

**STATEMENT OF  
COMMISSIONER MICHAEL O'RIELLY**

Re: *Business Data Services in an Internet Protocol Environment et al.*, WC Docket No. 16-143, GN Docket No. 13-5, WC Docket No. 05-25, RM-10593; *Petition of USTelecom for Forbearance Pursuant to 47 U.S.C. § 160(c) to Accelerate Investment in Broadband and Next-Generation Networks*, WC Docket No. 18-141.

This item takes important, yet restrained, steps in modernizing our rules to reflect changing market conditions for price cap incumbent local exchange carriers' (LEC) legacy transport offerings, and it has my full support.

First, this item resolves the Eighth Circuit's partial remand of the 2017 Business Data Services order. I supported our decision in that proceeding to recognize significant competition in special access markets and eliminate asymmetric pricing regulation affecting only incumbent LECs. If anything, the options for BDS transport service are even more competitive today, as reflected by the refreshed record, and the case for deregulation appears to be even more compelling.

Second, the item grants partial forbearance relief from price cap LECs' obligations to provide their competitors with unbundled access to their DS1 and DS3 transport facilities at regulated rates. While I am pleased to support this grant of forbearance, as the draft itself admits, this is a "conservative" approach to the UNE transport component of USTelecom's petition.

Thank you to Wireline Competition Bureau for their hard work on this item. I look forward to deciding the final pending issues in the USTelecom forbearance proceeding in the weeks ahead, and I vote to approve this item.