

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

In the Matter of )
ARM & RAGE, LLC ) MB Docket No. 22-122
WJBE(AM), Powell, TN ) Facility ID No. 59693

ORDER GRANTING EXTENSION OF TIME

Issued: June 17, 2022

Released: June 17, 2022

1. On June 15, 2022, Arm & Rage, LLC, file a motion to enlarge the issues in the above-captioned proceeding. Arm & Rage seeks to add two constitutional issues for consideration: (1) whether the character requirement of section 308(b) of the Communications Act survives heightened scrutiny under the First Amendment; and (2) whether revocation of the license for WJBE(AM) would violate either the First Amendment, under rational basis scrutiny, or the Equal Protection Clause. Pursuant to section 1.294 of the Commission's rules, 47 CFR § 1.294, the Enforcement Bureau's response to the Arm & Rage motion would be due in four business days, or by June 22, 2022. The Enforcement Bureau requests additional time to respond, until July 15, 2022, due to the complexity of the issues raised and the press of other business. Arm & Rage counters that a shorter extension, until June 29, 2022, is reasonable but that the deadline proposed by the Enforcement Bureau is excessive.

2. The Presiding Judge agrees that it is reasonable to allow the Enforcement Bureau additional time to respond to the Arm & Rage motion. The Bureau requests an extension of more than three weeks beyond the current deadline; Arm & Rage posits that a one-week extension is adequate. While Arm & Rage is correct that the Bureau is not being asked to analyze these complex constitutional issues but merely to address whether they should be added to the case, that evaluation necessarily involves some research and thoughtful consideration. Accordingly, the Presiding Judge will extend the deadline for the Enforcement Bureau to respond until July 8, 2022.

3. Accordingly, IT IS ORDERED that the Enforcement Bureau's Motion for Extension of Time, filed June 16, 2022, IS GRANTED to the extent indicated herein.

4. IT IS FURTHER ORDERED that the Enforcement Bureau SHALL FILE its response to Arm & Rage's Motion to Enlarge the Issues, filed June 15, 2022, on or before July 8, 2022.

FEDERAL COMMUNICATIONS COMMISSION

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Jane Hinckley Halprin
Administrative Law Judge

1 Arm & Rage's Motion to Enlarge the Issues, MB Docket No. 22-122 (filed June 15, 2022).

2 Enforcement Bureau's Motion for Extension of Time, MB Docket No. 22-122 (filed June 16, 2022).

3 Arm & Rage's Response to the Enforcement Bureau's Motion for an Extension of Time, MB Docket No. 22-122 (filed June 16, 2022).