



City of Burbank  
 Planning and Transportation Division  
**GENERAL COMMERCIAL AND INDUSTRIAL DEVELOPMENT PERMIT**  
 Application

150 North Third Street  
 Burbank, California 91502  
 www.burbankusa.com  
 T: 818-238-5250  
 F: 818-238-5150

A General Commercial and Industrial development permit application form, along with all applicable specific application forms and other required materials must be completed and submitted to the Planning and Transportation Division for all projects that are subject to review and/or approval by the City of Burbank. Please complete each section. If certain items do not apply to this project, please indicate with a "N/A." Incomplete application forms may result in processing delays.

**NOTE:** Unless exempt, all project applications are subject to the requirements and guidelines of the California Environmental Quality Act (CEQA). Should you have any questions please call the Planning Division at 818-238-5250.

| Application Types   |  |  |
|---|--|--|
| <input checked="" type="checkbox"/> Administrative Use Permit | <input type="checkbox"/> General Plan Amendment                | <input type="checkbox"/> Sign Variance       |
| <input type="checkbox"/> Conditional Use Permit               | <input type="checkbox"/> Lot Line Adjustment                   | <input type="checkbox"/> Variance            |
| <input type="checkbox"/> Covenant Agreement                   | <input type="checkbox"/> Map (Tentative Tract Map, Parcel Map) | <input type="checkbox"/> Zone Map Amendment  |
| <input type="checkbox"/> Development Agreement                | <input type="checkbox"/> Planned Development                   | <input type="checkbox"/> Zone Text Amendment |
| <input type="checkbox"/> Development Review                   | <input type="checkbox"/> Parking Agreement                     | <input type="checkbox"/> Other _____         |

| Project Information   |   |
|---|---|
| Project Address: 800 South Main St.   | Zoning: NB - Neighborhood Commercial  |
| Current use of site: Commercial Professional Office   | Existing Covenants: <input type="checkbox"/> No <input type="checkbox"/> Yes. If yes, attach copies |
| Lot Area: 1.13 ac   | Year(s) structure(s) built: 1996  |
| APN: 2451-031-001   | Legal Description: Lots 1,2,3,5 & 5 of Tract No. 5370   |
| Number of existing on-site parking spaces:<br>44  | Existing square footage:<br>47,868  |
| <b>Current Site Description:</b> Describe the project site as it currently exists, including information about topography, soil stability, plants (including mature trees) and animals, and any cultural historical or scenic attributes. Describe any existing structure(s) on the site and the use of the structure(s). Attach photographs of the site. (Prepare/attach separate exhibit(s) as necessary)   |   |
| The subject site is currently developed with a 3-story commercial office building. The ground floor is under building parking with 2 floors above built out for office uses. The building is additionally supported with at grade parking. The site is relatively flat however the building does present a somewhat submerged appearance from Main St. The location contains non-native ornamental landscaping with mature trees around the perimeter of the property. There is no habitat to support wildlife although there is normal urban animal life in the area. There are no on-site culture resources present on-site or within the area and no scenic attributes are present onsite.   |   |
| <b>Project Description/Applicant Request:</b> (You may need to prepare and attach separate exhibits)  |   |
| <ol style="list-style-type: none"> <li>1. If the project involves demolition and new construction, describe total project. e.g. demolition, age of building to be demolished, grading, excavation, construction, etc.</li> <li>2. If commercial, indicate the type, whether neighborhood, city, or regionally oriented, square footage of sales area, square footage of office area, loading facilities, and number of employees.</li> <li>3. If industrial, indicate type, estimated employment per shift, number of shifts and loading facilities.</li> <li>4. If institutional, indicate the major function, estimated employment per shift, number of shifts, estimated occupancy, loading facilities, and community benefits to be derived from the project.</li> <li>5. Will project be owner-occupied or will it be leased to tenants not currently identified? If tenants are known, please list them.</li> </ol> |   |
| The proposed wireless telecommunications facility is a part of the initial buildout of the DISH Wireless telecommunications network. The facility is an unmanned roof mounted telecommunications facility that will be constructed in a location in a manner that will aesthetically conform with aesthetics of the existing building architecture. The facility will be comprised of a three sector 2 antenna array with the accessory equipment located on the roof as The antenna arrays will be constructed with an FRP visual screen to minimize the visibility and the accessory equipment will be centrally located on the roof behind an existing mechanical wall and will not be visible to the general public.  |   |

Project No. \_\_\_\_\_ Address: \_\_\_\_\_ Date: \_\_\_\_\_

| Applicant                             |   |
|---------------------------------------|---|
| Name/Firm:                            | Becky Rhodes for DISH Wireless                                      |
| Address:                              | 5701 South Santa Fe Dr. Littleton, CA 80120                         |
| Primary phone number                  | 951. 801.1923   |
| Alternate phone number                |   |
| E-mail address:                       | becky.rhodes@dish.com   |
| Primary contact for this application: | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

| Property Owner of Record              |   |
|---------------------------------------|---|
| Name/Firm:                            | Del Rey Properties, LLC   |
| Address:                              | 480 W. Riverside Dr. Burbank, CA 91506                              |
| Primary phone number                  |   |
| Alternate phone number                |   |
| E-mail address:                       |   |
| Primary contact for this application: | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

| Contact Person (If different from above) |   |
|--|---|
| Name/Firm:                               | Rob Searcy SureSite Consulting                                      |
| Address:                                 | 2000 Auburn Dr. Suite No. 200 Beachwood, OH 44122                   |
| Primary phone number                     | 881.627.7067  |
| Alternate phone number                   |   |
| E-mail address:                          | r.searcy@sure-site.com  |
| Primary contact for this application:    | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

| Property Owner's Affidavit  | Applicant's Affidavit   |
|---|---|
| I hereby certify that I am the legally authorized owner of the property involved in this application or have been empowered to sign as the owner on behalf of a corporation, partnership, or business as evidenced by the documents attached hereto. I hereby grant to the applicant of this form permission to submit this application. I declare under penalty of perjury that the foregoing is true and correct. | I hereby certify that the information furnished in this application and the attached materials are true and correct to the best of my knowledge and belief. Further, should the stated information be found false or insufficient, I agree to revise the information as appropriate. I understand that the City of Burbank cannot process this application until all required information is provided. I understand there is no guarantee, expressed or implied, that any permit or application will be granted. I understand that each matter must be carefully investigated and the resulting recommendation or decision may be contrary to a position taken or implied in any preliminary discussions. I understand that I have the burden of proof in the matter arising under this application. I declare under penalty of perjury that the foregoing is true and correct. |
| Property owner's signature:<br><br>See LOA  | Applicant signature:<br><br><i>Robert Searcy</i>  |
| Date:   | Date:<br>12/12/23   |

| Staff Comments (For City Use Only) |                                 |                                     |  |
|------------------------------------|---------------------------------|-------------------------------------|--|
| Filing fee:                        | Date received:                  |                                     |  |
| Project No.:                       | Received by:                    |                                     |  |
| <input type="checkbox"/> Plans     | <input type="checkbox"/> Labels | <input type="checkbox"/> Radius Map |  |
| Notes:                             |                                 |                                     |  |

Project No. \_\_\_\_\_ Address: \_\_\_\_\_ Date: \_\_\_\_\_

**ENVIRONMENTAL INFORMATION**

1. List and describe all other related permits and other public approvals required for the project, including those required by City, Regional, State and Federal agencies.

There are no other required permits once all permits have been received from the City of Burbank.

**Are the following items applicable to the project or its effects? Discuss below all items checked yes. (Attach additional sheets as necessary.)**

|  |                              |  |
|--|------------------------------|--|
| 2. Are Federal, State and/or County funds involved in this project? If yes, please specify:  | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 3. Will paints, solvents, asbestos, pressurized gas, cleaning fluids, acids or other chemicals be used in the business? If yes, please specify:  | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 4. Do you have a hazardous materials list on file with the Burbank Fire Department?  | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 5. Change in existing features of any hills or substantial alteration of topography  | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 6. Change in scenic views or vistas from existing residential areas, public lands or roads   | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 7. Change in pattern, scale or character of general area of project  | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 8. Significant amounts of solid waste or litter  | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 9. Change in dust, ash, smoke, fumes or odors in vicinity  | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 10. Change in ground water quality or quantity, or alteration of existing drainage patterns  | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 11. Substantial change in existing noise or vibration levels in the vicinity   | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 12. Site on filled land or on slope of 10% or more   | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 13. Use or disposal of potentially hazardous materials, such as toxic substances, flammable or explosives  | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 14. Substantial change in demand for municipal services (police, fire, water, electricity, sewage, etc.)   | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 15. Substantial increase in fossil fuel consumption (electricity, oil, natural gas, etc.)  | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 16. Is there a relationship to a larger project or series of projects? If new construction or expansion of present facilities will take place after demolition, the action is part of a larger project.  | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| <p>17. Describe the surrounding properties, including information on plants (including mature trees) and animals and any cultural, historical or scenic aspects. Indicate the type of land use (residential, commercial, etc.), intensity of land use (single-family, apartment houses, commercial, industrial, etc...). Photographs may accompany written description (Prepare/attach separate exhibit(s) as necessary.)</p> <p>The site for the proposed project is a low density three-story office building with under-building and at grade surface parking.</p> <p>The surrounding area is a mix of single family, multi-family institutional use and professional office land uses. To the north, multi-family is developed on both sides of Elmwood Ave. with single family homes and a pre-school to the north and east on Valencia Ave. The land uses east on Main St. are comprised of multi-media and tech land uses as well as professional office uses. The parcel is surrounded by mature trees and ornamental landscape with no natural habitat to support significant wildlife colonies. There are no know historic resources identified in the immediate area and the proposed project will not affect any scenic corridors or vistas.</p> |                              |  |
| <p>18. Describe how the project will affect existing patterns of land use. If new construction alters land use from existing patterns, requires a variance or conditional use permit, or increases size or bulk of existing uses please describe. (Prepare/attach separate exhibit(s) as necessary.)</p> <p>The proposed unmanned wireless telecommunication project will not create changes to land use patterns nor will it create changes to traffic patterns within the area. The project will not appreciably increase the size, bulk or intensity of land uses within the vicinity of the project and will not expand the footprint of the structure. The addition proposed by the project will only add more roof mounted equipment which will be screened from view with an FRP material to integrate with the existing building materials and will assimilate with the aesthetics of the building.</p>  |                              |  |

Project No. \_\_\_\_\_ Address: \_\_\_\_\_ Date: \_\_\_\_\_



City of Burbank  
 Planning and Transportation Division  
**CONDITIONAL/ADMINISTRATIVE USE PERMIT**  
 Application

150 North Third Street  
 Burbank, California 91502  
 www.burbankusa.com  
 T: 818-238-5250  
 F: 818-238-5150

**TO ALL APPLICANTS:** There is no guarantee, expressed or implied, that any permit or application will be granted. The applicant shall understand that each matter must be carefully investigated and the resulting decision may be contrary to a position taken or implied in any preliminary discussions. Also note the burden of proof regarding this application rests upon the applicant.

**PLEASE PROVIDE THE FOLLOWING:**

1. Application Fees. A Los Angeles County Clerk filing fee for CEQA may be required at time of application and another fee may be necessary depending on the type of environmental review required
2. A general application, radius map, and labels (in accordance with attached requirements)
3. 18 full sized copies of site plan, floor plans, and elevations to show alterations or new construction proposed, drawn to scale and adequately dimensioned and one reduced copy of the plans (11" x 17"). (See attached plan requirements)
4. 18 copies of any supporting documents that are in color
5. Evidence to support the required findings. The required findings must be made in order for the Planning Board to approve your request. You may use the following section, or provide separate sheets as necessary

**REQUIRED CONDITIONAL USE PERMIT FINDINGS (ATTACH ADDITIONAL SHEETS AS NECESSARY):**

|   |
|---|
| Is the proposed use authorized through a conditional use permit by Title 10 of the Municipal Code?  |
|   |
|   |
|   |
| Is the use detrimental to existing uses or to uses specifically permitted in the zone in which the proposed use is to be located?   |
|   |
|   |
|   |
| Will the use be compatible with other uses on the same lot, and in the general area in which the use is proposed to be located?   |
|   |
|   |
|   |
| Is the site for the proposed use adequate in size and shape to accommodate the use and are all of the yards, setbacks, walls, fences, landscaping and other features required to adjust the use to the existing or future uses permitted in the neighborhood?                                   |
|   |
|   |
|   |
| Is the site for the proposed use related to streets and highways properly designed and improved to carry the type and quantity of traffic generated or to be generated by the proposed use? Are the conditions imposed necessary to protect the public health, convenience, safety and welfare? |
|   |
|   |
|   |
| Statement of additional facts:  |
|   |
|   |
|   |

Project No. \_\_\_\_\_ Address: \_\_\_\_\_ Date: \_\_\_\_\_





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**SUPPLEMENTAL APPLICATION FORM  
WIRELESS TELECOMMUNICATIONS FACILITIES**

**An appointment is required to file an application for a Wireless Telecommunications Facility. Call the Planning Division at (818) 238-5250 during regular business hours to make an appointment. A maximum of three (3) applications may be accepted at a single appointment. Please note: incomplete applications will not be accepted for filing.**

The City of Burbank recognizes that the provision of wireless and DAS services are highly technical enterprises subject to various federal, state, and local regulations. This supplemental application form is designed to provide the necessary and required technical information in support of an encroachment permit, Conditional Use Permit (“CUP”), Administrative Use Permit (“AUP”), Variance, or building permit application for a new or modified wireless telecommunications site project or a Distributed Antenna System (“DAS”) project within the City of Burbank.

Completion of the supplemental application is a mandatory for a wireless project. This form assists the City of Burbank to comply with its duties under Sections 10-1-1118 of the Burbank Municipal Code (BMC); Sections 253, 332, and 704 of the Communications Act of 1934 as amended; the FCC Shot Clock Order (FCC 09-99); California Public Utilities Code Sections 7901 and 7901.1; the California Environmental Quality Act (CEQA); the provisions of Government Code Sections 65850.6 and 65964; and other local, state, and federal laws, regulations, and court rulings. The City of Burbank requires that the applicant provide this information to assist in creating a written administrative record containing substantial evidence sufficient to permit the City of Burbank’s informed consideration of your request, and to determine the rights and obligations of the City of Burbank and the applicant/owner of the proposed project.

No application for a new wireless site or for a modification of an existing wireless site shall be accepted for processing, determined to be “Complete,” or be considered for a determination of completeness until all required responses to this supplemental application form and required attachments are completed and submitted to the City of Burbank Planning Division.

If you do not believe that a specific item of information is necessary or applies to your application, mark the item on this form with the words “Not Applicable” and attach a detailed written explanation as to the basis why you believe the item is not applicable (e.g., “Question 94.7 does not apply to this application because the proposed Project has no microwave transmission element.”) An unsupported statement such as “Question 94.7 does not apply” is insufficient, and the determination of completeness of your application will be delayed while you provide a meaningful and detailed explanation.

Every page of this form **including this page and the last page** must be submitted to the City of Burbank. Each page **including this page and the last page** must be initialed where indicated. The last page must also be completed, signed, and dated. Note that gaps in the numbering of this form are intentional; please do not renumber questions or responses in your reply.

Questions about this form or the required information to be provided should be directed to the City of Burbank Planning Division at (818) 238 – 5250 during regular business hours.

RS

1.00: **Project Location and Applicant Information**

|       |  |   |
|-------|--|---|
| 1.01: | Project Physical Address   | 800 South Main Street   |
| 1.02: | Applicant's Site Number (if any)   | LALAX04397B   |
| 1.03: | Assessor's Parcel Number:  | 24651-031-001   |
| 1.04: | Legal Name of Applicant (Wireless Carrier or DAS Firm, referred to in this for as the "Project Owner") | <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Owner's Representative<br>Dish Wireless, LLC |
| 1.05: | Applicant Representatives name is:   | Rob Searcy, SureSite  |
| 1.06: | Applicant's Address Line 1:  | 2000 Auburn Rd., Suite 200 Beachwood, OH 44122  |
| 1.07: | Applicant's Address Line 2:  |   |
| 1.08: | Applicant's Address Line 3:  |   |
| 1.09: | Applicants Address Line 4:   |   |
| 1.10: | Applicant's Phone number:  |   |
| 1.11: | Applicant's Mobile number:   | 661.627.7067  |
| 1.12: | Applicant's Fax number:  |   |
| 1.13: | Applicant's Email address  | r.searcy@sure-site.com  |

1.14 Does the scope of work that pertains to the proposed project qualify it as an Eligible Facilities Request pursuant to section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012?

\_\_\_ Yes X No

1.15 If the answer to 1.14 is Yes, please attach an additional document explaining how the project falls under the criteria of an Eligible Facilities Request. Designate this exhibit as "Exhibit 1.15."

Initial here NA to indicate that Exhibit 1.14 is attached to this form.

1.16 Provide the City of Burbank Business License number for the Applicant or Applicant's firm listed in 1.10: \_\_\_\_\_

1.20 Proceed to Section 2.00.

RS

2.00: **Project Owner Information and CPCN Information**

2.03: Attach a letter of agency appointing the Applicant's Representative as the agent for the Project Owner in connection with this application. Designate the letter of agency as "Exhibit 2.03."

Initial here RS to indicate that Exhibit 2.03 is attached to this form.

2.05: Attach a letter of agency appointing the Applicant's Representative as the agent for the underlying Property Owner in connection with this application. Designate the letter of agency as "Exhibit 2.05."

*Initial here RS to indicate that Exhibit 2.05 is attached to this form.*

2.07: Does the Project Owner hold a California Public Utilities Commission 'Certificate of Public Convenience and Necessity' (CPCN) for any service to be provided by this project?

Yes  No

2.08: If the answer to 2.07 is No, proceed to Section 3.01.

2.10 Provide a true and complete copy of the Project Owner's CPCN and mark it as "Exhibit 2.10."

*Initial here RS to indicate that the Exhibit 2.10 is attached to this form.*

2.20 Proceed to Section 3.00.

RS

3.00: **FCC License / RF Safety Compliance / FAA Compliance**

3.01: For each entity that will be using the Project site, provide the information in this section. If more than one entity will be using the Project site, provide separate information for each entity using the project site.

Note to DAS provider applicants who are NOT the licensee to be transmitted from the site or who are not in sole control of the RF emissions from the Project: The required information in this Section must be provided on the letterhead of each entity. Each such response must also be signed by an authorized representative of the FCC licensee or the entity in control of the RF emissions, as well as that person's printed name and title, address and telephone number.

3.02: For questions 3.03 through 3.09 inclusive, disclose all information for each proposed Radio Frequency signal emitter ("RF Emitter") at the project site.

3.03: Name of RF Emitter:

3.04: RF Emitter's Address Line 1: 5701 South Santa Fe Drive Littleton, CO 80120

3.05: RF Emitter's Address Line 2:

3.06: RF Emitter's Phone number:

3.07: RF Emitter's Fax number:

3.08: RF Emitter's Contact E-mail address:

3.09: Use of facility:  
(Check all that apply)  Amateur Radio  
 Broadcast Radio  
 Broadcast TV  
 Cellular telephone  
 Enhanced Specialized Mobile Radio  
 Microwave  
 PCS telephone  
 Paging  
 SMR/ESMR  
 WiMax/WIFI  
 Satellite Uplink/ Satellite  Downlink  
 Other(s) (specify): \_\_\_\_\_

Notice: Applicants not operating under their own FCC license(s) must mark "Other" and disclose of all information required here for all entities that use the project.

3.10: Project latitude and longitude: W: 34'165136 N: -118.312167

3.11: Specify DATUM used above:

WGS84  NAD23  NAD83  
 Other DATUM (specify): \_\_\_\_\_

3.12: Project maximum height (ft. AGL): 45.5 ft.

3.13: Bottom of lowest transmitting antenna (ft. AGL): 39 ft.

3.14: RF Emissions ("Rad") center of the lowest transmitting antenna (ft. AGL): 42 ft.

RS

3.15: For each licensee (i.e., "ABC Wireless" or "XYZ Wireless"), **and** for each radio service (i.e., "PCS" or "Cellular"), complete and attach a separate two page "Appendix A" form from "A Local City Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance" available by download directly from the FCC at <http://www.fcc.gov/oet/rfsafety/> (the "Appendix A Form"). Ensure that all proposed emissions from this project are accounted for on the Appendix A Forms you submit.

Distributed Antenna System (DAS) providers: Unless the DAS provider is the FCC licensee for the proposed project or the emissions from the site are solely for the DAS provider's own transmissions, the DAS provider must provide an Appendix A form completed by each wireless carrier or wireless service provider to be transmitted through the Project at each wireless site. Appendix A Forms completed by a DAS provider are unacceptable if they are not the FCC licensee for the particular wireless service(s) to be transmitted through the project.

Designate all completed Appendix A Forms as "Exhibit 3.15."

For collocation projects: In addition to the Appendix A Form(s) which you must submit in connection with the project identified in this application, you must also submit an Appendix A Form for each collocated RF emitter. Designate any additional RF safety compliance information as "Exhibit 3.15-A."

For consistency, all Appendix A forms submitted must use effective radiated power (ERP) units of measure. Do not use effective isotropic radiated power (EIRP). To verify your understanding of this requirement, you must append the letters "ERP" following each wattage listing in each Appendix A form you submit.

Initial here RS to indicate that all required Exhibit 3.15 and 3.15-A forms are attached to this form.

3.16 Considering your response in Exhibit 3.15, above, and any other identifiable RF emitters that FCC OET Bulletin 65 requires be evaluated in connection with this Project, are all portions of this Project cumulatively "categorically excluded" under FCC OET 65 requirements?

Yes  No

3.17: Does the project design or location require the Applicant to file an FAA Form 7460 or other documentation under Federal Aviation Regulation Part 77.13 et seq, or under the FCC rules?

Yes  No

3.18: If the answer to 3.17 is NO proceed to Section 4.00.

3.19: Attach complete copies of all required FAA/FCC forms including all Exhibits and exhibits thereto, including without limitation FAA Form 7460. Designate this exhibit as "Exhibit 3.17."

Initial here \_\_\_\_\_ to indicate that Exhibit 3.17 is attached to this form.

3.30 Proceed to Section Section 4.00.

RS

4.00: **Project Purpose**

4.02 Distributed Antenna System (DAS) providers applicants: Unless the DAS provider is the FCC licensee for the proposed project or the emissions from the site are solely within the DAS provider's control, the answers to this Section 4 must be provided by the each wireless user that will be transmitting RF emissions from the Project Site, and those answers must be provided on the letterhead of the wireless user and signed by an authorized signer of the wireless user. Each such response must also be signed by an authorized representative of the wireless user, as well as that person's printed name and title, address and telephone number.

4.03: For each entity that will be using the Project site, provide the information this section. If more than one person/legal entity, provide separate information for each person/legal entity using the Project site.

4.05: Indicate the dominant purpose of the Project (check one or more, then proceed as directed):

Add network capacity without adding significant new RF coverage area; Proceed to Section 4.10.

Provide significant new radio frequency coverage in an area not already served by radio frequency coverage; Proceed to Section 4.10.

Increase the existing RF signal level in an area with existing radio frequency coverage; Proceed to Section 4.10.

Other; Proceed to Section 4.07.

4.07 Attach a written statement fully and expansively describing all portions or elements of the "Other" dominant purpose of this Project. Designate this exhibit as "Exhibit 4.07."

