U.S. Chamber of Commerce

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April 11, 2025

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
45 L Street, NE
Washington, D.C. 20054

In Re: Delete, Delete, Delete (GN Docket No. 25-133).

Dear Ms. Dortch:

The U.S. Chamber of Commerce ("Chamber") appreciates the Federal Communications Commission's ("FCC" or "Commission") *Public Notice* to alleviate "unnecessary regulatory burdens and facilitate network and infrastructure modernization and offering new and innovative services."[1] The Chamber applauds the Commission for the steps already taken to withdraw harmful Biden-era regulations on the communications marketplace, such as the proposed rules on bulk billing arrangements as well streamlining the satellite Earth station licensing process.[2]

The Chamber's Growth and Opportunity Initiative calls for 3% sustained annual economic growth, which is critical for increasing opportunities for workers and improving standards of living.[3] Right-sizing regulations is foundational to achieving this level of growth considering excessive regulations present significant indirect, direct, and opportunity costs through increased prices, less innovation, and burdensome compliance. The Biden Administration alone issued 982 final rules presenting 308.9 million hours of paperwork with a $1.8 trillion impact to the economy.[4]

[1] In Re: Delete, Delete, Delete, GN Docket No. 25-133 at 1 (filed Mar. 12, 2025) ("Public Notice").
[2] David Shepardson, *US FCC Will Drop Biden Plan to Ban Bulk Broadband Billing for Renants*, REUTERS (Jan. 27, 2025), https://www.reuters.com/business/media-telecom/fcc-will-drop-biden-plan-ban-bulk-broadband-billing-tenants-2025-01-27/; Press Release, Office of Chairman Brendan Carr, Chairman Carr Announces Early Wins at Launch of Satellite Week (Mar. 10, 2025), https://docs.fcc.gov/public/attachments/DOC-410075A1.pdf.
[3] Neil Bradley, *How Excessive Regulation Hurts the Economy*, U.S. CHAMBER OF COMM.(Jan. 16, 2025), https://www.uschamber.com/economy/how-excessive-regulation-hurts-the-economy.
[4] Dan Goldbeck, *The Biden Regulatory Record,* AMERICAN ACTION FORUM INSIGHT (Jan. 29. 2025), https://www.americanactionforum.org/insight/the-biden-regulatory-record/.

The Commission has a significant opportunity through this and subsequent proceedings to make substantial regulatory reforms in multiple industry sectors including media, video, broadband, telecommunications, space, and many others. Overregulation in the communications sector will disincentivize affordable access to networks that will be necessary for people to stay connected, small businesses to reach customers, and ensure all Americans reap the benefits of the AI, space, and next generation communications technologies.

The Chamber believes the Commission should focus on the following areas for regulatory reform:

- Modernizing media and video regulations to bolster competition and increase consumer choice.
- Connecting all Americans through permitting reform, network modernization, and regulatory rightsizing.
- Ensuring fairness and due process in the Commission's enforcement process.
- Reforming the Telephone Consumer Protection Act to limit lawsuit abuse.
- Updating equipment authorization rules to unlock electronic device innovation.
- Unleashing the space economy through regulatory streamlining.

I. Broadband

A. Broadband Label Order

In 2022, the Commission adopted the *Broadband Label Order* requiring broadband providers to include "nutrition labels" to assist consumers in comparing internet plans.[5] The *Order* has been in effect for a year, and industry's experience with the *Order's* requirements merits a fresh look by the Commission. The Commission should initiate a proceeding to review the *Order* with an eye toward removing needlessly burdensome requirements and promoting increased flexibility for complying with the statute. These changes will also simplify the label allowing consumers to focus on the most important information. At a minimum, the Commission should eliminate the requirements related to: (1) point of sale disclosure; (2) machine readability; (3) displaying the label in multiple languages; (4) providing labels for E-Rate and Rural Healthcare Program customers; (5) displaying state and local government-imposed fees and taxes; (6) showing speed information that is currently directly on the label and allow for that information to be accessible by link to a website; and (7) displaying whole label shown on buyflow rather than link.[6]

[5] *Empowering Broadband Consumers Through Transparency*, Report and Order and Further Notice of Proposed Rulemaking, CG Docket No. 22-2, (rel. Nov. 17,, 2022).
[6] *See id*.

Finally, the Commission should close the *Broadband Labels Further Notice of Proposed Rulemaking* ("FNPRM").[7] The FNPRM proposes to add new requirements to the label including information on network management and privacy, as well as additional detail on pricing, speed latency metrics, and other topics.[8] Expanding the scope of the broadband labeling requirement is inconsistent with the objectives of this proceeding and the Administration's broader de-regulatory agenda, which is to reduce, not add, regulatory obligations.[9]

B. Broadband Data Cap Notice of Inquiry

Last October, the Commission adopted a Notice of Inquiry ("NOI") to investigate data caps, also known as usage-based pricing, in consumer broadband plans.[10] The Commission should close this proceeding. Regulating usage-based pricing amounts to rate regulation, and the Commission lacks the legal authority to rate regulate broadband under any of the legal bases proffered in the NOI.[11] Further, the Sixth Circuit's decision in *Ohio Telecom Ass'n v. FCC* reversal of the Commission's *Safeguarding and Securing the Open Internet Order*, classifying broadband under Title II, further reinforces the Commission's insufficient legal authority to regulate usage-based pricing.[12] Even if the Commission had authority to regulate usage-based pricing, the Commission should refrain from regulating considering the adverse impacts on consumers and small businesses. Usage-based pricing allows broadband providers to efficiently allocate network costs and provide different pricing options for consumers.[13] Eliminating or restricting the use of usage-based pricing would make it more challenging to offer low-cost, low-use broadband plans, which consumers and small businesses alike rely upon.[14]

II. Mobile Wireless

A. SIM-Swap and Port-Out Fraud Order

In December 2023, the Commission adopted the *SIM Swap and Port-Out Fraud Order*. The *Order* requires wireless providers to adopt secure methods to authenticate a customer before giving a customer's phone number to a new device or new wireless provider and maintain records of SIM change requests.[15] The Commission should consider significantly modifying or extending the implementation time frame of this rule considering the rules'

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[7] *Id*. at 43.
[8] *Id*.
[9] *See Exec. Order 14192 of January 31, 2025, Unleashing Prosperity Through Deregulation*, 24 Fed. Reg. 9065 (Feb. 6, 2025).
[10] *Data Caps in Consumer Broadband Plans*, Notice of Inquiry, WC Docket No. 23-199 (rel. Oct. 15, 2024).
[11] Chamber of Com. of the U.S., Comment Letter on the Notice of Inquiry on Data Caps in Consumer Broadband Plans, WC Docket No. 23-199, at 2-4 (filed Nov. 14, 2024) ("Chamber Data Caps Comments").
[12] Ohio Telecom Ass'n v. FCC, No. 24-3449 (6th Cir. 2025).
[13] Chamber Data Caps Comments at 5.
[14] *Id*.
[15] *Protecting Consumers From SIM-Swap and Port-Out Fraud*, Report and Order, WC Docket No. 21-341 (rel. Nov. 16, 2023).

onerous implementation requirements. At minimum the Commission should terminate the pending FNPRM in that proceeding, which proposes yet further regulatory burdens.[16] To date, the rules have not gone into effect, and industry has sought to extend the implementation time frame due to an anticipated high regulatory burden due to updating information technology systems, additional notifications to consumers, new employee training requirements, increased record-keeping requirements.[17] Further, the costs outweigh the benefits considering the volume of unauthorized SIM and port transactions are a minimal compared to the high volume of legitimate transactions.[18] These increased compliance costs will ultimately result in higher costs for consumers.

