

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

In the Matter of)	
)	
Cunningham Communications, Inc.)	SES-REG-20180531-07376
)	
Request for Limited Waiver of the C-Band Filing Freeze and Section 25.138(c) of the Commission’s Rules)	IB Docket No. 20-205
)	
)	
Expanding Flexible Use of the 3.7 to 4.2 GHz Band)	GN Docket No. 18-122
)	

To: The Commission

APPLICATION FOR REVIEW AND REQUEST FOR WAIVER

Cunningham Communications, Inc (“Cunningham”), pursuant to Section 1.115 of the Commission’s rules,¹ seeks review of the International Bureau’s decisions declining to recognize Cunningham’s Form 312 filed on May 31, 2018 (the “Application”) and register Cunningham’s receive-only earth station as an incumbent earth station operator in the 3.7-4.2 GHz band (“C-Band”) eligible for reimbursement of C-band relocation costs.² Moreover, in connection with this Application for Waiver, Cunningham, pursuant to Section 1.3 of the Commission’s Rules, seeks a waiver of Section 25.138(c) of the Commission’s rules as may be necessary to grant relief.³

I. INTRODUCTION AND BACKGROUND

Cunningham is a small, local, independently owned telephone, broadband and cable television company in rural Kansas. Cunningham Telephone Company, Inc. was founded in 1946 by

¹ 47 C.F.R. §§ 1.115.

² *Int’l Bureau Releases Preliminary List of Incumbent Earth Stations in the 3.7-4.2 GHz Band in the Contiguous United States*, Public Notice, IB Docket No. 20-205 (rel. Jul. 6, 2020) (“July Public Notice”); Public Notice, IB Docket No. 20-205 (rel. Aug. 3, 2020) (“August Public Notice”).

³ 47 C.F.R. §§ 1.3, 25.138(c).

Dean and Hazel Cunningham, running the first calls from a circuit board in their basement in Glen Elder, Kansas. In 1997, to better serve its communities, Cunningham expanded into the cable television business as it was extremely difficult, if not impossible, for residents of these rural communities to receive over-the-air broadcast signals. Cunningham is now operated by third and fourth generations of the family with Brent Cunningham, the great grandson of Dean and Hazel Cunningham, serving as Vice-President and General Manager. Since its humble beginnings, Cunningham has invested heavily in the rural Kansas communities it serves. In the recent years, the company brought fiber optic services, including broadband Internet access, digital television, telephone and other advanced services to Glen Elder, Cawker City, Downs, Beloit, Concordia, Belleville, Jamestown, Formoso, Randall, Jewell, Mankato and Scandia. Cunningham Telephone and Cable serves approximately 2,605 video subscribers, 3563 phone and 5320 broadband subscribers.

On July 16, 2020, Cunningham filed Comments in response to the Commission's Public Notice ("July Public Notice") announcing the release of a preliminary list of earth stations in the 3.7-4.2 GHz band that may satisfy the criteria to be classified as incumbent earth stations for the purposes of the C-band transition and requesting that registrants, licensees, applicants, and other stakeholders review the list for accuracy.⁴ In its Comments, Cunningham explained that it operates a small cable system in rural Kansas and filed FCC Form 312 to register its existing but unregistered receive-only earth station on May 31, 2018.⁵ Cunningham included the IBFS file number per the procedures outlined in the Public Notice⁶ and noted that the Commission had not dismissed nor returned its

⁴ *Id.* at 3.

⁵ *Int'l Bureau Releases Preliminary List of Incumbent Earth Stations in the 3.7-4.2 GHz Band in the Contiguous United States*, IB Docket No. 20-205, Comments of Cunningham Telephone & Cable (filed July 16, 2020) ("Cunningham Comments").

⁶ July Public Notice at 3.

