

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

In the Matter of)
TracFone Wireless, Inc.'s Petition for)
Forbearance from 47 U.S.C. § 214(e)(1)(A) and) CC Docket No. 96-45
47 C.F.R. § 54.201(i))
Federal-State Joint Board on Universal Service)

ORDER

Adopted: February 17, 2005

Released: February 17, 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), we extend by 90 days the date by which the petition requesting forbearance filed by TracFone Wireless, Inc. (TracFone) 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 June 8, 2004, TracFone filed a petition requesting that the Commission forbear from applying the requirements of 47 U.S.C. § 214(e)(1)(A) and 47 C.F.R. § 54.201(i) to the extent that those provisions require a common carrier designated as an eligible telecommunications carrier shall offer services supported by the Federal universal service support mechanisms using either its own facilities or a combination of its own facilities and another carrier's services. 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. TracFone's petition raises significant questions regarding whether forbearance from applying section 214 of the Act and section 54.201 of our rules meets the statutory requirements set forth in section 10(a) of the Act. 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 TracFone Wireless, Inc.'s Petition for Forbearance from 47 U.S.C. § 214(e)(1)(A) and 47 C.F.R. §54.201(i), WC Docket No. 96-45 (filed June 8, 2004).

4 47 U.S.C. § 160(c).

5 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 TracFone 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 6, 2005.

FEDERAL COMMUNICATIONS COMMISSION

Jeffrey J. Carlisle
Chief, Wireline Competition Bureau