

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

In the Matter of
Implementing the Infrastructure Investment and
Jobs Act: Prevention and Elimination of Digital
Discrimination
GN Docket No. 22-69

ORDER

Adopted: March 17, 2023

Released: March 17, 2023

Reply Comment Date in Response to the Notice of Proposed Rulemaking: April 20, 2023

By the Chief, Wireline Competition Bureau:

I. INTRODUCTION

1. By this Order, the Wireline Competition Bureau (Bureau) grants an unopposed Motion filed by Public Knowledge, The Benton Institute for Broadband & Society, Center for Accessible Technology, Common Cause, Common Sense Media, Communications Workers of America, Electronic Frontier Foundation, Free Press, The Greenlining Institute, the Lawyers' Committee for Civil Rights Under Law, MediaJustice, National Urban League, Next Century Cities, National Digital Inclusion Alliance, and TURN—The Utility Reform Network (collectively "Public Interest Advocates") seeking a 30-day extension of time for filing reply comments in the above-captioned proceeding from March 21, 2023 to April 20, 2023.

II. BACKGROUND

2. On March 16, 2022, the Commission adopted a Notice of Inquiry to commence a proceeding "to ensure that all people of the United States benefit from equal access to broadband internet access service," with the intention of preventing and identifying steps the Commission should take to eliminate "digital discrimination of access based on income level, race, ethnicity, color, religion, or national origin," consistent with Congress's directive in section 60506 of the Infrastructure Investment and Jobs Act (Infrastructure Act). Subsequently, on December 21, 2022, the Commission adopted a Notice of Proposed Rulemaking that built upon the robust comments offered by a broad array of stakeholders in response to the Notice of Inquiry and sought further, focused comment on the statutory

1 Motion of Public Knowledge, The Benton Institute for Broadband & Society, Center for Accessible Technology, Common Cause, Common Sense Media, Communications Workers of America, Electronic Frontier Foundation, Free Press, The Greenlining Institute, the Lawyers' Committee for Civil Rights Under Law, MediaJustice, National Urban League, Next Century Cities, National Digital Inclusion Alliance, and TURN—The Utility Reform Network for Extension of Time, GN Docket No. 22-69 (filed Mar. 13, 2023) (March 13 Extension Request).

2 Implementing the Infrastructure Investment and Jobs Act: Prevention and Elimination of Digital Discrimination, GN Docket No. 22-69, Notice of Inquiry, FCC 22-21, para. 2 (2022) (Notice of Inquiry) (citing Infrastructure Investment and Jobs Act, Pub. L. No. 117-58, 135 Stat. 429 (2021) (Infrastructure Act)). Section 60506 of the Infrastructure Act is codified at 47 U.S.C. § 1754, Digital Discrimination.

language and the proposals suggested in the record.³ Interested parties were required to file their initial comments by February 21, 2023 and their reply comments by March 21, 2023.⁴

3. On March 13, 2023, Public Interest Advocates filed a joint motion for an extension of time to submit their reply comments, pursuant to section 1.46 of the Commission's rules.⁵ As justifications for the extension, the parties point to the complexity of issues raised in the *Notice of Proposed Rulemaking*, as well as the size and complexity of the record that the Commission received in the initial round of comments.⁶ The parties further contend that the extension is necessary for them to fully participate in this proceeding by providing them adequate time to examine the record and respond, and furthermore, that it "will significantly improve the record for the FCC's consideration."⁷ Finally, Public Interest Advocates argue that granting a 30-day extension will not significantly delay the proceeding and will not prejudice any other party because the statutory deadline of November 15, 2023, remains fixed.⁸

