

Before the
Federal Communications Commission
Washington D.C. 20554

In the Matter of) ET Docket No. 92-9
)
Redevelopment of Spectrum to)
Encourage Innovation in the)
Use of New Telecommunications)
Technologies)

ORDER EXTENDING TIME FOR COMMENTS AND REPLY COMMENTS

Adopted: March 31, 1992 ; Released: April 1, 1992

Comment Date: June 5, 1992
Reply Comment Date: July 6, 1992

By the Office of Engineering and Technology:

1. On March 16, 1992, the American Petroleum Institute (API), joined by the Utilities Telecommunications Council (UTC), the Association of American Railroads (AAR), and the Larger Public Power Council (LPPC), filed a Motion for Extension of Time (Motion) requesting that the time for filing comments and reply comments to the Commission's Notice of Proposed Rule Making (Notice) in the above captioned proceeding be extended two months to June 22, 1992, and July 21, 1992, respectively.

2. API states that this extension is warranted for the following reasons: (1) it has encountered delay in obtaining the Commission data bases from the National Technical Information Service (the Commission's data service contractor) needed to fully review the spectrum study performed by the Commission's Office of Engineering and Technology; (2) it needs additional time to fully analyze the impact on existing fixed microwave operations of the proposals made in the Notice; (3) it needs more time to analyze adequately the Final Acts of the World Administrative Radio Conference, 1992, which adjourned on March 3, 1992; and, (4) it needs more time needed to review adequately the voluminous comments filed in other Commission proceedings that are relevant to this proceeding.¹

¹ See Notice of Inquiry, GEN Docket No. 90-314, 5 FCC RCD 3995 (1990); see also Policy Statement and Order, GEN Docket No. 90-314, 6 FCC Rcd 6601 (1991).

3. Oppositions to API's Motion were filed by Time Warner Telecommunications Inc. (TWT) and Cox Enterprises, Inc. (Cox). TWT argues that the requirement for spectrum to satisfy the needs of emerging technologies is long-standing and urgent, and that a delay in this proceeding would not serve the public interest because it would delay initiation of new services to the public and harm efforts by U.S. entities to compete in the global marketplace. Cox argues that the Commission has provided an adequate amount of time for interested parties to comment on the Notice and that it is not in the public interest to delay this proceeding because of the adverse impact delay would have in the health and growth of the national economy.

4. The Commission does not routinely grant extensions of time.² However, due to the complexity of the issues and the apparent difficulty encountered by API in obtaining relevant data, we believe that in this instance a limited extension of time is warranted. Additional time will serve the public interest in ensuring a comprehensive and thorough examination of the complex issues raised by the proposals made in the Notice and their relationship to other pending proceedings, and not appreciably delay Commission consideration of this proceeding. An additional forty-five days will provide adequate time for interested parties to obtain and analyze relevant information and file comments. Accordingly, IT IS ORDERED THAT the deadline for filing comments and reply comments IS EXTENDED to June 5, 1992, and July 6, 1992, respectively.

5. This action is taken pursuant to authority found in Sections 4(i), 303(c), 303(f), 303(g), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. Sections 154(i), 303(c), 303(f), 303(g), and 303(r) and pursuant to Sections 0.31, 0.241, and 1.46 of the Commission's Rules, 47 C.F.R. Sections 0.31, 0.241, and 1.46.

6. For further information concerning this rule making contact Mr. Fred Lee Thomas, Office of Engineering and Technology, (202) 653-6204.

FEDERAL COMMUNICATIONS COMMISSION



Bruce A. Franca
Acting Chief Engineer

² 47 C.F.R. § 1.46.