

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

In the Matter of Fibertech Networks, LLC,                    )  
Petition for Rulemaking    )        RM-11303

**ORDER**

**Adopted: January 10, 2006**

**Released: January 10, 2006**

By the Chief, Competition Policy Division:

1. On January 4, 2006, United Telecom Council (UTC) filed a request for an extension of time to file comments in response to the petition for rulemaking of Fibertech Networks, LLC (Fibertech) addressing access to poles and conduits.<sup>1</sup> The current deadlines for filing comments and replies are January 13, 2006 and January 31, 2006, respectively.<sup>2</sup> UTC requests that the comment and reply dates be extended to February 13, 2006 and March 3, 2006.<sup>3</sup> UTC states that Fibertech's proposals are detailed and technical, and that responding adequately requires UTC to draw on the technical expertise of engineers, managers, and administrators, some of whom were unavailable during the holidays.<sup>4</sup>

2. On January 9, 2006, Fibertech filed to oppose UTC's request for an extension.<sup>5</sup> Fibertech argues that the original comment period is adequate and avoids unnecessary delay.<sup>6</sup> Fibertech alternatively requests that, if an extension is granted, the reply date should be extended by an equivalent amount of time – that if, for example, the comment date were extended by one week, then the reply date should also be extended by one week.<sup>7</sup>

3. Although requests for extensions of time are not routinely granted,<sup>8</sup> we do occasionally grant limited extensions of time when we find that the public interest would be served by doing so. In this case, we conclude that granting UTC's request is in the public interest. We find UTC's explanation persuasive that it requires the technical expertise of engineers, managers, and administrators, and that it

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<sup>1</sup> UTC Motion for Extension of Time to File Comments (filed Jan. 4, 2006) (Motion).

<sup>2</sup> See *Pleading Cycle Established for Petition for Rulemaking of Fibertech Networks, LLC*, Public Notice, RM-11303, DA 05-3182 (rel. Dec. 14, 2005).

<sup>3</sup> Motion at 1.

<sup>4</sup> *Id.* at 2.

<sup>5</sup> Fibertech Opposition to Motion for Extension of Time (filed Jan. 9, 2006) (Opposition).

<sup>6</sup> Opposition at 2.

<sup>7</sup> *Id.* at 3.

<sup>8</sup> See 47 C.F.R. § 1.46(a).

was not fully able to draw on such expertise during the holidays. We further conclude that other parties will benefit equally from an extension of the comment deadline, and that extending the deadline will enable the Commission to obtain a more complete and well-developed record in this proceeding. UTC does not, however, justify extending the comment deadline by an entire month. We also agree with Fibertech that, in fairness, it should also receive additional time to prepare its reply. We therefore extend the length of both the comment and reply periods by fifteen days. Thus, under our counting rules, parties have until **January 30, 2006** to file comments on Fibertech's petition for rulemaking RM-11303, and until **March 1, 2006** to file reply comments.

4. ACCORDINGLY, IT IS ORDERED, pursuant to the authority delegated under sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291 that UTC's Motion for Extension of Time to File Comments in the above-captioned proceeding IS GRANTED IN PART to the extent set forth herein.

FEDERAL COMMUNICATIONS COMMISSION

Renee R. Crittendon  
Acting Chief, Competition Policy Division  
Wireline Competition Bureau