

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 GRANTING EXTENSION OF TIME

Adopted: September 2, 2021

Released: September 2, 2021

Reply Comment Date: September 10, 2021

By the Chief, Wireline Competition Bureau

1. By this Order, the Wireline Competition Bureau (WCB) grants a Motion filed by the Edison Electric Institute (EEI) seeking an extension of time to file reply comments in the above-captioned proceeding.¹ For the reasons stated below, WCB finds that a limited extension of time is warranted and extends the reply comment date to September 10, 2021.

2. On July 23, 2021, WCB released a *Public Notice* seeking comment on a petition for declaratory ruling filed by EEI asking the Commission to declare that: (1) when the Commission determines that a pole attachment rate, term, or condition is unjust and unreasonable and orders a refund pursuant to section 1.1407(a)(3) of the Commission's rules, the "applicable statute of limitations" is the same as the two-year period prescribed by section 415(b) of the Act; and (2) refunds in pole attachment complaint proceedings are not "appropriate" for any period preceding good-faith notice of a dispute.² The *Public Notice* set deadlines for filing comments and reply comments of August 23, 2021, and September 7, 2021, respectively.

3. On August 26, 2021, EEI filed a Motion for a limited three-day extension of the reply comment filing deadline until September 10, 2021.³ EEI states that the reply comment deadline should be extended to ensure "there is sufficient time to conduct consultations with respective member companies and to prepare reasoned reply comments that meaningfully address the broad range of complex issues presented by comments submitted in this docket."⁴ EEI also notes that Monday, September 6th is the Labor Day holiday, while Rosh Hashanah falls on September 7th and 8th, leaving "very little time for a fulsome reply to comments submitted in this proceeding, especially given the need for EEI to build industry consensus before submitting comments."⁵ Finally, EEI notes that the limited extension request of three days will not result in prejudice to other parties in the proceeding.⁶ In support of EEI's Motion,

¹ See Edison Electric Institute, Motion for Extension of Time, WC Docket No. 17-84 (filed Aug. 26, 2021) (Motion), [EEI Motion for Extension of Time Docket 17-84.pdf \(fcc.gov\)](#).

² See Wireline Competition Bureau Seeks Comment On A Petition For Declaratory Ruling Filed By The Edison Electric Institute, Public Notice, WC Docket No. 17-84 (WCB July 23, 2021) (*Public Notice*).

³ See Motion at 1.

⁴ *Id.* at 2.

⁵ *Id.* at 3.

⁶ *Id.*

Dominion Energy and Xcel Energy note that some of EEI's members have been impacted by Hurricane Ida and its associated disaster recovery efforts.⁷ According to Dominion Energy and Xcel Energy, even EEI members beyond Louisiana and Mississippi have deployed crews to the storm zone to assist their counterparts with power restoration activities.⁸ No opposition to the EEI Motion has been filed.

4. We grant a limited three-day extension of time to file reply comments in this proceeding. As set forth in section 1.46 of the Commission's rules,⁹ the Commission does not routinely grant extensions of time for filing comments. In this case, however, the unopposed extension is limited to only three days and will allow commenters sufficient time to file meaningful reply comments given the intervening holidays and the impact of Hurricane Ida on certain electric utilities. We therefore grant EEI's unopposed Motion and extend the reply comment deadline to September 10, 2021.

5. Accordingly, **IT IS ORDERED** that, pursuant to section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and sections 0.204, 0.291, and 1.46 of the Commission's rules, 47 CFR §§ 0.204, 0.291, 1.46, the Motion for Extension of Time filed by EEI is **GRANTED**.

6. **IT IS FURTHER ORDERED** that the date to file reply comments in response to the *Public Notice* **ARE EXTENDED** to September 10, 2021.

FEDERAL COMMUNICATIONS COMMISSION

Kris Anne Monteith
Chief
Wireline Competition Bureau

⁷ Letter from Brett Heather Freedson, Counsel to Dominion Energy and Xcel Energy, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 17-84, at 2 (filed Aug. 31, 2021). Dominion Energy and Xcel Energy also state that "four (4) days into the short reply comment cycle, the Enforcement Bureau released its final decision in *BellSouth Telecommunications, LLC d/b/a AT&T Florida v. Duke Energy Florida, LLC*—a pole attachment complaint case that addressed the exact same issues raised in the EEI Petition. Additional time is needed for parties to fully consider this decision, and its impact on the positions taken in EEI Petition, supportive comments, and oppositions." *Id.*

⁸ *Id.*

⁹ 47 CFR § 1.46.