

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
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Accelerating Wireline Broadband Deployment)	WC Docket No. 17-84
by Removing Barriers to Infrastructure)	
Investment;)	
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MOTION FOR EXTENSION OF TIME

Pursuant to Rules 1.415(e) and 1.46(b) of the Federal Communication Commission’s (FCC or Commission) rules and regulations,¹ the Edison Electric Institute (EEI), the National Rural Electric Cooperative Association (NRECA) and the Utilities Technology Council (UTC) (collectively the Trade Associations) submit this Motion requesting extensions of time for the filing of initial comments and reply comments in response to the Commission’s July 20, 2020, Public Notice in the above-captioned proceedings. In the Public Notice, the Wireline Competition Bureau (Bureau) seeks comment on a Petition for Declaratory Ruling filed by the NCTA – the Internet & Television Association (NCTA).² NCTA’s Petition for Declaratory Ruling asks the Commission to declare that pole owners must provide pole replacements to accommodate new attachments at far less than the full cost of replacing the pole.³ NCTA further requests that the Commission allow self-help remedies for completing make-ready for pole replacements if a pole owner cannot complete a pole changeout within a specified period of time. NCTA additionally asks the Commission to declare that resolution of complaints regarding pole

¹ 47 C.F. R. §§ 1.415(e) and 1.46(b).

² See *In the Matter of Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84, Public Notice, DA 20-763 (July 20, 2020)(Public Notice).

³ See *Petition for Expedited Declaratory Ruling* in WC Docket No. 17-84 (filed July 16, 2020) (Petition).

access disputes that arise in unserved areas should receive expedited consideration under the Commission's Accelerated Docket.

Pursuant to the Public Notice, comments are due August 19, 2020, and reply comments are due September 3, 2020. This Motion requests that the Commission extend the deadline for comments to Wednesday, September 16, 2020, and extend the deadline for reply comments to Wednesday, October, 14, 2020. EEI, NRECA and UTC further request expedited treatment on this Motion, including a shortened response date.

I. Background

EEI is the trade association that represents all U.S. investor-owned electric companies. Collectively, EEI's members provide electricity for 220 million Americans, operate in all 50 states and the District of Columbia and directly and indirectly employ more than seven million people in communities across the United States. EEI's members invest more than \$100 billion each year to build a smarter energy infrastructure and to transition to even cleaner generation resources. Electric companies are among the nation's largest users of communications services and operate some of the largest private communications and pole infrastructure networks. Therefore EEI has filed comments with the Commission in various proceedings affecting the interests of its members.⁴ Accordingly, EEI is an interested party and appreciates the opportunity to meaningfully participate in this proceeding.

NRECA is the national trade association representing nearly 900 local electric cooperatives operating in 48 states. America's electric cooperatives power over 20 million businesses, homes, schools and farms across 56 percent of the nation's landmass and serve one

⁴ EEI, UTC and NRECA participated actively in the rulemakings that resulted in the Commission's 2010, 2011, 2015, 2018, and 2020 orders interpreting Section 224 of the Communications Act. 47 U.S.C. § 224.

in eight (42 million) consumers. NRECA's member cooperatives include 62 generation and transmission (G&T) cooperatives and 831 distribution cooperatives. Both distribution and G&T cooperatives share an obligation to serve their members by providing safe, reliable and affordable electric service. NRECA's member cooperatives include cooperatives that are Registered Entities with compliance obligations under Reliability Standards established by NERC to ensure the reliability of the Bulk Power System. In addition, cooperatives own and operate substantial local distribution facilities and are responsible for the reliability and security of their local distribution systems.

UTC is the international trade association for the telecommunications and information technology interests of all types of electric, gas and water utilities and other critical infrastructure industries. UTC's members include large investor-owned electric companies who serve millions of customers across multi-state service territories, as well as smaller rural electric cooperative and public power utilities, which may serve only a few thousand customers in isolated communities or remote areas. UTC's members own, manage and control extensive infrastructure that they use to support the safe, reliable and secure delivery of essential services to the public at large.

II. Request for Extension of Time

NCTA's Petition asks the Commission to make significant changes to its rules by requesting that the Commission find that its cost allocation rules require pole owners to discount the cost of a pole replaced due to insufficient capacity to accommodate a new attacher's proposed deployment of equipment. NCTA's Petition raises issues of fact, policy and the Commission's jurisdictional basis to issue the requested actions. Furthermore, NCTA's Petition

raises significant issues of safety and reliability given its proposal for the Commission to allow attachers to engage in self-help pole replacements.

Given the range of issues presented, the Trade Associations make this request to ensure that there is sufficient time to conduct consultations with respective member companies and to prepare reasoned comments that meaningfully address the broad range of complex issues presented in these dockets. The issues raised by the Petition present a broad set of policy issues and complex factual allegations that require careful deliberation by the electric utility industry so that the Commission can make an informed decision whether and to what extent to proceed forward on the issues that are raised in the Petition. Furthermore, in light of the volume and size of past filings in response to proposals in this proceeding, additional time is merited to allow all interested parties adequate and appropriate time to respond.

While the Commission does not routinely grant motions for extension of time,⁵ in previous pole attachment proceedings, the Commission has granted extensions of the initial comment⁶ and reply comment periods.⁷ In this proceeding, the proposed extension of time will not prejudice any other party or impact the Commission's ability to consider the issues. There is very little time to respond to the Public Notice and the Trade Associations believe that the end result of granting this request will be more focused, better reasoned comments.

⁵ 47 C.F. R. §1.46(b).

⁶ *See, e.g., Amendment of Rules and Policies Governing Pole Attachments*, CS Docket No. 97-98, Order, DA 97-984, released April 29, 1997 (granting a 45-day extension of the comment period, where a 60-day extension had been requested).

⁷ *See, e.g., Implementation of Section 703(e) of the Telecommunications Act of 1996 and Amendment of the Commission's Rules and Policies Governing Pole Attachments*, CS Docket No. 97-151, Order, DA 97-2181, released October 10, 1997 (granting an additional week for the reply comments, instead of the requested two-week extension, due to a statutory deadline faced by the Commission).

III. Conclusion

WHEREFORE, for the foregoing reasons, the Trade Associations respectfully request the Commission to grant this motion to extend the deadline for filing comments until Wednesday, September 16, 2020 and reply comments to Wednesday, October, 14, 2020.

Respectfully submitted,

EDISON ELECTRIC INSTITUTE

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