

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

In the Matter of)	
)	
Shortwave Modernization Coalition Petition for)	RM-11953
Rulemaking to Amend the Commission’s Rules to)	
Allow Fixed, Long-Distance, Non-Voice)	
Communications Above 2 MHz and Below 25)	
MHz)	

ORDER

Adopted: July 31, 2023

Released: July 31, 2023

By the Chief, Wireless Telecommunications Bureau:

1. On June 30, 2023, the Office of Managing Director released a Public Notice¹ seeking comment on a Petition filed by Shortwave Modernization Coalition (“SMC”) requesting that the Commission initiate a rulemaking to amend its rules to allow fixed, long-distance non-voice communications above 2 MHz and below 25 MHz.² The Public Notice was published in the Daily Digest on July 3, 2023.

2. On July 24, 2023, Skywave Networks LLC (“Skywave”) filed a motion to extend the comment deadline on the SMC Petition by 30 days.³ Skywave claims that given the breadth of the impact of the proposal, it needs additional time to analyze spectrum availability and optimal usage, as well as impact on the industry.⁴ On July 26, 2023, FlexRadio Systems (“FlexRadio”) also filed a motion to extend the comment deadline by 30 days.⁵ FlexRadio requests more time to “study the experiments and model the proposed emissions and anti-interference mechanisms.”⁶ According to FlexRadio, a 30-day extension to the comment period will allow it to provide an analysis of the Petition and properly file a response.⁷ On July 27, 2023, SMC filed a motion opposing the motions for extension of time.⁸ SMC states that the Commission’s rules and precedent make it clear that such extensions shall not be routinely granted.⁹ SMC argues that Skywave and FlexRadio do not provide valid reasons that would justify late

¹ *Office of Managing Director Reference Information Center Petition for Rulemakings Filed*, RM-11953, Public Notice, Report No. 3198 (2023).

² Petition for Rulemaking of the Shortwave Modernization Coalition, RM-11953 (filed April 28, 2023), <https://www.fcc.gov/ecfs/document/1042840187330/1> (SMC Petition).

³ Motion for Extension of Time, RM-11953, at 1 (filed July 25, 2023), <https://www.fcc.gov/ecfs/document/10724138643054/1> (Skywave Motion for Extension of Time).

⁴ *Id.* at 3.

⁵ Motion for Extension of Time, RM-11953 (filed July 26, 2023), <https://www.fcc.gov/ecfs/document/107260562510210/1> (FlexRadio Motion for Extension of Time).

⁶ *Id.* at 1.

⁷ *Id.*

⁸ Motion Opposing Motions for Extension of Time to File Comments, RM-11953 (filed July 27, 2023), <https://www.fcc.gov/ecfs/document/1072785891875/1>.

⁹ *Id.* at 1.

submission on substantive grounds¹⁰ and states that FlexRadio’s motion is also procedurally deficient.¹¹ On July 28, 2023, Skywave filed a reply to SMC’s opposition reaffirming its interest in having more time to fully assess the assertions in the SMC Petition.¹²

3. With this order, the Wireless Telecommunications Bureau denies both motions for extension of time to file comments in response to SMC’s Petition. As set forth in section 1.46 of the Commission’s rules, extensions of time shall not be routinely granted.¹³ Here, we are considering a threshold question of how to act on a petition for rulemaking, as opposed to making substantive changes to our rules or procedures.¹⁴ It is premature to anticipate that the Commission will determine that it should proceed to initiate a Notice of Proposed Rulemaking. Even under such a scenario, parties would have ample opportunity under our notice-and-comment procedures to fully participate prior to the adoption of final rules.¹⁵ We further note that Commission proceedings involving technical rules, such as those pertaining to 2-25 MHz band use, can be expected to contain complex filings of a detailed nature, and the SMC Petition is consistent with that expectation. We find nothing sufficiently unique or unusual that would warrant extension of time in this instance.¹⁶

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 Skywave Motion for Extension of Time filed on July 24, 2023 and the FlexRadio Motion for Extension of Time filed on July 26, 2023, ARE DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Joel Taubenblatt

Chief, Wireless Telecommunications Bureau

¹⁰ See, e.g., *id.* at 3 (“The fact that the Motions come at the eleventh hour – days before the conclusion of a 30-day comment period on a rulemaking petition that has been publicly available for three months – undercuts Movants’ claims that the breadth and impact of the SMC Petition, and the need for additional information to evaluate the proposal, warrant an extension of time to submit comments.”).

¹¹ See *id.* at 2 (“The FlexRadio Motion, which was filed after the July 24, 2023 deadline for seeking an extension of time to file comments on the Petition, is untimely and procedurally defective. The Commission’s rules require that motions for extension of time to file comments on the SMC Petition must be filed “at least 7 days before” comment deadline.”).

¹² See generally Reply to Opposition to Motion for Extension of Time, RM-11953 (filed July 28, 2023), <https://www.fcc.gov/ecfs/document/107281403124777/1>.

¹³ 47 CFR § 1.46(a).

¹⁴ See *Amendment of Rules Governing Ultra-Wideband Devices and Systems*, RM-11844, Order Denying Extension of Time to File Comments and Reply Comments, 34 FCC Rcd 7176, 7177 at para. 3 (OET 2019) (*Ultra-Wideband Denial Order*).

¹⁵ See *id.*

¹⁶ See 47 CFR § 1.46(a); *Ultra-Wideband Denial Order*, 34 FCC Rcd at 7177, para. 3 (OET 2019).