Form 312 pursuant to the Commission's rules.⁷ Cunningham further described Brent Cunningham's communications with Commission staff in its attempt to submit payment for the filed Form 312, which Cunningham ultimately remitted on July 13, 2020.⁸ Nonetheless, when the Commission released its updated list of earth stations in the C-Band classified as incumbent, Cunningham's earth station was not included.⁹

In other words, Cunningham took every possible step to register its earth station and qualify as an incumbent. Cunningham filed to register its earth station during the special 2018 filing window,¹⁰ paid the filing fee (which the Commission accepted),¹¹ and responded to the July Public Notice.¹² Yet, Cunningham's earth station remains unregistered, not on the list for reasonable costs of transition reimbursement as the lower part of the C-Band Spectrum is cleared to be auctioned off for 5G use and a small cable operator in rural Kansas will likely be forced to spend over \$200,000 to transition. No Commission policy supports such an absurd result. Accordingly, Cunningham files this Application for Review and Request for Waiver.

II. APPLICATION FOR REVIEW

In considering Applications for Review, the Commission must consider whether the challenged action taken pursuant to delegated authority: (i) is in conflict with statute, regulation, case precedent, or established Commission policy; (ii) involves a question of law or policy that has not previously been resolved by the Commission; (iii) involves the application of a precedent or policy

⁷ Cunningham Comments at 2; *see also* 47 C.F.R. § 25.112 (applications found to be unacceptable for filing will be returned to the applicant with a brief statement identifying the omissions or discrepancies).

⁸ Cunningham Comments at 2. Cunningham's Comments, including exhibits, are attached as Exhibit A.

⁹ *See* August Public Notice.

¹⁰ *90-Day Window to File Applications for Earth Stations Currently Operating in 3.7-4.2 GHz Band*, Public Notice, 33 FCC Rcd 3841 (2018).

¹¹ Cunningham Comments at 2.

¹² *Id.*

that should be overturned or revised; (iv) is based on an erroneous finding as to an important or material question of fact; or (v) is marked by prejudicial procedural error.¹³

Earlier this year, the Commission released a Report and Order (the “C-Band Order”) adopting rules reforming the use of the 3.7-4.2GHz band, repacking existing operations into the upper 200 MHz of the band to make 280 MHz of mid-band spectrum available for flexible use (plus a 20 MHz guard band).¹⁴ To receive relocation cost reimbursement, earth station operators in the C-Band must qualify as an eligible incumbent by: (i) certifying the accuracy of the registration information in IBFS by May 28, 2019; (ii) filing modification/update to the registration during the April 19, 2018 – November 7, 2018 filing window; or (iii) filing a timely renewal application by May 28, 2019.¹⁵

Set forth in Section 25.138(c) of the Commission’s rules, an incumbent earth station operator includes earth stations that “[w]ere licensed or registered (*or had a pending application for license or registration*) in the IBFS database on November 7, 2018.”¹⁶ Cunningham filed an application for registration – SES-REG-20180531-07376 – on May 31, 2018, during the 90-day window permitting earth station operators to file applications.¹⁷ Cunningham therefore meets the definition of an incumbent earth station as set forth in Section 25.138(c) of the Commission’s rules. Cunningham’s application to this day remains pending in IBFS and has not been dismissed or returned. The fact that Cunningham was not able to remit payment until July 2020 is irrelevant. Cunningham had a pending application for registration in the IBFS database on November 7, 2018. The International

¹³ See 47 C.F.R. § 1.115(b)(2)(i)-(v). Here, the action the International Bureau took conflicts with Commission regulations and involves an erroneous finding. 47 C.F.R. §§ 1.115(b)(2)(i) & (iv).

¹⁴ *Expanding Flexible Use of the 3.7 to 4.2 GHz Band*, GN Docket No. 18-122, Report and Order and Order of Proposed Modification, 35 FCC Rcd 2343, ¶ 4 (2020) (“C-Band Order”).

¹⁵ July Public Notice at 2.

¹⁶ 47 C.F.R. § 25.138(c)(2) (emphasis added).

¹⁷ Cunningham Comments at 2.

Bureau's refusal to grant Cunningham's receive-only earth station application and add the registration to the list of incumbent earth stations is plainly in conflict with Section 25.138(c) of the Commission's rules, which are unambiguous and clear on their face. This result is improper under the Commission's C-Band Order and Commission regulations. For these reasons, this Application for Review should be granted and the International Bureau's decision reversed.

