

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

In the Matter of)	
)	
Telecommunications Carriers Eligible for Support)	WC Docket No. 09-197
)	
Virgin Mobile USA, L.P. Petition for Forbearance)	

ORDER

Adopted: December 18, 2012

Released: December 18, 2012

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 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.¹

2. On January 13, 2012, Virgin Mobile filed a petition requesting that the Commission forbear from enforcing section 214(e)(5) of the Act and section 54.207 of the Commission's rules, so that it may seek designation as an eligible telecommunications carrier (ETC) for the limited purpose of participating in the Lifeline program, and continue to provide Lifeline service as an ETC in its designated service areas without seeking redefinition.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 10(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 Virgin Mobile 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 and 0.291, that the date on which the petition seeking forbearance filed by Virgin Mobile 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 April 15, 2013.

¹ 47 U.S.C. § 160(a), (c); Virgin Mobile USA, L.P. Petition for Forbearance, WC Docket No. 09-197 (filed Jan. 13, 2012) (Petition).

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

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

Julie A. Veach
Chief
Wireline Competition Bureau