

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

In the Matter of)	
)	
Amendment of Parts 15, 73 and 74 of the)	MB Docket No. 15-146
Commission's Rules to Provide for the)	
Preservation of One Vacant Channel in the UHF)	
Television Band For Use By White Space Devices)	
and Wireless Microphones)	
)	
Expanding the Economic and Innovation)	GN Docket No. 12-268
Opportunities of Spectrum Through Incentive)	
Auctions)	

ORDER

Adopted: August 12, 2015

Released: August 12, 2015

Comment Filing Deadline: September 30, 2015

Reply Comment Filing Deadline: October 30, 2015

By the Chief, Media Bureau:

1. On June 16, 2015, the Commission released a *Notice of Proposed Rulemaking* in the above-captioned proceeding seeking comment on rules to preserve vacant television channels for shared use by white space devices and wireless microphones.¹ On July 29, 2015, the Media Bureau, on delegated authority, suspended the comment and reply comment deadlines in this proceeding until further notice.² By this Order, as directed by the Commission in the *Auctions Procedures PN*,³ we announce that comments are now due on September 30, 2015 and reply comments on October 30, 2015.

2. In the *Auctions Procedures PN*, the Commission adopted its proposal to allow the optimization tool to assign television stations within the 600 MHz Band where necessary to accommodate market variation in a manner that best fulfills the clearing target objectives, and not to restrict it to

¹ *In the Matter of Amendment of Parts 15, 73 and 74 of the Commission's Rules to Provide for the Preservation of One Vacant Channel in the UHF Television Band For Use By White Space Devices and Wireless Microphones*, Notice of Proposed Rulemaking, MB Docket No. 15-146, 30 FCC Rcd 6711 (2015) (*Vacant Channel NPRM*). A summary published in the Federal Register specified a deadline of August 3, 2015 for filing comments on the *Vacant Channel NPRM* and an August 31, 2015 deadline for filing reply comments. See 80 Fed. Reg. 38158 (July 2, 2015). The original deadline for filing comments, August 1, 2015, fell on a Saturday and, therefore, comments were due on August 3, 2015. See 47 C.F.R § 1.4.

² See *In the Matter of Amendment of Parts 15, 73 and 74 of the Commission's Rules to Provide for the Preservation of One Vacant Channel in the UHF Television Band For Use By White Space Devices and Wireless Microphones*, Order, MB Docket No. 15-146, DA 15-867 (rel. July 29, 2015) (*Comment Deadline Suspension Order*).

³ See *Procedures for Competitive Bidding in Auction 1000 Including Initial Clearing Target Determination, Qualifying to Bid and Bidding in Auctions 1001 (Reverse) and 1002 (Forward)*, AU Docket No. 14-252, GN Docket No. 12-268, WT Docket No. 12-269, MB Docket No. 15-146, Public Notice, FCC 15-78, rel. August 11, 2015 (*Auctions Procedures PN*).

assignments in specific portions of the 600 MHz Band, including the duplex gap.⁴ To mitigate the potential impact on white space devices and wireless microphones in areas where the duplex gap is subject to impairment, the Commission tentatively concluded that it will designate a second available television channel in the remaining television band in such areas for shared use by white space devices and wireless microphones, in addition to the one such channel it has tentatively concluded will be made available in each area of the United States for shared use by these devices and microphones.⁵ The Commission invited comment on this tentative conclusion and stated that it intends to address in the same order all proposals in the *Vacant Channel NPRM* as well as the proposals raised in the *Auctions Procedures PN*.⁶ To that end, the Commission directed the Media Bureau to establish new comment and reply deadlines of September 30 and October 30, 2015, respectively, for the proposals in the *Vacant Channel NPRM* as well as the proposal in paragraph 32 of the *Auctions Procedures PN*.⁷

3. Accordingly, IT IS ORDERED, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Sections 0.61, 0.283, and 1.415 of the Commission's rules, 47 C.F.R. §§ 0.61, 0.283, and 1.415, that the deadline for comments on the proposals in the *Vacant Channel NPRM* as well as the proposal in paragraph 32 of the Commission's *Auction Procedures PN* shall be September 30, 2015 and the deadline for reply comments shall be October 30, 2015.⁸

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William T. Lake
Chief, Media Bureau

⁴ *Id.* at para. 25.

⁵ *Id.* at para. 32, citing *Vacant Channel NPRM* at para. 10. The Commission noted that white space devices and wireless microphone advocates maintain that lack of access to the duplex gap in areas where it is subject to impairment will limit the public's access to the benefits these services provide. *Id.* To address these concerns, the Commission proposed to require demonstration of the availability of a second television channel in accordance with the procedures proposed in the *Vacant Channel NPRM* in geographic areas where the duplex gap is subject to impairment. *Id.* More specifically, the Commission stated that, under this proposal such a demonstration would be required in geographic areas where the protected contour of a television station assigned to the 600 MHz Band impairs the duplex gap. *Id.* at para. 32 n.124. The Commission sought comment on a proposal that applicants for new, displaced, or modified television station or Broadcast Auxiliary Station facilities use existing tools to determine whether the proposed facility overlaps with a geographic area where the duplex gap is impaired, and then use the white space databases to determine vacant channel availability in the overlap areas. *Id.*, citing *Vacant Channel NPRM* at paras. 42–43.

⁶ *Auction Procedures PN* at para. 32 and n.125.

⁷ *Id.* at para. 32 n.125. Comments are also requested on the Supplement Initial Regulatory Flexibility Analysis (Supplemental IRFA) regarding the proposal in paragraph 32, *see Auctions Procedures PN*, § IX (Vacant Channel NPRM (MB Docket No. 15-146) – Procedural Matters), as well as the IRFA included in the *Vacant Channel NPRM*.

⁸ Filing instructions and matters pertaining to *ex parte* presentations are set forth in paragraphs 51 through 54 of the *Vacant Channel NPRM*. *Vacant Channel NPRM*, 30 FCC Rcd at 6731-32, paras. 51-54.