



## **Covad Response to D.C. Circuit Triennial Review Order Decision**

*(Background: Today the D.C. Circuit handed down its decision on the FCC's Triennial Review Order. The following may be attributed to James Kirkland, Covad Senior Vice President and Chief Legal Counsel)*

**San Jose, Calif. (March 2, 2004)**—The DC Circuit Court of Appeals decision reversing the FCC's Triennial Review Order decision is misguided and flawed, but not unexpected. This group of judges has been consistently hostile to the FCC's competition policies. We expect that the court's decision will be appealed to the Supreme Court, and reversed.

In addition, after the court proceedings are concluded, these issues will be returned to the same Commissioners who demonstrated their understanding of the importance of competition by adopting the current UNE-P regime. The FCC's pro-competition policies have already allowed 20 million customers to choose competitive local service providers other than the Bell monopoly. The need for choice in local phone service will be just as pressing in the future as it is now.

Covad has the most extensive independent, nationwide, facilities-based local access network. Whatever the outcome of the court and regulatory proceedings we will continue to work with our partners in providing competitive bundles of communications services to the public.

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