

December 23, 2002

**CONCURRING STATEMENT OF  
COMMISSIONER KEVIN J. MARTIN**

Re: *Public Notice, Section 272 Sunsets For Verizon in New York State By Operation of Law on December 23, 2002 Pursuant To Section 272(f)(1)*

*In the Matter of Section 272(f)(1) Sunset of the BOC Separate Affiliate and Related Requirements, WC Docket 02-112*

Today, the Commission—in a public notice—declares that the statutory requirement that BOCs provide in-region, interLATA telecommunications services through a separate corporate affiliate will sunset for Verizon’s operations in New York by operation of law.<sup>1</sup>

I am concerned that the Commission’s decision to summarily allow the section 272 requirements to sunset was made through a public notice rather than a Commission order responding to questions raised on the record. The decision to allow the separate affiliate requirements to sunset without any analysis or discussion is odd given that the Commission previously released a notice asking whether we should extend the section 272 safeguards.

In response to our request for comment, many parties, including state commissions, contend that it is premature to lift the separate affiliate safeguards provided by section 272. For example, some contend that the sufficiency of the biennial audit process has yet to be established.

I would have preferred that we affirmatively set forth, in a separate Commission order, our analysis and justification for granting the relief we announce in today’s public notice rather than remain silent.

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<sup>1</sup> 47 USC Section 272.