

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

In the Matter of)
)
Amendments of Parts 73 and 74 to Improve the) MB Docket No. 19-193
Low Power FM Radio Service Technical Rules)
)
Modernization of Media Regulation Initiative) MB Docket No. 17-105

ORDER

Adopted: October 17, 2019

Released: October 18, 2019

By the Chief, Media Bureau:

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

2. On July 30, 2019, the Commission released a Notice of Proposed Rulemaking (NPRM) seeking comments on proposed improvements to the technical rules for the Low Power FM (LPFM) radio service.² On September 19, 2019, a summary of the NPRM was published in the Federal Register, which established a comment deadline of October 21, 2019, and a reply comment deadline of November 4, 2019.³ The Media Bureau (Bureau) further announced those dates by Public Notice on September 27, 2019.⁴

3. REC, the original proponent of the LPFM rulemaking proceeding, filed a motion to extend the comment and reply comment deadlines by 14 days each -- to November 4, 2019 and November 18, 2019, respectively. In support of its Extension Request, REC states that: (1) adoption of the NPRM received less media coverage than expected because the item was adopted by circulation whereas it had originally been scheduled to be voted at an August 1, 2019 agenda meeting; (2) the Bureau's public notice announcing the comment dates was not issued until eight days following Federal Register publication and appeared late in the day as a Daily Digest addendum; (3) LPFM stakeholders have been busy attending the National Association of Broadcasters Radio Show (Sept. 24-26 in Dallas, TX) and the Grassroots Radio Conference (Oct. 4-6 in Rochester, NY); (4) several matters discussed in the NPRM are complex and/or require additional analysis; (5) many potential commenters are not represented by counsel and may not have received adequate notice and/or time to respond; and (6) many of the proposals in the NPRM would not be implemented until a future application filing window and,

¹ REC Networks, Motion for Extension of Time, MB Docket Nos. 19-193, 17-105 (rec. Oct. 16, 2019) (Extension Request).

² See Amendments of Parts 73 and 74 to Improve the Low Power FM Radio Service Technical Rules, Notice of Proposed Rulemaking, MB Docket Nos. 19-193, 17-105 (rel. July 30, 2019).

³ Federal Communications Commission, Low Power FM Radio Service Technical Rules, 84 Fed. Reg. 49205 (Sept. 19, 2019). Comment were to be due 30 days from publication in the Federal Register and reply comments due 45 days from publication in the Federal Register. The thirtieth day from publication, October 20, 2019, is a Sunday so comments are due the next business day, Monday October 21, 2019.

⁴ See Media Bureau Announces Comment Dates for LPFM Technical Rules Notice of Proposed Rulemaking, Public Notice, MB Docket No. 19-193, (rel. Sept. 27, 2019).

thus, would not be delayed by a two-week extension.

4. Under Section 1.46(a) of the Commission's rules, "extensions of time shall not be routinely granted."⁵ Motions for extensions in rulemaking proceedings must be submitted at least seven days before the filing date, with limited exceptions in emergencies.⁶ REC's late-filed Extension Request, which was submitted only five days before the comment deadline, does not present any emergency or other persuasive reason for extending the comment deadlines. The circumstances identified by REC are not sufficiently unique or unusual to warrant deviation from established filing deadlines.

5. Accordingly, **IT IS ORDERED** that, pursuant to sections 4(i) and 4(j) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i) and 154(j), 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 REC Networks **IS DENIED**.

FEDERAL COMMUNICATIONS COMMISSION

Michelle M. Carey
Chief, Media Bureau

⁵ 47 CFR § 1.46(a).

⁶ *Id.* § 1.46(b).