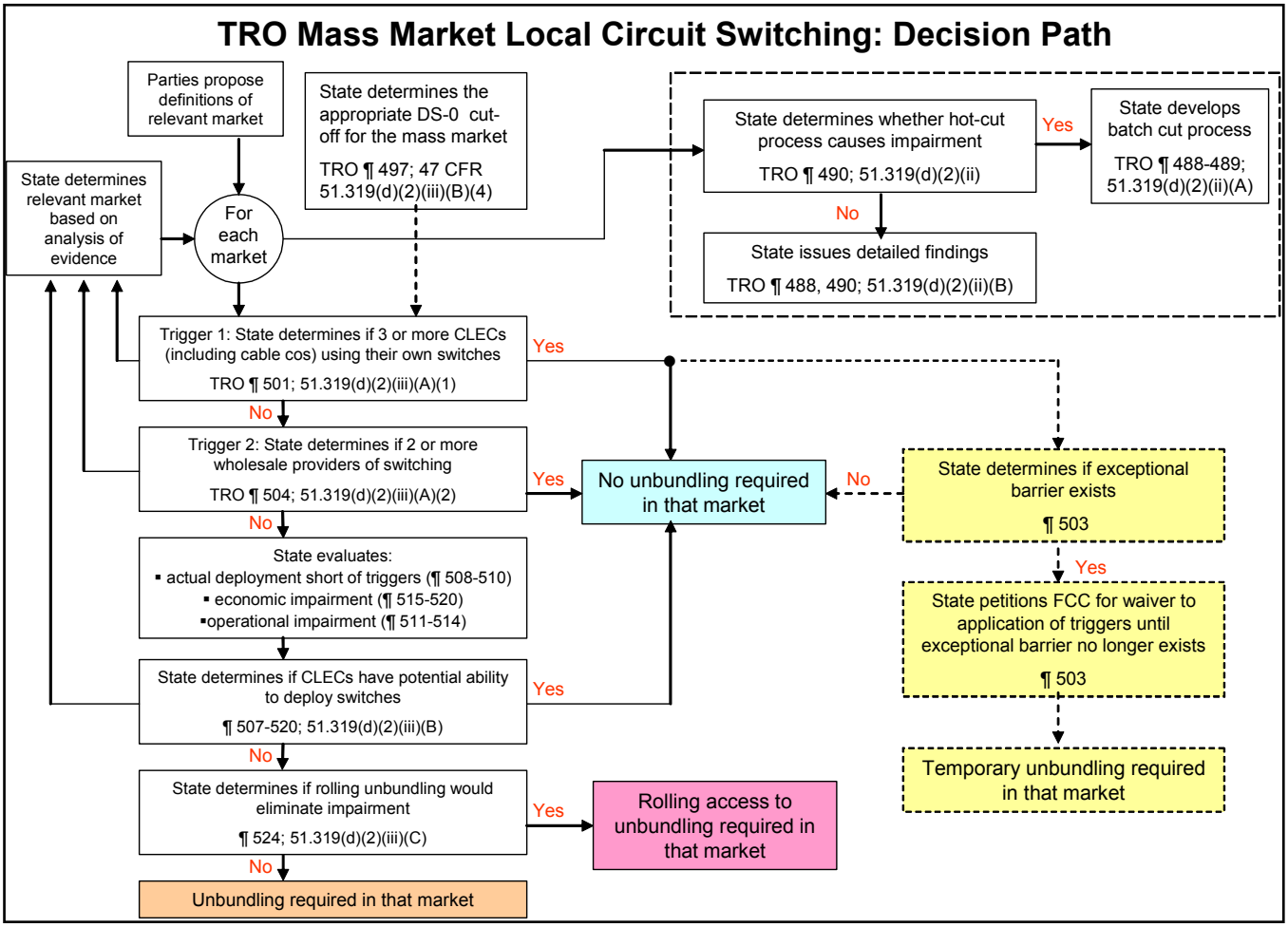
TRO Mass Market Local Circuit Switching: Decision Path
Parties propose definitions of relevant market
State determines the appropriate DS-0 cut-off for the mass market
TRO ¶ 497; 47 CFR 51.319(d)(2)(iii)(B)(4)
State determines relevant market based on analysis of evidence
For each market
State determines whether hot-cut process causes impairment
TRO ¶ 490; 51.319(d)(2)(ii)
Yes
State develops batch cut process
TRO ¶ 488-489; 51.319(d)(2)(ii)(A)
No
State issues detailed findings
TRO ¶ 488, 490; 51.319(d)(2)(ii)(B)
Trigger 1: State determines if 3 or more CLECs (including cable cos) using their own switches
TRO ¶ 501; 51.319(d)(2)(iii)(A)(1)
Yes
No
Trigger 2: State determines if 2 or more wholesale providers of switching
TRO ¶ 504; 51.319(d)(2)(iii)(A)(2)
Yes
No unbundling required in that market
No
State determines if exceptional barrier exists
¶ 503
No
State evaluates:
▪ actual deployment short of triggers (¶ 508-510)
▪ economic impairment (¶ 515-520)
▪operational impairment (¶ 511-514)
Yes
State petitions FCC for waiver to application of triggers until exceptional barrier no longer exists
¶ 503
State determines if CLECs have potential ability to deploy switches
¶ 507-520; 51.319(d)(2)(iii)(B)
Yes
No
Temporary unbundling required in that market
State determines if rolling unbundling would eliminate impairment
¶ 524; 51.319(d)(2)(iii)(C)
Yes
Rolling access to unbundling required in that market
No
Unbundling required in that market