

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

In the Matter of	)	
	)	
Report on the Future of the Universal	)	WC Docket No. 21-476
Service Fund	)	
	)	

**MOTION FOR EXTENSION OF TIME**

Public Knowledge; ACA Connects – America’s Communications Association; The Benton Institute for Broadband & Society; Common Cause; Common Sense; Competitive Carriers Association (CCA); CTIA; Free Press; INCOMPAS; National Consumer Law Coalition (NCLC); NCTA-The Internet & Television Association; National Digital Inclusion Alliance (NDIA); New America’s Open Technology Institute; NTCA-The Rural Broadband Association; Schools, Health & Libraries Broadband Coalition (SHLB); United Church of Christ Media Justice Ministry (UCC Media Justice); USTelecom–the Broadband Association; Scott Wallsten; and WTA – Advocates for Rural Broadband (collectively Public Interest and Industry Stakeholders) respectfully request a 30-day extension of the comment deadline and a 45 day extension of the reply comment deadline in the above-captioned matter.<sup>1</sup> An extension, if granted, would move the comment date to February 17, 2022 and the reply comment date to March 17, 2022. In accordance with 47 C.F.R. §1.46 this motion is timely because it was filed “at least 7 days before the filing date.”

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<sup>1</sup> *In the Matter of Report on the Future of the Universal Service Fund*, WC Docket No. 21-476, Notice of Inquiry (rel. Dec. 15, 2021).

As the Commission properly identified “[t]he Infrastructure Act includes the largest ever federal investment in broadband[.]”<sup>2</sup> If handled correctly, this historical and novel investment has significant potential to transform broadband access in America. Public Interest and Industry Stakeholders require time to adequately examine the effect of the Infrastructure Act on the Universal Service Fund (USF) programs, reach out to impacted stakeholders, and provide robust comments for the record. While not granting this extension will significantly curtail the Public Interest and Industry Stakeholders’ ability to fully participate in this proceeding, granting an extension at this early stage will have little impact on the proceeding and will not prejudice any other party to proceeding. An extension will also significantly improve the record for the FCC’s consideration.

## ARGUMENT

Present circumstances provide good cause for the Commission to authorize the proposed extension and granting this request is consistent with past precedent. An extension of time will give “sufficient time for parties to analyze the issues” and “meaningfully address them.”<sup>3</sup> Additionally, granting this extension will not affect the Commission’s ability to consider the issues, nor will an extension prejudice any other party to this proceeding. Rather, an extension would increase the Commission’s ability to evaluate how the Infrastructure Investment and Jobs Act (IIJA) will impact USF by ensuring that it has a robust record.

More time is necessary to provide a robust record because the issues as to which the FCC seeks comment are extremely complex and the stakes of getting this right are high. USF is one of

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<sup>2</sup> *Id.* at ¶ 1.

<sup>3</sup> *Implementation of State and Local Governments’ Obligation to Approve Certain Wireless Facility Modification Requests Under Section 6409(a) of the Spectrum Act of 2012; Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, Order Granting Extension of Time, 34 FCC Rcd 8660 ¶ 3 (2019); *see also Spectrum Five LLC Petition for Enforcement of Operational Limits and for Expedited Proceedings to Revoke Satellite Licenses*, Order, 35 FCC Rcd 13992 (2020).

the nation's most important tools for connecting Americans, especially low-income, rural, and Tribal communities, with critical telecommunications services. Evaluating how this long-standing fund and the newly-minted IIA can work together to accomplish the FCC's mandate to connect all Americans will require time. The opportunity presented by this historical allocation is not one that will likely come around again anytime soon, which means the stakes of ensuring these funds are put to use properly are incredibly high. Evaluating the unique opportunities presented by the Infrastructure Act and its potential interplay with the existing USF and its programs requires careful and time consuming analysis. By granting this extension, the Commission will ensure commenters have an opportunity to fully participate and develop the "most complete and well-delivered record possible."<sup>4</sup>

Moreover, the timing of this NOI is particularly challenging given the holiday season and the number of other active proceedings at the FCC. The FCC's NOI was issued on Dec. 15, only 10 days before Christmas with comments due in mid-January. Given the timeframe, and the particular time of year at which it was issued, Public Interest and Industry Stakeholders are not able to properly review the issues presented in the NOI and fully participate. Holiday travel, staff vacations, and end-of-the-year obligations create significant hurdles to evaluate the complexity of the Infrastructure Act's impact on the USF. Additionally, many of the stakeholders seeking this extension are non-profit public interest organizations that have limited resources and are particularly understaffed during the holiday season since many non-profits close their doors between Christmas and New Years.

The time constraints Public Interest and Industry Stakeholders face are further exacerbated by the significant number of active proceedings on critical issues before the

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<sup>4</sup> *Commission Staff Requests That Interested Parties Supplement the Record on Draft Interference Rules for Wireless Communications Service and Satellite Digital Audio Radio Service*, Order Extending Comment Period, 25 FCC Rcd 3642 ¶ 5 (2010).

