

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

In the Matter of)
)
Petition for Rulemaking to Amend and Modernize) RM-11791
Parts 25 and 101 of the Commission’s Rules to)
Authorize and Facilitate the Deployment of)
Licensed Point-to-Multipoint Fixed Wireless)
Broadband Service in the 3700-4200 MHz Band)

ORDER

Adopted: August 18, 2017

Released: August 18, 2017

By the Chief, Broadband Division, Wireless Telecommunications Bureau:

1. By this Order, the Wireless Telecommunications Bureau (Bureau) denies a motion, filed by CTIA (CTIA Comments and Motion)¹, to extend the reply comment date in the above-captioned petition for rulemaking proceeding.²

2. The public notice announcing the filing of the above-captioned Petition for Rulemaking by the Broadband Access Coalition (BAC Petition) set dates for filing comments and reply comments of August 7, 2017, and August 22, 2017, respectively.³ On August 7, 2017, CTIA filed a motion requesting a 72-day extension of the reply comment deadline in the instant proceeding to match the November 1, 2017, reply comment deadline in the Mid-Band Spectrum Exploration Notice of Inquiry (Mid-Band NOI) proceeding.⁴ Although styled as a request to extend a filing deadline, CTIA’s motion also seeks to consolidate the BAC Petition, which seeks rule changes to allow point-to-multipoint fixed use of the 3.7-4.2 GHz band, into the Mid-Band NOI proceeding, which asks broad questions regarding potential use of the 3.7-4.2 GHz band.⁵ Continued consideration of the Mid-Band NOI and the BAC Petition in separate proceedings would not serve the public interest, according to CTIA, because the Mid-Band NOI “subsumes the fundamental issues raised in the Petition.”⁶ such that separate consideration would require

¹ Comments of CTIA and Motion to Extend Reply Comment Date, RM-11791 (filed Aug. 7, 2017) (CTIA Comments and Motion).

² See Petition of Broadband Access Coalition for a Rulemaking to Amend and Modernize Parts 25 and 101 of the Commission’s Rules to Authorize and Facilitate the Deployment of Licensed Point-to-Multipoint Fixed Wireless Broadband Service in the 3700-4200 MHz Band, RM-11791 (filed June 21, 2017) (BAC Petition).

³ Consumer and Governmental Affairs Bureau Reference Information Center Petition for Rulemaking Filed, Public Notice, Report No. 3080 (CGB, July 7, 2017); 47 C.F.R. § 1.405(b) (a statement in support of or in opposition to a petition for rule making may be filed prior to Commission action on the petition but not later than 30 days after public notice is given and a reply to such a statement may be filed prior to Commission action on the petition but not later than 15 days after the filing of such a statement).

⁴ CTIA Comments and Motion at 1-2 citing Expanding Flexible Use in Mid-Band Spectrum Between 3.7 and 24 GHz, Notice of Inquiry, GN Docket No. 17-183, FCC 17-104 (rel. Aug. 3, 2017) (Mid-Band NOI).

⁵ CTIA Comments and Motion at 3 citing Mid-Band NOI at ¶¶ 18-19.

⁶ CTIA Comments and Motion at 3.

parties to make duplicative filings.⁷ CTIA further asserts that point-to-multipoint fixed use would preclude mobile use of the band so consideration of the BAC Petition would be premature until the Commission resolves the larger question of whether to permit flexible use of the 3.7-4.2 GHz band.⁸

3. CTIA's justification for a 72-day extension is that the two separate proceedings should be consolidated. But the Commission has already declined this approach. The Commission recognized in the *Mid Band NOI* that there are ongoing proceedings, including RM-11791, that relate to spectrum within the 3.7-24 GHz frequency range and stated that the Inquiry "is not intended to preclude us from acting on or otherwise addressing these matters prior to the development of a record in this docket, nor is it intended to prejudge any of the matters we may decide in those proceedings."⁹

4. It is the policy of the Commission that "extensions shall not be routinely granted."¹⁰ Based on the record before us, we find that CTIA has failed to demonstrate that departing from this policy to grant a 72-day extension will serve the public interest.

5. Accordingly, IT IS ORDERED, pursuant to sections 4(i), 4(j), 5, and 303(r) of the Communications Act, as amended, 47 U.S.C. §§ 154(i), 154(j), 155, and 303(r), and sections 0.131, 0.331, 1.46, and 1.405 of the Commission's rules, 47 C.F.R. §§ 0.131, 0.331, 1.46, and 1.405, that the Motion to Extend Reply Comment Date filed by CTIA on August 7, 2017, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Blaise A. Scinto
Chief
Broadband Division
Wireless Telecommunications Bureau

⁷ *Id.* Compare Comments of T-Mobile USA, Inc., RM-11791, GN Docket No. 17-183 (filed Aug. 7, 2017) (T-Mobile Comments) (calling for consolidation of the proceedings but not seeking a delay in the August 22, 2017, reply comment date in RM-11791).

⁸ *Id.*

⁹ *Mid-Band NOI* at 5 ¶ 11; *see also id.* at n.14. Accord T-Mobile Comments at 4.

¹⁰ 47 C.F.R. § 1.46(a).