*Initial here \_\_\_\_\_ to indicate that Exhibit 4.07 is attached to this form.*

4.10 Is this Project intended to close or reduce an asserted "significant gap" in a wireless telecommunications network?

Yes  No

4.11 If the answer to 4.10 is NO proceed to Section 4.20.

4.12 Attach a written statement fully and expansively describing the following:

- a. A clear description of the geographic boundary of the claimed significant gap area; and
- b. Attach a street-level map showing the geographic boundary of the claimed significant gap stated in 4.12(a); and
- c. Identify the size of the area, in units of square miles, of the claimed significant gap; and

RS

- d. Explain exactly the definition of the term “significant gap” as it applies to this project; and
- e. Explain exactly how the definition of significant gap term defined in 4.12(d) was developed, and identify who developed that definition, and when the definition was developed; and
- f. Discuss whether the significant gap term defined in 4.12(d) is identical to that term as used by some or all wireless carriers in the City of Burbank and/or the wireless industry as a whole, or whether that information is unknown; and
- g. Specify whether the definition of “significant gap” provided in 4.12(d) is the same definition used in by this applicant and owner in all of its prior projects submitted to the City of Burbank, and if not, explain all differences and the reasons for the differences; and
- h. Discuss in detail all of the following in relation to the claimed significant gap area only (where you have relied on external data sources, identify those sources in your response):
  - 1. Whether claimed significant gap affects significant commuter highway or railway, and if so, name each highway or railway, and how affected; and
  - 2. Describe in detail the nature and character of that area or the number of potential users in that area who may be affected by the claimed significant gap; and
  - 3. Describe whether the proposed facilities are needed to improve weak signals or to fill a complete void in coverage, and provide proof of either; and
  - 4. If the claimed significant gap covers well-traveled roads on which customers lack roaming capabilities, identify all such well-traveled roads by name within the claimed significant gap area and provide road use information about each such road; and
  - 5. If one or more “drive tests” has been conducted within the claimed significant gap area, discuss in detail the methodology of how the test(s) was conducted, including details about the test equipment model numbers and location of the test equipment and antennas in or on the test vehicle, and provide all of the objective data collected during the drive test in .XLS or .CSV or similar portable spreadsheet format; and
  - 6. If the claimed significant gap affects a commercial district, show the boundaries of the district on the map; and
  - 7. If the claimed significant gap poses a public safety risk, describe in detail the claimed risk, and then expansively discuss the basis for this claim; and
- i. If the claimed significant gap is based in whole or in part on factors regarding any factor related to switching center capacity; dropped calls; failed hand-offs; interference from or to other cell sites; pilot channels; site hopping; degraded RXQUAL; degraded Ec/Io; and/or any failure to meet any carrier transmission goal or percentage goal, attach at least the most recent twelve months of historical data by month documenting at least (1) the results or numerical data of

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each claimed parameter; (2) the wireless carrier's numerical and percentage requirements for each such claimed perimeter; (3) the total number of calls attempted for each month both successfully and unsuccessfully completed; (4) the total number of calls that were not completed including failed originations; failed hand-offs; and non-normal call terminations; and (5) for every such claimed parameter that is not categorized by way of number or percentage, provide the data in the way kept by the carrier; and

- j. Provide all other relevant information you want the City of Burbank to consider when evaluating your claim of a significant gap.

Designate this exhibit as "Exhibit 4.12."

*Initial here* \_\_\_\_\_ to indicate that Exhibit 4.12 is attached to this form.

4.13 Is the proposed project the least intrusive means to close the significant gap claimed and described in 4.12?

\_\_\_ Yes \_\_\_ No

4.14 If the answer to 4.13 is NO proceed to Section 4.20.

4.15 Attach a written statement fully and expansively describing at a minimum:

- a. Why this project is the least intrusive means to close the significant gap claimed and described in 4.12.
- b. Identify and discuss all alternative sites and means considered to close the significant gap claimed and described in 4.12.
- c. Whether two or more sites in lieu of the site proposed in Section 1 could close the significant gap claimed and described in 4.12, or to reduce the significant gap to be less than significant, with less impact on the community as compared with a single site? If the answer is no, please explain in narrative format the basis for that answer.
- d. Whether the City of Burbank requiring two or more sites in place of the site proposed in Section 1 would prohibit or have the effect of prohibiting the applicant from providing any interstate or intrastate telecommunications service. If the response asserts that a prohibition or effective prohibition would occur, explain in detail in narrative form all of the reasons why it would.
- e. Include and attach all information whatsoever you relied on in reaching your affirmative determination in 4.13.
- f. Include any other information you believe would assist the City of Burbank make findings regarding whether the proposed project is the least intrusive means of closing the significant gap claimed and described in 4.12, or to reduce the significant gap to be less than significant.

RS



Designate this exhibit as "Exhibit 4.15."

*Initial here \_\_\_\_\_* to indicate that Exhibit 4.15 is attached to this form.  
Proceed to Section 4.20.

- 4.20 If any portion of the project is to utilize radio spectrum that does not require an FCC license, identify in detail the portions of the project that used unlicensed spectrum.

Designate this exhibit as "Exhibit 4.20."

*Initial here \_\_\_\_\_* to indicate that Exhibit 4.20 is attached to this form.

- 4.25 Is this project designed to use any form of direct site-to-site light-of-sight radio interconnection (i.e., microwave or donor/donee configuration, for example) with another existing or currently planned site?  Yes  No

4.26: If the answer to 4.25 is NO proceed to Section 4.30.

- 4.27: Attach a detailed written statement fully and expansively describing the radio interconnection proposed, and identify all other existing or planned sites that will be interconnected with this project. Designate this exhibit as "Exhibit 4.27."

*Initial here \_\_\_\_\_* to indicate that Exhibit 4.27 is attached to this form.

- 4.30: Does the applicant assert that this project is subject to 47 U.S.C. § 1455(a) [Section 6409(a) of the Middle Class Tax Relief Act of 2013]?  
 Yes  No

4.36: If the answer to 4.30 is NO proceed to Section 5.00.

- 4.37: Attach a detailed written statement fully and expansively describing all of the reasons upon which the applicant believes that 47 U.S.C. § 1455(a) applies to this application. Designate this exhibit as "Exhibit 4.37."

*Initial here \_\_\_\_\_* to indicate that Exhibit 4.37 is attached to this form.

4.40: Proceed to Section 5.00.

RS

5.00: **Build-Out Requirements**

5.01: Do any of radio services to be provided from the Project require the FCC licensee to provide specific radio frequency/population build-out coverage pursuant to the underlying FCC license conditions?

Yes     No

5.02: If the answer to 5.01 is NO proceed to Section 6.00.

5.03: Have all of the FCC build-out requirements been met for all licenses covering all radio services proposed at this Project?

Yes     No

5.04: If the answer to 5.03 is YES proceed to Section 6.00.

5.05: Disclose by licensee FCC call sign all build-out requirements/obligations which have not yet to be met, and the known or estimated date when the remaining build-out requirements will be met. Designate this exhibit as "Exhibit 5.05."

*Initial here* RS to indicate that Exhibit 5.05 is attached to this form.

5.10 Will this proposed site be interconnected via radio frequency transmissions to any other site or sites now constructed, proposed, or anticipated? For the purpose of this question, interconnection includes one or more radio frequency links to provide for 'back-haul' from this site to a switching center or centralized node location.

Yes     No

5.11: If the answer to 5.10 is NO proceed to Section 6.00.

5.15 Identify by physical address (or if none, by geographic description) all other sites, regardless of whether now constructed, proposed, or anticipated, that are to be interconnected with this Project site. Disclose in technical detail the proposed method of interconnection. Designate this exhibit as "Exhibit 5.15."

*Initial here* \_\_\_\_\_ to indicate that Exhibit 5.15 is attached to this form.

5.20 Proceed to Section 6.00.

RS

6.00: **Radio Frequency Coverage Maps** Propagation Maps are attached.

6.03 If no geographic coverage area is identified by the entity controlling the RF emissions from the Project, *initial here* \_\_\_\_\_ and proceed to Section 7.00.

6.10: Where a licensee intends to provide radio frequency coverage from the Project to an identified geographic coverage, the coverage maps and information requested in Section 6 are required Exhibits.

Distributed Antenna System (DAS) providers who are providing antenna facilities for use by other parties: You must provide radio frequency coverage maps prepared by the FCC licensee(s) or other non-licensed users that will control the RF emissions from this Project. The radio frequency maps required by this section must reflect the existing and future RF emissions of the FCC licensee(s) or other non-licensed users. Supplemental DAS site-specific RF coverage maps provided by the DAS applicant are acceptable.

Radio frequency coverage maps required here that are completed by a DAS provider are unacceptable if they are not the FCC licensee or in full control of the RF emitter for the particular wireless service transmitted through the Project.

6.15 For the coverage maps required here, the following mandatory requirements apply. Failure to adhere to these requirements may delay your application's determination of completeness.

a. The size of each submitted map must be no smaller than 11" by 8.5." Each map must be of the same physical size and map area scale. Each map must use the same base map (i.e., same streets and legends shown on all).

b. If the FCC rules for any proposed radio service defines a minimum radio frequency signal level that level must be shown on the map in a color easily distinguishable from the base paper or transparency layer, and adequately identified by RF level and map color or gradient in the map legend. If no minimum signal level is defined by the FCC rules you must indicate that in the legend of each RF coverage map. You may show other RF signal level(s) on the map so long as they are adequately identified by objective RF level and map color or gradient in the map legend.

6.20: Provide a map consistent with the requirements of 6.15 showing the existing RF coverage within the City of Burbank on the Applicant's same network, if any (if no existing coverage, so state). This map should not depict any RF coverage to be provided by the Project. Designate this exhibit as "Exhibit 6.20."

There is no existing coverage within the City of Burbank *Initial here* RS \_\_\_\_\_ to indicate that Exhibit 6.20 is attached to this form.

6.25: Provide a map consistent with the requirements of 6.15 showing the RF coverage to be provided only by the Project. This map should not depict any RF coverage provided any other existing or proposed wireless sites. Designate this Exhibit "Exhibit 6.25."

*Initial here* RS \_\_\_\_\_ to indicate that Exhibit 6.25 is attached to this form.

6.30: Provide a map consistent with the requirements of 6.15 showing the RF coverage to be provided by the Project and by all other existing wireless sites on the same network should the Project site be activated. Designate this exhibit as "Exhibit 6.30."

*Initial here* RS \_\_\_\_\_ to indicate that Exhibit 6.30 is attached to this form.

6.40 Proceed to Section 7.00.

RS

7.00: **Project Photographs and Photo Simulations**

7.01: The Applicant shall submit photo simulations consistent with the following standards:

1. Minimum size of each base photo and each photo simulation must be 10 inches by 8 inches (landscape orientation). Each base photo and matching photo simulation must be the same size. **Single sheets of 11 x 8 ½ inches showing base photos and photo simulations on the same page are unacceptable.**
2. All elements of the Project as proposed by the Applicant which can be seen from any point at ground level, or from any level within or on buildings within 500 feet of the Project must be shown in one or more close-in photo simulations (i.e., panel antennas, omni-directional antennas, GPS antennas, antenna camouflage devices, cable trays, equipment cabinets, working lights, etc.).
3. The overall Project as proposed by the Applicant must be shown in three or more area photo simulations. Base photographs must, at a minimum, be taken from widely scattered positions of 120 degrees. A map detail showing each location where a photograph was taken, the proposed site, and the direction to the site from each photo location must be included. Base photographs taken from locations that have some physical feature obscuring the Project site, and the photo simulations associated with those same base photographs, are not acceptable.

Attach all base photographs and photo simulations to this application marked as Exhibit 7.01.

The purpose of the photo simulations is to allow the City of Burbank to visualize the Project as completed, therefore the number of site photos, and photo simulations, and the actual or simulated camera location of these photos and photo simulations are subject to City of Burbank determination. The Applicant should submit photos and photo simulations consistent with these instructions, and be prepared to provide additional photos and photo simulations should they be requested by the City of Burbank.

The Applicant certifies by initialing in the space at the end of this paragraph that all of the photos and photo simulations provided for Exhibit 7.01 are accurate and reliable photographic representations of the current project site and the proposed project to be constructed or modified, and that the Applicant is fully aware that the City of Burbank will rely on all of the photos and photo simulations provided in Exhibit 7.01 when it considers approval of this Project, and later when determining project completion.

Applicant's initials: RS

7.20 Proceed to Section 8.00.

RS

8.00: **Alternative Candidate Sites**

8.01: Amateur radio applicants proceed to Section 9.00.

8.02: Has the Applicant or Owner or anyone working on behalf of the Applicant or Owner secured or attempted to secure any leases or lease-options or similar formal or informal agreements in connection with this Project for any sites other than the proposed Project site?

Yes  No

8.03: If the answer to 8.02 is NO proceed to Section 8.05.

8.04: Provide the physical address of each such other location, and provide an expansive technical explanation as to why each such other site was disfavored over the Project site. Designate this exhibit as "Exhibit 8.04."

*Initial here \_\_\_\_\_* to indicate that Exhibit 8.04 is attached to this form.

8.05: Considering this proposed site, is it the one and only one location within or outside of the City of Burbank that can possibly meet the objectives of the Project?

Yes  No

8.04: If the answer to 8.05 is NO, proceed to Section 9.00.

8.05: Provide a technically expansive and detailed explanation supported as required by comprehensive radio frequency data and all other necessary information fully describing why the proposed site is the one and only one location within or outside of the City of Burbank that can possibly meet the radio frequency objectives of the Project. Explain, in exact and expansive technical detail, all of the objectives of this Project that can be achieved only at this Project site, and why.

Designate this exhibit as "Exhibit 8.05."

*Initial here \_\_\_\_\_* to indicate that Exhibit 8.05 is attached to this form.

8.20 Proceed to Section 9.00.

RS

9.00: **Identification of Key Persons**

9.01: Identify by name, title, company affiliation, work address, telephone number and extension, and email address of the key person or persons most knowledgeable regarding this Project so that the City of Burbank may contact them with questions regarding the Project:

9.10 Person responsible for the final site selection for the Project;

Name: Rob Searcy  
Title: Project Manager  
Company Affiliation: SureSite  
Work Address:  
Telephone / Ext.: 661.627.7067  
Email Address: r.searcy@sure-site.com

9.20 Person responsible for the radio frequency engineering of the Project;

Name: Mohammad Shouqat  
Title: RF Manager, LAX North  
Company Affiliation: DISH Wireless LLC  
Work Address: Irvine, CA  
Telephone / Ext.:  
Email Address: mohammad.shoquat@dish.com

9.30 Person responsible for rejection of other candidate sites evaluated, if any;

Name: Rob Searcy  
Title: Project Manager  
Company Affiliation: Sure-Site  
Work Address:  
Telephone / Ext.: 661.627.7067  
Email Address: r.searcy@sure-site.com

9.50 Proceed to Section 10.00.

RS

10.00 **Noise Study**

10.01 A noise study for the proposed WTF shall be prepared by a qualified engineer. The noise study shall include, but is not limited to an analysis of equipment such as air conditioning units and backup generators and shall indicate that any noise generated by the proposed WTF and associated equipment will be in compliance with applicable noise regulations.

*Initial here* RS to indicate that the Exhibit 10.01 is attached to this form.

RS

**11.00 Additional Information to be Provided by Applicant**

11.01 Will any Hazardous Substances, as specified in The Hazardous Substances List found in Chapter 3.2, Subchapter 1, Article 5, Subsection 339 of the California Occupational Safety and Health Regulations be used at the Project site? If yes, please provide a separate explanation and designate this exhibit as "Exhibit 11.01"

Yes  No

*Initial here \_\_\_\_\_* to indicate that Exhibit 11.01 is attached to this form.

11.02 You are invited and encouraged to provide any additional written information of any kind that you wish the City of Burbank to consider in connection with your proposed project.

If you wish to attach additional written information, designate this exhibit as "Exhibit 11.02"

*Initial here \_\_\_\_\_* to indicate that Exhibit 11.02 is attached to this form,  
or initial here \_\_\_\_\_ to indicate that there is no Exhibit 11.02 attached.

11.20 Proceed to Section 12.00.

RS



12.00: **Certification of Accuracy and Reliability**

12.01: The undersigned certifies on behalf of itself, the Applicant, the Project Owner, and the Property Owner that the information provided in this form and its contents are true and complete to the best of the undersigned's ability and knowledge, and that information provided herein can and should be relied upon by the City of Burbank as being accurate and complete as the City of Burbank evaluates this Project.

|                                       |   |
|---------------------------------------|---|
| <u>Robert Searcy</u><br>Signature     | <u>Project Manager</u><br>Title                         |
| <u>Rob Searcy</u><br>Print Name       | <u>r.searcy@sure-site.com</u><br>Provide E-mail Address |
| <u>SureSite</u><br>Print Company Name | <u>661.627.7067</u><br>Provide Telephone Number         |
| <u>8/3/23</u><br>Date Signed          |   |

**Please remember to complete the information and sign above, and initial each page below.**

A few reminders:

- 1) Incomplete applications will not be accepted, including all necessary items/attachments for this Wireless Supplemental Application Form;
- 2) Be sure that all YES/NO questions are answered;
- 3) Check to see that all required attachments are properly identified and attached;
- 4) Verify that you have initialed all of the required blanks, and at the bottom of every page;
- 5) Review your narrative answers/attachments for completeness;
- 6) If you have questions regarding this form, call the City of Burbank Planning Division for assistance.
- 7) **An appointment is required to file an application for a Wireless Telecommunications Facility.** To make an appointment, call the Planning Division at (818) 238-5250 and speak to a staff member during regular business hours.
- 8) A maximum of three (3) applications may be accepted at a single appointment.

RS



**LETTER OF LIMITED AGENCY**

January 18, 2022

Dear Sir/Madam:

On August 12, 2020 DISH Wireless L.L.C. ("DISH") and Sure Site ("Contractor") entered into a DEPLOYMENT AGREEMENT ("Agreement") effective as of August 12, 2020. The Agreement provided, among other things, for Contractor to provide to DISH site acquisition services (including zoning and permitting services) for certain ground space and tower space located at (the "Site").

With the assistance of Contractor, DISH desires to install wireless communications equipment at the Site as part of its deployment of a wireless network.

Accordingly, DISH hereby authorizes Contractor to act on DISH's behalf in connection with obtaining all applicable use and zoning approvals, permits, consents, authorizations and other related documents from the applicable government authority ("Zoning Authority") so as to allow DISH, through its contractors, to install its equipment at a Site (the "Purpose").

DISH hereby acknowledges that Contractor may present this Letter of Limited Agency to the applicable Zoning Authority, after which Contractor may act on DISH's behalf to effectuate the Purpose. Contractor may deal directly with the Zoning Authority on all matters pertaining to the Purpose.

The above rights shall be self-operative, and no further documentation shall be necessary to confer said rights. This Letter of Limited Agency will remain in effect until rescinded in writing by DISH.

AGREED

**DISH WIRELESS L.L.C.**

By: Becky Rhodes

Name: Becky Rhodes

Title: Site Acquisition Specialist



LETTER OF AUTHORIZATION

TO THE CITY OF: BURBANK

APPLICATION FOR ZONING/USE/BUILDING PERMIT

The undersigned OWNER of the below described Property ("Owner"), does/do hereby appoint DISH and its agent, SureSite Consulting Group, LLC, as agent for the purpose of consummating any application necessary to ensure its ability to use and/or construct improvements to the Property leased or licensed to it for the purpose of permitting, maintaining and operating a wireless communications facility. I understand that the application may be denied, modified or approved with conditions and that those conditions or modifications must be complied with prior to issuance of building permits. Owner hereby authorizes the employees of the BURBANK to enter upon the Property during normal business hours as necessary to inspect the Property for the purpose of processing this application.

Property Located at: 800 South Main Street ("Property")
Assessor's Parcel Number: 2451-031-001
Owner's Name (print): Del Rey Properties LLC

Signature of Property Owner: [Handwritten Signature]

Name: TIM BEHUNIN

Title: mm

Date Executed: 8/9/23

Carrier Site ID: LALAX04397B

LANDLORD'S ACKNOWLEDGMENT

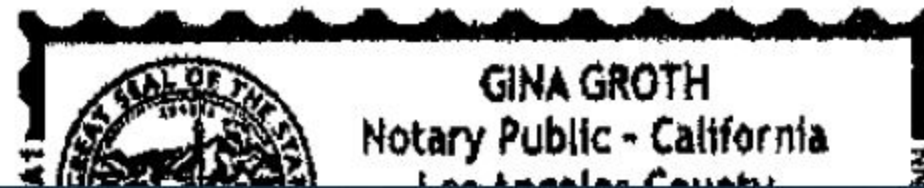
STATE OF CALIFORNIA )  
 ) SS:  
COUNTY OF LOS ANGELES )

On this 8<sup>th</sup> day of AUGUST, 2023, before me, the undersigned a Notary Public in and for the county and state aforesaid, personally appeared Tim Behunin (person/company) to me known to be the identical person who executed the within and foregoing instrument as its mm (title), and acknowledged to me that he executed the same as his free and voluntary act and deed, and as the free and voluntary act and deed of said Del Rey Properties LLC (company), for the uses and purposes therein set forth.

Given under my hand and seal the day and year last above written.

*Gina Groth*

TENANT SITE NUMBER:





### Utility Contact System Search

The Utility Contact System (UCS) is the Communications Division's database for the primary regulatory contact for each telephone corporation operating in California. The Communications Division sends important regulatory notices to the regulatory contact for each telephone corporation via e-mail, so it is important for primary regulatory contacts to update their UCS record if their e-mail address changes.

Telephone corporations may update UCS contact information using the form on the following page: [Carrier Reporting Requirements](#)

A description of the different utility types (granted authorities) are listed on the following page: [Utility Type Descriptions](#)

Search Utility Name  Search Utility Number

| Utility Name      | Alias (DBA Name)  | Utility Number | Street Address   | City      | State | Zip   | Phone Number   | Email                  | Utility Type | CPCN Approval Date |
|-------------------|-------------------|----------------|------------------|-----------|-------|-------|----------------|------------------------|--------------|--------------------|
| DISH Wireless LLC | Boost Mobile      | 4533           | 1325 PACIFIC HWY | SAN DIEGO | CA    | 92101 | (650) 293-8777 | Lyndall.Nipps@dish.com | CER          | 05-08-2020         |
| DISH Wireless LLC | Gen Mobile        | 4533           | 1325 PACIFIC HWY | SAN DIEGO | CA    | 92101 | (650) 293-8777 | Lyndall.Nipps@dish.com | CER          | 05-08-2020         |
| DISH Wireless LLC | Republic Wireless | 4533           | 1325 PACIFIC HWY | SAN DIEGO | CA    | 92101 | (650) 293-8777 | Lyndall.Nipps@dish.com | CER          | 05-08-2020         |

[Save Search Results as CSV Spreadsheet](#)

1 - 3

[Comments & Feedback](#)

APEX\_PUBLIC\_USER

[Privacy Policy](#)

**APPENDIX A**

*Optional Checklist for Determination  
Of Whether a Facility is Categorically Excluded*

**Optional Checklist for Local Government  
To Determine Whether a Facility is Categorically Excluded**

Purpose: The FCC has determined that many wireless facilities are unlikely to cause human exposures in excess of RF exposure guidelines. Operators of those facilities are exempt from routinely having to determine their compliance. These facilities are termed "categorically excluded." Section 1.1307(b)(1) of the Commission's rules defines those categorically excluded facilities. This checklist will assist state and local government agencies in identifying those wireless facilities that are categorically excluded, and thus are highly unlikely to cause exposure in excess of the FCC's guidelines. Provision of the information identified on this checklist may also assist FCC staff in evaluating any inquiry regarding a facility's compliance with the RF exposure guidelines.

**BACKGROUND INFORMATION**

1. Facility Operator's Legal Name: DISH Wireless LLC
2. Facility Operator's Mailing Address: 5701 South Santa Fe Drive
3. Facility Operator's Contact Name/Title: Becky Rhodes
4. Facility Operator's Office Telephone: (951) 801-1923
5. Facility Operator's Fax: NA
6. Facility Name: LALAX04397B
7. Facility Address: 800 South Main Street
8. Facility City/Community: City of Burbank
9. Facility State and Zip Code: California 91506
10. Latitude: 34.165136
11. Longitude: -118.312167

continue  
→



**Optional Local Government Checklist (page 2)**

**EVALUATION OF CATEGORICAL EXCLUSION**

12. Licensed Radio Service (see attached Table 1): Personal Communications Services
13. Structure Type (free-standing or building/roof-mounted): Roof-mounted
14. Antenna Type [omnidirectional or directional (includes sectored)]: Directional
15. Height above ground of the lowest point of the antenna (in meters): 39 ft.
16.  Check if all of the following are true:
- (a) This facility will be operated in the Multipoint Distribution Service, Paging and Radiotelephone Service, Cellular Radiotelephone Service, Narrowband or Broadband Personal Communications Service, Private Land Mobile Radio Services Paging Operations, Private Land Mobile Radio Service Specialized Mobile Radio, Local Multipoint Distribution Service, or service regulated under Part 74, Subpart I (see question 12).
  - (b) This facility will not be mounted on a building (see question 13).
  - (c) The lowest point of the antenna will be at least 10 meters above the ground (see question 15).

