

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

In the Matter of

Petition of USTelecom for Forbearance Pursuant
to 47 U.S.C. § 160(c) to Accelerate Investment in
Broadband and Next-Generation Networks

WC Docket No. 18-141

ORDER

Adopted: June 1, 2018

Released: June 1, 2018

By the Chief, Wireline Competition Bureau:

I. INTRODUCTION

1. In this Order, the Wireline Competition Bureau (Bureau) grants in part various requests for an extension of time to file comments and reply comments in response to a petition for forbearance filed by USTelecom.¹ Based on the record before us, we find that good cause exists to grant a 60-day and a 15-day extension of time for commenters to file comments and reply comments, respectively, in this proceeding.

2. USTelecom filed its Petition on May 4, 2018. On May 8, 2018, the Wireline Competition Bureau issued a public notice establishing deadlines of June 7, 2018 for comments and June 22, 2018 for reply comments.² On May 11, 2018, INCOMPAS and CALTEL filed Motions for Extension of Time, requesting a 60-day extension of the comment deadline and a 15-day extension of the reply comment deadline.³ Multiple parties have since filed additional motions for extension of time or have filed in support of the INCOMPAS and CALTEL motions.⁴ USTelecom has indicated it will not oppose the motions for extension of time to file comments and replies.⁵

¹ Petition of USTelecom for Forbearance Pursuant to 47 U.S.C. § 160(c) to Accelerate Investment in Broadband and Next-Generation Networks, WC Docket No. 18-141 (filed May 4, 2018) (Petition).

² *Pleading Cycle Established for Comments on USTelecom's Petition for Forbearance from Section 251(c) Unbundling and Resale Requirements and Related Obligations, and Remaining Sections 271 and 272 Requirements*, WC Docket No. 18-141, Public Notice, DA 18-475 (WCB May 8, 2018).

³ *Petition of USTelecom for Forbearance Pursuant to 47 U.S.C. § 160(c) to Accelerate Investment in Broadband and Next-Generation Networks*, INCOMPAS Motion for Extension of Time, WC Docket No. 18-141, at 1 (filed May 11, 2018); *Petition of USTelecom for Forbearance Pursuant to 47 U.S.C. § 160(c) to Accelerate Investment in Broadband and Next-Generation Networks*, California Association of Competitive Telecommunications Companies (CALTEL) Motion for Extension of Time and for Protective Order, WC Docket No. 18-141, at 1 (filed May 11, 2018). CALTEL filed a revised motion on May 15, 2018. See *Petition of USTelecom for Forbearance Pursuant to 47 U.S.C. § 160(c) to Accelerate Investment in Broadband and Next-Generation Networks*, California Association of Competitive Telecommunications Companies Revised Motion for Extension of Time and for Protective Order, WC Docket No. 18-141, at 1 (filed May 11, 2018).

⁴ See *Petition of USTelecom for Forbearance Pursuant to 47 U.S.C. § 160(c) to Accelerate Investment in Broadband and Next-Generation Networks*, Motion of the National Association of Regulatory Utility Commissioners for

3. Section 1.46 of the Commission's rules provides that "[i]t is the policy of the Commission that extensions of time are not routinely granted."⁶ We find, however, that there is good cause to extend the due date for filing comments and reply comments in response to the USTelecom Petition. USTelecom has indicated it intends to submit additional data, explanations of its data analyses, and other supporting evidence into the record, subject to protective order.⁷ Extending the comment deadline by 60 days and the reply comment deadline by 15 days will provide interested parties additional time to review and respond to the complex issues and questions raised in the Petition consistent with prior forbearance petition timeframes.⁸ We expect that this extension will: (1) allow commenters sufficient

