

STATE OF NEW YORK

# Public Service Commission

William M. Flynn, Chairman

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FOR RELEASE: IMMEDIATELY

03061

**New York Ready to Act on Critical  
Federal Communications Commission Decision  
- Major FCC Decision on Telephone Competition Expected Soon -**

Albany, NY – 8/19/03 – In anticipation of the Federal Communications Commission's (FCC) written order establishing revised rules on competition in the local phone market, the New York State Public Service Commission (PSC) today announced that parties interested in participating in the PSC's proceedings on this issue will have an opportunity to submit brief statements outlining their views on the process to be followed by the PSC in response to the FCC's order. Following the submission of statements, interested parties also can participate in a forum designed to further refine the steps to be taken by New York State in response to the FCC's order.

"The FCC's order, and the states' responses, will play a very important role in determining the future development of the competitive local telephone exchange market," said New York Public Service Commission Chairman William M. Flynn. "It is well known that the FCC contemplated a significant role for the states in applying the standards that will be detailed in the written order and that the states must act quickly. New York's action today ensures that our staff team and all interested parties get out of the starting blocks quickly so that we can immediately get to work on issues that are critical to the state's telecommunications industry and to our economy as a whole."

Written statements on the scope, number, nature and timing of the proceedings to be instituted by the PSC must be submitted no later than two weeks from the date of the FCC's written order. A week after written statements are submitted, the Secretary to the New York State Public Service Commission and Administrative Law Judges from the New York State Department of Public Service will convene a meeting of all interested parties to review statements and to develop next steps.

The FCC's decision, known as the Triennial Review Order, will address wholesale market rules governing competition in the local telecommunications market and standards concerning which elements of the local telephone networks incumbent local telephone companies must make available to new entrants at cost-based rates. Entrants use their own facilities and/or elements of the incumbents' local networks to provide competitive local telephone services. The FCC's order is expected to establish the standards – including those involving considerations of customer class, geography, and service – the states must use to determine whether competitors would be impaired without access to the specific elements of the incumbents' networks.

Once the FCC's order is issued, staff from the New York State Department of Public Service also will be part of a team of state commission experts that will develop a summary of the FCC's decision in conjunction with National Association of Regulatory Utility Commissioners' Triennial Review Implementation Process (TRIP) Task Force. The summary will serve as a resource for other state utility commissions.

The Commission's Notices seeking comment in Commission Case 03C0821 can be obtained from the Commission's Web site at <http://www.dps.state.ny.us> by accessing the Commission Documents section of the homepage and conducting a files search using the case number. Many libraries offer free Internet access. The Notices can also be obtained from the Files Office, 14<sup>th</sup> floor, 3 Empire State Plaza, Albany, NY 12223 (518-474-2500).