

provide less than 90 days notice of such a change.

(c) *Objection procedures for short term notice and notices of replacement of copper loops or copper subloops with fiber-to-the-home loops.* An objection to an incumbent LEC's short term notice or to its notice that it intends to retire copper loops or copper subloops and replace such loops or subloops with fiber-to-the-home loops may be filed by an information service provider or telecommunications service provider that directly interconnects with the incumbent LEC's network. Such objections must be filed with the Commission, and served on the incumbent LEC, no later than the ninth business day following the release of the

Commission's public notice. All objections filed under this section must:

\* \* \* \* \*

(f) *Resolution of objections to replacement of copper loops or copper subloops with fiber-to-the-home loops.* An objection to a notice that an incumbent LEC intends to retire any copper loops or copper subloops and replace such loops or subloops with fiber-to-the-home loops shall be deemed denied 90 days after the date on which the Commission releases public notice of the incumbent LEC filing, unless the Commission rules otherwise within that time. Until the Commission has either ruled on an objection or the 90-day period for the Commission's consideration has expired, an incumbent LEC may not retire those copper loops or copper subloops at

issue for replacement with fiber-to-the-home loops.

■ 16. Section 51.509 is amended by revising paragraph (a) and adding paragraph (h) to read as follows:

**§ 51.509 Rate structure standards for specific elements.**

(a) *Local loop and subloop.* Loop and subloop costs shall be recovered through flat-rated charges.

\* \* \* \* \*

(h) *Network interface device.* An incumbent LEC must establish a price for the network interface device when that unbundled network element is purchased on a stand-alone basis pursuant to § 51.319(c).

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