Commission. Many current FCC proceedings, including those on resilient networks,<sup>5</sup> sim swapping,<sup>6</sup> the Affordable Connectivity Program (ACP),<sup>7</sup> the future of the 4.9 GHz band,<sup>8</sup> device authorization in the 6 GHz band,<sup>9</sup> expanding access to the 70/80/90 GHz bands,<sup>10</sup> and the creation of a new E-rate competitive bidding portal<sup>11</sup> have either had a filing deadline in the last few weeks or have a filing deadline coming up soon. The National Telecommunications and Information Administration (NTIA) is also expected to issue a request for comments shortly on many of the funding programs created by the IIJA.<sup>12</sup> The sheer number of proceedings at the

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<sup>5</sup> FCC, Notice of Proposed Rulemaking, In the Matter of Resilient Networks, PS Docket No. 21-346 (rel. Oct. 1, 2021); *see also* FCC, Order Granting Extension of Time, PS Docket No. 21-346 (rel. Nov. 30, 2021) (extending the commenting deadline to Dec. 16 and the replies deadline to Jan. 14, 2022).

<sup>6</sup> FCC, Wireline Competition Bureau Announces Comment Dates for Notice of Proposed Rulemaking Regarding Sim Swapping and Porting Fraud, Public Notice (rel. Oct. 15, 2021) (comments due Nov. 15, 2021, replies due Dec. 14, 2021).

<sup>7</sup> FCC, Public Notice: Wireline Competition Bureau Seeks Comment on The Implementation of the Affordable Connectivity Program, DA 21-1453, WC Docket No. 21-450, (rel. Nov. 18, 2021) (comments due Dec. 8, replies due Dec. 28).

<sup>8</sup> FCC, Order on Reconsideration and Eighth Further Notice of Proposed Rulemaking, In the Matter of Amendment of Part 90 of the Commission's Rules, 86 Fed. Reg. 59934, WP Docket No. 07-100 (Oct. 29, 2021) (comments due Nov. 29, 2021, replies due Dec. 28, 2021).

<sup>9</sup> Responses to a recent stay request were due on Dec. 15, 2021. *See* Request for Stay of The Utilities Technology Council, the Edison Electric Institute, the American Public Power Association, the National Rural Electric Cooperative Association, the American Gas Association, the American Water Works Association, the American Petroleum Institute, the Nuclear Energy Institute, the Association of American Railroads, the Association of Public-Safety Communications Officials International, the International Association of Fire Chiefs, and the National Public Safety Telecommunications Council, ET Docket No. 18-295, GN Docket No. 17-183 (Dec. 7, 2021).

<sup>10</sup> Wireless Telecommunications Bureau Seeks to Supplement the Record on 70/80/90 GHz Bands Notice of Proposed Rulemaking, WT Docket No. 20-133, 86 Fed. Reg. 60436 (Nov. 2, 2021) (comments due Dec. 2, 2021, replies due Jan. 3, 2022).

<sup>11</sup> FCC, Notice of Proposed Rulemaking, In the Matter of Promoting Fair and Open Competitive Bidding in the E-Rate Program, (rel. Dec. 16, 2021), <https://www.fcc.gov/document/fcc-looks-promote-fair-open-competitive-bidding-e-rate-program-0>.

<sup>12</sup> Press Release, NTIA's Role in Implementing the Broadband Provisions of the 2021 Infrastructure Investment and Jobs Act, BroadbandUSA, <https://broadbandusa.ntia.doc.gov/news/latest-news/ntias-role-implementing-broadband-provisions-2021-infrastructure-investment-and> (last accessed Dec. 20, 2021).

FCC has made it incredibly difficult for stakeholders to fully participate. Stretching the capacity of stakeholder participation in this way may limit the record's development. Given the novel and complex nature of those issues in the NOI, the Commission should ensure that it has the best possible record, which includes granting this extension.

Additionally, an extension will not prejudice any party or affect the Commission's ability to consider the issues. Rather, the Commission and stakeholders will benefit most from sound, well-considered comments that will allow the Commission to move forward expeditiously.

The Commission has good cause to grant this extension request because the issues the NOI addresses are complex and involve historic fund allocations that will significantly impact the Commission's goal of providing broadband access to all Americans. Given the timing of this proceeding, the end-of-year constraints on commenters, and the vast number of other active proceedings with recent or upcoming deadlines, the Commission should grant this extension in order to ensure that it has the best possible record before it to evaluate the impact of the Infrastructure Act on the USF and its programs.

Respectfully submitted,

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46-A (Emergency Examination Waiver)*

December 20, 2021

## Appendix A

### Statements of Interest

*alphabetical by Organization or Last Name*

**ACA Connects – America’s Communications Association** : ACA Connects is a trade organization representing more than 600 smaller and medium-sized, independent companies that make broadband, phone and video services available to 25 million households in U.S. states and territories, including 6 million homes in rural areas. Through active participation in the regulatory and legislative process in Washington, D.C., ACA Connects’ members work together to advance the interests of their customers and ensure the future competitiveness and viability of their businesses.

