

of written comments if comments are filed in writing.

The FAA will file in the docket all comments it receives, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, the FAA will consider all comments it receives on or before the closing date for comments. The FAA will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. The FAA may change this proposal in light of the comments it receives.

**Privacy:** In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at [www.dot.gov/privacy](http://www.dot.gov/privacy).

#### B. Confidential Business Information

Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA), 5 U.S.C. 552, CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as "PROPIN." The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this document. Any commentary the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

#### C. Electronic Access and Filing

A copy of this notice of proposed rulemaking, all comments received, any final rule, and all background material may be viewed online at [www.regulations.gov](http://www.regulations.gov) using the docket number listed above. A copy of this rulemaking will be placed in the docket. Electronic retrieval help and guidelines are available on the website. It is available 24 hours each day, 365 days each year. An electronic copy of this

document may also be downloaded from the Office of the Federal Register's website at [www.federalregister.gov](http://www.federalregister.gov) and the Government Publishing Office's website at [www.govinfo.gov](http://www.govinfo.gov). A copy may also be found at the FAA's Regulations and Policies website at [www.faa.gov/regulations\\_policies](http://www.faa.gov/regulations_policies).

Copies may also be obtained by sending a request to the Federal Aviation Administration, Office of Rulemaking, ARM-1, 800 Independence Avenue SW, Washington, DC 20591, or by calling (202) 267-9677. Commenters must identify the docket or notice number of this rulemaking.

All documents the FAA considered in developing this proposed rule, including economic analyses and technical reports, may be accessed in the electronic docket for this rulemaking.

#### IV. Extension of Comment Period

In accordance with § 11.47(c) of title 14, Code of Federal Regulations, the FAA has reviewed the petitions for extension of the comment period for this notice. The petitioners have shown a substantive interest in the proposed policy and good cause for the extension of the comment period. The FAA has determined that an extension of the comment period for an additional thirty (30) days to September 21, 2023 is consistent with the public interest, and that good cause exists for taking this action.

Accordingly, the comment period for Notice No. 23-09 is extended until September 21, 2023.

Issued under authority provided by 49 U.S.C. 106(f), 44701-44703, sec. 517 of Pub. L. 115-254, and sec. 5604 of Pub. L. 117-263 in Washington, DC.

**Brandon Roberts,**

*Executive Director, Office of Rulemaking.*

[FR Doc. 2023-17598 Filed 8-16-23; 8:45 am]

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### FEDERAL COMMUNICATIONS COMMISSION

#### 47 CFR Parts 1, 2, 15, 25, 27, 74, 78, and 101

[WT Docket No. 20-443; GN Docket No. 22-352; DA 23-671; FR ID 163388]

#### Expanding Flexible Use of the 12.2-12.7 GHz Band; Expanding Use of the 12.7-13.25 GHz Band for Mobile Broadband or Other Expanded Use

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule; denial of further extension of comment period.

**SUMMARY:** In this document, the Commission denies the request of the Satellite Industry Association (SIA), together with Eutelsat S.A., Hispasat, S.A., Intelsat License LLC, Ovzon LLC, SES Americom, Inc., Space Exploration Technologies Corp., and WorldVu Satellites Limited (collectively the Joint Requestors) for a further extension of the comment and reply comment deadlines for the Further Notice of Proposed Rulemaking (FNPRM) and Notice of Proposed Rulemaking (NRPM) that were published as proposed rules in the **Federal Register**.

**DATES:** A request for extension of the FNPRM and NPRM comment and reply comment deadlines, filed on August 4, 2023, was denied on August 8, 2023. The deadlines for filing comments and reply comments (in response to the FNPRM and NPRM) continues to be August 9, 2023, and September 8, 2023, respectively, as published at 88 FR 43502 (July 10, 2023) and 88 FR 43938 (July 10, 2023).

