

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

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

ORDER

Adopted: June 18, 2019

Released: June 18, 2019

By the Chief, Wireline Competition Bureau:

1. On May 4, 2018, USTelecom—The Broadband Association (USTelecom) filed the above-captioned petition for forbearance, in which it seeks relief from three categories of requirements applicable to incumbent local exchange carriers (LECs) or subsets thereof.¹ One category includes incumbent LEC-specific unbundled network element (UNE) and resale mandates in sections 251(c)(3) and (4) and associated obligations under sections 251 and 252 of the Communications Act.²

2. On June 17, 2019, USTelecom filed a request for approval to narrowly withdraw its request for forbearance relief from “dark fiber transport unbundling requirements.”³ USTelecom seeks to withdraw this portion of the Petition “without prejudice as to further action, including re-filing claims relating to dark fiber.”⁴ The Wireline Competition Bureau hereby grants this request and dismisses the withdrawn portion of the petition without prejudice.⁵

¹ 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); *see also Pleading Cycle Established for Comments on USTelecom’s Petition for Forbearance from Section 251(c) Unbundling and Resale Requirements and Related Obligations, and Remaining Sections 271 and 272 Requirements*, WC Docket No. 18-141, Public Notice, DA 18-475 (WCB May 8, 2018) (enumerating the three categories of requirements covered by the petition). The Commission issued an order on April 15, 2019 granting USTelecom’s requested relief for two of the three categories of relief related to sections 271 and 272 requirements. *See Petition of USTelecom for Forbearance Pursuant to 47 U.S.C. § 160(c) to Accelerate Investment in Broadband and Next-Generation Networks; 2000 Biennial Regulatory Review Separate Affiliate Requirements of Section 64.1903 of the Commission’s Rules*, WC Docket No. 18-141, CC Docket No. 00-175, Memorandum Opinion and Order, FCC 19-31 (rel. Apr. 15, 2019).

² 47 U.S.C. §§ 251, 252; *see also* Petition at 24-33, App. A-1.

³ *See* Letter from Patrick R. Halley, Sr. V.P., Policy & Advocacy, USTelecom—The Broadband Association, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 18-141 (filed June 17, 2019).

⁴ *Id.*

⁵ *See* 47 C.F.R. §§ 0.91, 0.291; *see also Petition for Forbearance of USTelecom Pursuant to 47 U.S.C. § 160(c) from Enforcement of Obsolete ILEC Legacy Regulations That Inhibit Deployment of Next-Generation Networks*, WC Docket No. 14-192, Order, 30 FCC Rcd 13272 (Wireline Comp. Bur. 2015); *Petition for Forbearance of Zefcom, LLC d/b/a/ Telispire PCS*, WC Docket No. 09-197, Order, 26 FCC Rcd 16843 (Wireline Comp. Bur. 2011); (continued...)

3. ACCORDINGLY, IT IS ORDERED, pursuant to section 1.59(b) of the Commission's rules, 47 C.F.R. § 1.59(b), and sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, that the June 17, 2019 request of USTelecom to withdraw the request in its May 4, 2018 petition for forbearance from dark fiber transport unbundling requirements IS GRANTED and that the withdrawn portion of the petition IS DISMISSED WITHOUT PREJUDICE.

4. 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

Kris Anne Monteith
Chief
Wireline Competition Bureau

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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, Order, 26 FCC Rcd 6735 (Wireline Comp. Bur. 2011).