

FCC 04-3844

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

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In the Matter of)	
)	
Petition of SBC Communications Inc.)	WC Docket No. 04-29
for Forbearance from the Application of Title II)	
Common Carrier Regulation to IP Platform)	
Services)	

ORDER

Adopted: December 7, 2004

Released: December 7, 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),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
2. On February 5, 2004, SBC filed a Petition for Forbearance from the Application of Title II Common Carrier Regulation to IP Platform Services (SBC Petition).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).⁴
3. The petition under review raises significant questions regarding whether forbearance from application of Title II common carrier regulation to IP platform services meets the statutory requirements set forth in section 10(a). The Bureau thus finds that a 90-day extension is warranted under section 10.
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, 0.291, that the date on which the petition seeking forbearance filed by SBC shall

¹ 47 U.S.C. § 160(c).

² 47 U.S.C. § 160(a).

³ Petition of SBC Communications Inc. for Forbearance from the Application of Title II Common Carrier Regulation to IP Platform Services, WC Docket No. 04-29 (filed Feb. 5, 2004).

⁴ 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).

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 May 5, 2005.

FEDERAL COMMUNICATIONS COMMISSION



Jeffrey J. Carlisle
Chief, Wireline Competition Bureau