

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

In the Matter of	)	
	)	
Restoring Internet Freedom	)	WC Docket No. 17-108
	)	
Bridging the Digital Divide for Low-Income Consumers	)	WC Docket No. 17-287
	)	
Lifeline and Link Up Reform and Modernization	)	WC Docket No. 11-42

ORDER

Adopted: April 20, 2020

Released: April 20, 2020

By the Chief, Wireline Competition Bureau:

1. By this Order, the Wireline Competition Bureau (Bureau) of the Federal Communications Commission denies a further extension of time for filing comments and reply comments on the Public Notice seeking to refresh the record in the above-captioned *Restoring Internet Freedom* and *Lifeline* proceedings.

2. On February 19, 2020, the Bureau released a Public Notice seeking to refresh the record in the *Restoring Internet Freedom* and *Lifeline* proceedings in light of the D.C. Circuit’s decision in *Mozilla Corp. v. FCC*, with original filing deadlines of March 30, 2020 for comments and April 29, 2020 for reply comments.<sup>1</sup> Among other things, the Public Notice sought to refresh the record on how the changes adopted in the *Restoring Internet Freedom Order* might affect public safety.<sup>2</sup> On March 25, 2020, the Bureau granted a 21-day extension of time for filing comments and reply comments, with comments due April 20, 2020 and reply comments due May 20, 2020.<sup>3</sup>

3. On April 16, 2020, the City of Los Angeles, the County of Santa Clara, the Santa Clara County Central Fire Protection District, and the City of New York (Requestors) filed a letter requesting a further 60-day extension of the deadlines to comment in the above-referenced proceedings.<sup>4</sup> Stating that circumstances have not yet improved since the Commission granted the original extension request, and that local government personnel continue to be fully occupied with responding to the current emergency,

---

<sup>1</sup> *Wireline Competition Bureau Seeks to Refresh Record in Restoring Internet Freedom and Lifeline Proceedings in Light of the D.C. Circuit’s Mozilla Decision*, Public Notice, DA 20-168 (WCB Feb. 19, 2020) (Public Notice); *Mozilla Corp. v. FCC*, 940 F.3d 1 (D.C. Cir. 2019).

<sup>2</sup> Public Notice at 1-2.

<sup>3</sup> *Restoring Internet Freedom; Bridging the Digital Divide for Low-Income Consumers; Lifeline and Link Up Reform and Modernization*, WC Docket No. 17-108, 17-287 & 11-42, Order, DA 20-331 (WCB Mar. 25, 2020) (granting in part motion for extension of time filed on March 11, 2020 by The Benton Institute for Broadband & Society, California Public Utilities Commission, County of Santa Clara, City of Los Angeles, Access Now, Center for Democracy and Technology, Common Cause, Electronic Frontier Foundation, INCOMPAS, National Hispanic Media Coalition, Next Century Cities, Open Technology Institute, and Public Knowledge).

<sup>4</sup> Letter from Danielle L. Goldstein, Deputy City Attorney, City of Los Angeles, et al. to Annick Banoun, FCC, WC Docket Nos. 17-108, 17-287 & 11-42 (filed Apr. 16, 2020) (Request for Further Extension).

Requestors claim that the continuing coronavirus pandemic supports a further 60-day extension.<sup>5</sup> One party filed in support of this extension request.<sup>6</sup>

4. As set forth in section 1.46 of the Commission's rules, motions for extension of time that relate to filings in rulemaking proceedings shall be filed at least seven days before the filing date.<sup>7</sup> The Request for Further Extension was filed April 16, which is only four days before comments are due. While Requestors note that there is an ongoing emergency, they have not established that the pandemic affected their ability to file a timely motion for extension of time.<sup>8</sup> The COVID-19 crisis has spurred nonstop news coverage for at least the past month over the likely duration and extent of the pandemic; federal guidelines extending national social distancing recommendations until April 30, for example, were publicly made available on March 31. It is not plausible that Requestors first became aware of their purported need for additional time less than seven days before the deadline for initial comments on April 20. It would be unfair at this late date to extend the comment deadline when other commenters (including, presumably, other states and localities) have been preparing to submit timely filings.

5. We likewise find that a further extension of time is not warranted. It is the policy of the Commission that extensions of time shall not be routinely granted.<sup>9</sup> In light of the current public health crisis, we have already extended the deadlines for comments and reply comments, pushing back the original due dates by 21 days. The extended deadlines have provided interested parties more than two months to submit comments, and an additional month for reply comments. A number of other potential commenters who joined in the original request for extension of time have not indicated that they require a further extension, and in fact, a number of commenters have already filed timely comments in anticipation of the deadline.

6. As Requestors recognize, the issues in this proceeding have public safety implications, and we do not believe that delaying resolution of these critical issues is in the public interest. As we noted in our original order granting the first request for an extension, any benefit owing to additional time to submit comments must be balanced against the important public interest in prompt Commission resolution of the pending judicial remand. For these reasons, we find that the public interest would not be served by further extending the comment and reply deadlines at this time, and we deny the request.

7. Accordingly, IT IS ORDERED, pursuant to sections 0.204, 0.291, and 1.46 of the Commission's rules, 47 CFR §§ 0.204, 0.291, 1.46, that the Request for Further Extension filed by Requestors on April 16, 2020 is DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Kris Anne Monteith  
Chief  
Wireline Competition Bureau

---

<sup>5</sup> *Id.* at 1-2.

<sup>6</sup> Letter from Joshua Stager, Senior Counsel, New America's Open Technology Institute, to Annick Banoun, Wireline Competition Bureau, FCC, WC Docket Nos. 17-108, 17-287, 11-42 (filed Apr. 17, 2020).

<sup>7</sup> 47 CFR § 1.46(b).

<sup>8</sup> *Id.* ("In emergency situations, the Commission will consider a late-filed motion for a brief extension of time related to the duration of the emergency and will consider motions for acceptance of comments, reply comments or other filings made after the filing date.").

<sup>9</sup> 47 CFR § 1.46(a).