



# PUBLIC NOTICE

Federal Communications Commission  
445 12<sup>th</sup> St., S.W.  
Washington, D.C. 20554

News Media Information 202 / 418-0500  
Internet: <https://www.fcc.gov>  
TTY: 1-888-835-5322

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## REVISIONS TO FILING AND OTHER DEADLINES FOLLOWING RESUMPTION OF NORMAL COMMISSION OPERATIONS

As a result of the recent lapse in funding, the Commission suspended most operations from the middle of the day on January 3, 2019, through January 25, 2019, for a total of 23 days. Among other things, certain electronic filing and database systems were unavailable from January 3, 2019, until January 28, 2019. Other electronic systems, including the Licensing Management System, Consolidated Database System, Electronic Comment Filing System, Universal Licensing System (ULS), and Auction Application System, as well as the Commission's filing window and mail operations, either were unavailable or were not supported during this period other than for filings necessary for the protection of life and property and for filings related to spectrum action activities authorized by section 309(j) of the Communications Act of 1934, as amended, 47 U.S.C. § 309(j), including the broadcast incentive auction.<sup>1</sup>

On January 2, 2019, the Commission issued a Public Notice announcing that all filings that would have been due during the suspension of operations or due on the day that normal operations resumed, other than NORS and DIRS filings and filings related to spectrum auction activities authorized by section 309(j) (including the broadcast incentive auction), would become due on the business day following the resumption of normal operations.<sup>2</sup> Upon reopening on January 28, 2019, the Commission further suspended all such deadlines, as well as similar deadlines falling on January 29, until January 30, 2019.<sup>3</sup> This Public Notice supersedes the January 2 and January 28 Public Notices to the extent that it is inconsistent with any deadlines or time periods set forth therein.<sup>4</sup>

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<sup>1</sup> Certain systems that are used substantially in their entirety in connection with activities necessary for the protection of life and property or with spectrum auction activities authorized by section 309(j) remained fully supported. These include, among others, the Network Outage Reporting System (NORS) and the Disaster Information Reporting System (DIRS).

<sup>2</sup> See *Public Notice*, Impact of Potential Lapse in Funding on Commission Operations, DA 19-10 (rel. Jan. 2, 2019) (*January 2 Public Notice*).

<sup>3</sup> *Public Notice*, Suspension of Filing Deadlines, DA 19-20 (rel. Jan. 28, 2019) (*January 28 Public Notice*).

<sup>4</sup> This Public Notice also supersedes the comment filing deadlines contained in the Public Notice that the Wireline Competition Bureau released on January 3, 2019, addressing comments due in Section 214 proceedings. *Public Notice*, Notice Regarding Status of Pending Section 214 Applications Due to Lapse in Funding, WC Docket Nos. 18-324, 18-351, 18-354, 18-356 & 18-367, DA 19-14 (WCB Jan. 3, 2019).

Because parties did not have full access to some electronic systems and databases during the suspension of operations, we have determined to further extend the deadlines for filings according to the following schedule, with the exceptions set forth below. We hereby waive the Commission's rules to the extent necessary to effectuate this extension. This extension does not apply to NORS and DIRS filings and filings related to spectrum auction activities authorized by section 309(j), including the broadcast incentive auction.

- Filings that were due between January 3 and January 7, inclusive, will be due on January 30, 2019.
- Filings that would otherwise be required to be filed between January 8 and February 7 will be due for filing on February 8, 2019.

While we recognize that the above schedule does not afford an extension of time equal to the length of the shutdown in all cases, we believe these extension periods are reasonable under the circumstances, including the fact that many electronic systems remained available to the public during the suspension of operations. Commission staff will consider requests for further extensions in individual matters as appropriate.

We are setting filing deadlines different from the general deadlines set forth above in certain proceedings and classes of proceedings. They are:

1. *ULS Applications and Notifications.* All ULS applications and notifications that were originally due to be filed in accordance with the Commission's rules (*e.g.*, sections 1.913, 1.946) on January 3, 2019, through and including February 8, 2019, are now due on February 8, 2019. This extension does not apply to filings associated with spectrum auction activities authorized by section 309(j), including the broadcast incentive auction. In addition, all ULS filings that were held during the lapse in funding through January 25, 2019 – as well as any other ULS filings that were held from January 26 through January 29, 2019 – will be considered received on January 29, 2019.<sup>5</sup> We note that, due to the large volume of filings submitted during the lapse in funding, these filings will be entered into ULS in batches (and assigned a January 29 receipt date) over a period of a few weeks.
2. *Informal Consumer Complaints.* Written provider responses to informal consumer complaints filed via the Consumer Complaint Center that became due during the suspension of normal operations are due on January 30, 2019, as provided in the *January*

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<sup>5</sup> See *January 2 Public Notice* at 1, note 1 (specifying that ULS filings that are held will be accepted on the day following the day of return to normal operations). This includes applications filed by Amateur Radio Service licensees to modify their license grants to show a vanity call sign. Ordinarily, vanity call sign applications are processed on a day-by-day basis, with a random selection procedure used to determine the processing order for applications filed on the same day. In order to accommodate the orderly resumption of business, however, vanity call sign applications filed via ULS or by mail between January 3 and January 29, 2019, will be treated as if they all were filed on January 29, 2019.

*28 Public Notice.* This Public Notice supersedes the *January 2 Public Notice* and any prior communications from Consumer and Governmental Affairs Bureau staff establishing another deadline.

