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

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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
	)	
Former Nextel Communications, Inc. Upper 700 MHz Guard Band Licenses and Revisions to Part 27 of the Commission's Rules	)	WT Docket No. 06-169
	)	
The Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Communications Requirements Through the Year 2010	)	WT Docket No. 96-86

ORDER

Adopted: September 15, 2006 **Released: September 15, 2006**

By the Acting Chief, Wireless Telecommunications Bureau:

1. This Order extends the deadline for filing comments in response to the *Notice of Proposed Rule Making, Fourth Further Notice of Proposed Rule Making, and Second Further Notice of Proposed Rule Making* (*Notice*)[1] until September 29, 2006, but retains the reply comment deadline of October 20, 2006. The *Notice* seeks public comment on a variety of licensing and service rules affecting both auctioned and unauctioned spectrum in the 698-746, 747-762, and 777-792 MHz bands ("700 MHz Band").[2] Interested parties previously had until September 20, 2006, for filing comments and October 20,

[1] 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 (rel. Aug. 10, 2006).

[2] In the *Notice*, the Commission also seeks comment on its tentative conclusion that services provided in the 700 MHz Band, and in other bands subject to Part 27, should be subject to requirements concerning 911 and enhanced 911, and hearing aid-compatible handsets to the extent that they meet certain criteria, and on changes to the Commission's rules or industry standards related to implementing that tentative conclusion.

2006, for filing reply comments.[3]

2. The Commission has received requests for an extension of time to submit comments and reply comments in response to the *Notice*. On September 8, 2006, CTIA – The Wireless Association (CTIA) filed a request seeking an extension of time until 14 and 28 days, respectively after the down payment deadline following the close of Auction 66.[4] In its request, CTIA argues that the timing of the *Notice* and Auction 66 may warrant a limited extension of time.[5] On September 8, 2006, Access Spectrum, L.L.C. and Pegasus Communications Corporation ("Access/Pegasus") filed a motion requesting that the Commission extend the comment period for the *Notice* to a date no later than October 30, 2006, and the reply comment period to a date no later than November 30, 2006.[6] As a part of its motion, Access/Pegasus requests that the Commission have the comment period for the *Notice* coincide with the comment date for the Commission's proceeding concerning the Blocks A and B in the Upper 700 MHz band. On September 11, 2006, Access/Pegasus filed a Supplemental Motion for Extension of Time, which modified its previous motion.[7] In its supplemental motion, Access/Pegasus requests specific dates of October 16, 2006 and November 15, 2006 to file comments and reply comments, respectively, to the *Notice* and in the Commission's proceeding in WT Docket No. 06-169 respecting Blocks A and B in the Upper 700 MHz Band, and also asks that interested parties be provided an opportunity to file supplemental comments by November 15, 2006 in the Public Safety 700 MHz proceeding in WT Docket No. 96-86.[8] Aloha Partners, LP (Aloha), MetroPCS Communications, Inc. (MetroPCS), and the Rural Cellular Association (RCA) filed comments in support of the CTIA Request.[9] Verizon Wireless has filed an opposition to the requests by CTIA and Access/Pegasus for an extension of the comment deadlines.[10] Verizon Wireless argues that public safety needs and the auction deadline for the 700 MHz spectrum necessitates adhering to the existing comment schedule.[11]

3. It is the general policy of the Commission that extensions of time shall not be routinely

[3] *See* 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; Hearing Aid-Compatible Telephones, 71 Fed. Reg. 48,506 (Aug. 21, 2006).

[4] Request for Extension of Comment Deadline of CTIA – The Wireless Association, WT Docket No. 06-150, CC Docket No. 94-102, WT Docket No. 01-309 (September 8, 2006) (CTIA Request).

[5] *See* CTIA Request at 3-4.

[6] Motion for Extension of Time of Access/Pegasus, WT Docket No. 06-150, CC Docket No. 94-102, WT Docket No. 01-309 (September 8, 2006) (Access/Pegasus Motion).

