

Consultation Procedures

June 2010

What Consultation Means.

- The Bureau or Office that is originating an item, whether for adoption by the full Commission or on delegated authority, should seek out the general concurrence of the other relevant Bureaus and Offices on those portions of the item that affect the interests or responsibilities of the consulting Bureaus or Offices.

When to Consult with Another Bureau or Office Regarding an Item.

- Bureaus and Offices should follow the consultation process for any item that has a significant impact on the interests or responsibilities of another Bureau or Office. Some examples of items that would trigger consultation are listed below, but originating Bureaus and Offices are encouraged to consult other Bureaus and Offices liberally, and not to interpret the examples below as limitations on the need to consult.
 - *Consultation with the Consumer and Governmental Affairs Bureau* — any item that could affect billing, privacy, disabilities-related issues, relations with state, tribal, or other governmental entities, consumer complaints, consumer outreach, or public access to Commission records.
 - *Consultation with the Enforcement Bureau* — any item addressing whether or not to take enforcement action, suggesting under what circumstances enforcement action might be appropriate, describing complaint-related procedures or remedies, or involving a pending enforcement matter. Enforcement includes investigations, mediation, and settlement of disputes.
 - *Consultation with the International Bureau* — any item that could affect domestic or international satellites, earth stations, cable landing licenses, international broadcasting, settlement rates, broadband over satellites, international call signs, foreign ownership, authorizations of international services, spectrum matters relating to satellites or global allocations, or matters that may raise cross-border issues.
 - *Consultation with the Media Bureau* — any item that could affect broadcast television or radio, cable television, broadband over cable facilities, DBS, satellite radio, ownership of media properties (including newspapers), or post-licensing issues for satellite consumer broadcast services, including any spectrum issues that may impact those services.
 - *Consultation with the Public Safety and Homeland Security Bureau* — any item that could affect public safety, homeland security, national security, emergency management and preparedness, or disaster management.
 - *Consultation with the Wireless Telecommunications Bureau* — any item that could affect domestic wireless licensing, regulation, or spectrum; broadband over wireless facilities; or involves auctions.
 - *Consultation with the Wireline Competition Bureau* — any item that could affect pricing or tariffing of domestic telecommunications services, broadband, voice over Internet protocol, telephone numbering, or universal service.

- *Consultation with the Office of Communications Business Opportunities* — any item involving policies, practices, or programs to promote participation by small entities, women, or minorities in the communications industry, including issues regarding the Regulatory Flexibility Act.
- *Consultation with the Office of Engineering and Technology* — any item involving technical or engineering matters, interference, frequency allocation, or spectrum usage.
- *Consultation with the Office of General Counsel* — all Commission-level items; any item involving novel or complex questions of law; any item related to pending litigation, judicial remand, or a primary jurisdiction referral; any item involving issues with statutes that govern the Commission's proceedings, such as the Administrative Procedure Act, the Paperwork Reduction Act and the Privacy Act that are not easily resolved by existing precedent; major or non-routine transactions; any item involving issues with the Freedom of Information Act or the Commission's *ex parte* or other procedural rules that are not easily resolved by existing precedent; and issues of general law that are not easily resolved by existing precedent..
- *Consultation with the Office of Legislative Affairs* — any item involving legislative proposals or likely to be of significant interest to legislators.
- *Consultation with the Office of the Managing Director* — any item that would have an administrative or resource impact not likely to be easily absorbed by the originating Bureau's or Office's available resources, including any new information technology or system development requirements, or any item that would be likely to affect the Commission's compliance with federal financial management requirements.
- *Consultation with the Office of Strategic Planning and Policy Analysis* — any item involving the collection or analysis of significant amounts of data, or involving complex economic analysis.

Process for Consultation.

- Consultation between Bureaus and Offices on issues of mutual interest should begin as early as possible.
- Bureau and Office heads should designate a person in the front office to be responsible for coordinating consultation with the other Bureaus and Offices.
- Bureau and Office heads should encourage informal staff-to-staff coordination during the process of analyzing issues, developing options, and drafting items.
- Originating Bureaus and Offices should provide consulting Bureaus and Offices at least ten working days to review complex or controversial items, and at least five working days to review other items. Earlier staff-to-staff coordination on the item should facilitate this review of the draft. Where there are substantial edits requested, or significant areas of disagreement, the relevant Bureaus and Offices should meet to discuss. If the relevant Bureaus and Offices are unable to reach agreement about substantial issues in the item, they should raise the concern with the Chairman's office.
- In any event, consultation should be complete before an item is released (on delegated authority) or before it is circulated to the Commissioners.
- The cover memo accompanying an item circulated to the Commissioners should indicate that the originating Bureau or Office has consulted with the relevant other Bureaus and

Offices or that consultation was not required, and should identify the Bureaus and Offices with which it consulted.

- The originating Bureau or Office should keep the consulting Bureaus and Offices informed of significant changes to the item after consultation but before adoption.

Points of Contact.

The Bureaus and Offices should coordinate with divisions, deputies and chiefs. If it is unclear who to contact on a particular matter, contact the following front office staff.

CGB: Patrick Webre

EB: Eric Bash

IB: Gardner Foster

MB: Tom Horan

PSHSB: Tim Peterson; Erika Olsen (back up)

WTB: Matt Nodine

WCB: Kirk Burgee; Jennifer Prime (back up)

OET: Bruce Romano

OGC: Julie Veach