

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

In the Matter of )  
 )  
Termination of Certain Proceedings as Dormant ) CG Docket No. 20-158

ORDER

Adopted: September 28, 2020

Released: September 28, 2020

By the Chief, Consumer & Governmental Affairs Bureau:

I. INTRODUCTION

1. By this Order, the Consumer & Governmental Affairs Bureau (CGB) terminates, as dormant, the proceedings listed on the Attachment hereto.<sup>1</sup> We believe that termination of these proceedings furthers the Commission’s organizational goals of increasing the efficiency of its decision-making, modernizing the agency’s processes in the digital age, and enhancing the openness and transparency of Commission proceedings for practitioners and the public. In addition, based on further evaluation, we do not terminate three proceedings included in the *Eighth Dormant Proceedings Termination Public Notice*.<sup>2</sup>

II. BACKGROUND

2. On February 4, 2011, the Commission released a Report and Order that, *inter alia*, amended Section 0.141 of the Commission’s organizational rules to delegate authority to the Chief of CGB to conduct periodic review of all open dockets with the objective of terminating those that were inactive.<sup>3</sup> The Commission stated that termination of such proceedings also would include the dismissal as moot of any pending petition, motion, or other request for relief in the terminated proceeding that was procedural in nature or otherwise did not address the merits of the proceeding.<sup>4</sup>

3. Following the release of the *Procedure Order*, CGB, in consultation with the relevant bureaus and offices, conducted a review of all open dockets and identified those dockets that could potentially be terminated. As a result of that process, CGB issued the *First Dormant Proceedings Termination Public Notice*, listing the open dockets under consideration for termination, and providing

<sup>1</sup> We note that all of the proceedings listed on the Attachment hereto were also listed in the Attachment to the *Termination of Certain Proceedings as Dormant Public Notice* released on June 2, 2020. *Consumer & Governmental Affairs Bureau Seeks Comment on Termination of Certain Proceedings as Dormant*, Public Notice, CG Docket No. 20-158, 35 FCC Rcd 5525 (CGB Jun. 2, 2020) (*Eighth Dormant Proceedings Termination Public Notice*).

<sup>2</sup> *Id.*

<sup>3</sup> *Amendment of Certain of the Commission’s Part 1 Rules of Practice and Procedure and Part 0 Rules of Commission Organization*, CG Docket No. 10-44, Report and Order, 26 FCC Rcd 1594 (2011) (“*Procedure Order*”).

<sup>4</sup> *Id.* at 1604, para. 24.

interested parties the opportunity to file comments on those proposed terminations.<sup>5</sup> After completion of the comment cycle, by Order released November 1, 2011, CGB terminated as dormant the docketed proceedings listed in the Attachment thereto.<sup>6</sup> Further dormant proceeding terminations followed.<sup>7</sup>

4. On June 2, 2020, CGB released the *Eighth Dormant Proceedings Termination Public Notice* with comments and reply comments due 30 and 45 days after date of publication in the Federal Register.<sup>8</sup> On July 6, 2020, the Federal Register published the *Eight Dormant Proceedings Termination Public Notice*.<sup>9</sup> As a result, comments were due on August 5, 2020 and reply commenters were due on August 20, 2020.<sup>10</sup> In response to the *Eighth Dormant Proceedings Termination Public Notice*, we received six Oppositions and one comment.

### III. DISCUSSION

5. Based on our review of the record received in response to the *Eighth Dormant Proceedings Termination Public Notice*, we terminate the proceedings listed in the attachment to this Order<sup>11</sup> and leave open three proceedings that had been listed in Attachment A to the *Eighth Dormant Proceedings Termination Public Notice*.<sup>12</sup>

6. After review of the comments and replies received and our further evaluation, we determined that MB Docket No. 14-261, MB Docket No. 15-146, and ET Docket 15-99 will remain open.<sup>13</sup>

7. ***Amendment of Parts 15, 73 and 74 of the Commission's Rules to Provide for the Preservation of One Vacant Channel in the UHF Television Band For Use By White Space Devices and Wireless Microphones (MB Docket No. 15-146).*** Several commenters suggest that issues implicated

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<sup>5</sup> *Consumer & Governmental Affairs Bureau Seeks Comment on Termination of Certain Proceedings as Dormant*, 26 FCC Rcd 7850 (CGB 2011) (“*First Dormant Proceedings Termination Public Notice*”).

<sup>6</sup> *Termination of Certain Proceedings as Dormant*, Order, 26 FCC Rcd 15312 (CGB 2011) (“*First Dormant Proceedings Termination Order*”).

