

**STATEMENT OF COMMISSIONER KATHLEEN Q. ABERNATHY,
CONCURRING**

Re: Petition of SBC Communications Inc. for Forbearance from Structural Separation Requirements of Section 272 of the Communications Act of 1934, as Amended, and Request for Relief to Provide International Directory Assistance Services, et al., CC Docket No. 97-172, Memorandum Opinion and Order (adopted Mar. 19, 2004).

I fully support the grant of forbearance to facilitate the provision of international directory-assistance services. As set forth in the Order, the relief we provide will promote competition and benefit consumers. I concur in the Order because, although it reaches the correct result, I disagree with the Commission's conclusion that "we may not forbear from the requirements of section 272 to the extent that petitioners provide international directory assistance services under section 271(d)" Order at ¶ 14. As I have stated previously, section 271(d) clearly has been "fully implemented" as required under section 10(d) now that the BOCs have obtained section 271 authority to provide long distance services in every state.¹ I continue to believe that the Commission should revisit its conclusion that full implementation has yet to occur. While the Commission is able to provide meaningful relief in this proceeding by relying on section 271(g), rather than section 271(d), there may well be other instances in which the Commission's faulty interpretation of the "fully implemented" provision in section 10(d) will needlessly bar deregulatory action that is entirely consistent with — and indeed mandated by — the statute.

¹ Dissenting Statement of Commissioner Kathleen Q. Abernathy, *Petition of Verizon for Forbearance from the Prohibition of Sharing Operating, Installation, and Maintenance Functions Under Section 53.203(a)(2) of the Commission's Rules*, Memorandum Opinion and Order, 18 FCC Rcd 23525 (rel. Nov. 4, 2003).