

April 10, 2007

**VIA ELECTRONIC FILING**

Ms. Marlene Dortch  
Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, DC 20554

Re: Application for the Transfer of Certain Spectrum Licenses and Section 214 Authorizations in the States of Maine, New Hampshire, and Vermont from Verizon Communications Inc. and its Subsidiaries to FairPoint Communications, Inc. (WC Docket No. 07-22)

Dear Ms. Dortch:

The Commission's longstanding policy is that "extensions of time shall not be routinely granted,"<sup>1</sup> and the Movants requesting an extension here have not provided sufficient justification for making an exception to that policy.<sup>2</sup> The Applicants would not object, however, to a brief extension of one week as an accommodation to the personal schedules of Movants and other parties, provided that Applicants are provided a corresponding extension for responding to their submissions and that the brief extension would in no way jeopardize the Commission's ability to complete its review within its 180 day timeline.

The Movants claim that a two-week extension is necessary because the transaction at issue involves three states and 1.53 million access lines.<sup>3</sup> The federal license transfers at issue here, however, are not materially different from those at issue in other proceedings involving sales of lines to rural or smaller carriers that the Commission has promptly reviewed and approved. In fact, the Commission has typically established a 30-day period for comment on transfer applications that are far more complicated than the one at issue here.<sup>4</sup> The Movants have not identified anything special or unique about

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<sup>1</sup> 47 C.F.R. § 1.46(a).

<sup>2</sup> Motion of the Communications Workers of America and International Brotherhood of Electrical Workers for an Extension of Time, WC Dkt. No. 07-22 (April 5, 2007) ("Motion").

<sup>3</sup> See Motion at 1.

<sup>4</sup> See, e.g., *América Móvil, S.A. de C.V., Verizon Commc'ns Inc., & Subsidiaries of Telecomunicaciones de P.R., Inc. Seek FCC Consent to Transfer Control of Licenses & Authorizations & Request a Declaratory Ruling on Foreign Ownership; Pleading Cycle Established*, Public Notice, 21 FCC Rcd 6492 (2006); *Constellation, LLC, Carlyle PanAmSat I, LLC, Carlyle PanAmSat II, LLC, PEP PAS, LLC, & PEOP PAS, LLC, Transferors, & Intelsat Holdings, Ltd., Transferee, Seek FCC Consent to*

the license transfers at issue here that warrants extra time, particularly since parties will actually have had more than two months since the filing of the initial transfer applications to prepare their submissions.

As noted above, the Commission sets a high standard for requests for extensions of time, emphasizing in its rules that such requests are not “routinely granted.”<sup>5</sup> Indeed, the Commission often denies motions for extension of time unless the moving party can demonstrate special circumstances.<sup>6</sup> In the few cases in which extensions have been

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*Transfer Control of Licenses & Authorizations Held by PanAmSat Licensee Corp. & PanAmSat H-2 Licensee Corp.*, Public Notice, 20 FCC Rcd 16,330 (2005); *Nextel Commc'ns, Inc. & Sprint Corp. Seek FCC Consent to Transfer Control of Licenses & Authorizations; Pleading Cycle Established*, Public Notice, 20 FCC Rcd 4119 (2005); *W. Wireless Corp. & Alltel Corp. Seek FCC Consent to Transfer Control of Licenses & Authorizations; Pleading Cycle Established*, Public Notice, 20 FCC Rcd 2337 (2005); *Comm'n Seeks Comment on Applications For Consent to Transfer Control Filed by Bell Atl. N.Z. Holdings, Inc. & Pac. Telecom Inc.*; *Pleading Cycle Established*, Public Notice, 18 FCC Rcd 9489 (2003); *Comm'n Seeks Comment on Application for Consent to Transfer Control Filed by Chorus Commc'ns, Ltd. & Tel. & Data Sys., Inc.*; *Pleading Cycle Established*, Public Notice, 16 FCC Rcd 6847 (2001); *Comm'n Seeks Comment on Joint Application for Consent to Transfer Control Filed by OnePoint Commc'ns Corp. & Verizon Commc'ns*, Public Notice, 15 FCC Rcd 18,061 (2000); *Comm'n Seeks Comment on Joint Application for Consent to Transfer Control Filed by Northpoint Commc'ns, Inc. & Verizon Comm'cs*, Public Notice, 15 FCC Rcd 15,972 (2000).

<sup>5</sup> 47 C.F.R. § 1.46(a).

