

January 28, 1999

**SEPARATE STATEMENT OF COMMISSIONER GLORIA TRISTANI**

*In the Matter of Inquiry Concerning the Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion, Etc., CC Docket 98-146*

Section 706 of the Telecommunications Act of 1996 vests tremendous responsibility in the Commission. Beginning with today's Report, we must regularly assess whether advanced telecommunications capability is being made available to "all Americans on a reasonable and timely basis." If we find at any time that it is not, we must "take immediate action to accelerate deployment of such capability."

In order to fulfill our obligation under Section 706, we need a full and accurate picture of the state of deployment of advanced telecommunications services. We need to know what advanced services are being offered and specifically where they are being deployed. As the Report acknowledges, for the most part we simply do not have that information. Instead, the Report largely relies on other types of evidence -- e.g., analogies, anecdotes and evidence of investment -- in order to conclude that deployment of advanced services appears reasonable and timely. While I appreciate the effort in the Report to compensate for the lack of direct evidence in the record, I write separately to underscore my belief that the lack of such evidence makes drawing any conclusions about the state of deployment a tentative and inexact undertaking.

I am especially concerned about the lack of hard evidence when it comes to our obligation to determine that advanced telecommunications services are being deployed, and are available, to "all Americans." Being from a rural state, I know the importance and the challenges of ensuring that all areas of our country have access to the kind of services covered by Section 706. Congress determined -- and I believe that it chose its words carefully -- that *all* Americans should have access to the advanced telecommunications services that will permit them to compete in today's information economy.

I make these comments not to denigrate today's Report in any way. But I hope that we can build on this experience and improve our data and analysis for next year's Report. To the extent the record compiled in this proceeding is inadequate, I hope that we can ask more pointed questions in the next Notice of Inquiry and, where necessary, be proactive in gathering information ourselves. Congress directed us to report on the state of deployment of advanced services, not on the state of the comments submitted by outside parties.