] Sections 0.211(d) and 0.231(d) of the Commission's rules, however, only permit the Chairman and the Managing Director to settle FTCA claims that do not exceed $5,000.[4] As a result, where a claimant has proposed a settlement above $5,000 but not exceeding $25,000 and the Managing Director has recommended accepting such settlement (and has also secured the concurrence of the General Counsel), a full Commission vote has nonetheless been required for the Chairman and the Managing Director to obtain actual settlement authority on behalf of the FCC. The additional step of a vote by the full Commission has created delay in the prompt resolution of FTCA claims. Moreover, the cost of living has significantly increased since the FTCA limits in sections 0.211(d) and 0.231(d) were last updated in more than 50 years ago.[5] Accordingly, to improve administrative efficiency, adjust for the cost of living, and ensure Commission rules reflect the full extent of the Chairman's and the Managing Director's statutory authority to settle FTCA claims, this Order

[1] 28 U.S.C. § 2672.

[2] 31 U.S.C. §§ 3701, 3721.

[3] 28 U.S.C. § 2672 (providing a limited waiver of the United States' sovereign immunity for torts committed by government employees acting within the scope of their employment "under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred").

[4] 47 CFR §§ 0.211(d), 0.231(d).

[5] *See* Federal Communications Commission, Delegation of Authority to the Executive Director, 36 Fed. Reg. 23297, 23297-98 (Dec. 8, 1971) (adding section 0.231(f) to delegate authority to the Executive Director, with the concurrence of the General Counsel, to grant tort claims not exceeding $5,000); Federal Communications Commission, Delegations of Authority Regarding Handling of Tort Claims, 31 Fed. Reg. 11755, 11755-56 (Sept. 8, 1966) (amending the delegation to the Chairperson in section 0.211(d) to increase the monetary limitation on FTCA settlements from $2,500 to $5,000 for tort claims accruing after January 18, 1967).

amends these delegations up to the FTCA statutory limit of $25,000.

3. Similarly, the Military Personnel and Civilian Employees' Claims Act provides, in relevant part, that "[t]he head of an agency may settle and pay not more than $40,000 for a claim against the Government made . . . by an officer or employee of the agency for damage to, or loss of, personal property incident to service."[6] Section 0.231(d) of the Commission's rules, however, only permits the Managing Director to act in the disposition of claims arising under the Military Personnel and Civilian Employee's Claims Act where the amount of the claim does not exceed $6,500.[7] Accordingly, for the same reasons as set forth for amending the FTCA limit, this Order amends our rules to increase the delegation for settling such claims from $6,500 to the $40,000 statutory limit for claims that did not arise from an emergency evacuation or from extraordinary circumstances.[8]

4. The notice and comment and effective date provisions of the Administrative Procedure Act contained in 5 U.S.C. § 553(b) and (d) do not apply because the amendments adopted herein pertain to "rules of agency organization, procedure, or practice."[9] For the same reason, no Final Regulatory Analysis is required under the Regulatory Flexibility Act, 5 U.S.C. § 604.[10]

5. This document does not contain new or modified information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104-13, 44 U.S.C. §§ 3501-3521. 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).

6. The Commission will not send a copy of this Order to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. § 801(a)(1)(A), because the adopted rule is a rule of agency organization, procedure, or practice that does not substantially affect the rights or obligations of non-agency parties.

7. Accordingly, **IT IS ORDERED THAT**, pursuant to sections 4, 5(c), 5(e), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154, 155(c), 155(e), 303(r), this Order is **ADOPTED**.

8. **IT IS FURTHER ORDERED** that Part 0 of the Commission's rules **IS AMENDED** as set forth in the Appendix.

9. **IT IS FURTHER ORDERED** that this Order **WILL BECOME EFFECTIVE** upon publication in the Federal Register.

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[6] 31 U.S.C. § 3721(b)(1). "If, however, the claim arose from an emergency evacuation or from extraordinary circumstances, the amount settled and paid under the authority of the preceding sentence may exceed $40,000, but may not exceed $100,000." *Id.*

[7] 47 CFR § 0.231(d).

[8] *See* Federal Communications Commission, Managing Director Authority Now Delegated to the Chairman Concerning Settlement of Claims within the Purview of the Military Personnel and Civilian Employees' Claims Act, 51 Fed. Reg. 23550 (June 30, 1986) (amending sections 0.211 and 0.231 to transfer the Chairperson's authority to act upon the disposition of certain claims arising under the Military and Civilian Employees' Claims Act to the Managing Director); Federal Communications Commission, Authority Delegation to Chairman, 40 Fed. Reg. 6473, 6473 (Feb. 12, 1975) (delegating authority to the Chairman to settle claims under the Military Personnel and Civilian Employees' Act where the amount of the claim does not exceed $6,500).

[9] 5 U.S.C. § 553(b)(3)(A); *id.* § 553(d) (providing that the required publication of a rule 30 days before its effective date applies only to substantive rules).

[10] *See* 5 U.S.C. § 604(a).

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

APPENDIX
Final Rules

For the reasons set forth above, the Federal Communications Commission amends part 0 of title 47 of the Code of Federal Regulations as follows:

PART 0 – COMMISSION ORGANIZATION

1. The authority citation for part 0 continues to read as follows:

Authority: 47 U.S.C. 151, 154(i), 154(j), 155, 225, 409, and 1754, unless otherwise noted.

Subpart B—Delegations of Authority

2. Amend § 0.211 by revising paragraph (d) as follows:

§ 0.211 Chairman.

* * * * *

(d) To act within the purview of the Federal Tort Claims Act, as amended, 28 U.S.C. 2672, upon tort claims directed against the Commission where the amount of damages does not exceed $25,000.

* * * * *

3. Amend § 0.231 by revising paragraph (d) as follows:

§ 0.231 Authority delegated.

* * * * *

(d) The Managing Director, or his designee, upon securing the concurrence of the General Counsel, is delegated authority, within the purview of the Federal Tort Claims Act, as amended, 28 U.S.C. 2672, to grant tort claims directed against the Commission where the amount of the claim does not exceed $25,000. In addition thereto, the Managing Director, or his designee, upon securing the concurrence of the General Counsel, is delegated authority to act in the disposition of claims arising under the Military Personnel and Civilian Employees' Claims Act, as amended, 31 U.S.C. 3701 and 3721, where the amount of the claim does not exceed $40,000.

* * * * *

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

In the Matter of	)	
	)	
Comcast Cable Communications, LLC,	)	Proceeding No. 25-330
	)	Bureau ID Number EB-25-MD-002
Complainant,	)	
	)	
v.	)	
	)	
Appalachian Power Company,	)	
	)	
Defendant.	)	

MEMORANDUM OPINION AND ORDER

Adopted: February 4, 2026 **Released: February 5, 2026**

By the Commission:

I. INTRODUCTION

1. This Memorandum Opinion and Order resolves a formal complaint filed by Comcast Cable Communications, LLC (Comcast) against Appalachian Power Company (APCO).[1] APCO is an electric utility that owns and controls poles to which it and cable television systems or providers of telecommunications service (such as Comcast) attach wires and other equipment. An APCO policy affects some of the poles in Virginia to which Comcast seeks to attach. The policy applies to APCO's poles that have a preexisting violation of safety or engineering standards caused by a third party, but that would still require a pole replacement to accommodate a new attachment (like those sought by Comcast), even if the preexisting violation were removed.[2] Under the policy, APCO offers to replace these poles and provide Comcast with access to the new poles, but APCO charges Comcast up front for the full cost of the replacement poles, subject to a potential partial refund. Faced with these charges, Comcast filed its Complaint, asserting that APCO's policy is unlawful under the Communications Act (Act) and the Federal Communication Commission's (Commission) rules.

2. As explained below, we hold that APCO's policy violates section 224 of the Act, Commission precedents applying section 224, and sections 1.1411(e)(4)[3] and 1.1408(b) of our rules. For

[1] Pole Attachment Complaint and Request for Assignment to Accelerated Docket, Proceeding No. 25-330, Bureau ID Number EB-25-MD-002 (filed Nov. 25, 2025) (Complaint).

[2] *See* Complaint, Ex. 1, Letter from APCO to Attachers in Virginia and Tennessee at 1 (Sept. 5, 2025) (Policy).

[3] The currently effective version of this rule is codified at 47 CFR § 1.1411(d)(4). However, once the revisions to section 1.1411 adopted by the Commission in July 2025 become effective when approved by the Office of Management and Budget (OMB), that provision will be redesignated as 47 CFR § 1.1411(e)(4). *See Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, Fifth Report and Order, Fourth Further Notice of Proposed Rulemaking, and Orders on Reconsideration, 40 FCC Rcd 5395, 5482, 5485-86, para. 153 and Appx. A (2025) (*Fifth Wireline Infrastructure Order*). The Commission will publish a document in the Federal Register announcing the effective date once it receives OMB approval.

over 20 years, the Act and our rules have been interpreted to preclude utilities from requiring a new attacher to pay the entire cost of a pole replacement when a pole already fails to comply with existing safety or engineering standards. We further hold that, as to the poles at issue, Comcast is obligated to pay only the incremental increase in the costs of a stronger and/or taller pole needed to enable its new attachment, not the full costs of a pole replacement.

