

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

In the Matter of)
)
)
Petition for Declaratory Ruling that Text) WT Docket No. 08-7
Messages and Short Codes are Title II Services or)
are Title I Services Subject to Section 202 Non-)
Discrimination Rules)

ORDER

Adopted: February 1, 2008

Released: February 1, 2008

Comment Date: March 14, 2008

Reply Comment Date: April 14, 2008

By the Chief, Wireless Telecommunications Bureau:

1. On December 11, 2007, Public Knowledge, Free Press, Consumer Federation of America, Consumers Union, EDUCAUSE, Media Access Project, New America Foundation, and U.S. PIRG (Petitioners) filed a joint petition for declaratory ruling (Petition). The Petitioners asked the Commission to clarify the regulatory status of text messaging services, including short-code-based services sent from and received by mobile phones, and declare that these services are governed by the anti-discrimination provisions of Title II of the Communications Act.¹ On January 14, 2008, the Commission established a pleading cycle for the Petition, with comments due on February 13, 2008 and replies due on March 14, 2008.²

2. On January 25, 2008, CTIA-The Wireless Association (CTIA) filed a motion for an extension of time to file comments and replies. CTIA requests a 30-day extension of the deadline for filing comments and a corresponding 30-day extension of the deadline to file reply comments. Pursuant to this request, comments would be due on March 14, 2008 and reply comments would be due on April 14, 2008.³ CTIA states that “the additional time is necessary for parties to consider the important issues raised by the Petition and to fully prepare submissions enabling the Commission to make an informed decision based on a fully developed record.”⁴ CTIA notes that many of the issues raised in the Petition

¹ See In the Matter of Petition of Public Knowledge et. al. for Declaratory Ruling Stating that Text Messages and Short Codes are Title II Services or are Title I Services Subject to Section 202 Nondiscrimination Rules, filed Dec. 11, 2007 (Petition).

² See “Wireless Telecommunications Bureau Seeks Comment on Petition for Declaratory Ruling that Text Messages and Short Codes are Title II Services or are Title I Services Subject to Section 202 Non-Discrimination Rules,” Public Notice, DA 08-78, rel. Jan. 14, 2008.

³ See Motion by CTIA-The Wireless Association for Extension of Time, WT Docket No. 08-7, filed Jan. 25, 2008 (CTIA Motion).

⁴ CTIA Motion at 1.

are “matters of first impression not previously considered by interested parties in this context.”⁵ It states that “additional time is needed for parties to fully review and assess the implications of the Petition and its requests for Commission action.”⁶ CTIA also states that “it has spoken with Petitioners Public Knowledge and Free Press, and they do not oppose the requested extension of time.”⁷

3. It is the policy of the Commission that extensions of time are not routinely granted.⁸ Such extensions may be warranted when, among other things, the additional time will serve the public interest. In the instant proceeding, we find that additional time would be beneficial to the development of a complete record on the issues. Accordingly, we find that providing the extension of time requested in the CTIA motion serves the public interest.

4. Accordingly, IT IS ORDERED that, pursuant to authority found in section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and sections 0.131, 0.331 and 1.46 of the Commission’s rules, 47 C.F.R. §§ 0.131, 0.331, 1.46, the Motion by CTIA-The Wireless Association for Extension of Time IS GRANTED.

5. IT IS FURTHER ORDERED that comments in this proceeding shall be due by **March 14, 2008**, and reply comments shall be due by **April 14, 2008**.

FEDERAL COMMUNICATIONS COMMISSION

Fred B. Campbell, Jr.
Chief
Wireless Telecommunications Bureau

⁵ CTIA Motion at 2.

⁶ *Id.*

⁷ CTIA Motion at 1.

⁸ *See* 47 C.F.R. § 1.46(a).