

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Bridging the Digital Divide for Low-Income Consumers)	WC Docket No. 17-287
)	
Lifeline and Link Up Reform and Modernization)	WC Docket No. 11-42
)	
Telecommunications Carriers Eligible for Universal Service Support)	WC Docket No. 09-197
)	

MOTION FOR EXTENSION OF TIME

The National Hispanic Media Coalition (“NHMC”) respectfully requests, pursuant to 47 C.F.R. § 1.46, an eight-week extension of time to file comments and reply comments responsive to the Federal Communications Commission’s (“FCC” or “Commission”) proposals set forth in the Notice of Proposed Rulemaking (“NPRM”)¹ and the Notice of Inquiry (“NOI”)² in the above-captioned dockets. NHMC recognizes that “[i]t is the policy of the Commission that extensions of time shall not be routinely granted.”³ However, given the enormous impact that this proceeding could have on the Lifeline program and individuals who rely on the program for their vital communications needs, and in particular the millions of Americans still reeling from hurricanes in Puerto Rico and the U.S. Virgin Islands who are struggling to connect to basic necessities like water and electricity, let alone communications services, it would be prudent for the Commission to delay the proceeding.

¹ See *Bridging the Digital Divide for Low-Income Consumers et al.*, WC Docket Nos. 17-287 et al., Notice of Proposed Rulemaking, FCC 17-155 (Dec. 1, 2017).

² See *Bridging the Digital Divide for Low-Income Consumers et al.*, WC Docket Nos. 17-287 et al., Notice of Inquiry, FCC 17-155 (Dec. 1, 2017).

³ 47 C.F.R. § 1.46(a).

As outlined in the October 6, 2017 letter,⁴ NHMC is concerned about the devastating impact that the 2017 hurricane season had on the communications infrastructure in Puerto Rico and the U.S. Virgin Islands. Immediately after Hurricane Maria, the FCC reported that overall 95.2 percent of cell sites in Puerto Rico were out of service, with 25 of the 43 counties reporting 100 percent of their cell sites out of service.⁵ The FCC also reported that in the U.S. Virgin Islands overall 76.6 percent of sell cites were out of service.⁶ Now, nearly four months after the Hurricane Maria made landfall, several cell sites remain out of service in both territories.⁷ Additionally, almost half of Puerto Rico is still suffering without power,⁸ and many people in the range of operational cell sites are still unable connect due to lack of charged communications devices.

The Commission itself has recognized that the 2017 hurricane season “led to Presidential emergency or major disaster declarations for seven states and two territories...[the] storms devastated communities and the communications networks that service them.”⁹ Chairman Ajit Pai also stated how critically important communications are in the wake of such disasters, “[a]ccess to

⁴ See Letter from National Hispanic Media Coalition, Center for Media Justice, Color of Change, Free Press, and Public Knowledge to Chairman Ajit Pai, (Oct. 6, 2017), <http://www.nhmc.org/fcc-must-aid-puerto-rico>.

⁵ See Federal Communications Commission, Communications Status Report for Areas Impacted by Hurricane Maria (Sept. 21, 2017), https://apps.fcc.gov/edocs_public/attachmatch/DOC-346840A1.pdf.

⁶ *Id.*

⁷ See Federal Communications Commission, Communications Status Report for Areas Impacted by Hurricane Maria (Jan. 17, 2018), https://transition.fcc.gov/Daily_Releases/Daily_Business/2018/db0117/DOC-348749A1.pdf (as of January 17, 2018 the FCC reports shows that 9.2 percent of cell sites remain out of service in Puerto Rico and 12 percent of cell sites are out of service in the U.S. Virgin Islands).

⁸ See *id.* at 5 (“Since there are widespread power outages in Puerto Rico and the U.S. Virgin Islands, the FCC has received reports that large percentages of consumers are without either cable services or wireline service. While the companies have been actively restoring service, the majority of their customers do not have service because commercial power is not yet available in their respective areas.”); see also 3 months after Maria, barely half of Puerto Rico has power, Danica Coto, Associated Press (Dec. 30, 2017) available at <http://www.chicagotribune.com/news/nationworld/ct-puerto-rico-power-20171229-story.html>.