II. BACKGROUND

A. The parties

3. Comcast "provides cable services, broadband internet access service, and other services via cable systems in Virginia."[4] According to Comcast, it is deploying broadband infrastructure to reach unserved and underserved areas across the United States.[5] The Broadband Equity Access and Deployment (BEAD) program subsidizes some of Comcast's buildout and establishes deployment deadlines and progress reporting obligations.[6] For a portion of its deployment operations in Virginia, Comcast is a new attacher to poles owned by APCO.[7]

4. APCO, which is a subsidiary of American Electric Power Service Corporation (AEP), operates across portions of Tennessee, Virginia, and West Virginia.[8] APCO is a "utility" subject to the provisions of section 224 of the Act and the Commission's pole attachment rules.[9]

B. The dispute concerning APCO's pole replacement policy

5. The Commission is authorized to resolve pole attachment disputes unless the relevant state certifies that it has "issued and made effective rules and regulations implementing the State's regulatory authority over pole attachments."[10] Here, both Comcast and APCO agree that Virginia does not regulate pole attachments.[11] As such, the Commission has jurisdiction over this dispute under its authority in section 224 of the Act.[12]

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[4] Complaint at 5, para. 11.

[5] *Id.* at 2, para. 2.

[6] *Id.* at 2, para. 1 ("Comcast has been awarded a $126 million grant from the [BEAD] fund to connect approximately 13,000 unserved and underserved locations in Virginia."). *See also* National Telecommunications and Information Administration (NTIA), *Public Resources related to BEAD Plans and Milestones*, https://broadbandusa.ntia.gov/public-resources-related-bead-plans-and-milestones. For context, the BEAD Program "is a $42.45 billion federal grant program that aims to connect every American to high-speed internet by funding partnerships to build infrastructure. In June 2023, NTIA announced allocation amounts for all 56 states and territories." NTIA, *Broadband Equity Access and Deployment Program*, https://broadbandusa.ntia.gov/funding-programs/broadband-equity-access-and-deployment-bead-program.

[7] Complaint at 2, para. 1 ("Comcast currently estimates that it will need to access thousands of [APCO]-owned utility poles" for its BEAD-funded operations in Virginia.).

[8] *See* Appalachian Power, *About Us*, https://www.appalachianpower.com/company/about/ (last visited Jan. 27, 2026). *See also* Complaint at 5.

[9] *See* 47 U.S.C. § 224(a)(1); 47 CFR § 1.1402(a); *see generally id.* §§ 1.1401-1.1416.

[10] 47 U.S.C. § 224(c)(3).

[11] *See* Complaint at 6, para. 16. *See also* Appalachian Power Company's Answer to Comcast Cable Communications, LLC's Pole Attachment Complaint and Request for Assignment to Accelerated Docket, Proceeding No. 25-330, Bureau ID Number EB-25-MD-002, at 9, para. 16 (filed Dec. 15, 2025) (Answer).

[12] 47 U.S.C. § 224(b).

6. There is a multi-stage process for new attachers to access utility poles for use in broadband deployment and the provision of other services like cable or telecommunications.[13] The new attacher must apply to the pole owner for access, after which the pole owner must conduct any necessary surveys of the poles, and then either accept or reject the application.[14] If the owner accepts, it must provide the new attacher an estimate of "all make-ready charges" required to effectuate the desired access.[15] The new attacher may choose to withdraw its application, or accept the estimate and provide payment, in which case the parties will proceed with make-ready work on the agreed poles.[16] If the final cost of the make-ready work differs from the estimate, the utility can present a detailed, itemized final invoice of the actual make-ready charges incurred.[17]

7. In this proceeding, Comcast (the new attacher) represents that it applied to APCO (the pole owner) for access to many of APCO's poles in order for Comcast to meet BEAD buildout obligations.[18] This dispute arises from the cost estimate stage, in which the parties have been unable to agree on the share of the pole replacement and make-ready costs that Comcast should bear as the new attacher after the pole is replaced.[19] By resolving this dispute on an accelerated basis and providing guidance on the appropriate make-ready costs, the Commission is helping parties move more quickly to the broadband deployment stage, encouraging investment, and helping achieve high-speed broadband availability.

8. Some of the APCO poles to which Comcast seeks attachment have preexisting safety, capacity, or engineering violations, which APCO claims stem from the presence of a third-party violator.[20] The record does not contain detailed evidence of the types of safety or engineering violations on these poles to which the disputed policy applies. Comcast has asserted that a number of poles have clearance issues.[21] APCO asserts that many of the violations are loading violations, where an attacher

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[13] *See Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, Third Report and Order and Declaratory Ruling, 33 FCC Rcd 7705, 7708, para. 7 (2018) (*2018 Wireline Infrastructure Order*); 47 CFR §§ 1.1411(d)-(k).

[14] *See 2018 Wireline Infrastructure Order*, 33 FCC Rcd at 7708-09, para. 7.

[15] *See id.*, 33 FCC Rcd at 7709, para. 7. The Commission's rules define the term "make-ready" as "the modification or replacement of a utility pole, or of the lines or equipment on the utility pole, to accommodate additional facilities on the utility pole." 47 CFR § 1.402(o). "Make-ready charges" are thus the non-recurring charges caused by accommodating the new attachment on a pole, and because the utility is directly compensated for those costs at this stage, the make-ready costs are excluded from expenses used in calculating recurring pole attachment rates. *See 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, 11131-32, para. 7 (2017); 47 CFR § 1.1406(b).

[16] *See 2018 Wireline Infrastructure Order*, 33 FCC Rcd at 7709, para. 7.

[17] 47 CFR § 1.1411(e)(3).

[18] *See* Complaint at 7, paras. 20-21.

[19] *See id.* at 6, 9-10, 12-13, paras. 9, 26-27, 36-43 (explaining that Comcast is awaiting approval of applications for access to thousands of APCO poles in Virginia, and that Comcast and APCO have repeatedly disputed the cost sharing aspect of the attachment process in forums including the West Virginia Public Service Commission, unsuccessful mediation with the FCC, and now via Commission complaint).

[20] *See id.* at 2, 11, 13, paras. 2, 32, 43; Policy at 1-2. APCO's policy indicates that the preexisting violations it covers stem from a "pre-existing violator" that could be removed from the pole for remediation of the violation(s) afflicting the pole. Indeed, eight places in the policy letter mention a third-party "violator" as an entity whose equipment must be altered in some way (or the pole replaced) to make room for a new attacher (like Comcast) to attach.

[21] Answer, Ex. 1 at 3 (Letter from T. Scott Thompson, counsel for Comcast, to Rosemary McEnery, Market Disputes Resolution Division, FCC Enforcement Bureau (Sept. 16, 2025)).

places equipment that is too heavy under applicable safety and engineering guidelines.[22] In either case, the potential remedies for these violations include removal of the violative attachments or installing a replacement pole that is enhanced in some way, such as increasing width, strength, and/or height.[23]

9. APCO's policy concerns any pole "with pre-existing violations, but which would still require replacement to accommodate a new attachment even if the pre-existing violation was removed from the pole."[24] Both parties agree with this description of the policy's scope.[25] The poles at issue in this proceeding fall within the policy's scope, i.e., they are poles that possess preexisting safety or engineering violations caused by an existing attacher, but would require replacement to accommodate Comcast even if the preexisting violations were removed.[26]

10. Before the current policy took effect on September 5, 2025, APCO applied a policy that placed a more demanding requirement on applicants that sought access to poles with preexisting third-party violations.[27] The former policy had two key characteristics. First, like the current policy, it required new attachers to pay up front 100% of the make-ready replacement costs to remediate the preexisting third-party violation and to modify the pole to accommodate the new attachment.[28] Second, the new attacher also was required to remove the third party's violating equipment in order to "render the pole violation-free."[29]

11. On May 22, 2025, Comcast filed a formal complaint with the West Virginia Public Service Commission (WV PSC) challenging APCO's former policy.[30] Comcast argued that APCO's former policy unlawfully delayed access to poles, that APCO failed to conduct make-ready operations within lawful timelines required by state law, and that the former policy represented an unjust and unreasonable condition of pole access.[31] APCO argued that its requirements for up-front make-ready

[22] *See, e.g.*, Answer at 40, para. 80.

[23] *See id.* at 3, para. 4.

[24] Policy at 1. Neither Comcast nor APCO has presented evidence that any violative attachments are being removed from the poles to which Comcast seeks attachment, even though Comcast initially began seeking access many months ago. To the extent that all violative attachments actually were removed from a pole (such that there were no longer any preexisting violations of safety or engineering standards), but the pole nonetheless could not accommodate a new attacher because it lacked capacity or would introduce a violation of safety or engineering guidelines, then the new attacher's request would cause the need for a pole replacement, and the utility could charge the new attacher for the full cost of the pole replacement. *See* 47 CFR § 1.1411(e)(3)-(4) (although a utility "may not charge" new attachers for prior violations caused by third-party equipment, it may charge new attachers for make-ready costs associated with their attachment to the utility's infrastructure").

[25] *See* Complaint at 20, para. 69 ("At the time Comcast applies to attach, the pole has a preexisting violation that requires a pole replacement to remedy, regardless of whether Comcast attaches or not."). *See also* Answer at 21, para. 49 ("[T]he policies apply only when a pole replacement would be required even if the preexisting violation is removed from the pole.") (emphasis omitted).

