

**Separate Statement of  
Chairman William E. Kennard**

*Re: AT&T Corp. v. New York Telephone Company, d/b/a Bell Atlantic – New York*

I agree with the concerns that Commissioner Ness raises regarding Verizon's marketing practices. I also agree that we need to consider local carriers' equal access and nondiscrimination obligations to take account of new competition in the marketplace as a result of the Telecommunications Act of 1996. I have asked the Bureau to present promptly a proposal in this regard to the Commission.

**Separate Statement of  
Commissioner Susan Ness**

*Re: AT&T Corp. v. New York Telephone Company, d/b/a Bell Atlantic – New York*

Although I support today's decision based on our rules, I am troubled by Verizon's marketing practices in New York. When customers call their local carrier to establish service on their primary line, carriers must tell those customers that they have a choice of long-distance providers. Yet, when many customers call Verizon to order additional lines, it does not inform those consumers of their right to use a long-distance carrier other than Verizon.

In passing the Telecommunications Act of 1996, Congress sought to promote competition in all telecommunications markets. Consumers will only reap the benefits of competition if they have the information to choose the provider that best meets their needs.

The contours of the equal access and nondiscrimination requirements in section 251(g) were set at a time when Bell companies, such as Verizon, were the monopoly provider of local services and were prohibited from offering long-distance services. This complaint demonstrates the need to revisit those rules in light of changes in the marketplace. As companies enter markets from which they were previously barred, we should consider the equal access and nondiscrimination obligations that make sense in this new competitive era. I urge the Commission to undertake such a proceeding.