



PUBLIC NOTICE

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QWEST 4 MSA FORBEARANCE PETITIONS WITHDRAWN; PROCEEDING TERMINATED

WC Docket No. 07-97

On July 25, 2008, the Commission denied four petitions filed by Qwest Corporation (Qwest) seeking certain section 10 forbearance relief in the Denver, Minneapolis-St. Paul, Phoenix, and Seattle Metropolitan Statistical Areas (MSAs).¹ On July 29, 2008, Qwest filed an appeal of the *Qwest 4 MSA Forbearance Order* with the United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit). During the pendency of that appeal, on June 19, 2009, the D.C. Circuit issued an opinion, remanding the related *Verizon 6 MSA Forbearance Order* to the Commission.² Because the Commission relied on a substantially similar analytical framework in the *Qwest 4 MSA Forbearance Order* as in the *Verizon 6 MSA Forbearance Order*, the Commission, on July 17, 2009, filed a motion requesting that the D.C. Circuit remand the *Qwest 4 MSA Forbearance Order*,³ which the court granted on August 5, 2009.⁴ Recently, on June 22, 2010, the Commission sought comment on how to address the two pending remand proceedings.⁵

On August 17, 2010, Qwest withdrew its four petitions for forbearance. In light of that action, the Qwest 4 MSA remand proceeding is now terminated and WC Docket No. 07-97 is closed effective upon release of this public notice.⁶

For further information, please contact Denise Coca at (202) 418-0574.

¹ *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 Red 11729, 11730, para. 1 (2008) (*Qwest 4 MSA Forbearance Order*), remanded, *Qwest Corporation v. FCC*, No. 08-1257 (D.C. Cir. Aug. 5, 2009) (*Qwest Corporation v. FCC*).

² *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*, WC Docket No. 06-172, Memorandum Opinion and Order, 22 FCC Red 21293, 21294, para. 1 (2007) (*Verizon 6 MSA Forbearance Order*), remanded, *Verizon Tel. Cos. v. FCC*, 570 F.3d 294 (D.C. Cir. 2009).

³ See Motion of the Federal Communications Commission for a Voluntary Remand, No. 08-1257, at 2 (D.C. Circuit, filed July 17, 2009).

⁴ *Qwest Corporation v. FCC*.

⁵ See *Wireline Competition Bureau Seeks Comment on Applying the Qwest Phoenix Forbearance Order Analytic Framework in Similar Proceedings*, WC Docket Nos. 06-172, 07-97, Public Notice, DA 10-1115 (WCB rel. June 22, 2010).

⁶ See Letter from Harisha J. Bastiampillai, Senior Attorney, Qwest, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 07-97 (filed Aug. 17, 2010).