

Federal Communications Commission

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

In the Matter of)	
)	
Amendment of Parts 2 and 25 of the Commission's)	
Rules to Permit Operation of NGSO FSS Systems)	
in the KU-Band Frequency Range;)	
)	ET Docket No. 98-206
Amendment of the Commission's Rules to)	RM-9147
Authorize Subsidiary Terrestrial Use of the 12.2 –)	RM-9245
12.7 GHz Band by Direct Broadcast Satellite)	
Licensees and Their Affiliates; and)	
)	
Applications of Broadwave USA, PDC Broadband)	
Corporation and Satellite Receivers, Ltd. to)	
Provide a Fixed Service in the 12.2 – 12.7 GHz)	
Band)	

ORDER EXTENDING REPLY COMMENT PERIOD -- ERRATUM¹

Adopted: March 26, 2001

Released: March 26, 2001

By the Deputy Chief, Wireless Telecommunications Bureau:

1. On March 21, 2001, DIRECTV, Inc. and EchoStar Satellite Corporation jointly filed a motion, pursuant to Section 1.46 of the Commission's Rules,² to extend the period for filing reply comments to the *Further Notice of Proposed Rule Making*³ in the above-captioned proceeding from March 26, 2001 to April 26, 2001.⁴ In response, Northpoint Technology, Ltd. and Broadwave USA, Inc. filed an Opposition to Motion for Extension of Time on March 23, 2001.⁵ For the reasons discussed below, we extend the reply comment period from March 26, 2001 to Thursday, April 5, 2001.

¹ This *Order Extending Reply Comment Period – Erratum* corrects the *Order Extending Reply Comment Period*, DA 01-754, released March 23, 2001, by correcting the date that reply comments are due.

² 47 C.F.R. § 1.46.

³ See Amendment of Parts 2 and 25 of the Commission's Rules to Permit Operation of NGSO FSS Systems Co-Frequency with GSO and Terrestrial Systems in the KU-Band Frequency Range, ET Docket No. 98-206, FCC 00-418, 66 FR 7607, *Further Notice of Proposed Rulemaking* (rel. Dec. 8, 2000).

⁴ See DIRECTV, Inc. and EchoStar Satellite Corporation, Motion for Extension of Time, filed March 21, 2001 ("Motion").

⁵ See Northpoint Technology, Ltd., and Broadwave USA, Inc., Opposition to Motion for Extension of Time, filed March 23, 2001 ("Opposition").

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2. The Motion requests an extension of time to address the “voluminous comments” filed by a number of parties. It argues that no prejudice will result from the grant of the extension because there are other matters that need to be performed by third parties before the Commission can resolve the outstanding issues in this proceeding. The Opposition, on the other hand, contends that it is in the public interest to resolve this matter on a more expedited basis and that a thirty-day extension is simply not appropriate under such circumstances.

3. The Commission’s general policy is that extensions of time are not routinely granted.⁶ Moreover, the Commission specifically disfavors requests for extensions of time filed on such short notice.⁷ Nevertheless, we still consider and, in certain instances, grant limited requests for extensions of time where we find that the public interest would be best served by a more a complete discussion of the matters pending before the Commission. We believe that it is in the public interest to decide this matter with the most complete and well-developed record possible. After weighing the parties’ arguments, we find that a moderate extension of time is appropriate under the circumstances presented. We believe that a moderate extension of time appropriately balances the interests of commenting parties without unreasonably delaying the resolution of the proceeding. Therefore, we will grant a ten-day extension of time for the filing of reply comments. As a result, reply comments must be filed on or before April 5, 2001.

4. IT IS HEREBY ORDERED that pursuant to Section 1.46 of the Commission’s Rules, 47 C.F.R. § 1.46, the request of DIRECTV, Inc. and EchoStar Satellite Corporation to extend the deadline for filing reply comments in this proceeding, filed March 21, 2001, is GRANTED IN PART and DENIED IN PART to the extent indicated.

5. This actions is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission’s Rules, 47 C.F.R. . §§ 0.131, 0.331.

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Kathleen O’Brien Ham
Deputy Chief
Wireless Telecommunications Bureau

⁶ See 47 C.F.R. § 1.46(a).

⁷ See 47 C.F.R § 1.46(b).