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**VIA E-MAIL TO [INNOVATION@FCC.GOV](mailto:INNOVATION@FCC.GOV)**

Ms. Diane Cornell  
Special Counsel  
Office of the Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

Re: *A Call for Input: Improving Government Efficiency at the FCC*

Dear Ms. Cornell:

CenturyLink appreciates the opportunity to offer suggestions on this important initiative. As with all organizations, it is important that the Commission continually strive to make its processes and procedures more efficient and effective.

In that vein, CenturyLink submits the following recommendations:

- **Maintain a Public List of Open Proceedings.** The Commission should create and maintain a publicly-available list of pending proceedings. Currently there is no way for the public to obtain this information, short of conducting a proceeding-by-proceeding search in the Commission's Electronic Comment Filing System (ECFS). Even then, all that can be identified in ECFS are the most recent filings made by interested parties. ECFS does not disclose how close the Commission is to resolving a particular proceeding. While the Commission's weekly list of "FCC Items on Circulation" is helpful in this regard, it necessarily covers only a small fraction of pending matters, and, for large rulemakings, often is too vague (*e.g.*, "Connect America Fund et al.") to disclose the specific action the Commission is considering.

To provide meaningful transparency, a comprehensive list of pending proceedings would help enable the public to understand the work currently underway at the Commission. Such a list should include the date a proceeding was initiated, a short description of the proceeding, the most recent action taken, and the status of the proceeding. That status would include the current stage of consideration (*e.g.*, Wireline Competition Bureau Drafting Order; Chairman's Office Reviewing Draft Order; Order

on Circulation) and a rough timetable for resolution. The Office of General Counsel's quarterly "List of Pending Appellate Cases" provides at least a partial template for such a list of open proceedings.<sup>1</sup> If resource constraints preclude the Commission from initiating a comprehensive list of proceedings, the Commission might start with a list of pending rulemakings and declaratory ruling proceedings.

- **Conduct a Cost-Benefit Analysis Before Adopting Major New Regulatory Requirements.** The Commission should establish a practice of conducting a cost-benefit analysis before adopting new regulatory requirements that have more than a modest financial impact or cost burden on industry or the public. Sound public policy of course demands that the Commission consider the potential costs, as well as potential benefits, of regulation. Yet in the course of the Commission's work, the true costs can be too easily overlooked.

Many Commission orders focus almost exclusively on identifying *the rule* that will most effectively accomplish the Commission's stated objective, with too little regard for whether there might be a somewhat less effective requirement that may be much less burdensome. By explicitly including a cost-benefit analysis in its orders, the Commission will lead its policymakers to assess the broader (and sometimes hidden) costs of a proposed regulation and to consider potentially less burdensome alternatives. By confronting these trade-offs, the Commission can improve regulatory policy.

- **Generally Resolve Forbearance Petitions in 12 Months.** The Commission should establish a policy of resolving forbearance petitions within 12 months, while reserving its authority for three-month extensions for extraordinary circumstances. The statutory intent, we believe, was to address such issues within one year. In practice, however, the Commission has granted itself such for virtually all forbearance petitions.

The Commission has many issues before it, but minimizing outdated regulatory burdens should be highlighted as a priority. The routine extensions of forbearance petitions may be perceived as conflicting with the spirit of section 10 of the Act and as often needlessly delaying needed regulatory reform.

- **Eliminate Duplicative or Unnecessary Reporting Requirements.** The Commission should take steps to eliminate duplicative and unnecessary reporting requirements. For example, CenturyLink currently makes more than 40 regular periodic report filings to the Commission per year,<sup>2</sup> and a much larger assortment of incidental reports. As an industry, entities regulated by the Commission file thousands of such reports.

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<sup>1</sup> See [http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DOC-323964A1.pdf](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-323964A1.pdf).

<sup>2</sup> This figure understates the true quantity of these reports. In many cases, communications providers like CenturyLink must file a given report on behalf of multiple affiliates.

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The costs of gathering data and preparing regulatory reports is a genuine burden. Some of the reports may be little used or duplicative. Some likely could be scaled back in scope or in frequency. And at least some of these reporting requirements appear to be duplicative. For example, CenturyLink must comply with both the Network Outage Reporting System (NORS) reporting requirements applicable to all carriers, and the Commission's new annual reporting requirements for eligible telecommunications carriers (ETCs). Because the NORS and ETC rules contain different reporting thresholds, CenturyLink and other ETCs must evaluate each outage to determine whether it triggers one or both reporting requirements. Similarly, the Commission's ETC rules impose broadband reporting requirements that overlap with Form 477 reporting requirements. Given these circumstances, the Commission should inventory its existing reporting requirements, identify those that are still useful, and eliminate those that are not.

- **Permit Filing of Confidential Documents Through ECFS.** The Commission should permit parties to file confidential documents electronically through ECFS. Today confidential documents must be filed in pending proceedings either by U.S. mail or by hand. This imposes both unnecessary cost and delay on interested parties, as well as the Commission. In contrast, the Commission's tariff-filing system, ETFS, is capable of accepting confidential attachments. This suggests that it should be technologically feasible for ECFS to be modified to accept confidential filings.

This change to ECFS would not alter the process used by interested parties to obtain access to confidential material. As is the case today, such access would continue to be dictated by the applicable protective order, which generally requires the execution and filing of a confidentiality acknowledgment before obtaining access from the party that submitted the confidential document.

We believe these and similar steps would actually make a meaningful difference for industry and the public. Please let me know if you or your staff would like to discuss any of these or similar suggestions for enhancing efficiency and transparency at the Commission.

Sincerely,

/s/ Melissa E. Newman

Copy via e-mail to:  
Diane Cornell ([diane.cornell@fcc.gov](mailto:diane.cornell@fcc.gov))