

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
) WC Docket No. 07-135
Establishing Just and Reasonable Rates for) FCC 07-176
Local Exchange Carriers)

**NATIONAL TELECOMMUNICATIONS COOPERATIVE ASSOCIATION AND
INDEPENDENT TELEPHONE AND TELECOMMUNICATIONS ALLIANCE**

MOTION FOR EXTENSION OF TIME

The National Telecommunications Cooperative Association (NTCA)¹ and the Independent Telephone and Telecommunications Alliance (ITTA)² (collectively, Associations) pursuant to 47 C.F.R. § 1.46, respectfully submit this Motion seeking an extension of the deadline for reply comments to Wednesday, January 16, 2008. This motion is filed in response to the initial comments filed December 17, 2007, pursuant to the Federal Communications Commission's (Commission's or FCC's) October 2, 2007, Notice of Proposed Rulemaking (NPRM) seeking comment on proposed steps to address access traffic stimulation and its effect on traffic-sensitive switched access services provided by local exchange carriers (LECs).³ As demonstrated below, good cause exists to merit the 16-day extension from the current deadline

¹ NTCA was established in 1954 by eight rural telephone companies, and today NTCA represents over 580 rural rate-of-return regulated incumbent local exchange carriers (ILECs). All of its members are full service local exchange carriers, and many members provide wireless, cable, Internet, satellite and long distance services to their communities. Each member is a "rural telephone company" as defined in the Communications Act of 1934, as amended (Act). NTCA members are dedicated to providing competitive modern telecommunications services and ensuring the economic future of their rural communities.

² ITTA represents mid-size local exchange companies that provide a broad range of high-quality wireline and wireless voice, data Internet, and video telecommunications services to more than 26 million customers in 46 states.

³ *In the Matter of Establishing Just and Reasonable Rates for Local Exchange Carriers*, WC Docket No. 07-135, FCC 07-176, Notice of Proposed Rulemaking (rel. Oct. 2, 2007) (NPRM), ¶ 1.

of Monday, December 31, 2007 to Wednesday, January 16, 2008, because parties need the additional time to have a meaningful opportunity over the holidays to review and respond to important and complex issues raised in the initial comments.

On October 2, 2007, the FCC released its NPRM, seeking comments on whether the current switched access services tariff rules ensure just and reasonable rates under section 201(b) of the Act.⁴ The NPRM is focused on the substantial growth in some carriers' terminating access traffic that create rates of return higher than the maximum allowed rate, which other carriers assert are unjust and unreasonable rates.⁵ The Commission, through this NPRM, examines whether rule changes are necessary for rates that are "just and reasonable" rates when rate-of-return carriers increase demand for their services and those rates are shielded from refund liability based on the Act's "deemed lawful" tariff provisions of section 204(a)(3) of the Act.⁶

The Commission concluded in the NPRM that "we must revise our tariff rules so that we can be confident that tariffed rates remain just and reasonable even if a carrier experiences or induces significant increases in access demand."⁷ The Commission now seeks comments from section 61.38 carriers and section 61.39 average schedule carriers on a broad range of questions addressing just and reasonable rate design, revenue sharing for stimulating traffic, tariff trigger language, access traffic trigger growth rate, use of historical data, carrier self-certification, forbearance from "deemed lawful" status, National Exchange Carrier Association (NECA)

⁴ *In the Matter of Establishing Just and Reasonable Rates for Local Exchange Carriers*, WC Docket No. 07-135, Notice of Proposed Rulemaking (rel. Oct. 2, 2007) (NPRM).

⁵ NPRM, ¶ 1.

⁶ "Retrospective damages no longer are available for tariffs filed under section 204(a)(3) of the Act that take effect without prior suspension and investigation." NPRM, ¶ 5.

⁷ NPRM, ¶ 11.

certification and pool participation, access stimulation incentives for price cap local exchange carriers and competitive local exchange carriers, and other traffic stimulation strategies.

The original reply deadline permits only fourteen days for analyzing the comments filed on these myriad of issues, and the 14-day time period includes the week before and after Christmas, leading to the New Year's Eve deadline. The Associations would like a meaningful opportunity to review and respond to the issues raised, and the current 14-day time period will be insufficient to prepare substantive reply comments. The Commission's Electronic Comment Filing System ("ECFS") shows that 36 comments have been filed to date, consisting of over 750 pages of information for the record. This docket will address significant issues that may affect all aspects of the traffic-sensitive NECA pool for average schedule carriers. Many of the NECA pool participants are members of the Associations' organizations, thus the Associations have a specific interest in having sufficient opportunity to address each and every issue that is raised in this docket.

The extension of time set forth above would permit full and informed responses to these issues that are clearly necessary under the circumstances. Furthermore, the time extension will assist the parties in developing a better record for the Commission's decision. The requested extension of the reply comment cycle would permit a more thorough exploration of the issues and would not prejudice the interests of any party. As required by Section 1.46 of the Commission's Rules, this motion is timely filed at least 7 days before the December 31 filing deadline.

For these reasons, the Commission should grant the Associations' motion for extension of time and extend the reply comment deadline in this docket to Wednesday, January 16, 2008.

Respectfully submitted,

**NATIONAL TELECOMMUNICATIONS
COOPERATIVE ASSOCIATION**

By: /s/ Daniel Mitchell
Daniel Mitchell

By: /s/ Karlen Reed
Karlen Reed

Its Attorneys

4121 Wilson Boulevard, 10th Floor
Arlington, VA 22203
(703) 351-2000

**THE INDEPENDENT TELEPHONE AND
TELECOMMUNICATIONS ALLIANCE**

By: /s/ Joshua Seidemann
Joshua Seidemann
Director Regulatory Policy

975 F Street, NW
Suite 550
Washington, DC 20004
202-552-5846

December 19, 2007

CERTIFICATE OF SERVICE

I, Adrienne L. Rolls, certify that a copy of the foregoing Motion for Extension of Time of the National Telecommunications Cooperative Association and the Independent Telephone and Telecommunications Alliance in WC Docket No. 07-135, FCC 07-176, was served on this 19th day of December 2007 by first-class, United States mail, postage prepaid, or via electronic mail to the following persons:

Chairman Kevin J. Martin
Federal Communications Commission
445 12th Street, SW, Room 8-B201
Washington, D.C. 20554
Kevin.Martin@fcc.gov

Best Copy and Printing, Inc.
445 12th Street, SW
Room CY-B402
Washington, D.C. 20554
fcc@bcpiweb.com

Commissioner Deborah Taylor Tate
Federal Communications Commission
445 12th Street, SW, Room 8-A204
Washington, D.C. 20554
Deborah.Tate@fcc.gov

Pamela Arluk
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554
Pamela.Arluk@fcc.gov,

Commissioner Michael J. Copps
Federal Communications Commission
445 12th Street, SW, Room 8-B115
Washington, D.C. 20554
Michael.Copps@fcc.gov

Albert Lewis
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554
Albert.Lewis@fcc.gov

Commissioner Jonathan S. Adelstein
Federal Communications Commission
445 12th Street, SW, Room 8-A302
Washington, D.C. 20554
Jonathan.Adelstein@fcc.gov

Deena Shetler
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554
Deena.Shetler@fcc.gov

Commissioner Robert M. McDowell
Federal Communications Commission
445 12th Street, SW, Room 8-C302
Washington, D.C. 20554
Robert.McDowell@fcc.gov

Douglas Slotten
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554
Douglas.Slotten@fcc.gov

/s/ Adrienne L. Rolls
Adrienne L. Rolls