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

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DISPATCH

In the Matter of )

SBC Communications Inc.'s Petition for  
 Forbearance Under 47 U.S.C. § 160(c) from  
 Application of Section 271 )

WC Docket No. 03-235

**ORDER**

Adopted: November 5, 2004

Released: November 5, 2004

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),<sup>1</sup> 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.<sup>2</sup>

2. On November 6, 2003, SBC filed a petition requesting that the Commission forbear from applying the requirements of section 271(c)(2)(B)<sup>3</sup> to the extent, if any, that those provisions impose unbundling obligations on SBC that this Commission has determined should not be imposed on incumbent local exchange carriers pursuant to section 251(c)(3).<sup>4</sup> On October 27, 2004, the Commission released an order granting SBC's petition to the extent that it requested forbearance with respect to broadband network elements, specifically fiber-to-the-home loops, fiber-to-the-curb loops, the packetized functionality of hybrid loops, and packet switching.<sup>5</sup> SBC's petition remains pending to the extent that it requests forbearance from the requirements of section 271(c)(2)(B) with respect to other network elements. 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

<sup>1</sup> 47 U.S.C. § 160(c).

<sup>2</sup> 47 U.S.C. § 160(a).

<sup>3</sup> 47 U.S.C. § 271(c)(2)(B).

<sup>4</sup> *SBC Communications, Inc.'s Petition for Forbearance Under 47 U.S.C. § 160(c)*, WC Docket No. 03-235 (filed Nov. 6, 2003).

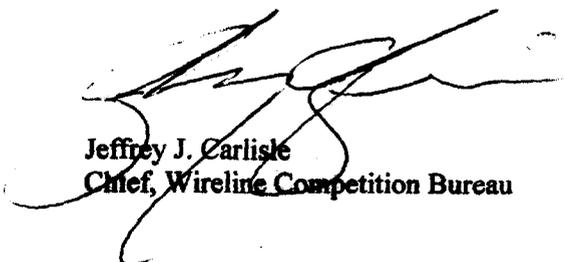
<sup>5</sup> *Petition for Forbearance of the Verizon Telephone Companies Pursuant to 47 U.S.C. § 160(c)*, WC Docket No. 01-338, *SBC Communications Inc.'s Petition for Forbearance Under 47 U.S.C. § 160(c)*, WC Docket No. 03-235, *Qwest Communications International Inc. Petition for Forbearance Under 47 U.S.C. § 160(c)*, WC Docket No. 03-260, *BellSouth Telecommunications, Inc. Petition for Forbearance Under 47 U.S.C. § 160(c)*, WC Docket No. 04-48, Memorandum Opinion and Order, FCC 04-254 (rel. Oct. 27, 2004).

the Commission.<sup>6</sup> 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).<sup>7</sup>

3. The portion of the petition still under review raises significant questions regarding whether forbearance from applying section 271 to network elements that need not be unbundled under section 251(c)(3) meets the statutory requirements set forth in section 10(a). The Bureau thus finds that a 90-day extension is warranted under section 10(c).

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 SBC 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 February 3, 2005.

## FEDERAL COMMUNICATIONS COMMISSION



Jeffrey J. Carlisle  
Chief, Wireline Competition Bureau

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<sup>6</sup> 47 U.S.C. § 160(c).

<sup>7</sup> 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).