

List of Subjects in 47 CFR Part 51

Interconnection, Telecommunications carriers.

■ 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. Revise paragraph 51.318(b) introductory text to read as follows:

§ 51.318 Eligibility criteria for access to certain unbundled network elements.

* * * * *

(b) An incumbent LEC need not provide access to an unbundled DS1 loop in combination, or commingled, with a dedicated DS1 transport or dedicated DS3 transport facility or service, or to an unbundled DS3 loop in combination, or commingled, with a dedicated DS3 transport facility or service, or an unbundled dedicated DS1 transport facility in combination, or commingled, with an unbundled DS1 loop or a DS1 channel termination service, or to an unbundled dedicated DS3 transport facility in combination, or commingled, with an unbundled DS1

loop or a DS1 channel termination service, or to an unbundled DS3 loop or a DS3 channel termination service, unless the requesting telecommunications carrier certifies that all of the following conditions are met:

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■ 3. Section 51.319 is amended by revising paragraphs (a)(3) introductory text, (a)(3)(i), (d)(2)(iii)(A)(1) and (d)(2)(iii)(A)(2) to read as follows:

§ 51.319 Specific unbundling requirements.

(a) * * *

(3) *Fiber-to-the-home loops.* A fiber-to-the-home loop is a local loop consisting entirely of fiber optic cable, whether dark or lit, and serving an end user’s customer premises.

(i) *New builds.* An incumbent LEC is not required to provide nondiscriminatory access to a fiber-to-the-home loop on an unbundled basis when the incumbent LEC deploys such a loop to an end user’s customer premises that previously has not been served by any loop facility.

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- (d) * * *
- (2) * * *
- (iii) * * *

(A) * * *

(1) *Local switching self-provisioning trigger.* To satisfy this trigger, a state commission must find that three or more competing providers not affiliated with each other or the incumbent LEC, including intermodal providers of service comparable in quality to that of the incumbent LEC, each are serving mass market customers in the particular market with the use of their own local switches.

(2) *Local switching competitive wholesale facilities trigger.* To satisfy this trigger, a state commission must find that two or more competing providers not affiliated with each other or the incumbent LEC, including intermodal providers of service comparable in quality to that of the incumbent LEC, each offer wholesale local switching service to customers serving DS0 capacity loops in that market using their own switches.

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Federal Communications Commission.

Marlene H. Dortch,

Secretary.

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