



PUBLIC NOTICE

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Commission Staff Releases Reports on 2004 Biennial Review of Telecommunications Regulations

Pursuant to Section 11 of the Communications Act, as amended, 47 U.S.C. § 161, the staff of the Federal Communications Commission released the 2004 Biennial Review Reports today.¹ Section 11 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 the providers of such services.” The Commission is directed to repeal or modify any such regulations that it finds are no longer necessary in the public interest.²

The process of reviewing the Commission’s rules subject to Section 11 is constantly ongoing. As the Staff Reports indicate, the number of rules subject to this review is substantial. Thus, to fulfill the requirements of Section 11, the staff independently considers whether the relevant regulations are no longer necessary in the public interest as the result of meaningful economic competition. To supplement this effort, the Commission issued a Public Notice in July 2004 inviting suggestions from the public as to what rules should be modified or repealed as part of the 2004 Biennial Review.³

Although a few parties filed comments in response to the Public Notice, they did not present issues that required resolution by the Commission. Accordingly, the Staff Reports, issued contemporaneously herewith, analyze the rules subject to the requirements of Section 11

¹ See *Federal Communications 2004 Biennial Regulatory Review: Consumer & Governmental Affairs Bureau Staff Report*, CG Docket No. 04-175, *Enforcement Bureau Staff Report*, EB Docket No. 04-176, *International Bureau*, IB Docket No. 04-177, *Office of Engineering and Technology*, ET Docket No. 04-178, *Wireline Competition Bureau*, WC Docket No. 04-179, and *Wireless Telecommunications Bureau*, WT Docket No. 04-180.

² See generally *Cellco Partnership v. F.C.C.*, 357 F.3d 88 (D.C. Cir. 2004).

³ *Commission Seeks Public Comment In the 2004 Biennial Review of Telecommunications Regulations, Public Notice*, 19 FCC Rcd 9090 (2004).

of the Act⁴ and fulfill the Commission's statutory responsibility to identify current rules that should be modified or repealed. The Commission will take further action to effectuate the recommendations of the Staff Reports as appropriate.⁵

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⁴ All decisions not expressly required to be made at the Commission level may be made by staff under 47 U.S.C. § 155(c) (1), subject to the filing of applications for Commission review. *See* 47 U.S.C. § 155(c) (4) and 47 C.F.R. § 1.115. *See also* 2002 Biennial Regulatory Review, Report, 18 FCC Rcd 4726, 4726-27 & n.4 (2003) (describing process under which Biennial Review recommendations are issued under delegated authority).

⁵ As noted, persons disagreeing with any of the Staff Report recommendations may file an application for review under section 1.115 of the Commission's rules. 47 C.F.R. § 1.115.