

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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APR 25 1997

In the Matter of)
)
Amendment of Parts 21 and 74 To Enhance)
The Ability of Multipoint Distribution Service)
And Instructional Fixed Television Fixed)
Service Licensees To Engage In Fixed)
Two-Way Transmissions)

RM-9060 FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

To: The Commission

RESPONSE TO MOTION FOR EXTENSION OF TIME

The parties listed on Appendix A to the Petition for Rulemaking (the "Petition") submitted on March 14, 1997 in this proceeding (collectively, the "Petitioners") hereby respond to the motion (the "Motion") filed by Trans Video Communications, Inc. ("TVC") for a four week delay in the pleading cycle established by the Commission's March 31, 1997 *Public Notice*^{1/} for the submission of comments and reply comments in response to the Petition.

The Petitioners are 113 entities that participate in the wireless cable industry, primarily as wireless cable system operators, equipment providers or Commission licensees who make airtime available for the transmission of programming to wireless cable subscribers. With the Petition, the Petitioners have requested that the Commission revise Parts 21 and 74 of its rules to enhance the ability of Multipoint Distribution Service ("MDS")

^{1/} "Pleading Cycle Established For Comments On Petition For Rulemaking To Amend Parts 21 and 74 Of The Commission's Rules To Enhance The Ability Of Multipoint Distribution Service And Instructional Television Fixed Service Licensees To Engage In Fixed Two-Way Transmissions," *Public Notice*, RM-9060 (rel. March 31, 1997).

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and Instructional Television Fixed Service ("ITFS") licensees to provide a variety of two-way services. As demonstrated in the Petition, the marketplace is increasingly demanding that multichannel video programming distributors offer two-way services. Moreover, the educational community is increasingly demanding high-speed access to the Internet. These demands can best be met if the rules proposed by the Petitioners are adopted.

Prior to the submission of the Petition, a concerted effort was made to ensure consensus among the various constituent elements of the wireless cable industry. In support of that effort, numerous drafts of the Petition were circulated within the industry and extensive revisions were made in response to the comments received. That 113 entities have endorsed the Petition, including 62 members of the ITFS community, is testimony to the effectiveness of the effort to ensure a broad-based consensus.

Because of the marketplace is rapidly evolving, time is of the essence for the Commission to provide MDS and ITFS licensees the flexibility proposed by the Petition. The Petitioners recognize that it will necessarily take significant time before the Commission can adopt the proposed rules, as the pleading cycle on the Petition must be completed, a notice of proposed rulemaking must be drafted, a second pleading cycle conducted and a final order prepared. Unfortunately, even if the Commission acts with dispatch, it is likely that competitive providers of fixed wireless two-way services, like the Wireless Communications Service and the Local Multipoint Distribution Service, will be able to enter the marketplace prior to wireless cable. Delays in the process will only exacerbate the problem.

That being the case, the Petitioners urge the Commission to minimize delays in the conduct of this proceeding. While the Petitioners acknowledge that the rules proposed in the Petition are somewhat complex, in ruling on the Motion and future requests for delays in this proceeding, the Commission should keep in mind the competitive imbalance that will result if wireless cable is late to the market in providing two-way services. Moreover, enlargements of the pleading cycles in this proceeding will only delay the ability of the educational community to employ ITFS spectrum in the most effective manner for the provision of high-speed Internet access. While a brief extension of the pleading cycle may be appropriate at this juncture, the Commission should only delay this proceeding the minimum amount of time necessary, particularly since TVC and others will have several opportunities to comment on proposed changes to the MDS and ITFS regulatory regime before a final order is adopted.

Respectfully submitted,

By 
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April 25, 1997

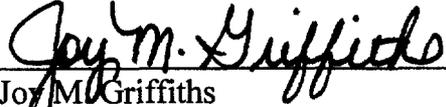
CERTIFICATE OF SERVICE

I, Joy M. Griffiths, hereby certify that a copy of the foregoing Response To Motion For Extension Of Time was served this 25th day of April, 1997 by hand deliver of a copy thereof to the following:

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