

- **Part 90 Flexibility.** The Commission issued an NPRM in March 2012 to review its rules in 47 C.F.R. Part 90 regarding channel spacing and bandwidth limitations affecting geographic-based 800 MHz Specialized Mobile Radio Service licensees.<sup>50</sup> The proposed rule changes would allow licensees the flexibility to deploy new technologies and to better utilize their licensed spectrum while also protecting public safety entities using nearby public safety frequencies.
- **Cellular Service Licensing.** In response to a petition for rulemaking, the Commission initiated a proceeding to transition its cellular service licensing model from a site-based system to a geographic area-based system through a two stage auction.<sup>51</sup> The proposed rule changes would allow licensees in more substantially licensed markets increased flexibility to deploy advanced technologies and more efficiently utilize their licensed spectrum while preserving for a period the benefits of the current licensing scheme for licensees in less substantially licensed markets.

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<sup>50</sup> *Improving Spectrum Efficiency Through Flexible Channel Spacing and Bandwidth Utilization for Economic Area-based 800 MHz Specialized Mobile Radio Licensees*, Notice of Proposed Rulemaking, 27 FCC Rcd 2742 (2012).

<sup>51</sup> *Amendment of Parts 1 and 22 of the Commission's Rules with Regard to the Cellular Service, Including Changes in Licensing of Unserved Area*, Notice of Proposed Rulemaking and Order, 27 FCC Rcd 1745 (2012).

## IV. Public Participation in Rulemakings

The Commission seeks public input in all rulemaking proceedings, providing the public with the opportunity to comment via the Internet and postal mail. The Commission also is testing new ways of engaging a broader audience, such as utilizing Twitter during workshops to respond to questions from the public and posting links to rulemakings on Facebook and Twitter to encourage comments from a broader range of parties. In October 2009 the Commission for the first time considered public comments on its blog and IdeaScale as part of the record in a rulemaking proceeding.

In 2011, the Commission adopted an Order designed in part to enhance public participation by broadening the use of docketed proceedings and enhancing online access.<sup>52</sup> The Commission now offers a web form on each rulemaking's web page that allows users to comment without having to navigate to the Commission's electronic comment filing system. Furthermore, the Commission recently has upgraded the Internet-based tools available to the public for tracking rulemaking proceedings by offering features such as RSS feeds and full-text search so the public can stay informed about new dockets and filings in ongoing proceedings.

The Commission also relies on public workshops and field hearings to obtain public input into proceedings. The Commission holds such public forums throughout the country in order to seek a broad range of opinions and experiences to inform the record of its proceedings. Since 2009 the Commission has held more than 125 workshops and hearings on myriad FCC proceedings and processes ranging from the National Broadband Plan to media ownership, auction processes and database reform.

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<sup>52</sup> *Amendment of Certain of the Commission's Part 1 Rules of Practice and Procedure and Part 0 Rules of Commission Organization*, Report and Order, 26 FCC Rcd 1594 (2011).

The Commission works closely with industry representatives and the public to resolve issues of importance to consumers without the imposition of unduly burdensome or unnecessary regulation. For example, in October 2010, the Commission released an NPRM proposing rules that would require wireless service providers to provide usage alerts and information to assist consumers in avoiding unexpected charges on their bills, commonly referred to as “bill shock.”<sup>53</sup> However, instead of moving to impose rules, the Commission facilitated the development of an industry code of conduct that will address consumer bill shock and worked with industry to develop a webpage that will update consumers on the protections available to them. Such efforts support the Commission’s goal of advancing the public interest while minimizing regulatory burdens.<sup>54</sup>

Since 2009, the Commission has greatly increased its public-private partnership efforts in other areas. There are 11 active Advisory Committees, made up of representatives from industry, state, local and Tribal governments and consumers, which advise the Commission on a number of issues from public safety to accessibility for individuals with disabilities.<sup>55</sup>

As the Commission continues to implement its plan for retrospective review of regulations, the agency will explore ways of expanding public participation in order to achieve the goals of more efficiently providing the public with information necessary to participate in the regulatory process and improving the actual results of regulatory requirements.

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<sup>53</sup> *Empowering Consumers to Avoid Bill Shock; Consumer Information and Disclosure*, Notice of Proposed Rulemaking, 25 FCC Rcd 14625 (2010).

