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April 17, 1996

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Mr. William Cline
Chief, Reference Operations Division
Office of Public Affairs
Federal Communications Commission
1919 M St., N.W., Room 242
Washington, D.C. 20554

Re: PP Docket No. 96-17

Dear Bill:

Thank you for inviting the Federal Communications Bar Association (the "FCBA") to submit informal comments on the Commission's "Notice of Inquiry" on Improving Commission Processes, PP Docket No. 96-17. These comments are submitted on behalf of the FCBA's Access to Records Committee.

As an initial matter, the FCBA welcomes the advances the Commission has made in recent years toward improving the public's access to the Commission's records and information. Among these advances are centralizing the operations of many reference rooms, making a wide variety of information available on the Commission's FCC's Internet site, improving the appearance and "user-friendliness" of that site, and increasing reliance on e-mail as a method for communicating both internally and externally. These actions, and many others, have all helped to improve the flow of information and the availability of the Commission's records to the public.

The NOI raises several issues that bear on improving access to information and we discussed several related issues during a recent meeting in your office. To summarize the issues discussed during that meeting and during other meetings the FCBA has recently held with

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Commission staff, we present the following suggestions for additional steps that the Commission should take to improve the availability of information to the public.

1. Improved logging of FCC filings. The Commission currently lacks a centralized system for logging incoming filings. As a result, there is no convenient way for the public to know what has been filed with the Commission until the Commission, or the Bureau or Office responsible for the matter, announces the filing through the issuance of a public notice. Given the quantity and diversity of information filed with the Commission, both through its lockbox contractor and through the Secretary's office in Washington, it would be far easier for the public to keep track of filings if the Commission maintained a centralized database for everything that has been formally filed. This database should include, among other things:

- Feeable applications filed with the lockbox contractor;
- Non-fee applications filed with the Secretary's Office;
- Comments in docketed proceedings;
- Petitions for Reconsideration of Commission and staff actions;
- Petitions to Deny filed against applications;
- Petitions for Rulemakings;
- Letter requests, including requests for rule waivers and Special Temporary Authority.

Currently, the consistency of logging and public notice practices varies among the Commission's various Bureaus and Offices and among the types of documents that are filed with the Commission. For example, in certain services, Petitions for Reconsideration of application dismissals are never listed in any publicly-available database, even though the existence of such petitions can materially affect the interests of certain parties. In other services, since requests for Special Temporary Authority do not appear on any publicly available database, a service that is in fact authorized by the Commission may appear to be unauthorized.

For applications filed with the Commission's lockbox contractor, the problem is even more significant. We understand that the Commission currently maintains an internal listing of everything recorded as having been filed at the lockbox. However, since that list is not available to the public, the public may not know for days that an application has been filed (until the application arrives from Pittsburgh, is routed to the appropriate bureau, and is logged or released on public notice as having been filed). Moreover, an applicant may be unable to confirm the filing of its application when the application has been misplaced or misrouted within the Commission.

The preferred scenario would be for the Commission to maintain a consolidated database of all filings, publishing a daily, unofficial report as the Commission currently does in its "Tariff

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Transmittal Public Reference Log." The full database should be available on computer terminals within the Commission's public reference facilities and on the Internet. In this manner, the public can be fully and promptly informed as to the existence of all Commission filings.

2. Creation of a master license database. The public is also limited by the lack of any master database which could help determine basic information about the facilities licensed by the Commission. Such a database could be organized by call sign for facilities having a call sign (such as most facilities authorized by the Commission), by community code (for cable systems), by file number (for Section 214 authorizations), or by any other unique, commonly-used identifier designated by the Commission. The database could have fields showing the service in which the facility operates, the facility's location, frequencies used, operational status, and license renewal date, to the extent that such fields would be applicable to the specific authorization.

Although the Commission has had a unique opportunity to prepare such a database during the past two years as a result of the filing of annual regulatory fees, no such database has apparently ever been created. In the absence of such a resource (which when created, should be available on the Internet), the public lacks a centralized resource for researching the most basic information about a station's authorization and the Commission is forced to repeatedly ask licensees themselves to provide information that should already be available in the Commission's own computers (such as the April 8, 1996 public notice asking broadcast licensees to confirm their correct address).

