

**STATEMENT OF
COMMISSIONER AJIT PAI**

Re: *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.

When Congress passed the Telecommunications Act of 1996, one of the most important tools it gave the FCC was forbearance authority. This authority allows the Commission to set aside outdated laws and regulations that once may have made sense but have come to stymie the pro-competitive, deregulatory objectives of the Act.¹

Today we exercise this authority to grant relief from two-and-a-half of the seventeen sets of rules cited in US Telecom’s petition for forbearance, which was filed a little more than one year ago. No one defended these rules or opposed forbearance from them. But they are not particularly onerous either. For instance, the fruit doesn’t hang much lower than the seventy-seven year old requirement (first imposed by the FCC’s Telegraph Division) involving telegraph carriers’ delayed or undelivered messages and money orders, especially considering that FCC staff repeatedly has recommended its deletion—again, without any opposition—since the Clinton Administration.²

I’m pleased we’re picking it, but other rules identified in the petition are ripe as well. For some of these rules, the petition for forbearance met with scant if any resistance. For others, the Commission already has concluded that forbearance is appropriate for the largest companies but has not yet done so with respect to smaller businesses. I hope we expeditiously consider the fourteen-and-a-half sets of rules that remain unaddressed by today’s order. We should act soon to revise these and other regulations to fit the times.

¹ With this power came a responsibility: The FCC must act on a petition for forbearance within one year of its filing unless it “finds that an extension is necessary” to meet the requirements of the statute. 47 U.S.C. § 160(c). Unfortunately, the Commission has repeatedly allowed the extension exception to swallow the one-year rule. Given the senescence of many of these rules, the private sector burdens of compliance, and the general need for the agency to act with dispatch, I believe we should aim to complete (not commence) our analysis of forbearance petitions by the one-year deadline.

² See *Order*, para. 9 & note 31.