

August 26, 2011

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, DC. 20554

Re: Connect America Fund, WC Docket No. 10-90; A National Broadband Plan for Our Future, GN Docket No. 09-51; Establishing Just & Reasonable Rates for Local Exchange Carriers, WC Docket No. 07-135; High-Cost Universal Service Support, WC Docket No. 05-337; Developing a Unified Intercarrier Compensation Regime, CC Docket No. 01-92; Federal State Joint Board on Universal Service, CC Docket No. 96-45; Lifeline and Link-Up, WC Docket No. 03-109

Dear Ms. Dortch:

The Universal Service for America Coalition (“USA Coalition”), by its attorneys, writes in support of the motions for extension of time filed by several parties in this docket on August 25<sup>th</sup> and August 26<sup>th</sup>.<sup>1</sup> The USA Coalition agrees with the Rural Cellular Association (“RCA”) and National Association of State Utility Consumer Advocates (“NASUCA”) that the current reply comment deadline of August 31, 2011 does not provide the parties in this proceeding sufficient time to review and meaningfully respond to the over 120 comments constituting nearly 3,000 pages of commentary filed in this proceeding.

As the Commission well knows, it is customary for a reply period in a standard rulemaking procedure to last for thirty days or more following the receipt of initial comments. As the Third Circuit recently reminded the Commission, “the [Administrative Procedure Act] requires that the public have a *meaningful* opportunity to submit data and written analysis regarding a proposed rulemaking.”<sup>2</sup> The USA Coalition respectfully submits that a thirty day extension of the comment period would be appropriate under the circumstances and that a nine day extension, as requested by RCA, is more than reasonable.

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<sup>1</sup> Rural Cellular Association, Motion for Extension of Time, WC Docket 10-90 *et al.* (filed Aug. 26, 2011); National Association of State Utility Consumer Advocates and New Jersey Division of Rate Counsel, Motion for Extension of Time for Filing Reply Comments, WC Docket 10-90 *et al.* (filed Aug. 25, 2011).

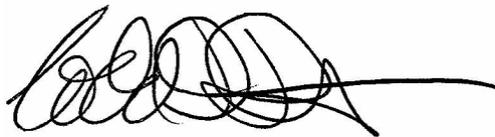
<sup>2</sup> See *Prometheus Radio Project v. FCC*, No. 08-3078, slip op. at 29-30 (3d Cir. July 7, 2011) (emphasis supplied) (holding that 28 day comment response period, instead of 90 day comment period violated APA’s notice and comment requirements).

Several commenting parties share NASUCA, RCA, and the USA Coalition's legitimate concern that the abbreviated comment period will impair the ability of interested parties to meaningfully participate in this important proceeding. The AARP, for example, stated that it "is disappointed that the FCC's request for comments to these critical consumer issues was limited to a 21-day comment period in August, and that the Commission subsequently denied a request to extend the filing period."<sup>3</sup> Similarly, the Pennsylvania Public Utility Commission lamented the "unwarranted and extremely abbreviated deadlines for further comment" on the reform proposals, a sentiment shared by the Public Utilities Commission of Ohio.<sup>4</sup> The short time period available to reply to comments on the proposals makes it unlikely that these and other parties will be able to substantively respond to arguments that the various Plan proponents have made in support of their proposals.

In consideration of both the volume of comments received in the initial comment round and the fact that any new universal service or intercarrier compensation rules will significantly and permanently impact both consumers and the carriers that serve them, the additional time requested is appropriate. While the USA Coalition certainly appreciates the Commission's desire to act quickly on this important matter, it far more important that the Commission get reform right -- by ensuring that any reform is consistent with statutory requirements -- than it is that the Commission rush to meet its own arbitrary and self-imposed deadlines.

In light of the foregoing, the USA Coalition requests that the Commission grant RCA and NASUCA's motions and extension the time for filing of reply comments until at least September 9, 2011.

Sincerely,



Todd D. Daubert

*Counsel to the USA Coalition*

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<sup>3</sup> Comments of AARP, WC Docket 10-90 *et al.*, pg. 3 (filed Aug. 24, 2011).

<sup>4</sup> Comments of the Pennsylvania Public Utilities Commission, WC Docket 10-90 *et al.*, pg. 2 (filed Aug. 24, 2011); Comments of the Public Utilities Commission of Ohio, WC Docket 10-90 *et al.*, pg. 5 (filed Aug. 24, 2011) ("The time allotted for comment on the ABC Plan, however, simply does not permit the Ohio Commission, with its limited staff and resources, to discuss the Plan as comprehensively as it would like.").