

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

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

COMMENTS IN SUPPORT OF MOTIONS FOR EXTENSION OF TIME

Pursuant to Rules 1.46(b) and 1.415(e) of the Federal Communication Commission's ("Commission") rules and regulations,¹ the Utilities Telecom Council ("UTC"), on behalf of its member utilities, hereby submits these comments in support of pending motions for extension of time to file comments on the Commission's *Notice of Proposed Rulemaking* ("NPRM") in the above-captioned docket.²

Three of these motions were filed subsequent to the publication of the NPRM in the Federal Register and request a 30-day extension of the current deadlines, such that comments would be due April 7, 2008 and reply comments would be due June 6, 2008. The remaining motion was filed prior to the publication of the NPRM, and asks that

¹ 47 C.F. R. §§ 1.46(b) and 1.415(e).

² See Motion for Extension of Time filed by Virginia Electric Power and Ameren (Dec. 21, 2007); Motion for Extension of Time filed by Florida, Power & Light, Tampa Electric Company and Progress Energy Florida (the "Florida IOUs") (Feb. 12, 2008); Motion to Join Motion for Extension of Time filed by Oncor Electric Delivery (Feb. 14, 2008); and Motion to Join the Motion for Extension of Time of Southern Company (Feb. 20, 2008).

initial comments be due 90 days from the date of the Federal Register Notice and reply comments be due 120 days after the deadline for the submission of initial comments.

I. Introduction

UTC is the international trade association for the telecommunications and information technology interests of electric, gas and water utilities, pipeline companies and other critical infrastructure industries. Its members range from large investor-owned utilities that serve millions of customers, to relatively small municipal and cooperatively organized utilities that may serve only a few thousand customers. UTC's members are both directly and indirectly affected by pole attachment regulations, and UTC has actively participated in every pole attachment proceeding at the FCC, as well as federal litigation related to FCC pole attachment decisions. The instant FCC proceeding raises important issues that could significantly change pole attachment regulation. It also addresses petitions for rulemaking on which UTC has previously filed comments.³ Accordingly, UTC is an interested party and will be filing comments in this rulemaking proceeding.

II. The FCC Should Grant An Extension of Time for Comments

UTC agrees that an extension of time is appropriate in light of the complexity of the issues being considered in the NPRM. The current 30-day deadline for comments is

³ Comments of the United Telecom Council and the Edison Electric Institute in RM-11293 (filed Dec. 2, 2005); Comments of the United Telecom Council and the Edison Electric Institute in RM-11303 (filed Jan. 30, 2006); *and* Comments of the United Telecom Council and the Edison Electric Institute in RM-11301 (filed Mar. 1, 2006).

just too short to answer the 80-plus questions that the FCC poses in the NPRM. Both UTC and its members impacted by the FCC's pole attachment regulation consider this proceeding extremely important, and an excellent opportunity to inform the Commission of the current and future potential pole attachment landscape as it impacts the electric industry at a time of significant change. In addition to the sheer number of questions, the NPRM raises difficult issues which require detailed technical, financial, and practical information to answer thoroughly and with the appropriate "real-world" data that the FCC's inquiry deserves. This information requires extensive research and analysis from a variety of sources. Finally, it will take a substantial amount of time for UTC and its members to write comments, because the information is so complex and the questions are so numerous. The Commission has granted extensions of time of the comment and reply comment periods in previous pole attachment proceedings, and it should do so in this proceeding as well.⁴

Although it is important for the Commission to move quickly in this matter, it is equally important that it develop a thorough and complete record that represents the interests of all the parties. The utilities seeking extensions of time serve a combined total of approximately 22.5 million electric customers across the South from Texas to Virginia. It is important that their interests – along with those of all other parties – are

⁴ See e.g., *Amendment of Rules and Policies Governing Pole Attachments*, CS Docket No. 97-98, Order, DA 97-984, released April 29, 1997 (granting a 45 day extension of the comment period). See also *Implementation of Section 703(e) of the Telecommunications Act of 1996 and Amendment of the Commission's Rules and Policies Governing Pole Attachments*, CS Docket No. 97-151, Order, DA 97-2181, released October 10, 1997 (granting an additional week for reply comments).

adequately reflected on the record. Moreover, this proceeding will directly and significantly affect their poles, ducts, conduit and rights-of-way for years to come. Therefore, the public interest would be served by Commission grant of an extension of time for comments and reply comments.

An extension of time will not prejudice any interests, nor does USTA claim any prejudice in its Opposition.⁵ In fact, USTA stated that it “would not object to a very limited extension of time.”⁶ USTA’s opposition is based solely on the amount of time it took for the NPRM to be published in the Federal Register. Although the time between the release of the NPRM and its publication may have effectively provided extra time for some parties to prepare comments, the Commission should not allow this to prejudice the parties seeking the extension of time. Clearly, they have no control over when the Federal Register is published and in fact, launched more detailed examination of issues given the apparent delay, which now must be completed. In any event, most of the motions were filed subsequent to the Federal Register publication, indicating that those filing those motions need the 30-day extension of time they have requested. The FCC should not forego this opportunity for a full and detailed record simply to avoid a short delay in the comment cycle.

⁵ See Motion for Extension of Time of the Florida IOUs at 3. See also Opposition of the United States Telecommunications Association to the Motions for Extension of Time (filed Feb. 15, 2008)(“Opposition of USTA”).

⁶ Opposition of USTA at 2.

Conclusion

WHEREFORE, THE PREMISES CONSIDERED, UTC requests that the Commission grant an extension of time for the filing of initial comments so that comments are due 60 days after the Federal Register Notice (i.e. April 7, 2008). UTC suggests that the Commission defer action on the extension of time for reply comments until after the initial comments have been filed, at which time the volume of participation in this proceeding may justify additional time.⁷

Respectfully submitted,

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⁷ See Opposition of USTA at 3 (suggesting that the Commission could consider an extension of time for reply comments if a substantial submission of information and data are made in the initial comment period).