If box 16 is checked, this facility is categorically excluded and is unlikely to cause exposure in excess of the FCC's guidelines. The remainder of the checklist need not be completed. If box 16 is not checked, continue to question 17.

17. Enter the power threshold for categorical exclusion for this service from the attached Table 1 in watts ERP or EIRP\* (note: EIRP = (1.64) X ERP): 2000 W
18. Enter the total number of channels if this will be an omnidirectional antenna, or the maximum number of channels in any sector if this will be a sectored antenna: 1
19. Enter the ERP or EIRP per channel (using the same units as in question 17): 6760.8 W
20. Multiply answer 18 by answer 19: 6760.8 W
21. Is the answer to question 20 less than or equal to the value from question 17 (yes or )?

If the answer to question 21 is YES, this facility is categorically excluded. It is unlikely to cause exposure in excess of the FCC's guidelines.

If the answer to question 21 is NO, this facility is not categorically excluded. Further investigation may be appropriate to verify whether the facility may cause exposure in excess of the FCC's guidelines.

\*"ERP" means "effective radiated power" and "EIRP" means "effective isotropic radiated power"



**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

|   |   |  |
|---|---|--|
| In the Matter of  | ) |  |
|   | ) |  |
| Applications of T-Mobile US, Inc., and<br>Sprint Corporation  | ) | WT Docket 18-197   |
|   | ) |  |
| For Consent To Transfer Control of Licenses and<br>Authorizations   | ) |  |
|   | ) |  |
| Applications of American H Block Wireless<br>L.L.C., DBSD Corporation, Gamma Acquisition<br>L.L.C., and Manifest Wireless L.L.C. for Extension of<br>Time | ) | ULS File Nos. 0008741236, 0008741420,<br>0008741603, and 0008741789 et al. |
|   | ) |  |
| ParkerB.com Wireless L.L.C.   | ) | Lead Call Sign WQZM232   |

**ORDER OF MODIFICATION  
AND EXTENSION OF TIME TO CONSTRUCT**

**Adopted: September 11, 2020**

**Released: September 11, 2020**

By the Chief, Wireless Telecommunications Bureau:

**I. INTRODUCTION**

1. By this *Order of Modification and Extension of Time to Construct (Order)*, we modify the Wireless Radio Service licenses of American H Block Wireless L.L.C. (American-H) (176 AWS H Block licenses in the 1915–1920 MHz and 1995–2000 MHz Band), DBSD Corporation (DBSD) (176 AWS-4 licenses in the 2010–2020 MHz and 2190–2200 MHz Band), Gamma Acquisition L.L.C. (Gamma) (176 AWS-4 licenses in the 2000–2010 MHz and 2180–2190 MHz Band), Manifest Wireless L.L.C. (Manifest) (168 licenses in the Lower 700 MHz E Block Band), and ParkerB.com Wireless L.L.C. (ParkerB) (486 licenses in blocks of the 600 MHz Band).<sup>1</sup> We also conditionally waive the applicable Commission rules and extend the deadlines, as requested by American-H, DBSD, Gamma, and Manifest, to meet their respective construction requirements with respect to their licenses described above.<sup>2</sup> We take these actions pursuant to the Commission’s decision in the T-Mobile/Sprint proceeding as it relates

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<sup>1</sup> See 47 U.S.C. § 316(a). Each of these licensees is an indirect, wholly owned subsidiary of DISH Network Corporation (DISH). Herein, we generally refer to these entities collectively as DISH for convenience.

<sup>2</sup> See ULS File Nos. 0008741236-0008741411 (filed by American-H on July 26, 2019); ULS File Nos. 0008741420–0008741595 (filed by DBSD on July 26, 2019); ULS File Nos. 0008741603–0008741778 (filed by Gamma on July 26, 2019); and ULS File Nos. 0008741789–0008741956 (filed by Manifest on July 26, 2019). The construction requirements are set forth in 47 CFR § 27.14(g) (Lower 700 MHz E), (q) (AWS-4), and (r) (AWS H Block).

to the DISH licenses in these bands.<sup>3</sup>

## II. BACKGROUND

2. On June 18, 2018, T-Mobile and Sprint filed applications seeking Commission consent to T-Mobile's acquisition of Sprint's FCC authorizations as part of their merger agreement.<sup>4</sup> On May 20, 2019, T-Mobile and Sprint filed with the Commission a series of commitments, including the divestiture of Boost Mobile, to resolve concerns raised in the record regarding potential public interest harms associated with the proposed transaction.<sup>5</sup> Subsequently, on July 26, 2019, it was announced that DISH had agreed to acquire Boost as part of a broader agreement with T-Mobile and Sprint under a settlement with the U.S. Department of Justice (DOJ). The Commission noted that as part of that arrangement to divest Boost, T-Mobile must also provide DISH with robust access to the T-Mobile network for a period of seven years while DISH builds out its own 5G network.<sup>6</sup>

3. That same day, DISH filed applications seeking more time to satisfy the construction requirements for its AWS-4, Lower 700 MHz E Block, and AWS H Block licenses. With those requests, DISH made a number of commitments related to deploying a 5G Broadband Service on an "aggressive schedule" with "strong verification measures" to enforce its commitments, including periodic status reports, and potential penalties that would entail significant financial payments to the U.S. Treasury and automatic license terminations if it failed to satisfy certain of those commitments.<sup>7</sup> The commitments also included an accelerated schedule for meeting the Commission's final construction requirements for its 600 MHz licenses.<sup>8</sup> DISH also requested modifications of the expiration dates for the AWS-4, Lower 700 MHz E Block, and AWS H Block licenses, as well as modification of the buildout deadlines for the 600 MHz licenses. In addition, DISH agreed to certain restrictions on its right to use all of these licenses under the Commission's flexible-use policies as well as certain restrictions on its ability to sell or lease its

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<sup>3</sup> See *Applications of T-Mobile US, Inc., and Sprint Corporation, For Consent To Transfer Control of Licenses and Authorizations*, WT Docket No. 18-197, *Applications of American H Block Wireless L.L.C., DBSD Corporation, Gamma Acquisition L.L.C., and Manifest Wireless L.L.C. for Extension of Time*, ULS File Nos. 0008741236, 0008741420, 0008741603, and 0008741789 et al., WT Docket No. 18-197, Memorandum Opinion and Order, Declaratory Ruling, and Order of Proposed Modification, 34 FCC Rcd 10578 (2019) (*T-Mobile/Sprint-DISH Order*). See also *id.* Appx. H, 34 FCC Rcd at 10829-41 (Letter from Jeffrey H. Blum, Senior Vice President, Public Policy and Government Affairs, DISH, to Donald Stockdale, Chief, Wireless Telecommunications Bureau (July 26, 2019) (DISH July 26, 2019 Commitments Letter), which includes a detailed attachment (Attach. A) titled "DISH Network 5G Buildout Commitments and Related Penalties.").

<sup>4</sup> See generally 47 U.S.C. §§ 214, 310(d).

<sup>5</sup> See *T-Mobile/Sprint-DISH Order*, 34 FCC Rcd at 10661, para. 190 (citing Letter from Nancy Victory, Counsel to T-Mobile, and Regina Keeney, Counsel to Sprint, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 18-197 (filed May 20, 2019) (proposing to divest the Boost Mobile business and sell it to a "serious and credible buyer" that "has, or has access to, the financial resources to acquire, maintain, and expand the Divested Business" and is unrelated to either Sprint or T-Mobile)).

<sup>6</sup> See *T-Mobile/Sprint-DISH Order*, 34 FCC Rcd at 10663, para. 194 (quoting DOJ, Office of Public Affairs, Justice Department Settles with T-Mobile and Sprint in Their Proposed Merger by Requiring a Package of Divestitures to Dish (July 26, 2019), <https://www.justice.gov/opa/pr/justice-department-settles-t-mobile-and-sprint-their-proposed-merger-requiring-package>); Letter from Jeffrey H. Blum, Senior Vice President, Public Policy and Government Affairs, DISH, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 18-197, at 1-2 (filed July 30, 2019).

<sup>7</sup> See DISH July 26, 2019 Commitments Letter and Attach. A. "5G Broadband Service" means at least 3GPP Release 15 capable of providing Enhanced Mobile Broadband (eMBB) functionality." *Id.*, Attach A at 7. "5G" is defined as the 5G New Radio interface standard as described in 3GPP Release 15, available at <https://www.3gpp.org/release-15>, or 3GPP Release 16 within 3 years of 3GPP final approval." *Id.*

<sup>8</sup> See DISH July 26, 2019 Commitments Letter at 3-4, Attach. A at 1.

600 MHz and AWS-4 licenses or network capacity.<sup>9</sup>

4. DISH contended that its role as the acquirer of Boost Mobile and other Sprint prepaid assets to be divested as part of DOJ's proposed settlement would facilitate and expedite its entry into the mobile wireless market.<sup>10</sup> On August 7, 2019, the Wireless Telecommunications Bureau (WTB or Bureau) consolidated the proceedings on DISH's applications with the docket of the T-Mobile/Sprint transaction.<sup>11</sup>

5. On October 16, 2019, the Commission adopted the *T-Mobile/Sprint-DISH Order*, which granted consent to the captioned transfer of control applications and proposed to modify DISH's AWS-4, Lower 700 MHz E Block, and AWS H Block licenses to extend and align their license terms, and also to adjust the final and interim construction deadlines for DISH's 600 MHz licenses.<sup>12</sup> Noting DISH's statement that it would not protest the proposed license modifications necessary to effectuate its requests and commitments, and pursuant to section 316 of the Act and section 1.87 of the Commission's rules, the Commission proposed to modify DISH's licenses by: accelerating the construction deadline for DISH's 600 MHz licenses until June 14, 2025, while removing the interim construction deadline; and extending the terms of DISH's AWS-4, AWS H Block, and Lower 700 MHz E Block licenses until June 14, 2023.<sup>13</sup> The Commission also directed WTB, in accordance with the procedures in section 316, to make a final public interest determination after considering any protests filed within 30 days by any other permittee or licensee that believed its permit or license would be modified by the proposed modifications of DISH's licenses.<sup>14</sup>

6. In addition, the Commission found that, "contingent and effective upon consummation of the divestitures contemplated by the *DOJ Proposed Final Judgment*," it would be in the public interest to grant the additional time to construct DISH's AWS-4, Lower 700 MHz E Block, and AWS H Block facilities "pursuant to [the waiver provision in section 1.925(b)(3)(ii)] of our Rules, with significant conditions to ensure that DISH fulfills its commitments."<sup>15</sup> The Commission concluded that the factual circumstances surrounding DISH's contemplated acquisition of divestiture assets associated with the proposed merger of T-Mobile and Sprint were unique and demonstrated that denial of a waiver of the

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<sup>9</sup> See *id.* at 3–4, Attach. A at 1, 3.

<sup>10</sup> See DISH July 26, 2019 Commitments Letter at 2; *T-Mobile/Sprint-DISH Order*, 34 FCC Rcd at 10744–45, para. 381 (noting that the DOJ Proposed Final Judgment, to which DISH was joined as a defendant, requires DISH to comply with its commitments to the Commission, and provides for appointment of a monitoring trustee, thereby placing DISH under the scrutiny of an independent monitor and subject to the contempt powers of the federal courts).

<sup>11</sup> See *Wireless Telecommunications Bureau Consolidates Proceedings on DISH Applications for Extensions of Time to Construct Facilities with Docket of T-Mobile - Sprint Transaction*, Public Notice, 34 FCC Rcd 7019 (2019) (*Consolidation PN*).

<sup>12</sup> See *T-Mobile/Sprint-DISH Order*, 34 FCC Rcd at 10742, para. 375.

<sup>13</sup> See *id.* at 10742, para. 375, n.1307 (citing DISH July 26, 2019 Commitments Letter at 2 & n.2 ("DISH recognizes that some of the terms of Attachment A may require modifications under 47 U.S.C. § 316. If the requested extensions are granted, DISH will not protest the modifications that the Commission makes to its licenses in order to effectuate the terms of Attachment A.")).

<sup>14</sup> *T-Mobile/Sprint-DISH Order*, 34 FCC Rcd at 10739, para. 365. See also *id.* at 10745, para. 382.

<sup>15</sup> *Id.* at 10741–42, para. 372.

buildout rules would be contrary to the public interest.<sup>16</sup> The Commission recognized that the significant public interest benefits promised by DISH will occur only if DISH meets its commitments. Therefore, the Commission determined that it “should impose as conditions of approval of DISH’s request to extend the construction deadlines. . . , all of the restrictions and commitments made by DISH.”<sup>17</sup>

7. The Commission did not grant the waiver/extension of the buildout deadlines or modify the licenses in the *T-Mobile/Sprint-DISH Order* because it could not conclude with confidence that without the acquisition of the prepaid wireless assets and full MVNO agreement from T-Mobile and Sprint, DISH would be able to meet the deadlines to which it committed.<sup>18</sup> Moreover, as noted above, the license modification statutory and regulatory framework require a 30-day protest period prior to a license being modified. The Commission also stated its expectation that, “[s]hould the proposed transaction between T-Mobile and Sprint not occur, . . . WTB would deny the pending DISH requests for extension . . . and decide not to modify” the DISH licenses as proposed.<sup>19</sup> For these reasons, the Commission therefore directed WTB, “upon DISH’s consummation of its agreements with [T-Mobile and Sprint],” to extend the construction dates for the DISH AWS-4, Lower 700 MHz E Block, and AWS H Block licenses consistent with the Commission’s conclusions in the *T-Mobile/Sprint-DISH Order*, and to modify the DISH 600 MHz, AWS-4, Lower 700 MHz E Block, and AWS H Block licenses consistent with the Commission’s proposed license modifications and the requirements of section 316 of the Act and section 1.87 of its rules.<sup>20</sup> In addition, the Commission directed WTB to add a special condition to the DISH 600 MHz, AWS-4, Lower 700 MHz E Block, and AWS H Block licenses to obligate DISH to provide 5G Broadband Service over such licenses.<sup>21</sup>

8. On April 1, 2020, the U.S. District Court for the District of Columbia entered the proposed Final Judgment,<sup>22</sup> and on April 14, 2020, T-Mobile notified the Commission that it had

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<sup>16</sup> *Id.* at 10741–42, paras. 372–73 (“the Commission may grant a request for waiver on the basis that ‘[i]n 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.’” (quoting 47 CFR § 1.925(b)(3)(ii))).

<sup>17</sup> *Id.* at 10743, para. 377 (citing “sections II through VII of Attachment A of the [DISH July 26, 2019 Commitments Letter], with the definitions contained in section IX of that Attachment.”). *See also id.* para. 378 (“[i]n particular, DISH committed, and we will impose as conditions to our grant, to make significant payments to the U.S. Treasury if it does not meet its commitments. As discussed above, regarding the conditions placed on our approval of the T-Mobile/Sprint applications, although DISH described these payments as ‘voluntary contributions,’ because we are imposing these commitments as conditions to our approval and on DISH’s licenses, they are binding on DISH. If DISH fails to meet the conditions of our approval, it *must* make the payments required.”).

<sup>18</sup> *Id.* at 10745, para. 382. The Commission did, however, toll the March 2020 construction deadlines for DISH’s AWS-4 and Lower 700 MHz E Block licenses and the March 2020 expiration date of its Lower 700 MHz E Block licenses until such time as T-Mobile and Sprint could consummate (or announce a decision to forego) their transaction. *See id.* at 10745, para. 383.

<sup>19</sup> *See id.* at 10745, para. 383.

<sup>20</sup> *Id.* at 10739, 10745, paras. 365, 382.

<sup>21</sup> *Id.* at 10745, para. 382.

<sup>22</sup> *See United States v. Deutsche Telekom AG*; Final Judgment, 2020 WL 2481785 (D.D.C., Apr. 1, 2020), Memorandum Opinion, 2020 WL 1873555 (Apr. 14, 2020, D.D.C.). *See also New York v. Deutsche Telekom AG*, Decision and Order, 2020 WL 635499 (Feb. 11, 2020 S.D.N.Y.) (denying a request from state Attorneys General to block T-Mobile’s proposed acquisition of Sprint).

consummated the above-captioned transaction on April 1, 2020.<sup>23</sup> On July 1, 2020, DISH announced its acquisition of Boost Mobile.<sup>24</sup>

### III. DISCUSSION

9. In light of the facts discussed above, the Bureau, as directed by the Commission, must now “make a final public interest determination . . . in accordance with the procedures in section 316” concerning the proposed license modifications.<sup>25</sup> This determination is limited to issues raised by DISH or other licensees or permittees with respect to the proposed order of modification of licenses (i.e., the expiration dates for the AWS-4, AWS H Block, and Lower 700 MHz E Block licenses, and acceleration of the 600 MHz license buildout deadlines). There were comments ostensibly opining on the related waiver/extensions of the buildout deadlines for the DISH AWS-4, AWS H Block, and Lower 700 MHz E Block licenses, which we address below.

10. More specifically, the Rural Wireless Association (RWA) and the Communications Workers of America (CWA) each timely filed a protest in response to the section 316 license modifications proposed in the *T-Mobile/Sprint-DISH Order*.<sup>26</sup> We dismiss both pleadings as defective under section 316 of the Act and the Commission’s rules.<sup>27</sup> Section 316 of the Act permits any licensee or permittee to protest a proposed modification if the licensee or permittee “believes its license or permit

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<sup>23</sup> See Letter from Nancy Victory, Attorney for T-Mobile US, Inc., to Marlene H. Dortch, Secretary, FCC (filed Apr. 14, 2020).

<sup>24</sup> See, e.g., *DISH enters retail wireless market with close of Boost Mobile, advances build of the nation's first standalone 5G network*, News Release, available at <http://about.dish.com/2020-07-01-DISH-enters-retail-wireless-market-with-close-of-Boost-Mobile-advances-build-of-the-nations-first-standalone-5G-network>.

<sup>25</sup> *T-Mobile/Sprint-DISH Order*, 34 FCC Rcd at 10739, 10745, paras. 365, 382.

<sup>26</sup> See Rural Wireless Association, Inc. Protest of Order of Proposed Modification (filed Dec. 5, 2019) (RWA Protest); Letter from Debbie Goldman, Telecom. Policy and Research Director, Communications Workers of America, to Donald Stockdale, Chief, Wireless Telecommunications Bureau at 1 (filed Dec. 5, 2019) (CWA Protest) (urging Bureau to deny DISH’s requests as inconsistent with the public interest). See also Comments of the Computer and Communications Industry Association (filed Dec. 5, 2019) (agreeing with the Commission’s determination (citing *T-Mobile/Sprint-DISH Order* at para. 365) that these modifications will serve the public interest and urging WTB to adopt them in accordance with the procedures in section 316 of the Act).

<sup>27</sup> 47 U.S.C. § 316(a)(2), 47 CFR § 1.87(c). RWA inaccurately asserts that because the modifications will modify the DISH licenses by extending the buildout deadlines, the Commission “cannot do so without waiving its build-out rules, and it cannot waive those rules without allowing for public comment.” RWA Protest at 2. The Commission may conduct its proceedings in such manner as will best conduce the proper dispatch of business and to the ends of justice. See 47 U.S.C. § 154(j). Here, the Commission proposed to extend the license expiration dates (and for the 600 MHz licenses, *accelerate* the buildout deadlines) under section 316 of the Act, which sets forth the process for license modifications. RWA itself acknowledges that, under section 316, “the Commission technically will *modify* the DISH licenses . . . .” RWA Protest at 2 (emphasis added). However, the Commission did not, under section 316, address DISH’s request for extensions of buildout deadlines. Therefore, RWA’s assertion about allowing public comment on waiver requests is misplaced in the context of its protest, under section 316, against proposed license modifications. We also note that the Commission is not required to seek comment on waiver requests. See 47 CFR § 1.925(c) (“[t]he Commission, in its discretion, may give public notice of the filing of a waiver request and seek comment from the public or affected parties.”). In any event, notice of the pending applications for extension of buildout deadlines was effectively given in the *Consolidation PN*, which was released on August 7, 2019. Hence, RWA had ample opportunity to comment on them prior to the Commission’s adoption of the *T-Mobile/Sprint-DISH Order* more than two months later. Moreover, given that the waivers are associated with DISH’s extension applications, filed pursuant to 47 U.S.C. § 309(c), we also note that such applications are not subject to public notice requirements or petitions to deny. See 47 U.S.C. § 309(c)(2)(D). See also *T-Mobile/Sprint-DISH Order*, 34 FCC Rcd at 10595, 10739, paras. 37, 364.

would be modified by the action.”<sup>28</sup> CWA does not claim to meet these requirements, and RWA concedes that its members do not have a right to file a protest under section 316.<sup>29</sup> No other protests to the proposed order of modification were filed either by DISH or any other licensee or permittee that believes that its permit or license would be modified by the proposed modifications of DISH’s licenses. Therefore, consistent with the Commission’s determinations and directives to the Bureau in the *T-Mobile/Sprint-DISH Order* and based on the record before us, and in light of T-Mobile’s divestiture of Boost Mobile to DISH, we determine that the public interest, convenience, and necessity will be served by adopting the license modifications as the Commission proposed for all of the reasons that the Commission set forth in the *T-Mobile/Sprint-DISH Order*.<sup>30</sup>

11. Likewise, in light of DISH’s acquisition of Boost Mobile and the Commission’s public interest findings and conclusions in the *T-Mobile/Sprint-DISH Order*, we waive the applicable buildout requirements pursuant to section 1.925(b)(3)(ii) and extend the construction deadlines for the DISH AWS-4, Lower 700 MHz E Block, and AWS H Block licenses, as directed by the Commission. This relief is subject to the conditions and restrictions imposed in the *T-Mobile/Sprint-DISH Order* and the commitments made by DISH in its July 26, 2019 Commitments Letter (including Attachment A thereto) as modified by the Commission, both of which are hereby incorporated by reference into the instant *Order* and made operative.<sup>31</sup> We note that to the extent that RWA or CWA disagree with the Commission’s determination that a waiver of DISH’s buildout deadlines is warranted (as a separate issue from the license modifications), such objections had to be addressed to the Commission, either prior to the adoption of the *T-Mobile/Sprint-DISH Order*, or in a timely petition for reconsideration of that *Order*.<sup>32</sup> We thus find that RWA and CWA are procedurally barred from raising those issues before us. Alternatively, and as a separate and independent basis, the Bureau finds based on the record before it, including RWA’s and CWA’s objections, that the public interest, convenience, and necessity will be served by granting waivers to extend DISH’s buildout deadlines for all of the reasons set forth by the

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<sup>28</sup> 47 U.S.C. § 316(a)(2). *See also* 47 CFR § 1.87(c).

<sup>29</sup> *See* CWA Protest; RWA Protest at 2.

<sup>30</sup> *See T-Mobile/Sprint-DISH Order*, 34 FCC Rcd at 10739–10745, paras. 364–383; 47 U.S.C. § 316(a)(1). *See also* 47 CFR § 1.87.

<sup>31</sup> *See, e.g., T-Mobile/Sprint-DISH Order*, 34 FCC Rcd at 10745–46, para. 386. *See also* Appendix B (DISH July 26, 2019 Commitments Letter including Attach. A thereto).

<sup>32</sup> *See* 47 U.S.C. § 405(a) (“After an order, decision, report, or action has been made or taken in any proceeding by the Commission . . . any party thereto . . . may petition for reconsideration only to the authority making or taking the order, decision, report, or action.”).



Commission in the *T-Mobile/Sprint-DISH Order*.<sup>33</sup>

12. The following is a summary of the revised license terms and buildout deadlines that involve automatic license termination under section 27.14, and restrictions on the use, sale or lease of licenses.

