

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

In the Matter of)
)
Petition of Mpower Communications Corp. for) CC Docket No. 01-117
Establishment of New Flexible Contract)
Mechanism Not Subject to "Pick and Choose")
)

ORDER

Adopted: July 12, 2001

Released: July 13, 2001

By the Chief, Policy and Program Planning Division:

1. On June 4, 2001, the Commission released a Public Notice in CC Docket No. 01-117 establishing the pleading cycle for comments on the petition filed by Mpower Communications Corp. (Mpower).¹ Among other things, Mpower requests that the Commission forbear from application and enforcement of section 252(e), (i) of the Communications Act of 1934, as amended. The Public Notice required parties to file comments on or before July 3, 2001 and reply comments on or before July 18, 2001.

2. On June 14, 2001, Mpower filed a Motion for Extension of Time to extend the date for reply comments by 16 days to August 3, 2001. According to Mpower, this extension is necessary to afford it an adequate opportunity to analyze and respond to comments on the "complex issues of first impression" raised in its petition.²

3. It is the policy of the Commission that extensions of time are not routinely granted.³ In the past, the Commission has granted such extensions when, among other things, comments proved to be voluminous, the parties would not have sufficient time to analyze and respond to comments, or the filings raise complex substantive matters. In the instant proceeding, we note that the number of comments were relatively few and, without exception, brief. Moreover, while we agree with Mpower that its petition raises novel issues, we do not think that the level of complexity contained in the July 3 comments warrants its requested extension. Upon

review of the filed comments in this docket, we find therefore, that providing the petitioner and others approximately two weeks to respond is a sufficient amount of time to meet this goal.

¹ Pleading Cycle Established for Comments on Mpower Petition for Forbearance and Rulemaking, Public Notice, DA 01-1348 (June 4, 2001).

² Motion for Extension of Time filed by Mpower Communications Corp., CC Docket No. 01-117 (filed June 14, 2001).

³ See 47 C.F.R. § 1.46(a).

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4. Accordingly, IT IS ORDERED that Mpower's Motion for Extension of Time IS DENIED.

5. IT IS FURTHER ORDERED that this action is taken pursuant to authority found in section 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(r), and sections 0.291 and 1.46 of the Commission's rules, 47 C.F.R. §§ 0.291, 1.46.

FEDERAL COMMUNICATIONS COMMISSION

Michelle M. Carey
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