

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

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

ORDER

Adopted: August 13, 2020

Released: August 13, 2020

Comment Date: September 2, 2020
Reply Comment Date: September 17, 2020

By the Chief, Wireline Competition Bureau:

1. By this Order, the Wireline Competition Bureau (Bureau) of the Federal Communications Commission grants a 14-day extension of time for filing comments and reply comments on the Petition for Declaratory Ruling filed by NCTA—The Internet & Television Association (NCTA) seeking certain clarifications of the Commission’s pole attachment rules and orders.¹ With this 14-day extension, comments are now due on September 2, 2020, and reply comments are due on September 17, 2020.

2. On July 20, 2020, the Bureau released a Public Notice seeking comment on the NCTA Petition, with filing deadlines of August 19, 2020 for comments and September 3, 2020 for reply comments.² On August 6, 2020, the Edison Electric Institute, National Rural Electric Cooperative Association, and Utilities Technology Council (collectively, Utility Trade Associations) filed a motion to extend the comment and reply comment deadlines to September 16, 2020 and October 14, 2020, respectively.³ The Utility Trade Associations assert that, given the range and volume of issues presented, an extension of time is warranted (1) to ensure that there is “sufficient time to conduct consultations with respective member companies and to prepare reasoned comments that meaningfully address the broad range of complex issues presented” in the NCTA Petition; and (2) to allow all interested parties adequate

¹ See Petition of NCTA for Expedited Declaratory Ruling, WC Docket No. 17-84, at 1 (filed July 16, 2020), https://ecfsapi.fcc.gov/file/107161552527661/071620%201784%20NCTA%20Petition_for_Declaratory_Ruling.pdf. NCTA asks the Commission to declare that: (1) pole owners must share in the cost of pole replacements in unserved areas; (2) pole attachment complaints arising in unserved areas should be placed on the Accelerated Docket; and (3) the Commission is authorized to order a pole owner to complete a pole replacement within a specified period of time or designate an authorized contractor to do so.

² *Wireline Competition Bureau Seeks Comment on a Petition for Declaratory Ruling Filed by NCTA—The Internet & Television Association*, Public Notice, DA 20-763 (WCB July 20, 2020) (Public Notice).

³ Edison Electric Institute, National Rural Electric Cooperative Association, and Utilities Technology Council, Motion for Extension of Time, WC Docket No. 17-84 (filed August 6, 2020), <https://ecfsapi.fcc.gov/file/10806238801975/EEI%20NRECA%20UTC%20Motion%20for%20Extension%20of%20Time%20Re%20NCTA%20PDR%20WC%20Docket%2017-84.pdf> (Extension Request).

and appropriate time to respond.⁴ The Utility Trade Associations also assert that an extension of time “will not prejudice any other party or impact the Commission’s ability to consider the issues.”⁵

3. Several utility parties filed in support of the Extension Request.⁶ In particular, the POWER Coalition argues that the issues raised in the NCTA Petition “will require utility pole owners to review and evaluate their current pole replacement practices, and the likely economic impact that NCTA’s proposals would have on utility operations, and electric ratepayers” and that such review and evaluation has been delayed for four POWER Coalition members because their personnel have been participating in “company-wide storm preparation and power restoration activities on the East coast.”⁷ The POWER Coalition supports granting the Extension Request so that each of its members may fully participate in the preparation of comments and reply comments.

4. As set forth in section 1.46 of the Commission’s rules,⁸ it is the policy of the Commission that extensions of time shall not be routinely granted. Nevertheless, we find that good cause for an extension of the comment cycle exists and that the public interest will be served by extending the comment and reply deadlines. We specifically recognize that a number of utilities have had to postpone their development of comments because their personnel have been engaged in power restoration activities from Tropical Storm Isaias and other electric utility operations necessary to prepare their networks for the upcoming storm season.⁹ Under such circumstances, we agree that an extension of 14 days for each deadline is warranted.

5. 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 Motion for Extension of Time filed by the Utility Trade Associations on August 6, 2020 is GRANTED to the extent described herein.

6. IT IS ALSO ORDERED that the date for filing comments pursuant to the Public Notice is EXTENDED to September 2, 2020, and the date for filing reply comments is EXTENDED to September 17, 2020.

7. To request materials in accessible formats (such as Braille, large print, electronic files, or audio format), send an e-mail to: fcc504@fcc.gov, or call the Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice) or (202) 418-0432 (TTY).

⁴ *Id.* at 4.

⁵ *Id.*

⁶ See Letter from Mary Jo Woolf, Sr. Dir. Distribution Business Operations, Xcel Energy Services, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 17-84 (filed Aug. 10, 2020); Letter from Brett Heather Freedson, Counsel to the POWER Coalition, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 17-84 (filed Aug. 10, 2020) (POWER Coalition Aug. 10, 2020 *Ex Parte* Letter); Letter from Thomas B. Magee, Counsel to the Coalition of Concerned Utilities, to Marlene Dortch, Secretary, FCC, WC Docket No. 17-84 (filed Aug. 10, 2020); Letter from Eric B. Langley, Counsel to Ameren *et al.*, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 17-84 (filed Aug. 11, 2020).

⁷ POWER Coalition Aug. 10, 2020 *Ex Parte* Letter at 1-2.

⁸ 47 CFR § 1.46.

⁹ See POWER Coalition Aug. 10, 2020 *Ex Parte* Letter at 1-2.

8. For further information concerning this proceeding, please contact Mike Ray, Competition Policy Division, Wireline Competition Bureau, (202) 418-0357, Michael.Ray@fcc.gov.

FEDERAL COMMUNICATIONS COMMISSION

Kris Anne Monteith
Chief
Wireline Competition Bureau