

RCN Telecom Services (Lehigh) LLC

Amended Application Attachment 1: REQUEST

RCN Telecom Services (Lehigh) LLC (RCN-Lehigh or Company) submits this amended application¹ to seek Commission approval for re-issuance of its license (call sign E6527) for a C-Band receive-only earth station in the 3.7-4.2 GHz band (“E6527 License”). The E6527 License has been held by the Company and its affiliated RCN providers for over eighteen years; however, in December 2018, the Company inadvertently allowed it to expire. Re-issuance of the E6527 License will facilitate the Company’s continuing operations and RCN-Lehigh submits that such action by the Commission will be in the public interest. Moreover, insofar as the requested action may require a waiver of the temporary freeze on the filing of new applications for fixed-satellite service earth station licenses in the 3.7-4.2 GHz Band,² re-issuance of the E6527 License is entirely consistent with the purposes for which the freeze was adopted.

Background

RCN-Lehigh, along with its affiliated RCN companies, provides a comprehensive range of cable, telephony and Internet Access services to residential and business customers. The E6527 License, from its initial issuance, has been intended “for the purpose of providing program reception services.”³ The Company’s operations, including those utilizing the E6527 License, are ongoing and it has at all times been RCN-Lehigh’s intention to continue to hold the E6527 License. Unfortunately, as a consequence of an administrative error, the E6527 License was allowed to expire effective December 9, 2018. The Company has just discovered this development and, with this request for re-issuance of the E6527 License, is acting promptly to rectify the situation.⁴ RCN-Lehigh submits that Commission approval of this request would be in the public interest.

Public Interest Considerations

As a general matter, re-issuance of the E6527 License to RCN-Lehigh would be in furtherance of the public interest. The Company is an established communications provider serving both new and longstanding customers throughout its operating territory. The stable

¹ The Company is amending the original application, pursuant to discussion with Staff, to correct the identified emission designator and location specifications.

² See, *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; 90-Day Window to File Applications for Earth Stations Currently Operating in 3.7-4.2 GHz Band; Freeze and Filing Window in Furtherance of the Commission’s Pending Inquiry in GN Docket Nos. 17-183, 18-122, DA 18-398* (April 19, 2018) (the “3.7-4.2 GHz Band Freeze Public Notice” establishing the “3.7-4.2 GHz Band Freeze”).

³ File No. SES-LIC-19831014-00731 (Dec. 9, 1983). The E6527 License was renewed in 1993 and, again, in 2003. File Nos. SES-RWL-19931022-00499, SES-RWL-20030925-01326.

⁴ Given the timing of this request, RCN-Lehigh is using the application form for a new license. If the Commission deems it more appropriate procedurally, the request could instead be treated as a request for reinstatement, subject to a waiver of Commission Rule Section 25.163(1), pursuant to the Commission’s waiver authority as identified in Commission Rule Section 1.925.

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continuity of those services is of benefit both to existing and prospective customers. Moreover, because the re-issued E6527 License would precisely reflect the terms and conditions that have been in place without issue for at least the past fifteen years, there should be no controversy regarding the approval of these license specifications going forward.

Similarly, grant of this request would in no respect undermine, or run contrary to, the purposes of the 3.7-4.2 GHz Band Freeze. In the public notice announcing the freeze, the International, Public Safety and Homeland Security, and Wireless Telecommunications Bureaus stated that the adoption of the freeze was intended to:

“preserve the current landscape of authorized operations in the 3.7-4.2 GHz band pending Commission action as part of its ongoing inquiry into the possibility of permitting mobile broadband use and more intensive fixed use of the band.”⁵

“help 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.”⁶

and, in connection with modified filing requirements during the 90-day filing window:

*“to obtain the best information possible on existing earth stations in this band in furtherance of the Commission’s ongoing inquiry.”*⁷

Summarized, then, the primary objectives of the freeze are to maintain and identify the current utilization of the 3.7-4.2 GHz band and to prevent speculative licensing and registration in the band. RCN-Lehigh’s operations pursuant to the E6527 License involve an existing earth station as contemplated by the *3.7-4.2 GHz Band Freeze Public Notice*. Re-issuance of the E6527 License simply acknowledges those operations as part of the current utilization of the band, consistent with the first objective of the freeze. Moreover, because the Company’s request is entirely related to established and ongoing operations, grant of the request lends no support to any form of speculative enterprises. Consequently, waiver of the temporary freeze, insofar as necessary to grant this request, is entirely appropriate as it is both conducive to the public interest and consistent with the purposes of the 3.7-4.2 GHz Band Freeze.⁸

⁵ *3.7-4.2 GHz Band Freeze Public Notice* at p. 1 (citation omitted).

⁶ *Id.* at p. 3.

⁷ *Id.* at p. 4 (emphasis added).

⁸ *Id.* at p. 3 (“The appropriate Bureau will consider requests for waiver of this freeze on a case-by-case basis and upon a demonstration that waiver will serve the public interest and not undermine the objectives of the freeze.”)