

September 12, 2007

STATEMENT OF
COMMISSIONER ROBERT M. MCDOWELL

RE: Qwest Petition for Forbearance Under 47 U.S.C. § 160(c) from Title II and *Computer Inquiry* Rules with Respect to Its Broadband Services (WC Docket No. 06-125)

In a perfect world, the Commission today would have taken another step forward to de-regulate segments of the telecommunications industry where sufficient competition has grown to obviate the need for further government involvement. Thus, I am disappointed that Qwest felt it had to withdraw its forbearance petition regarding enterprise broadband services. As a commissioner, one of my fundamental governing principles is to de-regulate to the maximum extent possible without undermining competition and the public interest. The Telecommunications Act of 1996, especially the Section 10 forbearance provision, demands no less. In fact, a fundamental goal of Section 10(b) is to “enhance competition among providers of telecommunications services.”

I have wholeheartedly supported every de-regulatory pro-competition initiative that has come before me since I joined the Commission last year, and I would have liked to have done so today. For instance, earlier this year, we made it easier for new entrants in the video market to overcome local barriers to entry. We have also fostered competition between telcos and cable operators by requiring them to cross connect facilities when competing inside multiple dwelling units such as apartment buildings. Additionally, we have tried to ease the ability of video service providers to obtain access to programming from vertically-integrated competitors. Similarly, just last month, we issued orders granting Bell Operating Companies and an Alaskan incumbent local exchange carrier relief from outmoded regulations where relevant markets had become sufficiently competitive.

I had been hoping that the Commission would have fashioned an order today in this same spirit, and I regret that we were not able to reach an appropriate accommodation in time to meet the deadline set forth in Section 10 of the Act. We had proposed to grant regulatory relief to Qwest by applying a national market analysis to certain packet-based business broadband services as laid out in Qwest’s pleadings, and as consistent with the Commission’s *Computer Inquiry* and other proceedings. I remain hopeful that, in future proceedings, we will be successful in streamlining burdensome regulations on enterprise broadband services while continuing to protect consumers and promoting competition, as required by Congress.