

**STATEMENT OF
COMMISSIONER KATHLEEN Q. ABERNATHY**

Re: Petition of SBC Communications, Inc. for Forbearance from the Application of Title II Common Carrier Regulation to IP Platform Services, Memorandum Opinion and Order, WC Docket No. 04-29 (May 5, 2005).

I support the foregoing order denying SBC's forbearance petition on procedural grounds. The task of developing new rules to govern the transition to 21st century fiber-based networks is among the most important facing the Commission. As the order reflects, however, the Commission has not yet determined the extent to which legacy regulatory rules should apply to the emerging class of IP-enabled services, and this petition was not the proper vehicle for doing so. The Commission is in the midst of a comprehensive rulemaking proceeding to establish a regulatory framework for IP-enabled services, and that rulemaking will better enable the Commission to consider the far-reaching and complex implications of whatever rules we adopt.

Although I agree that section 10 does not compel the Commission to grant blanket forbearance from the statute in these circumstances, I have little doubt that SBC is correct in contending that IP-enabled services should not be subject to the full range of Title II regulations. I hope the Commission promptly completes the pending rulemaking and defines an appropriately light-handed regulatory framework that reflects the new technological and marketplace realities.