

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.**

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|---------------------------|---|----------------------|
| In the Matter of |) | |
| |) | |
| Section 257 Proceeding to |) | GN Docket No. 96-113 |
| Identify and Eliminate |) | |
| Market Entry Barriers |) | |
| for Small Businesses |) | |

ORDER

Adopted: August 22, 1996

Released: August 23, 1996

Comment Date: September 27, 1996

Reply Comment Date: October 11, 1996

By the General Counsel:

1. On May 21, 1996, the Federal Communications Commission (Commission) adopted a Notice of Inquiry, FCC 96-216, GN Docket No. 96-113 (NOI), in the above-referenced proceeding. Comment and reply comment dates were initially established for July 24, 1996, and August 23, 1996, respectively. Pursuant to a Motion for Extension of Time to file comments on the NOI filed by Minority Media and Telecommunications Council (MMTC), on July 9, 1996,¹ an Order extending the comment and reply comment dates to August 23, 1996 and September 12, 1996, respectively, was adopted pursuant to delegated authority by the Office of General Counsel.²

2. On August 21, 1996, Motion for Extension of Time to file comments on the NOI were filed by the Office of Advocacy, U.S. Small Business Administration (SBA)³ and

¹ Minority Media and Telecommunications Council, Motion for Extension of Time, GN Docket No. 96-113, filed June 20, 1996, at 1.

² In the Matter of Section 257 Proceeding to Identify and Eliminate Market Entry Barriers for Small Businesses, Order, GN Dkt. 96-113, DA96-1100 (adopted and released July 9, 1996).

³ Office of Advocacy, U.S. Small Business Administration, Motion for Extension of Time, GN Docket No. 96-113, filed August 21, 1996, at 1 (SBA Motion).

the National Paging and Personal Communications Association (NPPCA).⁴ The Motion filed by SBA requests that we extend the date for submission of comments in response to the NOI for 30 days and the Motion filed by NPPCA requests an extension of 45-60 days.

3. In support of its request, SBA states that for the purpose of commenting on the NOI, it "has worked actively to encourage and assist a wide range of organizations to file substantive comments."⁵ According to the SBA, "small businesses in general have fewer resources"⁶ and have strained to participate in multiple proceedings of "unparalleled complexity" that implement other Sections of the Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996),⁷ therefore, are unable to file comments to this NOI within the current deadline.⁸

4. NPPCA has stated four reasons in support of its request. First, NPPCA members, companies and representative associations nationwide have expressed difficulty in "documenting and accumulating verifiable evidence."⁹ Second, it states that an extension of the deadline to better coincide with the Commission's upcoming public forum on the NOI will enable forum participants to submit comments that will assist the Commission in crafting rules and policy. Third, NPPCA also substantiates the SBA's concern that small businesses have had limited time and resources to participate in multiple Telecommunications Act proceedings,¹⁰ in addition to preparation for the Personal Communications Service (PCS) C Block reauction,¹¹ and filing comments on the Notice of Proposed Rulemaking for the

⁴ National Paging and Personal Communications Association, Motion for Extension of Time, GN Docket No. 96-113, filed August 21, 1996, at 2 (NPPCA Motion).

⁵ SBA Motion at 1. This effort has included telephone contacts with "numerous telecommunications entities and their representatives" and two general meetings of the SBA Telecommunications Roundtable. Id.

⁶ Id. at 2.

⁷ Id. (referring to several Telecommunication Act of 1996 proceedings that were subject to statutory deadlines of August 8, 1996, i.e., Section 251 Interconnection and Telephone Number Portability, 47 U.S.C. § 251).

⁸ Id.

⁹ NPPCA Motion at 2.

¹⁰ NPPCA filed comments in the Commercial Mobile Radio Service Geographic Partitioning and Spectrum Disaggregation proceeding. In the Matter of Geographic Partitioning and Spectrum Disaggregation by Commercial Mobile Radio Services Licensees, Implementation of Section 257 of the Communications Act - Elimination of Market Entry Barriers, Notice of Proposed Rulemaking, WT Dkt No. 96-148, GN Dkt No. 96-113 (adopted June 28, 1996, released July 15, 1996).

¹¹ The reauction for 18 defaulted PCS C Block licenses commenced on July 3, 1996 and was completed on July 16, 1996.

upcoming auction of PCS D, E, and F blocks.¹² Finally, NPPCA has recognized that the Commission has granted "reasonable extensions of time on matters of grave import when sufficient and justifiable cause has been presented."¹³

5. It is Commission policy that extensions of time not be routinely granted. See Section 1.46 of the Commission's Rules, 47 C.F.R. Section 1.46. We believe, however, that the public interest favors grant of the requests for another extension of time for filing comments on the NOI. We also believe that the public interest favors additional time for filing replies. In the interest of timely fulfilling our statutory mandate in this proceeding, we will extend the reply deadline until September 27, 1996, a total of 35 additional days, rather than the period of 45-60 days as NPPCA requested. This extension also accommodates the 30 day extension requested by the SBA. This period should give parties sufficient time to reply to the comments and respond to the outcome of the FCC Forum tentatively scheduled for September 24, 1996. Accordingly, we will extend the date for filing comments to September 27, 1996, and for filing reply comments to October 11, 1996.

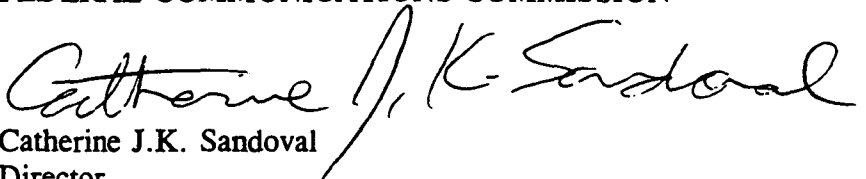
6. ACCORDINGLY, IT IS ORDERED that the Motion for Extension of Time filed by NPPCA IS GRANTED IN PART AND DENIED IN PART.

7. ACCORDINGLY, IT IS ORDERED that the Motion for Extension of Time filed by SBA IS GRANTED.

8. IT IS THEREFORE ORDERED that the dates for filing comments and reply comments in this proceeding ARE EXTENDED to September 27, 1996, and October 11, 1996, respectively.

9. This action is taken pursuant to authority found in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. Sections 4(i) and 303(r), and Sections 0.204(b), 0.283 and 1.46 of the Commission's Rules, 47 C.F.R. Sections 0.204(b), 0.283 and 1.46.

FEDERAL COMMUNICATIONS COMMISSION


Catherine J.K. Sandoval
Director
Office of Communications Business Opportunities

¹² NPPCA Motion at 2 (referring to In the Matter of Amendment of Parts 20 and 24 of the Commission's Rules -- Broadband PCS Competitive Bidding and the Commercial Mobile Radio Service Spectrum Cap, Notice of Proposed Rulemaking, WT Dkt No. 96-59, GN Dkt No. 90-314, FCC 96-119 (adopted and released March 20, 1996).

¹³ Id.