- For each of DISH’s AWS-4, Lower 700 E Block, and AWS H Block licenses,
  - the license term is modified to June 14, 2023;<sup>34</sup>
  - DISH is obligated to provide 5G Broadband Service over such licenses;<sup>35</sup>
  - the final buildout deadline is extended to June 14, 2023, for DISH to construct and offer 5G Broadband Service to at least 70% of the population in each EA with respect to each AWS-4 and Lower 700 MHz E Block license, and to at least 75% of the population in each EA with respect to each AWS H Block license; provided however that
    - for AWS-4: if by June 14, 2023, DISH is offering 5G Broadband Service with respect to the AWS-4 licenses to at least 50% of the population of the United States, the final deadline shall be further extended automatically to June 14, 2025, for DISH to construct and offer 5G Broadband Service to at least 70% of the population in each EA with respect to each AWS-4 license;
    - for Lower 700 MHz E Block: if by June 14, 2023, DISH is offering 5G Broadband Service with respect to the Lower 700 MHz E Block licenses to at

<sup>33</sup> In the *T-Mobile/Sprint DISH Order*, the Commission concluded that “upon DISH’s purchase of Boost Mobile, granting the requests for extension of time to complete construction, as conditioned, would serve the public interest, convenience, and necessity.” *T-Mobile/Sprint DISH Order*, 34 FCC Rcd at 10739, para. 365. RWA and CWA did not seek reconsideration of that part of the decision and cannot raise these arguments here. But, in any event, were we to reach the merits of their arguments, we would find them unpersuasive. RWA alleges that DISH’s commitments are “literally nothing more than what AT&T, Sprint, T-Mobile and Verizon already deliver today” and that “[h]ad the Commission simply enforced Dish’s interim build-out requirements for the AWS licenses, Dish would have *already* provided some type of wireless broadband service to at least 40% of the U.S. population by . . . May 2018.” RWA Protest at 6. RWA’s first point is unavailing given that Sprint no longer exists and was not providing 5G to 70% or more of the U.S. population as DISH has committed to do. The second point is irrelevant, given that DISH did not even request the instant extensions until 2019, and incorrect. The consequence under the rules of DISH not meeting its 2018 interim buildout date for its AWS H Block licenses was enforced: the final buildout deadline and expiration date for each license was accelerated by two years. *See* 47 CFR § 27.14(r)(3). CWA states that DISH has not met its prior deployment plans and asserts that DISH’s commitments are “full of loopholes” including “‘unanticipated’ supply chain problems and other factors ‘beyond the company’s control.’” CWA Protest at 5. We disagree. “Unanticipated circumstances do not include anticipated (or reasonably anticipated) supply chain or standards process delays, or Commission action or inaction on requests by DISH.” *T-Mobile/Sprint-DISH Order*, 34 FCC Rcd at 10744, para. 381. Moreover, the final buildout deadline for DISH’s 600 MHz licenses is accelerated by four years, DISH is subject to billions of dollars in monetary payments, automatic license cancellations, reporting requirements, the scrutiny of an independent monitor, and the contempt powers of the federal courts. *See, e.g., id.* at 10744, para. 381.

<sup>34</sup> The Commission proposed to extend the terms of these licenses until June 14, 2023, which coincides with the final buildout deadline for these licenses unless DISH meets the contingencies for automatic extensions of the final buildout deadlines until June 14, 2025. *See T-Mobile/Sprint-DISH Order*, 34 FCC Rcd at 10742, para. 375.

<sup>35</sup> *See* DISH July 26, 2019 Commitments Letter and Attach. A. As already noted, “‘5G Broadband Service’ means at least 3GPP Release 15 capable of providing Enhanced Mobile Broadband (eMBB) functionality.” *Id.* Attach A at 7. As also already noted, “‘5G’ is defined as the 5G New Radio interface standard as described in 3GPP Release 15, available at <https://www.3gpp.org/release-15>, or 3GPP Release 16 within 3 years of 3GPP final approval.” *Id.*

least 50% of the population of the United States, the final deadline shall be further extended automatically to June 14, 2025, for DISH to construct and offer 5G Broadband Service to at least 70% of the population in each EA with respect to each Lower 700 MHz E Block license;

- for AWS H Block: if by June 14, 2023, DISH is offering 5G Broadband Service with respect to the AWS H Block licenses to at least 50% of the population of the United States, the final deadline shall be further extended automatically to June 14, 2025, for DISH to construct and offer 5G Broadband Service to at least 75% of the population in each EA with respect to each AWS H Block license.
  - For each of DISH's 600 MHz licenses:
    - The license term is unchanged (June 14, 2029), subject to earlier, automatic termination;
    - The interim buildout deadline (June 14, 2023) is removed; and
    - The final buildout deadline is accelerated to June 14, 2025, for DISH to construct and offer 5G Broadband Service to at least 75% of the population in each PEA.
  - For each of DISH's AWS-4, Lower 700 E Block, AWS H Block, and 600 MHz licenses,
    - if DISH fails to establish that it meets the final buildout requirement for a particular license area, its authorization for each license area in which it fails to meet the final buildout requirement shall terminate automatically without Commission action, except that Lower 700 MHz E Block licenses terminate automatically for unserved areas, and DISH will be ineligible to regain it if the Commission makes the license available at a later date;<sup>36</sup>
    - DISH has waived its rights to use these licenses under the Commission's flexible-use policies. Each license is expressly conditioned on DISH building, deploying, and offering 5G Broadband Service. This condition does not preclude DISH from providing IoT as a service in addition to the 5G Broadband Service, but DISH is precluded from relying on IoT (or any other non-5G Broadband Service) operations to satisfy its buildout requirements and commitments.<sup>37</sup>
  - For each of DISH's 600 MHz and AWS-4 licenses, DISH and each license is subject to restrictions on sale or leasing.<sup>38</sup>
13. Finally, today's waiver and extension grants and license modifications are conditioned on

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<sup>36</sup> See *T-Mobile/Sprint-DISH Order*, 34 FCC Rcd at 10743, para. 378 (noting that DISH remains subject to all of the Commission's enforcement and regulatory powers, including the loss of part of all of any of its licenses for failing to meet its buildout requirements). See also *id.* n.1314 (noting that under 47 CFR § 27.14(q) and (r), if DISH fails to meet the final construction benchmarks for AWS-4 and AWS H Block licenses, the authorization for each area in which it fails to meet the requirement terminates automatically, and that for the Lower 700 MHz E Block, the licensee keeps the areas of the license that it serves and the remaining unserved areas are returned to the Commission (citing *Wireless Telecommunications Bureau Announces Process for Re-Licensing 700 MHz Spectrum in Unserved Areas*, WT Docket No. 06-150, Public Notice, 34 FCC Rcd 350 (WTB 2019)). See also 47 CFR § 27.14(t) (performance requirements for 600 MHz).

<sup>37</sup> See *T-Mobile/Sprint-DISH Order*, 34 FCC Rcd at 10740, para. 368, n.1288 (citing DISH July 26, 2019 Commitments Letter at 1–5, Attach. A at 1).

<sup>38</sup> See, e.g., DISH July 26, 2019 Commitments Letter at Attach. A at 3 (Restrictions on Sale and Other Commitments).



DISH meeting the conditions, commitments and restrictions adopted or proposed by the Commission in the *T-Mobile/Sprint-DISH Order* including (except as modified by the Commission) as set forth in sections II through VII of Attachment A of the DISH July 26, 2019 Commitments Letter and the definitions contained in section IX of that Attachment and processed or made final herein.<sup>39</sup> These commitments include, but are not limited to mandatory monetary payments for failure to meet deployment commitments (that are separate from the final buildout requirements), status reports, and verification metrics. We note that DISH has committed to make significant payments to the U.S. Treasury if it does not meet its deployment commitments. We hereby impose that commitment as a condition of today's waiver/extension grants and license modifications. If DISH fails to meet the conditions of our grants, it must make the payments required.<sup>40</sup> In addition to mandatory monetary payments (and license cancellations), DISH continues to be subject to all of the Commission's other enforcement and regulatory powers for failing to meet any condition of our grants and modifications today.<sup>41</sup>

#### IV. ORDERING CLAUSES

14. Accordingly, IT IS ORDERED that, pursuant to sections 4(i) and (j), 5(c), 303(b), 303(r), 309, and 310(d) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), (j), 155(c), 303(b), 303(r), 309, and 310(d), and sections 0.131, 0.201, 0.331, 1.925(b), and 27.14(g), (q), and (r) of the Commission's rules, 47 CFR §§ 0.131, 0.201, 0.331, 1.925(b), and 27.14(g), (q) and (r), the construction requirements for the DISH AWS-4, Lower 700 MHz E Block, and AWS-H Block licenses ARE WAIVED to the extent, and SUBJECT TO the conditions, described in this *Order of Modification and Extension of Time to Construct*.

15. IT IS FURTHER ORDERED that, pursuant to sections 4(i) and (j), 5(c), 303(b), 303(r), 309, 310(d), and 316 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), (j), 155(c), 303(b), 303(r), 309, 310(d), and 316, and sections 0.131, 0.201, 0.331, and 1.87 of the Commission's rules, 47 CFR §§ 0.131, 0.201, 0.331, 1.87, DISH's 600 MHz, AWS-4, Lower 700 MHz E Block, and AWS H Block licenses ARE MODIFIED by accelerating the construction deadline for DISH's 600 MHz licenses (listed in Appendix A hereto) to June 14, 2025, while removing the interim construction deadline for those licenses, and extending the terms of DISH's AWS-4, AWS H Block, and Lower 700 MHz E Block licenses until June 14, 2023, in accordance with this *Order of Modification and Extension of Time to Construct* and SUBJECT TO the conditions described herein including in Appendix B.

16. IT IS FURTHER ORDERED that this *Order of Modification and Extension of Time to Construct* SHALL BE SENT by electronic mail to Jeffrey H. Blum, Senior Vice President, Public Policy & Government Affairs, DISH Network Corporation, at [jeffrey.blum@dish.com](mailto:jeffrey.blum@dish.com).

17. IT IS FURTHER ORDERED that the licensing staff of the Wireless Telecommunications Bureau SHALL PROCESS the Applications for Extension of Time to Construct filed by DISH on July 26, 2019, in accordance with this *Order of Modification and Extension of Time to Construct* and with the Commission's rules.

18. IT IS FURTHER ORDERED that, pursuant to sections 4(i) and (j), 303(r), 309, and 316 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), 303(r), 309, 316, the Protest of Order of Proposed Modification filed by the Rural Wireless Association, Inc., on December 5, 2019, and the Letter from Debbie Goldman, Telecom. Policy and Research Director, Communications Workers of America, to Donald Stockdale, Chief, Wireless Telecommunications Bureau, filed on

<sup>39</sup> See *T-Mobile/Sprint-DISH Order*, 34 FCC Rcd at 10742–45, paras. 376–381.

<sup>40</sup> See, e.g., *id.* at 10743, para. 378.

<sup>41</sup> See *id.*

December 5, 2019, ARE DISMISSED, or in the alternative, DENIED, for the reasons stated herein.

19. IT IS FURTHER ORDERED that this *Order of Modification and Extension of Time to Construct* WILL BE EFFECTIVE upon release.

20. This action is taken under delegated authority pursuant to sections 0.131, 0.201, and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.201, and 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Donald K. Stockdale, Jr.  
Chief, Wireless Telecommunications Bureau

## APPENDIX A

**ParkerB.com Wireless L.L.C. , licensee of 486 licenses in the 600 MHz Band Service**

For each of the 486 licenses (call signs) listed below, the final construction deadline is modified to June 14, 2025, and the interim construction deadline is removed.

|         |         |         |         |
|---------|---------|---------|---------|
| WQZM232 | WQZM275 | WQZM318 | WQZM361 |
| WQZM233 | WQZM276 | WQZM319 | WQZM362 |
| WQZM234 | WQZM277 | WQZM320 | WQZM363 |
| WQZM235 | WQZM278 | WQZM321 | WQZM364 |
| WQZM236 | WQZM279 | WQZM322 | WQZM365 |
| WQZM237 | WQZM280 | WQZM323 | WQZM366 |
| WQZM238 | WQZM281 | WQZM324 | WQZM367 |
| WQZM239 | WQZM282 | WQZM325 | WQZM368 |
| WQZM240 | WQZM283 | WQZM326 | WQZM369 |
| WQZM241 | WQZM284 | WQZM327 | WQZM370 |
| WQZM242 | WQZM285 | WQZM328 | WQZM371 |
| WQZM243 | WQZM286 | WQZM329 | WQZM372 |
| WQZM244 | WQZM287 | WQZM330 | WQZM373 |
| WQZM245 | WQZM288 | WQZM331 | WQZM374 |
| WQZM246 | WQZM289 | WQZM332 | WQZM375 |
| WQZM247 | WQZM290 | WQZM333 | WQZM376 |
| WQZM248 | WQZM291 | WQZM334 | WQZM377 |
| WQZM249 | WQZM292 | WQZM335 | WQZM378 |
| WQZM250 | WQZM293 | WQZM336 | WQZM379 |
| WQZM251 | WQZM294 | WQZM337 | WQZM380 |
| WQZM252 | WQZM295 | WQZM338 | WQZM381 |
| WQZM253 | WQZM296 | WQZM339 | WQZM382 |
| WQZM254 | WQZM297 | WQZM340 | WQZM383 |
| WQZM255 | WQZM298 | WQZM341 | WQZM384 |
| WQZM256 | WQZM299 | WQZM342 | WQZM385 |
| WQZM257 | WQZM300 | WQZM343 | WQZM386 |
| WQZM258 | WQZM301 | WQZM344 | WQZM387 |
| WQZM259 | WQZM302 | WQZM345 | WQZM388 |
| WQZM260 | WQZM303 | WQZM346 | WQZM389 |
| WQZM261 | WQZM304 | WQZM347 | WQZM390 |
| WQZM262 | WQZM305 | WQZM348 | WQZM391 |
| WQZM263 | WQZM306 | WQZM349 | WQZM392 |
| WQZM264 | WQZM307 | WQZM350 | WQZM393 |
| WQZM265 | WQZM308 | WQZM351 | WQZM394 |
| WQZM266 | WQZM309 | WQZM352 | WQZM395 |
| WQZM267 | WQZM310 | WQZM353 | WQZM396 |
| WQZM268 | WQZM311 | WQZM354 | WQZM397 |
| WQZM269 | WQZM312 | WQZM355 | WQZM398 |
| WQZM270 | WQZM313 | WQZM356 | WQZM399 |
| WQZM271 | WQZM314 | WQZM357 | WQZM400 |
| WQZM272 | WQZM315 | WQZM358 | WQZM401 |
| WQZM273 | WQZM316 | WQZM359 | WQZM402 |
| WQZM274 | WQZM317 | WQZM360 | WQZM403 |

|         |         |         |         |
|---------|---------|---------|---------|
| WQZM404 | WQZM455 | WQZM506 | WQZM557 |
| WQZM405 | WQZM456 | WQZM507 | WQZM558 |
| WQZM406 | WQZM457 | WQZM508 | WQZM559 |
| WQZM407 | WQZM458 | WQZM509 | WQZM560 |
| WQZM408 | WQZM459 | WQZM510 | WQZM561 |
| WQZM409 | WQZM460 | WQZM511 | WQZM562 |
| WQZM410 | WQZM461 | WQZM512 | WQZM563 |
| WQZM411 | WQZM462 | WQZM513 | WQZM564 |
| WQZM412 | WQZM463 | WQZM514 | WQZM565 |
| WQZM413 | WQZM464 | WQZM515 | WQZM566 |
| WQZM414 | WQZM465 | WQZM516 | WQZM567 |
| WQZM415 | WQZM466 | WQZM517 | WQZM568 |
| WQZM416 | WQZM467 | WQZM518 | WQZM569 |
| WQZM417 | WQZM468 | WQZM519 | WQZM570 |
| WQZM418 | WQZM469 | WQZM520 | WQZM571 |
| WQZM419 | WQZM470 | WQZM521 | WQZM572 |
| WQZM420 | WQZM471 | WQZM522 | WQZM573 |
| WQZM421 | WQZM472 | WQZM523 | WQZM574 |
| WQZM422 | WQZM473 | WQZM524 | WQZM575 |
| WQZM423 | WQZM474 | WQZM525 | WQZM576 |
| WQZM424 | WQZM475 | WQZM526 | WQZM577 |
| WQZM425 | WQZM476 | WQZM527 | WQZM578 |
| WQZM426 | WQZM477 | WQZM528 | WQZM579 |
| WQZM427 | WQZM478 | WQZM529 | WQZM580 |
| WQZM428 | WQZM479 | WQZM530 | WQZM581 |
| WQZM429 | WQZM480 | WQZM531 | WQZM582 |
| WQZM430 | WQZM481 | WQZM532 | WQZM583 |
| WQZM431 | WQZM482 | WQZM533 | WQZM584 |
| WQZM432 | WQZM483 | WQZM534 | WQZM585 |
| WQZM433 | WQZM484 | WQZM535 | WQZM586 |
| WQZM434 | WQZM485 | WQZM536 | WQZM587 |
| WQZM435 | WQZM486 | WQZM537 | WQZM588 |
| WQZM436 | WQZM487 | WQZM538 | WQZM589 |
| WQZM437 | WQZM488 | WQZM539 | WQZM590 |
| WQZM438 | WQZM489 | WQZM540 | WQZM591 |
| WQZM439 | WQZM490 | WQZM541 | WQZM592 |
| WQZM440 | WQZM491 | WQZM542 | WQZM593 |
| WQZM441 | WQZM492 | WQZM543 | WQZM594 |
| WQZM442 | WQZM493 | WQZM544 | WQZM595 |
| WQZM443 | WQZM494 | WQZM545 | WQZM596 |
| WQZM444 | WQZM495 | WQZM546 | WQZM597 |
| WQZM445 | WQZM496 | WQZM547 | WQZM598 |
| WQZM446 | WQZM497 | WQZM548 | WQZM599 |
| WQZM447 | WQZM498 | WQZM549 | WQZM600 |
| WQZM448 | WQZM499 | WQZM550 | WQZM601 |
| WQZM449 | WQZM500 | WQZM551 | WQZM602 |
| WQZM450 | WQZM501 | WQZM552 | WQZM603 |
| WQZM451 | WQZM502 | WQZM553 | WQZM604 |
| WQZM452 | WQZM503 | WQZM554 | WQZM605 |
| WQZM453 | WQZM504 | WQZM555 | WQZM606 |
| WQZM454 | WQZM505 | WQZM556 | WQZM607 |

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|---------|---------|---------|
| WQZM608 | WQZM659 | WQZM710 |
| WQZM609 | WQZM660 | WQZM711 |
| WQZM610 | WQZM661 | WQZM712 |
| WQZM611 | WQZM662 | WQZM713 |
| WQZM612 | WQZM663 | WQZM714 |
| WQZM613 | WQZM664 | WQZM715 |
| WQZM614 | WQZM665 | WQZM716 |
| WQZM615 | WQZM666 | WQZM717 |
| WQZM616 | WQZM667 |         |
| WQZM617 | WQZM668 |         |
| WQZM618 | WQZM669 |         |
| WQZM619 | WQZM670 |         |
| WQZM620 | WQZM671 |         |
| WQZM621 | WQZM672 |         |
| WQZM622 | WQZM673 |         |
| WQZM623 | WQZM674 |         |
| WQZM624 | WQZM675 |         |
| WQZM625 | WQZM676 |         |
| WQZM626 | WQZM677 |         |
| WQZM627 | WQZM678 |         |
| WQZM628 | WQZM679 |         |
| WQZM629 | WQZM680 |         |
| WQZM630 | WQZM681 |         |
| WQZM631 | WQZM682 |         |
| WQZM632 | WQZM683 |         |
| WQZM633 | WQZM684 |         |
| WQZM634 | WQZM685 |         |
| WQZM635 | WQZM686 |         |
| WQZM636 | WQZM687 |         |
| WQZM637 | WQZM688 |         |
| WQZM638 | WQZM689 |         |
| WQZM639 | WQZM690 |         |
| WQZM640 | WQZM691 |         |
| WQZM641 | WQZM692 |         |
| WQZM642 | WQZM693 |         |
| WQZM643 | WQZM694 |         |
| WQZM644 | WQZM695 |         |
| WQZM645 | WQZM696 |         |
| WQZM646 | WQZM697 |         |
| WQZM647 | WQZM698 |         |
| WQZM648 | WQZM699 |         |
| WQZM649 | WQZM700 |         |
| WQZM650 | WQZM701 |         |
| WQZM651 | WQZM702 |         |
| WQZM652 | WQZM703 |         |
| WQZM653 | WQZM704 |         |
| WQZM654 | WQZM705 |         |
| WQZM655 | WQZM706 |         |
| WQZM656 | WQZM707 |         |
| WQZM657 | WQZM708 |         |
| WQZM658 | WQZM709 |         |

## APPENDIX B

## DISH Buildout Commitments



*Jeffrey H. Blum*  
*Senior Vice President, Public Policy &*  
*Government Affairs*  
*Jeffrey.Blum@dish.com*  
*(202) 463-3703*

July 26, 2019

## VIA ULS

Donald Stockdale  
Chief, Wireless Telecommunications Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Re: DBSD Corporation, AWS-4, Lead Call Sign T070272001; Gamma Acquisition L.L.C., AWS-4, Lead Call Sign T060430001; Manifest Wireless L.L.C., Lower 700 MHz E Block, Lead Call Sign WQJY944; American H Block Wireless L.L.C., H Block, Lead Call Sign WQTX200; ParkerB.com Wireless L.L.C., 600 MHz, Lead Call Sign WQZM232

Dear Mr. Stockdale:

The Commission has called on government and industry to work together to promote American leadership in 5G. We share the Commission's 5G goals. DISH has a long history as a market disruptor and low-cost provider, particularly for customers in rural America. In the 1990s, we introduced competition against cable providers by offering disruptive pricing and packaging and innovative consumer technology, which helped us quickly gain market share. In 2015, DISH launched the first live-streaming over-the-top service, Sling TV. Sling TV has been a market leader, providing consumer choice and additional competition in the pay-TV market. As we have described previously, DISH plans to enter the wireless market as a new nationwide facilities-based provider.<sup>1</sup> We believe our deployment will promote U.S. leadership in 5G through an American company with a proven track record of disrupting the communications industry.

We also see a path to accelerate DISH's competitive entry into the wireless market. In addition to our anticipated acquisition of Boost Mobile and other assets, the modified deadlines, commitments, and conditions set forth in Attachment A align our deployment plans with the

<sup>1</sup> See DBSD Services Limited, Gamma Acquisition L.L.C., and Manifest Wireless L.L.C.'s Consolidated Interim Construction Notification for AWS-4 and Lower 700 MHz E Block Licenses, ULS Lead File No. 0007690535 (Mar. 7, 2017); American H Block Wireless L.L.C. Interim Construction Notification for H Block Licenses, ULS Lead File No. 0008210492 (May 14, 2018); Letter from Jeffrey H. Blum, Senior Vice President, Public Policy & Government Affairs, DISH Network Corporation, to Donald Stockdale, Chief, Wireless Telecommunications Bureau, attached to license record for AWS-4 call sign T070272001 (Sept. 21, 2018).

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expected finalization of 5G standards and equipment, and will facilitate and expedite DISH's entry into the wireless market as a nationwide facilities-based competitor.

DISH therefore requests that the Commission extend the construction deadlines associated with its AWS-4, 700 MHz E Block, and AWS H Block licenses as enumerated in Section I (C), (E), and (G) of Attachment A, pursuant to its authority under 47 U.S.C. § 308.<sup>2</sup> As conditions of the grant of the requested extensions, DISH is willing to accept the terms of Attachment A, including the significant voluntary contributions (up to \$2.2 billion) and potential license forfeitures for failure to meet certain commitments. DISH will also consent to the Commission including a "5G Broadband Service"<sup>3</sup> obligation as a special condition of its 600 MHz, AWS-4, 700 MHz E Block, and AWS H Block licenses. Further, DISH will consent to the sale and leasing restrictions described in Attachment A for its 600 MHz and AWS-4 spectrum licenses.

Grant of the requested extensions and adopting the terms set out in Attachment A will promote the Commission's public interest objectives by enabling and accelerating DISH's facilities-based wireless deployment. DISH's entry will pressure incumbent carriers to expand their own 5G plans and inject disruptive pricing and packaging in the wireless market, all to the benefit of the American public. In addition, the modified deadlines reflected in Attachment A will align DISH's construction milestones with our deployment goals, leading to a more efficient network build.

