

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

In the Matter of)	
)	
Amendment of Parts 15, 73 and 74 of the)	MB Docket No. 15-146
Commission’s Rules to Provide for the)	
Preservation of One Vacant Channel in the UHF)	
Television Band For Use By White Space Devices)	
and Wireless Microphones)	
)	
Expanding the Economic and Innovation)	GN Docket No. 12-268
Opportunities of Spectrum Through Incentive)	
Auctions)	

ORDER

Adopted: July 29, 2015

Released: July 29, 2015

By the Chief, Media Bureau:

1. On June 16, 2015, the Commission released a *Notice of Proposed Rulemaking* in the above-captioned proceeding seeking comment on rules to preserve vacant television channels for shared use by white space devices and wireless microphones.¹ A summary published in the Federal Register specified a deadline of August 3, 2015 for filing comments on the *Vacant Channels NPRM* and an August 31, 2015 deadline for filing reply comments.² On July 24, 2015, the National Association of Broadcasters (NAB) filed a Motion for Extension asking for a limited extension of the comment and reply comment deadlines in this proceeding.³ For the reasons set forth in NAB’s motion and below, we grant in part NAB’s motion and suspend the comment and reply comment deadlines until further notice.

2. NAB argues that a limited extension of time is in the public interest in light of issues before the Commission in its ongoing proceeding to establish final procedures for the incentive auction.⁴ Specifically, NAB points out that the Commission is considering whether to allow a limited number of broadcast television stations to be reassigned during the incentive auction and repacking process to channels within the “duplex gap” established as part of the 600 MHz Band Plan.⁵ If the Commission

¹ *In the Matter of Amendment of Parts 15, 73 and 74 of the Commission’s Rules to Provide for the Preservation of One Vacant Channel in the UHF Television Band For Use By White Space Devices and Wireless Microphones*, Notice of Proposed Rulemaking, MB Docket No. 15-146, 30 FCC Rcd 6711 (2015) (*Vacant Channel NPRM*).

² See 80 Fed. Reg. 38158 (July 2, 2015). The original deadline for filing comments, August 1, 2015, falls on a Saturday and, therefore, comments are due on August 3, 2015. See 47 C.F.R § 1.4.

³ See “Motion for Extension of Time of the National Association of Broadcasters,” MB Docket No. 15-146, filed July 24, 2015 (“NAB Motion”).

⁴ NAB Motion at 2. See *Comment Sought on Competitive Bidding Procedures for Broadcast Incentive Auction 1000, Including Auctions 1001 and 1002*, GN Docket No. 12-268, AU Docket No. 14-252, Public Notice, 29 FCC Rcd 15750 (2014) (“Auctions Procedures Proceeding”).

⁵ NAB Motion at 2. The 600 MHz Band Plan includes an uplink and a downlink portion, as well as guard bands between the uplink and downlink bands (the duplex gap) and between TV and wireless services. See *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, GN Docket No. 12-268, Report and Order, 29 FCC Rcd 6567, 6585, para. 45 (2014) (*Incentive Auction R&O*), *aff’d*, *Nat’l Ass’n of Broadcasters v.* (continued...)

decides to allow a limited number of broadcast television stations to be reassigned to channels within the duplex gap, NAB points out that it could impact the use of the duplex gap by white space devices and wireless microphones.⁶ Given the potential impact of the Commission's decision on the availability of channels for use by white space devices and wireless microphones, NAB submits that the Commission will have a better, more informed record in this proceeding if comments are filed after the release of the forthcoming decision on incentive auction procedures.⁷ Therefore, NAB submits that a delay in the comment deadline in this proceeding would be appropriate.⁸

3. Although it is the general policy of the Commission that extensions of time shall not be routinely given,⁹ we find that a delay is in the public interest. The proposals set forth in the *Vacant Channel NPRM* are animated by a concern that, following the incentive auction and the repacking process, "there will be fewer unused television channels available for use by white space devices and wireless microphones."¹⁰ The Commission's decision on final auction procedures may impact the availability of television channels for use by such devices in certain areas. A brief suspension of the comment cycle in this proceeding would allow interested parties to address this potential impact in their comments and will also allow the Commission to determine new deadlines in light of its decision. For the reasons set out above, we grant in part NAB's motion and suspend the comment cycle in this proceeding.

4. Accordingly, IT IS ORDERED, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Sections 0.61, 0.283, and 1.46 of the Commission's rules, 47 C.F.R. §§ 0.61, 0.283, and 1.46, that NAB's Motion for Extension is **GRANTED IN PART** as set forth above and that the deadlines for filing comments and reply comments in this proceeding are **SUSPENDED** until further notice.

FEDERAL COMMUNICATIONS COMMISSION

William T. Lake
Chief, Media Bureau

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FCC, No. 14-1154 (D.C. Cir. June 12, 2015). The Commission also decided that white space devices and wireless microphones could operate within the duplex gap. *Id.* at 6684-86, paras. 270-73, 6703-04, paras. 313-15.

⁶ NAB notes that a number of parties, including itself, have filed proposals in the Auctions Procedures Proceeding related to the use of the duplex gap and its potential impairment. *See* Letter from Rick Kaplan, General Counsel and Executive Vice President, Legal and Regulatory Affairs, NAB, to Marlene H. Dortch, Secretary, FCC, GN Docket No. 12-268 and AU Docket No. 14-252 (filed July 21, 2015).

⁷ The Commission is scheduled to consider final incentive auction procedures at its August 6, 2015 open meeting. *See* "FCC Announces Tentative Agenda for August Open Meeting," (rel. July 16, 2015), available at http://transition.fcc.gov/Daily_Releases/Daily_Business/2015/db0716/DOC-334419A1.pdf.

⁸ NAB Motion at 2.

⁹ 47 C.F.R. § 1.46(a).

¹⁰ *Vacant Channel NPRM*, 30 FCC Rcd 6711 at para. 10.