

**Before the  
Federal Communications Commission  
Washington, DC 20554**

In re Applications of	)	
	)	
CELLCO PARTNERSHIP DBA	)	
VERIZON WIRELESS, Transferor	)	
	)	
and	)	WT Docket No. 09-104
	)	
AT&T INC., Transferee	)	
	)	
for Consent to the Transfer of Control of	)	File Nos. 0003840313, <i>et al.</i>
Commission Licenses and Authorizations	)	
Pursuant to Sections 214 and 310(d) of the	)	
Communications Act	)	

**MOTION FOR EXTENSION OF TIME**

The Rural Telecommunications Group, Inc. (“RTG”), by its attorneys and pursuant to Section 1.46 of the rules and regulations of the Federal Communications Commission (“FCC” or “Commission”), hereby requests that, to the extent necessary, the FCC extend the pleading cycle established in the above-captioned proceeding and set forth in the Commission’s Public Notice released June 19, 2009<sup>1</sup>, for an additional three (3) business days, until August 11, 2009. To the extent necessary, RTG requests additional time to reply to the Joint Opposition of AT&T Inc. (“AT&T”) and Verizon Wireless (“Verizon”) to Petitions to Deny or to Condition Consent and Reply to Comments (“Joint Opposition”) filed with the FCC on July 30, 2009.

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<sup>1</sup> *AT&T Inc. and Cellco Partnership D/B/A Verizon Wireless Seek FCC Consent to Assign or Transfer Control of Licenses and Authorizations and Modify a Spectrum Leasing Arrangement, WT Docket No. 09-104, Pleading Cycle Established*, FCC Public Notice, DA 09-1350 (released June 19, 2009), (“Public Notice”).

Under FCC Rule Section 1.4(h), if a document is required to be served upon other parties by statute or Commission regulation and the document is in fact served by mail, and the filing period for a response is 10 days or less, an additional three days (excluding holidays) will be allowed to all parties in the proceeding for filing a response. Because AT&T and Verizon served the Joint Opposition on RTG by U.S. mail,<sup>2</sup> RTG is entitled to an additional three business days to respond to the Joint Opposition, or until August 11, 2009.<sup>3</sup> However, out of an abundance of caution, RTG hereby formally requests a three day extension.

To the extent the FCC deems an extension request to be required, RTG states that additional time is required to allow it sufficient time to analyze and respond to the Joint Opposition. The public interest will not be harmed by allowing the additional time for filing. Moreover, the public interest would be harmed by allowing Verizon and AT&T to game the FCC's service process to artificially shorten the amount of time afforded to RTG to respond to the Joint Opposition. Additionally, the Certificate of Service attached to the Joint Opposition is procedurally flawed because it does not indicate how the parties were specifically served.<sup>4</sup> The Certificate of Service attached to the Joint Opposition indicates that the Joint Opposition was "served by electronic mail, first-class mail, postage pre-paid, or hand delivery upon:" and then lists all the parties without indicating which way service was effectuated on each party. From the best RTG can surmise based on conversations with various parties, parties entitled to respond to the filing were sent copies in the U.S. mail while the remaining parties were sent copies via email. This gamesmanship by AT&T and Verizon to limit a party's response time is not only inconsistent with the FCC's service rules, it

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<sup>2</sup> RTG was not served with a copy of the Joint Opposition by electronic mail; rather, RTG received the Joint Opposition by United States Postal Service regular mail delivery on Monday August 3, 2009.

<sup>3</sup> See also 47 C.F.R. § 1.45(c) (establishing deadline for filing replies as five days after the time for filing oppositions has expired"). By establishing the August 6, 2009 deadline for filing replies to oppositions five business days after the deadline for filing oppositions, the pleading deadlines established in the FCC's Public Notice were consistent with Section 1.4 of the rules *only* if parties served their pleadings by hand-delivery or electronic mail.

<sup>4</sup> See 47 C.F.R. § 1.47(g).

evidences a collaboration by AT&T and Verizon to thwart interested parties' due process rights.

The Commission should not tolerate such scheming.

As a party in interest in the proceeding, RTG is entitled to the amount of time contemplated by the FCC in its rules and the FCC should not tolerate AT&T's and Verizon's attempts to trample on RTG's rights to fairly respond in eight business days by holding RTG (and other similarly situated parties) to the August 6, 2009 deadline established by the FCC's Public Notice.

For the reasons set-forth above, to the extent it deems necessary, the FCC should extend the pleading cycle in this proceeding to August 11, 2009 and allow RTG (and other similarly situated parties) the requisite additional three days to consider and reply to the Joint Opposition of AT&T and Verizon.<sup>5</sup>

Respectfully submitted,

**THE RURAL TELECOMMUNICATIONS GROUP, INC.**

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August 3, 2009

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<sup>5</sup> Pursuant to Section 1.46(c) of the Commission's Rules, RTG has orally notified all parties to the proceeding and Commission staff personnel responsible for acting on this motion that the motion is being filed.

## CERTIFICATE OF SERVICE

I, Colleen von Hollen, of Bennet & Bennet, PLLC, 4350 East West Highway, Suite 201, Bethesda, MD 20814, hereby certify that a copy of the foregoing Motion for Extension of Time of the Rural Telecommunications Group, Inc. was served on this 3<sup>rd</sup> day of August, 2009, by email on those listed below:

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*/s/ Colleen von Hollen*

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Colleen von Hollen