

**WAIVER OF PRIVILEGE AND CONFIDENTIALITY – MEDIATION**

Name of Party: \_\_\_\_\_

The Party named above, by its duly authorized officer or other representative, hereby grants a limited waiver of confidentiality in, privilege arising from, or other objection to the disclosure of, mediation communications by the Relocation Payment Clearinghouse LLC (“RPC”) to the Federal Communications Commission (“FCC”). This limited waiver includes all statutory, administrative and common law privileges or rights to confidentiality specified in the Uniform Mediation Act or equivalent law or rule, as adopted by any state or federal authority, including without limitation the courts.

The Party further agrees that it shall not: (i) call as a witness or attempt to compel the testimony of the RPC or any RPC Mediator; (ii) subpoena or attempt to compel production of any records of the RPC or any RPC Mediator; or (iii) sue or make a claim against the RPC or any RPC Mediator in any litigation or other adversarial proceeding of any nature, including administrative proceedings before the FCC, with respect to any mediation conducted by an RPC Mediator or any information obtained by an RPC Mediator in connection with such mediation when acting within the scope of his or her duties.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed name of individual signing waiver

\_\_\_\_\_  
Title of individual signing waiver

\_\_\_\_\_  
Date

**Contact Information:**

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_

Email: \_\_\_\_\_

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## INSTRUCTIONS FOR COMPLETING WAIVER OF PRIVILEGE AND CONFIDENTIALITY FORM

The Federal Communications Commission ("FCC") has directed the Relocation Payment Clearinghouse LLC ("RPC") to assist C-band stakeholders in resolving financial disputes that may arise during the course of the reconfiguration of the C-band. If the parties are unable to resolve a dispute which the RPC has mediated, the RPC is required to submit the record of the dispute, together with a recommended resolution, to the FCC for review.

A number of states have adopted the Uniform Mediation Act ("Act") which, *inter alia*, prohibits the disclosure of mediation communications to a third party. "Mediation communications" include oral and written statements made, and other information disclosed, during the course of mediation proceedings. The Act's privilege and confidentiality provisions are subject to waiver pursuant to Sections 3(c) and 5(a), respectively. Mediation communications may also be protected by other statutory and common law privileges. The attached waiver form grants a limited waiver of such rights and privileges in order to permit the RPC to comply with its obligation to submit a complete record and recommended resolution of unresolved disputes to the FCC for review. The waiver expressly permits the RPC to disclose to the FCC certain mediation communications which would otherwise be protected, including without limitation any pre-mediation statements or submissions made by the parties, actual demands and/or offers communicated between the parties during mediation, and the substance of any communication made during a joint or plenary mediation session in which the mediator and opposing parties or their representatives participated.

The waiver does **not** extend to mediation communications made between a party or its representatives, or a group of aligned parties, and the RPC Mediator in confidence during a private caucus or equivalent circumstance, provided that the party initiating such communication expressly designates it as a confidential communication and instructs the RPC Mediator not to share it with the opposing party. Should a dispute arise whether a particular mediation communication falls within the scope of the limited waiver granted by this form, the RPC Mediator shall have sole and absolute discretion to decide the issue, and neither the source of the communication nor any other party to the mediation shall have standing or other capacity to appeal, challenge or otherwise dispute such decision.

Likewise, the waiver does **not** apply to disclosures by the RPC or RPC Mediator to any person other than the parties to the mediation or the FCC, nor does it apply to any communications or other information not disclosed to the RPC or RPC Mediator, e.g., confidential communications exclusively between a party and that party's attorney.

By executing this form, you also agree not to: (i) call or seek the testimony, by deposition or otherwise, of any RPC Mediator relative to a mediation held pursuant to this dispute resolution program; (ii) subpoena or otherwise attempt to compel the production of any records of the RPC or any RPC Mediator; or (iii) sue or make a claim against the RPC or any RPC Mediator in any litigation, including administrative proceedings before the FCC, arising from or relating to this dispute resolution program. This provision is intended to protect the confidentiality of RPC mediations and to promote open and candid communications with RPC Mediators, and does **not** preclude a party from challenging the merits of an RPC Mediator's recommendations.

**You are encouraged to obtain the advice of counsel before executing this form.**

In completing the waiver:

1. Name of Party – Please provide the full legal name of your organization.
2. Contact information – Please provide complete contact information for the individual who signed this waiver.
3. Submit a completed copy of the [Waiver of Privilege and Confidentiality Form](#) (Mediation) in PDF format to [RPCDisputes@squirepb.com](mailto:RPCDisputes@squirepb.com).