III. Permitting Reform

A. National Environmental Policy Act Review

Permitting reform is necessary to instill certainty for broadband investment which is vital to connecting all Americans and improving quality of service through new buildout and technology upgrades. Congress updated NEPA in the 2023 Fiscal Responsibility Act,[19] including to narrow the scope of "major federal actions" that require NEPA review, and the Administration has directed agencies to update their NEPA rules and procedures.[20] The Commission should revise the applicability of its NEPA rules to exclude communications facility deployments where the federal government does not play a substantial oversight role.[21] The Commission also should revise its NEPA review procedures to ensure that projects still subject to reviews benefit from a process that is predictable, timely, and cost-effective. This will reduce the number of deployments subject to burdensome and costly NEPA reviews, which will expediate broadband deployment. Already, existing rules contain exclusions for replacing utility poles, collocations, and other purposes.[22]

B. National Historic Preservation Act Review

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[16] *Protecting Consumers From SIM-Swap and Port-Out Fraud*, Further Notice of Proposed Rulemaking, WC Docket No. 21-341 (rel. Dec. 12, 2023).
[17] *See* CTIA – The Wireless Association, Petition for Partial Reconsideration of the Report and Order on Protecting Consumers From SIM-Swap and Port-Out Fraud (Jan. 8. 2024).
[18] *Id*. at 10.
[19] *See* Fiscal Responsibility Act of 2023, Pub. L. No. 118-5, § 321, 137 Stat. 10, 38-46 ("FRA") (codified at 42 U.S.C. §§ 4321-47).
[20] *See Exec. Order No. 14154*, 90 Fed. Reg. 8353, §§ 5-6(a) (Jan. 29, 2025); see also Removal of National Environmental Policy Act Implementing Regulations, 90 Fed. Reg. 10610 (Feb. 25, 2025) ("CEQ Interim Final Rule"); CEQ, Memorandum for Heads of Federal Departments and Agencies, Implementation of NEPA (Feb. 19, 2025) ("Guidance Memorandum").
[21] 47 C.F.R. §§ 1.1301-1.1320.
[22] 47 C.F.R. §§ 1.1301-1.1320.

Commission actions that implicate Section 106 of the National Historic Preservation Act ("NHPA") require the Commission to conduct a national historic preservation review.[23] Similar to the Chamber's recommendation for NEPA, the Commission should revise the applicability of this rule to exclude from historical preservation review actions where the federal government is not substantially involved in deployment and thus are not "federal undertakings."[24] This will reduce the quantity of historical preservation reviews needed to deploy communications facilities, including broadband, which will expediate and reduce the cost of deployment. Existing rules already have exclusions for replacing utility poles, collocations, and other purposes.[25]

C. Submarine Cable Licensing Omnibus Review

Robust and resilient submarine cables infrastructure is crucial to facilitating digital trade and connecting the United States with the rest of the world.[26] The Commission should modify its submarine cable licensing rules to spur domestic investment in communications networks and strengthen U.S. digital trade. Further, the Commission should create a fast track for American investment in submarine cable infrastructure not involving foreign adversaries or countries of concern by establishing standardized regulation and generalized security requirements wherever possible.

Harnessing these principles of encouraging investment in infrastructure to facilitate trade and more robust and resilient networks, the Commission should reduce bureaucratic obstacles by advancing an omnibus submarine cable landing license proceeding to conduct a review to modify or eliminate unnecessary or burdensome regulations.

D. Collaboration with Other Federal Agencies, State and Local Governments, and Congress

The Chamber recognizes the Commission's limitations in pursuing comprehensive permitting reform under its existing authority. For example, access to federal lands is the responsibility of other federal agencies and legislative action is needed to address municipal and cooperative pole attachments and enhance preemption for mobile data services under Sections 253 and 332(c)(7).[27] We encourage the Commission to work with other federal agencies, state and local governments, and Congress to address these types of permitting barriers that fall outside of the FCC's exclusive authority.

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[23] 47 C.F.R. § 1.1320.

[24] Chamber of Comm. of the U.S. et al., Comment Letter on the Interim Final Rule on the Removal of National Environmental Policy Act Implementing Regulations, 90 Fed. Reg. 10610 (Mar. 27, 2025)

[25] 47 C.F.R. §§ 1.1301-1.1320.

[26] Fabrizio De Leonardis, *The Crucial Role of Submarine Cables in the Digital Age*, ATLANTIC FORUM (June 3, 2024), https://www.atlantic-forum.com/atlantica/the-crucial-role-of-submarine-cables-in-the-digital-age.

[27] Chamber of Comm. of the U.S., Letter to Senator John Thune on the Chamber's Broadband Priorities (Jan. 24, 2024), https://www.uschamber.com/assets/documents/230123_BroadbandResponse_Sen.-Thune.pdf.

IV. Broadcast

A. Local Radio Ownership Rules

The Commission places limitations on the number of radio stations that a station group can own in a given market and also prohibits radio station groups for owning more than a certain amount of AM and FM stations.[28] The Commission should revise its radio station ownership rules to eliminate *ex ante* ownership limitations in the markets outside of the top 75 markets and eliminate the AM and FM caps in the Top 75 markets. The Commission established these ownership restrictions to limit market consolidation and promote a marketplace of ideas.[29] The advent of audio streaming services and satellite radio negates the Commission's previous justification considering these most recent services have increased competition and led to novel and diverse content.[30] Further, modifying these rules will allow for radio station groups to scale and increase investments in radio station infrastructure and content.

B. Omnibus Review of Broadcast Reporting Requirements

The broadcast industry is subject to numerous reporting, record-keeping, and audit requirements. These include requirements on Equal Employment Opportunity, public file on each station's operation and service, ownership, and other topics.[31] The Commission should pursue a comprehensive review to modify and eliminate reporting requirements that place an undue burden on broadcasters, are ineffective, provide minimal public benefits, exceed the scope of the Communication's Act, or raise Constitutional concerns. This will reduce reporting burdens on the broadcast industry and will empower broadcasters to focus resources upgrading station infrastructure and investing in content.

V. Cable

A. Omnibus Review of Cable Act Rules

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[28] 47 C.F.R § 73.3555(b).

[29] DANA SCHERER, CONG. RSCH. SERV. R43936, THE FCC'S RULES AND POLICIES REGARDING MEDIA OWNERSHIP, ATTRIBUTION, AND OWNERSHIP DIVERSITY (2016).

[30] *Outdated Bureaucratic TV and Radio Rules Limit America's Local Stations' Ability to Grow and Compete Against Big Tech*, NAT'L ASSN. OF BROADCASTERS (accessed April 8, 2025), https://www.nab.org/advocacy/issue.asp?id=2161&issueid=1017.