III. DISCUSSION

4. As set forth in section 1.46 of the Commission's rules, it is the policy of the Commission that extensions of time shall not be routinely granted.⁹ However, the Commission may consider an extension "to the extent that good cause for an extension is demonstrated."¹⁰ The criteria for granting requests for extensions of time "are that the extension be in the public interest, cause no harm to any party in the proceeding, and cause no significant delay."¹¹ The Commission has previously found that an extension of time is warranted when it is "necessary to ensure that the Commission receives full and informed responses and that affected parties have a meaningful opportunity to develop a complete record for the Commission's consideration."¹²

5. Here, because of the complexity and importance of the legal and policy issues contemplated in the *Notice of Proposed Rulemaking* and the wide breadth of the record the Commission received in the initial round of comments,¹³ the Bureau finds good cause to grant the extension request. As Public Interest Advocates acknowledge, the Commission is subject to a statutory deadline to implement Congress's directive in section 60506 of the Infrastructure Act.¹⁴ The Bureau finds that an

³ *Implementing the Infrastructure Investment and Jobs Act: Prevention and Elimination of Digital Discrimination*, GN Docket No. 22-69, Notice of Proposed Rulemaking, FCC 22-98 (2022) (*Notice of Proposed Rulemaking*).

⁴ *Wireline Competition Bureau Announces Comment Dates for the Preventing Digital Discrimination Notice of Proposed Rulemaking*, GN Docket No. 22-69, Public Notice, DA 23-54 (WCB Jan. 20, 2023).

⁵ 47 CFR § 1.46.

⁶ *March 13 Extension Request* at 2.

⁷ *Id.* at 2, 4.

⁸ *Id.*

⁹ 47 CFR § 1.46(a).

¹⁰ See e.g., *Advanced Methods to Target and Eliminate Unlawful Robocalls; Call Authentication Trust Anchor*, CG Docket No. 17-59 and WC Docket No. 17-97, Order, 36 FCC Rcd 15572, 15573, para. 4 (WCB & CGB 2021) (*2021 Extension Request Order*); *Call Authentication Trust Anchor*, WC Docket No. 17-97, Order, DA 23-13 (WCB 2022).

¹¹ *2021 Extension Request Order*, 36 FCC Rcd at 15573, para. 4.

¹² *Id.*

¹³ During the initial comment period, the Commission received a record totaling approximately 1,500 pages.

¹⁴ *March 13 Extension Request* at 4; 47 U.S.C. § 1754(b) (stating that the Commission shall adopt rules to facilitate equal access to broadband services not later than two years after November 15, 2021).

extension of 30 days to file reply comments is warranted to allow interested parties the time to meaningfully review and reply to the information in the record and is consistent with this deadline.¹⁵ This extension will facilitate the development of a complete and informed record and will not harm any party in the proceeding nor cause a significant delay in the Commission's ability to consider the issues raised in this proceeding in a timely manner. Thus, the Bureau extends the deadline for the filing of reply comments until April 20, 2023.

6. To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice).

7. For additional information on this proceeding, contact Connor Ferraro, Wireline Competition Bureau, Competition Policy Division, at Connor.Ferraro@fcc.gov or (202) 418-1322.

IV. ORDERING CLAUSES

8. 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 the Reply Comment deadline is hereby GRANTED.

9. IT IS FURTHER ORDERED that the date for filing reply comments in response to the *Notice of Proposed Rulemaking* is EXTENDED to April 20, 2023.

FEDERAL COMMUNICATIONS COMMISSION

Trent Harkrader
Chief
Wireline Competition Bureau

¹⁵ The Commission has found good cause to grant requests for extension of time in proceedings subject to a statutory deadline where the extension would facilitate the development of a complete record on expansive and complex issues. *See, e.g., Implementation of the Commercial Advertisement Loudness Mitigation (CALM) Act*, 26 FCC Rcd 9445, 9446, para. 4 (MB 2011); *Implementation of Section 703(E) of the Telecommunications Act of 1996, Amendment of Rules and Policies Governing Pole Attachments*, Order, 13 FCC Rcd 7959, 7956, paras. 3-5 (Cable Serv. Bur. 1997).