

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

Re: *Fones4All Corp. Petition for Expedited Forbearance Under 47 U.S.C. § 160(c) and Section 1.53 from Application of Rule 51.319(d) to Competitive Local Exchange Carriers Using Unbundled Local Switching to Provide Single Line Residential Service to End Users Eligible for State or Federal Lifeline Service*, Memorandum Opinion and Order, WC Docket No. 05-261 (Sept. 28, 2006).

This Commission makes its most difficult decisions when two important and conflicted interests must be balanced. In the case before us, the petitioner seeks forbearance from rules that it contends will enable it, and similarly situated communications providers, to offer more affordable telephone service to a wider swath of low income telephone consumers. The record is replete with evidence that such services would be welcome news. According to our own data, the percentage of households that subscribe for telephone service hit its lowest point in 2005 in over fifteen years. The importance of home telephone service is self-evident as consumers, particularly low income consumers, rely heavily on home phones to stay connected with their families, make important calls to employers and doctors, and in an emergency to make that life-saving call. The importance of the services being offered by the petitioner cannot be understated, particularly at a time when the universal service fund's Lifeline/Link-Up program assists only one-third of eligible households.

While allowing a default judgment – a pocket veto of sorts – is possible, it is not the responsible choice here. This is the second time in recent months that we have been faced with a forbearance petition and a Commission that lacks a majority on the issue at hand. On the previous occasion, I observed that failure to act in a forbearance petition is not the way to make sound policy or, in effect, to change current law. I don't believe the process is significantly different here, much as I might find the policy outcome appealing. For these reasons, I am unwilling to permit a default judgment to become new communications law. I therefore concur in this Order, not because the rules in place are of my choosing or my liking, nor because I agree with the analysis in the Order, but because sound policy dictates that rules are to be created or forborne from through reasoned decisions made by this Commission.