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

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

# ORDER

**Adopted: August 31, 1999** **Released: August 31, 1999**

Reply comment date: September 17, 1999

By the Commission:

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. In response to petitions for extension of the comment and reply comment periods,[1] the comment and reply comment dates were extended to June 1, 1999, and July 1, 1999, to provide parties more time to prepare engineering and other studies that will be useful in this proceeding.

3. Prior to the close of the extended comment period, the Commission received petitions for a second extension of the comment and reply comment periods.[2] In response to these requests, we granted a 60-day extension of the comment period to August 2, 1999, and of the reply comment period to September 1, 1999, to afford petitioners time to complete their technical studies.

4. The Commission now has before it petitions to extend the reply comment period. On August

[1] Lucent Digital Radio, a developer of in-band on-channel digital radio technology, requested an extension, so that comments would have been due July 12, and reply comments would have been 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, and the Walt Disney Company requested 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 petitions were supported by Saga Communications, which stated that it needed additional time to conduct a technical analysis. The petitions were opposed by the Amherst Alliance and several individuals.

[2] The Corporation for Public Broadcasting and National Public Radio requested a 60-day extension of the comment period. The National Association of Broadcasters requested a 60-day extension at a minimum, but requested a further extension until field testing could be completed for the In Band On Channel (IBOC) digital radio system (which it believes will be completed by December 15, 1999). A number of individuals and groups, including the Amherst Alliance, Minority Media and Telecommunications Council, REC Networks, and the Committee on Democratic Communications, National Lawyers Guild opposed any extension.

11, 1999, the Commission received a petition from Greater Media, Inc. (Greater Media) seeking to extend the reply comment period for sixty (60) days or for a period of forty-five (45) days after the release of a Notice of Proposed Rule Making regarding the implementation of digital audio broadcasting. Petitioner argues that an extension of time is necessary in order to review and analyze the engineering studies and other technical material filed in this proceeding and to "examine in detail the relationship of the proposals in this LPFM proceeding to the prospects for development of" digital audio broadcasting. The petition was supported by joint comments of Big City Radio, Inc., Clear Channel Communications and Delmarva Broadcasting, and comments of the National Association of Broadcasters.

5. On August 18, 1999, the Commission received from the New York State Thruway Authority (NYSTA) a petition seeking a 16-day extension of the reply comment period, asserting that this extension is necessary in order to reply to the numerous comments filed in this proceeding. Both the NYSTA and Greater Media pointed out that the incidence of the 30-day reply comment period during the month of August has made it particularly difficult to complete their review of the comments.

6. The Office of Communication, Inc., of the United Church of Christ, *et al.*, the Amherst Alliance, and the National Lawyers Guild Committee on Democratic Communications (Opponents) opposed Greater Media's request for an extension of the reply comment period. Opponents point out that the comment deadlines were extended in order to allow for the preparation of technical studies, and that, despite their relatively limited resources, they are prepared to submit technical analyses of these studies by the reply comment deadline.

7. It has been almost seven months since the Commission adopted *a Notice of Proposed Rule Making* in this proceeding, and the original comment and reply comment dates have been extended twice since that time. In extending those dates, we granted the requests of petitioners who argued that they needed time to complete studies of the technical feasibility of the proposed low power radio service. In reviewing each request for an extension, we have balanced our profound interest in developing a full and complete record, against the need to avoid undue delay in the consideration of the proposals in this proceeding. The technical studies that were the impetus for the two previous extensions of time in this proceeding have been completed and placed in the record. We acknowledge that parties need time to analyze the voluminous information submitted into the record in this proceeding, and that parties' ability to review this material is limited by vacation schedules during the month of August. We therefore agree that a limited extension of time to file reply comments is proper in the interest of developing a complete record in this proceeding. Accordingly, we find a sixteen (16) day extension of time to file reply comments to be appropriate at this time.

8. We recognize that this extension is far less than that requested by Greater Media, who seeks a longer extension of time in part to "examine in detail the relationship of the proposals in this LPFM proceeding to the prospects for development of" digital audio broadcasting. We are committed to developing a complete record in this proceeding and recognize that technical studies of digital audio broadcasting may facilitate the identification of the range of potential digital radio design options. In granting a 60-day extension of the comment period, however, we acknowledged that the testing required for these studies was not likely to be completed by conclusion of this proceeding. If, at a

later date, subsequent developments or additional information suggests that a further extension of the reply comment period or a re-opening of the comment period is warranted, we will consider Greater Media's request for a substantially longer extension of time or other requests for extensions or re-opening, at that time.

9. Accordingly, IT IS ORDERED that the petition for an extension of the reply comment period filed by New York State Thruway Authority is GRANTED;

10. IT IS FURTHER ORDERED that action on the petition filed by Greater Media, Inc., is GRANTED IN PART and otherwise DEFERRED;

11. IT IS FURTHER ORDERED that the reply comment period in this proceeding IS EXTENDED to September 17, 1999.

FEDERAL COMMUNICATIONS COMMISSION

Magalie Roman Salas

Magalie Roman Salas
Secretary