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DA 96-455

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

In the Matter of )  
)  
Amendment of the Commission's ) ET Docket No. 95-183  
Rules Regarding the 37.0-38.6 GHz ) RM-8553  
and 38.6-40.0 GHz Bands )  
)  
Implementation of Section 309(j) ) PP Docket No. 93-253  
of the Communications Act - )  
Competitive Bidding, 37.0-38.6 GHz and )  
38.6-40.0 GHz )

**ORDER**

Adopted: March 28, 1996

Released: March 28, 1996

By the Chief, Private Wireless Division:

1. On January 16, 1996, the Commission's Office of Engineering Technology, on its own motion, extended the initial comment and reply comment period in the above-captioned proceeding from January 16, 1996, and January 31, 1996, respectively, to February 12, 1996, and February 27, 1996, respectively.<sup>1</sup> On February 9, 1996, the Private Wireless Division (Division) further extended the deadline for filing comments and replies to March 4, 1996, and April 1, 1996, respectively, at the request of Winstar Wireless Fiber Corporation (Winstar), GHz Equipment Company, Inc., and the Fixed Point-to-Point Communications Section, Network Equipment Division of the Telecommunications Industry Association.<sup>2</sup>

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<sup>1</sup> See *Order Extending Time*, DA 95-18 (Office of Engineering and Technology, released Jan. 16, 1996) (extending initial comment cycle because of Commission closure due to furlough and severe weather conditions); *Notice of Proposed Rule Making and Order (Notice)*, FCC 95-500 (released Dec. 15, 1996) (establishing initial comment cycle).

<sup>2</sup> See *Order*, DA 96-144 (Wireless Telecommunications. Bureau, released Feb. 9, 1996).

While taking cognizance of the complexity of the issues raised in the *Notice*, the Division indicated its concern that there not be a substantial delay in the resolution of the issues presented in the proceeding.<sup>3</sup>

2. On March 25, 1996, Bachow and Associates, Inc., ("Bachow" or "Movant") requested that the time for filing reply comments in this proceeding be extended from April 1, 1996, to April 22, 1996.<sup>4</sup> Movant contends that the volume of comments, the number and complexity of the issues involved and the initial delay in availability of filed comments necessitate an extension of three weeks for the filing of replies. We disagree. The facts of this case do not warrant what, in essence, would be a third extension of the filing period. It is the policy of the Commission that extensions of time not be routinely granted.<sup>5</sup> Upon consideration of the complexity of the issues and the unfortunate circumstances of government closure, however, the Commission twice extended the time for filing comments and replies. Nevertheless, in the last extension *Order*, the public was fully apprised of our increasing concern over the delay in this proceeding. In requesting additional time, Bachow has failed to cite any convincing reason for again postponing the deadline for filing reply comments. Many of our rule making proceedings involve complex issues and numerous filings. We considered the complexity argument in our previous extension *Order* and find no further basis for yet another extension of time.

3. Accordingly, **IT IS HEREBY ORDERED** that the Motion for Extension of Time to File Reply Comments filed by Bachow and Associates, Inc., on March 25, 1996, **IS DENIED**.

4. This action is taken pursuant to the authority provided in Section 1.46 of the Commission's Rules.<sup>6</sup>

FEDERAL COMMUNICATIONS COMMISSION



Robert H. McNamara  
Chief, Private Wireless Division

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<sup>3</sup> *Order* at para. 5.

<sup>4</sup> Bachow and Associates, Inc., Motion for Extension of Time to File Reply Comments (filed March 25, 1996).

<sup>5</sup> 47 C.F.R. § 1.46(b).

<sup>6</sup> 47 C.F.R. § 1.46.