

**STATEMENT OF COMMISSIONER MICHAEL J. COPPS,  
APPROVING IN PART, CONCURRING IN PART, DISSENTING IN PART**

Re: *Petition of AT&T Inc. for Forbearance Under 47 U.S.C. § 160(c) From Enforcement of Certain of the Commission's ARMIS Reporting Requirements; Petition of Qwest Corporation for Forbearance from Enforcement of the Commission's ARMIS and 492A Reporting Requirements Pursuant to 47 U.S.C. § 160(c), WC Docket No. 07-139; Petition of the Embarq Local Operating Companies for Forbearance Under 47 U.S.C. § 160(c) From Enforcement of Certain of ARMIS Reporting Requirements, WC Docket No. 07-204; Petition of Frontier and Citizens ILECs For Forbearance Under 47 U.S.C. § 160(c) From Enforcement of Certain of the Commission's ARMIS Reporting Requirements, WC Docket No. 07-204; Petition of Verizon For Forbearance Under 47 U.S.C. § 160(c) From Enforcement of Certain of the Commission's Recordkeeping and Reporting Requirements, WC Docket No. 07-273; Petition of AT&T Inc. For Forbearance Under 47 U.S.C. § 160 From Enforcement of Certain of the Commission's Cost Assignment Rules, WC Docket No. 07-21; Service Quality, Customer Satisfaction, Infrastructure and Operating Data Gathering, WC Docket No. 08-190*

The collection and analysis of solid communications-related data is a linchpin in the Commission's ability to make sound decisions and provide useful guidance and assistance to consumers, states, industry-participants and other stakeholders. That is why it has been so troubling to see in to many instances the Commission headed down the road of collecting less data. Now we are confronted with forbearance requests by carriers seeking relief from the responsibility of collecting and reporting service quality, customer satisfaction, and infrastructure and operating data pursuant to the Commission's ARMIS reporting rules. Petitioners argue the current data-collection requirements are outdated and that the Commission has failed to complete an NPRM pending for *eight years* to determine what data should be collected circa 2008. Thus, they filed forbearance petitions to obtain relief.

There is no good reason for the Commission to have ended up in today's dilemma: incapable of determining with specificity what data collection continues to be important, yet faced with a ticking-clock forbearance deadline that would eliminate *all* of the reporting requirements—the good, the bad, and allegedly the ugly—identified by petitioners if the Commission fails to act.

My strong preference would be to deny these petitions outright and provide carriers, through a rulemaking, updated reporting requirements. However, there does not appear to be a majority of support for this position. Rather than having certain ARMIS data that is currently submitted to the FCC disappear into the abyss via forbearance, we reached a compromise with regard to the ARMIS reporting requirements which can keep us from plunging off a cliff. First, the Commission grants covered carriers forbearance from certain ARMIS reporting requirements. Second, forbearance is conditioned on carriers continuing to collect and publicly make available their data on service quality and customer satisfaction for two years. They also must continue to collect infrastructure and operating data for the next two years. Third, we launch a Further Notice of Proposed Rulemaking to, hopefully, accomplish what we have avoided all these years—a reasoned, rational and relevant approach to ensuring that the data necessary for consumers and for state and federal regulators will be available going-forward. While this compromise does create a risk that the aforementioned data will not be available after two years time, it gives the Commission the opportunity to do what it should have done a long time ago, which is to revise and update its reporting requirements.

To ensure that we have at least some ability to access needed data going forward, I approve the

Order's condition that the carriers continue to collect, and in certain cases report, the data provided today for another two years. I also am supportive of the Order's clear statement that the Commission is not in any way preempting state regulatory agencies from obtaining directly from carriers any data they need to perform their regulatory duties. I limit my support of part of this Order to concurrence because the analysis and reasoning relied on to reach the forbearance decision is flawed. In particular, its finding that ARMIS reports in certain circumstances are no longer necessary, too burdensome, or not useful is contrary to the views of numerous commenters, including consumer organizations, state consumer advocates, state public utility commissions, and the Communications Workers of America, among others.

I approve the Notice of Proposed Rulemaking which gives us the opportunity in the next two years to get the job done right. Importantly, the NPRM seeks comment on the type of data collection that will best enable the FCC, and all interested parties, to obtain and analyze the information needed in order to protect consumers and to assure the existence of a competitive telecommunications environment. To the extent that the Commission finds that data collected and publicly available today should continue to be collected, there appears to be every reason for this data to be made publicly available going forward.

Let me be clear: the Commission has a deep and ongoing obligation to gather this type of data so informed decisions can be made when it comes to consumer protection, competition, broadband, and public safety. I believe that today's NPRM sets us on a path so that the Commission can do a better job in the not-so-distant future. It's no slam-dunk we will do so, but I pledge my best efforts to making it come to pass in the months ahead. I encourage all stakeholders to treat this NPRM with the seriousness it merits and to give us the benefit of your best and most creative thinking. With your input, we *can* get this job done—and done right.

Finally, but just as importantly, I strongly dissent to the last minute inclusion of cost allocation forbearance relief for Verizon and Qwest. With the statutory deadline looming, this monumental change was first proposed only yesterday afternoon. No Order in connection with the cost allocation forbearance requests was previously circulated for consideration. There is no opportunity to review the relevant records, hear from stakeholders, or consider the merits of these forbearance requests. I therefore must dissent on this basis alone. The inclusion of such a far-reaching decision at this late hour badly distorts a forbearance process that has already gone awry. Furthermore, I am deeply concerned at this time that the grant of forbearance likely raises similar concerns to those I raised with Commissioner Adelstein in our dissent to cost allocation forbearance relief granted AT&T back in April.

For these reasons, I approve in part, concur in part, and dissent in part – a messy vote for a truly messy item.