

**CONCURRING STATEMENT OF  
COMMISSIONER KEVIN J. MARTIN**

Re: *Public Notice, Section 272 Sunsets For SBC in the State of Texas By Operation of Law on June 30, 2003 Pursuant To Section 272(f)(1), WC Docket No. 02-112.*

Today, the Commission—in a public notice—declares that the statutory requirement that BOCs provide in-region, interLATA telecommunications services through a separate corporate affiliate will sunset for SBC’s operations in Texas by operation of law.<sup>1</sup>

Last December, I expressed my concerns regarding the Commission’s decision to summarily allow the section 272 requirements to sunset for Verizon in New York through a public notice rather than a Commission order responding to questions raised on the record.<sup>2</sup>

In response to a petition for extension of the separate affiliate requirements, many parties, including the Texas Public Utility Commission, contend that it is premature to lift the separate affiliate safeguards provided by section 272.

As I have said before, I would have preferred that we affirmatively set forth, in a separate Commission order, our analysis and justification for granting the relief we announce in today’s public notice rather than remain silent.

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<sup>1</sup> 47 USC Section 272.

<sup>2</sup> See Concurring Statement of Commissioner Kevin J. Martin, *Public Notice, Section 272 Sunsets for Verizon in New York State By Operation of Law on December 23, 2002 Pursuant to Section 272(f)(1); In the Matter of Section 272(f)(1) Sunset of the BOC Separate Affiliate and Related Requirements, WC Docket 02-112, (rel. Dec. 23, 2002).*