



PUBLIC NOTICE

Federal Communications Commission
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COMMISSION SEEKS PUBLIC COMMENT IN 2016 BIENNIAL REVIEW OF TELECOMMUNICATIONS REGULATIONS

CG Docket No. 16-124, EB Docket No. 16-120, IB Docket No. 16-131, ET Docket No. 16-127,
PS Docket No. 16-128, WT Docket No. 16-138, WC Docket No. 16-132

Comment Date: December 5, 2016
Reply Comment Date: January 3, 2017

NOTE: SEPARATE PLEADINGS MUST BE FILED WITH EACH BUREAU OR OFFICE THAT HAS JURISDICTION OVER THE APPLICABLE RULE, AS IDENTIFIED IN THE ATTACHMENTS.

The FCC is in the process of conducting its comprehensive 2016 biennial review of telecommunications regulations pursuant to Section 11 of the Communications Act of 1934, as amended, 47 U.S.C. § 161. This section requires the Commission to (1) review biennially its regulations “that apply to the operations or activities of any provider of telecommunications service,” and (2) “determine whether any such regulation is no longer necessary in the public interest as the result of meaningful economic competition between providers of such service.” Section 11 directs the Commission to repeal or modify any regulation that it finds are no longer in the public interest.¹

Pursuant to Section 1.430 of the Commission’s rules, 47 C.F.R. § 1.430, we seek input from the public as to what rules should be modified or repealed as part of the 2016 biennial review. Submissions should identify with as much specificity as possible the rule or rules that the commenting party believes should be modified or repealed, and explain why and how the rule or rules should be modified or repealed. Parties should discuss how their suggested rule changes satisfy the standard of Section 11 as interpreted by the D.C. Circuit Court in *Cellco Partnership*.

In order to facilitate review of all comments, the cover page should indicate (1) that the comments pertain to the Biennial Review 2016, (2) the Bureau or Office with jurisdiction over the rules addressed in the comments, and (3) the appropriate docket number for that Bureau or Office. Parties wishing to comment on rules within the jurisdiction of more than one Bureau or Office should file a

¹ The Commission resolved several interpretative issues under the Section 11 standard in the *2002 Biennial Regulatory Review*, 18 FCC Rcd 4726 (2003), *aff’d*, *Cellco Partnership v. FCC*, 357 F.3d 88 (D.C. Cir. 2004) (*Cellco Partnership*).

separate pleading with each applicable Bureau or Office regarding the rules within its jurisdiction. A list of the rule parts within the purview of each relevant Bureau or Office of the Commission is attached.

After reviewing all comments submitted during the 2016 Biennial Review, the FCC intends each Bureau and Office to issue a biennial report within four months after the filing of reply comments. Then, the Commission intends to adopt all implementing NPRMs addressing recommendations contained in the biennial reports that rules be repealed or modified within five months of a report's release.

Comments may be submitted using (1) the Commission's Electronic Comment Filing System (ECFS), or (2) by filing paper copies.² Electronic submissions can be filed through the Commission's ECFS filing interface located at the following Internet address: [http:// apps.fcc.gov /ecfs/](http://apps.fcc.gov/ecfs/). Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket number appears in the caption of a filing, the filer must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at 202-418-0530, 202-418-0432 (TTY).

Reasonable accommodations for persons with disabilities are available upon request. Please include a description of the accommodation you will need. Individuals making such requests must include their contact information should FCC staff need to contact them for more information. Requests should be made as early as possible. Please send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau: 202-418-0530 (voice), 202-418-0432 (TTY).

This is an exempt proceeding pursuant to § 1.1204(b) of the Commission's Rules, 47 C.F.R. § 1.1204(b). *Ex parte* presentations are permitted.

² See Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24121 (1998).

For further information regarding this proceeding, please contact:

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Wireline Competition Bureau: Kristine Fargotstein, (202) 418-2774, Kristine.Fargotstein@fcc.gov

Action by the Commission on October 26, 2016: Commissioners Pai and O’Rielly issuing separate statements.

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ATTACHMENT

RULE PARTS CONTAINING REGULATIONS ADMINISTERED BY THE CONSUMER & GOVERNMENTAL AFFAIRS BUREAU (CGB) CG Docket No. 16-124

Part 1 – Practice and Procedure – Sections 1.716 through 1.719 set forth rules for the filing of informal complaints.