**ADDRESSES:** Federal Communications Commission, 45 L Street NE, Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Simon Banyai of the Wireless Telecommunications Bureau, at [simon.banyai@fcc.gov](mailto:simon.banyai@fcc.gov) or (202) 418-1443.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's *Order*, WT Docket No. 20-443; GN Docket No. 22-352; DA 23-671, adopted and released on August 8, 2023. The full text of this document is available at <https://docs.fcc.gov/public/attachments/DA-23-671A1.pdf>. Text and Microsoft Word formats are also available (replace ".pdf" in the link with ".txt" or ".docx", respectively). Alternative formats are available for people with disabilities (braille, large print, electronic files, audio format), by sending an email to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Commission's Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY).

#### Synopsis

1. On May 19, 2023, the Commission released a Report and Order and Further Notice of Proposed Rulemaking (in WT Docket No. 20-443) and Notice of Proposed Rulemaking and Order (in GN Docket No. 22-352).<sup>1</sup> In the *Further*

<sup>1</sup> See *Expanding Flexible Use of the 12.2-12.7 GHz Band; Expanding Use of the 12.7-13.25 GHz Band for Mobile Broadband or Other Expanded Use*, WT Docket No. 20-443, GN Docket No. 22-352, FCC 23-36, Report and Order and Further Notice of Proposed Rulemaking and Notice of Proposed Rulemaking and Order, 2023 WL 3686032

*Notice of Proposed Rulemaking (FNPRM)* the Commission further investigates the potential to expand terrestrial fixed use or to permit unlicensed use in the 500 megahertz of mid-band spectrum at 12.2–12.7 GHz (12.2 GHz band). In the *Notice of Proposed Rulemaking (NPRM)*, to further its efforts to make spectrum available for terrestrial mobile service or other expanded use, the Commission proposes to repurpose some or all of the 12.7–13.25 GHz (12.7 GHz band) for mobile broadband or other expanded use. Comments in response to the *FNPRM* and the *NPRM* are due on August 9, 2023, while reply comments are due on September 8, 2023.

2. On August 4, 2023, the Satellite Industry Association (SIA), together with Eutelsat S.A., Hispasat, S.A., Intelsat License LLC, Ovzon LLC, SES Americom, Inc., Space Exploration Technologies Corp., and WorldVu Satellites Limited (collectively the Joint Requestors) filed a Joint Request for Extension of the Filing Deadline (Joint Request), seeking a 45-day extension of the comment (and reply) dates for both the *NPRM* and the *FNPRM*.<sup>2</sup> The Joint Requestors argue that “questions posed in [the *FNPRM* and] the *NPRM* have implications for the long-term interests of the mobile, satellite, broadcasting, and unlicensed industries, and therefore they require significant and thoughtful analysis that merits providing additional time for comments and reply comments.”<sup>3</sup> Furthermore, they argue “[a]dditional time would benefit satellite operators in particular, who face another comment deadline only two days before [the *FNPRM*’s and] the *NPRM*’s deadline in a major spectrum-sharing proceeding that also requires significant attention and lengthy analysis.”<sup>4</sup> They assert that good cause exists to grant the instant extension request because the *FNPRM* and the *NPRM* involve complex technical questions and policy issues with the potential to impact “a diverse set of terrestrial (licensed and possibly

(May 19, 2023) (*FCC 23–36*). The *FNPRM* and the *NPRM* were subsequently published separately in the **Federal Register**. See *Expanding Flexible Use of the 12.2–12.7 GHz Band*, 88 FR 43502 (July 10, 2023) (*FNPRM*); *Expanding Use of the 12.7–13.25 GHz Band for Mobile Broadband or Other Expanded Use*, 88 FR 43938 (July 10, 2023) (*NPRM*).

<sup>2</sup> Joint Request for Extension of Comment Deadline of the Satellite Industry Association (SIA), together with Eutelsat S.A., Hispasat, S.A., Intelsat License LLC, Ovzon LLC, SES Americom, Inc., Space Exploration Technologies Corp., and WorldVu Satellites Limited, WT Docket No. 20–443, GN Docket No. 22–352 (filed Aug. 4, 2023) (Joint Request).

<sup>3</sup> *Id.* at 2.

