



# PUBLIC NOTICE

Federal Communications Commission  
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**DA 18-841**

**Released: August 10, 2018**

## WIRELESS TELECOMMUNICATIONS BUREAU AND OFFICE OF ENGINEERING AND TECHNOLOGY SEEK COMMENT PURSUANT TO THE SPECTRUM PIPELINE ACT OF 2015

**GN Docket Nos. 14-177, 15-319, 17-183, and 17-258**

**Comments Due: September 11, 2018**

**Reply Comments Due: September 26, 2018**

In 2015, the Commission adopted new rules for the 3550-3700 MHz band (3.5 GHz Band), opening the path to new commercial wireless use of this band.<sup>1</sup> By this *Public Notice*, the Wireless Telecommunications Bureau and the Office of Engineering and Technology of the Federal Communications Commission seek comment on the results of those rule changes, as directed by Congress in the Spectrum Pipeline Act.<sup>2</sup>

Pursuant to the Spectrum Pipeline Act, the Commission is required to give notice and provide an opportunity for public comment before submitting to Congress no later than November 2, 2018 a report containing:

- (1) an analysis of the results of the 2015 rule changes relating to the frequencies between 3550 megahertz and 3650 megahertz; and
- (2) an analysis of proposals to promote and identify additional spectrum bands that can be shared between incumbent uses and new licensed and unlicensed services under such rules and identification of at least 1 gigahertz between 6 GHz and 57 GHz for such use.<sup>3</sup>

*Comments and Reply Comments:* Pursuant to Sections 1.415 and 1.419 of the Commission's rules, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document.<sup>4</sup> All pleadings are to reference **GN Docket Nos. 14-177, 15-319, 17-183, and 17-258**. 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).

<sup>1</sup> *See Amendment of the Commission's Rules with Regard to Commercial Operations in the 3550-3650 MHz Band*, Report and Order and Second Further Notice of Proposed Rulemaking, 30 FCC Rcd 3959 (2015) (*3.5 GHz First Report & Order* and *Second FNPRM*); 47 CFR §§ 96.1 *et seq.* In the *Second FNPRM*, the Commission sought comment on a few focused issues and made additional rule changes in 2016. *See Amendment of the Commission's Rules with Regard to Commercial Operations in the 3550-3650 MHz Band*, GN Docket No. 12-354, Order on Reconsideration and Second Report and Order, 31 FCC Rcd 5011 (2016).

<sup>2</sup> The Spectrum Pipeline Act of 2015 became public law on November 2, 2015, and was later amended by the Ray Baum's Act of 2018. *See* Spectrum Pipeline Act of 2015, Pub. L. No. 114-74, § 1008, 129 Stat. 621, 625 (2015) (2015), as amended by the Ray Baum's Act of 2018, Pub. L. 115-141, § 614, 132 Stat. 1080, 1109 (2018).

<sup>3</sup> *See id.*

<sup>4</sup> 47 CFR §§ 1.415, 1.419.

- *Electronic Filers*: Comments may be filed electronically using the Internet by accessing the ECFS: <http://apps.fcc.gov/ecfs/>.
- *Paper Filers*: Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12<sup>th</sup> St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. 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 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 445 12<sup>th</sup> Street, SW, Washington DC 20554.

Comments and reply comments filed in response to this *Public Notice* will be available via ECFS. These documents also will be available for public inspection during regular business hours in the FCC Reference Information Center, Portals II, 445 12th Street S.W., Room CY-A257, Washington, D.C. 20554.

*Ex Parte Presentations*: This proceeding shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.<sup>5</sup> 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).<sup>6</sup> In proceedings governed by section 1.49(f)<sup>7</sup> 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. We note that our *ex parte* rules provide for a conditional exception for all *ex parte* presentations made by NTIA or Department of Defense

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<sup>5</sup> 47 CFR § 1.1200 *et seq.*

<sup>6</sup> 47 CFR § 1.1206(b).

<sup>7</sup> 47 CFR § 1.49(f).

representatives.<sup>8</sup>

*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](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

*Additional Information:* For further information, contact Paul Powell, Assistant Division Chief, Wireless Telecommunications Bureau, Mobility Division at (202) 418-1613 or [paul.powell@fcc.gov](mailto:paul.powell@fcc.gov), or Navid Golshahi, Electronics Engineer, Office of Engineering and Technology, Policy and Rules Division at (202) 418-2422 or [navid.golshahi@fcc.gov](mailto:navid.golshahi@fcc.gov).

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<sup>8</sup> See 47 CFR §1.1204; see also *3.5 GHz First Report & Order*, 30 FCC Rcd at 4090-91, para. 447.