

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

In the Matter of)
)
Expanding Flexible Use of the) GN Docket No. 18-122
3.7 GHz Band)

To: The Commission

REQUEST FOR EXTENSION OF TIME TO FILE REPLY COMMENTS

Pursuant to Section 1.46 of the Commission’s rules, the Dynamic Spectrum Alliance, the American Cable Association, Competitive Carriers Association, the Public Interest Spectrum Coalition and the Wireless Internet Service Providers Association (collectively, “Petitioners”) respectfully request a two-week extension of time from Tuesday, November 27, 2018 to Tuesday, December 11, 2018 for parties to file reply comments in the above-captioned proceeding. Each of the Petitioners filed extensive comments on October 29, 2018 in response to the Notice of Proposed Rulemaking (“NPRM”).

The requested extension is in the public interest because it will allow interested parties an opportunity to fully address the novel, important and complex issues raised in the initial comments. In particular, an extension will allow parties who are filing reply comments to better prepare more thorough, fact-based responses to the comments filed in this proceeding, which will help create a better record to inform the Commission’s decision-making.

The NPRM raises a host of novel and complex issues impacting nearly every sector of the communications industry. In response, more than 60 parties filed comments, many of them lengthy. Just as important, some of these comments are accompanied by extensive economic and engineering reports, which propose answers even more complex in many particulars than the

questions raised.¹ Extensive comments were filed by mobile carriers, multiple wireless and 5G vendors, large and small cable operators, radio and TV broadcasters, fixed wireless industry service providers and vendors, and multiple consumer groups. In addition, the trade associations for many of these industry sectors also filed comments.

Reply comments are currently due on Tuesday, November 27, just after the conclusion of the long Thanksgiving holiday weekend. The 30 days allotted for reply comments was already very tight, but the intervening Thanksgiving holiday weekend exacerbates the difficulty in preparing thorough reply comments by the scheduled deadline. The Petitioners note that parties had more than three months to prepare initial comments after release of the NPRM, plus an additional three weeks from the release of the draft NPRM. Given the volume of extensive comments and the important issues they address and raise, an extension of two weeks will promote the public interest in having a more complete record.

While the Petitioners understand that it is not the policy of the Commission to routinely grant a motion for extension of time,² there are multiple precedents in which extensions of comparable length have been granted in similar circumstances.³ Recently, in granting a 30-day extension of time to file comments and reply comments in the ongoing 2.5 GHz proceeding, Commission staff found that “the number, scope, and importance of the questions asked” in the notice of proposed rulemaking warranted an extension of 30 days to “adequately serve the public

¹ See, e.g., Joint Comments of Intel Corporation, Intelsat License LLC, and SES Americom, Inc., Appendix A, GN Docket Nos. 17-183 and 18-122 (filed Oct. 29, 2018).

² 47 C.F.R. § 1.46(a).

³ *Acceleration of Broadband Deployment*, Order, 26 FCC Rcd 11363, 11364, ¶3 (WCB 2011) (granting a 31-day extension of time to respond to a Notice of Inquiry); *Empowering Parents and Protecting Children in an Evolving Media Landscape*, Order, 25 FCC Rcd 269, 270, ¶2 (MB 2011) (granting 30-day extension for comments and reply comments); *Improving Communications Services for Native Nations*, 26 FCC Rcd at 6811 ¶4 (CGB 2011) (granting 30-day extension for comments and reply comments).

interest by providing interested parties additional time to develop more full and complete responses.”⁴ The subject proceeding raises a large number of novel issues, such as how to clear a portion of the C-band, how much spectrum should be cleared, how much spectrum should be shared, and a number of related technical and economic arguments that bear on an important proceeding involving 500 megahertz of mid-band spectrum. As such, the “number, scope, and importance” of the issues raised in the NPRM – and initial comments – in the subject proceeding provide adequate justification for the requested extension.

Furthermore, because the NPRM is not tied to a statutory or regulatory deadline, there is no reason for the Commission not to grant the requested extension of time in order to facilitate the establishment of a comprehensive and fully-articulated record. To the contrary, the extension will enable parties to prepare more thorough reply comments that will enhance the Commission’s ability to grapple with and decide the large number of novel and complex issues in this important proceeding. For all of these reasons, a two-week extension of the reply comment period is warranted.

⁴ *Transforming the 2.5 GHz Band*, Order, WT Docket No. 18-120, DA 18-747 (rel. June 21, 2018).

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