<sup>6</sup> See *M2Z Networks, Inc.; Application for License & Auth. to Provide a Nat'l Broadband Radio Serv. in the 2155-2175 MHz Band; Pet. for Forbearance Under 47 U.S.C. § 160(c) to Permit Acceptance & Grant of its Application for a License to Provide Radio Serv. in the 2155-2175 MHz Band*, Order, WT Dkt. No. 07-16, DA 07-1569, 2007 FCC LEXIS 2676 (Mar. 30, 2007) (denying request for 3-day extension of time); *Reallocation of the 216-220 MHz, 1390-1395 MHz, 1427-1429 MHz, 1429-1432 MHz, 1432-1435 MHz, 1670-1675 MHz, & 2385-2390 MHz Gov't Transfer Bands*, Order Denying Request to Extend Comment Period, 17 FCC Rcd 3701, 3701-02 (¶3) (2002) (denying request for 30-day extension of time for comment on an NPRM); Letter from William W. Huber, Associate Chief, Auctions & Spectrum Access Div., Wireless Telecomms. Bureau, to Robert Gurss & Raymond Quianzon, Counsel to Mobex Commc'ns, Inc., Re Mobex Commc'ns, Inc. Emergency Mot. for Extension of Time, 19 FCC Rcd 8105 (2004) (denying request for one-week extension for reply comments); Letter from W. Ferree, Chief, Cable Services Bureau, to Pantelis Michalopoulos, Counsel to Echostar Commc'ns Corp., & Gary Epstein, Counsel for General Motors Corp. & Hughes Electronics, Re Consolidated Application of EchoStar Comm'cns Corp., Gen. Motors Corp. & Hughes Elecs. Corp. for Authority to Transfer Control, CS Dkt. No. 01-348 (Mar. 7, 2002) (denying request for 15-day extension of time to respond a document/information request); *Multi-Ass'n Group (MAG) Plan for Regulation of Interstate Servs. of Non-Price Cap Incumbent Local Exchange Carriers & Interexchange Carriers; Fed.-State Joint Bd. 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 Servs. of Local Exchange Carriers*, Order, 16 FCC Rcd 5268 (2001) (denying request for 9-day extension of time); *Review of the Comm'n's Rules Regarding the Main Studio & Local Pub. Inspection Files of Broad. TV & Radio Stations* 47 C.F.R. §§ 73.1125, 73.3526 & 73.3527, Order, 12 FCC Rcd 10,522 (1997) (denying request for one-month extension of time); *Implementation of Sections of the Cable TV Consumer Prot. & Competition Act*

granted, such action is usually taken to permit adequate time to comment on filings made or other events occurring after the issuance of the public notice.<sup>7</sup> Such circumstances are not present here, and the Movants do not cite any precedent to support their request. And, if the purpose for Movants' request is to obtain additional time to investigate labor issues, that should not form a sufficient basis for granting their request. Such issues are more properly brought before a different decision maker with jurisdiction over them and thus should not affect the Commission's review. Accordingly, the Movants have not met the standard for an extension of time and their motion should be denied.

Alternatively, the Movants state that they request an extension of time in order to accommodate personal schedules over the Easter holiday and their spring break plans. As an accommodation to the schedules of Movants and other parties, the Applicants would not oppose a one week extension provided that the Applicants also are afforded an additional week to evaluate and respond to what presumably will be lengthier submissions from the Movants and other parties. This would make initial Comments or Petitions due April 20, and response by the Applicants would then be due May 7.

In no event, however, should the Commission grant any extension if it would jeopardize the agency's ability to complete its review within the 180-day timeline established for action on transfer applications.

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*of 1992 Rate Regulation*, Order, 8 FCC Rcd 7582 (1993) (denying request for 10-day extension for reply comments).

<sup>7</sup> See, e.g., *Applications for Consent to the Assignment &/or Transfer of Control of Licenses; Adelphia Commc'ns Corp., (& subsidiaries, debtors-in-possession), Assignors, to Time Warner Cable Inc. (subsidiaries), Assignees; Adelphia Commc'ns Corp., (& subsidiaries, debtors-in-possession), Assignors & Transferors, to Comcast Corp. (subsidiaries), Assignees & Transferees; Comcast Corp., Transferor, to Time Warner Inc., Transferee; Time Warner Inc., Transferor to Comcast Corp., Transferee*, Order, 20 FCC Rcd 11,145 (2005) (extension granted to permit time to analyze supplementary information filed two weeks before the comment deadline); *Application for Acquisition of Assets of Allegiance Telecom, Inc. by Qwest Comm'cns Int'l Inc.*, Order, 19 FCC Rcd 2005 (2004) (limited extension granted due to proximity of the initial pleading cycle to deadline in related Bankruptcy Court proceeding); *Applications for Consent to the Transfer of Control of Licenses Comcast Corp. & AT&T Corp., Transferors, to AT&T Comcast Corp., Transferee*, Order Granting Request For Extension of Time, 18 FCC Rcd 722 (2003) (extension granted to permit time to comment on recently filed supplemental information).

Ms. Marlene Dortch  
April 10, 2007  
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Respectfully submitted,

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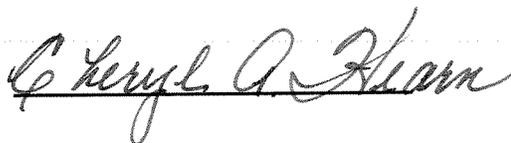
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## CERTIFICATE OF SERVICE

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I, Cheryl Hearn, do hereby certify that on this 10<sup>th</sup> day of April 2007, I caused copies of the foregoing Letter to Ms. Marlene Dortch to be delivered to the following via First Class U.S. mail:

Kenneth R. Peres, PhD.  
Economist  
Communications Workers of America  
501 Third Street, NW  
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A handwritten signature in cursive script that reads "Cheryl A. Hearn". The signature is written in black ink and is positioned above a horizontal line.