[26] *See* Complaint at 19, para. 68. *See also* Answer at 21, para. 49. Our ruling in this case is thus limited to a general application of the Act and the Commission's rules to the costs billed for the poles at issue under APCO's policy. Further, because the record does not contain information on any particular APCO poles to which Comcast seeks access, we also are not making any factual determinations as to any particular pole or set of poles, i.e., the actual cause or nature of any violation, or the actual allocation of cost on a particular pole or set of poles.

[27] *See* Complaint at 2, 7-9, paras. 2, 23-25.

[28] *See id.* at 8-9, para. 25.

[29] *Id.* at 8, para. 25.

[30] *See id.* at 9, para. 26.

[31] *See id.*, Ex. 5 at 6.

costs were not unjust restrictions or delays to access, because APCO could otherwise simply deny access for capacity reasons.[32]

12. The WV PSC ruled against APCO on July 28, 2025, explaining that APCO's former policy unlawfully shifted remediation costs for existing violations onto new attachers and delayed pole access.[33] In doing so, the WV PSC relied in part on Commission precedent explaining that new attachers are "generally not responsible for the make-ready costs associated with installing the replacement pole" where there are existing violations, unless the pole owner can show that there are "incremental make-ready costs" that are "specifically associated" with "accomodat[ing] the new attachment."[34] Only then can the pole owner "charge the prospective attacher for such incremental make-ready costs."[35]

C. The proceeding before the Commission

13. On July 22, 2025, Comcast filed a Request for Review with the Commission's Rapid Broadband Assessment Team (RBAT),[36] concerning Comcast's broadband deployment efforts in Virginia and alleging that APCO's former policy violated section 224 of the Act and section 1.1411 of the Commission's rules.[37] The parties entered into RBAT-supervised mediation on August 4, 2025,[38] but failed to resolve their dispute.

14. On September 5, 2025, APCO issued a letter to all Tennessee and Virginia providers (including Comcast) announcing that its former policy was "superseded and replaced" by the current policy, effective immediately.[39] Under APCO's current policy for processing new attachment requests for poles possessing preexisting third-party violations (i) APCO requires that the new attacher pay 100% of the "make-ready pole replacement cost" to resolve the preexisting violation on the old pole; (ii) APCO then proceeds with the pole replacement, allowing the new attacher's equipment to be added afterward; (iii) the preexisting violator may elect to leave the remaining "stub pole" and transfer to the new pole if it pays 50% of the full pole replacement cost to APCO;[40] and (iv) if the preexisting violator elects to leave

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[32] *See id.*, Ex. 5 at 6.

[33] *See Comcast Cable Comm'ns Corp. v. Appalachian Power Co.*, Case No. 25-0463-CTV-E-POLE, 2025 WL 2438546 (W.Va. P.S.C. July 28, 2025); *see also* Complaint, Ex. 5 at 12-13.

[34] *See In the Matter of Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, Fourth Report and Order, Declaratory Ruling, and Third Further Notice of Proposed Rulemaking, 38 FCC Rcd 12379, 12408, para. 48 (2023) (*Fourth Wireline Infrastructure Order*); Complaint, Ex. 5 at 13.

[35] *Fourth Wireline Infrastructure Order*, 38 FCC Rcd at 12408, para. 48. West Virginia rules track the FCC's rules when discussing whether pole owners may shift remediation costs of existing pole violations onto to new attachers as a condition of access. Section 1.1411(e)(4) of the Commission's rules explains that "[a] utility may not charge a new attacher to bring poles, attachments, or third-party equipment into compliance." 47 CFR § 1.1411(e)(4). West Virginia law replicates this language word-for-word. *See* W.Va. Code R. § 150-38-10.4.4. *See also* Complaint at 9 n.24.

[36] The Commission established the RBAT in 2023 to "expedite the resolution of pole attachment disputes" and thereby facilitate broadband deployment. *See* 47 CFR § 1.1415; 47 U.S.C. § 224(b)(1)-(2); *see Fourth Wireline Infrastructure Order*, 38 FCC Rcd at 12380, para. 2. The RBAT prioritizes pole attachment disputes that are "impeding or delaying an active broadband deployment project," such as one where BEAD funding is involved. *See* 47 CFR § 1.1415(a)-(b). Upon receipt of a request, RBAT staff endeavor to reach a mutually-agreeable resolution by promptly engaging the parties in mediation. *See* 47 CFR §§ 1.1415(b), 1.737. When mediation is unsuccessful, a complainant may file a complaint and also can seek to have its complaint heard on the Commission's Accelerated Docket. *See* 47 CFR §§ 1.1415(e), 1.736.

[37] RBAT Request at 2-4.

[38] *See* Letter from J. Adam Suppes, Market Disputes Resolution Division, FCC Enforcement Bureau, to T. Scott Thompson, counsel for Comcast, and Robin Bromberg, counsel for APCO (Aug. 4, 2025) (Mediation Letter).

[39] *See* Policy at 1.

the stub pole and pays APCO, APCO will transfer that 50% to the new attacher as a true up.[41] As discussed above, the current policy only applies to poles that would *still* require replacement to accommodate a new attachment even if the violative third-party attachments were removed.[42]

15. On November 25, 2025, Comcast filed its Complaint with the Commission.[43] The Complaint alleges that APCO's policy violates the Act and Commission rules by shifting to new attachers like Comcast the burden of policing APCO's poles and remediating preexisting safety violations on those poles.[44] Specifically, Comcast alleges that section 224 of the Act and section 1.1411(e)(4) of our rules prohibit APCO from requiring Comcast to pay up front the entire cost of replacing poles with such preexisting violations, with only a possible 50% recovery of that cost.[45] In addition, Comcast more broadly argues that it may not be charged for any portion of the cost of a replacement pole where there is a preexisting violation.[46]

16. APCO answered Comcast's Complaint on December 15, 2025. In its Answer, APCO disagrees with Comcast's cost allocation arguments and contends that its policy is a means of expediting—not delaying—access to poles encumbered with preexisting third party violations.[47]

17. Comcast replied on December 22, 2025, reiterating its objection to bearing any financial burden stemming from "violations that existed before its application."[48] Nevertheless, the Reply argues in the alternative that, if the Commission "disagrees with Comcast's position," Comcast could be responsible for "the incremental cost of the additional amount of bare pole space used by Comcast."[49]

18. For the reasons explained below, we grant Count I of the Complaint in part. Specifically, we hold that APCO's policy unlawfully applies terms and conditions for the pole attachments at issue that

(Continued from previous page)

[40] A "stub pole" is a shortened pole that remains adjacent to a new pole after installation. *See* Complaint at 3, para. 15 (explaining that preexisting attachers would have to transfer from their previous location [the stub] to the new pole). The stub pole remains in place to retain pole attachments until all preexisting attachers transfer to the newly installed pole. *See* Policy at 1-2.

[41] *See* Policy at 1.

[42] *See id.* at 1.

[43] The Complaint contains two counts. Part of Count I and all of Count II contain allegations as to APCO's former policy, but this policy is not being enforced or applied to any of the poles at issue in this dispute. *See* Policy at 1 (stating that the former policy is overridden "immediately" in Virginia); Answer at 55, para. 108 ("APCo does not intend to enforce the Original Policy in Virginia [. . .]. The Revised Policy replaced and superseded the Original Policy."); *see also* Answer, Ex. 2, Declaration of D. Robinson at 5, para. 10 (APCo0019) (Robinson Decl.). In its Reply, Comcast acknowledged that APCO was no longer enforcing its superseded policy, and Comcast asked that the Commission find that the "Revised Policy [i.e., the policy adopted in September 2025] violates Section 1.1411(e)(4) of the Commission's rules and Commission precedent." Reply of Comcast Cable Communications, LLC to Appalachian Power Company's Answer to Pole Attachment Complaint and Request for Assignment to Accelerated Docket, Proceeding No. 25-330, Bureau ID Number EB-25-MD-002 (filed Dec. 22, 2025) (Reply) at 2 & n.2. Because the former policy is not being enforced, and Comcast, as stated in its Reply, is now seeking relief only as to the current policy, we need not evaluate the legality of the former policy in this Order. Accordingly, we dismiss without prejudice Count II and the portions of Count I relating to the former, superseded policy, and our references in this order to APCO's "policy" refer to the current policy.

[44] *See* Complaint at 1, 11, para. 32.

[45] *Id.* at 1, 17, 34, paras. 57-59, 106.

[46] *See infra* note 95.

[47] Answer at ii.

[48] Reply at 2.

[49] *Id.* at 2-3, 18.

are not just and reasonable under Section 224(b) of the Act, and that the policy violates sections 1.1411(e)(4) and 1.1408(b) of the Commission's rules regarding preexisting violations to poles and cost allocation rules for pole replacements.

III. DISCUSSION

A. Commission precedent prohibits pole owners from requiring new attachers to pay to correct preexisting safety or engineering violations

19. Under section 224 of the Act, Congress provided that the Commission "shall regulate the rates, terms, and conditions for pole attachments to provide that such rates, terms, and conditions are just and reasonable."[50] To do so, Congress authorized the Commission both to "prescribe by rule regulations to carry out" these standards and to "hear and resolve complaints concerning such rates, terms, and conditions."[51]

20. In the 1996 *Local Competition Order*, although not expressly addressing preexisting violations, the Commission promulgated rule 1.1408 and offered general guidance for allocating pole attachment modification costs, including pole replacements.[52] The Commission explained that:

> section 224(h) imposes the cost of modifying attachments on those parties that benefit from the modification. If, for example, a cable operator seeks to make an attachment on a facility that has no available capacity, the operator would bear the full cost of modifying the facility to create new capacity, such as by replacing an existing pole with a taller pole.[53]

The Commission codified this principle into its regulation, which also provides that "[i]f a party makes an attachment to the facility after the completion of the modification, such party shall share proportionately in the cost of the modification if such modification rendered possible the added attachment."[54]

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[50] 47 U.S.C. § 224(b)(1), (c).

