



NEWS

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This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action.
See *MCI v. FCC*, 515 F.2d 385 (D.C. Cir. 1974).

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FCC TAKES ACTION TO PROMOTE BROADBAND DEPLOYMENT TO MULTIPLE DWELLING UNITS (MDUs)

Rule Change Applies Fiber-to-the-Home Rules to Predominantly Residential MDUs

Washington, DC – The Federal Communications Commission (FCC) today acted to promote broadband deployment to consumers by providing the incumbent local exchange carriers (LECs) additional incentives to invest in broadband facilities to multiple dwelling units (MDUs). The Reconsideration Order (Order) adopted today concludes that the fiber-to-the-home (FTTH) rules, which relieve the incumbent LECs from certain unbundling obligations, will apply to MDUs that are predominantly residential. Millions of Americans currently live in MDUs. Today's action will increase incentives for incumbent LECs to deploy next generation facilities to these consumers and will ensure that all Americans, not just those residing in single family homes, will be able to reap the benefits of broadband technology.

In the *Triennial Review Order* released last year, the Commission concluded that the broadband capabilities of fiber loops that extend to a customer's premises, also known as FTTH loops, would not be subject to unbundling under section 251 of the Act. Today's action builds on the broadband principles of the *Triennial Review Order* by further extending the unbundling relief to fiber loops deployed to predominantly residential MDUs.

The Order concludes that determining what constitutes a predominantly residential MDU will be based on the dwelling's predominant use. For example, a multi-level apartment building that houses retail stores such as a drycleaner or a mini-mart would be predominantly residential, while an office building that contains a floor of residential suites would not. The Order further clarifies that a loop will be considered a FTTH loop if it is deployed to the minimum point of entry of a predominantly residential MDU, regardless of the ownership of the inside wiring.

Docket Nos.: CC 01-338, CC 96-98, CC 98-147

Action by the Commission, August 4, 2004, by Order on Reconsideration (FCC 04-191). Chairman Powell, Commissioners Abernathy and Martin with Commissioner Copps dissenting, and Commissioner Adelstein concurring in part and dissenting in part. Separate statements issued by Chairman Powell and Commissioners Abernathy, Copps and Adelstein.

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