[31] *See* Scott Flick et al., *Meeting the Radio and Television Public Inspection File Requirements—Special Advisory for Commercial and Noncommercial Broadcasters*, PILLSBURY (Sept. 13, 2022), https://www.pillsburylaw.com/en/news-and-insights/public-inspection-file-requirements-radio-tv-sept-2022.html; David D. Oxenford and Brendan Holland, *Broadcast Station Advisory: The Basics of the FCC Equal Employment Opportunity Rules*, DAVIS WRIGHT TREMAINE LLP (May 5, 2010), https://www.dwt.com/files/Uploads/Documents/Advisories/05-10_FCC_EEO_Basics.pdf.

Congress enacted 1992 Cable Act to regulate a then-nascent cable television industry.[32] Since, the cable industry and the video marketplace has undergone rapid changes.[33] Competition in the video marketplace has significantly increased due to the introduction of Internet streaming and social media.[34] To account for these marketplace changes, the Commission should pursue an omnibus review to modify or eliminate antiquated rules or recommend Congress repeal the statutory requirement. This will bolster competition in the video marketplace, enable cable operators to increase investment in infrastructure, and content, and expand options for consumers. Such a review should include the following:

- **Commercial Leased Access Rules:** Congress should repeal the statutory requirement.[35] Alternatively, the Commission streamline commercial leased access rules and similar filings.[36]
- **Cable Rate Regulation Rules:** Given the new options that viewers have to consumer content, Congress should repeal the underlying cable rate regulation statute.[37] Alternatively, the Commission should streamline cable rate regulation rules and eliminate all requirements pertaining to providing a basic tier service, including mandating that consumers purchase a basic tier to obtain other programming.[38]
- **PEG Requirements**: Congress should repeal statutory requirement that cable television offer public, educational, and governmental access television channels.[39] Alternatively, the Commission should initiate a proceeding to streamline PEG rules.[40]
- **Cable Price Survey:** Congress should eliminate the rule requiring the Commission to publish a report on the average price of basic cable services.[41] This rule is no longer necessary because it was intended to compare rates for regulated and unregulated cable service, but basic cable service is now wholly unregulated, so no comparison is possible.
- **Cable Customer Service Obligations**: The Commission should pursue a targeted streamlining of outdated customer service regulations that are no longer relevant to operating modern cable systems, such as obligations relating to telephone availability.[42]

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[32] *See generally*, Cable Television Consumer Protection and Competition Act of 1992, 47 U.S.C. § 521 et. seq.
[33] Brad Adgate, *The Rise And Fall Of Cable Television*, FORBES (Nov. 2, 2020), https://www.forbes.com/sites/bradadgate/2020/11/02/the-rise-and-fall-of-cable-television/,
[34] Rob Wile, *Streaming has surpassed cable as America's most-watched viewing platform*, NBC NEWS (July 20, 2023), https://www.nbcnews.com/business/consumer/streaming-surpassed-cable-americas-watched-viewing-platform-rcna95313; Audrey Schomer, *Why Social Video Is a Rival for Linear TV Ad Dollars*, VARIETY (July 24, 2024), https://variety.com/vip/why-social-video-is-a-rival-linear-tv-ad-dollars-1236081696/.
[35] 47 U.S.C. § 532.
[36] See 47 C.F.R. §§ 76.970-76.977; 47 C.F.R. §76.701; 47 C.F.R. §§ 76.1700(a)(5), 76.1707.
[37] 47 U.S.C. § 543.
[38] 47 C.F.R. §§ 76.901-76.963.
[39] 47 U.S.C. § 531.
[40] 47 C.F.R. §§ 76.41(b)(6).
[41] 47 U.S.C. § 543(k).
[42] 47 C.F.R. § 76.309.

- **Franchise Transfers**: Congress should eliminate the statutory provision authorizing local review of franchise transfers.[43] Alternatively, the Commission should place reasonable limitations on the ability of state and local authorities to rule on franchise transfers.[44]

B. Cable Horizontal and Channel Occupancy

The Commission's rules place limits on the number of subscribers served by a single cable operator as well as the quantity of channels that a cable operator may dedicate to affiliated program networks.[45] The Commission should eliminate this rule. The initial justification for these rules is that cable operators could limit the amount of video programming to consumers given that operators could unfairly utilize their position in the marketplace.[46] This justification no longer holds given the plethora of new video programming by video streaming services and social media.[47]

VI. Direct Broadcast Satellite

A. DBS Set-Aside Rule

DBS providers are required to set aside four percent channel capacity for noncommercial programming.[48] The Commission should eliminate this requirement. First, the rule requires a provider to carry a certain amount of content of a particular type, which poses significant First Amendment issues.[49] While the set-aside survived First Amendment challenges in 1996,[50] it can no longer be justified today given the diverse options for content and information available to consumers. Two, the rule is obsolete in an era where noncommercial and education content can be accessed through a variety of methods including video streaming, podcasts, social media, and Internet search.[51] And it far more burdensome than anticipated thirty years ago, as satellite carriers have become increasingly capacity constrained.

VII. Cable and Satellite MVPDs

A. *Commercial Availability of Navigation Devices*

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[43] 47 U.S.C. § 537.
[44] 47 C.F.R. § 76.502.
[45] 47 CFR Part 76.503.
[46] *See The Commission's Cable Horizontal and Vertical Ownership Limits*, Fourth Report & Order and Further Notice of Proposed Rulemaking, MB Docket No. 92-264 (rel. Feb. 11, 2008).
[47] See Wile, *supra* note 34; Schomer, *supra* note 34.
[48] 47 C.F.R. § 25.701(f).
[49] Turner Broadcasting System, Inc. v. FCC, 512 U.S. 622, 636 (1994) ("There can be no disagreement on an initial premise: Cable programmers and cable operators [and, by extension, satellite providers] engage in and transmit speech, and they are entitled to the protection of the speech and press provisions of the First Amendment.")
[50] Time Warner Ent. Co., L.P. v. F.C.C., 93 F.3d 957, 976 (D.C. Cir. 1996).
[51] *See* Wile, *supra* note 34; Schomer, *supra* note 34.

The Commission's rules require multichannel video programming distributors ("MVPDs") to ensure that consumers have access to MVPD services through navigation device equipment (widely known as set-top boxes).[52] The Commission is required to sunset the rules if the Commission determines that the MVPD and the device market to access MVPD content are "fully competitive" and if the eliminating the rules would promote "competition and the public interest."[53] The Commission should initiate a proceeding to make this determination. The rapid increase in virtual MVPDs ("vMVPD") and other technologies to access television content has dramatically increased competition in the video marketplace and has provided consumers with more options to access content.[54] Additionally, previous attempts by the Commission to make rules based on this authority threatened consumer privacy and intellectual property.[55]

B. *Programmer Caption Quality Certifications*

The Commission, in its *2016 Captioning Order*, determined that the most efficient and effective way of ensuring that consumers have access to closed captioned programming was to hold distributors and programmers responsible based on their respective roles in provisioning captions.[56] To help realize this goal, the closed captioning rules contemplate that programmers will begin filing compliance certifications directly with the Commission once it creates a web form for this purpose and announces a compliance date.[57] Until this web form is ready, however, the Commission's closed captioning rules still contain several interim provisions, including the requirement that each programming distributor use "best efforts" to obtain captioning quality certifications "from each video programmer from which the distributor obtains programming… ."[58] It has now been over eight years since the Commission decided to replace its cumbersome captioning responsibilities framework with an efficient direct certification requirement. Setting up the web form and announcing an effective date for its use will enable the Commission to streamline its captioning rules by eliminating several interim provisions and to begin realizing the efficiency benefits it sought to achieve in 2016.

