

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

In the Matter of	)	
	)	
Petition of CenturyLink for Forbearance	)	WC Docket No. 12-60
Pursuant to 47 U.S.C. § 160(c) from	)	
Dominant Carrier and Certain Computer	)	
Inquiry Requirements on Enterprise	)	
Broadband Services	)	

**ORDER**

**Adopted: March 20, 2013**

**Released: March 20, 2013**

By the Chief, Wireline Competition Bureau:

1. On February 23, 2012, CenturyLink filed the above-captioned petition for forbearance requesting that the Commission forbear from “dominant carrier regulation and the *Computer Inquiry* tariffing requirement with respect to its packet-switched and optical transmission services” for those services subject to the regulations.<sup>1</sup> On February 22, 2013, the Commission extended by 90 days the date by which CenturyLink’s petition 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>2</sup> On March 5, 2013, the Commission requested that CenturyLink provide additional information to support its request for forbearance, stating that “in order for the Commission to complete its review of the petition, we require additional information from CenturyLink.”<sup>3</sup> On the same day, the Commission issued a Public Notice inviting voluntary submissions of competition data to assist the Commission in evaluating CenturyLink’s forbearance petition.<sup>4</sup>

2. On March 20, 2013, CenturyLink submitted a request to withdraw its petition for forbearance and requested that the Commission dismiss its petition without prejudice.<sup>5</sup> For the reasons below, we grant CenturyLink’s request to withdraw its petition without prejudice. We also withdraw the voluntary data request issued on March 5, 2013.

<sup>1</sup> See CenturyLink’s Petition for Forbearance Pursuant to 47 U.S.C. § 160(c) from Dominant Carrier and Certain *Computer Inquiry* Requirements on Enterprise Broadband Services, WC Docket No. 12-60, at 1, 9-10 (filed Feb. 23, 2012) (CenturyLink Petition). On March 6, 2012, the Wireline Competition Bureau (Bureau) sought comment on CenturyLink’s petition. *Pleading Cycle Established for Comments on CenturyLink Petition for Forbearance from Dominant Carrier and Certain Computer Inquiry Requirements on Enterprise Broadband Services*, WC Docket No. 12-60, Public Notice, 27 FCC Rcd 2306 (Wireline Comp. Bur. 2012).

<sup>2</sup> *Petition of CenturyLink for Forbearance Pursuant to 47 U.S.C. § 160(c) from Dominant Carrier and Certain Computer Inquiry Requirements on Enterprise Broadband Services*, WC Docket No. 12-60, Order, DA 13-268 (WCB rel. Feb. 22, 2013).

<sup>3</sup> Letter from Julie A. Veach, Chief, Wireline Competition Bureau, Federal Communications Commission, to Craig J. Brown, Associate General Counsel, CenturyLink, Inc., WC Docket No. 12-60, DA 13-339 (Mar. 5, 2013).

<sup>4</sup> *Competition Data Requested in CenturyLink Forbearance Petition*, WC Docket No. 12-60, Public Notice, DA 13-337 (Wireline Comp. Bur. rel. Mar. 5, 2013).

<sup>5</sup> Letter from Craig J. Brown, Associate General Counsel, CenturyLink, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 12-60 (filed Mar. 20, 2013).

3. The Commission's rules give a petitioner the right to "withdraw . . . a petition for forbearance without approval of the Commission" only if the petitioner exercises that right "by filing a notice of full or partial withdrawal at any time prior to the end of the tenth business day after the due date for reply comments announced in the public notice."<sup>6</sup> Because CenturyLink filed its request to withdraw after the timeframe allotted to do so without approval, we must affirmatively approve CenturyLink's request.<sup>7</sup>

4. CenturyLink filed its request to withdraw its petition before the date on which the Commission requested responses to the Public Notice seeking voluntary submissions of competition data. Granting CenturyLink's request is in the public interest because it will avoid expenditures associated with responding to the Commission's voluntary data request. We grant CenturyLink's request to withdraw its petition and dismiss the petition without prejudice.

5. ACCORDINGLY, IT IS ORDERED, pursuant to section 1.59(b) of the Commission's rules, 47 C.F.R. § 1.59(b), and the authority delegated under sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, that the request to withdraw the petition of CenturyLink IS GRANTED and that the petition for forbearance filed on February 23, 2012 IS DISMISSED WITHOUT PREJUDICE.

6. IT IS FURTHER ORDERED, pursuant to section 1.102(b)(1) of the Commission's rules, 47 C.F.R. § 1.102(b)(1), that this order SHALL BE effective upon release.

FEDERAL COMMUNICATIONS COMMISSION

Julie A. Veach  
Chief  
Wireline Competition Bureau

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<sup>6</sup> 47 C.F.R. § 1.59(a).

<sup>7</sup> 47 C.F.R. § 1.59(b) ("Except as provided in paragraph (a) of this section, a petition for forbearance may be withdrawn . . . only with approval of the Commission.").