

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Connect America Fund)	WC Docket No. 10-90
)	
A National Broadband Plan for Our Future)	GN Docket No. 09-51
)	
Establishing Just and Reasonable Rates for Local Exchange Carriers)	WC Docket No. 07-135
)	
High-Cost Universal Service Support)	WC Docket No. 05-337
)	
Developing an Unified Intercarrier Compensation Regime)	CC Docket No. 01-92
)	
Federal-State Joint Board on Universal Service)	CC Docket No. 96-45
)	
Lifeline and Line-Up)	WC Docket No. 03-109
)	
Universal Service Reform – Mobility Fund)	WT Docket No. 10-208

To: The Commission

MOTION FOR EXTENSION OF TIME AND SEPARATE COMMENT CYCLE

The law firm of Blooston, Mordkofsky, Dickens, Duffy & Prendergast, LLP, on behalf of its rural LEC and wireless clients (the “Blooston Rural Carriers”), respectfully request that the Commission establish a separate comment cycle for challenging the American Roamer data that will be used as the basis for determining areas eligible for Phase I Mobility Fund support; and that the public be allowed to investigate and comment on the relevant information for at least 30 days from the current initial comment deadline of Friday, February 24, 2012. This would establish a revised comment deadline of no sooner than Monday, March 26, 2012, for comments challenging the American Roamer data. Thereafter, the Commission should allow interested

parties at least a 14-day reply comment period to contest any challenge claiming that 3G or better service is or is not available in their area of operation.

The Blooston Rural Carriers appreciate that the Commission is eager to move forward with finalizing its Phase I Mobility Fund auction procedures, given its stated objective of starting the proceeding on September 27, 2012. To this end, the Blooston Rural Carriers are not asking for an extension of the time period for commenting on the bidding procedures and other proposals set forth in *Public Notice* DA 12-121. However, the current comment deadline of February 24th and reply comment deadline of March 9th do not provide sufficient time for small and rural carriers to review the American Roamer data. This is especially true since the revised January 2012 data was not made available to carriers on the FCC's web site until after the close of business on Friday, February 10, 2012. Interested bidders must formulate their proposed bid area, review the American Roamer data for this area, investigate possible discrepancies in the reporting of 3G coverage, and assemble sufficient evidence to convince the FCC that the data for their area should be revised. These tasks cannot reasonably be accomplished by March 9, especially by carriers applying for multiple service areas. While American Roamer data may have been identified by the Commission as the "best available" source of information, this database has not been designed as a scientifically or legally definitive source. Instead, it has been assembled through voluntary and somewhat haphazard reporting by the industry. Indeed, one may argue there is an incentive for some carriers to overstate their coverage claims.

The award of \$300 Million in Phase I Mobility Fund support is far too important to base support grants on data that may be incorrect or incomplete. The Commission has previously granted extensions of time to allow the industry to better evaluate complex technical matters and

provide a more complete record. *See. e.g.*, Intelligent Transportation System Applications, WT Docket No. 01-90, *Order*, 16 FCC Rcd 7985 (2001); Reallocation of the 216-220 MHz, 1390-1395MHz, 1427-1429 MHz, 1429-1432 MHz, 1432-1435 MHz, 1670-1675 MHz and 2385-2390 MHz Government Transfer Bands, ET Docket No. 00-221, *Order Granting Extension of Time*, 16 FCC Rcd 3651 (2001). Moreover, the Commission has experienced substandard auction results when forced to follow an unduly rushed pre-auction schedule.¹ Congress sought to remove artificial time pressures from the auction process by amending Section 309(j)(3) of the Communications Act, which states that, when designing the methodologies for competitive bidding the Commission shall

(E) ensure that, in the scheduling of any competitive bidding under this subsection, an adequate period is allowed---

(i) before issuance of bidding rules, to permit notice and comment on proposed auction procedures; and

(ii) after issuance of bidding rules, to ensure that interested parties have a sufficient time to develop business plans, assess market conditions, and evaluate the availability of equipment for the relevant services;

Since identifying areas where 3G or better service is or is not currently available will be central to the formation of many small carriers' business plans, is respectfully submitted that these same principles must also apply to reverse auctions so that the intent of Congress is fulfilled in the conduct of the Mobility Fund Phase I auction.

¹ This was the case with WCS Auction No. 14 and LMDS Auction No. 17. *See* Salmon, Timothy C. Spectrum Auctions by the United States Federal Communications Commission, *Auctioning Public Assets: Analysis and Alternatives*, Edited by M.C.W. Janssen, Cambridge University Press, 2004, ISBN 052183059, at p. 14.

The Blooston Rural Carriers are aware that the Commission does not routinely grant extensions of time in rulemaking proceedings. However, in this case, a modest extension of time would be beneficial to the rural wireless industry in order to provide the Bureaus with specific evidence and meaningful comments on the accuracy of the American Roamer data. At the same time, allowing this additional time should not have any significant impact on pre-auction preparation by bidders or the Commission's goal of commencing Auction No. 901 on September 27, 2012.

Respectfully submitted,

BLOOSTON RURAL CARRIERS

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Filed: February 13, 2012