

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

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|---------------------------------------|---|---------------------|
| In the Matter of |) | |
| |) | |
| Petition of the Verizon Telephone |) | WC Docket No. 08-49 |
| Companies for Forbearance Pursuant to |) | |
| 47 U.S.C. § 160(c) in Cox's Service |) | |
| Territory in the Virginia Beach |) | |
| Metropolitan Statistical Area |) | |

ORDER

Adopted: February 27, 2009

Released: February 27, 2009

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 the Verizon Telephone Companies (Verizon),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 31, 2008, Verizon filed a petition pursuant to section 10 of the Act requesting that the Commission forbear from applying to Verizon certain obligations in the portion of Verizon's incumbent local service territory in the Virginia Beach Metropolitan Statistical Area (MSA) where Cox Communications, Inc. (Cox) is the incumbent cable operator.⁴ Specifically, Verizon seeks forbearance from loop and transport unbundling obligations pursuant to 47 U.S.C. § 251(c);⁵ Part 61 dominant carrier tariffing requirements;⁶ Part 61 price cap regulations;⁷ *Computer III* requirements including CEI and ONA requirements; 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, assignment or transfers of control, and acquiring affiliations.⁸

¹ 47 U.S.C. § 160(c).

² Petition of the Verizon Telephone Companies for Forbearance Pursuant to 47 U.S.C. § 160(c) in Cox's Service Territory in the Virginia Beach Metropolitan Statistical Area, WC Docket No. 08-49 (filed Mar. 31, 2008) (Verizon Virginia Beach Petition). The Verizon companies participating in this filing are Verizon Virginia Inc. and Verizon South Inc. *Id.* at 1 n.1.

³ 47 U.S.C. § 160(a).

⁴ Specifically, Verizon seeks forbearance in the following counties and independent cities located wholly within the Virginia Beach-Norfolk-Newport News, VA-NC MSA: Virginia Beach City; Norfolk City; Chesapeake City; Newport News City; Hampton City; Portsmouth City; York County; James City County; Gloucester County; Poquoson City; and Williamsburg City. *See* Verizon Virginia Beach Petition at 1 n.2.

⁵ Verizon Virginia Beach Petition at 3 n.5 (citing 47 C.F.R. § 51.319(a), (b), (e)).

⁶ *Id.* (citing 47 C.F.R. §§ 61.32, 61.33, 61.38, 61.58, 61.59).

⁷ *Id.* (citing 47 C.F.R. §§ 61.41-61.49).

⁸ *Id.* (citing 47 C.F.R. §§ 63.03, 63.04, 63.60-63.66).

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.⁹ 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).¹⁰

4. The Verizon Virginia Beach Petition raises significant questions regarding whether forbearance from application of certain statutory and regulatory requirements for Verizon's provision of telecommunications services in Cox's territory in the Virginia Beach 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, 0.291,¹¹ the date on which the petition seeking forbearance filed by Verizon 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 29, 2009.

FEDERAL COMMUNICATIONS COMMISSION

Julie A. Veach
Deputy Chief
Wireline Competition Bureau

⁹ 47 U.S.C. § 160(c).

¹⁰ 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).

¹¹ See 47 U.S.C. § 155(c).