

**Before the
Federal Communications Commission
Washington, D.C.20554**

In the Matter of)
)
FCC Seeks Public Comment on Report on) GN 14-25
Process Reform)
)
)

**COMMENTS
OF
NTCA–THE RURAL BROADBAND ASSOCIATION**

NTCA–The Rural Broadband Association (“NTCA”)¹ hereby submits these comments in response to the Federal Communications Commission’s (“Commission’s”) Public Notice seeking Comment on the Report on FCC Process Reform prepared by a staff working group (the “Report”).² The Report includes a comprehensive list of the group’s proposed recommendations for process reform at the Commission.

NTCA agrees with common-sense reforms that will allow the Commission to operate more efficiently and provide a greater degree of transparency to the telecom industry and general public. Transparency and regulatory certainty are important to every telecom participant, but they are essential for small, rural network operators who must make significant long-term investment decisions in costly and hard-to-serve areas across the country.

¹ NTCA represents nearly 900 rural rate-of-return regulated telecommunications providers. All of NTCA’s members are full service local exchange carriers and broadband providers, and many provide wireless, video, satellite, and/or long distance services as well.

² FCC Seeks Comment on Report on Process Reform, Public Notice, GN Docket No. 14-25, DA 14-199 (Rel. Feb. 14, 2014).

IMPROVING THE DRAFTING PROCESS FOR POLICY DOCUMENTS

The Report makes various recommendations for improving the drafting process for policy documents.³ Specifically, recommendation 3.8 would include proposed rules in NPRMs whenever possible, and draft proposed and final rules early in the process of developing decisional documents. While there is no requirement in the Administrative Procedure Act or in the Communications Act that the text of proposed rules be included in an NPRM, it should be the general policy of the Commission to do so. Proposed rules provide all interested parties adequate notice of what it is the Commission is considering and provide the opportunity for commenters to focus on the precise proposal under consideration. Without proposed rules, commenters must often focus on generalities based upon reading into open-ended questions and are hindered in offering informed analysis. Interested parties cannot address nuances or impacts of language choices. The final rules should be the “logical outgrowth” of proposed rules based upon the record before the Commission at the time of decision. Stakeholder input on specific rule proposals will help the Commission avoid ambiguity and unintended consequences and the repeal or reconsideration of adopted rules. Moreover, no order should be adopted without the Commissioners knowing the exact language of orders upon which they are voting. Staff should not be given the discretion or authority to adjust or modify language after an order is adopted.

Recommendation 3.13 suggests that comment rounds be focused in large dockets. NTCA agrees with this approach. Bureaus and Offices should avoid lengthy rulemaking proceedings where possible, and should strive to avoid soliciting additional rounds of comments in a rulemaking proceeding after the issuance of the initial NPRM unless the issue is directly related

³ Report, pp. 40-44.

to the original NPRM. Focus in the rulemaking process will provide a smoother, quicker, and more transparent process.

Recommendations 2.29 and 2.30⁴ suggest earlier and more comprehensive efforts to adhere to the requirements of the Regulatory Flexibility Act. By consulting the Office of Communications and Business Opportunities earlier in the rulemaking process and updating available guidance per these recommendations, the Commission will be more likely to consider the disproportionate impacts that proposed rules often may have on small businesses.

IMPROVE THE FCC.GOV WEBSITE AND NEW MEDIA OUTREACH

Telecom practitioners rely extensively on the Commission's website to locate documents and track proceedings, but it can be cumbersome and difficult to navigate. The search function is not user friendly and a party looking to find a document must know exactly where within the FCC's website it might be found to even begin a search. When a single docket has multiple rulemakings, and public notices attached to it – and dozens, if not hundreds, of documents - there is no simple way to track a proceeding and to know whether there has been an interim or final disposition. NTCA agrees that the Commission should focus on improving the fcc.gov search functions immediately.⁵

There are also numerous sections of the website that do not include updated information. The average user has no way to know if at the page under review provides current information. NTCA agrees with the suggestion that the Commission develop, implement and enforce a style

⁴ Report, pp. 32-33.

⁵ Report, p. 60.

guide across all of the FCC's public facing applications, websites, and databases,⁶ and that Bureaus and Offices should actively manage content on their web pages.⁷

FUNCTIONAL & BUREAU/OFFICE-SPECIFIC RECOMMENDATIONS

The Report recommends that the Wireless Telecommunications Bureau continue its efforts to reform the way that unserved areas in the Cellular Service are licensed and recommends a solution for Commission adoption as quickly as possible. NTCA has been involved in the Commission's proceeding that proposes to transition the Cellular Service from a site-based licensing scheme to a geographic-based system.⁸ There is broad industry consensus on how to resolve the issue⁹ and the Commission should bring this proceeding to closure.

INFORMAL CONSUMER COMPLAINTS

It is difficult for consumers to navigate the consumer complaint process. The forms do not always match the consumer's specific concern, and there is little information provided about what happens after a complaint is filed. To avoid consumer confusion, when the Commission is aware that a specific type of complaint is being filed by multiple consumers, it should create a simplified and straightforward form that specifically addresses the issue. In this manner,

⁶ Recommendation 4.26, Report p. 61.

⁷ Recommendation 4.27, Report p. 61.

⁸ In the Matter of Amendment of Parts 1 and 22 of the Commission's Rules with Regard to the Cellular Service, Including Changes in Licensing of Unserved Areas. WT Docket No. 12-40, Amendment of the Commission's Rules with Regard to Relocation of Parts 24 to Part 27, RM – 11510, Interim Restrictions and Procedures for Cellular Service Applications, *Notice of Proposed Rulemaking and Order*, FCC 12-20 (Rel. Feb 15, 2012).

⁹ See, *ex parte* presentation of AT&T, CTIA – The Wireless Association, NTCA – the Rural Broadband Association, Rural Wireless Association, U.S. Cellular and Verizon Wireless on WT 12-40., RM 11510 (filed Feb. 14, 2014).

consumers will not be confused about which blanks need to be completed or what form to use. Consumers should be informed of the realistic possible outcomes of the complaint process and should have a way to track its progress.

IMPROVING TRACKING ACROSS THE COMMISSION

The Report recommends that timelines be created for items submitted to the Commission.¹⁰ NTCA agrees. While some proceedings have statutorily required deadlines and some high priority items are resolved expeditiously, others languish at the Commission for months, even years. The public is better served if there are clear expectations about when and if the Commission will address an issue. For example, Petitions for Rulemaking and Petitions for Declaratory Ruling should be put out for comment immediately or dismissed by action of the Commission. Petitions should not be allowed to sit at the Commission until they are no longer relevant. Rather than deem a petition for reconsideration denied after 180 days, as is considered, the Commission should instead adopt the alternative recommendation that there be a nine-month deadline for action.¹¹ NTCA further agrees with the recommendations regarding non-emergency Special Temporary Authority requests – that the Commission should put such requests on Public Notice within 10 calendar days and act on them within 14 days of the record closing, unless there are substantive concerns. When an item is acted on, the details should already be determined so there should be no reason to delay a release. The Commission should require the release of all decisions within 30 days of their adoption. The creation of timelines for public notices and actions on license applications should be adopted.

¹⁰ Recommendation 1.2, Report p. 6

¹¹ Report, p. 7

CONCLUSION

NTCA appreciates the Chairman's interest in process reform as an agency priority, the work of the staff group in preparing the Report, and the opportunity to comment on proposals to improve the processes and procedures at the Commission.

Respectfully Submitted,



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