Resolution Concerning the States' Ability to Add to the National Minimum List of Network Elements

WHEREAS, The States have traditionally provided the leadership needed to advance local competition and have evaluated a variety of approaches; *and*

WHEREAS, The Federal Communications Commission (FCC) has previously recognized the important contribution of State Commissions to local competition, expressing its intention to "…foster an interactive process by which a number of policies consistent with the 1996 Act are generated by the States" which may then be incorporated into national minimum requirements; *and*

WHEREAS, The FCC has initiated a triennial review of which network elements shall be included in the national minimum list of unbundled network elements ("UNEs") on a going-forward basis; *and*

WHEREAS, The level of local competition in each State is directly affected by which UNEs are available in that State; *and*

WHEREAS, The analysis to determine which network elements should be unbundled in a State is fact specific and must consider conditions in each particular State; *and*

WHEREAS, The State Commissions are in a better position to consider other factors, including the level of competition presumed by that State's system of retail price regulation; *now, therefore, be it*

RESOLVED, That the Board of Directors of the National Association of Regulatory Utility Commissioners (NARUC), convened in its 2002 Winter Meetings in Washington, D.C., urges the FCC to recognize that States may continue to require additional unbundling to that required by the FCC's national minimum; *and be it further*

RESOLVED, That such additional unbundling is consistent with the purposes of the federal Telecommunications Act of 1996, and in accordance with State or federal law; *and be it further*

RESOLVED, That the NARUC General Counsel be directed to provide the FCC comments consistent with this resolution.

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Sponsored by the Committee on Telecommunications
Adopted by the NARUC Board of Directors February 13, 2002