

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

In the Matter of)	
)	
Chibardun Telephone Cooperative, Inc.)	
CTC Telcom, Inc.)	
)	CC Docket No. 97-219
Petition for Preemption Pursuant to Section)	
253 of the Communications Act of)	
Discriminatory Ordinances,)	
Fees and Right-of-Way Practices of the City)	
of Rice Lake, Wisconsin)	
)	

ORDER

Adopted: November 17, 1997;

Released: November 17, 1997

By the Acting Chief, Policy and Program Planning Division, Common Carrier Bureau

1. On October 10, 1997, Chibardun Telephone Cooperative, Inc., and CTC Telcom, Inc. (collectively, Chibardun) filed a petition for preemption pursuant to section 253 of the Communications Act of 1934, as amended (the Petition). In a Public Notice released October 20, 1997, the Commission established a pleading cycle for comments on the Chibardun petition. Specifically, the Commission directed interested parties to file comments by November 19, 1997, and reply comments by December 8, 1997.¹

2. In a pleading filed November 12, 1997, the City of Rice Lake, Wisconsin (the City) requests that the deadline for comments and reply comments be extended until December 3, 1997, and December 22, 1997, respectively. The City states that it requires additional time to conduct the investigations necessary to determine the factual bases of the Petition and coordinate the preparation and signing of affidavits from City officials to support the City's comments. The City also states that it has spoken with counsel for the League of Wisconsin Municipalities (League) and has been authorized to represent that the League supports the City's motion. The City further states that it has discussed the matter with counsel for Chibardun and that Chibardun consents to extending the comment and reply comment dates to November 25, 1997, and December 12, 1997, respectively. In a pleading filed November 13, 1997, however, counsel for Chibardun withdrew his consent to any

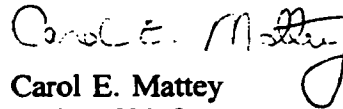
¹ See Public Notice, DA 97-2228 (October 20, 1997).

extension of time at all.² Chibardun states that the City has had five weeks to conduct its investigations and coordinate the preparation and signing of affidavits, and has made no showing why it needs an "extraordinary" seven weeks to respond to Chibardun's petition. Chibardun adds that given the short construction season in northwestern Wisconsin, it must receive authority to proceed with construction (either from the City or through Commission preemption) by early 1998 if it is to be able to take advantage of the 1998 summer construction season.

3. We do not routinely grant extensions of time.³ However, given the importance and complexity of the right-of-way management issues raised in this proceeding, we want to ensure that the City and all other interested parties have ample opportunity to present their views to the Commission. While we are sensitive to Chibardun's concerns regarding the timing of agency action, we do not believe that a grant of this extension will harm the public interest by materially delaying Commission consideration of the Petition.

4. Accordingly, IT IS ORDERED that the motion for extension of time filed by the City is GRANTED. Accordingly, comments must be filed on or before December 3, 1997, and reply comments by December 22, 1997. All other requirements and procedures established in the Commission's October 20, 1997 Public Notice concerning the Chibardun Petition remain in effect.

FEDERAL COMMUNICATIONS COMMISSION



Carol E. Matthey
Acting Chief
Policy and Program Planning Division
Common Carrier Bureau

² Counsel for Chibardun withdrew his initial consent to a four-day extension of time, stating that he believed the City was using this consent in an attempt to justify its request for a substantially longer extension.

³ 47 C.F.R. § 1.46(a).