

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

In the Matter of	)	
2006 Quadrennial Regulatory Review –	)	
Review of the Commission’s Broadcast Ownership Rules	)	MB Docket No. 06-121
and Other Rules Adopted Pursuant to Section 202 of the	)	(and MB Docket Nos. 02-277,
Telecommunications Act of 1996	)	01-235, 01-317, 00-244)

**MOTION FOR EXTENSION OF TIME**

**Of**

**FREE PRESS  
CONSUMER FEDERATION OF AMERICA  
CONSUMERS UNION**

Free Press, Consumer Federation of America, and Consumers Union (“Commenters”), pursuant to 47 C.F.R. §1.46(b), respectfully request an extension of time in the above-captioned proceeding for reasons stated herein and in the attached Complaint Under the Data Quality Act, filed simultaneously.

On July 31, 2007, the Commission released ten commissioned studies as well as a public notice seeking public comment on the studies.<sup>1</sup> It established a comment period ending October 1 and a reply comment period ending October 16. It did not, at the time, provide sufficient access to the underlying data to permit researchers to reproduce and analyze the studies. On September 4, 2007, over a month into the comment period, the Commission finally released what it called “peer review” reports.<sup>2</sup> September 6, 2007, the Commission made available at its

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<sup>1</sup> *FCC Seeks Comment On Research Studies On Media Ownership*, Public Notice, MB Dkt. No. 06-121, July 31, 2007, available at [http://fjallfoss.fcc.gov/edocs\\_public/attachmatch/DA-07-3470A1.pdf](http://fjallfoss.fcc.gov/edocs_public/attachmatch/DA-07-3470A1.pdf).

<sup>2</sup> Peer Review Materials, [http://www.fcc.gov/mb/peer\\_review/peerreview.html](http://www.fcc.gov/mb/peer_review/peerreview.html).

headquarters additional underlying data, under a protective order.<sup>3</sup> Commenters continue to negotiate with Commission staff over the availability and terms of availability of data necessary for reproducing and analyzing these studies.

In the associated Complaint Under the Data Quality Act, filed today and attached to this Motion, Commenters detail how the Commission's processes violate the Data Quality Act (DQA) and the Office of Management and Budget (OMB) and FCC's guidelines implementing that Act.<sup>4</sup> The DQA and its guidelines require the Commission to initiate an adequate peer-review process *before* disseminating these studies. The Commission should grant the relief detailed in Commenters' Complaint.

If, however, the Commission intends to go forward with a comment cycle on the studies released in July—studies which, at best, must be considered as non-peer-reviewed drafts—it should provide at least 90 days from the date that access is provided to the underlying data for the preparation and filing of those comments. While the Commission clearly did not provide this underlying data before September 6, Commenters and Commission staff remain in discussions over the availability and terms of availability for the underlying data. Therefore, the 90 day extensions should run from resolution of those discussions.

This extension would provide researchers, academics, and other members of the public time to analyze, test, and reproduce the Commission's studies. These ten studies consist of

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<sup>3</sup> *FCC's Media Bureau Adopts Procedures for Public Access to Data Sets Underlying Economic Studies for 2006 Quadrennial Regulatory Review of Commission's Media Ownership Rules*, Public Notice, MB Dkt. No. 06-121, Sept. 5, 2007, available at [http://fjallfoss.fcc.gov/edocs\\_public/attachmatch/DA-07-3740A1.pdf](http://fjallfoss.fcc.gov/edocs_public/attachmatch/DA-07-3740A1.pdf). The Order is available at [http://fjallfoss.fcc.gov/edocs\\_public/attachmatch/DA-07-3741A1.doc](http://fjallfoss.fcc.gov/edocs_public/attachmatch/DA-07-3741A1.doc).

<sup>4</sup> Treasury and General Government Appropriations Act for Fiscal Year 2001, Pub. L. No. 106-554, § 515, *codified at* 44 U.S.C. § 3516 note (2001); Implementation of Guidelines for Ensuring and Maximizing Quality, Objectivity, Utility and Integrity of Information Pursuant to Section 515 of Public Law No. 105-554, 17 FCC Rcd 19,890 (Oct 08, 2002); Office of Management and Budget Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies, 67 Fed. Reg. 8452

influential scientific information and include thousands to millions of data points and methodological decisions. The Commission cannot expect the public to be able to address these studies when it provides limited access to much, though not yet all, of the necessary underlying data more than a month into the comment period.

Respectfully submitted,

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September 11, 2007

**Attachment**

**Complaint Under the Data Quality Act**