

**DISSENTING STATEMENT OF  
COMMISSIONER ANNA M. GOMEZ**

Re: *Delete, Delete, Delete*, Direct Final Rule, GN Docket No. 25-133 (July 24, 2025).

I am the first to acknowledge that over time the Commission's rules need to be cleaned up and I commend the Chair for using Commission resources to identify such rules. That said, process matters. The direct final rule process could potentially serve a role with the right procedures and guardrails in place.

To that end, I told the Chairman that I could support initiating a proceeding to look at how a direct final rule process could be used going forward and including a notice of proposed rulemaking proposing to eliminate the rules the draft order purports to eliminate today. That offer was declined.

Accordingly, I cannot support the establishment of procedures to erase rules that have been adopted pursuant to notice and comment without seeking public comment on appropriate processes and guardrails. Notably, this order does not limit the direct final rule process to elimination of rules that are objectively obsolete with a clear definition of how that will be applied, asserting instead authority to remove rules that are "outdated or unwarranted."

While the order points to recommendations from the Administrative Conference of the United States, which has identified circumstances where good cause could exist to issue direct final rules consistent with the Administrative Procedure Act, it fails to meaningfully analyze or cabin the types of rules that could be eliminated through this process and then dismisses without explanation the minimum timeframe for public comment the Administrative Conference specifically recommended.<sup>1</sup>

In defense of the abbreviated timeframe, the order points to Commission rules where 10-day time limits are imposed. In each of those examples, however, interested stakeholders will have had actual notice the proceedings were ongoing and prior opportunities to comment. Those circumstances do not exist here and notably absent from the order is any explanation of why time is of the essence. I have to wonder, if these rules are so obsolete, what difference would providing 30-days-notice make?

One thing that is clear in this order is the intent to meet an arbitrary rule reduction quota. Eleven rule provisions, 39 regulatory burdens, 7,194 words, and 16 pages. Those sound like big numbers intended to impress. But what happens when they make a mistake? What happens when a rule that actually matters is removed from the CFR? What we cannot do is allow the meeting of an arbitrary numerical goal to be more important than doing our job.

The way we do things matters. The Administrative Procedure Act exists to protect the public interest in government actions through the use of fair procedures consistent with due process. The fact that the process adopted today effectively evades review by an informed public is a feature, not a bug. All the handwringing about the need to move at lightning speed to eliminate rules that have no impact because they are taking up multiple pages in the CFR makes no sense.

I appreciate that the public comments to the draft order reflected concerns from across the ideological spectrum and that the Chairman implemented changes to address some of those concerns. But the comments and responsiveness demonstrate my point. Public comment matters and stakeholders need sufficient opportunity to raise issues we regulators may not have thought of. We should have sought comment on standards to be applied, appropriate guardrails and comment periods.

I dissent.

---

<sup>1</sup> *ACUS Public Engagement and Good Cause Recommendation*, 89 Fed. Reg. at 106409.