

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

In the Matter of)	
)	
Qwest Corporation's Petition for Forbearance in the)	WC Docket No. 04-223
Omaha Metropolitan Statistical Area)	
)	
)	

ORDER

Adopted: February 11, 2005

Released: February 11, 2005

By the 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 Qwest Corporation ("Qwest") 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

2. On June 21, 2004, Qwest filed a petition pursuant to section 10 of the Act requesting that the Commission forbear from applying the requirements of section 251(c) as well as sections 271(c)(2)(B)(i-vi) and (xiv) to its provision of telecommunications services in the Omaha, Nebraska Metropolitan Statistical Area (MSA).³ Furthermore, Qwest requests that the Commission forbear from regulating Qwest as a dominant carrier and as the incumbent local exchange carrier (LEC) in the Omaha MSA.⁴ 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.⁵ 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).⁶

3. Qwest's forbearance petition raises significant questions regarding whether forbearance from applying the requirements of section 251(c) and sections 271(c)(2)(B)(i-vi) and (xiv), and from applying regulation applicable to dominant carriers and incumbent LECs, regarding Qwest's provision of telecommunications services in the Omaha MSA meets the statutory requirements set forth in section 10(a). The Bureau thus finds that a 90-day extension is warranted under section 10(c).

¹ 47 U.S.C. § 160(c).

² 47 U.S.C. § 160(a).

³ Qwest Corporation Petition for Forbearance Pursuant to 47 U.S.C. § 160(c), WC Docket No. 04-223 (filed June 21, 2004) ("Qwest Petition" or "Petition").

⁴ See Qwest Petition at 1.

⁵ 47 U.S.C. § 160(c).

⁶ 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 Verizon 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 September 16, 2005.

FEDERAL COMMUNICATIONS COMMISSION

Jeffrey J. Carlisle
Chief, Wireline Competition Bureau