

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

In the Matter of	)	
	)	
Connect America Fund	)	WC Docket No. 10-90
	)	WT Docket No. 10-208
Universal Service Reform - Mobility Fund	)	WC Docket No. 11-10
	)	WT Docket No. 17-80
	)	
	)	

**ORDER**

**Adopted: April 11, 2017**

**Released: April 11, 2017**

**Revised Comment Date: April 26, 2017**

**Revised Reply Comment Date: May 11, 2017**

**Revised Deadline for Justifications for Confidentiality: April 26, 2017**

By the Senior Deputy Chief, Wireless Telecommunications Bureau:

1. In this Order, we extend comments and reply comments deadlines for 14 days in response to CTIA’s extension request<sup>1</sup> with respect to the *Further Notice of Proposed Rulemaking (MF-II FNPRM)* in the above captioned dockets, regarding the challenge process involving areas that will be eligible for Mobility Fund Phase II (MF-II) support.<sup>2</sup> Commenters will now have until April 26, 2017, to file initial comments and until May 11, 2017 to file reply comments in response to the *MF-II FNPRM*. We also extend by 14 days the deadline for interested service providers to file justifications for confidential treatment of their previously filed Form 477 minimum advertised or expected speeds for 4G LTE mobile service, until April 26, 2017.<sup>3</sup>

2. On March 7, 2017, the Commission released the *MF-II R&O and FNPRM*, adopting the framework for MF-II to promote the deployment of 4G LTE in all areas where such service would not be offered by the private sector in the absence of universal service support.<sup>4</sup> In the *MF-II Report and Order*, the Commission explained that, prior to an MF-II auction, it would compile a list of potentially eligible areas for MF-II support from the most recently available Form 477 data submissions and provide a robust process for interested parties to challenge this list.<sup>5</sup>

<sup>1</sup> Motion for Extension of Time to File Comments and Reply Comments, and for Extension of Time to File Confidentiality Requests, WTB/WCB Docket Nos. 10-90 and 10-208 at 4, CTIA, filed April 7, 2017 (*Motion for Extension*).

<sup>2</sup> *Connect America Fund; Universal Service Reform – Mobility Fund Phase II*, Report and Order and Further Notice of Proposed Rulemaking, FCC 17-11 (rel. Mar. 7, 2017) (*MF-II R&O and FNPRM*).

<sup>3</sup> *Modernizing the FCC Form 477 Data Program*, Report and Order, 28 FCC Rcd 9887 (2013); *WTB and WCB Propose to Release Form 477 4G LTE Mobile Speed Data to Facilitate Implementation of Mobility Fund II Support*, Public Notice, FCC 17-286 at para. 2, (rel. March 29, 2017) (*MF-II Form 477 Data Release Public Notice*).

<sup>4</sup> See generally *MF-II R&O and FNPRM*.

<sup>5</sup> See *id.* at para. 66.

3. In its *MF-II FNPRM*, the Commission sought general comment on two options for potential structures for the challenge process and explained that it intended to take the most effective parameters from the options presented, as well as possible additional alternatives offered by commenters, to assemble a “best in class” structure for the challenge process.<sup>6</sup> Dates for filing comments and reply comments were set as April 12, 2017 and April 27, 2017, respectively.<sup>7</sup>

4. On March 29, 2017, the Wireless Telecommunications Bureau and the Wireline Competition Bureau released a *Public Notice* proposing to provide additional information about the geographical areas eligible for MF-II support by releasing minimum advertised or expected 4G LTE speeds included in the December 31, 2015 and June 30, 2016 Form 477 filings (and any subsequent Form 477 filings) in order to facilitate Mobility Fund II analysis.<sup>8</sup> Form 477 filers were given a deadline of April 12, 2017 to provide a full justification in support of requests for confidential treatment of their 4G LTE mobile speeds, pursuant to Section 0.459(b) of the Commission’s rules.<sup>9</sup>

5. On April 7, 2017, CTIA filed a Motion for Extension of Time seeking to extend the comment deadlines for the *MF-II FNPRM* by 14 days, to April 26, 2017 and May 11, 2017, respectively.<sup>10</sup> CTIA also requested a 14-day extension of time for the April 12, 2017 deadline to file confidentiality justifications for previously-filed Form 477 data.<sup>11</sup> CTIA argues that a brief extension is consistent with precedent and the public interest because the extra time will allow the parties to 1) establish a full and complete record, and 2) better address technically complex and complicated questions. CTIA states that the additional time will increase the possibility of its developing an industry consensus proposal, which it claims will address the Commission’s goals and facilitate prompt resolution of the issues relating to the challenge process without any impact on the Commission’s anticipated timeline for resolving challenges.<sup>12</sup> Additionally, CTIA argues that an extension for the deadline to respond to the *Public Notice* regarding the release of Form 477 4G LTE speed data is also warranted insofar as the Commission has not yet established the parameters of the challenge process, and grant of an extension would harmonize the filing deadlines of these related matters.<sup>13</sup>

6. Section 1.46 of the Commission’s rules provides that “[i]t is the policy of the Commission that extensions of time shall not be routinely granted.”<sup>14</sup> Upon review of the arguments raised in this matter, we agree that a limited extension of the pleading cycle is warranted. We find that a brief extension of the filing deadlines to allow parties to build industry consensus will facilitate the compilation of a complete record and will further the Commission’s goal of reaching a prompt resolution of this matter. We further find that a 14-day extension of the deadline to submit justifications for confidentiality requests for the minimum advertised or expected 4G LTE mobile speeds included in their Form 477 filings is also warranted to allow the related deadlines to remain aligned.

7. Accordingly, IT IS ORDERED, pursuant to sections 4(i), 4(j), 5, and 303(r) of the

---

<sup>6</sup> *Id.* at para. 231.

<sup>7</sup> Federal Communications Commission, Connect America Fund; Universal Service Reform --Mobility Fund, Proposed Rule, 82 Fed. Reg. 13413 (rel. March 13, 2017).

<sup>8</sup> *WTB and WCB Propose to Release Form 477 4G LTE Mobile Speed Data to Facilitate Implementation of Mobility Fund II Support*, Public Notice, FCC 17-286 at para. 2, (March 29, 2017) (*MF-II Form 477 Data Release PN*).

<sup>9</sup> *Id.* at para. 4.

<sup>10</sup> *Motion for Extension* at 4.

<sup>11</sup> *Motion for Extension* at 5.

<sup>12</sup> *See Motion for Extension* at 2-4.

<sup>13</sup> *See Motion for Extension* at 5.

<sup>14</sup> 47 C.F.R. § 1.46.

Communications Act, as amended, 47 U.S.C. §§ 154(i), 154(j), 155, and 303(r), and sections 0.131, 0.331, 1.46, and 1.415 of the Commission's rules, 47 CFR §§ 0.131, 0.331, 1.46, and 1.415, that the Motion for Extension of Time filed by CTIA, IS GRANTED to the extent described herein, and the deadlines for filing comments in response to the *MF-II FNPRM* and justifications for confidentiality of Form 477 speed data are extended to April 26, 2017, and the deadline for filing reply comments to the *MF-II FNPRM* is extended until May 11, 2017.

## FEDERAL COMMUNICATIONS COMMISSION

James D. Schlichting  
Senior Deputy Chief  
Wireless Telecommunications Bureau