

**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 Link-Up)	WC Docket No. 03-109
)	
<u>Universal Service Reform – Mobility Fund</u>)	WT Docket No. 10-208

MOTION FOR EXTENSION OF TIME

The Alaska Rural Coalition¹ (the “ARC”), by its attorneys and pursuant to 47 C.F.R. § 1.46 of the Federal Communications Commission’s (“FCC” or the “Commission”) Rules, respectfully requests that the Commission extend the time to file comments to the Commission’s

¹ The ARC membership consists of essentially all rate of return incumbent rural local exchange carriers (“RLECs”) in Alaska, who share unified interests regarding the impacts of further proposed changes in universal service funding for the state. The ARC is composed of Adak Eagle Enterprises LLC; Arctic Slope Telephone Association Cooperative, Inc.; Bettles Telephone, Inc.; Bristol Bay Telephone Cooperative, Inc.; Bush-Tell, Inc.; Circle Telephone & Electric, LLC; Cordova Telephone Cooperative, Inc.; Copper Valley Telephone Cooperative, Inc.; City of Ketchikan, Ketchikan Public Utilities; Matanuska Telephone Association, Inc.; OTZ Telephone Cooperative, Inc.; Interior Telephone Company; Mukluk Telephone Company, Inc.; Alaska Telephone Company; North Country Telephone Inc.; Nushagak Electric and Telephone Company, Inc.; The Summit Telephone and Telegraph Company, Inc.; and Yukon Telephone Company, Inc.

Public Notice filed February 2, 2012 (the “Auction 901 Public Notice”)² in the above-captioned proceeding. In its Auction 901 Public Notice, the Commission sought comments evaluating its established auction procedures, including the American Roamer data used in determining areas eligible for Phase I Mobility Fund support. The ARC moves that the Commission extend the time for interested parties to file comments because the current comment deadline of February 24 and current reply comment deadline of March 9 do not provide sufficient time for small and rural carriers to meaningfully review and respond to the data and assess the auction procedures.

The ARC suggests for the Commission to allow the public to investigate and comment on the relevant information provided in the Auction 901 Public Notice for 30 days from the current initial comment deadline of Friday, February 24, 2012. This would establish a new comment deadline of Monday, March 26, 2012. Following the March 26 deadline, the Commission should ideally allow interested parties at least a 14-day reply comment.

Although the Auction 901 Public Notice was filed on February 2, 2012, the revised January 2012 data was not made available to carriers on the FCC’s website until after the close of business on Friday, February 10, 2012. This does not provide interested bidders with a sufficient time period to 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. Unlike large, national telecommunications providers, small carriers like the ARC members operate with extremely limited staff and resources. For these small carriers, a meaningful assessment of the American Roamer data will likely require engaging an outside consultant and thus cannot

² Mobility Fund Phase I Auction Scheduled for September 27, 2012; Comment Sought on Competitive Bidding Procedures for Auction 901 and Certain Program Requirements, AU Docket No. 12-25, *Public Notice*, DA 12-121 (Feb. 2, 2012).

reasonably be accomplished within the current time frame. Moreover, the American Roamer comments are currently due on the same day as the Intercarrier Compensation Comments, making the task of fully participating in the Mobility Fund I process nearly impossible for small carriers with limited resources.

The current comment deadlines pose particular challenges for carriers serving Alaska. First, the ARC did not anticipate that so much of Alaska would be eligible for Mobility Fund I support, and its members will require more time to complete their analysis and ensure that Alaskan consumers have the same opportunity to benefit from the Mobility Fund as consumers in easier-to-classify areas. Second, given Alaska's remoteness, vast size, small population, extreme weather, and widespread lack of basic infrastructure, American Roamer data for Alaska may be less reliable and require more complex analysis than the analysis required in other regions. Third, many ARC members will be applying for multiple service areas, which means that they require sufficient time to evaluate and challenge multiple sets of data.

The ARC is also concerned about the utility of the data in general. Although the Commission has identified the American Roamer database as the "best available" source of information, the database has not been designed as a scientifically or legally definitive source. Instead, it has been assembled through voluntary, optional, and somewhat haphazard reporting by the industry. Some carriers may have had an incentive to overstate their coverage claims, and it is therefore possible that some coverage has not been included within the database.

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, and the Commission should therefore extend the comment period to ensure a more thorough review. 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 Red 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 Red 3651 (2001). Moreover, the Commission has previously experienced substandard auction results when forced to follow an unnecessarily rushed pre-auction schedule.³ Congress sought to remove artificial time pressures from the auction process, as well as increase its transparency, 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.

42 U.S.C. § 309(j)(3).

Because assessing the American Roamer data will be central to the development of many small carriers' business plans and auction bids, Section 309(j)(3)'s requirement of an "adequate period" must also apply to reverse auctions. Congress' intent to provide interested parties a *truly* meaningful opportunity to participate in auctions, whether traditional or reverse, here requires that the Commission extend the deadline for comments.

The ARC is aware that the Commission does not routinely grant extensions of time in rulemaking proceedings. However, in this case, a modest extension of time would provide an

³ 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.

enormous benefit to both the rural wireless industry and to the Mobility Fund I auction by providing specific evidence and meaningful comments on the accuracy of the American Roamer data. Allowing this additional time should not have any adverse impact on pre-auction preparation by bidders or the Commission's goal of commencing Auction 901 on September 27, 2012, and will enable small rural carriers, who are most in need of Mobility Fund support, to fully and meaningfully participate in the Mobility Fund I auction.

Respectfully submitted on this 16th day, February, 2012.

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