

**STATEMENT OF
COMMISSIONER KEVIN J. MARTIN**

Re: Promotion of Competitive Networks in Local Telecommunications Markets; Wireless Communications Association International, Inc. Petition for Rulemaking To Amend Section 1.4000 of the Commission's Rules To Preempt Restrictions on Subscriber Premises Reception or Transmission Antennas Designed To Provide Fixed Wireless Services, Order on Reconsideration, WT Docket No. 99-217

I have reservations with the Commission's decision to extend our rules for over-the-air reception devices (OTARD rules) to cover devices used to receive services other than video programming. The statutory basis for our OTARD rules applies explicitly to "restrictions that impair a viewer's ability to receive video programming services through devices designed for over-the-air reception of television broadcast signals, multichannel multipoint distribution service, or direct broadcast satellite services." 47 U.S.C. § 303 note (Telecommunications Act of 1996 Section 207). I appreciate the policy behind extending our rules to telecommunications services. I am concerned with relying solely on our ancillary authority to do so.