

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

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| In the Matter of |) | |
| |) | |
| Petition of BellSouth Telecommunications, |) | |
| Inc. for Forbearance Under 47 U.S.C. § 160(c) |) | WC Docket No. 03-220 |
| From Application of Sections 251(c)(3), (4), |) | |
| and (6) in New-Build, Multi-Premises |) | |
| Developments |) | |

ORDER

Adopted: October 7, 2004

Released: October 7, 2004

By the Deputy Chief, Wireline Competition Bureau:

1. In this Order, pursuant to section 10(c) of the Communications Act of 1934, as amended (the Act),¹ we extend by 90 days the date by which the petition requesting forbearance filed by BellSouth Telecommunications, Inc. (BellSouth) shall be deemed granted in the absence of a Commission decision that the petition fails to meet the standards for forbearance under section 10(a) of the Act.

2. On October 8, 2003, BellSouth filed a petition requesting that the Commission forbear from applying sections 251(c)(3), (4), and (6) to the BellSouth facilities used to serve New-Build, Multi-Premise Developments, and to the services provided over such facilities to end users located in such developments.² Section 10(c) of the Act states that a petition for forbearance shall be deemed granted if the Commission does not deny the petition for failure to meet the requirements for forbearance under subsection (a) within one year after the Commission receives it, unless the one-year period is extended by the Commission. The Commission may extend the initial one-year period by an additional 90 days if the Commission finds that an extension is necessary to meet the requirements of subsection 10(a).³

3. The petition under review raises significant questions regarding whether forbearance from applying sections 251(c)(3), (4), and (6) to the BellSouth facilities used exclusively to serve New-Build, Multi-Premise Developments meets the statutory requirements set forth in section 10(a). The Bureau thus finds that a 90-day extension is warranted under section 10.

¹ 47 U.S.C. § 160(c).

² BellSouth's Petition for Forbearance Under 47 U.S.C. 160(c) in New-Build, Multi-Premise Developments, WC Docket No. 03-220 (filed Oct. 8, 2003).

³ See, e.g., *Petition of Ameritech Corporation for Forbearance from Enforcement of Section 275(a) of the Communications Act of 1934, As Amended*, CC Docket No. 98-65, Order, 14 FCC Rcd 6415 (Com. Car. Bur. 1999).

4. Accordingly, IT IS ORDERED, pursuant to section 10 of the Communications Act of 1934, as amended, 47 U.S.C. § 160, and authority delegated under sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91 and 0.291, that the date on which the petition seeking forbearance filed by BellSouth shall be deemed granted, in the absence of a Commission denial of the petition for failure to meet the statutory standards for forbearance, is extended to January 5, 2005.

FEDERAL COMMUNICATIONS COMMISSION

Michelle M. Carey
Deputy Chief, Wireline Competition Bureau