

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

In the matter of	)	
	)	
Joint Petition of Qwest, BellSouth and SBC	)	
for Forbearance from the Current Pricing	)	WC Docket No. 03-189
Rules for the Unbundled Network Element	)	
Platform	)	

**ORDER**

**Adopted: September 30, 2003**

**Released: September 30, 2003**

By the Chief, Pricing Policy Division:

Revised Filing Date:

**Reply Comments: October 7, 2003**

**I. INTRODUCTION**

1. On August 18, 2003, the Wireline Competition Bureau (Bureau) released a *Public Notice* in this matter.<sup>1</sup> The *Public Notice* seeks comments on the Joint Petition of Qwest Corporation, BellSouth Telecommunications, Inc., and SBC Communications Inc. (collectively, Joint Petitioners) that requests that the Commission “forbear from its decision permitting Unbundled Network Element-Platform (“UNE-P”) carriers to collect per-minute access charges from long distance operators and from applying its current Total Element Long Run Incremental Cost (“TELRIC”) pricing rules to UNE-P.”<sup>2</sup> The *Public Notice* established comment and reply comment deadlines of September 18, 2003, and October 3, 2003, respectively.

2. On September 25, 2003, Joint Petitioners filed a joint petition for extension of time, requesting that the Commission extend by two business days, or until October 7, 2003, the period for them to file reply comments.<sup>3</sup> Joint Petitioners state that, because the Commission was closed on September 18 and 19, 2003, due to Hurricane Isabel, commenters were unable to

<sup>1</sup> See *Pleading Cycle Established for Joint Petition of Qwest, BellSouth, and SBC for Expedited Forbearance from the Commission’s Current Pricing Rules for the Unbundled Network Element Platform*, WC Docket No. 03-189, Public Notice, DA 03-2679 (rel. Aug. 18, 2003).

<sup>2</sup> *Joint Petition of Qwest Corporation, BellSouth Telecommunications, Inc., and SBC Communications Inc. for Expedited Forbearance* at 1, WC Docket No. 03-189 (filed July 31, 2003).

<sup>3</sup> *Joint Petition of BellSouth, SBC and Qwest for Extension of Time to File Reply Comments*, WC Docket No. 03-189 (filed Sept. 25, 2003).

file comments on the Joint Petition on the deadline of September 18, 2003, established by the *Public Notice* in this matter. Instead, most commenters filed comments on September 22, 2003, when the Commission reopened after the hurricane. Thus, according to Joint Petitioners, an extension of two business days, or until October 7, 2003, is necessary to permit them the full, 15-day period for reply comments anticipated by the *Public Notice*.<sup>4</sup>

## II. DISCUSSION

3. We grant the Joint Petitioners' request for an extension of time to file reply comments. It is the policy of the Commission that extensions of time are not routinely granted.<sup>5</sup> Commission rules further provide that, in emergency situations, the Commission will consider a motion for a brief extension of time related to the duration of the emergency.<sup>6</sup> We find that Hurricane Isabel and the closing of the Commission was an emergency situation, and that granting of Joint Petitioners' request is, therefore, reasonable. Due to the closing of the Commission caused by Hurricane Isabel, neither the Commission nor the Joint Petitioners received comments on the Joint Petition until September 22, 2003. To allow Joint Petitioners a full 15 days to reply to these comments, we must extend the reply comment deadline by two business days, or until October 7, 2003.

4. Commission rules further provide that, as a matter of discretion, the Commission may rule *ex parte* on motions for extension of time without waiting for the filing of oppositions or replies.<sup>7</sup> Due to the short time remaining for Joint Petitioners to prepare a reply, we believe there is a need to act expeditiously on the Joint Petitioners' request. We also do not anticipate that any party will be harmed by grant of an extension of two business days for Joint Petitioners to file their reply comments. Therefore, we use our discretion to rule *ex parte*, and grant the Joint Petitioners' request for extension of time to file reply comments.

5. ACCORDINGLY, IT IS ORDERED that, pursuant to sections 4(i), 4(j), and 5(c) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j) 155(c), and sections 0.91, 0.291, 1.45 and 1.46 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.45, and 1.46, the joint petition for extension of time filed by Qwest Corporation, BellSouth Telecommunications, Inc., and SBC Communications Inc. IS GRANTED.

## FEDERAL COMMUNICATIONS COMMISSION

Tamara L. Preiss  
Chief, Pricing Policy Division  
Wireline Competition Bureau

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<sup>4</sup> *Id.*

<sup>5</sup> 47 C.F.R. § 1.46(a)

<sup>6</sup> *Id.* at § 1.46(b).

<sup>7</sup> *Id.* at § 1.45(e).