

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

In the Matter of)	
)	
Special Access for Price Cap Local Exchange Carriers)	WC Docket No. 05-25
)	
AT&T Corp. Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Service)	RM-10593
)	

**JOINT REQUEST FOR EXTENSION OF TIME
OF THE UNITED STATES TELECOM ASSOCIATION
AND ITTA – THE VOICE OF MID-SIZE COMMUNICATIONS COMPANIES**

The United States Telecom Association (USTelecom)¹ and ITTA – the Voice of Mid-Size Communications Companies (ITTA)² (collectively “Petitioners”), respectfully request that the Federal Communications Commission (Commission) further extend the dates for submission of comments and reply comments in the special access rulemaking proceeding.³ Given the size and complexity of the data collection, Petitioners’ members (many of whom still have not gained access to the data due to process delays) will not be able to adequately review and provide meaningful comment on the data within the current deadlines. We therefore request at least a

¹ USTelecom is the premier trade association representing service providers and suppliers for the telecom industry. Its diverse member base ranges from large publicly traded communications corporations to small companies and cooperatives – all providing advanced communications service to both urban and rural markets.

² ITTA serves as the preeminent advocate for mid-size companies before federal policymakers, in industry forums, and before the federal courts on issues affecting the communications industry. Its members include mid-size communications companies that provide a broad range of high quality wireline and wireless voice, broadband, Internet, and video services to residential and business customers in predominately rural areas across 45 states.

³ *Special Access for Price Cap Local Exchange Carriers, AT&T Corporation Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services*, WC Docket No. 05-25, RM-10593, Order and Further Notice of Proposed Rulemaking, 27 FCC Rcd 16318 (2012) (*Data Collection Order*); Report and Order, 28 FCC Rcd 13189 (Wireline Comp. Bur. 2013) (*Data Collection Report and Order*); Order on Reconsideration, 29 FCC Rcd 10899 (Wireline Comp. Bur. 2014) (*Data Collection Recon Order*); Order, 29 FCC Rcd 14346 (Wireline Comp. Bur. 2014) (*Extension Order*). The Commission seeks comment on the data, and on possible changes to its rules for the special access services provided by incumbent LECs in price cap areas.

60-day extension for comments to January 19, 2016, and an extension for reply comments to February 18, 2016, 30 days after comments would be due.

Although requests for extensions of time are not routinely granted,⁴ the Commission may grant an extension for good cause shown.⁵ Generally, the Commission's "criteria for granting such requests are that the extension be in the public interest, cause no harm to any party in the proceeding, and cause no significant delay. An extension of time may also be appropriate where it is shown that the matter is unusually complex and that additional time is necessary to provide the Commission with an adequate pleading."⁶ Each of these criteria is met here.

I. Access to the Data Has Been Repeatedly Delayed For Reasons Beyond Our Members' Control.

Prior due dates for comments and reply comments were established and then extended because the data were not yet available for review. The most recent deadlines were announced in a Public Notice released by the Wireline Competition Bureau on September 17, 2015, with comments due by November 20, 2015, and reply comments due by December 11, 2015.⁷ Since that announcement, however, there have been further process delays as parties wait to be contacted by the Commission's contractor, NORC, and to receive credentials and remote access training.

The rollout of access to the special access data collection has been slow, by no fault of the Petitioners' members and other parties who have no way of expediting the process. Some but not all of our members and/or their representatives recently have been contacted and are starting to receive training and gain access to the data. But for those still waiting for access,

⁴ See 47 C.F.R. § 1.46.

⁵ See, e.g., *Application of Media General Broadcasting of South Carolina Holdings, Inc. for Renewal of License for Station WBTW(TV), Florence, SC*, 19 FCC Rcd 24744 (2004) ("For good cause shown, we will grant the requested extension of time.").

⁶ *Audio Enterprises, Inc.*, 3 FCC Rcd 5402 (1988).

⁷ Public Notice, *Wireline Competition Further Extends Comment Deadlines in Special Access Proceeding*, WC Docket No. 05-25, RM-10593, DA 15-1037 (rel. Sep. 17, 2015).

more than half of the allotted review period will be lost, unless the Commission extends the filing deadlines.

