

ORIGINAL

RECEIVED

JUL 18 2001

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

BEFORE THE
Federal Communications Commission
WASHINGTON, D.C.

In the Matter of:

**Reexamination of Comparative Standards
For Noncommercial Educational Applicants**

) MM Docket No.
) 95-31
)

DOCKET FILE COPY ORIGINAL)

To: The Chief, Mass Media Bureau

**PETITION FOR EXTENSION OF DEADLINE FOR
SUBMISSION OF NCE SETTLEMENTS AND SUPPLEMENTS**

The firm of PUTBRESE HUNSAKER & TRENT, P.C. ("PH&T") on behalf of its NCE clients, hereby respectfully petitions the Chief, Mass Media Bureau to extend the deadline for submission of proposed settlements and supplements to showings of Applicants for new Noncommercial, Educational FM facilities for a period of sixty (60) days, or until September 19, 2001. In support whereof, the following is shown:

1. PH&T is a Virginia professional corporation whose practice is limited primarily to matters before the Federal Communications Commission. PH&T has a number of clients seeking construction permits for new noncommercial educational FM facilities. With the publication of the Commission's *Memorandum Opinion and Order* in the above-captioned proceeding released February 28, 2001, several of PH&T's clients learned initially that their applications had been found to be mutually exclusive with that of other applicants.

2. At the time of filing most of their applications, the rules governing the comparative evaluation of MX'ed NCE applications had not been clarified by the Commission. Indeed, the revised point system the Commission proposes to use to

No. of Copies rec'd
List A B C D E

0 + 8

evaluate MX'ed applications was not released until March 22, 2001.¹ An initial deadline of June 4, 2001 was established for the fixing of the applicants' comparative qualifications and for the submission of the special 307(b) "Point System" showing adopted in MM Docket 95-31.²

3. On May 24, 2001, in response to a Joint Petition filed by seven NCE organizations, the Mass Media Bureau extended the deadline for submission of settlements and supplemental information required by MM Docket 95-31 to July 19, 2001. However, the date of June 4, 2001 was retained as the "snapshot" date for evaluating a NCE applicant's comparative qualifications under the Docket. The Bureau extended the deadline due to the need for additional time to utilize the newly-released 2000 U.S. Census data into the 307(b) showings and the fact that a number of errors in the list of MX'ed applications had been uncovered by the Bureau, resulting in the addition of sixteen additional applicants to one or more MX'ed groups.

4. PH&T has several clients who are in the process of negotiating, but not yet concluding settlements. Part of the problem is that the applicants have had to follow a "moving target" between the time of application and the June 4, 2001 "freeze" date. Moreover, the uncovering of additional MX'ed groups suggests that the Bureau itself is not completely on top of the situation.

5. PH&T believes that other NCE applicants besides those represented by PH&T are also in this position.³ An additional sixty (60) days in which to conclude and submit settlements to the Commission could ultimately result in the saving of Commission and applicant resources: the greater the number of settlements achieved

¹ PUBLIC NOTICE, DA 01-729 (03/33/01)

² The system adopted in MM Docket 95-31 is the subject of petitions for reconsideration, which are still pending. See PUBLIC NOTICE DA 01-1245, note 1 (released May24, 2001).

³ This belief is based upon conversations between PHT and several consulting engineering firms.

will mean the need for fewer resolutions by the comparative methodology adopted by the Commission which has already been drawn into question in the form of petitions for reconsideration. Moreover, the development of engineering settlements could bring about greater utilization of the Reserved Band creating greater diversity and service for the listening public. Finally, the possibility of additional settlements also brings with it the speedier introduction of new Noncommercial broadcast service.

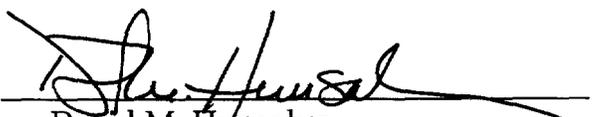
6. Because the June 4, 2001 freeze date is already in place, the additional time for applicants to work out settlements will not prejudice any applicant and could be of significant benefit in the long run to the listening public. Accordingly, PH&T respectfully submits that *good cause* is shown for the requested extension.

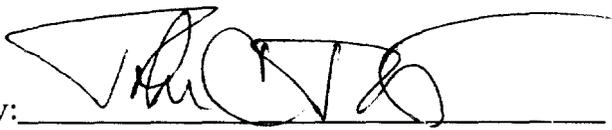
WHEREFORE, the above premises considered, PH&T respectfully urges that the instant Petition for Extension of Deadline for Submission of NCE Settlements and Supplements be GRANTED, that the time for submission of NCE settlements and Form 340 and 349 Supplements be EXTENDED until *September 19, 2001*.

Respectfully submitted,

PUTBRESE HUNSAKER & TRENT, P.C.

Law Offices
PUTBRESE HUNSAKER & TRENT, P.C.
100 Carpenter Drive, Suite 100
P.O. Box 217
Sterling Virginia 20167-0217
(703) 437-8400

By: 
David M. Hunsaker

By: 
John C. Trent

July 18, 2001