

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

In the Matter of
Accelerating Wireless Broadband Deployment by
Removing Barriers to Infrastructure Investment
Accelerating Wireline Broadband Deployment by
Removing Barriers to Infrastructure Investment
WT Docket No. 17-79
WC Docket No. 17-84

ORDER

Adopted: July 13, 2017

Released: July 13, 2017

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

1. On July 7, 2017, the National League of Cities, United States Conference of Mayors,
Government Finance Officers Association, International Municipal Lawyers Association, National
Association of Counties, National Association of Towns and Townships, National Association of
Regional Councils, and National Association of Telecommunications Officers and Advisors (Petitioners)
filed a Request for Extension of Time to File Reply Comments (Motion) in both of the captioned
proceedings. Petitioners ask us to extend the deadlines for reply comments in each of these proceedings
from July 17, 2017 to August 15, 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. Petitioners contend that an extension is warranted due
to: “(1) the number of and complexity of comments filed to date in both proceedings; (2) the number of
existing rules that are proposed for revision; (3) the number of communities that are maligned directly or
by inference and the need to alert them to provide the Commission with a complete factual record of any
alleged bad acts; (4) intervening state laws that have been adopted on small wireless facilities siting in the
public rights-of-way and requests to preempt these laws; and (5) the number of conflicts that fall within
the current reply comment period.” We find that none of these factors justifies the requested delay in the
comment cycles in these proceedings.

3. First, the number of initial comments, the complexity of the issues they address, and the
range of proposed rule changes do not justify the requested extension. Many of the Commission’s major
rulemaking notices raise complex issues involving a broad array of rules and attract large numbers of
initial comments. To grant extensions on those grounds, in the absence of other significant factors, would
thwart the objectives that Section 1.46 of the rules is designed to advance: safeguarding the orderly
conduct of agency procedures and facilitating the prompt resolution of disputed proceedings. Similarly,
conferences of interested organizations occur year-round, and granting extensions based on scheduling

1 Request for Extension of Time to File Reply Comments, WC Docket No. 17-84 and WT Docket No. 17-79 (filed
March 23, 2017 (Motion).

2 47 CFR § 1.46.

3 Motion at 1-2 (formatting altered).

conflicts with such conferences would make it impossible to maintain comment cycles in rulemaking proceedings that implicate the interests of a wide range of parties and associations. The adoption of state laws during the comment period likewise does not justify a delay in the pleading cycle. Petitioners cite no new statutes enacted since the initial comment filing date in these proceedings, and we see no reason why earlier-enacted statutes cannot be addressed within the existing reply comment period.

4. Finally, we disagree with Petitioners' contention that an extension is needed to alert local governments that their practices were "maligned" in other parties' initial comments and to allow them sufficient time to "review the allegations against them and provide the Commission with the full story on why any delays in the siting process may have occurred, including industry failures, as well as explaining how current siting and application practices promote deployment."⁴ Although local governments' explanations regarding their practices are an important part of the record, we are not persuaded that they need more time to learn of and respond to such claims than to any other comments.⁵ If additional information regarding such matters comes to light after the reply comments are due, parties may provide it through *ex parte* filings in the relevant docket.⁶

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 0.91, 0.131, 0.291, 0.331, 1.46, and 1.415 of the Commission's rules, 47 CFR §§ 0.91, 0.131, 0.291, 0.331, 1.46, and 1.415, that the Request for Extension of Time to File Reply Comments filed by the National League of Cities, United States Conference of Mayors, Government Finance Officers Association, International Municipal Lawyers Association, National Association of Counties, National Association of Towns and Townships, National Association of Regional Councils, and National Association of Telecommunications Officers and Advisors on July 7, 2017, IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Garnet Hanly
Chief
Competition and Infrastructure Policy Division
Wireless Telecommunications Bureau

Daniel Kahn
Chief
Competition Policy Division

⁴ Motion at 3.

⁵ All parties are deemed to have notice of the opportunity to file initial and reply comments in these proceedings via the publication of notices in the Federal Register.

⁶ Petitioners assert that "the Commission must strike from the record any claims that do not cite the specific government whose conduct is being impugned" because, they contend, the goal of making "data-driven decisions . . . cannot be met through the use of allegations in the abstract," and "[p]ermitting such conduct undercuts the credibility of any decisions the Commission may reach." Motion at 3. We are not persuaded. The Commission is able to evaluate the extent to which arguments submitted into the record are sufficiently supported and credible for purposes of decisional reliance, and therefore it need not strike the claims at issue from the record.

Wireline Competition Bureau