DOCKET FILE COPY ORIGINAL

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

MAILED
MAR 10 2010
FCC Mail Room

In the Matter of	)	
	)	
Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Phoenix, Arizona Metropolitan Statistical Area	)))	WC Docket No. 09-135

ORDER

Adopted: March 2, 2010 **Released: March 2, 2010**

By the Associate 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 Qwest Corporation (Qwest),[2] 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.[3]

2. On March 24, 2009, Qwest filed a petition pursuant to section 10 of the Act requesting that the Commission forbear from applying to Qwest certain obligations in the Phoenix-Mesa-Scottsdale Metropolitan Statistical Area (Phoenix MSA).[4] Specifically, Qwest seeks forbearance from loop and transport unbundling obligations pursuant to sections 251(c) and 271(c)(2)(B)(ii) of the Act; Part 61 dominant carrier tariffing requirements; Part 61 price cap regulation; and dominant carrier requirements arising under section 214 of the Act and Part 63 of the Commission's rules concerning the processes for acquiring lines, discontinuing services, and assignment or transfer of control.[5] Qwest also requests forbearance from Computer III requirements, including Comparably Efficient Interconnection (CEI) and Open Network Architecture (ONA) requirements for its mass market and enterprise switched access services "to the extent that Qwest offers information services in conjunction with such services" and "any remaining BOC-specific Computer III obligations."[6]

---

[1] 47 U.S.C. § 160(c).

[2] Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Phoenix, Arizona Metropolitan Statistical Area, WC Docket No. 09-135 (filed Mar. 24, 2009) (Qwest Phoenix MSA Petition).

[3] 47 U.S.C. § 160(a).

[4] Qwest Phoenix MSA Petition at 1-11.

[5] *See id.* at 7-10.

[6] *Id.* at 11. Qwest proposes certain conditions that it would be "willing to accept" if the Commission were to grant the requested forbearance relief. *Id.* at 8-10. We note that the remands by the D.C. Circuit of the *Verizon 6 MSA Forbearance Order* and the *Qwest 4 MSA Forbearance Order* are relevant to the Qwest Phoenix MSA Petition because in both the *Verizon 6 MSA Forbearance Order* and the *Qwest 4 MSA Forbearance Order* the Commission considered whether to grant forbearance relief from the same unbundling requirements for which Qwest is now seeking forbearance in the Phoenix MSA. *See Petitions of Verizon Telephone Companies for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Boston, New York, Philadelphia, Pittsburgh, Providence and Virginia Beach Metropolitan Statistical Areas, Inc.*, WC Docket No. 06-172, Memorandum Opinion and Order, 22 FCC Rcd 21293, 21294, para. 1 (2007) (*Verizon 6 MSA Forbearance Order*) (noting Verizon's request for forbearance from loop and

(continued....)

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.[7] 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).[8]

4. The Qwest Phoenix MSA Petition raises significant questions regarding whether forbearance from application of certain statutory and regulatory requirements for Qwest's provision of telecommunications services in the Phoenix MSA 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,[9] the date on which the petition seeking forbearance filed by Qwest 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 June 22, 2010.

FEDERAL COMMUNICATIONS COMMISSION

Marcus Maher

Marcus Maher
Associate Bureau Chief
Wireline Competition Bureau

(...continued from previous page)
transport unbundling obligations under section 251(c)(3) of the Act), *remanded, Verizon Tel. Cos. v. FCC*, 570 F.3d 294 (D.C. Cir. 2009) (*Verizon v. FCC*); *Petitions of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Denver, Minneapolis-St. Paul, Phoenix, and Seattle Metropolitan Statistical Areas*, WC Docket No. 07-97, Memorandum Opinion and Order, 23 FCC Rcd 11729, 11730, para. 1 (2008) (*Qwest 4 MSA Forbearance Order*) (noting Qwest's request for forbearance in the 4 MSAs, including Phoenix, from loop and transport unbundling obligations pursuant to sections 251(c) and 271(c)(2)(B)(ii) of the Act), *remanded, Qwest Corp. v. FCC*, No. 08-1257 (D.C. Cir. Aug. 5, 2009) (*Qwest Corporation v. FCC*).

[7] 47 U.S.C. § 160(c).

[8] *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).

[9] *See* 47 U.S.C. § 155(c).