

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Termination of Certain Proceedings as Dormant) CG Docket No. 16-16
)
)
)

ORDER

Adopted: July 21, 2016

Released: July 25, 2016

By the Chief, Consumer & Governmental Affairs Bureau:

I. INTRODUCTION

1. By this Order, the Consumer & Governmental Affairs Bureau (CGB) terminates, as dormant, the proceedings listed on the Attachment hereto.¹ We believe that termination of these proceedings furthers the Commission’s organizational goals of increasing the efficiency of its decision-making, modernizing the agency’s processes in the digital age, and enhancing the openness and transparency of Commission proceedings for practitioners and the public. In addition, on the basis of further evaluation, we leave open two proceedings included in the *Fifth Dormant Proceedings Termination Public Notice*.

II. BACKGROUND

2. On February 4, 2011, the Commission released a Report and Order that, *inter alia*, amended Section 0.141 of the Commission’s organizational rules to delegate authority to the Chief, CGB to conduct periodic review of all open dockets with the objective of terminating those that were inactive.² The Commission stated that termination of such proceedings also will include the dismissal as moot of any pending petition, motion, or other request for relief in the terminated proceeding that is procedural in nature or otherwise does not address the merits of the proceeding.³

3. Following the release of the *Procedure Order*, CGB, in consultation with the relevant bureaus and offices, conducted a review of all open dockets and identified those dockets that could

¹ We note that all of the proceedings listed on the Attachment hereto were also listed in the attachment to the *Termination of Certain Proceedings as Dormant Public Notice* released on February 22, 2016. *Consumer & Governmental Affairs Bureau Seeks Comment on Termination of Certain Proceedings as Dormant*, 31 FCC Rcd 1205 (CGB 2016) (“*Fifth Dormant Proceedings Termination Public Notice*”).

² *Amendment of Certain of the Commission’s Part 1 Rules of Practice and Procedure and Part 0 Rules of Commission Organization*, GC Docket No. 10-44, Report and Order, 26 FCC Rcd 1594 (2011) (“*Procedure Order*”).

³ *Id.* at 1604, para. 24.

potentially be terminated. As a result of that process, CGB issued the *First Dormant Proceedings Termination Public Notice*, listing the open dockets under consideration for termination, and providing interested parties the opportunity to file comments on these proposed terminations.⁴ Following these procedures, by Order released November 1, 2011, CGB terminated, as dormant the docketed proceedings listing in the attachment thereto.⁵ Further dormant proceeding terminations followed.⁶

4. On February 22, 2016, CGB released the *Fifth Dormant Proceedings Termination Public Notice* with comments and reply comments due 30 and 45 days after date of publication in the Federal Register (June 1, 2016 and June 16, 2016 respectively).⁷ In response to the *Fifth Dormant Proceedings Termination Public Notice*, we received one comment requesting that certain proceedings noted in the *Public Notice* remain open.⁸

III. DISCUSSION

5. Based on our review of the record received in response to the *Fifth Dormant Proceedings Termination Public Notice*, we terminate the proceedings listed in the attachment to this Order⁹ and leave open two proceedings that had been listed in Attachment A to the *Fifth Dormant Proceedings Termination Public Notice*. After review of the comment received and our further evaluation, we have determined that GN Docket No. 87-24 and RM-10335 will remain open and will not be terminated at this time.

6. **Venture Technologies Group, LLC.** Venture Technologies Group, LLC asks that GN Docket No. 87-24 (*Amendment of the Commission's Rules Relating to Program Exclusivity in the Cable and Broadcast Industries*) and RM-10335 (*Amendment of the Commission's Rules to Extend Its Network and Non-Network Territorial Exclusivity, Syndicated exclusivity, and Network Non-Duplication Protection Rules*) remain open due to recent Commission consideration of the same rules that are the subject of these proceedings.¹⁰ We find that further action in these proceeding may be required. Accordingly, we will not terminate GN Docket No. 87-24 and RM-10335 at this time and they will remain open.

⁴ *Consumer & Governmental Affairs Bureau Seeks Comment on Termination of Certain Proceedings as Dormant*, 26 FCC Rcd 7850 (CGB 2011) (“*First Dormant Proceedings Termination Public Notice*”).

⁵ *Termination of Certain Proceedings as Dormant*, Order, 26 FCC Rcd 15312 (CGB 2011) (“*First Dormant Proceedings Termination Order*”).

⁶ See *Consumer & Governmental Affairs Bureau Seeks Comment on Termination of Certain Proceedings as Dormant*, 27 FCC Rcd 1613 (CGB 2012); *Termination of Certain Proceedings as Dormant*, Order, 27 FCC Rcd 11284 (CGB 2012); *Consumer & Governmental Affairs Bureau Seeks Comment on Termination of Certain Proceedings as Dormant*, 29 FCC Rcd 7664 (CGB 2014); *Termination of Certain Proceedings as Dormant*, Order, 29 FCC Rcd. 11017 (CGB 2014); *Fourth Dormant Proceedings Termination Public Notice, supra*; *Termination of Certain Proceedings as Dormant*, Order, 29 FCC Rcd. 16059 (CGB 2014).

⁷ *Fifth Dormant Proceedings Termination Public Notice, supra*.

⁸ Venture Technologies Group, LLC Comments, CG Docket No. 16-16, GN Docket No. 87-24, RM 10335 (Jun. 1, 2016) (“*Venture Technology Comments*”).

⁹ Any party aggrieved by a termination under this delegation of authority may file a petition for reconsideration with CGB or an application for review with the full Commission *Procedure Order*, 26 FCC Rcd at 1604, paras. 23-24.

¹⁰ Venture Technology Comments at 3 (citing Federal Communications Commission, Items on Circulation, https://transition.fcc.gov/fcc-bin/circ_items.cgi (visited May 31, 2016)).

IV. PROCEDURAL MATTERS

7. Upon publication of this Order in the Federal Register, these proceedings will be terminated in the Electronic Comment Filing System (ECFS). The record in the terminated proceedings will remain part of the Commission's official records, and the various pleadings, orders, and other documents in these dockets will continue to be accessible to the public, post-termination.

8. For additional information concerning this Order, please contact Lauren Wilson at (202) 418-1607, or via e-mail at Lauren.Wilson@fcc.gov.

V. ORDERING CLAUSES

9. Accordingly, **IT IS ORDERED**, pursuant to the authority contained in Sections 4(i), and 4(j) of the Communications Act, 47 USC 154(i) and (j), and Section 0.141 of the Commission's rules, that the proceedings set forth in the Attachment hereto are TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION

Alison Kutler
Chief, Consumer & Governmental Affairs Bureau

ATTACHMENT