

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

In the Matter of)
)
Petition of Gigapower, LLC for Preemption and) WC Docket No. 26-1
Declaratory Judgment Ruling Pursuant to Section)
253(d) of the Communications Act of 1934)

ORDER GRANTING EXTENSION OF TIME

Adopted: February 2, 2026

Released: February 2, 2026

Comment Date: April 6, 2026

Reply Comment Date: May 6, 2026

By the Chief, Wireline Competition Bureau

1. By this Order, the Wireline Competition Bureau (Bureau) grants a joint motion filed by Gigapower, LLC (“Gigapower”) and the city of Rock Hill, South Carolina (“City”) (collectively, the “parties”) to extend the comment and reply comment deadlines in the above-captioned proceeding.¹ For the reasons stated below, the Bureau finds that a limited extension of time is warranted and extends the comment date to April 6, 2026 and the reply comment date to May 6, 2026.

2. On January 5, 2026, the Bureau released a Public Notice² seeking comment on a petition for preemption and declaratory ruling filed by Gigapower³ asking the Commission to preempt the City’s implementation of a contract with another provider in a manner that Gigapower argues has the effect of prohibiting its ability to provide telecommunications services in violation of section 253 of the Communications Act.⁴ The Public Notice set February 4, 2026 as the deadline for filing comments and March 6, 2026 as the deadline for filing reply comments.⁵

3. On January 28, 2026, Gigapower and the City filed the Joint Motion to extend both the comment and reply comment filing deadlines by roughly two months.⁶ The parties state that they have engaged in active discussions to resolve their dispute and “anticipate [that] this matter may reach a mutually satisfactory resolution and result in an amendment to the existing pole attachment agreement.”⁷ They state that “[t]he local process to approve the potential amendment requires consideration by the

¹ See Gigapower, LLC and City of Rock Hill, South Carolina, Joint Motion to Extend Comment Period, WC Docket No. 26-1 (rec. Jan. 28, 2026), <https://www.fcc.gov/ecfs/document/101282411723781/1> (Joint Motion).

² See *Wireline Competition Bureau Seeks Comment On a Petition for Preemption and Declaratory Ruling Filed Pursuant to Section 253 of the Communications Act*, Public Notice, WC Docket No. 26-1 (WCB Jan. 5, 2026) (Public Notice).

³ *Petition of Gigapower, LLC for Preemption and Declaratory Judgment Ruling Pursuant to Section 253(d) of the Communications Act of 1934* (rec. December 22, 2025), <https://www.fcc.gov/ecfs/search/search-filings/filing/122248074928> (Petition).

⁴ Public Notice at 1-2; 47 U.S.C. § 253.

⁵ Public Notice at 1.

⁶ Joint Motion at 1.

⁷ *Id.*

Rock Hill City Council at two City Council meetings that may occur one month apart,⁷⁸ and they thus require additional time to attempt to resolve their dispute. No opposition to the Joint Motion has been filed.

4. The Commission does not routinely grant extensions of time for filing comments.⁹ In this case, however, the parties are seeking a limited extension to continue discussions and take actions that may eliminate the need to act on the Petition. We therefore conclude that the administrative efficiencies that could result from such discussions warrant granting the Joint Motion. We also find that granting the requested extension will not disadvantage either of the parties or other commenters since Gigapower and the City submitted the request jointly and no commenter has filed an opposition. Accordingly, we grant the unopposed Joint Motion and extend the comment deadline to April 6, 2026 and the reply comment deadline to May 6, 2026.

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 Joint Motion filed by Gigapower and the City is **GRANTED**.

6. **IT IS FURTHER ORDERED** that the dates to file comments and reply comments on the Petition **ARE EXTENDED** to April 6, 2026 and May 6, 2026, respectively.

FEDERAL COMMUNICATIONS COMMISSION

Joseph S. Calascione
Chief
Wireline Competition Bureau

⁸ *Id.*

⁹ 47 CFR § 1.46.