# REPORT ON FCC PROCESS REFORM



## FROM THE STAFF WORKING GROUP
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### FEBRUARY 14, 2014

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# I.    Introduction

This Report on process reform at the Federal Communications Commission ("FCC" or "Commission") furthers the goal of having the agency operate in the most effective, efficient and transparent way possible. It examines the agency's internal operations with a critical eye, looking at what the FCC does well and what it can do better, with the aim of improving the overall functioning of the agency and its service to the public. The FCC can and should be more agile and business-like in its operations, and this report includes specific recommendations to help ensure that it is.

Chairman Wheeler requested this Report in his first week at the Commission, and established the objective of improving how the FCC conducts business. The Report also takes into account Congressional interest in process reform at the FCC. Based on internal and external suggestions for process reform, the Report identifies initial steps in what will be an ongoing process of reexamining, and revising, the way the Commission does its work. This Report is an important first step in identifying challenges affecting the efficiency and transparency of Commission operations that have been raised by internal and external comments, and recommending ways to analyze and address those challenges.

Some of the suggestions received are relatively straightforward and can be addressed quickly with current resources. Many of the suggestions would require the commitment of more extensive analysis and resources, and will be addressed as resources allow. For example, rethinking and re-tooling the Commission's technology infrastructure would be a far-reaching reform, potentially promising great benefit, but also requiring significant resources to implement. Finally, some suggestions would require new rules or even statutory changes, and those will need to be explored in more depth.

In this reform effort, the staff working group has considered all valid reform suggestions, regardless of whether they are relatively easy to execute or more complex, with the recognition that they would be implemented to the extent resources allow and their merits warrant.

## A.    Goals of the Process Reform Initiative

The staff working group, made up of staff and managers from throughout the agency, was tasked with identifying recommendations that could advance the following goals:

- *Improving the efficiency and effectiveness of how the agency conducts its business*. This Report examines some of the existing roadblocks in the agency's efforts to operate efficiently and makes recommendations for tackling those impediments.

- *Processing items before the agency more quickly and more transparently*. The Report looks at how the agency processes both routine and more complex matters, and provides recommendations for accelerating the overall speed of disposal of all items. It proposes steps the agency can take to reduce its current backlog of items, and prevent backlogs from developing in the future. The Report also examines ways in which the FCC staff

can be more transparent in FCC processes so that the public is provided more information regarding the status of particular items.

- *Streamlining agency processes and data collections*.  The Report examines the FCC's data collection practices and makes recommendations designed to lessen burdens on regulatees, FCC staff and the public.  In addition, the Report suggests changes to the agency's data collection practices to ensure that they are better tailored to evolving market conditions.

- *Eliminating or streamlining outdated rules*.  The Report identifies specific rules or categories of rules and processes that are candidates for modification or elimination as a result of marketplace or technology changes that render the rules no longer necessary in the public interest.  It also considers modification or elimination of rules that have had unintended negative effects or could result in greater net benefits to the public if modified.

- *Improving interactions with external stakeholders*.  The Report considers ways in which the agency can enhance its public outreach, using additional tools at its disposal to improve transparency and overall interactions with external parties.  The Report also considers ideas for engaging the expertise of external sources to improve the agency's policy development and rulemaking processes.

- *Improving the internal management of the agency*.  Finally, the Report makes recommendations for revising certain internal staff and management practices aimed at maximizing efficiency within the agency.  It also provides recommendations to ensure that staff and management within the agency have the tools they need to function at optimal efficiency.

## B.    Input into the Report

The recommendations in this Report are the product of an extensive outreach effort soliciting the opinions of a wide range of internal and external stakeholders.  Internally, staff and management provided suggestions on process and efficiency related issues.  External stakeholders were invited via a blogpost to submit recommendations on process in comments to innovation@fcc.gov, and many commenters submitted suggestions on process reform that were subsequently posted on the FCC's website.   Finally, representatives of the working group also started what will be an ongoing process of meetings with other federal agencies to share information on process-related best practices.

A core team of staff members from across the agency was formed to organize suggested reforms into appropriate categories and develop recommendations.  In addition, a broader working group comprised of individuals representing the different Bureaus and Offices was briefed on the initiative's progress as the Report was developed.  The issue analyses and recommendations presented in this Report are the result of this process.

## C. Next Steps

This Report represents a significant step in the FCC's continuing process reform effort. The staff working group intends to continue to seek input from the public by releasing this Report for comment.

In addition, FCC Bureaus and Offices will follow up by implementing the various recommendations, and will make recommendations to the Commission regarding rulemaking proceedings where appropriate. The working group encourages FCC staff, external stakeholders and the general public to continue to engage with us on process reform and to contribute their helpful suggestions for ways in which the FCC can improve its efficiency and effectiveness.

# Chapter 1: Increasing the Speed & Transparency of FCC Decision-making

Given the dynamic nature of the communications sector, it is important that the FCC decision-making process be as efficient as possible, even with the complicated nature of the substantive issues the FCC handles and the rapid pace of technological change. Increasing the speed and transparency of FCC decision-making will require improved technology solutions to replace the current Bureau-specific legacy tracking databases, in order to enable an improved capability to track matters pending throughout the FCC. It will also involve a renewed focus on accountability and efficiency at all levels in the FCC's decision-making process, from the staff author throughout the review chain.

If the FCC is to keep pace with the sectors we regulate, it must borrow from the pages of successful innovative firms: the FCC must be more transparent in its processes, encourage horizontal network collaborations across the Commission, and make better use of technology tools. Immediate steps the FCC can take to improve the efficiency of its internal decision-making processes are addressed in this section, and approaches for addressing technology challenges are addressed below in Chapter 4(B). The specific process improvements discussed below include: (1) improving tracking accountability; (2) streamlining internal FCC review processes; and (3) making a concerted effort to reduce backlogs.

## A. Improve Tracking Across the FCC

### *Recommendation 1.1:* Efficient Intake Analysis and Relevant Timelines

When any new item is submitted to the Commission, it must be routed quickly to the proper Bureaus and Offices, and then division or branch within those Bureaus and Offices. This is typically the case today, but ensuring that every part of the FCC has a process in place to reinforce this is appropriate. Once an item reaches the proper division or branch, it should undergo an initial intake analysis promptly. The intake should be done electronically to facilitate tracking. The analysis would consider a preliminary view on the substantive merits, resources needed to address the item, and its relative importance to Commission priorities.

Based upon this intake analysis, timelines should be created for an item (or the item could be classified within a category of items and assigned a timeline in that context). Timelines should be tracked by management to ensure compliance, and shared with all internal stakeholders to ensure expectations will be met, and senior management can ensure proper prioritization. Timelines may need to be re-evaluated on a regular basis to account for particular circumstances. For example, if a waiver petition is unopposed, it should be possible to shorten the timeframe for drafting an item. Conversely, if a Petition for Rulemaking receives a disproportionate number of comments, drafting timelines may need to be extended, or additional resources may need to be allocated to that particular proceeding.

For items with statutory deadlines, imposing and meeting timelines that realistically reflect compliance with the statute is important. For example, for a statutorily-required NPRM, specific

timeframes should be created for drafting and review.   For forbearance petitions, the timeline should incorporate sufficient time to enable the Commissioners to review the proposed ruling before the statutory deadline.  Similarly, for enforcement matters with a one-year statute of limitations, timelines should be created as appropriate for inter-bureau referrals and possible actions with respect to that matter.  The relevant timelines need to be shared with all those involved in the process, and should afford Commissioners adequate time to review a proposed Commission-level action prior to the timeline for a decision.

Several sources suggested specific deadlines, which will be evaluated in the near term by a working group composed of representatives from the relevant Bureaus and Offices, including the Office of General Counsel (OGC), which will review any action proposed by the working group for legal sufficiency.  These suggestions include:

- Either put out Petitions for Rulemaking and Petitions for Declaratory Ruling for comment immediately upon receipt, if procedurally sound, or dismiss such petitions on an expedited basis.
- Act on Petitions for Reconsideration within 180 days, or deem the petition denied; alternatively, institute a nine-month deadline for action.
- Generally resolve forbearance petitions within the statutorily-required twelve months, with a limited three month extension only in extraordinary cases.
- Put non-emergency Special Temporary Authority requests on Public Notice within ten calendar days of receipt.  If uncontested and staff does not have substantive concerns, require action within fourteen calendar days after the record closes.
- While most items are released within a few days of adoption, require release of all decisions within 30 days of adoption at the latest.
- Set timelines where feasible for public notices and actions on license applications.
- Expedite processing of Applications for Review (means of doing this are discussed later in this Report, including in the Tackle Backlogs Section).

**Responsible**:  All Bureaus and Offices, with support from the Office of Managing Director (OMD), for setting timelines.  The working group to coordinate recommendations with OGC, and evaluate the desirability and feasibility of the specific deadline proposals in this recommendation.


*Recommendation 1.2:*  **Review Transaction Shot-Clock Procedures**
The Commission currently implements a 180-day shot clock for review and action on proposed transactions.  While this deadline has helped to speed the review of pending transactions, there are further steps that would improve the efficiency of transaction review. FCC staff should determine whether additional information is required to assess the transaction as early in the review process as possible, to ensure there is sufficient time to obtain and analyze the data. Unopposed transactions could have a shorter timeframe for review, while recognizing that some public interest determinations/reviews take significant time whether or not the transaction is opposed.

After each significant transaction, the team should review the timeline guidelines and recommend whether any guidelines should be changed. In addition, OGC and the Office of Strategic Policy (OSP) should review the FCC's merger process and consider updating it as appropriate, for example, to address use of technology such as document review software and systems for monitoring and reporting transaction review time, application of permit-but-disclose ex parte procedures, or protection of confidential information.

*Responsible:* OGC (complex transactions), OSP and licensing Bureaus and Offices.

*Recommendation 1.3:* **Ensure Accountability for Timely Decision-making**

Timelines are only useful if properly adhered to. Making management and staff accountable for a failure to meet timelines will be necessary if we are to be successful in speeding the disposal of Commission matters. Bureau and Office Chiefs should monitor compliance with timelines within their Bureaus and Offices, and they should report quarterly on compliance with agreed timelines to OMD and OCH. OMD should develop a consistent format for reporting on timelines, although the specifics might vary depending on the type of workflow being handled by a particular Bureau or Office. Timelines should be visible to all within a Bureau or Office. Organizational units should be regularly tasked with making recommendations on ways to improve the Commission's speed of disposal, including adopting new IT tools and/or allocating additional staff resources.

*Responsible***:** Bureaus and Offices. OMD should assist the Bureaus and Offices in designing a workflow that incorporates the steps above, tailored appropriately to the relevant Bureau or Office, and should consider whether IT tools such as were developed by the e-gov office (regulations.gov) might help facilitate this process (see section on Technology solutions, Chapter 4(B), below).

*Recommendation 1.4:* **Make Information on All Petitions and Open Dockets Publicly Available and Searchable**

For docketed proceedings, currently parties can search the Electronic Comment Filing System (ECFS) by docket number. If the docket number is unknown, advanced search capabilities may or may not turn up the relevant item. In the short run, a centralized list, including the name of an item, the docket number, the status (open or closed), and basic contact information (either the assigned division or individual) would greatly assist in the transparency and monitoring of docketed items. The list should be reviewed periodically to determine which, if any, dormant dockets should be closed. At that point, the docket could be archived, and the ability to submit further comments could be blocked.

With the proper IT tools, in the longer term further functionality could include more up-to-date information regarding the status of proceedings, including comment deadlines or days pending since the close of the comment period.

For petitions or other documents that are not filed in a pre-existing docket, it takes longer to determine if the Commission has received the petition or put it out for public comment. Just as the Commission publishes a list of all items on circulation, the Commission should also publish information on undocketed as well as docketed matters pending at the Bureau/Office level, to the extent they are not investigatory or otherwise inappropriate to list publicly.

With some exceptions, Petitions for Rulemaking and Declaratory Ruling are filed with the Commission in paper form, and routed to the proper Bureau or Office. If it is determined that the Commission should take up these items, they are put on public notice. Unless and until such petitions are put out for comment, it is unclear what the review status is with respect to any particular petition. The Office of the Secretary (OSec) should ensure that the status of all petitions received is readily available to the public. Status information should include the name of the Bureau or Office to which the item has been routed and the number of days since the petition was received.

Alternatively, OSec, working with the Bureaus and Offices, should consider whether to adopt an approach of uniformly putting all such petitions out for public comment. While most petitions for rulemaking are routinely put on public notice by the Consumer and Government Affairs Bureau (CGB) after approval by the responsible Bureau or Office, this does not happen in all cases for specific reasons. For example, if a petition is procedurally defective, or not within the jurisdiction of the Commission, it may not be useful to put it on public notice.

Another way to increase the transparency of these undocketed documents would be to allow parties to electronically file them in ECFS, or whatever database is ultimately adopted. Currently, it is not possible to file an item in ECFS prior to receiving a docket number. Implementation of this proposal will be considered in the context of broader IT solutions, discussed in Chapter 4(B) below.

***Responsible*:** The FCC's Chief Information Officer (CIO) initially to provide the IT tools (*e.g.* better search capabilities in general on dockets), and Bureaus and Offices to implement.


***Recommendation 1.5*: Make Status Information on Circulation Items Publicly Available**
Today, the Commission publishes information on which items have been placed on circulation. Transparency to the public would be enhanced if this circulation list also included information on which Commissioners have voted on a particular matter. This is especially true for matters that have been on circulation for more than 60 days. The Commissioners should discuss whether this is a measure they would like to implement.

***Responsible*:** Commissioners for Commission-level items.


***Recommendation 1.6*: Enhance Transparency of All Unpublished Filings**

Today, not all Commission filings are readily accessible to the public. For instance, Petitions to Deny Broadcast Renewals, Transfers or Assignments are not always accessible on the

Commission's website, nor are subsequent pleadings.  In this case, the Media Bureau (MB) should modify the broadcasting licensing database, Consolidated Database System (CDBS) (or any future database offering comparable capability), in order to require that these pleadings be filed or later uploaded to make these filings available electronically, or should ensure that stations upload such filings into their online public file. Again, implementation of this proposal will be considered in the context of broader IT solutions, discussed in Chapter 4(B) below.

As discussed later in this report, enhancing the transparency of informal consumer complaints (see Chapter 2(C)) would be useful to both complainants and industry stakeholders.

***Responsible***:  CIO initially to provide the IT tools, and Bureaus and Offices to implement.

### *Recommendation 1.7:* **Ensure Transparency of FCC Budgetary and Administrative Information on the FCC's Website**

OMD should ensure that information on the budget and appropriations of the FCC for the current fiscal year is available on the FCC's website.  The website should also list the total number of employees (full-time equivalents) at the FCC once a quarter.  The website should also include a link to the FCC's most recent performance plan.

***Responsible***:  OMD.

### *Recommendation 1.8:* **Post Logs Providing the Status of Pending FOIA Requests**
The Freedom of Information Act (FOIA) Control Office in OMD receives and tracks about 500 initial FOIA requests each year, assigning them to the appropriate Bureau and Offices.  In addition, the full Commission rules on approximately 15-20 FOIA appeals each year. There are additional steps the Commission can take to make information about the Commission's FOIA process and responses more accessible to the public.
OMD, in coordination with OGC, should post on the Commission's FOIA page a log which would allow requesters and the public to determine the status of pending FOIA requests.  The logs would provide links to incoming FOIA requests (with sensitive personal information redacted); identify the Bureau(s) responsible for responding the request; identify the due date (generally 20-30 business days after the request is received) and whether and why any extension has been granted.

***Responsible:*** OMD, supported by OGC and Bureaus and Offices responsible for responding to request.

### *Recommendation 1.9:* **Post All FOIA Decisions, Including Released Documents**
Generally, only Commission-level FOIA appeal decisions are posted on the FCC website.  The FCC's FOIA page should include not only these decisions but initial FOIA decisions (including any related fee estimates or determinations) and all the documents released as part of a FOIA decision.  One exception is that in some cases involving an individual's request for his or her

own records, the agency may need to redact the records or withhold them from public release altogether, in order to protect the individual's privacy rights.

The decisions, orders, and related documents could be linked to the status logs discussed above. Alternatively, the agency could expand the already-existing Electronic Reading Room on the FOIA page, which currently contains agency opinions and orders, policy statements, staff manuals, and other frequently requested documents.

*Responsible:* OMD, OGC, and Bureaus and Offices.


*Recommendation 1.10:* **Make FCC FOIA Reports Easily Accessible on FCC.GOV**

OMD is required by statute to submit a FOIA Annual Report to the Department of Justice. This report provides detailed data documenting the volume, speed of processing, backlog, and use of FOIA exemptions in the agency's responses and appeals decisions. OMD also submits to DOJ a quarterly report indicating the agency's backlog of initial FOIA requests. In addition, the General Counsel, in his capacity as Chief FOIA Officer, issues an annual report assessing the agency's FOIA work.

While these reports are posted on the fcc.gov "transition" site, they cannot be found easily by searching fcc.gov. These reports should be part of a consolidated FOIA webpage that can be easily accessed from fcc.gov. In addition, the agency should post a comparison of the volume and disposition of its FOIA requests over a three-year period. Furthermore, the Commission's FOIA page should explicitly link to DOJ's FOIA.gov, which allows the public to generate reports on the FCC's FOIA performance and compare the FCC's data with that provided by other agencies government-wide.

*Responsible:* OMD and OGC.


# B. Reinvent FCC Review Process

*Background*: Review is important to ensure the substantive validity of decisions, consistency of decisions across bureaus and over time, and, as in any knowledge-based institution, to stimulate useful discussion. But unneeded delay can be created by review processes that are more elaborate or longer than needed. The goal should be to do what is needed, when it is needed, in the most efficient way.


## 1. Delegation and Accountability

*Recommendation 1.11:* **Develop Sub-Delegation Plans for Bureaus and Offices**
In the past, at least one of the Commission's Bureaus had a formal "sub-delegation" agreement, which correlated different projects with different levels of management for decision-making and disposition. The agreement described the types of matters that could be decided at the branch, division or "front office" levels. Bureaus and Offices should devise their own sub-delegation

arrangements, although the level of specificity would vary in different environments.  The guiding principle should be to push decision-making down to the lowest level possible, consistent with appropriate quality control.

*Responsible***:**  Bureaus and Offices.


## 2.        Streamline Review Process

Delegating decision-making to lower levels within Bureaus and Offices would certainly streamline the review process and expedite decision-making.  The staff could, however, take additional steps to further streamline review.

*Recommendation 1.12:*  **Streamline Management Review**

To further streamline review, Bureaus and Offices should evaluate their internal processes with the aim of reducing the number of managers within any particular Bureau/Office organizational unit (*e.g.*, branch, division, bureau front office) who review any given decisional document. Reviews of less complicated/controversial matters should be especially streamlined.  Reviews at lower levels should control for quality as well as substance, whereas reviews at higher levels should focus on consistency with policy objectives while ensuring overall quality control and consistency (*e.g.*, similarly-situated parties should be treated similarly across sub-divisions). This approach could be combined with accepting a more flexible standard of review for purely stylistic and other non-substantive corrections.

For example, one avenue for increasing speed of disposal of USAC items would be to resolve low-dollar appeals and those that are consistent with precedent with fewer layers of review.  This would speed the disposition of these appeals significantly.

This process would have to be monitored closely to ensure that reducing the level of review does not have adverse effects, such as inconsistent outcomes, outcomes inconsistent with broader policy goals, or significantly increasing appeals from Bureau/Office actions.

*Responsible:* Bureaus and Offices.


*Recommendation 1.13:*  **Establish Comprehensive Guidelines for Inter-Bureau Coordination and Review**

The Chairman's Office, in coordination with the Bureaus and Offices, should establish more comprehensive Commission-wide guidelines regarding inter-Bureau/Office coordination. OGC, for example, reviews many decisional documents drafted by other Bureaus, and, if a decision affects the work of more than the Bureau initiating a decisional document, other Bureaus or Offices may also be involved in the review.  The guidelines should address the timeframes within which Bureaus and Offices must complete inter-Bureau coordination and the scope or

purpose of the coordination, and should ensure Bureaus and Offices have sufficient time to provide edits and feedback about an item.

The guidelines should also encourage Bureau/Office staff to coordinate items with other affected Bureaus and Offices as early in the process as possible, even as early as the options memo phase. Bureaus and Offices should encourage inter-Bureau/Office staff-to-staff coordination and, where appropriate, multi-disciplinary groups or processes for discussion and review. As discussed in Recommendation 3.10, this coordination should include early consultation with the Enforcement Bureau (EB) to identify possible enforcement issues with the proposed options. Furthermore, to the extent possible, management in Bureaus and Offices should work with their counterparts in other Bureaus and Offices to coordinate deadlines and prioritize projects. Again, this is particularly important on matters that may require enforcement action, as statutes of limitations will drive timing.

*Responsible*: OGC and Bureaus and Offices.


*Recommendation 1.14:* **Work with NTIA to Ensure a Smooth FCC-NTIA Coordination Process**

The FCC and the Commerce Department's National Telecommunications and Information Administration (NTIA) coordinate spectrum issues involving both federal and non-federal users. The Interdepartment Radio Advisory Committee (IRAC), which assists NTIA in assigning U.S. government frequencies, consists of 19 representatives from government agencies. While the FCC is not a member of the full IRAC, the FCC has designated a Liaison to IRAC to assist with the coordination of non-federal users with federal users. Any Commission items that may impact federal operations must be coordinated with NTIA, and NTIA seeks the advice of the IRAC.

NTIA and FCC staff should work together to determine if there are additional measures that could be taken that would facilitate coordination between NTIA and the FCC on spectrum issues of mutual concern. For example, the FCC could identify as early as possible certain issues and a recommended outcome in memo form, which would then be presented to NTIA and affected agencies to seek advice on bottom line issues and address concerns in a timely manner.

*Responsible:* The Office of Engineering and Technology (OET), which has the lead in the agency for working with NTIA on spectrum matters and the IRAC process, should take the lead in coordinating with NTIA, in consultation with the Wireless Telecommunications Bureau (WTB) and the International Bureau (IB).


*Recommendation 1.15:* **Seek to Establish Firm Timeframes for Executive Branch Review of Foreign Ownership Issues**

Part of the public interest standard the FCC considers in reviewing foreign ownership in applications for international section 214 authority, Title III broadcast or common carrier

licenses, submarine cable landing licenses, and transfer of control or assignment of authorizations/licenses, and/or section 310(b) petitions for declaratory ruling on foreign ownership, is whether the proposed foreign investment raises national security, foreign policy, law enforcement or trade policy concerns. The FCC seeks input from the Executive Branch and accords deference to the Executive Branch on these issues. The Executive Branch agencies generally ask the FCC to delay acting on applications they are reviewing until their review process is complete. The Executive Branch review process, including questions to applicants, can add several months processing time to otherwise streamlined FCC proceedings where there is 10% or greater foreign ownership. In certain instances, mitigation agreements are required in order to address Executive Branch concerns.

