



# PUBLIC NOTICE

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## WIRELESS TELECOMMUNICATIONS BUREAU SEEKS COMMENT ON WHETHER PROPOSED 3.7-4.2 GHZ RELOCATION PAYMENT CLEARINGHOUSE SATISFIES SELECTION CRITERIA

GN Docket No. 18-122

**Comments Due: August 18, 2020**

**Reply Comments Due: August 28, 2020**

With this Public Notice, the Wireless Telecommunications Bureau (the Bureau) seeks comment on whether the Relocation Payment Clearinghouse (Clearinghouse) selected by a committee of stakeholders in the 3.7-4.2 GHz band (C-band) satisfies the criteria established by the Commission in the *Expanding Flexible Use of the 3.7 to 4.2 GHz Band Report and Order*.<sup>1</sup>

On March 3, 2020, the Commission released the *3.7 GHz Band Report and Order*, which adopted new rules to make available 280 megahertz of mid-band spectrum for flexible use through a Commission-administered public auction of overlay licenses, plus a 20 megahertz guard band, throughout the contiguous United States by transitioning existing services out of the lower portion and in to the upper 200 megahertz of the C-band.<sup>2</sup>

The *3.7 GHz Report and Order* established a search committee to select a Clearinghouse that would be responsible for handling all cost-related aspects of the transition.<sup>3</sup> The *3.7 GHz Report and Order* required the search committee to select, no later than July 31, 2020, an entity that must be able to demonstrate its ability to perform the duties of the Clearinghouse, including: (1) engaging in strategic planning and adopting goals and metrics to evaluate its performance, (2) adopting internal controls for its operations, (3) using enterprise risk management practices, and (4) using best practices to protect against improper payments and to prevent fraud, waste, and abuse in its handling of funds.<sup>4</sup> The Commission also required that the selected entity create written procedures for its operations and that it use the Government Accountability Office's (GAO) Green Book to serve as a guide in satisfying such

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<sup>1</sup> *Expanding Flexible Use of the 3.7 to 4.2 GHz Band*, Report and Order and Proposed Modification, 35 FCC Rcd 2343, 2450-52, paras. 273-80 (2020) (*3.7 GHz Report and Order*).

<sup>2</sup> *Id.* at 2345, para. 4.

<sup>3</sup> *Id.* at 2450-51, paras. 273-74. The search committee is composed of nine members appointed by nine entities that the Commission found, collectively, reasonably represent the interests of stakeholders: Intelsat License LLC, SES Americom, Inc., Eutelsat S.A., National Association of Broadcasters, NCTA - The Internet & Television Association, American Cable Association, CTIA, Competitive Carriers Association, and Wireless Internet Service Providers Association. *Id.* at 2450-51, para. 274.

<sup>4</sup> *Id.* at 2451, para. 276.

requirements.<sup>5</sup>

The *3.7 GHz Report and Order* required the search committee to ensure that the Clearinghouse adopt robust privacy and data security best practices in its operations, given that it will receive and process information critical to ensuring a successful and expeditious transition.<sup>6</sup> The selected entity will be required to hire a third-party firm to independently audit and verify, on an annual basis, the Clearinghouse's compliance with privacy and information security requirements. The Clearinghouse will also be required to: provide recommendations based on any audit findings; correct any negative audit findings and adopt any additional practices suggested by the auditor; and report the results to the Bureau.

The Commission also required the search committee, in notifying the Commission of its selection for the Clearinghouse, to: (a) fully disclose any actual or potential organizational or personal conflicts of interest or appearance of such conflict of interest of the Clearinghouse or its officers, directors, employees, and/or contractors; and (b) detail the salary and benefits associated with each position.<sup>7</sup>

On July 31, 2020, the search committee announced that they had selected CohnReznick and subcontractors Squire Patton Boggs (US) LLP (Squire Patton Pogg), and Intellicom Technologies, Inc. (Intellicom), to serve as the Clearinghouse.<sup>8</sup> We seek comment on whether CohnReznick, Squire Patton Boggs, and Intellicom satisfy the criteria established by the Commission in the *3.7 GHz Report and Order*.<sup>9</sup>

As directed by the Commission in the *3.7 GHz Report and Order*, following the comment period, the Bureau will issue an order announcing whether the selection criteria have been satisfied.<sup>10</sup> Should the Bureau be unable to find that the criteria have been satisfied, the *3.7 GHz Report and Order* required that the selection process will start over and the search committee will submit a new proposed entity.<sup>11</sup>

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*Filing Requirements.* Parties may file comments, identified by GN Docket No. 18-122, by any of the following methods:

- Electronic Filers: Comments may be filed electronically using the internet by accessing the ECFS: <https://www.fcc.gov/ecfs/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing.

Filings can be sent by commercial courier or by the U.S. Postal Service. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications

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<sup>5</sup> *Id.* (citing GAO, *The Green Book: Standards for Internal Control in the Federal Government*, GAO-14-704G, (rel. Sep 10, 2014), available at <http://www.gao.gov/greenbook/overview>).

<sup>6</sup> *3.7 GHz Report and Order*, 35 FCC Rcd at 2451, para. 277 (“The Clearinghouse should therefore also comply with, on an ongoing basis, all applicable laws and Federal government guidance on privacy and information security requirements such as relevant provisions in the Federal Information Security Management Act (FISMA), National Institute of Standards and Technology (NIST) publications, and Office of Management and Budget guidance.”) (internal citations omitted).

<sup>7</sup> *Id.* at 2451, para. 279.

<sup>8</sup> Letter from Ross J. Lieberman, et al., Members of Clearinghouse Search Committee, to Marlene H. Dortch, Secretary, FCC, GN Docket No. 18-122 (filed July 31, 2020).

<sup>9</sup> *3.7 GHz Report and Order*, 35 FCC Rcd at 2450-52, paras. 273-80 (establishing selection criteria and directing the Bureau to seek comment on whether the selected entity satisfies such criteria).

<sup>10</sup> *Id.* at 2452, para. 280.

<sup>11</sup> *Id.*

Commission.

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*Additional Information.* For further information regarding this Public Notice, please contact Susan Mort, Wireless Telecommunications Bureau, at [Susan.Mort@fcc.gov](mailto:Susan.Mort@fcc.gov) or 202-418-2429.