



PUBLIC NOTICE

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WIRELESS TELECOMMUNICATIONS BUREAU EXTENDS 700 MHZ B BLOCK LICENSEE INTERIM CONSTRUCTION BENCHMARK DEADLINE UNTIL DECEMBER 13, 2013

WT Docket 12-332

By this *Public Notice*, the Wireless Telecommunications Bureau issues a limited waiver, on its own motion,¹ and extends the interim construction deadline in Section 27.14(g)² until December 13, 2013, for all active Lower 700 MHz band B Block licensees with an interim four-year construction benchmark deadline before December 13, 2013,³ with certain exceptions described below.

Section 27.14(g) of the Commission's Rules requires cellular market area (CMA) licensees holding authorizations for Block B in the 704-710 MHz and 734-740 MHz bands to provide signal coverage and offer service over at least 35 percent of the geographic area of their license no later than June 13, 2013, or within four years of initial license grant, if the initial authorization is granted after June 13, 2009 (Interim Construction Benchmark Deadline).⁴

Certain wireless providers filed a petition requesting that the Commission address interoperability issues in the Lower 700 MHz band,⁵ asserting that the development of two distinct band classes within the Lower 700 MHz band has hampered their ability to have meaningful access to a wide range of advanced devices.⁶ Some Lower 700 MHz band licensees

¹ The Commission may waive any rule provision on its own motion. *See* 47 C.F.R. §§ 1.3, 1.925.

² 47 C.F.R. § 27.14(g).

³ On February 13, 2013, the Commission granted similar relief to active Lower 700 MHz band A Block licensees. *See* Wireless Telecommunications Bureau Extends 700 MHz A Block Licensee Interim Construction Benchmark Deadline Until December 13, 2013, *Public Notice*, 2013 WL 587847 (WTB 2013).

⁴ 47 C.F.R. § 27.14(g).

⁵ *See* 700 MHz Block A Good Faith Purchaser Alliance Petition for Rulemaking Regarding the Need for 700 MHz Mobile Equipment to be Capable of Operating on All Paired Commercial 700 MHz Frequency Blocks, filed Sept. 29, 2009. The Petition was placed on Public Notice for comment. *See* Wireless Telecommunications Bureau Seeks Comment on Petition for Rulemaking Regarding 700 MHz Band Mobile Equipment Design and Procurement Practices, *Public Notice*, 25 FCC Rcd 1464 (2010).

⁶ In the Lower 700 MHz band, there are two different 3rd Generation Partnership Project (3GPP) operating bands, Band Class 12 and Band Class 17. Band Class 12 covers operations in the Lower A, B, and C Blocks, and Band Class 17 covers operations in the Lower B and C Blocks. The majority of B Block licensees use Band Class 12.

have requested an extension of the Interim Construction Benchmark Deadline.⁷ These licensees assert that interoperability issues have impeded their ability to satisfy the Interim Construction Benchmark Deadline.⁸

On March 2, 2012, the Commission issued a *Notice of Proposed Rulemaking*⁹ to “promote interoperability in the Lower 700 MHz band and to encourage the efficient use of spectrum.”¹⁰ The Commission is reviewing the issues raised in the 700 MHz Interoperability proceeding, and we find it in the public interest to issue a limited waiver of Section 27.14(g)¹¹ to briefly extend until December 13, 2013 the construction deadline for all active Lower 700 MHz band B Block licensees with an interim four-year construction benchmark deadline before December 13, 2013, with the exception of: (1) Lower 700 MHz band B Block licensees who filed notification(s) of construction for any of their Lower 700 MHz band B Block licenses on or before April 9, 2013;¹² or (2) Lower 700 MHz band B Block licensees who filed comments or reply comments, including through their direct or indirect controlling parent or affiliate, in the Interoperability proceeding, but did not claim that a lack of interoperability has impeded their ability to take advantage of the benefits of economies of scale in order to build out their networks.¹³

The extension granted in this Public Notice is non-transferrable, and any proposed assignee or transferee seeking Commission approval to acquire a 700 MHz band B Block license subject to the extension granted herein may independently seek relief justifying an extension of the Interim Construction Benchmark Deadline. Because we take this action on our own motion, all previous requests for extension or waiver of the Interim Construction Benchmark Deadline filed by Lower 700 MHz band B Block licensees remain pending.

⁷ The Commission released a Public Notice seeking comment on the requests filed as of November 2012. *See* Wireless Telecommunications Bureau Seeks Comment on Requests for Waiver and Extension of Time to Construct 700 MHz A and B Block Licenses, *Public Notice*, 27 FCC Rcd 14049 (WTB 2012) (700 MHz PN). Seven parties filed comments and two parties filed reply comments in response to the 700 MHz PN, and since its release, additional Lower 700 MHz band licensees filed similar requests, including Lower 700 MHz band B Block licensees asserting that a lack of interoperability has impeded their ability to satisfy the Interim Construction Benchmark Deadline.

⁸ *See id.*

⁹ *See* Promoting Interoperability in the 700 MHz Commercial Spectrum, *Notice of Proposed Rulemaking*, 27 FCC Rcd 3521 (2012) (Interoperability NPRM).

¹⁰ *See id.* at 3525 ¶ 5.

¹¹ 47 C.F.R. § 27.14(g).

¹² The Commission’s Universal Licensing System (ULS) records reflect that the following five Lower 700 MHz band B Block licensees: AT&T Mobility Spectrum LLC; Bend Cable Communications, LLC; Choice Phone, LLC; Glenwood Telephone Membership Corp.; and King Street Wireless, LP, filed notifications of construction for the Interim Construction Benchmark Deadline on or before April 9, 2013. We do not extend relief to these five licensees, as they previously filed notifications of construction regarding compliance with the Interim Construction Benchmark Deadline for either all or a portion of their licenses, and have no pending extension requests for any of their remaining licenses, if applicable.

¹³ Commission records reflect that four licensees: AT&T Mobility Puerto Rico Inc.; Cellco Partnership d/b/a Verizon Wireless; Red WL Corp.; and New Cingular Wireless PCS, LLC, are not subject to this extension because Verizon Wireless and AT&T (which holds a 100% interest in AT&T Mobility Puerto Rico Inc., Red WL Corp and New Cingular Wireless PCS, LLC) filed separate comments in the Interoperability NPRM that meet the parameters described above. *See generally* Verizon Wireless Comments; AT&T Comments.

Action taken pursuant to Sections 1.3 and 1.925¹⁴ of the Commission's rules.

For further information, contact Ms. Becky Schwartz of the Mobility Division, Wireless Telecommunications Bureau at (202) 418-7178, or via e-mail at Becky.Schwartz@fcc.gov.

Action by the Chief, Mobility Division, Wireless Telecommunications Bureau.

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¹⁴ 47 C.F.R. §§ 1.3, 1.925.