

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

In the Matter of: )  
)  
Carriage of the Transmissions ) CS Docket No. 98-120  
of Digital Television Broadcast Stations )  
)  
Amendments to Part 76 )  
of the Commission's Rules )

ORDER

Adopted: November 18, 1998

Released: November 18, 1998

By the Chief, Cable Services Bureau:

1. In this Order, we address a Motion for Extension of Time to File Reply Comments filed on November 16, 1998, by the Office of Communication, Inc. of the United Church of Christ, Media Access Project, the Benton Foundation, the Center for Media Education, and the Civil Rights Forum ("UCC"). UCC requests that the current deadline for the filing of reply comments, November 24, 1998, be extended 28 days until December 22, 1998. We also have on file a petition filed on October 27, 1998, by the Association for Maximum Service Television, Inc. ("MSTV") requesting that the Commission refrain from granting any extensions of time for reply comments. As explained herein, we grant UCC's motion.

2. UCC asserts that there is good cause for granting this extension. Without an extension, UCC will be unable to meet the current deadline for reply comments.<sup>1</sup> UCC states that it was the only party to file detailed opening comments in this proceeding on behalf of members of the public. Thus, UCC asserts that the various industries will have an opportunity to file reply comments in this proceeding, but that the Commission will not receive detailed reply comments on behalf of the interests of citizens.

3. In its request opposing an extension of the reply deadline, MSTV states that the Commission must act quickly for a variety of reasons. First, the Commission must resolve digital compatibility issues so that the next generation of digital devices will function optimally. Second, broadcasters and programmers may question the ultimate success of DTV if the Commission shows no sense of urgency in this proceeding. Third, DTV will not reach a signal penetration rate by the Congressional deadline of 2006 if consumers do not have answers on must carry. Fourth, cable operators need a decision so that they can decide how to upgrade their

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<sup>1</sup>The attorney responsible for writing the reply comments for UCC is a member of the Advisory Committee on Public Interest Obligations of Digital Television Broadcasters ("Gore Commission"). The Gore Commission was originally scheduled to complete its work on October 1, 1998, but now its final report is scheduled to be submitted on December 18, 1998. The final edits to the report and separate statements from its members are due on November 23, 1998, the day before the current deadline for reply comments in this proceeding.

systems.

4. In reply to MSTV, UCC states that the stations affected most by a must carry rule will not be affected by a four-week delay. UCC argues that the broadcast stations most likely to require must carry are the stations in the smaller markets who currently do not have the resources for the transition to digital television and have until May 1, 2002 to construct their facilities. In addition, UCC argues that the technical problems of digital television are still uncertain and that imposing must carry before those problems are solved may be counterproductive.

5. We find that UCC has shown good cause for an extension. The benefit of obtaining reply comments filed on behalf of the public justifies an extension. We do not believe that a 28 day extension to accommodate this benefit will cause the harm that MSTV suggests. Furthermore, an accurate and complete record can only lead to a better-informed decision by the Commission in a matter that will materially affect members of the public and the industry groups that MSTV represents. We therefore will extend the deadline for the reply comments by 28 days and designate December 22, 1998 as the deadline for the reply comments in this proceeding.

6. Accordingly, IT IS ORDERED, pursuant to Section 1.46 of the Commission's rules, 47 C.F.R. Section 1.46, that the Motion for Extension of Time to File Reply Comments filed by the Office of Communication, Inc., of the United Church of Christ, Media Access Project, the Benton Foundation, the Center for Media Education, and the Civil Rights Forum IS GRANTED.

7. IT IS FURTHER ORDERED, pursuant to Section 1.46 of the Commission's rules, 47 C.F.R. Section 1.46, that the Request for FCC Enforcement of Existing Deadlines and Expedited Action filed by the Association for Maximum Service Television, Inc. IS DENIED.

8. IT IS FURTHER ORDERED that the deadline for filing reply comments IS EXTENDED until December 22, 1998.

9. This action is taken pursuant to the 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), 0.321, and 1.46 of the Commission's Rules, 47 C.F.R. §§ 0.204(b), 0.321, and 1.46.

FEDERAL COMMUNICATIONS COMMISSION

Deborah A. Lathen

Chief, Cable Services Bureau