

iBIQUITY

Received & Inspected

APR 27 2010

FCC Mail Room

Albert Shuldiner
Senior VP & General Counsel

April 22, 2010

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: MM Docket 99-325

Dear Ms. Dortch:

On behalf of iBiquity Digital Corporation ("iBiquity"), I am writing to request an extension of time for filing oppositions to petitions for reconsideration and applications for review of the Media Bureau's January 29, 2010 Order in this proceeding.¹ The *Order* was published in the Federal Register on April 8, 2010.² Pursuant to Section 1.1115(d) of the Commission's Rules, an application for review must be filed within thirty days of public notice of the action taken pursuant to delegated authority.³ Petitions for reconsideration also must be filed within the same thirty day period.⁴ Section 1.4 of the Commission's Rules specifies that for all orders required to be published in the *Federal Register*, public notice occurs on the date of publication in the *Federal Register*.⁵ Therefore, applications for review and petitions for reconsideration of the *Order* may be filed until May 10, 2010.⁶

Jonathan E. Hardis filed an application for review of the *Order* on April 8, 2010. Pursuant to Section 1.115 of the Commission's Rules, oppositions would be due within fifteen days of the filing of his application.⁷ However, that date is several weeks before the final date

¹ *Digital Audio Broadcasting Systems And Their Impact on the Terrestrial Radio Broadcast Service*, MM Docket No. 99-325, *Order* (Jan. 29, 2010) ("Order").

² *Digital Audio Broadcasting Systems And Their Impact on the Terrestrial Radio Broadcast Service*, 75 Fed. Reg. 17,874 (2010).

³ 47 C.F.R. §1.115(d).

⁴ 47 C.F.R. §1.106(f).

⁵ 47 C.F.R. §1.4(b)(1).

⁶ The thirty day public notice period expires on May 8, 2010. Because that day is a Saturday, petitions for reconsideration and applications for review are due by the next business day. 47 C.F.R. §1.4(j).

⁷ 47 C.F.R. §1.1115(d).

iBIQUITY

for filing applications for review and petitions for reconsideration. In the interest of administrative efficiency for both the parties to this proceeding and the Commission and to avoid the need for potential duplication of pleadings, iBiquity requests an extension of time to file oppositions to all applications for review and petitions for reconsideration until May 25, 2010, fifteen days from the final date for filing petitions for reconsideration and applications for review. As the Audio Division noted in its April 6, 2010 letter to Mr. Hardis, there is a need to “permit interested parties to respond to initial filings in an efficient and coordinated manner while eliminating unnecessary burdens that could arise from the seriatim and piecemeal consideration of issues raised in pleadings submitted in response to the release of the [Order].”⁸ Grant of this request will further the goal articulated recently by the Audio Division.

iBiquity further notes that the Commission’s Rules specify that in the event one party files a petition for reconsideration and another party files an application for review, the Commission must defer action on the application for review until after the Commission has acted on the petition for reconsideration.⁹ There already has been one petition for reconsideration filed in this proceeding, and iBiquity believes there may be others filed before the May 10, 2010 deadline. Granting this request for additional time will not prejudice Mr. Hardis or any other party because the Commission cannot take any action until all the potential petitions and applications have been submitted. It would be counterproductive for the Commission to require the filing of oppositions to Mr. Hardis’ application for review before parties have an opportunity to consider any petitions for reconsideration that may be filed in this proceeding.

iBiquity appreciates the Commission’s attention to this request. Any questions concerning this request for an extension of time should be directed to the undersigned.

Respectfully submitted,

/s/

Albert Shuldiner

cc: Peter H. Doyle, Esq., Media Bureau (via email)
Marvin Ammori, Free Press
Angela J. Campbell, Esq., Georgetown University Law Center
Parul Desai, Esq., Media Access Project
Jonathan E. Hardis
Steven A. Lerman, Esq., Lerman Senter PLLC
Gregory A. Lewis, Esq., National Public Radio
Jane E. Mago, Esq., National Association of Broadcasters

⁸ Letter from Peter H. Doyle to Mr. Jonathan E. Hardis, DA 10-599 (April 6, 2010).

⁹ 47 C.F.R. §1.104(c).

CERTIFICATE OF SERVICE

I, Albert D. Shuldiner, hereby certify that true and correct copies of the foregoing
Application for Review were sent this 22nd day of April, 2010, via first class mail, postage
prepaid, to:

Marvin Ammori
Free Press
501 Third Street NW, Ste 875
Washington, DC 20001-2760

/s/

Albert D. Shuldiner

Angela J. Campbell, Esq.
Georgetown University Law Center
600 New Jersey Ave., NW
Washington, DC 20001-2022

Parul Desai, Esq.
Media Access Project
1625 K Street, NW, Ste 1000
Washington, DC 20006-1683

Jonathan E. Hardis
356 Chestertown St.
Gaithersburg, MD 20878-5724

Steven A. Lerman
Lerman Senter PLLC
2000 K Street, NW, Ste. 600
Washington, DC 20006-1809

Gregory A. Lewis, Esq.
Associate General Counsel
National Public Radio
635 Massachusetts Ave., NW
Washington, DC 20001-3753

Jane E. Mago, Esq.
Executive Vice President and General
Counsel, Legal and Regulatory Affairs
National Association of Broadcasters
1771 N Street NW
Washington, DC 20036-2800