**The Benton Institute for Broadband & Society**: The Benton Institute for Broadband & Society is a non-profit operating foundation that seeks to bring open, affordable, high-capacity and competitive broadband to all people in the U.S.

**Common Cause**: Common Cause is a nonpartisan, grassroots organization dedicated to upholding the core values of American democracy. We believe attaining the full promise of our democracy must start with closing the digital divide to ensure that each of us has an equal voice in the future of our country.

**Common Sense**: Common Sense is a leading organization dedicated to helping kids and families thrive in a rapidly changing digital world. We are nonprofit, nonpartisan, and independent. Common Sense offers age-appropriate family media ratings and reviews, a digital citizenship

curriculum for use in schools, and research reports that advance discussions about how media and technology impact kids today.

**Competitive Carriers Association (CCA):** Competitive Carriers Association (CCA) is the nation's leading association for competitive wireless providers and stakeholders across the United States. Members range from small, rural carriers serving fewer than 5,000 customers to regional and nationwide providers serving millions of customers, as well as vendors and suppliers that provide products and services throughout the wireless communications ecosystem.

**CTIA – The Wireless Association® (CTIA):** CTIA ([www.ctia.org](http://www.ctia.org)) represents the U.S. wireless communications industry and the companies throughout the mobile ecosystem that enable Americans to lead a 21st century connected life. The association's members include wireless carriers, device manufacturers, suppliers as well as apps and content companies. CTIA vigorously advocates at all levels of government for policies that foster continued wireless innovation and investment. The association also coordinates the industry's voluntary best practices, hosts educational events that promote the wireless industry and co-produces the industry's leading wireless tradeshow. CTIA was founded in 1984 and is based in Washington, D.C.

**Free Press** is a non-partisan, non-profit organization with a long history of participating in the Commission's Universal Service Fund proceedings. It believes that positive social change, racial justice, and meaningful engagement in public life depend on equitable access to broadband, diverse and independent ownership of media, and journalism that serves local communities.

**INCOMPAS:** INCOMPAS, the internet and competitive networks association, is the leading trade association advocating for competition policy across all networks. INCOMPAS represents

internet, streaming, communications and technology companies both large and small, advocating for laws and policies that promote competition, innovation and economic development.

**National Consumer Law Coalition (NCLC):** The nonprofit National Consumer Law Center® (NCLC®) works for economic justice for low-income and other disadvantaged people in the U.S. through policy analysis and advocacy, publications, litigation, and training. NCLC focuses on policies and programs that protect low-income consumer access to essential broadband, energy and water services.

**NCTA-The Internet & Television Association:** NCTA is the principal trade association of the cable television industry in the United States, which is a leading provider of residential broadband service to U.S. households. NCTA's cable operator members contribute to the Universal Service Fund and participate in various USF programs.

**National Digital Inclusion Alliance (NDIA):** NDIA is a national organization representing leaders of local community organizations, public libraries, municipalities, and other institutions working to reduce digital disparities among our neighbors. We advocate for public digital inclusion policies at all levels of government that reflect our affiliates' expertise and diverse experiences.

**New America's Open Technology Institute (OTI):** OTI is a non-profit policy institute that works at the intersection of technology and policy to ensure that every community has access to digital technology and its benefits. OTI and its Wireless Future Project develop and advocate for policies that promote more affordable, ubiquitous, high-speed Internet connections to all Americans, particularly in under-served rural and low-income areas.



**NTCA-The Rural Broadband Association:** NTCA–The Rural Broadband Association represents approximately 850 independent, community-based companies and cooperatives that provide advanced communications services in rural America and more than 400 other firms that support or are themselves engaged in the provision of such services.

**Public Knowledge:** Public Knowledge promotes freedom of expression, an open internet, and access to affordable communications tools and creative works. We work to shape policy on behalf of the public interest.

**Schools, Health & Libraries Broadband Coalition (SHLB):** The SHLB Coalition is a non-profit public interest organization that promotes open, affordable, high-quality broadband for anchor institutions and their communities. More information is available at [www.shlb.org](http://www.shlb.org).

**United Church of Christ Media Justice Ministry (UCC Media Justice):** The United Church of Christ is a faith community rooted in justice. Established in 1959 as part of the civil rights movement, United Church of Christ Media Justice Ministry, formerly known as the Office of Communication, Inc., works to replace the media we have with the media we need to create a just society.

**USTelecom–The Broadband Association:** USTelecom is the premier trade association representing service providers and suppliers for the communications industry. USTelecom members provide a full array of services, including broadband, voice, data, and video over wireline and wireless networks. Its diverse membership ranges from international publicly traded corporations to local and regional companies and cooperatives, serving consumers and businesses in every corner of the country.

**Scott Wallsten:** President and Senior Fellow, Technology Policy Institute. Professional affiliation provided for identity only; signing on in a personal capacity.

**WTA – Advocates for Rural Broadband:** WTA – Advocates for Rural Broadband is a national trade association that represents more than 360 small, rural telecommunications carriers providing voice, broadband and video-related services in the United States. WTA’s members serve some of the most rural and hard-to-serve communities in the country and are on the forefront of bringing 21st Century telecommunications services to rural America.