

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

In the Matter of)	
)	
Reexamination of the Comparative Standards for Noncommercial Educational Applicants)	MM Docket No. 95-31
)	
Association of America’s Public Television Stations’ Motion for Stay of Low Power Television Auction (No. 81))	

ORDER

Adopted: April 9, 2002

Released: April 9, 2002

Revised Comment Date: May 15, 2002
Revised Reply Comment Date: June 17, 2002

By the Deputy Chief, Media Bureau:

1. Before the Media Bureau is the Motion for Extension of Time (“Motion”), filed by the Station Resources Group, National Public Radio, Association of America’s Public Television Stations, the National Federation of Community Broadcasters, on behalf of themselves and their members, and the Corporation for Public Broadcasting (collectively, “Petitioners”). By this Order, the Media Bureau grants the Motion.

2. This docket has involved a series of notices and orders on the licensing of spectrum to noncommercial educational (“NCE”) broadcast stations. Most recently, the Commission issued the *Second Further Notice of Proposed Rulemaking* (“*Second Further Notice*”) in this proceeding to seek comment on how to allocate and license spectrum that the Commission has not reserved specifically for NCE stations. In taking this action, the Commission responded to the decision of the U.S. Court of Appeals for the D.C. Circuit in *National Public Radio v. FCC*,¹ which vacated the Commission’s prior decision to resolve mutually exclusive applications for such “non-reserved” spectrum via competitive bidding, even when NCE stations had filed one or more of the applications. The *Second Further Notice* established April 15, 2002 as the deadline for interested parties to file comments on new mechanisms to allocate and license non-reserved spectrum, and May 15, 2002 as the deadline for interested parties to file replies.

3. The Petitioners request the Media Bureau to extend the comment deadline by thirty days, until May 15, 2002. The Petitioners state that the Commission only provided the public forty-five days to comment on “a difficult issue of statutory interpretation and communications policy” that “the Commission has been trying to resolve for many years. A brief extension of time is requested in order to permit various interested parties to work together to formulate an approach that will successfully resolve these issues.”² The Media Bureau has not received any opposition to the Motion.

¹ 254 F.3d 226 (D.C. Cir. 2001).

² Motion at 1-2.

4. Because delay in resolving this proceeding causes delay in allocating and licensing non-reserved spectrum in which both commercial and NCE stations have an interest, timely completion of this proceeding is especially important. At the same time, as Petitioners note, the question presented here is particularly difficult and its resolution is of vital concern to future applicants for NCE stations. Petitioners appear to be working together to fashion a consensus recommendation, and this could be very useful to the Commission in resolving this longstanding matter. In addition, the extension requested is for a relatively short period of time, and should not compromise the timely resolution of the proceeding. Good cause thus exists for, and the public interest would be served by, grant of Petitioners' Motion. Accordingly, the comment deadline in this proceeding is extended until May 15, 2002, and the reply comment deadline is extended until June 17, 2002.

5. Accordingly, IT IS HEREBY ORDERED, pursuant to section 1.46 of the Commission's rules, that Petitioners' Motion is GRANTED.

6. This action is taken pursuant to authority delegated by section 0.283 of the Commission's rules, 47 C.F.R. § 0.283.

FEDERAL COMMUNICATIONS COMMISSION

Robert H. Ratcliffe
Deputy Chief, Media Bureau