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Federal Communications Commission

DA 97-146

DISPATCHED

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

In the Matter of)	
)	
Access Charge Reform)	CC Docket No. 96-262
)	
Price Cap Performance Review for Local Exchange Carriers)	CC Docket No. 94-1
)	
Transport Rate Structure and Pricing)	CC Docket No. 91-213
)	
Usage of the Public Switched Network by Information Service and Internet Access Providers)	CC Docket No. 96-263 ✓
)	
)	

ORDER

Adopted: January 22, 1997;

Released: January 22, 1997

By the Chief, Common Carrier Bureau:

1. On December 24, 1996, the Commission commenced a proceeding to reform its system of interstate access charges to make that system compatible with the pro-competitive, deregulatory framework established by the Telecommunications Act of 1996 and to examine issues raised by information services and Internet usage.¹ Pursuant to applicable rules set forth in Sections 1.399 and 1.411 *et seq.* of the Commission's rules,² the Commission established filing deadlines and procedures with which interested parties must comply in order to file comments and replies for the *Access Reform NPRM and Information Service NOI*. The Commission determined that interested parties may file comments no later than January 27, 1997 and replies no later than February 13, 1997 for the *Access Reform NPRM*. Several

¹ Access Charge Reform, Price Cap Performance Review, Transport Rate Structure and Pricing, Usage of the Public Switched Network by Information Service and Internet Access Providers, CC Docket Nos. 96-262, 94-1, 91-213, 96-263, Notice of Proposed Rulemaking, Third Report and Order, and Notice of Inquiry, FCC 96-488 (released Dec. 24, 1996) (*Access Reform NPRM and Information Service NOI*).

² 47 C.F.R. §§ 1.399 and 1.411 *et seq.*

parties have filed requests for extension of time to file comments in response to the *Access Reform NPRM*. For the reasons discussed below, we grant these requests, in part, and deny them otherwise.

2. On January 15, 1997, Ad Hoc Telecommunications Users Committee, The Bankers Clearing House, The New York Clearing House Association, Mastercard International Incorporated, and Visa, U.S.A. filed a joint motion to extend the comment and reply filing deadlines in the *Access Reform NPRM* by two weeks, to February 10, 1997 for comments and February 27, 1997 for replies.³ On January 16, 1997, the People of the State of California and the Public Utilities Commission of the State of California (California PUC) and the National Association of Regulatory Utility Commissioners (NARUC) filed separate requests for the Commission to extend the comment and reply deadlines for the filing of comments to February 3, 1997, and of reply comments to February 24, 1997.⁴

3. Parties assert that good cause exists for the grant of a short extension of time to prepare and file comments and replies due to the complexity of the issues raised in the *Access Reform NPRM*, the detailed nature of the many questions it raises, and its relationship to other on-going proceedings.⁵ Parties argue that interested parties with a significant stake in the outcome of this proceeding are already devoting substantial resources to related matters of comparable importance and are, therefore, unable to allocate sufficient resources to the preparation of their submissions in response to the *Access Reform NPRM*.⁶ Parties further contend that an extension is warranted because the comment cycle is effectively shortened by the occurrence of certain holidays during the comment period.⁷ Parties note that the Commission is not subject to any statutory deadline for completion of the *Access Reform NPRM* and argue that an extension of the filing deadlines furthers the public interest because it will result in a more fully developed record.⁸ The California PUC asserts that its internal reorganization and the temporary displacement of relevant staff and their files justifies an

³ Joint Motion of the Ad Hoc Telecommunications Users Committee, The Bankers Clearing House, The New York Clearing House Association, Mastercard International Incorporated and Visa, U.S.A., for Extension of Time to File Comments on NPRM, filed on January 15, 1997 (*Ad Hoc Joint Motion*).

⁴ Motion of the People of the State of California and the Public Utilities Commission of the State of California for an Extension of Time, filed January 16, 1997 (*California PUC Motion*); Request for an Extension of Time to File Comments by the National Association of Regulatory Utility Commissioners, filed January 16, 1997 (*NARUC Request*).

⁵ *Ad Hoc Joint Motion* at 2; *California CPUC Motion* at 2; *NARUC Request* at 4.

⁶ *Ad Hoc Joint Motion* at 3; *NARUC Request* at 4.

⁷ *Ad Hoc Joint Motion* at 3; *California PUC Motion* at 2; *NARUC Request* at 4.

⁸ *Ad Hoc Joint Motion* at 3.

extension of the comment and reply filing deadlines.⁹ Finally, NARUC contends that, due to the shortened comment cycle which requires comments before NARUC's next meetings in February, NARUC must undertake a more cumbersome draft review process for drafting comments.¹⁰

4. It is the policy of the Commission that extensions of time are not routinely granted.¹¹ In light of the important issues presented in this proceeding, and to allow parties to submit comments that will result in a more fully-developed record, however, the Common Carrier Bureau will grant a two-day extension for interested parties to submit comments and a one-day extension for interested parties to submit replies in response to the *Access Reform NPRM*. Interested parties must therefore file comments with the Commission no later than January 29, 1997 and replies no later than February 14, 1997. We are granting only a limited extension of the comment filing period in order that the Commission may consider and resolve the issues raised in the *Access Reform NPRM* on an expedited basis in connection with the Commission's consideration and resolution of the issues raised in the *Universal Service* proceeding,¹² which is subject to a statutory deadline of May 8, 1997.¹³

5. Accordingly, IT IS ORDERED, pursuant to Sections 4(j) and 5(c) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(j) and 155(c), and the authority delegated thereunder pursuant to Sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91 and 0.291, that the motions filed by Ad Hoc Telecommunications Users Committee, *et al.*, the California PUC, and NARUC, for an extension of time are GRANTED to the extent indicated herein and are DENIED in all other respects.

FEDERAL COMMUNICATIONS COMMISSION


Regina M. Keeney
Chief, Common Carrier Bureau

⁹ *California PUC Motion* at 2-3.

¹⁰ *NARUC Request* at 3-4.

¹¹ *See* 47 C.F.R. § 1.46(a).

¹² Federal-State Joint Board on Universal Service, CC Docket No. 96-45, Recommended Decision, FCC 96J-3 (released Nov. 8, 1996).

¹³ *See* 47 U.S.C. 254(a)(2).