

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

In the Matter of )
)
Feature Group IP Petition for Forbearance )
From Section 251(g) of the Communications ) WC Docket No. 07-256
Act and Sections 51.701(b)(1) and 69.5(b) of )
the Commission’s Rules )

ORDER

Adopted: October 3, 2008

Released: October 3, 2008

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),1 we extend by 90 days the date by which the petition requesting forbearance filed by Feature Group IP West LLC, Feature Group IP Southwest LLC, UTEX Communications Corp., Feature Group IP North LLC, and Feature Group IP Southeast LLC (Feature Group IP)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 October 23, 2007, Feature Group IP filed a petition asking the Commission to forbear from applying access charges to voice-embedded Internet communications pursuant to section 251(g) of the Act.4 Specifically, Feature Group IP requests that the Commission forbear from section 251(g) “insofar as it applies to the receipt of compensation for switched ‘exchange access, information access, and exchange services for such access to interexchange carriers and information service providers’ pursuant to state and federal access charge rules.”5 In addition, Feature Group IP seeks forbearance from “the clause of rule 51.701(b)(1) that excludes from the definition of telecommunications traffic subject to subpart H of Part 51 of the Commission’s rules ‘telecommunications traffic that is interstate or intrastate exchange access, information access, or exchange services for such access . . .’.”6 Feature Group IP also seeks forbearance from rule 69.5(b) “to the extent applicable” and from any numbering representation

1 47 U.S.C. § 160(c).

2 Feature Group Petition for Forbearance Pursuant to 47 U.S.C. § 160(c) from Enforcement of 47 U.S.C § 251(g), Rule 51.701(b)(1), and Rule 69.5(b), WC Docket No. 07-256 (filed Oct. 23, 2007) (Feature Group IP Forbearance Petition).

3 47 U.S.C. § 160(a).

4 Feature Group IP Forbearance Petition at 24; 47 U.S.C. § 251(g).

5 Feature Group IP Forbearance Petition at 24.

6 Id. at 24-25.

rule or signaling standard as applicable.<sup>7</sup> The Commission released a Public Notice establishing a comment cycle for the petition on December 18, 2007.<sup>8</sup>

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>9</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>10</sup>

4. The petition under review raises significant questions regarding whether forbearance from section 251(g) and its implementing rules for all telecommunications carriers meets the statutory requirements set forth in section 10(a). The Wireline Competition Bureau (Bureau) thus finds that a 90-day extension is warranted under section 10(c) of the Act.

5. Accordingly, IT IS ORDERED that, pursuant to section 10 of the Communications Act of 1934, as amended, 47 U.S.C. § 160, and the authority delegated under sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91 and 0.291, the date on which the petition seeking forbearance filed by Feature Group IP 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 January 21, 2009.

FEDERAL COMMUNICATIONS COMMISSION

Dana R. Shaffer  
Chief, Wireline Competition Bureau

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<sup>7</sup> *Id.* at 25.

<sup>8</sup> *Pleading Cycle Established for Feature Group IP Petition for Forbearance from Section 251(g) of the Communications Act and Sections 51.701(b)(1) and 69.5(b) of the Commission's Rules*, WC Docket No. 07-256, Public Notice, 22 FCC Rcd 21615 (WCB 2007).

<sup>9</sup> 47 U.S.C. § 160(c).

<sup>10</sup> 47 U.S.C. § 160(a), *see, e.g., 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, Order, 20 FCC Rcd 20037 (WCB 2005).