

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Implementation of Section 6002(b) of the Omnibus Budget Reconciliation Act of 1993)	WT Docket No. 09-66
)	
Annual Report and Analysis of Competitive Market Conditions With Respect to Mobile Wireless including Commercial Mobile Services)	
)	
Fostering Innovation and Investment in the Wireless Communications Market)	GN Docket No. 09-157
)	
A National Broadband Plan For Our Future)	GN Docket No. 09-51

To: Chief, Wireless Telecommunications Bureau

**CTIA – THE WIRELESS ASSOCIATION® AND PUBLIC KNOWLEDGE
JOINT REQUEST FOR EXTENSION OF REPLY COMMENT DEADLINES**

CTIA – The Wireless Association® (“CTIA”) and Public Knowledge respectfully submit the following request for (1) a 14-day extension of the reply comment deadline, currently set for October 15, 2009, in the above-captioned *CMRS Competition NOI* proceeding,¹ and (2) a 21-day extension of the reply comment deadline, also set for October 15, 2009, in the above-captioned *Innovation NOI* proceeding.²

¹ See *Implementation of Section 6002(b) of the Omnibus Budget Reconciliation Act of 1993; Annual Report and Analysis of Competitive Market Conditions With Respect to Mobile Wireless including Commercial Mobile Services*, WT Docket No. 09-66, Notice of Inquiry, FCC 09-67 (rel. Aug. 27, 2009) (“*CMRS Competition NOI*”).

² See *Fostering Innovation and Investment in the Wireless Communications Market*, GN Docket No. 09-157, *A National Broadband Plan For Our Future*, GN Docket No. 09-51, Notice of Inquiry, FCC 09-66 (rel. Aug. 27, 2009) (“*Wireless Innovation NOI*”).

The current date for reply comments in both proceedings is just 15 days after the initial comments were filed. Extending the reply comment deadlines through Thursday, October 29, 2009 for the *Competition NOI* proceeding, and Thursday, November 5, 2009 for the *Innovation NOI* proceeding, would serve the public interest by affording interested parties participating in the proceedings – as well as the *Consumer Information NOI* proceeding³ – a more feasible sequence of filing deadlines, thereby providing sufficient time to meaningfully address the detailed economic and technical analyses submitted in the initial round of comments.

As of this afternoon, nearly 100 total comments have appeared in the dockets for these proceedings, totaling nearly 3,000 pages, representing a broad cross-section of industry, consumer, and technology stakeholders, containing detailed economic and technical data and analyses – and, importantly, requiring meaningful and thoughtful consideration as parties develop and prepare their reply comments.⁴ The 15-day period for the concurrently-running reply comment deadlines simply provides insufficient time to evaluate the record in both proceedings and prepare meaningful, substantive comments on reply.

First, many of stakeholders’ business and economic analysts, engineering, and legal personnel are responsible for evaluating the record and preparing reply comments in both the *Competition NOI* and *Innovation NOI* proceedings. Even in the absence of any other factors, the sheer volume of the record in these dockets poses a significant challenge to digesting the record and formulating meaningful responses on reply.

³ See *Consumer Information and Disclosure*, CG Docket No. 09-158, *Truth-In-Billing and Billing Format*, CC Docket No. 98-170, *IP-Enabled Services*, WC Docket No. 04-36, Notice of Inquiry, FCC 09-68 (rel. Aug. 28, 2009) (“*Consumer Information NOI*”).

⁴ A review of the Commission’s Electronic Comment Filing System indicates that as of this afternoon, at least 29 parties filed comments in response to the *CMRS Competition NOI* and at least 67 parties filed comments in response to the *Innovation NOI*.

Second, CTIA is holding its annual International CTIA WIRELESS I.T. & ENTERTAINMENT® convention in San Diego, California for four days, from October 6th through 9th, during the 15-day reply comment period. Many of the industry personnel involved in both the *Innovation NOI* and *CMRS Competition NOI* proceedings will be in attendance to learn about many of the dynamic innovations, emerging applications and technologies, and wireless ecosystem developments at issue in those very proceedings (indeed, Chairman Genachowski is a scheduled keynote speaker at the show). Thus, not only will key personnel be stretched thin during this period, but the record gathered on reply would be enhanced if the Commission were to accommodate this key industry event through grant of a brief extension.

