

**STATEMENT OF
COMMISSIONER MICHAEL O'RIELLY**

Re: *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84.

This item makes logical and justifiable changes to simplify Commission rules when providers seek to eliminate unused or underutilized slower and older telecommunications services. The imposition of unnecessary FCC hoops makes it more difficult and costly for providers to upgrade their networks, thereby depriving them of the ability to better serve current customers and expand their network footprints with faster and more capable systems. The changes adopted as part of this item are rather modest, will not harm consumers, and are worthy of our support.

Consistent with where and how fast I think the Commission needs to go to match our regulatory burdens to market realities, I would be willing to go further than some of the lines we draw here. In particular, we appear to set up a questionable Commission “test” as it relates to the discontinuance of voice service and the presence of sufficient standalone VoIP alternative offerings in a market. I suspect that we may have to revisit this issue in the future.

Finally, I am especially pleased that the item properly clarifies that our interpretation of the underlying statute, Section 214 of the Communications Act, and our accompanying rules cannot be read to give the Commission blanket authority to prevent the discontinuance of unregulated services. Someone will probably try to claim that this is an imaginary strawman that would never be presumed, but I debated Commission leadership staff during the Wheeler regime who argued that any service discontinuance by a Title II carrier required FCC sign-off. It was a truly frightening conversation. Even when presented the hypothetical of a local telephone company seeking to discontinue an unrelated pizza delivery service, staff, at the time, explained that the company would need our approval. It was absurd then and equally absurd now. Thankfully, we fix that misinterpretation and potential overreach.

I thank the Chairman for bringing this item forward and I vote to approve.