III. GOOD CAUSE EXISTS FOR THE COMMISSION TO GRANT CUNNINGHAM'S APPLICATION FOR WAIVER

In connection with this Application for Review, Cunningham also requests, to the extent necessary, that the Commission waive the eligibility requirements in Section 25.138(c), including any requirement for timely payment of the registration filing fee to the extent such untimely payment would prohibit inclusion under Section 25.183(c), so that Cunningham is considered an incumbent earth station operator in the C-Band and eligible for reimbursement of C-band relocation costs.¹⁸

The International, Public Safety and Homeland Security, and Wireless Telecommunications Bureaus specifically stated in the Freeze Public Notice that the appropriate Bureau will consider waiver requests "upon a demonstration that waiver will serve the public interest and not undermine the objectives of the freeze."¹⁹ Good cause exists for the Commission to waive its freeze on new applications and waive the C-Band relocation eligibility criteria to include Cunningham's receive-only earth station as eligible for transition.

As described above, Cunningham had a pending application for registration active in the Commission's database as of November 2018. That alone should qualify Cunningham for eligibility as an incumbent earth station. Nonetheless, Cunningham took necessary additional steps. In

¹⁸ See July Public Notice.

¹⁹ *Temporary Freeze on Applications for New or Modified Fixed Satellite Service Earth Stations and Fixed Microwave Stations in the 3.7-4.2 GHz Band*, Public Notice, 33 FCC Rcd 3841, at 3 (2018) ("Freeze Public Notice").

February 2020, Cunningham had multiple conversations with Commission staff, documented in Exhibit A, to pay the required filing fee.²⁰ Cunningham ultimately remitted the required fee on July 13, 2020.²¹ Importantly, the Commission *accepted this payment*.²² Cunningham also followed all procedural requirements in responding to the July Public Notice so that the Commission would add Cunningham's earth station to the incumbent list.²³

The August Public Notice addressed application filing fees, explaining that “a handful of filers seek reinstatement of registration applications that had been dismissed over time for non-payment of application fees” and noting that where a “filer has demonstrated payment or the Bureau has confirmed a misapplication of an otherwise timely fee payment in IBFS, the Bureau has reinstated those applications, and they appear on the list.”²⁴ Notably, Cunningham's Comments included evidence demonstrating payment, yet the International Bureau did not reinstate Cunningham's application. At the same time, however, the August Public Notice provides that “in other cases, when the payment was not made or delayed by more than 14 days after the application was made, the Bureau has declined to reinstate the application, which is consistent with its general policies requiring the timely receipt of application fee payments.”²⁵ It appears that the Bureau rejected Cunningham's application (although it remains pending in IBFS) and declined to include Cunningham's earth station on the list eligible for reimbursable expenses because Cunningham's registration payment was delayed more than 14 days after the application was filed (even though the Commission accepted the payment). As noted in Cunningham's Comments, the failure to make “timely payment” was not intentional and Cunningham, through their General Manager Brent

²⁰ Cunningham Comments at 2.

²¹ *Id.*

²² *Id.*

²³ *Id.* at 3.

²⁴ August Public Notice at 5.

²⁵ *Id.*

Cunningham, attempted to make the payment during a five-day window granted to the company this past February. Mr. Cunningham even communicated multiple times with FCC staff, and was provided with a “work around” to technical issues in the IBFS system to make the payment. And when the five-day window closed, he asked if the window would remain open. Moreover, after reviewing the July Public Notice, Mr. Cunningham saw that Cunningham’s earth station was not included, noted that the IBFS site still listed the application as Filed-Pending Fee Verification, contacted FCC staff again for assistance, and was able to navigate the work around and remit the \$450 filing fee.

Considering that the International Bureau was willing to accept payment in February 2020 – in contrast to the Commission’s general 14-day policy apparently used to reject Cunningham’s payment in July 2020 – Cunningham requests that the Commission waive this “timely payment” requirement and the “general policies requiring the timely receipt of application fee payments.” Mr. Cunningham’s efforts, as demonstrated in Cunningham’s Comments, prove the company’s willingness to pay, and the company should not be punished for remitting payment on July 13, 2020 when the Commission was willing to accept payment only months earlier, well beyond the 14-day period following Cunningham’s May 31, 2018 application submission. Failure to grant this waiver will force Cunningham to pay for the cost of transitioning to the 4.0-4.2 GHz band with no reimbursement from the money raised through the C-Band auction. This potentially perverse result cannot be the Commission’s intention, as Cunningham, as described above, took every possible step to register its earth station. Without grant of this waiver, a small rural company will have to spend over \$200,000 just because it had difficulty with the filing fee process.

