

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

Petition of the Multifamily Broadband  
Council Seeking Preemption of Article 25 of  
the San Francisco Police Code

DA 17-318  
MB Docket No. 17-91

**MOTION FOR EXTENSION OF TIME**

Pursuant to 47 C.F.R. § 1.46, the City and County of San Francisco requests an extension of time to file comments and reply comments in the above-captioned proceeding. Comments are due on or before May 4, 2017, and reply comments are due on or before May 19, 2017. San Francisco respectfully requests an extension of two weeks for the comments, through and including May 18, 2017, and three weeks for the reply comments, through and including June 9, 2017.

While the Federal Communications Commission (“Commission”) does not routinely grant extensions, they are warranted when, among other things, the additional time will serve the public interest. Granting San Francisco’s request for an extension would allow a more complete and factual record to be developed and, as such, would serve the public interest.

In 2007, the Commission prohibited cable operators and local exchange carriers from executing or enforcing contractual provisions that gave them the exclusive right to provide video programming service in multiple dwelling units (“MDUs”).<sup>1</sup> In the ten years since the Commission adopted that order, however, little has changed. Most tenants living in MDUs in

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<sup>11</sup> *Exclusive Service Contracts for Provision of Video Services in Multiple Dwelling Units and Other Real Estate Developments*, Report & Order and Further Notice of Proposed Rulemaking, 22 FCC Rcd 20235 (2007).

San Francisco have no choice of communications providers. San Francisco believes that property owners have routinely entered into various agreements with existing providers that have made it impossible for other providers to obtain access. San Francisco adopted its ordinance to provide new entrants into the market with a fair chance to compete.

In its Petition for Preemption, the Multifamily Broadband Council (“MBC”) claims that federal laws preempts San Francisco’s ordinance. In particular, MBC claims that the San Francisco’s ordinance conflicts with federal law and policy regarding: (i) competitive access to multi-tenant buildings; (ii) bulk buying arrangements; and (iii) network unbundling mandates. MBC also claims that federal law completely occupies the field with respect to inside wiring.

While the Commission has invited any party to file comments here, San Francisco has a direct and abiding interest in this proceeding. San Francisco has reviewed the Petition and determined that thirty days is not a sufficient time to respond. MBC’s Petition raises extremely complicated legal issues that require San Francisco to review and address: (i) a series of Commission decisions going back some 20 years; and (ii) relevant case law concerning federal preemption, particularly when the preemption is based on administrative decisions. Furthermore, San Francisco believes the Petition raises serious issues concerning Commission jurisdiction and the MBC’s standing to raise these issues before the Commission.

San Francisco also believes a reply comment period of three weeks rather than two weeks is appropriate. San Francisco anticipates that comments from the industry, local governments, and the general public could raise new and different issues that San Francisco would need to address in its reply comments. Three weeks will give San Francisco enough time to fully review, analyze, and respond to those concerns.

For these reasons, San Francisco ask that the Commission extend the comment deadline to May 18, 2017 and extend the reply comment deadline to June 9, 2017.

Dated: April 7, 2017

Respectfully submitted,

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