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

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In the Matter of	)	
	)	
Commission Staff Requests That Interested Parties Supplement the Record on Draft Interference Rules for Wireless Communications Service and Satellite Digital Audio Radio Service	)	WT Docket No. 07-293
	)	IB Docket No. 95-91
	)	GEN Docket No. 90-357
	)	RM No. 8610

ORDER EXTENDING COMMENT PERIOD

Adopted: April 12, 2010 **Released: April 13, 2010**

Comment Date: April 23, 2010

By the Chief, Office of Engineering and Technology:

1. On April 6, 2010, Sirius XM Radio, Inc. ("Sirius XM") filed a request for a one-week extension of time – to April 23, 2010 – to file comments on the Commission staff's proposals for draft interference rules for the Wireless Communications Service (WCS) and the Satellite Digital Audio Radio Service (SDARS).[1] For the reasons discussed below, we grant Sirius XM's request and extend the comment period to April 23, 2010.

2. On April 2, 2010, Commission staff requested that interested parties supplement the record on draft interference rules for the WCS and SDARS.[2] The due date for the comments in this proceeding was set at April 16, 2010.[3] Sirius XM requests a one-week extension of time – from April 16, 2010 to April 23, 2010 – to file comments on the proposed rules contained in the Commission staff's April 2, 2010 Public Notice. Sirius XM contends that the staff's proposed rules raise important, complex, and unforeseen technical issues that will require more than the allotted two weeks to address.

[1] *See* Sirius XM Radio Inc., Request for Additional Time to File Comments (filed Apr. 6, 2010) (*Sirius XM Request*). *See also* Commission Staff Requests That Interested Parties Supplement the Record on Draft Interference Rules for Wireless Communications Service and Satellite Digital Audio Radio Service, WT Docket No. 07-293, IB Docket No. 95-91, GEN Docket No. 90-357, RM No. 8610, Public Notice, DA 10-592 (rel. April 2, 2010) at Appendix A.

[2] *See* Commission Staff Requests That Interested Parties Supplement the Record on Draft Interference Rules for Wireless Communications Service and Satellite Digital Audio Radio Service, WT Docket No. 07-293, IB Docket No. 95-91, GEN Docket No. 90-357, RM No. 8610, Public Notice, DA 10-592 (rel. April 2, 2010).

[3] *Id.* at 1.

Sirius XM submits that a one-week extension of time to file comments will allow Sirius XM and other interested parties to analyze and comment on the proposed rules more fully and provide input that will be more useful to the Commission. Sirius XM argues that an extension of time is especially necessary given that Commission staff has not provided an opportunity for reply comments at this time.[4]

3. The Boeing Company ("Boeing") supports Sirius XM's request for additional time to file comments on the Commission staff's proposed rules.[5] Boeing contends that as stated in the filings of the Aerospace and Flight Test Radio Coordinating Council ("AFTRCC") and as recognized by the Commission, this proceeding has an important impact on the Aeronautical Mobile Telemetry (AMT) receive sites operated by the flight test community, including Boeing.[6] Specifically, Boeing believes that the WCS out-of-band emissions limits proposed for the frequencies surrounding the 2360-2395 MHz AMT band, as well as the appropriate application of the proposed WCS coordination requirements to protect Boeing's mobile AMT test vehicles, are novel to Boeing. Boeing states that because it has not previously commented on these specific issues, it needs a reasonable amount of time to consider these matters. Boeing also states that it shares Sirius XM's concerns that two weeks is not enough time for parties to analyze the proposed rules and update the record as requested in the Public Notice.[7]

4. The WCS Coalition, however, opposes any extension of time to comment on the Commission staff's proposed rules.[8] The WCS Coalition believes that Sirius XM does not need additional time to analyze the staff's proposals because Sirius XM has previously addressed the specific proposals in detail. Specifically, the WCS Coalition contends that the staff's proposals to restrict WCS base stations' and mobile devices' transmitter power levels and to require that WCS mobile devices use automatic transmit power control have been extensively discussed by Sirius XM for several years. The WCS Coalition also contends that the two proposed 2.5-megahertz wide WCS guard bands adjacent to each side of the SDARS band, where WCS mobile and portable devices would be prohibited from operating, are of the same sort that Sirius XM has previously advocated. In addition, the WCS Coalition believes that the proposed out-of-band emission limits for WCS mobile devices are the same limits that Sirius XM has been addressing since September 2008. Finally, the WCS Coalition submits that Sirius XM was the first to suggest a limit on the duty cycle as a technique for controlling WCS interference to SDARS receivers, and that Sirius XM has submitted numerous comments on the implications of duty cycle restrictions. In sum, the WCS Coalition believes that none of the staff's proposals for addressing potential WCS and SDARS interference are new to this proceeding and further delay is not justified.[9]

5. The Commission's general policy is that extensions of time are not routinely granted.[10] However, we consider and, in certain instances, grant requests for extension of time where we find that the public interest would be best served by a more a complete discussion of the matters pending before the Commission. We believe that it is in the public interest for the Commission to develop the most

[4] *See Sirius XM Request* at 1.

[5] *See* The Boeing Company; Support for Request for Additional Time to File Comments; WT Docket No. 07-293 and IB Docket No. 95-91 (filed April 8, 2010) (*Boeing Ex Parte*).

[6] *See Boeing Ex Parte* at 1.

[7] *Id.* at 1-2.

[8] *See* WCS Coalition *Ex Parte* Presentation, filed April 7, 2010, at 1-2.

[9] *Id.*

[10] *See* 47 C.F.R. § 1.46(a).

complete and well-delivered record possible. We find that an extension of time is appropriate under the current circumstances presented. We believe that a one-week extension of time appropriately balances the interests of commenting parties and will not unreasonably delay the resolution of the proceeding. Therefore, we grant an extension of time for the filing of comments from April 16, 2010 to April 23, 2010.

6. IT IS HEREBY ORDERED that pursuant to Section 1.46 of the Commission's Rules, 47 C.F.R. § 1.46, the April 6, 2010 request of Sirius XM to extend the deadline for filing comments in this proceeding is GRANTED to the extent indicated.

7. This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Julius P. Knapp
Chief
Office of Engineering and Technology