

SEPARATE STATEMENT OF COMMISSIONER KEVIN J . MARTIN

Re: *Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, Implementation of the Local Competition Provisions of the Telecommunications Act of 1996; Deployment of Wireline Services Offering Advanced Telecommunications Capability; Order on Reconsideration, CC Docket Nos. 01-338, 96-98, 98-147.*

Today, the Commission continues its effort to promote the deployment of new broadband networks throughout the nation. Investment in broadband facilities and high-speed networks is critical to providing American consumers with 21st century advanced services and capabilities.

In providing the same regulatory relief for fiber-to-the-curb (“FTTC”) loops as we established for fiber-to-the-premises (“FTTP”) loops, we encourage the deployment of new packetized fiber networks and bring the potential for new advanced services closer to the American consumer.

I am pleased that today’s action continues our effort to lift legacy regulations on new broadband investment. We also clarify that our intention was to preserve access to the incumbent LECs’ existing network facilities, and to provide access to DS-1 loops only over TDM capable hybrid network facilities and not over packetized network facilities. In the Triennial Review Order, we held that ILECs need not unbundle their packet-based networks, including any packetized transmission path.

In particular, we recognize that where ILECs deploy new packet-based networks they nevertheless may need to hand-off a signal to some customers in TDM format in order to be compatible with an end user’s customer premises equipment. The decision makes clear that carriers that choose to deploy new packet-based networks will not be required to unbundle their new packet-based networks regardless of whether they hand off a signal in a TDM format to any such customer.

I look forward to working with my colleagues on our on-going effort to ensure that we provide significant relief from legacy regulations to continue to spur investment and deployment of new packetized networks and facilities that will bring new broadband services to all Americans throughout the nation.