Part 6 – Access to Telecommunications Service, Telecommunications Equipment and Customer Premises Equipment by Persons with Disabilities – Outlines the obligations of manufacturers and service providers concerning accessibility to telecommunications service and equipment.

Part 7 – Access to Voicemail and Interactive Menu Services and Equipment by People with Disabilities – Outlines the obligations of providers of voicemail and interactive menu services as well as manufacturers of telecommunications equipment which performs a voicemail or interactive menu function concerning accessibility.

Part 20 – Commercial Mobile Services – Outlines the obligations of manufacturers and service providers of digital mobile service to ensure that mobile handsets used for two-way real-time voice communications are compatible with hearing aids. (CGB is only seeking comment concerning the rules in this part relating to wireless hearing aid compatibility and, in addition, on section 20.19).

Part 64 – Miscellaneous Rules Relating to Common Carriers – Addresses a broad range of common carrier issues. Specifically: Subpart B (Indecent Telephone Message Services); Subpart F (Telecommunications Relay Services); Subpart G (Telephone Operator Services - sections 64.703-705, 64.707-710); Subpart K (Changing Long Distance Service); Subpart L (Restrictions on Telemarketing Telephone Solicitation and Facsimile Advertising); Subpart O (Interstate Pay-Per-Call and Other Information Services); Subpart P (Calling Party Telephone Number; Privacy); Subpart Y (Truth-in-Billing Requirements for Common Carriers); Subpart BB (Restrictions on Unwanted Mobile Service Commercial Messages); Subpart CC (Customer Account Record Exchange Requirements).

Part 68 – Connection of Terminal Equipment to the Telephone Network – Establishes conditions for direct connection to the network of registered terminal equipment to prevent network harm and ensure that telephones are compatible with hearing aids. (CGB is only seeking comment concerning the rules in this part relating to hearing aid compatibility and, in addition, on section 68.318(a)-(d)).

ATTACHMENT

RULE PARTS CONTAINING REGULATIONS ADMINISTERED BY THE ENFORCEMENT BUREAU (EB) EB Docket No. 16-120

Part 1 – Practice and Procedure – Sections 1.711 to 1.736 set forth rules for the filing of informal complaints and formal complaints against common carriers. Section 1.80 addresses the forfeiture process applicable to providers of telecommunications services. Section 1.89 addresses the Notice of Violation process applicable to providers of telecommunications services.

Part 8 – Protecting and Promoting the Open Internet – Sections 8.12 to 8.17 set forth the rules for filing formal complaints for the violation of Part 8 rules. Section 8.18 governs the process for advisory opinions.

ATTACHMENT

RULE PARTS CONTAINING REGULATIONS ADMINISTERED BY THE INTERNATIONAL BUREAU (IB) IB Docket No. 16-131

Part 1 – Practice and Procedure – In addition to the procedural rules of general applicability, subpart Y describes procedures for electronic filing of International and Satellite Services applications using the International Bureau Filing System.

Part 25 – Satellite Communications – Contains rules applicable to general licensing and application filing requirements, technical standards, and operations for satellite communications, including direct broadcast satellite service. Section 25.284 is jointly administered by the International Bureau and the Public Safety and Homeland Security Bureau.

Part 43 – Reports of Communication Common Carriers and Certain Affiliates – Contains rules requiring certain reports by common carriers, including reports regarding different facets of international telecommunications.

Part 63 – Extension of Lines, New Lines, and Discontinuance, Reduction, Outage and Impairment of Service by Common Carriers; and Grants of Recognized Private Operating Agency Status – Contains rules applicable to common carriers, including application filing requirements for international section 214 authorizations.

ATTACHMENT

RULE PARTS CONTAINING REGULATIONS ADMINISTERED BY THE OFFICE OF ENGINEERING AND TECHNOLOGY (OET) ET Docket No. 16-127

Part 1 – Practice and Procedure – In addition to the procedural rules of general applicability, sections 1.1307, 1.1310, and 1.1311 set forth radiofrequency safety portions of procedures for implementing the National Environmental Policy Act of 1969.

