

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

In the matter of)
)
Amendment of Parts 1, 21, 73, 74 and 101 of the) WT Docket No. 03-66
Commission's Rules to Facilitate the Provision of) RM-10586
Fixed and Mobile Broadband Access, Educational)
and Other Advanced Services in the 2150-2162)
and 2500-2690 MHz Bands)
)
Part 1 of the Commission's Rules - Further) WT Docket No. 03-67
Competitive Bidding Procedures)
)
Amendment of Parts 21 and 74 to Enable) MM Docket No. 97-217
Multipoint Distribution Service and the)
Instructional Television Fixed Service)
Amendment of Parts 21 and 74 to Engage in Fixed)
Two-Way Transmissions)
)
Amendment of Parts 21 and 74) WT Docket No. 02-68
of the Commission's Rules With Regard to) RM-9718
Licensing in the Multipoint)
Distribution Service and in the)
Instructional Television Fixed Service for the)
Gulf of Mexico)

ORDER

Adopted: January 4, 2005

Released: January 5, 2005

By the Deputy Chief, Broadband Division, Wireless Telecommunications Bureau:

I. INTRODUCTION

1. On December 30, 2004, the Wireless Communications Association International, Inc. (WCA) filed a Motion For Leave to Exceed Page Limit in Section 1.429(d)1 of the Commission's Rules.2 For the reasons discussed below, we grant WCA's request.

II. BACKGROUND

2. On July 29, 2004, the Commission released the Report and Order and Further Notice of Proposed Rulemaking (R&O and FNPRM)3 in which the Commission adopted a new band plan for the

1 47 CFR § 1.429(d).

2 Wireless Communications Association International, Inc. Motion For Leave to Exceed Page Limit (filed Dec. 30, 2004) (Motion).

3 Amendment of Parts 1, 21, 73, 74 and 101 of the Commission's Rules to Facilitate the Provision of Fixed and Mobile Broadband Access, Educational and Other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands, (continued...)

2500-2690 MHz band, designated the 2495-2500 MHz band for use in connection with the 2500-2690 MHz band, established a plan to transition licensees to the restructured 2500-2690 MHz band, adopted licensing, service, and technical rules to govern licensees in the Broadband Radio Service (BRS)⁴ and Educational Broadband Service (EBS),⁵ permitted spectrum leasing for BRS and EBS licensees under the Commission's secondary markets leasing policies and procedures, and permitted unlicensed operation in the 2655-2690 MHz band. The *R&O and FNPRM* was published in the Federal Register on December 10, 2004⁶ and petitions for reconsideration are due on January 10, 2005.⁷

III. DISCUSSION

3. Section 1.429(d) of the Commission's Rules prohibits petitions for reconsideration from exceeding 25 double-spaced typewritten pages. WCA, however, has demonstrated good reasons to extend the page limits in the current proceeding. Specifically, WCA notes that the new band plan and associated rules changes are unprecedented in size, scope, and complexity.⁸ WCA notes that the *R&O* itself is 100 pages long while the text of the rule changes is another 50 pages.⁹ The sheer volume of the *R&O* and its associated rules text changes, WCA maintains, reflect the fact that the Commission is moving the BRS/EBS industry to an entirely new flexible use regulatory model.¹⁰ WCA further notes that because it represents the views of operators and licensees holding interests in the vast majority of BRS/EBS spectrum in the United States, it is essential that WCA be able to submit a petition that will produce a complete record on reconsideration.¹¹ To further develop a complete record in this proceeding, WCA also requests that all interested parties be able to exceed the page limit in Section 1.429(d) of the Commission's Rules.¹²

4. We agree with WCA that it and other interested parties should be given sufficient opportunity to provide meaningful comments and necessary information regarding the *R&O*. We find that the complexity of the issues presented in the *R&O* may require greater discussion than the typical Commission order. We believe that a page limit of 50 pages is appropriate for petitions for reconsideration in this proceeding.

IV. CONCLUSION AND ORDER CLAUSES

5. We grant WCA's motion and extend the page limits applicable to petitions for reconsideration of the Commission's *R&O* to 50 pages. This extension applies to all parties filing petitions for reconsideration of the *R&O*.

(...continued from previous page)

Report and Order and Further Notice of Proposed Rulemaking, WT Docket No. 03-66, 19 FCC Rcd 14165 (2003) (*R&O and FNPRM*).

⁴ BRS was formerly the Multipoint Distribution Service (MDS) and Multichannel Multipoint Distribution Service (MMDS).

⁵ EBS was formerly the Instructional Television Fixed Service (ITFS).

⁶ 69 Fed. Reg. 72020 (Dec. 10, 2004).

⁷ See 47 CFR § 1.429(d).

⁸ Motion at 2.

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.* at 3.

¹² *Id.*

6. Accordingly, IT IS ORDERED, pursuant to Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. § § 154(i) and 303(r), and Sections 1.3 and 1.429 of the Commission's Rules, 47 CFR § § 1.3 and 1.429, that the Motion to Extend Page Limit filed by the Wireless Communications Association International, Inc. on December 30, 2004 is GRANTED and the limit applicable to all parties filing petitions for reconsideration of the Commission's *Report and Order* IS HEREBY EXTENDED to 50 pages.

7. These actions are taken under designated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. § § 0.131 and 0.331.

FEDERAL COMMUNICATIONS COMMISSION

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