

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

In the Matter of)
Wireless Telecommunications Bureau Seeks to)
Verify ITFS, MDS, and MMDS License Status)
And Pending Applications)
Requests for Extension of Response Date Filed by)
Troutman Sanders LLP and the Wireless)
Communications Association International/The)
National ITFS Association)

ORDER

Adopted: December 5, 2002

Released: December 5, 2002

By the Acting Chief, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau:

1. On October 18, 2002, the Wireless Telecommunications Bureau (WTB or Bureau)1 required all Instructional Television Fixed Service (ITFS), Multipoint Distribution Service (MDS), and Multichannel Multipoint Distribution Service (MMDS) (collectively, the Services) licensees and applicants in the Services to review licensing information and associated technical data.2 Specifically, licensees and applicants in the Services were required to verify the available information concerning their licenses and applications, make any necessary corrections concerning that data, and under certain circumstances, submit corrections or responses to that data by December 17, 2002.3

2. On November 25, 2002, the law firm of Troutman Sanders LLP requested a sixty-day extension of time, on behalf of several wireless cable clients, to comply with the BLS License Inventory Public Notice.4 On November 27, 2002, the Wireless Communications Association International and the National ITFS Association (WCA/NIA) jointly filed a similar request.5 For the reasons stated below, we

1 Effective March 25, 2002, the Commission transferred regulatory functions for the Instructional Television Fixed, Service, the Multipoint Distribution Service, and the Multichannel Multipoint Distribution Service from the Mass Media Bureau to the Wireless Telecommunications Bureau. See Radio Services Are Transferred From Mass-Media Bureau to Wireless Telecommunications Bureau, Public Notice, 17 FCC Rcd 5077 (2002). Accordingly, the Bureau's Public Safety and Private Wireless Division assumed all regulatory duties associated with these services effective March 25, 2002. Id.

2 Wireless Telecommunications Bureau Seeks to Verify ITFS, MDS, AND MMDS License Status and Pending Applications, Public Notice, DA 02-2751 (WTB rel. Oct. 18, 2002) (BLS License Inventory Public Notice).

3 In a public notice released concurrently with this Order, WTB clarifies two aspects of the BLS License Inventory Public Notice. See Wireless Telecommunications Bureau Clarifies Public Notice Relating to Verification of ITFS, MDS, and MMDS License Status and Pending Applications, Public Notice, DA 02-3372 (rel. Dec. 5, 2002).

4 Letter from James Stenger, Esq. to Marlene H. Dortch, Secretary, Federal Communications Commission (filed Nov. 25, 2002) (Troutman Sanders Request).

5 Letter from The Wireless Communications Association International, Inc. and The National ITFS Association to Thomas J. Sugrue, Chief, Wireless Telecommunications Bureau (dated Nov. 26, 2002, filed Nov. 27, 2002) (WCA/NIA Request). On December 3, 2002, Hispanic Information and Telecommunications Network, Inc. filed

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grant the requests in part and extend the time to respond to the *BLS License Inventory Public Notice* for forty-five days.⁶

3. In their requests, Troutman Sanders and WCA/NIA argue that the process of reviewing the Commission's licensing records regarding the Services and preparing corrections is taking far longer than the Bureau anticipated because the vast majority of records require corrections or additional information.⁷ WCA/NIA assert that there are a limited number of people with the necessary experience with the MDS and ITFS licensing processes to evaluate the Commission's licensing records, determine whether corrections are needed, and prepare the necessary changes.⁸ WCA/NIA also represent that many ITFS licensees will be closed from the middle of December through the middle of January because of the holiday season.⁹

4. Although the Commission does not routinely grant extensions of time,¹⁰ the importance of ensuring that our licensing records are accurate, and the challenges that licensees and applicants in the Services are facing, indicate that an extension of the December 17, 2002 deadline is appropriate. We do not believe, however, that a sixty-day extension is warranted. In this connection, we note that electronic application filing has been suspended in the Services.¹¹ We are concerned that delays in the verification of licensing data and submission of corrections could unduly hinder the Bureau's efforts towards developing accurate licensing records and resuming electronic filing in the Services in an expeditious and efficient manner. Based upon the record before us, we believe a forty-five day extension of time would be sufficient to allow licensees and applicants to respond to the *BLS License Inventory Public Notice* and provide any needed corrections. The February 3, 2003 date is beyond the mid-December to mid-January timeframe in which WCA/NIA identified that many ITFS licensees are closed for business. As a result of this extension, licensees and applicants in the Services will have had over 100 days to review our licensing records and prepare any necessary corrections and responses.

5. ACCORDINGLY, IT IS ORDERED pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Section 1.46 of the Commission's Rules, 47 C.F.R. § 1.46, that the requests filed by Troutman Sanders LLP on November 24, 2002 and by the Wireless Communications Association International and the National ITFS Association on November 27, 2002 ARE GRANTED to the extent stated herein and ARE OTHERWISE DENIED in all other respects.

6. IT IS FURTHER ORDERED, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Section 1.46 of the Commission's Rules, 47 C.F.R. § 1.46, and

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comments in support of the WCA/NIA Request. On December 4, 2002, Bell South Wireless Cable, Inc. and South Florida Television, Inc. jointly filed comments in support of the WCA/NIA Request.

⁶ Given that the forty-fifth day is a Sunday, we will extend the filing deadline to the next business day, Monday, February 3, 2003.

⁷ Troutman Sanders Request at 1; WCA/NIA Request at 2.

⁸ WCA/NIA Request at 2.

⁹ *Id.* at 3.

¹⁰ See 47 C.F.R. § 1.46(a).

¹¹ Wireless Telecommunications Bureau Suspends Electronic Filing for the Broadband Licensing System on October 11, 2002, *Public Notice*, DA 02-2422 (WTB PSPWD rel. Sept. 27, 2002).

that the time for licensees and applicants to respond to the *BLS License Inventory Public Notice* IS EXTENDED until February 3, 2003.¹²

¹² The deadline for responding to a related public notice seeking information concerning pending legal matters remains December 17, 2002. *See* Wireless Telecommunications Bureau Seeks to Verify Pending ITFS, MDS, and MMDS Legal Matters, DA 02-2422 (WTB rel. Oct. 18, 2002). WCA/NIA state that they are not requesting an extension of time to respond to that public notice. WCA/NIA Request at 3.

7. This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Herbert W. Zeiler
Acting Chief, Public Safety and Private Wireless
Division
Wireless Telecommunications Bureau