Part 2 – Frequency Allocations and Radio Treaty Matters; General Rules and Regulations – Establishes procedures for authorization of radio equipment, defines terms for radio services and contains the Table of Frequency Allocations which identifies what uses are permitted on radio frequency spectrum.

Part 5 – Experimental Radio Service – Establishes procedures for the authorization of experimental radio licenses.

Part 15 – Radio Frequency Devices – Establishes operating parameters and authorization requirements for unlicensed radio devices.

Part 18 – Industrial, Scientific and Medical Equipment – Limit the interference potential of industrial, scientific and medical equipment, as well as certain consumer products, such as microwave ovens, that use radio frequency energy to perform work rather than to communicate information.

ATTACHMENT

RULE PARTS CONTAINING REGULATIONS ADMINISTERED BY THE PUBLIC SAFETY AND HOMELAND SECURITY BUREAU (PSHSB) PS Docket No. 16-128

Part 1 – Practice and Procedure – In addition to the procedural rules of general applicability, this Part contains rules regarding the Communications Assistance for Law Enforcement Act (CALEA) (Subpart Z).

Part 4 – Disruptions to Communications – Sets forth requirements pertinent to the reporting of disruptions to communications and to the reliability and security of communications infrastructure.

Part 9 – Interconnected Voice Over Internet Protocol Services – Contains rules that apply to interconnected VoIP service to ensure the provision of E911 service and access to 911 and E911 service capabilities.

Part 10 – Wireless Emergency Alerts – Sets forth regulations regarding the Commercial Mobile Alert System.

Part 11 – Emergency Alert System (EAS) – Sets forth regulations regarding an Emergency Alert System. Section 11.47 provides for optional participation in the EAS by “other communications methods and systems.”

Part 12 – Resiliency, Redundancy and Reliability of Communications– Sets forth regulations to ensure the resiliency, redundancy and reliability of communications systems, particularly 911 and E911 networks or systems.

Part 20 – Commercial Mobile Services – Section 20.3 contains definitions related to 911 and E911. Section 20.18 sets forth regulations that apply to commercial mobile radio service providers regarding 911 service.

Part 22 – Public Mobile Services – Section 22.921 establishes regulations for mobile telephones regarding 911 call processing and 911-only calling mode.

Part 25 – Satellite Communications – Section 25.284 establishes regulations regarding emergency call center service. Section 25.284 is jointly administered by the International Bureau and the Public Safety and Homeland Security Bureau.

Part 64 – Miscellaneous Rules Relating to Common Carriers – Subpart D establishes procedures for handling priority services in emergencies. Subpart AA establishes regulations regarding the universal emergency telephone number.

Part 90 – Private Land Mobile Radio Services – Contains rules applicable to general licensing and application filing requirements, technical standards, and operations for Specialized Mobile Radio and other commercial, private, and public safety licensees. Specifically, the Public Safety and Homeland Security Bureau administers rules regarding Operating Requirements (Subpart N, sections 90.405 through 90.417), Licensing and Use of Frequencies in the 806-824, 851-869, 869-901 and 935-940 MHz Bands (Subpart S, sections 90.676 through 90.677) and 700 MHz Public/Private Partnership (Subpart AA).

ATTACHMENT

RULE PARTS CONTAINING REGULATIONS ADMINISTERED BY THE WIRELESS TELECOMMUNICATIONS BUREAU (WTB) WT Docket No. 16-138

Part 1 – Practice and Procedure – In addition to containing the procedural rules of general applicability to all Commission licensees, contains certain rules that explicitly address wireless telecommunications applications and proceedings (Subpart F) and procedures relating to competitive bidding (Subpart Q) and spectrum leasing (Subpart X).

Part 8 – Protecting and Promoting the Open Internet – Contains rules pertaining to broadband Internet access services, including such service provided by radio.

Part 17 – Construction, Marking, and Lighting of Antenna Structures – Contains rules pertaining to the construction, marking, lighting, registration, and notification relating to radio antenna structures used for provision of wireless radio services.

Part 20 – Commercial Mobile Services – Contains rules applicable to commercial mobile radio service providers, including rules relating to citizenship, interconnection to facilities of local exchange carriers, roaming, Title II obligations, and 911 service.

Part 22 – Public Mobile Services – Contains rules governing domestic, mobile, common carrier services including the cellular telephone service, that are authorized to provide radio telecommunication services for hire to the public.

