

**CONCURRING STATEMENT OF
COMMISSIONER JONATHAN S. ADELSTEIN**

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).

In this Order, the Commission denies the petitioner's request that we forbear from applying our rules so that the petitioner may use unbundled network elements, specifically the platform of elements known as UNE-P, to serve consumers participating in the Lifeline program. While I believe the Commission can and must do more to promote service to low income consumers, I concur in this Order because I have serious questions about whether allowing a default grant of this forbearance petition is the appropriate means to advance that goal.

Congress made clear in Section 254 of the Act that "consumers in all regions of the Nation, including low-income consumers . . . should have access to telecommunications and information services" and I have repeatedly supported efforts to expand the availability of our Lifeline and Link-Up programs. Access to basic telephone service has long since moved from the category of luxury to necessity, yet there remains much more work to be done. As the Commission recently found, only approximately one third of eligible low income households actually subscribe to the Lifeline program.

I have also consistently supported efforts to encourage the development of competitive choice for consumers and, in this case, I am concerned that the Commission has not done all that it can to encourage providers to serve low income consumers. The prospect of competitive providers that will actively market to Lifeline consumers holds real promise for increasing telephone penetration among low income consumers. Although I do not believe we reach the optimal outcome and I have concerns about the analysis in this Order, I cannot support a default grant of this petition. The petition seeks relief from rules that do not reflect the balance I would have struck, but the public, the industry, and this Commission are far better served when we make decisions through reasoned fact-finding and analysis. As I have stated in the past, Section 10 forbearance is a powerful tool and the Commission must wield this tool responsibly. For these reasons, I concur in this decision.