

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of)
Federal-State Joint Board on)
Universal Service)
)
Virgin Mobile USA, L.P.) CC Docket No. 96-45
Petition for Limited Designation as an)
Eligible Telecommunications Carrier)
in the Commonwealth of Massachusetts)
)
)

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MOTION FOR EXTENSION OF TIME

Pursuant to Section 1.46 of the Commission’s Rules, 47 C.F.R. §1.46, the Massachusetts Department of Telecommunications and Cable (“MDTC”) hereby requests that the Commission extend the deadline for the filing of comments and reply comments in the above-captioned proceeding for an additional 21 days beyond the existing comment and reply comment deadlines. As grounds therefore, the Department states that the petitioner, Virgin Mobile USA, L.P., never provided the Department a copy of its petition even though it directly

impacts the Commonwealth of Massachusetts, and the Department only recently became aware of the petition. The Department wishes to file comments in the proceeding, but needs a short period of additional time to do so.

In its petition, Virgin Mobile USA, L.P., seeks limited designation as an eligible telecommunications carrier (“ETC”) in the Commonwealth of Massachusetts for the purpose of offering Lifeline services through the Universal Service Fund (“USF”). Clearly, any decision relating to the instant petition will have a direct impact on telecommunications customers in Massachusetts. The Department is the exclusive state regulator of telecommunications services within the Commonwealth of Massachusetts, and has a statutory duty to safeguard the public interest in Massachusetts and a mandate to ensure that competition in the cable and telecommunications markets continues to develop in a manner consistent with the public interest. Accordingly, the Department has a strong interest in the outcome of the instant proceeding.

The Department seeks an extension of 21 days in which to file comments relating to the instant petition. The Department notes that the petitioner will not be unduly prejudiced by the extension of time because the petitioner’s related forbearance petition is still pending before the Commission.¹ If the Commission grants the instant Motion, the new deadline for filing comments will be August 21, 2008, and the new deadline for filing reply comments will be September 5, 2008. Moreover, allowance of the instant Motion will allow for the creation of a

¹ In its Petition For Forbearance, Virgin Mobile USA, L.P., urges forbearance from enforcement of section 214(e)(1)(A) of the Telecommunications Act, which requires ETC’s to offer USF-supported services over its own network facilities or through a combination of its own facilities and resale services. There is no dispute that Virgin Mobile USA, L.P., currently does not satisfy this requirement.

more complete record by allowing the state regulator of telecommunications services in the state where the petitioner seeks limited ETC designation an opportunity to provide its comments.

For the foregoing reasons, the Department respectfully requests that the Commission grant this Motion and extend the comment and reply comment filing deadlines by 21 days from the present deadlines.

Respectfully submitted,

/s/ *Geoffrey G. Why*

Geoffrey G. Why, General Counsel

Massachusetts Department of
Telecommunications and Cable

Two South Station

Boston, MA 02110

cc: Best Copy and Printing, Inc.
Carol Pomponio, FCC
David Duarte, FCC
Sharon Gillet, Department Commissioner
Michael Isenberg, Department
Kajal Chattopadhyay, Department
Peter Lurie, Virgin Mobile
Antoinette Cook Bush, Virgin Mobile