Cunningham’s investment and commitment to the small and rural markets it serves and its numerous attempts to make the registration payment, which it ultimately made, should not be discouraged by rejecting Cunningham’s earth station application. Failing to grant a waiver will take away funds from network improvements and fiber deployments, all designed to bring more advanced

broadband speeds in the small and rural communities Cunningham serves. The reasonable relocation costs of Cunningham's earth station to the 4.0-4.2 band should be included in the C-Band relocation costs and Cunningham's funds should be used to continue its fiber expansion and broadband network improvements, consistent with the Commission's top priority and the Senate's concern that those incumbents incurring transition costs would be reimbursed and serve the public interest.²⁶

Moreover, granting Cunningham's waiver request and registering the earth station so that it can be eligible for relocation costs will not undermine the policy objectives of the rules. The application freeze was enacted to "preserve the options available to the Commission for consideration of additional uses of the band while limiting the potential for speculative applications that might be filed in anticipation of potential future actions by the Commission."²⁷ Granting Cunningham's waiver will not limit the options the Commission has for the band.²⁸ Moreover, Cunningham's application is not speculative – Cunningham has been in operation since 1997, the earth station was in existence long before the 2018 freeze was imposed and the application was timely filed on May 31, 2018.

IV. THIS REQUEST MEETS THE COMMISSION'S STANDARD FOR WAIVER

Section 1.3 of the Commission's rules allow for the suspension, revocation, amendment, or waiver of any of the Commission's rules for good cause shown.²⁹ Moreover, the International, Public Safety and Homeland Security, and Wireless Telecommunications Bureaus specifically stated in the Freeze Public Notice that the appropriate Bureau will consider waiver requests "upon a demonstration that waiver will serve the public interest and not undermine the objectives of the

²⁶ See *Letter from Senator Moran and Senator Udall to Chairman Pai*, Nov. 13, 2018 (outlining the Senate's interest in reassuring reimbursement and protecting current operations in the C-Band).

²⁷ Freeze Public Notice at 3

²⁸ C-Band Order, ¶ 4.

²⁹ 47 C.F.R. § 1.3.

freeze.”³⁰ For the reasons stated herein, Cunningham’s Request for Waiver meets the Commission’s standards and is in the public interest.

Under its waiver rules, the Commission has the discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest.³¹ The Commission may grant a waiver of its rules where the requested relief will not undermine the policy objectives of the rule in question, special circumstances warrant a deviation from the general rule, and such deviation will serve the public interest.³² The Commission may also take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.³³ Here, Cunningham properly filed an application to register an earth station during the 2018 filing window and has paid the appropriate filing fee, demonstrating that the company was not attempting to avoid paying the fee. The purpose of the Commission’s C-Band filing freeze and registration process was to allow the Commission to review current usage of the C-Band spectrum and its viability for 5G deployment. Forcing Cunningham to shoulder over \$200,000 in costs to transition its earth station to allow for the clearing of the lower portion of the C-Band so that it can be auctioned in a process that is expected to raise between \$30-\$60 billion dollars merely because a \$450 registration fee was allegedly not timely paid is exactly the type of scenario the waiver rules were established to remedy.

V. CONCLUSION

As described above, the Commission should reverse the International Bureau’s decision, grant Cunningham’s receive-only earth station registration and list the registration as an incumbent earth station operator eligible for reimbursement of C-band relocation costs. To the extent that the

³⁰ Freeze Public Notice at 3.

³¹ *Northeast Cellular Tel. Co., L.P. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

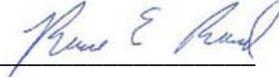
³² *WAIT Radio v. Federal Communications Com.*, 418 F.2d 1153, 1159 (D.C. Cir. 1969).

³³ *Id.*

Commission does not reverse the Bureau's decision, Cunningham has demonstrated unique and special circumstances to warrant a waiver of Section 25.138(c) and shown that such a waiver would be in the public interest and not undermine the policy objections of the Commission's rules.

