

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

In the Matter of)	
)	
The Mitre Corporation's Technical Report,)	MM Docket No. 99-25
"Experimental Measurements of the Third-)	
Adjacent-Channel Impacts of Low-Power FM)	
Stations")	

ORDER

Adopted: August 29, 2003

Released: August 29, 2003

By the Chief, Media Bureau:

1. On July 11, 2003, the Media Bureau issued a Public Notice seeking public comment on the above-captioned MITRE Corporation technical report (the "Report").¹ The Commission provided 60 days, setting September 12, 2003, as the deadline for all comments.

2. National Public Radio, Inc. ("NPR") and the International Association of Audio Information Services ("IAAIS")² have jointly filed a Motion asking the Commission to extend the comment deadline in this proceeding by 90 days so that comments would be due December 10, 2003.³ They assert that each organization operates with limited resources and needs more time to assess the extensive Report while meeting their respective ongoing operational responsibilities.⁴ They further argue that all interested parties should have a full opportunity "to assess and, resources permitting, test the validity of the Report and its conclusions."⁵

3. In December 2000, Congress enacted legislation mandating that the Commission conduct an experimental program to determine whether low power FM ("LPFM") stations would cause interference to existing FM radio stations if LPFM stations were licensed without third-adjacent channel protection requirements. In July 2001, the Commission selected The MITRE Corporation ("MITRE") to conduct the required LPFM experimental program and field tests. MITRE issued a Request For Proposals ("RFP") in late 2001, outlining detailed parameters for the required LPFM experimental program and field tests. It posted the RFP on its website and also published notice of the LPFM RFP in *Broadcasting and Cable Weekly*, *Commerce Business Daily*, and other industry publications.

4. More than two and one-half years has elapsed since Congress directed the Commission to

¹ *Public Notice, Comment Sought on the MITRE Corporation's Technical Report, "Experimental Measurements of the Third-Adjacent-Channel Impacts of Low-Power FM Station,"* DA 03-2277 (rel. July 11, 2003).

² IAAIS operated formerly as the National Association of Radio Reading Services.

³ NPR/IAAIS Motion for Further Extension of Time, filed Aug. 8, 2003.

⁴ *Id.* at 3.

⁵ *Id.* at 3-4.

conduct the LPFM experimental program and field tests. The public has had ample opportunity to become familiar with the LPFM testing parameters, to conduct their own further testing and studies, and to otherwise prepare for completion and publication of the LPFM report. It is particularly appropriate to expect the timely submission of comments by NPR and IAAIS when, as is the case here, these parties participated extensively on these technical issues during earlier stages of this proceeding. Granting NPR's and IAAIS's request would result in a lengthy delay in the delivery of the Commission's recommendations to Congress. Moreover, the submission of these materials to Congress will not result in any modification of the protection standards mandated by Congress, standards that the Commission cannot modify without prior Congressional action. We recognize, however, the importance of allowing parties to evaluate and, potentially, assemble additional data to test the Report's validity. In these circumstances a shorter extension, until October 14, 2003, would best serve the public interest.

5. Accordingly, IT IS ORDERED that petitioners' Motion for Extension of Time IS GRANTED in part, and otherwise IS DENIED. The comment deadline is extended to October 14, 2003.

FEDERAL COMMUNICATIONS COMMISSION

W. Kenneth Ferree
Chief, Media Bureau