<sup>54</sup> See Comments of Verizon and Verizon Wireless, GC Docket No. 11-199, at 5 (Feb. 8, 2012) (highlighting the Commission’s efforts in this regard).

<sup>55</sup> See Reply Comments of National Association of Telecommunications Officers and Advisors, GC Docket No. 11-199, at 2 (Feb. 22, 2012) (discussing the importance of obtaining input from state, local and tribal governments in FCC rulemaking proceedings).

## V. Components of Retrospective Regulatory Analysis

### A. Metrics for Retrospective Review

As discussed above, the Commission focuses on three primary metrics when evaluating regulations for retrospective review:

- (1) whether a regulation has been affected by changes in technology or new scientific research or changes in market structure;
- (2) whether a regulation has a disproportionate or undue burden on particular entities, has caused unintended negative effects or could result in greater net benefits to the public if modified; and
- (3) whether a regulation has been subject to frequent requests for waivers by affected stakeholders or been identified by the public as needing revision.

Other factors that the Commission may take into account in considering candidates for retrospective review include the need to eliminate overlapping or duplicative regulations, the need to eliminate conflicts or inconsistencies with other rules and the need to simplify or clarify regulatory language.

### B. Data Availability

The FCC continues to collect data that may be useful in facilitating robust retrospective analysis. The FCC also consistently reevaluates its data collection efforts to ensure that they are necessary and that the regulatory burdens are minimized.

In June 2010, the FCC launched its Data Innovation Initiative to modernize and streamline how it collects, uses, and disseminates data. A new cross-bureau data team was established and the agency's first-ever Chief Data Officer was appointed. At the same time, three of the Commission's Bureaus issued public notices seeking input on

what current data collections should be eliminated, what new ones should be added, and how existing collections can be improved.<sup>56</sup>

The Data Innovation Initiative was a direct consequence of the first Commission-wide survey of its data in 2009. This survey provided an initial analysis of how data sets mapped to direct statutory requirements, statutorily mandated reporting, Commission rules, and other uses that support the agency's mission. This work provided an initial framework to examine for ongoing retrospective analysis.

As part of the Data Innovation Initiative, the Commission has tentatively identified 25 data collections as candidates for complete or partial elimination. The Commission has issued two NPRMs that will advance the process of eliminating seven of the identified collections. The first NPRM, adopted February 8, 2011, proposed the removal of the narrowband comparably efficient interconnection and open network architecture reporting requirements that currently apply to the Bell Operating Companies due to a lack of continuing relevance and utility.<sup>57</sup> The second NPRM, adopted May 12, 2011, continues the process of eliminating or modifying the reports currently collected on international communications, which will exempt hundreds of small businesses from having to report.<sup>58</sup>

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<sup>56</sup> *Pleading Cycle Established for Comments on Review of Media Bureau Data Practices*, Public Notice, 25 FCC Rcd 8236 (MB 2010); *Pleading Cycle Established for Comments on Review of Wireline Competition Bureau Data Practices*, Public Notice, 25 FCC Rcd 8213 (WCB 2010); *Pleading Cycle Established for Comments on Review of Wireless Telecommunications Bureau Data Practices*, Public Notice, 25 FCC Rcd 8337 (WTB 2010).

<sup>57</sup> *Review of Wireline Competition Bureau Data Practices*, Notice of Proposed Rulemaking, 26 FCC Rcd 1579 (2011). Since adopting this NPRM, the Wireline Competition Bureau granted the Bell Operating Companies a temporary waiver of these requirements, which the Commission established over 20 years ago. *Review of Wireline Competition Bureau Data Practices*, Order, 26 FCC Rcd 11280 (WCB 2011). No entity supported retaining the requirements and the Commission is currently reviewing the record to determine whether it should permanently eliminate them.

<sup>58</sup> *Reporting Requirements for U.S. Providers of International Telecommunications Services, Amendment of Part 43 of the Commission's Rules*, Notice of Proposed Rulemaking, 26 FCC Rcd 7274 (2011).

