

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

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JUN 14 1996

Federal Communications Commission
Office of Secretary

In the Matter of)
)
)
Implementation of the)
Pay Telephone Reclassification)
and the Compensation Provisions of the)
Telecommunications Act of 1996)

CC Docket No. 96-128

DOCKET FILE COPY ORIGINAL

MOTION FOR EXTENSION OF TIME

Southwestern Bell Telephone Company ("SWBT") hereby moves to extend the time for filing reply comments in the above-captioned docket from July 8, 1996 to July 12, 1996.

In the Notice of Proposed Rulemaking ("NPRM")¹ in this docket, the Commission seeks comments on proposed rules implementing the requirements of the Telecommunications Act of 1996 ("Act"), with respect to the payphone industry. The Commission seeks comments on numerous complex issues, including federal and state jurisdiction, per-call compensation, access charge adjustments, nonstructural safeguards, and the right of the Bell Operating Companies ("BOCs") to negotiate with location providers on the selection of the carrier to handle interLATA calls. These issues are not only very complex but also likely to be controversial among differing telecommunications industry segments. The Commission appears to recognize the complexity of the many issues raised in this proceeding as it is permitting comments to be no more than seventy-five (75) pages. While comments have not yet been filed, SWBT expects numerous parties to file comments, with many of those filings approaching or meeting the 75 page limit. Parties likely to file

¹FCC No. 96-254, released June 6, 1996.

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comments include state regulators, interexchange carriers, operator service providers, private payphone providers, local exchange carriers, industry associations, and other interested parties. In light of the number of anticipated commenters, the comments filed herein could amount to well in excess of 1,000 pages.

The proposals being considered in this NPRM will have far-reaching implications for the competitive payphone industry and for consumers in general. Before the Commission considers such significant changes, the Commission must first develop a complete record and allow parties adequate time to comment fully on the many complex issues presented by the NPRM. The date established in the NPRM for filing comments is June 27, and the date for filing reply comments is currently July 8. Considering the significant number of complex issues being proposed, along with the length and volume of comments expected to be filed, the current period for developing reply comments is unreasonably short and will not permit the presentation of a complete record sufficient to support the types of changes contemplated by the NPRM.

As stated above, comments are due on Thursday, June 27, 1996. While some comments may be available for review on Friday, June 28, it is likely that a significant number of filed comments will not be available for review until Saturday, June 29.² Thus, based on the current schedule for reply comments, many parties will likely have at the most four business days, June 28 and July 1 through 3, (July 4 is a holiday and July 5 is also a holiday for many companies) to prepare

²In SWBT's case, after comments are filed with the Commission in Washington, D.C., they are obtained by Bellcore, copied, and sent by overnight mail to St. Louis, Missouri, where SWBT's federal regulatory docket team is located. Many interested companies have similar processes to get filings into the hands of the appropriate docket team.

responsive reply comments. The present schedule, permitting only four business days to develop reply comments, places unnecessary administrative burdens on all parties interested in filings responsive reply comments.³ In addition, because of the complex issues presented in this NPRM, the time for reply comments is so restrictive as to deny interested parties the right to participate in a meaningful manner. As with initial comments, the Commission appears to recognize the complexity of the many issues that are likely to require response in reply comments since the Commission has limited reply comments to no more than thirty-five (35) pages. Based on due process considerations and to be consistent with other proceedings, the Commission should extend the time for filing reply comments.

SWBT respectfully requests that the Commission extend the date for filing reply comments to July 12. While the Act does require the Commission to adopt regulations, including reconsiderations, within nine months of enactment of the Act, granting the extension requested by SWBT will permit interested parties to prepare more responsive reply comments and should permit the Commission to have a more complete record for its review. Furthermore, granting the extension requested by SWBT will not unduly burden any party interested in filing reply comments and should permit adequate time for the Commission to meet its legislative mandates.

³5 U.S.C. § 553(c) (“The agency shall give interested persons an opportunity to participate in the rulemaking through submission of written data, views, or arguments”); 47 C.F.R. § 1.415(b) (“A reasonable time will be provided for submission of comments in support of or in opposition to proposed rules”).

CONCLUSION

While the 1996 Act does contain certain deadlines for Commission action, the extension of time requested herein by SWBT should not unduly affect the Commission's timeline for fulfilling the requirements of the Act. Therefore, the Commission should establish revised time limits that will allow interested parties to provide meaningful information and arguments on the issues presented. With the time limit extensions, the Commission will be able to develop a complete record and to reach a well-informed decision.

For the foregoing reasons, SWBT respectfully requests that the Commission to extend the date for filing reply comments to July 12.

Respectfully submitted,

SOUTHWESTERN BELL TELEPHONE COMPANY

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CERTIFICATE OF SERVICE

I, Laura Kay, hereby certify that the foregoing "Motion for Extension of Time" in CC Docket No. 96-128 has been served this 14th day of June, 1996 to the parties on the attached service list.



Laura Kay

June 14, 1996