[7] The Supplemental Motion was filed in WT Docket No. 06-150, CC Docket No. 94-102, WT Docket No. 01-309, WT Docket No. 06-169, and WT Docket No. 96-86 (Access/Pegasus Supplemental Motion).

[8] Access/Pegasus Supplemental Motion at 2.

[9] *See* Aloha Partners, LP, Comments in Support of the CTIA Request for Extension of Comment Dates, WT Docket No. 06-150, CC Docket No. 94-102, WT Docket No. 01-309 (September 11, 2006) (Aloha Comments); MetroPCS Communications, Inc., Comments in Support of CTIA – The Wireless Association Request for Extension of Comment and Reply Comment Deadlines, WT Docket No. 06-150, CC Docket No. 94-102, WT Docket No. 01-309 (September 12, 2006) (MetroPCS Comments); Rural Cellular Association, Comments in Support of CTIA – The Wireless Association Request for Extension of Comment and Reply Comment Deadlines, WT Docket No. 06-150, CC Docket No. 94-102, WT Docket No. 01-309 (September 15, 2006) (RCA Comments). RCA supports CTIA's request to extend the comment and reply comment deadlines until 14 and 28 days, respectively, after the down payment deadline following the close of Auction 66 or, in the alternative, suggests that the comment and reply comment deadlines be extended until October 30 and November 13, 2006, respectively. RCA Comments at 1-2.

[10] Verizon Wireless, Opposition to Requests for Extension of Comment Deadlines, WT Docket No. 06-150, CC Docket No. 94-102, WT Docket No. 01-309 (September 13, 2006) (Verizon Wireless Opposition).

[11] Verizon Wireless Opposition at 1-2.

granted.[12] Nevertheless, in this instance a limited extension of time is warranted for filing comments in response to the *Notice*. We find that a nine-day extension of time for comments will facilitate the development of a complete record on the various issues on which the Commission sought comment, including any need for additional small geographic service area licenses in the 700 MHz Band. We are mindful of our statutory obligations and find that providing this limited additional time will not unduly delay this proceeding and future auction of the 700 MHz Band.[13] Accordingly, we extend the deadline for filing comments in response to the *Notice* until September 29, 2006, but retain the reply comment deadline of October 20, 2006. We also deny the request of Access/Pegasus to establish: (1) October 16, 2006 and November 15, 2006 as comment and reply comment dates in WT Docket No. 06-169, and (2) November 15, 2006 as a date for filing supplemental comments in WT Docket No. 96-86.[14]

4. Accordingly, IT IS ORDERED that, pursuant to sections 4(i) and 4(j) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i) and 154(j), and sections 0.131, 0.331, and 1.46 of the Commission's rules, 47 C.F.R. §§ 0.131, 0.331, and 1.46, the deadline for filing comments in response to the *Notice* is extended to September 29, 2006.

5. IT IS FURTHER ORDERED that, pursuant to sections 4(i) and 4(j) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i) and 154(j), and sections 0.131, 0.331, and 1.46 of the Commission's rules, 47 C.F.R. §§ 0.131, 0.331, and 1.46, the Request for Extension of Comment Deadline of CTIA – The Wireless Association filed on September 8, 2006, and the Motion for Extension of Time and Supplemental Motion for Extension of Time filed by Access Spectrum, L.L.C. and Pegasus Communications Corporation on September 8 and 11, 2006, respectively, are GRANTED IN PART and DENIED IN PART, as specified above.

FEDERAL COMMUNICATIONS COMMISSION

Catherine W. Seidel
Acting Chief, Wireless Telecommunications Bureau

[12] 47 C.F.R. § 1.46(a).

[13] The Commission is to commence the auction of recovered analog broadcast spectrum no later than January 28, 2008 and deposit the proceeds of such auction in the Digital Television Transition and Public Safety Fund no later than June 30, 2008. *See Notice* at ¶ 9.

[14] *See* Access/Pegasus Supplemental at 3.