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

In the Matter of	**)**	
	)	
Expanding Flexible Use of the 12.2-12.7 GHz Band	**)**	WT Docket No. 20-443
	)	
Expanding Flexible Use in Mid-Band Spectrum	**)**	GN Docket No. 17-183
Between 3.7-24 GHz	**)**	

ORDER

Extended Comment Date: **May 7, 2021**
Extended Reply Comment Date: **June 7, 2021**

Adopted: March 29, 2021 **Released: March 29, 2021**

By the Acting Chief, Wireless Telecommunications Bureau:

1. On January 15, 2021, the Commission released a Notice of Proposed Rulemaking (*NPRM*) seeking input on the feasibility of allowing flexible-use services in the 12.2-12.7 GHz band (12 GHz band) while protecting incumbents from harmful interference.[1] The *NPRM* set deadlines for filing comments and reply comments of April 7, 2021, and May 7, 2021, respectively.

2. On March 19, 2021, the Computer & Communications Industry Association (CCIA), INCOMPAS, Open Technology Institute at New America, and Public Knowledge ("Movants") filed a motion for a 30-day extension of the these filing deadlines, such that comments would be due May 7, 2021, and reply comments would be due June 7, 2021.[2] The Movants state that the *NPRM* solicits comment on important factual, legal, technical and policy issues that require thorough analyses from engineers, lawyers, and consultants and will take time to substantively address.[3] Movants further assert that no party will be prejudiced by granting the Motion and that authorizing additional time potentially will allow all interested parties to (1) more fully develop their responses to the Commission's *NPRM*, leading to a better record; and (2) more fully explore the applicability to the 12 GHz band of sharing solutions developed for use in other frequency bands.[4] The Movants aver that good cause exists for granting the Motion and that doing so would be consistent with past precedent.[5] Parties filing responses

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[1] *See Expanding Flexible Use of the 12.2-12.7 GHz Band, et al.*, WT Docket No. 20-443, Notice of Proposed Rulemaking, FCC 21-13, 2021 WL 228049 (Jan. 15, 2021) (*NPRM*). The comment and reply comment deadlines were set at 30 and 60 days after publication in the Federal Register, which occurred on March 8, 2021. *See* Federal Communications Commission, Expanding Flexible Use of the 12.2-12.7 GHz Band, 86 Fed. Reg. 13266 (Mar. 8, 2021).

[2] *See* Motion of CCIA et al. for Extension of Time, WT Docket No. 20-443, et al., at 1 (filed Mar. 19, 2021), https://ecfsapi.fcc.gov/file/103190996020555/Joint%20Motion%20for%20Extension%20-%2012%20GHz%20(3.19.21).pdf (Motion).

[3] *Id.* at 2-3 (Movants state that that this is especially so for organizations that represent an array of interests that also have been working diligently on the implementation of COVID-19-relief programs that are critical for the nation).

[4] *Id*.

[5] *Id.* & n.7 (citing *Implementation of State and Local Governments' Obligation to Approve Certain Wireless Facility Modification Requests Under Section 6409(a) of the Spectrum Act of 2012; Accelerating Wireline Broadband*

(continued….)

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to this Motion (Respondents) either support or do not object to a 30-day extension and no opposition has been filed.[6]

3.   We grant the Motion for Extension of Time. As set forth in Section 1.46 of the Commission's rules,[7] the Commission does not routinely grant extensions of time for filing comments in rulemaking proceedings. In this case, however, we find good cause for granting an extension of the comment and reply comment periods for reasons identified by the Movants and the Respondents. Specifically, we conclude that extension of the comment and reply deadlines to May 7, 2021, and June 7, 2021, respectively, is warranted to provide commenters with additional time to prepare comments and reply comments that fully respond to the complex economic, engineering, and policy issues raised in the *NPRM*.

4.   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 0.131, 0.331, and 1.46 of the Commission's rules, 47 CFR §§ 0.131, 0.331, and 1.46, the Motion for Extension of Time filed by CCIA, INCOMPAS, Open Technology Institute at New America, Public Knowledge **IS GRANTED**.

5.   **IT IS FURTHER ORDERED** that the deadlines to file comments and reply comments in this proceeding **ARE EXTENDED** to May 7, 2021, and June 7, 2021, respectively.

FEDERAL COMMUNICATIONS COMMISSION

Joel Taubenblatt
Acting Chief, Wireless Telecommunications Bureau

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Deployment by Removing Barriers to Infrastructure Investment, Order Granting Extension of Time, 34 FCC Rcd 8660, 8660, para. 3 (2019)); *see also id.* at 2-3 & n.8 (citing *Commission Staff Requests That Interested Parties Supplement the Record on Draft Interference Rules for Wireless Communications Service and Satellite Digital Audio Radio Service*, Order Extending Comment Period, 25 FCC Rcd 3642, 3643-44, para. 5 (2010)).

[6] *See* Ruth Pritchard-Kelly, Senior Advisor, ONEWEB, *et al.*, ("12 GHz Alliance") to Marlene H. Dortch, Secretary, FCC, at 1 (Mar. 23, 2021); David Goldman, Director of Satellite Policy, Space Exploration Technologies Corp., to Marlene H. Dortch, Secretary, FCC, at 1 (Mar. 22, 2021). The 12 GHz Alliance does not object to the Motion but requests suspension of comment and reply comment deadlines until RS Access, LLC, provides certain technical analyses referenced in a filing by RS Access. *See, e.g.*, Letter from Trey Hanbury, Counsel to RS Access, LLC, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 20-443, Attachment at 1 (filed Feb. 8, 2021) (stating that its "preliminary engineering analysis indicates that spectrum sharing with SpaceX and other NGSO FSS licensees is feasible"); Letter from Trey Hanbury, Counsel to RS Access, LLC, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 20-443, at 3 (filed Feb. 26, 2021); Letter from Trey Hanbury, Counsel to RS Access, LLC, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 20-443, at 2 (filed Feb. 19, 2021); Letter from Trey Hanbury, Counsel to RS Access, LLC, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 20-443, at 2 (filed Mar. 15, 2021). We decline to take this action, which may be rendered moot by our grant of the instant Motion.

[7] 47 CFR § 1.46.