

**Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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| In the Matter of | : | |
| | : | WC Docket No. 18-141 |
| 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**

Pursuant to 47 C.F.R. § 1.46, the Public Utilities Commission of Ohio (PUCO) requests an extension of time to file comments in this proceeding. Pursuant to the Commission's Public Notice establishing a pleading cycle, comments are due on June 7, 2018 and reply comments are due on June 22, 2018. The PUCO respectfully requests an extension of 60 days for the comments, through and including August 6, 2018 with reply comments due 30 days later, on September 5, 2018.

While the PUCO recognizes that the Commission does not routinely grant extensions, they are warranted when the additional time will serve the public interest. Granting the PUCO's request would allow a more complete record to be developed and therefore serve the public interest.

The PUCO is the state regulatory agency charged with overseeing the rates and conditions of service associated with the intrastate operations of telecommunications providers. The requested extension is necessary to allow the PUCO to assess the impacts

of the forbearance sought in the petition on the telecommunications market within the State of Ohio.

The USTelecom petition raises a myriad of complex legal and factual issues. As a state commission that exercises its delegated authority under sections 251 and 252 of the Telecommunications Act of 1996, USTelecom's request that the Commission forbear from enforcing the unbundling and resale requirements of section 251(c) as well as the associated obligations set forth in sections 251 and 252 raises issues of particular concern to the PUCO. Review of the lengthy pleading and analysis of relevant data will require significant time and resources to complete and such review is essential to a full evaluation of the impact of USTelecom's request. The current pleading cycle simply does not provide sufficient time to provide meaningful responses given the complexity of the issues presented. The Commission's *Forbearance Procedures Order* states that the Commission will allow "larger cycles for more complex petitions."¹ Additionally, the Commission has granted extensions for comments on forbearance petitions that "will require parties to expend significant time and resources gathering the factual and economic data necessary to provide us with a complete record."²

¹ *Petition to Establish Procedural Requirements to Govern Proceedings for Forbearance Under Section 10 of the Communications Act of 1934, as Amended, Report and Order*, FCC 09-56, 24 FCC Rcd. 9543, ¶ 29 (2009) ("Forbearance Procedures Order").

² *See, e.g., Verizon Tel. Cos. Petition for Forbearance from the Current Pricing Rules for the Unbundled Network Element Platform, Order*, DA 03-2333, 18 FCC Rcd. 14, 600, ¶ 4 (2003).

When preparing comments for the Commission's consideration, state commissions such as the PUCO often have mandatory clearance processes and procedures that must be adhered to prior to the submission of such comments. These requirements lengthen the time necessary to make a response. As such, state commissions take full advantage of the time between the submission of a petition and the Commission's issuance of the public notice that begins the comment cycle. In prior forbearance proceedings, it was not uncommon for the time between the filing of the request and the issuance of the public notice beginning the comment cycle to be a few weeks.³ The USTelecom petition was time-stamped as accepted/filed on May 7th and posted to the Commission's electronic comment filing system on May 8th. The public notice was issued later that same day, providing, at most, 31 days for state commissions to review and analyze the petition and draft comments for submission by June 7, 2018, while adhering to their own approval processes and procedures. Given the complexity of the issues involved, this simply does not allow state commissions like the PUCO adequate time to fully review and provide meaningful input to the Commission.

³ See, e.g., *Pleading Cycle Established for Comments on AT&T's Petition for Forbearance from Certain Tariffing Rules*, Public Notice, DA 16-1239, 31 FCC Rcd. 11,935 (2016); *Pleading Cycle Established for Comments on United States Telecom Ass'n Petition for Forbearance from Certain Incumbent LEC Regulatory Obligations*, Public Notice, DA 14- 1585, 29 FCC Rcd. 13,535 (2014); *Pleading Cycle Established for Comments on CenturyLink Petitions for Forbearance from or Interim Waiver of Dominant Carrier and Computer Inquiry Tariffing Requirements on Enterprise Broadband Services*, Public Notice, DA 14-36, 29 FCC Rcd. 254 (2014); *Pleading Cycle Established for Comments of United States Telecom Ass'n Petition for Forbearance from Certain Telecommunications Regulations*, Public Notice, DA 12-352, 27 FCC Rcd. 2326 (2012).

Accordingly, because of the critical importance of the issues raised by the Notice and the Petition, and because of the need for additional time to adequately review and respond to these complex issues, the PUCO respectfully requests that the Commission grant the requested extension.

Respectfully submitted,

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