

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

In the Matter of)
Improving Public Safety Communications in the)
800 MHz Band) WT Docket 02-55
Consolidating the 800 MHz Industrial/Land)
Transportation and Business Pool Channels)

Order Extending Time for Filing of Comments

Adopted: January 16, 2003

Released: January 16, 2003

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

1. On December 24, 2002, the "Consensus Parties"1 filed supplemental comments further explaining the particulars of their proposal addressing interference experienced by 800 MHz public safety systems. On January 3, 2003, the Wireless Telecommunications Bureau sought comment on the Consensus Parties supplemental comments.2 On January 13, 2002, the Cellular Telecommunications & Internet Association (CTIA) filed a Request for Extension of Time (Request) in the captioned proceeding, asking that the current date set for the filing of comments, February 3, 2003, and the date set for filing of reply comments, February 18, 2003, be extended by four weeks;3 i.e. that the date for submitting comments be changed to March 3, 2003, and the date for submitting reply comments be changed to March 18, 2003.4 We also note that Cinergy Corporation, Entergy Corporation and Entergy Services, Inc., Consumers Energy Company and Southern Communications Company each submitted pleadings supporting CTIA's request.5

1 The Consensus Parties include Aeronautical Radio, Inc., the American Mobile Telecommunications Association, American Petroleum Institute, the Association of Public-Safety Communications Officials-International, Inc., the Forest Industries Telecommunications, the Industrial Telecommunications Association, International Association of Chiefs of Police, the International Association of Fire Chiefs/ International Municipal Signal Association, the Major Cities Chiefs Association, the Major County Sheriff's Association, the National Sheriff's Association, National Stone, Sand and Gravel Association, Nextel Communications, Inc., the Personal Communications Industry Association, and the Taxi, Limousine and Paratransit Association. The Association of American Railroads (AAR) became a signatory to the Supplemental Filing on December 31, 2002.

2 Public Notice, Wireless Telecommunications Bureau Seeks Comments on "Supplemental Comments of the Consensus Parties" Filed in the 800 MHz Public Safety Interference Proceeding - WT Docket 02-55, DA No.03-19 (WTB Jan. 3, 2003).

3 CTIA Motion for Extension of Time at 1-2 (Motion).

4 Id. at 2.

5 Letter from Shirley S. Fujimoto, Esq. representing Cinergy Corporation, to Darlene H. Dortch, Secretary, Federal Communications Commission, dated January 15, 2003 at 1-2; Letter from Shirley S. Fujimoto, Esq. representing Entergy Corporation and Entergy Services, Inc., to Darlene H. Dortch, Secretary, Federal Communications Commission, dated January 15, 2003 at 1-2; Letter from Shirley S. Fujimoto, Esq. representing Consumers Energy Company, to Darlene H. Dortch, Secretary, Federal Communications Commission, dated January 15, 2003 at 1-2 and Letter from Christine M. Gill, Esq. representing Southern Communications Services, Inc. to Darlene H. Dortch, Secretary, Federal Communications Commission, dated January 15, 2003 at 1-2.

2. It is the policy of the Commission that extensions of time are not routinely granted.⁶ Here, CTIA requests additional time to thoroughly review the plan presented in the supplemental comments thereby to provide a more complete record in this docket.⁷ CTIA also asserts that it needs additional time to permit consultation with its members and expert personnel.⁸ It submits that time is not of the essence in this proceeding because the proposed band reconfiguration would take several years to implement.⁹ We disagree. On March 15, 2002, the Commission released the *Notice of Proposed Rule Making (NPRM)* associated with this docket.¹⁰ In the *NPRM*, the Commission stated that it intended to move swiftly to achieve its objective – improving the spectrum environment for public safety operations in the 800 MHz Band.¹¹ However, finding some merit in the arguments advanced by CTIA and in the supporting pleadings, we believe that a modest extension of time – one week – may serve to compile a more complete record. Therefore, we hereby extend the comment date to February 10, 2003 and extend the reply comment date to February 25, 2003.

3. **ACCORDINGLY, IT IS ORDERED** that CTIA's *Motion for Extension of Time* **IS GRANTED** to the extent expressed herein and **IS DENIED** in all other respects, and that the time for filing comments in the captioned proceeding **IS EXTENDED** until **February 10, 2003** and the time for filing reply comments in the captioned proceeding **IS EXTENDED** until **February 25, 2003**.

FEDERAL COMMUNICATIONS COMMISSION

D'wana R. Terry
Chief, Public Safety and Private Wireless Division
Wireless Telecommunications Bureau

⁶ See 47 C.F.R. § 1.46(a).

⁷ *Motion* at 2.

⁸ *Id.*

⁹ *Id.* at 2-3.

¹⁰ Improving Public Safety Communications in the 800 MHz Band and Consolidating the 900 MHz Industrial Land Transportation and Business Pool Channels, *Notice of Proposed Rule Making*, WT Docket 02-55, 17 FCC Rcd 4873 (2002) (*NPRM*).

¹¹ *Id.* at 4875 ¶3.