

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Comment Sought on Benefits and Burdens of Requiring Commenters to File Cited Materials in Rulemaking Proceedings as Further Reform to Enhance Record-Based Decisionmaking)	GC Docket No. 10-44
)	
)	

To the Commission:

Comments from Nickolaus E. Leggett

I am a certified electronics technician (ISCET and iNARTE) and an Extra Class amateur radio operator (call sign N3NL). I hold an FCC General Radiotelephone Operator License with a Ship Radar Endorsement. I am an inventor holding three U.S. Patents. My latest patent is a wireless bus for digital devices and computers (U.S. Patent # 6,771,935). I have a Master of Arts degree in Political Science from the Johns Hopkins University.

I am one of the original petitioners for the establishment of the Low Power FM (LPFM) radio broadcasting service (RM-9208 July 7, 1997 subsequently included in MM Docket 99-25). I am also one of the petitioners in the docket to establish a low power radio service on the AM broadcast band (RM-11287). I have filed a total of over 200 formal comments with the FCC over the years since the 1970s. I have filed comments with other Federal agencies as well including the FAA, EPA, and the TSA.

Serious Problems

The suggested requirement that commenters must file the full copies of any materials cited is most unwise and will cause significant damage to the comment process and the quality of Commission decision making. My discussion of these problems is organized by each specific problem.

Information Technology and Computer Resources

Requiring each commenter to file full copies of each item cited will generate much larger computer files for each comment. This will be a huge increase in the amount of text with a typical 20-page comment document accompanied by hundreds of pages of cited materials.

This flood of text could easily overwhelm the Commission's already large computer system. I doubt that the Commission will have the budget or the resources to accommodate years of such a data flow. This could be a true nightmare for your information technology (IT) people.

Intellectual Property and Copyright

Much of the cited material is intellectual property that belongs to others. One cannot just copy this material into one's filing. For example, in a recent docket, I cited the set of standards on electromagnetic pulse (EMP) developed by the International Electrotechnical Commission (IEC). This citation strengthened the quality of the comment and the entire docket. However, I definitely do not have the right to publish the text of their standards. In yet another docket, I cited the recent book, *The Master Switch: The Rise and Fall of Information Empires*, which discusses monopolies in communications and the media. This is a very useful source, but I do not have the right

to copy its contents into my filing. These very useful sources are addressed by the traditional process of citations.

Clearly the Commission cannot force the public to violate the copyright laws and thus the requirement is already quite incomplete in its coverage.

Legal Practice

Lawyers have successfully used citations of cases for centuries. One cites a case such as *Edwards vs. People of California* (314 US 160) without having to duplicate the entire text of the decision. People who want to go to the original text can look it up for themselves. This capability is enhanced with the current availability of the Internet and various online libraries. There is no reason that all the material has to be duplicated in the FCC's Electronic Comment Filing System (ECFS).

Academic Practice

Academic papers have used a standard system of citations for many centuries as well. These citations allow interested readers to move to the original sources and compare their own conclusions with the conclusions of the authors' of the papers. In this Internet age, one can sometimes include an Internet link with the written citation. I have done this in some of my filings. However, such links are not always available so the Commission cannot require the use of such links.

Political and Social Problems

A rule requiring the filing of the full copies of any cited material would greatly inhibit the participation of individuals, the general public, and small entities in comments to the Commission. Many of these parties do not have the resources or the time to comply with such a requirement and so they will simply decline to cite any materials or

they will drop out of the commenting process entirely. This situation will damage the quality of Commission dockets because many valid observations and insights will be lost.

In addition, this situation will reduce the legitimacy of the Commission because many people will suspect that the reason for the new rule is to drive the individual citizen and small company out of the commenting process. This would leave the Commission's dockets to just the large and powerful organizations with resulting damage to America's basic democracy. I personally object to the strong bias of the proposed rule. America is for all of us, not just large organizations with well-paid legal staffs.

Recommended Action

Please drop this proposed rule. It should never have seen the light of day.

Respectfully submitted,

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