

**STATEMENT OF
COMMISSIONERS MICHAEL J. COPPS AND JONATHAN S. ADELSTEIN, CONCURRING**

Re: *Petition of ACS of Anchorage, Inc. Pursuant to Section 10 of the Communications Act of 1934, as Amended, for Forbearance from Sections 251(c)(3) and 252(d)(1) in the Anchorage Study Area, Memorandum Opinion and Order, FCC 06-188, WC Docket No. 05-281 (Dec. 28, 2006).*

In today's decision, the Commission grants forbearance from certain unbundling obligations in parts of Anchorage, Alaska where a facilities-based carrier has extensively built out its network and taken significant market share from the incumbent wireline provider. While we support the outcome in this order and believe it is clearly superior to an automatic grant of the underlying petition, we have concerns with the analysis in this decision.¹

The goal of the Telecommunications Act of 1996 is to establish a competitive and de-regulatory telecommunications environment. While today's order reduces regulation by eliminating some incumbent obligations and demonstrates that the Commission can respond to the dynamic marketplace, it is not accurate to depict this as an ideally competitive market. The Commission relies on the intermodal efforts of a single alternative provider to conclude that sufficient competition exists. While we agree that there is especially strong evidence of competition between the incumbent cable and wireline provider in parts of the Anchorage market, we believe the statute contemplates more than just competition between a wireline and cable provider – and that both residential and business consumers deserve more.

We concur also because this decision does not adequately address market differentiations, as between residential and business, making it difficult to conclude which market segments are actually receiving the benefit of emerging competitive choice.

We note that the transition period before the forbearance grant takes effect is longer than in the *Qwest Omaha Order*, which we believe is appropriate given the challenges faced by providers in Alaska and the need to provide a reasonable transition period for business planning purposes. Also, as in the *Qwest Omaha Order*, we believe that the facts in this case are unique and therefore this decision should not be considered generally applicable for future forbearance petitions involving phone providers facing different competitive landscapes, challenges, and market share.

¹ See also *Concurring Statement of Commissioners Michael J. Copps and Jonathan S. Adelstein, Petition of Qwest Corporation for Forbearance Pursuant to 47 U.S.C. § 160(c) in the Omaha Metropolitan Statistical Area, Memorandum Opinion and Order, FCC 05-170, WC Docket No. 04-223 (rel. Dec. 2, 2005) (Qwest Omaha Order).*