

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

In the Matter of)
)
Petition of USTelecom for Forbearance Pursuant to) WC Docket No. 18-141
47 U.S.C. § 160(c) to Accelerate Investment in)
Broadband and Next-Generation Networks)
)

ORDER

Adopted: February 14, 2019

Released: February 14, 2019

By the Chief, Wireline Competition Bureau:

1. By 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 USTelecom – The Broadband Association (USTelecom) 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 Accordingly, the day on which the USTelecom Petition will be deemed granted in the absence of a Commission denial is August 2, 2019.

2. On May 4, 2018, USTelecom filed its Petition pursuant to section 10 of the Act requesting that the Commission grant “nationwide forbearance from outmoded regulatory mandates that distort competition and investment decisions.” Specifically, USTelecom seeks forbearance from statutory provisions and regulations falling into three categories: (1) “[incumbent local exchange carrier (ILEC)]-specific unbundling and resale mandates in Section 251(c)(3) and (4) and associated Section 251 and 252 obligations”; (2) “Section 272(e)(1)’s [Regional Bell Operating Company (RBOC)]-specific time interval requirements for nondiscriminatory treatment of affiliates and non-affiliates regarding requests for service, and the long-standing separate affiliate requirement for independent ILECs set out in Section 64.1903 of the Commission’s rules”; and (3) Section 271(c)(2)(B)(iii)’s RBOC-specific competitive checklist item regarding access to poles, ducts, conduit, and rights-of-way.”³

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 section 10(a) within one year after the Commission receives it, unless the Commission extends the one-year period.⁴ The Commission may extend the one-year period by an additional 90 days if the Commission finds that an extension is necessary to meet the requirements of section 10(a).⁵

4. The USTelecom Petition raises significant questions about whether forbearance from the application of the statutory and regulatory requirements set forth in the Petition meets the statutory

¹ 47 U.S.C. § 160(c).

² 47 U.S.C. § 160(a), (c); Petition of USTelecom for Forbearance Pursuant to 47 U.S.C. § 160(c) to Accelerate Investment in Broadband and Next-Generation Networks, WC Docket No. 18-141 (filed May 4, 2018) (Petition).

³ Id. at 2.

⁴ 47 U.S.C. § 160(c).

⁵ Id.

requirements set forth in section 10(a) of the Act.⁶ We conclude that additional time is required to fully examine whether the forbearance request meets those statutory requirements and, accordingly, find that a 90-day extension is warranted under section 10(c) of the Act.

5. Accordingly, IT IS ORDERED that, pursuant to section 10 of the Communications Act of 1934, as amended, 47 U.S.C. § 160, and sections 0.91 and 0.291 of the Commission’s rules, 47 C.F.R. §§ 0.91, 0.291, the date on which the petition seeking forbearance filed by USTelecom shall be deemed granted, in the absence of a Commission denial of the petition for failure to meet the statutory requirements for forbearance, IS EXTENDED to August 2, 2019.

6. 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

Kris Anne Monteith
Chief
Wireline Competition Bureau

⁶ 47 U.S.C. § 160(a).