

**STATEMENT OF
COMMISSIONER JESSICA ROSENWORCEL**

Re: *Business Data Services in an Internet Protocol Environment*, WC Docket No 16-143;
*Investigation of Certain Price Cap Local Exchange Carrier Business Data Services Tariff
Pricing Plans*, WC Docket No. 15-247; *Special Access for Price Cap Local Exchange Carriers*,
WC Docket No 05-25; *AT&T Corporation Petition for Rulemaking to Reform Regulations of
Incumbent Local Exchange Carrier Rates for Interstate Special Access Services*, RM-10593.

We can call them special access services or call them business data services—but we should acknowledge they are important. These are the high-capacity dedicated services that sustain our wireless networks, facilitate commercial transactions, and underpin communications that American businesses rely on every day.

Four years ago, the Commission suspended aspects of its special access policies. The agency determined that its turn of the millennium rules designed to provide greater flexibility for these services were not working as intended. In fact, they were leading to some strange results. Consider, for instance, that under our old policies more competitive flexibility was available in Flint, Michigan than New York City. Somehow our framework was both overinclusive and underinclusive at the same time. Something was not right.

So the Commission set off to update and modernize special access policy. To do so we collected data—lots and lots of data. In fact, we have assembled perhaps the single largest dataset in the history of the Commission. But that was the easy part. Now comes the hard part—finding a way forward.

Today we set this process in motion. We adopt an order that finds specific special access tariff provisions—like excessive early termination fees—unlawful. Then we move to a broader rulemaking to modernize special access policy.

As we proceed, I believe three principles should guide us. First, our policies must feature incentives for providers to build and invest in networks. Infrastructure matters—we need to encourage its deployment. Second, our policies must enhance competition. Competition benefits consumers and leads to greater innovation. Third, our policies must be capable of administration. It is simple to draw complex conclusions from the data before us. But we must modernize special access in a way that is both smart and practical.

I look forward to the record that develops and thank the Wireline Competition Bureau for its efforts.