FCC staff should engage immediately with the relevant Executive Branch agencies to determine reasonable timeframes for their review, and on an ongoing basis engage in regular coordination meetings with them to ensure those timeframes are met, or that the causes for any delays are clearly identified and addressed through Executive Branch or FCC staff action. In addition, FCC staff and Executive Branch agencies should determine whether any modifications to existing application forms or regulatory requirements associated with the application would accelerate the associated review process. To the extent the Executive Branch identifies any concerns with a pending application, the FCC should be notified immediately and should engage early with the Executive Branch in determining the extent of the concerns and possible remedies.

*Responsible*: IB, in consultation with OGC.


*Recommendation 1.16:* **Require Use of Standard Templates and Boilerplate Language for Commission Documents, Where Appropriate, and Issue "Best Practices" to Facilitate Drafting and Release**

OSec should maintain an up-to-date, easy to access, electronically available library that includes easy to use templates and boilerplate language for Commission documents. Bureaus and Offices should be required to use them when drafting items for public release. OSec should also issue a concise "best practices" guide to identify standard requirements and processes for document formatting and style requirements, in order to facilitate efficient drafting and release. Management should require that all documents be created and edited within the appropriate templates to ensure they meet the requisite format and style requirements. Bureaus and Offices could also explore whether there are additional templates that would be useful and work with OSec and the Information Technology Center (ITC) to implement as appropriate. In addition, Bureaus and Offices should identify types of routine documents that are frequently produced and work with OSec and ITC to create "form" documents that could be modified as appropriate in the context of a particular matter.

*Responsible*: OSec, in consultation with the Bureaus and Offices.

*Recommendation 1.17:*  **Develop "Best Practices" for Summary Disposition of Commission Proceedings Where Appropriate**

OGC has in the past provided general guidance to Bureaus and Offices on the use of short orders disposing of Applications for Review, Petitions for Reconsideration, and other proceedings where appropriate.  This guidance could be formalized and made available to staff on a more widespread basis. OGC staff could be designated to assist Bureaus and Offices in determining whether a particular proceeding is appropriate for summary disposition, and Bureaus and Offices, particularly as part of their backlog reduction efforts, should be encouraged to use summary disposition wherever possible.  OGC could also develop training opportunities to educate staff about the appropriate use of summary disposition in resolving certain types of proceedings.

*Responsible***:** OGC, in consultation with drafting Bureaus and Offices.


*Recommendation 1.18:*  **Consider Expanding the Categories of Transactions or Other Matters That Qualify for Streamlined Treatment**

Many Bureaus and Offices have streamlined certain categories of transactions or other matters to expedite review or processing.  Each Bureau and Office should review the matters it handles and determine if additional matters could be afforded streamlined processing.  For example, there are likely additional categories of small transactions that could be afforded streamlined treatment, such as mergers of geographically adjacent rural carriers.

*Responsible***:**  Bureaus and Offices, in consultation with OGC.


*Recommendation 1.19:*  **Develop an FCC Style Manual**

The Commission should develop an updated, comprehensive style manual to provide a consistent approach to formatting and citation issues, and staff should be actively encouraged to use it.  The style manual could be developed from the Bluebook, as well as existing style manuals currently in use by drafters of Commission items, and maintained online in a highly visible location available to all Commission staff.  The style manual could also be made available on the web, to encourage outside parties to adhere to the same formatting and citation protocols used by the Commission.  The style manual should be developed in a manner that considers Federal Register (FR) guidelines, as well as the other formats discussed above (*see infra* Recommendation 2.32).

*Responsible***:** A committee made up of OSec, OGC, and Bureaus and Offices.


# C. Tackle Backlogs

*Background***:** The Commission is responsible for processing a wide variety of items on a rolling basis.  These items include petitions, licenses and other applications, complaints, mergers and

other requests from outside parties.  While the Commission is able to handle the vast majority of these items as routine matters and process them within reasonable timeframes, resolution of certain items or groups of items may take longer than agreed speed of disposal guidelines, and result in a "backlog."

Backlogs generally develop for four primary reasons: (1) the volume of items coming in outpaces the Commission's ability to process them due to resource constraints; (2) the items present novel, controversial, or complex issues that require detailed analysis and responses by Commission staff or are awaiting policy decisions by agency leadership; (3) the items become tied to an ongoing rulemaking or enforcement proceeding or litigation and cannot be acted on until the related proceeding concludes, or the investigation or litigation is resolved; and/or (4) the item requires coordination with other agencies and/or extended periods of back and forth discussions between the Commission and the petitioner to clarify facts or issues or ensure accurate submissions.

*Recommendation 1.20:* **Enhance Tracking of Incoming and Backlogged Items to Allow Greater Accountability**

All Bureaus and Offices should have the technological ability to easily generate internal status reports of pending items on a regular basis, and internal timeframes should be set and tracked for responding to items to ensure timely processing of both routine and non-routine matters.  Speed of disposal timeframes tailored to the type of matter or procedure addressed (*e.g.*, routine license versus complicated rulemaking) should be set to ensure timely processing.

*Responsible:* OMD working with the Bureau and Office Chiefs.


*Recommendation 1.21:* **Increase Tracking Transparency of Pending Items**
As noted above in Recommendations 1.4-1.8, there is much that can be done to ensure further transparency in the context of different matters pending at the FCC.  These measures would pave the way for the Bureaus and Offices to explore developing a detailed inventory of pending matters, and, over time, making that inventory public.  As has happened with the Commission's earlier decision to publicly post its list of items on circulation each week, this transparency could help outside parties to determine when best to engage FCC offices about an item of interest to them, conserving resources of FCC staff and outside parties.  Furthermore, the increased transparency of what is pending may lead to disposition of certain older pending items as being dormant and ready for dismissal by the Commission or withdrawal by the petitioner.

The CIO should also work toward developing the capability to track the FCC's performance metrics on different types of proceedings, like waiver requests, license renewal applications or consumer complaints (*see* Chapter 2(C) for detailed recommendations affecting consumer complaints).  This could be accomplished through a mechanism like an "FCC Dashboard."

*Responsible:* Bureaus and Offices, with support from OMD.

*Recommendation 1.22:* **Identify Opportunities for Summary Disposition of Routine Items**

The FCC's responses to routine items can be somewhat detailed and labor intensive for staff to draft. Existing practice is often to dispose of items on procedural grounds, but to also make alternative findings on policy grounds. Assuming that there is a solid basis for summary dismissal on procedural grounds, there would not be a legal need to include an alternative, independent holding on the substantive merits of the agency's action. In such cases where appropriate, the Commission would be free to dispose of items strictly on procedural grounds in order to shorten drafting and review time, unless also addressing substantive issues would help clarify a pending policy issue that would in turn help the disposition of other matters.

In the past, Bureaus and Offices have taken a summary disposition approach and provided shorter responses with some success. For instance, since 2011 CGB has been given authority to close dormant items in a summary fashion. CGB sends out a list of all long-pending items, and the list is reviewed by the Bureaus and Offices to determine if any dockets can be closed. This practice should be adopted more widely and systematically across the FCC, subject to OGC approval, as discussed above in Recommendation 1.17. FCC staff should consider, where feasible, resolving multiple similarly-situated items jointly, as part of a larger omnibus item. In addition, FCC staff, working closely with OGC to ensure legal sufficiency, should also consider whether certain categories of requests for Commission action can be resolved by allowing them to be deemed as either "granted" or "denied," as appropriate, if a certain period of time passes without Commission action (*see also* Recommendation 1.1). Similarly, applications for review that have been pending for more than a specified period of time, for example 90 days after the record closes, could be "deemed denied" in a summary order if no Commissioner requests further consideration.
Finally, the Commission should consider utilizing a "consent agenda" approach to enable timely votes of non-controversial Commission-level matters in the context of an Open Meeting, without presentation of the item or statements of Commissioners.

*Responsible:* Bureaus and Offices and the Commission, with support from OGC.


*Recommendation 1.23:* **Review and Update Commission's Procedural Rules**

The FCC staff should review the FCC's procedural rules to determine if there are any updates that would assist practitioners and the Commission in quickly and efficiently resolving business, within the guidelines of the Administrative Procedure Act and other procedural laws. The Commission may wish to seek input on potential updates by issuing a Public Notice, a Notice of Inquiry, or other similar vehicle.

For example, Section 1.106(p) could be clarified, or expanded through a notice and comment rulemaking, to make clear under what circumstances, if any, a staff-level order dismissing or denying a petition for reconsideration of a previous Commission-level denial or dismissal of an application for review would not be subject to further application for review by the Commission. Any such approach would of course need to be consistent with relevant statutory requirements, including Sections 5(c)(4) and (c)(7) of the Communications Act. In those situations, the only

avenue for redress would be in court.

The Commission could also consider more strictly enforcing our rules with respect to pleadings that plainly do not warrant consideration under our existing rules, including pleadings that are insufficiently pleaded or otherwise procedurally defective, or that fail to make an adequate showing that relief is warranted.

*Responsible:* OGC, with support from Bureaus and Offices.


*Recommendation 1.24:* **Encourage Outside Parties to Submit Proposed Text for FCC Documents Where Appropriate**

In order to focus the input received from the public and to conserve internal resources, the FCC could employ a practice similar to that employed by courts across the country, namely, to have the parties before the agency prepare draft text (for example, draft findings of fact or draft orders) for consideration by FCC staff for inclusion in FCC documents, where appropriate.  The Commission also has a similar procedure in the context of Administrative Law Judge hearings (*see* Sections 1.263-1.264 of the FCC rules).  This would allow the parties to a proceeding to very succinctly and specifically propose the relief they are seeking from the agency, and would facilitate the agency's understanding of the differences between the parties.  This recommendation would not be appropriate for every type of proceeding, and significant legal analysis would be required in considering where and how to apply this proposed approach.

*Responsible:*  OGC, in coordination with appropriate Bureaus and Offices.


*Recommendation 1.25:* **Bureau and Office Backlog Reduction Plans to Speed Processing and Eliminate Backlogs**

For existing backlogs, Bureau and Office Chiefs, in consultation with other relevant Bureaus and Offices, such as OGC, should develop and maintain plans for reducing and eventually eliminating these backlogs. Requiring Bureau and Office Chiefs to report every other month or quarterly on backlog reduction progress could provide additional accountability and sustainability to these plans. Backlogs should be defined in a consistent manner across Bureaus and Offices for this purpose.

*Responsible:* Bureaus and Offices, with support from OMD.

# Chapter 2: Rework Essential Processes

## A. Internal Distribution, Release Process & Public Dissemination of FCC Output

*Background*:  The process of distributing documents internally for review and releasing them could be streamlined.  In particular, it is difficult to justify any remaining distribution of paper copies of items, which should be discontinued in favor of electronic distribution, both internally and externally.

Once an item is finalized, it must be released.  At the Commission level, release comes after adoption of an item.  At the Bureau or Division level, release comes after the designated official has signed the item.  Multiple steps exist to ensure that items are not released before they are ready.  Internal sources indicate that the release process contains redundant steps that can delay release of an item, especially for Commission-level items.

*Recommendation 2.1:*  **Eliminate Paper Copies of Items and Related Materials Circulated Internally**

Any remaining distributions of paper copies when an item is distributed internally should be eliminated, including for circulated or "white-copied" items, and all items should only be circulated electronically.

In addition, OSec should review the adoption process to improve and further automate the Bureau Agenda Release Form ("BARF") process.  This form must be signed by each of the Commissioner Offices and OGC prior to release of an item.  The items are now usually approved by each of the Offices electronically ("E-BARF"), but the BARF form is still submitted in paper form to OSec.  If possible, eCLAS should be expanded to include the ability to E-BARF.

*Responsible*:  OSec.

*Recommendation 2.2:* **Eliminate or Reduce Paper Releases**
Currently any final item is released electronically to the Commission's website, but is also available in paper format for inspection and copying during normal business hours in the Office of Media Relations (OMR).[1]  Long-standing practice is to make copies of final items available in paper format.  OMR should transition to an electronic release process in order to conserve resources and enable speedier release, in coordination with OGC review of any new process.  The Commission should maintain paper copies, as required, in order to properly comply with the Federal Records Act, but should limit its paper production as much as possible.

*Responsible*:  OCH, OMR and OGC.

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[1] 47 C.F.R. § 0.445.

*Recommendation 2.3:* **Streamline Release Procedures**

Items are often approved or finalized for release late in the day. Once an item is approved or finalized, it must still go through the release process, which can vary in time and complexity, depending on whether the document is properly prepared and formatted, all accompanying statements are available, etc. Several measures were suggested in the crowdsourcing and focus groups to facilitate the release process.

Currently, only limited staff has been trained to access the Commission's Electronic Document Management System (EDOCS), even though access to EDOCS is open to all staff. EDOCS training should be encouraged for all staff that frequently release items, so that they can be empowered to begin the document finalization process.

Today, in order to release an item it must be approved by OSec and released by OMR. These Offices are the last step in the release process, and are the only Offices that are empowered to release items under EDOCS. As such, personnel from OSec must be available to review and approve an item for release, and personnel from OMR must be available to release the item and post it to the Commission's web page. This can often lead to the limited release staff being required to be available at extended hours beyond their tour of duty in order to make late-adopted items available to the public. This problem is exacerbated because remote access to EDOCS is prohibited.

The Chairman's Office could consider extending the existing late release cut off from 4pm to 5:30pm, or normal business hours, and tapered work schedules could be adopted for release staff in the Bureaus, OSec and OMR to ensure that staff is available to release items later in the day, when items are more likely to be released. Alternatively, OMR could consider empowering limited trained staff in each of the Bureaus to release items, especially after hours when there may not be resources available in OSec or OMR. Access to this database should be carefully limited to senior staff that have the proper authority to authorize release of items, and are properly trained to ensure either that all of the release process requirements of OSec and OMR are met, or that these Offices are properly consulted and approve an item's release in each instance.

*Responsible*: OCH, OMR and OSec.

*Recommendation 2.4:* **Update Existing Templates and Re-Evaluate Style Requirements**
Release of a document is often slowed because an item needs to be reformatted or edited prior to release because templates are not used consistently across the Commission. As discussed more thoroughly in the Recommendation 1.16 above, OSec should identify processes and tools to ensure that templates and style do not slow release of an item.

*Responsible*: OSec.

***Recommendation 2.5:*** **Update Release Formats**

Documents are currently released in Word, PDF, and txt.  OMR should eliminate the txt availability, given the ubiquity of PDF availability.

***Responsible***:  OMR

# B.  Licensing Activities

***Background***: The processing of license applications, modifications and renewals is time and labor intensive. The licensing Bureaus and Offices – MB, IB, PSHSB, OET, WCB, and WTB – issue thousands of licenses every year, with the vast majority done promptly and routinely, thanks to ongoing streamlining improvements. There are several areas where changes to the current system may result in further cost and time savings.  For instance, the licensing processes across the agency vary in the amount of paper generated,  during both the application and licensing phases, but in general they can result in hundreds of thousands of pages being printed and mailed.  Significant time and resources could be saved if more of these licensing processes could be automated.  When applications and licenses are generated in non-machine readable formats, it is harder for staff and the public to perform database searches used in the coordination process, and can increase the amount of time needed to process applications.  Finally, the licensing fee structure should be revisited.  This is discussed further in Chapter 2(B)(3) below.

## 1.  Electronic vs. Paper

***Recommendation 2.6***: **Communications With Licensees**
Where possible, licensing Bureaus should move to an electronic system for communicating with licensees.  To the extent permitted by Federal records retention requirements, staff should eliminate paper copies of licenses and correspondence (such as FCC Commission Registration System ("CORES") letters, etc.), and copies of electronic communications should be routinely included in the electronic database, searchable by the public.  Consideration should be given whether to have a transition period during which certain classes of licensees (such as small, rural providers or amateur radio operators) are excluded or permitted to opt-out of an electronic-only approach.

***Responsible:*** OMD, with a working group composed of individuals from each of the licensing Bureaus.

***Recommendation 2.7:***  **Communications With the Public**
The FCC should consider revising Section 0.445 of the Commission's rules to expressly provide for Public Notices and other communications to be released electronically through publication on the web.  The FCC should also consider whether there are additional ways to streamline/improve the existing Public Notice process.  The FCC should explore improving the functionality of databases to allow users to manipulate data (sort by licensee, type, etc.).

*Responsible:* OMD, OMR and OSec, with a working group composed of individuals from each of the licensing Bureaus.

### Recommendation 2.8: Electronic License Processing

The FCC should consider investing in electronic filing systems for licensing processes that are still done by paper. In order to implement this recommendation, funding is going to be needed to update the electronic licensing systems to allow generation of electronic notices and distribution by e-mail. 47 C.F.R. Section 1.47 and other rules will need to be amended to establish when an electronic order is "released" or "delivered" for purposes of fixing deadlines for reconsiderations and appeals. Public outreach will be needed to get appropriate electronic contact information for existing and potential licensees. Once implemented, however, transitioning to electronic licensing will enable increased transparency and lower resource commitments for external parties and FCC staff.

*Responsible:* OMD, with a working group composed of individuals from each of the licensing Bureaus. Commission action will be needed for rule changes.

## 2. Auto-Processing of Applications and Use of Computer Automation

### Recommendation 2.9: Determine Additional Categories for Auto-Processing

The licensing Bureaus should undertake a study to determine what additional categories of applications, amendments and renewals would be good candidates for auto-processing, including ones reviewed by a frequency coordinator. The FCC should also investigate the use of additional automation in the processing of applications, supplanting manual review where practicable.

*Responsible:* OMD, with a working group composed of individuals from each of the licensing Bureaus.

### Recommendation 2.10: Automate Password Resets for CORES

OMD should explore automating password resets for the Commission Registration System (CORES). Licensing hotline staff currently receives approximately 75,000 password reset requests a year. Automating the response system could save significant staff resources.

*Responsible:* OMD, with a working group composed of individuals from each of the licensing Bureaus.

### Recommendation 2.11: Explore Standardizing License Formats

A working group of the licensing Bureaus and Offices should explore whether having a standardized license format would be helpful. For instance, current licensing records contain records that cannot be easily queried (*e.g..* PDF files) but which contain key data. Standard licensing formats should ensure that all parts of a record are searchable and that key data is captured as labels or metadata to further improve search capability. Each Bureau or Office

should evaluate the record databases it is responsible for to determine how best to move to an improved, standardized format. Funding is going to be needed to update the electronic licensing systems to allow additional processing of applications.

*Responsible:* OMD, with a working group composed of individuals from each of the licensing Bureaus.


## 3. License Application Fees

*Recommendation 2.12:* **Explore Making the Application Fee Structure More Consistent and Equitable**

The FCC should explore updating its application fee structure to make it more consistent and equitable. Currently, application fees vary on a service-by-service basis, and in some cases services that are very similar are assessed different levels of fees for historical reasons. Moreover, fees are not charged uniformly for similar types of applications and some services are exempt altogether. The FCC should explore whether, and what, changes may be appropriate to ensure that similarly-situated entities are subject to similar fees for similar types of applications. Application fees are based on a specific request for Commission action and are thus distinct from annual regulatory fees.

For example, application fees in the wireless radio services vary based on the type of license (*e.g.,* cellular, private land mobile, microwave, ship aircraft, etc.) and purpose of application (*e.g.,* new license, license modification, renewal, license transfer, etc.). New licenses, license modifications, license transfers and renewals range from $60-$395, waivers range from $0 to $180, and duplicate licenses range from $0-$60. Some services, such as personal communications service, advanced wireless service, and 700 MHz are exempt altogether.

Inconsistent fee structures also exist with respect to licensees in the international and media contexts, and perhaps in other areas as well.

Further legal analysis is needed to determine which, if any, fee structure changes that are determined to be necessary to achieve a more consistent and equitable fee structure might require statutory changes. If there are changes that may require Congressional approval, the Commission's licensing Bureaus and Offices, OMD and OGC should consider whether it is appropriate for the Commission to raise such revisions with Congress.

*Responsible:* OMD and OGC, with a working group composed of individuals from each of the licensing Bureaus. Congressional action may be required for some aspects of this recommendation.

### 4. Use of Third-Party Processors

***Recommendation 2.13:*** **Explore Using Third Party Resources for More Licensing Functions**

The licensing Bureaus should also explore whether they may be able to leverage third party resources toward more efficiently authorizing service, similar to practices used by OET, which utilizes technical certification bodies, and WTB, which utilized frequency coordinators.

***Responsible:*** OGC, with a working group composed of individuals from each of the licensing bureaus.


# C. Informal Consumer Complaints

***Background***: Through the Consumer and Governmental Affairs Bureau's Consumer Inquiries and Complaints Division (CICD), the FCC receives informal complaints[2] and inquiries via the FCC website, postal mail, fax and phone call. CICD tracks complaints and inquiries and produces, releases and posts on the Commission website quarterly reports analyzing, by topic, trends in complaint and inquiry numbers. CICD also produces complaint and inquiry data in response to Bureau and Office requests to support and inform agency rulemaking and enforcement processes, as well as FOIA requests.

As the variety of consumer complaints has increased, the consumer interface for submitting complaints has evolved, now including 16 different complaint forms. This complex consumer interface can result in inconsistent coding of complaints and inquiries. Further, consumer complaints are processed using a series of databases, storage systems, platforms, complaint forms and public interfaces that could benefit from a new IT infrastructure approach.

In addition, CGB's consumer complaint process currently does not support as much transparency as would be desirable. Consumers filing complaints and carriers and service providers identified in the complaints are not able to track the status of complaints. Moreover, statistics about carrier and service provider performance in response to complaints are currently not made public as they are by other agencies, such as the Consumer Financial Protection Bureau (CFPB).[3]

This section proposes recommendations that would significantly change CGB's approach to handling consumer complaints, providing many efficiencies that are not available with the current IT infrastructure. In addition to improving the efficiency and effectiveness of the FCC's informal complaint process, the recommendations seek to ensure that the processing of informal complaints is done more quickly and more transparently, which will benefit consumers and

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[2] For purposes of this Report, unless expressly stated otherwise, the terms "consumer complaints" and "informal complaints" refer to the same thing and are used interchangeably, as distinguished from formal complaints filed pursuant to Sections 1.720 *et seq*. of the Rules.
[3] We note, as a general matter, that the CFPB statutory obligations for complaint handling differ from the FCC's Section 208 requirements. We nonetheless believe that the CFPB experiences can provide meaningful insight, particularly with respect to lessons learned and consumer experience, as we assess the current complaint process.

service providers.  This new approach does, however, depend upon the availability of sufficient IT resources to implement the necessary upgrade, and will need to take into consideration specific statutory mandates, including the Communications and Video Accessibility Act.

