

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

In the Matter of)	
)	
Federal-State Joint Board on Universal Service)	CC Docket No. 96-45
)	
Virgin Mobile USA, L.P.)	
Petition for Forbearance)	

ORDER

Adopted: December 5, 2008

Released: December 5, 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),¹ we extend by 90 days the date by which the petition requesting forbearance filed by Virgin Mobile USA, L.P. (Virgin Mobile) 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 5, 2007, Virgin Mobile filed a petition requesting that the Commission forbear from applying the requirements of section 214(e)(1)(A) of the Act, to the extent that those provisions require a common carrier designated as an eligible telecommunication carrier to 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.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 subsection (a) within one year after the Commission receives it, unless the one-year period is extended by the Commission.⁴ 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).⁵

3. Virgin Mobile's petition raises significant questions regarding whether forbearance from applying section 214(e)(1)(A) of the Act meets the statutory requirements set forth in section 10(a) of the Act. A 90-day extension is therefore warranted under section 10(c) of the Act.⁶

¹ 47 U.S.C. § 160(c).

² 47 U.S.C. § 160(a).

³ Virgin Mobile USA, L.P. Petition for Forbearance Petition, CC Docket No. 96-45 (filed Dec. 5, 2007); 47 U.S.C. § 214(e)(1)(A).

⁴ 47 U.S.C. § 160(c).

⁵ *Id.*; 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. Bureau 1999).

⁶ 47 U.S.C. § 160(c).

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, that the date on which the petition seeking forbearance filed by Virgin Mobile USA, L.P. 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 5, 2009.

FEDERAL COMMUNICATIONS COMMISSION

Dana R. Shaffer
Chief
Wireline Competition Bureau