

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

In the Matter of )  
)  
)  
Petition of ACS of Anchorage, Inc. Pursuant to )  
Section 10 of the Communications Act of 1934, as )  
Amended (47 U.S.C. § 160(c)), for Forbearance )  
from Certain Dominant Carrier Regulation of Its )  
Interstate Access Services, and for Forbearance )  
from Title II Regulation of Its Broadband )  
Services, in the Anchorage, Alaska, Incumbent )  
Local Exchange Carrier Study Area )

DOCKET FILE COPY DUPLICATE

WC Docket No. 06-109

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## ORDER

Adopted: April 17, 2007

Released: April 17, 2007

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 ACS of Anchorage, Inc. (ACS),<sup>2</sup> 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>3</sup>

2. On May 22, 2006, ACS filed a petition requesting forbearance from certain dominant carrier regulation of its interstate access services in the Anchorage, Alaska incumbent local exchange carrier study area (Anchorage study area), consistent with the relief that the Commission granted to Qwest Corporation in the Omaha, Nebraska Metropolitan Statistical Area.<sup>4</sup> ACS also seeks forbearance from Title II regulation of its broadband services in the Anchorage study area, consistent with the relief deemed granted to Verizon Telephone Companies by operation of law on March 19, 2006.<sup>5</sup>

<sup>1</sup> 47 U.S.C. § 160(c).

<sup>2</sup> Petition of ACS of Anchorage, Inc. Pursuant to Section 10 of the Communications Act of 1934, as Amended (47 U.S.C. § 160(c)), for Forbearance from Certain Dominant Carrier Regulation of Its Interstate Access Services, and for Forbearance from Title II Regulation of Its Broadband Services, in the Anchorage, Alaska, Incumbent Local Exchange Carrier Study Area, WC Docket No. 06-109 (filed May 22, 2006) (ACS Petition).

<sup>3</sup> 47 U.S.C. § 160(a).

<sup>4</sup> ACS Petition at 3 & Appendix A; see also *Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Omaha Metropolitan Statistical Area*, WC Docket No. 04-223, Memorandum Opinion and Order, 20 FCC Rcd 19415, 19434-36, paras. 39-43 (2005).

<sup>5</sup> ACS Petition at 6; see also *Verizon Telephone Companies' Petition for Forbearance from Title II and Computer Inquiry Rules with Respect to Their Broadband Services Is Granted by Operation of Law*, WC Docket No. 04-440, Press Release (rel. Mar. 20, 2006); *Petition of the Verizon Telephone Companies for Forbearance Under 47 U.S.C. § 160(c) from Title II and Computer Inquiry Rules with Respect to Their Broadband Services*, WC Docket No. 04-440 (filed Dec. 20, 2004); Letter from Edward Shakin, Vice President and Associate General Counsel, Verizon, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 04-440 (filed Feb. 7, 2006); Letter from Susanne Guyer, Senior Vice President, Federal Regulatory Affairs, Verizon, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 04-440 (filed Feb. 17, 2006).

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 section 10(a) within one year after the Commission receives it, unless the Commission extends the one-year period.<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 section 10(a).<sup>7</sup>

4. The petition under review raises significant questions regarding whether forbearance from application of certain of the Commission's dominant carrier rules to ACS's interstate access services in the Anchorage study area, and Title II regulation of ACS's broadband services in the Anchorage study area 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).

5. 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, 0.291,<sup>8</sup> the date on which the petition seeking forbearance filed by ACS 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 20, 2007.

FEDERAL COMMUNICATIONS COMMISSION

Thomas J. Navin  
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 (CCB 1999).

<sup>8</sup> See 47 U.S.C. § 155(c).