

³ *Util. Solid Waste Activities Grp. v. EPA*, 236 F.3d 749, 755 (D.C. Cir. 2001).

4. We have identified 71 rule provisions, including 98 rules and requirements, that plainly no longer serve the public interest because they regulate obsolete technology,⁴ are no longer used in practice by the FCC or licensees,⁵ or are otherwise outdated or unnecessary.⁶ Applying the “good cause” standard discussed above, we conclude that prior notice and comment are unnecessary before repealing the rules identified in Appendix A.

5. *Direct Final Rule Process.* In this *Direct Final Rule*, we follow the processes previously outlined by the Commission regarding direct final rules, which we briefly summarize here.⁷ At times when the Commission has found prior notice and comment unnecessary before modifying or repealing rules, it simply adopted the relevant rule change without any additional process.⁸ Although we reserve

⁴ 47 CFR § 2.1400 (specifying procedures for applying for advance approval of a subscription TV system). *See Amendment of Part 73 of the Commission's Rules to Update Television & Class A Television Broad. Station Rules, & Rules Applicable to All Broad. Stations*, MB Docket 22-227, Report and Order, 38 FCC Rcd 8706, 8737, para. 65 (2023) (“With the elimination of analog service, there are no full power television stations operating pursuant to the STV rules and LMS does not permit the filing of applications or requests to operate in an STV mode. Accordingly, these STV rules and references to them in parts 73 and 74 are obsolete and we eliminate them.”).

⁵ *Id.* §§ 73.58 (requiring that AM broadcast stations be equipped with specified types of indicating instruments); 73.258 (requiring that FM broadcast stations be equipped with specified types of indicating instruments); 73.297 (authorizing FM broadcast stations to transmit stereophonic sound programs); 73.558 (extending the requirements for indicating instruments set forth in § 73.258 to educational FM broadcast stations); 73.597 (authorizing noncommercial educational FM broadcast stations to transmit stereophonic sound programs); 73.688 (requiring that TV broadcast stations be equipped with specified types of indicating instruments); 73.1695 (listing requirements for proposed changes in transmission standards); 73.1710 (specifying that operation of a broadcast station is permitted 24 hours per day); for International Broadcast Stations, §§ 73.701(b), (d), (f)-(g), (l)-(n) (each subsection defining the terms transmitter-hour, multiple operation, sunspot number, day, reference month, maximum usable frequency, and optimum working frequency, respectively); 73.702(i)(1), (i)(3)-(4), (j)-(k) (each subsection describing the filing of technical data, multiple operation, zones of operation, multiple frequency use, and frequency availability, respectively); 73.760 (describing the showing and conditions required to justify grant of an alternate main transmitter); and 73.765 (describing how to calculate operating power).

⁶ *Id.* §§ 73.4000-4280 and 73.713(d)-(e). As stated in section 73.4000, sections 73.4005 through 73.4280 list, “solely for purpose of reference and convenience,” certain policies of the FCC. *Id.* § 73.4000. Because these rules merely list citations for various FCC and court orders, FCC rules, and federal statutes “solely for purpose of reference and convenience,” and repeal of these rules will not eliminate the policies at issue, we find that these rules are unnecessary. Moreover, we note that the documents listed in many of these rule sections do not reflect the most recent and current FCC rules and policies on the respective topics and therefore may cause confusion. *E.g., id.* §§ 73.4050 (listing certain outdated FCC orders and policy statements on children’s television programming); 73.4075 (listing a 1984 FCC order declining to adopt regulations governing loud television commercials, which are now governed by a separate rule, § 73.682); 73.4180 (listing outdated public notices on payola, plugola, and kickbacks, which are governed by a separate rule, § 73.1212); and, 73.4185 (listing an outdated political primer and outdated FCC orders on political broadcasting, which is governed by separate rules, §§ 73.1940-1944). Further, some of these rule sections are duplicative as they merely cross-reference other rules or statutes. *E.g., id.* §§ 73.4017 (cross-referencing rules specifying competitive bidding procedures for broadcast stations); and, 73.4055 (cross-referencing federal statutes on cigarette advertising); and, 73.713(d)-(e) (each subsection reminding applicants operating under program test authority to obey Commission rules and that the grant of program test authority shall not be construed as approval of the license application, respectively). In addition, four of these rules sections are simply “reserved” rule sections which include no content. *Id.* §§ 73.4082, 73.4107, 73.4108, and 73.4247.

⁷ *First Direct Final Rule* at paras. 5-9.

