

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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MAR 23 1992

Federal Communications Commission
Office of the Secretary

In the Matter of

Redevelopment of Spectrum to
Encourage Innovation in the Use of
New Telecommunications Technologies

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ET Docket No. 92-9

To: The Commission

OPPOSITION TO MOTION FOR EXTENSION OF TIME

Cox Enterprises, Inc. ("Cox"), by its attorneys hereby opposes the Motion for Extension of Time submitted jointly on behalf of the American Petroleum Institute, the Utilities Telecommunications Council, the Association of American Railroads and the Large Public Power Council ("the Utilities"). The Utilities have failed to make a case that a two month extension is necessary for the development of a position on the proposals contained in the above-captioned Notice.

The Utilities assert that they cannot complete the necessary technical analysis required to respond thoroughly to the Notice and the Commission's study of frequency utilization under the current time frame. To support this assertion the Utilities state that they must review the transcripts of FCC interviews with industry representatives and perform a technical analysis of the Commission's study in order to furnish the Commission with their views. This review, they assert, cannot be performed adequately in the nearly two and one half month period from January 16 to April 21.

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The Utilities also observe that the FCC staff on March 4 refused a request for access to the FCC's data and computer programs and suggest that delay in procuring these data prevents review of the study. Further, they note that WARC-92 has just concluded and that the dust must settle on the details of the WARC Final Acts before these results can be factored into comments. Also, the Utilities cite difficulties in obtaining information on governmental utilization of 1.71-1.85 GHz which prevents filing of timely comments in this proceeding. Unavailability of members prior to meetings scheduled in May is also cited as a factor.

None of the assertions or explanations proffered by the Utilities should persuade the Commission that it is necessary or in the public interest to delay this proceeding. The Utilities acknowledge in their Motion that the FCC already has identified the 1.85-2.2 GHz band as a candidate for reallocation in the Personal Communications Services proceeding as long ago as October of last year. The Emerging Technologies Notice was issued on January 16, 1992. The Utilities fail to explain why, if this proceeding is so vital to their interests, they have only recently identified the complexity of the issues involved and begun only this month to initiate information requests to the Commission and other government agencies with frequency

assignment responsibilities.^{1/} Further, if the Utilities are vitally concerned with the issues raised in the Notice, it would seem that the members of their relevant technical committees could arrange to meet in person or by phone and coordinate their review of technical issues before late in May.^{2/}

The Commission correctly recognized when it issued its Notice that the Emerging Technologies proceeding is among the most significant dockets it has initiated in the last ten years. Because of the impact new technologies can have on the health and growth of the national economy, and the clearly adequate amount of time the Commission has provided to interested parties to review and comment on the Notice, Cox urges the Commission to reject the Utilities' Motion. The justifications the Utilities have proffered in support of an extension of time suggest that their true purpose is delay of the resolution of the Emerging Technology proceeding. Delay in the introduction of new services

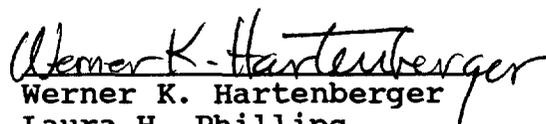
1/ The Utilities have not and cannot demonstrate that the proposal contained in the Emerging Technologies Notice came as a surprise or that they were unaware that the FCC was conducting a widescale study of their constituents in preparation of its study of frequency utilization.

2/ Additionally, the Utilities apparently have failed to consider that they will have an opportunity to file reply comments, which are due roughly within the time frame the Utilities seem to believe is reasonable.

in no way serves the public interest and should not be accepted by the Commission. Cox submits that the Motion for Extension of Time should be denied.

Respectfully Submitted,

COX ENTERPRISES, INC.


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March 23, 1992

CERTIFICATE OF SERVICE

I, Hilarie Gaylin, do hereby certify that on this 23rd day of March, 1992, I have caused a copy of the foregoing Opposition to Motion for Extension of Time of Cox Enterprises, Inc. to be delivered by hand or deposited in U.S. mail, first class postage prepaid, addressed to each of the parties on the service list below.

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