

REQUEST FOR WAIVER OF TEMPORARY FILING FREEZE

Pursuant to Section 1.925 of the Federal Communications Commission's ("FCC" or "Commission") rules,¹ Educational Media Foundation (EMF), respectfully requests that the International Bureau ("Bureau") waive the temporary freeze on new applications for fixed-satellite service ("FSS") earth station licenses in the 3.7-4.2 GHz Band ("Filing Freeze").² As described below, granting EMF's waiver request would not undermine the objectives of the Filing Freeze, and it would serve the public interest by promoting national security, public safety, and education.

Section 1.925 of the FCC's rules permits the Commission to waive its rules on its own motion or upon request. The Commission may grant a waiver if "(i) the underlying purpose of the rule(s) would not be served or would be frustrated by application to the instant case, and that grant of the requested waiver would be in the public interest; or (ii) 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."³ In this case, both grounds for waiver apply to EMF.

EMF offers satellite communications connectivity around the United States. EMF's services support radio broadcasting services. Among the most critical aspects of EMF's satellite service it provides to remote island communities for connectivity and radio broadcasts.

¹ 47 C.F.R. § 1.925.

² *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*, Public Notice, 33 FCC Rcd 3841 (Int. Bur. 2018) ("Filing Freeze PN").

³ 47 C.F.R. § 1.925(b)(3).

The recent hurricane that occurred in Puerto Rico (Maria) was particularly devastating for all the communities on the island. As the Commission is well aware, many modern services depend on connectivity and public service announcements and information. Public safety agencies use broadcasters such as EMF to relay vital and lifesaving information to the public. Hurricane Maria destroyed much of Puerto Rico's infrastructure, including the tower from which WCAD broadcast. Without the requested waiver, EMF will need to continue to rely on Internet service which is prone to outages, precluding it from providing dependable, essential broadcast services for serving the needs of the community.

EMF seeks this waiver for a new FSS C-Band earth station to help continue to support the more than three million people living on Puerto Rico.

Because of Puerto Rico's remoteness, the Commission should view EMF's waiver request in the overall context of the unique challenges faced by radio broadcasters on remote islands that are still in recovery mode. In similar contexts, the Commission has identified special conditions associated with building in places like Hawaii or Alaska (albeit without the short construction season Alaska experiences). Among other things, challenges of providing service on Puerto Rico include the difficulty in transporting fuel and other necessary infrastructure to the island and its remoteness, lack of road access, limited scalability per community/island, limited satellite and backhaul availability, and susceptibility to extreme weather conditions. These challenges make the provision of service to Puerto Rico both challenging and vital.

Moreover, the satellite services offered by EMF to Puerto Rico will serve the public interest. As noted above, many public safety agencies, schools, and public rely on the EMF's satellite broadcast services.

Finally, granting EMF's waiver request will not undermine the objectives of the Filing Freeze. The Filing Freeze was implemented to allow the Commission to fully consider the

record in its pending C-Band proceeding “while limiting the potential for speculative applications that might be filed in anticipation of potential future actions by the Commission.”⁴ Clearly, this application is not speculative as it would enable EMF to re-license its booster facility to provide needed broadcast services on the island. EMF recognizes the importance of the Commission’s ongoing efforts to facilitate the deployment of 5G technology by ensuring the most efficient use of spectrum resources in the United States.

Accordingly, for the reasons described above, EMF respectfully requests that the Commission grant its waiver request and allow EMF to file an application to license the operation of its FSS earth station for the 3.7-4.2 GHz band. Waiver is warranted because (1) EMF’s service is in the public interest, (2) the provision of these services to Puerto Rico would otherwise be infeasible based on the unique difficulties of providing service on the islands, and (3) granting EMF’s waiver request would not undermine the purpose of the Bureau’s Filing Freeze.

⁴ Filing Freeze PN at 2.