

FCC MAIL SECTION
Federal Communications Commission

DA 97-2707

DEC 29 9 15 AM '97

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Amendment of the Commission's) WT Docket No. 97-82
Rules Regarding Installment Payment)
Financing For Personal Communications)
Services (PCS) Licensees)

ORDER

Adopted: December 24, 1997

Released: December 24, 1997

By the Chief, Wireless Telecommunications Bureau:

1. On September 25, 1997, the Commission adopted the *Second Report and Order and Further Notice of Proposed Rule Making* ("*Second Report and Order*"), WT Docket No. 97-82, FCC 97-342 (rel. October 16, 1997), establishing March 31, 1998 as the deadline for broadband Personal Communications Services (PCS) C and F block licensees to resume installment payments and offering C block licensees a choice of three alternative licensing options in lieu of resuming payments under their original payment plan. The Commission has received a number of petitions seeking reconsideration of various aspects of the *Second Report and Order*. The deadline for filing oppositions to these petitions is December 29, 1997.¹

2. Two parties, Antigone Communications Limited Partnership and PCS Devco, Inc. (collectively "Antigone/Devco"), jointly filed a motion asking that the deadline for filing oppositions be postponed until January 6, 1998. Antigone/Devco argue that an extension is warranted in light of the holiday schedule and the large number of petitions that were filed. They argue that the usual fifteen-day time period for filing oppositions does not provide sufficient time to analyze and respond to all of the issues raised by petitioners.

3. Section 1.46(a) states that it is the Commission's policy that extensions of time are not routinely granted.² We are not persuaded that circumstances in this case necessitate granting an exception to this policy. Most of the petitions for reconsideration filed in this proceeding are brief in length (only a few pages in many cases) and frequently raise the same, or similar, issues. We therefore do not believe that reviewing and responding to the petitions will be unusually burdensome for interested parties. Moreover, although the fifteen-day deadline for filing oppositions did not start to run until public notice of the petitions was published on

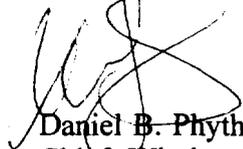
¹ See 47 C.F.R. §§ 1.429(f).

² 47 C.F.R. § 1.46(a).

December 12, 1997,³ the petitions have been publicly available since their filing deadline on November 24, 1997. Given the Commission rule that petitions for reconsideration of a Commission order must be filed within 30 days of publication in the Federal Register,⁴ interested parties should have been aware that they have had access to the petitions for more than four weeks. In addition, because in this case the fifteen-day deadline falls on a "holiday," the response period for filing oppositions in this proceeding is actually 17 days.⁵ For all the foregoing reasons, we do not believe an extension of time for filing oppositions is warranted and we therefore will deny the motion filed by Antigone/Devco. Note, however, that pursuant to Section 1.46(b), parties will have two business days from the release of this Order to file any oppositions.⁶ Therefore, oppositions are due December 30, 1997.

4. Accordingly, the motion filed by Antigone Communications Limited Partnership and PCS Devco, Inc. for an extension of time to file oppositions to the petitions for reconsideration of the *Second Report and Order* is hereby DENIED. This action is taken pursuant to delegated authority under Section 0.331.⁷

FEDERAL COMMUNICATIONS COMMISSION



Daniel B. Phythyon
Chief, Wireless Telecommunications Bureau

³ 47 C.F.R. § 1.429(f).

⁴ 47 C.F.R. § 1.429(d).

⁵ 47 C.F.R. § 1.4(j).

⁶ 47 C.F.R. § 1.46(b).

⁷ 47 C.F.R. § 0.331.