***Recommendation 2.14*:  Expedite the Treatment of Complaints**

CGB should modify the informal complaint intake process to make it more timely, efficient, transparent, and consumer friendly.  Consumers would then be better informed about the treatment of their complaints soon after submission and throughout the FCC's processing of their complaints.  In addition, CGB should work with EB to ensure that complaints provide all necessary information for enforcement purposes.  This would facilitate FCC staff being better able to utilize complaint data as a reliable resource for the agency's enforcement initiatives.

***Responsible***:  CGB, in coordination with EB and supported by OMD.

***Recommendation 2.15:*  Re-focus CGB's Handling of Informal Consumer Complaints**
CGB should take a fresh look at its approach for handling informal consumer complaints, and its current focus on interacting with individual consumers regarding their complaints.  Under a possible new approach, CGB would continue to receive individual complaints (but using more automation, as described in Recommendation 2.20 below), and would serve the complaints on the relevant carrier, requesting a response within a specified time window, as it does today.  Thereafter, instead of focusing on individual informal complaint resolution, CGB would focus primarily on identifying trends and other data from the complaints filed.  By improving analytical capability and the quality of aggregate information available about complaints filed, this approach should in turn focus a broader spotlight on problems encountered by consumers in their dealings with communications carriers, and should facilitate improved customer care overall.  At the time their complaints are filed, consumers would receive a clear explanation on how their complaints will be handled (as described in Recommendation 2.21 below).

Relatedly, CGB would be better able to efficiently link intake of informal consumer complaints to the Commission's policymaking and enforcement processes. This targeted focus would significantly increase the confidence in the quality and integrity of the complaint data.  Further, the Commission would be able to focus more on larger trends, emerging problems in the marketplace, and strong enforcement of its rules.  Individual consumer complaints still would be received and shared with other Bureaus and Offices at an aggregate level.  Complaint data would thus be used to achieve the larger goals outlined above, similar to how complaint data is used by the Federal Trade Commission (FTC) and CFPB.

***Responsible***:  CGB is responsible for developing implementation plan, supported by OGC and EB.

*Recommendation 2.16:* **Improve the Consumer Experience and Clarify Expectations When Filing Informal Complaints**

CGB has an opportunity to vastly improve the consumer experience in the complaint process. CGB should revise and enhance its informal complaint intake process to allow consumers to file complaints with greater ease, as well as provide more transparency about how the informal complaint process works. The consumer would be given a better understanding of what to expect during the process and the potential outcomes and remedies.[4] This improved complaint intake also would likely lead to faster complaint processing times as it would screen up front for complaints that contain incomplete information, do not present a rule violation, or are outside of the Commission's regulatory authority. Moreover, better complaint intake would allow more functions to be automated, which would enable complaints to be processed faster and free up existing staff time to focus on more challenging data analysis tasks.

Implementation of this recommendation would have CGB clearly state its goals in handling consumer complaints. The Commission would also clarify how it uses aggregate information to monitor trends that would inform its policymaking and enforcement processes.

*Responsible*: CGB, in coordination with EB.


*Recommendation 2.17:* **Provide a Quick, Easy Single Interface for Consumers to File Complaints and Encourage Web-Based Submission of Complaints**

CGB should revise its current interface with consumers by replacing the 16 current complaint forms with a single web-based intake form that is accessible to and usable for everyone, including persons with disabilities.[5] Consumers should receive assistance in filing complete and actionable complaints through immediate prompts and feedback. This ensures that only complete and actionable complaints are accepted. Similarly, incomplete and non-actionable complaints would be automatically screened out and the consumer would receive information as to why the complaint was rejected. Information collections such as this form change will require approval from the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA). To accelerate the ability to make this change and future modifications, the FCC should seek blanket PRA approval for such changes, or at a minimum, a streamlined PRA approval process for changes in appearance and coding.

These revisions would provide a more user-friendly interface for consumers, and facilitate a more timely, accurate and efficient processing of complaints than is possible when consumers use postal mail, fax, or telephone. For these reasons, CGB should encourage intake of consumer complaints via a revised web site. The Bureau should work with its advisory groups to identify

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[4] Similarly, under this new approach, as discussed in Recommendation 2.21 *infra*, it is envisioned that CGB would work more extensively with carriers and service providers regarding its expectations for carrier and service provider responses.

[5] In this regard, we note that it is particularly important that the consumer intake process, including online filing, is accessible in accordance to the requirements of Section 508 of the Rehabilitation Act.

how to best serve people who might face challenges accessing the website, including persons without broadband access or with disabilities.

*Responsible:* CGB, in coordination with EB and supported by OMD.

### *Recommendation 2.18:* **Provide Better Guidance to Consumers Regarding the Milestones of the Complaint Process**

CGB should better define for consumers what remedies, if any, it can provide consumers through the informal complaint process, both substantively and procedurally. For example, CGB should more clearly explain the steps in the complaint review process and inform consumers of other options of redress that might be available if satisfaction is not achieved through service on the carrier *(e.g.,* law enforcement, other state and federal government agencies, judicial remedies). It should also educate consumers about the practical limits of the complaint process and define more clearly the substantive scope of the complaints that CGB has authority to accept. In addition, CGB should provide information about recent enforcement actions related to the issues raised in the consumer's complaint and explain how the data provided in informal complaints submitted by individual consumers are used, in the aggregate, as the basis for analyzing trends and informing the FCC's enforcement strategies.

*Responsible***:** CGB, supported by OMD and EB.

### *Recommendation 2.19:* **Give Consumers the Means to Check the Status of Their Complaints and Rate the Response**

CGB should enable consumers to check online for the status of carrier-served complaints. CGB should define a sequence of steps toward complaint resolution and indicate where on the continuum a consumer's complaint is at a particular point in time. This would provide greater transparency for the consumer and would likely significantly reduce the number of contacts inquiring about the status of a pending complaint. Carriers could then also receive automated reminders of complaints that are due or overdue for response, *e.g.,* with a carrier-specific dashboard.

*Responsible*: CGB is responsible for developing an implementation plan, supported by OMD, EB and OGC.

### *Recommendation 2.20:* **Automate the Processing of Informal Consumer Complaints**

CGB should fully automate complaint processing for all its complaints as quickly as possible. The Commission has already employed this approach in a limited fashion – *e.g*., treatment of Telephone Consumer Protection Act (TCPA) complaints – and has realized significant

reductions in processing times as compared to what was experienced prior to the automation.[6] Recently, CGB initiated steps toward automating the intake form for complaints about loud commercials. This experience could be used to highlight successes and shortcomings as new automation efforts are deployed. New IT capabilities are an essential component of this recommendation.

CGB should also streamline the coding information that accompanies complaints as they are routed, processed, and classified. CGB is already engaged in revisiting its coding structure. With new IT capabilities and a new web-based intake form CGB could move to an environment where consumers would "self code" their own complaints. Consumers accessing the Commission's website would be presented with a menu of complaint categories that would mirror how those consumers tend to experience communication services and reflect issues of concern to them as opposed to how CGB or industry classifies those concerns.

Implementation of this recommendation would not only increase the transparency of the informal complaint process, it would also enhance the utility of the process from the consumer's perspective because the logic of the coding would be more meaningful. A uniform coding paradigm would, moreover, facilitate both the processing and the analysis of the informal complaint data for FCC staff and external stakeholders.

*Responsible:* CGB, supported by OMD.


*Recommendation 2.21:* **Improve Responses to Complaints**

CGB should automate service of complaints on companies that are cited in complaints. Currently, companies receive copies of informal complaints on a weekly basis. If consumers select from lists of carriers and subject matters, a complaint could be served more quickly, perhaps on the date of submission. CGB would give companies direction on the specific issues that need to be addressed and would create a standardized template for the response, specifying the format required for the information, and including automated reminders. CGB should explore whether structured complaints, *e.g.,* complaints submitted to systems via an application-programming interface (API), can help service providers handle complaints more efficiently.

These efforts to promote more efficient handling of complaints by service providers would in turn benefit consumers by decreasing their wait time for a response to their concerns.

Further, CGB should coordinate more extensively with companies about their handling of consumer complaints. If, as a general matter, CGB implemented a process whereby Division and Bureau management would meet with carriers on a regularly-scheduled basis to discuss general handling and response issues, it could provide another a mechanism for addressing broad consumer concerns.

*Responsible*: CGB is responsible for developing an implementation plan, supported by OMD.

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[6] Automation is sorting through the complaints and reviewing those that are incomplete or not actionable without human intervention.

*Recommendation 2.22*: **Improve Tracking and Analysis of Complaint Data for Internal Commission Use**

Updated database capabilities would enable CGB and other Bureaus to improve their use of complaint data internally to inform the Commission's policymaking and enforcement processes. A significant step in this direction would be to process complaints, inquiries, and other inputs within a single system and make the resulting data accessible to staff. This approach is similar to that employed by CFPB. In addition, OMD and CGB should evaluate how to reallocate or increase staff and IT resources used to analyze data trends for the Commission.

*Responsible*: CGB is responsible for developing an implementation plan, supported by OMD and EB.


*Recommendation 2.23*: **Make Data More Accessible and Transparent to the Public**

Consistent with principles of openness and transparency in government, CGB should explore how to make complaint and inquiry data more readily accessible and understandable to the public, including an examination of whether such data can be exportable in machine-readable and accessible formats (*e.g.,* spreadsheet or XML form) and subject to filtering for user-defined criteria for review. Currently, CGB releases quarterly reports containing data for a limited number of defined categories. With the new database capabilities, CGB would be able to revamp the quarterly reports to make them more useful to consumers, industry, and other stakeholders, such as, for example, using a greater number of plain-language categories.

CGB should also evaluate the frequency for compiling and releasing such reports. In addition, CGB should consider linking the quarterly reports to a searchable database of the underlying complaints, accessible to the public, which could be updated on a more real-time, if not daily, basis. This approach is similar to that used by CFPB. Improved transparency of aggregate complaint data, ultimately on a carrier-specific basis, has the potential to facilitate better overall outcomes for consumers. It would be important, however, for CGB to ensure that the complaint data are reliable enough to be included in aggregate statistics.

*Responsible*: CGB is responsible for developing an implementation plan, supported by EB, OMD, and OGC.


# D. Paperwork Reduction Act & Regulatory Flexibility Act

*Background*: In certain instances when the Commission seeks to collect information from ten or more entities, the Paperwork Reduction Act (PRA) requires the agency, among other things, to articulate the need for the information collection, identify the likely submitters of such information, and estimate the burden on such submitters as a result of the information

collection.[7]

The Commission must also ensure that all notice and comment rulemakings comply with the Regulatory Flexibility Act, as amended (RFA). The RFA is designed to increase awareness and understanding of the impact of regulations on small entities, to require agencies to communicate and explain their regulations to small entities, and to encourage agencies to provide flexibility and regulatory relief to small entities where appropriate. With the assistance and review by the Office of Communications Business Opportunities (OCBO), the Commission adopts an Initial Regulatory Flexibility Analysis (IRFA) for all rules proposed in a Notice of Proposed Rulemaking, and a Final Regulatory Flexibility Analysis (FRFA) for all rules adopted in a Report and Order. The RFA also requires publication of small entity compliance guides for rules adopted by the Commission, adding yet another step to the rulemaking process.

Currently, staff attorneys who are subject matter experts on the proceeding at hand are responsible for PRA and RFA compliance for each new regulation or collection that is adopted. These subject matter experts must be consulted when each collection is renewed under the PRA every three years.

***Recommendation 2.24*: Reevaluate PRA Resource Allocation**

PRA compliance should be centralized to improve the consistency and efficiency of compliance within each Bureau and Office, taking much of the burden off the primary authors of the documents. Staff members who are expert in PRA requirements could serve as compliance specialists, taking the lead from the initial proposal for information collection to final approval by OMB, the agency responsible for approving all PRA collections. These compliance specialists could review existing collections, and determine whether there are opportunities to streamline the number of collections and improve naming conventions, among other things. Subject matter experts in the Bureau or Office responsible for the information collection would work in conjunction with the compliance specialist to achieve the objectives of the PRA.

Alternatively, subject matter experts could continue to prepare PRA documents, with additional guidance from trained PRA compliance specialists who can answer day-to-day questions. This option should include a requirement that each subject matter expert document detailed support for how changes to the burden estimates were calculated, in order to provide background to the next expert to update an information collection.

In either case, one or more compliance specialists could either be housed within one Bureau or Office (such as OGC or OMD), and shared among the Bureaus and Offices that do frequent PRA collections, or each Bureau or Office could house its own compliance specialist(s). Current OGC and OMD resources are insufficient to fulfill existing needs.

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[7] Purposes of the PRA include minimizing paperwork burdens on the public, maximizing utility of information collected by the Federal Government, and improving "productivity, efficiency and effectiveness of Government programs" by making "uniform Federal information resources management policies and practices." 44 U.S.C.§. 3501.

*Responsible*:  OMD, in conjunction with Bureaus and Offices that are tasked with PRA compliance.

*Recommendation 2.25:*  **Update Existing PRA Guidance**

In order to properly train the specialists proposed above, and/or to provide assistance to subject matter experts, OMD should update the existing PRA training to focus on complex legal issues, form revisions and the calculation of burden estimates, in addition to addressing simpler data collections.  The training materials should specifically address how to draft the supporting statement and describe revisions to previous collections.  Updates to the training should also include concrete and consistent guidance regarding OMB requirements, especially pertaining to the transition from paper to electronic information collections.  A check-list of necessary steps would also assist in navigating the process.

OMD should also ensure that there are agency-wide standards or methods for calculating burden estimates in information collections.  Centralizing resources, as discussed above, would assist in this task.

*Responsible*:  OMD and OGC.

*Recommendation 2.26:*  **Improved Inter-Agency PRA Coordination**

OMD should also work with OMB to determine if there are more efficient means of complying with the statute, particularly when the Commission seeks to decrease burdens on regulated entities.  OMD could also seek additional delegated authority from OMB to approve more information collection renewals.  Currently, the Commission is one of the few agencies that has some delegated authority from OMB to approve renewal of any information collection under 5,000 burden hours, although all new collections still require initial OMB approval.  Bureaus and Offices should receive training to ensure that this delegated authority is used consistently throughout the FCC.

OMD, in conjunction with OGC, should reach out to other agencies for guidance on their respective approaches to complying with the PRA and RFA, to determine if there are more efficient means of compliance being utilized elsewhere. Manuals used by other agencies could serve as examples for improving the FCC's manuals.

*Responsible*:  OMD and OGC.

*Recommendation 2.27:*  **Update PRA Approval and Recordkeeping Mechanisms**

OMD should recommend initiatives to OMB and work with OMB to improve how information collections are compiled and submitted for approval.  The existing process only allows the Commission to update one information collection at a time, and the larger approval process could benefit from some clarification.  In addition, improvements in the searchability of

information collections on file with OMB at www.reginfo.gov would substantially assist in the effort to streamline the organization, structure, and overall number of collections that the agency compiles.  The system is currently only searchable by a limited set of features, making it difficult to determine the coverage of approved existing information collections, *i.e.,* if a new information collection should be incorporated as an update to a pre-existing supporting statement, or if the collection is an entirely new type of collection, requiring the creation of a new supporting statement.

Within the Commission, the CIO should evaluate ways to make the internal compilation effort more user-friendly and less burdensome, including automation of reminders to Bureaus and Offices when existing information collections require renewal.

*Responsible***:**  OMD.


*Recommendation 2.28:*  **Focus Information Collected to Comply With the PRA**

As sectors change, so does the need for information.  Past categories of information that are no longer needed should be discontinued – and promptly.  The FCC staff should review existing data collections to determine if there are collections that should be discontinued.  Further, staff should take the opportunity at each three-year renewal to determine if a collection is still necessary, or if it could be modified to lessen any burdens.  If the review indicates that a collection can be reduced or eliminated, the Commission should take that opportunity to modify the underlying requirement, which may require issuing a Notice of Proposed Rulemaking.

 At the same time, the Commission may need to seek and obtain newly relevant information necessary to carry out its statutory and regulatory responsibilities.  In that circumstance, the Commission should keep the purposes of the PRA in mind at all times, striving to ensure that all new regulations are narrowly tailored to realize a legitimate public interest goal and that the benefits of each information collection outweigh any cost burden.  The Commission should also take into consideration the fact that many added collections of information by the agency will require substantial justification under the PRA.

Finally, as a logistical matter, OMD should require PRA comments to be filed in ECFS (or a successor database), and add a new PRA filing identifier to the existing ECFS pull-down menu of types of filings, instead of being emailed to OMD.

*Responsible***:**  Bureaus and Offices tasked with PRA compliance, and OMD.


*Recommendation 2.29:*  **Consult OCBO Earlier in the RFA Compliance Process**
Unlike the PRA, compliance with the RFA is done concurrently with rulemakings, in the form of IRFAs and FRFAs.  Subject matter experts generally draft these in conjunction with drafting rulemaking items, and OCBO reviews all IRFAs and FRFAs prior to adoption of an item.  This process would work more efficiently if staff drafting IRFA and FRFA sections consulted with OCBO earlier in the drafting process.  This will not only ensure that a circulated item is properly

vetted by OCBO early in the process, but it will also ensure that the Commission's small entity and RFA experts are engaged in the policy considerations of proposed and adopted rules.

***Responsible***:  OCBO, and Bureaus and Offices that draft regulatory flexibility analyses.

### *Recommendation 2.30:*  **Update Existing RFA Guidance**
In order to properly assist subject matter experts who draft IRFAs and FRFAs, OCBO should consider providing additional tools on its intranet website.  This could include IRFA and FRFA samples, updated statistical information, answers to FAQs, and a check-list for ensuring compliance.  Such tools could lead to better initial IRFA and FRFA drafts, streamlining OCBO review.

OCBO should also consider implementing training opportunities for those who frequently draft IRFAs and FRFAs.  Reviving training offered in conjunction with the Small Business Administration Office of Advocacy would be particularly useful.

***Responsible***:  OCBO.

# E.  Federal Register

***Background***:  In addition to being posted on the FCC website and published in the FCC Record, a summary of Commission-level and other items is published in the Federal Register when required by the statute.  The Federal Register is the official record of the Federal government.  It serves as the official notice of new and proposed rules, in addition to certain other actions.

Because Federal Register publication is often a trigger for certain actions – including comment dates, effectiveness dates for rules, and time for seeking judicial review – there is often an impetus to get an item published in the Federal Register as quickly as possible.

The Federal Register has a process and style that are unique and distinct from those for the Commission's releases.  Consequently, after an item is adopted by the Commission, the originator of that document must oversee or create a summary that is specifically designed for publication in the Federal Register.  Depending on the complexity and length of the item, this can be a time-consuming and resource-intensive process.  Further, the Commission must pay by the column for each Federal Register summary.

### *Recommendation 2.31:* **Investigate Ways to Streamline and Shorten Federal Register Summaries**

Current practices in summarizing items for Federal Register publication vary by Bureau and Division.  Authors often opt to include the entirety of an item in the summary in order to avoid dissecting a document, and risking that the public might not receive sufficient notice of some contents or requirements in the document.  This practice is not only expensive, but resource-intensive, as authors must still spend considerable time modifying a document to meet Federal

Register requirements. This practice is also time-intensive for others, as these documents – often long – must be reviewed by OSec, and then the Federal Register, a process that may take weeks.

In order to explore acceptable means of shortening Federal Register summaries, a working group should be formed (including representatives from OSec and OGC) to investigate the practices of other agencies to determine whether other agencies have a more efficient process. The working group should also explore the alternative of publishing a document's executive summary or introduction, any proposed or final rules, and any regulatory flexibility analysis, along with cross-references or a link to the full document on the Commission's website.

***Responsible***: Bureaus and Offices, in conjunction with OSec and OGC.

### *Recommendation 2.32:* **Amend Commission Formatting and Style to Reflect Federal Register Requirements and Update Guidance**

In order to avoid the process of revising an item to meet Federal Register guidelines, OSec, in conjunction with other stakeholders, should consider revising our own citation and rule style requirements to mirror those of the Federal Register, especially as they pertain to rule publication. (*See* Recommendation 1.19 above, calling for creation of agency-wide FCC Style Manual.)

As part of this process, OSec should consider improving training and guidance on Federal Register guidelines. OSec provides training classes on the use of the Federal Register Document Drafting Handbook, including specific guidance on drafting summaries. Training should be expanded to include guidance on common issues and obstacles, and provided to relevant staff when hired and either yearly or every other year to keep up-to-date on Federal Register requirements. A link to the FAQs from the Document Drafting Handbook should be posted to the intranet for easy access to staff. OSec should develop an internal checklist for drafting Federal Register summaries, similar to the checklist for processing Federal Register documents.

***Responsible***: OSec, in consultation with OGC.

### *Recommendation 2.33:* **Designate Federal Register Liaisons**
The approach to drafting Federal Register summaries varies by Bureau and Office. Some Bureaus and Divisions designate paralegals to create summaries, whereas others require the primary author to assume this task. Regardless of who does the initial draft, each Bureau and Office should appoint a Federal Register Liaison who is trained to review and edit Federal Register summaries, coordinate edits with document drafters, and work with OSec staff.

***Responsible***: Bureaus and Offices releasing documents that must be published in the Federal Register.

*Recommendation 2.34:* **Automate Publication Notice**

OSec notifies the Bureaus and Offices when an item is scheduled to be published in the Federal Register by forwarding the email notification received from the Federal Register to the document drafter or designated bureau contact.  To ensure that all relevant staff members have been notified, Bureaus and Offices should identify a Federal Register Liaison to be notified of publication for all Bureau and Office Federal Register summaries, in addition to the document drafter.

OSec should investigate, subject to sufficient IT resources, developing an additional report that regularly generates publication information using existing systems, *e.g.* RSS feeds and EDOCS. This report should be sent on a daily basis to the relevant liaisons and posted on the intranet (and, if appropriate, could be made publicly available as well).

*Responsible***:**  OSec, Bureaus and Offices, in consultation with OGC.


*Recommendation 2.35:* **Investigate and Pursue Paperless Options**
OSec currently submits the majority of summaries to the Federal Register in paper form, with original signatures, and on CD ROM, requiring agency resources and the use of a courier.  OSec should investigate the feasibility of electronically fulfilling the requirements of the Federal Register Act, possibly by providing all summaries with a digital signature via a secured e-mail or internet-based system.  This will require funding for the development of the necessary IT capabilities.

*Responsible***:**  OSec and OMD.


*Recommendation 2.36:* **Adopt Procedures to Ensure FCC Staff Actions to Effectuate Federal Register Publication Are Timely**

OSec should adopt a means of monitoring the status of the actions the FCC staff must take to ensure that a document that must be published in the Federal Register is properly delivered to the Federal Register in a timely manner after it is released by the Commission.  OSec should ensure that documents are delivered to the Federal Register as quickly as possible after release, but certainly within 30 days.

*Responsible***:**  OSec, in coordination with Bureaus and Offices releasing documents that must be published in the Federal Register.

