



# PUBLIC NOTICE

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## EXTENSION OF TIME TO FILE REPLY COMMENTS ON THE REVIEW OF THE COMMISSION'S PROGRAM ACCESS RULES AND EXAMINATION OF PROGRAMMING TYING ARRANGEMENTS

MB Docket No. 07-198

**Revised date for filing Reply Comments: February 12, 2008**

On October 1, 2007, the Commission released a Notice of Proposed Rulemaking (“*Notice*”) on revisions to the Commission’s program access and retransmission consent rules and whether it may be appropriate to preclude the practice of programmers to tie desired programming with undesired programming.<sup>1</sup> The *Notice* set deadlines for filing comments and reply comments at 30 and 45 days, respectively, after publication of the *Notice* in the *Federal Register*.<sup>2</sup> A summary of the *Notice* was published in the *Federal Register* on October 31, 2007.<sup>3</sup> Accordingly, the filing dates were initially established as November 30, 2007 for comments and December 17, 2007 for reply comments.<sup>4</sup> On November 20, 2007, the Media Bureau released a *Public Notice* extending the time for filing comments to January 4, 2008, and the time for filing reply comments to January 22, 2008.<sup>5</sup>

The Walt Disney Company (“Disney”), Fox Entertainment Group, Inc. and Fox Television Holdings, Inc. (“Fox”), and Viacom Inc. (“Viacom”) have filed motions seeking a 30-day extension of the reply comment deadline.<sup>6</sup> The parties argue that the instant proceeding is complex, fact-intensive, and

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<sup>1</sup> See *Review of the Commission’s Program Access Rules and Examination of Programming Tying Arrangements*, MB Docket No. 07-198, Notice of Proposed Rulemaking, 22 FCC Rcd 17791 (rel. October 1, 2007) (“*Notice*”).

<sup>2</sup> See *id.* at 1.

<sup>3</sup> 72 FR 61590 (October 31, 2007).

<sup>4</sup> See *Public Notice*, DA 07-4263 (rel. November 1, 2007).

<sup>5</sup> See *Extension of Time to File Comments and Reply Comments on the Review of the Commission’s Program Access Rules and Examination of Programming Tying Arrangements*, MB Docket No. 07-198, Public Notice, DA 07-4688 (November 20, 2007).

<sup>6</sup> See The Walt Disney Company, Motion for Extension of Time, MB Docket No. 07-198 (January 8, 2008) (“*Disney Motion*”); Fox Entertainment Group, Inc., Fox Television Holdings, Inc., Viacom Inc., Motion for Extension of Time, MB Docket No. 07-198 (January 14, 2008) (“*Fox/Viacom Motion*”). The Small Cable System Operators for Change filed Comments in support of Disney’s motion. See Small Cable System Operators for Change, Comments in Support of Motion for Extension of Time, MB Docket No. 07-198 (January 14, 2008) (“*SCSOC Motion*”).

requires parties to review over a thousand pages of comments.<sup>7</sup> The parties contend that the eighteen-day period between the comment and reply comment deadlines does not provide sufficient time for parties to respond effectively.<sup>8</sup> The parties submit that additional time to prepare reply comments will cause no hardship or prejudice to other interested parties or to the Commission and will facilitate the development of a meaningful record.<sup>9</sup>

As set forth in Section 1.46 of the Commission's Rules,<sup>10</sup> the Commission's policy is that extensions of time for filing comments in rulemaking proceedings shall not be routinely granted. In this case, however, an extension of the reply comment period is warranted to enable commenters to adequately review and respond to the extensive comments filed in response to the *Notice*. We decline, however, to grant the full extension requested by the parties. With the additional extension granted herein, interested parties will now have a total of 39 days to prepare reply comments. As the parties note, this is longer than the 30-day reply period provided in other recent proceedings.<sup>11</sup> We believe that this provides parties with ample time to respond to the comments filed in response to the *Notice*.

Accordingly, to the extent described above, we hereby grant the Motions for Extension of Time filed in MB Docket No. 07-198 by Disney, Fox, and Viacom. The time for filing reply comments is extended to **February 12, 2008**.

This action is taken pursuant to authority found in Sections 4(i), 4(j), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), and 303(r), and Sections 0.61, 0.283, and 1.46 of the Commission's rules, 47 C.F.R. §§ 0.61, 0.283, and 1.46.

For further information, contact David Konczal at (202) 418-2228 of the Media Bureau. Press inquiries should be directed to Mary Diamond, Media Bureau, at (202) 418-2388. TTY: (202) 418-7172 or (888) 835-5322.

By the Chief, Media Bureau

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<sup>7</sup> See *Disney Motion* at 1-2; *Fox/Viacom Motion* at 1-2,

<sup>8</sup> See *Disney Motion* at 1-2; *Fox/Viacom Motion* at 1-2.

<sup>9</sup> See *Disney Motion* at 1; *Fox/Viacom Motion* at 2; see also *SCSOC Comments* at 2.

<sup>10</sup> 47 C.F.R. § 1.46.

<sup>11</sup> See *Fox/Viacom Motion* at 2 n.4 (citing *Leased Commercial Access; Development of Competition and Diversity in Video Programming Distribution and Carriage*, MB Docket No. 07-42, Order Granting Extension of Time for Filing Comments and Reply Comments, DA 07-3736, 22 FCC Rcd 16103 (MB, rel. Aug. 24, 2007) (establishing 30-day reply comment period); *Extension of Time to File Comments on the Use of Exclusive Contracts for the Provision of Video Services to Multiple Dwelling Units*, MM Docket No. 07-51, Public Notice, DA 07-2584, 22 FCC Rcd 10911 (MB, rel. June 13, 2007) (extending comment deadline, but retaining 30-day reply comment period); *A La Carte and Themed Programming and Pricing Options for Programming Distribution on Cable Television and Direct Broadcast Satellite Systems*, MB Docket No. 04-207, Order, DA 04-2332, 19 FCC Rcd 14102 (MB, rel. July 27, 2004) (extending reply comment deadline from 15 to 29 days)); see also *Disney Motion* at 2 n.2.