

**STATEMENT OF
COMMISSIONER JESSICA ROSENWORCEL, CONCURRING**

Re: *Regulation of Business Data Services for Rate-of-Return Local Exchange Carriers*, WC Docket No. 17-144; *Business Data Services in an Internet Protocol Environment*, WC Docket No. 16-143; *Special Access for Price Cap Local Exchange Carriers*, WC Docket No. 05-25.

Business data services are an essential part of the digital economy. These high-capacity dedicated services sustain our wireless networks, facilitate commercial transactions, and support communications that American businesses rely on every day.

Here, in a grab bag of decisionmaking and rulemaking, the Federal Communications Commission updates its business data services policies to respond to a court remand and address issues for a subset of carriers that have opted into new, model-based universal service support.

While I support the outcome of today's decision, I concur because its analytical shortcomings are real. Instead of conducting analysis about the state of the market, this order just draws parallels "where we can." In doing so, it borrows analysis from an earlier decision involving much larger carriers with far greater economies of scale and determines for smaller providers "the same circumstances could exist" in rural areas. But there is no data to demonstrate the truth of this assertion. In other words, we take it on faith that price cap and rate-of-return areas have competitive characteristics that merit identical regulatory treatment despite years of history that suggest the contrary.

I like faith. I like hope. But I don't think they suffice as a regulatory policy. I think data should be at the center of everything we do—so when we reform our policies to reflect changing times and technologies our work is supported by evidence on the ground. Here, we miss that mark, so I respectfully concur.