# Chapter 3: Rethink the FCC's Policy and Rulemaking Process

The FCC conducts rulemaking processes designed to develop policy across a wide area of communications law and regulation. The FCC's process for developing and issuing rules is well established. The process is governed by the requirements of the Administrative Procedure Act, as well as provisions of the Communications Act of 1934, as amended, and many years of precedent. Rulemaking procedures are used for a wide variety of policy initiatives ranging from the relatively simple to the extremely complex, and as such, can vary greatly in predictability and process. We seek faster action and more predictability in the agency's rulemaking process.

This chapter considers some novel methods for the FCC to focus and resolve the issues in controversy in its policymaking processes. In addition, it considers ways the FCC staff might be able to improve the process for drafting policy documents, including the steps that could be taken early in the process. Innovations should be considered in terms of their capacity to expedite and otherwise facilitate the rulemaking process, consistent with the requirements of the Administrative Procedure Act. Below are a number of possible ways the FCC can start rethinking its policy and rulemaking processes.

## A. Explore Innovative Mechanisms for Developing Policy

*Background*: While the agency's rulemaking processes follow a well-known and long-standing pattern of practice, which in general serves the agency's policy development well, there may be some new and creative mechanisms that the FCC could consider that would facilitate the rulemaking process by narrowing and focusing the issues in dispute. For instance, the FCC could consider using multi-stakeholder mechanisms, using negotiated rulemakings, using more mediation and settlement mechanisms in enforcement and dispute resolution contexts, and/or increasing reliance on external experts. Each of these recommendations must be carefully evaluated for compliance with the requirements of the Communications and Administrative Procedure Acts prior to implementation, and may be appropriate for pilot programs before widespread adoption.

*Recommendation 3.1*: **Consider Expanding Use of Multi-Stakeholder Mechanisms**

It is often difficult for policymakers to keep up with the rapid pace of change in communications and information technology. To try and address this problem, a number of multi-stakeholder groups have formed to try and help inform policy. While there is no one simple definition of the term, multi-stakeholder groups would typically have representation from a wide diversity of economic and social interests, including government, industry, civil society and consumers, depending on the focus of the group.[8] Generally, these organizations require accountable and transparent processes by which those who will be affected by a decision have an equal say in how that decision is made. Multi-stakeholder mechanisms could help inform the FCC's policy development process in some contexts, and FCC staff should consider whether there are circumstances in which expanded use of such mechanisms would be beneficial.

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[8] Joe Waz and Phil Weiser, Internet Governance, The Role of Multistakeholder Organizations, *The Silicon Flatirons Roundtable Series on Entrepreneurship, Innovation and Public Policy* (2011).

While some believe that multi-stakeholder bodies should have some adjudicatory function, *e.g.*, resolving disputes, the most successful multi-stakeholder groups tend to be those which are technical in nature and which seek to set standards and best practices. Examples of multi-stakeholder groups of this kind include standards bodies like the Internet Engineering Task Force (IETF), International Organization for Standardization (ISO), the World Wide Web Consortium (W3C), and the 3rd Generation Partnership Project (3GPP).

There are also multi-stakeholder groups that seek to inform domestic communications policy. Some, like the Broadband Internet Technology Advisory Group (BITAG)[9], are independent of government. Others, like the Commission's various advisory committees, are formed pursuant to the Federal Advisory Commission Act (FACA).

*Responsible*: Bureau and Office action and implementation, in consultation with OGC.

### *Recommendation 3.1.1:* **Identify Independent Multi-Stakeholder Bodies With Relevance to the Commission's Work**

No one has yet catalogued all of the multi-stakeholder bodies that could be relevant to the FCC's activities. The FCC staff should identify those multi-stakeholder organizations that are engaged in activities that are relevant to the Commission's work. In doing so, staff should consult with experts inside and outside of the agency.

Once the list of relevant multi-stakeholder organizations is developed, staff should monitor the work of these groups to see if they can help inform FCC policymaking. Commission staff should also make it clear to the representatives of those organizations that they are invited to participate in appropriate rulemakings, workshops and other agency processes. Commission staff should send notices of relevant proceedings to the appropriate representatives of multi-stakeholder bodies when they are made public.

*Responsible***:** Bureau and Offices, in consultation with OGC.

### *Recommendation 3.1.2:* **Evaluate Suitability and Feasibility of Conducting Multi-Stakeholder Pilot Program(s) to Narrow Issues in an Ongoing Proceeding**

Commission staff should define contexts in which multi-stakeholder input might help further the FCC's regulatory activities, and the criteria that should guide that evaluation process. To date, multi-stakeholder approaches have proven especially effective when their focus is well defined, and the scope of their tasks understood and agreed. One tool that could be used to aid this

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[9] The BITAG brings together engineers and other technical experts from various sectors of the communications industry and civil society for the sole purpose of determining what practices, as a technical matter, constitute the kind of "reasonable network management" permitted by the FCC's open internet rules. When presented with a question as to whether a particular network management practice is reasonable, the BITAG produces a report on the matter within 120 days.

assessment would be to issue a Public Notice soliciting input on contexts in which multi-stakeholder organizations could be used to inform the FCC's work.

The staff should also determine whether there are issues or proceedings currently before the FCC which might make effective use of a multi-stakeholder mechanism to help refine the issues. In particular, the staff should determine if there is a context in which a pilot program might be appropriate.

Recommendations on enhanced use of multi-stakeholder mechanisms must be developed in compliance with the Administrative Procedure Act.

*Responsible*:  Bureaus and Offices, in consultation with OGC.


*Recommendation 3.2:*  **Refine Focus of Current Advisory Committees to Enhance the Relevance of Their Work**

First, Commission staff should consult with members of current FCC advisory committees on how to focus the work of the committees and make their output more relevant to the agency's work. In this vein, the Commission should consider whether to encourage advisory committees to submit proposed text for FCC documents in appropriate circumstances. (*See Recommendation 1.24*: Encourage Outside Parties to Submit Proposed Text for FCC Documents Where Appropriate)  The FCC should regularly evaluate the work of FCC advisory committees to ensure relevance to the agency's work. If it is apparent that there is no clear path by which an advisory committee can be helpful to the agency's decision making, the Commission should consider disbanding it.

Second, the current approach to some advisory committee activities should be reevaluated with the thought in mind that "less can be more". The Commission should consider whether some of its present and future advisory committees would benefit from being smaller, more expert and more focused.

In addition, it is worth considering whether a paid, standing advisory committee comprised of technical experts in a relevant field could be assigned specific tasks by the Commission, as appears to be the case at some other agencies. This approach could provide independent, experienced technical advice that could tackle targeted issues in ongoing proceedings.

Third, the Commission should ensure that membership on FCC advisory committees is diverse in all aspects, and that consumer, civil society and small business representatives have meaningful opportunities to participate. These groups (and in the international context, developing countries) all lack the personnel and financial resources to participate in the same way as large industry players. Having a multi-stakeholder body that is simply open to diverse participation is not enough. There needs to be both the opportunity and the resources available to permit underrepresented groups to participate in multi-stakeholder governance in a meaningful way.

This recommendation must be developed in compliance with the Federal Advisory Committee Act.

*Responsible*:  Bureaus and Offices, in consultation with OGC.


***Recommendation 3.3*:  Consider Whether a "Negotiated Rulemaking" Process Could be Useful to Narrow Issues and Develop Proposed Rules for Commission Consideration**

As discussed above, some concerns have been raised that the Commission's rulemaking proceedings are less focused than they could be.  One procedural option for addressing such concerns is the negotiated rulemaking process, in which a committee of stakeholders is established to narrow issues and develop proposals in advance of the formal rulemaking process.  The Commission has used this option in some past proceedings, though less frequently in recent years.

The FCC staff should consider whether it would be appropriate to develop criteria for using negotiated rulemakings, taking into account both the potential benefits and the limitations of the negotiated rulemaking process.  For certain proceedings, negotiated rulemaking may enhance the effectiveness of the rulemaking process and reduce the burden on Commission resources by encouraging stakeholders to negotiate consensus-based solutions that the Commission can easily implement.  In other cases, negotiated rulemaking may be less effective – particularly where the committee does not include all relevant stakeholders or is otherwise unable to reach a consensus that can be readily implemented in the traditional rulemaking proceeding that follows.

Developing a systematic set of criteria for use of negotiated rulemakings could help the Commission identify which proceedings would be most likely to benefit from inclusion of a negotiated rulemaking component.  This approach should only be considered where it would speed the outcome, lessen the overall burden on FCC staff and stakeholders, and increase the likelihood of a better result, compared to the traditional rulemaking process.  The staff could also look for ways to improve the negotiated rulemaking process itself – consistent with relevant statutory requirements – to increase the likelihood of achieving consensus-based solutions in those proceedings where the process is used.

*Responsible***:**  Bureaus and Offices, in consultation with OGC.


***Recommendation 3.4*:  Consider Additional Mediation and/or Other Dispute Resolution Techniques to Narrow Issues in Controversy and Find Solutions**

Currently, EB staff mediate disputes between parties to formal complaint proceedings, or parties contemplating a formal complaint proceeding.  The agency could consider expanding a mediation program for other adjudications and rulemakings, similar to the program used in the U.S. Court of Appeals for the D.C. Circuit.  Staffed by volunteers such as retired judges or commissioners, academics, and senior attorneys from a variety of disciplines, the mediation process could narrow the issues in major proceedings and contribute to their timely resolution.

This process could be informed by the existing work of Market Dispute Resolution Division in EB.

*Responsible***:  Bureaus and Offices, in consultation with OGC.

*Recommendation 3.5***:  Increase Access to External Technical Experts**
The Commission's policymaking process often involves issues that can be very complex and controversial, with the potential for significant economic impact on stakeholders.  The agency employs professionals, such as economists and engineers, with the expertise to tackle and resolve many of these issues, but in some cases individuals outside the FCC may have additional and more specialized expertise.  While stakeholders in some contexts engage "dueling" experts to support their policy positions, the Commission may benefit from engaging experts itself, in order to inform the policymaking process on a more detailed basis in an unbiased way.  Other agencies such as the Federal Trade Commission routinely hire outside experts as needed.   The Commission may not, however, have an ongoing need for these experts after the issues in a particular policymaking proceeding have been resolved.  The Commission should therefore consider engaging more external experts on a case-specific, contract basis, to supplement in-house engineering and economic expertise where needed, subject to availability of sufficient funding resources.

*Responsible***: Bureaus and Offices to identify proceedings that could benefits from external experts.  OMD to identify potential budget to support hiring such experts.

*Recommendation 3.6***:  Continue to Engage with Other Agencies to Develop Best Practices for Rulemakings**

The Commission could benefit from the experiences and practices of other executive branch and independent agencies that engage in the rulemaking process.  In the past and throughout the process of developing these Recommendations, the Commission has engaged with other agencies to try to learn from those agencies' experiences, as other agencies have learned from the FCC's experience.  In addition, the Commission has been an active participant in the Administrative Conference of the United States (ACUS), an independent federal agency specifically dedicated to improving federal agency procedures.  Commission staff should continue to consult with their counterparts at other agencies and adopt their best practices to improve our processes.

*Responsible***:  Bureau and Office implementation, in consultation with OGC.

# B. Improve Drafting Process for Policy Documents

*Background***:  In addition to considering innovative ways to develop or refine policy options discussed above, the FCC might also consider refinements to its conventional rulemaking process.  There have been a number of suggestions received in the input process to this Report

that could improve the efficiency of the policy framing process at the FCC. This Report addresses several of those suggestions in recommendations described below.

*Recommendation 3.7*:  **Ensure Timely Policy Cuts**

Staff resources drafting a Notice of Proposed Rulemaking, Report and Order, or other decisional document would be most efficiently used if possible policy alternatives are evaluated and policy cuts are made as early as possible in the drafting process.

*Responsible*:  Bureaus and Offices.

*Recommendation 3.8*:  **Include Proposed Rules in NPRMs Whenever Possible, and Draft Proposed and Final Rules Early in the Process of Developing Decisional Documents**

In recent years, FCC Notices of Proposed Rulemakings (NPRMs) as well as Reports and Orders have typically included the text of proposed rules. While there is no requirement either in the Administrative Procedure Act or in the Communications Act that the text of a proposed rule must be included in the NPRM, many have suggested that, as a best practice, the text of a proposed rule should be included in an NPRM. The primary advantages of including the text of the rule in the NPRM are to ensure adequate notice of the potential final rule and to focus both drafters and commenters on the precise proposal under consideration.

As a general matter, staff should draft specific rule text for all NPRMs, and should do so early in the process of drafting the text of the document itself; keeping in mind that the fundamental purpose of the text is to explain the basis for the proposed rules under consideration. In rare cases, however, including the text of a proposed rule in the NPRM unnecessarily limits the comments received by the agency and may result in a failure to consider other plausible alternatives. In those cases in which staff has determined that it is not advisable or possible to include the precise rule text in an NPRM, the drafters should acknowledge that specific rule text is not proposed and provide an explanation, and ask specific questions about the subjects and issues involved that are adequate to provide notice under Section 553 of the Administrative Procedure Act (APA).

Documents such as Reports and Orders that adopt rules clearly must include the text of the rules themselves. As with NPRMs that include proposed rule text, staff drafting documents such as Reports and Orders that adopt rules should also focus on rule text before or at least early in the process of drafting those documents. Staff should also be mindful that all policies intended to prohibit or require certain conduct should be expressed in rules, that all prohibitions and requirements contained in the rules should be stated authoritatively and unambiguously, and that the decisional documents should focus on explaining and justifying the final rules.

*Responsible*:  OGC to provide best practices; Bureaus and Offices to implement.

*Recommendation 3.9*:  **Draft Shorter Decisional Documents Where Possible**

As a general matter, FCC policy documents should be shorter and more focused than they are today.  For example, many of the Commission's decisional documents in rulemaking proceedings contain extensive recitations of comments received, and the procedural history of the matter.  While this approach to drafting is comprehensive, it can lengthen presentation unnecessarily, creating more text for review, both internally within the Commission and externally for parties affected by the proceeding.  Commission staff should look for ways to streamline presentation of these portions of decisional documents, consistent with APA standards.  While the APA requires that agency action, findings, and conclusions not be arbitrary, capricious, an abuse of discretion, or not in accordance with law, the Commission need not address every comment received in a rulemaking proceeding so long as it responds in a reasoned manner to relevant comments that raise significant issues.  It also does not require the agency to set forth the procedural history of a matter.

*Responsible*:  Bureaus and Offices, in consultation with OGC.

*Recommendation 3.10*:  **Adopt Policies for Minimum Comment Periods for Significant FCC Regulatory Actions, Including Rulemakings**

A working group of FCC staff representing different Bureaus and Offices should review whether minimum comment periods for comments and reply comments should be defined for major Commission regulatory actions, including rulemaking proceedings, subject to flexibility to depart from those minimum comment periods if good cause is shown to do so.  The working group should seek input from the public via a Public Notice, and recommend whether minimum comment periods should be implemented immediately and enforced through OGC review, or whether they should be developed through a rulemaking proceeding and implemented in formal rules.

*Responsible*:  Bureaus and Offices, in consultation with OGC.

*Recommendation 3.11*:  **Include Performance Measures for Evaluating the Effectiveness of Major Program Activities**

In recent years, the FCC's NPRMs and Reports and Orders have in many cases included performance measures to evaluate the effectiveness of major program activities when those activities are being adopted or substantially changed. Including performance measures in these circumstances (or determining that existing performance measures are sufficient) should be a routine part of any proceeding that adopts or changes a major program activity, and should be enforced through the OGC review mechanism.  These performance measures should rely, where possible, on data already collected by the Commission.

*Responsible*:  Bureaus and Offices, in consultation with OGC.

***Recommendation 3.12*: Consider Listing Specific Questions with Rebuttable Presumptions at the End of an NPRM**

Across the agency, the current practice in drafting most NPRMs is to include the questions for which the staff seeks responses from commenters throughout the text of the document. This practice likely has developed so that the questions are located in proximity to the document's discussion of the relevant issue. It may be helpful to commenters if the Commission's NPRMs, like those of some other agencies, such as the Federal Trade Commission, grouped questions together in one location at the end of the NPRM to give prospective commenters one location to look to for requested input. This in turn could result in more focused, organized responses from commenters that would help staff to draft a more focused, streamlined order. Grouping questions at the end of an NPRM, separate from the discussion of the issues, may also advance Recommendation 2.31 *supra* regarding streamlining Federal Register publication of Commission documents.

Consideration should, however, be given to whether it would be confusing to have questions grouped in one location in an NPRM, separated from the text describing the context and rationale for the questions. It might also be possible to have questions remain in the text of an NPRM in the context of the discussion of related issues, but then additionally list them at the end. In addition, formulating questions using rebuttable presumptions may also be a useful tool in focusing the questions in an NPRM, and consequently the comments received from the public and the ultimate decisional document.

***Responsible***: Bureaus and Offices, in consultation with OGC.

***Recommendation 3.13*: Focus Comment Rounds in Large Dockets**
Some rulemaking proceedings include not only the initial Notice of Proposed Rulemaking, but also further NPRMs or public notices on a particular topic. In some cases, this practice may be necessary to address new issues that have been raised, to more fully develop the record in an area that was not the focus of the initial NRPM, or to refresh a stale record. As a general rule, however, 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 to the original NPRM. Instead, FCC staff should initiate new proceedings as necessary to address additional issues if not directly related to the original NPRM as they arise.

***Responsible***: Bureaus and Offices, in consultation with OGC.

***Recommendation 3.14*: Obtain Economic, Technical and Enforcement Input Early in Rulemakings**

Many rulemaking proceedings that the agency undertakes require significant economic and/or technical input. When planning to initiate or conducting a rulemaking proceeding, Bureaus and Offices should prioritize involving economists, engineers, enforcement and other technical

experts as early as possible in the process, as appropriate.  This will increase the efficiency of the drafting process by incorporating this input early on, ensuring that this input is taken into account as a draft is developed.

Economists and engineers should be involved as needed in the initial drafting of the outline or policy memorandum that will initiate the rulemaking process or that will finalize the process through adopting rules.  In addition, staff responsible for drafting NPRMs, Reports and Orders, and other decisional documents should include economists and engineers throughout the drafting process to leverage their expertise and ensure that such is reflected in the final document.  EB staff should be involved throughout the process as well so that their expertise can be utilized in improving the enforceability of rules.  Finally, staff involved in rulemaking processes should consider ways in which they can glean economic and technical advice in advance of any rulemaking proceeding through regular consultation with experts and training opportunities.

***Responsible***:  Bureaus and Offices.


***Recommendation 3.15*:  Commit to Review Rules Periodically**
The process of retrospective review of regulations is an important undertaking for the FCC.  Pursuant to express statutory direction, the Commission regularly reviews its telecommunications regulations as well as its media ownership regulations.  These statutory reviews do not, however, cover the rest of the agency's regulations.  In some cases, these rules do not get reviewed with any regularity and may remain in the Code of Federal Regulations (CFR) long after they have become unnecessary.

In drafting Orders that will add such rules to the CFR, staff should consider whether it would be appropriate to include an express commitment to review the rule after a specified period of time, which will vary depending on the content of the rule, to determine if such rule remains necessary in the public interest in its current form. Staff should also endeavor to make reviews required by statute as meaningful as possible by using them as a tool to identify and eliminate outdated regulation.

***Responsible***:  Bureaus and Offices, in consultation with OGC.

# Chapter 4: Elements Critical to Success

The FCC must ensure that its internal management practices are as agile and efficient as they can be in order for it to be responsive to the changing sectors, stakeholder needs, and opportunities of the 21st century.  To further this goal, the sections that follow discuss additional specific recommendations about the necessary tools that the FCC needs to continue to progress as an agency and to ensure it has the right resources to achieve its mission.

## A. Internal Management

### 1.    Internal Communications

***Background:***  Today, the FCC relies heavily on email to communicate.  The FCC's internal communications could benefit by greater reliance on centralized approaches to information dissemination, input, management and reporting, utilizing up-to-date technologies that maximize effective communication across the Commission.

Staff and external stakeholders often find it time-consuming to identify the appropriate contact person or subject matter expert on a particular issue, and would appreciate access to better information in this area.  The Commission's internal tools, such as the website, organization charts and telephone directory, could be modified to better serve as a mechanism to identify people in the Commission with relevant expertise in a subject matter area.

***Recommendation 4.1:***  **Enhance Availability of Current Information on Staff Expertise**

The Bureaus and Offices, working through OMD, should create an enhanced internal knowledge network to allow staff to better identify experts within the Commission.  Staff location and contact information should be updated regularly, and current organization charts should be maintained.  Additional information could be provided either by updating and expanding the existing directory to include more complete information about each staff member, or by developing new tools to allow staff to identify expertise, such as more granular organization charts, and lists of experts.

Contact information for FCC experts by topic that goes beyond the FCC's organizational charts on its website should be made available both to internal and external stakeholders, so as to enable quick access to current information on the relevant staff experts on a particular issue.

***Responsible:***  OMD working with Bureaus and Offices.


***Recommendation 4.2:***  **Define and Communicate the Commission's Goals and Priorities to Staff**

The Commission's senior leadership should regularly describe the FCC's goals and priorities to staff and measure progress towards those goals and priorities.  Bureau and Office management

should discuss with each staffer how his or her responsibilities contribute to the accomplishment of the FCC's goals and priorities. The Commission's senior leadership should also encourage front-line and mid-level management to develop mechanisms for tracking progress toward those goals.

*Responsible*: With direction and input from the Offices of the Chairman and Commissioners, the Bureau and Office chiefs can develop plans to further highlight and communicate the priorities of the Commission.

*Recommendation 4.3:* **Provide Enhanced Opportunities for Staff to Share Knowledge, and Develop and Expand Relevant Professional Expertise**

Bureaus and Offices, with input from OMD, should evaluate whether there might be additional opportunities for staff to develop and enhance their professional expertise in areas that are germane to the FCC's mission. In doing so, they should consider ways to augment the FCC's existing training resources and to leverage the knowledge and expertise within its ranks, drawing from best practices used already within the agency. For example, Bureaus and Offices could work with OMD to expand on internal "brown bag" or training series to serve as primers for what is done by the respective Bureaus and Offices, as well as highlight major proceedings and initiatives completed over the last year and on the horizon for the coming year.

In addition, staff professionals, in consultation with their supervisors/managers, could identify emerging communications topics that are ripe for additional research, analysis and/or study and then write staff white papers or develop internal FCC training on such issues. For example, economists might be interested in posting research on the Social Science Research Network (SSRN) or, separately, releasing research as OSP or FCC working papers, after appropriate internal review. Finally, making a point to ensure that knowledge sharing is a part of regular staff meetings is a helpful way to ensure the timely exchange of information about recent developments and policy priorities. These opportunities would provide a motivating and meaningful way for staff to develop and expand their relevant professional expertise and would likely result in additional institutional knowledge and expertise for the agency.

*Responsible:* Bureaus and Offices, with assistance from OMD and OSP.

