

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

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| In the Matter of |) | |
| |) | |
| Business Data Services in an Internet Protocol Environment |) | WC Docket No. 16-143 |
| |) | |
| Investigation of Certain Price Cap Local Exchange Carrier Business Data Services Tariff Pricing Plans |) | WC Docket No. 15-247 |
| |) | |
| Special Access for Price Cap Local Exchange Carriers |) | WC Docket No. 05-25 |
| |) | |
| AT&T Corporation Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services |) | RM-10593 |
| |) | |

ORDER

Adopted: June 8, 2016

Released: June 8, 2016

By the Chief, Wireline Competition Bureau:

1. In this Order, the Wireline Competition Bureau (Bureau) denies a request filed by the National Cable & Telecommunications Association (NCTA) seeking an extension of time to submit comments and reply comments in response to the *Further Notice* released in the business data services (BDS) rulemaking proceeding.¹

2. On May 2, 2016, the Commission released an Order and Further Notice of Proposed Rulemaking.² The *Further Notice* proposed and sought comment on a new regulatory framework for the provision of BDS, de-regulatory rules to govern competitive markets, and a tailored set of rules to safeguard customers in non-competitive markets.³ As part of the *Further Notice*, the Commission established a schedule requiring comments to be filed by June 28, 2016 and reply comments be filed by July 26, 2016.⁴ NCTA requests an extension of the deadline for filing comments “by at least 45 days and the deadline for filing reply comments by at least an additional 30 days.”⁵

¹ See National Cable & Telecommunications Association (NCTA), Motion for Extension of Time, WC Docket Nos. 16-142, 05-25, RM-10593 (filed May 13, 2016) (NCTA Motion).

² *Business Data Services in an Internet Protocol Environment*, WC Docket Nos. 16-143, 05-25, RM-10593, Tariff Investigation Order and Further Notice of Proposed Rulemaking, FCC 16-54 (rel. May 2, 2016) (*Further Notice*).

³ See *id.* at para. 11. The Order declared unlawful certain terms and conditions in tariff pricing plans that were under investigation and sought further comment on how the finding that what the Commission referred to as “all-or-nothing” provisions are unlawful should be implemented for existing agreements. *Id.* at para. 111.

⁴ *Id.* at para. 544.

⁵ NCTA Motion at 1.

3. *NCTA Comment Extension Request.* NCTA contends that the extensions of time are warranted because the *Further Notice* “asks hundreds of new questions about the appropriate regulatory regime to govern this \$45 billion marketplace.”⁶ NCTA specifically raises concerns with the Commission’s proposed technology-neutral approach, which, “rather than continuing to focus on the only set of carriers that conceivably could have market power in this segment of the marketplace – incumbent LECs – the Commission engages in a ‘radical’ departure from precedent by seeking comment on whether and how to regulate rates charged by facilities-based competitive providers.”⁷ NCTA asserts as an example that “the ‘benchmark’ proposal for regulating a provider’s Ethernet rates based on rates that other providers charge for different services” will require NCTA’s members “to devote significant time and resources, including technical and economic expertise, to responding to these questions and developing realistic alternatives.”⁸

4. NCTA argues further that additional factors favor the requested extension. First, it asserts that the complexity in accessing confidential information through the established protective order process warrants an extension.⁹ NCTA next asserts that the questions raised in the *Further Notice* increased the need for direct participation by its members that previously “have relied largely on their trade associations to monitor the proceeding and convey their policy positions,” and this perception of increased potential impact on cable CLECs should weigh in favor of an extension.¹⁰ NCTA also asserts that its smaller member companies, in particular, have a “limited ability” to participate “because they have limited resources and are overwhelmed by all the other proceedings” pending at the Commission.¹¹ And NCTA finally argues that the comment and reply comment schedule “deprives small companies of a meaningful opportunity to comment on the Initial Regulatory Flexibility Act (IRFA) analysis that is attached to the *Further Notice*.”¹² “For these companies,” NCTA states, “the burdens will be direct and substantial and the IRFA requires the Commission to consider less burdensome alternatives.”¹³

5. *Oppositions.* Sprint Corporation (Sprint) and the Competitive Carriers Association (CCA), Computer & Communications Industry Association (CCIA), Free Press, INCOMPAS, Open Technology Institute (OTI) and Public Knowledge (together, the Joint Opposition) have filed oppositions to NCTA’s extension request.¹⁴ Sprint and the Joint Opposition assert that the current comment and reply

⁶ *Id.* at 2.

