

February 13, 2009

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: Request for Extension of March 2, 2009 Deadline for Submission of FCC Form 477 –
WT Docket No. 07-38

Dear Ms. Dortch:

I am writing on behalf of DeltaCom, Inc. and Business Telecom, Inc. (collectively, the “Companies”) to support the “Request for Extension of March 2, 2009 Deadline for Submission of FCC Form 477 - WT Docket No. 07-38” filed on behalf of The Wireless Communications Association International, Inc., the Wireless Internet Service Providers Association, Inc., COMPTEL and TEXALTEL (collectively, the “Associations”) dated February 13, 2009 (“*Associations’ Request for Extension*”); and to request the same extension of time for the Companies. Specifically, the Companies request that the Commission extend the March 2, 2009 filing deadline for FCC Form 477 until thirty (30) days after the newly-revised version of that form becomes available for online completion by filers. By grant of this limited request, the Commission can best ensure data integrity reported by broadband providers without undue delay.

In the Companies’ view this request minimizes any significant delay to the collection of broadband data. The Companies concur with the Associations’ acknowledgement that broadband providers are “cognizant that the substance of the revisions to FCC Form 477 [] set forth in the 2008 *Report and Order* in WC Docket No. 07-38, and that broadband service providers have been on notice of the [type of] data required to complete the new FCC Form 477.” *Associations’ Request for Extension* at page 1. The FCC’s early guidance in the order was useful to the Companies’ efforts to gather the data that we anticipated would be required for us to complete the FCC Form. However, the Companies also agree with the Associations’ assertion that timely compiling of data has been hindered “because the Office of Management and Budget (“OMB”) only recently approved the revised FCC Form 477, and because that form is still not available for filers to complete online (as is now required), [and that] broadband providers face a practical impediment to meeting the Commission’s March 2, 2009 filing deadline.” *Id.*

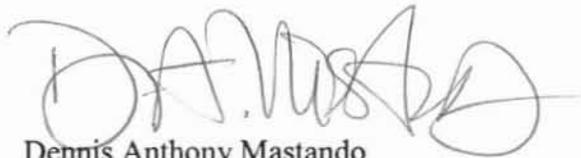
Even having compiled the data, once the form is published, the Companies still require time to familiarize ourselves with the mechanics of the new online filing process, to modify internal processes as necessary to ensure that the new information required by the revised FCC Form 477 is entered into the Commission’s database accurately, and to perform data entry to submit the requested information electronically. While the Commission has provided “screen shots” of the new form and instructions are available, the process of online filing of FCC Form 477 will be new, and issues will no doubt arise once broadband service providers, like us, can start

completing the form online. Not allowing broadband service providers adequate time to work with the online filing process can only exacerbate the risk that inadvertent errors will be made during the filing process. In addition, as documented in the new FCC Form 477 instructions, the online form would substantially increase the administrative burdens to collect information and to complete the new online submission. The extension is necessary to compile the requested information without disrupting required day-to-day business operations.

Consistent with the advisement issued by the OMB, “[d]ue to significant changes and increased burden from the proposed revisions, [the] FCC should be flexible with and assist respondents who may have difficulty in submitting information in the new format,”¹ grant of the Companies’ request is reasonable under the circumstances and will minimize the risk that material errors will occur during the filing process. The Commission will achieve their objective without significantly delaying the collection of the new Form 477 information. Moreover, a grant of the limited extension requested by the Companies will effectively postpone the March 2 filing deadline for less than 30 days.

Accordingly, for the reasons set forth above, the Companies request that the Commission extend the March 2 filing deadline for the revised FCC Form 477 to the date 30 days after the revised form becomes available for completion on the Commission’s website. Should you have any questions regarding this submission, please contact the undersigned.

Respectfully submitted,



Dennis Anthony Mastando
Vice President, Regulatory Affairs, Senior Regulatory
Attorney
DeltaCom, Inc. and Business Telecom, Inc.
7037 Old Madison Pike
Huntsville, Alabama 35806
Tel: 256.382.3856

¹ Notice of Office of Management and Budget Action, ICR Ref. No. 200807-3060-004, OMB Control No. 3060-0816 (Jan. 30, 2008).