

RECEIVED
DEC 21 2000
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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

In the Matter of)
)
Definition of Radio Markets) MM Docket No. 00-244
)

TO: The Commission

**JOINT MOTION FOR EXTENSION OF TIME OF
COMMENT AND REPLY COMMENT DEADLINES**

Pursuant to 47 C.F.R. § 1.46, the National Association of Broadcasters (“NAB”)¹, the North Carolina Association of Broadcasters², and the Virginia Association of Broadcasters³ (collectively, “Movants”) request that the Commission extend the comment and reply comment deadlines in the above-captioned proceeding by sixty days each. The comment and reply comment deadline dates are currently set at January 26, 2001 and February 12, 2001, respectively. As discussed below, the Movants believe there is good cause for the Commission to provide an extension of the deadlines in this proceeding. We recommend the adoption of the revised comment date of March 27, 2001, and the revised reply comment date of April 11, 2001.

¹ NAB is a nonprofit, incorporated association of television and radio stations and broadcast networks which serves and represents the American broadcast industry.

² The North Carolina Association of Broadcasters is a voluntary nonprofit association of some 23 television stations and 154 radio stations in North Carolina.

³ The Virginia Association of Broadcasters is a voluntary nonprofit association consisting of some 22 television stations and 104 radio stations in Virginia.

No. of Copies rec'd 0/11
List ABCDE

In this proceeding, the Commission seeks comment on whether and how it should modify the way in which it determines radio markets and counts the number of stations in them. The Commission has also requested comment on whether and how it should amend the method by which it determines the number of radio stations owned by a party in a radio market for the purpose of applying the multiple ownership rules. Clearly, the changes suggested by the Commission in defining radio markets and in counting stations will affect application of the multiple ownership limits on radio station ownership, and, indeed, may determine whether some future (and even pending) radio station transactions are ultimately approved by the Commission.

That these changes may have broad practical consequences cannot be doubted. In addition to their effect on pending transactions, changes in the way by which the Commission applies its radio ownership rules will affect current licensees, particularly those whose ability to transfer their current stations might be limited by revised rules. Since the methodology the Commission proposes to change predated the passage of the 1996 Telecommunications Act, and Congress is generally presumed to adopt an administrative agency's existing interpretation when it subsequently enacts a statute relying on it,⁴ the Commission should not adopt changes to these rules without full consideration.

To comment on the practical implications of the various options proposed by the Commission in redefining radio markets, Movants believe that an extension of time is warranted. Particularly given the intervening holidays, all commenters would benefit from an extension of time permitting a careful evaluation of the "real world" impact that these options would have on

⁴ See *Lorillard v. Pons*, 434 U.S. 575, 580 (1978); *Albemarle Paper Co. v. Moody*, 422 U.S. 405, 414 n.8 (1975).

radio markets. NAB, moreover, plans to conduct studies that will examine how the proposed changes in radio market definition would impact prospective station combinations in a variety of markets (*e.g.*, markets of different size and with differing levels of consolidation). Further, an longer comment period is needed for parties to evaluate the use of Arbitron market definitions as a regulatory device, an unprecedented use of that service. An extension of the comment deadlines is needed for these studies to be completed, and for comments to be prepared in light of their results.

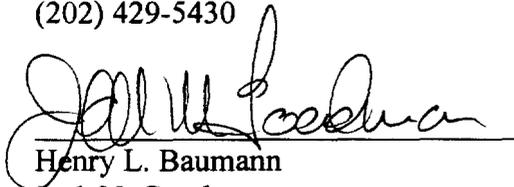
In addition, NAB will hold its annual Board of Directors meeting on January 13-17, 2001. At this meeting, the NAB Radio Board will hold an in-depth discussion of the various options proposed by the Commission and will determine NAB's position on these issues. The requested extension will accordingly allow an adequate time period after the Board meeting for NAB staff to prepare comments consistent with the Board's decision.

For the foregoing reasons, the Movants respectfully request that the Commission extend the comment and reply comment deadlines in this proceeding by sixty days each.

Respectfully submitted,

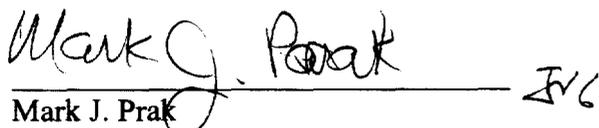
**NATIONAL ASSOCIATION OF
BROADCASTERS**

1771 N Street, NW
Washington, DC 20036
(202) 429-5430



Henry L. Baumann
Jack N. Goodman
Jerianne Timmerman

**NORTH CAROLINA ASSOCIATION
OF BROADCASTERS AND VIRGINIA
ASSOCIATION OF BROADCASTERS**



Mark J. Prak
Brooks, Pierce, McLendon, Humphrey &
Leonard, L.L.P.
P.O. Box 1800
Raleigh, N.C. 27602
(919) 839-0300

Counsel for the North Carolina Association of
Broadcasters and the Virginia Association of
Broadcasters

December 21, 2000