

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

In the Matter of )  
 )  
Expanding Flexible Use of the 3.7 to 4.2 GHz Band ) GN Docket No. 18-122  
 )  
 )

ORDER

Adopted: November 21, 2018

Released: November 21, 2018

By the Chief, Wireless Telecommunications Bureau:

1. In this Order, the Wireless Telecommunications Bureau (Bureau) grants a request filed by the Dynamic Spectrum Alliance, the American Cable Association, Competitive Carriers Association, the Public Interest Spectrum Coalition and the Wireless Internet Service Providers Association (collectively, Petitioners) seeking an extension of time to submit reply comments in response to the *Notice of Proposed Rulemaking (NPRM)* in this proceeding.<sup>1</sup>

2. On July 13, 2018, the Commission released an *Order and NPRM* in this proceeding.<sup>2</sup> In the *NPRM*, the Commission proposed to add a mobile, except aeronautical mobile, allocation to the 3.7 – 4.2 GHz band and sought comment on transitioning all or part of the band to terrestrial wireless broadband services. The *NPRM* set dates for comments and reply comments as October 29 and November 27, 2018, respectively.<sup>3</sup> Petitioners request an extension of two weeks, until December 11, 2018, to file reply comments.<sup>4</sup>

3. According to Petitioners, the *NPRM* raises a host of novel and complex issues impacting nearly every sector of the communications industry. In addition, Petitioners note that more than 60 initial comments were filed in the docket, many of which are extensive and contain complex proposals supported by detailed economic and engineering analyses.<sup>5</sup> Petitioners maintain that an additional two weeks will allow commenters to better prepare more thorough, fact-based responses to the detailed comments filed in this proceeding, which will create a better record to inform the Commission’s rulemaking.<sup>6</sup> Petitioners also note that the 30-day reply period encompasses the Thanksgiving holiday

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<sup>1</sup> See Dynamic Spectrum Alliance, the American Cable Association, Competitive Carriers Association, the Public Interest Spectrum Coalition and the Wireless Internet Service Providers Association, Request for Extension of Time to File Reply Comments, GN Docket No. 18-122, (filed Nov. 19, 2018) (Request).

<sup>2</sup> See *Expanding Flexible Use of the 3.7 to 4.2 GHz Band*, GN Docket No. 18-122, FCC 18-91, 2018 WL 3414793, Order and Notice of Proposed Rulemaking, (rel. July 13, 2018) (Order and NPRM).

<sup>3</sup> The *NPRM* was published in the Federal Register on August 29, 2018. 83 Fed. Reg. 44128 (Aug. 29, 2018).

<sup>4</sup> Request at 1.

<sup>5</sup> *Id.* at 1-2.

<sup>6</sup> *Id.* at 1-2.

**Federal Communications Commission**

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and that comments are due shortly after the holiday.<sup>7</sup>

4. As set forth in section 1.46 of the Commission's rules,<sup>8</sup> the Commission's policy is that extensions of time for filing comments in rulemaking proceedings shall not be routinely granted. In this case, however, we find that the number, scope, and importance of the issues raised in the *NPRM*—along with the volume and complexity of the comments submitted in response—warrant an extension of the reply comment deadline. We believe that extending the reply comment deadline will serve the public interest by providing interested parties with additional time to develop full and complete responses to inform the Commission's deliberations.

5. Accordingly, IT IS ORDERED that, pursuant to sections 4(i), 4(j), and 303(r) of the Communications Act, as amended, 47 U.S.C. §§ 154(i), 154(j), and 303(r), and sections 0.91, 0.291, and 1.46 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.46, the Request for Extension of Time to File Reply Comments filed by the Dynamic Spectrum Alliance, the American Cable Association, Competitive Carriers Association, the Public Interest Spectrum Coalition and the Wireless Internet Service Providers Association IS GRANTED. The deadline for filing reply comments in this proceeding is extended to December 11, 2018.

6. IT IS FURTHER ORDERED that, pursuant to section 1.102(b)(1) of the Commission's rules, 47 C.F.R. § 1.102(b)(1), this Order SHALL BE EFFECTIVE upon release.

7. This action is taken pursuant to the authority delegated by Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Donald Stockdale  
Chief, Wireless Telecommunications Bureau

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<sup>7</sup> Request at 2.

<sup>8</sup> 47 CFR § 1.46(a).