

**SEPARATE STATEMENT OF
COMMISSIONER MICHAEL J. COPPS,
APPROVING IN PART, CONCURRING IN PART**

Re: *Federal-State Joint Board on Universal Service*

At the core of federal universal service policy is the principle that all Americans, no matter who they are or where they live, should have access to reasonably comparable services at reasonably comparable rates. Congress memorialized this bold commitment to universal service in section 254 of the Communications Act. Congress also wisely directed the Joint Board to recommend periodically changes to the list of services supported by universal service, in order to ensure that this principle retains meaning as time and technologies advance.

The hard work and frank discussions of the Joint Board inform today's decision to retain the current list of supported services. The Commission is richer for the Joint Board's efforts. Although I no longer serve as a federal member of the Joint Board, I participated in last year's Recommended Decision. I write separately here to highlight concerns that lead me to concur in two parts of today's order.

Advanced Services

I respect that the Commission adheres to the recommendation of the Joint Board concerning advanced services. Nonetheless, I am disappointed with the majority's conclusion that advanced services are not essential for educational, public health or public safety purposes at this time. I am even more troubled by the conclusion that adding advanced services to the list of supported services would be contrary to the public interest.

The evidence is all around us: advanced services become more and more essential with each passing day. Broadband is a key and growing component of our nation's systems of education, commerce, employment, health, government and entertainment. Congress recognized the increasing importance of advanced services when it commanded the Commission and our state counterparts to encourage the deployment of advanced telecommunications capability on a reasonable and timely basis to all Americans. Congress also provided the Joint Board and the Commission with the guiding principle that "access to advanced telecommunications and information services should be provided in all regions of the Nation."

Against this background, each and every citizen of our country has a right to look forward to a time when we all have access to advanced services. We stall the arrival of that day when, as the majority does here, we fail to acknowledge what history teaches us about the ability of market forces alone to accomplish this feat. Following the invention of the telephone, many communities, especially those in rural areas, were left behind—more isolated than before and with comparatively fewer economic opportunities. Now telephone service is available in nearly 96 percent of households in this country. This

penetration rate is among the highest in the world, and it is because of our national commitment to universal service, not despite it. When it comes to advanced services, why then do we turn our backs on what has been historically so effective? And what supports our assumption that the market alone will accomplish deployment? This flies in the face of our experience with basic telephone service, what we presently know about the cost of advanced services deployment and what many business leaders tell me.

Last year, as a member of the Joint Board, I called for a proceeding to examine the steps we should take to promote the deployment of advanced services and the role of universal service in that effort. This should be one of the Commission's highest public interest priorities. Without such a serious national dialogue, we risk failing our charge to deliver the infrastructure of the Information Age to everyone, everywhere in America.

Finally, I note with great concern that if the Commission adopts its tentative conclusion from the *Wireline Broadband Notice* that broadband Internet access is an information service with a telecommunications component, broadband Internet access could *never* be supported by universal service. The Joint Board concluded as much in last year's Recommended Decision. This issue is not before us here, but it hovers in the background of our action today and clouds the future of universal access to broadband service for consumers in rural and high-cost areas.

Equal Access

As a member of the Joint Board, I voted to include equal access in the list of supported services. I acknowledged at the time that I believed it was a close call. I still think this is the case. The majority here decides that we should address the issue of equal access in our upcoming universal service portability proceeding. While it makes sense to address these critical issues comprehensively, it only does so if that process receives expeditious treatment at the Joint Board and at this Commission. I concur on the assumption that it will receive the high priority it so clearly deserves.

Last fall, the Commission asked the Joint Board to undertake a substantial review of key Commission rules relating to high-cost universal service support mechanisms. We specifically asked this body to examine our rules governing support in competitive study areas and for second lines. We also requested that the Joint Board review the process for designating eligible telecommunications carriers. For the Commission to honor its statutory duty to preserve and advance universal service, we will have to tackle these issues as soon as the Joint Board tenders its recommendation. When we do, the Commission may alter the field on which all actions involving competitive universal service support are played out. Instead of progressing in a piecemeal fashion by considering equal access alone today, the majority makes a strong case that the better outcome is deferring this issue to our larger, integrated proceeding.

I caution that deferral is not the same thing as denial. I remain concerned that competitive eligible telecommunications carriers not offering equal access may deprive rural consumers of choice, quality and the full benefits of competition. Furthermore, if

these issues gather the dust of regulatory inaction at either the Joint Board or the Commission, I stand willing to revisit the decision made here today.