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

In the Matter of)
)
Review of Regulatory Requirements for)
Incumbent LEC Broadband) CC Docket No. 01-337
Telecommunications Services)

ORDER

Adopted: October 3, 2002

Released: October 3, 2002

By the Wireline Competition Bureau:

1. In 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 SBC Communications Inc. (SBC) 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. On October 3, 2001, SBC filed a Petition for Expedited Ruling That It Is Non-Dominant in Its Provision of Advanced Services and for Forbearance from Dominant Carrier Regulation of Those Services (SBC Petition). The Commission incorporated this petition into the Notice of Proposed Rulemaking in the above-captioned proceeding that initiated an examination of the appropriate regulatory requirements for the provision of domestic broadband telecommunications services by incumbent local exchange carriers.²

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 subsection (a) within one year after the Commission receives it, unless the one year period is extended by the Commission. 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).³

4. The petition under review raises significant questions regarding whether forbearance from dominant carrier regulation of SBC's provision of advance services meets the

¹ 47 U.S.C. § 160(c).

² *Review of Regulatory Requirements for Incumbent LEC Broadband Telecommunications Services*, CC Docket No. 01-337, Notice of Proposed Rulemaking, 16 FCC Rcd 22745 (2001) (*Incumbent LEC Broadband Notice*).

³ *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 (Comm. Car. Bur. 1999).

statutory requirements set forth in section 10(a). The Bureau thus finds that a 90-day extension is warranted under section 10.

5. 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 SBC Communications 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 December 31, 2002.

FEDERAL COMMUNICATIONS COMMISSION



Jeffrey J. Carlisle
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Wireline Competition Bureau