⁷ *Id.* at 5 (quoting *Further Notice*, Dissenting Statement of Commissioner Michael O’Rielly at 2).

⁸ *Id.* at 6.

⁹ *Id.* at 7 (noting the process adopted pursuant to protective orders in this proceeding limits access to unredacted copies of the *Further Notice*, and the underlying confidential and highly confidential data relied upon by the Commission and parties that are participating, until each party has executed appropriate confidentiality assurances and “cleared the public notice process,” are “challenges [that] will be magnified for small companies”).

¹⁰ *Id.* at 10.

¹¹ *Id.* at 7.

¹² *Id.* at 11. NCTA acknowledges the Commission included a deferred implementation schedule as one suggestion for smaller entities, but NCTA states that it is “the only suggestion that is offered,” and asserts that an extended comment period would facilitate greater participation by smaller companies. *Id.* at 12 (citing *Further Notice*, App. D at para. 72).

¹³ *Id.* at 12.

¹⁴ Sprint Corp., Opposition to the Motion for Extension of Time, WC Docket Nos. 16-142, 05-25, RM-10593 (filed May 13, 2016) (Sprint Opposition); Competitive Carriers Association (CCA), Computer & Communications Industry Association (CCIA), Free Press, INCOMPAS, Open Technology Institute (OTI), and Public Knowledge, Opposition of CCA, CCIA, Free Press, INCOMPAS, OTI, and Public Knowledge to the Request for Extension of Time, WC Docket Nos. 16-142, 05-25, RM-10593 (filed May 19, 2016) (Joint Opposition).

comment scheduling provides ample opportunity to address issues raised in the *Further Notice*.¹⁵ NCTA, Sprint and the Joint Opposition each note that it was fourteen years ago when the Commission initiated this proceeding, but Sprint and the Joint Opposition argue that supports a denial of the request rather than a further extension of time.¹⁶ Sprint and the Joint Opposition also disagree with NCTA's contention that the *Further Notice* "significantly expands the scope of the proceeding to cover new services, new providers, and new issues," requiring an extension, and identify Commission statements in the proceeding indicating the broad scope of the inquiry,¹⁷ NCTA's participation,¹⁸ and statements made by participants in the record of this proceeding calling on the Commission to "not single out one set of competitors."¹⁹

¹⁵ Sprint Opposition at 1 (stating "the Commission has allowed more than enough time for parties to address the issues raised in the [*Further Notice*]"); Joint Opposition at 3 (stating the "ample time provided for comments (60 days) and reply comments (30 days) is more than sufficient to address whatever new issues the Commission has raised in the *Further Notice*"). Joint Opposition at 3 (noting that "the Commission has set similar comment deadlines in comparable proceedings, and there is no need to deviate from that precedent, especially in this case") (citing *Modernizing the E-Rate Program for Schools and Libraries*, WC Docket No. 13-184, Report and Order and Further Notice of Proposed Rulemaking, 29 FCC Rcd 8870 (2014); *Rates for Interstate Inmate Calling Services*, Second Report and Order and Third Further Notice of Proposed Rulemaking, 30 FCC Rcd 12763 (2015)).

¹⁶ NCTA Motion at 8 (stating that "[w]hile it is true that these companies have been complaining about rates and practices for years, the question of whether such rates are reasonable or unreasonable is an issue teed up in the *Further Notice*"); Sprint Opposition at 1, 4 (noting that this proceeding "has already extended far too long" and "has already undergone eight separate extensions of pleading cycles, each one delaying the reform"); Joint Opposition at 2 (arguing that "NCTA's purported justifications for prolonging this proceeding have no merit").

