

1Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, DC

In the matter of:	)	
	)	
Amendments of Part 73 and 74 to Improve the	)	MB Docket 19-193
Low Power FM Radio Service Technical	)	
Rules	)	
	)	
Modernization of Media Regulation Initiative	)	MB Docket 17-105

**MOTION FOR EXTENSION OF TIME**

1. REC Networks (REC), the author of the *Petitions for Rulemaking* which consists of the majority of the items that were proposed as well as those that were tentatively rejected in the above captioned proceeding is requesting a request of a short extension of time for the reasons herein.

2. On July 30, 2019, the Commission adopted a *Notice of Proposed Rulemaking* (NPRM) in this proceeding. This *Notice* was adopted on circulation and prior to the highly publicized Open Commission Meeting that was scheduled and did take place on August 1, 2019 with the NPRM removed from the agenda.<sup>1</sup> Likewise, without the item on the Commission agenda for the meeting, it did not receive the same exposure to the media that other scheduled agenda items were afforded.

3. On September 19, 2019, the NPRM was published in the *Federal Register*.<sup>2</sup> This publication set the comment and reply comment deadline dates to October 21, 2019 and November 4, 2019 respectively. Despite the publication on September 19, 2019, a *Public Notice*

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<sup>1</sup> - See Open Commission Meeting Sunshine Notice released July 30, 2019.

<sup>2</sup> - See 84 F.R. 49205 (Sept. 19 2019).

to announce the comment dates did not take place by the Media Bureau until September 27, 2019; eight days following the publication in the Federal Register.<sup>3</sup>

4. Since the publication in the *Federal Register*, the 2019 *National Association of Broadcasters (NAB) Radio Show* took place between September 24 and 26, 2019 in Dallas, Texas.<sup>4</sup> In addition, the *Grassroots Radio Conference*, whose attendance includes a significant number of LPFM station stakeholders in the Cause-Based and Community Radio segments took place in Rochester, New York on October 4 through October 6, 2019.<sup>5</sup>

5. While REC was aware of the publication of the NPRM in the Federal Register on September 19 and as a result, made announcements of the deadline through messages in our social media channels and during weekly video “town hall” broadcasts, the LPFM community as a whole did not receive a full opportunity to be informed of the comment dates until an addenda to the *Daily Digest* as published late in the day on September 27, 2019.<sup>6</sup> As a result of the addenda on the same day, not everyone, including LPFM stakeholders, LPTV stakeholders, other broadcast stakeholders and the media, may have not been informed through the subsequent publication of the *Daily Digest* of this item that did not appear in the initial Digest No. 433, not all stakeholders and those who would have an interest in this proceeding may have been informed.

6. Finally, we note that there are items in this proceeding that do require additional analysis and are complex in nature including, but not limited to, the elimination of the TV Channel 6 protection requirements by all NCE facilities and the tentative rejection of various aspects of REC’s original *Petitions for Rulemaking*, RM-11749 and RM-11810 especially where

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<sup>3</sup> - See *Media Bureau Announces Comment Dates for LPFM Technical Rules Notice of Proposed Rulemaking*, MB Docket 19-193, Public Notice, DA 19-972 (Sept. 27, 2019).

<sup>4</sup> - See *Radio Show Announces Dates for 2019 and 2020*, National Association of Broadcasters, press release (July 31, 2018), retrieved October 16, 2019 from <https://www.nab.org/documents/newsroom/pressRelease.asp?id=4575>

<sup>5</sup> - <https://grassrootsradioconference.org>

<sup>6</sup> - See *Daily Digest*, Vol. 38, No. 433 as amended (Sept. 27, 2019).

it comes to the establishment of a “LP-250” class of service and providing additional relief for LPFM stations that are unable to operate on certain channels due to “short-spaced” FM translator stations with directional antennas in cases where no actual interference would take place.

7. Because of the delay in the release of the Public Notice and the subsequent “addenda” publication in the *Daily Digest*, it is REC’s position that participants in this proceeding including nearly 2,000 LPFM stations, many of which are not formally represented by counsel as well as interests representing Channel 6 TV facilities may not received adequate notice and an appropriate amount of time to analyze this extensive NPRM and prepare comments. For this reason, REC is requesting an extension of fourteen (14) days in both the comment and reply comment period. This extension takes into consideration the delay in the publication of the *Public Notice*, late amendment in the *Daily Digest* as well as industry attendance at either the *NAB Radio Show* or the *Grassroots Radio Conference* during the comment period.

8. REC normally opposes extensions of comment deadlines as they can delay the implementation of rules, however in this case, we would support it. The largest item in this proceeding, the proposed changes to NCE FM protection of Channel 6 would not be implemented until the summer of 2021 after the sunset of analog LPTV service. Most other items in this proceeding, including some of the rejected items, would not have an impact on the dates for a future LPFM filing window for new construction permits. For the “rejected” items, REC will be proposing that some of those items be held over for a *Further Notice of Proposed Rulemaking*. While it can be perceived that various items in MB Docket 19-3 are setting the stage for a future NCE reserved-band FM filing window, NCE commercial band filing window and a LPFM filing window as well as the activities that will take place around FM broadcast Auction 106, REC’s position is that the LPFM window should take place at a time following the NCE reserved-band FM filing window and only after the sunset of analog TV operations. Therefore, this short two-week delay would not have any impact on the future filing windows and any delay on the implementation of any rules would only a small number of LPFM stations.

9. Therefore, in order to assure fairness to all broadcast stakeholders and the general public, it is REC's position that an extension of the comment and reply comment periods to **November 4, 2019** and **November 18, 2019** respectively would be in the public interest and we therefore, we respectfully request this extension in the public interest.

Respectfully submitted,

/S/

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October 16, 2019