

***Resolution on Federal Restrictions Affecting
FCC Commissioner Participation on Joint Boards and Conferences***

WHEREAS, Title 5b, Section 552, of the United States Code generally prohibits more than two (2) members of the Federal Communications Commission (FCC) from meeting privately to discuss agency business; *and*

WHEREAS, By Statute, only three (3) of the five (5) FCC Commissioners may serve on either the Universal Service or Separations Joint Board, and typically, the FCC Chair only appoints three to four FCC Commissioners to serve on Joint Conferences; *and*

WHEREAS, The Section 552 prohibition has the unintended effect of creating inefficiencies when FCC Commissioners work as part of Federal-State Joint Boards and Conferences (Joint Boards); *and*

WHEREAS, The FCC Commissioners frequently have to rotate their participation during meetings and conference calls, causing unnecessary repetition of prior conversations and positions; *and*

WHEREAS, Both State Commissions and the FCC benefit from participating in Joint Boards; *and*

WHEREAS, Joint Boards only serve as advisory boards for the FCC; *and*

WHEREAS, The FCC has discretion whether to adopt recommendations of the Joint Boards; *and*

WHEREAS, The exceptions enumerated within subsection 552(c) do not include participation in Federal-State activities; *now therefore be it*

RESOLVED, That the Board of Directors of the National Association of Regulatory Utility Commissioners (NARUC), convened in its March 2004 Winter Meeting in Washington, D.C., supports legislation amending Section 552 of the United States Code to include a limited exemption to the 2 FCC Commissioner restriction to allow all FCC Commissioners appointed to any specific Joint Board or Joint Conference convened pursuant to Section 410 or 254 of the Act to participate simultaneously with their State counterparts in discussions related to that specific Board or Conference, *and be it further*

RESOLVED, That the NARUC General Counsel is authorized to take any appropriate actions to support legislation to allow this exemption.

Sponsored by the Committee on Telecommunications

Adopted by the NARUC Board of Directors March 10, 2004