

**JOINT STATEMENT OF  
COMMISSIONER MICHAEL J. COPPS AND  
COMMISSIONER JONATHAN S. ADELSTEIN,  
DISSENTING**

Re: *Section 272(f)(1) Sunset of the BOC Separate Affiliate and Related Requirements;  
Section 272 Sunsets for Verizon Communications, Inc. in the State of Massachusetts by  
Operation of Law on April 16, 2004 Pursuant to Section 272(f), WC Docket No. 02-112.*

Today the Commission releases a Public Notice announcing sunset of the Section 272 separate affiliate requirement for Verizon in Massachusetts. Once again, as with the sunset of separate affiliates in New York, Texas, Kansas and Oklahoma, the Commission reaches this result without providing any review or analysis of the market in the state. Because we believe the Commission has a duty to do more than offer such a bare Public Notice, we cannot support this action.

In Section 272, Congress required Bell companies to provide long distance and manufacturing services through a separate affiliate. Congress adopted these safeguards because it recognized that Bell companies might still exercise market power at the time they enter long-distance markets. Congress specifically provided that the Section 272 separate affiliate requirement would continue for three years, but could be extended by the Commission by rule or order.

The Commission, however, does nothing here to determine whether there is a continuing need for these safeguards in Massachusetts. Had there been some analysis of the market here, we could make a decision on the merits. Unfortunately, we are left wondering how the Commission can justify sunset while it leaves unresolved the development of alternative safeguards in its performance measurements docket. Similarly, we are left wondering how the Commission moves forward today while leaving incomplete its proposed rulemaking concerning carrier classification following Section 272 sunset. In light of these outstanding questions and the short shrift this Public Notice gives to our statutory responsibilities, we must dissent from today's decision.