

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Service Rules for the 698-746, 747-762 and 777-792 MHz Bands)	WT Docket No. 06-150
)	
Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems)	CC Docket No. 94-102
)	
Section 68.4(a) of the Commission's Rules Governing Hearing Aid-Compatible Telephones)	WT Docket No. 01-309
)	

MOTION FOR EXTENSION OF TIME

Pursuant to section 1.46 of the Commission's rules,¹ Access Spectrum, L.L.C. and Pegasus Communications Corporation hereby request that the Commission extend the dates by which comments and reply comments are due in the above-captioned proceeding in order to enable simultaneous consideration of the issues in the *Commercial 700 MHz Notice*² with those raised with respect to the A and B Blocks in the Upper 700 MHz band. The commercial use of the Upper and Lower 700 MHz bands, the public safety use of the Upper 700 MHz band, and the use of the A and B Blocks in the Upper 700 MHz band are

¹ 47 C.F.R. § 1.46.

² *Service Rules for the 698-746, 747-762 and 777-792 MHz Bands; Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems; Section 68.4(a) of the Commission's Rules Governing Hearing Aid-Compatible Telephones*, WT Docket No. 06-150, CC Docket No. 94-102, WT Docket No. 01-309, Notice of Proposed Rule Making, Fourth Further Notice of Proposed Rule Making, and Second Further Notice of Proposed Rule Making, FCC 06-114, ¶ 1 n.6 (rel. Aug. 10, 2006) ("*Commercial 700 MHz Notice*").

inextricably linked. A comprehensive and coordinated approach to all three proceedings is essential to the adoption of rules that produce the greatest cumulative benefits for public safety and commercial users. Although an NPRM has not yet been released to address the A and B Blocks (“A&B proceeding”) in the Upper 700 MHz band, the FCC should release an NPRM expeditiously and coordinate comment dates so that comments in both the Commercial 700 MHz proceeding and the A&B proceeding can be filed no later than October 30, 2006, in recognition of the need for Commission action on all of these issues in advance of the commercial auction mandated by Congress.

The Commission has committed to initiate a rulemaking proceeding to address the “public safety and public interest benefits that may be realized by a redesignation or reassignment of the 700 MHz Guard Band spectrum.”³ Such a proceeding is necessary to implement the Broadband Optimization Plan proposed by Access Spectrum and Pegasus. The Association of Public Safety Communications Officials – International, Inc. (“APCO”), the International Association of Chiefs of Police (“IACP”), and the International Association of Fire Chiefs (“IAFC”) have acknowledged the potential merits of the Broadband Optimization Plan and have recognized the need for the FCC to adopt and consider a Notice of Proposed Rulemaking on an expedited basis to avoid delay in planning and deployment of critical public safety communications systems.⁴

³ *Improving Public Safety Communications in the 800 MHz Band; Consolidating the 800 and 900 MHz Industrial/Land Transportation and Business Pool Channels*, Report and Order, Fifth Report and Order, Fourth Memorandum Opinion and Order, and Order, 19 FCC Rcd 14969, ¶ 209 (2004); *see also Improving Public Safety Communications in the 800 MHz Band; Consolidating the 800 and 900 MHz Industrial/Land Transportation and Business Pool Channels*, Supplemental Order and Order on Reconsideration, 19 FCC Rcd 25120, ¶ 8 n.19 (2004).

⁴ *See Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Communications Requirements Through*

The policies relating to the A and B Block are related not only to the public safety spectrum in the Upper 700 MHz, but also to the other commercial spectrum in the Upper 700 MHz band since adoption of the Broadband Optimization Plan creates an additional 3 MHz of fully usable commercial wireless spectrum. In order to achieve the greatest benefit for both public safety and commercial users of the Upper 700 MHz band, it is essential that these issues be considered and resolved concurrently, in advance of the auction of the commercial spectrum in the Upper 700 MHz.

To align consideration of these interrelated issues, Access Spectrum and Pegasus Communications respectfully request that the Commission expeditiously issue the Notice of Proposed Rulemaking to address A and B Block issues in the 700 MHz band and extend the comment period in the Commercial 700 MHz proceeding to a date that coincides with the comment date for the A&B proceeding, a date that should be no later than October 30, 2006. In order to accomplish this, the FCC may need to expedite publication of the A&B proceeding in the Federal Register, and Access Spectrum and Pegasus support such expedited treatment. The dates for reply comments in the two proceedings should also be aligned and be no later than November 30, 2006, to allow enough time for the Commission to consider and resolve all of these issues prior to the commercial auction. If the Commission were to elect not to extend the comment date for WT Docket No. 06-150 beyond September 20, 2006, at a minimum it should provide for a reply date that is coordinated with the reply date for the A&B proceeding. Adopting

the Year 2010, WT Docket No. 96-86, Letter to Ms. Catherine Seidel, Acting Chief, Wireless Telecommunications Bureau, Federal Communications Commission, from Wanda McCarley, President, APCO International, Harlin R. McEwen, Chairman, IACP Communications & Technology Committee, and Alan Caldwell, Senior Advisor, Government Relations, International Ass'n of Fire Chiefs (filed July 31, 2006).

this approach would permit all parties to address the interrelated issues of the separate proceedings in a comprehensive manner, resulting in a record that would facilitate the Commission's consideration of these issues in a manner that will result in the outcome that best serves the public interest.

Respectfully submitted,

/s/ Michael I. Gottdenker

Michael I. Gottdenker, Chairman and CEO
Andrew J. Rein, Director,
Strategy & Operations
Access Spectrum, L.L.C.
2 Bethesda Metro Center
Bethesda, MD 20814-6319

/s/ Marshall W. Pagon

Marshall W. Pagon, Chairman and CEO
Cheryl Crate, Vice President for Corporate
Communications & Government Relations
Pegasus Communications Corporation
225 City Avenue, Suite 200
Bala Cynwyd, PA 19004

Ruth Milkman
Lawler, Metzger, Milkman & Keeney, LLC
2001 K Street, NW, Suite 802
Washington, DC 20006
(202) 777-7700
rmilkman@lmmk.com
Counsel to Access Spectrum, L.L.C.

Kathleen Wallman
Wallman Consulting, L.L.C.
9332 Ramey Lane
Great Falls, VA 22066
*Advisor to
Pegasus Communications Corporation*

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