

**SEPARATE STATEMENT OF  
COMMISSIONER MICHAEL J. COPPS**

Re: *Application by Qwest Communications International, Inc., for Authorization to Provide In-Region, InterLATA Services in Minnesota (WC Docket No. 03-90)*

I vote to approve the Qwest application to provide in-region, interLATA services in the state of Minnesota. The record before us reflects that Qwest has taken significant strides toward opening its local markets to competition and has met its checklist obligations. Nevertheless, today's decision is not without challenge and difficulty.

It is my practice and custom when reviewing section 271 applications to accord significant deference to the relevant state commission. In a circumscribed 90-day process, the FCC cannot practically develop the familiarity with local market conditions that our partners in the states have developed. Here there was reluctance on the part of state commissioners to approve an application. This puts an even more serious than usual responsibility on us to delve into the factual record underpinning the application in question. This we have done and I, for one, am satisfied that the competitive checklist obligations that we are charged to find have indeed been found. Therefore, and notwithstanding the unwillingness of a majority of the Minnesota Public Utilities Commission to support this application, I feel confident in voting to approve today's Order.

This Order finds that the record does not demonstrate that there are ongoing violations that call into question the current openness of the local market in Minnesota. I believe that moving ahead now is the right thing to do, and that our approval, combined with essential, rigorous and sustained follow-through, can well serve the public interest.

I do not take lightly allegations that Qwest previously failed to file certain interconnection agreements. However, I continue to believe that charges of past violations are best resolved through separate federal and state investigations and enforcement actions. I commend the Minnesota Public Utilities Commission for working so diligently to address this problem in state proceedings. I am concerned that Qwest chose to file some of its agreements with the state commission just prior to filing its application at this Commission, but expect that by referring this issue to a possible enforcement proceeding, we can investigate this situation in a more appropriate setting and as expeditiously as possible.