



# Guide to Telecom Rules

## Pending Rules Chart

### Part 51 – Interconnection

#### How to use this document

This Pending Rules Chart is a companion document for use with the NECA Guide to Telecom Rules. It contains rules that have been adopted by the FCC but are not yet effective because they are awaiting Federal Register publication or Office of Management and Budget approval. The GTR will show these with a **(pending text)** link.

The text of the rules in this chart comes primarily from FCC Orders. The final Federal Register version may be different from the Order text and takes precedence. Reasons for changes may include corrections and errata to the rules issued between the publication of the text of the Order and the Federal Register text.

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## Guide to Telecom Rules – Pending Rule Changes

Rule	Pending Text	Effective date	Order
<b>51.919 Reporting and monitoring</b>			
51.919	<p>(a) A Price Cap Carrier that elects to participate in the recovery mechanism outlined in § 51.915 shall, beginning in 2012, file with the Commission the data consistent with Section XIII (f)(3) of FCC 11-161 with its annual access tariff filing.</p> <p>(b) A Rate-of-Return Carrier that elects to participate in the recovery mechanism outlined in § 51.917 shall file with the Commission the data consistent with Section XIII (f)(3) of FCC 11-161 with its annual interstate access tariff filing, or on the date such a filing would have been required if it had been required to file in that year.</p>	Upon FR notice of OMB approval	<a href="#">Order and FNPRM</a> – USF/ICC Reform FCC 11-161, released 11.18.11 FR Vol 76 73830 (11.29.11)
<b>51.329 Notice of network changes: Methods for providing notice</b>			
51.329	<p>* * * * *</p> <p>(c) * * *</p> <p>(2) The incumbent LEC’s public notice and any associated certifications shall be filed through the Commission’s Electronic Comment Filing System (ECFS), using the “Submit a Non-Docketed Filing” module. All subsequent filings responsive to a notice may be filed using the Commission’s ECFS under the docket number set forth in the Commission’s public notice for the proceeding. If necessary, subsequent filings responsive to a notice also may be filed by sending one paper copy of the filing to “Secretary, Federal Communications Commission, Washington, DC 20554” and one paper copy of the filing to “Federal Communications Commission, Wireline Competition Bureau, Competition Policy Division, Washington, DC 20554.” For notices filed using the Commission’s ECFS, the date on which the filing is received by that system will be considered the official filing date. For notices filed via paper copy, the date on which the filing is received by the Secretary or the FCC Mailroom is considered the official filing date. All subsequent filings responsive to a notice shall refer to the ECFS docket number assigned to the notice.</p>	30 days after publication in the FR	<a href="#">Order</a> , FCC 17-59, released 12.18.17
<b>51.325 Notice of network changes: Public notice requirement</b>			
51.325(a)(3) and (a)(4)	Remove paragraph (a)(3) and redesignate paragraph (a)(4) as (a)(3)	Upon OMB approval	<a href="#">Second Report and Order</a> , FCC 18-74, released 06/08/18
<b>51.333 Notice of network changes: Short term notice, objections thereto and objections to copper retirement notices</b>			
51.333(b)(2), (f) and (g)	<p>* * * * *</p> <p>(b) * * *</p> <p>(2) Copper retirement notice. Notices of copper retirement, as defined in</p>	Upon OMB approval	<a href="#">Second Report and Order</a> , FCC 18-74, released 06/08/18



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	<p>§51.325(a)(3), shall be deemed final on the 90th day after the release of the Commission's public notice of the filing, unless an objection is filed pursuant to paragraph (c) of this section, except that notices of copper retirement involving copper facilities not being used to provision services to any customers shall be deemed final on the 15th day after the release of the Commission's public notice of the filing. Incumbent LEC copper retirement notices shall be subject to the short-term notice provisions of this section, but under no circumstances may an incumbent LEC provide less than 90 days' notice of such a change except where the copper facilities are not being used to provision services to any customers.</p> <p>* * * * *</p> <p>(f) Resolution of objections to copper retirement notices. An objection to a notice that an incumbent LEC intends to retire copper, as defined in §51.325(a)(3) shall be deemed denied 90 days after the date on which the Commission releases public notice of the incumbent LEC filing, unless the Commission rules otherwise within that time. Until the Commission has either ruled on an objection or the 90-day period for the Commission's consideration has expired, an incumbent LEC may not retire those copper facilities at issue.</p> <p>(g) Limited exemption from advance notice and timing requirements—(1) Force majeure events. (i) Notwithstanding the requirements of this section, if in response to a force majeure event, an incumbent LEC invokes its disaster recovery plan, the incumbent LEC will be exempted during the period when the plan is invoked (up to a maximum 180 days) from all advanced notice and waiting period requirements under this section associated with network changes that result from or are necessitated as a direct result of the force majeure event.</p> <p>* * * * *</p> <p>(iii) If an incumbent LEC requires relief from the notice requirements under this section longer than 180 days after it invokes the disaster recovery plan, the incumbent LEC must request such authority from the Commission. Any such request must be accompanied by a status report describing the incumbent LEC's progress and providing an estimate of when the incumbent LEC expects to be able to resume compliance with the notice requirements under this section.</p> <p>* * * * *</p> <p>(2) Other events outside an incumbent LEC's control. (i) Notwithstanding the requirements of this section, if in response to circumstances outside of its control other than a force majeure event addressed in paragraph (g)(1) of this section, an incumbent LEC cannot comply with the timing requirement set forth in</p>		