[51] *Id.* §§ 224(b)(1), (b)(2). When first enacting section 224(b)(1) in 1978, the Senate Committee explained that it purposefully did not want to provide "specific guidelines" for the Commission to use in determining "whether any term or condition for [] pole attachments was just and reasonable." S. Rep. No. 95-580, 95th Cong., 1st Sess., p. 21 (1977). Rather, consistent with the longstanding use of the "just" and "reasonable" language in other regulatory statutes, Congress expected that the Commission would use its "informed judgment and discretion" to decide these "questions of fact." *See Swayne & Hoyt Ltd. v. United States*, 300 U.S. 297, 303-04 (1937); *Virginian Ry. Co. v. United States*, 272 U.S. 658, 665-66 (1926); *ICC v. Union Pacific R. Co.*, 222 U.S. 541, 546-48 (1912).

[52] *Implementation of the Local Competition Provisions in the Telecommunications Act Of 1996*, First Report and Order, 11 FCC Rcd 15499, 15518, 16059, paras. 36, 1122 (1996) (*Local Competition Order*). Although originally codified at 47 CFR § 1.1416, the modification cost regulation now appears in 47 CFR § 1.1408.

[53] *Local Competition Order*, 11 FCC Rcd at 16077, para. 1166 (in that case, "[o]ther parties with attachments would not share in the cost, unless they expanded their own use of the facilities at the same time. If the electric utility decides to change a pole for its own benefit, and no other parties derive a benefit from the modification, then the electric company would bear the full cost of the new pole.").

[54] 47 CFR § 1.1408(b) ("The costs of modifying a facility shall be borne by all parties that obtain access to the facility as a result of the modification and by all parties that directly benefit from the modification. Each party described in the preceding sentence shall share proportionately in the cost of the modification. A party with a preexisting attachment to the modified facility shall be deemed to directly benefit from a modification if, after receiving notification of such modification as provided in subpart J of this part, it adds to or modifies its attachment. Notwithstanding the foregoing, a party with a preexisting attachment to a pole, conduit, duct or right-of-way shall not be required to bear any of the costs of rearranging or replacing its attachment if such rearrangement or replacement is necessitated solely as a result of an additional attachment or the modification of an existing attachment sought by another party. If a party makes an attachment to the facility after the completion of the modification, such party shall share proportionately in the cost of the modification if such modification rendered possible the added attachment.").

21. Since then, the Commission has used both its adjudicative and rulemaking authority to address the just and reasonable allocation of costs when an attacher seeks access to a pole with preexisting safety and engineering violations. In a 1999 complaint proceeding, for example, the Cable Services Bureau considered a claim raised by an attacher that it was being denied access to poles "that need replacement" due to violations of safety standards that arose "prior to attachment" by the complainant and that were not caused by its proposed attachments.[55] The Bureau held that the "[c]orrection of the pre-existing code violation is reasonably the responsibility of [the existing attacher, which was the utility] and only additional expenses incurred to accommodate [the complainant's] new attachment to keep the pole within [safety and engineering] standards should be borne by [the new attacher]."[56]

22. Subsequently, in a 2003 complaint proceeding, the full Commission held that, absent an arms-length agreement to the contrary, it is "an unjust and unreasonable term and condition of attachment, in violation of section 224 of the Act, for a utility pole owner to hold an attacher responsible for costs arising from the correction of other attachers' [prior] safety violations."[57] The attacher in that case complained that the utility was improperly billing "the replacement of poles" when "pole changeouts . . . need to be performed whether or not [the complainant] attaches to the poles."[58]

23. In 2018, after considering public comments as well as recommendations from a committee formed to examine how the Commission could amend its rules to promote expanded deployment of broadband services, the Commission invoked its rulemaking authority to issue a new regulation to address poles with preexisting violations. The rule provides:

> A utility may not charge a new attacher to bring poles, attachments, or third-party equipment into compliance with current published safety, reliability, and pole owner construction standards guidelines if such poles, attachments, or third-party equipment were out of compliance because of work performed by a party other than the new attacher prior to the new attachment.[59]

The Commission explained that this rule was needed because, "[a]lthough utilities have sometimes held new attachers responsible for the costs of correcting preexisting violations, this

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[55] *Kansas City Cable Partners v. Kansas City Power & Light Co.*, Consolidated Order, 14 FCC Rcd 11599, 11606-07, para. 19 (Cable Serv. Bur. 1999) (*Kansas City Cable*).

[56] *Id.*, 14 FCC Rcd at 11606-07, para. 19. In addition, in 2000, the Cable Services Bureau adjudicated a complaint where the pole owner "imposed the costs of all make-ready work associated with its poles on Complainant, even though the work may have been required only to correct another attaching entity's pre-existing safety violations," when it should have allocated the costs "among the attaching entities that are responsible for these costs." *Cavalier Tel., LLC v. Virginia Elec. & Power Co.*, Order and Request for Information, 15 FCC Rcd 9563, 9571, para. 16 (Cable Serv. Bur. 2000) (*Cavalier Tel.*). The pole owner contended that "it is not required to ensure that other attachers pay their share of correcting safety violations." *Id.* The Bureau rejected the pole owner's claim as "unacceptable," and held that the attacher is "only responsible for make-ready costs generated by its own attachments. [The pole owner] is prohibited from holding [the attacher] responsible for costs arising from the correction of [other attachers'] safety violations." *Id.* The Enforcement Bureau later vacated this order because of a settlement, but explained that its vacatur "does not reflect any disagreement with or reconsideration of any of the findings or conclusions" in the order. *Cavalier Tel., LLC v. Virginia Elec. & Power Co.*, Order, 17 FCC Rcd 24414, 24420, para. 19 (Enf. Bur. 2002).

[57] *Knology, Inc. v. Georgia Power Co.*, Memorandum Opinion and Order, 18 FCC Rcd 24615, 24629, para. 37 (2003) (*Knology)*.

[58] *Id.*, 18 FCC Rcd at 24629-30, paras. 36, 38. *See also Salsgiver Communications, Inc. v. North Pittsburgh Tel. Co.*, Memorandum Opinion and Order, 22 FCC Rcd 20536, 20546, para. 29 & n.87 (Enf. Bur. 2007) ("[C]osts not required to accommodate the attacher may not be imposed on the attacher.").

[59] 47 CFR § 1.1411(e)(4).

practice is inconsistent with our long-standing principle that a new attacher is responsible only for actual costs incurred to accommodate its attachment."[60]

24. More recently, the Commission addressed the costs of pole replacements under its cost allocation rule in section 1.1408(b).[61] In 2021, the Wireline Competition Bureau issued a declaratory ruling clarifying that, consistent with the cost causation and cost allocation principles in section 1.1408(b), it is unlawful to "require a new attacher to pay the entire cost of a pole replacement when a pole already requires replacement (e.g., because the pole is out of compliance with current safety and utility construction standards or it has been red-tagged) at the time a request for a new or modified attachment is made."[62] In 2023, the Commission reaffirmed the Bureau's reading of the rule and declared that, in such instances, "based on cost causation principles, the prospective attacher is responsible for the incremental cost of a taller or stronger pole needed to support its new facilities, not the cost to replace the defective or deteriorated pole with an equivalent-sized replacement pole."[63]

25. In sum, Commission precedent makes one overriding principle clear: Under section 224, pole owners cannot saddle new attachers with the costs of remedying violations that existed before the new attachers sought access. Because APCO's policy does precisely that, we find it to be unlawful.[64]

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[60] *2018 Wireline Infrastructure Order*, 33 FCC Rcd at 7766-67, para. 121 (emphasis added) (citing *Kansas City Cable*, 14 FCC Rcd at 11606-07 and *Knology*, 18 FCC Rcd at 24615) (footnotes and subsequent history omitted). The rule was challenged, and the Ninth Circuit upheld it, finding that the rule "prevents the utilities from passing the costs off on entities that did not cause the safety problem in the first place." *City of Portland v. United States*, 969 F.3d 1020, 1051 (9th Cir. 2020).

[61] 47 CFR § 1.1408(b).

[62] *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Inv.*, Declaratory Ruling, 36 FCC Rcd 776, 780–81, para. 8 (2021) (internal citations omitted) (*2021 Pole Replacement Declaratory Ruling*); *id*. ("Even if the new attacher might 'benefit' from that pole replacement, the pole replacement is not 'necessitated solely as a result' of the new attachment, and therefore the utility may not use the cost causation language of section 1.1408(b) to impose all make ready costs of that pole replacement on the new attacher.") (internal citations omitted). In 2022, the Commission issued a Notice of Proposed Rulemaking that sought comment on a variety of issues including "the allocation of costs for pole replacements." *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, Second Further Notice of Proposed Rulemaking, 37 FCC Rcd 4144, 4145, para. 1 (2022) (*Second Further Notice*). The Commission addressed some issues raised in the *Second Further Notice*, but other issues remain pending. *See Fourth Wireline Infrastructure Order*, 38 FCC Rcd at 12382, para. 6 & n.20.

