

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

In the Matter of)	
)	
Special Access Rates for Price Cap Local Exchange Carriers)	WC Docket No. 05-25
)	
AT&T Corporation Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services)	RM-10593
)	
)	

**OPPOSITION OF INCOMPAS AND CCA TO
REQUEST FOR EXTENSION OF TIME**

INCOMPAS¹ and the Competitive Carriers Association (“CCA”) hereby oppose the request of USTelecom and its allies for the Commission to extend the upcoming comment and reply comment deadlines in the above-referenced proceeding by “at least” 60 and 30 days, respectively.² USTelecom asks that the Commission extend the filing deadlines in this proceeding far longer than could possibly be warranted by the modest delay parties have experienced in accessing the information submitted in response to the mandatory data request. In so doing, USTelecom has added further evidence that the incumbents have no desire for the Commission to complete its review of the special access marketplace. Rather, they will apparently use any opportunity to delay this proceeding, to run the clock down so that nothing is ever decided. The Commission must not acquiesce to these tactics.

¹ COMPTel is now doing business as INCOMPAS.

² Joint Request for Extension of Time of the United States Telecom Association and ITTA – The Voice of Mid-Size Communications Companies, WC Docket No. 05-25, RM-10593 (filed Oct. 21, 2015) (“Joint Request”).

Ever since AT&T (then a competitive carrier) alerted the Commission in 2002 that incumbent LECs were “fleecing special access customers nationwide” and “reaping shocking windfalls,” the incumbents have done everything in their power to ward off Commission action in this area.³ For years, they insisted that the Commission could not adopt reforms until it collected comprehensive data from participants in the special access marketplace.⁴ When the Commission agreed in late 2012 to collect this data, the incumbents abruptly began opposing the very data collection that they had once demanded.⁵ After the Commission finally overcame these obstacles, collected the data, and made it available for comment, the incumbents pivoted again. Their most recent tactic has been to argue that, as USTelecom asserted in a recent *ex parte* letter, the special access data “*already* is stale.”⁶

³ AT&T Corp., Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services, RM-10593, at 8 (filed Oct. 15, 2002).

⁴ *See, e.g.*, Letter from Donna Epps, Vice President, Federal Regulatory Affairs, Verizon, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 05-25, RM-10593, at 1 (filed July 31, 2012) (“The Commission needs to receive data from all participants in the marketplace for [special access] services, including cable companies and other providers that are offering competitive alternatives to ILEC special access. The Commission should be explicit in its data request that responses are mandatory and that there will be remedies for those that do not respond.”); Letter from David L. Lawson, Counsel for AT&T, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 05-25, at 11 (filed Mar. 28, 2012) (arguing that “if the Commission is determined to move forward with this rulemaking proceeding, it should promptly issue new data requests”).

⁵ CenturyLink filed an application for review of the Wireline Competition Bureau’s Order implementing the data request. AT&T helped lead the charge to fight the data request at the Office of Management and Budget (“OMB”). And when the Bureau modified the data request to implement the changes required by OMB, USTelecom promptly filed its own application for review of the Bureau’s modification order. *See* Application for Review of CenturyLink, WC Docket No. 05-25, RM-10593 (filed Oct. 22, 2013); Paperwork Reduction Act Comments of AT&T Inc., WC Docket No. 05-25, RM-10593 (filed Apr. 15, 2013); Application for Review of the United States Telecom Association, WC Docket No. 05-25, RM-10593 (filed Oct. 24, 2014).

⁶ *See* Letter from Jonathan Banks & Diane Griffin Holland, USTelecom, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 05-25, RM-10593, at 2 (filed Sept. 18, 2015) (emphasis added).

Now USTelecom seeks to delay the Commission's reform efforts by "at least" another two months, but it offers no basis for this request. USTelecom claims that some incumbent LEC representatives have experienced delays in accessing the data set.⁷ But this delay in no way justifies an extension, no less a 60 day extension. It was 36 days ago that the Wireline Competition Bureau established the current comment and reply comment deadlines and announced that it was "*initiating* the process of allowing access to the data."⁸ It would not have been reasonable for parties to assume that they would immediately have access to the data at that time. Thus, because the delay has been significantly less than 36 days, the 60 days sought by USTelecom bears no relationship to the actual delay parties have experienced, or are likely to experience, in accessing the data.⁹

Each additional month that passes is another month in which American businesses must make do without the benefits of a truly competitive business broadband marketplace. Enough is enough. The Commission should deny USTelecom's request for another two month extension and continue its progress toward adopting much needed reforms in this proceeding.

⁷ Joint Request at 2-3.

⁸ FCC Public Notice, "Wireline Competition Bureau Further Extends Comment Deadlines in Special Access Proceeding," WC Docket No. 05-25, RM-10593, DA 15-1037 (Sept. 17, 2015) (emphasis added).

⁹ Moreover, it is worth emphasizing that, even in cases where the Commission has found valid reasons to grant brief extensions of deadlines, it has refused to grant lengthier extensions that are disproportionate to the underlying justification and would cause undue delay. *See, e.g., Unlicensed Operation in the TV Broadcast Bands; Additional Spectrum for Unlicensed Devices Below 900 MHz and in the 3 GHz Band, Order Granting Extension of Time*, 19 FCC Rcd. 20441, ¶ 4 (2004) (denying a request for a lengthy extension of time but granting a shorter extension that was more proportionate to petitioners' justification).

Respectfully submitted,

Angie Kronenberg
Karen Reidy
INCOMPAS
1200 G Street, NW
Suite 350
Washington, DC 20005
(202) 872-5745

Rebecca Murphy Thompson
Competitive Carriers Association
805 15th Street, NW
Suite 401
Washington, DC 20005
(202) 747-0711

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CERTIFICATE OF SERVICE

I hereby certify that on October 23, 2015, I caused true and correct copies of the foregoing Opposition of INCOMPAS and CCA to Request for Extension of Time to be served electronically upon the following:

Diane Griffin Holland
USTelecom
dholland@ustelecom.org

Micah M. Caldwell
ITTA
mcaldwell@itta.us

Jonathan Banks
USTelecom
jbanks@ustelecom.org

/s/ Matthew Jones
Willkie Farr & Gallagher LLP