



PUBLIC NOTICE

Federal Communications Commission
45 L Street NE
Washington, DC 20554

News Media Information 202 / 418-0500
Internet: <https://www.fcc.gov>

DA 23-996

Released: October 19, 2023

WIRELINE COMPETITION BUREAU SEEKS COMMENT ON PETITIONS SEEKING RECONSIDERATION OF THE *RIF REMAND ORDER*

WC Docket Nos. 17-108, 17-287, 11-42

Comment Date: December 14, 2023
Reply Comments Due: January 17, 2024

The Wireline Competition Bureau seeks comment on petitions for reconsideration of the *RIF Remand Order*¹ filed by Common Cause, et al.;² INCOMPAS;³ Public Knowledge;⁴ and the County of Santa Clara, et al.⁵ The petitioners request that the Federal Communications Commission (Commission) reconsider its decision in the *RIF Remand Order*, reverse or vacate that *Order*, and initiate a rulemaking proceeding to address the concerns raised by the D.C. Court of Appeals pertaining to the Commission's 2018 *RIF Order*.⁶ In addition to the issues raised in the petitions, we invite comment on how the issues under consideration in WC Docket No. 23-320 bear on this proceeding.⁷

Filing Requirements. Interested parties may file comments on or before the date indicated on the first page of this document.⁸ All filings must refer to **WC Docket Nos. 17-108, 17-287, 11-42**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS).⁹

¹ *Restoring Internet Freedom; Bridging the Digital Divide for Low-Income Consumers; Lifeline and Link Up Reform and Modernization*, WC Docket Nos. 17-108, 17-287, and 11-42, Order on Remand, 35 FCC Rcd 12328, 12329, para. 2 (2020) (*RIF Remand Order*), *pets. for recon. pending, pet. for review pending, Cal. Pub. Utils. Comm'n v. FCC*, No. 21-1016 (D.C. Cir.).

² Common Cause, et al., Petition for Reconsideration, WC Docket Nos. 17-108, 17-287, and 11-42 (filed Feb. 8, 2021) (Common Cause Petition).

³ INCOMPAS, Petition for Reconsideration, WC Docket Nos. 17-108, 17-287, and 11-42 (filed Feb. 4, 2021) (INCOMPAS Petition).

⁴ Public Knowledge, Petition for Reconsideration, WC Docket Nos. 17-108, 17-287, and 11-42 (filed Feb. 8, 2021) (Public Knowledge Petition).

⁵ County of Santa Clara, et al., Petition for Reconsideration, WC Docket Nos. 17-108, 17-287, and 11-42 (filed Feb. 8, 2021) (Santa Clara Petition).

⁶ *Mozilla v. FCC*, 940 F.3d 1 (D.C. Cir. 2019) (*Mozilla*); *Restoring Internet Freedom*, WC Docket No. 17-108, Declaratory Ruling, Report and Order, and Order, 33 FCC Rcd 311 (2017); see Common Cause Petition at 3; Public Knowledge Petition at 1-2; Santa Clara Petition at 1-2; INCOMPAS Petition at 2.

⁷ See *Safeguarding and Securing the Open Internet*, WC Docket No. 23-320, Notice of Proposed Rulemaking, FCC 23-83 (adopted Oct. 19, 2023).

⁸ See 47 CFR §§ 1.2, 1.405, and 1.419.

⁹ See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing ECFS: <https://www.fcc.gov/ecfs/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing.
 - Filings can be sent by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission’s Secretary, Office of the Secretary, Federal Communications Commission.
 - Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701. U.S. Postal Service first-class, Express, and Priority mail must be addressed to 45 L Street, NE, Washington DC 20554.
 - Effective March 19, 2020, and until further notice, the Commission no longer accepts any hand or messenger delivered filings.¹⁰

People with Disabilities: 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 & Government Affairs Bureau at (202) 418-0530.

Ex Parte Rules. This proceeding shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.¹¹ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must: (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made; and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenters written comments, memoranda, or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with section 1.1206(b) of the Commission’s rules. In proceedings governed by section 1.49(f) of the rules or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf).¹² Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules.

For further information regarding this proceeding, please contact OpenInternet2023@fcc.gov.

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¹⁰ See *FCC Announces Closure of FCC Headquarters Open Window and Change in Hand-Delivery Policy*, DA 20-304, Public Notice, 35 FCC Rcd 2788 (2020), <https://www.fcc.gov/document/fcc-closes-headquarters-open-window-and-changes-hand-delivery-policy>.

¹¹ See 47 CFR §§ 1.1200 *et seq.*

¹² *Id.* § 1.1206(b).