*Recommendation 4.4:* **Publicize and Expand FCC Wiki**

The Commission's Intranet has an excellent resource for information sharing in the FCC Wiki. The FCC Wiki can expand its role in serving as a repository for the FCC's institutional knowledge, providing background information, explanations, literature reviews, statistics, data, and definitions for issues before the FCC. The FCC Wiki can also include other information relevant to FCC staff, such as a calendar of upcoming events.

The link to the Wiki should be more prominently featured on the FCC's Intranet home page, and staff should generally be encouraged to visit the Wiki. An individual staff member in every

Bureau and Office should be assigned to ensure that every time a major proceeding or event is held, a short description is included in the Wiki, with a link to the relevant information on the FCC's webpage. Among the advantages of the Wiki is that it is easy to update and multiple staff can collaborate on topics.

*Responsible:* OMD, in coordination with OSP and Bureau and Office Chiefs.


*Recommendation 4.5:* **Expand Regular Events to Keep Staff Informed**

OMD should explore additional ongoing mechanisms to keep staff informed, such as brown bags, town hall meetings, etc. The Commission staff should also publish and continually update a unified intra-agency calendar of upcoming meetings, presentations, courses, etc. to highlight events of interest to staff in more than one Bureau. Similarly, Bureau and Office Chiefs should explore ways to keep Bureau staff informed of upcoming events or issues, including regular quarterly or semi-annual meetings to discuss trends in the practice area.

*Responsible:* OMD, in coordination with OSP and Bureau and Office Chiefs.


*Recommendation 4.6:* **Post Agency-Wide Information on the Intranet Instead of Disseminating by Email**

Newcomers to the FCC have repeatedly noted that there are a fair number of "agency-wide" emails, which creates excess email traffic. The use of agency-wide emails should be curtailed, with the information instead posted on the Intranet. The number of people with access to send agency-wide emails should be limited, and appropriate policies should be developed to ensure that information aimed at a wide audience is typically posted on the Intranet rather than emailed around. Similarly, information intended for Bureau- and Office-wide dissemination should generally be posted on each Bureau and Office Intranet page, rather than emailed.

*Responsible:* OMD.


## 2.　　Human Resource Allocation & Management

**Background:** Over the past few years, the Commission's head count has declined due to retirements and other forms of attrition. Furthermore, tight budgets and sequestration cuts have made it more difficult to replace departing staff, and many of these staff members take valuable knowledge gained through years of experience with them as they leave. The remaining staff members have struggled to find ways to fill both the functional gaps and knowledge gaps that are left when key employees depart. Moreover, over the past several years, the Commission's information technology systems have continued to age, and as a result the reduced staff base is working with tools that do not enable the most efficient use of their limited time and resources.

The Bureaus and Offices must ensure that the skillsets of their staffs are well aligned with their

evolving work requirements. For example, there is a constant need to update the skills of the FCC's employees to ensure they remain current with modern technology. Collegial interaction with outside parties is an important driver in continuing to develop these skills. As such, the FCC may wish to encourage staff to develop outside interactions with technical groups, attend conferences, or participate in other such activities to recalibrate their skills and learning in terms of the latest technologies in the marketplace. By taking these steps, the FCC may further embrace the strategic nature of technology along with technical staff to capitalize on their ability to transform the way the Commission does its work.

While budgets in and around the Federal government are currently under intense scrutiny and budgetary increases are challenging, the Commission must find ways to make the best use of the resources available. Some of the recommendations below are not new, but reduced staffing and resources have limited their availability in recent years. If the Commission staff is going to be effective in fulfilling its responsibilities, it needs to have the right expertise and tools available.

### *Recommendation 4.7:* **Promote and Require Individual Accountability for Work Performance and Meaningful Feedback**

Staff input to this Report stressed the importance of prioritizing greater individual accountability of staff to perform their duties in a way that supports their entire work unit. When staff does not perceive that individual accountability towards team performance is a priority, the work of the team may be impacted negatively. To address this concern, managers should ensure that employees receive explicit information about expectations for their work and be held to them. If perceived workload inequalities exist, managers should try to work through those issues with their teams and avoid letting them linger.

In general, the Commission managers should ensure that employees at all levels are given meaningful feedback about their performance, lessons learned, individual and work unit goals, and areas for development and/or training. Supervisors should be encouraged to provide feedback as frequently as practicable and not less than twice during the appraisal and review period.

Finally, OMD should examine the FCC's performance review and appraisal program and benchmark it against other agencies to determine whether it should be modified so as to better promote and require individual accountability.

*Responsible:* OMD working with Bureau and Office Chiefs.

### *Recommendation 4.8:* **Continue to Recognize Outstanding Performance and Significant Contributions by the FCC Staff**

In these tight budget times, the FCC's senior leadership should reassess its system for staff recognition. In this regard, the Commission's Bureaus and Offices should continue to utilize the existing mechanisms for staff recognition associated with the performance review and appraisal system – quality step increases, monetary performance awards, and time-off awards. In addition,

the Commission's senior leadership should also continue with the tradition of Gold and Silver Medal Awards in recognition of significant contributions and government service, as well as awards recognizing excellence in engineering, economics and customer service.

Further, given budgetary constraints, the Commission's senior leadership should explore additional means for staff recognition that would not require funding increases but would have significant returns in terms of staff motivation, particularly on a specific project or initiative basis. Whatever the approach employed, the guiding principle is staff recognition aimed at motivating staff. The paradigm should be sufficiently flexible to resonate with those who are motivated by public recognition as well as those who prefer to avoid the limelight.

*Responsible*: OMD, working with OCH and Bureau and Office Chiefs.


### *Recommendation 4.9:* **Revisit External and Internal Hiring Strategies**

Human Resources' hiring policies for both internal and external hiring should be reviewed by the Commission's senior leadership, with representation from all of the Bureaus and Offices, to ensure the best hiring outcomes are occurring. By targeting hiring based on workload and needed expertise, the Commission could better align its needs and those of the commercial marketplace, benefit from subject matter experts in various industry sectors, improve the distribution of its work, and continually increase the expertise and efficiency of the staff in the process. In particular, OMD should evaluate whether the FCC has the right mix and number of information technology staff to meet the Commission's increasing needs in that area. As an example, technical support for Summation software is a particular challenge for the Commission's transaction teams, who are operating under a tight 180-day shot clock. Finally, as part of this recommendation, OMD should evaluate hiring flexibilities that may allow the FCC to fill positions more efficiently and timely.

*Responsible*: OMD, working with the Bureaus and Offices' senior leadership to evaluate external and internal hiring practices.


### *Recommendation 4.10:* **Planning for and Funding Travel**

Performing outreach to the Commission's stakeholders and participating in industry conferences serve important information needs for the Commission and the public. To perform these functions, Commission staff members need to travel throughout the year. In the current budgetary environment where travel is necessarily constrained, it is even more important that the Commission's senior leadership improve its planning and coordination for those travel needs and manage its funding resources accordingly. Even though the Commission understands that travel needs can sometimes occur at the last minute, as a general practice, planning for and prioritizing of travel needs to be done well in advance to secure advantageous rates, in particular for international travel. When the budgetary environment permits, Bureaus and Offices should be given their own travel budgets to manage, and individual trip approvals should be made as timely as possible.

*Responsible*:   OMD, working with Bureaus and Offices to facilitate their development of travel budgets and specific plans each year and to streamline the approval process.


## 3.    Training

*Background:*  In this era of convergence and continuous technological growth and development, the FCC must keep up with market and technological changes and ensure that it sustains a knowledgeable and adaptable workforce well prepared to support the FCC's role as an expert agency in the telecommunications field.  In this regard, focused and strategic training of its workforce continues to be an important concern for the FCC.  With the press of mission-critical functions and other operational demands, often there are limited resources (in terms of time, funds, and personnel) that can be dedicated to staff's ongoing training needs.

*Recommendation 4.11:*  **Enhance FCC University**

The FCC has made a significant and substantial investment in staff training through its development and use of FCC University.  Currently FCC University is the primary portal through which staff register for and track their attendance and completion of training.  OMD should determine if fiscal resources can be committed to upgrade FCC University to increase its utility and to enhance the user experience.  If possible OMD should post on the Intranet a list cataloging the inventory of training courses (or, as an alternative, a user-defined search/sorting capability).  In addition, OMD could develop a clearinghouse approach for external courses with links to agencies and organizations providing relevant training, along with improved filtering and sorting capabilities (*e.g.*, by profession or subject area).

*Responsible:*  OMD with input from Bureaus and Offices.


*Recommendation 4.12:*  **Reassess Strategies for Staff Training and Development Overall Including the Need for Additional Training Resources**

Effective training has the potential to create a win-win scenario for both the FCC and its staff. From an agency perspective, training increases the competencies of on-board staff, supports an internal mechanism of filling identified skill gaps, increases the ability to be reflective of and responsive to changing needs and technologies, and equips the workforce with necessary skills to perform their jobs.  From an employee perspective, training keeps technical and professional skills current, teaches and develops new skills, supports the pursuit of professional and personal development goals, and equips employees with necessary skills to perform their jobs.  For example, continually developing the FCC's internal engineering expertise promotes both independent analyses of critical technical issues as well as continual development of valuable staff expertise and skills.

The FCC's senior leadership should re-assess its strategies and resources for staff training and development to ensure that more of the components of the win-win scenario described above are

present.  Strategies might include soliciting additional input from both employees and managers concerning (1) the topics on which they need training, (2) measures to better tailor training so as to accommodate employee and management schedules, and (3) whether the most essential training should be mandatory (*e.g.* for advancement to higher graded positions).  To make the best use of limited training resources, the FCC should continue expanding the use of internal "experts" as trainers, and using internal communication strategies for "pushing" training to employees (such as tip sheets, short articles, and best practices).

In addition, the FCC's senior leadership should also consider whether its current training approach is sufficiently flexible and adaptable to respond to a variety of training needs and diverse ways of learning.  The FCC might employ more targeted training by offering case study/scenario/discussion format training working with intact work groups, or by providing separate and more specialized training for different categories of employees (*e.g.* different training for application processors, staff assistants, paralegals, attorneys, and first-line managers), assuming resources could be made available for such training and attendance could be assured.  The FCC has been expanding its offerings of training in a variety of formats to allow for different learning styles (*e.g.* in person, instructor-led; on-line; facilitator-led; interactive reading and discussion groups; hands-on, experiential), and OMD should continue to explore how best to ensure essential topics are offered in a variety of formats to meet the learning styles of FCC staff.

OMD should examine how to create an Intranet-based catalogue of "performance support" resources for both managers and staff.  The underlying goal would be to provide readily-available training resources when the need for knowledge or skills arises, regardless of the training schedule.  These training resources (when allowed by intellectual property laws and licensing agreements) could be available in a variety of formats, including PowerPoint presentations, primers, tip sheets, or top 10 lists.

*Responsible:*  OMD with input from Bureaus and Offices.


*Recommendation 4.13:*  **Increase Training in the Use of Technology and Project Management Tools**

An increase in technology training targeted to both less experienced as well as skilled users can increase the efficiency and speed with which the agency can accomplish its mission.  Examples of technology courses for less experienced users might include Microsoft Office tips, how to be more effective in using e-mail, and how to use alternative methods for communicating.  Examples of technical courses for more skilled users might include advanced data science training for economists and engineers, coding for those interested in advancing their cloud-based application development expertise, and user-interface development and web-based communications for individuals focused on maximizing the communications potential of the FCC's website.

Training in project management and enterprise task-tracking provides valuable skill sets across the FCC, and could enable staff to accomplish FCC goals more efficiently and quickly.

Policymakers and technologists should (and often do) strategically work together on FCC reform efforts, from the conceptual beginning of a project, through development, launch, and ongoing operations. An increase in data science, coding, and user interface development courses would enhance this collaboration and thereby transform the quality and efficiency of the FCC's work.

*Responsible:* OMD with input from information technology staff within the Commission.

*Recommendation 4.14:* **Reassess the FCC's Approach to Management Training and Development**

OMD should reassess its management training and development and consider establishing three distinct training programs for managers and supervisors: (1) a revised Supervisory Certification Program (SCP) for new supervisors, (2) a new program for current managers and supervisors to address training on the more complex issues confronted in the workplace, and (3) a more robust leadership development program.

First, the SCP is required for new FCC managers and supervisors and was designed to convey essential information for those new to these roles. Supervisors have frequently mentioned that the supervisory training courses, while useful, seem to be longer than necessary to communicate the relevant content. OMD should explore whether these training courses can be streamlined, condensed, or consolidated without adversely affecting the necessary content. The courses should be offered more frequently and flexibly, perhaps when possible in an on-line format, to facilitate managers being able to attend despite the press of other work assignments. More importantly, new supervisors should be offered and required to complete a short course on the key personnel policies of the agency very soon after they begin supervising others. In order to keep training costs down OMD could explore using current FCC managers as subject matter experts and use them as trainers in some of the SCP courses. Finally, supervisors and managers should be held accountable for completion of the SCP.

Second, the addition of a second tier of supervisory and management training could help focus training on the management skills that are necessary to supervise the wide variety of staff and projects that FCC managers supervise. OMD should re-examine the available course offerings for management and leadership training. Advanced supervisory training should include the most important topics, including, but not limited to, practical strategies for dealing with performance issues, how to conduct effective meetings, managing your managers, interpersonal communications, change management, how to give effective feedback, how to hold staff accountable, and leadership versus management. All management training courses should include FCC-specific information about personnel policies and provide opportunities for discussion of the issues that most frequently arise when supervising FCC staff. Short duration training courses might be more effective in attracting managers, as would interactive training that allows managers to share their wisdom with other managers. Finally, the FCC's senior leadership should promote manager training and development beyond completion of the SCP.

Third, OMD, working with the Commission's senior leadership, should continue leadership training programs like the Management Excellence Program[10] or another similar program, if resources permit.

*Responsible*: OMD working with the Bureaus and Offices' senior leadership.

*Recommendation 4.15*:  **Actively Encourage and Facilitate Continual Staff Education**

The FCC's senior leadership should encourage all staff to pursue training opportunities that would increase skills and knowledge relevant to and necessary for successful performance of their job duties.  In this regard, it should be noted that for certain types of training it may be more prudent and economically feasible for staff to take training outside the FCC.  Furthermore, there may be some subject areas for which a public-partnership model could be utilized to create training environments that would benefit both the FCC and industry (*e.g.*, to explore emerging technologies or to become familiar with new or anticipated commercial offerings and/or products).  The FCC might also take greater advantage of its Practising Law Institute (PLI) and West LegalEdcenter (WLEC) memberships by flagging PLI and WLEC training programs that are particularly useful for FCC attorneys.  The FCC may also consider having staff participate in industry hosted technical trainings or other programs providing advanced materials on cutting edge engineering topics.

OMD, working with the Commission's senior leadership, should consider reintroducing personal development plans (PDPs) at all levels as a mechanism to promote and reinforce the continued need for staff development.  These PDPs should be reintroduced within a framework that reflects an emphasis on the importance of staff's continual education.

*Responsible*: OMD, working with the Bureaus and Offices' senior leadership.

*Recommendation 4.16*:  **Explore Ways to Provide Additional On-the-Job Training**

To the extent the FCC seeks to utilize existing on-board staff to address identified skill gaps or to retrain staff in response to regulatory, industry, or technology changes, the FCC's senior leadership should explore ways to equip such staff with the necessary skills to perform the new jobs through on-the-job training.  This approach would facilitate a smooth transition for the staff and would allow the FCC to reduce the time lag in filling identified skill gaps.  One strategy for expanding on-the-job training might be to use more experienced staff to train less experienced staff through informal training sessions, informal mentoring, and "shadowing".  Supervisors could be encouraged to use such techniques, in addition to their own training and feedback efforts, to help move staff into new or more responsible roles.  Also, the FCC's senior leadership should examine whether implementation of mentoring, whether formal or informal, would also facilitate additional on-the-job training support.

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[10] This program had a successful year in 2012 and was not repeated after that due to budget constraints.  It included internal instructor-led training, coaching sessions, and a significant work project.

Training managers to deliver constructive feedback, develop teams, and develop staff would help foster a mentoring culture throughout the agency. In addition, a more formal mentoring program could be helpful to those staff interested in being mentored or in learning new skills (or in mentoring others) and could enable more senior non-supervisory staff to help develop the skills of less experienced staff.

*Responsible:* OMD, with input from Bureaus and Offices.

# B. IT-Specific Collaborations

## 1. Improve FCC's Future-Focused IT Strategy and Infrastructure

*Background:* Any effort to improve and reform processes at the FCC requires an agency-wide recognition that technology is a transformational opportunity to change how the FCC accomplishes its mission. The strategies described here are an effort to modernize its existing IT infrastructure, further develop its data management approaches, and address concerns about the FCC web site.

The FCC owns more than 200+ different IT systems, with over 40% of them more than 10 years old. Some Bureaus and Offices have technical capacity outside of central IT-maintained functions, resulting in disparate database, licensing, or tracking systems. Sometimes these systems lack modern components built on current information technology standards; sometimes they approach technology implementation well. In either case, the agency could benefit from a more holistic, strategic and modernized approach.

The recommendations identified here would help modernize the FCCs information technology assets. Some of the recommendations are already underway; some are highly specific to certain applications; and some are potentially large new initiatives. All are important to making the Commission operate more efficiently. In many cases, however, the timing and scope of implementation of the recommendations depend on obtaining sufficient funding resources.

*Recommendation 4.17*: **In Progress IT Projects**

This recommendation focuses on efforts which have begun but are not completed. Input from our review found that these efforts could benefit from additional mid-course outreach and input, which will result in better overall products. In particular the agency will:

- Deliver a virtual desktop environment, ensuring secure remote business access for FCC employees.
- Complete an enterprise architecture guide focused on migrating legacy FCC systems to the cloud.
- Deliver a new model for handling FCC consumer complaints for review.
- Deliver specific cyber recommendations to address ongoing security enhancements to the FCC's systems.

*Responsible:* FCC Chief Information Officer ("CIO").

*Recommendation 4.18***: Re-baseline the FCC's IT Budget and Improve Procurement**

Currently much of the FCC IT budget is focused on maintaining legacy systems. A legacy-focused approach does not allow for using advanced and efficient technology for increased productivity. The FCC's IT budget should be re-baselined with a focus on investing in moving to modular solutions that reduce the number of unique systems the FCC maintains. Modular approaches are more agile, reusable and efficient. This process should be implemented in a manner that reflects the varied and distinct requirements of the different Bureaus and Offices, and accommodates those needs.

Re-baselining the FCC's IT budget would allow a focus on the future, and enable the FCC to break away from the cycle of just maintaining legacy systems infrastructure. Benefits include long-term costs savings by avoiding legacy focus and increased IT project delivery time. This investment would include an adaptive model implementing modern web-based technologies for every future IT expenditure. Generally speaking the following items would be addressed:

- Ensure every system has a lifecycle so legacy costs do not outweigh new development.
- Develop a Service Platform that allows external stakeholders to retrieve, remix, share, and even submit data back to the FCC. This modern infrastructure would include the use of cloud-based IT solutions as opposed to internal infrastructure and focus on a modular, reusable information Enterprise Architecture.
- Fully develop a Data Mart for the FCC Enterprise (See Recommendation 4.25).
- Retool the Website and Open FCC Interfaces for everything to be sent or received via the web (See Recommendation 4.29).
- Improve the procurement process to include piloting applications such as cloud-based email, document authoring, and collaborations. The long-term goal is to have almost all of the activities of the normal FCC work functions hosted externally to the FCC and/or available on secure mobile and/or remote devices.

*Responsible:* OMD, principally CIO and CFO.

*Recommendation 4.19***: Improve WebTA Reporting**

WebTA is a time coding system for employees to enter the time spent on different projects which was recently deployed at the FCC. Because WebTA is a new system, it needs some adjustments. Previously the FCC's use of WebTA was planned to be hosted in the cloud, but that plan has not yet been fully executed. Plans to migrate the FCC's use of WebTA to the cloud should be updated and pursued with expediency. Additionally, some short-term 120 day enhancements and fixes should be done while waiting for cloud migration. For example, one recent short-term enhancement provided employees with remote access to WebTA.

*Responsible:* OMD.

*Recommendation 4.20*:  **Review Legacy FCC HR and Financial Operations IT Systems**

Similar to WebTA, the staff in OMD should work to explore additional areas to go paperless. HR, Financial Operations, and IT should work to examine more automation and paperless processes for several other personnel-related and financial-related functions.  Areas of consideration might include electronic filing of personnel reports such as annual reviews, electronic process for hiring review, and potentially an online knowledge center for hiring, including sample position descriptions and standard questions for interviews that could be utilized by selecting officials across the agency.

*Responsible:*  OMD, based on information supplied by the Bureaus and Offices.

## 2.  Improve Internal Task Tracking and Collaboration Systems

*Background*: The agency has many tracking systems that are used to track internal and external processes.  They were developed over time to meet individual Bureau or Office specific requirements. Some of these tracking systems lack functionality expected from modern systems, and some are built on dated technology.

To complement these capabilities, the agency would benefit from adhering to Standard Operating Procedures across all Bureaus and Offices for common tasks, and should develop and adhere to workflows that maintain and protect data in this system.

*Recommendation 4.21:*  **Develop an Enterprise Tracking and Collaboration System**

As detailed above in Chapter 1, the FCC staff's ability to track ongoing matters and other tasks effectively would benefit significantly from IT enhancements. The CIO's office, working in close coordination with the Bureaus and Offices to be responsive to their requirements, should prioritize an initiative to develop more robust, state-of-the-art tracking and team collaboration capabilities at the agency.  Several commercial software solutions specialize in tracking work flows.  These solutions can be customized to incorporate needs specific to Bureaus and Offices. This initiative should:

- Develop working definitions of a workflow tracking system(s) and what it would track, and decisions on a specific tracking system to develop using state-of-the-art IT standards;
- Determine whether and how document collaboration and workflow tracking should be integrated into a single effort or remain separate;
- Determine which of the agenda-related systems and work flows such as e-BARF and EDOCS should be integrated into the system;
- Evaluate whether commercial solutions are likely to be sufficiently flexible to address the FCC's needs;
- Mockup an enterprise tracking solution; and

- Create a working prototype ("beta") of the enterprise tracking solution for high priority items.

***Responsible:*** OMD, based on information supplied by the Bureaus and Offices.

# 3. Improve FCC Data Collection and Reporting

***Background*:** The FCC requires data as a critical element of consumer protection, spectrum allocation, license management, and other FCC functions. Some FCC data is in individual systems and some in master database containers and there is no unified "enterprise view" across all of the FCC data assets. In addition, some external parties have said the FCC collects some information that is no longer useful or necessary.

