

**SEPARATE STATEMENT OF
CHAIRMAN MICHAEL K. POWELL
November 9, 2004**

Re: Local Telephone Competition and Broadband Reporting, WC Docket No. 04-141

The United States is turning the corner on the digital migration. Across America, the availability of ubiquitous, reliable broadband access is changing the way we work and live. Overall, 48 million adults use high-speed connections in the home, representing growth of 60 percent from a year earlier. The information collected in our Form 477 program is a critical aid in demonstrating that first-generation broadband is being widely deployed throughout the nation.

Today we modify that program to enable us to monitor more effectively the deployment of next-generation broadband services, particularly in rural and underserved areas. Section 706 of the Act has increasingly supplied the Commission with a judicially-endorsed basis for regulatory reform. In this context, we must redouble our efforts to ensure that our data gathering program pursuant to this section is up to the task of fully evaluating broadband deployment. In this item we take several steps to minimize the burdens that these important and necessary program modifications may impose on individual small entities that have not previously been required to participate. The first filing of the modified Form 477 will be due no earlier than September 1, 2005. Our outreach efforts to affected entities will be comprehensive. We will publish a Small Entity Compliance Guide for the program well in advance of that date. And Commission staff will work with trade associations to publicize the program, and will conduct briefing sessions with potential filers and their associations to assist them in implementing this program. I remain sensitive to overly burdensome data gathering requirements, but I am convinced the improvements the Commission adopts herein, which include some but not all of the modifications proposed in the *Data Collection NPRM*, are necessary to ensure that the Commission can continue to effectively evaluate broadband and local competition developments as they affect all Americans.