SEPARATE STATEMENT OF
COMMISSIONER JONATHAN S. ADELSTEIN

Re: Application by Verizon, Maryland Inc., Verizon Washington, D.C., Verizon West Virginia Inc., Bell Atlantic Inc. (d/b/a Verizon Long Distance), NYNEX Long Distance Company (d/b/a Verizon Enterprises Solutions), Verizon Global Networks Inc., and Verizon Select Services Inc., for Authorization to Provide In-Region, InterLATA Services in Maryland, Washington, D.C., and West Virginia (WC Docket No. 02-384)

Today we grant Verizon authority to provide in-region, interLATA service originating in the District of Columbia and the States of Maryland and West Virginia. I approve this Order and commend the District of Columbia Public Service Commission, the Maryland Public Service Commission and the West Virginia Public Service Commission for their hard work. I would also like to commend the Wireline Competition Bureau for its hard work.

My participation in the Section 271 proceedings brings to mind the old saying "better late than never". I am pleased that I have had the opportunity to participate in at least one of Verizon's Section 271 applications.

I would like to congratulate Verizon on obtaining Section 271 authority for its whole region. Although there are a couple of issues that have been raised by a few of the interested parties, none of them is so egregious that we should deny Verizon's 271 application to provide in-region InterLATA services in Maryland, Washington, D.C. and West Virginia. Moreover, we can use Section 271(d)(6) to ensure that none of these "interesting" issues becomes more than that.

One concern that has been raised is the question of whether the standard for reviewing the pricing of individual unbundled network elements ("UNEs") in Section 271 applications. Today the Commission is following established precedent in finding that the statute does not require it to evaluate individually the checklist compliance of UNE TELRIC rates on an element-by-element basis. Although some have raised concerns regarding this sort of analysis, I believe that the Commission has correctly interpreted the statute regarding this determination.

The Commission performs a general assessment of compliance with TELRIC principles, and our benchmark analysis is a method of making the general assessment as to whether UNE rates fall within the range of rates that a reasonable application of TELRIC principles would produce. As a practical matter, the Commission could not evaluate every single individual UNE rate relied upon during the 90 day timeframe during which Congress required we make a decision whether we should grant the request. I believe that our role is to make a generalized decision as to whether network elements are available in accordance with Section 252(d)(1). This is not, cannot and actually should not be a *de novo* review of state-rate setting decisions. That is the role of the State Commissions in this process, as so wisely envisioned by Congress.

I also believe that statutory language does not require that we evaluate individually the checklist compliance of each UNE rate on an element-by-element basis. The language in the statute does not use the term "network element" exclusively in the singular and thus does not unambiguously require an evalution element-by-element. Moreover, our analysis is reflective of the manner in which many of these elements are purchased and used- in combination with one another.

I approve this Order.