

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

In the Matter of)
Lifeline and Link Up Reform and Modernization) WC Docket No. 11-42
Telecommunications Carriers Eligible for) WC Docket No. 09-197
Universal Service Support)
Connect America Fund) WC Docket No. 10-90

ORDER

Adopted: September 23, 2015

Released: September 23, 2015

By the Chief, Wireline Competition Bureau:

1. In this Order, the Wireline Competition Bureau (Bureau) denies a request for an extension of time to file reply comments in the Commission’s Lifeline and Link Up Reform and Modernization proceeding, filed by the National Association of State Utility Consumer Advocates, Public Knowledge, the National Consumer Law Center, the Greenlining Institute, the California Emerging Technology Fund, Center for Accessible Technology, Media Alliance, and Consumer Action (Requestors).1

2. On June 18, 2015, the Federal Communications Commission adopted a Second Further Notice of Proposed Rulemaking (Second FNPRM) in which the Commission sought comment and reply comment on proposals to modernize the Lifeline program.2 The Second FNPRM set the deadline for filing comments at 30 days after its publication in the Federal Register and reply comments at 60 days after its publication in the Federal Register.3 On July 17, 2015, the Second FNPRM was published in the Federal Register and the Wireline Competition Bureau released a Public Notice that announced the deadline for filing comments as August 17, 2015, and the deadline for filing reply comments as September 15, 2015.4 On August 5, 2015, in response to multiple requests for extension of those filing deadlines, the Bureau extended the comment filing deadline by 14 days until August 31, 2015, and the reply comment filing deadline by 15 days until September 30, 2015 in order to facilitate more thorough

1 Motion by National Association of State Utility Consumer Advocates, Public Knowledge, the National Consumer Law Center, the Greenlining Institute, California Emerging Technology Fund, the Center for Accessible technology, and Media Alliance and Consumer Action for an Extension of Time to Submit Reply Comments, WC Docket No. 11-42 et al. (filed Sept. 17, 2015) (NASUCA Request).

2 See Lifeline and Link Up Reform and Modernization, et al., WC Docket No. 11-42, et al., Second Further Notice of Proposed Rulemaking, Order on Reconsideration, Second Report and Order, and Memorandum Opinion and Order, 30 FCC Rcd 7818 (2015) (Lifeline Reform and Modernization Second FNPRM).

3 Id.

4 Lifeline and Link Up Reform and Modernization, Telecommunications Carriers Eligible for Universal Service Support, Connect America Fund, 80 Fed. Reg. 42670 (July 17, 2015); Wireline Competition Bureau Announces Comment Deadlines for Lifeline Reform Second Further Notice of Proposed Rulemaking, WC Docket No. 11-42, et al., Public Notice, 30 FCC Rcd 7341 (Wireline Comp. Bur. 2015).

and deliberate consideration of the issues raised in this proceeding.⁵

3. On September 17, 2015, the Requestors jointly filed a motion to extend the reply comment filing deadline by 14 days, to October 14, 2015.⁶ The Requestors seek additional time to draft “more focused” reply comments that would “provide the Commission with more useful information upon which to base its decisions.”⁷ The Requestors note that “[t]he Commission received a large number of comments, most of which were not posted to the Commission’s web site until the afternoon of September 2.”⁸ Additionally, the Requestors note that [t]he issues being addressed in the broadband Lifeline NPRM and very important and very complex,” and additional time would be beneficial to “facilitate stakeholder discussions on recommendations.”⁹

4. We conclude that grant of an extension of time in the above captioned proceedings is not warranted under the present circumstances. Extensions of time are not routinely granted,¹⁰ and we do not believe that circumstances cited by the Requestors warrant a grant of additional time. Commission proceedings often involve novel and important issues and significant number of comments, yet granting an extension is not the norm.¹¹ We find the comment cycle established by the Commission in this proceeding – as already extended once in response to prior requests – affords sufficient time for public participation. We therefore deny the Requestors Motion for Extension of Time, and the pleading cycles established in the August 5, 2015 Deadline Extension Order will remain in effect.¹²

5. Accordingly, IT IS ORDERED that, pursuant to sections 4(i), 4(j), 5(c) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), 155(c) and 303(r), and Sections 0.91, 0.291, 1.46, and 1.415 of the Commission’s Rules, 47 C.F.R. §§ 0.91, 0.291, 1.46, and 1.415, the motion of the National Association of State Utility Consumer Advocates, Public Knowledge, the National Consumer Law Center, the Greenlining Institute, California Emerging Technology Fund, the Center for Accessible technology, and Media Alliance and Consumer Action IS DENIED.

⁵ *Lifeline and Link Up Reform and Modernization, et al.*, WC Docket No. 11-42, et al., Order, DA 15-885 (Wireline Comp. Bur. rel. Aug. 5, 2015) (August 5th Deadline Extension Order).

⁶ NASUCA Request.

⁷ *See id.* at 2.

⁸ *See id.*

⁹ *See id.*

¹⁰ 47 C.F.R. § 1.46.

¹¹ *See, e.g., Protecting and Promoting the Open Internet*, GN Docket No. 14-28, Order, 29 FCC Rcd 8305 (Wireline Comp. Bur. 2014); *Petition of the City of Wilson, North Carolina, Pursuant to Section 706 of the Telecommunications Act of 1996, for Removal of Barriers to Broadband Investment and Competition*, WC Docket No. 14-115, *Petition of the Electric Power Board of Chattanooga, Tennessee, Pursuant to Section 706 of the Telecommunications Act of 1996, for Removal of Barriers to Broadband Investment and Competition*, WC Docket No. 14-116, Order, 29 FCC Rcd 10178 (Wireline Comp. Bur. 2014) (denying requests for extensions of time to file comments and reply comments).

¹² *See* August 5th Deadline Extension Order.

6. IT IS FURTHER ORDERED that, pursuant to section 1.102(b)(1) of the Commission's rules, 47 C.F.R. § 1.102(b)(1), this Order SHALL BE EFFECTIVE upon release.

FEDERAL COMMUNICATIONS COMMISSION

Matthew S. DelNero
Chief
Wireline Competition Bureau