

UNITED STATES OF AMERICA
DEPARTMENT OF COMMERCE
NATIONAL TELECOMMUNICATIONS
AND INFORMATION ADMINISTRATION

Presidential)
Spectrum Policy) **Docket 040127027-4027-01**
Initiative)

MOTION FOR EXTENSION OF TIME
BY THE AMHERST ALLIANCE, KZQX-LP, KPIB-LP,
WILW RADIO, TUNE TRACKER SYSTEMS, DIYMEDIA,
JAMRAG MAGAZINE, MICHIGAN MUSIC IS WORLD CLASS! CAMPAIGN,
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PROVIDENCE COMMUNITY RADIO, CITIZENS MEDIA CORP,
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In his Written Comments of February 5, 2004, Nickolaus E. Leggett N3NL of Reston, Virginia requested an extension of the Written Comments deadline in this Docket by 2 months: that is, from March 18, 2004 to May 17, 2004.

The 21 undersigned parties -- led by THE AMHERST ALLIANCE, a national citizens' advocacy group for media reform -- second Mr. Leggett's request. We now place the same request before the NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION (NTIA) as a Motion For Extension Of Time.

This Docket attempts to implement the Presidential Spectrum Policy Initiative (PSPI) that arose from a Presidential Memorandum. In turn, the Memorandum, as released on June 5, 2003, raises profound new issues for commenting parties to consider.

Among other contemplated changes of a *qualitatively* new nature, the Presidential Memorandum appears to direct NTIA, and other Executive Branch decision-making bodies, to consider:

1. Shifting some, most or all of the responsibility for radio regulation from the Federal Communications Commission, an independent agency managed by representatives of both major political parties, to Executive Branch agencies that are controlled directly by the single political party which occupies the White House

And

2. The establishment of new “spectrum user fees” which would apply to *non-commercial* users of the airwaves

Also, the Presidential Memorandum envisions policies which are *quantitatively* new, in the sense that they would expand recent policy trends to an entirely new scale:

3. Additional, and presumably more systematic, displacements of radio uses of the spectrum by wireless uses of the spectrum

And

4. Additional, and presumably more systematic, displacements of non-commercial uses of the spectrum by commercial uses of the spectrum

We recognize that the June 5, 2003 Presidential Memorandum -- which NTIA is attempting to implement through a Notice Of Inquiry in this Docket, as issued on January 29, 2004 -- directs Executive Branch agencies to submit their PSPI recommendations to the White House on or before June 1, 2004.

Nevertheless, not even a Presidential Memorandum can override statutory and Constitutional requirements for “due process of law” in regulatory decision-making. In this case, the contemplated policy changes are so new -- and so *radical* -- that it is plainly unreasonable to expect commenting parties to address them effectively within a time frame of only 6 weeks. To meet the minimum requirements for “due process” in regulatory decision-making, as set forth in both the Administrative Procedure Act and the United States Constitution, NTIA is obligated to provide a lengthier comment period.

Therefore, the undersigned parties urge NTIA to grant this Motion to extend the comments deadline from March 18, 2004 to May 17, 2004.

Respectfully submitted,

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February 16, 2004

Page 8

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