

**STATEMENT OF
COMMISSIONER MICHAEL J. COPPS,
CONCURRING**

Re: *IP-Enabled Services*, Notice of Proposed Rulemaking (WC Docket No. 04-28)

After two years of dialogue on classifying, reclassifying and declassifying services, in this proceeding the Commission finally focuses on the consequences of a Title I approach on a whole range of public safety, emergency response, universal service and disabilities access policies that we have a duty to protect. I have long advocated that we do this.

But I limit my support to concurring here because this proceeding on IP-enabled services strikes me as getting rather too close to final conclusions. In this Notice, we seem to be judging IP-related services without defining them. We ask questions about how to classify these ill-defined services, but then presume, or at least suggest, the answers. The impression is left that we are asking what rules we should apply *when* we relocate whole services and technologies to Title I from Title II. Were we eventually to take this route, we would be rewriting the 1996 Act—from top to bottom. This agency has no right to substitute its reclassification wishes for the will of Congress.

So I will support this Notice only with the understanding that, once we have a full record, our options remain completely open.

We all marvel at the transformative potential of new IP services. They sizzle with possibility for consumers and businesses alike. But for this transformation to happen with real spark, we need keep some fundamentals in mind. For example, we need to address intercarrier compensation to create a level playing field that minimizes arbitrages and maximizes the opportunities for new technologies to flourish. And we must recognize the role that universal service will play to make sure that all areas of the nation are covered with the technologies to create a seamless communications system and a seamless country. IP applications will only revolutionize communications if everyone has access to really high capacity bandwidth. Only when everyone, everywhere in America has access to broadband, will the IP transformation we herald here really take place.