

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of:

Petition of US Telecom for Forbearance
Pursuant to 47 USC § 160(c) to Accelerate
investment in Broadband and Next-
Generation Networks.

WC Docket No. 18-141

**MOTION FOR EXTENSION OF TIME
OF THE CALIFORNIA PUBLIC UTILITIES COMMISSION**

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May 18, 2018

On May 4, 2018, USTelecom filed its Petition for Forbearance¹ and, on May 8, the FCC set the pleading cycle, so that comments would be due on June 7, with reply comments due on June 22.² Under Sections 0.459 and 1.46 of the FCC’s rules, the California Public Utilities Commission (California or CPUC) now asks the FCC to extend the time for initial comments by 90 days, to September 5, 2018, and to make reply comments due 45 days later, on October 22.³ This would still give the FCC until August 2019—another ten months—to resolve the myriad issues raised by USTelecom’s petition.

Several parties—INCOMPAS,⁴ CALTEL,⁵ and NARUC⁶—have already asked the FCC to extend the pleading cycle. The CPUC agrees entirely with these motions. We write separately to ask for more time than those commenters, and to explain why.

¹ Petition of USTelecom for Forbearance Pursuant to 48 U.S.C. § 160(c) to Accelerate Investment in Broadband and Next-Generation Networks, WC Docket No. 18-141 (May 4, 2018).

² *Pleading Cycle Established for Comments on USTelecom’s Petition for Forbearance from Section 251(c) Unbundling and Resale Requirements and Related Obligations, and Certain Section 271 and 272 Requirements*, Public Notice, WC Docket No. 18-141 (May 8, 2018).

³ The 45th day falls on a Saturday, the 20th of October.

⁴ Motion for Extension of Time of INCOMPAS, WC Docket No. 18-141 (May 11, 2018).

⁵ Revised Motion for Extension of Time and for Protective Order of the California Association of Competitive Telecommunications Companies, WC Docket No. 18-141 (May 15, 2018).

⁶ Motion of the National Association of Regulatory Utility Commissioners for Extension of Time, WC Docket No. 18-141 (May 16, 2018).

The CPUC is in a unique position. Other parties to this proceeding may comment; we must comment. Under California law, when the FCC receives a petition requesting that it

forbear from enforcing [a] carrier's duty to provide to any requesting telecommunications carrier, nondiscriminatory access to network elements on an unbundled basis at any technically feasible point on rates, terms, and conditions that are just, reasonable, and nondiscriminatory (47 U.S.C. Sec. 251(c)(3) and Sec. 271 (c)(2)(B)(ii)), within any metropolitan statistical area located in the state, the [CPUC] *shall participate* in that forbearance proceeding by filing comments on the petition, providing data on competition in the metropolitan statistical area that is the subject of the petition, and taking any other action that advances the state's policies promoting competition in telecommunications markets.⁷

There are 26 Metropolitan Statistical Areas (MSAs) in California⁸ containing, as of the 2010 Census, 33.5 million people (and undoubtedly more by now).

Competition data from these MSAs are not ancillary to this proceeding. They go to its core: will USTelecom's petition advance or impede competition in the most populous state in the country? To gather and analyze those data, both so that we can comment meaningfully on USTelecom's petition and so that we can fulfil our statutory mandate, we simply need more time.

⁷ Cal. Pub. Util. Code § 716(a) (emphasis added).

⁸ Bakersfield; Chico; El Centro; Fresno; Hanford-Corcoran; Los Angeles-Long Beach-Santa Ana; Madera; Merced; Modesto; Napa; Oxnard-Thousand Oaks-Ventura; Redding; Riverside-San Bernardino-Ontario; Sacramento-Arden Arcade-Roseville; Salinas; San Diego-Carlsbad-San Marcos; San Francisco-Oakland-Hayward; San Jose-Sunnyvale-Santa Clara; San Luis Obispo-Paso Robles; Santa Barbara-Santa Maria-Goleta; Santa Cruz-Watsonville; Santa Rosa-Petaluma; Stockton; Vallejo-Fairfield; Visalia-Porterville; and Yuba City.

Finally, although the CPUC takes no position on whether USTelecom’s petition violates the “complete-as-filed” rule,² we do agree with INCOMPAS that all of the data USTelecom relies on to support its petition—including the data underlying the charts and graphs in its petition—must be in the record of the proceeding and subject, if necessary, to an appropriate protective order. We therefore join INCOMPAS’s Motion to Dismiss to that extent.

May 18, 2018

Respectfully submitted,

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² Motion to Dismiss of INCOMPAS, WC Docket No. 18-141 (May 11, 2018).