



# 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>  
<ftp.fcc.gov>

**DA 04-2085**  
**July 12, 2004**

**MB Docket No. 04-228**

## **DEADLINES EXTENDED FOR COMMENTS AND REPLY COMMENTS**

### **ON WAYS TO FURTHER SECTION 257 MANDATE**

### **AND TO BUILD ON EARLIER STUDIES**

**Comment Date: September 10, 2004**

**Reply Comment Date: October 8, 2004**

On June 15, 2004, the Media Bureau (“Bureau”) released a Public Notice seeking comment on constitutionally permissible ways to further the mandates of Section 257 of the Telecommunications Act of 1996, 47 U.S.C. § 257, which directs the Commission to identify and eliminate market entry barriers for small telecommunications businesses, and Section 309(j) of the Communications Act of 1934, as amended, 47 U.S.C. § 309(j), which requires the Commission to further opportunities in the allocation of spectrum-based services for small businesses and businesses owned by women and minorities.<sup>1</sup> The deadlines to file comments and reply comments were set as July 22, 2004 and August 6, 2004, respectively.<sup>2</sup> At the request of the Minority Media and Telecommunications Council (“MMTC”), we hereby extend the comment deadline to September 10, 2004 and the reply comment deadline to October 8, 2004.

In its Motion for Extension of Time, filed July 2, 2004, MMTC explains that it expects to engage a consultant on “post-Adarand strict scrutiny as applied to governmental programs” to help in preparing its comments. MMTC claims that an extension is necessary to provide sufficient time for its expert to analyze whether the Commission’s studies and other literature in the field provide a basis for meeting the constitutional requirements applicable to race-conscious initiatives. According to MMTC, additional time

---

<sup>1</sup> *Media Bureau Seeks Comment on Ways to Further Section 257 Mandate and to Build on Earlier Studies*, Public Notice, MB Docket No. 04-228, DA 04-1690 (MB June 15, 2004).

<sup>2</sup> *Comment and Reply Comment Dates Set for Comments on Ways to Further Section 257 Mandate and to Build on Earlier Studies*, Public Notice, MB Docket No. 04-228, DA 04-1758 (MB June 22, 2004).

is also needed for MMTC to circulate the expert's conclusions once this analysis is completed and for MMTC's *pro bono* counsel to draft its comments. Given the complexity of the legal issues involved, the heightened constitutional standards that apply, and our consequent interest in obtaining a rigorous and comprehensive analysis, we believe that granting MMTC's extension request will serve the public interest. The new deadline to file comments will be September 10, 2004, and the new deadline to file reply comments will be October 8, 2004.

By the Chief, Media Bureau

- FCC -