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FEDERAL COMMUNICATIONS COMMISSION

October 31, 1995

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, NW - Room 222
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

Re: Price Cap Performance Review for Local Exchange Carriers, CC Docket No. 94-1; Treatment of Operator Services Under Price Cap Regulation, CC Docket No. 93-124; Revisions to Price Cap Rules for AT&T, CC Docket No. 93-197

Dear Mr. Caton:

Pursuant to Section 1.46 of the Commission's Rules, enclosed please find an original and nine copies of the Motion for Extension of Time of the Ad Hoc Telecommunications Users Committee filed in the above captioned matter. Please date stamp the additional copy and return it with our messenger.

If you have any questions regarding this filing, please do not hesitate to call us.

Sincerely,

James S. Blaszak

Enclosures

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OCT 31 1995

FEDERAL COMMUNICATIONS COMMISSION

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Price Cap Performance Review for Local Exchange Carriers	)	CC Docket No. 94-1
	)	
Treatment of Operator Services Under Price Cap Regulation	)	CC Docket No. 93-124
	)	
Revisions to Price Cap Rules for AT&T	)	CC Docket No. 93-197

Motion for Extension of Time

DOCKET FILE COPY ORIGINAL

The Ad Hoc Telecommunications Users Committee ("Ad Hoc Committee") hereby requests that the Commission extend by three months the dates for filing Comments and Reply Comments in the above-captioned proceeding. If this motion is granted the dates for filing Comments and Reply Comments would be February 20, 1996 and March 20, 1996, rather than November 20, 1995 and December 20, 1995, as is currently the case.

Within a seven day period the Commission released three orders inviting comments on important aspects of its price cap regulation of Local Exchange Carriers ("LECs").[1] The Commission's resolution of the issues raised

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[1] *Price Cap Performance Review for Local Exchange Carriers,* CC Docket No. 94-1, Second Further Notice of Proposed Rulemaking in CC Docket No. 94-1, Further Notice of Proposed Rulemaking in CC Docket No. 93-124, and Second Further Notice of Proposed Rulemaking in CC Docket No. 93-197, FCC 95-393, released September 20, 1995 (hereinafter the "LEC Pricing Flexibility NPRM"); *Price Cap Performance Review for Local Exchange Carriers; Treatment of Video DialTone Services Under Price Cap Regulation,* CC Docket No. 94-1, Second Report and Order and Third Further Notice of Proposed Rulemaking, FCC 95-394, released September 21, 1995 (hereinafter the "VDT NPRM"); *Price Cap Performance Review for Local Exchange Carriers*, CC Docket No. 94-1, Fourth Further Notice of Proposed Rulemaking, FCC 95-406, released September 27, 1995 (hereinafter the "X-Factor NPRM").

in these orders will affect for the foreseeable future the rates that consumers pay for telecommunications services and the evolution of competition in the local exchange and access services markets. The X-Factor NPRM aims to establish a permanent methodology for setting and updating an offset factor (the "X-Factor") to the general rate of inflation in the Commission's price cap regulation of LECs. The X-Factor is the most economically consequential component of the formula used to adjust the price cap indices, and thus one of the most contentious of the price cap issues. The currently effective X-Factors are too low, and as a consequence, rates for LECs' interstate access service and the long distance services that use interstate access service are too high.[2] It is in the interest of all consumers that the Commission conclude as promptly as possible the X-Factor NPRM proceeding. Accordingly, the Ad Hoc Committee does not seek an extension of the pleading dates set in the X-Factor NPRM.

Nor does the Ad Hoc Committee seek an extension of the pleading dates set by the VDT NPRM. The comment date in this proceeding has already passed.

The LEC Pricing Flexibility NPRM, on the other hand, raises a large number, (at least 110 discrete questions are explicitly presented for comment), of complex and very important issues. The resolution of these issues would establish pricing rules for the LECs well into the next century. But many of the most complex and important matters on which the Commission seeks

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[2] The Commission established three interim X-Factors in *Price Cap Performance Review for Local Exchange Carriers,* CC Docket No. 94-1, FCC 95-132, released April 7, 1995.

comment, such as the definition of appropriate markets and measures for assessing the competitiveness of markets, do not have immediate relevance.

Under the current schedule, only the LECs have the resources to respond well to the three subject NPRMs. The dates for comments and reply comments in the these proceedings are as follows:

- VDT NPRM: October 27 and November 17, 1995
- LEC Pricing Flexibility NPRM: November 20 and December 20, 1995
- X-Factor NPRM: November 27 and December 27, 1995

In the interest of obtaining records in these proceedings that are balanced and informative and most likely to lead to decisions that best serve the public interest, the Commission should stagger the pleading dates as urged in this motion. Only parties with enormous resources could meet the current pleading deadlines with adequate submissions.

The existing pleading schedules provide another reason for delaying the pleading dates in the LEC Pricing Flexibility docket. Comments in that docket are currently due only three days after the date for reply comments in the VDT proceeding and seven days before the date for comments in the X-Factor docket. While stretched, parties such as the Ad Hoc Committee could finalize their comments on the X-Factor NPRM issues during the ten days between the end of the pleading cycle set by the VDT NPRM and the date set for comments by the X-Factor NPRM. The Committee, however, could not do so with intervening comments due in the LEC Pricing Flexibility docket. Deferring

with intervening comments due in the LEC Pricing Flexibility docket. Deferring the pleading dates set by the LEC Pricing Flexibility NPRM is the most sensible approach to establishing a sequential and realistic schedule for submitting comments and reply comments in all three of the subject dockets.

In view of the foregoing, the Ad Hoc Committee respectfully requests that the Commission extend to February 30 and March 20, 1996 the dates for filing comments and reply comments, respectively, in the LEC Pricing Flexibility docket.

Respectfully submitted,

Ad Hoc Telecommunications
Users Committee

By: _____

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October 31, 1995

200.12/exttime

CERTIFICATE OF SERVICE

I, Meredith Forman, hereby certify that true and correct copies of the foregoing Motion for Extension of Time were served by hand-delivery or first class mail, postage prepaid, on this 31st day of October, 1995 upon all parties of record.

Meredith Forman

October 31, 1995