

Report: FCC nominee off BellSouth merger?

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Federal Communications Commission nominee Robert McDowell might have to sit out deliberations on the merger of BellSouth and AT&T.

A telecom lawyer told USA Today Thursday that McDowell's position as counsel for a telecom trade group that has opposed similar mergers in the past and could take a formal stand against the proposed \$67 billion deal.

The issue would likely come up Thursday at McDowell's confirmation hearing before the Senate Commerce Committee.

Should Republican McDowell recuse himself from case, the FCC would be evenly split between GOP and Democratic members, which would give the Democrats greater ability to leverage concessions on retail prices out of AT&T. Republican Chairman Kevin Martin has been against attaching conditions to past mergers, the newspaper said.

Some USA Today sources, however, said a recusal was not a done deal since most FCC commissioners have some past links to the industry they regulate.

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