

**STATEMENT OF
COMMISSIONER ROBERT M. McDOWELL**

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

I have stated repeatedly that the forbearance petition process is flawed and should be improved. Only Congress can amend Section 10, which is simple and clear in its mandate; but the statute allows the Commission to take steps to improve its implementation. I am pleased that today we take such steps.

Our actions are well-grounded in the statute and in the traditions of American jurisprudence. We clarify, for example, that a petitioning party has the burden of proving its case, but make clear that the totality of the record, including evidence introduced by third parties, must be taken into consideration when determining if that burden has been met.

Furthermore, we place restrictions on a petitioner's ability to withdraw or significantly narrow a petition, but only after a petitioner has had a reasonable opportunity to review the record developed during the pleading cycle.

Additionally, our Order today is balanced. Although we appreciate all of the suggestions offered by interested parties, after a thorough analysis we have chosen not to adopt many of them for a variety of pragmatic and legal reasons, not the least of which is our effort to remain faithful to the deregulatory intent of Section 10.

In short, the purpose of this Order is not to make it harder for petitioners to receive the benefits of deregulation through forbearance. For instance, our Order does not raise or lower the evidentiary bar that any other petitioner has faced in a Section 10 proceeding before this Commission. Instead, today's action will help the Commission to manage its resources, and to ensure the forbearance process is more efficient, predictable, fair, and transparent for all parties concerned. It is a constructive step down the road to greater reform of the Commission and its processes.