

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of

Wireless Telecommunications Bureau)	WT Docket No. 18-104
Seeks Comment On Status Of Federal)	
Government Relocation From AWS-3)	
Bands)	

To: Chief, Wireless Telecommunications Bureau

Comments of Club 42CM Limited Partnership

Club 42CM Limited Partnership (“Club 42”), by its attorney, hereby submits its comments in response to the Wireless Telecommunications Bureau’s (“Bureau’s”) Public Notice, entitled “Wireless Telecommunications Bureau Seeks Comment On Status Of Federal Government Relocation From The AWS 3 Bands,” DA 18-346, dated April 6, 2018. In support hereof the following is shown:

The Bureau has requested comment on whether to recommend to the Commission an extension, by up to three years, of the initial license term (and associated build-out deadlines) for AWS-3 licenses, in light of the status of Federal Government relocation from the 1695-1710 MHz and 1755-1780 MHz Bands. The Public Notice recognizes that, for AWS-3 Band licenses, the Commission has endeavored to establish license terms appropriate to accommodate the complexities and timing of clearing Federal Government operations from the spectrum.

Club 42 has an *AWS-1 Band* license (Call Sign WQRL250, Channel Block A, 1710-1755 MHz, 2110-2120 MHz) for the North Carolina 13 – Greene Cellular Market Area. This license has a Rule Section 27.14(a) build-out deadline of June 10, 2028, which is generally comparable to the final build-out deadline for AWS-3 licenses awarded by the Commission.

Like AWS-3 Band licenses, Club 42’s AWS-1 Band license for WQRL250 is

encumbered by United States Department of Defense (“DoD”) operations on this spectrum at Cherry Point, North Carolina; and the DoD is not required to vacate the spectrum at any time in the future. The Commission has expressly recognized this in the case for DoD’s Cherry Point operations, as discussed in the next paragraph.

Club 42 acquired its license in Auction 78. The Auction 78 Procedures Public Notice, DA 08-1090, dated May 16, 2008 stated, at page 17, that the “Commission previously provided information on incumbency issues for AWS-1 bands in the *Auction 66 Procedures Public Notice*.” The cross-referenced Auction 66 Procedures Public Notice, FCC 06-47, dated April 12, 2006, specifically states that “[o]perations will continue *indefinitely and on a primary basis* at the [DoD’s] Cherry Point and Yuma facilities.” Auction 66 Procedures Public Notice, at page 14, n. 71 (emphasis added). This restriction is codified in Section 27.1134(a)(1) of the Commission’s Rules, which expressly states that “[a]t the Yuma, Arizona and Cherry Point, North Carolina [DoD] facilities, all operations shall be protected indefinitely.” This condition also expressly appears on Club 42’s license.

To date, the DoD has not vacated its operations at Cherry Point on the spectrum encompassed by Club 42’s license for AWS-1 Band Station WQRL250, and the National Telecommunications and Information Administration of the U.S. Department of Commerce has advised that DoD has no immediate plans to do so.

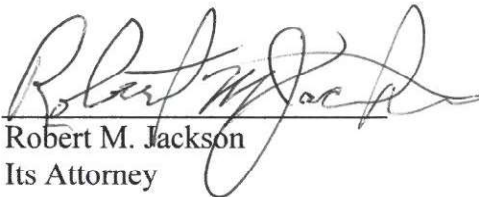
As can be seen from the foregoing, AWS-1 and AWS-3 Band licenses share the same difficulties in connection with Federal Government use of their spectrum. Therefore, Club 42 requests the Bureau to recommend to the Commission extensions of the build-out deadlines for both AWS-1 and AWS-3 Band licenses; and to specifically recommend to the Commission that Club-42’s build-out deadline for WQRL250 be extended by three years to June 10, 2031.

WHEREFORE, Club 42 requests the Bureau to grant the relief requested herein,

Respectfully submitted,

Club 42CM Limited Partnership

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By: 
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