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

In the Matter of

Implementation of the Non-Accounting Safeguards of Sections 271 and 272 of the Communications Act of 1934 as amended;	)	CC Docket No. 96-149
and	)	DOCKET FILE COPY ORIGINAL
Regulatory Treatment of LEC Provision of Interexchange Services Originating in the LEC's Local Exchange Area	)	

MOTION FOR EXTENSION OF TIME

On July 18, 1996, the Commission released three separate, but interrelated, Notices of Proposed Rulemaking (NPRMs), all with short, but different, dates on which comments and replies are due. One NPRM, entitled *Non-Accounting Safeguards Under Sections 271 and 272 of the Communications Act (Notice)* is mainly seeking comment on the structural separation requirements contained in Section 272 of the Telecommunications Act of 1996.[1] This section is applicable only to Bell Operating Companies. Comments are due on August 15, with replies due on August 30, a much shorter time period than is usual for rulemakings of this kind.

[1]Implementation of the Non-Accounting Safeguards of Section 271 and 272 of the Communications Act of 1934 and Regulatory Treatment of LEC Provision of Interexchange Services Originating in the LEC's Local Exchange Area, CC Docket No. 94-149, FCC 96-308 (released July 18,1 996) (Comments due August 15; Replies, August 30)

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The United States Telephone Association (USTA) is a trade association whose members are local exchange carriers serving customers throughout the country. Its members include the seven Bell Operating Companies (BOCs), but the BOCs are only a small fraction of USTA's 1100 plus members. USTA was surprised that the Commission has asked in the NPRM for comment on a number of issues that are unrelated to Sections 271 and 272.

Very significantly, the Notice asks whether the regulatory regime for non-BOC incumbent local exchange carriers should be altered in order for these companies to qualify for non-dominant treatment. (Paras. 153-162) Also, the Notice tentatively concludes that the Commission should change the market definition it has previously used for assessing the presence or absence of market power of independent LECs in providing "in-region" interstate long distance. (Paras. 124-126) These issues were both addressed by the Commission 13 years ago in the *Fifth Report and Order* in the *Competitive Carrier* proceeding. Certainly, there have been changes in the marketplace that call for significant streamlining of these rules. So USTA welcomes the opportunity to provide its comments to the Commission on the regulatory treatment of its non-BOC member companies. But there simply is no reason for the Commission to place these items on such a fast track that USTA and these members cannot effectively comment.

As the Commission knows, USTA's non-BOC members encompass hundreds of small and mid-size LECs, all of whom could be seriously affected by the outcome of this proceeding. USTA must ask these members for input and assemble the positions and facts provided by these members, all during the very busy month of August. Chairman Hundt has announced no fewer than 28 proceedings that it plans to complete by August 8. The Commission has issued numerous orders

and NPRMs since June 1. USTA members will have to evaluate all of these decisions and notices and begin work where appropriate on filing pleadings in response to these documents.

The Commission's normal comment period provides 45 days for comments and 30 for replies. The Commission often provides issues that significantly affect small telephone companies even longer time to file comments because of their limited resources. USTA well understands the significant implementation responsibilities that the Commission has pursuant to the 1996 Telecommunications Act, and has consistently supported the Commission in complying with short deadlines in order to permit the Commission to fulfill implementation responsibilities. Nevertheless, given that (1) there is no statutory deadline, (2) indeed, these two issues are not even raised by the new 1996 Telecommunications Act, and (3) rules governing "in-region" long distance services by non-BOCs have been in place for years, there simply is no emergency that requires such a brief comment period on this issue or on the issue of changing the market definition for independent LECs. Therefore, USTA respectfully requests that the comment deadline be extended to September 16, with replies due by October 16 for these two issues relating to independent LECs.

Respectfully submitted,
United States Telephone Association

By: Mary McDermott

Its Attorneys:

Mary McDermott
Linda L. Kent
Charles D. Cosson
Keith Townsend

1401 H Street, NW, Suite 600
Washington, DC 20005
(202)326-7247

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Copies Hand-Delivered To:

Carol E. Mattey
Federal Communications Commission
Common Carrier Bureau
Room 544
1919 M Street, NW
Washington, DC 20554

Mr. Richard Metzger
Federal Communications Commission
Common Carrier Bureau
Room 500
1919 M Street, NW
Washington, DC 20554

Donald Stockdale
Federal Communications Commission
Common Carrier Bureau
Room 544
1919 M Street, NW
Washington, DC 20554

Melissa Waksman
Federal Communications Commission
Common Carrier Bureau
Room 544
1919 M Street, NW
Washington, DC 20554