

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

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In the Matter of )  
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)  
Flexibility for Delivery )  
of Communications by )  
Mobile Satellite Service Providers )  
in the 2 GHz Band, the L-Band, and the )  
1.6/2.4 GHz Band )  
)  
)  
Amendment of Section 2.106 of the )  
Commission's Rules to Allocate Spectrum at 2 )  
GHz for Use by the Mobile Satellite Service )

IB Docket No. 01-185

ET Docket No. 95-18

**ORDER EXTENDING COMMENT PERIOD**

**Adopted: March 12, 2002**

**Released: March 13, 2002**

**Comment Date: March 22, 2002**

By the Chief, Planning & Negotiations Division, International Bureau:

1. On March 6, 2002, the International Bureau released a public notice seeking limited technical comment on specific issues raised in the above captioned proceeding.<sup>1</sup> On March 7, 2002, AT&T Wireless Services, Inc. (AT&T) and the Cellular Telecommunications and Internet Associations (CTIA) filed requests for extension of time seeking to extend the deadline for filing comments in response to the Technical Public Notice from March 15, 2002, to May 1, 2002.<sup>2</sup> On March 11, 2002, Mobile Satellite Ventures LP (MSV) filed an opposition to AT&T and CTIA's requests.<sup>3</sup> For the reasons discussed below, we grant AT&T's and CTIA's requests to the extent indicated.

2. The Commission's general policy is that extensions of time are not routinely

<sup>1</sup> Commission Staff Invites Technical Comments on the Certain Proposals to Permit Flexibility in the Delivery of Communications by Mobile Satellite Service Providers in the 2 GHz Band, the L-Band, and the 1.6/2.4 GHz Band, IB Docket No. 01-185, ET Docket No. 95-18, Public Notice (rel. Mar. 6, 2002) (Technical Public Notice).

<sup>2</sup> AT&T wireless Services, Inc. Motion for Extension of Time (filed Mar. 7, 2002), Cellular Telecommunications & Internet Association Request for Extension of Time (filed Mar. 7, 2002).

<sup>3</sup> Letter from Lon C. Levin, Vice President and Regulatory Counsel, MSV, to William F. Caton, Acting Secretary, Federal Communications Commission, IB Docket No. 01-185 (filed Mar. 11, 2002).

granted.<sup>4</sup> In certain instances, however, we consider and grant requests for extension of time when we find that the public interest would be best served by a more a complete discussion of the matters pending before the Commission, and the extension would not unduly delay the Commission's processes. AT&T argues that the Commission asks a variety of very specific technical questions regarding the feasibility of the provision of mobile satellite service ("MSS") and terrestrial wireless service by separate providers over the same spectrum band. AT&T states that its engineers, and possibly outside consultants, will have to review thoroughly and analyze the Commission's questions and *ex parte* communications submitted by MSV and ICO Global Communications, Ltd. (ICO) to provide accurate and thorough responses to the Commission's questions. CTIA argues that the issues raised in the Technical Public Notice are limited only in the sense that they are a subset of the issues raised in the NPRM and that CITA and its members require more than nine days to prepare comments. MSV argues that the questions raised in the Technical Public Notice are not new, but were raised in the NPRM.

3. We find that a brief extension of time is appropriate to ensure a thorough record. We are not persuaded, however, that the forty-seven day extension requested by AT&T and CITA is either necessary or in the public interest, considering our interest in rapidly resolving the issues in this rulemaking. First, the technical questions presented in the Technical Public Notice were already covered by the NPRM and raised extensively in both comments to the NPRM and reply comments<sup>5</sup>. The Technical Public Notice seeks only to augment the existing record from a technical/engineering perspective. Second, the MSS Flexibility proceeding is a "permit but disclose" proceeding under the Commission's *ex parte* rules. Accordingly, if a party performs additional relevant technical analysis that is not presented in its comments to the Technical Public Notice, there is nothing prohibiting the party from making that analysis available for Commission consideration in an *ex parte* presentation.

4. On balance, we find that the interests of commenting parties and the Commission's interests in ensuring a thorough record without unreasonably or unnecessarily delaying the resolution of the proceeding are best served by a brief extension of the comment period. Therefore, we extend the time for the filing comments in response to the Technical Public Notice from March 15, 2002, to March 22, 2002.

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<sup>4</sup> See 47 C.F.R. § 1.46(a).

<sup>5</sup> See e.g., Boeing Comments at 9-12, Celsat Comments at 15-17, Constellation Comments at 18-19, Globalstar Comments at 12-15, Globalstar Bondholders Comments at 33, ICO Comments at 31-36, Iridium Comments at 3, 6. Boeing Reply at 3-4, Comtech Mobile Reply at 6, Constellation Reply at 5, Voicestream Reply at 17.

5. IT IS HEREBY ORDERED that pursuant to Section 1.46 of the Commission's Rules, 47 C.F.R. § 1.46, the requests of AT&T Wireless Services, Inc. and Cellular Telephone & Internet Association to extend the deadline for filing comments in response to the Technical Public Notice are GRANTED to the extent indicated.

6. This actions is taken under delegated authority pursuant to Sections 0.51 and 0.261 of the Commission's Rules, 47 C.F.R. . §§ 0.51, 0.261.

## FEDERAL COMMUNICATIONS COMMISSION



Richard B. Engelman

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