Cunningham Telephone & Cable

Respectfully submitted,

By: 

Bruce E. Beard
Scott Friedman
Cinnamon Mueller
1714 Deer Track Trail
Suite 230
St. Louis, MO 63131
(314) 394-1535

Attorneys for Cunningham Telephone & Cable

August 10, 2020

Declaration of Brent Cunningham

My name is Brent Cunningham, and I am the Vice-President and General Manager for Cunningham Communications, Inc. I hereby certify under penalty of perjury that the facts stated in the foregoing Application for Review and Request for Waiver are true and correct to the best of my knowledge, information and belief.


Brent Cunningham

August 10, 2020

Exhibit A

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

In the Matter of)
)
Expanding Flexible Use of the 3.7 to 4.2 GHz) IB Docket No. 20-205
Band)
)

COMMENTS

Cunningham Telephone & Cable (“Cunningham”) submits these comments in response to the Report and Order and Order of Proposed Modification (“3.7 GHz Band Report and Order”) issued by the Commission in the above-captioned proceeding.¹ The Public Notice announced the release of a preliminary list – released in conjunction with the Public Notice – of earth stations in the 3.7-4.2 GHz band that may satisfy the criteria to be classified as incumbent earth stations for the purposes of the 3.7-4.2 GHz band (“C-band”) transition (“Preliminary List”) and requested that registrants, licensees, applicants, and other stakeholders review the list for accuracy.² Parties requesting any correction regarding the inclusion or omission of any earth station must follow certain procedures and file such comments in this docket.³

Cunningham operates a small cable system in rural Kansas. Cunningham filed FCC Form 312 to register its receive-only earth station which was in existence but had been

¹ *Expanding Flexible Use of the 3.7 to 4.2 GHz Band*, Report and Order and Order of Proposed Modification, 35 FCC Rcd 2343, 2345, para. 4 (2020) (3.7 GHz Report and Order). *Int’l Bureau Releases Preliminary List of Incumbent Earth Stations in the 3.7-4.2 GHz Band in the Contiguous United States*, Public Notice, IB Docket No. 20-205 (rel. Jul. 6, 2020) (“July Public Notice”).

² July Public Notice, at 3

³ *Id.*

unregistered and unlicensed before April 18, 2018 (“Application”). The Application was timely filed on May 31st, 2018, file number SES-REG-20180531-07376 (Application Submission ID: IB2018001959 for FRN: 0004985818). There was no dismissal or return of the Application pursuant to §25.112 of the Commission’s rules (See, 47 CFR §25.112).

On February 12, 2020 the FCC notified Cunningham that payment had not been completed for the 2018 filing. Cunningham immediately attempted to make the payments, however the system stated that “The payment feature is available only for Form 312EZ filings. SES-REG-INTRO2018-01959 is not a 312EZ filing.”⁴ Cunningham attempted to navigate the system further but received the message indicating that the application process was disabled based on the temporary freeze on applications.⁵ Cunningham communicated with the FCC in attempting to determine how to properly get the payment made.⁶ Cunningham was finally able to make the payment by credit card via the Form 159 site. A copy of the verification of payment is attached hereto as Exhibit 2. Cunningham’s receive-only earth station was not included in the Preliminary List and Cunningham’s IBFS login still reads, as of this filing, FILED-PENDING FEE VERIFICATION.

To receive relocation cost reimbursement, earth station operators in the 3.7-4.2 GHz band must qualify as operating an eligible incumbent earth station. The July Public Notice provides that “incumbent earth stations are those FSS earth stations that meet the following qualifications:

- (1) Operational as of April 18, 2018 filing freeze and remain operational; and

⁴ See Exhibit 1, email correspondence between Brent Cunningham, Vice President and General Manager of Cunningham Telephone & Cable and FCC personnel.