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Extension of Time, WC Docket No. 18-141 (filed May 16, 2018); *Petition of USTelecom for Forbearance Pursuant to 47 U.S.C. § 160(c) to Accelerate Investment in Broadband and Next-Generation Networks*, Motion for Extension of Time Submitted on Behalf of the Public Utilities Commission of Ohio, WC Docket No. 18-141 (filed May 18, 2018); *Petition of USTelecom for Forbearance Pursuant to 47 U.S.C. § 160(c) to Accelerate Investment in Broadband and Next-Generation Networks*, Motion for Extension of Time of the California Public Utilities Commission, WC Docket No. 18-141 (filed May 18, 2018) (California PUC Motion) (requesting extension of the comment period by 90 days and extension of the reply comment period by 30 days); *Petition of USTelecom for Forbearance Pursuant to 47 U.S.C. § 160(c) to Accelerate Investment in Broadband and Next-Generation Networks*, Massachusetts Department of Telecommunications and Cable Motion for Extension of Time, WC Docket No. 18-141 (filed May 21, 2018) (requesting extension of the comment period by 90 days and extension of the reply comment period by 30 days) (MDTC Motion); *Petition of USTelecom for Forbearance Pursuant to 47 U.S.C. § 160(c) to Accelerate Investment in Broadband and Next-Generation Networks*, Minn. Dep't of Commerce and the Minn. Pub. Util. Comm'n Request for Extension of Time, WC Docket No. 18-141 (filed May 23, 2018); *Petition of USTelecom for Forbearance Pursuant to 47 U.S.C. § 160(c) to Accelerate Investment in Broadband and Next-Generation Networks*, Motion of the Michigan Public Service Commission for Extension of Time, WC Docket No. 18-141 (filed May 24, 2018); *Petition of USTelecom for Forbearance Pursuant to 47 U.S.C. § 160(c) to Accelerate Investment in Broadband and Next-Generation Networks*, Motion for Extension of Time Submitted on Behalf of the Pennsylvania Public Utilities Commission, WC Docket No. 18-141 (filed May 25, 2018) (Pa. PUC Motion) (requesting extension of the comment period by 90 days and extension of the reply comment period by 30 days); Letter from Paula Foley, Midwest Association of Competitive Communications, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 18-141 (filed May 14, 2018); Letter from Thomas Jones et al., Wilkie Farr & Gallagher LLP, Counsel for Granite Telecommunications, LLC, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 18-141 (filed May 15, 2018); Letter from David Springe, Executive Director, NASUCA, and David Bergmann, Counsel, to Marlene S. [sic] Dortch, Secretary, FCC, WC Docket No. 18-141 (filed May 18, 2018); Letter from Todd Way, V.P., Northwest Telecommunications Association, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 18-141 (filed May 18, 2018); Letter from Joshua M. Bobeck, Morgan Lewis & Bockius LLP, Counsel for the Wholesale Voice Line Coalition, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 18-141 (filed May 18, 2018); Letter from Mitchel H. Tyner, Sr. Acting Chief Counsel, Jamie Belcore Saloom, Asst. Chief Counsel, Office of Advocacy, U.S. Small Business Administration, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 18-141 (filed May 21, 2018); Letter from Tamar E. Finn, Morgan Lewis & Bockius LLP, Counsel for U.S. TelePacific, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 18-141 (filed May 22, 2018); Letter from Christopher Frost, President, California ISP Association, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 18-141 (filed May 22, 2018); Letter from Fletcher Kittredge, CEO, Biddeford Internet Corp., et al., to Marlene H. Dortch, Secretary, FCC, WC Docket No. 18-141, at 1 (filed May 31, 2018).

⁵ Letter from Diane Holland, V.P., Law & Policy, USTelecom, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 18-141, at 2 (filed May 21, 2018) (USTelecom May 21, 2018 *Ex Parte* Letter).

⁶ 47 CFR § 1.46.

⁷ USTelecom May 21, 2018 *Ex Parte* Letter at 2.

⁸ See *Petition to Establish Procedural Requirements to Govern Proceedings for Forbearance Under Section 10 of the Communications Act of 1934, as Amended*, Report and Order, 24 FCC Rcd 9543, 9559, para. 29 (2009) (allowing for "longer cycles for the more complex petitions"). We are not persuaded that a longer extension is necessary. See California PUC Motion at 2; MDTC Motion at 2; Pa. PUC Motion at 2. This extended comment and reply comment period (a total of 124 days after the Petition was filed on May 4) is consistent with, and indeed exceeds, the pleading cycle for which interested parties had to file on equally complex prior forbearance petitions. See, e.g., *Pleading Cycle Established for Comments on United States Telecom Association Petition for Forbearance*

time to prepare their comments and reply comments; (2) result in a more robust record to inform the Commission's decision-making in this proceeding; and (3) allow the Commission to act on the Petition within the statutory one-year period.⁹

4. ACCORDINGLY, IT IS ORDERED, pursuant to sections 4(i), 4(j), and 5(c) of the Communications Act, as amended, 47 U.S.C. §§ 154(i), 154(j), and 155(c), and sections 0.91, 0.291, and 1.46 of the Commission's rules, 47 CFR §§ 0.91, 0.291, and 1.46 that the Motions for Extension of Time ARE GRANTED IN PART and DENIED IN PART, and the deadline for filing comments in WC Docket No. 18-141 is extended until August 6, 2018, and the deadline for filing reply comments is extended until September 5, 2018.

FEDERAL COMMUNICATIONS COMMISSION

Kris Anne Monteith
Chief
Wireline Competition Bureau

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from Certain Incumbent LEC Regulatory Obligations, WC Docket No. 14-192, Public Notice, 29 FCC Rcd 13535 (WCB 2014) (comments due 60 days after forbearance petition was filed; reply comments due 15 days thereafter for a total filing period of 77 days after the forbearance petition was filed).

⁹ See 47 U.S.C. § 160(c).