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

In the Matter of	)	MM Docket No. 99-25
	)	
Creation of a Low	)	RM-9208
Power Radio Service	)	RM-9242
	)	

ORDER

Adopted: March 19, 1999 **Released: March 19, 1999**

Comment date: June 1, 1999
Reply comment date: July 1, 1999

By the Chief, Mass Media Bureau:

1. In the *Notice of Proposed Rule Making* in MM Docket No. 99-25, FCC 99-6 (released February 3, 1999), 64 Fed Reg 7577 (February 16, 1999), the Commission proposed to establish rules authorizing the operation of new, low power FM (LPFM) radio stations. The *Notice* established comment and reply comment dates of April 12, 1999 and May 12, 1999, respectively.

2. Three motions for an extension of the comment and reply comment periods have been filed. Lucent Digital Radio (Lucent)[1] requests a 90-day extension, so that comments would be due July 12, and reply comments would be due August 11, 1999. The National Association of Broadcasters, the Consumer Electronics Manufacturers Association, and all of the state broadcaster organizations, including the District of Columbia and Puerto Rico (collectively, Broadcasters/CEMA) and the Walt Disney Company also request a 90-day extension of the comment date to July 12, 1999, and a 150-day extension of the reply comment date to October 11, 1999. These motions are supported by Saga Communications and by Digital Radio Express, Inc. (DRE), another IBOC system developer. The motions are opposed by the Amherst Alliance, a national organization promoting diversity in media, and several individuals.

3. Lucent, Broadcasters/CEMA, and DRE assert that additional comment time is required to perform essential technical studies to respond to the technical issues and proposals raised in the *Notice*. Broadcasters/CEMA also claim that economic studies that may be important for the record cannot be performed until the completion of the engineering studies. In addition, Broadcasters/CEMA assert that many of the state broadcast associations would not be deciding whether additional technical studies should be begun until a conference in early March. Finally, Broadcasters/CEMA argue that the need to provide parties with adequate time to comprehensively respond to any studies submitted in the comments warrants the further extension of the reply

[1] Lucent is a developer of in-band, on-channel digital radio technology (IBOC). The *Notice* discussed the importance of determining LPFM's potential impact on the development and implementation of IBOC.

comment period. The Walt Disney company, on behalf of its subsidiary, ABC, Inc., claims the additional time is necessary in order to analyze the results of the receiver tests NAB will conduct and to conduct further studies of predicted interference areas based on those tests. Saga asserts that it needs additional time to analyze information relied on by the Commission in its *Notice*. Saga did not request this information from the Commission until March 5, 1999 and does not specify the study it intends to perform or explain why it needs additional time to complete it. The Amherst Alliance and the individuals who oppose an extension contend that the industry has had ample time to study the issues since the petitions for rule making were first put on public notice early last year, and that further delay is unnecessary and prejudicial to the public interest in expeditiously establishing low power radio service.

4. We shall partially grant the motions by extending the comment and reply comment dates to June 1, 1999 and July 1, 1999, respectively. In the *Notice*, we recognized the crucial importance of quantitative technical analyses in this proceeding. We must balance this concern with the public interest in a prompt resolution of this proceeding, and it is our firm intention to conclude this proceeding expeditiously. Nonetheless, we believe that the public interest will be served by extending the comment and reply comment periods for the period specified to allow for quality engineering and other studies, and do not anticipate further extensions. This will also provide the opportunity for the proponents of in-band on-channel ("IBOC") digital transmission systems to conduct tests to analyze the impact of a low power radio service on the systems they have under development so as to have their concerns represented in this proceeding. The *Notice* was adopted on January 28, 1999 and released on February 3, 1999, and established long periods for both comments and replies in anticipation of the need for time to conduct desired studies. The extension of the comment and reply dates we adopt here is substantial, and will provide a total of four months for studies to have been conducted and analyzed. This is a considerable period of time, and petitioners have not demonstrated why a longer period is warranted.

5. Accordingly, IT IS ORDERED that the motions for an extension of the comment and reply comment periods filed by Lucent Digital Radio and by the National Association of Broadcasters, the Consumer Electronics Manufacturers Association, and a number of state broadcaster organizations ARE GRANTED to the extent discussed above.

6. IT IS FURTHER ORDERED that the comment period in this proceeding IS EXTENDED to June 1, 1999.

7. IT IS FURTHER ORDERED that the reply comment period in this proceeding IS EXTENDED to July 1, 1999.

FEDERAL COMMUNICATIONS COMMISSION

Roy J. Stewart
Chief, Mass Media Bureau