<sup>4</sup> *Id.*

unlicensed) and satellite communications systems,” and that “[a]n extension of time will allow interested parties and their experts the opportunity to better analyze the questions posed in [the *FNPRM* and] the *NPRM*, fostering a collaborative spectrum approach and allowing them to prepare more thorough responses.”<sup>5</sup>

3. With this Order, the Wireless Telecommunications Bureau denies the Joint Request. As set forth in section 1.46 of the Commission’s rules, extensions of time shall not be routinely granted.<sup>6</sup> Moreover, Commission rulemaking proceedings often have implications for the long-term interests of multiple interested industries. The Commission therefore finds nothing sufficiently unique or unusual that would warrant significant extensions of the comment deadlines in this instance.<sup>7</sup> The Commission is similarly unpersuaded based on the record before us that extensions of the reply comment deadlines—set for 30 days after the initial comment deadline—are warranted. Finally, note that although the *FNPRM* and the *NPRM* were released on May 19, 2023, and were thus publicly available for almost three months prior to the deadline for initial comments, the Joint Request was filed just days before that deadline, without any explanation about why it was not filed sooner. Because the Joint Request was filed less than 7 days before the August 9, 2023, deadline for filing comments,<sup>8</sup> and because the Commission finds no justification for extending that deadline, the Commission declines to do so. The deadline for filing initial comments in response to the *FNPRM* and the *NPRM* remains August 9, 2023.<sup>9</sup>

<sup>5</sup> *Id.* (quoting *FCC 23–36* at para. 1).

<sup>6</sup> 47 CFR 1.46(a). The Commission also notes that the Joint Request was untimely filed less than 7 days prior to the August 9, 2023, comment filing deadlines. See 47 CFR 1.46(b) (Motions for extension of time in which to file . . . comments filed in response to notice of proposed rulemaking . . . shall be filed at least 7 days before the filing date.).

<sup>7</sup> *Accord Shortwave Modernization Coalition Petition for Rulemaking to Amend the Commission’s Rules to Allow Fixed, Long-Distance, Non-Voice Communications Above 2 MHz and Below 25 MHz*, Order, 2023 WL 4930836, at \*1, para. 3 & n.16 (WTB July 31, 2023) (citing 47 CFR 1.46(a)); *Amendment of Rules Governing Ultra-Wideband Devices and Systems*, RM–11844, Order Denying Extension of Time to File Comments and Reply Comments, 34 FCC Rcd 7176, 7177, para. 3 (OET 2019).

<sup>8</sup> 47 CFR 1.46(b).

<sup>9</sup> See *supra* note 6. Under 47 CFR 1.46(b), comments need not be filed until 2 business days after the denial of a *timely* motion for extension of time.

## Ordering Clause

4. Accordingly, *it is ordered* that, pursuant to section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), and §§ 0.131, 0.331, and 1.46 of the Commission’s rules, 47 CFR 0.131, 0.331, and 1.46, the Joint Request for Extension of Comment Deadline filed by the Satellite Industry Association, together with Eutelsat S.A., Hispasat, S.A., Intelsat License LLC, Ovzon LLC, SES Americom, Inc., Space Exploration Technologies Corp., and WorldVu Satellites Limited, on August 4, 2023, *is denied*.

Federal Communications Commission.

**Blaise Scinto,**

*Chief, Broadband Division, Wireless Telecommunications Bureau.*

[FR Doc. 2023–17579 Filed 8–16–23; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

[Docket No. FWS–R2–ES–2021–0143; FF09E21000 FXES1111090FEDR 234]

RIN 1018–BF90

#### Endangered and Threatened Wildlife and Plants; Endangered Species Status for Texas Kangaroo Rat and Designation of Critical Habitat

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), propose to list the Texas kangaroo rat (*Dipodomys elator*), a rodent from north-central Texas, as an endangered species and designate critical habitat under the Endangered Species Act of 1973, as amended (Act). This determination also serves as our 12-month finding on a petition to list the Texas kangaroo rat. After a review of the best available scientific and commercial information, we find that listing the species is warranted. Accordingly, we propose to list the Texas kangaroo rat as an endangered species under the Act. If we finalize this rule as proposed, it would add this species to the List of Endangered and Threatened Wildlife and extend the Act’s protections to this species and its critical habitat. We also propose to designate critical habitat for the Texas kangaroo rat under the Act. In total, approximately 597,069 acres (241,625 hectares) in Childress, Cottle, Hardeman, Wichita, and Wilbarger