

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

In the Matter of

Implementation of Section 304  
of the Telecommunications  
Act of 1996

Commercial Availability  
of Navigation Devices

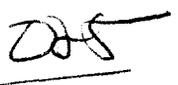
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) CS Docket No. 97-80  
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Federal Communications Commission  
Office of Secretary

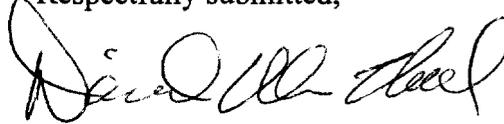
**MOTION OF THE  
CONSUMER ELECTRONICS MANUFACTURERS ASSOCIATION  
TO FILE OUT OF TIME**

The Consumer Electronics Manufacturers Association ("CEMA"), by counsel, hereby requests that it be permitted to submit its initial comments in the above-captioned proceeding one business day out of time. As attested in the attached affidavit of counsel, CEMA's comments, filed herewith, are exactly as prepared for filing on the afternoon of May 16, 1997, the filing date specified in the Notice of Proposed Rulemaking in this docket. The reasons for counsel's inability to file CEMA's comments in a timely manner are also specified in the attached affidavit. No harm or prejudice will result to any party to this proceeding as a result of this late-filed pleading.

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THEREFORE, CEMA respectfully requests that its motion to file comments one business day out of time be granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David Alan Nall". The signature is fluid and cursive, with the first name "David" being the most prominent.

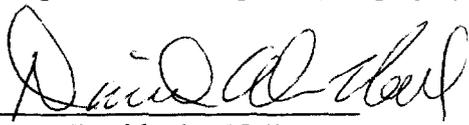
David Alan Nall  
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Counsel for the Consumer Electronics  
Manufacturers Association

May 19, 1997

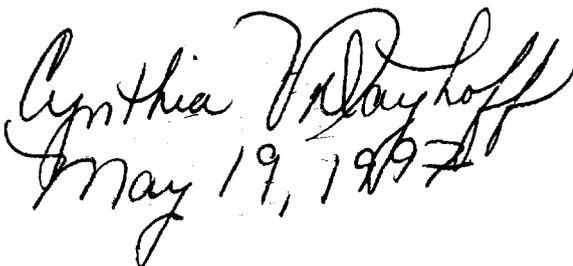
AFFIDAVIT OF COUNSEL

1. I, David Alan Nall, am counsel for the Consumer Electronics Manufacturers Association, and was responsible for the final preparation of CEMA's initial comments in CS Docket No. 97-80, to be filed on May 16, 1997.
2. All substantive and proofreading edits to CEMA's comments were completed at approximately 5:00 pm on the afternoon of May 16, 1997 and the document was saved to two electronic files, one for the text and a second for the cover page, summary, and table of contents. I intended to allot approximately 10-15 minutes for the printing and photocopying of this pleading, leaving approximately 15-20 minutes for a messenger to deliver the pleading to the Secretary's office at 1919 M Street, N.W. My experience is that this latter period is adequate to ensure timely filing.
3. For several minutes, all attempts to print CEMA's comments were frustrated as the Firm's wide area network denied access to the files as "already in use." Once I gained access to the files, printing the document was unusually slow, with a long delay between the entry of the print command and the actual operation of the laser printer. This delay resulted in a further delay, as the text of the document was printed twice before the cover page, summary, and table of contents were printed.
4. As a result of these delays, the signed document and the requisite number of photocopies were not handed to a messenger until approximately 5:25 pm. The messenger was unable to reach the Secretary's office before that office was closed at 5:30 pm.
5. CEMA's comments as filed on the morning of May 19, 1997 are as prepared on May 16, 1997. No changes have been made to this document subsequent to the deadline for its filing on May 16, 1997.
6. I hereby attest and certify that the foregoing is true, under penalty of perjury.

  
David Alan Nall

Counsel for the Consumer Electronics  
Manufacturers Association

May 19, 1997

  
Cynthia V. Rayhoff  
May 19, 1997