



# **RURAL TRIBAL WINDOW PROCEDURES**

# General Filing Information

- Window opens February 3, 2020 at 9am EST
- Window closes August 3, 2020 at 6pm EDT
- Applications **MUST** be filed electronically in the Bureau's Universal Licensing System
- Paper applications will not be accepted
- No filing fee is required
- FCC Form 601 is the required license application
- FCC Form 602 is the required ownership form
- No technical or financial information is required
- Reach out to staff with questions as soon as possible

# Separate Applications for Separate Tribal Areas

- Generally, separate applications must be filed for separate Tribal areas
- Separate licenses will be granted for separate applications
- Each license will have to meet separate construction requirements and make separate renewal showings
- Exceptions
  - One application can be filed for multiple contiguous areas
  - One application can be filed for non-contiguous areas as long as all of the areas are eligible and part of the same Tribal land (reservation)

# Application Requirements

- Applicants are required to file an attachment demonstrating that they meet each of the requirements to obtain a license in the Tribal priority window
- Applicants must demonstrate that:
  - The applicant is a federally recognized Tribe or Alaska Native Village or an entity majority owned and controlled by one or more federally recognized Tribes or Alaska Native Villages
  - The proposed license area being applied for is eligible rural Tribal land
  - The applicant maintains a local presence on the proposed license area
- Each member of a consortium must individually and separately meet each eligibility requirement
- Both the entity and the land must be eligible
- Don't wait until the last minute to file

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## Eligible Entity

- Federally recognized Tribe or Alaska Native Village or an entity majority owned and controlled by one or more Federally recognized Tribes or Alaska Native Villages

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## Non-Eligible Entities

- Alaska Native Regional corporations
- Hawaiian Homesteads
- Other entities owned by Tribal members, unless majority owned and controlled by an eligible entity

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## Eligible Tribal Lands

- Rural reservation lands
- Rural Alaska Native Village statistical areas and Rural Alaska Regional corporation lands
- Rural Hawaiian homelands
- FCC Shapefiles
  - [www.fcc.gov/RuralTribalWindow/shapefiles](http://www.fcc.gov/RuralTribalWindow/shapefiles)

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## Non-Eligible Tribal Lands

- Non-reservation lands
- Trust, fee and other lands that do not have a reservation designation
- Any application that is not limited to eligible, rural Tribal lands must be accompanied by a waiver request



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## Rural Areas

- Areas that do not include an urbanized area or urban cluster with a population equal to or greater than 50,000
- FCC provided rural Tribal shapefiles exclude urban areas
- Applications for non-rural areas must include a waiver request

## Local Presence

- Applicant must demonstrate that it has local presence in each Tribal land for which it is applying
- Eligible Tribes demonstrate local presence on their reservation lands by showing they physically occupy those lands and have residents that live there
- Applicants that are majority owned and controlled by a federally recognized Tribe or Alaska Native Village may prove that they have local presence by demonstrating that they provide goods or services over the eligible Tribal land
- Local presence cannot be demonstrated on another Tribe's reservation
- Give us as much information as possible to demonstrate local presence

## Local Presence-Alaska

- Alaska Native Villages are presumed to have local presence in their statistical areas
- Alaska Native Villages may file to demonstrate that they have local presence in other contiguous areas
- An applicant seeking to apply for a license in one of the twelve Native Regional Corporation areas must demonstrate local presence throughout the portion of the regional corporation area for which it seeks a license
- Local presence in a smaller area does not automatically demonstrate local presence throughout a larger area

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## Channel Selection

- Applicants may apply for 1, 2, or all 3 channels, as long as there is some unassigned spectrum in each channel for which they apply
- Applications will be reviewed to confirm that there is some unassigned spectrum in each channel included

# Waiver Requests

- A waiver request should be filed as an attachment to the application during the window
- Waiver requests will be considered pursuant to the waiver standard contained within Section 1.925 of the Commission's rules
- Applicants should tell the best, most complete story they can
- There is no guarantee that a waiver request will be granted
- Waivers are NOT appropriate to obtain already licensed spectrum

# Waiver Standard

- Section 1.925 requires a showing that:
  - The underlying purpose of the rule(s) would not be served or would be frustrated by application to the instant case, and that a grant of the requested waiver would be in the public interest; or
  - In view of unique or unusual factual circumstances of the instant case, application of the rule(s) would be inequitable, unduly burdensome or contrary to the public interest, or the applicant has no reasonable alternative

# FCC Form 602-Ownership Form

- Every applicant must have an FCC Form 602 on file in order to have their license application granted
- The Form 602 must be filed before the window closes
- If the applicant is a Tribal entity, the applicant should complete the main form and provide an exhibit to the Form 602 that includes the name, address and title of all members of the Tribe's governing council
  - If the applicant is a consortium, it should include this information for each member of the consortium
- Corporate and partnership entities should follow the form instructions
- For more detail, see Section 1.2112 of the Commission's rules

# Public Notice

- All applications will become publicly available in ULS when they are filed
- After the window closes, applications will be reviewed for completeness and put on Public Notice as accepted for filing, at which time petitions to deny may be filed
- Applicants will be permitted to make minor amendments to their applications after the window closes, but applicants will NOT be permitted to make major amendments, such as adding channels or Tribal areas after the window closes



# Mutual Exclusivity

- Applications will be considered mutually exclusive if there is any geographic or spectral overlap between them
- The FCC is statutorily required to resolve mutual exclusivity through competitive bidding for that spectrum
- 90 Day Settlement Window
- Mutually exclusive applications remaining at the end of the Settlement Window will be subject to competitive bidding and the FCC's anti-collusion rules will apply, which prohibit the applicants from engaging in any further communication