

**SEPARATE STATEMENT OF
COMMISSIONER KEVIN J . MARTIN**

Re: Performance Measurements and Standards for Unbundled Network Elements and Interconnection, Notice of Proposed Rulemaking

I am very pleased to join in approving this item, which sets in motion a proceeding to establish national measures to evaluate the performance of ILECs in provisioning facilities to CLECs. Such performance measures further the ability of facilities-based CLECs to gain meaningful access to essential facilities controlled by ILECs, such as the local loop, and combine those facilities with their own equipment to provide service. They are thus crucial to promoting facilities-based competition.

As I have stated, the promotion of facilities-based competition should be a fundamental priority of this Commission. The goal of the Telecommunications Act of 1996 was to establish an environment that promotes meaningful competition and allows for deregulation. To get to true deregulation, however, we need facilities-based competition. Without such competition, we will always need a regulatory body to set wholesale and retail prices.

As I have also made clear, however, this proceeding addresses only one piece of the puzzle. While we should ensure that CLECs gain access to ILEC facilities that are truly essential, we must also reexamine what these essential facilities are. In particular, the Commission ought to inquire how the necessary and impair standard, which is used to determine what elements must be unbundled, should apply to elements that are readily available from CLECs and to new facilities and infrastructure being built by the ILECs. Poor decisions on these issues may stifle facilities deployment, by reducing incentives for both ILECs and CLECs to invest in new equipment. I thus look forward to exploring these issues in the very near future and continuing our goal of making meaningful facilities-based competition a reality.