

**STATEMENT OF
CHAIRMAN KEVIN J. MARTIN**

Re: *Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Omaha Metropolitan Statistical Area*, Memorandum Opinion and Order (WC Docket No. 04-223)

With this Order, we witness the fruits of the Telecommunications Act of 1996. In the nearly 10 years since the passage of this Act, Cox has become a formidable competitor to Qwest in the Omaha MSA. Accordingly, based on the specific market facts that have been placed before us, we are compelled under the “pro-competitive, deregulatory” framework established by Congress, as well as under section 10’s forbearance criteria, to grant Qwest relief from the continued application of legacy regulations.

This Order is significant in two respects. First, it is first time that we have forbore from enforcing unbundling requirements under section 251(c). Second, it is the first time that we have relieved an incumbent LEC of legacy dominant carrier regulation in the mass market. Cox has made a substantial infrastructure investment in the Omaha MSA and has used these facilities to provide competing telephone services to over a hundred thousand residential and business customers.

This success of intermodal competition warrants the Commission’s careful exercise of its forbearance authority. Notably, the relief we grant today is balanced and limited to the areas in which Cox has the most significant facilities presence. For example, we grant unbundling relief only in those wire centers where Cox facilities pass a substantial number of end-user locations served by a particular wire center. In those areas where Cox does not have such an extensive presence, no unbundling relief is granted. Accordingly, I believe this Order strikes the right balance.