

**STATEMENT OF
COMMISSIONER BRENDAN CARR**

Re: *Amendment of Procedural Rules Governing Formal Complaint Proceedings Delegated to the Enforcement Bureau*, EB Docket No. 17-245.

Today's decision is another win for good government. Over the course of the FCC's twenty years of experience running formal complaint proceedings in front of the Enforcement Bureau, three different and somewhat inconsistent sets of procedural rules have developed. The lack of uniformity has made it more difficult for parties to present their case and for FCC staff to conduct the proceedings. We fix this today by adopting a uniform set of procedural rules that will govern all of these cases. This will provide certainty to stakeholders while helping the Enforcement Bureau conduct efficient reviews as they work under tight statutory deadlines.

I want to thank my colleagues for accommodating my request that we also codify our existing approach to motions to dismiss. Under the FCC's existing case law, parties may file motions to dismiss that are similar to ones that would be filed in federal court under Rule 12(b)(6). When applicable, these motions can provide parties with a more efficient path to dispute resolution. But since the FCC has never codified the practice, not all parties have been able to benefit from it. So as part of our efforts to ensure that all stakeholders have a level playing field when it comes to our procedural rules, I am glad that my colleagues agreed that we should codify this unwritten rule.

I want to thank the staff of the Enforcement Bureau for your work on this item. It has my support.

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**STATEMENT OF
COMMISSIONER JESSICA ROSENWORCEL**

Re: *Amendment of Procedural Rules Governing Formal Complaint Proceedings Delegated to the Enforcement Bureau*, EB Docket No. 17-245.

Every month the Federal Communications Commission receives between 25,000-30,000 informal complaints. By any measure, that's a lot. But every one of these complaints is important. It's the way that consumers can tell us when they have concerns about communications, a rough experience with a provider, unexpected charges, or an inability to receive service that is unfair and requires attention. These stories that consumers tell are the starting point for action. Because after they are filed, the agency studies the complaint, determines what happened, and then works with providers to fix consumer problems.

For decades, this has been the longstanding practice of this agency. But for reasons I do not understand, today's order cuts the FCC out of the process. Instead of working to fix problems, the agency reduces itself to merely a conduit for the exchange of letters between consumers and their carriers. Then, following the exchange of letters, consumers who remain unsatisfied will be asked to pay a \$225 fee to file a formal complaint just to have the FCC take an interest.

This is bonkers. No one should be asked to pay \$225 for this agency to do its job. No one should see this agency close its doors to everyday consumers looking for assistance in a marketplace that can be bewildering to navigate. There are so many people who think Washington is not listening to them and that the rules at agencies like this one are rigged against them—and today's decision only proves that point.

I believe we should be doing everything within our power to make it easier for consumers to file complaints and seek redress. This decision utterly fails that test. I dissent.