

**STATEMENT OF
COMMISSIONER JESSICA ROSENWORCEL,
APPROVING IN PART, DISSENTING IN PART**

Re: *Modernizing Unbundling and Resale Requirements in an Era of Next-Generation Networks and Services*, WC Docket No. 19-308.

Competition is at the heart of the Telecommunications Act of 1996. This law pried open communications markets that had never seen the benefits of competition and in the process offered consumers new choices, lower rates, and greater innovation. To bring all of this about, it set up a new framework that expanded the number of carriers capable of offering communications and induced their entry into local markets. These policies opened elements of incumbent networks to competition and also made their services available on a resale basis.

Over time the Federal Communications Commission has adjusted and readjusted these policies. Our most recent effort at fine-tuning them kicked off with a rulemaking late last year.

The good news is that following the release of our rulemaking, a group of incumbent network providers and competitive carriers came together to work on these issues. This summer they proposed a compromise. They envisioned changes to our policies regarding the availability of unbundled network elements in populous areas accompanied by transitions that would give the market time to adapt. Those who participated deserve kudos for their efforts. Reaching this point was a hard slog and I want to thank them for their perseverance.

The not-so-good news is that despite their efforts to forge this compromise, this decision still has deficiencies. While I support the fundamentals of this compromise, I think our analysis is lacking. It too casually dismisses concerns about competitive entry, and too often asserts the presence of competition without additional evidence. I think this failing is most pronounced when it comes to broadband competition. In particular, I am concerned that this decision relies on analyses that overstate the presence of competition and do not meaningfully consider how the retirement of legacy facilities will impact the availability of consumer broadband in the future.

For these reasons, I approve in part and dissent in part.