⁸ *See, First Direct Final Rule*, at para. 5, n.9 citing *Promoting Telehealth in Rural America*, WC Docket No. 17-310, Order on Reconsideration, Second Report and Order, Order, and Second Further Notice of Proposed Rulemaking, 38 FCC Rcd 827, 855-56 (2023); *Modernization of Media Regulation Initiative Revisions To Cable Television Rate Regulations, et al.*, MB Docket Nos. 17-105 et al., Further Notice of Proposed Rulemaking and Report and Order, 33 FCC Rcd 10549, 10569-70, para. 41 (2018); ; *Delete, Delete, Delete et al.*, Order, DA 25-621 (CGB July 14, 2025); *Delete, Delete, Delete et al.*, Order, DA 25-613 (WCB July 11, 2025); *2014 Quadrennial Regulatory Review*, (continued....)

the right to proceed in that manner, we elect in this decision to proceed using what is known as a “direct final rule” process.⁹ By proceeding through a direct final rule, the Commission chooses to provide *expanded* opportunities for public comment when it is not legally required to do so under the “good cause” standard.¹⁰ Under a direct final rule process, rule changes are adopted without prior notice and comment, but accompanied by an opportunity for the public to file comments—and if we conclude that significant adverse comments have been filed, the relevant rule changes would not take effect until after a full notice and comment process.¹¹

6. In particular, we will publish this item adopting direct final rules in the Federal Register, and allow for comment from interested parties within 20 days of Federal Register publication.¹² Until 20 days after Federal Register publication, this shall be a “permit-but-disclose” proceeding for purposes of our *ex parte* rules.¹³ Because this comment process is directed toward the discrete objective of the direct final rule process, and to avoid unwarranted delay in that process, we prohibit filings addressing the rule changes contemplated in this *Direct Final Rule* more than 20 days after Federal Register publication, absent further direction from the FCC published in the Federal Register.¹⁴ This both accords with the purpose of the comment process for direct final rules, and is similar (though not identical) to actions the Commission has taken in other contexts to provide a defined end-point for public filings to enable the Commission to focus its attention on the submissions already before it.¹⁵

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et al., MB Docket Nos. 14-50 *et al.*, Order, 36 FCC Rcd 9354, 9355, para. 2 (MB 2021); *Amendment of Section 1.80 of the Commission’s Rules Implementing Section 2 of the Preventing Illegal Radio Abuse Through Enforcement Act (Pirate Act)*, Order, 35 FCC Rcd 14591, 14591, para. 1 (EB, OMD 2020); *Accelerating Wireless Broadband Deployment By Removing Barriers To Infrastructure Investment*, WT Docket No. 17-79, Order, 34 FCC Rcd 9366 (WTB 2019).

⁹ See, *First Direct Final Rule*, at para. 5, n.9 citing *Administrative Conference of the United States, Recommendation 2024–6, Public Engagement in Agency Rulemaking Under the Good Cause Exemption*, 89 Fed. Reg. 106406, 106408–09 (Dec. 30, 2024) (*ACUS Public Engagement and Good Cause Recommendation*) (discussing the “direct final rule” process); *Sierra Club v. EPA*, 99 F.3d 1551, 1554 n.4 (10th Cir. 1996) (discussing the direct final rule process used by the EPA). Although the FCC is not bound by the *ACUS Public Engagement and Good Cause Recommendation* or the practices employed by other agencies, we have considered them to the extent that they provided a useful point of reference subject to tailoring appropriate to our specific circumstances.

¹⁰ Although the Commission has adopted specific rules codified in the Code of Federal Regulations related to notice-and-comment rulemaking procedures, see 47 CFR Part 1, Subpart C, there is no legal requirement that we adopt rules before employing processes permitted by the APA and the Communications Act. See, e.g., 47 U.S.C. § 154(j) (absent previously-specified procedural obligations to the contrary “[t]he Commission may conduct its proceedings in such manner as will best conduce to the proper dispatch of business and to the ends of justice”).

¹¹ *ACUS Public Engagement and Good Cause Recommendation*, 89 Fed. Reg. at 10609, para. 2(d).

¹² See, e.g., 47 CFR § 1.45(b) (“Oppositions to any motion, petition, or request may be filed within 10 days after the original pleading is filed.”); *id.* § 1.106(g) (“Oppositions to a petition for reconsideration shall be filed within 10 days after the petition is filed.”); *id.* § 1.1302(b) (“Any party who desires to preserve the right to appeal [a presiding officer’s ruling terminates a hearing proceeding] shall file a notice of appeal within 10 days after the ruling is released.”).

