

*[Put on Tribal or Tribal entity letterhead]*

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

In the Matter of )  
 )  
Transforming the 2.5 GHz Band ) WT Docket No. 18-120

**PETITION FOR WAIVER**

The *[name of Tribe or Tribal entity]* petitions the Federal Communications Commission (FCC or Commission) to waive the *[Tribal entity, Tribal lands, rural, and/or local presence, whichever is applicable]* requirement for participation in and eligibility for the 2.5 GHz Rural Tribal Priority Window.

**BACKGROUND**

*Provide specific background and sufficiently detailed information about the Tribe or Tribal entity, such as:*

- *General overview of the Tribe’s history (such as federal recognition, relationship to the Tribal land, high-level historical details) – all to paint a picture for the FCC.*
- *Current connectivity challenges and how 2.5 GHz will benefit the Tribe and community.*
- *Background details supporting why the Tribe or Tribal entity needs a waiver of the Tribal entity, Tribal lands, rural, and/or local presence requirement.*

**ARGUMENT**

Generally, the Commission’s rules may be waived for good cause shown.<sup>1</sup> Waiver of the Commission’s rules is appropriate only if both: (1) special circumstances warrant a deviation from the general rule; and (2) such deviation will serve the public interest.<sup>2</sup> In exercising its discretion, the Commission may consider hardship, equity, or more effective implementation of policy on an overall basis.<sup>3</sup> For the reasons articulated below, special circumstances exist and the public interest would be far better served by a waiver of the *[Tribal entity, Tribal lands, rural, and/or local presence, whichever is applicable]* requirement than strict application of the rule.

*Specifically explain why the FCC rule(s) should not apply in this instance. What are the special circumstances here?*

*Are there issues of hardship and/or equity or fairness that warrant waiving the FCC’s rule in this situation?*

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<sup>1</sup> 47 C.F.R. § 1.3.

<sup>2</sup> See *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (*Northeast Cellular*).

<sup>3</sup> *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969), *affirmed by WAIT Radio v. FCC*, 459 F.2d 1203 (D.C. Cir. 1972). See also *Northeast Cellular*, 897 F.2d at 1166.

*Keep the reasons and arguments narrowly tailored to the Tribe or Tribal entity's unique or special circumstances. Emphasize that the need for a waiver is specific to the Tribe's or Tribal entity's circumstances.*

*Explain specifically why granting the waiver would be "in the public interest" (why granting the waiver and gaining access to a 2.5 GHz spectrum license is important to the Tribe or Tribal entity; how it will expand connectivity; how it will improve education/distance learning, health care/telemedicine, public safety, economic development, etc.)*

## **CONCLUSION**

*Provide a short summary of why the FCC should grant the petition for waiver.*

Respectfully submitted this *[XX day of XX, 2020 – fill in the date]*,

*Signature of Tribal or Tribal entity official*

*Name*

*Title*

*Tribe or Tribal entity*