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Separate Statement

of

Commissioner James H. Quello

Re: Expanded Interconnection with Local Telephone Company Facilities, CC Docket No. 91-141

I support this Memorandum Opinion and Order because I have consistently supported this Commission's pro-competitive policy of expanded interconnection. The benefits of allowing competitive provision of communications access services are manifest in the record before this Commission and redound to the benefit of American consumers. It was not the policy per se that was vacated on appeal, but, instead, the procedure by which we chose to implement the broader policy objectives. Although the interstices may have been deemed impermissible, the corpus remains sound.

While it is true that I had some reservations about mandating physical collocation, I do not believe that virtual collocation suffers the same flaws. The businesses affected by this decision, LECs, IXCs, and CAPs alike, need a reasonable and predictable regulatory regime. Predictability engenders rational business planning and decision making, which is in the ultimate interest of the public. I believe that virtual collocation meets these criteria and is a sound regulatory mechanism.

Moreover, this Commission is acting expeditiously to preserve such predictability by seeking to avoid a gap in regulatory continuity that would result if the expanded interconnection policy were to lapse before the new virtual collocation tariffs were in place. This Memorandum Opinion and Order provides guidance to all parties during the transition from physical to virtual collocation.

I am convinced that this Commission has, and is properly exercising, the statutory authority to mandate virtual collocation but am also pleased that this Memorandum Opinion and Order allows for flexibility. The local telephone companies are permitted to retain physical collocation or suggest other means of providing expanded interconnection. In my view, the proper balance between regulatory oversight and business practice has been restored by returning this decision to the carriers.