

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

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

ORDER

Adopted: March 24, 2023

Released: March 24, 2023

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

Revised Comment Date: April 13, 2023
Revised Reply Comment Date: May 15, 2023

1. On January 18, 2023, the Commission released a Seventh Report and Order and Ninth Further Notice of Proposed Rulemaking (*4.9 GHz Ninth FNPRM*) in the above captioned proceeding on the 4940-4990 MHz (4.9 GHz) band.¹ The *4.9 GHz Ninth NPRM* was published in the Federal Register on February 28, 2023 establishing the comment due date of March 30, 2023, and reply comment due date of May 1, 2023.² On March 1, 2023, seven parties³ jointly requested a sixty-day extension of the comment deadline to allow interested parties sufficient time to develop input on the *4.9 GHz Ninth FNPRM*.⁴ The Petitioners noted that the *Ninth FNPRM* includes questions about a range of matters related to the implementation of the band’s new Band Manager framework which “are complex and deserve thorough consideration by all parties.”⁵

2. On March 6, 2023, the Public Safety Spectrum Alliance (PSSA) filed an opposition to the extension request, arguing that the Petitioners had failed to provide a compelling justification for an extension of such length.⁶ PSSA noted that interested parties can continue to add relevant information to the record after the close of the comment period.⁷ On March 16 and March 17, the National Public Safety

¹ See *Amendment of Part 90 of the Commission’s Rules*, WP Docket No. 07-100, Seventh Report and Order and Ninth Further Notice of Proposed Rulemaking, FCC 23-3 (rel. Jan. 18, 2023) (*4.9 GHz Ninth FNPRM*); see also *Amendment of Part 90 of the Commission’s Rules*, WP Docket No. 07-100, Erratum (rel. Feb. 22, 2023).

² Federal Communications Commission, *Improving Public Safety Communications in the 4.9 GHz Band*, Proposed Rule, 88 FR 12637 (Feb. 28, 2023).

³ American Petroleum Institute, American Association of State Highway and Transportation Officials, Enterprise Wireless Alliance, Forestry Conservation Communications Association, International Municipal Signal Association, National Sheriffs’ Association, Utilities Technology Council (Petitioners).

⁴ Petitioners’ Motion for Extension of Time, WP Docket No. 07-100 (filed Mar. 1, 2023), <https://www.fcc.gov/ecfs/document/10301883315893/1> (Petitioners’ Request).

⁵ Petitioners’ Request at 1-2.

⁶ Public Safety Spectrum Alliance’s Opposition to Motion for Extension of Time, WP Docket No. 07-100 (filed Mar. 6, 2023).

⁷ *Id.*

Telecommunications Council⁸ and the Industry Council for Emergency Response Technologies,⁹ respectively, filed in support of the extension request.

3. We grant a 14-day extension of the time to file comments and reply comments in this proceeding. It is the general policy of the Commission that extensions of time shall not be routinely granted.¹⁰ Based on the arguments presented by the filers in this proceeding, however, we conclude that a limited 14-day extension of the comment and reply comment deadlines is warranted to facilitate the development of a comprehensive record in this proceeding. Interested parties can use this time to develop complete, fully-supported comments and reply comments.

4. We do not, however, find that an extension of time beyond 14 days is warranted. The Commission released the *4.9 GHz Ninth FNPRM* on January 18, 2023.¹¹ Therefore, by the extended comment deadline, interested stakeholders will have had substantial time to review, and prepare responses to, the issues presented in the *4.9 GHz Ninth FNPRM*. The Petitioners do not allege specific challenges that warrant an additional extension of time and, as PSSA notes, will be able to supplement the record as appropriate once the comment period has closed.

5. 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 American Petroleum Institute, American Association of State Highway and Transportation Officials, Enterprise Wireless Alliance, Forestry Conservation Communications Association, International Municipal Signal Association, National Sheriffs' Association, and Utilities Technology Council on January 18, 2023 **IS GRANTED IN PART** to the extent described herein.

6. **IT IS FURTHER ORDERED** that the date for filing comments on the *4.9 GHz Ninth FNPRM IS EXTENDED* to April 13, 2023, and the date for filing reply comments on the *4.9 GHz Ninth FNPRM IS EXTENDED* to May 15, 2023.

FEDERAL COMMUNICATIONS COMMISSION

Debra Jordan
Chief
Public Safety and Homeland Security Bureau

Joel Taubenblatt
Acting Chief
Wireless Telecommunications Bureau

⁸ Letter from Ralph Haller, Chairman, National Public Safety Telecommunications Council, to Marlene H. Dortch, Secretary, FCC, WP Docket No. 07-100 (filed Mar. 16, 2023).

⁹ Letter from George Kelemen, Executive Director, The Industry Council for Emergency Response Technologies, Inc., to Marlene H. Dortch, Secretary, FCC, WP Docket No. 07-100 (filed Mar. 17, 2023).

¹⁰ 47 CFR § 1.46(a).

¹¹ See *4.9 GHz Ninth FNPRM*.