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

MM Docket No. 87-268

In the Matter of

Advanced Television Systems
and Their Impact Upon the
Existing Television Broadcast
Service

ORDER GRANTING EXTENSION OF TIME FOR FILING REPLY COMMENTS

Adopted: January 11, 1996; Released: January 11, 1996

Reply Comment Date: January 22, 1996

By the Chief, Mass Media Bureau:

1. On July 28, 1995, the Commission, as part of its ongoing Advanced Television rulemaking proceeding, adopted a *Fourth Further Notice of Proposed Rulemaking and Third Notice of Inquiry* ("*Fourth Further Notice*").[1] Initially, comments on the *Fourth Further Notice* were due on October 18, 1995, and reply comments on December 4, 1995. Subsequently, in response to the request of several parties, the Chief, Mass Media Bureau, extended the deadlines for filing comments and reply comments to November 15, 1995 and January 12, 1996, respectively.[2] By Public Notice, *Procedures for the Filing of Documents that Were Due During the Government Shutdown or During the Weather Emergency*, DA 96-2, released January 11, 1996, the Commission provided that documents due to be filed on January 11 or 12, 1996, which would include reply comments in the instant proceeding, are now due on January 16, 1996.

2. By letter, dated January 10, 1996 and sent by facsimile mail, Robert K. Graves of R. K. Graves Associates, on behalf of the HDTV Grand Alliance ("Graves"), has requested that the Commission extend the due date for filing reply comments in this proceeding to January 26, 1996. In support of that request, Graves notes that: (1) the volume of the comments covering a broad range of issues has made it difficult to prepare thoughtful and thorough responses within the current time frame; (2) the closure of the Commission as part of the partial federal government shutdown last November caused the comments to be filed on November 20 or later, at least five days after the scheduled due date; (3) the preoccupation of the Grand Alliance and other parties with preparations for the December 12 *en banc* hearing made it impossible to begin preparing reply comments until after the hearing and demonstrations; (4) a substantial body of additional testimony was filed in connection with the hearing, requiring further analysis; and (5) the blizzard of 1996 has made it very difficult for those involved in preparing the reply for the Grand Alliance to communicate and share information effectively during the last week. Graves also notes that it has been impossible to request an extension earlier because the Commission has been closed, first because of the partial Government shutdown due to lack of appropriations and then because of the bad weather.

3. We are mindful that Section 1.46 of the Commission's Rules, 47 C.F.R. § 1.46, articulates a Commission policy that extensions of time for filing comments in rulemaking proceedings are not to be routinely granted and that we have, in our earlier *Order* extending the comment and reply comment deadlines in this proceeding stated that we do not anticipate that it would be necessary to allow a further extension of time for filing comments or reply comments in response to the *Fourth Further Notice*. Nevertheless, we find that good cause exists for granting a short extension of the reply comment deadlines. We wish to afford the parties an adequate opportunity for reasoned replies to the comments in this proceeding and are aware that the *Fourth Further Notice* raised many complex issues. We take note of the blizzard of 1996, an extremely unusual event, which has stalled mail deliveries, disrupted transit, and forced many workplaces to close, among other things, and has therefore undoubtedly complicated efforts to complete the reply comments, particularly for those parties whose comments required coordination among multiple entities or persons. However, we hesitate to extend the reply comment date until January 26, 1996, as requested by Graves, because we do not want to unnecessarily delay the conclusion of this lengthy proceeding. Accordingly, we will grant a short extension of the reply comment deadline until January 22, 1996.

4. Accordingly, IT IS ORDERED, that the letter request, filed by Robert K. Graves on behalf of the HDTV Grand Alliance, seeking an extension of time in which to file reply comments in response to the *Fourth Further Notice of Proposed Rulemaking and Third Notice of Inquiry in MM Docket No. 87-268*, IS GRANTED to the extent indicated herein and, in all other respects IS DENIED.

5. IT IS FURTHER ORDERED, that the time for filing reply comments in the above- captioned proceeding IS EXTENDED to January 22, 1996.

6. This action is taken pursuant to authority found in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i) and 303(r), and Sections 0.204(b), 0.283 and 1.45 of the Commission's Rules, 47 C.F.R. §§ 0.204(b), 0.283 and 1.45.

FEDERAL COMMUNICATIONS COMMISSION

Roy J. Stewart
Chief, Mass Media Bureau

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[1] 10 FCC Rcd 10540 (1995).
[2] *Order Granting Extension of Time for Filing Comments and Reply Comment* s, DA 95-2137, released October 11, 1995.