

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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

ORDER DENYING CONSOLIDATION OF FILING DEADLINES

Adopted: July 14, 1997 ; Released: July 14, 1997

By the Chief, Office of Engineering and Technology:

1. In the Sixth Report and Order in MM Docket No 87-268, the Commission set forth a Table of Allotments for digital TV (DTV) service, rules for initial DTV allotments, procedures for assigning DTV allotments to eligible broadcasters, and plans for spectrum recovery.¹ We received over 200 petitions for reconsideration of various aspects of this decision. Oppositions to these petitions are due July 18, 1997.² On July 2, 1997, we issued an Order, DA-1377, clarifying our action in that decision with regard to OET Bulletin No. 69 and providing an additional 45-day period for parties requesting reconsideration of individual allotments included in the DTV Table to submit supplemental information relating to their petitions. Supplemental filings relating to those requests are due on or before August 22, 1997. We also released OET Bulletin No. 69 on July 2, 1997, concurrent with our Order.

2. On July 9, 1997, Hogan and Hartson, L.L.P. (Hogan & Hartson) requested that we consolidate the deadline for filing oppositions to the petitions for reconsideration of the Sixth Report and Order with the deadline for the filing of oppositions to supplements to those

¹ See Sixth Report and Order in MM Docket No. 87-268, adopted April 3, 1997, FCC 97-115 (released April 21, 1997).

² A Public Notice announcing the filing of these petitions was released June 26, 1997, ("Petitions for Reconsideration and Clarification of Action in Rule Making Proceedings," Report No. 2207) and published in the Federal Register on July 3, 1997, 62 FR 36066.

petitions for reconsideration.³ Hogan and Hartson argues that consolidation of these two deadlines would streamline the DTV proceeding and avoid the filing of two sets of opposition pleadings (and replies). It states that a consolidated opposition deadline after the date for supplementing petitions would instead permit all parties to prepare (and the Commission's staff to review) a single consolidated opposition to all petitions, as supplemented. It believes that the result would be a more efficient, and less confusing, proceeding.

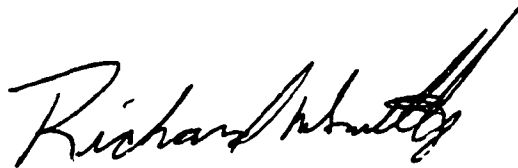
3. In a statement filed on July 10, 1997, the Association for Maximum Service Television, Inc. (MSTV) and the National Association of Broadcasters (NAB) endorse our recent actions releasing OET Bulletin No. 69 and providing for limited supplementary filings. MSTV and NAB state that we have appropriately provided additional time for petitioners that have raised questions about specific DTV assignments to supplement their petitions in these respects in light of OET Bulletin No. 69. They also state that, just as significantly, we did not extend the current deadline for filing oppositions and replies with regard to petitions for reconsideration. They agree that these deadlines should not be extended, noting that OET Bulletin No. 69, because of the narrowness of its scope, does not bear materially on general policy issues.

4. While recognize the arguments that Hogan and Hartson raise with regard to the desirability of avoiding multiple filings relating to the petitions for reconsideration and any supplemental information that may be filed, we are concerned that extending the time allowed for responding to the petitions would serve to delay the final resolution of issues relating to the allotment of DTV channels. We are particularly concerned that providing an extended period of time for filing oppositions to the petitions for reconsideration could increase uncertainty for broadcasters with regard to our DTV allotment policies and the availability of channels and thereby hinder their ability to proceed with the rapid introduction of DTV service. We believe that it is important that these issues be concluded as expeditiously as possible and therefore will proceed in accordance with the schedule and procedures for filing oppositions that is currently in place.

³ As provided under Section 1.429(f) of the Commission's rules, oppositions to the supplements to the petitions for reconsideration will be due 15 days after the date of public notice of the filing of the supplements. See 47 CFR § 1.429(f).

5. Accordingly, IT IS ORDERED THAT, pursuant to 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, 1.3, and 1.429 of the Commission's rules, 47 CFR §§ 0.31, 0.241, 1.3, 1.429, Hogan and Hartson's request for consolidation of opposition deadlines IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

A handwritten signature in black ink, appearing to read "Richard M. Smith". The signature is written in a cursive style with a prominent, sweeping flourish at the end.

Richard M. Smith
Chief,
Office of Engineering and Technology