

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

In the Matter of	)	
	)	
Implementation of State and Local Governments’	)	WT Docket No. 19-250
Obligation to Approve Certain Wireless Facility	)	RM-11849
Modification Requests Under Section 6409(a) of	)	
the Spectrum Act of 2012	)	
	)	
Accelerating Wireline Broadband Deployment by	)	WC Docket No. 17-84
Removing Barriers to Infrastructure Investment	)	
	)	

**ORDER GRANTING EXTENSION OF TIME**

**Adopted: September 30, 2019**

**Released: September 30, 2019**

**Comment Date: October 29, 2019**

**Reply Comment Date: November 13, 2019**

By the Chiefs, Wireless Telecommunications Bureau and Wireline Competition Bureau:

1. The Wireless Telecommunications Bureau (WTB) and the Wireline Competition Bureau (WCB) issued a Public Notice on September 13, 2019,<sup>1</sup> seeking comment on a Petition for Rulemaking and a Petition for Declaratory Ruling filed by the Wireless Infrastructure Association (WIA) and a Petition for Declaratory Ruling filed by CTIA—The Wireless Association (CTIA).<sup>2</sup> The Public Notice established comment and reply comment filing dates of October 15 and October 30, 2019, respectively. Subsequently, a coalition of organizations representing utilities (Utilities) and a coalition of local governments’ associations (Local Governments) filed separate motions requesting that the comment and reply comment dates be extended by 30 days, to November 14 and December 16, 2019, respectively.<sup>3</sup> For the reasons stated below, we find that a 14-day extension of time is warranted, and we modify the comment and reply comment dates accordingly.

2. The Utilities and the Local Governments argue that the requested extension is necessary to enable them and other parties to prepare meaningful comments that respond to the factual allegations raised in the petitions and to analyze the complex policy issues implicated.<sup>4</sup> The Utilities assert that

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<sup>1</sup> *Wireless Telecommunications Bureau and Wireline Competition Bureau Seek Comment on WIA Petition for Rulemaking, WIA Petition for Declaratory Ruling and CTIA Petition for Declaratory Ruling*, Public Notice, WT Docket No. 19-250, WC Docket No. 17-84, RM-11849, DA 19-913 (released Sept. 13, 2019).

<sup>2</sup> WIA Petition for Rulemaking (Aug. 27, 2019); WIA Petition for Declaratory Ruling (filed Aug. 27, 2019); CTIA Petition for Declaratory Ruling (filed Sept. 6, 2019). All three petitions seek Commission action addressing the implementation of Section 6409(a) of the Spectrum Act of 2012, 47 U.S.C. § 1455(a). CTIA’s petition also seeks rulings relating to pole attachments pursuant to Section 224 of the Communications Act, 47 U.S.C. § 224.

<sup>3</sup> See Edison Electric Institute, National Rural Electric Cooperative Association and Utilities Technology Council (collectively, Utilities) Motion for Extension of Time (filed Sept. 19, 2019) (Utilities Motion); National Association of Counties, National League of Cities, U.S. Conference of Mayors and National Association of Telecommunications Officers and Advisors (collectively, Local Governments) Motion for Extension of Time (filed Sept. 24, 2019) (Local Governments Motion).

<sup>4</sup> Utilities Motion at 5; Local Governments Motion at 2-3, 5-6; Public Notice at 2.

member companies will need more time for consultations, while the Local Governments contend that the existing schedule provides inadequate notice to localities with governing boards that meet infrequently, and thus precludes them from fully participating.<sup>5</sup> The Utilities state that the proposed extension of time will not prejudice other parties or affect the Commission's ability to consider the issues, while the Local Governments point out that the Commission established longer comment filing periods on some past petitions raising comparably complex issues.<sup>6</sup>

3. The Commission does not routinely grant motions for extension of time.<sup>7</sup> In this instance, however, we find there is good cause to grant a limited extension of the comment and reply comment dates for the reasons identified by the Local Governments and Utilities. We believe, however, that an additional 14 days should provide sufficient time for parties to analyze the issues raised in the petitions and meaningfully address them. Moreover, if additional relevant information becomes available after the close of the comment period, parties may submit such information on an *ex parte* basis in these permit-but-disclose proceedings.<sup>8</sup> We therefore grant the motions in part and establish new comment and reply comment dates of October 29 and November 13, respectively.

4. We also clarify that comments and reply comments that exclusively address issues relating to clarifying the implementation of Section 6409(a) of the Spectrum Act should be filed in WT Docket No. 19-250 only. Filings that exclusively concern pole attachment issues should be filed in WC Docket No. 17-84 only.<sup>9</sup> Filings addressing both categories of issues should be filed in both dockets.

5. Accordingly, IT IS ORDERED, pursuant to sections 4(i), 4(j), 5, and 303(r) of the Communications Act, as amended, 47 U.S.C. §§ 154(i), 154(j), 155, and 303(r), and sections 0.91, 0.131, 0.291, 0.331, 1.2, and 1.46 of the Commission's rules, 47 CFR §§ 0.91, 0.131, 0.291, 0.331, 1.2, and 1.46, that the Motion for Extension of Time filed by the Utilities on September 13, 2019, and the Motion for Extension of Time filed by the Local Governments on September 24, 2019, ARE GRANTED IN PART.

6. IT IS FURTHER ORDERED that the date for filing initial comments IS EXTENDED to October 29, 2019, and that the date for filing reply comments IS EXTENDED to November 13, 2019.

#### FEDERAL COMMUNICATIONS COMMISSION

Donald K. Stockdale, Chief  
Wireless Telecommunications Bureau

Kris A. Monteith, Chief  
Wireline Competition Bureau

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<sup>5</sup> Utilities Motion at 5; Local Governments Motion at 4-6.

<sup>6</sup> Utilities Motion at 5; Local Governments Motion at 3-4. The Local Governments further argue that the comment cycle is too short to enable the Commission's Broadband Deployment Advisory Committee (BDAC) to form a working group to provide input on the petitions to the Commission, as some BDAC members have proposed. Local Governments Motion at 6. The Utilities also point out that the comment period overlaps with the Jewish High Holidays on September 30, October 1, and October 9, 2019. Utilities Motion at 5.

<sup>7</sup> 47 CFR § 1.46(a).

<sup>8</sup> See 47 CFR § 1.1206. Our *ex parte* rules also enable any newly-formed BDAC working groups or other entities to submit views and analyses even if they fail to file by the established comment or reply comment dates.

<sup>9</sup> This supersedes the instruction in the Public Notice that *all* comments and reply comments be filed in WT Docket No. 19-250.