

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

In the Matter of)	
)	
Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991)	CG Docket No. 02-278
)	
Establishing Just and Reasonable Rates for Local Exchange Carriers)	WC Docket No. 07-135
)	

**THE UNITED STATES TELECOM ASSOCIATION
REQUEST FOR EXTENSION OF
COMMENT AND REPLY COMMENT DEADLINE**

The United States Telecom Association (USTelecom)¹ respectfully requests a 30-day extension of the comment and reply comment deadline in the above-captioned proceeding. The proceeding involves a public notice (Notice) released by the Federal Communications Commission (Commission) in the above-referenced proceedings.² Through its Notice, the Commission seeks comment on issues raised by thirty-nine Attorneys General in a letter from the National Association of Attorneys General (NAAG) “on behalf of the millions of Americans regularly receiving unwanted and harassing telemarketing calls.” (“NAAG Letter”).³

¹ USTelecom is the premier trade association representing service providers and suppliers for the telecommunications industry. USTelecom members provide a full array of services, including broadband, voice, data and video over wireline and wireless networks.

² Public Notice, *Consumer and Governmental Affairs Bureau Seeks Comment on Robocalls and Call-Blocking Issues Raised by the National Association of Attorneys General on Behalf of Thirty-Nine Attorneys General*, DA 14-1700 (November 24, 2014) (*Notice*).

³ *Notice*; see also, Letter from the National Association of Attorneys General, to FCC Chairman Tom Wheeler, dated September 9, 2014 (*NAAG Letter*).

Currently, comments are due December 24, 2014, and reply comments are due January 8, 2015. USTelecom respectfully requests that the Commission extend the comment deadline to January 23, 2015, and the reply comment deadline to February 9, 2015.

In addition to the request for a formal Commission opinion on three categories of questions set forth in the NAAG Letter, the Notice raises a number of complex legal and technical issues regarding call-blocking services and call-blocking technologies that could impact consumer welfare and common carrier obligations, particularly as they relate to the implementation of advanced call-blocking technologies. USTelecom welcomes this discussion, and believes it is of paramount importance for the Commission to develop a full and complete record in this proceeding. In light of the broad range of stakeholders impacted by this issue, the importance of adequately addressing the Commission's questions, and given the intervening holiday season and end of quarter, a modest 30-day extension is in the public interest.

The Notice poses questions concerning a host of legal and technological issues involving the relationship between emerging technologies, the communications marketplace, and voice provider obligations under the Communication Act of 1934 and the Telephone Consumer Protection Act. The items raised by the Commission in its Notice include the legal obligations of carriers to complete calls,⁴ the potential impact of such technologies on consumers to send and/or receive calls,⁵ the importance of informed consent for consumers,⁶ and the legal differentiations

⁴ *Notice*, pp. 2 - 3.

⁵ *Id.*, p. 3 (asking the extent to which call blocking technologies “produce ‘false positives’ (i.e., block numbers that should not have been blocked.)”).

⁶ *Id.*, p. 3 (asking whether it “make[s] a difference if the consumer is informed prior to purchase of the rate of false positives and false negatives, and therefore that legitimate or desired calls may be blocked.”).

between existing and proposed call blocking technologies.⁷ The Commission also seeks comment on other “collateral legal issues may be raised by such blocking services.”⁸

In addition, violations occurring under the existing Do-Not-Call framework impact a broad range of stakeholders. In order for the Commission (and others) to effectively address this issue, it is imperative that the record in this proceeding afford a full opportunity for these stakeholders to participate in this proceeding. These stakeholders include consumers, communications companies, third-party application developers, equipment providers, civil society, and law enforcement agencies at the local, state and federal level, including the NAAG. Numerous federal agencies are also engaged on this issue, including the Commission, the Federal Trade Commission, the Federal Bureau of Investigation and others.

