



PUBLIC NOTICE

Federal Communications Commission
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DA 09-531

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MEDIA BUREAU ACTION

EXTENSION OF TIME AND WAIVER OF REPLY AND SERVICE RULES CONCERNING PETITIONS FOR DECLARATORY RULING REGARDING PUBLIC, EDUCATIONAL, AND GOVERNMENTAL PROGRAMMING

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

Reply Comment Date: April 1, 2009

On February 6, 2009, the Bureau issued a Public Notice seeking comment on petitions for declaratory ruling regarding public, educational, and governmental programming.¹ These petitions² were filed pursuant to Section 76.7 of the Commission's rules.³ The Public Notice set a deadline of March 9, 2009 for filing comments and oppositions and stated that "Petitioners' replies are due March 24, 2009." In addition, Section 76.7(c)(1) provides that petitioners may file a reply to oppositions or comments received regarding the petitions, and must serve such reply on all parties who have filed pleadings.⁴ The Commission received over 500 comments and/or oppositions to the petitions for declaratory ruling. Due to the significant number of filings, many of which are quite complex, we believe that development of a more thorough and complete record would be in the public interest. Accordingly, we believe it is appropriate to allow all interested parties to file reply comments, and not simply the petitioners. Further,

¹ *Entities File Petitions for Declaratory Ruling Regarding Public, Educational, and Governmental Programming*, DA 09-203 (MB rel. February 6, 2009) ("Public Notice").

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

³ *Id.*

⁴ 47 C.F.R. § 76.7(c)(1).

given the large number of comments received in response to the Public Notice, we also believe it is appropriate in this instance to waive the service requirement in Section 76.7(c)(1).⁵ All parties will be able to retrieve reply comments from the Electronic Comment Filing System (ECFS), once the comments are uploaded to the System.

Because of the change we are making regarding the additional parties eligible to file reply comments, and because of the size of the docket, we believe a modest extension of the time to file reply comments is appropriate. Replies will now be due on April 1, 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.

This proceeding will continue to 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 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 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 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.

⁵ *Id.*

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).

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

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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