

STATEMENT OF COMMISSIONER KEVIN J. MARTIN

Re: Application by SBC Communications Inc., Nevada Bell Telephone Company, and Southwestern Bell Communications Services, Inc., for Authorization To Provide In-Region, Inc., for Authorization To Provide In-Region, InterLATA Services in Nevada (WC Docket No. 03-10)

Today we grant SBC authority to provide in-region, interLATA service originating in the State of Nevada. I commend the Nevada Public Utilities Commission for their hard work.

The Commission approves SBC's application in Nevada based on the Commission's precedent in the *BellSouth Second Louisiana Order*¹. Under that decision, a BOC can satisfy its market-opening requirements by showing that consumers are using broadband PCS as a substitute for wireline telephone service. This showing can be demonstrated in the form of: (i) surveys identifying customers that had used broadband PCS in lieu of wireline service; and (ii) evidence of marketing efforts by broadband PCS providers designed to induce replacement of wireline service with broadband PCS service.

I have some trepidation with the Commission's decision and precedent in the *BellSouth Second Louisiana Order*. First, I would prefer a more comprehensive and timely filed survey. Moreover, our finding of Track A compliance relies solely on the presence of just one PCS provider. Given that this provider has just filed for Chapter 11 bankruptcy protection, I have some concerns with the long-term health of competition in Nevada. At this point, however, no evidence exists indicating that the PCS provider has stopped offering or providing service in the state.

¹ See *Application by BellSouth Corporation, et al., Pursuant to Section 271 of the Communications Act of 1934, as Amended, To Provide In-Region, InterLATA Services in Louisiana*, CC Docket 98-121, Memorandum Opinion and Order, 13 FCC Rcd 20599, 20633-35 (1998)(*BellSouth Second Louisiana Order*).