

**STATEMENT OF
COMMISSIONER JESSICA ROSENWORCEL,
DISSENTING**

Re: *Modernizing Unbundling and Resale Requirements in an Era of Next-Generation Networks and Services*, WC Docket No. 19-308, Notice of Proposed Rulemaking (November 22, 2019)

Competition is at the heart of the Telecommunications Act of 1996. This is a good thing. Competition benefits our economy and helps consumers enjoy lower prices and higher rates of innovation. To bring this about, the law set up a new paradigm to expand the number of carriers capable of offering communications and induce their entry into local markets. This included policies that opened elements of incumbent provider networks to competition and also made their services available on a resale basis.

Over time the Federal Communications Commission has adjusted these policies. Sometimes it has added to them. Sometimes it has tweaked them. And more recently it has granted requests to scale back these policies and reduce network access to competitors. As technology has advanced some of these choices have been prudent. But others have hit hard and struck deep by revisiting the competitive fundamentals of the law.

In today's rulemaking, the FCC proposes to do just that by bringing an end to key elements of its unbundling and resale policies. This is not a subtle exercise. While I am open to having a discussion about the impact of these changes, I think today's effort is flawed. That's because it offers proposals to cut away at core competitive tenets of the law and is written in a manner suggesting the outcome is all but predetermined. To ensure this proceeding is open, honest, and fair, I recommended that instead of kicking this effort off with a rulemaking, we could start with a notice of inquiry. I also recommended that we just take out the many tentative conclusions in this rulemaking to avoid prejudging the outcome for consumers and competition. I regret that my colleagues did not agree to these changes. So I choose to dissent.