

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of)	
)	
Wireline Competition Bureau Seeks)	GN Docket No. 18-231
Comment on State of Fixed Wireline)	
Competition)	
)	
Inquiry Concerning Deployment of)	
Advanced Telecommunications)	GN Docket No. 18-238
Capability to All Americans In A)	
Reasonable And Timely Fashion)	

MOTION FOR EXTENSION OF TIME

Public Knowledge, INCOMPAS, Common Cause, The Greenlining Institute, Communications Workers of America, Benton Foundation, Electronic Frontier Foundation, TEXALTEL, Federation of Internet Service Providers of America, Northwest Telecommunications Association (“Movants”) file this request for extension of time in the above captioned proceedings. Movants request that the Commission extend the comment deadline for both proceedings to September 27, 2018. *I.e.*, an extension of 30 days in GN Docket No. 18-231 and an extension of 17 days in GN Docket No. 18-238. Grant of this extension of time is warranted in light of the importance and complexity of the proceeding, the brief time allotted by the Commission in the initial notices, and conflict with the major Jewish Holidays of Rosh Hashanah and Sukkot.

ARGUMENT

The Chairman, all Commissioners, members of Congress, and the Trump Administration have all stressed the importance of ensuring affordable broadband access for all Americans.¹ Similarly, there is widespread agreement on the importance of competition in the broadband marketplace. The two reports at issue focus on these very questions. Accordingly, the FCC should take steps to maximize the opportunity for the broadest possible stakeholder input from providers, competitors and consumers. Maximizing input from consumers and competitors is particularly important in light of the importance of the data to federal and state aid programs,² and the widespread criticism that the current broadband map and market analysis do not reflect reality as experienced by consumers on the ground.³ The inaccuracy of the broadband map and

¹ See, e.g., Statement of Chairman Ajit Pai, “FCC Provides Additional \$500 Million in Funding For Rural Broadband (March 23, 2018). Available at: <https://www.fcc.gov/document/fcc-provides-additional-500-million-funding-rural-broadband/pai-statement> (accessed on August 13, 2018); Elaina Sauber, “FCC Chairman In Franklin: “Expanding Rural Broadband A Top Priority For Federal Agency,” The Tennessean (April 4, 2018). Available at <https://www.tennessean.com/story/news/2018/04/04/fcc-chairman-franklin-expanding-rural-broadband-top-priority-federal-agency/485998002/> (accessed August 13, 2018).

² See Brian Whitacre, Sharon Strover, Colin Rhinesmaith, “Broadband Speed: FCC Map v. Experience on the Ground,” Daily Yonder, July 25, 2018. Available at: <http://www.dailyyonder.com/broadband-speed-fcc-map-vs-experience-ground/2018/07/25/26583/> (accessed August 13, 2018); Sam Bloch, “The FCC Says All of Iowa Has Access To Broadband Internet. Speed Tests Tell A Different Story.” New Food Economy (June 20th, 2018) (explaining how inaccurate broadband map precludes ISPs from applying for funding). Available at: https://newfoodeconomy.org/rural-iowa-broadband-data-fcc/?mc_cid=32948531db&mc_eid=bfl1efc24c (access August 13, 2018).

³ See, e.g., Letter of Frank Pallone and Mike Doyle to Ajit Pai, On Faulty Broadband Data, May 8, 2018, available at: <https://democrats-energycommerce.house.gov/newsroom/press-releases/pallone-doyle-question-pai-on-faulty-broadband-data> (accessed August 13, 2018); Eric Null, “What’s Behind America’s Inability to Create a Trustworthy Broadband Map?” Pacific Standard (April 10, 2018). Available at: <https://psmag.com/news/what-is-behind-americas-bad-broadband-maps> (accessed August 13, 2018); Rob Pegoraro, “The Problem With America’s New National Broadband Map,” CityLab (February 28, 2018). Available at: <https://www.citylab.com/life/2018/02/fcc-high-speed-broadband-internet-access-map/554516/> (accessed August 13, 2018).

the state of competition has been the subject of bipartisan Congressional criticism.⁴ Competitors have raised concerns that large incumbent providers have overstated their coverage and denied them the opportunity to compete for CAF funds.⁵ As Commissioner Rosenworcel observed when the FCC updated the National Broadband Map last February, the only way to fix the numerous errors and inaccuracies in the existing map is to use “the wisdom of crowds” and encourage Americans to send their stories to the FCC. In the words of Commissioner Rosenworcel: “I know our map would be better off if we had this data.”⁶

But so far, the Commission has taken the exact opposite approach. With little public fanfare, the Wireline Bureau issued a Public Notice soliciting comment for the first ever report on general competition in the broadband marketplace on Friday, July 27. In addition to burying the Public Notice on a Friday during the dog days of summer, the Bureau provided an unusually short period for comments. Interested parties must respond by August 17, a mere 3 weeks after the publication of the Public Notice. Not only does this provide an unusually brief time for public comment on a matter of such importance, but it also requires parties to assemble and file

