



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

July 2, 2010

The Honorable Bart Stupak
Subcommittee on Oversight and Investigations
Committee on Energy and Commerce
U.S. House of Representatives
2268 Rayburn House Office Building
Washington D.C. 20515

Dear Chairman Stupak:

Thank you for your letter expressing concern that the Government in the Sunshine Act inhibits the ability of FCC Commissioners to freely discuss and exchange ideas on the important policy issues we face. I appreciate this opportunity to respond to the issues you have raised and to review the legislation you have introduced.

Over the course of the last 25 years, experts in administrative law have noted that the Sunshine Act has had the unintended effect of limiting the collegial development of policy by multimember agencies. This view has been restated by chairmen and commissioners of multimember agencies, including the FCC. As you note in your letter, multimember agencies are created by Congress in order to assure that agency regulatory initiatives are a product of their members' collegial consideration, and reflect their varied perspectives. When agency members are hampered in discussing the issues with one another, their ability to craft consensus policies that further the aims of Congress and the interest of the American people likewise is hampered.

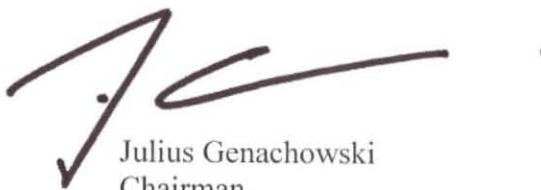
When I became Chairman, I announced a reform agenda to examine ways to improve the transparency and responsiveness of the Commission's decision-making processes. My regulatory reform team, led by Special Counsel Mary Beth Richards, is examining a wide range of issues, including whether the Sunshine Act enables the Commission to reach timely decisions in a collegial manner, and whether Congress and the public are readily able to understand how our decisions are reached.

In the upcoming months, Commission decisions on a series of issues, including the deployment of broadband capability to all Americans and the creation of a 21st Century public safety communications network, will affect the lives and wellbeing of virtually every American. It is more important today than ever before to assure that Commission decisions reflect the collegial contribution of all of the Commissioners reached by thorough analysis and debate among them. For this reason, I welcome reexamination of the Sunshine Act, and I look forward

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to working with you as our staff reform team refines its work. I trust that in this way we may be a resource for you and your colleagues as you consider legislation in this area.

Sincerely,

A handwritten signature in dark ink, consisting of a large, stylized initial 'J' followed by a horizontal line and a small dot at the end.

Julius Genachowski
Chairman