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	<p>paragraphs (b)(1) or (2) of this section, hereinafter referred to as the waiting period, the incumbent LEC must give notice of the network change as soon as practicable and will be entitled to a reduced waiting period commensurate with the circumstances at issue.</p> <p>(ii) A short term network change or copper retirement notice subject to paragraph (g)(2) of this section must include a brief explanation of the circumstances necessitating the reduced waiting period and how the incumbent LEC intends to minimize the impact of the reduced waiting period on directly interconnected telephone exchange service providers.</p> <p>(iii) For purposes of this section, circumstances outside of the incumbent LEC's control include federal, state, or local municipal mandates and unintentional damage to the incumbent LEC's network facilities not caused by the incumbent LEC.</p>		

### 51.917 Revenue recovery for Rate-of-Return Carriers



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51.917(f)4 and (f)5	<p>* * * * *</p> <p>(f) * * *</p> <p>(4) Except as provided in paragraph (f)(5) of this section, * * *</p> <p>(5) Notwithstanding paragraph (f)(4) of this section, commencing July 1, 2018 and ending June 30, 2023, the maximum total dollar amount a carrier must impute on supported consumer broadband-only loops is limited as follows:</p> <p>(A) For the affected tariff year, the carrier shall compare</p> <p>(i) the sum of the revenues from projected Access Recovery Charges assessed pursuant to section 51.917(e), any amounts imputed pursuant to section 51.917(f)(2), and any imputation pursuant to section 51.917(f)(4) to</p> <p>(ii) the sum of the revenues from Access Recovery Charges assessed pursuant to section 51.917(e) and any amounts imputed pursuant to section 51.917(f)(2) for tariff year 2015-16, after being trued-up.</p> <p>(B) If the amount determined in paragraph (f)(5)(A)(i) of this section is greater than the amount determined in paragraph (f)(5)(A)(ii), the sum of the revenues from projected Access Recovery Charges assessed pursuant to section 51.917(e) and any amounts imputed pursuant to section 51.917(f)(2) for the affected year must be compared to the amount determined in section paragraph (f)(5)(A)(ii).</p> <p>(i) If the former amount is greater than the latter amount, no imputation is made on Consumer Broadband-Only Loops.</p> <p>(ii) If the former amount is equal to or less than the latter amount, the imputation on Consumer Broadband-Only Loops is limited to the difference between the two amounts.</p>	30 days after publication in the FR	<a href="#">Second Order on Reconsideration and Clarification</a> , FCC 18-13, rel. 02/16/18
<b>51.903 Definitions</b>			
51.903(k), (l) and (m)	<a href="#">See attached for rule changes</a>	30 days after publication in the FR	<a href="#">Access Arbitrage Report and Order</a> , FCC 19-94, rel. 09/27/19
<b>51.914 Additional Provisions Applicable to Access Stimulation Traffic</b>			



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Added 51.914	<a href="#">See attached for rule changes</a>	30 days after publication in the FR, except for 54.914(b) and (e), which are subject to OMB approval	<a href="#">Access Arbitrage Report and Order</a> , FCC 19-94, rel. 09/27/19
<b>51.917 Revenue recovery for rate of return carriers</b>			
Revised 54.917 (c)	<a href="#">See attached for rule changes</a>	30 days after publication in the FR	<a href="#">Access Arbitrage Report and Order</a> , FCC 19-94, rel. 09/27/19