

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

Re: *Application by SBC Communications Inc., Nevada Bell Telephone Company, and Southwestern Bell Communications Services, Inc., for Authorization to Provide In-Region, InterLATA Services in Nevada*

I write separately to explain the reason that I concur in this Order granting SBC's application to provide long-distance service in Nevada.

Let me begin by noting that SBC has made significant progress in opening local business markets in Nevada to competition. The Nevada Public Utilities Commission also has worked hard to promote competition in the state. I commend both SBC and the Nevada Public Utilities Commission for their efforts.

The key issue in this proceeding has been compliance with the Track A requirement of section 271. There appears to be little, if any, facilities-based wireline competition for residential subscribers in Nevada. Nonetheless, the majority finds that SBC meets Track A's presence of a facilities-based competitor requirement on the basis of wireless competition. The majority goes even further when they suggest that a particular wireless carrier's service is a substitute for local wireline service. I am troubled by this aspect of the decision. I question whether such a far-reaching conclusion properly is based on the very limited survey evidence presented in this application. When we conclude that wireless service is a commercial alternative to wireline service in the instant context we may impact Commission efforts to define competitive markets in other contexts. These include, but are by no means limited to, merger reviews, unbundling analyses and determinations of dominant carrier status.

Furthermore, it strikes me as premature to decide that wireline and wireless services are more than complementary. Important differences exist in service quality, ubiquity, truth-in-billing rules and number portability practices. A determination that the services should be treated as commercial alternatives has large implications for both the wireless and wireline industries, and I am not yet ready to make the judgment that the majority makes herein.

Today's Order, however, is not written on a blank slate. SBC reasonably relied on Commission precedent when it presented evidence of wireless competition to support its Track A showing in Nevada. Under these circumstances, it would be unfair to penalize the applicant in the present proceeding for difficulties I have with the majority's application of the Commission's prior decisions. For this reason, I concur.