

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

In the Matter of)	
)	
Petition for Rulemaking Regarding Exclusivity)	RM-11497
Arrangements Between Commercial Wireless)	
Carriers and Handset Manufacturers)	
)	

ORDER

Adopted: November 26, 2008

Released: November 26, 2008

By the Deputy Chief, Wireless Telecommunications Bureau:

1. This Order extends the deadlines for filing comments and reply comments concerning the Rural Cellular Association's (RCA's) petition for rulemaking ("*Petition*") on the effects of exclusive arrangements between commercial wireless carriers and handset manufacturers.¹ Comments are now due on **February 2, 2009**, and reply comments are due on **February 20, 2009**.

2. On May 20, 2008, RCA filed a *Petition* asking the Commission to "initiate a rulemaking to investigate the widespread use and anticompetitive effects of exclusivity arrangements between commercial wireless carriers and handset manufacturers, and, as necessary, adopt rules that prohibit such arrangements when contrary to the public interest."² The Commission issued a *Public Notice* on October 10, 2008, seeking comments on the *Petition*.³ Comments and reply comments were due on December 2, and December 22, 2008, respectively.⁴

3. On November 20, 2008, RCA and CTIA – The Wireless Association filed a joint request for a 60-day extension of the comment and reply comment deadlines "to enable the Associations and their members to continue industry discussions regarding the issues raised in the RCA Petition with the goal of reaching an agreement among interested parties on the issues raised . . . or, at the very least, narrowing the issues for Commission consideration."⁵ No party has opposed the extension request.

¹ See Wireless Telecommunications Bureau Seeks Comment on Petition for Rulemaking Regarding Exclusivity Arrangements Between Commercial Wireless Carriers and Handset Manufacturers, RM-11497, *Public Notice*, DA 08-2278 (WTB rel. Oct. 10, 2008) ("*Public Notice*"). On October 23, 2008, the *Public Notice* was published in the Federal Register. See 73 Fed. Reg. 63127 (Oct. 23, 2008).

² In the Matter of Rural Cellular Association Petition for Rulemaking Regarding Exclusivity Arrangements Between Commercial Wireless Carriers and Handset Manufacturers, RM-11497, at 1 (filed May 20, 2008) ("*Petition*").

³ *Public Notice*.

⁴ See Wireless Telecommunications Bureau Seeks Comment on Petition for Rulemaking Regarding Exclusivity Arrangements Between Commercial Wireless Carriers and Handset Manufacturers, 73 Fed. Reg. 63127 (Oct. 23, 2008).

⁵ Rural Cellular Association and CTIA – The Wireless Association Joint Request for Extension of Comment and Reply Comment Deadlines, RM-11497, at 1 (filed Nov. 20, 2008) ("*Request*").

4. It is the policy of the Commission that extensions of time are not routinely granted.⁶ In the instant case, however, 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. Accordingly, we are granting the *Request* by extending the deadline for all comments and reply comments to February 2, and February 20, 2009, respectively.

5. 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, the Rural Cellular Association and CTIA – The Wireless Association Joint Request for Extension of Comment and Reply Comment Deadlines, filed on November 20, 2008, is GRANTED, and the deadline for filing comments in response to the *Public Notice* is EXTENDED to February 2, 2009, and until February 20, 2009, to file reply comments.

6. This action 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

Joel D. Taubenblatt
Deputy Chief, Wireless Telecommunications Bureau

⁶ See 47 C.F.R. § 1.46(a).