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BEFORE THE

Federal Communications Commission

JAN 11 1996

WASHINGTON, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OF
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In the Matter of)	
)	
Amendment of Part 90 of the)	PR Docket No. 93-144
Commission's Rules to)	
Facilitate Future Development)	
of SMR Systems in the 800 MHz)	
Frequency Band)	

and

Implementation Section 309(j))	
of the Communications Act -)	PP Docket No. 93-253
Competitive Bidding 800 MHz)	
SMR)	

To: The Commission

MOTION FOR EXTENSION OF TIME

The Southern Company ("Southern"), through its undersigned counsel and pursuant to Section 1.46 (b) of the rules and regulations of the Federal Communications Commission, respectfully moves for a 30-day extension of time in which to file Comments and Reply Comments in the Second Further Notice of Proposed Rule Making ("Second

Further Notice") in the above-styled proceeding.^{1/}

Southern submits the following in support of its Motion:

1. Southern operates an 800 MHz SMR system throughout the southeastern United States. It has licensed channels in the upper 200 SMR, lower 80 SMR and General Category bands which are the subject of this Second Further Notice. Accordingly, this proceeding directly impacts Southern. Moreover, Southern has been an active participant in this proceeding since its inception in 1993.

2. The Second Further Notice which establishes January 16, 1996 as the deadline for filing Comments and January 25, 1996 as the deadline for filing Reply Comments was adopted during the Commission's December 15, 1995 agenda meeting.

The text of the Second Further Notice apparently was released on December 15, 1995 after 5:30 p.m. See Exhibit

1. However, it was not obvious that the text was available to the public. Copies of the News Releases of the December 15th agenda meeting were not available from ITS, the FCC's copy contractor, until close of business that day. The text

^{1/} In the Matter of Amendment of Part 90 of the Commission's Rules to Facilitate Future Development of SMR Systems in the 800 MHz Frequency Band and Implementation of Section 309(j) of the Communications Act - Competitive Bidding 800 MHz SMR, First Report and Order, Eighth Report and Order and Second Further Notice of Proposed Rule Making, released December 15, 1995, __ Fed. Reg. _____ (1996).

did not appear in any FCC daily releases, nor was there any mention that the text was available in any FCC Daily Digest. More importantly, this rulemaking has never been published in the Federal Register.

3. Notwithstanding the fact that it was not evident that the text was available on December 15, 1995, and that Southern did not secure it immediately upon release, the 1995 holiday season and the inclement weather have prevented Southern from being able to adequately analyze the impact of the Second Further Notice on its existing 800 MHz system. As an example, several meetings to discuss the Comments had to be cancelled due to blizzard conditions.

4. Finally, the issues presented in this rulemaking are complex and will have a significant and long-standing impact on Southern's 800 MHz operations. Issues involving auctioning of 800 MHz spectrum and mandatory relocation and treatment of incumbents are critical to Southern's 800 MHz system and its business plan. These issues require careful consideration, and Southern wants to file meaningful and exhaustive Comments which it will not be in a position to do without an extension of time.

5. Based on the above circumstances, Southern submits that it has not had proper and sufficient notice in which to respond to the Second Further Notice pursuant to Section 553(b) of the Administrative Procedure Act.

WHEREFORE THE PREMISES CONSIDERED, The Southern Company seeks a 30-day extension of time in which to file Comments and Reply Comments in the above-captioned rulemaking proceeding. Specifically, Southern seeks an extension until February 15, 1996 in which to file Comments and until February 26, 1996 in which to file Reply Comments.

Respectfully submitted,

THE SOUTHERN COMPANY



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Its Attorneys

Dated: January 11, 1996



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January 2, 1996

Dear F.C.C. Release Client:

Today we are distributing the enclosed text, FCC 95-501, released by the FCC on December 15, 1995.

We apologize for the delay in distribution of this document. The text was released after 5:30 p.m. on the 15th; thus, we were unable to obtain a copy that day. On Monday morning, when we would have normally procured our copy, the Commission was closed due to the current government shutdown.

We finally managed to obtain a copy from another source last Friday afternoon. Your copy is attached.

Sincerely,

BERRY BEST SERVICES, LTD.