The agency should focus on evaluating state-of-the-art technology solutions to improve its data collection and reporting, and renew its efforts to eliminate or streamline outdated or unnecessary collections. A modern data effort presents an opportunity to collect and use data more efficiently. FCC employees should have access to better information about what data is available within the agency's database systems, and easier means to gain access to the data in a form that is usable with standard analytic tools. Technology is only an enabler in this effort. The migration to a unified data architecture requires the mapping of information across all systems, an arduous and time-consuming process.

Again, implementation of the recommendations in this section depends on the FCC obtaining sufficient resources to fund the necessary IT capabilities.

***Recommendation 4.22*:** **Develop an FCC Data Mart**

A Data Mart is an always-available, enterprise-wide view of the different databases managed by the FCC. With the right Data Mart architecture, data can be accessed, analyzed, shared and even submitted back to the FCC in a consistent streamlined fashion. Instead of more than a hundred operational databases, the FCC should store all its data in a cloud-based solution that provides a centralized way to store and retrieve the data. A Data Mart improves data accessibility, security, and availability.

A principal focus on this Data Mart would be to improve enterprise tracking of matters and activities across the agency, ranging from policy actions to complaints and data collection efforts. The Data Mart would support tools or other user interfaces, which would allow query and programmatic access by staff. The Data Mart would also greatly improve the FCC's licensing and auction endeavors.

With this strategy, data would reside in three spheres: private, enterprise, and public. Private data would be confined to the application's users. Enterprise data would be available to all FCC employees and contractors without explicit request. Public data would be available to everyone. The goal would be, working in concert with internal stakeholders and technologies, to migrate all legacy systems over next three years, with cost-savings as legacy systems are retired, breaking

the solution in to modular, manageable pieces with progress shown along the way.   This approach maximizes modern technology approaches and minimizes lost productivity from switching systems.

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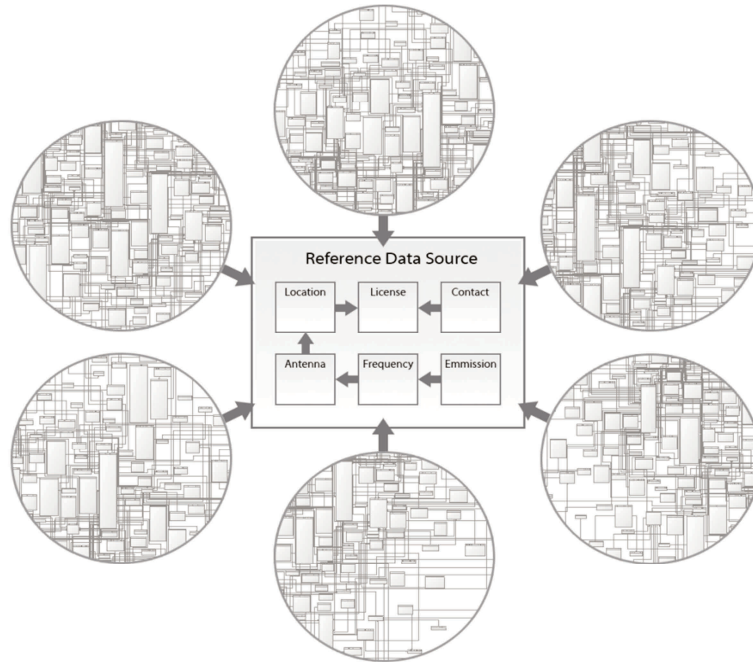**Figure – Graphical depiction of an FCC Data Mart**



**Figure – Levels of Private, Enterprise, and Public Access to the FCC Data Mart**



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***Responsible***:  OMD and Data Working Group (which should include senior representatives from every Bureau and Office).

*Recommendation 4.23*:  **Develop and Implement a Data Governance Plan**

A data governance plan refers to the specific policies, procedures, controls, use restrictions, terms, and conditions that collectively manage the data.  The Data Mart needs these rules in order to perform the functions of serving data.

The agency should appoint a working group to write these governing rules and develop a cohesive data governance plan.  An agency-wide governance plan should, among other things, articulate policies for data lifecycle, data stewardship, access controls, publication and use, terms and conditions, and general data processes.  The plan needs to address continued active involvement of the governance body, which would have the authority to manage these policies in the future.

*Responsible*: OMD, based on information supplied by the Bureaus and Offices.

*Recommendation 4.24:*  **Improve FCC Data Collection**

The FCC has many data collections today, and can use IT to collect and manage data more efficiently.  With over 200 legacy systems in a constant state of maintenance, and a very real and growing cyber security challenge, the importance of collecting and managing data more efficiently becomes paramount.  The risks of system breach and losing data are more easily mitigated with modern cloud-based solutions which have built in protection.

Two specific efforts will be required to help reach the Data Collection Improvement goal.  First, building on the success of an FCC Data Mart, new approaches to data collection that will reduce burden and improve data validity can be achieved by implementing modern data collection approaches.  Second, building on the earlier success of the 2011 Data Improvement effort, a policy/legal team needs to be established to propose on an ongoing basis any regulatory or perhaps even statutory changes needed to remove old, outdated collections.

New approaches to data collections include but are not limited to:

- Providing data models/containers of collections in open transparent technology resources for data providers to enter data into and deliver to the FCC;
- Removing outdated "forms- based" collection efforts which require hand entering every record;
- Providing tools which pre-scrub data and assist data providers in addressing potential errors before they get into the FCC Data Mart;
- Ensuring the FCC can accept machine-readable data submissions (*e.g.,* .csv, .xml, or JSON files) so that outside parties can submit data in response to FCC requests and to better support their advocacy);
- Enabling external parties to file their confidential data electronically via the web, and the FCC to manage access appropriately; and
- Using the Internet as an asset in providing data delivery, such as:

> ➢ Opening up more Application Programming Interfaces (APIs) so that data providers can provide machine-to-machine data inputs to the FCC; and
> ➢ Using industry standard version control software to provide access points for data providers to manage their public data delivery to the FCC in the web ecology.

*Responsible***:** OMD/CIO, working with OGC and the relevant Bureaus and Offices.


## 4. Improve the FCC.gov Website and New Media Outreach

*Background***:** During the review process, the FCC's website was a very popular topic in both external and internal comments. In 2011, the website (fcc.gov) was redesigned, replacing its previous website, which remains available as transition.fcc.gov and it is still actively used by several internal and external audiences. The intent of the 2011 effort was to increase focus on consumers with topic-based navigation and more emphasis on graphics. The effort also implemented a widely-used content management system at the time (Drupal). While the previous web site had a dated visual design and was very difficult to update, some users (both external and internal) have expressed frustration with certain aspects of the new website's functionality, especially its search and navigation functions. Addressing these concerns should be a high-priority focus of the FCC's process reform.

The content from the transition.fcc.gov site has only been partially migrated, creating confusion when the new site exists alongside the old site. The dual site issues also cause undue burden on the FCC staff who manage both. Visitors to fcc.gov report having difficulty finding information through the site search mechanism. Site navigation and information architecture have also been problematic for some users. Advanced users are very familiar with internal FCC structure, and therefore want site navigation and information architecture to reflect the Bureau and Office and divisional structure of the agency when searching for documents. However, this legacy divisional structure is counter-intuitive to good site design for other constituents.

Some practitioners also report difficulty finding the information they need on Bureau and Office webpages. Either the information is not displayed in a uniform, consistent manner on the various Bureau and Office webpages, or pertinent information is missing or difficult to find.

*Recommendation 4.25***: Improve Web Site Search Functionality**

The FCC should focus on improving the fcc.gov search function immediately. As part of this effort, it should conduct internal and external user testing to better understand how people are using search across fcc.gov, as well as on other databases and applications.

Through existing resources, the combined technologists from the FCC New Media team and the FCC IT team would:

- Improve the current search configuration;
- Enhance crawling and indexing of the FCC website;

- Improve layout of the search results page to be better organized and minimize distractions;
- Improve existing search filters;
- Expand the number of commonly searched terms that return featured search results, based on Bureau and Office term suggestions, a survey of currently-active rulemaking efforts and advisory committees; and
- Provide a trackable mechanism ("ticket system") for both internal and external users to submit search-related suggestions and commit to implementing them expeditiously.

The FCC should optimize the search engine and make documents more search-friendly. This will involve a manual process that needs continuous review and refinement. Some manual search improvement strategies include meta-tagging (*e.g.,* to distinguish speeches from public notices) and keywords, relevancy tuning, results grouping, synonyms, stop words, search rules, a/b testing, real-time refinements to search configurations, and application integration.

The FCC also should evaluate fcc.gov's information strategy and conduct user testing to reveal how practitioners and consumers, both internal and external, are using the Bureau and Office webpages of the fcc.gov site. The user testing data should then be analyzed to improve navigation and enhance user experience.

*Responsible:* OMD, with assistance of the Bureaus and Offices

### *Recommendation 4.26*: **Implement a Consistent Design for FCC Web Presence**

The FCC's web content is large and decentralized and resides in various applications, websites, content management systems, and databases distributed across Bureaus and Offices. For a variety of technical and operational reasons, it is not feasible or desirable to migrate all web functions into a single system immediately. However, the FCC should develop, implement, and enforce a style guide across all of the FCC's public-facing applications, websites, and databases to achieve a unified look and feel and consistent navigation. This style guide would lend uniformity and coherence to the FCC's website and applications. In addition, Bureaus and Offices should be encouraged to migrate their content to the main site, achieving a consistent central web experience for end users. The technical details for consistent design will be drafted in an implementation guide.

*Responsible:* OMD/CIO and OMR.

### *Recommendation 4.27:* **Improve Bureau and Office Webpages and Update the fcc.gov Information Strategy**

Bureaus and Offices should take more responsibility by actively managing the FCC content on their webpages, enabling decentralized content updates via a centralized enterprise web platform interface. This would be accomplished by engaging with relevant practitioner groups to receive feedback on content that would be most useful on Bureau and Office webpages. The agency

should reduce the number of gatekeepers required to update the content on the FCC external webpages and intranet to reduce overhead and provide for better content.  Working with the Bureaus and Offices, the FCC IT team should:

- Focus on content and efficient, uniform navigation;
- Establish and enforce procedures and schedules for Bureau and Office webmasters to migrate content from transition.fcc.gov to fcc.gov; retire Bureau and Office as well as common pages on transition.fcc.gov by a set date; ensure redirects exist for old links to new persistent content; create uniform perma-links; and retire data storage sites such as hraunfoss.fcc.gov after checking with the Bureau and Office webmasters and external user groups; and
- Develop a web site sandbox where proposed website changes can be tested prior to release and also test the methods by which Bureaus and Offices can make changes to the website.

This effort would result in more web delivery of FCC information assets.  New delivery schemes, beyond just text, and static images, are envisioned.  Combined with a mature Data Mart, the FCC web would become a more interactive toolset with database, interactive visualizations and more involvement between FCC staff and stakeholders.

***Responsible:*** Bureaus and Offices, working with OMD and the CIO.

# Chapter 5: Functional & Bureau/Office-Specific Recommendations

## A. Process-Related Changes

***Recommendation 5.1:*** **Streamline the Process for Receipt and Processing of Requests for Closed Captioning Exemptions**

Section 713(d)(3) of the Communications Act permits video programming providers or owners to request an exemption from the closed captioning requirements where it can be shown that such requirements would be economically burdensome. CGB should take the steps necessary to revise its process to allow parties to file closed captioning exemption requests electronically. At the present time, these requests must still be filed by paper. The paper-only filing requirement adversely impacts the speed of processing these requests, particularly when additional information is sought from the requestor, and may present administratively burdensome challenges for all parties to the process.

***Responsible:*** Commission-level action likely required. Implementation will require input from CGB and OMD.

***Recommendation 5.2:*** **Create a "Contacts Database" for Outreach and Consumer Education**

CGB should create a unified database of contacts, readily available to the Bureau and in an easily-manipulated and sorted format that would contain contact information for industry, government and organizational stakeholders. This should result in significant savings in staff hours and would enhance the overall effectiveness of the Commission's outreach and consumer education initiatives.

***Responsible:*** CGB, OMD and OGC.

***Recommendation 5.3:*** **Consider Notifying Investigation Subjects of Closure**
Outside parties have asked that EB notify subjects upon closure of an investigation. Some agencies follow such a practice, while others do not. EB should consider whether to adopt such a practice, and, if so, how such notice could be provided consistent with the agency's current resources. Generally speaking, EB does not routinely issue closure letters to the subjects of investigations indicating that it has elected not to pursue a matter. In some contexts, doing so would have required the issuance of hundreds of thousands of pieces of correspondence. At the Commission, the Media Bureau's Video Division routinely does this. While the subject of an investigation may contact EB to determine its status at any time, we understand that targets are often reluctant to do so.

*Responsible*:  EB.


*Recommendation 5.4*:  **Reevaluate Case Selection Criteria to Maximize Enforcement Impact**

EB must exercise discretion in determining which cases to pursue, and which enforcement tools to use to address a particular violation. These decisions are complex and multi-factored. In general, EB's cases align with the agency's expressed strategic goals (*e.g.*, consumer protection, public safety), and it uses the forfeiture process to address the violations at issue. However, given new budget and human resource realities, EB should re-evaluate its enforcement priorities in order to provide effective enforcement in traditional areas as well as identify and pursue emerging enforcement issues.  It would also be useful for EB to make information on the statutory framework applicable to enforcement referrals more widely available to other Bureaus and Offices so that violations are timely referred.  EB should also identify ways to further standardize and streamline the referral process, and Bureaus and Offices should consider and coordinate on the enforcement implications of a matter as early as possible, given the applicable one-year statute of limitations.

*Responsible*:  EB.


*Recommendation 5.5*:  **Develop Public-Private Partnerships and Enhanced Transparency to Improve Resolution of Interference Issues**

Information from the input process elicited several ideas for improving EB's interference detection and resolution functions.  Suggestions include EB creating and maintaining, for both internal and external use, a database of these actions, and wireless carriers granting EB access to their privately-held databases that track interference (on a confidential basis).  If feasible in the current environment, these ideas would enhance opportunities for EB staff and the private sector to learn from one another in furtherance of the common goal of identifying and resolving interference problems.  In addition, EB should continue to modernize its interference detection and mitigation efforts.  Specifically, EB should:

- Develop new "droppable" direction-finding technology that will allow field agents to monitor possible interference remotely;
- Implement technology permitting field agents to perform more tasks in their direction-finding vehicles or otherwise in the field.

*Responsible*:  EB efforts in this area are already underway and should continue, in coordination with MB and WTB, and with support from the CIO.


*Recommendation 5.6*:  **Improve Databases on Which EB Relies**

EB has its own database for tracking its enforcement activities – the Enforcement Bureau

Tracking System (EBATS) – and, as the agency's primary enforcer of its rules, orders and policies, EB staff often needs to access and interact with databases created and maintained by other Bureaus and Offices. For example, EB relies on OET's equipment authorization database when monitoring compliance with the wireless Hearing Aid Compatibility rules.  Expanding the functionality of EBATS (or a successor database capability) to include fully automated transfer of complaint and other data from other Bureaus' databases would increase processing efficiency. Similarly, automated workflow functionality would permit more expedited and timely action. Further enhancements to the EB database capabilities, including improved search and reporting capabilities, should be prioritized. Therefore, the functionality offered by enforcement-related databases can and should be improved, either by upgrades to EBATS or as part of the overall initiative to address upgrades to the IT infrastructure.

***Responsible***:  EB to identify and relay ideas for improvement; CIO and other Bureaus and Offices to implement.

### *Recommendation 5.7:* **Eliminate the Requirement for Prior Approval of** *Pro Forma* **Changes in Ownership of Space and Earth Station Licensees**

When space and earth station licensees make *pro forma* changes in ownership (such as conversion of a licensee from a corporation to an LLC with no change in the ultimate control of the licensee), the Commission's rules require them to seek prior approval from the Commission. Under the existing approach, the practice for satellite licensees differs from the practices followed for Section 214 and for certain wireless licenses. IB should follow the practices for Section 214 and for certain wireless licenses and eliminate the requirement that space and earth station licensees seek prior approval from the Commission before making *pro forma* changes in ownership.

***Responsible:*** IB, OGC.

### *Recommendation 5.8:*   **Improve the ITU Notification Process**

The Commission should explore a process for allowing satellite companies the flexibility of starting the ITU notification process prior to submitting a full space station application with the FCC**.**  Since 2001, the International Bureau has submitted filings to the ITU for new or modified frequency bands only after an application for the frequency band and orbital location had been submitted to the Commission and the applicant had certified unconditional acceptance of all cost recovery responsibilities.  This policy was implemented to address, in part, the ITU's adoption of cost recovery fees for satellite network filings. In certain cases, given the detailed information required for a space station application filing with the FCC, operators do not submit their application until well after their decision for including the new band occurs. During the intervening time, operators from other administrations can file at the ITU and receive a higher ITU priority.  By providing satellite companies the flexibility to file their submission to the ITU at an earlier stage of the process, these companies can avoid a lower ITU priority for the filing.

*Responsible:*  IB.


### *Recommendation 5.9:*  **Fix/Upgrade the International Bureau Database Functionality**

IB should upgrade the International Bureau Filing System ("IBFS") (or a successor IT infrastructure) to create a better user experience for filing applications and to permit the expedited processing of additional categories of earth station applications. Specifically, IBFS (or a successor system) should be upgraded to minimize downtime, fix the conversion of space and earth station applications, and update the forms to reflect recent changes to the Commission's rules regarding satellite licensing, international section 214 applications, submarine cable licenses and section 310(b) petitions for declaratory ruling.

*Responsible:* IB, working with OMD and outside contractors.


### *Recommendation 5.10:*  **Fix/Upgrade the Information Technology Systems for Cross-Border Work**

IB should upgrade the information technology systems it uses as part of its international outreach and cross-border work with Canada and Mexico.

*Responsible:* IB, working with OMD and outside contractors.


### *Recommendation 5.11:* **Improve Access to Satellite Licensing, Orbital Location and Frequency Band Information**

All satellite application dismissal letters, public notices, and declaratory rulings are currently available on the old IB website, http://transition.fcc.gov/ib/pdocs.html.  IB should work with OMD to ensure that these documents are migrated to the new FCC website.  There are other web pages that compile documents related to satellite licensing that should also be migrated to the new FCC website.

In addition, IB should make orbital location and frequency band information more easily available. In order to identify existing opportunities to bring new spectrum and orbit resources into use, potential applicants need real-time, easy-to-access information about orbital locations, frequencies, polarization and coverage of space stations currently authorized by the FCC.   For this requirement to be met, IB should consider the possibility of publishing on its website a summary of all orbital locations, frequencies, polarization and coverage of space stations currently authorized by the Commission.

IBFS contains the functionality to provide reports of all current authorizations including frequencies and orbital locations.  These reports do not include, however, polarization and coverage of space stations currently authorized by the Commission.  To provide this information in a timely and automated manner, IB may need to revise its data collection fields.

*Responsible:* IB, working with OMD for IT-related issues.

*Recommendation 5.12:* **Publish Explanatory Materials on Satellite Licensing**

IB should prepare materials to assist applicants in completing the licensing process. One possible approach is preparation of a primer that would be available on the Commission's website, reflecting the current state of the Part 25 rules. Another possible approach is preparation of lists of Frequently Asked Questions concerning earth station and space station licensing.

*Responsible:* IB.

*Recommendation 5.13:* **Expedite Rulemaking Consideration in the Media Context**

As discussed elsewhere, MB should create targeted timelines for rulemaking proceedings, including addressing Petitions for Reconsideration of Commission action. MB should also routinely put any Petitions for Rulemaking and Petitions for Declaratory Ruling on Public Notice within one month, or quickly dismiss such petitions if procedurally defective.

*Responsible***:** MB, working with OGC. Commission action required for any suggested rule changes that might be required.

*Recommendation 5.14:* **Update Existing Media Bureau Databases and Forms**

The Consolidated Database System (CDBS), the existing licensing database for broadcasters, should be upgraded, or improved capabilities provided via an alternative IT infrastructure. CDBS is an aging system due for an upgrade or conversion to another database with enhanced functionality. CDBS functionality upgrades should include revising Form 323; requiring electronic filing of Applications for Review, Petitions for Reconsideration and Petitions to Deny; making data more accessible to the public; and continued development of a common licensing system.

The Commission should also change its database to allow licensees to make minor amendments to the initial filing of Children's Television Programming Reports, or file updates to the initial filing.

The Cable Television Relay Service (CARS) database is the Commission's last licensing system that does not use electronic filing. The database should be upgraded to become automated. In addition, the Cable Operations and Licensing System (COALS) database should be modernized. These licenses should be capable of being filed electronically, either through CARS and COALS or an alternative modernized database.

**Responsible**: MB and OMD responsible for developing proposed approach. Commission action required for any suggested rule changes that might be required.

*Recommendation 5.15:* **Expedite Media Bureau Licensing Processes**

As discussed elsewhere in this Report, use of Commission-level summary judgment orders and a "deemed denied" procedure for Applications for Review could enable faster review of appealed initial decisions. This is especially relevant in the media context, where such applications are more common than in other sectors.

Many licensing appeals may be dismissed on procedural grounds, where there is a solid basis for summary dismissal on such grounds. In such cases, there would not be a legal need to include an alternative independent holding on the substantive merits of the agency's action. Overall, where appropriate, the amount of detail and discussion required in decisions on appeal should be reviewed and streamlined, as discussed elsewhere in this report (see Chapter 1, Part C, the Tackle Backlogs Section).

**Responsible**: MB and OGC responsible for developing proposed approach.

*Recommendation 5.16:* **Modernize Hearing Aid Compatibility Compliance Process, Including Enhanced Automation of Reports**

WTB should update the Hearing Aid Compatibility ("HAC") compliance process to accelerate review and minimize manual processing of reports. The manufacturer and service provider reports both provide information for consumers and enable staff to monitor compliance with the hearing aid compatibility rules. WTB staff is working with IT contractors to improve the accessibility of HAC rating information in OET's equipment authorization database, and specifically to further automate connections between this database and the HAC reporting system. Such automation will enable filers to complete their reports more quickly and reliably, as well as ease the burden on FCC staff of verifying the reports' accuracy. We note that the need for hearing aid compatibility reports could potentially be eliminated in the future if all new handset models were required to meet HAC standards. The FCC should explore this possibility as well.

**Responsible:** WTB, working with OET and IT contractors.

*Recommendation 5.17:* **Increase Automation of License Processing and Review**

WTB should explore additional opportunities to expand auto-processing of license applications, including ones reviewed by a frequency coordinator. Possible candidates for automation may include private land mobile services, registrations in the 3650-3700 service, some categories of applications in certain microwave services and renewals of auctioned paging licenses. WTB should also explore whether automated cross-checks and review could help facilitate manual review, particularly for microwave licenses.

*Responsible:* WTB, with IT contractors and OMD.

