

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

In the Matter of)
)
Federal-State Joint Board on) CC Docket No. 96-45
Universal Service)
_____)

**MOTION FOR EXTENSION OF TIME
OF THE
UNITED STATES TELECOM ASSOCIATION**

The United States Telecom Association (USTA),¹ through the undersigned and pursuant to Commission Rule 1.46,² hereby files this request for extension of time to file comments and reply comments in the above-referenced proceeding. In its *Notice of Proposed Rulemaking*,³ the Federal Communications Commission (FCC) asks for comments on issues from its *Ninth Report and Order*⁴ remanded by the United States Court of Appeals for the Tenth Circuit.⁵ Comments in this proceeding are currently due on April 10, 2002, and reply comments are due on April 25, 2002. For the reasons set forth below, USTA believes that good cause exists for a 45-day extension of time for filing both comments and reply comments in this proceeding. If this motion is granted,

¹ USTA is the nation's oldest trade organization for the local exchange carrier industry. USTA represents over 670 carrier members that provide a full array of voice, data and video services over wireline and wireless networks. USTA members support the concept of universal service, and its carrier members are leaders in the deployment of advanced telecommunications services to American and international markets.

² 47 C.F.R. §1.46.

³ *Federal-State Joint Board on Universal Service*, Notice of Proposed Rulemaking, CC Docket No. 96-45, FCC 02-41 (rel. Feb. 15, 2002) (*NPRM*).

⁴ *Federal-State Joint Board on Universal Service*, Ninth Report & Order and Eighteenth Order on Reconsideration, 14 FCC Rcd.20432 (1999) (*Ninth Report and Order*).

⁵ *Qwest Corp. v. FCC*, 258 F.3d 1191 (10th Cir. 2001) (*Tenth Circuit Decision*).

comments would be due on May 28, 2002, and reply comments would be due on June 10, 2002.

DISCUSSION

Numerous very important FCC proceedings currently have comments and reply comments due to be filed in the next two months. Three of these proceedings raise issues concerning the future of universal service.⁶ Three proceedings in the same time period raise issues concerning the regulatory treatment of incumbent local exchange carrier (ILEC) broadband facilities and services.⁷ The telecommunications industry also awaits Federal Register publication of the FCC's notice of proposed rulemaking, adopted on March 15, 2002, concerning the regulatory treatment of cable broadband facilities used for Internet access. Comments in that proceeding are due 60 days after Federal Register publication. In the proceeding, the FCC solicits comments on the consequences to universal service of classifying cable modem Internet access service as an information service.

No issues are more important to the future of the wireline telecommunications industry, or the nation's telecommunications infrastructure, than universal service and the regulatory treatment for wireline broadband facilities and services. Both dramatically

⁶ In addition to this proceeding, there is the rulemaking proceeding concerning the basis on which telecommunications services providers contribute to universal service (CC Docket No. 96-45, FCC 02-43 - comments due Apr. 12, 2002, and reply comments due Apr. 29, 2002) and the wireline broadband access to the Internet rulemaking proceeding that raises issues concerning the universal service obligations of broadband providers (CC Docket No. 02-33, FCC 02-42 – comments due May 3, 2002, and reply comments due June 3, 2002).

⁷ In addition to the wireline broadband access to the Internet rulemaking proceeding, there is the regulatory requirements for ILEC broadband telecommunications services rulemaking proceeding (CC Docket No. 01-337, FCC 01-360 – reply comments due Apr. 22, 2002) and the triennial review rulemaking proceeding (CC Docket No. 01-338, FCC 01-361 – comments due Apr. 5, 2002, and reply comments due May 21, 2002).

affect the ability of telecommunications companies to invest in critical network infrastructures that are the platforms for local, regional and national economic development. It is essential that the wireline industry, and other interested persons, be able to fully participate in each of these proceedings. Full participation is threatened by the current schedule for comments and reply comments in the several universal service proceedings.⁸ Accordingly, USTA requests that the FCC extend the time for comments and reply comments in this proceeding concerning issues from the *Ninth Report and Order* remanded by the Tenth Circuit.

Currently, there are two days separating the due dates for comments in the universal service 10th Circuit remand proceeding (April 10) and the universal service contributions proceeding (April 12). Comments on the universal service issues raised in the wireline broadband access to the Internet proceeding are due on May 3. By granting this motion, the FCC would allow commenting parties more time to devote to the complex issues involved in the universal service proceedings. Those interested in filing comments in each proceeding would have three weeks between the due dates for comments in the universal service contributions proceeding and universal service comments in the wireline broadband access to the Internet proceeding. Comments in the universal service remand proceeding would be due slightly more than three weeks after the universal service comments in the wireline broadband access to the Internet proceeding are to be filed. Granting this motion is in the public interest since it would allow interested persons a better opportunity to participate in each of the proceedings that raise important universal service policy issues.

⁸ USTA commends the FCC for recent extensions of time granted in the regulatory requirements for ILEC broadband telecommunications services rulemaking proceeding and the wireline broadband access to the

CONCLUSION

On the basis of the foregoing, USTA respectfully requests that the FCC grant a 45-day extension of time for filing both comments and reply comments in this proceeding concerning issues from the *Ninth Report and Order* remanded by the United States Court of Appeals for the Tenth Circuit. The dates for comments and reply comments should be extended to May 28 and June 10, respectively.

Respectfully submitted,

UNITED STATES TELECOM ASSOCIATION

By: /s/Lawrence E. Sarjeant

Lawrence E. Sarjeant

Vice President – Law and General Counsel

1401 H Street, NW, Suite 600
Washington, D.C. 20005
(202) 326-7300

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