

**CONCURRING STATEMENT OF  
COMMISSIONER ROBERT M. McDOWELL**

Re: *National Association of Regulatory Utility Commissioners Petition for Clarification or Declaratory Ruling that No FCC Order or Rule Limits State Authority to Collect Broadband Data*, WC Docket No. 09-193

I understand the states' reasons for seeking clarity on their broadband data collection authority, especially with regard to their broadband mapping efforts. I am concerned, however, that this order may create an environment of conflicting broadband data collection rules. Such complexities could force providers to expend resources on data collection rather than on deployment efforts. Additionally, I urge the Commission to seriously consider preempting the states in any areas where there exists a conflict with federal policy. Our nation's broadband regulatory regime has been successful thus far, and I worry that this order could be used as a foundation for increased regulations in the broadband space rather than as a supplement to the current light regulatory approach. For all of these reasons, I respectfully concur.