These commitments will ensure that (1) DISH's nationwide 5G deployment meets certain specifications; (2) DISH deploys a 5G Broadband Service on its AWS-4, 700 MHz E Block, and AWS H Block spectrum licenses on an aggressive schedule; (3) DISH deploys a 5G Broadband Service on its 600 MHz spectrum licenses on an accelerated timeline; and (4) DISH adheres to certain restrictions on its ability to sell or lease network capacity on its AWS-4 and 600 MHz spectrum. These commitments will be enforced through strong verification measures, including significant voluntary contributions and potential license forfeitures for missed commitments. Moreover, aligning the milestones for DISH's spectrum bands is in the public interest because doing so will enable DISH to deploy its spectrum at the same time to provide a better overall 5G service, at lower cost, and on a more efficient deployment schedule.

#### **Nationwide 5G Broadband Commitment**

DISH plans to deploy a first-of-its-kind 5G network built from the ground up with an architecture that can take full advantage of expected 5G functionality. In furtherance of this goal, DISH will commit to concrete milestones related to its 5G deployment. In particular, DISH

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<sup>2</sup> DISH recognizes that some of the terms of Attachment A may require modifications under 47 U.S.C. § 316. If the requested extensions are granted, DISH will not protest the modifications the Commission makes to its licenses in order to effectuate the terms of Attachment A.

<sup>3</sup> "5G Broadband Service" is defined as at least 3GPP Release 15 capable of providing Enhanced Mobile Broadband (eMBB) functionality.



will commit that by **June 14, 2023**, it will deploy a nationwide 5G network using DISH's spectrum with:

- At least 70% of the U.S. population having access to download speeds equal to or greater than 35 Mbps, as verified by a drive test;
- At least 15,000 5G sites deployed; and
- At least 30 MHz of DISH's downlink 5G spectrum averaged over all DISH 5G sites deployed nationwide.

By meeting these commitments, DISH will become a nationwide facilities-based wireless competitor deploying next-generation technology to benefit the public and U.S. leadership in 5G.

#### **Commitment to Deploy 5G Broadband Service on AWS-4, 700 MHz E Block, and AWS H Block Spectrum Licenses**

DISH's AWS-4, 700 MHz E Block, and AWS H Block spectrum licenses are currently subject to construction deadlines of March 7, 2020 (for AWS-4 and 700 MHz E Block) and April 29, 2022 (for AWS H Block). Absent the conditions DISH is prepared to accept if granted the requested extensions, the licenses would be subject to the Commission's "flexible use" policies, which allow licensees to deploy any lawful technology to meet their construction milestones. To promote the Commission's broadband deployment goals and further U.S. leadership in 5G, DISH will voluntarily waive its flexible use rights, and commit to deploy 5G Broadband Service using its AWS-4, 700 MHz E Block, and AWS H Block spectrum licenses. Specifically, DISH will consent to include a 5G Broadband Service obligation as a special condition of each such license.

DISH will further commit to deploy 5G Broadband Service by the following deadlines:

- **DISH 5G Broadband Service to At Least 20% of U.S. Population by 2022:** With respect to the AWS-4, 700 MHz E Block and AWS H Block licenses, DISH commits to offer 5G Broadband Service to at least 20% of the U.S. population and to have deployed a core network no later than June 14, 2022.
- **DISH 5G Broadband Service to At Least 70% of U.S. Population by 2023:** With respect to the AWS-4, 700 MHz E Block and AWS H Block licenses, DISH commits to offer 5G Broadband Service to at least 70% of the U.S. population no later than June 14, 2023.

#### **Commitment to Deploy 5G Broadband Service on 600 MHz Spectrum Licenses on an Accelerated Timeline**

As a successful participant in the broadcast incentive auction, DISH holds 486 licenses in the 600 MHz band, with at least one license in each of the 416 Partial Economic Areas (PEAs) in the U.S. The 600 MHz spectrum licenses are subject to the Commission's flexible use policies, and have construction deadlines that do not come due until June 14, 2027 (interim construction milestone) and June 14, 2029 (final construction milestone). DISH will commit to deploy 5G



Broadband Service on each of its 600 MHz licenses *four years earlier* than required by the Commission's rules, and will consent to including a 5G Broadband Service obligation as a special condition of the licenses if granted the requested construction deadline extensions. Specifically, DISH will commit to meet the following accelerated deadlines:

- Using the 600 MHz licenses, offer 5G Broadband Service to at least 70% of the U.S. population no later than June 14, 2023.
- Using the 600 MHz licenses, offer 5G Broadband Service to at least 75% of the population in each PEA no later than June 14, 2025.

Through this substantial acceleration of the 600 MHz construction deadlines, DISH will put important low-band spectrum to use far sooner than originally required to offer 5G Broadband Service in all PEAs nationwide, to the benefit of Americans living in all parts of the country.

#### **Restrictions on Sale of Licenses and Leasing Capacity**

In furtherance of DISH's goals to provide both competitive retail and wholesale wireless services, DISH will consent not to sell its AWS-4 and 600 MHz spectrum for six years without prior DOJ and FCC approval. DISH will also consent, for six years, not to lease, directly or indirectly, to any of the three largest wireless providers, or any combination thereof, traffic accounting for more than 35% of the network capacity on its 5G network without prior FCC approval. These restrictions will become effective on the date of an FCC order effectuating Attachment A. Such terms ensure that key spectrum assets remain in DISH's hands to support DISH's deployment. Further, they demonstrate DISH's commitment to entering the market, becoming a viable competitor, and remaining a nationwide wireless carrier for the long term.

#### **Verification and Enforcement**

The commitments described above and enumerated in Attachment A will align DISH's deployment plans with the availability of 5G standards and the associated ecosystem, while accelerating our transformation to a next-generation communications company. DISH retains powerful business incentives to meet these obligations on time. But, to demonstrate our commitment to these terms, DISH will consent to rigorous verification and enforcement procedures, with severe financial contributions and potential license forfeitures for failure to meet the commitments.

Among other provisions, DISH will be required to file detailed status reports with the Commission, above and beyond what is required of licensees today. DISH will also be subject to verification using drive tests to ensure download speeds comply with the 35 Mbps metric, and will be required to submit to the Commission a number of detailed coverage maps and related data to demonstrate compliance with the June 2023 milestones.

Failure by DISH to meet these commitments will subject the company to up to \$2.2 billion in voluntary contributions and potential license forfeitures, with the contributions calculated separately for each commitment that is not met. For example, DISH's voluntary

contribution for failing to meet its 2022 commitments with respect to its AWS-4, 700 MHz E Block, and AWS H Block licenses will be calculated cumulatively by band, for a maximum voluntary contribution of \$200,000,000. DISH will also be subject to voluntary contributions if it fails to meet the 2023 Nationwide 5G Broadband commitment, based on the single highest missed percentage of any missed element. This contribution will be calculated by multiplying each percentage missed, rounded up to the nearest decimal, by \$10,000,000, for a maximum voluntary contribution of \$1 billion. In the event that DISH fails to meet the 2023 milestones related to its AWS-4, 700 MHz E Block, and AWS H Block licenses, the voluntary contributions will be calculated based on the missed percentage, with maximum voluntary contributions ranging from \$200,000,000 to \$600,000,000 per band.

This verification and enforcement structure provides powerful additional incentives for DISH to meet its 5G commitments, which substantially advance the public interest.

\* \* \*

The framework set out in Attachment A will facilitate and accelerate DISH's entry as a new nationwide facilities-based wireless provider, promote competition, and help ensure America's leadership in 5G, all to the benefit of American consumers and industry. For these reasons, among others, DISH and its wireless license-holding subsidiaries<sup>4</sup> hereby request, pursuant to the Commission's authority under 47 U.S.C. § 308, the construction deadline extensions set forth in Section I (C), (E), and (G) of Attachment A. We are willing to accept the conditions as set forth in Attachment A to the grant of our request for extensions of the construction deadlines. We recognize that some of the conditions may require modification of our licenses under 47 U.S.C. § 316 and we do not object to those modifications.

/s/ Jeffrey H. Blum

Jeffrey H. Blum

Enclosure (Attachment A)

cc: David Lawrence

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<sup>4</sup> DISH's wireless licenses are held in indirect, wholly-owned subsidiaries as follows: ParkerB.com Wireless L.L.C. (holder of licenses in the 600 MHz band); Gamma Acquisition L.L.C. (holder of licenses in the AWS-4 band); DBSD Corporation (holder of licenses in the AWS-4 band); American H Block Wireless L.L.C. (holder of licenses in the AWS H Block); and Manifest Wireless L.L.C. (holder of licenses in the Lower 700 MHz E Block).

**ATTACHMENT A****DISH NETWORK 5G BUILDOUT COMMITMENTS AND RELATED PENALTIES****I. LICENSE MODIFICATIONS/EXTENSIONS**

- (A) DISH's existing Final 600 MHz Construction Milestone is accelerated to **6/14/2025**.
- (B) DISH's existing Interim 600 MHz Construction Milestone is suspended.
- (C) DISH's existing Final AWS-4 Construction Milestone is extended to **6/14/2023**.
- (D) DISH's AWS-4 Licenses are extended from **3/7/2023** to **6/14/2023**.
- (E) DISH's existing Final 700 MHz E Block Construction Milestone is extended to **6/14/2023**.
- (F) DISH's Lower 700 MHz E Block Licenses are extended from **3/7/2020** to **6/14/2023**.
- (G) DISH's existing Final AWS H Block Construction Milestone is extended to **6/14/2023**.
- (H) DISH's AWS H Block Licenses are extended from **4/29/2022** to **6/14/2023**.

**II. WAIVER OF FLEXIBLE USE RIGHTS**

With respect to the 600 MHz Licenses, the AWS-4 Licenses, the 700 MHz E Block Licenses, and the AWS H Block Licenses, DISH voluntarily waives its right to use the licenses under the FCC's "flexible use" policies. Specifically, DISH voluntarily consents to the FCC conditioning each of the 600 MHz Licenses, the AWS-4 Licenses, the 700 MHz E Block Licenses, and the AWS H Block Licenses to include a 5G Broadband Service obligation as a special condition of the licenses.

**III. 5G BUILDOUT COMMITMENTS****Nationwide 5G Deployment Commitment:**

DISH commits that by **6/14/2023**, DISH will deploy a nationwide 5G network using DISH's spectrum with:

- (A) At least 70% of the U.S. population having access to download speeds equal to or greater than 35 Mbps, as verified by a drive test;<sup>1</sup>

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<sup>1</sup> DISH will fund the drive tests to commence after June 14, 2023. The drive tests will utilize devices and an industry-standard methodology mutually agreed to by DISH and the Federal Communications Commission's Wireless Telecommunications Bureau (the "Bureau") within 180 days. The parties agree to revisit the methodology at least 3 months before the drive tests begin. The goal of the testing is to reflect the actual user experience under ordinary utilization and compare them to the stated speed commitment. The drive testing will involve oversight by an independent third party, but may be conducted by DISH personnel. The drive

(B) At least 15,000 5G Sites deployed; and

(C) At least 30 MHz of DISH's downlink 5G spectrum averaged over all DISH 5G Sites deployed nationwide (in the event that DISH has more than 15,000 5G Sites, DISH may choose the 15,000 sites that will be used to calculate its compliance with this commitment).

**Band-Specific 5G Deployment Commitments:**

**Commitment #1:** With respect to the 600 MHz Licenses, DISH commits to offer 5G Broadband Service to at least **70%** of the U.S. population and to have deployed a core network no later than **6/14/2023**.

**Commitment #2:** With respect to the 600 MHz Licenses, DISH commits to offer 5G Broadband Service to at least **75%** of the population in each PEA no later than **6/14/2025**.

**Commitment #3:** With respect to the AWS-4 Licenses, DISH commits to offer 5G Broadband Service to at least **20%** of the U.S. population and to have deployed a core network no later than **6/14/2022**.

**Commitment #4:** With respect to the AWS-4 Licenses, DISH commits to offer 5G Broadband Service to at least **70%** of the U.S. population no later than **6/14/2023**.

**Commitment #5:** With respect to the Lower 700 MHz E Block Licenses, DISH commits to offer 5G Broadband Service to at least **20%** of the U.S. population who are covered by DISH's Lower 700 MHz E Block Licenses and to have deployed a core network no later than **6/14/2022**.

**Commitment #6:** With respect to the Lower 700 MHz E Block Licenses, DISH commits to offer 5G Broadband Service to at least **70%** of the U.S. population who are covered by DISH's Lower 700 MHz E Block Licenses no later than **6/14/2023**.

**Commitment #7:** With respect to the AWS H Block Licenses, DISH commits to offer 5G Broadband Service to at least **20%** of the U.S. population and to have deployed a core network no later than **6/14/2022**.

**Commitment #8:** With respect to the AWS H Block Licenses, DISH commits to offer 5G Broadband Service to at least **70%** of the U.S. population no later than **6/14/2023**.

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testing will commence at the final commitment deadlines and will be completed within six (6) months thereafter. Only DISH 5G subscriber traffic using DISH's spectrum routed through the DISH core network may satisfy DISH's coverage and speed requirements.



**IV. RESTRICTIONS ON SALE AND OTHER COMMITMENTS**

- (A) DISH agrees not to sell its 600 MHz Licenses for a period of six years without prior FCC and DOJ approval (unless such sale is part of DISH selling itself; in that case, the purchaser shall be subject to the commitments and penalties herein unless the FCC and DOJ decide otherwise). For purposes of this commitment, to “sell” means (i) to transfer, assign, or dispose of the 600 MHz Licenses in any manner, either directly or indirectly; (ii) to transfer control of an entity holding the 600 MHz Licenses; or (iii) to enter into a lease arrangement or any other arrangement that results in the transfer of *de jure* or *de facto* control of the 600 MHz Licenses.
- (B) For a period of six years, DISH agrees not to provide, in any Partial Economic Area for its 600 MHz Licenses, in any rolling 12-month period (as determined at the end of every calendar quarter), directly or indirectly, via its 5G network, to any of the three largest wireless providers, or any combination thereof, traffic accounting for more than 35% of the network capacity on its 5G network, without prior FCC approval.
- (C) DISH agrees not to sell its AWS-4 Licenses for a period of six years without prior FCC and DOJ approval (unless such sale is part of DISH selling itself; in that case, the purchaser shall be subject to the commitments and penalties herein unless the FCC and DOJ decide otherwise). For purposes of this commitment, “sell” mean (i) to transfer, assign, or dispose of the AWS-4 Licenses in any manner, either directly or indirectly; (ii) to transfer control of an entity holding the AWS-4 Licenses; or (iii) to enter into a lease arrangement or any other arrangement that results in the transfer of *de jure* or *de facto* control of the AWS-4 Licenses.
- (D) For a period of six years, DISH agrees not to provide, in any Economic Area for its AWS-4 Licenses, in any rolling 12-month period (as determined at the end of every calendar quarter), directly or indirectly, via its 5G network, to any of the three largest wireless providers, or any combination thereof, traffic accounting for more than 35% of the network capacity on its 5G network, without prior FCC approval.

**V. CONTINGENT EXTENSIONS**

- (A) If DISH is offering 5G Broadband Service with respect to the AWS-4 Licenses to less than **50%** of the U.S. population by **6/14/2023**, DISH’s AWS-4 Licenses are subject to automatic termination in any EA where DISH is offering 5G Broadband Service with respect to the AWS-4 Licenses to less than **70%** of the population in such EA. If DISH is offering 5G Broadband Service with respect to the AWS-4 Licenses to greater than **50%** of the U.S. population by **6/14/2023**, then DISH’s Final AWS-4 Construction Milestone shall be automatically extended to **6/14/2025**.
- (B) If DISH is offering 5G Broadband Service with respect to the Lower 700 MHz E Block Licenses to less than **50%** of the total U.S. population covered by DISH’s Lower 700 MHz E Block Licenses by **6/14/2023**, then DISH’s Lower 700 MHz E Block Licenses are subject to automatic termination in any EA where DISH is offering 5G Broadband Service with respect to the Lower 700 MHz E Block Licenses to less than **70%** of the population in such EA. If DISH is offering 5G Broadband Service with respect to the Lower 700 MHz E Block Licenses to greater than **50%** of the total U.S. population covered by DISH’s Lower 700 MHz E Block

Licenses by **6/14/2023**, then DISH's Final 700 MHz E Block Construction Milestone shall be automatically extended to **6/14/2025**.

- (C) If DISH is offering 5G Broadband Service with respect to the AWS H Block Licenses to less than **50%** of the U.S. population by **6/14/2023**, DISH's AWS H Block Licenses are subject to automatic termination in any EA where DISH is offering 5G Broadband Service with respect to the AWS H Block Licenses to less than **75%** of the population in such EA. If DISH is offering 5G Broadband Service with respect to the AWS H Block Licenses to greater than **50%** of the U.S. population by **6/14/2023**, then DISH's Final H Block Construction Milestone shall be automatically extended to **6/14/2025**.

## **VI. STATUS REPORTS**

Within 30 days of the date of each commitment set forth in Section III, DISH shall file with the Bureau a report that includes information concerning the status of DISH's efforts to meet the terms of the commitments. *See* 47 C.F.R. § 27.14(l). The status report shall include the following information for each commitment:

- (A) Polygon shapefiles showing DISH's 5G Coverage Area for the applicable commitment;
- (B) A statement quantifying the U.S. Population covered by DISH's 5G Coverage Area as of the applicable commitment deadline;
- (C) A list of 5G Sites (including information identifying individual sites, *e.g.*, latitude and longitude), spectrum deployed by band per sector, and antenna details; and
- (D) A certification from a DISH engineering executive that the representations in the shapefiles, population coverage numbers, and site and spectrum deployment numbers are true and correct.

## **VII. ENFORCEMENT**

In the event that the Bureau determines that DISH has failed to meet any of the commitments related to nationwide 5G deployment and/or its AWS-4, 700 MHz and H Block holdings, DISH will make a voluntary contribution to the U.S. Treasury in the manner directed by the Bureau within 60 days of such determination of up to a total of \$2.2 billion.<sup>2</sup>

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<sup>2</sup> The total contribution could be as high as \$2.2 billion, calculated as \$200 million for the Interim Commitments, plus \$1 billion for the Nationwide 5G Deployment Commitment, plus \$600 million for Commitment #4, plus \$200 million for Commitment #6, plus \$200 million for Commitment #8. For the avoidance of doubt, license termination or forfeiture, if applicable, may impose additional costs and obligations over and above the \$2.2 billion in contributions pursuant to this section.

**Interim Commitments:**

In the event that the Bureau determines that DISH has failed to meet Commitment #3, Commitment #5, or Commitment #7, the applicable voluntary contribution shall be calculated as follows for each commitment that is not met, cumulative by band:

| Missed Population Percentage | Voluntary Contribution |
|------------------------------|------------------------|
| >0-25%                       | \$16,000,000           |
| >25-50%                      | \$32,000,000           |
| >50-75%                      | \$48,000,000           |
| >75-100%                     | \$66,000,000           |

In the event DISH fails to deploy a core network by **6/14/22**, DISH shall pay a voluntary contribution of \$200,000,000, regardless of shortfalls in the population coverage commitment. However, the maximum voluntary contribution for all failures to meet Commitments #3, #5, or #7 shall not exceed \$200,000,000.

**Final Nationwide 5G Deployment Commitment:**

In the event the Bureau determines that DISH has failed to meet the Nationwide 5G Deployment Commitment (see Section III), the applicable voluntary contribution for missing that commitment shall be calculated as follows:

- (A) The Bureau shall determine the percentage by which DISH has fallen short under each element. The voluntary contribution will be based on the single highest missed percentage of any missed element.
- (B) The following contribution scale will apply: the applicable voluntary contribution shall be calculated by multiplying each percentage missed, rounded to the nearest decimal, by \$10,000,000. For example, if DISH deploys only 7,500 5G Sites (thus missing the applicable buildout element by 50%), and if 50% is the highest percentage missed of any element, DISH's voluntary contribution would be \$500,000,000. The maximum possible total voluntary contribution for the Nationwide 5G Deployment Commitment would be \$1 billion.

**Final Band-Specific 5G Deployment Commitments:**

In the event that the Bureau determines that DISH has failed to meet Commitment #4 (AWS-4), the applicable voluntary contribution shall be calculated by multiplying each percentage missed, rounded to the nearest decimal by \$6,000,000. For example, if DISH offers 5G Broadband Service to 63% of the U.S. Population (thus, missing the applicable buildout by 10%),<sup>3</sup> DISH's voluntary contribution would be \$60,000,000, corresponding to a 10% miss, times \$6,000,000. The maximum possible voluntary

<sup>3</sup> If there is a commitment to serve 70% of the U.S. Population (218,992,544 out of 312,846,492), and DISH is able to serve only 197,093,290 (63% of the U.S. Population), the company would fall short by 21,899,254, which would be a percentage missed of 10% (21,899,254/218,992,544 x 100 = 10%).

contribution for covering zero percent of the U.S. Population for Commitment #4 would be \$600,000,000.

In the event that the Bureau determines that DISH has failed to meet Commitment #6 (Lower 700 MHz E Block), the applicable voluntary contribution shall be calculated by multiplying each percentage missed, rounded to the nearest decimal by \$2,000,000. For example, if DISH offers 5G Broadband Service to 63% of the U.S. Population (thus, missing the applicable buildout by 10%), DISH's voluntary contribution would be \$20,000,000, corresponding to a 10% miss, times \$2,000,000. The maximum possible voluntary contribution for covering zero percent of the U.S. Population for Commitment #6 would be \$200,000,000.

In the event that the Bureau determines that DISH has failed to meet Commitment #8 (AWS H Block), the applicable voluntary contribution shall be calculated by multiplying each percentage missed, rounded to the nearest decimal by \$2,000,000. For example, if DISH offers 5G Broadband Service to 63% of the U.S. Population (thus, missing the applicable buildout by 10%), DISH's voluntary contribution would be \$20,000,000, corresponding to a 10% miss, times \$2,000,000. The maximum possible voluntary contribution for covering zero percent of the U.S. Population for Commitment #8 would be \$200,000,000.

**Verification Metrics:**

- (A) Within six months of June 14, 2023, DISH will submit to the Bureau a report that will include:
- a. Drive test results;<sup>4</sup>
  - b. Polygon shapefiles showing DISH's 5G Coverage Area as of June 14, 2023;
  - c. A statement quantifying the U.S. Population covered by DISH's 5G Coverage Area as of June 14, 2023;
  - d. A list of 5G Sites (including information identifying individual sites, *e.g.*, latitude and longitude), spectrum deployed by band per sector, and antenna details; and
  - e. A certification from a DISH engineering executive that the representations in the shapefiles, population coverage numbers, site and spectrum deployment numbers, and speeds are true and correct.
- (B) In making a determination regarding DISH's compliance with any of the commitments, the Bureau shall take into account and, in its reasonable discretion, appropriately reduce the metric, extend the deadline or reduce the contribution amount associated with commitments missed due to unanticipated circumstances beyond the company's control (*e.g.*, 600 MHz broadcaster transition for 600 MHz spectrum,<sup>5</sup> acts of God, such as fire, flood, earthquake, or other natural disasters; terrorist events, riots, insurrections, war, strikes or national emergencies; law or order of any government body; or significant interruptions in the supply chain). For clarity, "unanticipated circumstances" would not include anticipated supply chain or standards process

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<sup>4</sup> See Note 1.

<sup>5</sup> A delay in the relocation in a particular PEA will result in a commensurate extension of the deadline for that market. For example, if the broadcaster relocation is delayed by 3 months in a PEA, the final buildout deadline for that PEA will be extended by 3 months.



delays, or Commission action or inaction on requests by DISH to waive or change regulatory requirements.

#### VIII. EFFECTIVE DATE

The existing Final AWS-4 Construction Milestone, the existing Final 700 MHz E Block Construction Milestone, and the existing March 7, 2020 expiration of the Lower 700 MHz E Block Licenses shall be tolled, effective upon the date of a release of an Order adopting these 5G Buildout Commitments and Related Penalties, until the earliest of the following: (1) Sprint and T-Mobile cease to have a pending agreement to merge; (2) a final judgment blocking the merger from any Federal U.S. District Court; (3) or any other circumstance or event that effectively eliminates the ability of Sprint and T-Mobile to effectuate their merger agreement.

