

ORIGINAL

Before The
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.

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In the Matter of)
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Creation of a Low Power)
Radio Service)
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MM Docket No. 99-25 AUG 18 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

RM-9208
RM-9242

To: The Commission

MOTION FOR EXTENSION OF TIME

The New York State Thruway Authority ("NYSTA" or the "Authority"), pursuant to Section 1.46 of the Commission's Rules, 47 C.F.R. § 1.46, hereby requests an extension of time through and until Friday, September 17, 1999, for interested parties to file Reply Comments in this proceeding. Good cause exists for the extension of time.

The current deadline for filing of reply comments in this Low Power FM proceeding is Wednesday, September 1, 1999. Although the Commission is wary of extending deadlines in public comment proceedings, the current deadline does not allow enough time to respond in a manner that would allow the reply comments to contribute to the debate in this Low Power FM proceeding. The sheer volume of material filed in this proceeding compels granting the parties additional time to review, analyze and respond substantively to other parties' comments. As of August 2, 1999, the official deadline for filing of comments in this proceeding, literally thousands of interested parties had filed comments. Certainly, many of these were letters and informal expressions of interest in the proceeding or in filing applications if such a low power FM service were to be authorized. However, hundreds of submissions were substantial comments filed by organizations, companies

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and other entities ranging from trade associations to individual broadcasters. Many of these comments opposed in whole or in part the Commission's proposal for a low power FM service. NYSTSA generally supported the Commission's proposal and as such is interested in substantively reviewing as many of the opposing comments as possible in order to respond effectively to their arguments.

No individual party would be harmed by granting additional time – particularly such a short, reasonable and finite amount of time – to respond to the comments. The public interest is served by interested parties' having sufficient time to study adequately and intelligently the many issues raised in this proceeding. This contributes to a healthy debate of the issues. This is all the more so with the complicated technical issues and eligibility issues posed by the positions of the commenting parties. Such technical complexity has been deemed by the Commission to constitute good cause for additional time to file comments. TV Signal Captioning for the Deaf, 36 RR 2d 1197 (1976) (complex issues served by ability to rely on best data available justifying additional time for comments and replies).

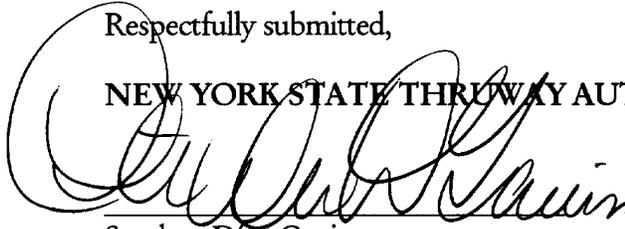
Finally, there are practical concerns. This process is further complicated by vacation schedules and the need to divert and extend resources to meet many other commitments. NYSTA submits that other parties' counsel surely are encountering such logistical difficulties, which would be alleviated by allowing the additional time.

NYSTA has proposed a reasonable, but finite amount of additional time for filing reply comments in this proceeding. NYSTA submits that good cause exists for such additional time and urges the Commission to rule promptly on whether it will grant the additional time.

WHEREFORE, in light of the foregoing, NYSTA respectfully urges the Commission to extend the time for filing reply comments in MM Docket No. 99-25 to and until Friday, September 17, 1999.

Respectfully submitted,

NEW YORK STATE THRUWAY AUTHORITY

A large, stylized handwritten signature in black ink, appearing to read "Stephen Diaz Gavin". The signature is written over the printed name and extends upwards into the space reserved for the salutation.

Stephen Diaz Gavin
Jeffrey L. Ross

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Its Attorneys

Dated: August 18, 1999

CERTIFICATE OF SERVICE

I, Sandra Hileman, a legal secretary for the law firm Patton Boggs LLP, certify that on August 18, 1999, a copy of the foregoing "Motion for Extension of Time" was served either by hand delivery or by First Class U.S. mail, postage prepaid (as noted with an asterisk) to the following:

The Honorable William E. Kennard
Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Commissioner Harold Furchtgott-Roth
Federal Communications Commission
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Washington, DC 20554

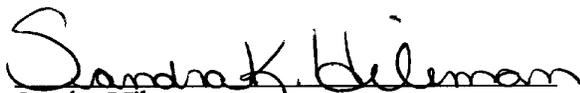
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