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December 2, 2013

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Special Counsel to the Chairman
Federal Communications Commission
445 12th Street S.W.
Washington, D.C. 20554

Re: FCC Process Reform

Dear Ms. Cornell:

COMPTTEL applauds the Commission's effort to seek public input on process reform. Those who are regulated by and who otherwise interact with the Commission or who are affected by its decisions undoubtedly can provide many helpful suggestions with respect to improvements the Commission should consider in streamlining its processes.

Improving Responsiveness, Efficiency and Effectiveness

Among other things, the Commission has asked for comment on how it can be more responsive, efficient and effective. An area where the Commission is lacking in responsiveness, efficiency and effectiveness is in issuing timely decisions. A review of the FCC's Items on Circulation illustrates this point. [Items on Circulation](#). Of the 14 items currently on circulation, one has been before the Commissioners for more than two years, one has been before the Commissioners for more than 20 months, one for more than 16 months, two for more than one year and four for more than six months.

The Commission has been particularly dilatory in acting on requests for review of decisions of the Universal Service Administrator. Although Section 54.724 of the Commission's Rules requires the Commission to act on such requests for review within 90 days (which period

may be extended by an additional 90 days), the Commission rarely meets these deadlines.¹ As a result, numerous requests for review of decisions of the USAC Administrator filed both by contributors to and recipients of the universal service fund have been pending far too long (in some cases, years) with no action by the Commission.² The Commission's failure to issue timely decisions is extremely prejudicial to those seeking review and leaves them in a state of regulatory limbo. USAC decisions have real financial impacts on USF contributors and recipients. To the extent the Commission's failure to act on requests for review implicitly allows USAC to proceed on disputed issues without Commission guidance, contributors and recipients suffer the unfortunate consequences.

There are numerous other dockets where the pleading cycles have closed, often years ago, but draft decisions have not yet been circulated to the Commissioners. Relegating such matters to a black hole of non-decision does not serve the public interest and effectively insulates the matters from judicial review.

In an effort to reduce the backlog, the Commission might consider compiling a list of all open dockets where the records are complete and imposing deadlines on itself for issuing decisions. Compiling a list of the open dockets will help demonstrate to the Commissioners just how many matters are ripe for decision but are languishing in limbo. As Chairman Wheeler emphasized in his initial blog post [blog post](#), there is much to be said for "delegating responsibility and the authority that goes with it." To the extent that the Commission's bureaus, which are all staffed with knowledgeable and capable people, can take responsibility for drafting the initial decisions in some or all of these long neglected proceedings without waiting for specific direction from the eighth floor, they should be encouraged to do so.

¹ See e.g., *In the Matter of Universal Service Contribution Methodology*, WC Docket No. 06-122, Declaratory Ruling and Order, DA 13-224 (rel. Nov. 25, 2013) where the Commission issued a decision on a Request for Review that had been filed over two years earlier and noted that the same issue was before the Commission in a Request for Review that has been on file for *four years*. *Id.* at n. 4. See also, *In the Matter of Request for Review of Decisions of the Universal Service Administrator*, CC Docket No. 02-6, Order, DA 13-13 (rel. Jan. 8, 2013) where the Commission granted a consolidated appeal filed on behalf of 52 schools and libraries seeking review of USAC decisions denying funding for funding year 2002.

² *Id.*

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Improving the Effectiveness of Communication Between the Public and the FCC

The Commission has also asked for comment on how it can improve the effectiveness of communication between the public and the FCC. To the extent the Commission determines to ask for such comment in a blog post in the future, it should simultaneously ask for comment in a Public Notice. <http://www.fcc.gov/blog/call-input-improving-government-efficiency-fcc>. The FCC's blog posts are not as readily accessible as are its Public Notices. To maximize both the number of entities and the number of individuals that receive notice of the Commission's request for comments as well as the number of responses, one important step the Commission should take is to ensure that such requests appear in Public Notices as well as blog posts.

COMPTEL appreciates the opportunity to make suggestions regarding process reform.

Respectfully submitted

/s/

Mary C. Albert