

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

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|-------------------------------------------------|---|----------------------|
| In the Matter of |) | |
| |) | |
| Telecommunications Carriers Eligible to Receive |) | WC Docket No. 09-197 |
| Universal Service Support |) | |
| |) | |
| NTCH, Inc. Petition for Forbearance |) | |

ORDER

Adopted: February 10, 2011

Released: February 10, 2011

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 by which the petition requesting forbearance filed by NTCH, Inc. (NTCH) 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 March 5, 2010, NTCH filed a petition requesting that the Commission forbear from applying the definition of service area contained in section 214(e)(5) of the Act, and section 54.207(b) of the Commission's rules.² 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.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. We conclude that additional time is required to fully examine whether the forbearance requested by NTCH meets the statutory requirements set forth in section 10(a) of the Act. A 90-day extension is therefore necessary under section 10(c) of the Act.⁵

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, 0.291, that the date on which the petition seeking forbearance filed by NTCH, Inc. 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 3, 2011.

¹ 47 U.S.C. § 160(a), (c); NTCH, Inc. Petition for Forbearance from 47 U.S.C. § 214(e)(5) and 47 C.F.R. § 54.207(b), WC Docket No. 09-197 (filed Mar. 5, 2010) (Petition).

² Petition at 1; *see* 47 U.S.C. § 214(e)(5); 47 C.F.R. § 54.207(b).

³ 47 U.S.C. § 160(c).

⁴ *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. Bur. 1999).

⁵ 47 U.S.C. § 160(c).

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

FEDERAL COMMUNICATIONS COMMISSION

Sharon E. Gillett
Chief
Wireline Competition Bureau