¹⁷ Sprint Opposition at 3 (noting "from the outset, the Commission's BDS inquiry has been broad and has not excluded any providers of BDS from consideration"); Joint Opposition at 3-4 (noting how in 2005 the Commission described its objective to conduct a broad examination of BDS services," and how the "Commission made it clear on multiple occasions since the release of its 2005 NPRM that it was conducting a comprehensive review of the regulatory scheme for BDS") (citing *Special Access Rates for Price Cap Local Exchange Carriers*, Order and Notice of Proposed Rulemaking, WC Docket No. 05-25, FCC 05-18, para. 1 (2005); *Parties Asked to Refresh Record in the Special Access Notice of Proposed Rulemaking*, WC Docket No. 05-25, RM-10593, 22 FCC Rcd 13352, 13352-53 (2007); Report and Order and Further Notice of Proposed Rulemaking, WC Docket No. 05-25, FCC 12-153 at para. 16 (2012); Report and Order, WC Docket No. 05-25, DA 13-1909, Appendix A ("With the data, the Commission will conduct a comprehensive analysis of special access markets to . . . update its rules to ensure that they reflect the state of competition today and promote competition.")).

¹⁸ Sprint Opposition at 2-3 (citing Reply Comments of the National Cable & Telecommunications Association, WC Docket No. 05-25, RM-10593 (filed Feb. 19, 2016)); Joint Opposition at 5 (citing Letter from Michael H. Pryor, counsel to Cox Communications, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 05-25 (Apr. 22, 2016); Letter from Kathryn A. Zachem, Senior Vice President, Regulatory and State Legislative Affairs, Comcast Corp., to Marlene H. Dortch, Secretary, FCC, WC Docket No. 05-25 (Apr. 21, 2016); Letter from Steven F. Morris, National Cable & Telecommunications Association, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 05-25 (Apr. 20, 2016)).

¹⁹ Joint Opposition at 8 (quoting Comments of Verizon, WC Docket No. 05-25 at 1 (filed Jan. 27, 2016); Reply Comments of Verizon, WC Docket No. 05-25 at 1 (filed Feb. 19, 2016); Letter of William H. Johnson, Verizon, to Marlene H. Dortch, FCC, WC Docket No. 05-25 (filed Mar. 10, 2016) ("FCC should adopt a regulatory framework that ensures a level playing field for all providers that offer the same or similar services."); see also Comments of CenturyLink, WC Docket No. 05-25, RM-10593, at 33-34 (filed Jan. 28, 2016) ("The goals of regulatory and competitive neutrality between similarly situated competitors cannot be met if ILECs, and ILECs alone, are saddled with wholesale access obligations that their competitors do not bear."); Sprint Opposition at 3 (citing Comments of Verizon, WC Docket No. 05-25, RM-10593 at 29 (filed Jan. 27, 2016) ("[C]able companies are not only increasingly dominant providers of wireline residential broadband nationwide, but they have also expanded their networks and services to provide dedicated high-capacity services to businesses of all sizes as well as to other providers"); Comments of AT&T Inc., WC Docket No. 05-25, RM-10593 at 3 (filed Jan. 27, 2016) (arguing that the FCC's special access analysis had failed to take into account the "explosive growth and facilities investment of the cable industry").

6. *NCTA Reply.* NCTA filed a reply addressing the oppositions, arguing that “the suggestion that NCTA ‘cannot meet the high bar required for extension’ under section 1.46(a) of the Commission’s rules does not withstand scrutiny [because] NCTA demonstrated that the Commission has granted 85 percent of recent extension requests under that rule.”²⁰ NCTA also disagrees with those in opposition to its extension request that “suggest[] that regulation of rates charged by cable operators has been within the scope of this proceeding since the Commission’s 2012 *Further Notice of Proposed Rulemaking*, or even since the original *Notice of Proposed Rulemaking* issued in 2005.”²¹ According to NCTA, “the 2012 Further Notice was concerned with identifying and responding to ‘market power’ and that cable operators were considered ‘competitive’ providers,” which “[u]nder the well-established Commission precedent in effect at the time, and still in effect today, competitive providers are considered non-dominant carriers that do not have market power and therefore are not subject to rate regulation.”²² Addressing their involvement in the proceeding, as noted by opposing parties, NCTA states that although it knew its “members would be affected by such regulation,” the *Further Notice* raises issues that “are fundamentally different because the Commission for the first time has proposed direct regulation of rates charged by competitors.”²³

