

FCC MAIL SECTION

Federal Communications Commission

DA 96-1467

SEP 3 11 39 AM '96

Before the
Federal Communications Commission
Washington, D.C. 20554

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

ORDER

Adopted: August 28, 1996

Released: August 28, 1996

By the Chief, Policy and Program Planning Division:

1. On July 17, 1996, the Commission adopted a Notice of Proposed Rulemaking initiating the above-captioned proceeding.¹ In the *Notice*, the original deadline for receipt of comments was August 15, 1996, and for receipt of reply comments was August 30, 1996.

2. On August 2, 1996, the United States Telephone Association (USTA) filed a request to extend the comment deadline for two issues raised in the *Notice* relating to the regulation of independent local exchange carriers (LECs): (1) whether the regulatory regime for independent LECs should be altered in order for these companies to qualify for non-dominant treatment, and (2) whether 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, interexchange services.² On August 9, 1996, the Policy and Program Planning Division (Division) of the Common Carrier Bureau (Bureau) granted in part USTA's

¹ *Implementation of the Non-Accounting Safeguards of Sections 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*, Notice of Proposed Rulemaking, FCC 96-308, CC Docket No. 94-149 (rel. July 18, 1996) (*Notice*).

² USTA's Motion for Extension of Time (filed August 2, 1996).

motion for extension of time, extending the deadline for receipt of comments on the above-specified issues to August 29, 1996, and for receipt of reply comments on those issues to September 13, 1996.³ The *USTA Extension Order* specified that it had no effect on the comment deadlines for other issues raised in the *Notice*, which remained the same.⁴

3. On August 27, 1996, the Telecommunications Industry Association (TIA) filed a request to extend the deadline for receipt of reply comments on all issues raised in the *Notice* until September 13.⁵ TIA indicates that, to respond to the Commission's inquiries in the *Notice*, it must collect and coordinate input from its members. TIA states that the compressed reply period established by the *Notice*, together with the volume of initial comments received in the proceeding, have made it difficult to obtain and coordinate member input necessary to file reply comments addressing the full range of issues of concern to TIA's members within the prescribed timeframe. In addition, TIA notes that many of the issues raised in the *Notice* are interrelated, that there is no statutory deadline applicable to the completion of the instant proceeding, and that the 15-day reply period for this proceeding is shorter than the 30-day period provided in many other Commission proceedings.

4. The Commission's policy is that extensions of time shall not be routinely granted.⁶ Moreover, we believe that it is particularly important to complete the instant proceeding in a timely manner, because it raises implications for other proceedings subject to explicit statutory deadlines. For these reasons, we believe the public interest is best served by maintaining the original reply comment deadline of August 30, 1996, for all issues raised in the *Notice* that were not affected by our *USTA Extension Order*. Therefore, we deny TIA's request for extension.

5. Accordingly, IT IS ORDERED that the Motion for Extension of Time filed by TIA is DENIED.

FEDERAL COMMUNICATIONS COMMISSION



Richard K. Welch
Chief, Policy and Program Planning Division
Common Carrier Bureau

³ *Implementation of the Non-Accounting Safeguards of Sections 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*, Order, DA 96-1281, CC Docket No. 94-149 (rel. Aug. 9, 1996) (*USTA Extension Order*).

⁴ *Id.* at 2.

⁵ Telecommunications Industry Association's Motion for Extension of Time (filed August 27, 1996). We note that TIA timely filed initial comments in response to the *Notice*.

⁶ 47 C.F.R. § 1.46(a). Further, as a general rule, motions for extension of time in which to file reply comments in response to a notice of proposed rulemaking, *inter alia*, are required to be filed at least 7 days before the filing date. 47 C.F.R. § 1.46(b). TIA's motion was not filed within the required timeframe.