3. Increased use of the Internet website and other online resources. Over the past year, the Commission's Internet site on the World Wide Web has become a very useful tool for obtaining information concerning the Commission, its activities, and decisions. The site already contains most decisions and formal opinions issued by the Commission and the Bureaus, news releases, speeches, a phone book, FCC forms, and a variety of other information. The Commission and the Bureaus have also made consistent improvements to the site's appearance, making it much easier and quicker for the public to use.

Ideally, the FCBA would like to see the FCC use its website, or other free online resources, to make as much information as possible available to the public. At minimum, this information should include everything produced on computer within the Commission, including:

- Licenses;
- Letters to licensees and applicants, including letter opinions and letters accompanying the return of dismissed applications; and
- Databases showing the status of licensed facilities and pending applications.

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The FCBA would also like to see the website used for all information filed with the Commission by licensees and the public. Although this concept presents some concerns, mechanisms exist for assuring that filings use compatible formats and for keeping the Commission's records secure and free of viruses. The Commission has already taken significant steps in this direction with electronic filing of short-form applications to participate in the spectrum auctions and other efforts to introduce electronic filing. In the context of the auction filings, the system allowed applicants to gain electronic access to all applications within a very short time after the applications were filed. With some improvements, such a system would simplify the process of storing and providing space for the public to view written applications, with obvious benefits flowing to the Commission and the public.

Similarly, the website could allow on-line access to comments filed in docketed proceedings. The Commission's current records system (called "RIPS") does not allow for such a feature, but the Commission could accomplish this result in its next generation of scanning equipment or by encouraging comments to be filed electronically. Although there have been several recent experiments in electronic filing of comments (such as Commissioner Chong's encouragement of electronic comments in the children's television proceeding and the establishment of an e-mail box for comments on RM-8775), the comments received electronically in those proceedings have apparently not been made available online.

In addition, although the website currently includes some of the Commission's forms, only a few are in a format that allows the downloaded forms to be completed on computer. Ideally, all forms should be available in such a format, rather than in a format that provides only a copy of the blank form such as is available on the Commission's "Fax on Demand" service. Also, while it has been very useful to have updated versions of the Commission's telephone directory available online, the version of the directory available to the public has been purged of all office numbers, even though office numbers are included in the telephone directory distributed electronically within the Commission. Having office numbers would simplify the process of setting up meetings with Commission staff and serving Commission staff with personal copies of filings (as the Commission often encourages).

4. Consolidating all reference rooms. In recent years, the Commission has recognized the efficiencies involved in consolidating its numerous reference rooms both administratively and physically. While space constraints may prohibit the Commission from establishing a single, consolidated reference room at the Commission's current offices, full consolidation of reference rooms should occur as soon as possible and no later than when the Commission relocates to its new offices. A consolidated reference room would allow the public to use a single facility, with a single procedure for requesting information, a single request form, a single room of photocopy machines, and a single bank of computers capable of accessing all information housed within the Commission.

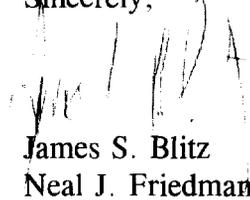
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5. Other suggestions. The FCBA also encourages the Commission to take the following steps to facilitate access to information:

- a. Each Bureau and Office should establish a front office position for Public Outreach. Similar to the position that has been established in the Cable Bureau, this person would be the initial point of contact for any member of the public having a question concerning the Bureau or Office. The need for such a position is significantly enhanced by the public's confusion over whom to contact concerning questions about implementation of the Telecommunications Act of 1996.
- b. Establishing and enforcing clear guidelines as to when information is sent to the Commission's off-site archive facilities. Since retrieving records through archives delays the public's access to this information by weeks and often months, it would be helpful if the public can be clearly informed as to the Commission's procedures for archiving older information and if no individual Bureau or Office could archive material on an accelerated basis. At a minimum, records should be maintained on-site dating back to at least the beginning of a station's current license term.

Again, thank you for your continued interest in working with the FCBA on improving access to information.

Sincerely,



James S. Blitz
Neal J. Friedman

Co-Chairs
Access to Records Committee

cc: Ms. Lisa M. Higginbotham, FCC Office of General Counsel
Ms. Donnajean Ward, FCC Office of Plans and Policy
Henry Rivera, Esq., President, FCBA