C. *Compliance Process for Audio Description and Children's Programming*

The Commission's compliance process for its audio description and children's programming rules is similar to closed captioning process before the *Captioning Order*, which currently places compliance obligations on MVPDs to seek certifications from programmers

[52] 47 C.F.R. § 76.1200-76.1210.
[53] 47 C.F.R. § 76.1208.
[54] *See* Wile, *supra* note 34; Schomer, *supra* note 34.
[55] Aaron Pressman, *Here's Why You Won't Be Dropping Your Cable Box Anytime Soon*, FORTUNE (Sept. 16, 2016) https://fortune.com/2016/09/29/fcc-cable-set-top-box-reform/,
[56] 2016 Captioning Order, 31 FCC Rcd. 1469 ¶¶ 19, 24, 28 (2016) ("Captioning Order").
[57] 47 C.F.R. § 79.1(m).
[58] 47 C.F.R. § 79.1(j)(1)(i); *See also* 47 C.F.R. §§ 79.1(i)(3)(i), 79.1(j)(1)(ii); 79.1(k)(1)(iv)(A)(setting forth other interim requirements that apply prior to the Section 79.1(m) compliance date).

subject to the rules.[59] The Commission should leverage the certification process used in the *Captioning Order* to modernize the compliance processes for audio description and children programming requirements. Creating a direct programmer certification process will provide similar efficiency benefits.

D. *All-In-Pricing for Video Services*

The Commission requires cable operators and direct broadcast satellite ("DBS") providers to provide the total price for video programming and other "truth in billing" requirements.[60] The rules exceed the Commission's authority and should be eliminated. For cable operators, section 632(b) of the Cable Act gives the Commission the authority to adopt customer service standards, which by definition does not include prospective subscribers, further, the Television Viewer Protection Act does not contain any specific provisions authorizing all-in pricing.[61] The legal authority under Section 335 to require all in pricing for DBS providers is similarly dubious. Section 335 grants the Commission authority to set forth requirements related to the provision of video programming requirements and does not provide a general grant of authority for regulations not related to conditions of service, such as pricing.[62]

VIII. The Telephone Consumer Protection Act

A. Modernizing and Clarifying TCPA Regulations

The Telephone Consumer Protection Act ("TCPA") has spawned an expansive docket at the Commission intended to clarify the TCPA's statutory provisions and address novel issues presented by robocalls and robotexts.[63] Over the years, the number of TCPA regulations has significantly increased with new obligations and exemptions, and understanding TCPA obligations is challenging given the number of cross-references and references to the underlying TCPA Reports and Orders. Therefore, TCPA obligations are often ambiguous, have prompted numerous frivolous and costly lawsuits against legitimate businesses attempting compliance, and have led to varying inconsistent court interpretations, and could create a patchwork of differing court interpretations compounding compliance and litigation costs.[64]

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[59] *See* Captioning Order.
[60] 47 C.F.R. § 76.310.
[61] NCTA – The Internet & Television Association, Comment Letter to the Notice of Proposed Rulemaking on All-In Pricing for Satellite and Television Service at 9 (Jul. 31, 2023), https://www.fcc.gov/ecfs/document/10731021578495/1.
[62] DirecTV LLC, Comment Letter to the Notice of Proposed Rulemaking on All-In Pricing for Satellite and Television Service at 3 (Jul. 31, 2023), https://www.fcc.gov/ecfs/document/1073166780008/1.
[63] *See* 47 C.F.R. § 64.1200 et seq.
[64] *See Expanding Litigation Pathways TCPA Lawsuit Abuse Continues in the Wake of Duguid*, U.S. CHAMBER OF COM. INSTITUTE FOR LEGAL REFORM (April 2024), https://instituteforlegalreform.com/wp-content/uploads/2024/04/ILR-Expanding-Litigation-Pathways-April-2024.pdf. ("ILR Duguid Report")

Furthermore, the TCPA and its associated regulations are frequently frivolously abused by elements of the plaintiffs' bar and serial plaintiffs to leverage excessive damage awards and settlements against the legitimate business community while leaving genuine bad actors largely untouched.[65] The Commission should review and clarify TCPA requirements and consider streamlining rules, reducing liability against the legitimate business community, and eliminating duplicative sections. This will provide more clarity for regulated parties, boost compliance, and reduce the judiciary's workload in interpreting ambiguous requirements.

B. TCPA Consent Revocation Rule

Last February, the Commission adopted a Report and Order to modify the TCPA's rules around consent and consent revocation.[66] The new rules require that a consumer may revoke their consent by any reasonable means and mandate that callers honor consent revocation requests no later than ten business days from receiving the request.[67] The Commission should modify this rule to narrow the definition of what qualifies as a "reasonable" method for a consumer to revoke consent and establish a safe harbor for callers who provide consumer-friendly consent revocation mechanisms. The current definition of "reasonable methods" is too broad and encompasses too many ways to revoke consent that are challenging to implement for automated systems. Instead, the Commission should clarify that callers may designate specific mechanisms for consumers to revoke consent, ensuring that revocation requests are received, routed and honored efficiently. Further, a Commission-approved safe harbor program would also provide necessary flexibility for callers to establish certain means of revoking consent so long as they are clearly communicated to consumers.

Further, under these rules, if an entity sends multiple categories of messages to a consumer, a revocation made in response to a call or text from one business unit must be interpreted and processed as applying across all business units within that entity - even if the consumer did not intend such a broad revocation.[68] Although the rules provide a mechanism for clarifying the scope of the consumer's revocation, implementing that clarification process is complex. Moreover, the global opt-out effect will be especially burdensome for large entities that operate multiple business units within separate calling systems, and for those that rely in part on third-party vendors for outreach. Modifying the rules to clarify that a revocation applies only to the specific program or category of message the consumer responded to would alleviate much of the operational complexity and give consumers more precise control over the types of calls and messages they wish to stop receiving versus those they wish to continue.

C. TCPA and Text Messaging

[65] *Id*.
[66] *Strengthening Consumer Protections Against Unwanted Robocalls*, Report and Order and Further Notice of Proposed Rulemaking, CG Docket No. 02-278 (Jan. 25, 2024).
[67] 47 C.F.R. §§ 64.1200(a)(9)(i)(F), 64.1200 (a)(10), 64.1220(a)(11), and 64.1220(d)(3).
[68] 47 C.F.R. § 64.1220(a)(12).

Congress enacted the TCPA in 1991, well before the advent of text messaging. Since, the Commission and the several circuit courts have determined that the TCPA applies to text messages.[69] The Commission should revisit this determination and revise its regulations to exclude text messaging from TCPA requirements. First, as noted above, the initial intent of the TCPA was to cover calls not text messages, and the statute has not been amended since to make any such clarification.[70] Second, the inclusion of text messaging under TCPA's private right of action has dramatically increased liability exposure for legitimate businesses communicating with consumers through text messages.[71] Businesses use text messaging in a variety of ways helpful to consumers ranging from appointment reminders, flight updates, and new product offerings.[72] Clarifying the scope of the TCPA is crucial to rebalance the law, protect legitimate business practices, and allow the Commission to focus on truly bad actors.

