CONCURRING STATEMENT OF COMMISSIONER HAROLD FURCHTGOTT-ROTH

Re: Policy and Rules Concerning the International, Interexchange Marketplace, 2000 Biennial Regulatory Review, IB Docket No. 00-202 , Report and Order (adopted March 16, 2001).

I fully support today's decision to detariff the vast majority of international telecommunications services. However, as I stated at the NPRM stage of this proceeding, I fear that today's Order perpetuates some flawed tariff policies that harm consumers and hinder full and efficient development of the marketplace.[1]

As a general matter, I continue to object to the imposition of ineffective and burdensome rules in the international context based on the purported need for symmetry with the domestic detariffing item. I believe the better approach would have been to eliminate these obligations internationally now and call for comment on changing these requirements domestically. I am hopeful that the Commission will revisit all of these obligations as soon as practicable.

Our current international tariffing policies simply do not square with market realities. First and fundamentally, I do not believe tariffs are a useful regulatory tool in a competitive marketplace. Indeed, our permissive detariffing approach to some offerings only serves to block consumer claims under the filed rate doctrine. Telecommunications consumers should be entitled to the full panoply of rights that consumers in other competitive markets enjoy. In this regard, competitive markets are driven in part by consumer price comparison. Thus carriers have every incentive to disclose (and indeed advertise) their rates.[2] Today's item assumes the opposite – by creating a government mandate for disclosure both on the web and in one physical location in the country.[3] Similarly today's order imposes an unnecessary record keeping requirement on international carriers. Under today's order, carriers must maintain records for all international service offerings for a period of at least two years and six months.[4] The item justifies this obligation based on the need to have readily available information in the event a complaint is filed (for example under sections 201 and 202 of the Act). Yet CMRS carriers are subject to the same complaints, and we have no parallel obligation on those providers. Carriers are well aware of their potential liability. If they were to dispose of these records in an irresponsible fashion, I have no doubt of the Commission's

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[1] See Concurring Statement of Commissioner Harold W. Furchtgott-Roth, *In the Matter of 2000 Biennial Regulatory Review Policy and Rules Concerning the International, Interexchange Marketplace*, IB Docket No. 00-202, Notice of Proposed Rulemaking, FCC 00-367 at 42 (rel. Oct. 18, 2000) (urging complete detariffing of international carriers and reexamination of policy of permissive detariffing for domestic carriers).

[2] A quick examination of international carriers websites reveals that carriers prominently advertise rate information even in today's tariffed environment.

[3] See ¶ 47. The ineffectiveness of physical location requirement is self-evident. The idea that consumers will trek to the physical office of a carrier in order to gather rate information is bizarre.

[4] See ¶ 52.

ability to take appropriate action in a complaint case. Thus there appears to be little need to create another document retention obligation.

In general today's item is simply too eager to mandate, and too reluctant to examine the utility of the underlying rules. In a quickly evolving and competitive marketplace, consumers and carriers will be better served by a regulator that intervenes only when necessary – and focuses its discrete resources on tackling the true problems instead of creating mandates to solve imaginary ones.