



PUBLIC NOTICE

Federal Communications Commission
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WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON FELHC, INC. ET AL. REQUEST FOR EXTENSION OR WAIVER OF 700 MHZ GUARD BAND PERFORMANCE REQUIREMENT

WT Docket No. 17-201

Comments Due: September 6, 2017

Reply Comments Due: September 21, 2017

On June 29, 2017, FELHC, Inc. (FELHC), BPC Spectrum LLC, Dominion 700, Inc., and Access 700, LLC (collectively, the Parties) filed a request for an extension of time or waiver (Request)¹ of the Commission's substantial service requirement applicable to certain 700 MHz Guard Band A Block licenses (the Licenses).² Pursuant to section 27.14(a) of the Commission's rules, 700 MHz Guard Band licensees must, as a performance requirement, make a showing of "substantial service" in their licensed areas within the prescribed license term.³ The license terms in this case expire on June 13, 2019. The Parties explain that the Licenses will be deployed as a private, internal radio system to support utility operations and the reliable monitoring and control of electrical equipment at thousands of locations across several states.⁴ The Parties seek an extension of time or waiver until December 31, 2022, to transition from legacy copper communications facilities to the planned 700 MHz Guard Band A Block-based wireless system.⁵ In addition, the Parties seek clarification regarding the construction metric that will be used to demonstrate compliance with the substantial service performance requirement.⁶

By this Public Notice, we seek comment on the Request.

¹ FELHC, Inc., BPC Spectrum LLC, Dominion 700, Inc., and Access 700, LLC Request for Waiver and Extension of Substantial Service Requirement for Upper 700 MHz A Block Licenses, Request for an Extension or Waiver of Substantial Service Requirement (filed June 29, 2017) (Request). See Universal Licensing System (ULS) File Nos. 0007835701, 0007835696, 0007835688, 0007835682, 0007835678, 0007835673, 0007835656, 0007835634, 0007835530, 0007835531, 0007835532, 0007835533, 0007835534, 0007835535, 0007835511, and 0007835023.

² The Request covers the following 16 Licenses, listed in Exhibit A to the Request: Call Signs WPRR308, WPRR307, WPRR306, WPRR305, WPSK920, WPRR301, WPRR300, WPRR299, WQZE437, WQZE438, WQZE439, WQZE440, WQZE441, WQZE442, WPRR329, and WPRV447.

³ 47 CFR § 27.14(a). See also 47 CFR §§ 27.13(b), 27.607(a).

⁴ Request at 2. FELHC is a subsidiary of FirstEnergy Corp., an investor-owned electric system serving six million customers in the Midwest and Mid-Atlantic regions. See *id.* at 3.

⁵ *Id.* at 3; 15-18.

⁶ Request at 18-20; Exhibit B.

Procedural Matters

The proceeding this Notice initiates shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.⁷ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, 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.

Interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission’s Electronic Comment Filing System (ECFS). See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing 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 12th 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 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

⁷ 47 CFR §§ 1.1200 *et seq.*

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

Copies of materials which are available, or made available, for public inspection may be obtained by visiting the FCC's Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC 20554. Or, visit the Commission's website at www.fcc.gov. Documents can be downloaded from the website by using the following databases:

- Electronic Comment Filing System ([ECFS](#))
- Electronic Document Management System ([EDOCS](#))

For further information, contact Melissa Conway of the Mobility Division, Wireless Telecommunications Bureau, at (202) 418-2887, or email to Melissa.Conway@fcc.gov.

By the Chief, Mobility Division, Wireless Telecommunications Bureau.

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