

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

In the Matter of	)	
	)	
Sandwich Isles Communications, Inc.	)	WC Docket No. 09-133
	)	
Petition for Declaratory Ruling	)	

**MOTION FOR EXTENSION OF TIME**

National Exchange Carrier Association, Inc. (“NECA”) hereby requests a brief, two-week extension of time in which to file comments and replies in the above-captioned case pursuant to Section 1.46 of the Commission Rules, 47 C.F.R. § 1.46. Pursuant to Commission rules, NECA is responsible for developing and filing interstate access rates for over 1000 small carriers. *Id.*, § 69.601(a). In order to perform this task, it routinely assesses the costs submitted to NECA by its member companies in order to ensure that the cost submissions are consistent with FCC rules. *See id.*, § 69.601(c). Indeed, the FCC has emphasized the importance of NECA providing reliable carrier data in order to permit the FCC to perform a careful review.<sup>1</sup>

Sandwich Isles Communications, Inc. (“Sandwich Isles”) filed the above-captioned petition for declaratory ruling, seeking a determination that NECA should have included certain Sandwich Isles costs it uses to set interstate access rates for pool members. The FCC issued a public notice which requested comments on the Petition by August 17, 2009, and replies by August 27.<sup>2</sup>

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<sup>1</sup> *July 1, 2004 Annual Access Charge Tariff Filings*, WC Docket No. 04-372, 19 FCC Rcd 23877, ¶ 24 (2004)(“*NECA 2004 Tariff Order*”).

<sup>2</sup> Public Notice, *Comments Sought on Petition for Declaratory Ruling of Sandwich Isles Communications, Inc.*, WC Docket No. 09-133, DA 09-1622 (rel. Jul. 27, 2009).

The Petition seeks a declaration that the costs of leasing an undersea cable system and associated terrestrial transport facilities between islands in the State of Hawaii be included in the costs which NECA uses to compute interstate access rates as well as for high costs assistance from the Universal Service Fund. Sandwich Isles states that the lease costs are justified because alternative facilities provided by Pacific Light Net and Hawaiian Telcom were unreasonable and/or did not have sufficient capacity for Sandwich Isle's needs. Petition at 4. As indicated in the Petition, NECA did not allow these transport costs because it did not believe that the costs were for "used and useful" facilities as required by FCC rules. In order to adequately evaluate and respond to Sandwich Isles' argument, NECA must further research the availability of alternate facilities, information which lies in the hands of third parties and over which it has no control.

In addition, the comment and reply dates are set during the August vacation season. A number of key NECA personnel already have August vacation plans, many of which involve reservations and travel which cannot be changed without significant financial penalty at this late date. And many of these plans were specifically set to avoid the busy June annual access tariff season. The absent key personnel will make coordinating data and drafts of comments and reply comments very difficult in the time allotted. The fact that both the comment and reply dates are scheduled during the August vacation season also makes obtaining information from outside parties all the more difficult since they too are likely to have key personnel absent during August. Providing an extra two weeks would permit the company to complete the tasks necessary to provide thorough and thoughtful comments on Sandwich Isles' request.

The small amount of extra time requested will not prejudice Sandwich Isles. First, an extra two weeks will not materially delay the FCC in reaching a decision on the issues raised in

the Petition. Second, if the FCC eventually rules in Sandwich Isles' favor, it will be able to submit its costs to NECA in accordance with the FCC ruling and recover its costs, even on a retroactive basis. This retroactive remedy is uniquely available in the circumstances of this case because the NECA pool members are allowed to true up their costs for up to two years after submitting cost data to NECA.<sup>3</sup>

The additional time will provide NECA with a better opportunity to provide a full and adequately developed record for Commission consideration and therefore grant of its request ins in the public interest.

For all of these reasons, NECA respectfully requests that the Commission grant an additional two weeks for filing comments and reply comments in the above-captioned proceeding. If its motion were granted, NECA would request that the comment date be set for August 31 and replies, September 10.

Respectfully submitted,

By: /s/ Gregory J. Vogt

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*Of Counsel*

August 3, 2009

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<sup>3</sup> NECA 2004 Tariff Order, ¶ 10.

## Certificate of Service

I, Gregory J. Vogt, do hereby certify that I have on this 3d day of August 2009 caused a copy of the foregoing "Motion for Extension of Time" to be served by electronic mail upon the following:

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/s/ Gregory J. Vogt

Gregory J. Vogt