¹³ 47 CFR § 1.1206.

¹⁴ See 47 CFR § 1.1200(a) (“Where the public interest so requires in a particular proceeding, the Commission and its staff retain the discretion to modify the applicable *ex parte* rules by order, letter, or public notice.”). Up until that date, we find it in the public interest to continue to operate under permit-but-disclosure procedures in this regard, consistent with the status of the *In Re: Delete, Delete, Delete* proceeding more generally.

¹⁵ See, e.g., 47 CFR § 1.58 (adopting a quiet period for forbearance proceeding based on “[t]he prohibition in § 1.1203(a) on contacts with decisionmakers concerning matters listed in the Sunshine Agenda”). Although in this instance no filings will be permitted after 20 days from Federal Register publication, we create a limited carve-out that allows a petition for reconsideration of this action to be filed 30 days after Federal Register publication,

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7. The direct final rules will be effective 60 days after Federal Register publication. To the extent that the Commission receives comments on these direct final rules, we will evaluate whether they are significant adverse comments that warrant further procedures before changing the rules. In our assessment, we plan to be guided by ACUS's recommendation that "[a]n agency should consider any comment received during direct final rulemaking to be a significant adverse comment if the comment explains why: a. The [direct final] rule would be inappropriate, including challenges to the rule's underlying premise or approach; or b. The [direct final] rule would be ineffective or unacceptable without a change."¹⁶

8. In the event that we conclude that significant adverse comments have been filed, the Media Bureau and the Office of International Affairs (OIA) will publish a timely withdrawal in the Federal Register so that this *Direct Final Rule* does not become effective until any appropriate additional procedures have been followed. If significant adverse comments are filed only with respect to a subset of the rule revisions(s) addressed by this *Direct Final Rule*, the Media Bureau or OIA, as appropriate, will withdraw the portions of the *Direct Final Rule* that were subject to significant adverse comments. For example, if a significant adverse comment is filed regarding a single rule within a direct final rule addressing multiple rules, we will publish a withdrawal addressing only that rule.

9. In the event that no comments are filed in response to this *Direct Final Rule*, we do not anticipate publishing a confirmation of the effective date in the Federal Register, but simply will allow the rule changes to take effect as originally specified. Where comments are filed, but none of the comments are significant adverse comments, where warranted by the record the Media Bureau and/or OIA will issue a Public Notice that will briefly explain why any comments filed were not determined to be significant adverse comments.¹⁷

III. PROCEDURAL MATTERS

A. Paperwork Reduction Act

10. This document does not contain new or modified information collections subject to the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. §§ 3501-3521. In addition, therefore, it does not contain any new or modified information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002, 44 U.S.C. § 3506(c)(4).

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consistent with the requirements of section 405(a) of the Communications Act. See 47 CFR § 1.4(b)(1) (date of "public notice" for non-notice and comment rulemaking proceedings required to be published in the Federal Register is the date of Federal Register publication); 47 U.S.C. § 405(a) (establishing a deadline of 30 days from public notice for petitions for reconsideration of actions by the Commission). In the event that a petition for reconsideration is filed, we will subsequently specifically address any comment process associated with such a petition.

¹⁶ ACUS *Public Engagement and Good Cause Recommendation*, 89 Fed. Reg. at 106409. The touchstone for analysis is whether a comment materially calls into question the conclusion that prior notice and comment is unnecessary under the APA, which is the predicate for use of direct final rule procedures. While we expect the formulation provided by ACUS to be a useful guide for conducting that analysis, our statutory determination of "good cause" to forgo notice and comment ultimately represents the critical issue, rather than the particular language used by ACUS.

¹⁷ Although the PN is a document in a non-notice and comment rulemaking proceeding, nothing in that document is required to be published in the Federal Register by the Administrative Procedure Act given that the PN is not itself adopting new or modified rules. As a result, the Media Bureau and/or OIA also need not publish the PN in the Federal Register to establish the date of "public notice" for the PN under section 1.4(b)(1) of the rules—which is limited to documents in rulemaking proceedings "required by the Administrative Procedure Act, 5 U.S.C. 552, 553, to be published in the Federal Register," 47 CFR § 1.4(b)(1)—and instead the date of public notice of the PN will be the release date. See 47 CFR § 1.4(b)(4).

