



N A R U C  
National Association of Regulatory Utility Commissioners

April 26, 2016

The Honorable John Thune  
Chairman  
Committee on Commerce, Science  
& Transportation  
512 Dirksen Senate Office Building  
Washington, D.C. 20510

The Honorable Bill Nelson  
Ranking Member  
Committee on Commerce, Science  
& Transportation  
254 Russell Senate Office Building  
Washington, D.C. 20510

**RE: *The Federal Communications Commission Process Reform Act of 2015 (S. 421)***

Dear Chairman Thune and Ranking Member Nelson:

FCC process reform is long overdue. The National Association of Regulatory Utility Commissioners (NARUC) specifically endorsed many aspects of House companion FCC process reform legislation that passed last year. H.R. 2583 was adopted with broad bipartisan support.

Many significant and common sense reforms in the Senate's *Federal Communications Commission Process Reform Act of 2015 (S. 421)* lack controversy. Indeed, NARUC is on record supporting many of those proposals. We urge each member of your Committee to seek compromises similar to those that allowed the House companion to pass.

NARUC is, like Congress, a bipartisan organization that represents the government agencies in all States, U.S. Territories, and the District of Columbia responsible for oversight of critical utility infrastructures – including telecommunications utilities. NARUC's member commissions share the same interest as each member of Congress: assuring adequate telecommunications service to all constituents. We have considerable experience with administrative process. Because our members have worked closely with the FCC since its inception, the association has for years recommended changes to how the FCC conducts business. Our Telecommunications Act Modernization Task Force recently updated NARUC's FCC process reform recommendations. Those efforts culminated in a February 2016 resolution augmenting our bipartisan process reform recommendations - available online at: <http://pubs.naruc.org/pub/68FF1FD1-E137-1D13-544C-E371425672CF>.

NARUC specifically endorses several bipartisan provisions in both S. 421 and H.R. 2583, including those that require the actual language of a proposed rule to be published for comment, specify a minimum comment cycle, and mandate that all commissioners have "adequate time" to review any draft decision before voting on it.<sup>1</sup> These provisions can only improve the record upon which the agency must base its decisions and thereby also the resulting decisions.

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<sup>1</sup> See *Letter from NARUC President Butler to Prof. S. Crawford, Obama Transition Team (Dec. 12, 2008)* <http://pubs.naruc.org/pub/536C7D1C-2354-D714-51E7-152898B0C987>.

We are particularly pleased to see inclusion of the so-called “sunshine” reform provisions which allows more than two FCC Commissioners to meet outside of an open meeting and covers deliberations of the Federal-State joint boards and conference.<sup>2</sup>

One specific and needed addition to S. 421 that NARUC has endorsed, requires the FCC to create an online searchable database of consumer complaints to provide more information to help consumers make informed choices.

NARUC is committed to working with Members of Congress to ensure the benefits of competition are available to all Americans. More transparent procedures at the FCC can only benefit the marketplace and consumers. NARUC urges the Committee to work to reach bipartisan consensus on the common sense process reforms supported by NARUC that are also in H.R. 2583.

Please contact NARUC Legislative Director Brian O’Hara at (202)898-2205, [bohara@naruc.org](mailto:bohara@naruc.org) or NARUC General Counsel Brad Ramsay at (202)898-2207, [jramsay@naruc.org](mailto:jramsay@naruc.org) if you would like to discuss any of these issues further.

Sincerely,

Travis Kavulla  
President  
NARUC

Chris Nelson  
Chair  
Committee on Telecommunications

Ronald A. Brise  
Chair  
TeAM Task Force

CC: Members of the Committee on Commerce, Science and Transportation

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<sup>2</sup> *Resolution on Federal Restrictions Affecting FCC Commissioner Participation on Joint Boards (March 10, 2004)*  
<http://pubs.naruc.org/pub/53981258-2354-D714-517D-C991B68C16BB>.

