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

In the Matter of	)	
	)	
Streamlining Deployment of Small Cell Infrastructure by Improving Wireless Facilities Siting Policies	)	WT Docket No. 16-421
	)	
Mobilitie, LLC Petition for Declaratory Ruling	)	
	)	

ORDER

Adopted: March 29, 2017 **Released: March 29, 2017**

By the Acting Chief, Competition and Infrastructure Policy Division, Wireless Telecommunications Bureau:

1. On March 23, 2017, the National Association of Telecommunications Officers and Advisors, United States Conference of Mayors, National League of Cities, Government Finance Officers Association, International Municipal Lawyers Association, and National Association of Counties (Petitioners) filed a Motion for Extension of Time to File Reply Comments (Motion) in the above captioned docket.[1] Petitioners ask us to extend the deadline for reply comments in this proceeding from April 7, 2017 to May 5, 2017. For the reasons set forth below, we deny the Motion.

2. Under Section 1.46 of the Commission's rules, it is the policy of the Commission that extensions of time shall not be routinely granted.[2] Petitioners argue that an extension is warranted due to "the complexity and breadth of the issues raised" in this proceeding and the serious potential "financial and budgetary implications" for "communities and their residents."[3] But as Petitioners admit, they raised the same concern "in a prior filing in this matter"[4] – *i.e.*, their earlier Motion for Extension of time, filed on January 5, 2017. The Wireless Telecommunications Bureau (Bureau) took this concern into account in its Extension Order issued January 12, 2017, which granted Petitioners' Motion in part and extended both the initial comment and reply comment dates.[5] The Extension Order specifically found that "a 30-day extension for comments is sufficient for this purpose and more appropriate than the longer extensions requested in the Petitioners' Motion[,]" and that "a brief extension of the filing deadline will allow parties to provide the Commission with more thorough comments that will facilitate the compilation of a

[1] Motion for Extension of Time to File Reply Comments, WT Docket No. 16-421, National Association of Telecommunications Officers and Advisors, United States Conference of Mayors, National League of Cities, Government Finance Officers Association, International Municipal Lawyers Association, and National Association of Counties, filed March 23, 2017 (Motion).

[2] 47 CFR § 1.46.

[3] Motion at 2.

[4] *Id.*

[5] *Streamlining Deployment of Small Cell Infrastructure by Improving Wireless Facilities Siting Policies; Mobilitie, LLC Petition for Declaratory Ruling*, Order, 32 FCC Rcd 335, 335, para. 2 (WTB 2017) (Extension Order) (noting that Petitioners argued for extension on the basis of the "complexity and breadth of the issues involved with this matter.").

complete record in this proceeding, without causing undue delay to the Commission's consideration of these issues."[6] Thus, although we had the opportunity to grant a longer extension of time, we declined because of the balancing consideration of potential delay to the Commission's consideration of issues subject to comment.

3. Petitioners also argue that an extension of time is warranted because "no less than 860 comments" had been filed as of the date of their motion and "[i]t will be impossible to read all the comments, let alone develop cogent responses" by the current reply comment deadline.[7] This argument alone does not justify an extension. When the Bureau extended the comment deadlines in response to Petitioners' earlier Motion, it took into account the breadth and complexity of the issues, the time needed for both initial and reply comments, and the foreseeable probability that numerous parties would file comments. We also are not persuaded by the Petitioners' claim that the existence of non-specific allegations in the record about some local governments' conduct that do not identify the entities that allegedly engaged in such conduct is a sufficient ground for granting an extension of time for reply comments.[8] If commenters have additional relevant information to provide regarding such matters after the reply comments are due, they may provide that through *ex parte* filings in the docket.[9]

4. Given the absence of any significant intervening events or changed circumstances since the Extension Order, as well as due consideration of the arguments raised, we decline to extend the deadline for reply comments in this proceeding. We expect the existing reply comment deadline will be sufficient for Petitioners and other commenters to address the issues raised in this proceeding.

5. Accordingly, IT IS ORDERED, pursuant to sections 4(i), 4(j), 5, and 303(r) of the Communications Act, as amended, 47 U.S.C. §§ 154(i), 154(j), 155, and 303(r), and sections 0.131, 0.331, 1.46, and 1.415 of the Commission's rules, 47 CFR §§ 0.131, 0.331, 1.46, and 1.415, that the Motion for Extension of Time to File Reply Comments, submitted by the National Association of Telecommunications Officers and Advisors, United States Conference of Mayors, National League of Cities, Government Finance Officers Association, International Municipal Lawyers Association, and National Association of Counties on March 23, 2017, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Garnet Hanly
Acting Chief
Competition and Infrastructure Policy Division
Wireless Telecommunications Bureau

[6] *Id.* at 336, para. 3.

[7] Motion at 2.

[8] Motion at 3 & n.2.

[9] *See Streamlining Deployment of Small Cell Infrastructure by Improving Wireless Facilities Siting Policies; Mobilitie, LLC Petition for Declaratory Ruling*, Public Notice, 31 FCC Rcd 13360, 13373-74 (WTB 2016).