

130. Pursuant to sections 1, 3, 4, 201–205, 251, 256, 271, and 303(r) of the Communications Act, as amended, 47 U.S.C. 151, 153, 154, 201–205, 251, 252, 256, 271, and 303(r), and Section 706 of the Telecommunications Act of 1996, 47 U.S.C. 157 nt. that the petition for reconsideration/clarification of the *UNE Remand Order* filed in CC Docket No. 96–98 by BellSouth Corporation and BellSouth Telecommunications, Inc. on February 17, 2000 *is granted* to the extent indicated herein and otherwise *are denied*.

131. Pursuant to sections 1, 3, 4, 201–205, 251, 256, 271, and 303(r) of the Communications Act, as amended, 47 U.S.C. 151, 153, 154, 201–205, 251, 252, 256, 271, and 303(r), and Section 706 of the Telecommunications Act of 1996, 47 U.S.C. 157 nt. that the petitions for reconsideration of the *UNE Remand Order* filed in CC Docket Nos. 96–98, 95–185 by Rhythms Netconnections Inc. and Covad Communications Co. on January 21, 2000, @Link Networks, Inc., DSL.net, Inc. and MGC Communications, Inc., d/b/a Mpower Communications Corp. on February 17, 2000, McLeodUSA Telecommunications Services, Inc. and the petition for reconsideration of the *UNE Remand Order* filed in CC Docket No. 96–98 by RCN Telecom Services, Inc. on February 17, 2000 *are denied*.

132. Pursuant to sections 1, 3, 4, 201–205, 251, 256, 271, and 303(r) of the Communications Act, as amended, 47 U.S.C. 151, 153, 154, 201–205, 251, 252, 256, 271, and 303(r), and section 706 of the Telecommunications Act of 1996, 47 U.S.C. 157 nt. that the petition of the *UNE Remand Order* filed in CC Docket No. 96–98 by Competitive Telecommunications Association on November 26, 2001; and the petitions for reconsideration of the *UNE Remand Order* filed in CC Docket No. 96–98 by Intermedia Communications, Inc. and by MCI WorldCom, Inc. on February 17, 2000 *are denied* to the extent indicated herein and otherwise *are dismissed as moot*.

133. Pursuant to sections 1, 3, 4, 201–205, 251, 256, 271, and 303(r) of the Communications Act, as amended, 47 U.S.C. 151, 153, 154, 201–205, 251, 252, 256, 271, and 303(r), and Section 706 of the Telecommunications Act of 1996, 47 U.S.C. 157 nt. that the petition for clarification of the *UNE Remand Order* filed in CC Docket No. 96–98 by MCI WorldCom, Inc. on February 17, 2000; the petition for reconsideration of the *UNE Remand Order* filed in CC Docket No. 96–98 by the Competitive Telecommunications Association on February 17, 2000; the petition for reconsideration and clarification of the

*UNE Remand Order* filed in CC Docket No. 96–98 by Bell Atlantic on February 17, 2000; and the petition for reconsideration and clarification of the *UNE Remand Order* filed in CC Docket No. 96–98 by AT&T Corp. on February 17, 2000 *are granted* to the extent indicated herein and otherwise *are denied or dismissed as moot*.

134. The Public Notice, *Comments Sought on the Use of Unbundled Network Elements to Provide Exchange Access Service*, CC Docket No. 96–98, DA 01–169 (rel. Jan. 24, 2001); *Deployment of Wireline Services Offering Advanced Telecommunications Capability and Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, Third Report and Order on Reconsideration in CC Docket No. 98–147, Fourth Report and Order on Reconsideration in CC Docket No. 96–98, Third Further Notice of Proposed Rulemaking in CC Docket No. 98–147, and Sixth Further Notice of Proposed Rulemaking in CC Docket No. 96–98, 16 FCC Rcd 2101 (2001); *Implementation of Local Competition Provisions of the Telecommunications Act of 1996*, Third Order on Reconsideration and Further Notice of Proposed Rulemaking, CC Docket Nos. 96–98 and 95–185, 12 FCC Rcd 12460 (1997); and *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, Third Report and Order and Fourth Further Notice of Proposed Rulemaking, CC Docket No. 96–98, 15 FCC Rcd 3696 (1999) *are terminated*.

135. The Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of this *Report and Order and Order on Remand*, including the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

#### Report to Congress

125. The Commission will send a copy of the Order, including this FRFA, in a report to be sent to Congress pursuant to the Congressional Review Act. In addition, the Commission will send a copy of the Order, including the FRFA, to the Chief Counsel for SBA Advocacy. The Order and FRFA, or summaries thereof, will also be published in the **Federal Register**.

#### List of Subjects in 47 CFR Part 51

Interconnection, Telecommunications carriers.

Federal Communications Commission.

**William F. Caton,**  
*Deputy Secretary.*

#### Final Rules

■ Part 51 of title 47 of the Code of Federal Regulations is amended as follows:

#### PART 51—INTERCONNECTION

■ 1. The authority citation for part 51 is revised to read as follows:

**Authority:** Sections 1–5, 7, 201–05, 207–09, 218, 225–27, 251–54, 256, 271, 303(r), 332, 48 Stat. 1070, as amended, 1077; 47 U.S.C. 151–55, 157, 201–05, 207–09, 218, 225–27, 251–54, 256, 271, 303(r), 332, 47 U.S.C. 157 *note*, unless otherwise noted.

■ 2. Section 51.5 is amended by adding six new definitions in alphabetical order and by revising the definition of “state commission” to read as follows:

#### § 51.5 Terms and definitions.

\* \* \* \* \*

**Commingling.** *Commingling* means the connecting, attaching, or otherwise linking of an unbundled network element, or a combination of unbundled network elements, to one or more facilities or services that a requesting telecommunications carrier has obtained at wholesale from an incumbent LEC, or the combining of an unbundled network element, or a combination of unbundled network elements, with one or more such facilities or services. *Commingle* means the act of commingling.

\* \* \* \* \*

**Enhanced extended link.** An *enhanced extended link* or *EEL* consists of a combination of an unbundled loop and unbundled dedicated transport, together with any facilities, equipment, or functions necessary to combine those network elements.

\* \* \* \* \*

**Intermodal.** The term *intermodal* refers to facilities or technologies other than those found in traditional telephone networks, but that are utilized to provide competing services. Intermodal facilities or technologies include, but are not limited to, traditional or new cable plant, wireless technologies, and power line technologies.

\* \* \* \* \*

**Non-qualifying service.** A *non-qualifying service* is a service that is not a qualifying service.

\* \* \* \* \*

**Qualifying service.** A *qualifying service* is a telecommunications service that competes with a telecommunications service that has been traditionally the exclusive or