

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

In the Matter of	)	
	)	
Reallocation of the 216-220 MHz,	)	ET Docket No. 00-221
1390-1395 MHz, 1427-1429 MHz,	)	RM-9267
1429-1432 MHz, 1432-1435 MHz,	)	RM-9692
1670-1675 MHz, and 2385-2390 MHz	)	RM-9797
Government Transfer Bands	)	RM-9854

**ORDER GRANTING EXTENSION OF TIME**

**Adopted:** February 15, 2001

**Released:** February 16, 2001

By the Chief, Office of Engineering and Technology:

1. On January 23, 2001, the Land Mobile Communications Council (LMCC) submitted a request for extension of time in the *Notice of Proposed Rule Making*<sup>1</sup> (NPRM) in the above captioned proceeding to extend by 60 days the comment filing deadline and by 30 days the reply comment deadline.<sup>2</sup> LMCC asserts that due to the magnitude of this proceeding and the need to explore potential technologies for these bands the additional time is necessary to allow interested parties ample time to supply complete comments.

2. On February 2, 2001, Itron, Inc. (Itron) submitted an opposition to LMCC's request for extension of time.<sup>3</sup> In opposing the request, Itron argues that LMCC has not shown that it will be overly burdensome for parties to comment on the NPRM. Additionally, Itron points out that although the comment period in this proceeding did not begin until January 23, 2001, the NPRM was released on November 20, 2000 which essentially provided ninety-four days for interested parties to evaluate and comment on the proposals.

3. On February 9, 2001, Trimble Navigation Limited and Pacific Crest Corporation (Trimble and Pacific) submitted a request for extension of time in the above captioned proceeding to extend both the comment and reply comment filing deadlines by 30 days.<sup>4</sup> In support of their request, Trimble and Pacific state that to better evaluate potential new allocations in the 216-220 MHz band, they engaged, in December 2000, a consulting firm to provide a band study with the expectation that a report would be available in early 2001. They state that as of the filing of this request, they had not yet received the report, but expect to receive it within the next seven to ten days which leaves them with almost no time to develop comments

<sup>1</sup> See In The Matter Of Reallocation of the 216-220 MHz, 1390-1395MHz, 1427-1429 MHz, 1429-1432 MHz, 1432-1435 MHz, 1670-1675 MHz and 2385-2390 MHz Government Transfer Bands, ET Docket No. 00-221, *Notice of Proposed Rule Making*, 15 FCC Rcd. 22657 (2000).

<sup>2</sup> See Request For Extension of Time filed by LMCC (Jan. 23, 2001).

<sup>3</sup> See Opposition To Request for Extension Of Time filed by Itron (Feb. 2, 2001).

<sup>4</sup> See Request For Extension Of Time filed by Trimble and Pacific (Feb. 9, 2001).

in time for the existing filing deadline. Trimble and Pacific argue that granting their request would put them in a much better position to provide comments that are responsive to the issues of the *NPRM*.

4. On February 9, 2001, the Association of Public Safety Officials-International, Inc. (APCO) filed comments in support of Trimble and Pacific's extension of time request.<sup>5</sup> APCO argues that they too are interested in possible uses of the 216-220 MHz band and the study commissioned by Trimble and Pacific would be valuable for preparing comments and proposals in this proceeding.

5. As pointed out by Itron, we note that the industry had almost two months prior to the start of the comment period to evaluate our proposals and formulate comments. We are also mindful of the complex nature of this proceeding given the number of interested parties, the numerous bands under consideration, and the potential effects to the communications industry. However, we must also contend with a time frame that requires assignment of licenses by competitive bidding in many of the bands under consideration in this proceeding by September 30, 2002.<sup>6</sup>

6. We note that the Commission does not routinely grant extensions of time in rulemaking proceedings. However, in this case, we believe that a modest extension of time would be beneficial to the industry in order that we establish a complete record in this proceeding and at the same time have minimal effect on our ability to meet the statutorily imposed deadline for license assignment. Therefore, we will extend the both the comment filing deadline and the reply comment filing deadline by fourteen days. Although, this extension is not as long as either party asked for, we believe that such an extension balances the needs of the industry against the requirements of the Commission.

7. Accordingly, **IT IS ORDERED** that the time for filing comments in the above captioned proceeding **IS EXTENDED** to March 8, 2001. It is Further **ORDERED** that the time for filing reply comments in the above captioned proceeding **IS EXTENDED** to April 9, 2001.

8. This action is taken pursuant to the authority found in Sections 4(i), 301, 302, 303(e), 303(f), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 301, 302, 303(e), 303(f), and 303(r); and pursuant to Sections 0.31, 0.241 and 1.46 of the Commission's Rules, 47 CFR §§ 0.31, 0.241 and 1.46.

FEDERAL COMMUNICATIONS COMMISSION

Bruce Franca  
Acting Chief  
Office of Engineering and Technology

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<sup>5</sup> See Comments of APCO in Support of Request for Extension of Time filed by APCO (Feb. 9, 2001).

<sup>6</sup> See Balanced Budget Act of 1997, Pub. L. 103-66, 107 Stat. 312 (1993), § 3002(e) (codified at 47 U.S.C. § 923(b)(3)).