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

FCC MAIL ROOM
JUN 24 3 50 AM '04

In the Matter of)
)
Petition of Core Communications, Inc. for)
Forbearance Under 47 U.S.C. § 160(c) from)
Application of the *ISP Remand Order*)

WC Docket No. 03-171

ORDER

Adopted: June 22, 2004

Released: June 23, 2004

By the Senior Deputy Chief, 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 Core Communications, Inc. (Core) 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

2. On July 14, 2003, Core filed a petition requesting the Commission to forbear from enforcing the provisions of the *ISP Remand Order*.³ Core argues that the *ISP Remand Order* has no basis in law and discriminates against and among competitive local exchange carriers (competitive LECs) in favor of the Bell Operating Companies in a manner that is wholly inconsistent with the policy goals of the Act.⁴ Moreover, according to Core, "the anticompetitive impact of the *ISP Remand Order* has dealt a crushing blow to [competitive LECs], the telecommunications industry, and the broader national economy."⁵

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.⁶ 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).⁷

¹ 47 U.S.C. § 160(c).

² See 47 U.S.C. § 160(a).

³ *Core Communications, Inc. Petition for Forbearance Under 47 U.S.C. § 160(c) from Application of the ISP Remand Order*, WC Docket No. 03-171, at 1 (filed July 14, 2003) (referencing *Intercarrier Compensation for ISP-Bound Traffic*, CC Docket No. 99-68, Order on Remand and Report and Order, 16 FCC Rcd 9151 (2001) (*ISP Remand Order*), remanded, *WorldCom v. FCC*, 288 F.3d 429 (D.C. Cir. 2002), cert. denied, 123 S. Ct. 1927 (2003)).

⁴ *Id.* at 2-3.

⁵ *Id.* at 3.

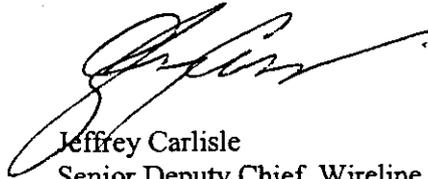
⁶ 47 U.S.C. § 160(c).

⁷ *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).

4. The petition under review raises significant questions regarding whether forbearance from application of the *ISP Remand Order* meets the statutory requirements set forth in section 10(a). Thus, the Bureau finds that a 90-day extension is warranted under section 10(c).

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, 0.291, that the date on which the petition seeking forbearance filed by Core 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 October 11, 2004.

FEDERAL COMMUNICATIONS COMMISSION



Jeffrey Carlisle
Senior Deputy Chief, Wireline Competition Bureau