Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of	)	
	)	
Implementing the Infrastructure	)	GN Docket No. 22-69
Investment and Jobs Act: Prevention	)	
and Elimination of Digital	)	
Discrimination		

MOTION FOR EXTENSION OF TIME

Public Knowledge,[1] The Benton Institute for Broadband & Society,[2] Center for Accessible Technology, Common Cause, Common Sense Media,[3] Communications Workers of America, Electronic Frontier Foundation, Free Press,[4] The Greenlining Institute, the Lawyers' Committee for Civil Rights Under Law, MediaJustice, National Urban League, Next Century Cities, National Digital Inclusion Alliance, and TURN—The Utility Reform Network (collectively "Public Interest Advocates") file this timely Motion for Extension of Time pursuant to 47 C.F.R. § 1.46 to respectfully request a 30-day extension of the reply comment deadline in

[1] 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.

[2] The Benton Institute for Broadband & Society believes that communication policy—rooted in the values of access, equity, and diversity—has the power to deliver new opportunities and strengthen communities. These comments reflect the institutional view of the Benton Institute for Broadband & Society, and, unless obvious from the text, is not intended to reflect the views of its individual officers, directors, or advisors.

[3] Common Sense Media is the nation's leading nonprofit dedicated to improving the lives of kids and families in the digital age.

[4] Free Press has participated consistently and extensively in FCC broadband proceedings for the last two decades, in the belief that positive social change, racial justice and meaningful engagement in public life require equitable access to technology.

the above-captioned matter.[5] An extension, if granted, would move the reply comment date to April 20, 2023.

ARGUMENT

The issues that the Commission identified are complex and so are the comments it received. The Commission received 60 standard comments filed on the NPRM so far, accounting for nearly 1400 pages. Many of these comments address complex legal and policy questions.[6] Public Interest Advocates, and certainly others commenting in this proceeding, require additional time to adequately examine the record and provide responsive replies to the complex issues raised in the record. Granting a 30-day extension at this early stage will not significantly delay this process and will significantly improve the record for the FCC's consideration. On the other hand, not granting this motion will significantly curtail Public Interest Advocates' ability to fully participate in this proceeding.

Chairwoman Rosenworcel expressed the importance of stakeholder participation in this proceeding:

> Getting to final rules next year will require more engagement, more collaboration, and more work. The input we have received thus far from stakeholders is an awfully good start. But to get this right, we still need more input and ideas because we can't reach our goal of connecting everyone, everywhere unless we eliminate digital discrimination.[7]

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[5] F.C.C., Notice of Proposed Rulemaking, *In the Matter of Implementing the Infrastructure Investment and Jobs Act: Prevention and Elimination of Digital Discrimination*, GN Docket No. 22-69 (rel. Dec. 22, 2022) [hereinafter NPRM].

[6] *See e.g.*, Comments of TechFreedom, *In the Matter of Implementing the Infrastructure Investment and Jobs Act: Prevention and Elimination of Digital Discrimination*, GN Docket No. 22-69 (Feb. 21, 2023); Comments of Verizon, *In the Matter of Implementing the Infrastructure Investment and Jobs Act: Prevention and Elimination of Digital Discrimination*, GN Docket No. 22-69 (Feb. 21, 2023); Comments of NCTA—the Internet & Television Association, Benton Institute for Broadband & Society, and EPIC, *In the Matter of Implementing the Infrastructure Investment and Jobs Act: Prevention and Elimination of Digital Discrimination*, GN Docket No. 22-69 (Feb. 21, 2023); Comments of Public Knowledge, Benton Institute for Broadband & Society, and EPIC, *In the Matter of Implementing the Infrastructure Investment and Jobs Act: Prevention and Elimination of Digital Discrimination*, GN Docket No. 22-69 (Feb. 21, 2023).

[7] NPRM at 151 (Statement of Chairwoman Jessica Rosenworcel).

And, Commissioner Starks explained the magnitude of potential this proceeding has for the Commission and America writ-large:

> Much of what we do here at the FCC will last years, decades even. But some of what we do will impact generations of Americans. This is such a proceeding. Eradicating digital discrimination is not just a promise for today—it's also a guarantee for a more just and equitable future tomorrow.[8]

Chairwoman Rosenworcel and Commission Starks are right—if the Commission allows enough time for participants to properly review the record, the record in this proceeding will be more responsive to the complex legal and policy issues raised and provide robust replies for the record.

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."[9]

First, the original 30 days between the commenting deadline and the reply deadline is insufficient to address the complexities presented by both the NPRM and the comments that were received. This is the first time the Commission has opened a proceeding to address this new authority granted by Congress in the Infrastructure Act, which calls on the Commission to adopt "final rules to facilitate equal access to broadband internet access service."[10] The NPRM asked commenters questions about a wide breadth of issues—defining "digital discrimination of access," the Consumer Complaint Process, MTEs, Spectrum Policy, Tribal broadband access, municipal broadband, enforcement, etc. Each one of these issues is complex enough to warrant

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[8] *Id.* at 153 (Statement of Commissioner Geoffrey Starks).
[9] *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).
[10] 47 U.S.C. § 1754 (b).

its own proceeding—and many of these issues have had their own proceedings. Reviewing the comments that were received and forming thoughtful thorough responses requires time—and the standard 30 days is simply not enough.

Additionally, this extension should not impact the Commission's ability to meet its November 15, 2023 statutory deadline to complete its digital discrimination rules.[11] On the contrary, the extension will create a more "complete discussion of the matters pending before the Commission . . . . for the Commission to develop the most complete and well-delivered record possible."[12] By allowing participants extra time to reply, the Commission will ensure that it has a more complete record before it begins to finalize the rulemaking process. This ultimately will help the Commission by reducing the gaps in the record it will have to fill-in. It also potentially could help narrow the areas of disagreement among interested parties.

Finally, this brief extension will not prejudice any party. The Commission's statutory deadline to complete this proceeding provides a backstop that does not change regardless of whether the Commission grants this extension,[13] which ultimately prevents this extension from impacting the end date of this proceeding.

CONCLUSION

Because granting an extension will provide participants with sufficient time to analyze the complex issues presented by this proceeding, ensure that the Commission has a complete record to make its final digital discrimination rules, and will not impact the Commission's ability to meet its statutory deadline or prejudice any other parties, the Commission should extend the

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[11] *Id.*
[12] *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).
[13] *See* 47 U.S.C. § 1754(b).

reply deadline to April 20, 2023 in order to ensure that it has the most thorough record it can before adopting such monumental rules.

Respectfully submitted,

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Admitted to the Bar under D.C. App. R. 46-A (Emergency Examination Waiver)

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The Benton Institute for Broadband & Society

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March 13, 2023