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**AUTHORITY:** Sections 1-5, 7, 201-05, 218, 251, 253, 271-75, 48 Stat. 1070, as amended, 1077; 47 U.S.C. 151-55, 157, 201-05, 218, 251, 253, 271-75, unless otherwise noted.

**SOURCE:** 62 FR 2967, Jan. 21, 1997, unless otherwise noted.

**Subpart A—General Information**

**§ 53.1 Basis and purpose.**

(a) *Basis.* The rules in this part are issued pursuant to the Communications Act of 1934, as amended.

(b) *Purpose.* The purpose of the rules in this part is to implement sections 271 and 272 of the Communications Act of 1934, as amended, 47 U.S.C. 271 and 272.

**§ 53.3 Terms and definitions.**

Terms used in this part have the following meanings:

*Act.* The Act means the Communications Act of 1934, as amended.

*Affiliate.* An affiliate is a person that (directly or indirectly) owns or controls, is owned or controlled by, or is under common ownership or control with, another person. For purposes of this part, the term "own" means to own an equity interest (or the equivalent thereof) of more than 10 percent.

*AT&T Consent Decree.* The AT&T Consent Decree is the order entered August 24, 1982, in the antitrust action styled *United States v. Western Electric*, Civil Action No. 82-0192, in the United States District Court for the District of Columbia, and any judgment or order

[62 FR 18295, Apr. 15, 1997]

**PART 53—SPECIAL PROVISIONS CONCERNING BELL OPERATING COMPANIES**

**Subpart A—General Information**

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- 53.1 Basis and purpose.
- 53.3 Terms and definitions.

**Subpart B—Bell Operating Company Entry into InterLATA Services**

**Subpart C—Separate Affiliate; Safeguards**

53.201 Services for which a section 272 affiliate is required.

with respect to such action entered on or after August 24, 1982.

*Bell Operating Company (BOC).* The term *Bell operating company*

(1) Means any of the following companies: Bell Telephone Company of Nevada, Illinois Bell Telephone Company, Indiana Bell Telephone Company, Incorporated, Michigan Bell Telephone Company, New England Telephone and Telegraph Company, New Jersey Bell Telephone Company, New York Telephone Company, U S West Communications Company, South Central Bell Telephone Company, Southern Bell Telephone and Telegraph Company, Southwestern Bell Telephone Company, The Bell Telephone Company of Pennsylvania, The Chesapeake and Potomac Telephone Company, The Chesapeake and Potomac Telephone Company of Maryland, The Chesapeake and Potomac Telephone Company of Virginia, The Chesapeake and Potomac Telephone Company of West Virginia, The Diamond State Telephone Company, The Ohio Bell Telephone Company, The Pacific Telephone and Telegraph Company, or Wisconsin Telephone Company; and

(2) Includes any successor or assign of any such company that provides wireline telephone exchange service; but

(3) Does not include an affiliate of any such company, other than an affiliate described in paragraphs (1) or (2) of this definition.

*In-Region InterLATA service.* *In-region interLATA service* is *interLATA service* that originates in any of a BOC's in-region states, which are the states in which the BOC or any of its affiliates was authorized to provide wireline telephone exchange service pursuant to the reorganization plan approved under the AT&T Consent Decree, as in effect on February 7, 1996. For the purposes of this part, 800 service, private line service, or equivalent services that terminate in a BOC's in-region state and allow the called party to determine the interLATA carrier are considered to be in-region interLATA service.

*InterLATA Information Service.* An *interLATA information service* is an information service that incorporates as a necessary, bundled element an interLATA telecommunications trans-

mission component, provided to the customer for a single charge.

*InterLATA Service.* An *interLATA service* is a service that involves telecommunications between a point located in a LATA and a point located outside such area. The term "interLATA service" includes both interLATA telecommunications services and interLATA information services.

*Local Access and Transport Area (LATA).* A *LATA* is a contiguous geographic area:

(1) Established before February 8, 1996 by a BOC such that no exchange area includes points within more than one metropolitan statistical area, consolidated metropolitan statistical area, or state, except as expressly permitted under the AT&T Consent Decree; or

(2) Established or modified by a BOC after February 8, 1996 and approved by the Commission.

*Local Exchange Carrier (LEC).* A *LEC* is any person that is engaged in the provision of telephone exchange service or exchange access. Such term does not include a person insofar as such person is engaged in the provision of commercial mobile service under section 332(c) of the Act, except to the extent that the Commission finds that such service should be included in the definition of such term.

*Out-of-Region InterLATA service.* *Out-of-region interLATA service* is *interLATA service* that originates outside a BOC's in-region states.

*Section 272 affiliate.* A *section 272 affiliate* is a BOC affiliate that complies with the separate affiliate requirements of section 272(b) of the Act and the regulations contained in this part.

## Subpart B—Bell Operating Company Entry Into InterLATA Services

### Subpart C—Separate Affiliate; Safeguards

#### § 53.201 Services for which a section 272 affiliate is required.

For the purposes of applying section 272(a)(2) of the Act:

(a) *Previously authorized activities.* When providing previously authorized