

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

In the Matter of)
)
Petition of Public Knowledge et al. for) WC Docket No. 13-306
Declaratory Ruling Stating that the Sale of Non-)
Aggregate Call Records by Telecommunications)
Providers without Customers' Consent Violates)
Section 222 of the Communications Act)
)

ORDER

Adopted: January 30, 2014

Released: January 30, 2014

Revised Reply Date: March 3, 2014

By the Chief, Competition Policy Division, Wireline Competition Bureau:

1. This Order grants a requested extension of time to file reply comments in the above-captioned proceeding. On December 11, 2013, Public Knowledge et al. filed a petition with the Commission, requesting that the Commission declare that under section 222, non-aggregate call records that have been purged of personal identifiers but leave customers' individual characteristics intact are protected as individually identifiable customer proprietary network information (CPNI), and that telecommunications providers are prohibited from selling or sharing such records with third parties without customers' consent.1 The Wireline Competition Bureau released a Public Notice seeking comment on the Public Knowledge Petition on December 18, 2013, and established January 17, 2014, and February 3, 2014, as the dates for filing comments and replies respectively.2

2. On January 28, 2014, Public Knowledge et al. filed a joint motion requesting an extension of the reply comment deadline to March 3, 2014.3 The petitioners state that the requested 30-day extension of time is necessary due to the federal holiday and weather-related closures that delayed the

1 Petition of Public Knowledge et al. for Declaratory Ruling Stating that the Sale of Non-Aggregate Call Records by Telecommunications Providers without Consumers' Consent Violates Section 222 of the Communications Act, WC Docket No. 13-306 (filed Dec. 11, 2013) (Petition). The Petition was filed jointly by Public Knowledge, Benton Foundation, Center for Digital Democracy, Center for Media Justice, Chris Jay Hoofnagle, Common Cause, Consumer Action, Electronic Frontier Foundation, Electronic Privacy Information Center, Free Press, New America Foundation's Open Technology Institute, and U.S. PIRG.

2 Wireline Competition Bureau Seeks Comment on Petition of Public Knowledge for Declaratory Ruling that Section 222 of the Communications Act Prohibits Telecommunications Providers from Selling Non-Aggregate Call Records Without Customers' Consent, WC Docket No. 13-306, Public Notice, DA 13-2415 (Wireline Comp. Bur. rel. Dec. 18, 2013).

3 Joint Motion for Extension of Reply Comment Deadline, filed by Public Knowledge et al., WC Docket No. 13-306 (filed Jan. 28, 2014) (Motion). Public Knowledge was joined on the Motion by Benton Foundation, Center for Digital Democracy, Center for Media Justice, Chris Jay Hoofnagle, Common Cause, Consumer Action, Electronic Frontier Foundation, Electronic Privacy Information Center, Free Press, New America Foundation's Open Technology Institute, and U.S. PIRG.

Commission in posting several comments to the Electronic Comment Filing System.⁴ The petitioners further note that the “disruption in schedule has been particularly hindering for small organizations” with limited staff and resources and that the additional time will “allow time for consultation and coordination among [their] different organizations.”⁵

3. In light of these factors cited by Public Knowledge, the Wireline Competition Bureau grants the joint motion for an extension of the reply comment deadline. Furthermore, the issues in the underlying Petition and the comments that have been filed involve complex matters, and there is no indication that harm to any party would result from extending the time to file reply comments. We also find that allowing additional time to file replies should result in a more complete and well-developed record.

4. Accordingly, IT IS ORDERED, pursuant to section 4(i) of the Communications Act, as amended, 47 U.S.C. § 154(i), and sections 0.91, 0.291 and 1.46 of the Commission’s rules, 47 C.F.R. §§ 0.91, 0.291 and 1.46, that the Joint Motion for Extension of Reply Comment Deadline filed by Public Knowledge *et al.* in WC Docket No. 13-306 is GRANTED and the time to file replies to comments regarding Public Knowledge’s Petition is extended from February 3, 2014 to March 3, 2014.

FEDERAL COMMUNICATIONS COMMISSION

William A. Dever
Chief, Competition Policy Division
Wireline Competition Bureau

⁴ *Id.* at 2.

⁵ *Id.* at 1-2.