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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 Power Radio Service	)	RM-9208
	)	RM-9242
	)	

ORDER

Adopted: September 17, 1999 **Released: 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. 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.

2. 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.

3. Last month, the Commission received petitions to extend the reply comment period. The New York State Thruway Authority (NYSTA) requested a 16-day extension of the reply comment period, and Greater Media, Inc. (Greater Media) requested an extension of the reply comment period for sixty

[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 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

(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. Greater Media argued that an extension of the reply comment period is necessary in order to review and analyze the technical material filed in this proceeding and to "examine in detail the relationship of the proposals in this LPFM proceeding to the prospects for the development of" digital radio. The Greater Media 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. 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.

4. On August 31, 1999 the Commission issued an *Order* in MM Docket 99-25, FCC 99-233 (released August 31, 1999) granting the request of NYSTA and extending the reply comment period until September 17, 1999. By thus extending the reply comment period, the Order granted in part the request of Greater Media and further deferred action on Greater Media's request.

5. On September 3, 1999 Greater Media filed an informal letter request for action on the outstanding portion of its request for an extension. On September 10, 1999, the United Church of Christ filed an Opposition to Greater Media's letter.

6. The original comment and reply comment dates in this proceeding have now been extended three times, and it is over seven months since the Commission adopted the *Notice of Proposed Rule Making*. As we noted in extending the reply comment dates, 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.

7. 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. To permit commenters an opportunity to relate these proposals regarding digital audio broadcasting to the instant proceeding, we will extend the reply comment period in this proceeding for fourteen (14) days following the release of a Notice of Proposed Rule Making regarding digital audio broadcasting. This fourteen-day period will not be extended. Given that we anticipate adoption of the Notice of Proposed Rule Making at the Commission's October 21, 1999 meeting, we anticipate that reply comments in the instant proceeding will be due no later than November 5, 1999.

8. Accordingly, IT IS ORDERED that the petition for an extension of the reply comment period filed by Greater Media, Inc. is GRANTED IN PART and otherwise DENIED;

9. IT IS FURTHER ORDERED that the reply comment period in this proceeding IS EXTENDED to fourteen (14) days after the release of a Notice of Proposed Rule Making regarding digital audio broadcasting, a deadline the Commission anticipates will be November 5, 1999.

FEDERAL COMMUNICATIONS COMMISSION

Magalie Roman Salas

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Secretary