

**SEPARATE STATEMENT OF  
COMMISSIONER MICHAEL J. COPPS**

*Re: Performance Measurements and Standards for Unbundled Network Elements and Interconnection*

I support launching this proceeding to consider national performance standards and penalties. Uniform national standards have the potential to promote regulatory efficiency, allow benchmarking and comparisons among carriers operating in different States, and reduce the administrative burdens of myriad different requirements. I noted the benefits of uniform standards just last month in a dissenting statement to the *Accounting Further Notice* in which the Commission concluded that it should eliminate a uniform national accounting system and instead move to a patchwork of State regulations.

For the effort we launch today to succeed, however, we must work closely with our State colleagues. Many States have already established performance metrics and penalties. We should draw on their experience and work cooperatively to implement measurements that will provide the information we need and the State commissions need to carry out our statutory obligations.

Finally, I would have preferred to also seek comment in this notice on performance standards on the provisioning of special access services. The need for performance measurements may be even more urgent for these services. Whereas numerous States have adopted standards for network elements and interconnection, several States have indicated that they lack jurisdiction over interstate services. One State Commission, New York, has expressed concern about the provisioning of these services, and its Chair has asked the FCC to deal with this issue or delegate authority to the States so they can address any problems.

I believe it would have made sense to consider all of these performance measurement issues together. The same facilities are used to provide special access services and unbundled network elements. Competitors often secure loops, transport, and combinations of network elements through special access tariffs in lieu of using network elements. Indeed, a significant portion of local competition is provided over special access circuits. Given that these services are not only an integral part of interexchange services, but are also used by competitors to provide local services, it would have been logical in terms of resources, efficiency, and common sense to consider these issues together.

Nevertheless, I vote for this notice with the understanding that the Commission will issue another notice in the near future to consider performance standards for the provisioning of special access services. I urge the Commission to move forward with this notice in the near future and to consider the issues in tandem.