3. *Online Public Inspection File.* All online public inspection quarterly filings that were to be filed by January 10, as well as all non-quarterly filings that were required to be placed in a station's online public inspection file between January 3 and January 28, will now have a deadline of February 11. Any filings that were made during the shutdown will need to be resubmitted to the proper Online Public Inspection File site, available at <https://publicfiles.fcc.gov/>.
4. *Carriage Election Notice Modernization, MB Docket No. 17-317.* The comment and reply deadlines established by the Media Bureau in a December 13, 2018, Public Notice (DA 18-1250) have been extended in a separate Public Notice (DA 19-25). That Public Notice is available on the Media Bureau page, <https://www.fcc.gov/media>, and will be published in the Federal Register.

In addition, Bureaus and Offices may by further Public Notice set additional filing deadlines different than those specified in this Public Notice for filings in specific proceedings or classes of proceedings.

*Responsive Pleadings.* To the extent the due dates for filings to which reply or responsive pleadings are allowed are extended by this Public Notice, an equivalent extension applies to the due dates for the reply or responsive pleadings so as to afford responding parties the same amount of time following the comment deadline. Thus, for example, if comments were originally due on January 22 and reply comments due ten days later, comments would now be due on February 8 and reply comments on February 19 (February 18 is a federal holiday).<sup>6</sup>

*Statutory Deadlines.* The Commission cannot waive statutory filing deadlines such as those associated with petitions for reconsideration. Nonetheless, because of the disruption and uncertainty associated with the suspension of Commission activities and the relaunch of Commission filing systems, we will not consider the Commission open for the filing of documents with statutory deadlines, other than filings related to spectrum auction activities authorized by section 309(j), including the broadcast incentive auction, until Wednesday, January 30, 2019.<sup>7</sup>

*Special Temporary Authority (STA).* Any STAs that would have expired from January 3, 2019,

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<sup>6</sup> The due dates for reply or responsive pleadings to pleadings filed prior to the suspension of operations, other than pleadings related to spectrum activities authorized by section 309(j), including the broadcast incentive auction, are extended according to the general extension schedule set forth above unless otherwise specified.

<sup>7</sup> This determination does not impact statutory deadlines unrelated to filings with the Commission, such as broadcast operation requirements under section 312(g) of the Communications Act. Also, extensions of deadlines for filing license applications or notifications of completion of construction of station facilities will not serve to extend existing deadlines for completion of construction.

through January 29, 2019, are extended until February 8, 2019, except to the extent such STAs relate to the post-incentive auction transition or other activities authorized under Section 309(j).

*Fee and Other Payments.* Due dates for fee payments that can only be made through the FCC's Fee Filer System and that otherwise fell due between January 3 and February 7 are extended according to the same schedule set forth above for regulatory filings. All other payments remain due on their originally scheduled dates.<sup>8</sup>

*Transaction Shot Clock.* The Commission's informal 180-day shot clocks for review of transactions that were suspended on January 2, 2019, due to the suspension of operations are restarted as of January 29, 2019. For example, if January 2 was day 101 of the shot clock for a particular transaction, January 29 is day 102.<sup>9</sup>

*Tower Construction Notification System (TCNS); Electronic Section 106 System (E-106); Antenna Structure Registration (ASR) System, and Environmental Assessments (EAs) submitted pursuant to Section 1.1308(a) of the Commission's rules.* TCNS, E-106, and ASR will resume operations on January 30, 2019. Due to the unavailability of these systems during the period of time that the Commission suspended operations, deadlines and Tribal review timelines for filings made in connection with these systems or programs, including related submissions for environmental and historic preservation review, are tolled between January 3, 2019 and January 30, 2019. Regarding the TCNS database, Tribal Nations have a 30-day period to review an application once it is uploaded to the E-106 system. Tribes that fail to respond after 30 days may be referred to the Commission to conclude review obligations. For example, if an applicant uploaded a Form 620 into the E-106 system on January 1, 2019, the TCNS review clock would have stopped on January 3, 2019, and will resume on January 30, 2019. In this example, two days would have elapsed for purposes of Tribal notification, and the earliest that a non-responsive Tribe may be referred would be February 28, 2019. As to ASR and EA filings, the public comment deadline is similarly tolled during the Commission's suspended operations. Commission staff will adjust dates accordingly for applications that were pending within any of these systems at the time the Commission suspended operations. Any questions about TCNS/E-106 timelines should be sent to [tcnshelp@fcc.gov](mailto:tcnshelp@fcc.gov). Questions regarding EA and ASR filings should be directed to the FCC WTB Help Desk (1-877-480-3201).

*Broadband Deployment Advisory Committee.* Nominations for membership on the re-chartered Broadband Deployment Advisory Committee should be submitted to [BDAC@fcc.gov](mailto:BDAC@fcc.gov) no later than February 4, 2019.

Pursuant to 47 C.F.R. § 1.3, and their respective delegated authorities, this Public Notice is issued by the Consumer and Governmental Affairs, Enforcement, International, Media, Public Safety and Homeland Security, Wireless Telecommunications, and Wireline Competition

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<sup>8</sup> See January 2 Public Notice at 4.

<sup>9</sup> See *id.* at 4-5. This Public Notice has no effect on the timeframes for review of transactions as to which the informal shot clock was suspended on or before January 2 for reasons unrelated to the partial government shutdown.

Bureaus and the Offices of Economics and Analytics, Engineering and Technology, General Counsel, and Managing Director.

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