



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>
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DA 01-788
March 29, 2001

PLEADING CYCLE ESTABLISHED FOR RESPONSES TO PETITIONS FOR RECONSIDERATION OF THE THIRD REPORT AND ORDER IN WT DOCKET NO. 99-168, CS DOCKET NO. 98-120, AND MM DOCKET NO. 00-39

Oppositions Due: April 10, 2001
Replies Due: April 20, 2001

Notice is hereby given that the parties listed below have petitioned the Commission for reconsideration and clarification of the *Third Report and Order* in WT Docket No. 99-168, CS Docket No. 98-120, and MM Docket No. 00-39, FCC 01-25, released January 23, 2001. In the *Third Report and Order*, the Commission adopted mechanisms and made determinations intended to facilitate the clearing of the 740-806 MHz band to allow for the introduction of new wireless services, and to promote the early transition of analog television licensees to digital television service.¹

In light of the upcoming auction of licenses in the 747-762 and 777-792 MHz band (Auction No. 31), which is scheduled to commence on September 12, 2001,² good cause exists in this instance to alter the periods specified in Section 1.429 of the Commission's rules, 47 C.F.R. § 1.429, for the filing of oppositions to petitions for reconsideration and replies to oppositions.³ The petitions filed by the parties listed below seek reconsideration or clarification of a number of the policies and procedures adopted in the *Third Report and Order*, which are relevant to the transition of the 746-806 MHz band from broadcast to wireless uses. An expedited schedule will give the Commission an opportunity to provide timely guidance regarding these issues to prospective bidders and incumbent broadcasters in advance of Auction No. 31. Accordingly, oppositions to petitions for reconsideration of the *Third Report and Order* shall be filed no later than **April 10, 2001**, and replies to oppositions will be due no later than **April 20, 2001**.

Procedural Matters

¹ Service Rules for the 746-764 and 776-794 MHz Bands, and Revisions to Part 27 of the Commission's Rules; Carriage of the Transmissions of Digital Television Broadcast Stations; Review of the Commission's Rules Affecting the Conversion to Digital Television, WT Docket No. 99-168, CS Docket No. 98-120, MM Docket No. 00-39, *Third Report and Order*, FCC 01-25 (rel. Jan. 23, 2001) ("*Third Report and Order*").

² See "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).

³ See 47 C.F.R. § 1.3 (suspension, amendment, and waiver of Commission Rules). See also 5 U.S.C. § 553(b)(3)(B).

Parties submitting oppositions or replies should address the issues raised in the petitions for reconsideration in light of the relevant statutory requirements,⁴ procedures,⁵ and public interest considerations.⁶ All responsive filings should reference the docket numbers of this proceeding, *i.e.*, WT Docket No. 99-168, CS Docket No. 98-120, and MM Docket No. 00-39.

This proceeding has been designated as a “permit-but-disclose” proceeding in accordance with the Commission's *ex parte* rules.⁷ Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must reflect the substance of the presentations and not merely list the subjects discussed.⁸ More than a one or two sentence description of the views and arguments presented is generally required.⁹ Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in Section 1.1206(b) of the Commission's rules.¹⁰

Parties may obtain copies of the *Third Report and Order* and petitions for reconsideration at the FCC website, <http://www.fcc.gov/e-file/ecfs.html>. The petitions are also available for public inspection and copying in the Reference Center, Room CY A257, 445 12th Street, S.W., Washington, DC 20554. Copies of the petitions are also available from ITS, Room CY-B400, 445 12th Street, S.W., Washington, DC 20554, or by calling (202) 857-3800.

Oppositions to petitions for reconsideration and replies may be filed using the Commission's Electronic Comment Filing System (“ECFS”) or by filing paper copies. Oppositions and replies filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Each filing should be submitted into each of the following dockets: **99-168**, **98-120**, and **00-39**. In completing the transmittal screen, parties should include their full name and Postal Service mailing address. Parties may also submit an electronic filing by Internet e-mail. To get filing instructions for e-mail filings, parties should send an e-mail message to ecfs@fcc.gov, including “get form to <your e-mail address>” in the body of the message. A sample form and directions will be sent in response.

Interested parties who choose to file by paper must file an original and eight copies of their filing with the Office of the Secretary, Federal Communications Commission, TW B204, 445 12th Street, S.W., Washington, DC 20554.¹¹ In addition, parties should send two copies to: Nese Guendelsberger, Legal Branch, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, Federal Communications Commission, 445 12th St. S.W., Washington, DC 20554 (or via e-mail

⁴ *See, e.g.*, 47 U.S.C. §§ 309(j), 337.

⁵ *See, e.g.*, 47 C.F.R. §§ 1.49, 1.429.

⁶ *See, e.g.*, 47 U.S.C. §§ 303, 309(j), 337.

⁷ *See* 47 C.F.R. §§ 1.1200(a), 1.1206.

⁸ *See* 47 C.F.R. § 1.1206(b).

⁹ *See id.*

¹⁰ *Id.*

¹¹ *See* 47 C.F.R. § 1.419(c).

(nguendel@fcc.gov), preferably in .pdf format), and one copy to ITS, Room CY-B400, 445 12th Street, S.W., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT:

Wireless Telecommunications Bureau:

Nese Guendelsberger, (202) 418-0660, e-mail: nguendel@fcc.gov, or Bill Huber, (202) 418-0660, e-mail: whuber@fcc.gov.

Mass Media Bureau:

Gordon Godfrey, (202) 418-2193, e-mail: ggodfrey@fcc.gov, or Clay Pendarvis, (202) 418-1600, e-mail: cpendarv@fcc.gov.

Parties Filing Petitions for Reconsideration and Clarification in WT Docket No. 99-168, CS Docket No. 98-120, MM Docket No. 00-39

Association for Maximum Service Television, Inc. (March 16, 2000)

Spectrum Clearing Alliance (March 16, 2000) (joint filing of broadcasters and other entities interested in band clearing policies)

Spectrum Exchange Group, LLC (March 16, 2000)

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