7. *United States Telecom Association (USTelecom) Support.* On May 26, 2016, the United States Telecom Association (USTelecom) filed comments in support of NCTA’s extension request.²⁴ USTelecom states, “[i]n addition to the valid reasons raised by NCTA in the Motion and its reply to oppositions to that Motion, there are two more reasons that support an extension of time for comments.”²⁵ “One is the delay in releasing and seeking comment on the FCC-commissioned [Rysman] White Paper,²⁶ which requires “bandwidth information used in some of the White Paper’s regression specifications” that is currently masked for connections of over 1 Gbps, and “‘proprietary Tom-Tom’ data,” according to USTelcom.²⁷ The other “is the recent submissions by multiple cable broadband service providers detailing the extent of business locations served by connections to a node over which dedicated services are being offered using fiber and/or hybrid-fiber (HFC) facilities,” which USTelecom asserts will affect the analysis of the Rysman White Paper.²⁸

²⁰ National Cable & Telecommunications Association (NCTA), Reply to Opposition, WC Docket Nos. 16-142, 05-25, RM-10593 at 1 (filed May 13, 2016) (NCTA Reply) (citing NCTA Motion at 2, Appendix A). NCTA notes a variety of instances in which extensions have been granted, under a variety of circumstances, and contends, “[i]f these cases were sufficient to clear the ‘high bar’ of section 1.46, there should be no question” that additional extensions of time are warranted now in this docket. *Id.*

²¹ *Id.* at 2 (citing Sprint Opposition at 2-3; Joint Opposition at 3-5).

²² *Id.* at 3 (citing Sprint Opposition at 2-3; *Policy and Rules Concerning Rates for Competitive Common Carrier Services and Facilities Authorizations*, CC Docket No. 79-252, First Report and Order, 85 FCC 2d 1, 23, ¶ 79 (1980)).

²³ *Id.* at 4.

²⁴ Comments of the United States Telecom Association in Support of NCTA’s Motion for Extension of Time, WC Docket Nos. 16-142, 05-25, RM-10593 (filed May 26, 2016) (USTelecom Comments). USTelecom notes that, although it “believe[s] the additional 45 days and 30 days sought by NCTA would be very helpful, [USTeelcom consultants] cannot confirm that those time frames will provide sufficient time for a thorough, meaningful peer review that would assess the validity, strength, and relevance of the analysis in the White Paper.” *Id.* at 5.

²⁵ *Id.* at 4.

²⁶ *Id.* (citing *Further Notice*, Appendix B, Mark Rysman, “Empirics of Business Data Services,” White Paper, Table 1 (April 2016) (Rysman White Paper)).

²⁷ *Id.*

²⁸ *Id.* at 5 (citing Letter from Matthew A. Brill, Counsel for Time Warner Cable, Inc., to Marlene H. Dortch, Secretary, FCC, WC Docket No. 05-25 (filed May 12, 2016) (submitting supplemental information to identify additional locations capable of providing all Metro-Ethernet services including over hybrid fiber-coaxial (HFC));

(continued....)

8. *Discussion.* It is the policy of the Commission that extensions of time shall not be routinely granted,²⁹ and we agree with those opposing NCTA's request that that an extension is not warranted in this instance for comments or at this time with respect to reply comments. As discussed by NCTA, and parties opposing a further extension of time, the state of competition in the BDS market has been under consideration and evolving within this proceeding since 2005, and particularly since 2012. Neither the issues being long-considered, nor those more recently raised, however, warrant an exception to granting an extension of time.³⁰ Since at least 2012, parties have been aware that the Commission was "continu[ing] the process of reviewing our special access rules to ensure that they reflect the state of competition today and promote competition, investment, and access to dedicated communication services businesses across the country rely on every day to deliver their products and services to American consumers."³¹ The review of competition in BDS markets includes consideration of competition from all sources in all BDS markets, and was not limited to any one type of service provider or purchaser, as NCTA suggests.³² NCTA's participation, and the participation of many large and small businesses alike, is evidence of awareness of the underlying competitive issues in BDS markets under review, and the ability to knowledgeably participate in this proceeding.³³

9. Further, we do not see the IRFA compliance or the process developed to gain access to confidential and highly confidential data in this rulemaking as reasons to extend the comment and reply comment scheduling. Small and mid-sized entities, as NCTA suggests, may be particularly well-suited to inform IRFA compliance, and we believe current scheduling will afford ample opportunity to provide either broad or detailed suggestions. Moreover, compliance with the protective orders, detailing compliance requirements to receive access to confidential and highly confidential information, is not a basis for delay. As parties opposing NCTA's extension point out, interested parties, including NCTA, have timely negotiated the procedures set forth in the underlying protective orders to gain access to unredacted versions of the *Further Notice*, as well as access to the underlying confidential and highly confidential information used to inform parties and the Commission.

