

# Temporary Freeze on FSS Earth Stations and Fixed Microwave Station Applications in the 3.7-4.2 GHz Band

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April 20, 2018

The Federal Communications Commission's (FCC or Commission) International, Public Safety and Homeland Security, and Wireless Telecommunications Bureaus jointly released a Public Notice initiating a temporary freeze on applications for new or modified Fixed-Satellite Service (FSS) earth station and Fixed Service (FS) licenses in the 3.7-4.2 GHz band. By initiating the freeze, the Commission seeks to preserve the existing landscape pending agency action in the *Mid-Band Spectrum* proceeding. The Commission is expected to issue a Notice of Proposed Rulemaking this summer seeking comment on proposals to enable terrestrial mobile use 3.7-4.2 GHz band.

## *Scope of Temporary Freeze*

The temporary freeze applies immediately to applications for new FSS earth station licenses and applications for new or major modifications to existing fixed microwave stations in the 3.7-4.2 GHz band. Beginning July 18, 2018, it will also apply to applications to license or register existing FSS earth stations. The freeze does not apply to applications for renewal, license cancellation, minor modifications, or data corrections.

## *90-Day Exemption for Existing FSS Earth Stations*

The International Bureau granted a 90-day exception to the freeze to allow existing FSS earth station owners or operators in the 3.7-4.2 GHz band to register or license their earth station. "Existing earth stations" are those that have been constructed and are operational as of April 19, 2018.

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## Practice Areas

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Telecom, Media & Technology  
Wireless

To encourage eligible FSS earth station owners and operators to register or license their earth stations, the Commission has temporarily waived the application requirement to demonstrate frequency coordination with terrestrial stations. However, registrations or licenses granted for applications filed without the coordination report will include a condition noting that it does not afford interference protection from FS transmissions. The International Bureau, upon termination of the temporary freeze, may subsequently require earth station owners or operators to submit a coordination report. The 90-day filing window will close on July 18, 2018.

#### *Unlicensed and Unregistered FSS Earth Stations*

The Public Notice advises all potential FSS applicants that the FCC may choose to take into consideration only those earth stations that are licensed, registered, or have pending applications for license or registration as of July 18, 2018, as part of its ongoing *Mid-Band Spectrum* proceeding. FSS operators should therefore consider registering or licensing their FSS earth stations to help the Commission understand their protection needs. The Public Notice further emphasizes that all earth station operators—regardless of their authorization status—“may be subject to any rule changes that the Commission may adopt in the future, in [] light of information in the record about the nature and extent of existing uses of the band.”

#### *Fixed Microwave Stations*

The temporary freeze applies immediately to all new or major modifications to FS stations in the 3.7-4.2 GHz band. It does not extend to applications for renewal, cancellation, minor modifications, or data corrections.

#### *Waiver Requests*

The Commission may waive the temporary freeze if good cause is shown. The agency will consider requests for waiver on a case-by-case basis, considering whether strict compliance with the temporary freeze is inconsistent with the public interest.