

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

In the Matter of)	
)	
Petition of the Embarq Local Operating)	
Companies for Forbearance Pursuant to)	WC Docket No. 07-258
47 U.S.C. § 160(c) from the Contract Tariff)	
Filing Requirements of the Pricing Flexibility)	
Rules)	

ORDER

Adopted: September 26, 2008

Released: September 26, 2008

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 on which the Petition requesting forbearance filed by the Embarq Local Operating Companies (Embarq) 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.¹

2. On October 19, 2007, Embarq filed a Petition requesting that the Commission forbear from applying certain rules that require Embarq to file contract tariffs for price cap special access services in areas where the carrier has or may receive Phase I or Phase II pricing flexibility.² Specifically, Embarq requested that the Commission “forbear from the application of the contract tariff filing requirements contained in the pricing flexibility rules” as set forth in sections 61.55, 61.58, and 69.727(a).³ The Commission released a Public Notice establishing a comment cycle for the Petition on November 14, 2007.⁴

3. 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 section 10(a) within one year after the Commission receives the petition, unless the Commission extends the one-

¹ 47 U.S.C. §§ 160(a), (c).

² Petition of the Embarq Local Operating Companies for Forbearance Pursuant to 47 U.S.C. § 160(c) from the Contract Tariff Filing Requirements of the Pricing Flexibility Rules, WC Docket No. 07-258, at 2 (filed Oct. 19, 2007) (Petition).

³ Petition at 2; 47 C.F.R. §§ 61.55, 61.58, 69.727(a).

⁴ *Pleading Cycle Established for Comments on Embarq Petition for Forbearance Under 47 U.S.C. §160(c) from Contract Tariff Filing Requirements*, WC Docket No. 07-258, Public Notice, 22 FCC Rcd 19830 (WCB 2007).

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

4. The Petition under review raises significant questions regarding whether forbearance from the application of certain of the Commission's contract tariff filing and pricing flexibility rules meets the statutory requirements set forth in section 10(a). The Wireline Competition Bureau thus finds that a 90-day extension of the Petition is warranted under section 10(c).

5. Accordingly, IT IS ORDERED that, pursuant to section 10 of the Communications Act of 1934, as amended, 47 U.S.C. § 160, and the authority delegated under sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, the date on which the Petition seeking forbearance filed by the Embarq Local Operating Companies 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 17, 2009.

FEDERAL COMMUNICATIONS COMMISSION

Dana R. Shaffer
Chief, Wireline Competition Bureau

⁵ 47 U.S.C. §§ 160(a), (c).

⁶ 47 U.S.C. § 160(a), *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 (WCB 2005).