

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

In the Matter of
Empowering Broadband Consumers Through
Transparency
CG Docket No. 22-2

ORDER

Adopted: January 4, 2023

Released: January 4, 2023

By the Chief, Consumer and Governmental Affairs Bureau:

I. INTRODUCTION

1. By this Order, the Consumer and Governmental Affairs Bureau (Bureau) of the Federal Communications Commission grants a request filed by seventeen groups and individuals for an extension of the time in which to file comments in response to the Further Notice of Proposed Rulemaking (Further Notice) in this docket. As determined by the date of publication in the Federal Register, comments and reply comments were originally due on January 17, 2023 and February 14, 2023, respectively. Pursuant to this Order, we extend the comment date 30 days to February 16, 2023. Reply comments are now due March 16, 2023.

II. BACKGROUND

2. On December 16, 2022, the Federal Register published a summary1 of Empowering Broadband Consumers Through Transparency, CG Docket No. 22-2, Further Notice of Proposed Rulemaking.2 The Further Notice sets deadlines for filing comments and reply comments at 30 and 60 days after the date of publication of the summary of the Further Notice in the Federal Register. Consistent with the Further Notice, the Federal Register Notice states that comments are due no later than January 17, 2023, and reply comments are due no later than February 14, 2023.3

3. On December 21, 2022, Free Press and sixteen other groups and individuals submitted a request for a 60-day extension of time to the comment and reply comment deadlines.4 These parties assert that an extension to the comment deadline is reasonable and warranted in order to adequately develop the record in this proceeding.5 They observe that the comment period overlaps with the winter

1 Federal Communications Commission, Empowering Broadband Consumers Through Transparency, Proposed Rule, 87 Fed. Reg. 77048 (Dec. 16, 2022) (Federal Register Notice).

2 Empowering Broadband Consumers Through Transparency, CG Docket No. 22-2, Report and Order and Further Notice of Proposed Rulemaking, FCC 22-86 (rel. Nov. 17, 2022).

3 See Federal Register Notice, 87 Fed. Reg. at 77048.

4 See Letter from Free Press, Benton Institute for Broadband & Society, Center for Democracy & Technology, Common Sense, Consumer Reports, Greenlining Institute, INCOMPAS, Massachusetts Law Reform Institute, National Broadband Mapping Coalition, National Consumer Law Center, National Digital Inclusion Alliance, New America's Open Technology Institute, Next Century Cities, NTEN, OpenMedia, Public Knowledge, and Scott Jordan, to Erica H. McMahon, Federal Communications Commission, December 21, 2022 (Extension Request).

5 Extension Request at 1.

holiday season in addition to other important broadband-related deadlines, including the deadline for challenges to the broadband availability maps and a Federal Trade Commission (FTC) deadline for comments on its “junk fees” proceeding.⁶ The parties assert that an extension would “enable people to participate in all relevant proceedings, which would benefit the Commission, comity with the FTC, and the public interest.”⁷ Finally, they argue that an “additional 60 days would provide reasonable accommodation for the many public interest advocates, civil rights organizations, researchers, data experts, and consumers whose voices should be heard in this proceeding.”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, extensions may be considered “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. We find good cause to grant an extension. Christmas Day, New Year’s Day, and the Birthday of Martin Luther King, Jr. are all within the comment period, shortening the normal time for drafting and filing comments. We agree with Free Press and the others that an extension will more fully develop the record in this proceeding while affording commenters more ability to participate in other important, consumer-oriented proceedings.

6. We disagree with the petitioners that a full two months is necessary in this case. We find that an extension of 30 days better balances the needs the petitioners describe and timely action on the Label. We therefore find that a 30-day extension is appropriate.¹³ Accordingly, comments are due on or before February 16, 2023, and reply comments are due on or before March 16, 2023.

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

8. For additional information, contact Erica McMahon, Attorney Advisor, Consumer Policy Division, Consumer and Governmental Affairs Bureau, at erica.mcmahon@fcc.gov, (202) 418-0346.

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ 47 CFR § 1.46.

¹⁰ See, e.g., *Audio Enterprises, Inc. Apparent Liability for Forfeiture*, File No. ENF-88-04, Order, 3 FCC Rcd 5402, para. 2 (Com. Car. Bur. 1988).

¹¹ *Id.*

¹² See, e.g., *Wireless E911 Location Accuracy Requirements*, PS Docket No. 07-114, Order, 35 FCC Rcd 193, 194, para. 3 (PSHSB 2020); see also *Protecting Against National Security Threats to the Communications Supply Chain Through FCC Programs*, WC Docket No. 18-89, Order, 35 FCC Rcd 2998, 2999, para. 6 (WCB & OEA 2020).

¹³ See, e.g., *Intel Corporation’s Request for Waiver of Section 76.640(B)(4) of the Commission’s Rules*, CS Docket No. 97-80, Order, 24 FCC Rcd 14104 (MB 2015) (in response to a request, extending deadline for filing oppositions to a waiver request by ten days “[g]iven that the Thanksgiving holiday effectively shortened the normal time for filing comments, and that the requested extension will not interfere with the Commission’s ability to timely consider the waiver request”).

IV. ORDERING CLAUSES

9. Accordingly, IT IS ORDERED, pursuant to sections 0.204, 0.361, and 1.46 of the Commission's rules, 47 CFR §§ 0.204, 0.361, 1.46, that the Request For Extension Of Comment Deadline filed on December 21, 2022 is GRANTED to the extent indicated herein and is otherwise DISMISSED.

10. IT IS FURTHER ORDERED that the date for filing comments in response to the *Further Notice* is EXTENDED to February 16, 2023.

11. IT IS FURTHER ORDERED that the date for filing reply comments in response to the *Further Notice* is EXTENDED to March 16, 2023.

FEDERAL COMMUNICATIONS COMMISSION

Alejandro Roark
Chief
Consumer and Governmental Affairs Bureau