

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

In the Matter of	)	
	)	
Federal-State Joint Board on Universal Service	)	CC Docket No. 96-45
	)	
1998 Biennial Regulatory Review—Streamlined	)	CC Docket No. 98-171
Contributor Reporting Requirements Associated	)	
with Administration of Telecommunications Relay	)	
Service, North American Numbering Plan, Local	)	
Number Portability, and Universal Service	)	
Support Mechanisms	)	
	)	
Telecommunications Services for Individuals	)	CC Docket No. 90-571
with Hearing and Speech Disabilities, and the	)	
Americans with Disabilities Act of 1990	)	
	)	
Administration of the North American	)	CC Docket No. 92-237
Numbering Plan and North American	)	NSD File No. L-00-72
Numbering Plan Cost Recovery Contribution	)	
Factor and Fund Size	)	
	)	
Number Resource Optimization	)	CC Docket No. 99-200
	)	
Telephone Number Portability	)	CC Docket No. 95-116
	)	
Truth-in-Billing and Billing Format	)	CC Docket No. 98-170

**MOTION FOR EXTENSION OF TIME**

Pursuant to part 1.46 of the Commission’s rules, 47 C.F.R. § 1.46, Consumers Union, Texas Office of Public Utility Counsel, Consumer Federation of America, Appalachian People’s Action Coalition, Center for Digital Democracy, Edgemont Neighborhood Coalition and Migrant Legal Action Program (“CU *et al.*”), by their attorneys, the Institute for Public Representation (“IPR”), respectfully request an extension to file comments and reply comments in response to

the *Second Further Notice*<sup>1</sup> in the above-captioned proceeding. CU *et al.* note that the Ad Hoc Telecommunications Users Committee, AT&T Corp., e-commerce & Telecommunications Users Group, Level 3 Communications, LLC and WorldCom, Inc. (“AHTUC *et al.*”), have already requested that the Commission extend the deadline for filing comments to February 28, 2003 and for filing reply comments to April 18, 2003.<sup>2</sup> CU *et al.* believe that such an extension would serve the public interest by allowing for effective analysis and comment on the Commission’s proposals.

Providing useful comments in response to the *Second Further Notice* requires significant research and analysis. Specifically, the *Second Further Notice* requests factual data and comments on several different connection-based plans proposed by the Commission.<sup>3</sup> As noted by AHTUC *et al.*, “a careful analysis of the proposals, their consistency with the statutory requirements, and where possible, an assessment of their likely impacts will require more time than the existing pleading cycle permits.”<sup>4</sup> In addition to the intensive efforts involved in providing comments regarding the Commission’s three proposals, CU *et al.* hope to develop an alternative proposal.

The ability of CU *et al.* and their counsel, IPR, to devote adequate time and resources to this proceeding, however, is limited by their desire to participate in other important FCC rulemaking proceedings. IPR, a public interest law firm with limited staff, is currently dedicating a large portion of its time and resources to preparing reply comments in the *2002 Biennial Review of Media Ownership Rules*,<sup>5</sup> on behalf of its clients Office of Communication,

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<sup>1</sup> *Federal-State Joint Board on Universal Service*, Report and Order and Second Further Notice of Proposed Rulemaking, FCC 02-329 (rel. Dec. 13, 2002) (“*Second Further Notice*”).

<sup>2</sup> AHTUC *et al.* Motion for Extension of Time filed Jan. 17, 2002.

<sup>3</sup> See *e.g.*, paras. 72-74, 78, 80, 84, 86, 88-92, and 94-100.

<sup>4</sup> *Id.* at 3.

<sup>5</sup> *2002 Biennial Regulatory Review—Review of the Commission’s Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996*, MM Docket No. 02-277, Notice of Proposed Rulemaking (rel. Sept. 23, 2002).

Inc. of the United Church of Christ, Civil Rights Forum, National Organization for Women, and others. Dr. Mark Cooper, Director of Research for Consumer Federation of America (CFA), is also drafting reply comments on behalf of CFA, CU, Center for Digital Democracy and Media Access Project.

As noted by Chairman Powell, the Commission has received over 2,000 comments in the *Biennial Review Proceeding*.<sup>6</sup> Many of the comments are quite long and include economic and other empirical studies. Reply comments in the Biennial Review Proceeding are due February 3, 2003.<sup>7</sup> It is simply not possible for IPR and its clients to file meaningful, helpful comments in both the Biennial Review and USF proceedings just a few days apart. Nor is it likely that the Commission will extend the due date in the Biennial Review Proceeding.<sup>8</sup>

Participation by CU *et al.* in the USF proceeding is particularly important because, to our knowledge, no other commenter represents the interest of low-income and low-use consumers. Accordingly, an extension of time will permit full public participation leading to better decision-making and a greater likelihood that the rules will withstand judicial scrutiny.

Finally, extending the time for comment in the USF proceeding will not result in prejudice to any party or harm to the public interest. There should be no disruption to USF contributions because the FCC's interim plan has already made significant, beneficial adjustments to the current revenue-based scheme by eliminating the "mark up" on the universal service line item charges and raising the wireless safe harbor. Moreover, as AHTUC *et al.* point out, it may be useful to the Commission to have the benefit of some experience under the interim plan.<sup>9</sup>

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<sup>6</sup> Michael K. Powell, *Should Limits on Broadcast Ownership Change?*, USA Today, January 21, 2003.

<sup>7</sup> IPR also is drafting reply comments due February 3, 2003, in response to the Third NPRM in Docket No. 98-204, concerning EEO rules regarding part-time positions.

<sup>8</sup> See Order, Nov. 5, 2002 (extending original due dates of December 2, 2002 and January 2, 2003, by one month). Order, Dec. 23, 2002 (declining further extension request).

<sup>9</sup> AHTUC *et al.* Motion for Extension of Time at 3.

For the foregoing reasons, CU *et al.* request that the Commission extend the comment and reply comment periods in the above-captioned dockets to February 28, 2003 and April 18, 2003 respectively.

Respectfully submitted,

/s/

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