

**STATEMENT OF
COMMISSIONER MICHAEL J. COPPS**

Re: *Petition of Qwest Corporation for Forbearance Under 47 U.S.C. § 160(c) in the Phoenix, Arizona Metropolitan Statistical Area, WC Docket No. 09-135, Memorandum Opinion and Order*

Today the Commission returns to utilization of a comprehensive analytical framework, based on traditional market power analysis, when considering a request for forbearance from Title II and *Computer Inquiry* obligations. Over the past few years, the Commission had headed down an ill-considered road of granting far-reaching forbearance to petitioners who provided grossly insufficient evidence to support their cases. Starting in 2007, over my strong objection, the Commission abandoned well-established market power analysis—similar to that used by the Federal Trade Commission and the Department of Justice—and replaced it with approval-oriented decisions that relied more on the assertions of the petitioners than on a sound review entailing, *inter alia*, definition of specific product markets, establishment of clear geographic markets, and evaluation of the existence of true competition. In addition, these decisions included predictive judgments which relied on the workings of some invisible hand to find that competition would somehow grow through the elimination of pro-competitive obligations. As we see in the record developed for the instant proceeding, those rosy expectations of new competition just did not come to pass.

I commend Chairman Genachowski for demonstrating in this Order his commitment to conducting fact-based and data-driven proceedings. About one year ago, as Acting Chairman, I intended to apply just such an analysis to pending forbearance requests. However, those petitions were withdrawn at the eleventh hour, after a fully developed record had been collected and federal employees had dedicated extensive amounts of time to complete the proceeding. But we nevertheless proceeded to adopt new forbearance rules and the positive outcome of that action is today's vastly improved analysis and decision. So I am pleased to support this Order and commend Chairman Genachowski and my colleagues for giving forbearance petitions the attention and thorough analysis they deserve.