

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554
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In the Matter of)
)
International Settlement Rates)
)

IB Docket No. 96-261

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To The Commission:

SEP 4 2001

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

**OPPOSITION TO SECOND MOTION FOR EXTENSION OF
TIME TO FILE COMMENTS AND REPLY COMMENTS**

Atlantic Tele-Network, Inc. ("ATN"), pursuant to 47 C.F.R. §§ 1.45-1.46, hereby opposes the second motion of Caribbean Wireless Telecom, LLC ("CWT"), for an additional extension of time to file comments and reply comments in the above-captioned proceeding.¹ In response to CWT's first motion for extension of time, the Commission extended the comment date to September 7, 2001, and the reply comment date to September 21, 2001.² CWT now "requests an extension of until September 28, 2001 for both comments and reply comments."³ ATN respectfully requests that the Commission deny CWT's baseless and unnecessary motion.⁴ Another delay in the comment cycle would severely prejudice ATN and make it very difficult, if not impossible, to conclude this proceeding by January 1, 2002.

¹ See Motion for Additional Extension of Time to File Comments and Reply Comments of Caribbean Wireless Telecom, LLC, IB Docket No. 96-261 (filed Aug. 30, 2001) ("Second CWT Motion"). See also Motion for Extension of Time to File Comments and Reply Comments of Caribbean Wireless Telecom, LLC, IB Docket No. 96-261 (filed Aug. 6, 2001) ("First CWT Motion").

² See International Bureau Grants Motion for Limited Extension for Filing Comments on Petition of Atlantic Tele-Network, IB Docket No. 96-261, DA 01-1933 (rel. Aug. 13, 2001).

³ Although ATN opposes CWT's request for an extension of time that would result in the filing of comments and reply comments on the same day, ATN does not address this issue further within these comments, for the sake of brevity, because there is no basis for any extension of time beyond that which the Commission has already granted.

⁴ For the sake of brevity, ATN hereby incorporates the "Opposition to Motion for Extension of Time to File Comments and Reply Comments" it filed on August 10, 2001.

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CWT attempts to justify its second motion for additional time solely on its claim that it “is still waiting to receive documents from the Guyana PUC which are crucial for the preparation of its comments. These documents will be [sic] not be sent to Movant until September 17, 2001.”⁵ However, CWT alone is responsible for its failure to receive these documents in a timely fashion. Specifically, CWT did not request any documents from the Guyana PUC until **August 20, 2001**, which is more than **one month** after the Commission issued the Public Notice requesting comment on ATN’s petition,⁶ more than **two weeks** after CWT filed its first motion for an extension of time,⁷ and nearly **one week** after the Commission granted CWT’s first motion for an extension of time.⁸ CWT’s delay in requesting documents from the Guyana PUC is unreasonable – particularly considering that CWT waited until well after its first motion for extension of time was filed and granted – and cannot form the basis for an additional extension of the filing deadline for comments and reply comments.

As a cursory review of CWT’s document request to the Guyana PUC illustrates, CWT has **not** identified **any** specific documents that it must review. CWT’s failure to cite **any** specific facts in its second motion – or to provide a sworn affidavit from a person having personal knowledge of those facts – confirms that CWT does not have any factual basis for its disagreement with the facts and statistics that ATN cites in its petition. In effect, CWT has decided that it wants to oppose ATN’s petition even though it has no factual basis for doing so, and it wants more time from the

⁵ Second CWT Motion at 1.

⁶ See Petition for Waiver of the Benchmark Settlement Rate for Guyana, Public Notice, DA 01-1714, IB Docket No. 96-261, 2 (rel. July 17, 2001).

⁷ See also Motion for Extension of Time to File Comments and Reply Comments of Caribbean Wireless Telecom, LLC, IB Docket No. 96-261 (filed Aug. 6, 2001) (“First CWT Motion”).

⁸ See International Bureau Grants Motion for Limited Extension for Filing Comments on Petition of Atlantic Tele-Network, IB Docket No. 96-261, DA 01-1933 (rel. Aug. 13, 2001).

Commission to see if it can come up with something, despite the fact that it waited until August 20, 2001 to request any documents from the Guyana PUC. As ATN explained in its opposition to CWT's first motion for extension of time, generic allegations that additional time is needed to review materials and prepare comments and reply comments are insufficient to justify an extension.⁹

In sum, CWT has again failed to allege facts sufficient to establish good cause to extend the comment and reply comment dates in this proceeding. Moreover, another delay in the comment cycle would prejudice ATN and make it very difficult, if not impossible, to conclude this proceeding by January 1, 2002. By contrast, no parties will be prejudiced by denial of CWT's motion, because CWT can continue to research the facts that ATN cites in its petition beyond the reply comment deadline of September 21, 2001 and, if necessary, submit relevant and material information after that time pursuant to an individual waiver request as discussed in Section 1.46(b) of the Commission's rules.¹⁰

⁹ *See, e.g.*, Separation of Costs of Regulated Telephone Service from Costs of Nonregulated Activities, CC Docket No. 86-111, 1986 FCC LEXIS 2967 (rel. July 29, 1986) (denying motion to extend reply comment date based on claim that excessive amount of material requires additional time for proper analysis and that the complexity of the material requires exhaustive review by economists and legal staff); Amendment of Section 73.202(b), MM Docket No. 86-252 RM-5099, 1986 FCC LEXIS 2688 (rel. Sept. 18, 1986) (denying motion to extend due to failure to demonstrate that the petitioning party lacked requisite notice of the due date or is unavoidably prevented from meeting it).

¹⁰ 47 C.F.R. § 1.46(b). *See, e.g.*, Multi-Association Group (MAG) Plan for Regulation of Interstate Services of Non-Price Cap Incumbent Local Exchange Carriers and Interexchange Carriers, 16 FCC Rcd 5268 (rel. March 5, 2001) (denying motion to extend comment and reply comment dates and discussing ability of parties to file comments late pursuant to an individual waiver request as discussed in Section 1.46(b)).

CONCLUSION

For the foregoing reasons, ATN urges the Commission to deny the second motion of CWT for an additional extension of the dates for filing comments and reply comments.

Respectfully submitted,

ATLANTIC TELE-NETWORK, INC.

By:  _____

Robert J. Aamoth

Todd D. Daubert

KELLEY DRYE & WARREN, LLP

1200 19th Street, N.W.

Washington, DC 20036

(202) 955-9600

Its Attorneys

September 4, 2001

CERTIFICATE OF SERVICE

I, Beverly L. Harper-Jones, hereby certify that on this 4th day of September, 2001, I served copies of the foregoing via hand-delivery or regular mail(*) upon the following:

Magalie Roman Salas, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Rebecca Arbogast, Chief
Telecommunications Division
International Bureau
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Kathryn O'Brien, Deputy Chief
Telecommunications Division
International Bureau
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Kenneth Stanley
International Bureau
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

James Roberts
International Bureau
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Ann Marie Ladd*
Asmah Tareen
Steven R. Hellard
Fredrikson & Byron, P.A.
1100 International Centre
900 Second Avenue South
Minneapolis, MN 55402-3397

Jackie Ruff
International Bureau
Federal Communication Commission
445 12th Street, SW
Washington, D.C. 20554

International Transcription Service
445 12th Street, SW
Suite CY-B400
Washington, D.C. 20554


Beverly L. Harper-Jones