



March 17, 2023

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

MOTION FOR EXTENSION OF TIME

Re: *In the Matter of Amendment of Part 90 of the Commission's Rules* (WP Docket No. 07-100)

Dear Ms. Dortch:

The Industry Council for Emergency Response Technologies (“iCERT”) files in support of the Motion for Extension of Time filed on March 1, 2023, by the American Petroleum Institute, the American Association of State Highway and Transportation Officials, the Enterprise Wireless Alliance, the Forestry Conservation Communications Association, the International Municipal Signal Association, the National Sheriffs’ Association, and the Utilities Technology Council (“Parties”). The Parties request a sixty (60)-day extension of the Comment and Reply Comment deadlines in the above-captioned proceeding.¹ iCERT believes the requested extension would serve the public interest, and we urge you to grant it.

iCERT has not been an active participant in the FCC’s proceedings related to 4.9 GHz. However, as the nation’s only trade association focused on the emergency response sector, iCERT and its members have strong interests in advancing innovative solutions that will improve public safety communications. The FCC’s wholesale restructuring of the regulatory framework applicable to the 4.9 GHz band holds out the promise that significant innovations in the band are possible. These possibilities have ignited increased interest in 4.9 GHz among iCERT’s members, and the additional time afforded by the requested extension will allow iCERT and its members to fully consider the myriad questions outlined in the Ninth

¹ Amendment of Part 90 of the Commission’s Rules, Seventh Report and Order and Ninth Further Notice of Proposed Rulemaking, WP Docket No. 07-100, FCC 23-3 (rel. Jan. 18, 2023).

Further Notice of Proposed Rulemaking. These questions are complex, as they relate to the use of a Nationwide Band Manager that has not previously been utilized for public safety communications. The FCC's ability to develop an effective regulatory framework for future use of the 4.9 GHz band will rely on its ability to develop a complete and thorough record based on input from all affected and interested stakeholders. We agree with the Parties that the public interest will not be harmed by a modest delay in the Comment and Reply deadlines. In fact, they will provide a better opportunity to collect meaningful input on the many regulatory, technical, and licensing issues under consideration by the FCC.

iCERT notes that there is ample precedent for granting the requested extension. In proceedings, like this one, that involve a variety of complex issues, the FCC has ruled that brief extensions of Comment and Reply deadlines helps to ensure that the Commission receives full and informed responses and that affected parties have a meaningful opportunity to develop a complete record for the Commission's consideration.² Given previous failed attempts to develop an effective licensing regime for the 4.9 GHz band, there is an even stronger need to ensure a complete and thorough record. The Commission has also previously acknowledged the special challenges that trade associations like iCERT face in seeking feedback from their members. In such cases, the Commission has granted extensions of time to specifically allow for this process to be undertaken in order to afford associations like iCERT the opportunity to provide meaningful input.³ Each of these previous FCC findings provides ample precedent to grant the requested extension of time.

² See, e.g., *In re Streamlining Deployment of Small Cell Infrastructure by Improving Wireless Facilities Siting Policies*, Order, 32 FCC Rcd 335, 335 ¶ 3 (WTB 2017) (finding that brief extension "will allow parties to provide the Commission with more thorough comments that will facilitate the compilation of a complete record"); see also *Wireless Telecommunications Bureau Extends Period to File Comments and Reply Comments in Response to Public Notice on an Appropriate Method for Determining the Protected Contours for Grandfathered 3650-3700 MHz Band Licensees*, Public Notice, 30 FCC Rcd 14,049, 14,050 (WTB 2015); see also *In re Close Captioning of Internet Protocol Delivered Video Programming*, Order, 28 FCC Rcd 12,338, 12,339 ¶ 2 (MB 2013); see also *Public Notice, Wireless Telecommunications Bureau Extends Reply Comments on Proposed Rules to Establish a Citizens Broadband Radio Service in the 3550-3650 MHz Band*, DA 14-1701 (rel. July 28, 2014) (extension "is warranted to enable interested parties sufficient opportunity to review and respond to the complex issues raised by the FNPRM."); see also *Public Notice, Wireless Telecommunications Bureau Extends Period to File Reply Comments on Proposed Rules to Expand Access to Mobile Wireless Services Onboard Aircraft*, DA 14-327 (rel. Mar. 10, 2014) (granting CTIA's motion for 60-day extension of reply comment deadline and a second motion "to ensure that the Commission obtains a complete and thorough technical record."); and see *Wireless E911 Location Accuracy Requirements*, PS Docket No. 07-114, Order, 35 FCC Rcd 193, 194, para. 3 (PSHSB 2020) and citing *Protecting Against National Security Threats to the Communications Supply Chain Through FCC Programs*, WC Docket No. 18-89, Order, 35 FCC Rcd 2998, 2999, para. 6 (WCB & OEA 2020).

³ See *In re Applications of Ameritech Corp. & SBC Communications Inc.*, Order, 14 FCC Rcd 11,340, 11,341 ¶ 3 (CCB 1999) (granting extensions of time to allow commenters to complete analyses and to allow trade associations to seek feedback from its members.).

In summary, iCERT believes that the public interest would be served by a modest extension of the FCC's Comment and Reply deadlines. We urge the FCC to grant the Parties' Motion for Extension of Time.

Respectfully submitted,

/s/ George Kelemen

Executive Director

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