

**STATEMENT OF  
CHAIRMAN AJIT PAI**

Re: *Commission Launches Modernization of Media Regulation Initiative*, MB Docket No. 17-105.

A few years ago, early in my tenure at the Commission, we voted to forbear from enforcing a regulation first adopted by the FCC's Telegraph Division in 1936.<sup>1</sup> That rule was originally intended to address issues with claims against telegraph carriers arising from errors in, or delayed delivery or non-delivery of, messages and money orders. I marveled that 77 years later, the rule remained on the books.

That proceeding made me keenly aware of a fundamental truth: One of the most powerful forces in government is regulatory inertia. A rule that might have been necessary at one time can become yellowed and obsolete with age. In some cases, repeal of such a rule is just a matter of good housekeeping; the conduct covered by the rule simply doesn't happen anymore, so the rule is literally irrelevant. In other cases, repeal is a necessity; the rule stands in the way of innovation and investment that would benefit consumers.

This analysis applies to the FCC's media regulations. Or at least it should. By comparison, every two years, the Commission undertakes what is known as a biennial review. In section 11 of the Communications Act, Congress told us to consider all regulations that apply to telecommunications services. If we determine that any such regulation "is no longer necessary in the public interest as the result of meaningful economic competition between providers of such service," we then must repeal or modify it.

Now, the Act doesn't require us to review similarly our media rules. But that doesn't mean we can't. Hence, this *Public Notice*.

The goal here is the same as it is with our biennial review—but for our media regulations. That is, we want to figure out whether and how to update our rules to match the realities of today's marketplace. We aim to get public input on which rules are still necessary and which should be modified or eliminated. We want to modernize our rules in order to better promote the public interest and clear a path for more competition, innovation, and investment in the media sector. This is simply good government.

In order for this effort to be successful, we'll need your help. I encourage all interested parties to file comments in this proceeding and bring to our attention rules that deserve the Commission's consideration.

My thanks to the Media Bureau's terrific staff for their work on this *Public Notice*: Michelle Carey, Martha Heller, Mary Beth Murphy, and Raelynn Remy. In your efforts to come, you may not dig up a dictate as dated as a Telegraph Division rule, but your work is critically important nonetheless.

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<sup>1</sup> *United States Telecom Association Petition for Forbearance Under 47 U.S.C. § 160(c) from Enforcement of Certain Legacy Telecommunications Regulations*, WC Docket No. 12-61, Order, 28 FCC Rcd 2605, 2609, para. 9 (2013).