

**STATEMENT OF
COMMISSIONER KEVIN J. MARTIN**

Re: Petition for Forbearance of the Verizon Telephone Companies Pursuant to 47 U.S.C. Sec. 160 (c); SBC Communications Inc. 's; SBC Communications Inc. 's Petition for Forbearance Under 47 U.S.C. Sec. 160 (c); Qwest Communications International Inc. Petition for Forbearance Under 47 U.S.C. Sec. 160(c); BellSouth Telecommunications, Inc. Petition for Forbearance Under 47 U.S.C. Sec. 160(c).

For the past year, I have called on the Commission to take quick action to clarify that the section 271 rules do not trump the regulatory relief we provided in our recent broadband decisions. I am pleased that today's action continues the commitment not to saddle next-generation broadband networks and facilities with unbundling obligations established for legacy networks. This decision should encourage the rapid deployment of new investment in the high-speed broadband networks and facilities that will provide American consumers with more 21st century advanced services.

I join my colleagues in support of today's decision to forbear from enforcing the requirements of section 271, with regard to all the broadband elements that the Commission, on a national basis, relieved from unbundling in the *Triennial Review Order* and subsequent broadband decisions. These elements are fiber-to-the home loops, fiber-to-the-curb loops, the packetized functionality of hybrid loops, packet switching, and line-sharing.

While the Commission did not specifically address line sharing in today's decision, the Bell Operating Companies had included a request in their petitions that we forbear from enforcing the requirements of section 271 with respect to line sharing.¹ Since line-sharing was included in their request for broadband relief and we affirmatively grant their request, I believe today's order also forbears from any Section 271 obligation with respect to line-sharing. Regardless of whether it was affirmatively granted, because the Commission's decision fails to deny the requested forbearance relief with respect to line sharing, it is therefore deemed granted by default under the statute.

¹ See, e.g., *Verizon Petition for Forbearance*, Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, CC Dkt No. 01-338.