

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

In the Matter of)	
)	
Amendment to the Commission’s Rules)	MB Docket No. 15-53
Concerning Effective Competition)	
)	
Implementation of Section 111 of the STELA)	
Reauthorization Act)	

ORDER

Adopted: April 6, 2015

Released: April 7, 2015

By the Chief, Media Bureau:

1. This Order denies a motion by the National Association of Broadcasters (NAB) and Public Knowledge (PK) requesting that we narrow the scope of issues addressed in the above-captioned proceeding, or in the alternative that we grant an extension of the comment and reply comment deadlines.¹ On March 16, 2015, the Commission unanimously adopted and released the Notice of Proposed Rulemaking seeking comment on how to improve the effective competition process.² Following publication of the NPRM in the Federal Register, comments are due on April 9, 2015 and reply comments are due on April 20, 2015.³

2. In their Motion, NAB and PK contend that the NPRM has a broader scope than Section 111 of the STELA Reauthorization Act of 2014 (STELAR) requires.⁴ Due to the June 2, 2015 statutory deadline for adopting rules implementing Section 111, the Motion requests that the Commission “significantly narrow the scope of this proceeding to issues and questions specific to STELAR implementation”⁵ In the alternative, the Motion requests that the Commission extend the comment and reply comment deadlines, which it asserts “are shorter than for a typical rulemaking of this size and scope.”⁶ The Motion proposes a comment deadline of May 11, 2015 and a reply comment deadline of May 26, 2015.⁷ NAB and PK claim that, if the Commission does not narrow the scope of the proceeding, comment deadline extensions are needed “so that affected parties can fully digest the NPRM’s questions

¹ National Association of Broadcasters and Public Knowledge, Motion to Narrow the Scope of the Proceeding or for an Extension of Time, MB Docket No. 15-53 (filed Mar. 26, 2015) (the “Motion”).

² *Amendment to the Commission’s Rules Concerning Effective Competition; Implementation of Section 111 of the STELA Reauthorization Act*, Notice of Proposed Rulemaking, MB Docket No. 15-53, FCC 15-30 (2015) (the “NPRM”).

³ *Media Bureau Announces Comment and Reply Comment Deadlines for Notice of Proposed Rulemaking Regarding Effective Competition*, Public Notice, MB Docket No. 15-53, DA 15-360 (rel. Mar. 20, 2015).

⁴ Pub. L. No. 113-200, § 111, 128 Stat. 2059 (2014).

⁵ Motion at 3.

⁶ *Id.* at 1.

⁷ *Id.*

and develop the most robust submissions” in response to the NPRM.⁸ The National Cable & Telecommunications Association (NCTA) and the American Cable Association (ACA) filed oppositions to the Motion.⁹

3. We decline to limit the scope of this proceeding, and we emphasize that the Commission has clear authority to conduct its proceedings as it determines will best enable it to carry out its responsibilities.¹⁰ The Commission has determined that the most administratively efficient approach in this proceeding is to consider all issues raised in the NPRM.¹¹ Accordingly, we will not narrow the issues under consideration in this proceeding. Nor will we extend the comment deadlines, as any such extension would render it impossible for the Commission to meet the statutory deadline of June 2, 2015 through reasoned decision-making.¹²

4. For these reasons, we deny the request that we narrow the scope of this proceeding, and we also deny the request for an extension of time. This action is taken under delegated authority pursuant to Sections 0.61 and 0.283 of the Commission’s Rules, 47 C.F.R. §§ 0.61, 0.283.

FEDERAL COMMUNICATIONS COMMISSION

William T. Lake,
Chief, Media Bureau

⁸ *Id.* at 3.

⁹ National Cable & Telecommunications Association, Opposition, MB Docket No. 15-53 (filed Mar. 30, 2015) (“NCTA Opposition”); Letter from Craig Gilley, Counsel for ACA, to Marlene H. Dortch, Secretary, FCC, MB Docket No. 15-53 (filed Mar. 30, 2015) (“ACA Opposition”). NCTA is the principal trade association for the U.S. cable industry. NCTA Opposition at 1, n. 1. ACA represents small- and medium-sized cable operators. *See* http://www.americancable.org/about_us.

¹⁰ *See* 47 U.S.C. § 154(j) (“The Commission may conduct its proceedings in such manner as will best conduce to the proper dispatch of business and to the ends of justice.”). *See also* NCTA Opposition at 2 (“The request to modify the NPRM after release represents an extraordinary and improper attempt to obtain premature reconsideration of a proposed rule before the Commission even has a chance to consider it, let alone adopt it.”).

¹¹ *See* ACA Opposition (noting that the Motion “would interfere with the Commission’s consideration of viable options in accordance with Congress’ directive and prevent it from completing the rulemaking adopting relief for smaller cable operators by the deadline established in Section 111.”).

¹² *See* 47 C.F.R. § 1.46(a) (“extensions of time shall not be routinely granted”).