

2023 FCC Licensing and Compliance Update

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Introduction and Agenda



- ◆ Background
- ◆ Hot FCC Compliance Issues
 - ◇ FCC-Initiated Audits
 - ◇ New FCC Renewal Standards
- ◆ Towers
- ◆ CORES Database
- ◆ FCC Transactional Requirements
- ◆ Spectrum Topics
 - ◇ 6 GHz
 - ◇ 800 MHz
 - ◇ 4.9 GHz
 - ◇ 900 MHz
 - ◇ Spectrum Leasing v. Acquisition v. Site-Based Licensing
- ◆ Questions

FCC Composition and Leadership

- ◆ Formed by Communications Act of 1934
- ◆ Led by Chair and Four Commissioners
 - ◇ Political Makeup
 - ◇ Seven Bureaus
- ◆ Priorities



FCC Compliance

- ◆ FCC-Initiated Audits
 - ◆ Entity-Type of Applicant
 - ◆ FCC outreach if Discrepancy
 - Initial Application
 - Renewal Application
 - ◆ Fix by Filing FCC Form 603
 - Transactional Filing with Filing Fees
 - Potential Enforcement

Applicant Information			
13) FCC Registration Number (FRN):			
14) Applicant/Licensee Legal Entity Type: (Select One) () Individual () Unincorporated Association () Trust () Government Entity () Corporation () Limited Liability Company () General Partnership () Limited Partnership () Limited Liability Partnership () Consortium () Other:			
15) If the Licensee name is being updated, is the update a result from the sale (or transfer of control) of the license(s) to another party and for which proper Commission approval has not been received or proper notification not provided?			() Yes No
16) First Name (if individual):	MI:	Last Name:	Suffix:
17) Legal Entity Name (if other than individual):			
18) Attention To:			
19) P.O. Box:	And/Or	20) Street Address:	
21) City:	22) State:	23) Zip Code:	
24) Telephone Number:		25) Fax:	
26) E-Mail Address:			

FCC Compliance

- ◆ New Renewal Certifications
 - ◇ *Applicant certifies that it is continuing to operate consistent with its most recently filed construction notification (or most recent authorization, if no construction notification was required);*
 - ◇ *Applicant certifies that no permanent discontinuance of service or operation, as applicable, occurred during its license term;*
 - ◇ *Applicant certifies that it has substantially complied with all applicable FCC rules, policies, and the Communications Act of 1934, as amended.*
- ◆ Permanent Discontinuance Rules
- ◆ FCC Enforcement

FCC Compliance: Towers

- ◆ FCC Statutory Obligations
 - ◇ National Environmental Policy Act (NEPA)
 - Requires FCC to consider and disclose environmental effects of its actions
 - Applies to “Federal Undertaking”
 - “a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including ... those requiring a Federal permit, license or approval.” 36 C.F.R. § 800.16 (y).
 - ◇ National Historic Preservation Act (NHPA)
 - Consider effects of permitted actions on historic properties

FCC Compliance: Towers

- ◆ Agency Actions that Trigger NEPA
 - ◇ Licensed Spectrum
 - ◇ ASR Registration
- ◆ Certifying Compliance with NEPA
 - ◇ FCC Form 601
 - “Significant Environmental Effect”
 - ◇ FCC Form 854

... to determine if the attachment is listing members of the qualifying ... partnership ...

