

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

In the Matter of)	
)	
Telecommunications Carriers Eligible for)	WC Docket No. 09-197
Universal Service Support)	
)	
Petition for Forbearance of Zefcom, LLC d/b/a)	
Telispire PCS)	

ORDER

Adopted: December 15, 2011

Released: December 15, 2011

By the Chief, Wireline Competition Bureau:

1. On January 13, 2011, Zefcom, LLC d/b/a Telispire PCS (Telispire) filed a petition seeking forbearance from the facilities requirement of section 214(e)(1)(A) of the Communications Act of 1934, as amended, (the Act) for the limited purpose of receiving Lifeline support.¹ Telispire seeks forbearance not only on behalf of the mobile virtual network operators (MVNOs) it provides services to, but also to the entire class of other potential MVNOs that lack their own facilities and seek Lifeline support.² The Wireline Competition Bureau sought comment on Telispire’s petition. Two commenters opposed the petition for forbearance, raising questions about whether Telispire was entitled to seek such forbearance under section 10(c) of the Act and section 1.54 of the Commission’s rules and arguing that the petition did not meet the statutory criteria for forbearance.³ On November 14, 2011, Telispire submitted a request to withdraw its petition for forbearance and requested that the Commission dismiss its petition without prejudice.⁴ We grant the request to dismiss the petition and do not address the merits of Telispire’s forbearance request or the comments filed in opposition.

2. ACCORDINGLY, IT IS ORDERED, pursuant to section 1.59(b) of the Commission’s rules, 47 C.F.R. § 1.59(b), and the authority delegated under sections 0.91 and 0.291 of the Commission’s rules, 47 C.F.R. §§ 0.91, 0.291, that the request to withdraw the petition of Zefcom, LLC d/b/a Telispire PCS IS GRANTED and that the petition for forbearance filed on January 13, 2011 IS DISMISSED.

¹ See Petition for Forbearance of Zefcom, LLC d/b/a Telispire PCS., WC Docket No. 09-197 (filed Jan. 13, 2011) (Telispire Petition).

² Telispire Petition at 2. Telispire states that it is a mobile virtual network enabler that aggregates mobile virtual network operators in order to obtain volume discounts from Sprint and Verizon Wireless on a wholesale basis. Telispire Petition at 2.

³ See *Comment Sought on Zefcom, LLC d/b/a Telispire PCS Petition for Forbearance from Eligible Telecommunications Carrier Facilities Requirement*, WC Docket No. 09-197, Public Notice, 26 FCC Rcd 1657 (Wireline Comp. Bur. 2011) (Public Notice); Comments of the National Association of State Utility Consumer Advocates (NASUCA), WC Docket No. 09-197, filed Mar. 18, 2011; Opposition of PlatinumTel Communications, LLC, WC Docket No. 09-197, filed Mar. 18, 2011.

⁴ Motion to Withdraw Petition for Forbearance, WC Docket No. 09-197 (filed Nov. 14, 2011) (Telispire Withdrawal Request). Because Telispire filed its request to withdraw more than ten days after the due date for reply comments, such withdrawal requires approval. 47 C.F.R. § 1.59(b).

3. IT IS FURTHER ORDERED, pursuant to section 1.102(b)(1) of the Commission's rules, 47 C.F.R. § 1.102(b)(1), that this order SHALL BE effective upon release.

FEDERAL COMMUNICATIONS COMMISSION

Sharon E. Gillett
Chief
Wireline Competition Bureau