⁴ See “Wicker Leads Effort To Tell FCC That Mobility Fund Has Gaps,” Press Release, May 8, 2018. Available at: <https://www.wicker.senate.gov/public/index.cfm/2018/3/wicker-leads-effort-to-tell-senators-tell-fcc-that-mobility-fund-map-has-gaps> (accessed August 13, 2018). John Eggerton, “ACT: NTIA More Likely Than FCC to Produce unbiased Broadband Report,” Multichannel News (July 5, 2018). Available at: <https://www.multichannel.com/news/act-ntia-more-likely-than-fcc-to-produce-unbiased-broadband-report> (access August 13, 2018). See also John Eggerton, “Senators Challenge FCC Rural Broadband Map,” Multichannel News (May 30, 2018). Available at: <https://www.multichannel.com/news/sens-challenge-fcc-rural-broadband-map> (access August 18, 2018); Karl Bode, “The FCC’s New Broadband Map Paints an Irresponsibly Inaccurate Picture of America’s Broadband,” Motherboard (February 23, 2018). Available at: https://motherboard.vice.com/en_us/article/8xdk8x/new-fcc-broadband-map (accessed August 13, 2018).

⁵ Jon Brodtkin, “Verizon Lied About 4G Coverage – and It Could Hurt Rural America, Group Says,” Ars Technica (August 8, 2018). Available at: <https://arstechnica.com/tech-policy/2018/08/verizon-lied-about-4g-coverage-and-it-could-hurt-rural-america-group-says/> (accessed August 13, 2018).

⁶ Demonstration of the New National Broadband Map, Statement of Commissioner Rosenworcel (February 22, 2018).

comments during the summer vacation period when public interest organizations, competitors and state and local offices are routinely short-staffed.

All of these factors will undoubtedly depress the ability of interested members of the public to even learn about the proceeding, let alone participate substantively. Rather than taking steps to encourage the broadest possible input from the public, the Bureau's actions minimize the likelihood of the public even *hearing* about the proceeding – and provide almost no time for smaller interested parties to prepare substantive filings.

The Commission has done slightly better with the release of the *Notice of Inquiry* in the annual Inquiry Concerning Deployment of Advanced Telecommunications Capability to All Americans in A Reasonable and Timely Fashion (aka “*Section 706 NOI*”). Nevertheless, the release of the document in the dog days of August and providing a mere 30 days for comments presents similar problems for consumers, competitors, state and local governments, and small businesses wishing to participate in the Commission's central proceeding focused on collecting broadband deployment data. Additionally, the date established by the *Section 706 NOI* for comments, September 10, is the first day of Rosh Hashanah, the Jewish New Year and one of the holiest days on the Jewish calendar. The Reply Comment date, a mere 15 days later, falls on the first day of the Jewish holiday of Sukkot (aka “the Feast of Tabernacles”).⁷

RELIEF REQUESTED

Movants request that the Commission move the comment date for both of these proceedings to September 27, 2018. Because the subject matter of the two inquiries is related, it will facilitate participation by members of the public and smaller stakeholders with limited

⁷ While not as well-known as Rosh Hashanah and Yom Kippur, the “Days of Awe,” Sukkot is one of the 3 “pilgrimage holidays” described in the 5 Books of Moses. *See, e.g.* Exodus 34:22; Leviticus 23:34-43; Numbers 29:12-39; Deuteronomy 16:13-17. Work, including FCC filings, is strictly prohibited for Jews who observe the holiday.

resources if both filings are due on the same day. Extending the deadline to September 27 provides interested stakeholders 60 days to notify the public, gather data, and submit meaningful comments. A sixty-day comment period is both more reasonable and more generally in line with the Commission's deadlines in important and complex proceedings.⁸ Additionally, September 27 falls after the aforementioned Jewish holidays, eliminating any conflict for those who observe the holidays and wish to participate. Extending the deadline for comments in the *Section 706 NOI* to September 27 would provide an extension of 17 days. This modest delay will allow interested parties to use data collected for the broadband market report and will avoid any conflict with the Jewish holidays.

In light of the broad consensus on the importance of accurate information on broadband competition and deployment to inform policy, and the broad recognition that the Commission's data collection will be enormously improved by broad stakeholder participation, grant of this extension is most certainly in the public interest. Additionally, no parties will suffer any inconvenience from the delay. The new filing date will leave the Commission time to complete the competition report by the statutory deadline. Indeed, the new filing date will leave the Commission staff ***more than 4 times the length of time provided to the public*** in the notice to provide input.

CONCLUSION

WHEREFORE, the parties signed below request that the Commission delay the comment deadline in both proceedings captioned above to September 27, 2018. Movants also request that

⁸ See, e.g., *Petition of USTelecom for Forbearance Pursuant to 47 U.S.C. §160(c) to Accelerate Investment in Broadband and Next Generation Networks*, Order (rel. June 1, 2018) (granting additional 60 days to respond to petition).

the date for Reply Comments in GN Docket No. 18-238 be delayed to 15 days after the new comment date, October 27, 2018.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Harold Feld, hereby certify that on August 15, 2018, I caused true and correct copies of the foregoing to be served via electronic mail upon the following:

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Sincerely,

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