Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of	)	
	)	
Multi-Association Group (MAG) Plan for	)	CC Docket No. 00-256
Regulation of Interstate Services of	)	
Non-Price Cap Incumbent Local Exchange	)	
Carriers and Interexchange Carriers	)	
	)	

NRTA
OPASTCO
USTA
MOTION FOR EXTENSION OF TIME
TO FILE COMMENTS
ON FURTHER NOTICE OF PROPOSED RULEMAKING

Pursuant to section 1.46(b) of the Commission's Rules,[1] the National Rural Telecom Association (NRTA), the Organization for the Promotion and Advancement of Small Telecommunications Companies (OPASTCO), and the United States Telecom Association (USTA), (hereafter, the Associations), request a 90-day extension of time for filing comments regarding the Further Notice of Proposed Rulemaking (*Further Notice)* in the above-captioned proceeding.[2] Initial comments would therefore be due April 1, 2002, and reply comments would be due April 30, 2002. The *Further Notice* was published in the Federal Register on November 30, 2001, together with the Second Report and Order in the MAG proceeding (*Second Report*

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[1] *See* 47 C.F.R. §1.46(b).

[2] *Multi-Association Group (MAG) Plan for Regulation of Interstate Services of Non-Price Cap Incumbent Local Exchange Carriers and Interexchange Carriers, Federal-State Joint Board on Universal Service, Access Charge Reform for Incumbent Local Exchange Carriers Subject to Rate-of-Return Regulation, Prescribing the Authorized Rate of Return for Interstate Service for Local Exchange Carriers*, Second Report and Order and Further Notice of Proposed Rulemaking in CC Docket No. 00-256, Fifteenth Report and Order in CC Docket No. 96-45, and Report and Order in CC Docket Nos. 98-77 and 98-166, FCC 01-304 (rel. Nov. 8, 2001).

and Order). The Associations are vitally interested in the *Further Notice* because the issues raised in it concern non-price cap incumbent local exchange carriers (LECs) and the Associations represent the substantial majority of these carriers. A 90-day extension of time is needed both because of the new rules adopted in the *Second Report and Order* and the complexity of the issues raised in the *Further Notice*. The current period for initial comments is too short to permit the Associations and their member LECs to respond in a meaningful way.[3]

To begin with, the Associations and their members are in the process of understanding fully the regulatory regime created by the *Second Report and Order*. This includes the adoption of higher subscriber line charges, the phase-out of the carrier common line charge, the elimination of the transport interconnection charge, substantially lower per-minute traffic sensitive access rates, and the creation of a new universal service support mechanism. Since the MAG incentive plan originally proposed by the Associations was designed for and integrated into the rest of the MAG plan, the Associations now need time to analyze how the rules adopted in the *Second Report and Order* would impact any new incentive plan. The requested extension would provide the Associations and their member LECs with time to comment on the *Further Notice* with a more accurate and realistic appreciation of how this new regime will function in the future.

For example, one of the issues raised in the *Further Notice* concerns whether Long Term Support should be merged with Interstate Common Line Support as of July 1, 2003. Given that this proposal is part of the final phase of access charge reform for rate-of-return LECs, with a

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[3] As an additional complication, the comments are currently due on December 31, 2001, right in the middle of the Christmas/New Year holiday. This also limits the ability of the Associations and its member LECs to prepare

targeted implementation date 1½ years away, delay in the comment cycle will have no adverse impact on resolution of this issue. Moreover, administrative procedures associated with implementing the *Second Report and Order* are only now being developed, and are likely to require clarification or other action by the Commission in the near future. To the extent that these outstanding implementation issues affect parties' positions on questions raised in the *Further Notice*, the requested extension may provide time for these issues to be resolved in advance, thereby simplifying the proceeding.

Second, the Associations represent a highly diverse group of LECs with widely varying operating conditions and often divergent interests and views. The Commission recognized this fact in both the *Second Report and Order* and the *Further Notice*.[4] As a result of this diversity, it took the Associations not months, but years, to develop the incentive regulation and pricing flexibility plan that was part of the MAG proposal. Just as with its original proposal, it will take some time and effort to develop a credible plan that balances the diverse interests and concerns of the associations' memberships. While the Associations and their members recognize the need for expediency, the requested extension would provide the bare minimum amount of time that is needed to reconvene and develop meaningful proposals that would accommodate the diversity among non-price cap LECs.

Third, the Associations and their members are currently in the process of implementing the portions of the *Second Report and Order* that must be in place on January 1, 2002, including

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detailed and useful initial comments, since many key personnel are not available during this period.

[4] *Second Report and Order*, para. 7 ("The MAG plan represents a significant achievement, bringing together a major segment of the incumbent LEC industry with a broad range of views and interests."). *Further Notice*, para. 227 ("Given the wide variations among rate-of-return carrier operating conditions, we believe it would be extremely difficult to establish a mandatory alternative regulatory plan for all rate-of-return carriers.").

the filing of new access charge tariffs, which are due on December 17, 2001.[5] This intense effort must necessarily receive priority attention from the Associations and their member LECs, and diverts resources from commenting on the *Further Notice*. Because many of the non-price cap LECs are quite small, the same employees that are engaged in implementing the *Second Report and Order* are those responsible for addressing the issues raised in the *Further Notice*. The requested extension would permit those personnel and their companies an opportunity to comment more fully on the *Further Notice*.

The Associations are well aware that motions for extension of time are not routinely granted.[6] However, given the necessary implementation of the *Second Report and Order*, the complexity of the issues raised in the *Further Notice*, and the diversity of the carriers with which the *Further Notice* is concerned, the Associations believe the requested extension is entirely reasonable. Moreover, the requested extension would ultimately expedite this proceeding by permitting the development of a clearer and better-reasoned record than if the current schedule is maintained. Should a 90-day extension not be granted, the Associations are concerned that it may not be able to provide the Commission with much more than a basic outline of principles upon which any incentive regulation and pricing flexibility rules should be based.

WHEREFORE, the Associations respectfully request an extension of time of 90 days for filing initial comments regarding the *Further Notice* in the MAG proceeding, to April 1, 2002. The Associations also request that reply comments be due on April 30, 2002.

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[5] *December 17, 2001 MAG Access Charge Tariff Filings*, Order, CCB/CPD 01-23, DA 01-2748 (rel. Nov. 26, 2001).

[6] *See* 47 C.F.R. §1.46(a).

Respectfully submitted,

NATIONAL RURAL TELECOM ASSOCIATION

By: /s/ Margot Smiley Humphrey

HOLLAND & KNIGHT
2100 Pennsylvania Ave NW
Suite 400
Washington, DC 20037
(202) 457-5915

ORGANIZATION FOR THE
PROMOTION AND ADVANCEMENT OF
SMALL TELECOMMUNICATIONS COMPANIES

By: /s/ Stuart Polikoff

21 Dupont Circle NW
Suite 700
Washington, DC 20036
(202) 659-5990

UNITED STATES TELECOM ASSOCIATION

By: /s/ Keith Townsend

Lawrence E. Sarjeant
Linda L. Kent
Keith Townsend
John W. Hunter
Julie E. Rones

1401 H Street NW
Suite 600
Washington, DC 20005
(202) 326-7375

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