

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

In the Matter of	)	
	)	
Implementation of Section 224 of the Act;	)	WC Docket No. 07-245
Amendment of the Commission’s Rules and	)	
Policies Governing Pole Attachments	)	RM-11293
	)	
	)	RM-11303

**To: The Commission**

**OPPOSITION OF THE UNITED STATES TELECOM ASSOCIATION  
TO MOTIONS FOR EXTENSION OF TIME**

The United States Telecom Association (USTelecom) submits this Opposition to Motions for Extension of Time filed by Virginia Electric and Power Company (Dominion Power), Ameren Corporation (Ameren)<sup>1</sup>, Oncor Electric Delivery Company (Oncor),<sup>2</sup> and the Joint Motion of Florida Power and Light Company, Tampa Electric Company and Progress Energy Florida, Inc. (Florida IOUs)<sup>3</sup> (collectively “the Movants”). The Movants’ respective Motions for Extension of Time were submitted in response to the Federal Communications Commission (Commission) rulemaking proceeding addressing pole attachment regulations (the “Pole Attachment NPRM”).<sup>4</sup> The time requested for extension of the comment periods ranges from 60<sup>5</sup> days to 90<sup>6</sup> days from Federal Register publication, and for reply comments from 120<sup>7</sup> days to 210<sup>8</sup> days from Federal Register publication.

It is the policy of the Commission that extensions of time are not routinely granted,<sup>9</sup> and it will occasionally grant “limited” extensions of time only when it finds that the public interest

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<sup>1</sup> Motion for Extension of Time, Dominion Power and Ameren, submitted December 21, 2007 (*Dominion Motion*).

<sup>2</sup> Motion to Join Motion for Extension of Time, Oncor, submitted February 14, 2008 (*Oncor Motion*).

<sup>3</sup> Motion for Extension of Time, Florida IOUs, submitted February 12, 2008.

<sup>4</sup> Notice Of Proposed Rulemaking, *Implementation of Section 224 of the Act; Amendment of the Commission’s Rules and Policies Governing Pole Attachments*, 22 FCC Rcd. 20195, WC Docket No. 07-245 (Nov. 20, 2007) (*NPRM*).

<sup>5</sup> *Oncor Motion*, p. 1.

<sup>6</sup> *Dominion Motion*, p. 1.

<sup>7</sup> *Oncor Motion*, p. 1.

<sup>8</sup> *Dominion Motion*, p. 2.

<sup>9</sup> See 47 C.F.R. §1.46(a).

would be served by doing so.<sup>10</sup> Any such public interest benefits are absent in the current proceeding, and the Movants' respective requests for extension of time should therefore be denied. While USTelecom would not object to a very limited extension of time, the lengthy extensions requested by the Movants are unwarranted.

The Pole Attachment NPRM was released by the Commission on November 20, 2007, but not published in the Federal Register until February 6, 2008.<sup>11</sup> This is significantly longer than the typical period of a time between release and publication, which is typically a few weeks, rather than months.

As a result, parties interested in commenting in this proceeding have had a full three months to review the Commission's information request and commence compiling their respective data submissions. Indeed, by means of the unusual delay in publication, the Commission has to no small extent given the additional time requested in Dominion Power's Motion, which was filed nearly seven weeks before the Federal Register notice.<sup>12</sup> None of the Movants explain why such surveys could not have been undertaken and/or accomplished during the timeframe between the Commission's release of its Pole Attachment NPRM, and subsequent publication in the Federal Register. Nor have any of the Movants sought to explain why a significantly longer comment cycle is necessary in this proceeding than is typically allotted by the Commission in other, equally complex, proceedings.

For its part, Oncor fails to provide the Commission with any specific information regarding the expected completion date of any reports it expects to submit, nor does it proffer why such reports could not be submitted in a timely fashion. Absence of such information by

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<sup>10</sup> See e.g., Order Denying Extension of Time, *Carrier Current Systems, including Broadband over Power Line Systems*, 19 FCC Rcd 7882 (rel. April 30, 2004).

<sup>11</sup> 73 FR 6879.

<sup>12</sup> See *Dominion Motion*, p. 4.

parties seeking an extension has previously resulted in the Commission denying such requests.<sup>13</sup>

It is worth noting that the Florida Movants point out that they have just recently completed a similar proceeding before the Florida Public Service Commission, which would suggest that most of the relevant information has already been gathered.<sup>14</sup>

To the extent that substantial submission of information and data are made in the initial comment period, the Commission at that time can certainly consider a limited extension of time for Reply Comments, upon a showing of good cause. However, in light of the significant 90 day lead time between release of the Pole Attachment NPRM and its publication in the Federal Register, and the absence of any good cause shown, no significant extension of the current pleading cycle is necessary or warranted at this time.

**WHEREFORE**, respectfully move the Commission to enter an order denying the Movants' respective Motions for Extension of Time.

Respectfully submitted,

UNITED STATES TELECOM ASSOCIATION



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<sup>13</sup> See e.g., Order Denying Extension of Time, *Carrier Current Systems, including Broadband over Power Line Systems*, 19 FCC Rcd 7882 (rel. April 30, 2004).

<sup>14</sup> See, *Florida IOU Motion* at p. 2.