

**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)	GN Docket No. 22-352
Mobile Broadband or Other Expanded Use)	

ORDER

Adopted: August 31, 2023

Released: August 31, 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 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)*, 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* were filed on August 9, 2023, while reply comments are due on September 8, 2023. On August 8, the Wireless Telecommunications Bureau (WTB) denied a prior joint request² to extend by 45 days the comment and reply period in this proceeding.³

2. On August 23, 2023, Intelsat License LLC, SES Americom, Inc., Hispasat, S.A., Eutelsat S.A., and Ovzon LLC (collectively, the “Satellite Operators”) filed a joint request to extend the reply comment deadline by 30-days—from September 8, 2023, to October 10, 2023.⁴ The Satellite Operators argue additional time would benefit all parties by enabling closer review of several technical studies and

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) (*2023 12 GHz Item*). 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); *Expanding Use of the 12.7-13.25 GHz Band for Mobile Broadband or Other Expanded Use*, 88 Fed. Reg. 43938 (July 10, 2023).

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) (First Joint Request).

³ *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, Order, DA 23-671, 2023 WL 5125009 (Aug. 8, 2023) (Denial of the First Joint Request).

⁴ Joint Request for Extension of Reply Comment Deadline of Intelsat License LLC, SES Americom, Inc., Hispasat, S.A., Eutelsat S.A., and Ovzon LLC (collectively, the “Satellite Operators”), WT Docket No. 20-443, GN Docket No. 22-352 (filed Aug. 23, 2023) (Second Joint Request).

analyses filed with the comments in the proceeding.⁵ The Satellite Operators assert they plan to use the extension to prepare and submit a technical study that responds to the various technical arguments raised by commenters.⁶ They argue the Commission has previously found extensions to be justified when technically complex issues were raised in a proceeding like this one.⁷

3. We deny the Satellite Operators' joint request for extension of the reply comment deadline in this proceeding. As set forth in section 1.46 of the Commission's rules, it is the Commission's policy that extensions of time shall not be routinely granted.⁸ In this proceeding, the deadline for comments was set for 30 days after publication of a summary of the item in the Federal Register, with reply comments due 30 days after the comment date.⁹ These are not unusual timeframes for comment and reply cycles in a Commission rulemaking proceeding. Moreover, the issues present in Commission rulemakings are often technically complex in nature; the presence of complex technical issues alone does not provide justification for an extension. Furthermore, we find that the Satellite Operators have neither identified specific technical issues that require additional time for analysis nor explained with particularity why such analysis cannot be completed by the current reply comment deadline. In addition, we note that this proceeding has been designated permit-but-disclose,¹⁰ and parties may subsequently submit additional analyses in accordance with the Commission's *ex parte* rules.¹¹ For these reasons, we deny this Second Joint Request. Reply comments in the proceeding will continue to be due September 8, 2023.

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 Reply Comment Deadline filed by Intelsat License LLC, SES Americom, Inc., Hispasat, S.A., Eutelsat S.A., and Ovzon LLC **IS DENIED**.

FEDERAL COMMUNICATIONS COMMISSION

Joel Taubenblatt
Chief, Wireless Telecommunications Bureau

⁵ *Id.* at 1 & n.2 (citing comments attaching technical analyses filed by NTIA, Nokia, DIRECTV, LLC, WorldVu Satellites Limited, and DISH Network Corp.).

⁶ *Id.* at 2.

⁷ *Id.* at 2-3.

⁸ 47 CFR § 1.46(a).

⁹ *See 2023 12 GHz Item* at *1. As noted in the Bureau's Denial of the First Joint Request, commenters had access to the underlying rulemaking document for almost three months prior to the initial comment deadline. *See Denial of the First Joint Request* at *2, para. 3.

¹⁰ *2023 12 GHz Item* at *54, para. 148.

¹¹ *See 47 CFR §1.200 et seq.*