



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

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DA 09-203

Released: February 6, 2009

MEDIA BUREAU ACTION

ENTITIES FILE PETITIONS FOR DECLARATORY RULING REGARDING PUBLIC, EDUCATIONAL, AND GOVERNMENTAL PROGRAMMING

CSR-8126, CSR-8127, CSR-8128
MB Docket No. 09-13

Comment Date: March 9, 2009

Reply Comment Date: March 24, 2009

The Alliance for Community Media (“ACM”) *et al.*,¹ the City of Lansing, Michigan,² and the City of Dearborn, Michigan *et al.*³ (collectively, “Petitioners”), have separately filed petitions for declaratory ruling pursuant to Sections 1.2 and 76.7 of the Commission’s rules⁴ seeking Commission guidance regarding the carriage of public, educational and governmental (“PEG”) channels. We seek comment on each of these petitions.⁵

This proceeding will be treated as “permit but disclose” for purposes of the Commission’s *ex parte* rules. See generally 47 C.F.R. §§ 1.1200-1.1216. As a result of the permit-but-disclose status of this

¹ See Petition for Declaratory Ruling of The Alliance for Community Media, Alliance for Communications Democracy, Sacramento (California) Metropolitan Cable Television Commission, Foothill-De Anza Community College District California, Chicago Access Network Television, Illinois Chapter of the National Association of Telecommunications Officers and Advisors, Manhattan (New York) Neighborhood Network, BronxNet (NY), Brooklyn (NY) Community Access Television, City of Raleigh, North Carolina, ACM Western Region, ACM Central States Region, ACM Midwest Region, ACM Northwest Region, ACM Northeast Region, and the South East Association of Telecommunications Officers and Advisors (filed January 30, 2009).

² See Petition for Declaratory Ruling of the City of Lansing, Michigan (filed January 27, 2009).

³ See Petition for Declaratory Ruling Regarding Primary Jurisdiction Referral in *City of Dearborn et al. v. Comcast of Michigan III, Inc. et al.* of the City of Dearborn, Michigan; the Charter Township of Meridian, Michigan; the Charter Township of Bloomfield, Michigan; and the City of Warren, Michigan (filed December 9, 2008).

⁴ 47 C.F.R. §§ 1.2, 76.7.

⁵ AT&T has filed a motion asking for the Commission to either issue a public notice establishing a briefing schedule or grant an extension of time to file its opposition to the Petitions of ACM *et al.* and the City of Lansing, Michigan. See Motion for Extension of Time to Oppose the Petitions for Declaratory Ruling (filed February 4, 2009). By issuance of this public notice, AT&T’s extension request is now moot.

proceeding, *ex parte* presentations will be governed by the procedures set forth in Section 1.1206 of the Commission's rules applicable to non-restricted proceedings.⁶

Comments and oppositions are due March 9, 2009. All filings should refer to the case identifier, CSR-8126 (ACM *et al.*), CSR-8127 (City of Lansing, Michigan), and/or CSR-8128 (City of Dearborn, Michigan *et al.*). All filings should also refer to MB Docket No. 09-13 and must be submitted in MB Docket No. 09-13. Pleadings sent via e-mail to the Commission will be considered informal and will not be part of the official record. Comments and oppositions filed must indicate that they have been served on Petitioners. All comments and oppositions must be served on counsel for Petitioners:

ACM *et al.*:
James N. Horwood
Spiegel & McDiarmid
1333 New Hampshire Avenue, N.W.
Suite 200
Washington, D.C. 20036

City of Lansing, Michigan:
Teresa S. Decker
Varnum
Bridgewater Place, P.O. Box 352
Grand Rapids, MI 49501-0352

City of Dearborn, Michigan *et al.*:
Joseph Van Eaton
Miller & Van Eaton, P.L.L.C.
1155 Connecticut Avenue, N.W., Suite 1000
Washington, D.C. 20036

Petitioners' replies are due March 24, 2009.

Comments may be filed using: (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies.⁷

Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.

For ECFS filers, in completing the transmittal screen, filers should include their full name, U.S. Postal service mailing address, and the applicable docket number: MB Docket No. 09-13. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message: "get form". A sample form and instructions will be sent in response.

Paper Filers: Parties who choose to file by paper must file an original and four copies of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or

⁶ 47 C.F.R. § 1.1206.

⁷ See *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322, 11326, para. 8 (April 6, 1998).

overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE, Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of *before* entering the building.

Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554.

One copy of each pleading must be sent to Holly Saurer, Media Bureau, Room 4-A734, 445 12th Street, S.W., Washington, D.C. 20554 or Holly.Saurer@fcc.gov.

Copies of the Petitions and any subsequently filed documents in this matter are also available for inspection in the Commission's Reference Information Center:

445 12th Street, S.W.
Washington, D.C. 20554
(202) 418-7092

Alternate formats of this Public Notice (computer diskette, large print, audio recording, or Braille) are available to persons with disabilities by contacting the Consumer and Governmental Affairs Bureau at (202) 418-0530 or (202) 418-7365 (TTY).

For further information, contact Holly Saurer of the Media Bureau, (202) 418-7283. Press inquiries should be directed to David Fiske, (202) 418-0513.

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