

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

In the Matter of
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
WT Docket No. 03-66
RM-10586

ORDER

Adopted: August 8, 2008

Released: August 8, 2008

By the Acting Chief, Wireless Telecommunications Bureau:

1. On March 20, 2008, the Commission released a Fourth Memorandum Opinion and Order in the above-captioned proceeding. Petitions for reconsideration of the Fourth Memorandum Opinion and Order were due on June 9, 2008, oppositions to petitions for reconsideration were due on July 29, 2008, and replies to oppositions were due on August 13, 2008.

2. On June 9, 2008, the Wireless Communications Association International, Inc. (WCA) timely filed a Petition for Reconsideration of the Fourth Memorandum Opinion and Order. On July 29, 2008, the National EBS Association (NEBSA), Texas State Technical College - Sweetwater (TSTC), the

1 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, WT Docket No. 03-66, Part 1 of the Commission's Rules - Further Competitive Bidding Procedures, WT Docket No. 03-67, Amendment of Parts 21 and 74 of the Commission's Rules With Regard to Licensing in the Multipoint Distribution Service and in the Instructional Television Fixed Service for the Gulf of Mexico, WT Docket No. 02-68, Fourth Memorandum Opinion and Order, 23 FCC Rcd 5992 (2008).

2 On May 8, 2008, the Fourth Memorandum Opinion and Order was published in the Federal Register. See 73 Fed. Reg. 26067 (published May 8, 2008). On June 25, 2008, the Commission published a Public Notice in which it stated that oppositions to the petitions for reconsideration must be filed within 15 days of the publication of the Public Notice in the Federal Register and replies to oppositions must be filed within 10 days after the time for filing oppositions has expired. Petitions for Reconsideration of Action in Rulemaking Proceeding, Public Notice, Report No. (rel. Jun. 25, 2008). On July 14, 2008, the Public Notice was published in the Federal Register. See 73 Fed. Reg. 40348.

3 WCA Petition for Reconsideration (filed Jun. 9, 2008).

4 Gateway Access Solutions, Inc. also timely filed a petition for reconsideration of the Fourth Memorandum Opinion and Order.

5 NEBSA Partial Opposition to Petition for Reconsideration (filed Jul. 29, 2008) (NEBSA Opposition).

6 TSTC Consolidated Opposition to Petitions for Reconsideration (filed Jul. 29, 2008).

ITFS/2.5 GHz Mobile Engineering & Development Alliance, Inc. (IMWED),<sup>7</sup> and the Hispanic Information and Telecommunications Network, Inc (HITN)<sup>8</sup> timely filed oppositions to WCA's petition for reconsideration.

3. On August 6, 2008, WCA filed a motion for extension of time to extend the deadline for filing replies to the oppositions to WCA's petition for reconsideration of the *Fourth Memorandum Opinion and Order* from August 13, 2008 to September 5, 2008.<sup>9</sup> WCA's petition sought, in part, a reconsideration of the Commission's decision to limit leases entered into before January 10, 2005 to 15 years from the date of execution.<sup>10</sup> In their respective oppositions, HITN and NEBSA have proposed new clarifications to the Commission's leasing policies.<sup>11</sup> WCA seeks a short extension to enable it to discuss these competing proposals and their potential impacts on the EBS and BRS communities with the parties to this proceeding.<sup>12</sup> No party has opposed the request.

4. It is the policy of the Commission that extensions of time are not routinely granted.<sup>13</sup> Such extensions may be warranted when, among other reasons, the additional time will serve the public interest. In the present instance, we grant WCA's motion for extension of time by extending the deadline to file replies to the oppositions from August 13, 2008 to September 5, 2008. We find that providing a limited extension will serve the public interest by allowing parties to discuss the complex issues at stake and develop consensus approaches where possible.

5. Accordingly, IT IS ORDERED that, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Section 1.46 of the Commission's Rules, 47 C.F.R. § 1.46, that the Motion for Extension of Time filed by the Wireless Communications Association International, Inc. on August 6, 2008 IS GRANTED, and the time for filing replies to opposition in this proceeding IS EXTENDED TO September 5, 2008.

6. This actions is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

James D. Schlichting  
Acting Chief, Wireless Telecommunications Bureau

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<sup>7</sup> IMWED Consolidated Opposition to Petitions for Reconsideration (filed Jul. 29, 2008).

<sup>8</sup> HITN Opposition to Petitions for Reconsideration (filed Jul. 29, 2008) (HITN Opposition).

<sup>9</sup> WCA Motion For Extension of Time, WT Docket Nos. 03-66, (filed Aug. 6, 2008) at 1 (Extension Request).

<sup>10</sup> See Extension Request at 2.

<sup>11</sup> See NEBSA Opposition at 4-5, HITN Opposition at 9-10.

<sup>12</sup> Extension Request at 3.

<sup>13</sup> See 47 C.F.R. § 1.46(a).