

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
)
Targeting and Eliminating Unlawful Text Messages) CG Docket No. 21-402
)

**NATIONAL CONSUMER LAW CENTER AND CTIA
JOINT REQUEST FOR
EXTENSION OF REPLY COMMENT DEADLINE**

The National Consumer Law Center (NCLC),¹ on behalf of its low-income clients, and CTIA² respectfully request a brief, two-week extension of the 15-day reply comment period in the above-captioned proceeding regarding the protection of consumers from illegal and unwanted text messages.³

¹ NCLC is a national research and advocacy organization focusing on justice in consumer financial transactions, especially for low-income and elderly consumers. Attorneys for NCLC have advocated extensively to protect consumers' interests related to robocalls before the United States Congress, the FCC, and the federal courts. These activities have included testifying in numerous hearings before various congressional committees regarding how to control invasive and persistent robocalls, appearing before the FCC to urge strong interpretations of the Telephone Consumer Protection Act (TCPA), filing amicus briefs before the federal courts of appeals and the U.S. Supreme Court, representing the interests of consumers regarding the TCPA, and publishing a comprehensive analysis of the laws governing robocalls in National Consumer Law Center, *Federal Deception Law*, Chapter 6 (3d ed. 2017), updated at www.nclc.org/library.

² CTIA —The Wireless Association® (“CTIA”) (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.

³ *Targeting and Eliminating Unlawful Text Messages*, Notice of Proposed Rulemaking, FCC 22-72 (rel. Sept. 27, 2022) (“NPRM”).

Given the importance of this issue, an extension of the November 25, 2022, reply comment deadline is reasonable and warranted because the current reply comment period leaves insufficient time for parties to review the extensive comments in this complex proceeding and develop a complete record for the Commission’s consideration. The reply comment period is effectively cut in half by two federal holidays, Veterans Day and Thanksgiving Day, which fall within the reply comment period. These events create significant challenges to parties’ ability to review the record, formulate positions with internal stakeholders and constituent members, and draft reply comments that substantively respond to the initial comments. Because the initial comment deadline fell on the day before a federal holiday (Veterans Day), which was also a Friday, the Commission did not make a significant number of initial comments publicly available for parties to review until the following Monday—four days into the 15-day reply period. Thanksgiving Day cuts another day out of the reply period, and the reply deadline currently falls the day after Thanksgiving, which is effectively a holiday in many workplaces. The confluence of these facts leaves parties with little more than half the time in the allotted 15-day reply period to respond to the comments in the docket.⁴

The Commission has held that an extension of time is warranted where “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 This proceeding raises a variety of complex policy and technological issues regarding how best

⁴ The impact of the intervening holidays is shown in the attached Appendix.

⁵ *Location-Based Routing for 911 Calls*, Order, 33 FCC Rcd 4514, 4515 (PSHSB 2018), *citing Wireless E-911 Location Accuracy Requirements*, Order, 25 FCC Rcd 16879, 16880 (PSHSB 2010); *see also, e.g., Rates for Interstate Inmate Calling Services*, Order, 36 FCC Rcd 14607, 14609 (WCB 2021); *Protecting Against National Security Threats to the Communications Supply Chain Through FCC Programs*, Order, 35 FCC Rcd 2998, 2999 (WCB & OEA 2020).

to protect consumers against spam text messages. More than 30 parties filed initial comments in response to the NPRM, many of them lengthy. Without an extension, parties will not have sufficient time to analyze and respond to the information in other parties' comments in order to provide a complete record for the Commission's consideration. In addition, no party will be prejudiced by the brief extension proposed here.⁶ An extension in this case also is consistent with Commission precedent for extending comment and reply deadlines due to intervening holidays.⁷

In light of the foregoing, NCLC and CTIA respectfully request that the Commission grant a fourteen-day extension of the deadline for submitting reply comments on the NPRM, to December 9, 2022.

Respectfully submitted,

/s/ Margot Saunders

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**National Consumer Law Center, on behalf of
its low-income clients**

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⁶ See, e.g., *Inmate Calling Services*, *supra*, 36 FCC Rcd at 14609.

⁷ See, e.g., *Resilient Networks; Amendments to Part 4 of the Commission's Rules Concerning Disruptions to Communications*, Order, DA 21-1483 (PSHSB rel. Nov. 30, 2021); *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, Order, 36 FCC Rcd 13289 (WCB 2021).

APPENDIX
Reply Period Absent Extension

November 2022						
Sun	Mon	Tues	Weds	Thurs	Fri	Sat
				10 Initial Comments Filed	11 Veterans Day Holiday	12
13	14 All initial comments posted	15	16	17	18	19
20	21	22	23	24 Thanksgiving Holiday	25 Reply Comment Due Date	