

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

In the matter of	)	
	)	
Unlicensed Operation in the TV Broadcast Bands	)	ET Docket No. 04-186
	)	
Additional Spectrum for Unlicensed Devices Below 900 MHz and in the 3 GHz Band	)	ET Docket No. 02-380
	)	
	)	

**ORDER GRANTING EXTENSION OF TIME**

**Released: August 25, 2004**

By the Chief, Office of Engineering and Technology:

**Comment Date:** November 30, 2004

**Reply Comment Date:** December 30, 2004

1. On May 25, 2004, the Commission released a *Notice of Proposed Rule Making (Notice)* in the above-captioned proceeding, seeking comment on proposed changes to Part 15 of the Commission rules to allow unlicensed devices to operate in the broadcast television spectrum at locations where that spectrum is not being used.<sup>1</sup> The *Notice* was published in the Federal Register on June 18, 2004, establishing a comment deadline of September 1, 2004 and a reply comment deadline of October 1, 2004.<sup>2</sup> On August 12, 2004, the IEEE 802.18 Radio Regulatory Technical Advisory Group filed a motion requesting a 180 day extension of the comment and reply comment deadlines.<sup>3</sup> A number of parties filed comments supporting and opposing the requested extension.<sup>4</sup> For the reasons stated below, we are granting a 90 day extension of the comment and reply comment deadlines.

2. In support of its request, IEEE 802.18 states that an extension of time is necessary because the *Notice* raises many complex issues and questions that require further technical studies and discussions among all of the interested parties in order to develop the consensus necessary to provide both the best possible body of comment and the least potential for contention.<sup>5</sup> It also states that many interested parties have been working cooperatively with IEEE 802.18 and that it is in the process of forming a new

<sup>1</sup> See *Notice of Proposed Rule Making* in ET Docket Nos. 02-380 and 04-186, 19 FCC Rcd 10018 (2004).

<sup>2</sup> 69 Fed. Reg. 34103 (June 18, 2004).

<sup>3</sup> See *Motion for Extension of Time* filed by the IEEE 802.18 Radio Regulatory Technical Advisory Group on August 12, 2004.

<sup>4</sup> Comments in support of the requested extension were filed by Cadence Design Systems, Inc. on August 16, 2004; the National Association of Broadcasters on August 17, 2004; the Association for Maximum Service Television on August 17, 2004; Paxson Communications Corporation on August 18, 2004; Cox Broadcasting, Inc. on August 18, 2004; the Liberty Corporation on August 18, 2004; the Consumer Electronics Association on August 18, 2004; the Harris Corporation on August 19, 2004; the IEEE Broadcast Technology Society on August 19, 2004; and IEEE-USA on August 20, 2004. Comments opposing the requested extension were filed by Intel Corporation on August 13, 2004; Kevin Werbach on August 16, 2004; and the New America Foundation and the Media Access Project on August 17, 2004.

<sup>5</sup> See IEEE 802.18 motion at 1.

working group to develop standards to enable sharing of the TV bands on a non-interference basis.<sup>6</sup> It further states that the requested delay would have no negative impact on the public interest and that maintaining the current deadlines would only preclude parties from having the necessary time to complete further cooperative studies and make broad based consensus recommendations to the Commission.<sup>7</sup> Several parties filed comments in support of the IEEE 802.18 request.<sup>8</sup>

3. Intel Corporation, the New America Foundation and the Media Access Project, and Kevin Werbach oppose IEEE 802.18's request for a 180 day extension. Intel states that a half-year delay is extreme and unwarranted and would have a negative impact on the public interest.<sup>9</sup> The New America Foundation and the Media Access Project believe that continuing to warehouse spectrum white space while waiting for additional studies is not in the public interest.<sup>10</sup> Kevin Werbach states that a half-year pause in this proceeding would significantly harm the public interest by slowing the momentum of the industry in developing technical and business approaches for exploitation of the unused white space in low frequency bands now allocated to broadcasting.<sup>11</sup> He states that this could delay, and perhaps derail, the availability of new unlicensed wireless capacity.<sup>12</sup> The three parties that oppose a 180 day extension of the comment deadlines each state that they do not oppose a 30 day extension.<sup>13</sup>

4. It is the policy of the Commission that extensions of time shall not be routinely granted.<sup>14</sup> We agree that the *Notice* raised complex technical issues. While we have already provided a lengthy comment period, it is apparent from the comments that parties are working on technical studies and meeting to resolve many of the issues raised in the *Notice*, and that additional time is needed to abet this process. As there is considerable value in this rule making in detailed technical analysis, and resolution among the parties can shorten the overall duration of the proceeding, we will extend the time for filing comments, and we do not believe that 30 days is sufficient for these purposes. We also find, however, that 180 days would unduly delay the continuation of this significant proceeding. Accordingly, we will provide 90 additional days.

5. Accordingly, IT IS ORDERED that, pursuant to section 4(i) and 4(j) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i) and 154(j), and sections 0.31, 0.241, and 1.46 of the Commission's rules, 47 C.F.R. §§ 0.31, 0.241, and 1.46, the deadline for filing comments in the above-captioned proceeding is extended from September 1, 2004 to November 30, 2004, and that the deadline for filing reply comments is extended from October 1, 2004 to December 30, 2004.

FEDERAL COMMUNICATIONS COMMISSION

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<sup>6</sup> See IEEE 802.18 motion at 1-2.

<sup>7</sup> See IEEE 802.18 motion at 2.

<sup>8</sup> See n.4, *supra*.

<sup>9</sup> See Intel comments at 1.

<sup>10</sup> See New America Foundation and Media Access Project comments at 2.

<sup>11</sup> See Kevin Werbach comments at 1.

<sup>12</sup> *Id.*

<sup>13</sup> See Intel comments at 1-2, New America Foundation and Media Access Project comments at 1 and Kevin Werbach comments at 2.

<sup>14</sup> See 47 C.F.R. § 1.46(a).

Edmond J. Thomas  
Chief, Office of Engineering and Technology