

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 27

[GN Docket No. 18–122; FCC 20–22; FRS 17546]

### Expanding Flexible Use of the 3.7 to 4.2 GHz Band

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; announcement of compliance date.

**SUMMARY:** In this document, the Commission announces that the Office of Management and Budget has approved the information collection requirements associated with the rules adopted in the Federal Communications Commission's *3.7 GHz Report and Order*, FCC 20–22, 3.7 GHz requiring service licensees to comply with certain technical rules and coordination practices designed to reduce the risk of interference to incumbent operations. This document is consistent with the *3.7 GHz Report and Order*, FCC 20–22, which states that the Commission will publish a document in the **Federal Register** announcing a compliance date for the new rule sections.

**DATES:** Compliance with 47 CFR 27.1424 and paragraph 384 of the *3.7 GHz Report and Order* published at 85 FR 22804 on April 23, 2020, is required on March 10, 2021.

**FOR FURTHER INFORMATION CONTACT:** Anna Gentry, Mobility Division, Wireless Telecommunications Bureau, at (202) 418–7769 or [Anna.Gentry@fcc.gov](mailto:Anna.Gentry@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This document announces that the Office of Management and Budget (OMB) approved the information collection requirements in 47 CFR 27.1424 and paragraph 384 of the *3.7 GHz Report and Order*. This rule was adopted in the *3.7 GHz Report and Order*, FCC 20–22, published at 85 FR 22804 on April 23, 2020. The Commission publishes this document as an announcement of the compliance date for this new rule. OMB approval for all other new or amended rules for which OMB approval is required will be requested, and compliance is not yet required for those rules. Compliance with all new or amended rules adopted in the *3.7 GHz Report and Order* that do not require OMB approval is required as of June 22, 2020, see 85 FR 22804 (Apr. 23, 2020). If you have any comments on the burden estimates listed below, or how the Commission can improve the collections and reduce any burdens

caused thereby, please contact Cathy Williams, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, regarding OMB Control Number 3060–1281. Please include the OMB Control Number in your correspondence. The Commission will also accept your comments via email at [PRA@fcc.gov](mailto:PRA@fcc.gov).

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

### Synopsis

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the Commission is notifying the public that it received final OMB approval on March 1, 2021, for the information collection requirements contained in 47 CFR 27.1424 and paragraph 384 of the *3.7 GHz Report and Order*. Under 5 CFR part 1320, an agency may not conduct or sponsor a collection of information unless it displays a current, valid OMB Control Number.

No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a current, valid OMB Control Number. The OMB Control Number for the information collection requirements in 47 CFR 27.1424 and paragraph 384 of the *3.7 GHz Report and Order* is 3060–1281.

The foregoing notice is required by the Paperwork Reduction Act of 1995, Public Law 104–13, October 1, 1995, and 44 U.S.C. 3507.

The total annual reporting burdens and costs for the respondents are as follows:

*OMB Control Number:* 3060–1281.

*OMB Approval Date:* March 1, 2021.

*OMB Expiration Date:* March 31, 2024.

*Title:* 3.7 GHz Service Licensee and Earth Station Operator Agreements; 3.7 GHz Licensee Engineering Analysis.

*Form Number:* N/A.

*Respondents:* Business or other for-profit entities; Not for profit institutions; State, Local or Tribal Government.

*Number of Respondents and Responses:* 30 respondents; 30 responses.

*Estimated Time per Response:* 2 hours to 5 hours.

*Frequency of Response:* Recordkeeping requirement; on occasion reporting requirements; third party disclosure requirement.

*Obligation To Respond:* Required to obtain or retain benefits. The statutory

authority for this collection of information is contained in sections 1, 2, 4(i), 4(j), 5(c), 201, 302, 303, 304, 307(e), 309, and 316 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154(i), 154(j), 155(c), 201, 302, 303, 304, 307(e), 309, and 316.

*Total Annual Burden:* 120 hours.

*Total Annual Cost:* No cost.

*Privacy Act Impact Assessment:* No impact(s).

*Nature and Extent of Confidentiality:* The information collected under this collection will be made publicly available. However, to the extent information submitted pursuant to this information collection is determined to be confidential, it will be protected by the Commission. If a respondent seeks to have information collected pursuant to this information collection withheld from public inspection, the respondent may request confidential treatment pursuant to § 0.459 of the Commission's rules for such information.

*Needs and Uses:* On February 28, 2020, in furtherance of the goal of releasing more mid-band spectrum into the market to support and enabling next-generation wireless networks, the Commission adopted a Report and Order, FCC 20–22, (*3.7 GHz Report and Order*), in which it reformed the use of the 3.7–4.2 GHz band, also known as the C-band. Currently, the 3.7–4.2 GHz band is allocated in the United States exclusively for non-Federal use on a primary basis for Fixed Satellite Service (FSS) and Fixed Service. The *3.7 GHz Report and Order* calls for the relocation of existing FSS operations in the band into the upper 200 megahertz of the band (4.0–4.2 GHz) and making the lower 280 megahertz (3.7–3.98 GHz) available for flexible use throughout the contiguous United States through a Commission-administered public auction of overlay licenses.

