

**CHAMBER OF COMMERCE
OF THE
UNITED STATES OF AMERICA**

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March 31, 2014

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: *Report on FCC Process Reform, GN Docket No. 14-25*

Dear Ms. Dortch:

The U.S. Chamber of Commerce (“Chamber”)¹ respectfully submits these comments to the Federal Communications Commission (“Commission”) in response to its Public Notice² requesting comment on the Report on FCC Process Reform (“Report”)³ in the above-referenced docket. The Chamber views regulatory reform as a top priority and welcomes efforts by the Commission to streamline its procedures and improve its efficiency. However, the Chamber opposes “Recommendation 5.44: Transparency as to Real Party in Interest” because it is unnecessary and would interfere with the Chamber’s First Amendment-protected associational rights.

I. Regulatory Reform is a Top Priority for the Chamber

The Chamber has long been a champion of regulatory reform. A modern, balanced, transparent regulatory system is necessary to give businesses the confidence they need to hire, invest, and innovate. Regulations impact jobs in three ways: (1) they impose significant compliance costs that consume resources that would otherwise be used for other needs, such as hiring, (2) they can cripple or even destroy industries that are facing competitive pressures, and (3) they create additional complexity and uncertainty that discourages business expansion and

¹ The U.S. Chamber of Commerce is the world’s largest business federation, representing the interests of more than three million businesses of all sizes, sectors, and regions, as well as state and local chambers and industry associations, and dedicated to promoting, protecting, and defending America’s free enterprise system.

² Public Notice, *FCC Seeks Public Comment on Report on Process Reform*, GN Docket No. 14-25, DA 14-199, (rel. Feb. 14, 2014), available at http://transition.fcc.gov/Daily_Releases/Daily_Business/2014/db0214/DA-14-199A1.pdf.

³ Staff Working Group Led by Diane Cornell, *Report on FCC Process Reform*, Feb. 14, 2014, available at FCC http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-14-199A2.pdf (“Report”).

job creation. To bring healthy growth back to this country, the impacts of excessive regulation must be understood.

The Chamber has been pursuing a comprehensive strategy to improve the federal regulatory system and make it more accountable to the American people and their elected representatives. The Chamber supports reforms requiring all agencies to more fully involve the public and stakeholders when they develop the costliest new rules and prove that a rule is necessary, supported by good data, and not more burdensome than necessary. Sound regulation can only come from an open and transparent regulatory process that allows for meaningful public participation. Therefore, we have supported comprehensive regulatory reform legislation, such as H.R. 2122/S. 1029, the “Regulatory Accountability Act of 2013,” as well as Commission-specific legislation including H.R. 3675, the “Federal Communications Commission Process Reform Act of 2014” and H.R. 2844, the “Federal Communications Commission Consolidated Reporting Act of 2013.”

II. The Chamber Welcomes Efforts by the Commission to Streamline Procedures and Improve Efficiency

The Chamber was very pleased that in his initial blog post, Chairman Wheeler announced that one of his top priorities would be to examine how the agency “conducts business”⁴ with the goal of “improving agency processes and procedures to more efficiently and effectively serve the public interest.”⁵ The Chamber agrees with this goal and with the goals of the Report: Improving the efficiency and effectiveness of how the agency conducts its business; processing items before the agency more quickly and more transparently; streamlining agency processes and data collections; eliminating or streamlining outdated rules; improving interactions with external stakeholders; and improving the internal management of the agency.⁶ These types of reforms will help the Commission better respond to the rapid technological changes occurring in the communications sector where timely decisions are increasingly required to meet market demands. The Chamber also is pleased that a number of proposed reforms are shared by the Report and H.R. 3675.⁷

III. The Chamber is Extremely Concerned about Report “Recommendation 5.44: Transparency as to Real Party in Interest”

Overall, the Report offers many valuable and broadly-supported recommendations for FCC process reform. The Chamber was disappointed, nevertheless, by the inclusion of “Recommendation 5.44: Transparency as to Real Party in Interest.”⁸ The Chamber previously

⁴ FCC Chairman Tom Wheeler, *Opening Day at the FCC: Perspectives, Challenges, and Opportunities*, Nov. 5, 2014, available at <https://www.fcc.gov/blog/opening-day-fcc-perspectives-challenges-and-opportunities>.

⁵ Special Counsel, Office of the Chairman Diane Cornell, *A Call for Input: Improving Government Efficiency at the FCC*, Nov. 18, 2013, available at <https://www.fcc.gov/blog/call-input-improving-government-efficiency-fcc>.

⁶ *Report* at 3-4.

⁷ *House Set to Vote on Commonsense FCC Process Reform Act*, Mar. 11, 2014, available at

<https://energycommerce.house.gov/press-release/house-set-vote-commonsense-fcc-process-reform-act>

⁸ *Report* at 79.

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opposed such a proposal raised in the underlying docket referenced in the Report.⁹ Thus, the Chamber urges the Commission not to adopt Recommendation 5.44 for the same reasons explained in our earlier comments and reply comments on this issue, which we have attached for the Commission's benefit.

In summary, there is insufficient evidence that a substantial problem exists in this area. Organizations such as the Chamber are already well-known by participants in regulatory proceedings and the American public, so there is no public interest benefit to imposing additional disclosure requirements upon such organizations as a condition of the right to participate in agency proceedings. Indeed, enhanced disclosure requirements, such as those contemplated by Recommendation 5.44, would only decrease the level of input that the Commission receives on its policymaking choices due to the burdens those requirements would impose on the Chamber and similar organizations. More to the point, those requirements would risk interfering with First Amendment-protected associational rights and potentially condition the right to participate in agency proceedings on the abdication of those fundamental rights.

IV. Conclusion

The Chamber appreciates the opportunity to comment on this matter and looks forward to working with the Commission on regulatory reform.

Sincerely,



William L. Kovacs

Attachments

⁹ Comments of the U.S. Chamber of Commerce (filed June 16, 2011) and Reply Comments of the U.S. Chamber of Commerce (filed July 18, 2011), *In the Matter of Amendment of the Commission's Ex Parte Rules and Other Procedural Rules*, Further Notice of Proposed Rulemaking, GC Docket 10-43, available at <http://apps.fcc.gov/ecfs/document/view?id=7021687978> and <http://apps.fcc.gov/ecfs/document/view?id=7021693654>, respectively.