

## REQUEST FOR WAIVER OF C-BAND FILING FREEZE

On April 19, 2018, the International Bureau (“IB”), Public Safety and Homeland Security Bureau, and Wireless Telecommunications Bureaus (“Bureaus”) announced a freeze on the filing of new or modification applications for fixed-satellite service (“FSS”) earth station licenses and receive-only earth station registrations in the 3.7-4.2 GHz frequency band (“C-band”).<sup>1</sup> The Bureaus also opened a window, which eventually closed November 7, 2018, during which entities that own or operate existing FSS earth stations in the C-band could file an application to register or license existing antennas not currently registered or licensed.

On September 26, 2018, iHeartMedia + Entertainment, Inc. (“iHeart”) timely filed an application to register over 100 receive-only earth station antennas at various locations throughout the country. On May 20, 2019, Applicant Connoisseur Media Licenses, LLC (“Connoisseur”) consummated the acquisition of certain assets from iHeart affiliates and Aloha Station Trust II LLC, including a Frederick MD receive-only earth station that was listed on iHeart’s then-pending registration application. The iHeart registration application was granted June 23, 2020, under call sign E190096.

Connoisseur and iHeart seek to assign the registration for the Frederick MD antenna from iHeart to Connoisseur, but the FCC does not currently have a process to assign a single antenna from a registration that authorizes multiple antennas.

After consulting with IB staff, Connoisseur hereby requests a waiver of the C-band freeze to apply for a new registration under its name for the Frederick MD antenna that Connoisseur acquired from iHeart. After Connoisseur’s filing of this Form 312 application, iHeart will submit a letter in IBFS for its call sign E190096 whereby iHeart will request that the FCC delete the Frederick MD antenna from E190096. When IB processes both the instant Form 312 application and iHeart’s submission, the end result will be similar to an assignment, that is, the registration for the existing Frederick MD antenna will be in Connoisseur’s name and the Frederick MD antenna will be removed from iHeart registration E190096.

Section 1.3 of the Commission’s Rules provides that a waiver of a Commission rule will be granted if “good cause” is shown.<sup>2</sup> The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance with a rule inconsistent with the public interest.<sup>3</sup> In fact, the Commission has an “obligation to seek out the ‘public interest’ in particular, individualized cases.”<sup>4</sup> The FCC has been processing applications to assign C-band registrations throughout the freeze. If the FCC had a process to assign a single antenna from an existing registration, the parties would utilize that process. In the absence of such a process, IB should grant a waiver to allow Connoisseur to register the Frederick MD antenna in its own

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<sup>1</sup> See *Bureaus Announce Freeze and Limited Filing Window in the 3.7-4.2 GHz Band*, Public Notice and Frequently Asked Questions, DA 18-398 (April 19, 2018) (*Freeze Public Notice*).

<sup>2</sup> 47 CFR § 1.3.

<sup>3</sup> See *WAIT Radio v. FCC*, 418 F.2d 1153 (D.C. Cir. 1969), *cert. denied*, 409 U.S. 1027 (1972). See also *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164 (D.C. Cir. 1990).

<sup>4</sup> *WAIT Radio v. FCC*, 418 F.2d at 1159.

name. The public interest will be served by granting the waiver and updating the Commission's records to reflect the current owner of the Frederick MD receive-only antenna.