Part 24 – Personal Communications Services – Contains rules applicable to general licensing and application filing requirements, technical standards, and operations for narrowband and broadband Personal Communications Services licensees.

Part 27 – Miscellaneous Wireless Communications Services – Contains rules governing the provision of miscellaneous wireless services on various frequency bands allocated for flexible use pursuant to Section 303(y) of the Communications Act, including the 700 MHz band, Wireless Communications Services, Broadband Radio Service, Educational Broadband Service, and Advanced Wireless Services.

Part 80 – Stations in the Maritime Service – Contains licensing, technical, and operational rules for various maritime radio services.

Part 87 – Aviation Services – Contains licensing, technical, and operational rules for various aviation radio services.

Part 90 – Private Land Mobile Radio Services – Contains rules applicable to general licensing and application filing requirements, technical standards, and operations for Specialized Mobile Radio and other commercial, private, and public safety licensees.

Part 95 – Personal Radio Services – Contains licensing, technical, and operational rules for the 218-219 MHz Service.

Part 96 – Citizens Broadband Radio Service – Contains rules governing use of devices in the Citizens Broadband Radio Service.

Part 101 – Fixed Microwave Services – Contains licensing, technical, and operational rules for private and common carrier fixed microwave services, including rules or subparts governing the 24 GHz Service, Local Television Transmission Service, Local Multipoint Distribution Service, 39 GHz Service (38.6-40 GHz bands), Multiple Address Systems, Multichannel Video Distribution and Data Service, and the 70/80/90 GHz Bands.

ATTACHMENT

RULE PARTS CONTAINING REGULATIONS ADMINISTERED BY THE WIRELINE COMPETITION BUREAU (WCB) WC Docket No. 16-132

Part 1 – Practice and Procedure – In addition to procedural rules of general applicability, this Part contains certain procedural rules that specifically address common carriers. The Wireline Competition Bureau administers: Subpart E (Complaints, Applications, Tariffs, and Reports involving Common Carriers), sections 1.763-1.764 (Applications under Title II of the Communications Act), sections 1.771-1.774 (Tariffs), section 1.781 (Contracts, Reports, and Requests Required to be Filed by Carriers), section 1.783 (Contracts), sections 1.785-1.795 (Financial and Accounting Reporting Requirements); section 1.815 (Reports of Annual Employment); and Subpart V (Implementation of Section 706 of the Telecommunications Act of 1996), sections 1.7000-1.7002.

Part 8 – Protecting and Promoting the Open Internet – Contains rules pertaining to broadband Internet access services, including such service provided by wire.

Part 32 – Uniform System of Accounts for Telecommunications Companies – Establishes a mandatory uniform system of accounts for certain common carriers.

Part 36 – Jurisdictional Separations Procedures; Standard Procedures for Separating Telecommunications Property Costs, Revenues, Expenses, Taxes and Reserves for Telecommunications Companies. – Outlines the separations procedures designed for the allocation of property costs, revenues, expenses, taxes, reserves, and Universal Service funds between state and interstate jurisdictions.

Part 42 – Preservation of Records of Communication Common Carriers – Prescribes the regulations governing the preservation of records for communication common carriers.

Part 43 – Reports of Communication Common Carriers and Certain Affiliates – Prescribes certain specific filing requirements for common carriers and certain of their affiliates.

Part 51 – Interconnection – Implements the interconnection, and other requirements of 47 U.S.C. §§ 251 and 252 that are applicable to telecommunications carriers, local exchange carriers, and incumbent local exchange carriers.

Part 52 – Numbering – Establishes the requirements and conditions for administration and use of numbering resources for telecommunications services in the United States.

Part 53 – Special Provisions Concerning Bell Operating Companies – Establishes special requirements applicable to Bell Operating Companies, pursuant to 47 U.S.C. §§ 271 and 272.

Part 54 – Universal Service – Establishes mechanisms for the preservation and advancement of Universal Service pursuant to 47 U.S.C. § 254.

Part 59 – Infrastructure Sharing – Implements the general duty under 47 U.S.C. § 259 for incumbent local exchange carriers to make available to certain qualifying carriers public switched network infrastructure, technology, information, and telecommunications facilities and functions.

