

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

In the Matter of)
)
Procedural Streamlining of Administrative) EB Docket No. 19-214
Hearings)
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ORDER

Adopted: November 4, 2019

Released: November 4, 2019

By the Chief, Enforcement Bureau:

1. By this Order, the Enforcement Bureau denies the request of New Civil Liberties Alliance (NCLA) to extend the comment deadline in the above-captioned proceeding.¹
2. On September 6, 2019, the Commission released a Notice of Proposed Rulemaking (Notice) seeking comment on procedural changes that would streamline many administrative hearings under the Communications Act of 1934, as amended.² The Notice set deadlines for filing comments and reply comments at 30 days and 45 days, respectively, after publication of the Notice in the Federal Register.³ On October 7, 2019, a summary of the Notice was published in the Federal Register establishing a comment deadline of November 6, 2019, and a reply comment deadline of November 21, 2019.⁴
3. On October 30, 2019, NCLA filed a motion to extend the comment deadline by 30 days.⁵ In support of its extension request, NCLA states that the Notice raises “weighty issues for consideration[,]” including whether the expanded use of written testimony and documentary evidence and the use of Commission staff to serve as case manager in Commission hearings will “safeguard hearing fairness,” and how, if at all, the proposed rules relate to the Supreme Court’s decision in *Lucia v. SEC*⁶ and the Appointments Clause to the U.S. Constitution.⁷ Given the “gravity and complexity of the issues presented,” NCLA states that the November 6th deadline “does not afford [it] or the public at large

¹ See New Civil Liberties Alliance Motion for Extension of Time, EB Docket No. 19-214 (filed October 30, 2019) (NCLA Motion).

² *In the Matter of Streamlining of Administrative Hearings*, EB Docket No. 19-214, Notice of Proposed Rulemaking, FCC 19-86 (rel. Sept. 6, 2019).

³ *Id.* at 1.

⁴ 84 Fed. Reg 53355 (Oct. 7, 2019).

⁵ See NCLA Motion at 1.

⁶ 138 S. Ct. 2044 (2018).

⁷ NCLA Motion at 1.

sufficient time to fully analyze the proposed rule's details and implications" and that additional time is needed to provide meaningful responses.⁸

4. Pursuant to section 1.46 of the Commission's Rules, the Commission's policy is that extensions of time for filing comments in rulemaking proceedings shall not be routinely granted.⁹ In this case, the circumstances identified by NCLA are not sufficiently unique or unusual to warrant deviation from the established filing deadline and NCLA has not otherwise provided a persuasive justification for an extension.

5. Accordingly, **IT IS ORDERED**, pursuant to sections 1, 4(i), 4(j), and 303 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 154(j), and 303, and sections 0.111, 0.311, and 1.46 of the Commission's rules, 47 CFR §§ 0.111, 0.311, and 1.46, that NCLA's motion to extend the comment deadline **IS DENIED**.

FEDERAL COMMUNICATIONS COMMISSION

Rosemary C. Harold
Chief
Enforcement Bureau

⁸ *Id.*

⁹ 47 CFR § 1.46.