

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

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In the Matter of)
)
Petition of ACS of Anchorage, Inc. Pursuant to)
Section 10 of the Communications Act of 1934, as)
Amended, for Forbearance from Sections 251(c)(3))
and 252(d)(1) in the Anchorage LEC Study Area)

WC Docket No. 05-281

ORDER

Adopted: August 25, 2006

Released: August 25, 2006

By the 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 ACS of Anchorage, Inc. (ACS), 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 September 30, 2005, ACS filed a petition requesting that the Commission forbear from applying the unbundling obligations of section 251(c)(3) of the Act as they apply to ACS's Anchorage local exchange carrier (LEC) study area, and the application of the related section 252(d)(1) pricing standards for unbundled network elements.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 Commission extends the one-year period.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. The petition under review raises significant questions regarding whether forbearance from the application of sections 251(c)(3) and 252(d)(1) 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 that, 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 0.291,⁶ the date on which ACS's petition seeking forbearance

¹ 47 U.S.C. § 160(c).

² 47 U.S.C. § 160(a).

³ Petition of ACS of Anchorage, Inc. Pursuant to Section 10 of the Communications Act of 1934, as Amended, for Forbearance from Sections 251(c)(3) and 252(d)(1) in the Anchorage LEC Study Area, WC Docket No. 05-281 (filed Sept. 30, 2005). ACS filed an amended petition on October 6, 2005.

⁴ 47 U.S.C. § 160(c).

⁵ See *id.*

⁶ See 47 U.S.C. § 155(c).

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 28, 2006.

FEDERAL COMMUNICATIONS COMMISSION

Julie A. Veach
Deputy Chief, Wireline Competition Bureau