[63] *Fourth Wireline Infrastructure Order*, 38 FCC Rcd at 12382, 12408, paras. 5, 48 (internal quotation omitted). In 2025, the Commission considered petitions for reconsideration of the *Fourth Wireline Infrastructure Order*, but denied reconsideration of this aspect of its order. *See Fifth Wireline Infrastructure Order*, 40 FCC Rcd at 5468-69, paras. 117-18.

[64] The dispute here concerns section 224(b)(1) of the Act, which requires the Commission to ensure that the rates, terms, and conditions of pole attachments are just and reasonable, rather than section 224(f), which requires a utility to provide eligible attachers with nondiscriminatory access to the utility's poles. This is because, under APCO's policy, it is not denying Comcast access to poles, but rather is granting access on rates, terms, and conditions that Comcast contends are unreasonable. *See* Complaint at 34, para. 106 (alleging an unjust and unreasonable term and condition); Answer at 1, para. 2 (agreeing that the dispute is not about access). Although the parties at times mention section 224(f) and denials of access, *see, e.g*., Complaint at 29-30, paras. 93-98; Answer at 50-53, paras. 93-98, this Order does not address that provision of the Act. Further, although APCO threatens that, if it cannot charge new attachers for the costs of replacing poles subject to its policy, it may deny access entirely, that has not yet occurred, and we thus do not address it in this Order. We note, however, that APCO's declarant recognizes that, if APCO were to deny access to Comcast on the grounds that Comcast's proposed attachment violates capacity or safety standards, APCO could not "favo[r] the preexisting violator over the new attacher," Robinson Decl. at 7, para. 14 (APCo0021), because the Act's plain language requires that such denials be "on a non-discriminatory basis." 47 U.S.C. § 224(f)(2).

B. APCO's policy is unjust and unreasonable under section 224 of the Act and violates sections 1.1411(e)(4) and 1.1408(b) of the Commission's rules by requiring Comcast to pay up front the full cost of pole replacements caused by third parties

26. APCO's policy is unlawful under section 224 of the Act, sections 1.1411(e)(4) and 1.1408(b) of the Commission's rules, and the Commission orders described above interpreting the Act and the Commission's rules. On its face, APCO's policy requires Comcast to pay "100% of the make-ready pole replacement cost" even when there is a violation by an existing attacher that has caused the pole to lack sufficient clearance or strength under applicable safety and engineering guidelines.[65] This is unjust and unreasonable under section 224(b)(1) as demonstrated in the above-described Commission decisions applying that section.[66] In each of those cases, the Commission found that requiring a new attacher to bear the cost of remedying the violation caused by a prior attacher is unreasonable. In particular, in *Knology*, the Commission declared broadly that, absent an agreement to the contrary, it was not just and reasonable under section 224(b)(1) of the Act for a "utility pole owner to hold an attacher responsible for costs arising from the correction of other attachers' [prior] safety violations."[67] APCO's policy does precisely what the Commission declared to be unjust and unreasonable. Given the express authority Congress provided the Commission in section 224(b)(1) to interpret what conditions to pole attachments are not just and reasonable (and the discretion to proceed either by rule or adjudication), these authorities alone are sufficient to find that APCO's policy is unjust and unreasonable because it holds Comcast responsible for "costs arising from the correction of other attachers' safety violations."[68]

27. APCO's policy also flatly contravenes rule 1.1411(e)(4)'s prohibition on "charg[ing] a new attacher to bring poles . . . into compliance with current published safety, reliability, and pole owner construction standards guidelines if such poles . . . were out of compliance because of work performed by a party other than the new attacher prior to the new attachment."[69] The policy, by its terms, applies to "poles with pre-existing violations," and thus the condition in section 1.1411(e)(4) is met because the poles at issue were "out of compliance because of work performed by a party other than the new attacher prior to the new attachment."[70] APCO's policy of charging Comcast up front 100% of the pole replacement cost is flatly inconsistent with the command of the regulation that, when poles are already out of compliance, a "utility may not charge a new attacher to bring poles . . . into compliance" with safety and construction guidelines.[71] APCO's policy likewise ignores the *2021 Pole Replacement Declaratory Ruling*'s prohibition on requiring a new attacher "to pay the entire cost of a pole replacement" when a pole's safety violation necessitates replacement "at the time a request for a new or modified attachment is made."[72]

28. Even though its policy is to charge new attachers upfront the full costs of a pole replacement where there is a preexisting violation, APCO contends that its policy complies in full with

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[65] *See* Policy at 1.

[66] *See* 47 U.S.C. § 224(b)(1); *Knology*, 18 FCC Rcd at 24629, para. 37; *Cavalier Tel.*, 15 FCC Rcd at 9571, para. 16; *Kansas City Cable*, 14 FCC Rcd at 11606-07, para. 19.

[67] *Knology*, 18 FCC Rcd at 24629, para. 37.

[68] 47 U.S.C. § 224(b); *Knology*, 18 FCC Rcd at 24629, para. 37; *see Cavalier Tel.*, 15 FCC Rcd at 9571, para. 16; *Kansas City Cable*, 14 FCC Rcd at 11606-607, para. 19 (finding a new attacher not responsible for correcting pole safety violations that arose prior to its attachments). Although neither party addresses these Commission cases, we find them to apply as valid precedents relevant to this dispute.

[69] 47 CFR § 1.1411(e)(4).

[70] Policy at 1; 47 CFR § 1.1411(e)(4).

[71] *See* 47 CFR § 1.1411(e)(4).

[72] *2021 Pole Replacement Declaratory Ruling*, 36 FCC Rcd at 780-81, para. 8 (applying 47 CFR § 1.1408(b)).

Commission regulations and precedents. APCO's primary argument in defense of its policy is that, at the time the new attacher applies for access to the poles in dispute, that new attacher is "the only then-known beneficiary or cost-causer of the replacement pole."[73] APCO insists that the preexisting violations do not always require a pole replacement because the existing attacher instead could remove its equipment from the pole.[74] According to APCO, in that event, a pole replacement would only be needed to accommodate Comcast.[75]

29. We disagree. The problem with APCO's argument is that it depends on a future event that may never occur—that is, an existing attacher removing its violative attachment. APCO has presented no evidence that the existing attachers responsible for the preexisting violations on the poles at issue have removed their attachments, even though Comcast began submitting applications for the poles in dispute many months ago.[76] On the contrary, APCO's policy acknowledges that a preexisting attacher may never do so: The policy states that the violative attachment may remain on a "stub pole" after Comcast pays for the pole replacement.[77] APCO's argument is, therefore, directly at odds with authorities prohibiting utilities from imposing the full cost of a pole replacement on a new attacher when a preexisting violation necessitates replacement "at the time a request for a new or modified attachment is made."[78] At the time that Comcast sought access to the poles in dispute, the poles had a preexisting violation, and the attachment or attachments that were causing the violation remained on the pole. Given this reality, it is unreasonable for APCO to assume that those attachments might be removed and look to Comcast, as a new attacher, to fund the full cost of a replacement pole.

30. Rather than seeking the full pole replacement costs up front from the new attacher, APCO should instead be pursuing remedies against the violative attacher, including, for example, seeking to recover the pole replacement costs from the existing attacher that caused the violation. As the Commission has previously explained, when a pole has a preexisting violation, "the party that is responsible for the violation is responsible for the costs of correcting the violation, and the utility is authorized to seek recovery from the violating party."[79] The Commission's rules and orders have also provided that when "a modification, such as a pole replacement, is undertaken for the benefit of a particular party, under cost causation principles, the benefiting party is obligated to assume the cost of the modification."[80] Where an existing attacher has caused a violation on a pole that can be remedied only by removal of the attachment or pole replacement, failure to remove the violative attachment (as with the poles at issue) necessitates pole replacement. In those circumstances, the pole replacement is undertaken primarily for the benefit of the existing attacher, and thus the utility should pursue remedies against the existing attacher to recover pole replacement costs as explained below.

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[73] Answer, Summary at ii; *see, e.g., id*. at 2, para. 3.

[74] *Id.*, Summary at ii; *see id*. at 3, 15, 25, 31, 34, paras. 4, 32, 58, 66, 69.

[75] *Id.* at 7, 16, paras. 9, 32.

[76] Nor is there evidence that APCO has removed violative attachments. Indeed, APCO admits that its "contractual rights to remove the preexisting violator in this situation are inconsistent." Robinson Decl. at 4, para. 9 (APCo0018).

[77] Policy at 1-2.

[78] *See 2021 Pole Replacement Declaratory Ruling*, 36 FCC Rcd at 780-81, para. 8. APCO's further assertion that the remedy of removing the violative attachment is less expensive than pole replacement is irrelevant to this dispute, as relative cost is not a factor under the governing law. *See* Answer at 3, para. 4. In all events, even if this remedy were less expensive, the record does not establish that the remedy is actually occurring in practice.

[79] *Second Further Notice*, 37 FCC Rcd at 4149, para. 12.

[80] *2021 Pole Replacement Declaratory Ruling*, 36 FCC Rcd at 777, para. 4 (internal citation omitted).

