

Reform of Certain Rules of FCC Procedure and Organization

Notice of Proposed Rulemaking



February 18, 2010

Goals

- Increase efficiency and reduce backlogs
- Openness and transparency: Make it easier for interested persons to follow and participate in FCC proceedings
- Reduce confusion by the public about certain deadlines



Categories of Proposed Rules

1. Reconsideration of Agency Decisions
2. Case Management:
 - Docketed Proceedings
 - Electronic Filing
 - Electronic Notification
3. Miscellaneous Procedural Rules

Petitions for Reconsideration

- **Proposal:** Delegate authority to bureau and office chiefs to dismiss or deny defective or repetitious reconsideration petitions
- **Rationale:** Some petitions do not warrant consideration by the full Commission and exacerbate backlogs
 - Procedurally defective, e.g., untimely, fail to include information required by the rules, fail to state how the FCC erred or what should be changed
 - Merely repeat arguments that the Commission has previously rejected

Reconsideration on the Commission's Own Motion:

- Current rule authorizes the Commission to reconsider a decision on its own motion within 30 days of public notice
- **Proposal:** Amend the rule to make clear that the Commission within 30 days may *modify* its decision, not just set it aside
- **Rationale:** 2003 court decision read rule in an unduly narrow fashion and limited the Commission's discretion

Proposed Rules: Docketed Proceedings and Electronic Filing

- **Proposal:** Leverage electronic resources by expanding the use of docketed proceedings and maximizing electronic filing through improved ECFS
- **Proposal:** Delegate authority to staff to terminate inactive dockets
- **Rationale:** Electronic procedures increase efficiency and make it easier for interested persons to follow and participate in our proceedings



Proposed Rule: Electronic Notification

- **Proposal:** Delegate authority to staff to serve parties electronically
- **Rationale:** Electronic service is less resource-intensive than service by mail and provides parties more timely notice; widely used by courts

Proposed Rules: Miscellaneous Procedural Rules

- **Proposal:** Amend computation of time rule to implement “next business day” when an FCC rule or order requires FCC action on a weekend or holiday
- **Proposal:** Adopt default effective date for new rules when FCC does not specify a date certain
- **Rationale:** The current rules do not clearly address these situations