⁵ *Id.*

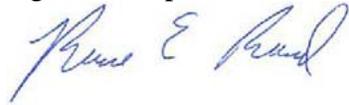
⁶ *Id.*

- registered (receive-only) or licensed (transmit/receive) in the 3700-4200 MHz band.
- (2) **If unregistered or unlicensed before April 18, 2018, registration or license applications must have been filed by November 7, 2018.**
- (3) If registered or licensed before April 18, 2018, the registrant or licensee must have:
- a. Certified the accuracy of the registration/license information in the International Bureau Filing System (IBFS) by May 28, 2019; OR
 - b. Filed a modification/update to the registration or license in IBFS during the April 19, 2018 – November 7, 2018 filing window; OR
 - c. Filed a timely renewal application for the existing registration or license by May 28, 2019.”⁷

In the Public Notice parties were requested to note any correction to the Preliminary List “regarding the inclusion or omission of any earth station.”⁸ Cunningham timely filed its application for its earth station by the November 7, 2018 deadline. It has paid the applicable fee as documented by the attached verification of payment. Cunningham has met the requirements of an incumbent earth station and should be reimbursed its reasonable relocation costs similar to the other operators who made timely filings prior to the November 2018 deadline. Accordingly, Cunningham’s earth station File number SES-REG-20180531-07376 should be added to the list of incumbent earth stations in the 3.7-4.2 GHz band.

Respectfully submitted,

Cunningham Telephone & Cable

By:  _____

Bruce E. Beard
Cinnamon Mueller
1714 Deer Track Trail, Suite 230
St. Louis, MO 63131
(314) 394-1535

Attorney for Cunningham Telephone & Cable

⁷ *July Public Notice*, at 2.

⁸ *Id.* at 3.

VERIFICATION

I, Brent Cunningham, am Vice President/General Manager of Cunningham Telephone & Cable and have read the attached Comments and they are well grounded in fact, true and correct.

Respectfully submitted,

By: 
Brent Cunningham

EXHIBIT 1

From: Brent Cunningham
Sent: Wednesday, July 15, 2020 1:25 PM
To: 'Paul Blais' <Paul.Blais@fcc.gov>
Cc: 'Kathleen.Campbell@fcc.gov' <Kathleen.Campbell@fcc.gov>; 'Jeanette Spriggs' <Jeanette.Spriggs@fcc.gov>
Subject: RE: SES-REG-INTR2018-01959 payment verification needed.

Paul,

I have left two voicemails and also emailed ibfsinfo@fcc.gov with this same inquiry to verify we have completed our registration and have yet to get a reply from anybody. The status on the IBFS site still says pending fee verification. I logged into our credit card and verified the payment was processed on 7-14-20 for \$450.

I am not sure what else to do at this point to verify everything is in place and completed. The deadline is tomorrow.

Thanks,
Brent

Brent Cunningham
Vice President/General Manager
Cunningham Telephone & Cable
PO Box 108, 220 W Main St
Glen Elder, KS 67446
800.287.8495
www.cunninghamtelephoneandcable.com

From: Brent Cunningham
Sent: Monday, July 13, 2020 2:42 PM
To: 'Paul Blais' <Paul.Blais@fcc.gov>
Cc: 'Kathleen.Campbell@fcc.gov' <Kathleen.Campbell@fcc.gov>; 'Jeanette Spriggs' <Jeanette.Spriggs@fcc.gov>
Subject: RE: SES-REG-INTR2018-01959 payment verification needed.

I think I got through everything from your instructions. I was directed to the 159 site and paid through the pop-up window. The fee was \$450.

Can you verify that everything is taken care of us for this earth station authorization? The application is IB2018001959.

On the IBFS site it still says FILED-PENDING FEE VERIFICATION so it may take a little bit to update I'm assuming.

Thanks,
Brent

Brent Cunningham
Vice President/General Manager
Cunningham Telephone & Cable
PO Box 108, 220 W Main St
Glen Elder, KS 67446
800.287.8495
www.cunninghamtelephoneandcable.com

From: Brent Cunningham
Sent: Friday, July 10, 2020 4:20 PM
To: 'Paul Blais' <Paul.Blais@fcc.gov>
Cc: 'Kathleen.Campbell@fcc.gov' <Kathleen.Campbell@fcc.gov>; Jeanette Spriggs <Jeanette.Spriggs@fcc.gov>
Subject: RE: SES-REG-INTR2018-01959 payment verification needed.

Paul & Kathleen,
I know this is my fault for not continuing to pester to figure out the filing after it was froze with our partial app (or full app but no ability to register payment), but we do have a C-band site and are not listed on the FCC's Incumbent C-band Earth Station List.

