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

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	)	

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ORDER

Adopted: March 14, 2008 **Released: March 14, 2008**

By the Deputy Chief, Wireline Competition Bureau:

1. On November 20, 2007, the Commission released a notice of proposed rulemaking in the above-referenced proceeding, which set forth a due date for comments of 30 days after publication in the Federal Register, and a due date for reply comments of 60 days after publication in the Federal Register.[1] Due dates were established as March 7, 2008 and April 7, 2008 respectively.[2] For reasons set forth below, we extend the time for filing reply comments by 15 days, until April 22, 2008.

2. On December 21, 2007, Virginia Electric Power and Light (Dominion Power) and Ameren Corporation (Ameren) filed a Motion for Extension of Time, requesting that the due date for comments be extended until 90 days after publication of the Notice, and that the reply comment deadline be further extended until 120 days after the proposed date for filing initial comments.[3] Dominion Power and Ameren argue that the scope of the Notice is vast, and that it includes broad questions that will require parties to compile, analyze, and submit a substantial amount of data and other information.[4]

3. On February 12, 2008, Florida Power & Light Company, Tampa Electric Company, and Progress Energy Florida (the Florida IOUs) filed a Motion for Extension of Time, requesting that we extend the deadline for comments until 60 days after publication of the Notice, and that we postpone the reply comment due date until 60 days after the date for filing initial comments.[5] The Florida IOUs state that more time is needed to collect evidence for submission which speak to the issues raised in the Notice, and argue that the complexity of the issues and stakes involved, specifically concerns about safety and

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[1] *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, Notice of Proposed Rulemaking, 22 FCC Rcd 20195 (2007) (Notice).

[2] *See* 73 FR 6879, Feb. 6, 2008; 73 FR 8028, Feb. 12, 2008 (correcting due date for reply comments).

[3] Virginia Electric Power and Light and Ameren Corporation, Motion of for Extension of Time, Implementation of Section 224 of the Act; Amendment of the Commission's Rules and Policies Governing Pole Attachments, WC Docket No. 07-245 (filed Dec. 21, 2007) (Dominion Power and Ameren Motion).

[4] *Id.* at 2-3.

[5] Florida Power & Light Company, Tampa Electric Company, and Progress Energy Florida, Motion for Extension of Time, Implementation of Section 224 of the Act; Amendment of the Commission's Rules and Policies Governing Pole Attachments, WC Docket No. 07-245, at 1-2 (filed Feb. 12, 2008) (Florida IOUs Motion).

reliability, warrant an extension of time.[6] Oncor Electric Delivery Company and Southern Company filed Motions to Join Motion for Extension of Time on February 14, 2008 and February 21, 2008, respectively, both supporting the schedule proposed by the Florida IOUs.[7] Utilities Telecom Council (UTC) also supports an extension of time, seeking a comment date of 60 days after publication of the Notice, and suggests deferring action on the extension of time for replies until the initial comments have been filed.[8] UTC points out that the many questions posed in the Notice raise difficult issues requiring extensive research and data collection.[9]

4. United States Telecommunications Association (USTelecom) and Sunesys, LLC (Sunesys) each filed Oppositions to the Motions for Extension of Time on February 15, 2008 and February 22, 2008, respectively.[10] USTelecom argues that the timing of Federal Register publication has effectively given the additional time requested for filing comments.[11] Sunesys argues that the Commission initiated this proceeding to address access delays, and delay here would simply further slow down broadband deployment; that the Notice was not released until almost two years after Fibertech's request; and the timing on the issuance of the Federal Register publication gave utilities ample time to prepare their responses.[12] Sunesys also states, however, that it might be appropriate to consider extending the deadline for reply comments after initial comments have been filed.[13]

5. Although requests for extension of time are not routinely granted,[14] we do occasionally grant limited extensions of time when an extension would serve the public interest. In this case, we agree with USTelecom that the timing of Federal Register publication gave parties additional time to prepare and submit their initial comments, and that the lengthy extensions requested are unwarranted. We recognize, however, that the Notice raises numerous and complex issues and that many stakeholders have filed commensurately detailed and closely-argued initial comments. We find that, on balance, a 15-day extension of time will give parties sufficient time to prepare and file reply comments without significant loss of momentum in addressing the issues, and is therefore reasonable and in the public interest. Thus, reply comments in this matter shall be filed on or before April 22, 2008.

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[6] Florida IOUs Motion at 2.

[7] Oncor Electric Delivery Company, Motion to Join Motion for Extension of Time, Implementation of Section 224 of the Act; Amendment of the Commission's Rules and Policies Governing Pole Attachments, WC Docket No. 07-245 (filed Feb. 14, 2008); Southern Company, Motion to Join Motion for Extension of Time Implementation of Section 224 of the Act; Amendment of the Commission's Rules and Policies Governing Pole Attachments, WC Docket No. 07-245 (filed Feb. 21, 2008).

[8] Utilities Telecom Council, Comments in Support of Motions for Extension of Time, Implementation of Section 224 of the Act; Amendment of the Commission's Rules and Policies Governing Pole Attachments, WC Docket No. 07-245 (filed Feb. 21, 2008).

[9] *Id.* at 3-4.

[10] United States Telecommunications Association, Opposition to the Motions for Extension of Time, Implementation of Section 224 of the Act; Amendment of the Commission's Rules and Policies Governing Pole Attachments, WC Docket No. 07-245 (filed Feb. 15, 2008) (USTelecom Opposition); Sunesys, LLC, Opposition to the Motions for Extension of Time, Implementation of Section 224 of the Act; Amendment of the Commission's Rules and Policies Governing Pole Attachments, WC Docket No. 07-245 (filed Feb. 22, 2008) (Sunesys Opposition).

[11] USTelecom Opposition at 2.

[12] Sunesys Opposition at 1-3.

[13] *Id.* at 3.

[14] *See* 47 C.F.R. § 1.46(a).

6. ACCORDINGLY, IT IS ORDERED that, pursuant to sections 4(i), 4(j), and 5(c) of the Communications Act, 47 U.S.C. §§ 154(i), 154(j), 155(c), and sections 0.91, 0.291, and 1.46 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.46, the Motions for Extension of Time to file comments and replies in the above-captioned proceeding ARE GRANTED to the extent indicated in this Order and are otherwise DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Julie A. Veach

Julie A. Veach
Deputy Chief
Wireline Competition Bureau