10. The points raised by USTelecom in support of the NCTA request also do not warrant an extension. With respect to masked bandwidth data for connections of over 1 Gbps, in the *Modified Protective Order*, the Commission specifically stated that it would not provide access to raw data over

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Letter from Michael H. Pryor, Counsel for Cox Communications, Inc., to Marlene H. Dortch, Secretary, FCC, WC Docket No. 05-25 (filed May 18, 2016) (supplementing the record to identify locations capable of providing Ethernet over HFC services).

²⁹ 47 CFR § 1.46.

³⁰ See, e.g., *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, 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*, Order, 29 FCC Rcd 10178 (WCB Aug. 27, 2014) (denying requests for extensions of time to file comments and reply comments); *Universal Service Contribution Methodology; A National Broadband Plan for Our Future*, Order, 27 FCC Rcd 8292 (WCB Jul. 25, 2012) (denying request to extend reply comment deadline).

³¹ See *Special Access for Price Cap Local Exchange Carriers et al.*, WC Docket No. 05-25, RM-10593, Report and Order and Further Notice of Proposed Rulemaking, 27 FCC Rcd 16318, 16319, para. 1 (2012).

³² See *Special Access Rates for Price Cap Local Exchange Carriers and AT&T Corp. Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services*, WC Docket No. 05-25, RM-10593, Order and Further Notice of Proposed Rulemaking, 20 FCC Rcd 1994, 2013, para. 52 (noting "[t]hese services generally may be subject to competition from high-speed cable modem or other services provided by cable companies and from wireless broadband offerings").

³³ See NCTA Reply Comments.

1 Gbps in order to mitigate risks to critical infrastructure.³⁴ As the Commission stated, “not identifying specific purchases above 1 Gbps is unlikely to have a material effect on interested parties’ capacity to analyze the data, e.g., conduct a market power analysis.”³⁵ Regarding the updated data recently provided by cable service providers, any cable-presence undercounting does not impact the conclusions in the Rysman White Paper regarding market power. As Dr. Rysman noted in his paper, “[k]nowing the distribution of cable technology might affect our interpretation of whether that competition is driven by the BDS market or by cable, but it does not change the conclusion in this paper that there is evidence that local competition affects BDS prices.”³⁶ The vast majority of the submitted data relates only to availability of best efforts service, which is distinguishable from the types of dedicated services considered in the *Further Notice*.³⁷ Indeed, Charter and Comcast each have stated a belief that the filing of updated information was not relevant to the Commission’s inquiry.³⁸ Further, while we recognize that stakeholders want to account for the updated cable data in their ongoing analysis, we find the existing comment period provides sufficient time to do so. We also note that USTelecom can obtain access to software tools and proprietary data, including proprietary TomTom data through NORC, with whom we have established the Secure Data Enclave for authorized parties to access and analyze sensitive information and data submitted in response to the data collection.³⁹

11. We recognize that Bureau initiated extensions of time were previously granted in this proceeding to account for administrative processes, including obtaining approval for the mandatory data collection under the Paperwork Reduction Act requirements, and to provide sufficient time for parties to submit and analyze the required data.⁴⁰ In December 2015, “a modest extension of time” was granted to

³⁴ See *Special Access for Price Cap Local Exchange Carriers; AT&T Corp. Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services*, WC Docket No. 05-25, RM-10593, Order and Modified Data Collection Protective Order, 30 FCC Rcd 10027, 10038-39, para. 27, 10043, Appx. 2 (WCB 2015) (*Modified Protective Order*) (noting that the Billing_Code field would be masked); see also *Special Access for Price Cap Local Exchange Carriers; AT&T Corp. Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services*, WC Docket No. 05-25, RM-10593, Order, 30 FCC Rcd 14467, 14470, para. 8 (WCB 2015) (failing to “find the presence of masked billing codes a reason to extend the comment deadlines” and noting “the Bureau has provided cross-walk tables to assist parties in linking a substantial percentage of billing codes with descriptions for circuits at or below 1 gigabit per second (Gbps), while continuing to mask many of the billing codes for circuits above this threshold to address critical infrastructure security concerns”) (Extension Order).