Is there a way to get this corrected before July 16th?

Thanks,
Brent

Brent Cunningham
Vice President/General Manager
Cunningham Telephone & Cable
PO Box 108, 220 W Main St
Glen Elder, KS 67446
800.287.8495
www.cunninghamtelephoneandcable.com

From: Brent Cunningham
Sent: Tuesday, February 18, 2020 9:36 AM
To: Paul Blais <Paul.Blais@fcc.gov>
Subject: RE: SES-REG-INTR2018-01959 payment verification needed.

Paul,
I'm assuming this could be held open since the 5 days you mentioned earlier is today...but I haven't heard back from anybody on helping me with the issues of filing yet since I'd last talked to you.

Thanks,
Brent

Brent Cunningham
Vice President/General Manager
Cunningham Telephone & Cable

PO Box 108, 220 W Main St
Glen Elder, KS 67446
800.287.8495
www.cunninghamtelephoneandcable.com

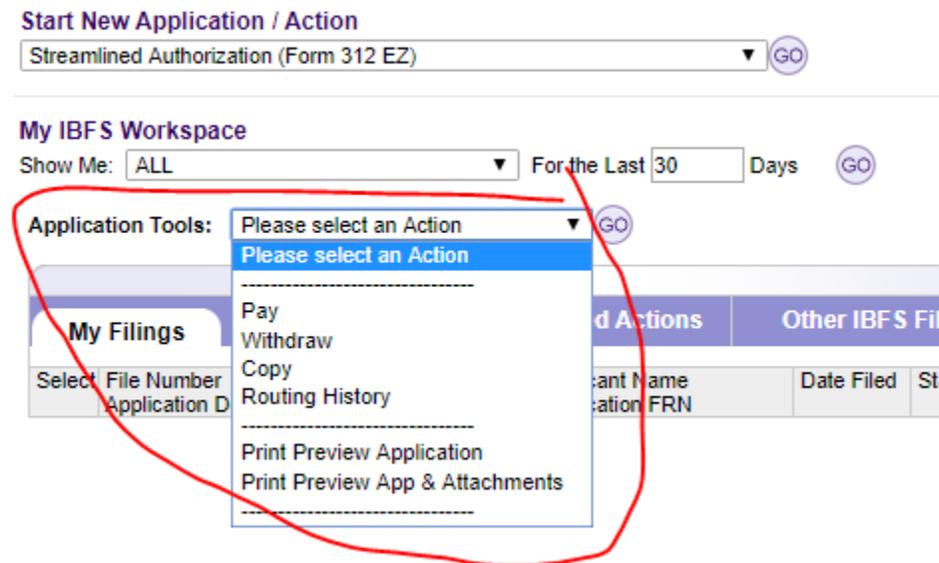
From: Paul Blais <Paul.Blais@fcc.gov>
Sent: Thursday, February 13, 2020 8:58 AM
To: Brent Cunningham <brent@ctctelephony.tv>
Subject: FW: SES-REG-INTR2018-01959 payment verification needed.

<attachment: Fee Payment via MyIBFS.docx>

From: Kathleen Campbell <Kathleen.Campbell@fcc.gov>
Sent: Thursday, February 13, 2020 9:01 AM
To: Paul Blais <Paul.Blais@fcc.gov>; Jeanette Spriggs <Jeanette.Spriggs@fcc.gov>
Subject: RE: SES-REG-INTR2018-01959 payment verification needed.

Attached is the 'cheat sheet' I set up to show people how to pay their fees when the C-band filing was in full swing. I didn't include Mr. Cunningham, but would be happy to answer him directly, if you'd prefer.

FYI, the payment option from a user's main workspace, rather than the "Other IBFS Filings" tab, is only available for 312EZ filings – actually, all of those action options, payment being one of them, are only available for the 312EZ filings.



Kathleen

From: Paul Blais <Paul.Blais@fcc.gov>
Sent: Wednesday, February 12, 2020 4:00 PM
To: Kathleen Campbell <Kathleen.Campbell@fcc.gov>; Jeanette Spriggs <Jeanette.Spriggs@fcc.gov>

Cc: Brent Cunningham <brent@ctctelephony.tv>

Subject: RE: SES-REG-INTR2018-01959 payment verification needed.

