



PUBLIC NOTICE

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**WIRELINE COMPETITION BUREAU ESTABLISHES UNIFORM DEADLINES FOR
OPPOSITIONS AND REPLIES REGARDING PETITIONS FOR RECONSIDERATION OF
THIRD WIRELINE INFRASTRUCTURE REPORT AND ORDER AND DECLARATORY RULING**

WC Docket No. 17-84

**Opposition Date: 15 Days After Federal Register Publication of Notice of Petitions for
Reconsideration**

**Reply Date: 10 Days After the Time for Filing Oppositions to Petitions for Reconsideration has
Expired**

By this Public Notice, the Wireline Competition Bureau (Bureau) establishes a uniform deadline for oppositions to and replies to oppositions to all petitions for reconsideration of the *Third Wireline Infrastructure Report and Order and Declaratory Ruling*.¹ The Smart Communities and Special Districts Coalition and the County Road Association of Michigan have filed petitions seeking reconsideration of the *Declaratory Ruling*, and the City of New York has filed a petition seeking reconsideration of the *Declaratory Ruling* and of a portion of the *Third Report and Order*.²

Under the Commission's rules, the deadlines for filing oppositions to petitions for reconsideration differ between rulemaking and non-rulemaking proceedings. Oppositions to a petition for reconsideration of an order in a non-rulemaking proceeding (e.g. the *Declaratory Ruling*) are due within 10 days after the petition is filed.³ In contrast, oppositions to a petition for reconsideration of a final order in a rulemaking proceeding (e.g. the *Third Report and Order*) are due substantially later—oppositions are due within 15 days after the Commission publishes notice in the Federal Register of the timely filed petitions for reconsideration, which are due 30 days after the Commission has published a summary of the final rulemaking order in the Federal Register.⁴ Similarly, the deadlines for replies to oppositions vary—seven days after oppositions are due for a *Declaratory Ruling*⁵ compared to 10 days for a final order in a rulemaking.⁶

¹ See *Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment; Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84, WT Docket No. 17-79, Third Report and Order and Declaratory Ruling, FCC 18-111 (rel. Aug. 3, 2018) (Together the *Third Report and Order and Declaratory Ruling*. Separately, the *Third Report and Order* and the *Declaratory Ruling*).

² See Petition for Reconsideration of the Smart Communities and Special Districts Coalition, WC Docket No. 17-84, WT Docket No. 17-79 (filed Sept. 4, 2018); Petition for Reconsideration of County Road Association of Michigan, WC Docket No. 17-84, WT Docket No. 17-79 (filed Sept. 4, 2018); Petition for Reconsideration of the City of New York, WC Docket No. 17-84, WT Docket No. 17-79 (filed Sept. 4, 2018).

³ See 47 CFR § 1.106(g).

⁴ See 47 CFR §§ 1.4(b)(1), 1.429(d)-(f).

⁵ See 47 CFR § 1.106(h).

For the convenience of all parties, to promote administrative efficiency, and to avoid unnecessary confusion arising from different deadlines for filing oppositions to different petitions for reconsideration of the *Third Report and Order and Declaratory Ruling*, the Bureau waives the Commission's rules, as necessary, to adopt uniform deadlines for the filing of oppositions to all petitions for reconsideration of any portion of the *Third Report and Order and Declaratory Ruling*, and for replies to such oppositions. The deadline for filing petitions for reconsideration of the *Declaratory Ruling* has passed. The deadline for filing petitions for reconsideration of the *Third Report and Order* has not yet been set. The Bureau therefore harmonizes the opposition and reply cycle by setting the dates for oppositions to all petitions for reconsideration of any portion of the *Third Report and Order and Declaratory Ruling* and any replies thereto using the timeline provided in the Commission's rules for responding to petitions for reconsideration of a final order in a rulemaking proceeding. After the time for filing petitions for reconsideration of the *Third Report and Order* has lapsed, the Bureau will release a public notice of all timely filed petitions for the reconsideration of any portion of the *Third Report and Order and the Declaratory Ruling* that the Commission has received and will publish that notice in the Federal Register.⁷ Oppositions to a petition for reconsideration of the *Third Report and Order* or of the *Declaratory Ruling* shall be filed within 15 days after the date of public notice in the Federal Register of such petition's filing, and replies to oppositions shall be filed within 10 days after the time for filing oppositions has expired.⁸ The Bureau finds good cause pursuant to 47 CFR § 1.3 to waive the deadlines for oppositions and replies to oppositions to petitions for reconsideration in non-rulemaking proceedings, as set forth in 47 CFR §§ 1.106(g)-(h), to the extent and for the reasons set forth herein.⁹

Because the Commission received many comments in the *Third Report and Order and the Declaratory Ruling* proceeding, and because the Bureau is releasing this Public Notice and a subsequent one, the Bureau also finds good cause to waive the service requirements in 47 CFR §§ 1.106(f)-(h) and 1.429(f)-(g). This Public Notice and the next will provide sufficient notice to interested stakeholders of the existence of the petitions for reconsideration and of parties' opportunity to respond to those petitions.

Action by the Deputy Chief, Wireline Competition Bureau.

For further information, please contact John Visclosky of the Wireline Competition Bureau, Competition Policy Division, at (202) 418-0825 or John.Visclosky@fcc.gov.

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⁶ See 47 CFR § 1.429(g).

⁷ The Bureau does not waive the deadline for filing petitions for reconsideration of the *Declaratory Ruling*, or of the *Third Report and Order*. See 47 U.S.C. § 405(a) (stating that petitions for reconsideration "must be filed within thirty days from the date upon which public notice is given").

⁸ See 47 CFR § 1.429(f)-(g).

⁹ See 47 CFR § 1.3, 1.106(g)-(h).