B. Congressional Review Act

11. The Commission has determined, and the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget concurs, that this rule is “non-major” under the Congressional Review Act, 5 U.S.C. § 804(2). The Commission will send a copy of this Direct Final Rule to Congress and the Government Accountability Office pursuant to 5 U.S.C. § 801(a)(1)(A).

C. Filing Requirements

12. Interested parties may file comments on or before the date indicated on the first page of this document. Comments may be filed using the Commission’s Electronic Comment Filing System (ECFS).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <https://www.fcc.gov/ecfs/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing.
 - Filings can be sent by hand or messenger delivery, by commercial courier, or by the U.S. Postal Service. **All filings must be addressed to the Secretary, Federal Communications Commission.**
 - Hand-delivered or messenger-delivered paper filings for the Commission’s Secretary are accepted between 8:00 a.m. and 4:00 p.m. by the FCC’s mailing contractor at 9050 Junction Drive, Annapolis Junction, MD 20701. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
 - Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
 - Filings sent by U.S. Postal Service First-Class Mail, Priority Mail, and Priority Mail Express must be sent to 45 L Street, NE, Washington, DC 20554.
- People with Disabilities. To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at (202) 418-0530.

D. Additional Information

13. For additional information, contact Kathy Berthot, Media Bureau, Policy Division, at (202) 418-7454 or Kathy.Berthot@fcc.gov, or Brandon Moss, Office of International Affairs, Global Strategy and Negotiations Division, at (202) 418-2213 or Brandon.Moss@fcc.gov.

IV. ORDERING CLAUSES

14. Accordingly, **IT IS ORDERED** that, pursuant to sections 4(i), 4(j), and 303(r) of the Communications Act, 47 U.S.C. §§ 154(i), (j), 303(r), this *Direct Final Rule* **IS ADOPTED**. Except as specified in paragraph 8, this *Direct Final Rule* shall be effective upon Federal Register publication of the rule changes set forth in Appendix A, which also shall serve as the date of public notice of that action.¹⁸

15. **IT IS FURTHER ORDERED** that the amendments of the Commission’s rules as set forth in Appendix A shall be effective 60 days after Federal Register publication. In the event that significant adverse comments are filed, the Media Bureau and the Office of International Affairs shall publish a timely document in the Federal Register withdrawing the rule so that the rule change does not

¹⁸ Pursuant to Executive Order 14215, 90 Fed. Reg. 10447 (Feb. 20, 2025), this regulatory action has been determined to be not significant under Executive Order 12866, 58 Fed. Reg. 68708 (Dec. 28, 1993).

become effective until any additional procedures have been followed. In the event that significant adverse comments are filed with respect to only a subset of the rule revisions, we direct the Media Bureau or Office of International Affairs, as appropriate, to publish a timely document in the Federal Register withdrawing only such rule so that the rule change does not become effective until any additional procedures have been followed.

16. **IT IS FURTHER ORDERED** that the Office of the Managing Director, Performance Program Management, **SHALL SEND** a copy of this *Direct Final Rule* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, 5 U.S.C. § 801(a)(1)(A).

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

APPENDIX A**Direct Final Rules**

For the reasons set forth above, the Federal Communications Commission amends parts 2 and 73 of Title 47 of the Code of Federal Regulations as follows:

PART 2 – FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

1. The authority citation for part 2 continues to read as follows:

Authority: 47 U.S.C. 154, 302a, 303, and 336, unless otherwise noted.

Subpart M [Removed and Reserved]

2. Remove and reserve subpart M, consisting of § 2.1400.

PART 73 – Radio Broadcast Services

3. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 155, 301, 303, 307, 309, 310, 334, 336, 339.

Subpart A – AM Broadcast Stations**§ 73.58 [Removed]**

4. Remove § 73.58.

Subpart B – FM Broadcast Stations**§ 73.258 [Removed]**

5. Remove § 73.258.

§ 73.297 [Removed]

6. Remove § 73.297.

Subpart D – Noncommercial Educational FM Broadcast Stations**§ 73.558 [Removed]**

7. Remove § 73.558.

§ 73.597 [Removed]

8. Remove § 73.597.

Subpart E – Television Broadcast Stations

§ 73.688 [Removed]

9. Remove § 73.688.

Subpart F – International Broadcast Stations**§ 73.701 [Amended]**

10. Amend § 73.701 by removing and reserving paragraphs (b), (d), (f), (g), and (l) through (n).

§ 73.702 [Amended]

11. Amend § 73.702 by removing and reserving paragraphs (i)(1), (i)(3) and (4), (j), and (k).

§ 73.713 [Amended]