Part 61 – Tariffs – Prescribes the framework for the initial establishment of, and subsequent revisions to, certain carriers' tariff publications.

Part 63 – Extension of Lines, New Lines, and Discontinuance, Reduction, Outage and Impairment of Service by Common Carriers; and Grants of Recognized Private Operating Agency Status – Prescribes a regulatory framework for the construction of wireline common carrier infrastructure, transfers of control of such facilities, and discontinuations, reductions, or impairments of service.

Part 64 – Miscellaneous Rules Relating to Common Carriers – Addresses a number of common carrier issues. Specifically, the Wireline Competition Bureau has jurisdiction over: Subpart A (Traffic Damage Claims); Subpart C (Furnishing of Facilities to Foreign Governments for International Communications); Subpart E (Use of Recording Devices by Telephone Companies); Subpart G (Furnishing of Enhanced Services and Customer-Premises Equipment by Communications Common Carriers; Telephone Operator Services); Subpart H (Extension of Unsecured Credit for Interstate and Foreign Communications Services to Candidates for Federal Office); Subpart I (Allocation of Costs); Subpart M (Provision of Payphone Service); Subpart N (Expanded Interconnection); Subpart Q (Implementation of Section 273(d)(5) of the Communications Act); Subpart R (Geographic Rate Averaging and Rate Integration); Subpart S (Nondominant Interexchange Carrier Certifications Regarding Geographic Rate Averaging and Rate Integration Requirements); Subpart T (Separate Affiliate Requirements for Incumbent Independent Local Exchange Carriers Providing In-Region, Interstate Domestic Interexchange Services or In-Region International Interexchange Services); Subpart U (Customer Proprietary Network Information); Subpart X (Subscriber List Information); Subpart Z (Prohibition on Exclusive Telecommunications Contracts); Subpart DD (Prepaid Calling Card Providers); Subpart EE (TRS Customer Proprietary Network Information); Subpart FF (Inmate Calling Services).

Part 65 – Interstate Rate of Return Prescription Procedures and Methodologies – Establishes procedures and methodologies for the prescription of an authorized unitary interstate exchange access rate of return. Also outlines the individual authorized rates of return for certain carriers' interstate exchange access rates.

Part 68 – Connection of Terminal Equipment to the Telephone Network – Establishes requirements for direct connection to the public switched network of all terminal equipment (except those falling under national security/defense interests). The Wireline Competition Bureau administers: Subpart A (General), sections 68.1 – 68.3, 68.7; Subpart B (Conditions on Use of Terminal Equipment), sections 68.100 – 68.110, 68.160 – 68.162; Subpart C (Terminal Equipment Approval Procedures), sections 68.201 – 68.214, 68.218; Subpart D (Conditions for Terminal Equipment Approval), sections 68.300, 68.318(e), 68.320-68.354; and Subpart G (Administrative Council for Terminal Attachments).

Part 69 – Access Charges – Establishes rules for access charges for interstate or foreign access services provided by telephone companies.

**STATEMENT OF
COMMISSIONER AJIT PAI**

Re: *Commission Seeks Public Comment in 2016 Biennial Review of Telecommunication Regulations*, CG Docket No. 16-124, EB Docket No. 16-120, IB Docket No. 16-131, ET Docket No. 16-127, PS Docket No. 16-128, WT Docket No. 16-138, WC Docket No. 16-132

This is a time of widespread dissatisfaction with and distrust of government. Many Americans perceive that government agencies don't bother following the law or, at best, make a half-hearted attempt to comply. The Federal Communications Commission shares responsibility for this problem. For example, in its longstanding abdication of its legal responsibility to conduct a meaningful biennial review, the Commission unfortunately has treated the law in much the same way that The Dude handled bowling taunts in *The Big Lebowski*: "Yeah, well, you know, that's just, like, your opinion, man."¹

Here's the background. Section 11 prescribes that every two years, the FCC "*shall* review all regulations . . . that apply to the operations or activities of any provider of telecommunications service" and "*shall* determine whether any such regulation is no longer necessary in the public interest as the result of meaningful economic competition between providers of such service."² If the Commission finds that the public interest no longer demands any such regulation, it "*shall* repeal or modify" that regulation.³

Unlike most matters the FCC handles, conducting a biennial review is not a very complicated case, with a lot of ins, a lot of outs, a lot of what-have-yous. Indeed, Section 11 is a simple and powerful tool for scrubbing outdated regulations from our books and promoting private sector innovation and investment. In a sense, it ties the Communications Act together.