IX. Omnibus Reform of FCC Enforcement Practices

Appropriate and fair enforcement in response to alleged violations of the Commission's rules is a foundational to all regulatory reforms sought by commenters. Twenty-five years ago, the Commission established the Enforcement Bureau ("EB") to serve as the Commission's sole entity to enforce the Commission's rules. The Commission should pursue a comprehensive review and modification of Commission enforcement rules and procedures.

The current framework raises several concerns. First, it lacks sufficient due process protections for regulated parties at all stages of the enforcement process including overbroad Letters of Inquiry with no limits on the scope and number of requests and minimal redress and oversight, inappropriate use of tolling agreements, deficiencies in the use of Notices of Apparent Liability, as well as arbitrary and inconsistent penalty calculations that exceed the statutory minimums set by Congress.[73]

Second, the EB has pursued enforcement actions through novel interpretations of Commission rules that are outside of the Administrative Procedures Act ("APA"), which has served as precedent for future Commission rulemaking.[74]

[69] ILR Duguid Report, *supra* note 64.
[70] *Id*. at 10.
[71] *Id*. at 10.
[72] *Protecting Americans from Robocalls: Before the Subcomm. on Commc'ns. Media, and Broadband of the S. Comm. on Com., Science, & Transp*., 118th Cong. (2023) (statement of Megan L. Brown, Partner, Wiley Rein LLP On behalf of the U.S. Chamber Institute for Legal Reform).
[73] Thomas M. Johnson, *White Paper on FCC Enforcement Bureau Reform*, WILEY (Jan. 29, 2024), https://comms.wiley.law/8/5148/uploads/white-paper-on-fcc-enforcement-bureau-reform-01.29.2024-tj.pdf.
[74] *Id*. at 11-12.

Third, the U.S. Supreme Court's recent holding in *SEC v. Jarkesy* raises questions about whether the Commission's use of in-house enforcement proceedings to seek civil penalties violates the Seventh Amendment's right to a jury trial.[75]

X. Equipment Authorization, Marketing, and Importation

A. Omnibus Review of the Equipment Certification Process

The Commission is the sole regulator of radio spectrum and utilizes an equipment authorization process to ensure that electronic devices comply with federal regulations on electromagnetic interference.[76] The authorization process also regulates the marketing, importation, and operation of these devices.[77] This framework is core to the entire electronics and wireless industries and sets industry-wide standards and requirements.[78] The Commission should pursue an omnibus review of the equipment certification process to remove regulatory red tape to bolster innovation in the electronic device industry. For example, the Commission should examine outdated and duplicative requirements such as E-labeling, redundant compliance statements, lengthy compliance statements and import conditions for radiofrequency devices, as well as warnings on modifications and burdensome recordkeeping requirements.[79]

B. Reviewing Equipment Authorization Regulatory Guidance

The Commission, through regulatory guidance, can sometimes place significant limitations on the ability for regulated entities to submit a permissive change request for changes that would add or otherwise change an authorization's equipment.[80] The Commission should review and update guidance documents to remove antiquated restrictions not in line with current technological advancements. These restrictions are not reflected in the Rules and there was no opportunity for public comment. Due to the advancement of technology, existing devices can be updated with new and novel wireless technologies, thus breathing new life into old devices, improving customer's lives, and reducing E-waste. The existing restrictions disallow this type of permissive change based purely on the fact that a change in the equipment class is needed. Further, this restriction is antiquated, does not reflect the current state of wireless technology, and has no bearing in ensuring that equipment complies with applicable rules.

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[75] SEC v. Jarkesy, 144 S. Ct. 2117 (2024); Brief for the Chamber of Com. of the U.S. as Amici Curiae Supporting Petitioner, Verizon v. FCC, No. 24-1733 (2nd Cir. filed Nov. 4, 2024).
[76] 47 § C.F.R. Part 15; *see also* 47 § C.F.R. Part 2.
[77] Section 302(b) of the Communications Act of 1934.
[78] *U.S. Economic Contribution of the Consumer Technology Sector*, CONSUMER TECH. ASSN. (April 2019), https://cdn.cta.tech/cta/media/media/resources/research/pdfs/2019_pwc_cta_economic-contribution-of-the-consumer-technology-sector.pdf
[79] *See* 47 C.F.R. § 15.19, 47 C.F.R. § 15.105 (labeling rules); 47 C.F.R. Part 2 (compliance statements and declarations of conformity)
[80] FED. COMMC'NS. COMM'N OFFICE OF ENGINEERING AND TECHN. LAB'Y DIV., 178919 D01, PERMISSIVE CHANGE POLICY (2015).

C. *Pre-Certification Importation Rules*

The Commission generally requires that radio frequency ("RF") devices must receive an equipment authorization prior to importation.[81] However, the Commission allows only 12,000 RF devices to be imported for pre-sale activity.[82] The Commission should modify its rules to significantly increase the pre-import cap. The marketplace for RF devices is large, and the 12,000-device cap is less relevant given marketplace realities. In practice, the low cap means that devices may not be able to be displayed at all retail locations when the devices are first launched, and there will be delays in fulfilling pre-orders for devices.

XI. Access to Connectivity and Universal Service

A. *Strengthening Connectivity on Cruise Ships*

Cruise vessels rely on Wi-Fi for critical operational requirements as well as providing connectivity to cruise ships guests. The Commission's regulations presently prohibit 6 GHz unlicensed operations on all "boats", which in practice negatively impacts Wi-Fi quality on cruise vessels inhibiting the guest experience.[83] In 2020, the Commission adopted this prohibition to protect Earth Exploration Satellite Service ("EESS") operations from interference, due to perceived insufficient building attenuation on boats.[84] However, the record lacks evidence that the Commission considered cruise ships, despite the fact that large vessels, such as cruise vessels, naturally provides substantial building attenuation, limiting interference risk. This is an unintended consequence, and the Commission should pursue a narrow modification its rules to enable low-power indoor 6 GHz unlicensed operations on cruise vessels while ensuring that EESS sensing is not disrupted.

B. *E-Rate's Lowest Corresponding Price Mandate*

The E-Rate program's Lowest Corresponding Price ("LCP") rule requires participating service providers to charge prices to schools and libraries at or below the prices it charges for the same services to similarly situated customers.[85] The Commission should eliminate this requirement. The LCP is a rate regulation mandate on service providers that in practice increases the cost of providing that service to non-E-Rate participants. Instead, market competition should dictate the prices and rates between service providers and their customers not the federal government. Indeed, the E-Rate competitive bidding process is already designed

[81] 47 C.F.R. § 2.120 (Subpart K).
[82] 47 C.F.R. § 2.803(c)(2)(i).
[83] *See* 47 C.F.R. § 15.307(d)(1) and 47 C.F.R. § 15.407(d)(4)).
[84] *Unlicensed Use of the 6 GHz Band*, Report and Order and Further Notice of Proposed Rulemaking, ET Docket No. 18-295; GN Docket No. 17-183 (rel. Apr. 2, 2020).
[85] 47 C.F.R. § 54.500.

to ensure that E-rate applicants are offered competitive pricing from multiple service providers, which renders the LCP requirement unnecessary.

