

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

Re: Public Notice, Section 272 Sunsets For SBC in the States of Kansas and Oklahoma By Operation of Law on January 22, 2004 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 Kansas and Oklahoma by operation of law.¹

In the past, I expressed my concerns regarding the Commission’s decision to summarily allow the section 272 requirements to sunset through a public notice rather than a Commission order responding to questions raised on the record.²

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.

¹ 47 USC § 272.

² See Concurring Statement of Commissioner Kevin J. Martin, *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 No. 02-112, Public Notice, FCC 02-335 (rel. Dec. 23, 2002); See Concurring Statement of Commissioner Kevin J. Martin, *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, Public Notice, FCC 03-155 (rel. Jun. 30, 2003).