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BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of: )  
)  
Carriage of the Transmissions of ) CS Docket No. 98-120  
Digital Television Broadcast Stations )

**MOTION FOR AN EXTENSION OF TIME  
TO FILE A CONSOLIDATED RESPONSE**

Adelphia Communications Corporation ("Adelphia"), by its attorneys, hereby files its Motion for an Extension of Time to File a Consolidated Response to oppositions filed against Adelphia's Petition for Partial Reconsideration ("Petition") in the above-captioned proceeding.<sup>1</sup> Two parties have filed oppositions against Adelphia's Petition - a joint opposition filed by the Association for Maximum Service Television, Inc., the National Association of Broadcasters, and the Association of Local Television Stations, Inc. (collectively "MSTV/NAB/ALTV") and an opposition filed by Guenter Marksteiner, permittee of Station WHDT-DT, Stuart, Florida ("Station WHDT").<sup>2</sup>

In rulemaking proceedings, a petitioner may file a response to any oppositions "within 10 days after the time for filing oppositions has expired."<sup>3</sup> The Commission's rules, however, also contemplate an additional three days (excluding holidays) where the filing period for a response is

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<sup>1</sup>Adelphia filed its Petition for Partial Reconsideration on April 25, 2001.

<sup>2</sup>See *In the Matter of Carriage of Digital Television Broadcast Stations, MSTV/NAB/ALTV Opposition to Petitions for Reconsideration*, CS Docket No. 98-120 (May 25, 2001); *In the Matter of Carriage of Digital Television Broadcast Stations, Consolidated Opposition to Petitions for Reconsideration of Guenter Marksteiner*, CS Docket No. 98-120 (May 25, 2001).

<sup>3</sup>See 47 C.F.R. § 1.429(g).

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10 or fewer days, the document must be served upon a party and such document is served by mail.<sup>4</sup>

The opposing parties served Adelphia's counsel with their oppositions by different means, resulting in different filing deadlines for Adelphia's response. MSTV/NAB/ALTV served its opposition on Adelphia's counsel by hand delivery on May 25, 2001. A copy of Station WHDT's opposition, however, was served by first class mail. In this case, Adelphia would have to file its response to the MSTV/NAB/ALTV opposition no later than Monday, June 4, 2001, but it would be entitled to an additional three days to file its response to the Station WHDT opposition, that is, no later than June 7, 2001.

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<sup>4</sup>See 47 C.F.R. § 1.4(h). The Commission amended this section "to provide that when one party is served by mail and the response period is 10 days or less, all parties should get the additional three days. This approach is most equitable because it avoids the possibility that some parties in multi-party litigation may be required to file their pleadings before others, giving others an opportunity to 'preview' their arguments before filing their own pleading." See *Amendment of Section 1.4 of the Commission's Rules Relating to Computation of Time*, Memorandum Opinion and Order, 11 FCC Rcd 3059 (1996). While this rule section provides all parties an additional three days in the situation where the same document is served upon different recipients by different means, it does not clearly address the situation, like the present one, where there are multiple oppositions served by different means of service. While principles of equity clearly dictate that the Commission's logic extend to the present situation, Adelphia files this Motion out of an abundance of caution and to provide notice of its intentions.

Both oppositions address essentially the same issues. To require Adelphia to file separate responses will not only create an unnecessary burden for Adelphia, it will result in a waste of administrative resources. Adelphia therefore respectfully requests that the Commission grant its Motion for an Extension of Time to File an Consolidated Response.<sup>5</sup>

Respectfully submitted,

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Dated: June 4, 2001

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<sup>5</sup>Adelphia counsel has spoken with Valerie Schulte, counsel to NAB regarding this matter, who raised no objections to Adelphia's filing a consolidated response on or before June 7, 2001. Due to the timing of this Motion, Adelphia Counsel also advised Eloise Gore of the Commission's Cable Services Bureau regarding this request.

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Reply to Oppositions to Petition for Partial Reconsideration was served this 4<sup>th</sup> day of June, 2001, via facsimile and first-class mail, postage prepaid, upon the following parties:

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