

**DISSENTING JOINT STATEMENT OF
COMMISSIONER MICHAEL J. COPPS
AND
COMMISSIONER JONATHAN S. ADELSTEIN**

Re: Qwest Petition for Forbearance Under 47 U.S.C. § 160(c) from Title II and Computer Inquiry Rules with Respect to Broadband Services WC Docket No. 06-125

The Commission continues down its ill-considered road of granting far-reaching forbearance to petitioners seeking relief from Title II and *Computer Inquiry* obligations associated with certain broadband enterprise services. As was the case in last year's *AT&T Title II and Computer Inquiry Forbearance Order* addressing largely the same issues raised by Qwest here, there is insufficient evidence to support forbearance in this case.

The concerns we originally raised in our Joint Statement in the *AT&T Title II and Computer Inquiry Forbearance Order* are equally applicable today, so we need only briefly repeat our concerns here. First, the Order reaffirms the notion of a special class of "broadband enterprise services" deserving of forbearance. Yet, the Commission has previously treated these services as special access services. The Commission's pending rulemaking on this very topic is of course long overdue. Clearly, we should not be granting forbearance for rules covering special access services without first completing an industry-wide analysis of competition for these services. The Order also lacks any rigorous analysis of the impact on small and medium size business customers as well communications providers who use these services to provide both residential and enterprise services. Moreover, the Commission again relies on a nationwide market analysis. We have repeatedly argued that rampant deregulation and a blind eye towards a competitive analysis are no substitutes for a national strategy for deploying broadband services. Today's Order is a missed opportunity for the Commission to critically review whether a national framework for the market specific services before us is appropriate.

The Order retains key interconnection, universal service, privacy, disabilities access, and other Congressionally-mandated provisions -- forbearance from which would have been devastating for consumers and competition. While we appreciate the decision to retain these essential responsibilities, we cannot support this Order's decision to forbear from rules that provide critical pricing protection.

It remains abundantly clear that the Commission is bent on continuing its headlong rush to eliminate large swaths of its rules under the guise of forbearance and absent the kind of industry-wide reviews that would enable us to assess the marketplace as a whole. We believe this is an egregious mistake. The lack of data concerning the specific product and geographic markets at issue and this Order's lack of analysis cause us great concern about both the substance and the process by which the Commission grants forbearance from our rules. Moreover, as a result of this approach, the Commission finds itself inundated with company-specific requests for "me-too" relief that divert attention from the many other critical priorities before us.

For these reasons, we dissent from today's Order.