**Before the**

Federal Communications Commission

Washington, D.C. 20554

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| In the Matter of  Amendment of Part 90 of the Commission’s Rules | **)**  **)**  **)** | WP Docket No. 07-100 |

Order Granting Extension of Time

**Adopted: December 22, 2021 Released: December 22, 2021**

By the Chief, Public Safety and Homeland Security Bureau, and the Acting Chief, Wireless Telecommunications Bureau:

1. On December 14, 2021, the National Sheriffs’ Association (NSA) and the Land Mobile Communications Council (LMCC) filed separate Motions for Extension of Time seeking extensions of the reply comment deadline in the above captioned proceeding by 14 days and 30 days, respectively.[[1]](#footnote-3) By this Order, for the reasons stated below, the Public Safety and Homeland Security Bureau and the Wireless Telecommunications Bureau (Bureaus) grant an extension of the reply comment deadline by 14 days to January 11, 2022.
2. On September 30, 2021, the Federal Communications Commission (Commission) adopted an *Order on Reconsideration and* *Eighth Further Notice of Proposed Rulemaking* (*Eighth Further Notice*) in the above captioned proceeding on the 4.9 GHz band.[[2]](#footnote-4) On October 29, 2021, the Bureaus released a *Public Notice* announcing a comment due date of November 29, 2021 and a reply comment due date of December 28, 2021.[[3]](#footnote-5)
3. NSA requests an extension of the reply comment deadline by 14 days, to January 11, 2022, to “allow for a complete review of initial comments and the development of more robust and thoughtful replies” to the *Eighth Further Notice*.[[4]](#footnote-6) NSA notes that over twenty parties filed initial comments, which “addressed a wide variety of technical and other issues” and “contained technical proposals for eliminating the potential for harmful interference in this band.”[[5]](#footnote-7) NSA also notes that the reply comment deadline “falls in the midst of the holiday season” between Christmas and New Year’s Day,[[6]](#footnote-8) and observes that “[t]he Commission has previously granted extensions of time to file reply comments in similar cases.”[[7]](#footnote-9)
4. LMCC seeks a 30-day extension, asserting that certain “critical issues have not yet achieved a level of agreement among affected parties”[[8]](#footnote-10) and that there are “areas where consensus might yet be achieved if the parties have sufficient time to collaborate before filing Reply Comments.”[[9]](#footnote-11) LMCC contends that the holiday week between Christmas and New Year’s Day “is a particularly inopportune time to try to achieve greater commonality in addressing the complex issues presented in the FNPRM.”[[10]](#footnote-12) LMCC also asserts that additional time is needed “since communications remain largely limited to phone conversations rather than face-to-face meetings.”[[11]](#footnote-13) On December 15 2021, the National Public Safety Telecommunications Council (NPSTC) filed a letter supporting the LMCC’s extension request.[[12]](#footnote-14)
5. We grant a 14-day extension of time to file reply comments in this proceeding. As set forth in section 1.46 of the Commission’s rules,[[13]](#footnote-15) the Commission does not routinely grant extensions of time for filing comments. In this case, however, we agree with NSA that given the intervening holidays, a 14-day extension is warranted to allow commenters sufficient time to file meaningful reply comments. We do not, however, find that LMCC’s request for an extension of time beyond 14 days is justified.[[14]](#footnote-16) LMCC’s argument that the additional time might enable parties to achieve consensus is speculative – the parties have already had ample time to engage in such discussions. Accordingly, pursuant to Section 4(i) of the Communications Act of 1934, as amended,[[15]](#footnote-17) and Section 1.46 of the Commission's rules,[[16]](#footnote-18) we extend the deadline for filing reply comments to January 11, 2022.
6. Accordingly, **IT IS ORDERED** that, pursuant to section 4(i)-(j) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i)-(j), and sections 0.204, 0.331, 0.392, and 1.46 of the Commission’s rules, 47 CFR §§ 0.204, 0.331, 0.392, 1.46, the Motion for Extension of Time filed by National Sheriffs’ Association on December 14, 2021 **IS GRANTED**, and the Motion for Extension of Time filed by the Land Mobile Communications Council on December 14, 2021 **IS GRANTED IN PART** to the extent described herein.
7. **IT IS FURTHER ORDERED** that the date for filing reply comments on the *Eighth Further Notice* **IS EXTENDED** to January 11, 2022.

FEDERAL COMMUNICATIONS COMMISSION

Lisa M. Fowlkes

Chief

Public Safety and Homeland Security Bureau

Joel Taubenblatt

Acting Chief

Wireless Telecommunications Bureau

1. Motion for Extension of Time of the National Sheriffs’ Association, WP Docket No. 07-100 (filed Dec. 14, 2021), <https://ecfsapi.fcc.gov/file/1214002859926/4.9%20GHz%20-%20Request%20for%20Extension.pdf> (NSA Motion); Motion for Extension of Time of the Land Mobile Telecommunications Council, WP Docket No. 07-100 (filed Dec. 14, 2021), <https://ecfsapi.fcc.gov/file/1214569825675/LMCC%20Motion%20for%20Ext%20of%20Time%2007-100%208th%20FNPRM.pdf> (LMCC Motion). [↑](#footnote-ref-3)
2. *Amendment of Part 90 of the Commission’s Rules*, WP Docket No. 07-100, Order on Reconsideration and Eighth Further Notice of Proposed Rulemaking, FCC 21-106 (Oct. 1, 2021) (*Eighth Further Notice*), <https://docs.fcc.gov/public/attachments/FCC-21-106A1.pdf>. [↑](#footnote-ref-4)
3. *Public Safety and Homeland Security Bureau and Wireless Telecommunications Bureau Announce Comment and Reply Comment Dates for the 4.9 GHz Band Eighth Further Notice of Proposed Rulemaking*, WP Docket No. 07-100, Public Notice, DA 21-1360 (PSHSB WTB Oct. 29, 2021) (*Public Notice*). [↑](#footnote-ref-5)
4. NSA Motion at 2. [↑](#footnote-ref-6)
5. *Id*. at 1. [↑](#footnote-ref-7)
6. *Id*. [↑](#footnote-ref-8)
7. *Id*. at 2 *citing* *Resilient Networks*; *Amendments to Part 4 of the Commission’s Rules Concerning Disruptions to Communications*; *New Part 4 of the Commission’s Rules Concerning Disruptions to Communications*,PS Docket Nos. 21-346 and 15‑80; ET Docket No. 04-35, Order Granting Extension of Time, DA 21-1483 (PSHSB Nov. 30, 2021) (*Resilient Networks Extension Order*). [↑](#footnote-ref-9)
8. LMCC Motion at 2. [↑](#footnote-ref-10)
9. *Id*. [↑](#footnote-ref-11)
10. *Id*. [↑](#footnote-ref-12)
11. *Id*. [↑](#footnote-ref-13)
12. Letter from Ralph A. Haller, Chair, National Public Safety Telecommunications Council, to Marlene H. Dortch, Secretary, Federal Communications Commission (Dec. 15, 2021), <https://ecfsapi.fcc.gov/file/121566493517/NPSTC%204.9%20GHz%20LMCC-extension_support.2021-12-15_FINAL.pdf>. [↑](#footnote-ref-14)
13. 47 CFR § 1.46. [↑](#footnote-ref-15)
14. *See Resilient Networks Extension Order* at 2 (granting a 10-day extension to “allow commenters sufficient time to file meaningful comment and reply comments given the intervening holidays”). [↑](#footnote-ref-16)
15. 47 U.S.C. § 154(i). [↑](#footnote-ref-17)
16. 47 CFR § 1.46. [↑](#footnote-ref-18)