

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

In the Matter of)
)
Petition of BellSouth Telecommunications,) WC Docket No. 05-342
Inc. For Forbearance Under 47 U.S.C. § 160)
From Enforcement of Certain of the)
Commission’s Cost Assignment Rules)

ORDER

Adopted: November 14, 2006

Released: November 14, 2006

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 BellSouth Telecommunications, Inc. on behalf of itself and its affiliates (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

2. On December 6, 2005, BellSouth filed a petition requesting that the Commission forbear from applying certain of its “cost assignment rules” to BellSouth.³ BellSouth seeks forbearance from: section 32.23 (Nonregulated activities); section 32.27 (Transactions with affiliates); Part 64 Subpart I (Allocation of costs); Part 36 (Jurisdictional separations procedures); Part 69, Subparts D and E (referred to as “cost apportionment rules”); and other related rules that are derivatives of, or dependent on, the foregoing rules.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 the petition, unless the Commission extends the one-year period.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 section 10(a).⁶

3. The petition under review raises significant questions regarding whether forbearance from application of certain of the Commission’s “cost assignment rules” 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 See 47 U.S.C. § 160(c).

² See 47 U.S.C. § 160(a).

³ Petition of BellSouth Telecommunications, Inc. For Forbearance Under 47 U.S.C § 160 From Enforcement of Certain of the Commission’s Cost Assignment Rules, WC Docket No. 05-342, at 1 (filed Dec. 6, 2006) (Petition) (Appendix 1 of the Petition lists each rule from which BellSouth seeks forbearance.).

⁴ See 47 CFR §§ 32.23, 32.27, 64 Subpart I, 36, and 69 Subparts D and E. Appendix 1 of the Petition lists each rule from which BellSouth seeks forbearance.

⁵ See 47 U.S.C. § 160(c).

⁶ See, e.g., *Petition of the Verizon Telephone Companies for Forbearance under 47 U.S.C. § 160(c) from Title II and Computer Inquiry Rules with Respect to Their Broadband Services*, WC Docket No. 04-440, Order, 20 FCC Rcd 20037 (Wireline Comp. Bur. 2005).

4. Accordingly, IT IS ORDERED that, 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 0.291,⁷ 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 March 6, 2007.

FEDERAL COMMUNICATIONS COMMISSION

Thomas J. Navin
Chief, Wireline Competition Bureau

⁷ See 47 U.S.C. § 155(c).