

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

In the Matter of)	
)	
BellSouth Corporation's Petition for Forbearance)	WC Docket No. <u>04-313</u>
Under 47 U.S.C. § 160(c) from Enforcement of)	
Section 252 with Respect to Non-251 Agreements)	CC Docket No. 01-338
)	

ORDER

Adopted: February 11, 2005

Released: February 11, 2005

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 BellSouth Corporation ("BellSouth") 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 May 27, 2004, BellSouth filed a petition with the Commission seeking forbearance from section 252 with respect to commercially negotiated agreements for the provision of wholesale services that are not required under section 251 ("Non-251 Agreements").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.⁴ 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).⁵

3. BellSouth's forbearance petition raises significant questions regarding whether forbearance from section 252 for Non-251 Agreements 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

¹ 47 U.S.C. § 160(c).

² 47 U.S.C. § 160(a).

³ *Petition for Forbearance Under 47 U.S.C. § 160(c) from Enforcement of Section 252 with Respect to Non-251 Agreements*, WC Docket No. 04-313, CC Docket No. 01-338 (filed May 27, 2004) (BellSouth Forbearance Petition).

⁴ 47 U.S.C. § 160(c).

⁵ 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).

BellSouth 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 August 24, 2005.

FEDERAL COMMUNICATIONS COMMISSION


Jeffrey J. Carlisle
Chief, Wireline Competition Bureau