*Recommendation 5.18:* **Create an Electronic Filing System for Network Change Notifications**

Local Exchange Carriers (LECs) that want to make a network change, either temporary (like shutting the power off at an exchange while they install new equipment) or permanent, must notify all affected interconnected parties, and must file with the Commission. This is currently a paper-based process. FCC staff should create an electronic filing system for Network Change notifications, possibly on a website interface, or via a data container submitted over the web. The resulting database could be set up to automatically notify parties who had indicated their interest, notify parties the ILEC identified as interconnecting carriers, and generate PNs, quarterly reports, and external data inquiries.

*Responsible***:** WCB with support from OMD on contracting, technical issues.

*Recommendation 5.19:* **Modernize the Equipment Authorization System**
OET should explore upgrading and modernizing the Equipment Authorization System to take aggressive action against use of non-compliant products. The Equipment Authorization System (EAS) does not provide adequate support to the field staff to perform their jobs in a timely manner. At the same time the complexity of modern RF transmitters and the increasing use of devices by consumers require easily understandable information for use by general public.

*Responsible*: OET to continue work underway regarding the Equipment Authorization Process, working with other Bureaus and Offices (*e.g.* EB to determine how to address the variety of issues of equipment compliance and related matters of interference mitigation), and OMD-CIO (to make current systems for data collection and information sharing more flexible and secure). It is anticipated that the process reform suggestions identified would be discussed in, and help inform, the equipment authorization streamlining rulemaking process that is currently underway.

*Recommendation 5.20:* **Establish Procedures to Better Detect and Address Noncompliant *Ex Parte* Filings in a Timely Manner**

Although OGC is responsible for issuing rulings on whether Commission's *ex parte* rules have been violated, Bureaus and Offices are in the best position to detect and flag for OGC action noncompliant *ex parte* filings. Some Bureaus and Offices are more proactive in their review of *ex parte* filings than others. OGC addresses potential violations when they are brought to OGC's attention, but OGC is not always made aware of potentially deficient or noncompliant *ex parte* filings.

OGC should provide written guidance to staff on the *ex parte* requirements. In addition, OGC staff designated to advise on specific instances of *ex parte* non-compliance could explore the

feasibility of working directly with Bureaus and Offices to perform periodic spot checks to determine whether recently filed *ex partes* are in compliance with our rules. Where appropriate, OGC will continue to take remedial action, which may include directing parties to refile compliant *ex partes*, or referring cases to EB for further enforcement action.

*Responsible*:  Action by OGC, in consultation with Bureaus and Offices as appropriate.

### *Recommendation 5.21:* **Provide Clear Guidance on Fee Processes to Petitioners**
While the seasonal volume of fee related requests is generally outside the Commission's control, making very clear guidance available to regulatees about the waiver and deferral process may reduce the volume of incoming requests. Many requests that come in currently fail to state sufficient grounds for seeking a waiver or deferral. In the long term, developing an electronic form for the intake of waiver and deferral requests may both simplify the tracking of incoming requests and serve as an initial gateway for ensuring petitioners are clearly aware of the evidentiary standard for obtaining a waiver or deferral.

*Responsible*: OMD.

### *Recommendation 5.22:*  **Prepare Streamlined Responses to Fee Related Requests**

Implementing a policy of preparing shorter form letter responses to fee requests would alleviate some of the time-intensive labor associated with the current response process.

*Responsible*: OMD, in consultation with OGC.

### *Recommendation 5.23:* **Evaluate the Processes Used for Intake, Tracking, Processing, Response, and Publishing of Fee Related Matters**

The previous recommendations would assist OMD in speeding its responses through the use of its current system; however, the Office would also benefit from an overall review of the existing processes for handling fee related inquiries from intake to response. In particular, re-evaluating how incoming fee related petitions are tracked and how final decisions are ultimately made available to the public would potentially improve FCC service and transparency for petitioners. Furthermore, there may be additional efficiencies and opportunities for automation that are identified from this review that could result in longer term improvements to operations.

*Responsible*: OMD would take the lead on implementing this recommendation, in coordination with OGC. In addition, OMD may seek input from other interested stakeholders.

### *Recommendation 5.24:*  *De Minimis* **Collection Requirement for Regulatory Fees**
Each year in the Commission's Order to collect regulatory fees, the Commission provides that regulatees whose total annual regulatory fee liability, including all categories of fees for which

payment is due, is less than $10 are exempted from payment of regulatory fees. Raising the *de minimis* requirement could improve the cost effectiveness of the regulatory fee collection process. OMD should evaluate whether the current *de minimis* amount should be changed and what potential impact there may be on other regulatory fee payors.

***Responsible***: OMD would take the lead on implementing this recommendation in coordination with OGC and relevant Bureaus as needed.

### *Recommendation 5.25:* **Complete the Legislative Tracking System Development Effort**

The Office of Legislative Affairs (OLA) tracks and manages Congressional correspondence and non-correspondence communication between the FCC and Members of Congress. OLA also tracks other legislative materials (*e.g.,* bills, transcripts, etc.). The Congressional correspondence is tracked and managed by the Legislative Management Tracking System (LMTS) application. All non-correspondence communication between FCC and the Members of Congress and other legislative materials are managed by *ad hoc* tools ranging from Microsoft Outlook to Excel spreadsheets.

OLA is currently in the process of developing a more comprehensive database and tracking system using Microsoft SharePoint. The first module (LMTS Mail Module) replaced the failing legacy LMTS correspondence tracking system and went live in late November 2013. The remaining modules require additional funding and project approval, and should be pursued to the extent resources allow.

***Responsible***: OLA, with support from OMD.

### *Recommendation 5.26:* **Improve Coordination on Economic Policy Across Bureaus and Offices**

To ensure that FCC economists apply sound economic thinking as they review policies in the particular industry they cover, as well as to ensure consistency across Bureaus, the Chief Economist should develop a more consistent process to better coordinate policy reviews conducted by the Commission's economists. This would also be relevant to economic analysis in the context of merger assessments as well as regulatory impact analyses, which should be rigorous and well-coordinated across the Commission. The goal should be to ensure that Commission economists are promoting economic efficiency overall, recognizing interdependence between industry segments, and assessing the consequences of choices made for non-economic reasons.

***Responsible***: Chief Economist.

## B. Specific Rules Changes Relevant to Functional Areas

*Recommendation 5.27*:  **Consider Updating Forfeiture Guidelines**

EB should consider whether it would be appropriate to modernize the forfeiture guidelines to reflect a more current assessment of reasonable base forfeiture amounts, especially given the lengthy period of time since these amounts were last reviewed and the need to provide adequate deterrence.  Adjusting the base forfeitures for already-specified violations to account for inflation, and establishing base forfeitures for newer legal requirements or other violations that have become more common in recent years, would bring the base forfeitures up to date and put parties on better notice of the scope of the penalties they could face.  EB should work with other Bureaus to weigh the costs and benefits of updating the guidelines, and make a recommendation.

*Responsible*:  EB, working with relevant Bureaus as needed.

*Recommendation 5.28:*  **Consider Changes to the Two-Degree Spacing Policy**

The Commission should initiate a proceeding to consider changes to the two-degree spacing rule and allowing technical coordination agreements between operators to control operational requirements.  These changes would recognize that the current rule is outdated and should be modified to facilitate a more efficient processing of satellite applications.

The Commission's two-degree orbital spacing policy was established in 1983, and it is time to revisit that policy.  It was designed to maximize the number of geostationary-satellite orbit (GSO) satellites in orbit and allow for competitive entry of new operators.  However, in light of technological advances in recent years, today operators may prefer to operate at orbital spacings greater or lesser than two degrees and rely on ITU coordination methods to govern whether a new satellite system should be allowed entry at adjacent orbital locations.

In the alternative, the Commission should explore the possibility of initiating a proceeding to consider allowing an operator to certify that its operation complies with uplink and downlink power levels in the Commission's two-degree spacing rules instead of submitting an interference analysis to demonstrate compatibility, whenever operation is to be conducted in a two-degree spacing environment.  In cases where an operator needs to operate at higher power levels, the operator would need to specify that it will coordinate with impacted operators.

*Responsible:* IB.

*Recommendation 5.29:* **Continue to Examine Part 25 Rules to Streamline Information Filing Requirements**

In August of 2013, the Commission issued a Report and Order revising over 150 rule provisions in Part 25 to better reflect evolving technology, streamline information filing requirements, and improve transparency and clarity.  There may be additional changes to IB's satellite licensing

rules that would increase efficiency, transparency and clarity for satellite applicants, licensees, and Commission staff, and IB staff should work with stakeholders to prioritize additional streamlining measures.

In particular, IB staff should review the information required in Schedule S, which IB uses to collect technical and operational data associated with satellite licensing applications. The Bureau should determine (1) if all of this information should continue to be collected, or if there is a smaller subset of information that could be sufficient to address licensing needs, and (2) for information that still needs to be collected, whether there is a more efficient and effective method of obtaining that data. If the staff finds that some version of Schedule S is still the most efficient and effective method for obtaining the necessary information, the process for filing Schedule S should be simplified to ensure the Commission collects only essential information from applicants, and that Schedule S is easier to work with and file than it is today.

In addition, the Commission should consider the possibility of replacing some or all of the current technical showing requirements for demonstrating compliance with the construction milestones with legally binding certification requirements by a senior executive with appropriate responsibility in the company, (*see e.g.*, 47 C.F.R. 64.5001(c)) and/or consider increasing the associated fines for noncompliance.

*Responsible:* IB, working with IT with respect to the development of a user-friendly filing process, and working with OGC with respect to the construction milestones.


*Recommendation 5.30:* **Extend the Closing Deadline for Certain International Assignments and Transfers of Control**

The Commission should change the closing deadline for certain international assignments and transfers of control from 60 to 180 days. Under section 25.119(f) of the Commission's rules, assignments and transfers of control must be completed within 60 days from the date of authorization. This section is inconsistent with other Commission deadlines faced by parties seeking assignments or transfers of control, which require assignments and transfers of control to be completed within 180 days. Parties often petition IB to extend this deadline in order to complete the transfer of control, requiring additional work by applicants and additional time by Commission staff.

*Responsible:* IB, working with OGC.


*Recommendation 5.31:* **Update Obsolete Media Rules and Procedures**

MB should initiate a proceeding to update or eliminate any obsolete rules and procedures. For example, in 2012 the Bureau issued an NPRM initiating a review of the Part 76 technical standards, and the proceeding should be completed expeditiously. In addition, the Commission should eliminate the Part 76 Cable Rate Regulation rules dealing with regulation of Expanded Basic and eliminate any other reference in the rules. The Commission should also replace all

outdated forms referring to these rules.  Similarly, the Commission should initiate a rulemaking to update FCC Form 325, capturing data more reflective of the current MVPD marketplace and technologies. Finally, the Commission's rules should be updated to allow electronic delivery of retransmission consent letters with appropriate proof of receipt.

*Responsible***:  MB.

*Recommendation 5.32***:  Update Tower and Lighting Requirements to Address Changed Circumstances**

Existing tower and lighting obligations are outdated.  The Commission's rules governing tower and lighting requirements are set forth in Part 17 of the Commission's rules and rely, in part, on requirements of the Federal Aviation Administration (FAA) as the expert agency on aviation safety.  The existing regulations have not kept pace with changes implemented by the FAA or with technology advances in the remote monitoring of tower lighting.  The Commission explored this issue in a Notice of Proposed Rulemaking released on April 20, 2010 (FCC 10-53). Specifically, it proposed certain changes to tower marking and lighting specifications, maintenance and inspection requirements, and other related matters. WTB should follow up on this NPRM and recommend changes to the Part 17 tower and lighting obligations as expeditiously as possible.

*Responsible:* WTB.

*Recommendation 5.33***:  Eliminate the BRS Transition Rules Because They Are No Longer Necessary**

The Broadband Radio Service (BRS) previously was used primarily for wireless cable services, but has since evolved to include two-way systems capable of providing high-speed, high-capacity broadband service, including two-way Internet service, via cellularized communications systems.  To enable use of the BRS spectrum for these types of services, the Commission adopted a market-based transition path for licensees to move to the contiguous spectrum blocks necessary to support BRS operations.  The last transition took place in 2012.  The rules governing the transition are no longer necessary and should be eliminated.

*Responsible:* WTB.

*Recommendation 5.34***: Harmonize and Streamline Requirements for Licensees to Overcome a CMRS Presumption**

Entities that are classified as commercial mobile radio service ("CMRS") licensees are generally subject to different and more rigorous regulation than private mobile radio services.  Certain licensed services, such as personal communications services and specialized mobile radio, are generally classified as CMRS, although a licensee can overcome this presumption by meeting

certain requirements, which vary on a service-by-service basis.  WTB should initiate a proceeding recommending changes to harmonize and streamline the rules that allow a licensee to overcome a CMRS presumption.  Harmonizing and streamlining the rules could be particularly helpful to entities who acquire spectrum through the secondary market.

*Responsible:* WTB.

### *Recommendation 5.35*:  **Reform Licensing of 800 MHz Cellular Services**

WTB should continue its efforts to reform the way that unserved areas in the Cellular Service are licensed and recommend a solution for Commission adoption as quickly as possible.  The Commission proposed to transition the Cellular Service from a site-based licensing scheme to a geographic-based system in a Notice of Proposed Rulemaking and Order released on February 15, 2012 (FCC 12-40).  Specifically, the Commission proposed a two-stage transition to auction geographic area "overlay licenses" for unserved areas based on the level of licensing in a given area.  The proposal was intended to put the Cellular Service more on par with the way that other commercial wireless services are licensed, providing greater flexibility and reduced administrative burdens.  After numerous discussions with WTB staff, in November 2013 carriers submitted an alternative proposal to continue a site-based licensing model, including consideration of frequency coordinators to expedite the licensing process and reduce administrative burdens.  The FCC should build upon the progress made to date to bring this proceeding to closure.

*Responsible:* WTB.

### *Recommendation 5.36:*  **Update Terminal Attachments Rules**

Part 68 of the Commission's rules contains requirements applicable to terminal equipment that attaches directly to the public switched telephone network (PSTN).  The technologies and businesses for these devices have evolved significantly since the rules were adopted. The Administrative Council for Terminal Attachments, which adopts and publishes technical criteria for terminal equipment, has petitioned the Commission to initiate a rulemaking to subject IP devices to Part 68 terminal attachments requirements to the extent they are capable of attaching to the PSTN.  WCB should review the rules for terminal attachments for possible updating to account for technical and market changes.

*Responsible***:** WCB.

### *Recommendation 5.37***: Remove Rules Subject to Forbearance in 47 C.F.R. § 64.804(c)-(g)**

The Commission granted forbearance from 47 C.F.R. § 64.804(c)-(g) in the *U.S. Telecom*

*Forbearance* proceeding.[11]  Those rule sections were adopted to address a specific issue that arose in an election,[12] and that is unlikely to recur given current practices and campaign laws.[13]  WCB is drafting an order to remove these rule sections from the CFR.

*Responsible*:  WCB.


*Recommendation 5.38:* **Delete Rule Provisions Referencing Telegraph Service**
A number of wireline rule provisions continue to reference telegraph service, which appears to have a limited role in the telecommunications services market.  Sections that still reference telegraph service include:

- *Separations.*  The primary purpose of separations is to determine whether a local exchange carrier's (LEC) costs of providing regulated services are recovered through its rate for intrastate or interstate services.  As part of this process the Commission's rules identify which of the LEC's equipment is considered circuit equipment.  47 C.F.R § 36.126 identifies telegraph system terminals and telegraph repeaters as examples of circuit equipment.

- *Universal Service Contributions.*   Currently, 47 C.F.R § 54.706(a)(13) requires providers of interstate telegraph services contribute to the universal service fund if they provide more than a *de minimis* amount of such service.

- *Discontinuance.*  Section 214(a) of the Act states in part that "[n]o carrier shall discontinue, reduce, or impair service to a community, or part of a community, unless and until there shall first have been obtained from the Commission a certificate that neither the present nor future public convenience and necessity will be adversely affected thereby."   47 C.F.R § 63.61 and other Part 63 rules require carriers providing telegraph services to follow the Commission's discontinuance rules.

- *Traffic Damage Claims.*  47 CFR § 64.1 covers traffic damage claims by telegraph and ocean cable-service providers.   The Commission's order in the *USTelecom* proceeding this year granted forbearance from this rule, along with others, so it is not currently in effect.

WCB is now working on the steps necessary to formally delete § 64.1 (along with others covered by the *USTelecom* order).  The Commission should initiate a rulemaking to delete telegraph from 47 C.F.R § 36.126 and WCB recommends sharing that proposal with the Joint Board on Separations.  WCB would also support a proceeding to eliminate the requirement in §

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[11] *Petition of USTelecom for Forbearance under 47 U.S. C. § 160(c) from Enforcement of Certain Legacy Telecommunications Regulations*, WC Docket No. 12-61, 28 FCC Rcd 2605, 2610-12, paras. 10-12, 15-19 (2013) (*USTelecom Forbearance Short Order*); *Petition of USTelecom for Forbearance under 47 U.S. C. § 160(c) from Enforcement of Certain Legacy Telecommunications Regulations et al.*, WC Docket No. 12-60 et al., 28 FCC Rcd 7627, 7702-03, paras. 167-170 (2013) (*USTelecom Forbearance Long Order*).
[12] *See USTelecom Forbearance Short Order*, 28 FCC Rcd at 2610, para. 11.
[13] *Id.* at para. 12; *USTelecom Forbearance Long Order*, 28 FCC Rcd at 7702-03, paras. 169-170.

54.706(a)(13) (through forbearance if needed) that telegraph services be assessed a universal service fee (to the extent they do today, which is doubtful). WCB would support having a proceeding to address deleting the Section 214 requirements for domestic telegraph service (through forbearance if necessary) and IB staff concur.

*Responsible***: WCB.

*Recommendation 5.39:* **Parties Aggrieved by a USAC Decision Must Seek Review From USAC Before Seeking Review From the FCC**

Section 54.719 of the Commission's rules allows parties seeking review of a USAC decision to file an appeal with USAC or with the Commission. Often, aggrieved parties decline to seek review from USAC and appeal directly to the Commission. Requiring parties to first file appeals of USAC decisions with USAC would reduce the number of appeals coming to the Commission and would allow USAC to correct its own error or review additional information provided by the applicant without having to involve the Commission staff.

As part of its oversight of the administration of the Universal Service Fund, WCB regularly receives a significant volume of appeals of USAC decisions, and other matters that require review and disposition, such as USAC requests for guidance. The speed of disposal of these items is affected by the volume and complexity of requests, staffing resources and the need to address other Bureau priorities.

**Responsible:** WCB.

*Recommendation 5.40:* **Relax the Equipment Certification Program**

Current rules require that prior to marketing (selling or offering to sell) or importing, shipping or distributing a radiofrequency (RF) device it must be properly authorized or must be exempted from such requirements as specified in the rules (§ 2.803). The Equipment Authorization Procedures (Subpart J Part 2) specifies different approval processes, allowing the vast majority of devices to be self-certified either by the manufacturer or by the use of accredited test labs. The devices incorporating RF transmitters, on the other hand, are generally subject to certification requirements which require approval from the FCC or Technical Certification Bodies (TCBs) authorized by the Commission to process and issue grants on its behalf.

OET should explore proposals to relax the equipment certification program, including permitting more self-approval by the manufacturers, permitting TCBs to have greater authority to issue grants, or allowing manufacturers to self-certify devices (including HAC devices that meet the 2011 ANSI standard), provided that whatever changes the Commission makes will not affect the Commission's oversight over the certification program or compromise compliance with the technical rules, consequently avoiding interference in the market.

*Responsible*:   OET to continue work underway regarding the Equipment Authorization Process, working with other Bureaus and Offices (*e.g.* WTB exploration of HAC rules contained in Section 20.19), and OMD-CIO (to make current systems for data collection and information sharing more flexible and secure).  It is anticipated that the process reform suggestions identified would be discussed in, and help inform the equipment authorization streamlining rulemaking process that is currently underway.


*Recommendation 5.41:* **Update Labeling and Identification of Approved Products**

Currently the certification rules require that a label showing a FCC Identifier (FCC ID) should be affixed on the product.  The FCC ID is issued at the time of approval and identifies a responsible party as well as the unique product. With the modern manufacturing processes and devices including approved transmitters from multiple parties, the current requirements are becoming difficult to manage for the device manufacturers.

OET should explore increased use of electronic labels (eLabel) on devices which have a display screen.  The Commission should also consider a more flexible regimen in how FCC IDs are assigned to devices which have variations in base implementations.  A streamlined labeling and tracking procedure would help manufacturers who have to develop products for multiple sectors.

*Responsible*:   OET to continue work underway regarding the Equipment Authorization Process, working with other Bureaus and Offices (*e.g.* EB to determine how to address the variety of issues of equipment compliance and related matters of interference mitigation), and OMD-CIO (to make current systems for data collection and information sharing more flexible and secure).  It is anticipated that the process reform suggestions identified would be discussed in, and help inform the equipment authorization streamlining rulemaking process that is currently underway.


*Recommendation 5.42:* **Hold Application Information Confidential Automatically**

Currently, the rules permit applicants to request the Commission to hold certain proprietary or business specific information confidential.  The applicant is required, however, to explicitly make a request for confidentiality at the time of filing, and the request has to be balanced with the Commission's obligation to make information available publicly as soon as practicable.  OET should explore modifying the permit application process to grant confidentiality automatically, disclosing information to the public only if the applicant explicitly permits it.

*Responsible*:   OET to continue work underway regarding the Equipment Authorization Process, working with other Bureaus and Offices, including OMD-CIO (to make current systems for data collection and information sharing more flexible and secure).  It is anticipated that the process reform suggestions identified would be discussed in, and help inform the equipment authorization streamlining rulemaking process that is currently underway.

***Recommendation 5.43:* Propose Rule and Procedure Changes to Facilitate More Streamlined Review of Routine Subpoenas, or Eliminate the Requirement for OGC Review of Routine Subpoenas**

Under the Commission's rules (section 0.111(h)), EB is required to obtain approval from OGC before issuing a non-hearing-related subpoena for testimony and documents deemed relevant to an investigation. Except where subpoenas raise new or novel issues or raise significant policy concerns, EB should be empowered to issue them without prior OGC review. A rulemaking is necessary to modify this requirement. Such a rulemaking could be done without notice and comment. Until a rulemaking is completed, OGC could work with EB to streamline its review and approval process for routine subpoenas.

***Responsible*:** OGC and EB. Commission action would be required for rule changes.


***Recommendation 5.44:* Transparency as to Real Party in Interest**

The Commission's rules generally do not require those filing in docketed proceedings to disclose anything about themselves or the motivation for their advocacy before the Commission. In most cases, a filer's motives are apparent, but sometimes they are hidden. For instance, an organization purporting to represent consumer interests may actually represent industry, or may be influenced by industry contributions. In a 2011 Further Notice of Proposed Rulemaking, the Commission noted that "although some interested parties may be knowledgeable about the identities of the 'parties behind the parties' supporting or opposing their positions, other parties and the general public may not be equally knowledgeable." The Commission concluded that "[w]e believe it would serve the public interest to have a disclosure requirement that addresses this problem …," and sought further comment on the type of disclosure rule to adopt.