#### IX. DEFINITIONS

“5G” is defined as the 5G New Radio air interface standard as described in 3GPP Release 15, *available at* <https://www.3gpp.org/release-15>, or 3GPP Release 16 within 3 years of 3GPP final approval.

“5G Broadband Service” means at least 3GPP Release 15 capable of providing Enhanced Mobile Broadband (eMBB) functionality.

“5G Coverage Area” is defined as that area included within the bounds of the polygon shapefile representing geographic coverage for 5G service with coverage based on DISH’s ordinary course coverage analysis.

“5G Sites” is defined as macro sites on which 5G radios are deployed.

“5G Spectrum” is defined as dedicated licensed spectrum used for 5G radios.

“600 MHz Licenses” means all authorizations in the 600 MHz band (ULS Service Code WT) licensed to ParkerB.com Wireless L.L.C.

“Access” to specified speeds means that users of DISH-Certified 5G Devices will experience the specified download speeds on average (mean) across actual utilization.

“AWS-4 Licenses” means all authorizations in the AWS-4 band (ULS Service Code AD) licensed to Gamma Acquisition L.L.C and DBSD Corporation.

“AWS H Block Licenses” means all authorizations in the AWS H Block (ULS Service Code AH) licensed to American H Block Wireless L.L.C.

“DISH-Certified 5G Device” means a device that DISH has certified as compatible with its 5G network (it is anticipated that all 5G devices available from DISH will be DISH-Certified 5G Devices).

“Final 600 MHz Construction Milestone” means 47 C.F.R. § 27.14(t)(2).

“Final 700 MHz E Block Construction Milestone” means 47 C.F.R. § 27.14(g)(2) as subsequently waived by the Commission. *See Promoting Interoperability in the 700 MHz Commercial Spectrum, Report and Order and Order of Proposed Modification*, 28 FCC Rcd. 15122, 15148 ¶¶ 56-57 (2013).

**“Final AWS-4 Construction Milestone”** means 47 C.F.R. § 27.14(q)(2), as subsequently waived by the Commission. See DISH Network Corporation, Petition for Waiver of Sections 27.5(j) and 27.53(h)(2)(ii) of the Commission’s Rules and Request for Extension of Time, *Memorandum Opinion and Order*, 28 FCC Rcd. 16787, 16787-78 ¶ 1, 16804-05 ¶ 43 (2013).

**“Final H Block Construction Milestone”** means 47 C.F.R. § 27.14(r)(2).

**“Interim 600 MHz Construction Milestone”** means 47 C.F.R. § 27.14(t)(1).

**“Lower 700 MHz E Block Licenses”** means all authorizations in the Lower 700 MHz E Block (ULS Service Code WY) licensed to Manifest Wireless L.L.C.

**“U.S. Population”** is defined as the population of the United States (including the 50 states, Puerto Rico and the U.S. territories) reported in either the 2010 U.S. Census (312,846,492) or the 2020 U.S. Census (which is expected to be reported in 2021). In its sole discretion, DISH may choose whether to utilize the 2010 or 2020 versions of the U.S. Census in calculating its compliance with its commitments, but DISH must apply the same population total and population distributions to all calculations uniformly.



Radio Frequency (RF)  
Propagation Maps

**LALAX04397B**

**January 17th, 2022**



# LALAX04397B

## RF Propagation Coverage Report:

- Mid-Band Coverage Assessment.
  - Greenfield (first deployment) network resulting in no actual baseline service depiction.
  - Predicted performance for all presented conditions:
    - Network Area of Interest
    - Network Coverage Site Stand Alone
    - 1<sup>st</sup> Tier Network Coverage with site
  - Service Thresholds
    - Urban – Subscriber anticipated to have accessibility to Dish service while even indoors at lower performance levels.
    - Suburban – Subscriber anticipated to have accessibility to Dish service while in-vehicle
    - Outdoor – Subscriber anticipated to have accessibility to Dish service while outdoors

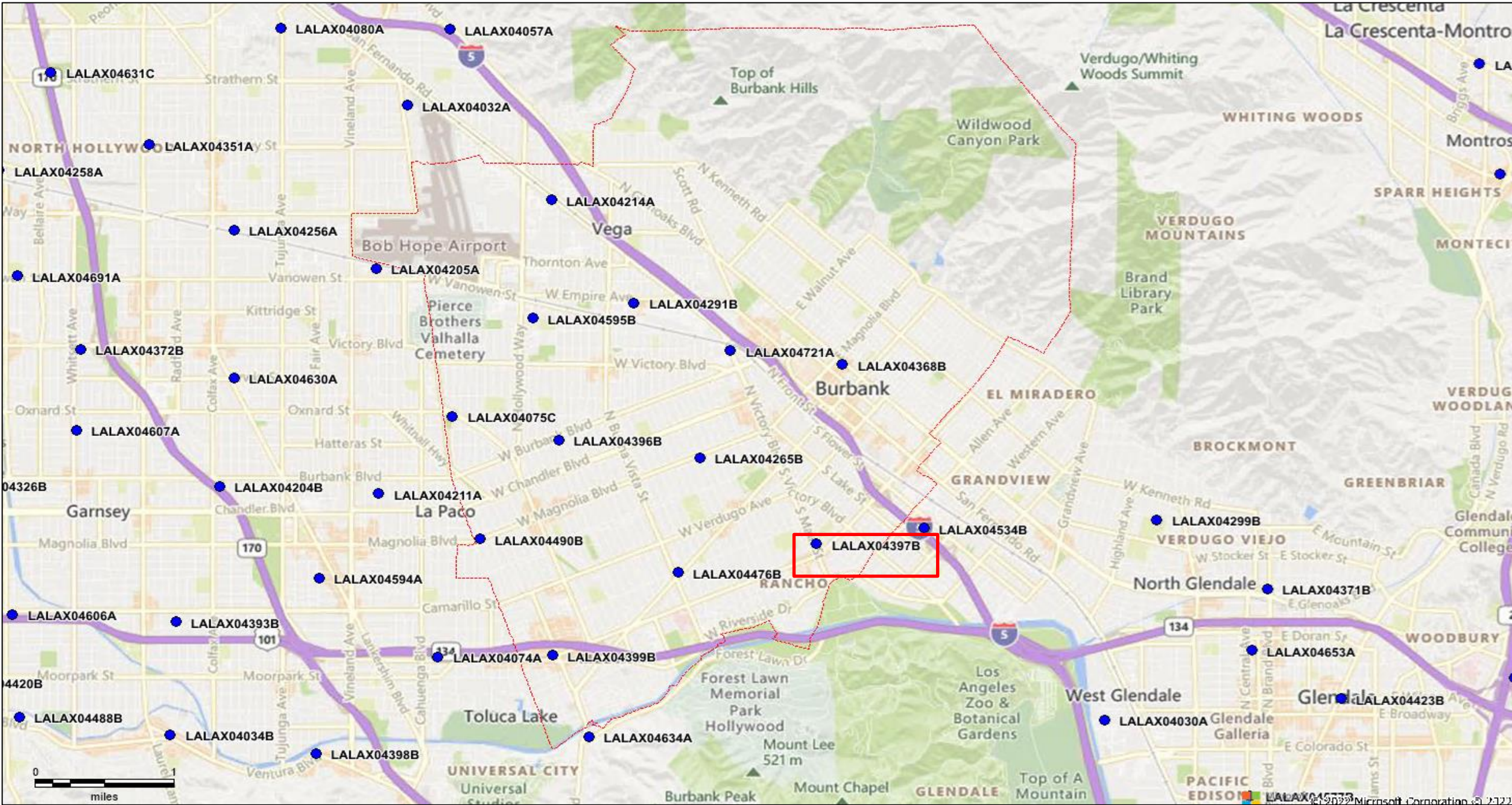




# LALAX04397B – Area of Interest

Exhibit 6.20  
No Existing DISH Wireless Coverage Within  
The City of Burbank

Burbank City Border



● Burbank Sites (Qty 12 within boundary)

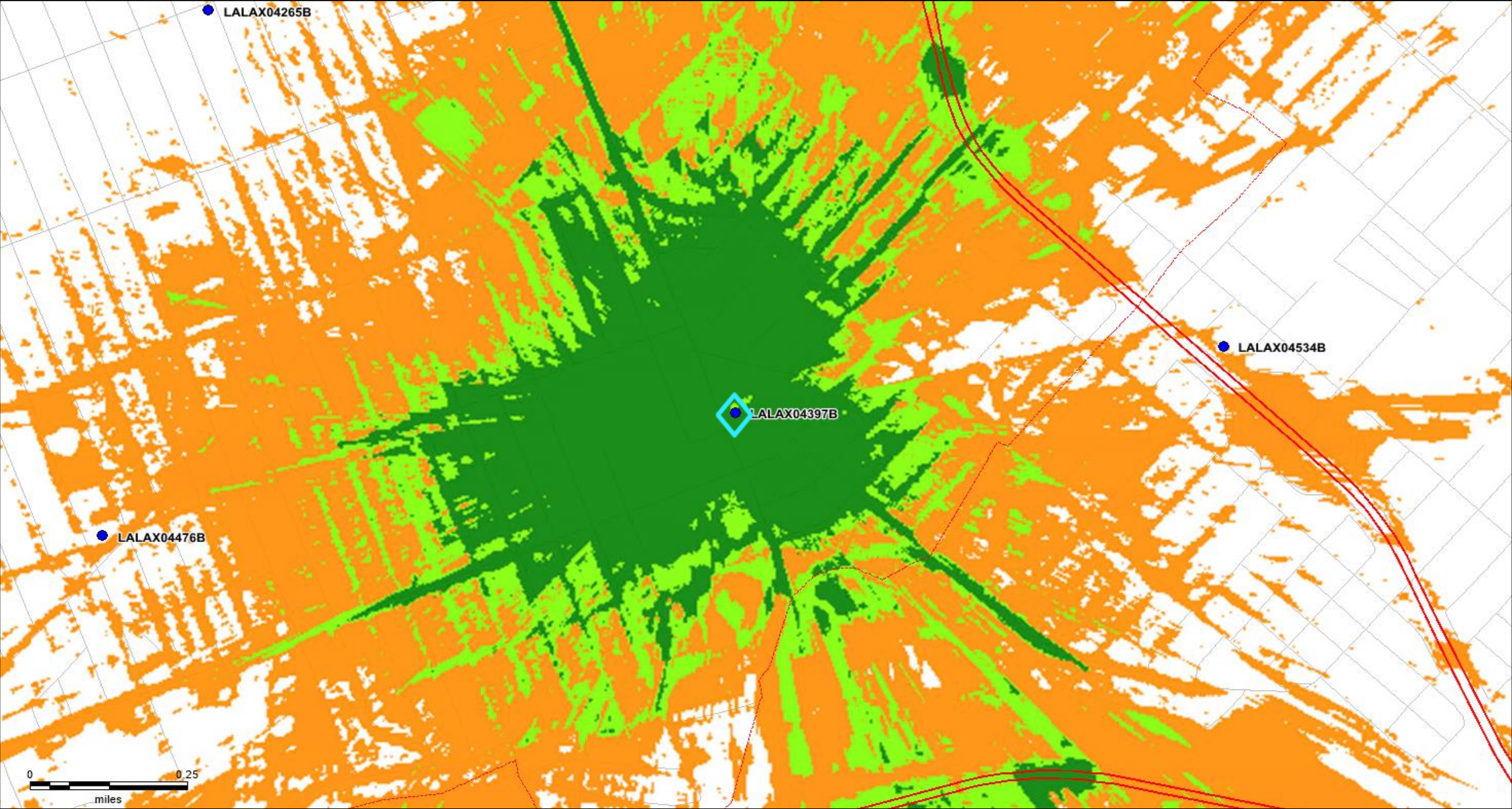




# LALAX04397B – Individual Contribution

Exhibit 6.25

Burbank City Border



**Coverage Legend**

|       |          |         |
|-------|----------|---------|
| Urban | Suburban | Outdoor |
|-------|----------|---------|

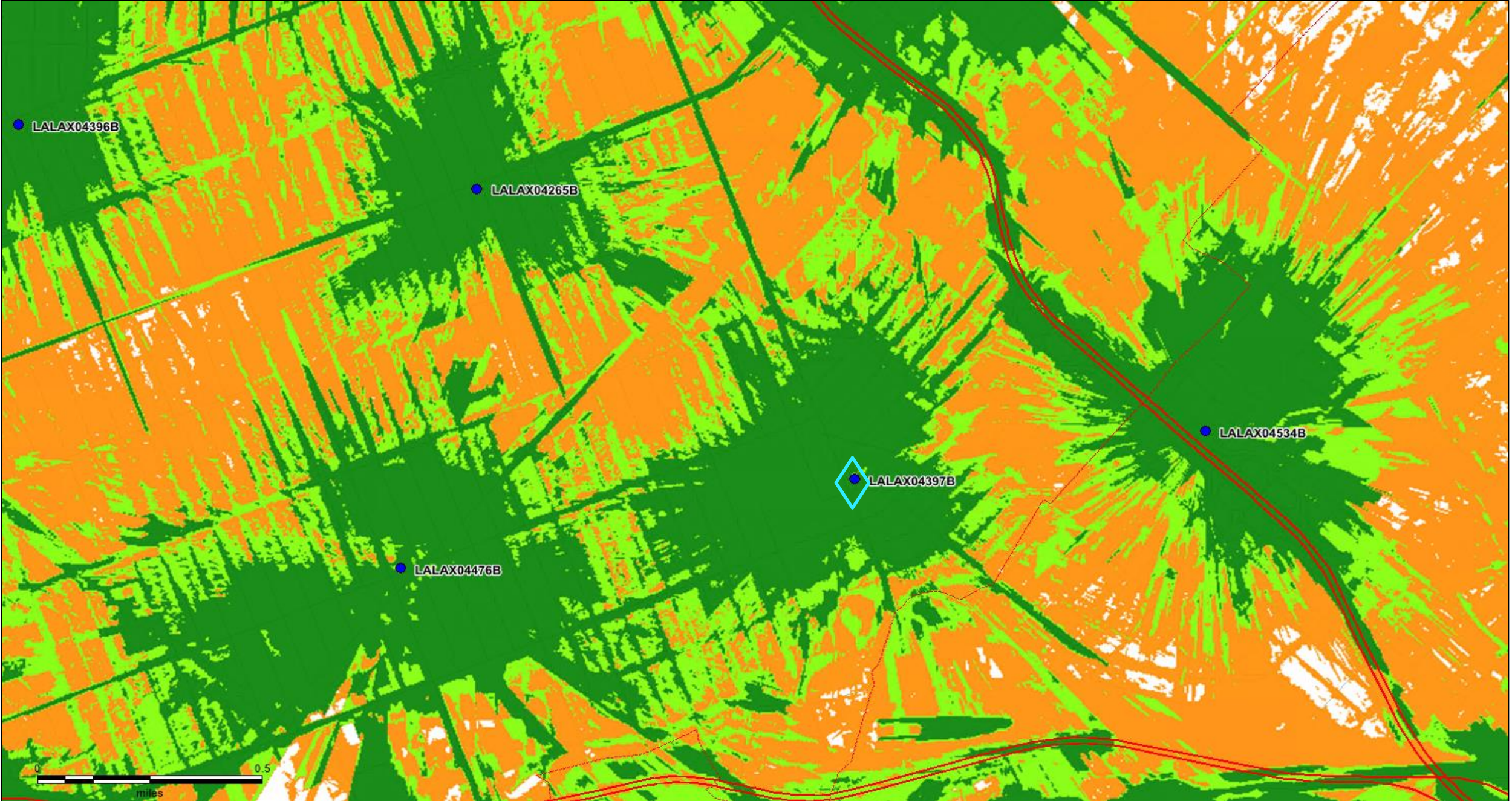




# LALAX04397B – Network Included

Exhibit 6.30

Burbank City Border



**Coverage Legend**

|       |          |         |
|-------|----------|---------|
| Urban | Suburban | Outdoor |
|-------|----------|---------|



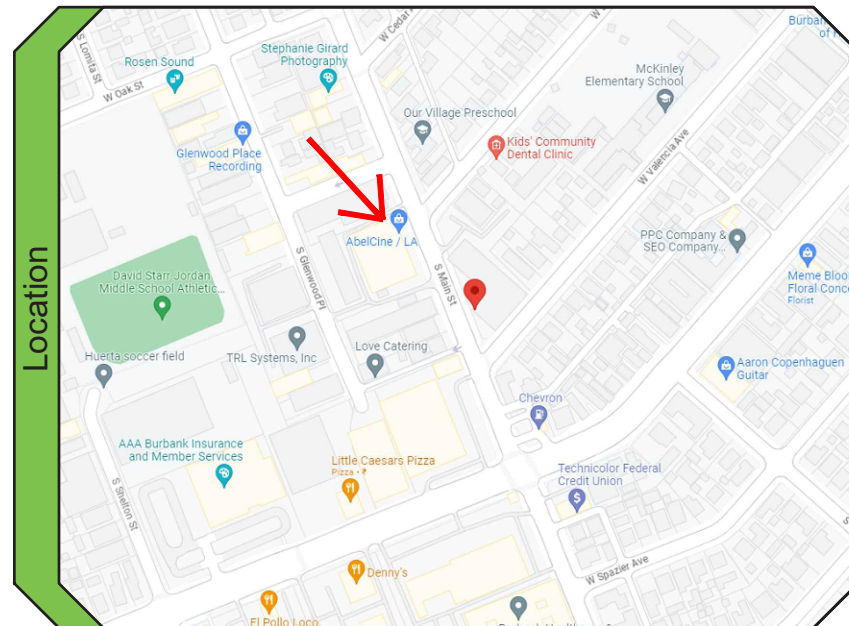




LALAX04397B  
800 SOUTH MAIN STREET  
BURBANK, CA 91506



View 1 of 3: NORTHWEST ELEVATION LOOKING SOUTHEAST



July 10, 2023

Prepared by: RAM

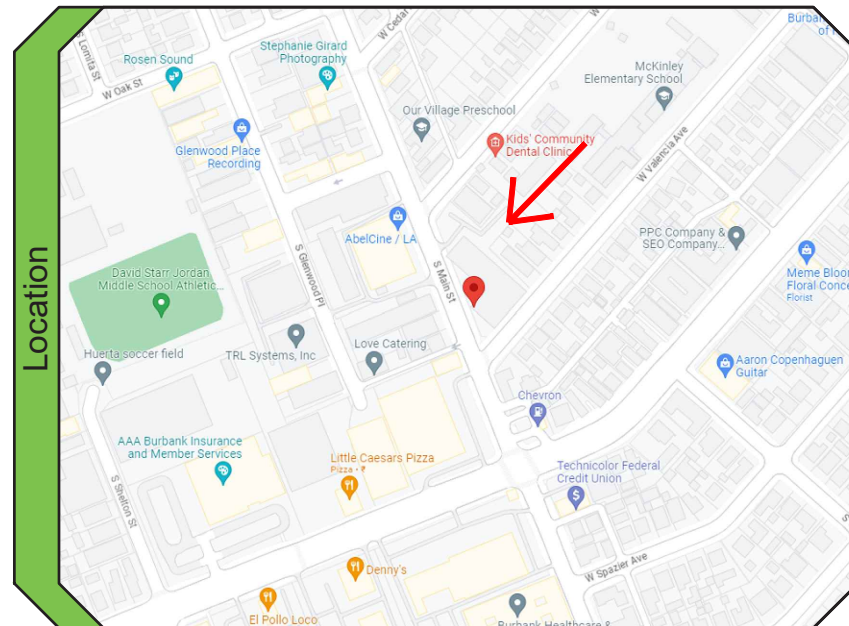




LALAX04397B  
800 SOUTH MAIN STREET  
BURBANK, CA 91506



View 2 of 3: NORTHEAST ELEVATION LOOKING SOUTHWEST



July 10, 2023

Prepared by: RAM

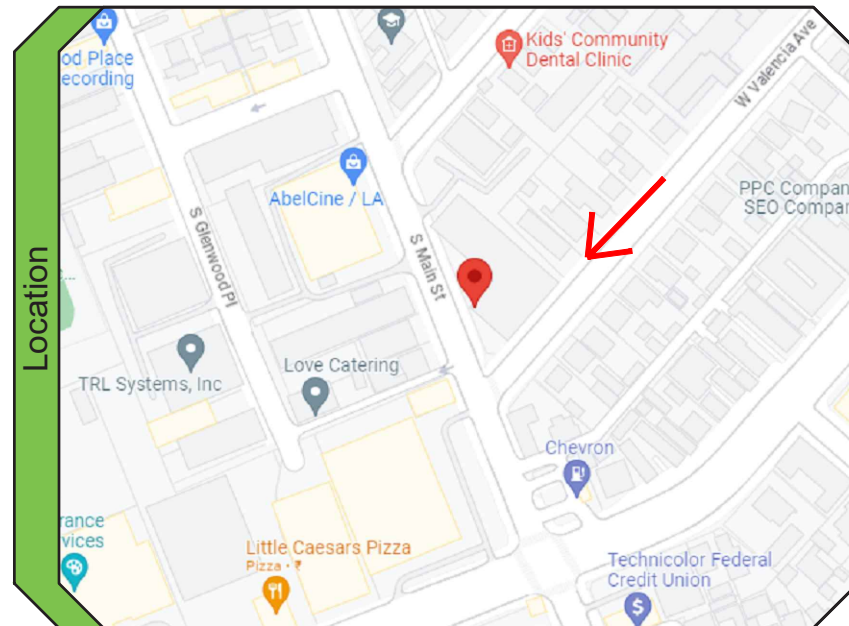




LALAX04397B  
800 SOUTH MAIN STREET  
BURBANK, CA 91506



View 3 of 3: NORTHEAST ELEVATION LOOKING SOUTHWEST



July 10, 2023

Prepared by: RAM



**DISH Wireless LLC • Proposed Base Station (Site No. LALAX04397B)  
800 South Main Street • Burbank, California**

**Statement of Hammett & Edison, Inc., Consulting Engineers**

The firm of Hammett & Edison, Inc., Consulting Engineers, has been retained on behalf of DISH Wireless LLC, a personal telecommunications carrier, to evaluate its proposed base station (Site No. LALAX04397B) to be located at 800 South Main Street in Burbank, California, for compliance with appropriate guidelines limiting sound levels from the installation.

**Executive Summary**

DISH proposes to install antennas and equipment at the three-story office building located at 800 South Main Street in Burbank. Noise levels from the equipment operations will comply with the City's pertinent noise limits.

**Prevailing Standard**

The City of Burbank regulates noise in Title 9, Chapter 3 of its Municipal Code, permitting a 5 dBA increase in noise above the existing ambient level at the property line of the subject parcel. Section 9-3-208(B) establishes the following base ambient levels for three different land-use zones, as follows:

| Zone            | Daytime<br><i>7 am to 10 pm</i> | Nighttime<br><i>10 pm to 7 am</i> |
|-----------------|---------------------------------|-----------------------------------|
| Residential     | 55 dBA                          | 45 dBA                            |
| Commercial      | 65 dBA                          | 65 dBA                            |
| All other zones | 70 dBA                          | 70 dBA                            |

Figure 1 attached describes the calculation methodology used to determine applicable noise levels for evaluation against the prevailing standard.

**General Facility Requirements**

Wireless telecommunications facilities ("cell sites") typically consist of two distinct parts: the electronic base transceiver stations ("BTS" or "cabinets") that are connected to traditional wired telephone lines, and the antennas that send wireless signals created by the BTS out to be received by individual subscriber units. The BTS are often located outdoors at ground level and are connected to the antennas by coaxial cables. The BTS typically require environmental units to cool the electronics inside. Such cooling is often integrated into the BTS, although external air conditioning may be installed, especially when the BTS are housed within a larger enclosure.

Most cell sites have back-up battery power available, to run the base station for some number of hours in the event of a power outage. Many sites have back-up power generators installed, to run the station during an extended power outage.



**DISH Wireless LLC • Proposed Base Station (Site No. LALAX04397B)  
800 South Main Street • Burbank, California**

**Site & Facility Description**

Based upon information provided by DISH, including zoning drawings by SureSite Consulting Group, LLC, dated November 2, 2021, that carrier proposes to install six directional panel antennas and twelve Fujitsu radios – six each Models 604 and 605\* – in three groups behind two view screens to be constructed near the northwest and southeast sides of the roof of the three-story office building at 800 South Main Street in Burbank. DISH also proposes to install two equipment cabinets, assumed to be Ericsson Model 6160 cabinets for the purpose of this study, behind the view screen closer to the center of the roof.