Please take a look at this problem and advise me and Brent.

From: Brent Cunningham <brent@ctctelephony.tv>

Sent: Wednesday, February 12, 2020 3:19 PM

To: Paul Blais <Paul.Blais@fcc.gov>

Cc: Jeanette Spriggs <Jeanette.Spriggs@fcc.gov>

Subject: RE: SES-REG-INTR2018-01959 payment verification needed.

Paul,

That's a start but how do I pay. I click on the Application tools and find the Pay option to select but it says "The payment feature is available only for Form 312EZ filings. SES-REG-INTRO2018-01959 is not a 312EZ filing". At the top it says "Streamlined Authorization (Form 312EZ)" but when I click on that it says "

Access to the EZ application process has been disabled to make programming changes due to the release of FCC Public Notice DA 18-398 on a temporary freeze on applications for new or modified fixed satellite earth stations in the 3.7-4.2 GHz band.

[FCC Public Notice DA 18-398, released April 19, 2018](#)

Not sure how much this filing will cost or even how to pay it. None of the other options looked like a fit.

Need some direction here.

Thanks,

Brent

Brent Cunningham

Vice President/General Manager

Cunningham Telephone & Cable

PO Box 108, 220 W Main St

Glen Elder, KS 67446

800.287.8495

www.cunninghamtelephoneandcable.com

From: Paul Blais <Paul.Blais@fcc.gov>

Sent: Wednesday, February 12, 2020 1:42 PM

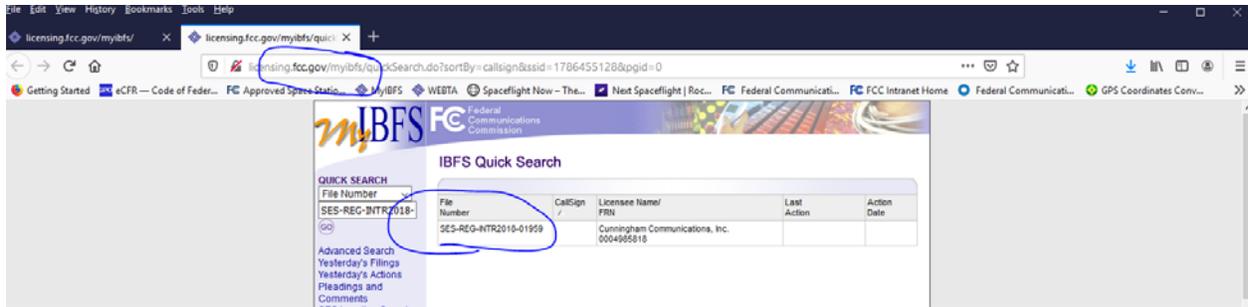
To: Brent Cunningham <brent@ctctelephony.tv>

Cc: Jeanette Spriggs <Jeanette.Spriggs@fcc.gov>

Subject: SES-REG-INTR2018-01959 payment verification needed.

Our records in the International Bureau Filing System (IBFS) show that application SES-REG-INTR2018-01959 was filed on May 31, 2018 and has not been paid. We can not proceed with processing this application without proof of payment. Please pay within 5 days.. You can view this application at

[MyIBFS](#)



Paul Blais

Chief, Systems Analysis Branch, Satellite Division, International Bureau.

202.418.7274

EXHIBIT 2

From: notification@pay.gov
Sent: Monday, July 13, 2020 2:38 PM
To: Brent Cunningham
Subject: Pay.gov Payment Confirmation: Remittance Advice

Your payment has been submitted to Pay.gov and the details are below. If you have any questions or you wish to cancel this payment, please contact FCC Financial Operations Group Help Desk at ARINQUIRIES@fcc.gov at 877-480-3201 option 6.

Application Name: Remittance Advice
Pay.gov Tracking ID: 26PE9G5H
Agency Tracking ID: PGC3416238
Transaction Type: Sale
Transaction Date: Jul 13, 2020 3:38:12 PM

Account Holder Name: Cunningham Communications, Inc.
Transaction Amount: \$450.00
Card Type: Visa
Card Number: *****3314

THIS IS AN AUTOMATED MESSAGE. PLEASE DO NOT REPLY.