Also as part of the Data Innovation Initiative, in June 2011, the Commission revised its rules to require the filing of all tariffs electronically over the Internet using the Electronic Tariff Filing System (ETFS).<sup>59</sup> This change leverages new technology to reduce burdens on business by replacing the cumbersome and costly system of filing nondominant carriers' tariffs on diskette, CD-ROM and paper. It decreases the burden on carriers and the Commission, increases access to tariffs by the public and interested parties, and enhances transparency and efficiency of the tariff filing process. The rule revisions became effective November 17, 2011, and tariff filers were required to file their initial Base Document and/or Informational Tariff using the ETFS between November 17, 2011 and January 17, 2012.

The Commission has also initiated a proceeding to reevaluate its registration system, commonly known as CORES.<sup>60</sup> CORES was designed to serve as a central FCC repository for basic licensee information. CORES also was developed to help the Commission more effectively forecast, assess and collect regulatory and application fees, comply with the Debt Collection Improvement Act of 1996, track enforcement of fines and forfeiture actions, monitor and collect penalties, manage the grant of waivers and exemptions, and provide information to the public. The NPRM proposed various changes to make CORES more feature-friendly, eliminate some of the system's current limitations, and improve the Commission's ability to comply with various statutes that govern debt collection and the collection of personal information by the federal government. The CORES proceeding is an important part of the Commission's effort to use technology to reduce burdens on the public and make it easier to do business with the FCC.

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<sup>59</sup> *Electronic Tariff Filing System (ETFS)*, Report and Order, 26 FCC Rcd 8884 (2011).

<sup>60</sup> *Amendment of Part 1 of the Commission's Rules Concerning Practice and Procedure, Amendment of CORES Registration System*, Notice of Proposed Rulemaking, 25 FCC Rcd 17407 (2010).

In addition, the Commission has worked to find new and innovative ways to collect the data it needs without increasing the regulatory burden on industry. For example, the Commission's broadband test project has provided the Commission with a way to gather information directly from the public on the state and availability of America's wireline and wireless broadband. The broadband test data has provided the Commission with new data points without burdening industry with additional reporting requirements.

Furthermore, when the Commission launched its new Accessibility Clearinghouse,<sup>61</sup> it took a more modern approach to data acquisition and management for providing new information to consumers without increasing the burden on industry. The Clearinghouse's initial 2,000 listings, including 200 mobile phones available in North America and their accessibility features, did not involve any new collections or industry burdens. Instead of launching new data collections, the Commission worked with the Mobile Manufacturer Forum to incorporate their existing database of mobile phones into the Clearinghouse to meet the Commission's statutory requirements.

Finally, the Commission has worked to make the data it collects more readily accessible and usable by the general public and developers who may have an idea for a new application using this data. The Commission continues to expand its conversion of existing databases to an API-based web services model that not only allows the agency to update and modernize online filing systems more quickly, but also allows the public to quickly and automatically consume this information for their own uses and for repurposing to other stakeholders. The Commission also has expanded its use of mapping data in connection with USF reform, providing an innovative interactive map showing areas potentially eligible for Mobility Fund support and providing the same information in multiple GIS formats for public consumption. This shift allows regulated

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<sup>61</sup> The FCC's Accessibility Clearinghouse is available at <http://apps.fcc.gov/accessibilityclearinghouse/>.

entities to more efficiently interact with the agency regarding information that is important to them. It also liberates Commission data in such a way that the public can then integrate the data more readily into new services, such as third party tools and mobile apps, promoting the advancement of telecommunications-centric tools that consumers and businesses may find useful.

A recent example of the FCC's ongoing efforts to promote data availability and serve the public's information needs was the agency's launch of My.FCC.gov ("MyFCC") in December 2011. MyFCC is a tool designed to let the public create a customized FCC online experience for quick access to the information it needs. Personalization options built into MyFCC make it possible to easily create, save and manage a customized page, choosing from a menu of "widgets" featuring a wide variety of the FCC's most frequently used tools and services. Examples include the latest headlines and official documents, the FCC's Daily Digest of recent releases, and quick access to forms and online filings. The FCC also is helping other government agencies make their own online offerings more accessible and open to everyone. MyFCC is powered by an open-source module known as the Content API, an innovation other federal agencies can easily install and use. The Content API makes the contents of the website available to developers and other interested parties for projects on their own websites.