General Certification Statements	
1)	The Applicant waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application.
2)	The Applicant certifies that grant of this application would not cause the Applicant to be in violation of any pertinent cross-ownership or attribution rules.* *If the Applicant has sought a waiver of any such rule in connection with this application, it may make this certification subject to the outcome of the waiver request.
3)	The Applicant certifies 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.
4)	The Applicant certifies that neither the Applicant nor any other party to the application is subject to a denial of Federal benefits pursuant to § 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862, because of a conviction for possession or distribution of a controlled substance. This certification does not apply to applications filed in services exempted under § 1.2002(c) of the rules, 47 CFR § 1.2002(c). See § 1.2002(b) of the rules, 47 CFR § 1.2002(b), for the definition of "party to the application" as used in this certification.
5)	The Applicant certifies that it either (1) has current required ownership data on file with the Commission, (2) is filing updated ownership data simultaneously with this application, or (3) is not required to file ownership data under the Commission's Rules.
6)	The Applicant certifies that the facilities, operations, and transmitters for which this authorization is hereby requested are either: (1) categorically excluded from routine environmental evaluation for RF exposure as set forth in 47 CFR § 1.1307(b); or, (2) have been found not to cause human exposure to levels of radiofrequency radiation in excess of the limits specified in 47 CFR §§ 1.1310 and 2.1093; or, (3) are the subject of one or more Environmental Assessments filed with the Commission.
7)	The Applicant certifies that it has reviewed the appropriate Commission Rules defining eligibility to hold the requested license(s), and is eligible to hold the requested license(s).
8)	The Applicant certifies that it is not in default on any payment for Commission licenses and that it is not delinquent on any non-tax debt owed to any federal agency.
9)	The Applicant certifies that the Applicant and all of the related individuals and entities required to be disclosed on this application and FCC Form 602 (FCC Ownership Disclosure Information for the Wireless Telecommunications Services) are not person(s) who have been, for reasons of national security, barred by any agency of the Federal Government from bidding on a contract, participating in an auction, or receiving a grant. This certification applies only to applications for licenses for spectrum that is required by Sections 6103, 6401-6403 of the Middle Class Tax Relief and Job Creation Act of 2012, codified at 47 U.S.C. §§ 309, 1413, 1451-1452, to be assigned by a system of competitive bidding under 47 U.S.C. § 309(j).

FCC Compliance: Towers

- ◆ Determining if ASR is required
 - ◇ 200 Feet or Proximity to Airport
 - TOWAIR (FCC)
 - Notice Criteria Tool (FAA)
- ◆ Securing ASR
 - ◇ Notice
 - Local
 - National
 - ◇ FAA Form 7460-1
 - ◇ FCC Form 854 Filing



FCC Compliance: Towers

- ◆ Determining NEPA Applicability
 - ◇ Licensee completes initial assessment
 - Several factors, including:
 - Located in designated wildlife preserve or wilderness area
 - Historic Properties
 - Indian Religious Sites
 - Floodplain
 - ◇ How to make these Assessments
 - TCNS (Indian Religious Sites)
 - In-House Environmental Team
 - Consultants