OGC should draft an Order for Commission consideration that recommends the Commission adopt rules as proposed in the 2011 FNPRM. Disclosure of the real party-in-interest behind FCC filings would help the agency, other parties, and the public evaluate the credibility of factual and policy arguments by knowing who is making them. It would also increase public confidence in our decision-making process by making clear that the Commission is aware of the source of the arguments before it. Such rules would allow all interested members of the public, not just industry insiders, to know who is attempting to influence the agency's decision-making process.

***Responsible*:** OGC is responsible for the *Ex Parte* Rulemaking in which this issue was raised. Consultation with the other Bureaus and Offices would be necessary.

# C. Potential Legislative Changes Relevant to Functional Areas

*Recommendation 5.45*:  **Evaluate Whether Legislative Changes to Enhance the Commission's Enforcement Powers Are Needed**

As a general matter, pursuant to Section 503(b)(6) of the Communications Act, the Commission cannot determine or impose a forfeiture for a violation of law that occurred more than one year prior to the date a required notice or notice of apparent liability (NAL) is issued (or, for broadcasters, before the start of their current license term, if the violation occurred during that term).  EB often learns of significant violations of the Communications Act or the Commission's orders and rules well after they have occurred, which often forces EB to shift to prioritizing its work based on impending deadlines, rather than a more logical workflow.  The Commission should consider whether to recommend to Congress that it amend the statute of limitations to at least two years, which could begin to run on the date the FCC knew or should have known of the violation.

In addition, under Section 503(b)(5) of the Communications Act, if a violator does not hold a Commission authorization (and is not engaged in conduct for which an authorization is required), the Commission is empowered to determine or assess a forfeiture against the wrongdoer only (1) after it first formally warns the violator of the misconduct via a "citation," and (2) the same kind of misconduct is repeated thereafter.  This restriction can impact the effectiveness of Commission enforcement and may have outlived its usefulness in certain contexts (*e.g.,* where sophisticated entities are involved).  The Commission should consider whether to recommend to Congress that it should amend the citation requirement so that EB can propose a monetary forfeiture in the first instance in certain defined classes of cases where there would be significant efficiency and effectiveness gains, such as the "junk fax" context.
EB also should evaluate whether there are other legislative changes that would enhance the Commission's enforcement powers.

*Responsible*:  EB and OLA to evaluate whether to recommend that statutory amendments would be an appropriate way to address these issues.

*Recommendation 5.46*:  **Eliminate the ORBIT Act Report**

IB should consider whether it is appropriate for the Commission to renew its recommendation to Congress that it eliminate the ORBIT Act Report because the issues in the Report are more appropriately addressed in the Satellite Competition Report.

The Orbit Act Report highlights the progress made to promote a fully competitive global market for satellite communications services for the benefit of consumers and providers of satellite services and equipment by fully privatizing Intelsat and Inmarsat.  The ORBIT Act was signed into law in 2001 and required the pro-competitive privatization of both Intelsat and Inmarsat from their intergovernmental status.  Since that time, both companies have long since privatized in a manner consistent with the Act, and in most years, no parties other than Inmarsat and

Intelsat filed comments.  To the extent other parties file, those filings are not ORBIT Act-related, and raise issues better addressed in the Competition Report.

***Responsible:***  Congressional action required for any suggested statutory change.   IB staff, working with OLA, would be available to brief Congress as necessary.

*Recommendation 5.47:*  **Eliminate the International Broadband Data Report**

IB should consider whether it is appropriate for the Commission to renew its recommendation to Congress that it eliminate the International Broadband Data Report because the information in the report is publicly available elsewhere.

The Broadband Data Improvement Act requires the Bureau to prepare the International Broadband Data Report, which evaluates the United States' rates of broadband adoption, speeds, and prices in comparison to the international community.  The data collection and analysis required to generate these reports expend significant resources of the staff of IB and of stakeholders.  With the exception of pricing data – which is increasingly available from public search engines – the data used in the report does not come from original research from Bureau staff.  It is instead collected from other sources, such as Ookla (speed data), OECD and ITU (broadband adoption data, population and economic data), and Telegeography (market and regulatory information) among others.

***Responsible:*** Congressional action required for any suggested statutory change.  IB staff, working with OLA, would be available to brief Congress as necessary.

*Recommendation 5.48:*  **Modify the Reporting Requirements for the Video Competition Report and Cable Price Survey**

MB should consider whether it is appropriate for the Commission to renew its recommendation to Congress that it seek approval to change the requirement that the Video Competition Report and Cable Price Survey be created biennially instead of annually.

The Video Competition Report requires the Commission to annually report to Congress on the status of competition in the market for the delivery of video programming.  The Cable Price Survey requires the Commission to annually publish statistical reports on the average rates for basic cable service, other cable programming, and cable equipment.  The Commission has produced these items since they were required as part of the Cable Television Consumer Protection and Competition Act of 1992.

In 2013, the Government Accountability Office suggested that the Commission evaluate the need for annual reporting, noting that less frequent reporting could reduce the burden on the FCC and industry participants.[14]  The GAO Report found little change in recent annual filings, but noted

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[14] *See Video Marketplace: Competition Is Evolving, and Government Reporting Should Be Reevaluated,* available at http://www.gao.gov/products/GAO-13-576.

that Congress, with input from the FCC, would need to determine any new reporting frequency. MB has determined that shifting the reporting requirement to every two years could reduce burdens while also fulfilling the intent of the statute, which is to provide continued measurement of industry performance.

*Responsible:* A statutory amendment would be required. Congressional action required for any suggested statutory change, and Commission action required for any suggested rule changes. MB staff, working with the OLA, would be available to brief Congress as necessary.


*Recommendation 5.49:* **Seek Further Delegation of Low Power FM Licensing Authority**

Allowing the delegation of hearing matters to the Media Bureau would relieve the full Commission from considering the thousands of Low Power FM (LPFM) applications filed in the window that closed November 15; however, this will likely require a statutory change. MB, in consultation with OGC, should evaluate whether it would require a statutory amendment, and if so, whether it would be appropriate for the Commission to recommend that this change should be raised with Congress. Section 403(c) of the Telecommunications Act of 1996 already allows the Commission to delegate point determinations in ITFS, and the LPFM licensing processes follows similar point system procedures.

*Responsible***:** MB and OGC, to evaluate whether to recommend whether legislative measures would be an appropriate way to address these issues. Commission action required for any suggested rule changes. Congressional action required for suggested statutory change.

# APPENDIX 1
# LIST OF RECOMMENDATIONS

**Chapter 1: Increasing the Speed & Transparency of FCC Decision-making**

*Recommendation* 1.1:  Efficient Intake Analysis and Relevant Timelines

*Recommendation* 1.2:  Review Transaction Shot-Clock Procedures

*Recommendation* 1.3:  Ensure Accountability for Timely Decision-making

*Recommendation* 1.4:  Make Information on All Petitions and Open Dockets Publicly Available and Searchable

*Recommendation* 1.5:  Make Status Information on Circulation Items Publicly Available

*Recommendation* 1.6:  Enhance Transparency of All Unpublished Filings

*Recommendation* 1.7: Ensure Transparency of FCC Budgetary and Administrative Information on the FCC's Website

*Recommendation* 1.8: Post Logs Providing the Status of Pending FOIA Requests

*Recommendation* 1.9: Post All FOIA Decisions, Including Released Documents

*Recommendation* 1.10: Make FCC FOIA Reports Easily Accessible on FCC.GOV

*Recommendation* 1.11:  Develop Sub-Delegation Plans for Bureaus and Offices

*Recommendation* 1.12:  Streamline Management Review

*Recommendation* 1.13:  Establish Comprehensive Guidelines for Inter-Bureau Coordination and Review

*Recommendation* 1.14: Work with NTIA to Ensure a Smooth FCC-NTIA Coordination Process

*Recommendation* 1.15:  Seek to Establish Firm Timeframes for Executive Branch Review of Foreign Ownership Issues

*Recommendation* 1.16:  Require Use of Standard Templates and Boilerplate Language for Commission Documents, Where Appropriate, and Issue "Best Practices" to Facilitate Drafting and Release

*Recommendation* 1.17:  Develop "Best Practices" for Summary Disposition of Commission Proceedings Where Appropriate

*Recommendation* 1.18:  Consider Expanding the Categories of Transactions or Other Matters That Qualify for Streamlined Treatment

*Recommendation* 1.19:  Develop an FCC Style Manual

*Recommendation* 1.20:  Enhance Tracking of Incoming and Backlogged Items to Allow Greater Accountability

*Recommendation* 1.21:  Increase Tracking Transparency of Pending Items

*Recommendation* 1.22:  Identify Opportunities for Summary Disposition of Routine Items

*Recommendation* 1.23:  Review and Update Commission's Procedural Rules

*Recommendation* 1.24:  Encourage Outside Parties to Submit Proposed Text for FCC Documents Where Appropriate

*Recommendation* 1.25:  Bureau and Office Backlog Reduction Plans to Speed Processing and Eliminate Backlogs


**Chapter 2: Rework Essential Processes**

*Recommendation* 2.1:  Eliminate Paper Copies of Items and Related Materials Circulated Internally

*Recommendation* 2.2: Eliminate or Reduce Paper Releases

*Recommendation* 2.3:  Streamline Release Procedures

*Recommendation* 2.4:  Update Existing Templates and Re-Evaluate Style Requirements

*Recommendation* 2.5:  Update Release Formats

*Recommendation* 2.6: Communications With Licensees

*Recommendation* 2.7:  Communications with the Public

*Recommendation* 2.8:  Electronic License Processing

*Recommendation* 2.9:  Determine Additional Categories for Auto-Processing

*Recommendation* 2.10:  Automate Password Resets for CORES

*Recommendation* 2.11:  Explore Standardizing License Formats

*Recommendation* 2.12:  Explore Making the Application Fee Structure More Consistent and Equitable

*Recommendation* 2.13:  Explore Using Third Party Resources for More Licensing Functions

*Recommendation* 2.14:  Expedite the Treatment of Complaints

*Recommendation* 2.15:  Re-focus CGB's Handling of Informal Consumer Complaints

*Recommendation* 2.16:  Improve the Consumer Experience and Clarify Expectations When Filing Informal Complaints

*Recommendation* 2.17: Provide a Quick, Easy Single Interface for Consumers to File Complaints and Encourage Web-Based Submission of Complaints

*Recommendation* 2.18: Provide Better Guidance to Consumers Regarding the Milestones of the Complaint Process

*Recommendation* 2.19: Give Consumers the Means to Check the Status of Their Complaints and Rate the Response

*Recommendation* 2.20: Automate the Processing of Informal Consumer Complaints

*Recommendation* 2.21: Improve Responses to Complaints

*Recommendation* 2.22: Improve Tracking and Analysis of Complaint Data for Internal Commission Use

*Recommendation* 2.23: Make Data More Accessible and Transparent to the Public

*Recommendation* 2.24: Reevaluate PRA Resource Allocation

*Recommendation* 2.25: Update Existing PRA Guidance

*Recommendation* 2.26: Improved Inter-Agency PRA Coordination

*Recommendation* 2.27: Update PRA Approval and Recordkeeping Mechanisms

*Recommendation* 2.28: Focus Information Collected to Comply With the PRA

*Recommendation* 2.29: Consult OCBO Earlier in the RFA Compliance Process

*Recommendation* 2.30: Update Existing RFA Guidance

*Recommendation* 2.31: Investigate Ways to Streamline and Shorten Federal Register Summaries

*Recommendation* 2.32: Amend Commission Formatting and Style to Reflect Federal Register Requirements and Update Guidance

*Recommendation* 2.33: Designate Federal Register Liaisons

*Recommendation* 2.34: Automate Publication Notice

*Recommendation* 2.35: Investigate and Pursue Paperless Options

*Recommendation* 2.36: Adopt Procedures to Ensure FCC Staff Actions to Effectuate Federal Register Publication Are Timely

**Chapter 3: Rethink the FCC's Policy and Rulemaking Process**

*Recommendation* 3.1: Consider Expanding Use of Multi-Stakeholder Mechanisms

*Recommendation* 3.1.1: Identify Independent Multi-Stakeholder Bodies With Relevance to the Commission's Work

*Recommendation* 3.1.2: Evaluate Suitability and Feasibility of Conducting Multi-Stakeholder Pilot Program(s) to Narrow Issues in an Ongoing Proceeding

*Recommendation* 3.2:  Refine Focus of Current Advisory Committees to Enhance Focus the Relevance of Their Work

*Recommendation* 3.3:  Consider Whether a "Negotiated Rulemaking" Process Could be Useful to Narrow Issues and Develop Proposed Rules for Commission Consideration

*Recommendation* 3.4:  Consider Additional Mediation and/or Other Dispute Resolution Techniques to Narrow Issues in Controversy and Find Solutions

*Recommendation* 3.5:  Increase Access to External Technical Experts

*Recommendation* 3.6:  Continue to Engage with Other Agencies to Develop Best Practices for Rulemakings

*Recommendation* 3.7:  Ensure Timely Policy Cuts

*Recommendation* 3.8:  Include Proposed Rules in NPRMs Whenever Possible, and Draft Proposed and Final Rules Early in the Process of Developing Decisional Documents

*Recommendation* 3.9:  Draft Shorter Decisional Documents Where Possible

*Recommendation* 3.10:  Adopt Policies for Minimum Comment Periods for Significant FCC Regulatory Actions, Including Rulemakings

*Recommendation* 3.11:  Include Performance Measures for Evaluating the Effectiveness of Major Program Activities

*Recommendation* 3.12:  Consider Listing Specific Questions with Rebuttable Presumptions at the End of an NPRM

*Recommendation* 3.13:  Focus Comment Rounds in Large Dockets

*Recommendation* 3.14: Obtain Economic, Technical and Enforcement Input Early in Rulemakings

*Recommendation* 3.15:  Commit to Review Rules Periodically


**Chapter 4: Elements Critical to Success**

*Recommendation* 4.1:  Enhance Availability of Current Information on Staff Expertise

*Recommendation* 4.2:  Define and Communicate the Commission's Goals and Priorities to Staff

*Recommendation* 4.3:  Provide Enhanced Opportunities for Staff to Share Knowledge, and Develop and Expand Relevant Professional Expertise*Recommendation* 4.4:  Publicize and Expand FCC Wiki

*Recommendation* 4.5:  Expand Regular Events to Keep Staff Informed

*Recommendation 4*.6:  Post Agency-Wide Information on the Intranet Instead of Disseminating by Email

*Recommendation* 4.7:  Promote and Require Individual Accountability for Work    Performance and Meaningful Feedback

*Recommendation* 4.8:  Continue to Recognize Outstanding Performance and Significant Contributions by the FCC Staff

*Recommendation* 4.9:  Revisit External and Internal Hiring Strategies

*Recommendation* 4.10:  Planning for and Funding Travel

*Recommendation* 4.11:  Enhance FCC University

*Recommendation* 4.12:  Reassess Strategies for Staff Training and Development Overall Including the Need for Additional Training Resources

*Recommendation* 4.13:  Increase Training in the Use of Technology and Project    Management Tools

*Recommendation 4*.14:  Reassess the FCC's Approach to Management Training and Development

*Recommendation* 4.15:  Actively Encourage and Facilitate Continual Staff Education

*Recommendation* 4.16:  Explore Ways to Provide Additional On-the-Job Training

*Recommendation* 4.17:  In Progress IT Projects

*Recommendation* 4.18:  Re-baseline the FCC's IT Budget and Improve Procurement

*Recommendation* 4.19:  Improve WebTA Reporting

*Recommendation* 4.20:  Review Legacy FCC HR and Financial Operations IT Systems

*Recommendation* 4.21:  Develop an Enterprise Tracking and Collaboration System

*Recommendation* 4.22:  Develop an FCC Data Mart

*Recommendation* 4.23:  Develop and Implement a Data Governance Plan

*Recommendation* 4.24:  Improve FCC Data Collection

*Recommendation* 4.25:  Improve Web Site Search Functionality

*Recommendation* 4.26:  Implement a Consistent Design for FCC Web Presence

*Recommendation* 4.27:  Improve Bureau and Office Webpages and Update the fcc.gov Information Strategy


**Chapter 5: Functional & Bureau/Office-Specific Recommendations**

*Recommendation* 5.1:  Streamline the Process for Receipt and Processing of Requests for Closed Captioning Exemptions

*Recommendation* 5.2: Create a "Contacts Database" for Outreach and Consumer Education

*Recommendation* 5.3:  Consider Notifying Investigation Subjects of Closure

*Recommendation* 5.4:  Reevaluate Case Selection Criteria to Maximize Enforcement Impact

*Recommendation* 5.5:  Develop Public-Private Partnerships and Enhanced Transparency to Improve Resolution of Interference Issues

*Recommendation* 5.6:  Improve Databases on Which EB Relies

*Recommendation* 5.7: Eliminate the Requirement for Prior Approval of Pro Forma Changes in Ownership of Space and Earth Station Licensees

*Recommendation* 5.8:  Improve the ITU Notification Process

*Recommendation* 5.9:  Fix/Upgrade the International Bureau Database Functionality

*Recommendation* 5.10:  Fix/Upgrade the Information Technology Systems for Cross-Border Work

*Recommendation* 5.11: Improve Access to Satellite Licensing, Orbital Location and Frequency Band Information

*Recommendation* 5.12: Publish Explanatory Materials on Satellite Licensing

*Recommendation* 5.13:  Expedite Rulemaking Consideration in the Media Context

*Recommendation* 5.14:  Update Existing Media Bureau Databases and Forms

*Recommendation* 5.15:  Expedite Media Bureau Licensing Processes

*Recommendation* 5.16: Modernize Hearing Aid Compatibility Compliance Process, Including Enhanced Automation of Reports

*Recommendation* 5.17:  Increase Automation of License Processing and Review

*Recommendation* 5.18:  Create an Electronic Filing System for Network Change Notifications

*Recommendation* 5.19: Modernize the Equipment Authorization System

*Recommendation* 5.20:  Establish Procedures to Better Detect and Address NoncompliantEx Parte Filings in a Timely Manner

*Recommendation* 5.21: Provide Clear Guidance on Fee Processes to Petitioners

*Recommendation* 5.22:  Prepare Streamlined Responses to Fee Related Requests

*Recommendation* 5.23: Evaluate the Processes Used for Intake, Tracking, Processing, Response, and Publishing of Fee Related Matters

*Recommendation* 5.24:  De Minimis Collection Requirement for Regulatory Fees

*Recommendation* 5.25:  Complete the Legislative Tracking System Development Effort

*Recommendation* 5.26:  Improve Coordination on Economic Policy Across Bureaus and Offices

*Recommendation* 5.27:  Consider Updating Forfeiture Guidelines

*Recommendation* 5.28:  Consider Changes to the Two-Degree Spacing Policy

*Recommendation* 5.29: Continue to Examine Part 25 Rules to Streamline Information      Filing Requirements

*Recommendation* 5.30:  Extend the Closing Deadline for Certain International Assignments and Transfers of Control

*Recommendation* 5.31:  Update Obsolete Media Rules and Procedures

*Recommendation* 5.32:  Update Tower and Lighting Requirements to Address Changed Circumstances

*Recommendation* 5.33:  Eliminate the BRS Transition Rules Because They Are No Longer Necessary

*Recommendation* 5.34: Harmonize and Streamline Requirements for Licensees to Overcome a CMRS Presumption

*Recommendation* 5.35:  Reform Licensing of 800 MHz Cellular Services

*Recommendation* 5.36:  Update Terminal Attachments Rules

*Recommendation* 5.37: Remove Rules Subject to Forbearance in 47 C.F.R. § 64.804(c)-(g)

*Recommendation* 5.38: Delete Rule Provisions Referencing Telegraph Service

*Recommendation* 5.39:  Parties Aggrieved by a USAC Decision Must Seek Review From USAC Before Seeking Review From the FCC

*Recommendation* 5.40: Relax the Equipment Certification Program

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*Recommendation* 5.43: Propose Rule and Procedure Changes to Facilitate More Streamlined Review of Routine Subpoenas, or Eliminate the Requirement for OGC Review of Routine Subpoenas

*Recommendation* 5.44:  Transparency as to Real Party in Interest

*Recommendation* 5.45:  Evaluate Whether Legislative Changes to Enhance the Commission's Enforcement Powers Are Needed

*Recommendation* 5.46:  Eliminate the ORBIT Act Report

*Recommendation* 5.47:  Eliminate the International Broadband Data Report

*Recommendation* 5.48:  Modify the Reporting Requirements for the Video Competition Report and Cable Price Survey

*Recommendation* 5.49: Seek Further Delegation of Low Power FM Licensing Authority

# APPENDIX 2
# GLOSSARY OF ABBREVIATIONS

| | |
|---|---|
| CDBS | Consolidated Database System |
| CFPB | Consumer Financial Protection Bureau |
| CGB | Consumer and Governmental Affairs Bureau |
| CFO | Chief Financial Officer |
| CIO | Chief Information Officer |
| CICD | Consumer Inquiries and Complaints Division |
| CORES | Commission Registration System |
| EB | Enforcement Bureau |
| EBATS | Enforcement Bureau Tracking System |
| ECFS | Electronic Comment Filing System |
| EDOCS | Electronic Document Management System |
| FACA | Federal Advisory Committee Act |
| FRFA | Final Regulatory Flexibility Analysis |
| HR | Human Resources |
| IB | International Bureau |
| IBFS | International Bureau Fling System |
| IRFA | Initial Regulatory Flexibility Analysis |
| IT | Information Technology |
| ITC | Information Technology Center |
| ITU | International Telecommunication Union |
| LMTS | Legislative Management Tracking System |
| NPRM | Notice of Proposed Rulemaking |
| MB | Media Bureau |
| OCBO | Office of Communications Business Opportunities |
| OCH | Office of The Chairman |
| OET | Office of Engineering & Technology |
| OGC | Office of the General Counsel |
| OLA | Office Legislative Affairs |
| OMB | Office of Management and Budget |
| OMD | Office of the Managing Director |
| OMR | Office of Media Relations |
| Osec | Office of the Secretary |
| OSP | Office Strategic Planning and Policy |
| OLA | Office Legislative Affairs |
| PRA | Paperwork Reduction Act |
| PSHSB | Public Safety and Homeland Security Bureau |
| RFA | Regulatory Flexibility Act, as amended (RFA). |
| SCP | Supervisory Certification Program (SCP) |
| WTB | Wireless Telecommunications Bureau |
| WCB | Wireline Communications Bureau |
| OIG | Office of Inspector General |

# APPENDIX 3
# LIST OF WORKING GROUP MEMBERS

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The Working Group wishes to thank FCC staff members who contributed ideas and information through the crowdsourcing, focus groups, and Bureau and Office submissions.