From the equipment platform, the nearest property line of the subject parcel is about 30 feet to the west, at South Main Street, and the nearest residential property line is located about 90 feet to the northeast.

**Study Results**

The antennas are passive, generating no noise. Ericsson reports that the maximum noise level from one Model 4408 radio is 42.2 dBA<sup>†</sup> and that the maximum noise level from one Model 6160 cabinet is 64.3 dBA, both at a reference distance of 5 feet. The maximum calculated noise level at the nearest property line, for the simultaneous operation of all twelve radios and both cabinets, is 51.9 dBA, which would raise the applicable commercial base ambient noise level of 65 dBA to 65.2 dBA, an increase of 0.2 dBA, well below the City’s allowed increase of 5 dBA. The maximum calculated noise level at the property line closest to a residential property is 42.4 dBA, which would raise the applicable residential, nighttime base ambient noise level of 45 dBA to 46.9 dBA, an increase of 1.9 dBA, also well below the City’s allowed increase of 5 dBA.

**Conclusion**

Based on the information and analysis above, it is the undersigned’s professional opinion that the operation of the DISH Wireless LLC base station proposed to be located at 800 South Main Street in Burbank, California, will comply with that City’s requirements for limiting acoustic noise emission levels.

---

\* Assumed to have the same noise rating as the Ericsson Model 4408 radio, for the limited purpose of this study.

† Adjusted to reflect the record high temperature of 114°F in Burbank.



**DISH Wireless LLC • Proposed Base Station (Site No. LALAX04397B)  
800 South Main Street • Burbank, California**

**Authorship**

The undersigned author of this statement is a qualified Professional Engineer, holding California Registration Nos. E-13026 and M-20676, which expire on June 30, 2023. This work has been carried out under his direction, and all statements are true and correct of his own knowledge except, where noted, when data has been supplied by others, which data he believes to be correct.



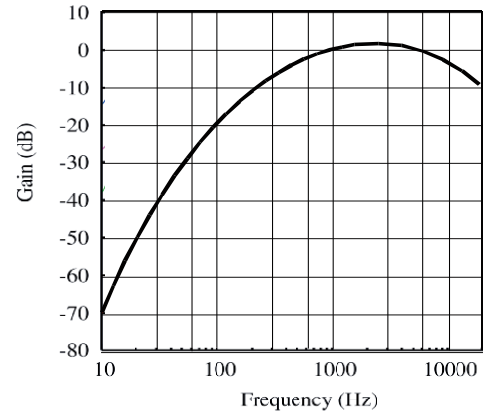
A handwritten signature in blue ink that reads "William F. Hammett". The signature is written over a horizontal line.

William F. Hammett, P.E.  
707/996-5200

March 17, 2022

## Noise Level Calculation Methodology

Most municipalities and other agencies specify noise limits in units of dBA, which is intended to mimic the reduced receptivity of the human ear to Sound Pressure (“L<sub>p</sub>”) at particularly low or high frequencies. This frequency-sensitive filter shape, shown in the graph to the right as defined in the International Electrotechnical Commission Standard No. 179, the American National Standards Institute Standard No. 5.1, and various other standards, is also incorporated into most calibrated field test equipment for measuring noise levels.



|        |                  |
|--------|------------------|
| 30 dBA | library          |
| 40 dBA | rural background |
| 50 dBA | office space     |
| 60 dBA | conversation     |
| 70 dBA | car radio        |
| 80 dBA | traffic corner   |
| 90 dBA | lawnmower        |

The dBA units of measure are referenced to a pressure of 20 μPa (micropascals), which is the threshold of normal hearing. Although noise levels vary greatly by location and noise source, representative levels are shown in the box to the left.

Manufacturers of many types of equipment, such as air conditioners, generators, and telecommunications devices, often test their products in various configurations to determine the acoustical emissions at certain distances. This data, normally expressed in dBA at a known reference distance, can be used to determine the corresponding sound pressure level at any particular distance, such as at a nearby building or property line. The sound pressure drops as the square of the increase in distance, according to the formula:

$$L_p = L_K + 20 \log(D_K/D_p),$$

where L<sub>p</sub> is the sound pressure level at distance D<sub>p</sub> and L<sub>K</sub> is the known sound pressure level at distance D<sub>K</sub>.

Individual sound pressure levels at a particular point from several different noise sources cannot be combined directly in units of dBA. Rather, the units need to be converted to scalar sound intensity units in order to be added together, then converted back to decibel units, according to the formula:

where L<sub>T</sub> is the total sound pressure level and L<sub>1</sub>, L<sub>2</sub>, etc are individual sound pressure levels.

$$L_T = 10 \log (10^{L_1/10} + 10^{L_2/10} + \dots),$$

Certain equipment installations may include the placement of barriers and/or absorptive materials to reduce transmission of noise beyond the site. Noise Reduction Coefficients (“NRC”) are published for many different materials, expressed as unitless power factors, with 0 being perfect reflection and 1 being perfect absorption. Unpainted concrete block, for instance, can have an NRC as high as 0.35. However, a barrier’s effectiveness depends on its specific configuration, as well as the materials used and their surface treatment.



**APPENDIX A**

*Optional Checklist for Determination  
Of Whether a Facility is Categorically Excluded*

**Optional Checklist for Local Government  
To Determine Whether a Facility is Categorically Excluded**

Purpose: The FCC has determined that many wireless facilities are unlikely to cause human exposures in excess of RF exposure guidelines. Operators of those facilities are exempt from routinely having to determine their compliance. These facilities are termed "categorically excluded." Section 1.1307(b)(1) of the Commission's rules defines those categorically excluded facilities. This checklist will assist state and local government agencies in identifying those wireless facilities that are categorically excluded, and thus are highly unlikely to cause exposure in excess of the FCC's guidelines. Provision of the information identified on this checklist may also assist FCC staff in evaluating any inquiry regarding a facility's compliance with the RF exposure guidelines.

**BACKGROUND INFORMATION**

1. Facility Operator's Legal Name: DISH Wireless LLC
2. Facility Operator's Mailing Address: 5701 South Santa Fe Drive
3. Facility Operator's Contact Name/Title: Becky Rhodes
4. Facility Operator's Office Telephone: (951) 801-1923
5. Facility Operator's Fax: NA
6. Facility Name: LALAX04397B
7. Facility Address: 800 South Main Street
8. Facility City/Community: City of Burbank
9. Facility State and Zip Code: California 91506
10. Latitude: 34.165136
11. Longitude: -118.312167

continue  
→



Optional Local Government Checklist (page 2)

**EVALUATION OF CATEGORICAL EXCLUSION**

12. Licensed Radio Service (see attached Table 1): Personal Communications Services
13. Structure Type (free-standing or building/roof-mounted): Roof-mounted
14. Antenna Type [omnidirectional or directional (includes sectored)]: Directional
15. Height above ground of the lowest point of the antenna (in meters): 39 ft.
16.  Check if all of the following are true:
- (a) This facility will be operated in the Multipoint Distribution Service, Paging and Radiotelephone Service, Cellular Radiotelephone Service, Narrowband or Broadband Personal Communications Service, Private Land Mobile Radio Services Paging Operations, Private Land Mobile Radio Service Specialized Mobile Radio, Local Multipoint Distribution Service, or service regulated under Part 74, Subpart I (see question 12).
  - (b) This facility will not be mounted on a building (see question 13).
  - (c) The lowest point of the antenna will be at least 10 meters above the ground (see question 15).

If box 16 is checked, this facility is categorically excluded and is unlikely to cause exposure in excess of the FCC's guidelines. The remainder of the checklist need not be completed. If box 16 is not checked, continue to question 17.

17. Enter the power threshold for categorical exclusion for this service from the attached Table 1 in watts ERP or EIRP\* (note: EIRP = (1.64) X ERP): 2000 W
18. Enter the total number of channels if this will be an omnidirectional antenna, or the maximum number of channels in any sector if this will be a sectored antenna: 1
19. Enter the ERP or EIRP per channel (using the same units as in question 17): 6760.8 W
20. Multiply answer 18 by answer 19: 6760.8 W
21. Is the answer to question 20 less than or equal to the value from question 17 (yes or )?

If the answer to question 21 is YES, this facility is categorically excluded. It is unlikely to cause exposure in excess of the FCC's guidelines.

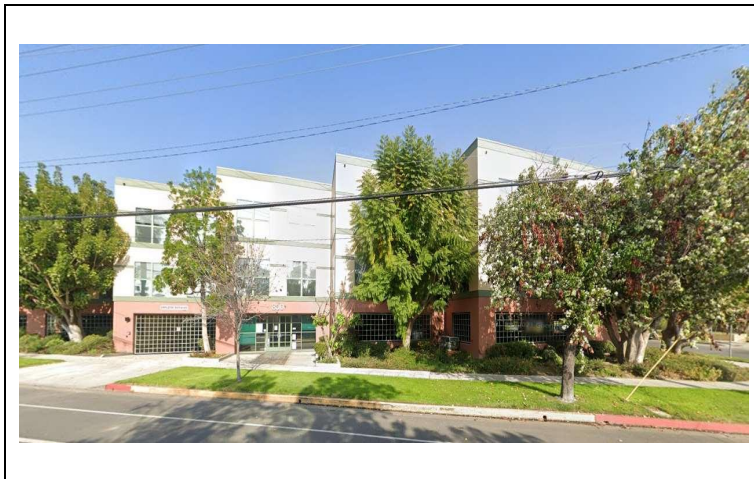
If the answer to question 21 is NO, this facility is not categorically excluded. Further investigation may be appropriate to verify whether the facility may cause exposure in excess of the FCC's guidelines.

\*"ERP" means "effective radiated power" and "EIRP" means "effective isotropic radiated power"

## Radio Frequency – Electromagnetic Energy (RF-EME) Site Compliance Report

---

Site Number: LALAX04397B  
800 South Main  
BURBANK, CA 91506  
34.165042, -118.312027



Prepared For:



## Contents

**Overview..... 3**

**Statement of Compliance ..... 3**

**1.0 Introduction..... 4**

**2.0 Site Description ..... 4**

**3.0 Calculation Methodology & Data ..... 6**

**4.0 Mitigation Recommendation..... 7**

**4.1 Compliance Summary ..... 8**

**5.0 Summary and Conclusions..... 8**

**6.0 Proprietary Statement ..... 12**

**Appendix A: FCC Guidelines..... 12**

**APPENDIX B: FCC Emissions Threshold Limits..... 12**

**APPENDIX C: RF Signage Description Table..... 15**

**APPENDIX D: Certifications ..... 16**

### Reference Documents

**CD: 10112797.SICKLES STREET.AE201.C-BAND.11.17.21**

**RFDS: NYC-NNJ\_NYC\_NYCMNYB115\_2021-5G-NR-Radio\_5G-NR-1SR-  
CBAND\_dp2443\_2191A0YMH7\_10112797\_107271\_02-08-2021\_Preliminary-Approved\_v1.00  
(1)**

## Overview

Centerline Communications, LLC (“Centerline”) has been contracted to provide a Radio Frequency (RF) Analysis for the following Dish Wireless rooftop facility to determine whether the facility is in compliance with federal standards and regulations regarding RF emissions. This analysis includes theoretical emissions calculations which were performed assuming that all of the proposed radios operate uncombined in their RF paths to yield a worst-case scenario.

## Statement of Compliance

Dish Wireless will be compliant with FCC regulations when the proposed mitigation items in this report are implemented. See Section 4 for specific instructions.

The MPE Levels are predicted to exceed the General Public limits for those walking on the Main Level. The maximum prediction onsite is 624.47% of the FCC's General Public limits on this level.

Dish’s proposed antennas at Alpha Sector may exceed the FCC’s General Public limits within approximately 8 feet from the antenna face on the Main Level. Modeling also indicates that the worst-case emitted power density may exceed the FCC’s occupational limit within approximately 1 feet of Dish’s proposed antennas on the Main Level.

Recommended control measures are outlined in Section 4.0 and within the Signage Diagram (attached); Dish Wireless should also provide procedures to shut down and lockout/tagout this wireless equipment in accordance with their own standard operating protocol. Non-telecom workers who will be working in areas of exceedance are required to contact Dish Wireless since only Dish has the ability to lockout/tagout the facility, or to authorize others to do so.

## 1.0 Introduction

Radio frequency waves are electromagnetic waves from the portion of the electromagnetic spectrum at frequencies lower than visible light and microwaves. The wavelengths of radio waves range from thousands of meters to around 30 centimeters. These wavelengths correspond to frequencies as low as 3 cycles per second (or hertz [Hz]) to as high as one gigahertz (one billion cycles per second).

Personal Communication (PCS) facilities used by Dish Wireless in this area will potentially operate within a frequency range of 600 to 5000 MHz. Facilities typically consist of: 1) electronic transceivers (the radios or cabinets) connected to wired telephone lines; and 2) antennas that send the wireless signals created by the transceivers to be received by individual subscriber units (PCS telephones). Transceivers are typically connected to antennas by coaxial cables.

Because of the short wavelength of PCS services, the antennas require line-of-site paths for good propagation and are typically installed a distance above ground level. Antennas are constructed to concentrate energy towards the horizon, with as little energy as possible scattered towards the ground or the sky. This design, combined with the low power of PCS facilities, generally results in no possibility for exposure to approach Maximum Permissible Exposure (MPE) levels, with the exception of in areas in the immediate vicinity of the antennas.

MPE limits do not represent levels where a health risk exists, since they are designed to provide a substantial margin of safety. These limits apply for continuous exposures and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size or health.

## 2.0 Site Description

The facility is located on a Rooftop in BURBANK, California.

The **proposed antenna configuration** for Dish Wireless and any other known wireless carriers at this facility are shown on the following page on the following page in the **Site Antenna Data Table**.

For all other carrier systems on this facility, exact equipment was used if available. In instances where other carrier system equipment was not available, standard radio configurations for these systems were utilized based upon prior experience with these systems on facilities in this area.

**Site Antenna Data Table**

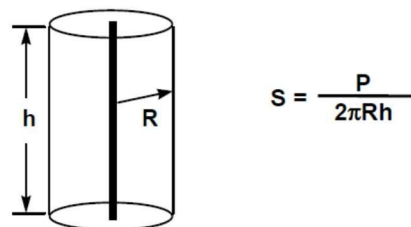
| Ant Num | Carrier | Freq   | Power Input (Watts) | ERP     | Antenna Make | Antenna Model | Z Value (ft)* | Gain (dBd) | Az (°) | Horizontal BW |
|---------|---------|--------|---------------------|---------|--------------|---------------|---------------|------------|--------|---------------|
| 1       | Dish    | NR600  | 120                 | 1459.42 | CCI          | OPA65R-TE6C   | 42            | 11.35      | 0.00   | 72.00         |
| 1       | Dish    | NR1900 | 160                 | 5237.45 | CCI          | OPA65R-TE6C   | 42            | 15.65      | 0.00   | 63.00         |
| 1       | Dish    | NR2100 | 160                 | 5118.23 | CCI          | OPA65R-TE6C   | 42            | 15.55      | 0.00   | 53.00         |
| 2       | Dish    | NR600  | 120                 | 1459.42 | CCI          | OPA65R-TE6C   | 42            | 11.35      | 120.00 | 72.00         |
| 2       | Dish    | NR1900 | 160                 | 5237.45 | CCI          | OPA65R-TE6C   | 42            | 15.65      | 120.00 | 63.00         |
| 2       | Dish    | NR2100 | 160                 | 5118.23 | CCI          | OPA65R-TE6C   | 42            | 15.55      | 120.00 | 53.00         |
| 3       | Dish    | NR600  | 120                 | 1923.89 | CELLMAX      | CX12044x      | 42            | 12.55      | 240.00 | 71.00         |
| 3       | Dish    | NR1900 | 160                 | 7746.76 | CELLMAX      | CX12044x      | 42            | 17.35      | 240.00 | 64.00         |
| 3       | Dish    | NR2100 | 160                 | 8494.15 | CELLMAX      | CX12044x      | 42            | 17.75      | 240.00 | 67.00         |

\*Z-Value is the distance from the centerline to the ground level.

### 3.0 Calculation Methodology & Data

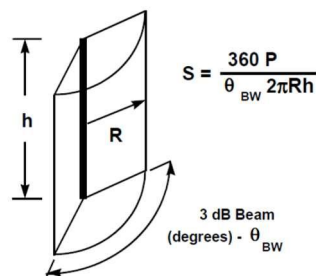
Centerline has performed theoretical calculations on all transmission equipment located on this facility. All calculations have been performed using the RoofMaster® software from Waterford Consultants LLC. This software performs calculations using a cylindrical model for very conservative power density predictions within the near-field of the antenna where the antenna pattern has not truly formed yet. Within this area power density values tend to decrease based upon an inverse distance function. At the point where it is appropriate for modeling to change from near-field calculations to far-field calculations the power decreases inversely with the square of the distance. This modeling technique is accurate with low antenna centerlines, such as rooftops, where persons can get close to the antennas and pass through fields in close proximity.

The below calculation in Figure 1 shows the theoretical distribution of power over an imaginary cylinder with equal power distribution in all directions.



*Figure 1: Distribution of power over an imaginary cylinder in all directions*

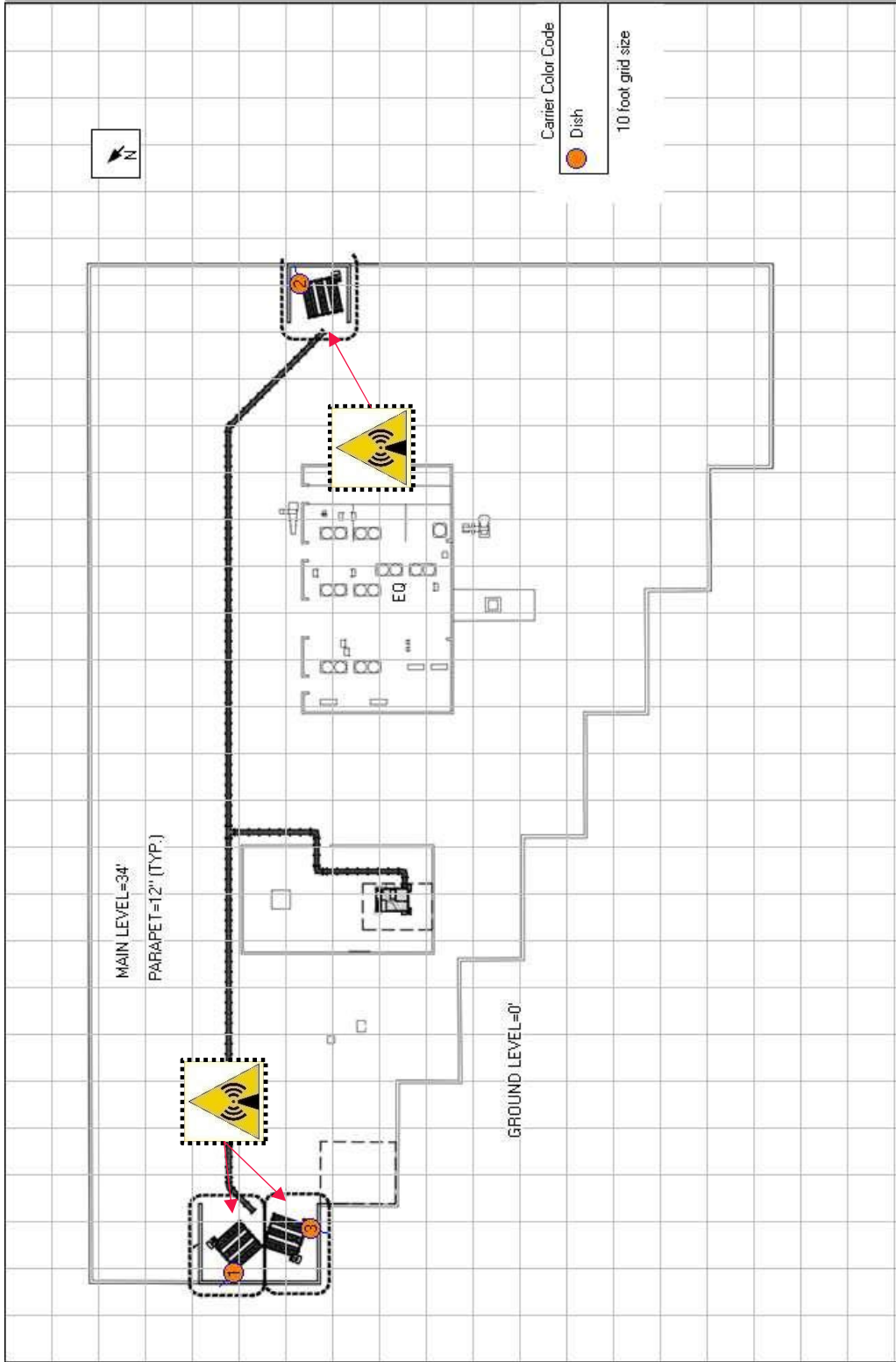
This model can be modified for directional antennas to show directionality of power distribution. This formula will tend to be conservative as it assumes that all power is focused between the 3 dB power roll off points as shown in Figure 2.



