

ALERT

Commission Grants Waiver for Certain Wireless License Construction Requirements in Light of COVID-19 Disruptions

April 17, 2020

On April 15, 2020, the Wireless Telecommunications Bureau (WTB) and Public Safety and Homeland Security Bureau (PSHSB, and collectively, the Bureaus) issued an order granting a 60-day extension for all site-based and mobile-only wireless licensees with construction deadlines from March 15, 2020, through and including May 15, 2020. The Bureau granted the waiver to provide temporary relief for licensees experiencing delays to the supply chain and other construction equipment deliveries that are expected to occur as a result of coronavirus (COVID-19) and the March 13 National Emergency Declaration.

The Bureaus issued the waiver in response to a petition by the Enterprise Wireless Alliance (EWA) filed on March 27, 2020. EWA filed the petition seeking a waiver of the Federal Communications Commission's (FCC or Commission) rules—sections 1.925(c) and (d)—which provide consequences for failure to notify the FCC of compliance with construction and coverage requirements. EWA had requested a waiver to extend to August 31, 2020 construction deadlines between March 15, 2020 and August 31, 2020, for all site-based and mobile-only wireless licensees, as most of the United States is impacted by COVID-19 “stay-home” restrictions, resulting in significant disruptions to the supply chain.

The WTB and PSHSB agreed with EWA that COVID-19 presents “unique and unusual circumstances” sufficient to support a waiver of the construction requirements for the impacted licensees. The Bureaus approved the broad, national waiver finding that “[u]nlike a construction waiver involving a natural disaster impacting discrete

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parts of the country, the pandemic involves the vast majority of states' issuing 'stay-at-home' orders to non-essential businesses and social distancing guidelines for workers. These orders and guidelines are essential to secure the health and safety of the public, but they also create gaps in all phases of the supply and deployment chain."

The Bureaus, however, limited the waiver to the period of March 15 to May 15, inclusive, and reserved the right to consider further extensions if warranted at a later date. Licensees with construction deadlines within this period will have an additional 60 days—May 14, 2020, to July 14, 2020—to meet their notification obligations under sections 1.925(c) and (d).

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