³⁵ *Modified Protective Order*, 30 FCC Rcd at 10038-39, para. 27.

³⁶ Rysman White Paper at V.

³⁷ *Further Notice* at para. 13 (finding that “BDS is distinctly different from the mass marketed, ‘best efforts’ broadband Internet access services (BIAS) provided to residential end users, such as AT&T’s U-verse or Comcast’s XFINITY”).

³⁸ See Letter from Samuel L. Feder, Counsel to Charter Communications, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 05-25, at 1 (filed May 27, 2016) (stating that Charter “does not think that information about such Locations is relevant to the Commission’s inquiry in this proceeding”); Letter from Matthew Brill, Counsel to Comcast, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 05-25, at 1-2 (filed June 1, 2016) (stating that it “does not believe that such location data (consisting overwhelmingly of best-efforts Internet access connections) has any relevance to the Commission’s analysis of dedicated business data services”).

³⁹ For example, in the past USTelecom has utilized the NORC process to obtain access to ArcGIS on October 29, 2015, 2013 maps for ArcGIS on November 9, 2015, HP Vertica Place on November 12, 2015, the TIGER census block shape files on November 12, 2015, and Stat/Transfer on November 16, 2015. See Extension Order, 30 FCC Rcd at 14470, para. 8.

⁴⁰ See, e.g., Extension Order (providing a limited extension of time for filing comments and reply comments); *Wireline Competition Bureau Further Extends Comment Deadlines in Special Access Proceeding*, WC Docket No. 05-25, RM-10953, Public Notice, 29 FCC Rcd 11015 (WCB 2014) (extending the deadline for filing comments and reply comments).

“give all parties participating in this proceeding time for them to finalize their analysis of issues and data being considered.”⁴¹ Further delay now is unnecessary. We note that the Commission has set similar comment deadlines in comparably complex proceedings, and we see no need to deviate from that precedent in this instance.⁴² Further, we agree with the oppositions that a timely resolution of this proceeding will be beneficial for the industry and consumers, and an extension of the comment deadline is not in the public interest. For these reasons, we find that the schedule established in this proceeding affords sufficient time for public participation, and the request for an extension of time is denied.

12. Accordingly, IT IS ORDERED, pursuant to sections 1, 2, 4(i), 4(j), and 5(c) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 152, 154(i), 154(j), and 155(c), sections 0.91, 0.291, and 1.46 of the Commission’s rules, 47 C.F.R. §§ 0.91, 0.291, and 1.46, and the authority delegated to the Bureau in the *Data Collection Order*, 27 FCC Rcd at 16340, para. 52, that the request for extension of time filed by the National Cable & Telecommunications Association IS DENIED.

13. 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

⁴¹ See Extension Order at 14474, para. 24 (noting “the ability parties have to supplement the record subsequent to the comment dates consistent with the Commission’s rules”).

⁴² See, e.g., *Rates for Interstate Inmate Calling Services*, Second Report and Order and Third Further Notice of Proposed Rulemaking, 30 FCC Rcd 12763 (2015) (setting comment and reply comment filing deadlines 30 days and 45 days, respectively, after publication in the Federal Register); *Modernizing the E-Rate Program for Schools and Libraries*, WC Docket No. 13-184, Report and Order and Further Notice of Proposed Rulemaking, 29 FCC Rcd 8870 (2014) (releasing item on July 23, 2014 and setting comment and reply comment filing deadlines as September 15, 2014 and September 30, 2014, respectively); *Modernizing the E-Rate Program for Schools and Libraries*, WC Docket No. 13-184, Notice of Proposed Rulemaking, 28 FCC Rcd 11304 (2013) (releasing item on July 23, 2013 and setting comment and reply comment filing deadlines as September 16, 2013 and October 16, 2013, respectively); see also *Delays in Electronic Comment Filing System (ECFS) and Submission of Supplemental Reply Comments*, DA 16-580, Public Notice (WCB May 24, 2016) (providing notice that extensions of time will not be granted due to certain delays experienced with the Commission’s Electronic Comment Filing System (ECFS)); *Protecting the Privacy of Customer of Broadband and Other Telecommunications Services*, WC Docket No. 16-106, Order, DA 16-473 (WCB rel. Apr. 29, 2016) (denying requests for an extension of time to file comments and reply comments).