

**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 Use of the 12.7-13.25 GHz Band for Mobile Broadband or Other Expanded Use)	GN Docket No. 22-352

ORDER

Adopted: August 8, 2023

Released: August 8, 2023

By the Chief, Wireless Telecommunications Bureau:

1. On May 19, 2023, the Commission released a Report and Order and Further Notice of Proposed Rulemaking (in WT Docket No. 20-443) and Notice of Proposed Rulemaking and Order (in GN Docket No. 22-252).¹ In the *Further Notice of Proposed Rulemaking (FNPRM)* the Commission further investigates the potential to expand terrestrial fixed use or to permit unlicensed use in the 500 megahertz of mid-band spectrum at 12.2-12.7 GHz (12.2 GHz band). In the *Notice of Proposed Rulemaking (NPRM)*, to further its efforts to make spectrum available for terrestrial mobile service or other expanded use, the Commission proposes to repurpose some or all of the 12.7-13.25 GHz (12.7 GHz band) for mobile broadband or other expanded use. Comments in response to the *FNPRM* and the *NPRM* are due on August 9, 2023, while reply comments are due on September 8, 2023.

2. On August 4, 2023, the Satellite Industry Association (SIA), together with Eutelsat S.A., Hispasat, S.A, Intelsat License LLC, Ovzon LLC, SES Americom, Inc., Space Exploration Technologies Corp., and WorldVu Satellites Limited (collectively the Joint Requestors) filed a Joint Request for Extension of the Filing Deadline (Joint Request), seeking a 45-day extension of the comment (and reply) dates for both the *NPRM* and the *FNPRM*.² The Joint Requestors argue that “questions posed in [the *FNPRM* and] the *NPRM* have implications for the long-term interests of the mobile, satellite,

¹ See *Expanding Flexible Use of the 12.2-12.7 GHz Band; Expanding Use of the 12.7-13.25 GHz Band for Mobile Broadband or Other Expanded Use*, WT Docket No. 20-443, GN Docket No. 22-352, FCC 23-36, Report and Order and Further Notice of Proposed Rulemaking and Notice of Proposed Rulemaking and Order, 2023 WL 3686032 (May 19, 2023) (*FCC 23-36*). The *FNPRM* and the *NPRM* were subsequently published separately in the Federal Register. See *Expanding Flexible Use of the 12.2-12.7 GHz Band*, 88 Fed. Reg. 43502 (July 10, 2023) (*FNPRM*); *Expanding Use of the 12.7-13.25 GHz Band for Mobile Broadband or Other Expanded Use*, 88 Fed. Reg. 43938 (July 10, 2023) (*NPRM*).

² Joint Request for Extension of Comment Deadline of the Satellite Industry Association (SIA), together with Eutelsat S.A., Hispasat, S.A, Intelsat License LLC, Ovzon LLC, SES Americom, Inc., Space Exploration Technologies Corp., and WorldVu Satellites Limited, WT Docket No. 20-443, GN Docket No. 22-352 (filed Aug. 4, 2023) (Joint Request). SIA Executive Members include: Amazon; The Boeing Company; DIRECTV; EchoStar Corporation; HawkEye 360; Intelsat S.A.; Iridium Communications Inc.; Kratos Defense & Security Solutions; Ligado Networks; Lockheed Martin Corporation; Northrop Grumman; OneWeb; Planet Labs PBC; SES Americom, Inc.; Spire Global Inc.; and Viasat Inc. SIA Associate Members include: ABS US Corp.; The Aerospace Corporation; Artel, LLC; AST Space Mobile; Astranis Space Technologies Corp.; Aurora Insight; Blue Origin; Comtech; Eutelsat America Corp.; ExoAnalytic Solutions; Hughes; Inmarsat, Inc.; Kymeta Corporation; Leonardo; Lynk; Omnispace; OneWeb Technologies; Ovzon; Panasonic Avionics Corporation; Telesat Canada; ULA and XTAR, LLC. *Id.* at 1, n.1.

broadcasting, and unlicensed industries, and therefore they require significant and thoughtful analysis that merits providing additional time for comments and reply comments.”³ Furthermore, they argue “[a]dditional time would benefit satellite operators in particular, who face another comment deadline only two days before [the FNPRM’s and] the NPRM’s deadline in a major spectrum-sharing proceeding that also requires significant attention and lengthy analysis.”⁴ They assert that good cause exists to grant the instant extension request because the FNPRM and the NPRM involve complex technical questions and policy issues with the potential to impact “a diverse set of terrestrial (licensed and possibly unlicensed) and satellite communications systems,” and that “[a]n extension of time will allow interested parties and their experts the opportunity to better analyze the questions posed in [the FNPRM and] the NPRM, fostering a collaborative spectrum approach and allowing them to prepare more thorough responses.”⁵

3. With this order, the Wireless Telecommunications Bureau denies the Joint Request. As set forth in section 1.46 of the Commission’s rules, extensions of time shall not be routinely granted.⁶ Moreover, Commission rulemaking proceedings often have implications for the long-term interests of multiple interested industries. We therefore find nothing sufficiently unique or unusual that would warrant significant extensions of the comment deadlines in this instance.⁷ We are similarly unpersuaded based on the record before us that extensions of the reply comment deadlines—set for 30 days after the initial comment deadline—are warranted. Finally, we note that although the FNPRM and the NPRM were released on May 19, 2023, and were thus publicly available for almost three months prior to the deadline for initial comments, the Joint Request was filed just days before that deadline, without any explanation about why it was not filed sooner. Because the Joint Request was filed less than 7 days before the August 9, 2023, deadline for filing comments,⁸ and because we find no justification for extending that deadline, we decline to do so. The deadline for filing initial comments in response to the FNPRM and the NPRM remains August 9, 2023.⁹

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 Joint Request for Extension of Comment Deadline filed by the Satellite Industry Association, together with Eutelsat S.A., Hispasat, S.A, Intelsat License LLC, Ovzon

³ *Id.* at 2.

⁴ *Id.*

⁵ *Id.* (quoting *FCC 23-36* at para. 1).

⁶ 47 CFR § 1.46(a). We also note that the Joint Request was untimely filed less than 7 days prior to the August 9, 2023, comment filing deadlines. See 47 CFR § 1.46(b) (Motions for extension of time in which to file . . . comments filed in response to notice of proposed rulemaking . . . shall be filed at least 7 days before the filing date.).

⁷ *Accord Shortwave Modernization Coalition Petition for Rulemaking to Amend the Commission’s Rules to Allow Fixed, Long-Distance, Non-Voice Communications Above 2 MHz and Below 25 MHz*, Order, 2023 WL 4930836, at *1, para.3 & n.16 (WTB July 31, 2023) (citing 47 CFR § 1.46(a)); *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).

⁸ 47 CFR § 1.46(b).

⁹ See *supra* note 6. Under 47 CFR § 1.46(b), comments need not be filed until 2 business days after the denial of a *timely* motion for extension of time.

LLC, SES Americom, Inc., Space Exploration Technologies Corp., and WorldVu Satellites Limited, on August 4, 2023, **IS DENIED**.

FEDERAL COMMUNICATIONS COMMISSION

Joel Taubenblatt
Chief, Wireless Telecommunications Bureau