31. We recognize that the Commission's rules require utilities to respond to a request for access to a pole under specified deadlines.[81] APCO's policy is based on its view that it must first seek recovery of pole replacement costs from the new attacher because, under the deadlines, there is insufficient time for it to notify the existing attacher of the violation and allow it to remediate it by removing the equipment or by paying for the costs to replace the pole.[82] To the extent the timing for access to poles creates a problem, however, we think the solution proposed in APCO's policy—to assume that the violative attachments will be removed and that new attachers should fund the full costs of pole replacements—transgresses the Commission's well-established directive prohibiting pole owners from delaying make-ready while they pursue recovery to address violating attachments.[83]

32. APCO also defends its policy on the basis that it provides a new attacher with the potential of a 50% refund.[84] Even so, this feature of the policy is insufficient to cure it. As an initial matter, the availability of a potential future refund cannot make whole a new attacher that is required to pay up-front the full cost of pole replacement, despite not owing that full amount. This is all the more true where the new attacher's ability to obtain the partial refund is beyond its control.[85] As the pole owner, APCO "cannot delay completion of make-ready while the utility attempts to identify or collect from the party who should pay for correction of the preexisting violation"[86]—and it may not impose this cost on the new attacher.[87] What is more, APCO's establishment of a 50% figure for its potential refund, which appears to be based solely on APCO's assessment that "the new attacher and preexisting violator benefit equally from the new space created by the pole replacement,"[88] is inconsistent with our cost allocation and cost causation rules, as discussed at *infra* section III.C.[89]

33. APCO also tries to defend its policy by asserting that, given the large number of poles it owns, as well as the types of violations that exist on those poles (i.e., violations that cannot be discovered easily, even in periodic pole inspections), it does not know, and reasonably cannot know, whether particular poles have preexisting violations until it receives a new request for access and conducts a survey.[90] Comcast argues that utilities have the ongoing duty to identify and remedy safety and engineering violations on poles they own.[91] It is not necessary, however, to address this issue in order to determine that APCO's policy is unreasonable and contrary to the rules. Even assuming, *arguendo*, that APCO cannot reasonably discover preexisting violations until new attachers seek access, the question

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[81] 47 CFR § 1.1411.

[82] *See generally* Answer at 19-21, para. 49. The Commission's rules do not address the procedures for removal of attachments other than to require utilities to provide an attacher written notice of 60 days before removing facilities pursuant to the terms of a pole attachment agreement. 47 CFR § 1.1403(c).

[83] *2018 Wireline Infrastructure Order*, 33 FCC Rcd at 7767, para. 122 (explaining that "a utility cannot delay completion of make-ready while the utility attempts to identify or collect from the party who should pay for correction of the preexisting violation"). We note that, under the rules, after make-ready is complete and if the final cost of the work differs from the estimate, a utility should present a detailed, itemized final invoice of the actual make-ready charges incurred. 47 CFR § 1.1411(e)(3).

[84] *See* Answer at 2-3, 21, 25-26, 54, paras. 3, 4, 49, 58, 106.

[85] *See* Policy at 1-2.

[86] *See 2018 Wireline Infrastructure Order*, 33 FCC Rcd at 7767, para. 122.

[87] *See* 47 CFR § 1.1411(e)(4).

[88] *See* Answer at 28, para. 62.

[89] These include the rules providing that the utility and other attachers that elect to use the pole replacement as an opportunity to modify their attachments may need to share in the replacement costs. *See, e.g.*, 47 CFR § 1.1408(b).

[90] *See* Answer at 40-41, 49-50, paras. 80, 92.

[91] Complaint at 29, para. 94.

presented by its policy is whether, upon a request for access and its discovery of a preexisting violation, APCO may reasonably and lawfully charge Comcast or other new attachers up front for the full cost of pole replacements (subject to at most a 50% refund). It may not. As the Commission previously held, the "new attachment may precipitate correction of the preexisting violation, but it is the violation itself that causes the costs, not the new attacher."[92] As discussed above, rather than assess the full replacement costs up front from the new attacher, APCO must take other steps when it learns of preexisting violations, such as pursuing remedies against the existing attacher.

34. APCO also asserts that the Commission's rules and its *2018 Wireline Infrastructure Order* do not obligate a pole owner to correct a preexisting violation by a third party at its own expense before obtaining any reimbursement.[93] It contends, relatedly, that its policy is necessary to ensure that APCO's electric ratepayers do not bear the expense associated with curing pole violations caused by communications and cable attachers.[94] We reaffirm that the costs associated with correcting preexisting violations on poles—whether removing attachments or replacing poles—should be borne by the entity or entities that cause the violation. If the utility does not cause these issues, then neither it nor its ratepayers should ultimately bear those costs. We support solutions that require existing attachers to remedy violations that they in fact cause. However, as explained above, for at least 25 years, the Act and the Commission's rules have prevented a utility from recovering the costs of preexisting violations from new attachers, which by definition cannot cause violations that exist before they even seek access to a pole.

C. Cost causation and cost sharing principles require a new attacher to pay incremental costs that enable it to attach its equipment, but preclude it from being charged any of the costs needed to remedy preexisting violations

35. Comcast's Complaint can be read to argue broadly that, for the poles at issue, it "cannot be charged anything," and that the entire cost of a new pole that replaces a pole with preexisting violations should be borne solely by existing attachers, including the utility.[95] Comcast's argument is

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[92] *2018 Wireline Infrastructure Order*, 33 FCC Rcd at 7766-67, para. 121; *see also 2021 Pole Replacement Declaratory Ruling*, 36 FCC Rcd at 779, para. 6 (explaining that "utilities may not require requesting attachers to pay the entire cost of pole replacements that are not necessitated solely by the new attacher and, thus, may not avoid responsibility for pole replacement costs by postponing replacements until new attachment requests are submitted").

[93] *See* Answer at 18-19, 23, 30-31, paras. 48, 55, 64 (quoting in part Complaint Ex. 10 at 5 (Ccst-0093) (July 26, 2018 Letter), and Complaint at Ex. 9 at 3-4 (Ccst-0085-Ccst-0086) (July 23, 2018 Letter)).

[94] Complaint at 14, 16, paras. 32, 35. The parties devote considerable resources to contesting whether *ex parte* communications filed by AEP in 2018, after the release of a draft version of the *2018 Wireline Infrastructure Order*, foreclose APCO's policy. *See, e.g.*, Complaint at 19-21, paras. 67-73; Answer, at 31-34, paras. 67-73. The Commission "reject[ed]" and disagree[d]" with aspects of the AEP *ex parte* letters in its *2018 Wireline Infrastructure Order*, 33 FCC Rcd at 7767, para. 122 n.457. Further, APCO "admits that the Commission did not amend the 2018 Pole Attachments Order as proposed in AEP Service Corp.'s *ex parte* advocacy on the issue of preexisting violations." Answer at 19, para. 49. Nevertheless, our determination that APCO's current policy, adopted in 2025, is unreasonable and unlawful does not rest on inferences derived from these *ex parte* filings, and rather applies the Act and the Commission's precedents and rules to the 2025 policy and the record submitted by the parties that concerns this policy.

[95] Complaint at 17, para. 60 (arguing that "charging the new attacher *any part* of the pole replacement" would be improper) (emphasis added). Comcast amplifies these arguments in its Reply. *See, e.g.*, Reply at 11 (arguing that section 1.1411(e)(4) "prohibits charging the attacher," which cannot be charged "any, or a 'proportionate' amount," even if the new attacher will benefit by making the pole available for its attachment); Reply at 18 (arguing the rules "prohibit imposing any cost on the new attacher to replace a pole needed to cure a preexisting violation"). Moreover, in its Reply, Comcast expressly adopts an argument "in the alternative," contending that "if the Commission disagrees with Comcast's position and concludes in this case that some amount of the costs can be allocated to Comcast when a pole must be replaced to remedy a preexisting violation, the amount to be allocated must be limited to the incremental cost of the additional amount of bare pole used by Comcast." Reply at 18. Other parts of Comcast's pleadings, however, can be read to object to being charged only those costs needed to correct the

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based on its view that, in section 1.1411(e)(4), the Commission created a more "specific rule" than section 1.1408(b); Comcast argues that only section 1.1411(e)(4) applies to pole replacements when there is a preexisting violation and provides that the new attacher pays nothing.[96]

36. To the extent that Comcast takes this position, we reject it, and find that both rules apply in concert to the situation in dispute here, i.e., where a pole has a preexisting violation caused by equipment that is not removed, and the utility replaces the pole with a new pole that afterward enables the new attacher to place its equipment.[97] In this circumstance, section 1.1411(e)(4) makes clear that the new attacher cannot be charged any of the costs of a pole replacement to remedy the violation; rather, those costs should be paid by the existing attacher causing the violation.[98] Section 1.1408(b) in this context speaks to how to allocate the costs of modifications that go beyond remedying an existing violation (such as installation of a pole that is taller or stronger than needed to remedy the preexisting violation, and that allows for additional new attachments), making a new attacher responsible for a proportional share of those costs.[99]

37. A practical example illustrates these principles: A utility owns a 40-foot pole, but an existing third-party attacher has equipment that violates the standards for clearance with other attachments on the pole. A 45-foot pole would be needed to allow the existing attachments to satisfy clearance standards, and the full cost to install the 45-foot pole is $5,000.[100] Before this violation is remedied, a new attacher seeks to access the pole, requiring an additional one foot of space for its attachment—meaning that its attachment would not fit on a 45-foot pole. After considering the existing violation and the new attacher's request for access, the pole owner plans to build a 50-foot replacement pole. The full cost to install a 50-foot pole, including adding the new attachment, is $5,500.

