

**CONCURRING STATEMENT OF
COMMISSIONERS MICHAEL J. COPPS AND JONATHAN S. ADELSTEIN**

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)

In today's decision, the Commission grants forbearance from certain unbundling and dominant carrier obligations in areas of the Omaha MSA where a facilities-based carrier has extensively built out its network and taken significant market share from the incumbent wireline provider. While we support the outcome in this Order and believe it is clearly superior to an automatic grant of the underlying petition, we have concerns with the analysis in this decision. As a result, we choose to concur.

The goal of the Telecommunications Act of 1996 is to establish a "pro-competitive, de-regulatory national policy framework." Today's decision lives up to this charge only in part. This item certainly reduces regulation by eliminating some incumbent obligations and demonstrates that the Commission can respond to the dynamic marketplace. But we fall short when it comes to promoting competition. The Commission relies on the intermodal efforts of a single alternative provider—a provider with substantially greater resources than other competitors—to conclude that the Omaha MSA is fully competitive and to carve away both retail and wholesale obligations. While we agree that there is especially strong evidence of competition between the incumbent cable and wireline providers in this market, we believe the statute contemplates more than just competition between a wireline and cable provider—and that both residential and business consumers deserve more.