

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

In the Matter of

Rates for Interstate Inmate Calling Services

WC Docket No. 12-375

**TELMATE, LLC'S
REQUEST FOR EXTENSION OF REPLY COMMENT DEADLINE**

Pursuant to Section 1.46 of the Commission's Rules,¹ Telmate, LLC respectfully submits this request for a 15-day extension of the reply comment deadline in response to the Third Further Notice of Proposed Rulemaking (FNPRM) in the above-captioned proceeding. Telmate believes that such an extension is warranted to ensure a complete record in response to the Commission's questions.

The Commission released its Second Report and Order and Third *FNPRM* on November 5, 2015, which was published in the Federal Register on December 18, 2015.² Initial comments were filed January 19, 2016. Reply comments are currently due no later than February 1, 2016. Because the 30-day deadline for initial comments fell on the weekend of a federal holiday, the "45-days after date of publication in the Federal Register" is effectively only a 13-day turnaround from when comments were filed, rather than the 15-day contemplated turnaround.

¹ 47 C.F.R. § 1.46.

² See *Rates for Interstate Inmate Calling Services*, Second Report and Order and Third Further Notice of Proposed Rulemaking, FCC 15-136, 30 FCC Rcd. 12,763 (rel. Nov 5, 2015); Proposed Rules, 80 Fed. Reg. 79020 (Dec. 18, 2015) (noting comments due January 19, 2016 and reply comments due February 1, 2016).

Commenters likewise have lost business days to Winter Storm Jonas, which shut down the federal government and many other businesses in Washington, D.C. for two and a half days.³

Telmate recognizes that the Commission does not routinely grant requests to extend filing deadlines. However, the Commission has found that a pleading cycle extension is warranted when 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.⁴ Over 40 initial comments were filed in this proceeding, and 35 of those contain substantive comments. While Telmate recognizes the Commission's desire to act promptly in this proceeding, less than a two-week turnaround for reply comments is insufficient to fully respond to the comments.

Consistent with Commission precedent, an extension of the reply comment deadline is appropriate to enable affected stakeholders—including both industry and public safety interests alike—to thoroughly review the information put on the record to date and to inform the

³ Because the federal government was closed on January 25, 2016, which would have been seven days in advance of the filing deadline, Telmate is filing this motion on the first business day the Commission has been open after that date. Accordingly, Telmate believes this motion is timely pursuant to 47 C.F.R. §§ 1.4(j) and 1.46(b).

⁴ See, e.g., *Media Bureau Grants Extension of Time to File Comments and Reply Comments In Response to Broadcast Localism Notice of Proposed Rulemaking*, Public Notice, DA 08-515, at 2, MB Docket No. 04-233 (MB 2008) (“[W]e 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.”); *Reexamination of Roaming Obligations of Commercial Mobile Radio Service Providers*, Order, DA 05-3183, 20 FCC Rcd. 19,868, ¶ 3 (WTB 2005); *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*, Order, DA 08-1614, 23 FCC Rcd. 10,527, 10,528, ¶ 4 (WTB 2008); *Elimination of Rate-of-Return Regulation of Incumbent Local Exchange Carriers, Federal-State Joint Board on Universal Service*, Order, DA 03-4028, 18 FCC Rcd. 26,307, ¶ 2 (WCB 2003); *Telephone Number Portability*, Order, DA 03-4059, 18 FCC Rcd. 26,604, ¶ 2 (WCB 2003).

Commission of their response. Given the important public benefits at stake in the ICS proceeding, and the large number of comments filed to date, an extension is warranted. A 15-day extension would make reply comments due February 16, 2016. No parties will be prejudiced by this modest extension.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'BDS' with a long horizontal flourish extending to the right.

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