

Federal Communications Commission

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

DA 96-1929

In the Matter of)
)
Advanced Television Systems)
and Their Impact upon the) MM Docket No. 87-268
Existing Television Broadcast)
Service)

ORDER EXTENDING TIME FOR FILING REPLY COMMENTS

Released: November 20, 1996

Comment Date: November 22, 1996

Reply Comment Date: January 10, 1997

By the Chief, Office of Engineering and Technology:

1. On July 25, 1996, the Commission adopted a *Sixth Further Notice of Proposed Rule Making (Sixth Further Notice)* in MM Docket No. 87-268, 11 FCC Rcd 10968 (1996), that proposed policies for developing the initial channel allotments for digital TV (DTV) service, proposed procedures for assigning DTV allotments, and plans for spectrum recovery. The *Sixth Further Notice* also contains a draft DTV Table of Allotments. Comments and reply comments responding to the *Sixth Further Notice* are due November 22, 1996, and December 23, 1996, respectively.

2. On November 13, 1996, Cohen, Dippell and Everist (CDE), a consulting engineering firm, submitted a request seeking to extend the dates for filing comments and reply comments in response to the *Sixth Further Notice*. It asks that the comment and reply dates be extended 60 days. CDE argues that this additional time is needed to study the multiple technical issues related to DTV operation, including propagation, protection ratios to and from other radio services, out-of band emissions, use of channel 6, alternative allotment possibilities, etc. that are addressed in the *Sixth Further Notice*.

3. A number of parties representing broadcast interests, including ABC, ALTV, APTS, CBS, Chris Craft, MSTV NAB, NBC PBS, and Tribune (Broadcasters) submitted a joint opposition to CDE's request for an extension of time. Broadcasters submit that it is important that the Commission adopt a DTV Table as soon as possible. They argue this is the only way to ensure that the long-awaited DTV service is licensed in the very near future. They observe that the DTV transmission standard and planning factors used to allot and assign DTV channels have been under study for nine years. Broadcasters further state, however, that they recognize

Federal Communications Commission

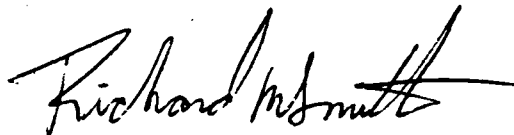
the importance of providing an opportunity to fully study and to comment meaningfully on the *Sixth Further Notice*. They therefore urge that instead of extending the time in which to file all comments, the Commission should: 1) accept late filed comments for a reasonable period of time, and 2) extend the time for filing reply comments to January 10, 1996. Broadcasters submit that, with the approach of the holiday season, this approach should give all parties an opportunity to prepare fully developed comments.

4. In a letter of November 19, 1996, CDE stated that after reviewing the Broadcasters opposition filing, it now intends to offer comments that advance an alternative procedure that would provide flexibility in resolving the numerous technical issues that impact DTV allotments. CDE therefore amended its earlier request to support the comment date plan suggested by the Broadcasters.

5. We agree with the Broadcasters that it is desirable to complete our action adopting an initial DTV Table of Allotments as soon as possible. We find that the alternative plan for filing comments and reply comments suggested by the Broadcasters, rather than that originally suggested by CDE, is appropriate in the interests of developing a complete record on the DTV channel allotment matter and of accommodating the demands of the holiday season. We therefore are extending the date for filing reply comments to January 10, 1997. In addition, we will accept late-filed comments that are filed within a reasonable period of time after the November 22, 1996, due date for comments.

6. Accordingly, IT IS ORDERED that Broadcasters' request that we accept late-filed comments for a reasonable period of time and that we provide additional time for the filing of reply comments, as supported by CDE in its supplemental filing, IS GRANTED as indicated herein. IT IS FURTHER ORDERED the time for filing reply comments relating to the *Sixth Further Notice* IS EXTENDED to January 10, 1997. 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. §§ 154(i) and 303(r), and Sections 0.31, 0.241 and 1.46 of the Commission's rules, 47 CFR §§ 0.31, 0.241 and 1.46.

FEDERAL COMMUNICATIONS COMMISSION



Richard M. Smith
Chief
Office of Engineering and Technology