### C. Coordination With Federal Agencies

The FCC coordinates with other federal agencies at all levels, relying on their expertise and experience in informing Commission proceedings while seeking to avoid duplicative and overly burdensome regulation. Some examples of agencies and topics for collaboration include:

- ***Consumer Financial Protection Bureau.*** The Commission has an ongoing relationship with the newly-created Consumer Financial Protection Bureau (CFPB) to collaborate on best practices in consumer complaint intake, processing and

service. The FCC and CFPB are working together to monitor issues of mutual concern in the area of consumer awareness and protection, such as the increased use of cellular telephones as credit cards.

- ***Department of Agriculture.*** The Commission works closely with staff at the Department of Agriculture in considering reforms to the Universal Service Fund high cost program and low income program. The Department's Rural Utilities Service has provided the Commission with project data relating to areas receiving funding under its Broadband Initiatives Program (BIP) for deployment of mobile wireless broadband.
- ***Department of Commerce/National Telecommunications and Information Administration.*** The Commission, as a liaison member of the Interdepartmental Radio Advisory Committee (IRAC), works extensively with NTIA to coordinate all efforts around spectrum management. This has included coordination with NTIA on the Spectrum Dashboard, which provides a public means of reviewing how spectrum bands are allocated and for what uses, and who holds licenses and in what areas.<sup>62</sup> The FCC also worked in collaboration with NTIA to produce the National Broadband Map and continues to help NTIA update that map as more data becomes available.<sup>63</sup> The Commission also coordinated with NTIA on the *AWS-4 NPRM and NOI*, including on interference proposals between non-Federal and Federal spectrum bands. The Commission is an active participant in the Policy and Plans Steering Group (PPSG) working with NTIA and other federal agencies to identify spectrum for new broadband systems. NTIA also has provided the Commission with census tract and project data relating to proposed areas for Broadband Technology Opportunities

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<sup>62</sup> The Spectrum Dashboard is available at <http://fcc.gov/dashboard>.

<sup>63</sup> The National Broadband Map is available at <http://broadbandmap.gov/>. It offers consumers the ability to search for broadband service providers by address or zip code.

Program (BTOP) projects to receive grants for deployment of mobile wireless broadband.

- ***Department of Education.*** The Commission works with the staff at the Department of Education in connection with the FCC's E-rate program.
- ***Department of Health and Human Services.*** The Commission works closely with staff at the Department of Health and Human Services in considering reforms to the Universal Service Fund rural health care program.
- ***Department of Justice.*** The Commission coordinates with the Department of Justice in reviewing mergers, acquisitions and transfers of control involving FCC licensees. The FCC and the DOJ have cooperated in their review of proposed mergers, including Cumulus Media and Citadel Broadcasting, Comcast Corporation and NBC Universal, AT&T Inc. and Deutsche Telekom AG, and, currently, the SpectrumCo, LLC/Verizon Wireless transaction involving transfer of wireless licenses. FCC and DOJ staff also work together on implementation issues under the Truth in Caller ID Act of 2009 and to identify and prosecute fraud affecting the FCC's universal service and telecommunications relay services programs.
- ***Department of State.*** The Commission works closely with the Department of State to negotiate new spectrum sharing agreements with Canada and Mexico to allow and protect the development of new telecommunications services, as well as ensure efficient spectrum use along the U.S.-Canada and U.S.-Mexico borders. The Commission also routinely coordinates wireless and broadcast operations along the common border, as well as the resolution of cross-border interference cases, with the Department of State. The Commission also coordinates with the State Department on applications for communications service between the United States and Cuba. The Commission coordinates with the State Department pursuant to Executive Order 10530 on applications for submarine

carrier landing licenses filed with the Commission under the Cable Landing License Act of 1921.