12. Amend § 73.713 by removing paragraphs (d) and (e).

§ 73.760 [Removed]

13. Remove § 73.760.

§ 73.765 [Removed]

14. Remove § 73.765.

Subpart H – Rules Applicable to All Broadcast Stations**§ 73.1695 [Removed]**

15. Remove § 73.1695.

§ 73.1710 [Removed]

16. Remove § 73.1710.

§§ 73.4000 through 73.4280 [Removed]

17. Remove §§ 73.4000 through 73.4280.

**STATEMENT OF
CHAIRMAN BRENDAN CARR**

Re: *Delete, Delete, Delete*, Direct Final Rule, GN Docket No. 25-133 (August 7, 2025)

Across today's meeting items, we are identifying rules and regulations that can be improved, simplified, or even eliminated altogether in the interest of advancing our Build America Agenda. So it's only fitting that for our last item of the day we move forward with another order continuing our efforts to deregulate through our *In Re: Delete, Delete, Delete* proceeding.

With today's order, we take aim at the broadcast service rules portion of our regulations and remove those provisions that are outdated, obsolete, or otherwise no longer in the public interest.

In doing so, we are moving both efficiently and consistently with the authority that Congress has provided the FCC.

Specifically, today's action will remove 71 rule provisions, including 98 rules and requirements, 12 pages, and 5,117 words from the FCC's rule books. Consistent with the law, this decision targets only those regulations that would not benefit from more extensive regulatory processes. For instance, it removes regulations that govern obsolete technology, like analog television service and procedures for a TV subscription system that operates on a now defunct technology; or are otherwise no longer necessary, like a list of policies that doesn't regulate anything and includes outdated information.

The public will have the opportunity to provide input on today's action, but absent any significant adverse comments, the rules identified in this item will be repealed.

Thank you to Kathy Berthot, Maria Mullarkey and Hillary DeNigro from the Media Bureau, Brandon Moss, Jane Coffin, and Troy Tanner from the Office of International Affairs for their hard work on this item.

**STATEMENT OF
COMMISSIONER ANNA M. GOMEZ
CONCURRING IN PART, DISSENTING IN PART**

Re: *Delete, Delete, Delete*, Direct Final Rule, GN Docket No. 25-133 (August 7, 2025)

Concur in part and dissent in part.

I want to thank agency staff for doing the hard work of identifying Commission rules that may have outlived their usefulness. It is clear from the text of the order that the agency heard some of the concerns that were raised at the July meeting and made modifications in an attempt to address them.

My process concerns, however, remain. The procedures implemented last month and used again today to erase rules adopted pursuant to notice and comment were put in place without seeking public comment on appropriate processes and guardrails. I cannot support the elimination of substantive rules pursuant to these procedures.

That said, certain of the rules being removed in this process today are not substantive rules. Rather, they are explanatory rules that reference citations to agency rules and court orders by topic solely for the purpose of reference and convenience.¹⁹ The referenced rules date back to 1979 and have not been kept up to date for some time. Accordingly, I concur in the order with regard to the removal of FCC Rules §§ 73.4000 through 73.4280.

¹⁹ 47 C.F.R. § 73.4000

**STATEMENT OF
COMMISSIONER OLIVIA TRUSTY**

Re: Delete, Delete, Delete, Direct Final Rule, GN Docket No. 25-133 (August 7, 2025)

Today, the Commission continues its important work to eliminate rules that are outdated, unnecessary, or hinder technological progress. In this proceeding, we have identified nearly 100 rules and requirements that no longer serve the public interest because the technologies they govern are now obsolete.

This Order represents another step forward in our effort to cut regulatory red tape, promote innovation, and foster economic growth by clearing out rules that have outlived their purpose.

As technology continues to evolve and consumer behavior shifts, legacy regulations often remain on the books long after their relevance has faded. This item targets some of those relics, such as rules related to the advanced approval of subscription television systems and others no longer used in practice by the Commission or licensees.

To carry out these changes efficiently, we're using the streamlined "direct final rule" process. This allows us to quickly remove insignificant and outdated provisions while still ensuring opportunities for timely public comment. These particular rules are low in both impact and visibility but clearing them from the books clears the path for innovation.

I want to thank the dedicated staff across our Offices and Bureaus for their careful and thorough review of these rules. I look forward to continuing to work with my colleagues to ensure our regulatory framework remains modern, targeted, and aligned with the needs of American consumers and businesses.

I thank the Media Bureau for its excellent work on this item.