

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

In the Matter of)	
)	
Special Access for Price Cap Local Exchange Carriers)	WC Docket No. 05-25
)	
AT&T Corporation Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services)	RM-10593
)	

ORDER

Adopted: November 2, 2015

Released: November 2, 2015

New Comment Date: January 6, 2016

New Reply Comment Date: February 5, 2016

By the Associate Chief, Wireline Competition Bureau:

1. In this Order, the Wireline Competition Bureau (Bureau) grants in part a request jointly filed by the United States Telecom Association (USTelecom) and the Independent Telephone & Telecommunications Alliance (ITTA) (collectively, Joint Petitioners) seeking an extension of time to submit comments and reply comments in the special access (also referred to as business data services) rulemaking proceeding.¹ As discussed below, we extend the deadline to submit comments to January 6, 2016 and reply comments to February 5, 2016. This limited extension will give parties valuable, additional time to review the sizeable amount of data collected in the proceeding for comments to help inform the Commission’s special access reform efforts in the underlying rulemaking proceeding.

2. On December 11, 2012, the Commission adopted an order requiring providers and purchasers of special access and certain entities providing “best efforts” service to submit data and information for a comprehensive evaluation of the special access market.² In section IV.B of the *Special Access FNPRM* accompanying that order, the Commission sought comment on possible changes to its rules for the special access services provided by incumbent local exchange carriers in price cap areas.³ The Commission set the comment deadlines on this portion of the *Special Access FNPRM* several months beyond the document’s release date to give interested parties an opportunity to review the data and

¹ See Joint Request for Extension of Time of USTelecom and ITTA, WC Docket No. 05-25, RM-10593 (filed Oct. 21, 2015) (Joint Petition); *Special Access for Price Cap Local Exchange Carriers*; *AT&T Corporation Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services*, WC Docket No. 05-25, RM-10593, Order and Further Notice of Proposed Rulemaking, 27 FCC Rcd 16318 (2012) (*Data Collection Order* or *Special Access FNPRM*); Report and Order, 28 FCC Rcd 13189 (Wireline Comp. Bur. 2013); Order on Reconsideration, 29 FCC Rcd 10899 (Wireline Comp. Bur. 2014); Order, 29 FCC Rcd 14346 (Wireline Comp. Bur. 2014) (*Extension Order*).

² See *Data Collection Order*, 27 FCC Rcd at 16324, para. 13.

³ See *id.* at 16352-54, paras. 80-90.

information collected before filing comments.⁴ The Bureau has subsequently extended these deadlines to account for delays in collecting the data and information, and in making it available for inspection.

3. The final deadline for responding to the data collection closed on February 27, 2015.⁵ On September 18, 2015, the Bureau released an order addressing objections to the release of confidential and highly confidential information pursuant to the terms of a protective order.⁶ This action cleared the path for allowing limited public access to the data, hosted by the Commission's secure data enclave vendor, NORC – The University of Chicago (NORC).⁷ Separately, the Bureau announced the current comment and reply comment due dates, with comments due by November 20, 2015, and reply comments due by December 11, 2015.⁸

4. On October 21, 2015, the Joint Petitioners requested a 60-day extension of time to file comments and a 69-day extension of time to file reply comments, stating their members “will not be able to adequately review and provide meaningful comment on the data within the current deadlines.”⁹ The Joint Petitioners contend “[t]he rollout of access to the special access data collection has been slow,” including “process delays as parties wait to be contacted by the Commission's contractor, NORC, and to receive credentials and remote access training.”¹⁰ In addition, the amount and complexity of the data to review further justifies an extension of time according to the Joint Petitioners.¹¹

5. INCOMPAS¹² and the Competitive Carriers Association (CCA) jointly filed opposing the extension of time request on October 23, 2015 (collectively, Joint Opponents).¹³ Sprint Corporation (Sprint) also filed in opposition on October 26, 2015.¹⁴ These parties express concern that the amount of time requested could unreasonably “delay this proceeding” with the Joint Opponents noting that it “was [just over a month] ago that the Wireline Competition Bureau established the current comment and reply comment deadlines and announced that it was ‘initiating the process of allowing access to the data.’”¹⁵ Both the Joint Opponents and Sprint also argue that “the 60 days sought . . . bears no relationship to the

⁴ See *id.* at 16359, para. 104.

⁵ See *Extension Order*.

⁶ *Special Access for Price Cap Local Exchange Carriers; AT&T Corporation Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services*, WC Docket No. 05-25, RM-10593, Order and Modified Data Collection Protective Order, DA 15-1035 (Wireline Comp. Bur. rel. Sept. 18, 2015) (*Modified Protective Order*).

⁷ *Parties Seeking Access to Data and Information Filed in Response to the Special Access Data Collection*, WC Docket No. 05-25, RM-10593, Public Notice, DA 15-1038 (Wireline Comp. Bur. rel. Sept. 17, 2015).

⁸ *Wireline Competition Bureau Further Extends Comment Deadlines in Special Access Proceeding*, WC Docket No. 05-25, RM-10593, Public Notice, DA 15-1037 (Wireline Comp. Bur. rel. Sept. 17, 2015) (*Further Extension PN*).