- ***Federal Aviation Administration.*** The Commission coordinates with staff at the Federal Aviation Administration on matters affecting aircraft navigation safety, including the marking and lighting of antenna structures as well as uses of spectrum for in-flight and airport operations.
- ***Federal Emergency Management Agency.*** The Commission works closely with FEMA to coordinate operation of emergency networks as the nation migrates toward an Internet protocol-enabled emergency network and next generation E911 systems.
- ***Federal Railroad Administration.*** The Commission works closely with the staff at the Federal Railroad Administration in its role in implementing positive train control technologies by freight and passenger/commuter railroad to prevent collisions pursuant to the Rail Safety Improvement Act of 2008.
- ***Federal Trade Commission.*** The FCC coordinates its efforts with the FTC in several areas, including privacy issues, enforcement of the agencies' Do-Not-Call list, and protection of consumers from unauthorized charges on their telephone bills.
- ***Food and Drug Administration.*** The Commission executed a Memorandum of Understanding in July 2010 with the Food and Drug Administration (FDA) to promote collaboration and improve the efficiency of the regulatory processes applicable to broadband and wireless enabled medical devices. The Commission and the FDA meet regularly to promote initiatives related to the review and use of FDA-regulated medical devices that use radiofrequency emissions or otherwise fall within the jurisdiction of the FCC.

- ***Small Business Administration.*** The FCC coordinates with the Small Business Administration (SBA) when the Commission proposes or adopts rules that contain size criteria for defining a “small business.” The Commission consults with the SBA on a regular basis regarding its adoption of small business size standards for bidding credits offered in its spectrum auctions.
- ***Team Telecom.*** The Commission regularly coordinates with “Team Telecom,” an interagency group led by DOJ, the Federal Bureau of Investigation and the Department of Homeland Security that reviews communications matters for national security concerns.
- ***United States Coast Guard.*** The Commission coordinates with staff of the United States Coast Guard on matters that affect maritime safety, including communications equipment, radar, and emergency beacons.
- ***U.S. Fish and Wildlife Service.*** The Commission works with staff at the U.S. Fish and Wildlife Service to develop and administer policies regarding the effects of communications facilities on endangered species and migratory birds.

## VI. Rules Currently Under Consideration for Retrospective Analysis

The Commission will continue its ongoing processes for assessing existing rules that are in need of retrospective review. In conducting such assessment, the Commission will focus on the metrics identified above:

- (1) regulations that have been affected by changes in technology or new scientific research or changes in market structure;
- (2) regulations that have had a disproportionate or undue burden on particular entities, have caused unintended negative effects, or may result in greater net benefits to the public if modified; and
- (3) regulations that have been subject to frequent requests for waivers by affected stakeholders or been identified by the public as needing revision.

Other factors that the Commission may take into account in considering candidates for retrospective review include the need to eliminate overlapping or duplicative regulations, the need to eliminate conflicts or inconsistencies with other rules and the need to simplify or clarify regulatory language.

Rules currently under consideration for retrospective review include:

- ***Special Access Reform.*** The Commission is evaluating the current state of competition for special access services, and is in the process of determining what data on special access facilities, pricing and related competition are necessary to evaluate whether the current special access rules remain appropriate in light of competition.
- ***Part 25 Rulemaking.*** The Commission has conducted meetings with stakeholders to assist in developing proposals to update and streamline the

requirements for earth and space stations. As a result of rapidly changing technology, the Commission has identified these rules as ripe for comprehensive revision.

- ***ECO Test.*** The Commission is examining whether to modify or eliminate the Effective Competitive Opportunities (ECO) test that applies to Commission review of international section 214 applications, cable landing license applications, and notifications of foreign carrier affiliates filed by U.S. international carriers and cable landing licensees.
- ***Part 76 Rulemaking.*** A comprehensive review of the Commission's technical standards for cable television service is under development in response to changes in cable television systems technology.
- ***Delegated Authority Standardization.*** The Commission is contemplating undertaking a proceeding to review and revise its delegated authority rules, with the goals of ensuring consistency across the bureaus and offices and promoting more efficient decision-making processes within the Commission.
- ***Dynamic Spectrum Access.*** The Commission is examining rule changes that might remove impediments to the development of dynamic spectrum access technology, which will allow for more efficient spectrum use.<sup>64</sup>
- ***Video Relay Service (VRS) Reform.*** The Commission anticipates continuing its close look at the structure of the current VRS program to ensure that it is

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<sup>64</sup> *Promoting More Efficient Use of Spectrum Through Dynamic Spectrum Use Technologies*, Notice of Inquiry, 25 FCC Rcd 16632 (2010).