The Commission concluded in the *3.7 GHz Report and Order* that, once this transition is complete, coordination measures are needed to protect incumbent C-band operations in the upper portion of the 3.7–4.2 GHz band. 3.7 GHz Service licensees are required to comply with certain technical rules and coordination practices designed to reduce the risk of interference to incumbent operations. Specifically, 3.7 GHz Service licensees are required to comply with specific power flux density (PFD) limits to protect incumbent earth stations from out-of-band emissions and blocking and to coordinate frequency usage with incumbent Telemetry, Tracking, and Command (TT&C) earth stations. The *3.7 GHz Report and Order* allows 3.7 GHz Service licensees and C-

Band earth station operators to modify these PFD limits, but it requires a 3.7 GHz Service licensee that is a party to such an agreement to maintain a copy of the agreement in its station files and disclose it, upon request, to prospective license assignees, transferees, or spectrum lessees, and to the Commission. The Commission also required any 3.7 GHz Service licensee with base stations located within the appropriate coordination distance to provide upon request an engineering analysis to the TT&C operator to demonstrate their ability to comply with the applicable  $-6$  dB I/N criteria.

The information that will be collected under this new information collection is designed to ensure that 3.7 GHz Service licensees operate in a manner that ensures incumbent C-band operations in the upper portion of the 3.7–4.2 GHz band and TT&C operations in the 3700–3980 MHz band are protected. By requiring 3.7 GHz Service licensees to provide a copy of any private agreement with 3.7 GHz earth station operators to prospective license assignees, transferees, or spectrum lessees, and to the Commission, the Commission ensures that such agreements continue to protect incumbent C-band operations in the event a 3.7 GHz service license is subsequently transferred to a new licensee. This collection promotes the safety of operations in the band and reduces the risk of harmful interference to incumbents. It also ensures that relevant stakeholders have access to coordination agreements between 3.7 GHz Service licensees and entities operating earth stations or TT&C operations.

The information provided by the 3.7 GHz Service licensee to the TT&C operator ensures the protection of TT&C operations. The information collection will facilitate an efficient and safe transition by requiring 3.7 GHz Service licensees to demonstrate their ability to comply with the  $-6$  dB I/N criteria, thereby minimizing the risk of interference.

Federal Communications Commission.

**Marlene Dortch,**  
Secretary.

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 74

[MB Docket No. 18–119; FCC 20–141; FRS 17304]

#### FM Translator Interference

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; dismissal and denial of petitions.

**SUMMARY:** In this document, the Federal Communications Commission (Commission) addresses four petitions for reconsideration of a final rule (Petitions) filed by: Charles M. Anderson; the LPFM Coalition; KGIG–LP, Salida, California/Fellowship of the Earth; and Skywaves Communications LLC. The Petitions seek reconsideration of the Commission’s report and order in the FM translator interference proceeding (*Report and Order*). The Commission dismisses or denies the arguments set forth in the Petitions and amends a rule to correct a cross-reference.

**DATES:** The filing of the Petitions was published at 84 FR 37228 on July 31, 2019. The Commission adopted the Order on Reconsideration dismissing and denying the Petitions and amending part 74 on October 6, 2020. The dismissals and/or denials of the Petitions will be effective April 9, 2021. The rule amendment adopted in the Order on Reconsideration will be effective March 9, 2021.

**FOR FURTHER INFORMATION CONTACT:** Albert Shuldiner, Chief, Media Bureau, Audio Division, (202) 418–2721; Lisa Scanlan, Deputy Division Chief, Media Bureau, Audio Division, (202) 418–2704; Christine Goepp, Attorney Advisor, Media Bureau, Audio Division, (202) 418–7834.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission’s Order on Reconsideration (*Reconsideration Order*), MB Docket No. 18–119; FCC 20–141, released October 6, 2020. The full text of the *Reconsideration Order* is available electronically via the FCC’s Electronic Document Management System (EDOCS) website at [http://fjallfoss.fcc.gov/edocs\\_public/](http://fjallfoss.fcc.gov/edocs_public/) or via the FCC’s Electronic Comment Filing System (ECFS) website at <http://www.fcc.gov/ecfs>. (Documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat.) Alternative formats are available for people with disabilities (braille, large print, electronic files, audio format), by sending an email to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or

calling the Commission’s Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

#### Synopsis

1. *Introduction.* In this *Reconsideration Order*, adopted and released on October 6, 2020, the Commission addresses petitions for reconsideration (Petitions) of the Report and Order, published at 84 FR 27734 (June 14, 2019) (*Report and Order*) in the FM translator interference proceeding. The Commission dismisses or denies the arguments raised in the Petitions. It also corrects a cross reference contained in the rules established by the *Report and Order*.

2. *Background.* In the *Report and Order*, the Commission adopted new rules to improve the FM translator interference complaint and resolution process. Specifically, it: (1) Gave FM translators the flexibility, upon a showing of interference to or from any other broadcast station, to change channels to any available same-band channel using a minor modification application; (2) standardized the information that must be compiled and submitted by any station claiming interference, including the minimum number of listener complaints proportionate to the signal coverage of the complaining station and undesired-to-desired (U/D) data demonstrating the relative signal strength at each listener location (zone of potential interference); and (3) established an outer contour limit of 45 dBu signal strength of the complaining station within which interference complaints will be considered actionable.

4. *Discussion.* The Commission dismisses or denies the arguments raised in the Petitions, as summarized below. It also corrects a cross reference contained in the rules established by the *Report and Order*.

5. *Channel Changes.* The Commission rejects the argument that it erred in the *Report and Order* by not requiring that low power FM (LPFM) preclusion studies be submitted with each minor change application filed by an FM translator operator to operate on a non-adjacent channel. It affirms its earlier conclusion that neither the plain language of section 5(1) of the Local Community Radio Act of 2010 (LCRA) nor subsequent case law mandates preclusion studies for translator minor change applications, explaining that LCRA section 5 pertains only to the licensing of new rather than existing stations. Moreover, the Commission finds that its previous efforts to preserve LPFM availability in the context of