

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

In the Matter of)	
)	
Petition for Forbearance Under 47 U.S.C. § 160(c))	
from Application of Unbundling Rules that Limit)	WC Docket No. 05-170
Competitive Alternatives)	
)	

ORDER

Adopted: February 27, 2006

Released: February 27, 2006

By the Associate 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 XO Communications, Inc., Birch Telecom, Inc., BridgeCom International, Inc., Broadview Networks, Eschelon Telecom, Inc., NuVox Communications Inc., SNiP LiNK LLC, and Xspedius Communications, Inc. (“the CLEC Coalition”) 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 March 28, 2005, the CLEC Coalition filed a petition requesting that the Commission forbear from applying (1) the wire center-based test for DS1 loop impairment to “predominantly residential” and “small office” buildings; (2) the DS1 dedicated transport, ten-circuit cap to the use of DS1/DS1 enhanced extended links (EELs); and (3) eligibility criteria for the use of EELs. On July 13, 2005, the Commission released a Public Notice establishing a pleading cycle by which to examine the Petition. 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 Commission extends the one-year period.³ 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).⁴

3. The CLEC Coalition’s petition raises significant questions regarding whether forbearance from applying the relevant unbundling requirements, circuit caps, and eligibility requirements meet 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 47 U.S.C. § 160(c); *see Pleading Cycle Established for Comments on Petition for Forbearance of XO Communications, Inc., et al. Pursuant to 47 U.S.C. § 160(c)*, WC Docket No. 05-170, Public Notice, DA 05-2003 (rel. July 13, 2005).

⁴ *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 (CCB 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 the CLEC Coalition 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 June 25, 2006.

FEDERAL COMMUNICATIONS COMMISSION

Kirk S. Burgee
Associate Chief, Wireline Competition Bureau