effective, efficient, and sustainable for the future, and to eliminate waste, fraud and abuse within the program.<sup>65</sup>

- ***IP-based Telecommunications Relay Service (TRS) Technological Standards.*** Over the past decade, technological advances have resulted in the migration of the majority of TRS usage from public switched telephone network-based services to IP-based services. For several years, the Commission annually has waived certain longstanding TRS mandatory minimum service standards that are either technologically irrelevant to IP-based services or are technologically infeasible by IP-based relay providers.<sup>66</sup> The Commission is considering commencing a proceeding to review which of these rules should permanently be rendered inapplicable to IP-based TRS.
- ***Closed Captioning Standards.*** In response to requests from the deaf and hard of hearing community, and in light of advances in closed captioning technology, the Commission is considering proposing an Order to improve quality standards for closed captioning on television.
- ***Docket Management.*** To further the Commission's goals of increasing the efficiency of its decision-making and modernizing the agency's processes in the digital age, the Commission amended its organizational rules to facilitate the termination of dormant dockets.<sup>67</sup> As a result of its initial review, the Commission issued an Order in November 2011 terminating 999 dockets,<sup>68</sup> and is

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<sup>65</sup> *Structure and Practices of the Video Relay Service Program*, Further Notice of Proposed Rulemaking, 26 FCC Rcd 17367 (2011).

<sup>66</sup> *See, e.g., Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; E911 Requirements for IP-Enabled Service Providers*, Order, 26 FCC Rcd 9449 (CGB and WCB 2011).

<sup>67</sup> *Amendment of Certain of the Commission's Part 1 Rules of Practice and Procedures and Part 0 Rules of Commission Organization*, Report and Order, 26 FCC Rcd 1594 (2011).

<sup>68</sup> *Termination of Certain Proceedings as Dormant*, Order, 26 FCC Rcd 15312 (CGB 2011).

currently considering the termination of an additional 300 dockets.<sup>69</sup> The Commission will continue to review periodically all open dockets with the objective of terminating those that are inactive. In addition, the Commission is engaged in a review of the process by which it serves parties to proceedings with the goal of increasing efficiency and reducing costs, as well as streamlining the filing of confidential documents by permitting initial electronic filing.

- ***Statutory Retrospective Reviews.*** The Commission will continue to review existing regulations as required by statute, including biennial review of telecommunications regulations pursuant to Section 11 of the Communications Act, review of rules that have a significant economic impact on a substantial number of entrepreneurs and other small businesses under Section 610 of the Regulatory Flexibility Act, quadrennial review of broadcast ownership rules under Section 202(h) of the Telecommunications Act of 1996 and review of significant information collections pursuant to the Paperwork Reduction Act.

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<sup>69</sup> *Consumer and Governmental Affairs Bureau Seeks Comment on Termination of Certain Proceedings as Dormant*, Public Notice, 27 FCC Rcd 1613 (CGB 2012).

## VII. Structure Within Institution

The Commission has taken steps to incorporate retrospective review of regulations into the culture of the agency. These steps include ensuring the transparency of retrospective reviews, assessing such review independently of the substantive changes to regulations and incorporating into existing review proceedings a continuing obligation to review and update this plan periodically.

As an initial matter, the Commission takes steps to ensure the transparency of any retrospective review of regulations. Notices of proposed rulemaking that include such retrospective review are published in advance of the review so that the public is informed of the agency's plan to conduct a retrospective review. Studies and other research relied upon in evaluating regulations are published as part of the record, and outside researchers and other members of the public are encouraged to participate in the notice and comment process.

Retrospective review of regulations will be assessed independently of review of the substantive changes to any regulations. Primary responsibility for monitoring the Commission's progress on retrospective review of regulations lies in the Commission's Office of General Counsel (OGC). OGC's responsibility for overseeing the regulatory retrospective review process ensures its independence from other Commission offices and bureaus responsible for writing and implementing regulations. In addition, oversight and discussions of the Commission's retrospective review plans, including agency priorities, are discussed among agency leadership at weekly Bureau and Office Chiefs meetings.

