

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

In the Matter of )
)
Petition of MCC Iowa LLC for Expedited ) WC Docket No. 21-217
Declaratory Ruling Pursuant to Section 253(d) of )
the Communications Act )

ORDER

Adopted: October 25, 2021

Released: October 25, 2021

By the Chief, Wireline Competition Bureau:

1. By this Order, the Wireline Competition Bureau (Bureau) temporarily suspends, on our own motion, the reply comment deadline for the Petition for Declaratory Ruling filed by MCC Iowa LLC ("Mediacom") under section 253(d) of the Communications Act.1 On September 10, 2021, Mediacom and the city of West Des Moines, Iowa ("City") (collectively, the "parties") filed a joint request for a fifteen-day extension of both the comment and reply comment filing deadlines for the Petition so that they could pursue a private resolution of the issues in dispute.2 The Bureau granted this request and extended the comment and reply comment deadlines to October 7, 2021 and October 27, 2021, respectively.3 On October 15, 2021, Mediacom and the City filed a joint request to further extend the reply comment deadline to December 29, 2021,4 stating that they have reached a high-level agreement on settlement terms, but require the two-month extension to negotiate the details of those terms, prepare necessary documents, and so that conditions precedent to a settlement may be performed.5

2. The Commission supports the private resolution of disputes and we recognize that delaying the reply comment deadline to give the parties time to potentially conclude a settlement may ultimately conserve resources and result in administrative efficiencies to the parties, other commenters, and the Commission. The parties concede, however, that a number of details and variables need to be resolved before they can reach a final settlement,6 and we are cognizant that there are a number of holidays occurring over the next two months that may complicate the schedules of those involved.

3. Therefore, under these circumstances we find that it would be more efficient for the parties, other commenters, and the Commission to temporarily suspend the reply comment deadline pursuant to section 1.3 of the Commission's rules,7 rather than extend it. A temporary suspension will

1 47 U.S.C. § 1.3; Petition of MCC Iowa LLC for Expedited Declaratory Ruling Pursuant to Section 253(d) of the Communications Act (filed May 12, 2021) (Petition), https://www.fcc.gov/ecfs/filing/1051284318481.

2 MCC Iowa LLC and City of West Des Moines, Iowa, Joint Request for Extension of Time, WC Docket No. 21-217 (filed Sept. 10, 2021) (First Joint Request), https://www.fcc.gov/ecfs/filing/10910058507877.

3 Petition of MCC Iowa LLC for Expedited Declaratory Ruling Pursuant to Section 253(d) of the Communications Act, WC Docket 21-217, Order Granting Extension of Time, DA 21-1151 (WCB September 14, 2021).

4 MCC Iowa LLC and City of West Des Moines, Iowa, Joint Request for Extension of Time, WC Docket No. 21-217 (filed Oct. 15, 2021) (Second Joint Request), https://www.fcc.gov/ecfs/filing/10150037126927 at 2-3.

5 Id.

6 Id.

7 47 CFR § 1.3.

allow the parties sufficient time to conclude a settlement that may resolve the need for the Petition, in whole or in part, without either party needing to expend additional resources on filings to the Commission seeking additional extensions.<sup>8</sup> Moreover, since no objections to the parties' requests to delay the comment and reply comment deadlines have been filed, we find that no other entity will be disadvantaged by a temporary suspension. We therefore conclude that good cause exists to suspend the reply comment deadline in this proceeding until one of the following events occurs: (1) Mediacom files a motion to withdraw its Petition because a settlement with the City has been reached; (2) either party files a motion to resume the reply comment deadline because a settlement has not been reached; or (3) neither of those two events occurs within six months of the release of this Order. Should either the second or third event take place, the Bureau will issue a Public Notice setting a new reply comment deadline for the Petition.

4. In light of our decision to temporarily suspend the reply comment deadline, we dismiss the parties' request to extend the reply comment deadline as moot.

5. Accordingly, **IT IS ORDERED** that, pursuant to sections 0.91, 0.291, 1.2(b), and 1.3 of the Commission's rules, 47 CFR §§ 0.91, 0.291, 1.2(b), 1.3, that the deadline to file reply comments on the Petition is **SUSPENDED** consistent with the terms of this Order.

6. **IT IS FURTHER 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 Second Joint Request filed by Mediacom and the City is **DISMISSED AS MOOT**.

FEDERAL COMMUNICATIONS COMMISSION

Kris Anne Monteith  
Chief  
Wireline Competition Bureau

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<sup>8</sup> We note that it is the policy of the Commission that extensions of time to file comments shall not be routinely granted. 47 CFR § 1.46.