

FCC Denies Verizon Request for Forbearance in Six Major Markets

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In a Memorandum Opinion and Order released December 5, 2007, the Federal Communications Commission ("FCC" or "Commission") denied in their entirety the Verizon Telephone Companies' petitions for forbearance. Verizon had sought forbearance (i.e., relief from application of certain regulatory requirements) in the Boston, New York, Philadelphia, Pittsburgh, Providence, and Virginia Beach Metropolitan Statistical Areas from dominant carrier regulation of its mass market switched access services, Section 251(c)(3) loop and transport unbundling obligations, and all Computer III obligations (e.g., open network architecture and comparably efficient interconnection requirements).

In a stunning defeat for Verizon, the Commission found that "the record evidence does not satisfy the section 10 forbearance standard with respect to any of the forbearance Verizon requests." As noted by the Commission, the markets at issue include some of the most populous MSAs in the nation, and a grant of Verizon's petitions would potentially have affected over 34 million individuals across ten states.

Kelley Drye's [Communications](#) Practice was heavily involved in the matter and represented four of the primary opponents of the Verizon petitions before the FCC, including XO Communications, Covad Communications, Nuvox Communications and Broadview Networks.