C. Broadband Mapping

Accurate nationwide maps assessing broadband service is essential to making data-driven decisions to inform federal investments. The Commission has an opportunity to improve the quality of maps and reduce regulatory burdens on broadband providers.[86]

One, the mobile challenge process can be improved through empowering mobile providers to use infrastructure data to respond to challenges in more situations than is currently allowed and should be able to provide on-the-ground speed tests with commercially available testing resources as an alternative to infrastructure data.[87] Two, the Commission should pursue a streamlined process to restore locations that have been inappropriately challenged. This will provide more accurate maps and ensure federal funds are appropriately targeted. Three, the Commission should eliminate the requirement that a licensed professional engineer's certification is required for broadband data submissions. The ongoing shortage of qualified professional engineers has contributed to certification delays. The Commission has recognized this shortage and the limited value of this requirement for this purpose and has granted multiple waivers for this requirement. Four, the Commission should eliminate the requirement of collecting and submitting data for 3G and voice services considering the widespread deployment of 4G LTE and 5G networks.

D. ETC Obligations Under USF

Universal Service Fund ("USF") requires broadband providers to be designated as an Eligible Telecommunications Carrier ("ETC") as a condition of receiving grant funding for USF.[88] Designation as an ETC means that a provider becomes subject to state telecommunications regulatory regimes, placing the provider under additional regulatory obligations at the state level.[89] The Commission should eliminate this requirement or replace it with a straightforward qualification demonstration that does not lead to state regulation. The ETC designation conflicts the Commission's goal of ensuring a nationwide regulatory framework for communications services. Moreover, it is also a costly mandate on broadband providers with little benefit in return, which forces providers to either forgo federal assistance to build out their networks or subject to a whole new layer of state regulations.

E. ETC Forbearance in Non-USF Deployment Programs

[86] *See* 47 C.F.R. §§ 1.7000-1.7010).
[87] The mobile challenge process allows for service providers and local governments to challenge the accuracy of the FCC's broadband coverage maps.
[88] 47 C.F.R. § 54 (Subpart C).
[89] *Id*.

The Commission has exercised forbearance from certain ETC obligations when an ETC common carrier is overbuilt by another entity that has received funding through the USF's high-cost program.[90] However, the Commission has not exercised forbearance where a provider has overbuilt and has received non-USF deployment funding, such as through the Infrastructure Investment and Jobs Act's BEAD program. While the Commission should take steps to eliminate subsidies for overbuilding as a threshold matter, as such subsidization is unfair and undermines the case for private investment, the Commission should utilize forbearance to address overbuilding for all non-USF deployment funding programs. This provides regulatory relief for all providers and ensures the efficient use of federal funding to limit overbuild. If not addressed, truly unserved areas of the country run the risk of not accessing new broadband service.

XII. Cybersecurity and Privacy

A. Data Breach Order

In 2023, the Commission adopted the *Data Breach Order*, which updates the Commission's data breach regulations on telecommunications, interconnected Voice over Internet Protocol ("VoIP"), and Telecommunications Relay Service providers.[91] The *Order* far exceeds the Commission's authority, as it expands the definition of "covered data" to impose new obligations for customer notification, recordkeeping, and reporting requirements that include personally identifiable information ("PII") not just consumer proprietary network information ("CPNI").[92] The Commission should reverse this rule and eliminate Subparts U and EE. More immediately, the Commission should ask the 6th Circuit to hold in abeyance the pending court challenge to the data breach reporting rule, pending further agency action to reconsider that rule. That will save judicial resources and enable the Commission to faithfully implement the clear intent of Congress in a new *Order* that avoids flouting the plain language of the Act and Congress's prior CRA.

As Commissioner Carr recognized in his dissent on this *Order*, the Commission had no authority to expand the definition of covered data as it did.[93] One, the expanded interpretation of "covered data" is an improper reading of Section 222 of Communications Act and is overly broad and ambiguous.[94] Maintaining that interpretation will lead to over-reporting of unactionable information, notification fatigue for consumers and wasted industry and

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[90] 47 C.F.R. § 54.201(d)(3).
[91] *See* 47 C.F.R., §§ 64.2011 & 64.5111; *Data Breach Reporting Requirements*, Report and Order, WC Docket No. 22-21 (rel. Dec. 21, 2023).
[92] *Id*.
[93] *See* Dissenting Statement of Commissioner Carr, *Data Breach Reporting Requirements*, Report and Order, WC Docket No. 22-21, (December 13, 2023) ("For instance, instead of limiting the FCC's rule to the set of customer proprietary network information (CPNI) over which the agency has jurisdiction, the Order purports to expand the agency's CPNI framework to an expansive set of personally identifiable information (PII)—even though Congress never gave us authority to regulate PII in this manner and the Commission never sought comment on doing so.")
[94] Brief for Petitioner at 23, Ohio Telecom Ass'n v. FCC, No. 24-3133 (filed. May 22, 2024) ("Brief for Petitioner")

government resources.[95] Two, the safeguard portions of the Order (especially the authentication protocols) are outdated and make it harder for covered entities to adopt best practices on security.[96] Three, the Order squarely conflicts with the Congressional Review Act ("CRA") disapproval resolution on the *Broadband Privacy Order*.[97] The *Broadband Privacy Order* imposed similar data breach requirements on internet service providers using the same legal authorities, Sections 201(b) and 222, as the *Data Breach Order*.[98] The enactment of a CRA precludes an agency from issuing rules that are "substantially the same form" or "substantially the same".[99] Commissioner Carr's dissenting statement clearly explained how the Order contravened Congress's prior CRA.[100] " Accordingly, rescinding the 2023 Order and returning to the original and narrow interpretation of FCC authority over CPNI is the proper reading of the statute and most efficient use of government resources.

B. Network Security

In January, the Commission issued a *Declaratory Ruling* that would significantly expand the Commission's cybersecurity authority and risk imposing expansive cybersecurity obligations and liability onto internet service providers.[101] The Commission should reverse the *Declaratory Ruling* as it is exceeds the scope of the Commission's authority and seeks to excessively and unnecessarily involve the Commission in the monitoring, regulation and operation of communications and broadband networks.[102] The new interpretation is also counter-productive, wasteful of industry and government resources, as it shifts focus away from securing networks and to check-the-box compliance and liability protection and is in conflict with an approach that treats industry as a partner with the government in combatting cyber-incidents.[103]

In tandem to the *Declaratory Ruling*, the Commission also issued an NPRM that would require communications providers to create, update, and certify cybersecurity risk management plans.[104] The Commission should close the NPRM. The NPRM covers a wide range