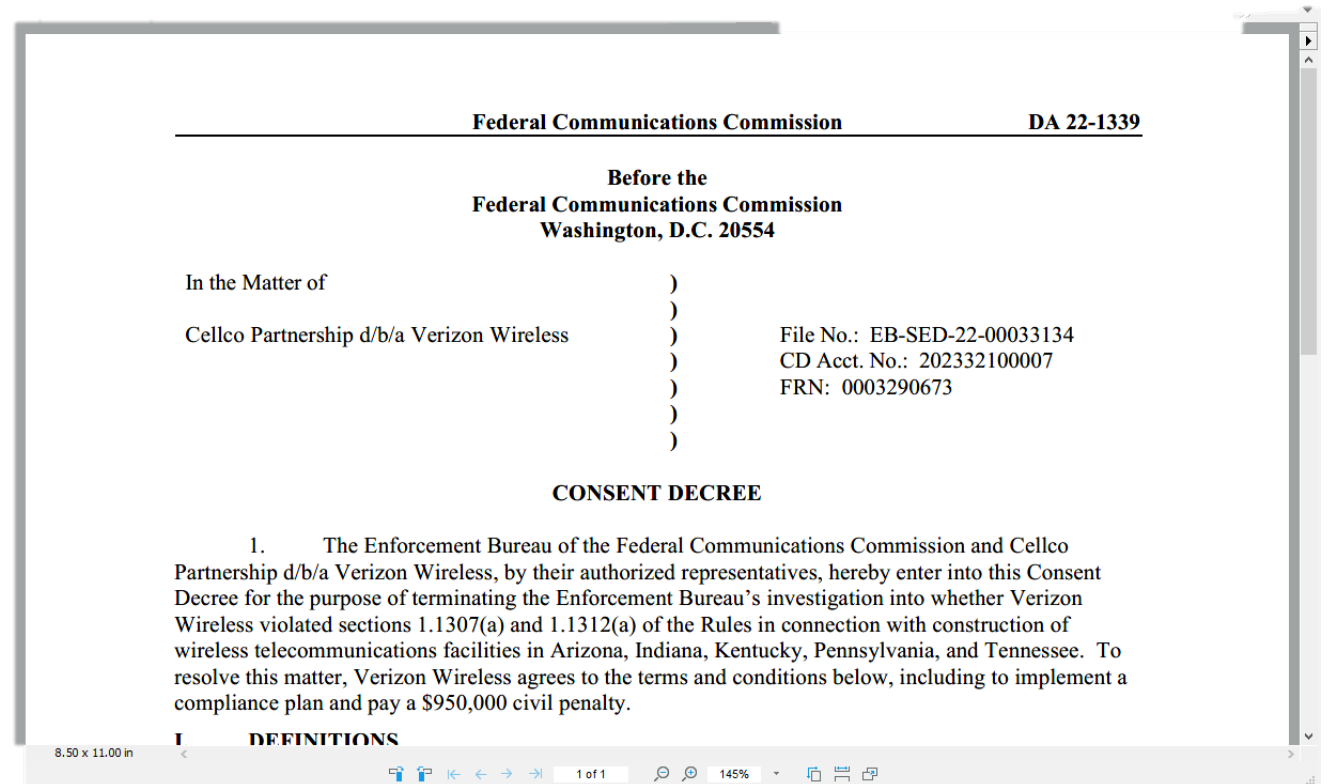
FCC Compliance: Towers

<u>Issue</u>	<u>ASR/FAA</u>	<u>NEPA</u>
Height of Tower	<i>200 feet or greater or Fails Glide Slope</i>	<i>Varies per Height</i>
Type of Eqpt. on Tower	<i>Irrelevant</i>	<i>Applies only if Licensed Equipment or ASR</i>
Local/National Notice	<i>Required</i>	<i>Not Required</i>
Lighting and NOTAM	<i>Required</i>	<i>Not Required</i>
TCNS	<i>Not Required</i>	<i>Required</i>
SHPO	<i>Not Required</i>	<i>Required</i>
Timeline	<i>30-45 Days</i>	<i>90 Days +</i>

FCC Compliance: Towers



- ◆ Enforcement Actions
 - ◆ Verizon Fined \$950,000
 - ◆ Order to Dismantle Tower
 - ◆ Cease Construction Order



FCC Compliance: Towers

- ◆ FCC Tower Inspection Requirements
 - ◇ Quarterly Inspection of Certain Lighting Systems (47 C. F.R. §17.47(b))
 - Inspect all automatic or mechanical control devices, indicators and alarm systems associated with the antenna structure lighting to ensure that such apparatus is functioning properly.
 - ◇ Certain Lighting Systems Exempt (47 C. F.R. §17.47(c))
 - Any antenna structure monitored by a system that the Wireless Telecommunications Bureau has determined includes self-diagnostic features sufficient to render quarterly inspections unnecessary, upon certification of use of such system to the Bureau.

FCC CORES DATABASE



- ◆ FCC COmmission REgistration System
 - ◆ **July 2020:**
 - Enhanced Payment Portal Introduced July 2020
 - ◆ **December 2020:**
 - In-House Online electronic payment system for regulatory and other fees (“Fee Filer”) Decommissioned and Permanently Discontinued
 - ◆ **July 2022:**
 - Decommissioned Legacy CORES System
- ◆ Practical Implications for Licensees

FCC Compliance: Transactions



- ◆ 47 U.S.C. § 310(d) and 47 C.F.R. § 1.948
 - ◇ Prior application to – and approval by – the FCC generally required
- ◆ Types of Filings (FCC Form 603)
 - ◇ Assignment of Authorization
 - Licensee Changes
 - ◇ Transfer of Control
 - Ownership in Licensee Changes

FCC Compliance: Enforcement

- ◆ Common Enforcement Actions:
 - ◆ Unauthorized Operation
 - Expired License
 - Failure to File Notification of Construction
 - Premature Operation
 - ◆ Tower Compliance
 - ◆ Transactional



FCC Spectrum

- ◆ Current Spectrum Trends and Hot Topics
 - ◆ 6 GHz
 - Audit 6 GHz Licenses
 - ◆ 800 MHz
 - New frequencies available
 - ◆ 4.9 GHz
 - New Band Manager system adopted
 - ◆ 900 MHz
 - Band Realignment continues

FCC Spectrum

- ◆ Knowing the Tools in the Toolbox
 - ◆ Spectrum Leasing
 - ◆ Spectrum Acquisition
 - ◆ Site-Based Licensing



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