Third, and complicating matters further, many of the same personnel will also be preparing comments and reply comments in the Commission's *Consumer Information NOI* seeking comment on ways to protect and empower consumers in the communications marketplace – comments in that proceeding are due October 13 and replies are due October 28. Grant of the instant request, therefore, will result in the following, more manageable sequence of filing deadlines: October 13th (*Consumer Information NOI* Comments), October 28th (*Consumer Information NOI* reply comments), October 29th (*CMRS Competition NOI* reply comments) and November 5th (*Innovation NOI* Reply Comments).

For the foregoing reasons, grant of this request will better enable interested parties to review and evaluate the record submitted in the initial comment rounds.

CTIA and Public Knowledge recognize that requests to extend filing deadlines are not routinely granted, but the Commission has often found that a pleading cycle extension is warranted when necessary to ensure that the Commission receives full and informed responses and that affected parties have a meaningful opportunity to develop a complete record for the

Commission’s consideration.⁵ CTIA and Public Knowledge thus submit that 14- and 21-day extensions of the *Competition NOI* and *Innovation NOI* reply comment deadlines respectively will enable affected stakeholders – industry and consumer groups alike – to more thoroughly evaluate the initial comments and, in turn, provide more substantive information in the reply comment cycle. No parties will be prejudiced by such an extension, and the proposed reply dates will not undermine its efforts to prepare its statutorily-mandated CMRS Competition and National Broadband Plan reports to Congress.

⁵ See, e.g., *Wireless Telecommunications Bureau Grants Extension of Time to File Reply Comments on Commercial Mobile Radio Services Market Competition*, Public Notice, WT Docket No. 09-66, DA 09-1419 (WTB rel. June 24, 2009) (granting 14-day extension in earlier phase of this proceeding in order for “development of a complete record on the issues”); *Media Bureau Grants Extension of Time to File Comments and Reply Comments In Response to Broadcast Localism Notice of Proposed Rulemaking*, Public Notice, MB Docket No. 04-233, DA 08-515 (MB 2008) (“we agree that an extension of the comment and reply comment period is warranted to enable commenters to adequately review, investigate, and comment on the specific issues raised in the *NPRM* and respond to the extensive comments filed in response thereto”); *Reexamination of Roaming Obligations of Commercial Mobile Radio Service Providers*, Order, 20 FCC Rcd 19868, ¶ 3 (WTB 2005); *Service Rules for Advanced Wireless Services in the 2155-2175 MHz Band, Service Rules for Advanced Wireless Services in the 1915-1920 MHz, 1995-2000 MHz, 2020-2025 MHz and 2175-2180 MHz Bands*, Order, 23 FCC Rcd 10527, ¶ 4 (WTB 2008); *Elimination of Rate-of-Return Regulation of Incumbent Local Exchange Carriers, Federal-State Joint Board on Universal Service*, Order, 18 FCC Rcd 26307, ¶ 2 (WCB 2003); *Telephone Number Portability*, Order, 18 FCC Rcd 26604, ¶ 2 (WCB 2003).

For the foregoing reasons, the public interest is served by the requested 14-day extension of the reply comment deadline in the *CMRS Competition NOI*, to October 29, 2009, and 21-day extension of the reply comment deadline in the *Innovation NOI* to November 5, 2009.

Respectfully submitted,

/s/ Christopher Guttman-McCabe

Christopher Guttman-McCabe
Vice President, Regulatory Affairs

CTIA – THE WIRELESS ASSOCIATION®
1400 16th Street, NW
Suite 600
Washington, DC 20036
(202) 785-0081

/s/ Harold Feld

Harold Feld
Legal Director

PUBLIC KNOWLEDGE
1875 Connecticut Avenue, NW
Suite 650
Washington, DC 20009
(202) 986-2539

October 2, 2009