Or at least could be, if the FCC took this task seriously. In 2014, the agency simply ignored this duty entirely. This time around, it promises a few desultory efforts at paging through the Code of Federal Regulations—efforts certain to result in many staff hours being wasted and nothing meaningful being done. (Say what you will about the FCC's seemingly nihilistic view in 2014 that the law didn't exist—at least it was an ethos.)

We should be prompt and bold in conducting these biennial reviews, not tardy and timid. I hope the next Administration takes a more proactive, forward-thinking view of this task, for passivism is not something to hide behind. Am I wrong?

¹ The Dude, *The Big Lebowski* (Polygram Filmed Entertainment 1998).

² 47 U.S.C. 161(a) (emphasis added).

³ 47 U.S.C. 161(b) (emphasis added).

**STATEMENT OF
COMMISSIONER MICHAEL O'RIELLY**

Re: *Commission Seeks Public Comment in 2016 Biennial Review of Telecommunication Regulations*,
CG Docket No. 16-124, EB Docket No. 16-120, IB Docket No. 16-131, ET Docket No. 16-127,
PS Docket No. 16-128, WT Docket No. 16-138, WC Docket No. 16-132

I am generally pleased to support the Commission's initiation of its requirements under Section 11 of the Communications Act of 1934 to conduct a review of all regulations imposed on telecommunications providers. It is especially important to get this 2016 process underway because the Commission has no excuse why it skipped the 2014 review, despite the statutory provision that it be done every two years. Depressing as it may be, there seems to be no penalty for the Commission just ignoring statutory deadlines on its own whim.

Designed and included as part of the Telecommunications Act of 1996, the biennial review was intended to serve as a check against outdated Commission burdens and obligations on telecommunications providers that are no longer necessary because of "meaningful economic competition between providers for such services."¹ Under the law, the Commission is required to repeal or modify those that are no longer necessary in the public interest. Although some within the Commission seem to ignore reality, Commission requirements carry real consequences, even beyond compliance costs, as they can drive business decisions and the markets that providers enter, ignore or exit.

Additionally, the timeframes set by this Public Notice are beyond disappointing because they result in such a long time period from initiation to actual conclusion. With comments and reply comments, four months for staff review and recommendations, and then five more months before issuing NPRMs, it would take heavenly involvement to see the 2016 review end before 2017. In fact, I don't see how this doesn't stretch late into 2018, which is when the next review is supposed to be completed. The Commission has finished entire rulemakings in as little as six months, but here it will take twelve months just to issue the NPRMs. That is not faithfully honoring the provisions required by the law and does a disservice to those telecommunications providers, and their paying consumers, forced to comply with outdated Commission requirements much longer than necessary.

To expedite this process, I suggested that we shorten the initial staff review to two months from four, especially since staff will still have nearly five months on top of that to produce the NPRMs. Contrast that with the privacy proceeding where the Commission just committed to issue an NPRM in four months. My edit was summarily rejected. Even a compromise of three months was turned down. Instead, I was told that staff needed every bit of the four months in order to review the record. Given the cursory reviews and rather uninspiring past Section 11 efforts, this reason seemed particularly ridiculous, especially since we have wasted four months since the PN was circulated to Commissioners with no action. In essence, it seems that staff needs four months to conduct the review but somehow was unable to use *any* of the time wasted as the barebones Public Notice sat on the Commission's Eighth Floor awaiting action.

With this delayed timeline, everyone – Commission leadership to the bureau attorneys assigned to participate – should be on notice that I expect extensive recommendations culminating in a forward-looking NPRM. Every rock should be turned over and every rule should be thoroughly reviewed to generate the best Section 11 NPRM ever imagined. With hundreds of applicable pages in the Code of Federal Regulations, there is much material to review and likely a good portion that can be eliminated given the vast changes in the communications marketplace since the 2012 review. We owe the American people, and their duly elected representatives, nothing less.

¹ 47 U.S.C. § 161(a)(2)