



PUBLIC NOTICE

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WIRELINE COMPETITION BUREAU PUBLICLY RELEASES LIST OF STUDY AREAS DEEMED COMPETITIVE IF RATE-OF-RETURN CARRIERS ELECT INCENTIVE REGULATION FOR THOSE AREAS

WC Docket Nos. 17-144, 16-143; 05-25

By this Public Notice, the Wireline Competition Bureau (Bureau) announces the public release of a list of study areas served by rate-of-return carriers receiving fixed universal service support that are deemed competitive for purposes of regulating the pricing of their lower speed (DS3 and below) TDM end user channel terminations and certain other lower speed TDM-based business data services pursuant to the *Rate-of-Return Business Data Services Order*.¹ This information is available on the Commission's Internet website at <https://www.fcc.gov/general/bds-competitive-and-noncompetitive-lists>.

In the *Order*, the Commission adopted a competitive market test to assess the competitiveness of study areas served by rate-of-return carriers that receive fixed universal service support.² The test uses publicly available Form 477 data as of June 30, 2017. A study area is deemed competitive if the Form 477 data demonstrates that a cable operator not affiliated with the rate-of-return carrier offers a minimum 10 Mbps download/1 Mbps upload broadband service in 75% of census blocks. In study areas that are deemed competitive, the lower capacity (DS3 and below) TDM end user channel terminations offered by carriers that elect to move to the lighter touch regulatory framework adopted by the Commission in the *Order* will no longer be subject to ex ante pricing regulation on the effective date of the carrier's election.³

This action is taken pursuant to sections 4(i), 5, 201-205, 211, 215, 218, 219, and 303(r), of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 155, 201-205, 211, 215, 218, 219, 303(r), and 332, Section 4 of the Freedom of Information Act, 5 U.S.C. § 552(b)(4), and authority delegated under section 0.291 of the Commission's rules, 47 CFR § 0.291.

For further information, please contact Justin Faulb, Pricing Policy Division, Wireline Competition Bureau, at (202) 418-1589 or via email at justin.faulb@fcc.gov.

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¹ *Regulation of Business Data Services for Rate-of-Return Local Exchange Carriers, Business Data Services in an Internet Protocol Environment, Special Access for Price Cap Local Exchange Carriers*, WC Docket Nos. 17-144, 16-143, 05-25, Report and Order, Second Further Notice of Proposed Rulemaking, and Further Notice of Proposed Rulemaking, FCC 18-146, (rel. Oct. 24, 2018) (*Rate-of-Return Business Data Services Order* or *Order*).

² *Id.* at 34-35, paras. 90-93.

³ *Id.* at 38, para. 105.