

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

In the Matter of)
)
Restoring Internet Freedom) WC Docket No. 17-108

ORDER

Adopted: August 11, 2017

Released: August 11, 2017

Revised Reply Comment Date: August 30, 2017

By the Chief, Competition Policy Division, Wireline Competition Bureau:

1. By this Order, the Wireline Competition Bureau (Bureau) extends the deadline for filing reply comments in response to the *Restoring Internet Freedom Notice of Proposed Rulemaking* until August 30, 2017.¹

2. The *Restoring Internet Freedom Notice of Proposed Rulemaking* set dates for filing comments and reply comments of July 17 and August 16, 2017, respectively. On August 1, 2017, Public Knowledge, Access Now, the American Civil Liberties Union, the Computer & Communications Industry Association, Consumers Union, the Electronic Frontier Foundation, Engine Advocacy, National Consumer Law Center on behalf of its low-income clients, the World Wide Web Foundation, and the Writers Guide of America West (Movants) filed a motion requesting an eight-week extension of the reply comment deadline in this proceeding.² Movants assert that an extension “is necessary to give Movants and other interested persons a minimum of adequate time to work through the initial comment record and prepare thorough and well-informed replies.”³ CTIA, NCTA – the Internet & Television Association, and USTelecom opposed the motion for extension, asserting that the Commission should deny the motion or, alternatively, limit an extension to no longer than 10 days.⁴ Opponents assert that stakeholders have had adequate time to consider their arguments in this proceeding, and have had “multiple opportunities to weigh in on the core issues in play here for over fifteen years across a range of public dockets.”⁵ Opponents also assert that the “vast majority of comments filed merely state (often in one or two sentences) the commenter’s ultimate policy preferences,” and that “many of these comments are apparently fabricated.”⁶ In support of these assertions, Opponents state that “[o]ne study revealed that

¹ *Restoring Internet Freedom*, WC Docket No. 17-108, Notice of Proposed Rulemaking, 32 FCC Rcd 4434 (2017) (*Restoring Internet Freedom Notice of Proposed Rulemaking*).

² Public Knowledge *et al.*, Motion for Extension of Time to File Reply Comments, WC Docket No. 17-108 (filed Aug. 1, 2017) (Joint Motion). *See also* Letter from Senator Edward J. Markey et al. to the Honorable Ajit Pai, Chairman, FCC (Aug. 3, 2017) (urging the Commission to “extend the reply comment period to allow sufficient time for the public to ensure their views are reflected in the record”).

³ Motion at 1.

⁴ CTIA *et al.*, Opposition to Motion for Extension of Time, WC Docket No. 17-108 (filed Aug. 10, 2017).

⁵ *Id.* at 1.

⁶ *Id.* at 3.

over seven million of the comments filed between July 3 and August 4, 2017 appear to be entirely fraudulent.”⁷

3. While it is the policy of the Commission that “extensions shall not be routinely granted,”⁸ we find that an extension of the reply comment deadline is appropriate in this case in order to allow interested parties to respond to the record in this proceeding. While we recognize that Movants have requested an eight-week extension of the reply comment deadline, we find, consistent with past Commission precedent granting partial extensions, that an additional two weeks is an appropriate period of time to extend the reply comment deadline in order to provide parties additional time to analyze the technical, legal, and policy arguments raised by initial commenters.⁹ We find that permitting interested parties an additional two weeks in which to file their reply comments will allow parties to provide the Commission with more thorough comments, ensuring that the Commission has a complete record on which to develop its decisions.

4. Accordingly, IT IS ORDERED, pursuant to sections 4(i), 4(j), 5, and 303(r) of the Communications Act, as amended, 47 U.S.C. §§ 154(i), 154(j), 155, and 303(r), and sections 0.91, 0.291, 1.46, and 1.415 of the Commission’s rules, 47 CFR §§ 0.91, 0.291, 1.46, and 1.415, that the Joint Motion for Extension of Time to File Reply Comments, IS GRANTED, IN PART, and the deadline for filing reply comment is extended to August 30, 2017.

FEDERAL COMMUNICATIONS COMMISSION

Daniel Kahn
Chief
Competition Policy Division
Wireline Competition Bureau

⁷ *Id.*

⁸ 47 CFR § 1.46(a).

⁹ See, e.g., *Promoting Innovation and Competition in the Provision of Multichannel video programming distribution services*, MB Docket No. 14-261, Order, 30 FCC Rcd 1160 (MB Feb. 10, 2015) (granting a two-week extension of the comment and reply deadlines after parties sought a longer extension); *Wireless Telecommunications Bureau Extends Period to File Reply Comments on Motorola, Inc. Request for Interpretation or Waiver of Section 90.267 of the Commission’s Rules Regarding 450-470 MHz Band Low Power Operators*, WT Docket No. 10-74, Public Notice, 25 FCC Rcd 4694 (MB May 3, 2010) (granting a 10-day extension of reply comment deadline upon motion for a longer extension, “to ensure that the Commission obtains a complete and thorough record”); *Lifeline and Linkup Reform and Modernization*, WC Docket Nos. 11-42, 09-197, 10-90, Order, 30 FCC Rcd 8233 (WCB Aug. 5, 2015) (granting two-week extensions for filing comments and replies, finding that limited extensions “will allow for more thoughtful consideration of the issues raised . . . , while at the same time not unduly delaying the resolution of these issues”); *Cable Television Technical and Operation Requirements*, MB Docket No. 12-217, Order, 27 FCC Rcd 16019, (MB Dec. 21, 2012) (granting a two-week extension, given the importance of the issues, when parties sought a longer extension).