



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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FEDERAL COMMUNICATIONS COMMISSION FURTHER SPURS ADVANCED FIBER NETWORK DEPLOYMENT

Action Clarifies Treatment of Broadband Elements

Washington, D.C. – The Federal Communications Commission (FCC) today voted to further build on its policies designed to spark deployment of new fiber optic networks capable of providing advanced data, video and voice services to consumers.

The FCC voted to grant petitions by the regional Bell operating companies, or RBOCs, asking the FCC to forbear from enforcing rules that would impose obligations to share, or unbundle, certain parts of their new fiber networks with rivals on regulated terms and conditions. The action is consistent with the nationwide relief the FCC granted in the February 2003 *Triennial Review* proceeding concerning unbundling of broadband networks. Today's order specifically forbears from applying the unbundling obligations listed in Section 271 of the Telecommunications Act of 1996 for fiber-to-the-home loops, fiber-to-the-curb loops, the packetized functionality of hybrid copper-fiber loops, and packet switching. Packet switches allow carriers to provide advanced services over fiber networks.

The *Triennial Review* eliminated unbundling requirements for these broadband elements under Section 251 of the Telecommunications Act of 1996. Today's action extends the same relief to requirements in Section 271 of the Act, which governs the RBOCs' entry into long-distance markets.

Consistent with the *Triennial Review*, the FCC today found that the relief included in this decision will benefit consumers by making the RBOCs more vigorous competitors to cable modem service, which plays a significant role in the current broadband market. The FCC also concluded that its action furthers the Congressional goal of encouraging broadband deployment under Section 706 of the Act.

The U.S. Court of Appeals for the District of Columbia in March upheld the *Triennial Review's* broadband unbundling relief. The *Triennial Review* concluded that relieving incumbent carriers from the unbundling rules for these particular broadband elements could spark a race to

build next-generation networks that will benefit consumers by providing new services and more competition.

The petitions for forbearance were filed by all four RBOCs and forbearance relief will apply to each. An order detailing the FCC's analysis will be forthcoming.

Action by the Commission, October 22, 2004, by Report and Order (FCC-04-254). Chairman Powell, Commissioners Abernathy and Martin. Commissioner Copps dissenting. Commissioner Adelstein concurring in part and dissenting in part.

WC Docket No. 01-338

WC Docket No. 03-235

WC Docket No. 03-260

WC Docket No. 04-48

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