

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

In the Matter of)
)
Review of the Commission’s) MM Docket No. 98-204
Broadcast and Cable)
Equal Employment Opportunity)
Rules and Policies)

ORDER

Adopted: February 20, 2002

Released: February 22, 2002

By the Chief, Mass Media Bureau:

1. On January 29, 2002, the Minority Media and Telecommunications Council (“MMTC”) filed a Motion for Procedural Relief. MMTC seeks 1) an extension of time for the filing dates for comments and reply comments responsive to the *Second Notice of Proposed Rule Making*, FCC 01-363, released December 21, 2001, in this proceeding (“*Second NPRM*”); 2) the inclusion in the docket in this proceeding of a draft of specific proposed rules; and 3) a clarification that comments filed in this proceeding prior to the *Second NPRM* will be treated as part of the record in the proceeding initiated by the *Second NPRM*.

2. Extension of Time. The current deadlines for the filing of comments and reply comments are March 15, 2002, and April 15, 2002, respectively. MMTC asks the Commission to extend the comment and reply comment deadlines to April 28, 2002, and May 28, 2002, respectively. MMTC cites the need for it and other organizations it represents to evaluate the proposed rules and to complete research pertinent to the issues raised in the *Second NPRM*. It also notes that it intends to file extensive comments in MM Docket No. 01-317, concerning multiple ownership of radio broadcast stations in local markets, which has comment and reply comments deadlines that are four days earlier, respectively, than those currently in effect in this proceeding.

3. We believe that the public interest would be best served by granting an extension of the comment and reply comment filing deadlines. The Commission seeks comment on a wide range of issues relating to the broadcast and cable equal employment opportunity rules. We will, therefore, extend the comment and reply comment deadlines by thirty days. We believe that thirty days provides sufficient additional time for MMTC and other members of the public alike to prepare comprehensive comments and replies. This, in turn, will help the Commission in its decision-making and resolving the complex and significant public policy issues raised in this proceeding.

4. Draft of Proposed Rules. In the *Second NPRM*, the Commission did not elect to prepare a draft of specific proposed rules. MMTC urges that such a draft of specific rules should be prepared. Section 1.413(c) of the Commission’s Rules¹ indicates that a notice of proposed rule making shall contain “[e]ither the terms or substance of the proposed rule or a description of the subjects and issues involved.” MMTC does not allege that the *Second NPRM* failed to meet this requirement. It asserts only that a draft

¹ 47 C.F.R. § 1.413(c).

of specific proposed rules could prevent some of the disagreements over the Commission's intent that, MMTC contends, characterized earlier stages of this proceeding. We are unaware of the circumstances to which MMTC refers, which in any event fail to justify the relief sought. It is clear from the *Second NPRM* that the Commission's primary intent at this juncture is to elicit comprehensive comments concerning the complex issues raised in the *Second NPRM*. MMTC has not articulated how this goal would be furthered by the requested relief. Rather, the issuance of specific proposed rules could serve to limit the scope of comments received. Accordingly, we will deny the requested relief.

5. Status of Prior Comments. MMTC requests that we clarify that the Commission will consider all material placed in the docket at earlier stages of this proceeding as part of the record in the proceedings held pursuant to the *Second NPRM*. MMTC seeks this relief so that parties, especially those with limited resources, may conserve resources by avoiding the need to re-file material previously submitted. We acknowledge the resource impact that re-filing previously submitted comments may have on some parties. We also are mindful of the need to create a new record that addresses the court's more recent concerns. In addition, we are interested in eliciting comprehensive comments on the development and maturation in industry outreach techniques during the intervening period between these notices. We are cognizant of the entire record in this proceeding thus far. However, we ask that parties who wish to have their earlier filed comments specifically considered in conjunction with this *Second NPRM* identify with particularity the comments, sections and pages upon which they wish to rely. The party should clearly identify and briefly summarize any such material in its comments filed in response to the *Second NPRM*.

6. Accordingly, **IT IS ORDERED** that MMTC's Motion for Procedural Relief is **GRANTED**, to the extent indicated, and is otherwise **DENIED**.

7. **IT IS FURTHER ORDERED** that the comment and reply comment deadlines in this proceeding are **EXTENDED** to April 15, 2002, and May 15, 2002, respectively.

FEDERAL COMMUNICATIONS COMMISSION

Roy J. Stewart
Chief, Mass Media Bureau