

FCC MAIL SECTION

CORRECTION

JUN 15 10 56 AM '98

Federal Communications Commission

DA 98-1107

DISPATCHED BY Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Implementation of the Non-Accounting) CC Docket No. 96-149
Safeguards of Section 271 and 272 of the)
Communications Act of 1934, as amended)

ERRATUM

By the Chief, Common Carrier Bureau

Released: June 10, 1998

This Erratum corrects a final rule in the First Report and Order and Further Notice of Proposed Rulemaking, FCC 96-489 (47 C.F.R. § 53.205), that the Commission adopted on December 23, 1996 by changing the word "unaffiliated" in the first line to "affiliated."¹ That Order was released on December 24, 1996. The corrected rule as it reads in the Code of Federal Regulations (47 C.F.R. § 53.207) is as follows:

Amend rule § 53.207 to read:

"§ 53.207 **Successor or assign**

If a BOC transfers to an affiliated entity ownership of any network elements that must be provided on an unbundled basis pursuant to section 251(c)(3) of the Act, such entity will be deemed to be an 'assign' of the BOC under section 3(4) of the Act with respect to such transferred network elements. A BOC affiliate shall not be deemed a "successor or assign" of a BOC solely because it

¹ See *Implementation of the Non-Accounting Safeguards of Sections 271 and 272 of the Communications Act of 1934, as amended*, CC Docket No. 96-149, First Report and Order and Further Notice of Proposed Rulemaking, 11 FCC Rcd 21905 (1996), 62 Fed. Reg. 2927 (1997), *petition for review pending sub nom. SBC Communications v. FCC*, No. 97-1118 (filed D.C. Cir. Mar. 6, 1997) (held in abeyance May 7, 1997), First Order on Reconsideration, 12 FCC Rcd 2297 (1997), Second Order on Reconsideration, 12 FCC Rcd 8653 (1997), *aff'd sub nom. Bell Atlantic Telephone Companies v. FCC*, 131 F.3d 1044 (D.C. Cir. 1997).

obtains network elements from the BOC pursuant to section 251(c)(3) of the Act."

FEDERAL COMMUNICATIONS COMMISSION

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