

**STATEMENT OF
COMMISSIONER JESSICA ROSENWORCEL**

Re: *Special Access for Price Cap Local Exchange Carriers*, WC Docket No. 05-25

Special access services are high-capacity dedicated services that many businesses and institutions rely on to meet their voice and data communications needs. In 1999, the Commission put in place a series of pricing flexibility triggers designed to serve as a proxy for competitive conditions within a geographic market. Where these proxies were met, the Commission relaxed its rules governing special access services. When proposed, this was a good and sensible system. But time and the evolution of technology has rendered these proxies increasingly ill-suited to discern between competitive and noncompetitive markets. Consider, for instance, that more than a decade later Flint, Michigan has been granted a higher level of pricing flexibility than New York City. This kind of result has led a wide variety of interests, including the Small Business Administration, Government Accountability Office, American Petroleum Institute, and wireless and wireline carriers to question their continuing validity. In short, the system put in place a decade ago both overestimates and underestimates competition. It deserves a fresh look.

Consequently, I support today's decision. But I would have preferred that the Commission concurrently issue a mandatory data request to begin the long-overdue process of collecting the information necessary to move forward with special access reform. Nonetheless, I appreciate that the agency has committed to issuing such a data request within 60 days. It is my hope that this data will lay the foundation for a new system that promotes competition, investment, and deployment of high-capacity services across the country.