[95] CTIA – The Wireless Ass'n, Comment Letter on the Notice of Proposed Rulemaking on Data Breach Reporting Requirements (Feb. 22, 2023), https://www.fcc.gov/ecfs/document/102222585921524/1.
[96] *Id*. at 37.
[97] Brief for Petitioner at 38.
[98] *Id*.
[99] 5 USC §801.
[100] *See* Dissenting Statement of Commissioner Carr, *supra* note 93. ("Yet today, the Commission makes no real attempt to explain how the data breach rule we adopt today is not the same or substantially similar to the one nullified by the House, the Senate, and the President in the 2017 CRA.1 This plainly violates the law."). Commissioner Simington also filed a strong dissent of this Order for the same reasons as Commissioner Carr.
[101] *Protecting the Nation's Communications Systems from Cybersecurity Threats*, Declaratory Ruling, PS Docket No. 22-329 (Jan. 16, 2025).
[102] CTIA – The Wireless Ass'n et. al., Petition for Reconsideration on the Declaratory Ruling on Protecting the Nation's Communications Systems from Cybersecurity Threats at 4. (Feb. 18, 2025), https://www.fcc.gov/ecfs/document/102183024015116/1 ("CALEA Petition for Reconsideration").
[103] *Id*. at 2.
[104] *Protecting the Nation's Communications Systems from Cybersecurity Threats*, Notice of Proposed Rulemaking, PS Docket 22-329 (Jan. 16, 2025).

of entities in the communications industry, without justification or appropriate risk-based tailoring.[105] Moreover, as discussed above, the NPRM raises similar concerns to the *Declaratory Ruling* in that it seeks to improperly insert the Commission in regulating cybersecurity.[106]

XIII. Homeland Security and Public Safety

A. Outage Reporting

The Commission places certain outage reporting requirements on communications providers for 911 and 988 facilities.[107] These include informing 911 and 988 facilities within 30 minutes of an outage and maintaining 911 and 988 facility contact information.[108] The Commission should streamline outage reporting requirements while still ensuring outages at critical facilities are promptly identified, restored, and reported for awareness purposes. Also, the Commission should clarify that mobile virtual network operators ("MVNOs") are not required to file mobile outage reports as these outage reports are already being filed by the facilities-based provider.[109]

B. VoIP E911 Warning Stickers

Since 2005, the Commission has required VoIP providers to distribute warning labels and stickers for customers to place on customer premises equipment ("CPE") such as routers, modems, set-top boxes, and other networking equipment. This indicates to a customer that CPE has limitations to connect to 911 emergency services ("E911"). The Commission should eliminate this unnecessary and costly requirement and instead allow for flexibility for providers to determine the best way to clearly and conspicuously notify to customers of any E911 service limitations. Methods to communicate with consumers have changed significantly since 2005, in particular through online solutions, and granting this flexibility would eliminate unnecessary costs and enable providers to effectively communicate with their customers.

C. Disaster Information Reporting System Obligations

The Commission is currently considering amending the Disaster Information Reporting System ("DIRS") to require mandatory reporting by television and radio broadcasters, satellite providers, and interconnected VoIP providers when facilities are adversely impacted by a natural disaster.[110] The Commission should close this proceeding. Currently, DIRS reporting is

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[105] *Id*.
[106] Jeffrey Westling, *FCC May Be Overstepping on Cybersecurity*, AMERICAN ACTION FORUM (Feb. 4, 2025), https://www.americanactionforum.org/insight/fcc-may-be-overstepping-on-cybersecurity/.
[107] 47 C.F.R. §§ 4.1-4.18.
[108] *Id*.
[109] 47 C.F.R. § 4.9(e).
[110] 47 C.F.R. § 4.18.

voluntary for communications providers and has proven to be an effective solution to notifying the Commission about facility outages.[111]

XIV. Common Carrier Obligations and Network Modernization

A. Omnibus Review of Common Carrier Rules

The Commission regulates the voice services provided by common carriers under Title II of the Communications Act.[112] This regulatory framework places substantial regulations on legacy voice services that stemmed from an era where the characteristics of phone service necessitated common carrier regulation to address insufficient market competition.[113] The Commission has an opportunity to pursue an omnibus review and modernization of some of those requirements. Further, the current regulatory framework substantially impedes infrastructure development and imposes undue burdens on small businesses engaged in voice communications.[114] The Commission should consider eliminating the following requirements that are inconsistent with today's competitive voice marketplace:

- Uniform System of Accounts (other than parts that are used for calculation of pole attachment rates).[115]
- Separations, the process used to allocate a carrier's costs between interstate and intrastate jurisdictions to apportion rates.[116]
- Preservation of Records of Communication Common Carriers.[117]
- Special Provisions Concerning Bell Operating Companies.[118]
- Streamlining or eliminating unnecessary or obsolete tariffing rules in order to simplify processes without making significant substantive changes.[119]
- Extension of new lines, new lines, discontinuance, and other Section 214 requirements.[120]
- Interstate Rate of Return Prescription, Procedures and Methodologies.[121]

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[111] *Id*.
[112] 47 U.S.C. §§ 201 seq.
[113] Eric Fruits & Gus Hurwitz, *Title II: The Model T of Broadband Regulation,* INTERNATIONAL CENTER FOR LAW AND ECONOMICS (Jun. 6, 2024), https://laweconcenter.org/resources/title-ii-the-model-t-of-broadband-regulation/
[114] Sean Buckley, *Verizon says de facto copper retirement concept inhibits fiber migration, creates uncertainty*, FIERCE NETWORK (Jun. 26, 2017), https://www.fierce-network.com/telecom/verizon-says-de-facto-copper-retirement-concept-inhibits-fiber-migration-creates.
[115] 47 C.F.R., §§ 32.1 seq. (note, in reviewing this regulation, the Commission should take care that this does not impact pole rates).
[116] 47 C.F.R., §§ 36.1 seq.
[117] 47 C.F.R., §§ 42.1 seq.
[118] 47 C.F.R., §§ 53.1 seq.
[119] 47 C.F.R. §§ 61.1 seq.
[120] 47 C.F.R., §§ 63.1 seq. (process to regulate the creation, extension, and retirement of services)
[121] 47 C.F.R., §§ 65.1 seq.

- Miscellaneous common carrier rules.[122]

B. Codify Waivers to Modernize Wireline Networks

Earlier this March, the Commission approved two two-year waivers that would enable the transition from legacy copper line to 21st century network infrastructure.[123] The Commission should make permanent both waivers. This will create additional certainty for communications providers to allow them to fully upgrade their networks.[124] Moreover, these regulations present costs on regulated entities that are obligated maintain these legacy networks as well as the public who would have to wait to benefit from modernized network infrastructure.[125]

XV. Space

A. Orbital Debris Requirements

The Commission imposes several orbital debris-related obligations, not codified in regulation, during the licensing process for space station applicants.[126] For example, applicants are often required to submit information about the aggregate collision and re-entry risk associated with their satellite constellations when the rules only require submission of this information on a per-satellite basis. Moreover, the Commission's Space Bureau has in recent years granted a space station application for a multi-satellite fleet only in part withholding authorization for the full fleet until the applicant makes design changes to address certain orbital debris risks. However, because there are no science-based measures codified in statute or regulation that applicants must meet to address such risks, applicants lack specificity how much improvement in these areas will suffice to satisfy requirements and obtain a license. The Commission should refrain from imposing these obligations through the licensing process not based on regulation. Orbital debris remediation and mitigation are critical to continuing to operate in space. Additional orbital debris regulations should be pursued through a notice and comment process, use recognized science-based standards, and provide sound legal authority for rulemaking. Any approach on this topic must remove uncertainty and confusion for applicants, decrease compliance costs, and enable U.S. space leadership.

