

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

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)

Federal-State Joint Board)
on Universal Service)

CC Docket No. 96-45

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REQUEST FOR EXTENSION OF TIME

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The Consumer Federation of America; Alliance for Community Media; American Library Association; Benton Foundation; Center for Media Education; Consortium for School Networking; National Education Association; National School Boards Association; People for the American Way Action Fund; United Church of Christ, Office of Communications; and United States Catholic Conference [herein after Commenters] respectfully move for an extension of time of one month in which to file comments on the Notice of Proposed Rulemaking ("NPRM") in the above captioned proceeding released on March 8, 1996. The current deadline for filing comments is April 8, 1996 and the current deadline for filing replies is May 3, 1996. Commenters seek an extension of time to file comments until May 8, 1996 and reply comments until June 10, 1996.

The circumstances described below demonstrate that the one month the Commission has permitted for comments is wholly inadequate to respond properly to the NPRM. Commenters submit that there are several good reasons why grant of this request will serve the public interest and assist the Commission's decisional process by insuring the development of a complete record.

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At the outset, Commenters note that active participation of the public, and school and library organizations is essential to the effective implementation of universal service provisions of the Telecommunications Act of 1996 ("Telecommunications Act"). These groups, and those on whose behalf they act, are the primary beneficiaries of the statute at issue here. Extremely short comment periods inevitably have a disparate and adverse impact on the ability of these and other public interest and non-profit organizations to participate effectively in the Commission's proceeding. While this phenomenon prevails in all proceedings, the effect in this proceeding is especially untoward, since it could undermine the very accomplishment of the goals of the statute.

Unlike large telecommunications companies, which have numerous lawyers, economists, lobbyists and support personnel at their disposal, Commenters and their colleagues have limited human and monetary resources. Excessively harsh deadlines will force these organizations to file inadequate comments, or none at all. In the context of the universal service provisions of the Act, this would deprive the Commission of material necessary to compile an adequate record.

With that point in mind, Commenters make three additional arguments in support of this request:

First, Commenters have taken seriously the Commission's request to coordinate and file joint comments. But in a proceeding where the questions are both numerous and complex, obtaining approvals on drafts and consensus on certain issues cannot be done overnight. The problem of coordinating is exacerbated by the fact that a number of the commenters, and especially the educational and library commenters, must necessarily rely

upon experts in their respective organizations who are spread out throughout the country.

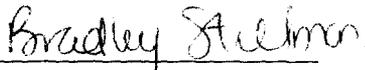
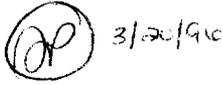
Second, the period for filing comments was effectively shortened by the fact that the notice was released late on Friday March 8, 1996, and was not generally available until Monday, March 11th. The comment period will be further shortened by religious holidays that fall near the end of the comment period. Several of the undersigned, for example, will not be working on April 3 and 4 because of the observance of Passover. Other counsel will be observing the Good Friday and the Easter holiday, which falls on the day before the comments are due.

Third, many of the parties to this matter are involved in several of the other Commission proceedings implementing the Telecommunications Act. For example, the Alliance for Community Media and the Center for Media Education, represented by undersigned counsel, will be filing comments in the Open Video System Rulemaking, wherein comments are due April 1, and reply comments are due April 11. Several commenters also plan to participate in the Commission's notice and comment proceeding on leased access, which is expected to issue shortly.

The brief extension should not impede completion of the Commission's or the Federal-State Joint Board's ("Joint Board") tasks within the time limits set out in the Telecommunications Act. Under the Act, the Joint Board has nine months from the date of the Telecommunications Act's enactment to make recommendations to the Commission, until November 1996. And the Commission has six months after that to implement the Joint Board's recommendations, until May 1997. Thus, even with a brief extension, the Joint Board will have nearly five months to make its recommendations to the Commission.

Wherefore, Commenters request that the deadline for filing comments in this instant proceeding be extended through and including May 8, 1996, that the deadline for filing reply comments be extended through and including June 10, 1996, and that the Commission grant all such other relief as may be just and proper.

Respectfully Submitted,

 
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