⁹ Joint Petition at 1.

¹⁰ *Id.* at 2.

¹¹ *Id.* at 6.

¹² COMPTTEL is now doing business as INCOMPAS. See Press Release, INCOMPAS, Introducing INCOMPAS, a Unified Voice for Competition (Oct. 19, 2015), <http://www.incompas.org/Files/filings/2015/10%2019%2015%20Introducing%20INCOMPAS.pdf>.

¹³ See Joint Opposition of INCOMPAS and CCA to Request for Extension of Time, WC Docket No. 05-25, RM-10593 (filed Oct. 21, 2015) (Joint Opposition).

¹⁴ See Opposition of Sprint Corporation to Request for Extension of Time, WC Docket No. 05-25, RM-10593 (filed Oct. 26, 2015) (Sprint Opposition).

¹⁵ Joint Opposition at 3 (quoting the *Further Extension PN* (emphasis added by the Joint Opposition)).

actual delay parties have experienced, or are likely to experience, in accessing the data.”¹⁶ Sprint also states that a “grant of the requested delay would harm the interests of Sprint and other special access customers,” and refers to opportunities to supplement the record, consistent with the Commission’s rules on written *ex parte* presentations, after the close of a comment period as an alternative to the extension requested.¹⁷

6. First, we note that any delays with obtaining remote access to the data have affected both Joint Petitioners and the parties opposing the extension request. Second, as of October 23, 2015, NORC had provided training and remote access to all of the authorized individuals that had completed the NORC registration process.¹⁸ The remaining eligible authorized individuals without remote access at this point have either not confirmed their intent to obtain such access with NORC, declined the remote access option, or have not made arrangements with NORC for, and attended, the necessary training to enable remote access. That said, NORC made its facilities in Bethesda, Maryland available for direct physical access to the collected data, free of charge, soon after the release of our *Modified Protective Order* on September 18, 2015.

7. Requests for extensions of time are not routinely granted.¹⁹ Filing periods in rulemaking proceedings have been extended, however, considering the circumstances of the request.²⁰ While any delays with obtaining remote access do not merit the length of the extension of time requested by the Joint Petitioners, we find a modest extension of time is warranted. The size and complexity of the data collection is significant, as are the issues the data and analysis will inform. A modest extension of time will give Joint Petitioners, the Joint Opponents, Sprint, and others participating in this proceeding time that may improve the quality of analysis of issues and data being considered. Although parties may supplement the record consistent with the Commission’s rules, as Sprint suggests, in this circumstance relying on unscheduled submissions could have the effect of adding further delay if analysis is submitted without deadlines common to all.

8. Accordingly, IT IS ORDERED, pursuant to sections 1, 2, 4(i), 4(j), and 5(c) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 152, 154(i), 155(j), and 155(c), sections 0.91, 0.291, and 1.46 of the Commission’s rules, 47 C.F.R. §§ 0.91, 0.291, and 1.46, and the authority delegated to the Bureau in the *Data Collection Order*, 27 FCC Rcd at 16340, para. 52, that the request for extension of time filed by Joint Petitioners IS GRANTED to the extent described herein. The deadline for comments on section IV.B of the *Special Access FNPRM* is extended to **January 6, 2016**, and the deadline for reply comments is extended to **February 5, 2016**.

¹⁶ Joint Opposition at 3; Sprint Opposition at 2 (quoting Joint Opposition at 3).

¹⁷ Sprint Opposition at 2.

¹⁸ Even the Joint Petitioners acknowledge that “[s]ome but not all of [its] members and/or their representatives recently have been contacted and are starting to receive training and gain access to the data.” Joint Petition at 2.

¹⁹ See 47 C.F.R. § 1.46(a) (“It is the policy of the Commission that extensions of time shall not be routinely granted.”).

²⁰ See, e.g., *Amendment of Parts 0, 1, 2, 15 and 18 of the Commission’s Rules regarding Authorization of Radiofrequency Equipment; Request for the Allowance of Optional Electronic Labeling for Wireless Devices*, ET Docket No. 15-170, RM-11673, Order, 30 FCC Rcd 8498, 8499, para. 3 (OET 2015) (extension to “provide sufficient time to address the complex technical issues”); *Lifeline and Link Up Reform and Modernization; Telecommunications Carriers Eligible for Universal Service Support; Connect America Fund*, WC Docket Nos. 11-42, 09-197, 10-90, Order, 30 FCC Rcd 8233, 8234, para. 5 (Wireline Comp. Bur. 2015) (extension to the reply comment filing deadline “will facilitate more thorough and deliberate consideration of the issues raised in this proceeding”).

9. IT IS FURTHER ORDERED that, pursuant to section 1.102(b)(1) of the Commission's rules, 47 C.F.R. § 1.102(b)(1), this Order SHALL BE EFFECTIVE upon release.

FEDERAL COMMUNICATIONS COMMISSION

Deena M. Shetler
Associate Chief
Wireline Competition Bureau