



# PUBLIC NOTICE

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## VERIZON 6 MSA FORBEARANCE PETITIONS WITHDRAWN; PROCEEDING TERMINATED

WC Docket No. 06-172

On December 4, 2007, the Commission denied six petitions filed by Verizon Telephone Companies (Verizon) seeking certain section 10 forbearance relief in the Boston, New York, Philadelphia, Pittsburgh, Providence, and Virginia Beach Metropolitan Statistical Areas (MSAs).<sup>1</sup> On January 14, 2008, Verizon filed an appeal of the *Verizon 6 MSA Forbearance Order* with the United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit). On June 19, 2009, the D.C. Circuit issued an opinion, remanding the *Verizon 6 MSA Forbearance Order* to the Commission.<sup>2</sup> Because the Commission relied on a substantially similar analytical framework in the *Qwest 4 MSA Forbearance Order*<sup>3</sup> as in the *Verizon 6 MSA Forbearance Order*, the Commission, on July 17, 2009, filed a motion requesting that the D.C. Circuit remand the *Qwest 4 MSA Forbearance Order*,<sup>4</sup> which the court granted on August 5, 2009.<sup>5</sup> Recently, on June 22, 2010, the Commission sought comment on how to address the two pending remand proceedings.<sup>6</sup> However, on August 20, 2010, Qwest withdrew its four petitions for forbearance and the Qwest 4 MSA remand proceeding was terminated.<sup>7</sup>

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<sup>1</sup> *Petitions of Verizon Telephone Companies for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Boston, New York, Philadelphia, Pittsburgh, Providence and Virginia Beach Metropolitan Statistical Areas*, WC Docket No. 06-172, Memorandum Opinion and Order, 22 FCC Rcd 21293, 21294, para. 1 (2007) (*Verizon 6 MSA Forbearance Order*), remanded, *Verizon Tel. Cos. v. FCC*, 570 F.3d 294 (D.C. Cir. 2009) (*Verizon v. FCC*).

<sup>2</sup> *Verizon v. FCC*.

<sup>3</sup> *Petitions of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Denver, Minneapolis-St. Paul, Phoenix, and Seattle Metropolitan Statistical Areas*, WC Docket No. 07-97, Memorandum Opinion and Order, 23 FCC Rcd 11729, 11730, para. 1 (2008) (*Qwest 4 MSA Forbearance Order*), remanded, *Qwest Corporation v. FCC*, No. 08-1257 (D.C. Cir. Aug. 5, 2009) (*Qwest Corporation v. FCC*).

<sup>4</sup> See Motion of the Federal Communications Commission for a Voluntary Remand, No. 08-1257, at 2 (D.C. Cir., filed July 17, 2009).

<sup>5</sup> *Qwest Corporation v. FCC*.

<sup>6</sup> See *Wireline Competition Bureau Seeks Comment on Applying the Qwest Phoenix Forbearance Order Analytic Framework in Similar Proceedings*, WC Docket Nos. 06-172, 07-97, Public Notice, DA 10-1115 (WCB June 22, 2010).

<sup>7</sup> *Qwest 4 MSA Forbearance Petitions Withdrawn; Proceeding Terminated*, WC Docket No. 07-97, Public Notice, DA 10-1561 (WCB Aug. 20, 2010).

On August 23, 2010, Verizon also withdrew its six petitions for forbearance.<sup>8</sup> In light of that action, the Verizon 6 MSA remand proceeding is now terminated and WC Docket No. 06-172 is closed effective upon release of this public notice.

Consequently, the comment cycle established in Public Notice DA 10-1115 is terminated as well.<sup>9</sup> Comments already received in response to that Public Notice on the application of the analytical framework used in the *Qwest Phoenix Forbearance Order* to other, similar requests for regulatory relief will be incorporated in the record of the next such proceeding, and interested parties can file additional comments in that regard at that time.

For further information, please contact Denise Coca at (202) 418-0574.

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<sup>8</sup> See Letter from Kathleen Grillo, Senior Vice President, Federal Regulatory Affairs, Verizon, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 06-172 (filed Aug. 23, 2010).

<sup>9</sup> *Wireline Competition Bureau Seeks Comment on Applying the Qwest Phoenix Forbearance Order Analytic Framework in Similar Proceedings*, WC Docket Nos. 06-172, 07-97, Public Notice, DA 10-1115 (WCB June 22, 2010).