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preexisting violation. *See*, e.*g.*, Complaint at 18, para. 61 (arguing that "[i]mposing any part *of the cost of correction*" on the new attacher is unlawful); Complaint at 33-34, paras. 104-06 (in Count I, alleging that the violation is charging Comcast "the cost to bring poles . . . *into compliance*") (emphases added).

[96] Complaint, at 17, para. 60; *id.* at 25-26, paras. 82-85 (citing *2018 Wireline Infrastructure Order*, 33 FCC Rcd at 7766, para. 121 and arguing that as to preexisting violations, "the Commission's specific rule (1.1411(e)(4)) governs over the more general cost allocation rule (1.1408(b))"). Although Comcast also argues that sections 1.1408(b) and 1.1411(e)(4) "work together" (Complaint at 26, para. 85; Reply at 11), what it means is that section 1.1408(b) applies "*only if*" the new attachment causes the need for a new pole, and that only section 1.1411(e)(4) applies to "cases where there is a preexisting third party violation." *Id.*

[97] *See, e.g.*, *Montoya v. CRST Expedited, Inc.*, 88 F.4th 309, 323 (1st Cir. 2023) (declining to apply the principle that the "specific provision ordinarily governs" when the "two provisions are not in conflict with one another" and can be "read harmoniously to avoid direct contradiction"); *see also* Answer at 43, para. 83 ("[I]f the Commission intended for Rule 1.1411(e)(4) to override Rule 1.1408(b), rather than intending for the rules to be read *in pari materia*, the Commission would have said so expressly.").

[98] 47 CFR § 1.1411(e)(4); *see 2018 Wireline Infrastructure Order*, 33 FCC Rcd at 7766, para. 121; *2021 Pole Replacement Declaratory Ruling*, 36 FCC Rcd at 777, 780, paras. 4, 8; *Knology*, 18 FCC Rcd at 24629, para. 37.

[99] 47 CFR § 1.1408(b) ("The costs of modifying a facility shall be borne by all parties that obtain access to the facility as a result of the modification and by all parties that directly benefit from the modification. Each party described in the preceding sentence shall share proportionately in the cost of the modification. . . . If a party makes an attachment to the facility after the completion of the modification, such party shall share proportionately in the cost of the modification if such modification rendered possible the added attachment"); *see Fourth Wireline Infrastructure Order*, 38 FCC Rcd at 12408, para. 48 (explaining that "the prospective attacher is responsible for the incremental cost of a taller or stronger pole needed to support its new facilities"); *Kansas City Cable*, 14 FCC Rcd at 11606-07, para. 19.

[100] In this example, we assume that the 45-foot pole replacement would be necessitated solely by the preexisting violation caused by the existing attacher. 47 CFR § 1.1408(b).

38. Under the cost principles in the Commission's rules, the cost to remediate the violation—which the utility should recover from the existing attacher that caused the violation—is $5,000, the cost of a 45-foot pole. Under section 1.1411(e)(4), none of the costs associated with the installation of a 45-foot pole could be billed to the new attacher, because those costs were incurred to "bring . . . [existing] attachment[s] into compliance" with current safety guidelines.[101] However, in this example, under section 1.1408(b), a new attacher "shall share proportionately" in the costs of the 50-foot pole replacement because the taller, 50-foot pole "render[s] possible the added attachment" of the new attacher (as its equipment would not fit on a 45-foot pole).[102] Because section 1.1411(e)(4) makes clear that the new attacher cannot pay any share of the $5,000 in costs incurred to install a 45-foot pole, a proper reading of the two regulations in concert means that the proportionate share to be paid by the new attacher under section 1.1408(b) must exclude those remediation costs. Of the $5,500 in total costs to install a 50-foot pole, the new attacher should pay $500, the difference between the full costs to install a 50-foot pole and the full costs to install a 45-foot pole.

39. Comcast also argues that it and other new attachers should pay nothing "in the case where correction of the preexisting violation requires a taller replacement pole" that can accommodate new attachments by Comcast.[103] If, for example, a preexisting violation on a 35-foot pole could be remediated with a new 37-foot replacement pole, but the utility purchases and installs a 40-foot replacement pole for reasons of commercial availability, Comcast would contend that it should pay nothing, so long as its attachment to the 40-foot replacement pole does not exceed three feet. We disagree. As in the prior example, the rules—when properly read in tandem—preclude Comcast from being assessed any of the costs of a 37-foot pole, because these are the costs that were incurred to "bring . . . [existing] attachment[s] into compliance" with current guidelines. However, Comcast can be billed the difference in costs between installing a 37-foot pole and installing a 40-foot pole because it benefits directly from the additional 3 feet of space.[104]

40. As these examples illustrate, sections 1.1411(e)(4) and 1.1408(b) can be read in harmony, and, in doing so, these regulations do not prohibit the billing of any charges whatsoever to the new attacher on the poles at issue in this dispute. Arguments to the contrary are inconsistent with the text of the regulations and with our longstanding precedents. Starting with section 1.1411(e)(4), the text does not bar all charges to a new attacher.[105] Instead, section 1.1411(e)(4) bars the charges needed to remediate preexisting violations, i.e., "to bring poles, attachments, or third-party equipment into compliance with" current safety or engineering standards when there was a preexisting violation.[106] Those costs, as explained above, should be recovered from the existing attacher that caused the violation. The new

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[101] 47 CFR § 1.1411(e)(4).

[102] *Id.* § 1.1408(b).

[103] Complaint at 28, para. 90.

[104] 47 CFR § 1.1411(e)(4). Comcast claims that, in this situation, it "has not even 'caused' the extra pole height." Complaint at 28, para. 90. However, because of the extra pole height, Comcast "obtain[s] access" to the pole and "directly benefit[s] from" the pole replacement by adding its new attachment. 47 CFR § 1.1408(b). Because Comcast falls squarely within the plain text of section 1.1408(b), it is among the parties that "shall share proportionately in the cost of modifying the facility." *Id.*

[105] 47 CFR § 1.1411(e)(4). Although Comcast highlights the language in section 1.1411(e)(1) saying that a "utility *may not charge*" a new attacher, *see* Complaint at 25, para. 83, the complete text of the rule explains the types of costs that a utility may not charge to a new attacher.

[106] 47 CFR § 1.1411(e)(4) ("A utility may not charge a new attacher *to bring poles, attachments, or third-party equipment into compliance* with current published safety, reliability, and pole owner construction standards guidelines if such poles, attachments, or third-party equipment were out of compliance because of work performed by a party other than the new attacher prior to the new attachment.") (emphasis added); *see also* Answer at 27, para. 60.

attacher cannot be charged the costs to correct the violation, but under Section 1.1408(b) it can be charged the incremental costs associated with installation of a pole that is taller or stronger than needed to remedy the preexisting violation, and that allows for its additional new attachments.[107]

41. Likewise, section 1.1408(b) mandates that the "costs of modifying a facility *shall be borne by all parties*" that "obtain access" and that "directly benefit from the modification" (in this case, a pole replacement).[108] The regulation further provides that "[i]f a party makes an attachment to the facility after the completion of the modification, *such party shall share proportionately* in the cost of the modification if such modification rendered possible the added attachment."[109] Comcast fits squarely within the parameters of section 1.1408(b). The modification (i.e., the replacement pole) occurs before Comcast attaches and makes Comcast's attachment possible. And the ability to attach new equipment to the pole constitutes a direct benefit to Comcast. Consequently, section 1.1408(b) also applies to the poles in dispute here, and by its plain terms requires that Comcast "shall share proportionately" in the costs of the pole replacement.

42. We also reject the view that the Commission's prior precedents preclude a new attacher from being billed any amounts on the poles at issue, and instead reaffirm long-standing cost causation principles.[110] Nothing in the Commission's *2018 Wireline Infrastructure Order* states that, where a pole has a preexisting violation, "the new attacher cannot be charged anything because it does not cause the costs."[111] Contrary to Comcast's suggestion, the Commission explained that its new regulation—codified as section 1.1411(e)(4)—means that, when there is a preexisting violation, "new attachers are not responsible for the costs associated with bringing poles or third party equipment into compliance with current safety and pole owner construction standards."[112] This language does not say that new attachers

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[107] As noted above, the poles at issue are APCO's poles that have a preexisting violation of safety or engineering standards caused by a third party, but that would still require a pole replacement to accommodate a new attachment. Neither the policy nor this Order addresses instances where the pole owner on its own accord decides to install a larger pole.

[108] 47 CFR § 1.1408(b) (emphasis added); *see also* Answer at 27, para. 60 (arguing that the Commission has held that the principles of Rule 1.1408(b) apply in the context of replacing poles with preexisting violations) (citing *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, Second Further Notice of Proposed Rulemaking, 37 FCC Rcd 4144, 4148, para. 9 (2022)). A pole replacement fits within the meaning of the term "modification" as used in section 1.1408(b). *See 2021 Pole Replacement Declaratory Ruling*, 36 FCC Rcd at 780 n.23 (citing *Local Competition Order*, 11 FCC Rcd at 16075-77, 16091, paras. 1161, 1163, 1166, 1200).

