

**STATEMENT OF
COMMISSIONER MICHAEL J. COPPS**

Re: *Petition to Establish Procedural Requirements to Govern Proceedings for Forbearance Under Section 10 of the Communications Act of 1934, As Amended*, WC Docket No. 07-267, Notice of Proposed Rulemaking

My experience with forbearance over the last two and a half years has been that it is a process that leaves much to be desired. Too often forbearance has resulted in industry driving the FCC's agenda rather than the reverse being true. Decisions are based upon records lacking in data and the Commission faces a statutory deadline that requires a decision with or without such data. Perhaps most egregious is the fact that if the Commission fails to act, forbearance petitions may go into effect based upon the industry's reasoning rather than the Commission's own determination. All of this is to say that I do not believe that forbearance is being used today in the manner intended by Congress. Permanently addressing these flaws will require a legislative fix but there are procedural protections that the FCC can implement on its own authority to mitigate some of these problems. I am therefore pleased to support this item which is the first step to developing procedural rules to improve the handling of forbearance petitions by the FCC. There is an urgent need to adopt procedural protections given that we have numerous forbearance petitions currently pending before the Commission. I am hopeful that the Commission can do so quickly before we become the Forbearance Communications Commission.