<sup>7</sup> See *Consumer & Governmental Affairs Bureau Seeks Comment on Termination of Certain Proceedings as Dormant*, 27 FCC Rcd 1613 (CGB 2012); *Termination of Certain Proceedings as Dormant*, Order, 27 FCC Rcd 11284 (CGB 2012); *Consumer & Governmental Affairs Bureau Seeks Comment on Termination of Certain Proceedings as Dormant*, 29 FCC Rcd 7664 (CGB 2014); *Termination of Certain Proceedings as Dormant*, Order, 29 FCC Rcd 11017 (CGB 2014); *Consumer & Governmental Affairs Bureau Seeks Comment on Termination of Certain Proceedings as Dormant*, 29 FCC Rcd 11168 (CGB 2014); *Termination of Certain Proceedings as Dormant*, Order, 29 FCC Rcd 16059 (CGB 2014); *Consumer & Governmental Affairs Bureau Seeks Comment on Termination of Certain Proceedings as Dormant*, 31 FCC Rcd 1205 (CGB 2016); *Termination of Certain Proceedings as Dormant*, Order, 31 FCC Rcd 7584 (CGB 2016); *Consumer & Governmental Affairs Bureau Seeks Comment on Termination of Certain Proceedings as Dormant*, 32 FCC Rcd 369 (CGB 2017); *Termination of Certain Proceedings as Dormant*, Order, 33 FCC Rcd 53 (CGB 2018); *Termination of Certain Proceedings as Dormant*, Order, 34 FCC Rcd 1331 (CGB 2019).

<sup>8</sup> See *Eighth Dormant Proceedings Termination Public Notice*.

<sup>9</sup> *Termination of Dormant Proceedings*, 85 FR 40287 (Jul. 6, 2020).

<sup>10</sup> *Id.*

<sup>11</sup> Any party aggrieved by a termination under this delegation of authority may file a petition for reconsideration with CGB or an application for review with the full Commission *Procedure Order*, 26 FCC Rcd at 1604, paras. 23-24.

<sup>12</sup> *Eighth Dormant Proceedings Termination Notice*, 35 FCC Rcd 5525, 5529, Attachment.

<sup>13</sup> In addition, after the *Termination Public Notice* proposal to close *Expanding Consumers' Video Navigation Choices* (MB Docket No. 16-42), the docket was terminated by Commission Order, making the proposal to close the docket moot. See *Expanding Consumers' Video Navigation Choices; Commercial Availability of Navigation Devices*, MB Docket No. 16-42 and CS Docket No. 97-80, Report and Order, FCC 20-124 (Sep. 4, 2020).

in this proceeding remain active and unresolved.<sup>14</sup> In their reply comments, the National Association of Broadcasters (NAB) disagrees, and notes the absence of recent filings in the docket.<sup>15</sup> We find that based upon the debate that the *Termination Notice* brought forward, this proceeding does not appear to be a good candidate for termination under delegated authority at this time.

8. ***Multichannel Video Programming Distribution Services (MB Docket No. 14-261)***. The Affiliates Associations objects to the proposed termination of this proceeding, contending that recent *ex parte* filings in the docket indicate ongoing communications with the Commission on the issues raised in the proceeding.<sup>16</sup> Upon further evaluation, we find that this proceeding does not appear to be a good candidate for termination under delegated authority at this time.

9. ***Amendment of Parts 2, 15, 80, 90, 97, and 101 of the Commission's Rules Regarding Implementation of the Final Acts of the World Radiocommunication Conference (Geneva, 2012)(WRC-12), Other Allocation Issues, and Related Rule Updates (ET Docket No. 15-99)***. Aerospace and Flight Test Radio Coordination Council, Inc. objects to the proposed termination of this proceeding, contending that the proceeding “includes an unresolved spectrum allocation issue.”<sup>17</sup> We find that this proceeding does not appear to be a good candidate for termination under delegated authority at this time.

#### IV. PROCEDURAL MATTERS

10. Upon publication of this Order in the Federal Register, the proceedings listed in the Attachment hereto will be terminated in the Electronic Comment Filing System (ECFS). The record in the terminated proceedings will remain part of the Commission's official records, and the various pleadings, orders, and other documents in these proceedings will continue to be accessible to the public, post-termination. Furthermore, should no petitions for reconsideration, applications for review, or petitions for judicial review of this Order be timely filed, the above-captioned proceeding shall be terminated, and the docket will be closed.

11. For additional information concerning this Order, please contact Zac Champ at (202) 418-1495, or via e-mail at [Zac.Champ@fcc.gov](mailto:Zac.Champ@fcc.gov).

#### V. ORDERING CLAUSES

12. Accordingly, **IT IS ORDERED**, pursuant to the authority contained in Sections 4(i) and 4(j) of the Communications Act, 47 U.S.C. Sections 154(i) and (j), and Section 0.141 of the Commission's rules, 47 CFR Section 0.141, that the proceedings set forth in the Attachment hereto are TERMINATED.

13. **IT IS FURTHER ORDERED** that should no petitions for reconsideration, applications for review, or petitions for judicial review of this Order be timely filed, the above-captioned proceeding shall be TERMINATED, and the docket will be closed.

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<sup>14</sup> Comments of Sennheiser Electronic Corporation, Comments of Shure Incorporated, Comments of Lectrosonics, Inc., Comments of Edgar C. Reihl, P.E.

<sup>15</sup> Reply Comments of NAB.

<sup>16</sup> Reply Comments of ABC Television Affiliates Association, CBS Television Network Affiliates Association, FBC Television Affiliates Association, and NBC Television Affiliates.

<sup>17</sup> Comments of Aerospace and Flight Test Radio Coord. Council, Inc. at 2.

FEDERAL COMMUNICATIONS COMMISSION

G. Patrick Webre, Chief  
Consumer & Governmental Affairs Bureau

**ATTACHMENT**