[109] 47 CFR § 1.1408(b) (emphasis added).

[110] *Id.* ("If a party makes an attachment to the facility after the completion of the modification, such party shall share proportionately in the cost of the modification if such modification rendered possible the added attachment"); *2021 Pole Replacement Declaratory Ruling*, 36 FCC Rcd at 779-80, para. 7 ("[S]ection 1.1408(b) stands for the proposition that parties benefitting from a modification share proportionately in the costs of that modification, unless such a modification is necessitated solely as a result of an additional or modified attachment of another party, in which case that party bears the costs of the modification.") (citing, *inter alia*, *Local Competition Order*, 11 FCC Rcd at 16077, 16096, paras. 1166, 1211); *Fourth Wireline Infrastructure Order*, 38 FCC Rcd at 12408, para. 48 ("[B]ased on cost causation principles, the prospective attacher is responsible for the incremental cost of a taller or stronger pole needed to support its new facilities, not the cost to replace the defective or deteriorated pole with an equivalent-sized replacement pole.") (quotation omitted)); *Kansas City Cable*, 14 FCC Rcd at 11606-07, para. 19 (stating that "only additional expenses incurred to accommodate [a new] attachment to keep the pole with [established safety and engineering] standards should be borne" by the new attacher).

[111] Complaint at 17, para. 60 (citing *2018 Wireline Infrastructure Order*, 33 FCC Rcd at 7766, para. 121).

[112] *2018 Wireline Infrastructure Order*, 33 FCC Rcd at 7766, para. 121; *see also* Answer at 27, para. 60 (arguing that paragraphs 121 and 122 of the *2018 Wireline Infrastructure Order* "did not even mention Rule 1.1408(b) let alone purport to abrogate it in any way").

can never be required to pay any costs for pole replacements where there is a preexisting violation, only that they cannot be charged the costs associated with remediating the violation. Likewise, in the *2021 Pole Replacement Declaratory Ruling*, the Commission made a "narrow" ruling that "utilities may not require requesting attachers to pay *the entire cost* of pole replacements" where there is a preexisting violation.[113] Saying that the new attacher cannot be required to pay the entire cost does not mean that it never can be required to share proportionately in some of the costs of a taller replacement pole.[114]

43. Although we do not accept the view that new attachers need not pay any costs on the poles in dispute, we also reject the cost allocation method that underlies APCO's policy.[115] Under APCO's policy, when there is a preexisting violation on a pole to which a new attacher seeks access, APCO proposes to build a replacement pole for which the new attacher pays the full replacement costs. If the existing attacher that caused the violation moves to the new pole, it pays half the pole replacement costs, and the new attacher is refunded half its initial payment of the full pole replacement cost, thereby ultimately paying the other half.[116]

44. APCO's only explanation for its 50/50 split is that it is "logica[l]" to conclude that "the new attacher and preexisting violator benefit equally from the new space created by the pole replacement."[117] Like Comcast's argument, APCO's position fails to harmonize properly sections 1.1411(e)(4) and 1.1408(b). Under APCO's policy, Comcast would be paying either all or half of the *full* replacement costs of a new pole. However, those full pole replacement costs include the costs of remediating the existing violations on a pole, even though section 1.1411(e)(4) unambiguously provides that utilities "may not charge" new attachers the costs to bring such a pole into compliance with safety violations caused by third parties.[118] Accordingly, the amounts Comcast should be billed under section 1.1408(b) must exclude those costs.[119]

45. In addition to this flaw, APCO's logic and reading of section 1.1408(b) to require an even split in all cases where the existing attacher moves to the new pole is oversimplistic.[120] For example,

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[113] *2021 Pole Replacement Declaratory Ruling*, 36 FCC Rcd at 779, para. 6 (emphasis added); *see id*. at 780, para. 8 ("[W]hen section 1.1408(b) is applied to pole replacements, it would be contrary to the Commission's rules and policies to require a new attacher to pay *the entire cost* of a pole replacement when a pole already requires replacement (e.g., because the pole is out of compliance with current safety and utility construction standards or it has been red-tagged) at the time a request for a new or modified attachment is made.") (emphasis added) (citations omitted).

[114] In fact, Comcast agrees that new attachers can be charged for a pole replacement with a preexisting violation when "the new attacher requests more than is necessary to remedy the preexisting violation, such as a taller or stronger pole." Complaint, at 27, para. 88; *see id.*, para. 89 (citing *Fourth Wireline Infrastructure Order*, 38 FCC Rcd at 12408, para. 48).

[115] In its letter announcing its new policy, APCO asserted that the policy will "ensure the fair allocation of costs, and align with FCC Rule 1.1408(b)." Policy at 2.

[116] Answer at 3, para. 4.

[117] *Id.* at 28, 30, paras. 62-63 (arguing that a 50/50 split is "the sort" of proportionate cost allocation envisioned by the rule).

[118] 47 CFR § 1.1411(e)(4); *see* Answer at 27, para. 60 (admitting that section 1.1411(e)(4) "holds that new attachers cannot be charged for correcting a preexisting third party violation") (emphasis omitted).

[119] Even if the existing attacher moves to the new pole, and Comcast receives a 50% refund, the remaining half of the costs that Comcast paid improperly includes costs that were incurred to remedy the violation. Under sections 1.1408(b) and 1.1411(e)(4), Comcast cannot be allocated these remediation costs. 47 CFR §§ 1.1408(b), 1.1411(e)(4).

[120] This flaw would be further magnified should there be more than one preexisting violation on the pole (though such a circumstance was neither raised nor addressed by either party in the proceeding).

APCO's policy of splitting pole replacement costs evenly between an existing and the new attacher would apply to a situation in which APCO itself adds or modifies its equipment when replacing the new pole. In those circumstances, the plain text of section 1.1408(b) mandates that APCO share in the costs because it obtains access and directly benefits from the new pole.[121] The same would be true if the original pole has an attacher that does not cause the preexisting violation, but elects to add or modify its equipment when moving to the new pole.[122]

D. Relief

46. Under the Act, Congress provided that "[f]or purposes of enforcing any determinations resulting from complaint procedures established pursuant to [section 224(b)(1)], the Commission shall take such action as it deems appropriate and necessary, including issuing cease and desist orders, as authorized by section 312(b) of this title."[123]

47. In this case, we find that the following relief is necessary and appropriate: First, APCO should issue revised make-ready estimates for the poles at issue with preexisting violations, under the time frames set forth in the rules (using the date of the Commission order as day 1), and consistent with the cost allocation principles in the Commission's rules and as discussed in this Order.[124]

48. Second, if Comcast wants to proceed to attach, it should promptly pay those make ready costs, and the parties should jointly report to the RBAT on the progress of pole replacement, with the understanding that these pole replacements should be performed on an expedited basis.

49. Third, to the extent Comcast disagrees with APCO's cost allocation methodology, it may seek additional relief from the Commission, including RBAT mediation.[125]

IV. ORDERING CLAUSES

50. For the reasons stated herein, we find that APCO's policy is unjust and unreasonable under Section 224(b)(1) of the Act, sections 1.1408(b) and 1.1411(e)(4) of the Commission's rules, and its orders. We thus grant in part Count I of the Complaint as to the APCO policy as currently in effect. We further deny without prejudice the remainder of Comcast's Complaint, including its claims regarding APCO's former, superseded policy alleged in Counts I and II.

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[121] 47 CFR § 1.1408(b). *See also 2021 Pole Replacement Declaratory Ruling*, 36 FCC Rcd at 779, para. 7 n.20 ("We disagree with the argument of USTelecom and Edison Electric Institute et al. that a utility cannot be considered a party that directly benefits from a modification and, as such, cannot be required to share in the costs of a pole replacement … Rather, we agree with NCTA that the *Local Competition Order* recognized the general principle that a utility may be among the parties and beneficiaries of a pole replacement required to share in its costs.") (internal citations omitted).

[122] *See* 47 CFR § 1.1408(b) ("The costs of modifying a facility shall be borne by all parties that obtain access to the facility as a result of the modification and by all parties that directly benefit from the modification. . . . A party with a preexisting attachment to the modified facility shall be deemed to directly benefit from a modification if, after receiving notification of such modification[,] . . . it adds to or modifies its attachment.").

[123] 47 U.S.C. § 221(b); *see also* 47 CFR § 1.1407 (providing for remedies, including the "[t]erminat[ion of] the unjust and/or unreasonable rate, term, condition").

[124] This relief is not intended to require that APCO allocate the costs with perfect accuracy, but we emphasize that it may not arbitrarily allocate costs, or seek to shift the costs of remediation of preexisting violations to Comcast.

[125] In this case, the parties have not provided the Commission with either generalized cost information about pole replacements, or specific cost data about the poles to which Comcast seeks access. Consequently, we emphasize that our determination in this case is limited to rejecting the general approaches to cost allocation advocated by each party, and to re-affirming the general cost causation and allocation principles that the Commission has previously outlined.

51. Accordingly, IT IS HEREBY ORDERED, pursuant to sections 1, 4(i), 4(j), 224 of the Communications Act, 47 U.S.C. §§ 151, 154(i), 154(j), 224, and sections 1.1401-1.1416, of the Commission's rules, 47 CFR §§ 1.1401-1.1416, that Count I of the Complaint is GRANTED as described herein, and that the Complaint is otherwise DENIED without prejudice.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary