



PUBLIC NOTICE

Federal Communications Commission
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WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON DISH REQUEST FOR WAIVER OF AWS-4 AND H-BLOCK EMISSION LIMITS

WT Docket No. 18-237

Comments Due: August 20, 2018
Reply Comments Due: August 30, 2018

By this public notice, the Wireless Telecommunications Bureau (“Bureau”) seeks comment on the request of DISH Network Corporation (DISH),¹ for waiver of Sections 27.53(h)(1) and 27.53(h)(2)(iv) of the Commission’s rules (Request).²

DISH, the licensee of all 352 AWS-4 licenses and all 176 H-Block licenses nationwide, requests waiver of rules that limit out-of-band emissions from equipment operating (1) in the Upper H Block (1995-2000 MHz) into the Lower AWS-4 Band (2000-2020 MHz), and (2) in the Lower AWS-4 Block into the Upper H Block.³ DISH states that “[no out-of-band emission] limits within the contiguous 1995-2020 MHz band are necessary . . . because both of these bands are licensed to DISH on a nationwide basis.”⁴ According to DISH, the requested waiver would “permit [it] and/or its equipment vendors to certify equipment that operates across both the Upper H Block and the Lower AWS-4 spectrum from 1995-2020 MHz with no out-of-band emission limits within the contiguous band and at levels attenuated by $43 + 10 \log_{10}(P)$ outside those bands.”⁵

¹ See Letter from Alison A. Minea, Director and Senior Counsel, Regulatory Affairs, DISH Network Corp., to Blaise A. Scinto, Chief, Broadband Division, Wireless Telecommunications Bureau, FCC (May 17, 2018) (Request). DISH filed the Request in the Universal Licensing System as a pleading associated with each of 528 licenses on behalf of its wholly-owned subsidiaries Gamma Acquisition L.L.C. (licensee of 176 AWS-4 licenses), DBSD Corporation (licensee of 176 AWS-4 licenses), and American H Block Wireless L.L.C. (licensee of 176 H-Block licenses). Herein, we refer to the licensees collectively as DISH for convenience.

² 47 CFR § 27.53(h)(1), (h)(2)(iv).

³ Request at 2.

⁴ Request at 1.

⁵ *Id.* at 1. See also *id.* at 3 (In order to harmonize operations across its licensed spectrum, DISH requests that the FCC waive Sections 27.53(h)(1) and 27.53(h)(2)(iv), thus allowing DISH to utilize the H Block and the AWS-4 spectrum as a contiguous band, with OOB limits applying only outside the H Block and AWS-4 Band (i.e., below 1995 MHz or above 2020 MHz) at an attenuation level of $43 + 10 \log_{10}(P)$).

Procedural Matters

The Request, comments and reply comments can be accessed electronically via the Commission's Electronic Comment Filing System, <https://www.fcc.gov/ecfs/>. Search for filings using the docket number shown on the first page of this Public Notice. The full text of the Request, comments and reply comments will be available for inspection and duplication during regular business hours in the FCC Reference Information Center (RIC) of the Consumer and Governmental Affairs Bureau, Federal Communications Commission, 445 12th Street, S.W., Room CY-A257, Washington, DC 20554.

Comment Filing Procedures

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) or by filing paper copies.⁶

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <https://www.fcc.gov/ecfs/filings>. Filers should follow the instructions provided on the website for submitting comments. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket number shown on the first page of this Public Notice.
- 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 in response to this Public Notice may 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 9050 Junction Dr., Annapolis Junction, Annapolis MD 20701.
 - U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

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), 888-835-5322 (tty).

Ex Parte Rules—Permit-But-Disclose: Pursuant to § 1.1200(a) of the Commission's rules, this Request shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's ex parte rules. 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,

⁶ See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

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 Section 1.1206(b) of the Commission's rules.⁷ In proceedings governed by Section 1.49(f) of the Commission's rules⁸ 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.

The Bureau is seeking comment on the Request pursuant to Section 1.925(c) of the Commission's rules.⁹ For further information, contact Madelaine Maior, Broadband Division, Wireless Telecommunications Bureau, at (202) 418-1466, or by e-mail at madelaine.maior@fcc.gov.

By the Chief, Broadband Division, Wireless Telecommunications Bureau.

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⁷ 47 CFR § 1.1206(b).

⁸ 47 CFR § 1.49(f).

⁹ 47 CFR § 1.925(c).