

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: December 18, 1997

Released: December 19, 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 In an order released November 17, 1997, the Commission, at the request of the City of Rice Lake, Wisconsin (the City) extended the deadline for comments and reply comments until December 3, 1997 and December 22, 1997, respectively.²

2. In a pleading filed December 17, 1997, Chibardun requests that the deadline for reply comments be extended until January 6, 1998.³ Chibardun states that grant of the City's extension request has pushed Chibardun's reply period back into the pre-Christmas and year-end periods. As a consequence, Chibardun states that entities whose information or assistance it needs to complete its reply comments have been short-staffed and very busy during the last

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

² *Chibardun Telephone Cooperative, Inc. and CTC Telcom, Inc. 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*, CC Docket No. 97-219, Order, DA 97-2400 (rel. Nov. 17, 1997).

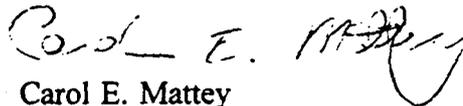
³ Chibardun Telephone Cooperative, Inc. Request for Extension of Time, filed Dec. 17, 1997.

two weeks. Chibardun adds that it expects to continue encountering many of the same problems until after New Year's week. Chibardun states that it has contacted counsel for the City and for GTE Service Corporation (GTE) regarding this extension request. Counsel for GTE has consented to the extension of time.⁴ Counsel for the City has advised Chibardun's counsel that the City does not intend to take a position on the request for extension.⁵

3. We do not routinely grant extensions of time.⁶ However, we are sympathetic to the problems Chibardun is encountering in obtaining information at this time of year when many offices are short-staffed. Additionally, given the importance and complexity of the issues raised in this proceeding, we want to ensure that there is a full and complete record before the Commission. Finally, 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 Chibardun IS GRANTED. Accordingly, reply comments must be filed on or before January 6, 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

⁴ *Id.* p. 2.

⁵ *Ex Parte* Letter from Gerard J. Duffy to Magalie Roman Salas, Secretary, FCC, filed Dec. 18, 1997.

⁶ 47 C.F.R. § 1.46(a).