⁹ *Public Safety and Homeland Security Bureau Seeks Comment on Response Efforts Undertaking During 2017 Hurricane Season*, Public Notice, PS Docket No. 17-344, DA 17-1180 at 1 (Dec. 7, 2017).

reliable communications services during times of emergency is critical to enabling Americans in danger to request help and our heroic first responders to do their jobs.”¹⁰ This is the type of extraordinary circumstance that warrants an extension.

In the aftermath of Hurricanes Harvey, Irma, and Maria, the Commission issued waivers of rules related to Lifeline and several other Universal Service Fund programs.¹¹ By doing so, the Commission recognized that it “may take into account considerations of hardship, equity, or more effective implementation of overall policy on an overall basis,”¹² and that it has discretion to waive Commission rules. Additionally, the Commission noted that there was “extraordinary property damage, personal injury, and disruptions in services caused by the Hurricanes...[that] constitutes extremely unusual circumstances warranting the temporary waiver of the rules and procedures.”¹³ In this instance, extending the deadline for comments in the above-referenced proceeding is consistent with the Commission’s assessment of the extraordinary and widespread impact of the 2017 hurricane season.

People in Puerto Rico and the U.S. Virgin Islands should be able to participate in this proceeding. In the wake of such a disaster, it is essential for the Commission to ensure that low-income consumers, and those newly eligible for the Lifeline program due to the hurricane, are able to access vital communications services. They should also have adequate notice and opportunity to comment on the proposals to Lifeline, a program that could provide the type of temporary relief that they still desperately need.

The Commission’s proposals set forth in the NPRM and the NOI would have far-reaching consequences for Lifeline recipients living in these devastated territories. Importantly, the

¹⁰ *Id.* citing Chairman Ajit Pai, *September 2017 Open FCC Meeting, Presentation on FCC Response to Hurricanes Harvey, Irma and Maria*, Statement (Sept. 26, 2017).

¹¹ *Id.* citing *Schools and Libraries Universal Service Support Mechanism, et al.*, Order, DA 17-984 (Wireline Comp. Bur. 2017).

¹² *Schools and Libraries Universal Service Support Mechanism, et al.*, Order, DA 17-984 at 2 (Wireline Comp. Bur. 2017) (internal citations omitted).

¹³ *Id.* at 3.

restructuring of the Lifeline program as currently proposed, would ensure that nearly 70 percent of Lifeline recipients across all 50 states including the U.S. territories would be cut off from service.¹⁴ The proposals seek to remove non-facilities based providers, and therefore competition and choice from the program, which would result in significant harm to disaster recovery efforts. By contrast, in the aftermath of the 2005 Hurricane Katrina, the Commission expanded the Lifeline program to better serve the displaced. It is within the Commission's congressional mandate to ensure that "[c]onsumers in *all regions* of the Nation, including low-income consumers ... have access to telecommunications and information services."¹⁵ Thus, it would be prudent for the Commission to delay this proceeding, otherwise, many of the people most impacted by these proposals and the hurricanes will not have an opportunity to participate in this rule-making process.

For the above stated reasons, NHMC respectfully requests that the Commission delay the Lifeline proceeding by eight weeks in order to provide residents of Puerto Rico and the U.S. Virgin Islands the necessary time to comment.

Respectfully Submitted,

/s/

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¹⁴ See Letter from John J. Heitmann, Joshua Guyan, Kelley Drye & Warren LLP, Counsel to the Lifeline Connects Coalition, Boomerang Wireless, LLC and Easy Wireless, LLC to Marlene H. Dortch, Secretary, FCC, WC Docket Nos. 17-287 et al., at 2 (Nov. 2, 2017).

¹⁵ 47 U.S.C. § 254(b)(3) (emphasis added).