

FCC Issues Order Prohibiting Execution and Enforcement of Exclusive Access Contracts for Telecommunications Service in Primarily Residential Multiple Tenant Environments

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The [Communications](#) Practice Group has prepared a Client Advisory titled "Federal Communications Commission Issues Order Prohibiting Execution and Enforcement of Exclusive Access Contracts for Telecommunications Service in Primarily Residential Multiple Tenant Environments."

The Advisory discusses a Report and Order ("*Order*") issued by the Federal Communications Commission and dated March 21, 2008, adopting rules which prohibit common carriers from entering into new contracts or enforcing existing contracts which give carriers exclusive access to primarily residential multiple tenant environments ("MTEs") for the provision of telecommunications service. "Exclusivity contracts" between common carriers and owners of primarily residential MTEs are those that restrict, or essentially restrict, the owners from permitting other common carriers to access the MTE to provide telecommunications service to the tenants.

The prohibitions apply to all common carriers and become effective 60 days after the Order is published in the Federal Register. This decision complements a similar Order of the Commission in 2000 to prohibit common carriers from entering into or enforcing "exclusivity contracts" with owners of commercial MTEs.