

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

In the Matter of)
)
Rules and Policies to Promote New Entry and) MB Docket No. 17-289
Ownership Diversity in the Broadcasting Services)

ORDER

Adopted: February 27, 2018

Released: February 27, 2018

By the Chief, Media Bureau:

1. By this Order, the Media Bureau denies the request of the Minority Media and Telecommunications Council (MMTC) to extend the deadlines for comments and reply comments in the above-captioned rulemaking proceeding.¹

2. On November 20, 2017, the Commission released an *Order on Reconsideration* that adopted an incubator program to help create new sources of financial, technical, operational, and managerial support for eligible broadcasters.² The *Incubator NPRM*, which accompanied the *Order on Reconsideration*, requested comment on the structure, review, and oversight of such a program.³ On January 8, 2018, the summary of the *Incubator NPRM* was published in the *Federal Register*, which established a comment deadline of March 9, 2018, and a reply comment deadline of April 9, 2018.⁴

3. The Commission’s Advisory Committee on Diversity and Digital Empowerment (ACDDE) was chartered on July 5, 2017,⁵ and held its first meeting on September 25, 2017.⁶ As noted in

¹ Motion of MMTC for Extension of Procedural Dates, MB Docket No. 17-289 (filed Jan. 18, 2018) (MMTC Extension Request).

² *2014 Quadrennial Regulatory Review – Review of the Commission’s Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996 et al.*, Order on Reconsideration and Notice of Proposed Rulemaking, 32 FCC Rcd 9802, 9857-59, paras. 121-25 (2017) (*Order on Reconsideration and Incubator NPRM*).

³ See *Incubator NPRM*, 32 FCC Rcd at 9859-64, paras. 127-45.

⁴ Federal Communications Commission, *Rules and Policies to Promote New Entry and Ownership Diversity in the Broadcasting Services*, 83 Fed. Reg. 774 (Jan. 8, 2018).

⁵ The ACCDE was officially chartered on July 5, 2017, after Chairman Pai initially indicated his intention to establish the committee on April 24, 2017. See Press Release, FCC, Chairman Pai Announces Plan to Form Advisory Committee on Diversity (Apr. 24, 2017), <https://www.fcc.gov/document/chairman-pai-announces-plan-form-advisory-committee-diversity>.

⁶ *FCC Announces the Membership, First Meeting, and Docket Number of the Advisory Committee on Diversity and Digital Empowerment*, Public Notice, 32 FCC Rcd 6840 (MB 2017). The ACDDE’s mission is to make recommendations to the Commission on how to empower disadvantaged communities and accelerate the entry of small businesses, including those owned by women and minorities, into the media, digital news and information, and audio and video programming industries, including as owners, suppliers, and employees. *Id.* at 6840-41.

the *Incubator NPRM*, the Commission anticipates that its consideration of how to structure and implement the incubator program will be informed by the committee's work.⁷

4. MMTC, which is represented on the ACDDE, has requested an extension of time for the filing of comments in the proceeding on behalf of the Broadcast Development and Diversity Working Group of the committee. MMTC states that the working group has been considering the issues raised in the *Incubator NPRM* and expects to submit comments in the record; however, prior to submission, the comments must first be approved and voted on by the full committee, which MMTC expects will occur at the ACDDE's next meeting to be held on March 27, 2018.⁸ In order to accommodate this approval process, MMTC requests that the filing dates in this proceeding be extended to April 9, 2018, for comments, and May 10, 2018, for reply comments.⁹

5. We reiterate the importance of the ACDDE's work on the issues in this docket and anticipate that its input will help inform how the incubator program is structured and implemented. Nevertheless, under Section 1.46(a) of the Commission's rules, "extensions of time shall not be routinely granted."¹⁰ The Commission initiated a dedicated proceeding regarding the new incubator program to allow it "to focus its efforts on getting this program up and running,"¹¹ and the U.S. Court of Appeals for the Third Circuit recently held in abeyance litigation over the 2010/2014 quadrennial review proceeding in light of the pendency of the issues raised in the *Incubator NPRM*.¹² Balanced against these considerations, we do not find that the circumstances identified by MMTC warrant grant of an extension. We encourage the working group and the ACDDE to work expeditiously to finalize and approve their comments and submit them in the record for consideration as soon as possible.

6. Accordingly, **IT IS ORDERED** that, 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 1.46 of the Commission's rules, 47 CFR §§ 0.61, 0.283, and 1.46, the motion for extension of time filed by MMTC **IS DENIED**.

FEDERAL COMMUNICATIONS COMMISSION

Michelle M. Carey
Chief, Media Bureau

⁷ *Incubator NPRM*, 32 FCC Rcd at 9860, para. 129.

⁸ MMTC Extension Request at 1-2. The Commission recently announced that the next meeting of the advisory committee will be held on March 27, 2018. *FCC Announces March 27, 2018 Meeting of Advisory Committee on Diversity and Digital Empowerment, Public Notice*, DA 18-108 (MB Feb. 6, 2018).

⁹ MMTC Extension Request at 1.

¹⁰ 47 CFR § 1.46(a).

¹¹ *Order on Reconsideration*, 32 FCC Rcd at 9859, para. 125.

¹² See *Prometheus Radio Project et al. v. FCC*, Nos. 17-1107 et al. (3rd Cir. Feb. 7, 2018). In this decision, the Third Circuit denied a request seeking a writ of mandamus regarding the *Order on Reconsideration* and related decisions. *Id.*