B. Interagency Coordination for Space and Earth Station Applications

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[122] 47 C.F.R., §§ 64.1 seq.
[123] Press Release, Office of Chairman Brendan Carr, FCC Cutting Red Tape to Unleash New Infrastructure Investments (Mar. 20, 2025), https://docs.fcc.gov/public/attachments/DOC-410304A1.pdf.
[124] Jake Neenan, *FCC Loosens Copper Retirement Rules*, BROADBAND BREAKFAST (Mar. 20, 2025), https://broadbandbreakfast.com/fcc-loosens-copper-retirement-rules/.
[125] *Id*.
[126] *See generally*, Orbital Debris, FEDERAL COMMC. COMM., https://www.fcc.gov/space/orbital-debris (accessed on Apr. 8, 2025).

The review and approval of space and Earth station applications is an interagency process given that many satellite spectrum bands are shared between federal agencies and commercial operators. The current coordination process was designed for limited satellite operations and not the new space age, and corresponding industry innovation. "Pre-coordination" by commercial operators with the National Telecommunications and Information Administration ("NTIA") and other federal government agencies is encouraged even before they begin the Commission's application process, but there are no regulations or guidance governing this process. The Commission then seeks formal coordination with other federal agencies through NTIA when preparing to grant a space or Earth station application that implicates shared frequencies.

The Commission should work closely with NTIA and relevant federal agencies to prioritize streamlining the coordination of station applications in shared frequency bands. Specifically, the Commission should no longer encourage applicants to engage in pre-coordination, which lacks guidance and accountability, and should work with NTIA to identify changes the Commission would make that would improve efficiency.[127] Streamlining the coordination process will enable the faster and more efficient review and approval of space and Earth station applications.

XVI. Miscellaneous

A. Consumer Complaint Data Center

The Commission has a Consumer Complaints Data Center ("Complaints Center") that permits consumers to file -- and requires entities to respond to – complaints covering a wide variety of issues, including issues that do not pertain to or allege violations of Commission rules.[128] The Commission should consider revising to the Complaints Center to only permit complaints (or at the very least, only require responses for complaints) that allege potential rule violations. This would significantly reduce the burden on regulated entities and focus Commission resources on issues within its authority and purview.

In addition, it is MVPDs' experience that consumers frequently file informal complaints without first raising the issue with the MVPD itself. Although the informal complaints system includes a field asking if the customer has first contacted the company about this issue, it is unclear if the system permits complaints to be served on customers if they answer "no" to this question. Adding additional safeguards (such as filtering complaints where the customer has responded "no", or adding a request for information about the dates of attempted contact to

[127] Such as sending applications for coordination earlier in the process, such as at the public notice phase rather than at the draft grant phase, as the Space Bureau has begun to do, and including all the relevant documents filed by the applicant.

[128] Note, common carriers have different obligations under 47 C.F.R. § 1.717.

the company) would encourage a more efficient resolution of such complaints without the need to use Commission resources. It would also decrease the burden on regulated entities.

B. Customer Service Notice of Inquiry

In October, the Commission adopted a Notice of Inquiry ("NOI") seeking information on customer service in the communications industry.[129] The Commission should close this proceeding. The NOI represented a broad-brush attempt by the Commission to micromanage nearly every aspect of a company's interaction with a consumer for nearly every entity regulated by the FCC.[130] Moreover, the NOI failed to identify clear bases of statutory authority for many of the concepts encapsulated in the NOI.[131] In fact, aspects of the NOI overlaps with the Federal Trade Commission, which has broad authority under Section 5 to investigate unfair and deceptive acts.[132] If the Commission has concerns about specific customer service issues in particular sectors, it should first examine its existing statutory authority to determine what actions, if any, it should take.

C. Equal Employment Opportunity Rules

The Commission, pursuant to the Communications Act of 1934, requires MVPDs, broadcasters, and common carriers to comply with equal employment opportunity ("EEO") rules, beyond the Equal Employment Opportunity Commission's existing anti-discrimination obligations.[133] These rules including significant reporting, recordkeeping, public file, and audit requirements.[134] The Commission should streamline EEO requirements to ensure the rules remain within the scope of the Communications Act, reduce burdensome and duplicative reporting obligations, and eliminate mandatory audits. Further, there is minimal public benefit in providing this information to Commission in proportion to the reporting, recordkeeping, and audit burdens on regulated entities. Further, aspects of the current rules also raise Constitutional concerns. Last year, the Texas Association of Broadcasters filed suit against the Commission arguing the Commission's reinstatement of EEO Form 395B (requiring reporting of the gender, race, and ethnicity of a station's employees) is unconstitutional.[135]

XVII. Congressional Engagement to Facilitate Objectives of the Public Notice

[129] *Strengthening Customer Service in the Communications Industry*, Notice of Inquiry, CG Docket No. 24-472 (rel. Oct. 23, 2024).
[130] *See Id.*
[131] NCTA – The Internet and Television Association, Comment Letter to Notice of Inquiry on Strengthening Customer Service in the Communications Industry (Nov. 22, 2024), https://www.fcc.gov/ecfs/document/1122573117031/1.
[132] 15 U.S.C. § 45(a)(1).
[133] 47 C.F.R. §§ 76.71-76.79; 47 C.F.R. § 1.815 (Holders of common carrier wireless licenses with 16 or more employees are required to file an annual EEO Report by May 31 of each year, which is open to public inspection).
[134] *Id*.
[135] *See* Texas Assoc. of Bcasts v. FCC, No. 24-60226 (filed in the 5th Cir. on May 10, 2024).

The Commission has ample existing authority to pursue many regulatory modernization initiatives. However, as the Commission aptly recognized in the *Public Notice*, the U.S. Supreme Court's holding in *Loper Bright Enterprises v. Raimondo* raises questions with respect to how much deference the Commission will be afforded by the courts regarding its statutory interpretations.[136] Thus, some proposed regulatory reform efforts, including some in this comment, requires legislative action to secure the Commission's objectives. Building on this proceeding, the Commission should send to Congress a recommended list of statutory changes needed to effectuate its additional deregulatory goals. This will ensure those efforts have a strong legal basis and that regulated entities, workers, and the American public fully benefit from the Commission's regulatory modernization efforts.

XVIII. Minimize New Regulatory Burdens.

The objective of this proceeding is to identify deregulatory initiatives to focus on "deployment, expansion, competition, and technological innovation in communications."[137] Accordingly, the Commission generally should refrain from promulgating new regulations that contradict the objectives set out in this Public Notice. In particular, the Commission should view any new regulatory initiatives through the lens of the policy factors outlined in this *Public Notice*. This will ensure the Commission achieves its deregulatory objectives and provides certainty for regulated parties.

XIX. Conclusion

The Commission has a unique opportunity to right-size regulatory frameworks for the communications industry to lower costs for consumers, strengthen America's communications infrastructure, and unleash innovation. We appreciate the Commission's attention to modernizing its regulatory frameworks, and we look forward to working with the Commission to achieve this goal. For any questions, please reach out to me at mfurlow@uschamber.com.

Sincerely,

Matt Furlow
Senior Director and Policy Counsel
U.S. Chamber of Commerce

[136] Public Notice, *supra* note 1.
[137] *Id*.