II. A Filing Extension is in the Public Interest Because the Data is Voluminous and Complex.

The Commission has collected information on the full array of traditional business broadband services, including DS1s and DS3s, as well as Ethernet and other packet-based dedicated services, on a nationwide basis. To maximize the quality and fulsomeness of the collection, the Commission also collected data on services that enterprise customers may view as substitutable, including “best efforts” business broadband Internet access services.⁸ One year’s worth of data⁹ was submitted by “providers and purchasers of special access services as well as some entities that provide best efforts business broadband Internet access services.”¹⁰ The data collected fell into five general categories: market structure, pricing, demand, terms and conditions, and competition and pricing decisions.¹¹

The number of data points collected and the number of reporting entities likely makes this one of the most complex data reviews the Commission has ever taken on and it will be no less complex for outside parties to review. We share the general concern expressed by some that this proceeding should not be further delayed, given the amount of time that has already lapsed. However, the Commission should not prioritize speed over quality.

The importance of allowing parties to digest and provide meaningful comment on the data cannot be overstated. The stakes here are high; the Commission may use the data and

⁸ *Data Collection Order*, 27 FCC Rcd at 16326-27.

⁹ Initially the Commission sought to collect 2 years of data, but subsequently modified the scope to include one year’s worth of data from 2013 consistent with the conditional approval of the information collection from the Office of Management and Budget. *See Data Collection Recon Order*, 29 FCC Rcd at 10903.

¹⁰ *Data Collection Order*, 27 FCC Rcd at 16327. The Commission later clarified the scope of purchasers required to submit data. *See Data Collection Report and Order*, 28 FCC Rcd at 13193-95.

¹¹ *Data Collection Order*, 27 FCC Rcd at 16331; *Data Collection Report and Order*, 28 FCC Rcd at 13191.

conclusions derived therefrom to adjust its special access policy and regulatory framework. Meaningful public comment will be key to a fair resolution of the issues raised in this proceeding. We simply ask that the Commission balance the needs of reviewing parties with the desire to avoid unreasonable delay and grant the modest reasonable extension requested here. The Commission itself will benefit greatly from a more fully developed record that addresses the complexities inherent to this proceeding, and a brief extension will not unreasonably prolong completion of the proceeding.

III. The Current Filing Deadlines Do Not Allow Time for Adequate Review.

The comment periods provided for review of the data are insufficient, and continuing delays mean that no party will have full use of the time allotted. This cannot be what the Commission envisioned when it established the current comment periods. At a minimum, parties should be assured that they will be given the full amount of time for review that the Commission intended to provide.

It took the Commission almost seven months after the final data submission deadline to declare it ready for review by outside parties.¹² By comparison, authorized parties will have less than two months to review and digest, and provide initial comments on and conclusions about the data without an extension. Several of our members have made it clear that they will require significantly more time to conduct a meaningful review and provide comments that will be helpful to the Commission's own review of the record.

In addition, the initial comment deadline falls less than one the week from a major holiday and the start of the traditional holiday season; the reply comment deadline likewise falls in the middle of the holiday season. For many, a comprehensive review of the data during this period

¹² See *Extension Order*, 29 FCC Rcd at 14346 (establishing filing deadlines, the last of which was February, 27, 2015).

will be difficult at best, but perhaps impossible. Some of Petitioners' member companies also face competing deadlines for preparing comments in this proceeding and preparing their direct cases (due by December 18, 2015) in response to the related tariff investigation of business broadband data services initiated by the Commission less than one week ago.¹³ We therefore ask that the Commission also consider this and the proximity of the filing deadlines to the holiday season as additional reasons to grant more time for review and analysis. An additional 60 days should give parties the opportunity to conduct a meaningful review that is not hampered by prior holiday and travel commitments.

¹³ See *Investigation of Certain Price Cap Local Exchange Carrier Business Data Services Tariff Pricing Plans*, Order Initiating Investigation and Designating Issues for Investigation, WC Docket No. 15-247, DA 15-1194 (Wireline Comp. Bur. Oct. 16, 2015) (initiating an investigation into the terms and conditions of certain tariff pricing plans of AT&T, CenturyLink, Frontier, and Verizon).

IV. Conclusion

Given the complexity and comprehensiveness of the Commission's special access data collection proceeding, and the multiple stakeholders with an interest in providing comments in this proceeding who have not yet secured access to the data, the requested extension of time is warranted. Granting this extension request would be in the public interest, will cause no harm to any party to the proceeding, and will not result in significant delay.

Respectfully submitted,

UNITED STATES TELECOM ASSOCIATION

By: 

Diane Griffin Holland
Jonathan Banks
607 14th Street, NW, Suite 400
Washington, D.C. 20005
(202) 326-7300

ITTA – The Voice of Mid-Size Communications
Companies

By: /s/ Micah M. Caldwell

Micah M. Caldwell
ITTA
1101 Vermont Ave., NW, Suite 501
Washington, D.C. 20005
(202) 898-1520

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