

**STATEMENT OF  
COMMISSIONER AJIT PAI  
APPROVING IN PART AND CONCURRING IN PART**

Re: *Technology Transitions*, GN Docket No. 13-5; *USTelecom Petition for Declaratory Ruling that Incumbent Local Exchange Carriers Are Non-Dominant in the Provision of Switched Access Services*, WC Docket No. 13-5; *Policies and Rules Governing Retirement of Copper Loops by Incumbent Local Exchange Carriers*, RM-11358.

There are some franchises that you just love. James Bond thrills. *Terminator* explodes with action. And *Rocky* inspires. But not every iteration of a franchise has the same magic. Recall *The Living Daylights*, *Terminator: Salvation*, or *Rocky Balboa*—if you can. It’s not that these are terrible films; there’s just not much going for them.

This *Order*—the latest in our IP Transition franchise—carries forward the tradition. The *Order* claims to advance that transition, something I certainly support. Indeed, for four years, I’ve been calling on the FCC to expedite the IP Transition, to end the burdensome regulations that tie up carrier resources and slow the deployment of next-generation networks.<sup>1</sup> And the headlines accompanying today’s release are catchy: It will “strip away the outdated and unnecessary,” “modernize our rules,” and “maximize opportunities for creative disruption.”<sup>2</sup>

But like many summer blockbusters, this film doesn’t live up to the trailer. In a world where consumers are embracing the IP Transition in growing numbers each and every day, this agency shouldn’t be timid—and yet we are. The highlights of this *Order* include letting incumbents file certain tariffs a few days later,<sup>3</sup> correcting a technicality regarding copper retirement,<sup>4</sup> and automatically granting petitions to discontinue services with no customers.<sup>5</sup> Not much action there. And the bulk of the *Order* is devoted to laying out the various tests, numerous conditions, and multiple obligations of carriers that volunteer to undergo a “streamlined” discontinuance process for voice services—a framework sure to scare away most, if not all, volunteers and thus unlikely to have much practical impact.<sup>6</sup>

And so, much like the final season of *Lost*, that recent James Patterson novel, and every Super Bowl halftime show since Janet Jackson, there’s just not that much new being revealed. That said, I do approve of the limited relief granted, and I concur on the remainder of the *Order*.

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<sup>1</sup> Remarks of FCC Commissioner Ajit Pai, “Unlocking Investment and Innovation in the Digital Age: The Path to a 21st-Century FCC,” Carnegie Mellon University, Pittsburgh, PA (July 18, 2012), <http://go.usa.gov/xxZnJ>; Remarks of FCC Commissioner Ajit Pai: “Two Paths to the Internet Protocol Transition,” Hudson Institute, Washington, DC (Mar. 7, 2013), <http://go.usa.gov/xxZQY>; Remarks of FCC Commissioner Ajit Pai, “The IP Transition: Great Expectations or Bleak House?,” Internet Innovation Alliance, Washington, DC (July 24, 2014), <http://go.usa.gov/xxZnA>; Remarks of FCC Commissioner Ajit Pai on Receiving the 2015 Jerry B. Duvall Public Service Award at the Phoenix Center 2015 Annual U.S. Telecoms Symposium (Dec. 1, 2015), <http://go.usa.gov/xxZQB>.

<sup>2</sup> *Order* at para. 3 (internal punctuation omitted).

<sup>3</sup> *Order* at para. 44.

<sup>4</sup> *Order* at para. 195.

<sup>5</sup> *Order* at para. 77.

<sup>6</sup> *See Order* at paras. 88–192.