

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

In the Matter of)	
)	
Improving Public Safety Communications In the 800 MHz Band)	WT Docket No. 02-55
)	
Consolidating the 800 and 900 MHz Industrial/Land Transportation and Business Pool Channels)	ET Docket No. 00-258
)	
Amendment of Part 2 of the Commission's Rules to Allocate Spectrum Below 3 GHz for Mobile and Fixed Services to Support the Introduction of New Advanced Wireless Services, Including Third Generation Wireless Systems)	RM-9498
)	
Petition for Rule Making of the Wireless Information Networks Forum Concerning the Unlicensed Personal Communications Service)	RM-10024
)	
Petition for Rule Making of UT Starcom, Inc., Concerning the Unlicensed Personal Communications Service)	ET Docket No. 95-18
)	
Amendment of Section 2.106 of the Commission's Rules to Allocate Spectrum at 2 GHz for use by the Mobile Satellite Service)	

ORDER

Adopted: February 14, 2005

Released: February 14, 2005

By the Chief, Public Safety and Critical Infrastructure Division, Wireless Telecommunications Bureau:

1. In this *Order*, we grant in part and deny in part the Motion for Extension of Time and Adjustment of Procedural Dates (Joint Motion) filed by Coastal SMR Network, L.L.C. and its affiliates and Scott C. MacIntyre (Movants) on Jan. 24, 2005. Movants seek deferral of the filing deadline for oppositions to petitions for reconsideration¹ of the Commission's *800 MHz R&O*² until thirty days after

¹ 47 C.F.R. § 1.429(f).

² Improving Public Safety Communications in the 800 MHz Band, WT Docket No. 02-55, *Report and Order, Fifth Report and Order, Fourth Memorandum Opinion and Order and Order*, 19 FCC Rcd 14969 (2004) as amended by *Erratum*, DA 04-3208, 19 FCC Rcd 19651 (2004) and *Erratum*, DA 04-3459, 19 FCC Rcd 21818 (2004) (*800 MHz R&O*). Federal Register publication of the *800 MHz R&O* occurred on November 22, 2004, 69 (continued....)

Federal Register publication of notice of receipt of petitions for reconsideration of the related *800 MHz Supplemental Order*.³ Movants submit that the requested deferral of the deadline for filing oppositions would enhance the record and promote administrative efficiency,⁴ insofar as it would reduce the number of filings in this proceeding.⁵

2. We find that good cause exists to extend the period for filing oppositions to the petitions for reconsideration of the *800 MHz R&O* until fifteen days after publication of a public notice in the Federal Register listing petitions for reconsideration of the *800 MHz Supplemental Order*. In light of the clarifications and modifications made by the Commission in the *800 MHz Supplemental Order*, and because the two orders are closely interrelated with respect to the issues under consideration by the parties, we believe the record would be significantly improved by receiving a single round of oppositions to all reconsideration petitions filed in response to both orders. Moreover, we do not believe that this short extension of the initial opposition filing date will delay the final resolution of issues relating to the abatement of public safety interference in the 800 MHz band. Because this action enhances the Commission's consideration of the issues in this proceeding by permitting receipt of a cohesive, informed record for the Commission's review and promotes efficiency, we will partially grant the relief requested. Accordingly, we defer the deadline for filing oppositions to the petitions for reconsideration of the *800 MHz R&O* until fifteen days after Federal Register publication of notice of receipt of petitions for reconsideration of the *800 MHz Supplemental Order*.

3. We deny Movants' request to allow parties to amend or supplement petitions for reconsideration of the *800 MHz R&O*. We do not believe that supplementing already-filed petitions would enhance the record in this instance. It would merely give parties a second chance to address matters that the Commission did not clarify or modify in the *800 MHz Supplemental Order*.⁶ Finally, our deferral of the deadline for filing oppositions to the petitions for reconsideration of the *800 MHz R&O* does not necessitate publication of a "Combined Public Notice" as requested by Movants⁷ and we

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Fed. Reg. 67823 (2004). A Commission Public Notice of the receipt of petitions for reconsideration of the *800 MHz Report and Order* was released on January 19, 2005. Petitions for Reconsideration and Clarification of Action in Rulemaking Proceeding, *Public Notice*, Report No. 2687 (Jan. 19, 2005). Federal Register publication of the notice of receipt of said petitions for reconsideration occurred on February 2, 2005. Petitions for Reconsideration and Clarification of Action in Rulemaking Proceeding, *Public Notice*, Report No. 2687, 70 Fed. Reg. 5449 (2005). Absent the deferral of procedural dates sought by Movants, oppositions to the petitions for reconsideration of the *800 MHz R&O* are due on February 17, 2005. See 47 C.F.R. § 1.4(b)(1). In addition, Movants request that we refrain from publishing a public notice of all the December 22, 2004 petitions in the Federal Register until at least thirty days after the date of publication of the *800 MHz Supplemental Order* in the Federal Register.² Because Federal Register notice of these petitions occurred on February 2, 2005, we deny this request as moot.

³ Improving Public Safety Communications in the 800 MHz Band, *Supplemental Order and Order on Reconsideration*, WT Docket No. 02-55, 70 Fed. Reg. 6758 (2005) (*800 MHz Supplemental Order*).

⁴ See Joint Motion at 3.

⁵ The *800 MHz Supplemental Order* revised, in some respects, the provisions of the *800 MHz R&O*. Because the parties filing petitions for reconsideration of the *800 MHz R&O* could not anticipate the changes effected in the *800 MHz Supplemental Order*, their petitions address some issues no longer relevant to the proceeding. It would serve no purpose for parties to file oppositions directed, in part, to those now irrelevant issues.

⁶ Our decision does not affect parties' rights to file separate petitions for reconsideration of the *800 MHz Supplemental Order* within thirty days of Federal Register publication of that order. See 47 C.F.R. 1.429.

⁷ Joint Motion at 3.

therefore decline to do so.

4. Accordingly, IT IS ORDERED that pursuant to the authority of Sections 4(i) and 405 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 405 and Section 1.429(d) of the Commission's Rules, 47 C.F.R. § 1.429, the Motion for Extension of Time and Adjustment of Procedural Dates filed by Coastal SMR Network, L.L.C. and its affiliates and Scott C. MacIntyre on January 24, 2005, IS GRANTED to the extent discussed herein and DENIED in all other respects.

5. IT IS FURTHER ORDERED that pursuant to the authority of Sections 4(i) and 405 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 405 and Section 1.429(f) of the Commission's Rules, 47 C.F.R. § 1.429(f), the period for filing oppositions to the petitions for reconsideration of Improving Public Safety Communications in the 800 MHz Band, *Report and Order, Fifth Report and Order, Fourth Memorandum Opinion and Order and Order*, FCC 04-168 (Aug. 6, 2004), IS DEFERRED until fifteen days after publication in the Federal Register of the notice of receipt of petitions for reconsideration of Improving Public Safety Communications in the 800 MHz Band, *Supplemental Order and Order on Reconsideration*, FCC 04-294 (Dec. 22, 2004).

6. This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION



Michael J. Wilhelm

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