

Before the

2001 MAR -2 P 3: 04

Federal Communications Commission  
Washington, D.C. 20554

In the Matter of )  
)  
Deployment of Wireline Services Offering )  
Advanced Telecommunications Capability )  
)  
and )  
)  
Implementation of the Local Competition )  
Provisions of the )  
Telecommunications Act of 1996 )

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CC Docket No. 98-147

CC Docket No. 96-98 ✓

ORDER CLARIFICATION

Adopted: February 22, 2001

Released: February 23, 2001

By the Chief, Common Carrier Bureau:

1. On January 19, 2001, the Commission released the *Line Sharing Reconsideration Order*, responding to five petitions for reconsideration and/or clarification of the Commission's *Line Sharing Order*, which required incumbent local exchange carriers (LECs) to make the high frequency portion of the loop available to competing providers of advanced services.<sup>1</sup> In this Order, we clarify that the *Line Sharing Reconsideration Order* in no way modified the criteria set forth in the Commission's *UNE Remand Order* regarding the unbundling of packet switching functionality.<sup>2</sup> Specifically, we clarify that the *Line Sharing Reconsideration Order* does not alter section 51.319(b)(5) of the Commission's rules, which describes the limited set of circumstances under which an incumbent LEC is required to provide nondiscriminatory access to unbundled packet switching capability.<sup>3</sup>

2. Nonetheless, we note that in the Further Notice of Proposed Rulemaking that accompanied the *Line Sharing Reconsideration Order*, the Commission expressly sought comment on whether its existing packet switching rules are adequate to enable competitors to

<sup>1</sup> *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, Sixth Further Notice of Proposed Rulemaking in CC Docket No. 96-98, FCC 01-26 (rel. Jan. 19, 2001) (*Line Sharing Reconsideration Order*).

<sup>2</sup> *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, CC Docket No. 96-98, Third Report and Order, 15 FCC Rcd 3696 (1999) (*UNE Remand Order*).

<sup>3</sup> 47 C.F.R. § 51.319(b)(5).

line share when there is fiber deployed in the loop.<sup>4</sup> Consequently, we encourage commenters to discuss this issue in response to the Further Notice of Proposed Rulemaking.

3. Accordingly, IT IS ORDERED that pursuant to authority contained in sections 1-4, 201, 202, 251-254, 256, 271, and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 153, 154, 201-205, 251, 252, 256, 271, 303(r), and authority delegated under sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91 and 0.291, that the Commission clarifies the *Line Sharing Reconsideration Order* as set out above.

FEDERAL COMMUNICATIONS COMMISSION

Dorothy T. Attwood  
Chief, Common Carrier Bureau

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<sup>4</sup> *Line Sharing Reconsideration Order* at para. 64.