

January 23, 2012

Chairman Julius Genachowski  
Commissioner Robert M. McDowell  
Commissioner Mignon Clyburn

Federal Communications Commission  
445 12th Street S.W.  
Washington, DC 2055

**Re: *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**

Dear Chairman Genachowski and Commissioners,

As the trade association representing the satellite industry, we have a strong interest in any effort by the Federal Communications Commission ("FCC" or "Commission") to reform its filing processes. And while we understand the purpose behind the FCC's attempt to increase transparency and public participation in its rulemaking activities, the Satellite Industry Association ("SIA")<sup>1</sup> concurs with and supports the statements made by the Consumer Electronics Association, CTIA - The Wireless Association®, Independent Telephone and Telecommunications Alliance, Motion Picture Association of America, Inc., National Association of Broadcasters, National Cable & Telecommunications Association, PCIA-The Wireless Infrastructure Association, Telecommunications Industry Association, and United States Telecom Association ("Associations") in their January 9, 2012 filing in the above-captioned

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<sup>1</sup> SIA is a U.S.-based trade association providing worldwide representation of the leading satellite operators, service providers, manufacturers, launch services providers, and ground equipment suppliers. Since its creation more than fifteen years ago, SIA has become the unified voice of the U.S. satellite industry on policy, regulatory, and legislative issues affecting the satellite business.

SIA Executive Members include: Artel, Inc.; The Boeing Company; The DIRECTV Group; DBSD North America, Inc.; EchoStar Satellite Services L.L.C.; Harris CapRock Communications; Hughes Network Systems, LLC; Integral Systems, Inc.; Intelsat, S.A.; Iridium Communications Inc.; LightSquared; Lockheed Martin Corporation.; Loral Space & Communications, Inc.; Northrop Grumman Corporation; Rockwell Collins Government Systems; SES S.A.; and TerreStar Networks, Inc. SIA Associate Members include: ATK Inc.; Cisco; Cobham SATCOM Land Systems; Comtech EF Data Corp.; DRS Technologies, Inc.; Eutelsat, Inc.; GE Satellite; Globecom Systems, Inc.; Glowlink Communications Technology, Inc.; iDirect Government Technologies; Inmarsat, Inc.; Marshall Communications Corporation.; Orbital Sciences Corporation; Panasonic Avionics Corporation; Segovia, Inc.; Spacecom, Ltd.; Spacenet Inc.; Stratos Global Corporation; TeleCommunication Systems, Inc.; Telesat Canada; Trace Systems, Inc.; Ultisat, Inc.; and ViaSat, Inc. Additional information about SIA can be found at <http://www.sia.org>

docket opposing the Commission's suggestion that filers submit all materials cited in a pleading or *ex parte* submission to the FCC.<sup>2</sup>

As noted in the Associations' comments, such a requirement would be burdensome on participants who wish to file comments or make *ex parte* submissions to the Commission, and could encourage some stakeholders to eschew participation in an FCC rulemaking.<sup>3</sup> Additionally, the requirement could result in the submission of a huge volume of material into a Commission docket, potentially obscuring useful information and making review of comments or other filings exceptionally difficult.<sup>4</sup> SIA also concurs with the Associations' concerns regarding whether the Commission's computer systems would be able to handle the size and scope of the uploads that may be required under the new proposal, as well as their concerns about how the new requirement may be implemented by the Commission.<sup>5</sup> Finally, SIA believes that the proposed requirement is inconsistent with attempts by both the Legislative and Executive Branches to reduce burdens on entities that wish to participate in agency rulemaking and adjudicatory processes for the reasons outlined in the Associations' comments.<sup>6</sup> In particular, we find it instructive, as noted by the Associations, that no other independent agency requires filing of supporting materials in their rulemaking processes.<sup>7</sup>

In sum, SIA supports the Associations' conclusion that the new filing requirement should not be adopted by the FCC. We agree that through the proper use of legal citations, stakeholders are given adequate notice of the supporting materials cited by commenters and *ex parte* participants.<sup>8</sup> In fact, the proposed obligation to file those materials would not materially enhance transparency or accountability, and could in fact make it harder for entities to find relevant filings and participate in an FCC rulemaking.<sup>9</sup> SIA, like the Associations, recommends that the Commission explore

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<sup>2</sup> See Comments of Consumer Electronics Association, CTIA - The Wireless Association®, Independent Telephone and Telecommunications Alliance, Motion Picture Association of America, Inc., National Association of Broadcasters, National Cable & Telecommunications Association, PCIA-The Wireless Infrastructure Association, Telecommunications Industry Association, and United States Telecom Association, GC Docket No. 10-44 (Jan. 9, 2012)

<sup>3</sup> See *id.* at 10-13.

<sup>4</sup> See *id.* at 8-10.

<sup>5</sup> See *id.* at 13-17.

<sup>6</sup> See *id.* at 17-19.

<sup>7</sup> *Id.* at 6.

<sup>8</sup> See *id.* at 4-6.

<sup>9</sup> See *id.* at 1-2 & 8-10.

alternative, more targeted approaches to increasing transparency like citation requirements or internal controls on posting non-record materials in a docket.<sup>10</sup>

Respectfully submitted,

SATELLITE INDUSTRY ASSOCIATION

A handwritten signature in black ink, appearing to read "Patricia Cooper". The signature is written in a cursive, flowing style.

Patricia Cooper, President  
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<sup>10</sup> *Id.* at 2.