



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Fax-On-Demand 202 / 418-2830
TTY 202 / 418-2555
Internet: <http://www.fcc.gov>
ftn.fcc.gov

DA 01-2610
November 8, 2001

Comments Requested on Motion for Stay

Of Mandatory Negotiation Period

ET Docket No. 95-18

On June 27, 2000, the Commission adopted a *Second Report and Order and Memorandum Opinion and Order* establishing procedures for relocating incumbent Broadcast Auxiliary Service (BAS) in frequency bands at 2 GHz that were reallocated to the new Mobile Satellite Service (MSS). *See Amendment of Section 2.106 of the Commission's Rules to Allocate Spectrum at 2 GHz for Use by the Mobile-Satellite Service*, ET Docket No. 95-18, 15 FCC Rcd 1231 (2000). As part of these procedures, the Commission established a two year mandatory negotiation period between MSS and BAS licensees. *See* 47 C.F.R. §74.690. On October 22, 2001, the National Association of Broadcasters (NAB) and the Association for Maximum Service Television, Inc. (MSTV) filed a "Motion for Stay of Mandatory Negotiation Period."

NAB and MSTV notes that since adoption of the 2 GHz Relocation *Report and Order*, the Commission has commenced two proceedings that affect the relocation process now underway and thus the mandatory negotiation deadline. In "*Amendment of Part 2 of the Commission's Rules to Allocate Spectrum Below 3 GHz for Mobile and Advance Services*" (*Memorandum Opinion and Order and Further Notice of Proposed Rule Making*), ET Docket No. 00-258 (rel. August 20, 2001), the Commission proposed to reallocate a portion of the BAS spectrum that broadcasters will vacate to provide spectrum for advanced wireless services, and in "*Flexibility for Delivery of Communications by Mobile Satellite Service Providers*", IB Docket No. 01-185 (rel. August 17, 2001), the Commission asked whether it should permit MSS licensees to offer terrestrial wireless services in addition to satellite based services, and if so, under what conditions. NAB and MSTV request that we stay the negotiation period until the Commission addresses these new issues concerning the reallocation of spectrum at 2 GHz and the relocation plan for BAS incumbents and, if the Commission decides to reallocate spectrum, until new entrants are licensed.

The Office of Engineering and Technology seeks comments from interested parties concerning the "Motion for Stay."

Comments on the “Motion for Stay” shall be filed by no later than November 30, 2000. Comments are to be filed with the Commission following the same procedures applicable to the *Notice of Proposed Rule Making* in this proceeding, ET Docket No. 95-18. Paper copies may be filed with the Commission’s Secretary, Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, TW-A325, Washington, D.C. 20554. Electronic copies may be filed at www.fcc.gov/e-file/ecfs.html. A copy of each filing should be sent to Qualex International, 445 12th Street, SW, Room CY-B-402, Washington, D.C. 20554. The full text of this “Motion for Stay” is available on the ECFS and at the FCC Reference Center, Room TW-A306, 445 12th Street, SW, Washington, D.C. 20554.

This matter shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s ex parte rules. *See* 47 C.F.R. §§ 1.1200 and 1.1206. Persons making oral ex parte presentations are reminded that memoranda summarizing the presentations must contain summaries or the substance of the presentations and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented generally is required. *See* 47 C.F.R. § 1.1206(b). Other rules pertaining to oral and written ex parte presentations in permit-but-disclose proceedings are set forth in 47 C.F.R. § 1.1206(b).

For further information concerning this proceeding, please contact Gary Thayer at (202) 418-2290, Office of Engineering and Technology, Federal Communications Commission.

-FCC-