

**Concurring Statement of  
Commissioner Pamela Jones Harbour**

*In the Matter of Aspen Technology, Inc., Docket No. 9310*  
Acceptance For Public Comment of Agreement Containing  
Order To Show Cause and Order Modifying Order

I concur in approving this proposed settlement for public comment because I believe these changes to our Order of December 20, 2004 (“Original Order”) are likely to remedy the harm created in the marketplace by Aspen’s failure to divest assets in the manner required by the Original Order. I believe, however, that civil penalties would have been the appropriate remedy for Aspen’s deliberate failure to comply with either the letter or spirit of the Original Order. Aspen’s conduct regarding the Original Order was part of an attempt to gain competitive advantage, which included both untruthful and disingenuous representations. Such threats to the integrity of the Commission’s procedures and remedies deserve their own independent sanctions – civil penalties.