

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

MAILED
APR 23 2012
FCC Mail Room

In the Matter of)
)
Petition for Declaratory Ruling Interpreting the) WT Docket No. 12-37
Definition of Commercial Mobile Radio Services)
as Applied to NextG Networks of California, Inc.'s)
Distributed Antenna Systems and Other Small-Cell)
Solutions)

ORDER

Adopted: April 16, 2012

Released: April 17, 2012

Extended Reply Comment Date: May 14, 2012

By the Associate Chief, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau:

1. This Order extends the deadline for filing reply comments concerning the Petition for Declaratory Ruling (Petition) filed by NextG Networks of California, Inc. (NextG).¹ Reply comments are due on **May 14, 2012**.

2. On February 16, 2012, the Wireless Telecommunications Bureau (Bureau) released a Public Notice seeking comment on NextG's Petition, which asks the Commission to interpret Section 20.3 of the Commission's rules and find that it is not a provider of "commercial mobile radio service" (CMRS) as defined therein.² The Public Notice established a comment deadline of April 2, 2012 and a reply comment deadline of May 2, 2012.³ On April 10, 2012, Crown Castle Solutions Corp. (Crown Castle) filed a Request for Extension of Time to file reply comments until May 14, 2012.⁴

3. Crown Castle is a subsidiary of Crown Castle International Corp. (CCI), which is in the process of acquiring NextG Networks, Inc., the parent corporation of NextG. Crown Castle argues that prior to closing the transaction it is not in a position to review the details of NextG's Distributed Antenna System (DAS) facilities, nor the manner in which they are regulated.⁵ Due to the forthcoming change in ownership of NextG's DAS facilities, Crown Castle requests an additional two weeks to review and analyze information regarding the proceeding to ensure that its comments reflect its position on the issues

¹ See Petition For Declaratory Ruling, NextG Networks of California, filed Dec. 21, 2011 (Petition).

² Wireless Telecommunications Bureau Seeks Comment on Petition for Declaratory Ruling Interpreting the Definition of "Commercial Mobile Radio Services" as Applied to NextG Networks of California, Inc.'s Distributed Antenna Systems and Other "Small-Cell" Solutions, *Public Notice*, WT Docket No. 12-37, DA 12-202 (WTB rel. Feb. 16, 2012).

³ *Id.* A summary of the public notice was published in the Federal Register on February 28, 2012. 77 Fed. Reg. 12,055 (Feb. 28, 2012).

⁴ Request for Extension of Time, Crown Castle Solutions Corp., WT Docket No. 12-37, filed Apr. 10, 2012. No commenters objected to the extension request.

⁵ Request at 1.

raised in NextG's Petition.⁶

4. The Commission's policy, as set forth in section 1.46(a) of the Commission's rules,⁷ is that extensions of time are not routinely granted. However, given our desire to encourage thoughtful consideration of the important issues raised in this proceeding, we believe that a grant of Crown Castle's request will facilitate that consideration. Therefore, we grant to all parties an extension of the current reply comment deadline, which will establish May 14, 2012 as the new reply comment deadline.

5. Accordingly, IT IS ORDERED that, pursuant to section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), 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 Time filed by Crown Castle Solutions Corp. IS GRANTED.

6. IT IS FURTHER ORDERED that the deadline to file reply comments in this proceeding is extended to May 14, 2012.

FEDERAL COMMUNICATIONS COMMISSION

Peter Trachtenberg
Associate Chief
Spectrum and Competition Policy Division
Wireless Telecommunications Bureau

⁶ Request at 1-2.

⁷ 47 C.F.R. § 1.46(a).