

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

In the Matter of)
)
Reallocation and Service Rules for the 698-746)
MHz Spectrum Band (Television Channels 52-59)) GN Docket No. 01-74

ORDER

Adopted: May 11, 2001

Released: May 11, 2001

By the Deputy Chief, Wireless Telecommunications Bureau; Acting Chief, Office of Engineering and Technology:

1. On May 7, 2001, Paxson Communications Corporation (“Paxson”) filed a motion, pursuant to Section 1.46 of the Commission’s Rules,¹ to extend the period for filing comments and reply comments to the *Notice of Proposed Rulemaking*² in the above-captioned proceeding until after completion of the auction for licenses in the Upper 700 MHz Band (Channels 60-69)³ or, in the alternative, until after the Commission has ruled on the Petitions for Reconsideration of the *Third Report and Order* regarding the Upper 700 MHz Band.⁴ For the reasons discussed below, we deny the Motion.

2. The Motion argues that an extension of time would permit “valuable experience and information” gained from the reconsideration of the Upper 700 MHz *Third Report and Order* and completion of the Upper 700 MHz auction to be considered in comments that are filed in this proceeding.⁵ The Motion further argues that the gathering of comments at this time would be premature because of the number of stations located on the Lower 700 MHz Band and the uncertainty with respect to the number of stations that may relocate from the Channels 60-69 band to the Channels 52-59 band.⁶ The Motion also

¹ 47 C.F.R. § 1.46.

² See Reallocation and Service Rules for the 698-746 MHz Spectrum Band (Television Channels 52-59), GN Docket No. 01-74, FCC 01-91, *Notice of Proposed Rulemaking* (rel. Mar. 28, 2001) (“*Notice of Proposed Rulemaking*”). Presently, comments to the *Notice of Proposed Rulemaking* are due by May 14, 2001, and reply comments are due by June 4, 2001.

³ See Service Rules for the 746-764 and 776-794 MHz Bands, and Revisions to Part 27 of the Commission’s Rules, WT Docket No. 99-168, FCC 01-25, *Third Report and Order* (rel. Jan. 23, 2001) (“*Third Report and Order*”). The auction of the Upper 700 MHz Band is scheduled for September 12, 2001. Auction of Licenses for the 747-762 and 777-792 MHz Bands Postponed Until September 12, 2001, *Public Notice*, Report No. AUC-01-31-A, DA 01-266 (rel. Jan. 31, 2001).

⁴ See Paxson Communications Corporation, Motion for Extension of Time of Comment and Reply Comment Deadlines, filed May 7, 2001 (“Motion”).

⁵ Motion at 3.

⁶ Motion at 3-4.

alleges that ample time exists for the Commission to grant the requested extension and still meet the September 30, 2002 statutory deadline, and that such deadline may be extended.⁷

3. We deny the motion of Paxson to extend the dates for filing comments and reply comments. The Commission's general policy is that extensions of time are not routinely granted.⁸ Section 309(j)(14) of the Communications Act of 1934, as amended, requires the Commission to assign spectrum recaptured from broadcast television as a result of the transition from analog to digital transmission systems by competitive bidding, and that the Commission shall assign licenses and report to the Congress the total revenues from such competitive bidding by September 30, 2002.⁹ The *Notice of Proposed Rulemaking* proposes to reallocate the Lower 700 MHz Band and seeks comment on possible service rules for that spectrum. The receipt and consideration of comments to the *Notice of Proposed Rulemaking* are but one step in a lengthy process that the Commission must complete in order to meet the September 30, 2002 statutory deadline for the Channels 52-59 spectrum. We are not convinced that granting a delay for the filing of comments and reply comments, as requested by the Motion, would still allow the Commission to meet that statutory deadline.

4. Pursuant to Section 1.46(b), comments need not be filed until two business days after the Commission acts on the Motion. Accordingly, parties will have until May 15, 2001, to file comments on the *Notice of Proposed Rulemaking*.

5. Accordingly, IT IS ORDERED that pursuant to 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 motion of Paxson Communications Corporation to extend the filing deadlines for comments and reply comments in this proceeding, filed May 7, 2001, is DENIED.

FEDERAL COMMUNICATIONS COMMISSION

James D. Schlichting
Deputy Chief
Wireless Telecommunications Bureau

Bruce A. Franca
Acting Chief
Office of Engineering and Technology

⁷ *Id.* at 4-5.

⁸ 47 C.F.R. § 1.46(a).

⁹ *See* 47 U.S.C. § 309(j)(14)(C)(ii). *See also* *Notice of Proposed Rulemaking*, FCC 01-91, ¶ 2.