

CONCURRING STATEMENT
OF
COMMISSIONER JOSEPH R. FOGARTY
IN WHICH COMMISSIONER JAMES H. QUELLO JOINS

In Re: Overseas Communications Services.

I concur in this decision because of the reasons stated in my dissent in GTE Telenet Communications Corporation et al., ___ FCC 2d ___ (1982). In this Order the Commission has once again, on the strength of a footnote, declared a policy which it has never considered. The dictum contained in the "mysterious" footnote 4 of the Computer II Reconsideration Order ^{1/} cannot serve as an adequate basis to deregulate international enhanced services and, thereby, establish resale internationally. To reaffirm this policy in another footnote serves only to compound the original error in an effort at intellectual bootstrapping which fails.

^{1/} See Second Computer Inquiry, on reconsideration, 84 FCC 2d 50, 53 n.4 (1980).