*Figure 2: Distribution of power over an imaginary cylinder in all directions inside the half power roll off points (HBW)*



### 4.0 Mitigation Recommendation



All Access Points



Existing Item

Proposed Item

| Signage Count               |   | Signage Diagram |   |
|-----------------------------|---|-----------------|---|
|                             | 1 |                 | 1 |
|                             | 0 |                 | 0 |
|                             | 3 |                 | 1 |
| Signage for:<br>LALAX04397B |   |                 |   |



#### 4.1 Compliance Summary

Dish Wireless will be compliant when the following is implemented.

|                     |   |
|---------------------|---|
| <b>Access</b>       | <ul style="list-style-type: none"> <li>In order to alert people accessing the rooftop, a Guidelines sign and an NOC Information sign are recommended for installation at each access point to the rooftop.</li> </ul> |
| <b>Alpha Sector</b> | <ul style="list-style-type: none"> <li>Install (1) Caution sign behind the antenna at Alpha.</li> </ul>   |
| <b>Beta Sector</b>  | <ul style="list-style-type: none"> <li>Install (1) Caution sign behind the antenna at Beta.</li> </ul>  |
| <b>Gamma Sector</b> | <ul style="list-style-type: none"> <li>Install (1) Caution sign behind the antenna at Gamma.</li> </ul>   |
| <b>Notes:</b>       | <ul style="list-style-type: none"> <li>Barriers are not recommended for installation because areas of exceeding MPE limits are inaccessible or within 6' of an unprotected roof edge.</li> </ul>                      |

#### 5.0 Summary and Conclusions

| Maximum Predicted MPE Level on Site:             | % of MPE Limit: | Location:         |
|--|-----------------|-------------------|
| Accessible <b>General Population</b> MPE Limits: | <b>624.47</b>   | <b>Main Level</b> |
| Accessible <b>Occupational</b> MPE Limits:       | <b>124.89</b>   |                   |

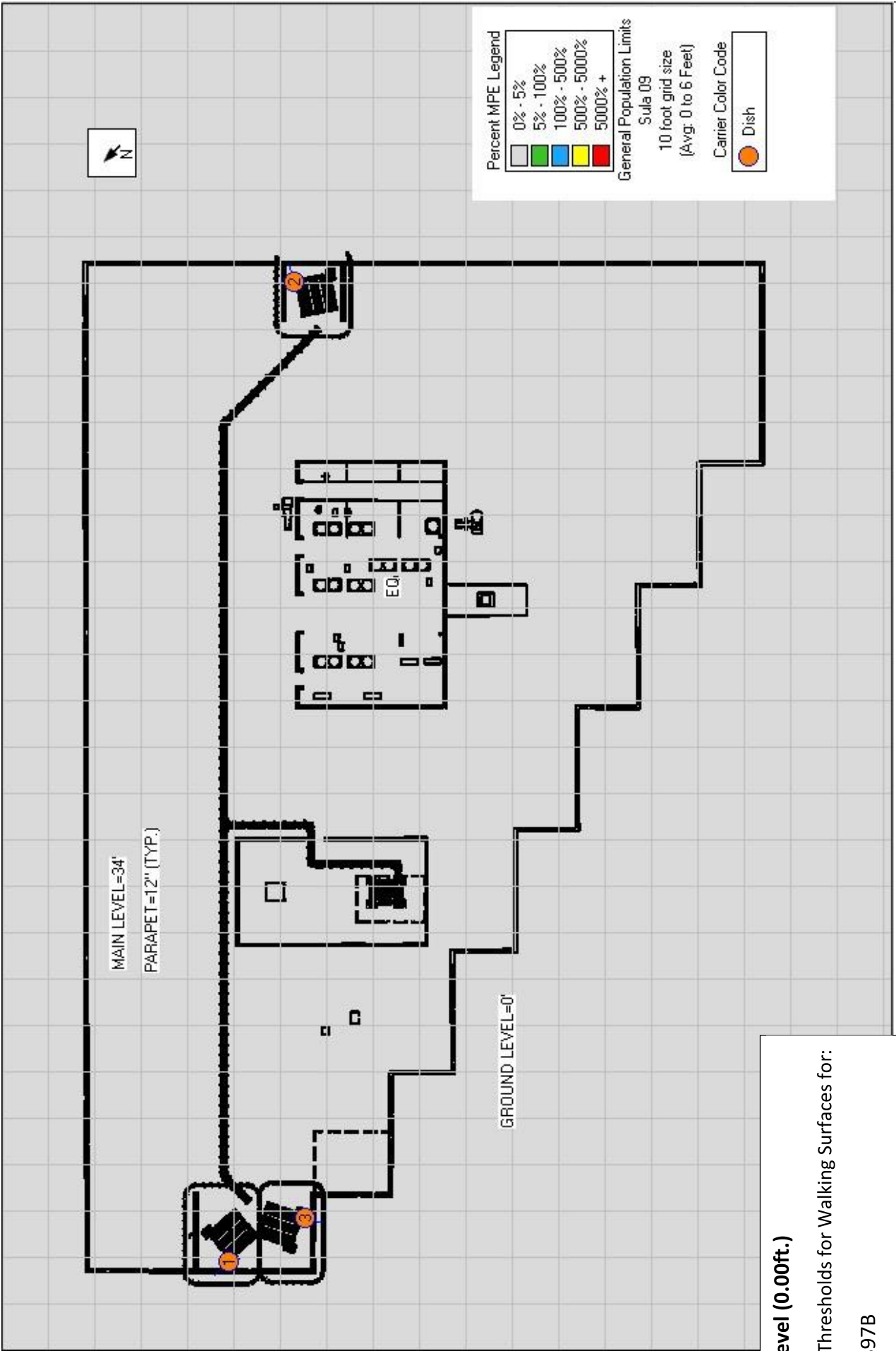
| Ground Level Assessment:                           | % of MPE Limit: |
|--|-----------------|
| Ground Level <b>General Population</b> MPE Limits: | <b>0.48%</b>    |
| Ground Level <b>Occupational</b> MPE Limits:       | <b>0.10%</b>    |

| Sector A: Transmitting over Main Level           | % of MPE Limit: | *Distance from Antenna: |
|--|-----------------|-------------------------|
| Accessible <b>General Population</b> MPE Limits: | <b>624.47%</b>  | <b>8'</b>               |
| Accessible <b>Occupational</b> MPE Limits:       | <b>124.89%</b>  | <b>1'</b>               |

| Sector B: Transmitting over Main Level           | % of MPE Limit: | *Distance from Antenna: |
|--|-----------------|-------------------------|
| Accessible <b>General Population</b> MPE Limits: | <b>620.31%</b>  | <b>5'</b>               |
| Accessible <b>Occupational</b> MPE Limits:       | <b>124.06%</b>  | <b>1'</b>               |

| Sector C: Transmitting over Main Level           | % of MPE Limit: | *Distance from Antenna: |
|--|-----------------|-------------------------|
| Accessible <b>General Population</b> MPE Limits: | <b>612.89%</b>  | <b>4'</b>               |
| Accessible <b>Occupational</b> MPE Limits:       | <b>122.58%</b>  | <b>1'</b>               |

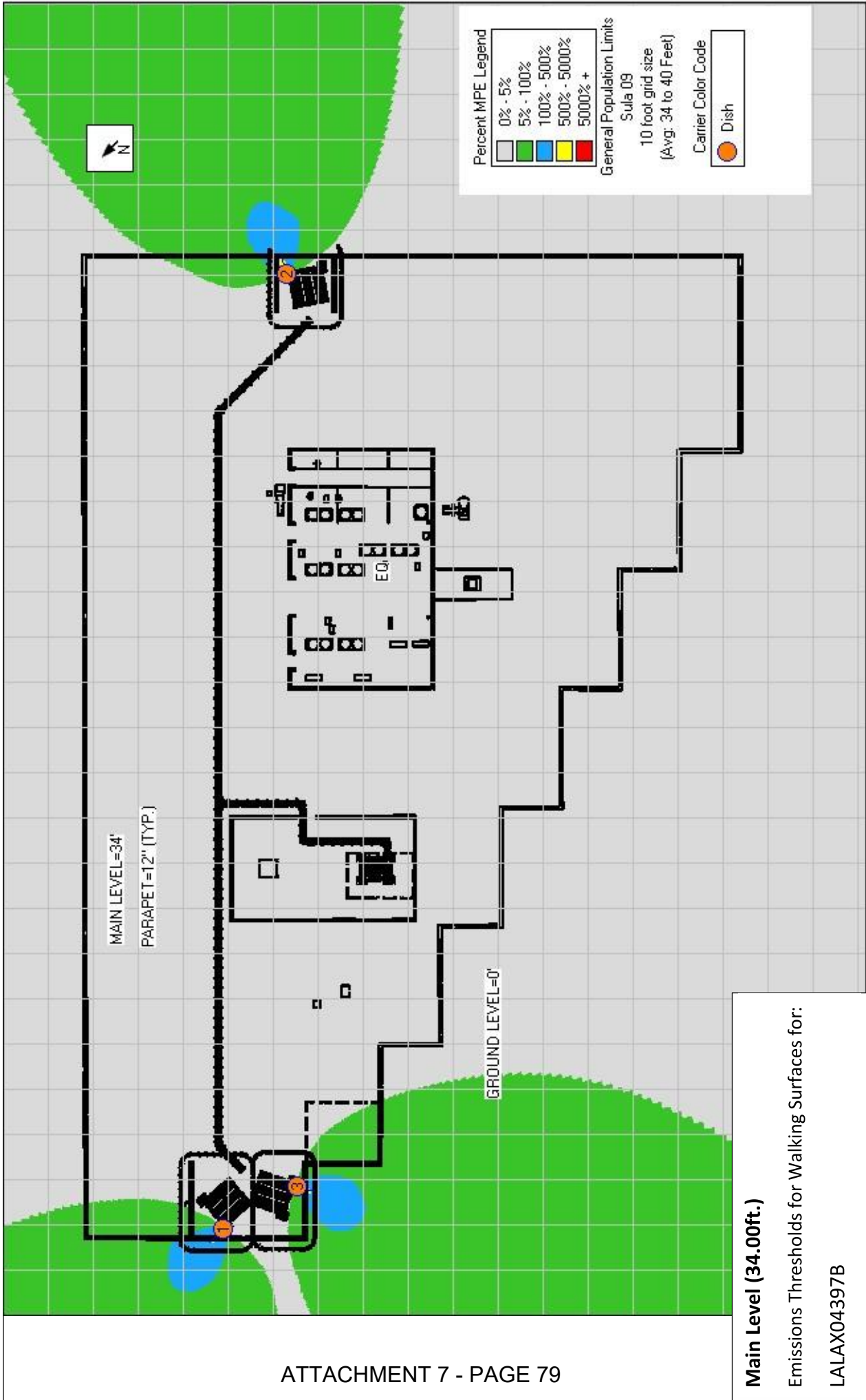
*\*Distance from Antenna is the distance in feet that the MPE limits are exceeded from the front face of the antenna, outward across an accessible area.*

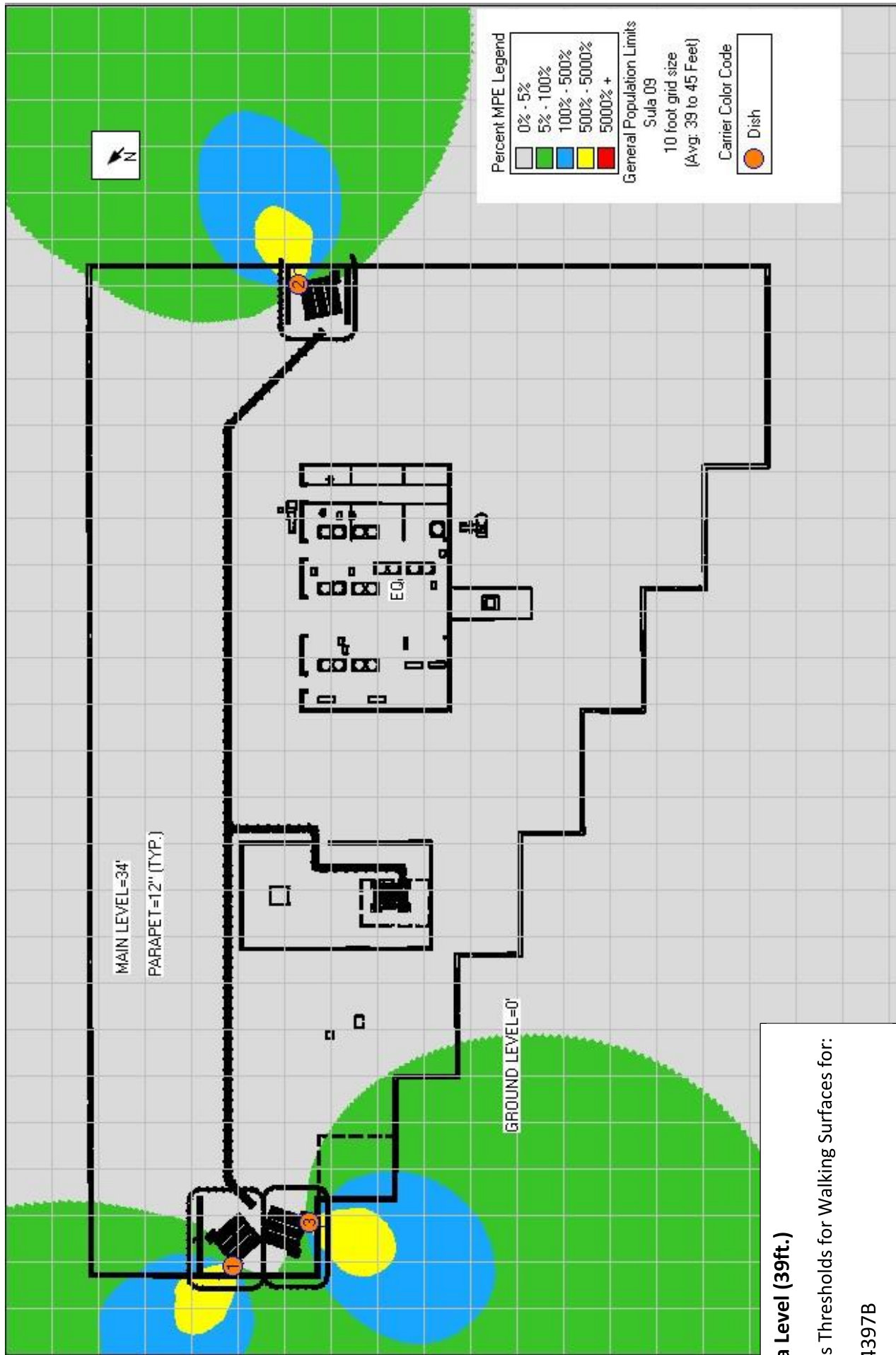


**Ground Level (0.00ft.)**

Emissions Thresholds for Walking Surfaces for:

LALAX04397B





## 6.0 Proprietary Statement

This report was prepared for the use of Dish Wireless to meet requirements specified in Dish Wireless' corporate RF safety guidelines. It was performed in accordance with generally accepted practices of other consultants undertaking similar studies at the same time and in the same locale under like circumstances. The conclusions provided by Centerline Communications, LLC are based solely on the information provided by Dish Wireless and all observations in this report are valid on the date of the investigation. Any additional information that becomes available concerning the site should be provided to Centerline Communications, LLC so that our conclusions may be revised and modified, if necessary. This report has been prepared in accordance with Standard Conditions for Engagement and authorized proposal, both of which are integral parts of this report. No other warranty, expressed or implied, is made.

## Appendix A: FCC Guidelines

All power density values used in this report were analyzed as a percentage of current Maximum Permissible Exposure (% MPE) as listed in the FCC OET Bulletin 65 Edition 97-01 and ANSI/IEEE Std C95.1. The FCC regulates Maximum Permissible Exposure in units of microwatts per square centimeter ( $\mu\text{W}/\text{cm}^2$ ). The number of  $\mu\text{W}/\text{cm}^2$  calculated at each sample point is called the power density. The exposure limit for power density varies depending upon the frequencies being utilized. Wireless Carriers and Paging Services use different frequency bands each with different exposure limits, therefore it is necessary to report results and limits in terms of percent MPE rather than power density.

All results were compared to the FCC (Federal Communications Commission) radio frequency exposure rules, 47 CFR 1.1307(b)(1) – (b)(3), to determine compliance with the Maximum Permissible Exposure (MPE) limits for General Population/Uncontrolled environments as defined below.

## APPENDIX B: FCC Emissions Threshold Limits

The Federal Communications Commission (FCC) has established safety guidelines relating to RF exposure from cell sites. The FCC developed those standards, known as Maximum Permissible Exposure (MPE) limits, in consultation with numerous other federal agencies, including the Environmental Protection Agency, the Food and Drug Administration, and the Occupational Safety and Health Administration. The standards were developed by expert scientists and engineers after extensive reviews of the scientific literature related to RF biological effects. The FCC explains that its standards “incorporate prudent margins of safety.” The following represents explanations of the most applicable information:



**Two Classifications for Exposure Limits**

|   |   |
|---|---|
| <p><u>Occupational</u> – Applies to situations in which persons are “exposed as a consequence of their <i>employment</i>” and are “<i>fully aware</i> of the potential for exposure and can <i>exercise control</i> over their exposure”.</p> | <p><u>General Population</u> – Applies to situations in which persons are “exposed as a consequence of their employment <i>may not be made fully aware</i> of the potential for exposure or <i>cannot exercise control</i> over their exposure”. Generally speaking, those without significant and documented RF Safety &amp; Awareness training would be in the General Population classification.</p> |
|---|---|

**Environment Classification**

|  |   |
|--|---|
| <p><u>Controlled</u> – Applies to environments that are restricted or “controlled” in order to prevent access from members of the General Population classification.</p> | <p><u>Uncontrolled</u> – Applies to environments that are unrestricted or “uncontrolled” that allow access from members of the General Population classification.</p> |
|--|---|

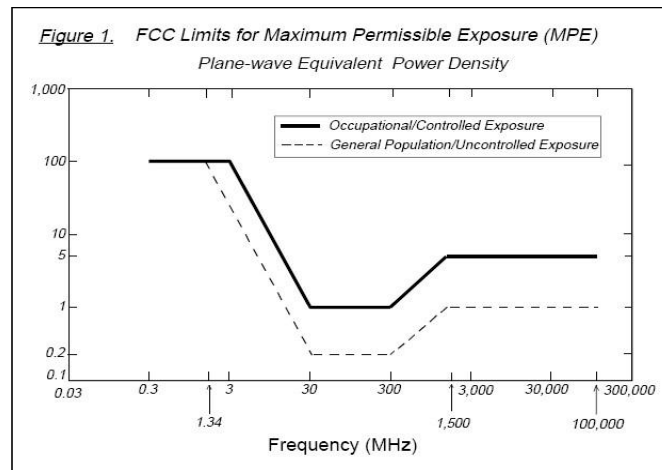
Table 1 and Figure 1 (on the following page), which are included within the FCC’s OET Bulletin 65, summarize the MPE limits for RF emissions. These limits are designed to provide a substantial margin of safety. They vary by frequency to take into account the different types of equipment that may be in operation at a particular facility and are “time-averaged” limits to reflect different durations resulting from controlled and uncontrolled exposures.

The FCC’s MPEs are measured in terms of power (mW) over a unit surface area (cm<sup>2</sup>). Known as the power density, the FCC has established an occupational MPE of 5 milliwatts per square centimeter (mW/cm<sup>2</sup>) and an uncontrolled MPE of 1 mW/cm<sup>2</sup> for equipment operating in the 1900 MHz frequency range. For the Dish Wireless equipment operating at 600 MHz or 850 MHz, the FCC’s occupational MPE is 2.83 mW/cm<sup>2</sup> and an uncontrolled MPE of 0.57 mW/cm<sup>2</sup>. For the Dish Wireless equipment operating at 1900 MHz, the FCC’s occupational MPE is 5.0 mW/cm<sup>2</sup> and an uncontrolled MPE limit of 1.0 mW/cm<sup>2</sup>. These limits are considered protective of these populations.





| Table 1: Limits for Maximum Permissible Exposure (MPE) |                                   |                                   |   |   |
|--|-----------------------------------|-----------------------------------|---|---|
| (A) Limits for Occupational/Controlled Exposure        |                                   |                                   |   |   |
| Frequency Range (MHz)                                  | Electric Field Strength (E) (V/m) | Magnetic Field Strength (H) (A/m) | Power Density (S) (mW/cm <sup>2</sup> ) | Averaging Time [E] <sup>2</sup> , [H] <sup>2</sup> , or S (minutes) |
| 0.3-3.0  | 614                               | 1.63                              | (100)*                                  | 6   |
| 3.0-30   | 1842/f                            | 4.89/f                            | (900/f <sup>2</sup> )*                  | 6   |
| 30-300   | 61.4                              | 0.163                             | 1.0                                     | 6   |
| 300-1,500  | --                                | --                                | f/300                                   | 6   |
| 1,500-100,000  | --                                | --                                | 5                                       | 6   |
| (B) Limits for General Public/Uncontrolled Exposure    |                                   |                                   |   |   |
| Frequency Range (MHz)                                  | Electric Field Strength (E) (V/m) | Magnetic Field Strength (H) (A/m) | Power Density (S) (mW/cm <sup>2</sup> ) | Averaging Time [E] <sup>2</sup> , [H] <sup>2</sup> , or S (minutes) |
| 0.3-1.34   | 614                               | 1.63                              | (100)*                                  | 30  |
| 1.34-30  | 824/f                             | 2.19/f                            | (180/f <sup>2</sup> )*                  | 30  |
| 30-300   | 27.5                              | 0.073                             | 0.2                                     | 30  |
| 300-1,500  | --                                | --                                | f/1,500                                 | 30  |
| 1,500-100,000  | --                                | --                                | 1.0                                     | 30  |

f = Frequency in (MHz)

\* Plane-wave equivalent power density



**APPENDIX C: RF Signage Description Table**

| Sign  | Description   |
|---|---|
|    | <p style="text-align: center;"><b>RF Guideline Sign</b></p> <p>Gives guidelines on how to proceed in areas that may exceed either the FCC’s General Population or Occupational emissions limits.</p>  |
|    | <p style="text-align: center;"><b>Blue Notice Sign</b></p> <p>Used to inform individuals that they are entering an area that may exceed the FCC’s General Population limits. Must be placed anywhere the public can get within 30 feet vertically or horizontally of an antenna.</p>  |
|   | <p style="text-align: center;"><b>Yellow Caution Sign</b></p> <p>Used to inform individuals that they are entering an area that may exceed the either the FCC’s General Population or Occupational Emissions limits. It must be placed so it is visible from all approachable sides. It must also be just outside of the area predicted to exceed the MPE limits so it can be read without standing within the affected area.</p> |
|  | <p style="text-align: center;"><b>Orange Warning Sign (Previously Red)</b></p> <p>Used to inform individuals that they are entering an area that may exceed 5x the FCC’s Occupational emissions limit. It must be placed so it is visible from all approachable sides. It must also be just outside of the area predicted to exceed the MPE limits so it can be read without standing within the affected area.</p>               |



## APPENDIX D: Certifications

I, Dane Folie, preparer of this report certify that I am fully trained and aware of the Rules and Regulations of both the Federal Communications Commissions (FCC) and the Occupational Safety and Health Administration (OSHA) with regard to Human Exposure to Radio Frequency Radiation. I have been trained in the procedures and requirements outlined in Dish Wireless's FCC Regulatory Compliance Manual.

*Dane Folie*

Dane Folie

1/17/2022

I, Yasir Alqadhili, reviewer and approver of this report certify that I am fully trained and aware of the Rules and Regulations of both the Federal Communications Commissions (FCC) and the Occupational Safety and Health Administration (OSHA) with regard to Human Exposure to Radio Frequency Radiation. I have been trained in the procedures and requirements outlined in Dish Wireless's FCC Regulatory Compliance Manual.

*Yasir Alqadhili*

Yasir Alqadhili

1/17/2022

February 26, 2024

Fatima Benitez, Associate Planner  
Associate Planner Burbank Community Development Department  
275 East Olive Avenue  
Burbank, CA 91505

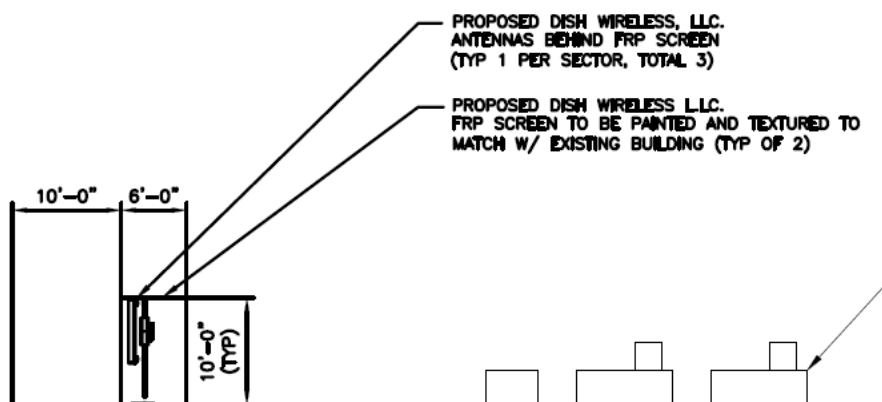
RE: Response to Comments for Project No. 23-00005025 - Administrative Use Permit (WTF)  
Dish Wireless LALAX04397B  
Located at 800 South Main Street  
Application Date: 10/20/23

Dear Ms. Benitez,

Please find the responses related to the comments provided in your transmittal regarding the above referenced project.

1. Screening

- a. All proposed antenna equipment will be concealed by the proposed FRP screens provided for each antenna sector and as indicated on the elevations for the project, all sectors are measured to a maximum height of 15 ft above the roof deck. The equipment compound will be centrally located within the existing equipment screen enclosure currently used to conceal the HVAC equipment on the roof. Please refer to the callouts currently shown on the elevations.



- b. Staff requested additional landscaping to screen the proposed ground mounted equipment, however, it has been determined that BWP will not be requiring a transformer for the proposed project. Therefore, the existing conditions will remain unaltered and the requirement to install additional landscaping is no longer applicable.

2. Coverage Map

- a. As previously stated in the application materials and presented in the coverage maps, there is currently no coverage in the City of Burbank for the Dish Wireless network. Dish Wireless is in the process of building their initial nationwide 5G wireless telecommunications network. Therefore, currently, their network is not operational in Southern California.

Public Noticing:

I am providing the updated Public Notice Packet for your use and will be providing hard copies of the labels. I will await the direction to post the project site as directed with the public notice language provided at the time the public notice period is set.

Please let me know if there are any additional questions that I can answer.

Thank you.

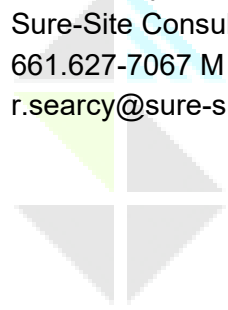
*Robert Searcy*

Rob Searcy

Sure-Site Consulting

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