Moreover, the current comment and reply comment deadline occurs around several culturally significant holidays, including Christmas, Hanukkah, Kwanzaa, and New Year’s Day, as well as the end of the fourth quarter 2014 business cycle. These are some of the busiest travel and vacation holidays, and many of the business analysts, technical staff, and legal personnel that are responsible for evaluating the record and preparing comments and reply comments will be unavailable during this time, while resources remaining will be attending to essential business activities. An additional 30-day extension will ensure that all parties have the opportunity to allocate key resources to providing full input to the Commission in this proceeding.

USTelecom recognizes that the Commission does not routinely grant requests to extend filing deadlines.⁹ At the same time, the Commission has previously determined that extensions are warranted when the extension is necessary to ensure that the Commission receives full and

⁷ *Id.*, p. 4.

⁸ *Id.*

⁹ *See*, 47 C.F.R. § 1.46(a).

informed responses and the affected parties have an opportunity to develop a more complete record for the Commission's considerations.¹⁰ Consistent with these precedents, a modest 30-day extension of the reply comment deadline is appropriate in this case. The extension will allow the broad range of stakeholders involved in this issue with a meaningful amount of time to review, analyze, and comment on all of the comments in the record.

For the foregoing reasons, USTelecom respectfully requests that the Commission extend the comment deadline from December 24, 2014 to January 23, 2015, and the reply comment deadline from January 8, 2015 to February 9, 2015. Granting this request will help ensure a thorough and meaningful record for the Commission and commenters to consider.

¹⁰ See, e.g., Order, *Empowering Consumers to Prevent and Detect Billing for Unauthorized Charges, Consumer Information and Disclosure, Truth-in-Billing and Billing Format*, CG Docket No. 11-166, CG Docket No. 09-158, CG Docket No. 98-170, ¶ 3, DA 11-1860 (CGB Nov. 4, 2011); Order, *Empowering Consumers to Avoid Bill Shock*, CG Docket No. 10-207, ¶ 3, DA 10-2379 (CGB rel. Dec. 17, 2010) (recognizing that “the Commission has previously found that an extension of time is warranted when such an extension is necessary to ensure that the Commission receives full and informed responses and that affected parties have a meaningful opportunity to develop a complete record for the Commission’s consideration”); Order, *Wireless E911 Location Accuracy Requirements*, PS Docket No. 07-114, ¶ 3, DA 10-2267 (PSHSB rel. Dec. 1, 2010) (granting an extension “to ensure that all interested parties have the time necessary to prepare full and informed comments and reply comments”); Public Notice, *Twenty-One Day Extension of Time to File Reply Comments on Wireless Innovation and Investment Notice of Inquiry*, 24 FCC Rcd 12579, 12579-80 (WTB and OET 2009) (finding that granting a limited extension serves the public interest because it “would be beneficial to the development of a complete record on the issues”); Public Notice, *Wireless Telecommunications Bureau Grants Extension of Time to File Reply Comments on Commercial Mobile Radio Services Market Competition*, 24 FCC Rcd 8490, 8490 (WTB 2009) (same); Public Notice, *Media Bureau Grants Extension of Time to File Comments and Reply Comments in Response to Broadcast Localism Notice of Proposed Rulemaking*, 23 FCC Rcd 3741, 3742 (MB 2008) (“we agree that an extension of the comment and reply comment period is warranted to enable commenters to adequately review, investigate, and comment on the specific issues raised in the NPRM and respond to the extensive comments filed in response thereto”); Order, *Service Rules for Advanced Wireless Services in the 2155-2175 MHz Band, Service Rules for Advanced Wireless Services in the 1915-1920 MHz, 1995-2000 MHz, 2020-2025 MHz and 2175-2180 MHz Bands*, 23 FCC Rcd 10527, 10528-29 (¶ 4) (WTB 2008); Order, *Reexamination of Roaming Obligations of Commercial Mobile Radio Service Providers*, 20 FCC Rcd 19868, 19868-69 (¶ 3) (WTB 2005); Order, *Elimination of Rate-of-Return Regulation of Incumbent Local Exchange Carriers, Federal-State Joint Board on Universal Service*, 18 FCC Rcd 26307, 26307 (¶ 2) (WCB 2003).

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