The Commission is committed to continuing routine regulatory review as part of its mission, and plans to revisit and revise this plan on an ongoing basis. As part of its biennial review of telecommunications regulations under Section 11 of the Communications Act, the Commission will review the progress made on the proceedings discussed in this plan and identify additional proceedings contemplated or underway that should include retrospective review. The Commission's strategy for revisiting and revising this plan includes consideration of comments provided by the public on this plan, as well as suggestions from the public on specific regulations to be considered for retrospective review.

## VIII. Publishing the Retrospective Review Plan

The Preliminary Plan was published on the Commission's website and the location was announced through Twitter and Facebook. In addition, Chairman Genachowski announced the release of the Preliminary Plan at a public event at the Center for Business and Public Policy at Georgetown University's McDonough School of Business.<sup>70</sup>

The Commission accepted comments on the Preliminary Plan via [innovation@fcc.gov](mailto:innovation@fcc.gov). The Commission also issued a Public Notice formally soliciting comments on the Preliminary Plan on December 8, 2011.<sup>71</sup> The Public Notice was published in the Federal Register on December 28, 2011.<sup>72</sup>

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<sup>70</sup> Chairman Genachowski's remarks on the Preliminary Plan and the FCC's regulatory reform efforts are available at <http://www.fcc.gov/events/chairman-genachowskis-remarks-georgetown-university>.

<sup>71</sup> *Commission Seeks Comment on Preliminary Plan for Retrospective Analysis of Existing Rules*, Public Notice, 26 FCC Rcd 16503 (2011).

<sup>72</sup> *Commission Seeks Comment on Preliminary Plan for Retrospective Analysis of Existing Rules*, 76 Fed. Reg. 81462 (2011).

## Appendix

Regulations removed (219 as of 5/1/12)	CFR Section	Effective date in FR
Eliminated rules for International Fixed Public Radio Communication Services.	Part 23	3/25/10
Eliminated restrictions on mobile repeater stations for the business radio frequency users.	90.247(b) 90.247(c) 90.267(e)(3)	5/14/10
Eliminated restrictions on WCS service	27.53(a)(6) 27.53(a)(9)	9/1/10
Removed rules to simplify and streamline the E-rate program.	54.506 54.517 54.522	1/3/11
Revised the Amateur Radio Service rules to clarify the rules with respect to amateur service vanity call signs, eliminating licensee confusion.	0.191(o) 0.392(g)	2/14/11
Eliminated restrictions on Amateur Radio Service: eliminated the automatic power control provision which has proven to be virtually impossible to implement, and to encourage amateur stations to experiment with spread spectrum communications technologies.	97.311(d) 97.5(b)(4)	4/29/11
Eliminated outdated and unnecessary reporting requirements related to international telecommunications traffic.	43.53 43.61 (b) 43.61 (c) 63.23 (e)	7/19/11
Rule revisions enabling all tariff filers to file tariffs electronically over the Internet.	61.21 61.22 61.23 61.32 61.33 61.151 61.152 61.153 61.52(a)	7/20/11
Fairness Doctrine, Personal Attack & Political Editorial Rules.	73.1910 76.209 76.1612 76.1613	9/9/11

<b>Regulations removed (219 as of 5/1/12)</b>	<b>CFR Section</b>	<b>Effective date in FR</b>
Broadcast Flag.	73.8000 73.9000-9009	9/9/11
Cable Programming Service Tier Complaints.	76.950-951 76.953-957 76.960-961 76.1402 76.1605-1606	9/9/11
Part 1, Subpart D Broadcast Applications & Proceedings (duplicative of rules in Part 73).	1.502-615	9/9/11
Required Commission to review the Interstate Cost Recovery Plan (the TRS Fund) and the TRS Fund administrator's performance after two years (i.e. in 1995).  Removed note that certain provisions of the rule are not effective until OMB approval. OMB approval received August 2000.	64.604(c)(5)(iii)(J) 64.2401, removed [Note]	10/13/11
Eliminated rule describing the Commission's former "protest" process, which by its express terms does not apply to applications filed on or after December 12, 1960.	1.120	11/16/11
Eliminated rule sections pertaining to comparative hearings for broadcast license renewal applications. The enactment of section 309(k) of the Communications Act of 1934 eliminated comparative broadcast hearings for license renewal applicants.	1.227(b)(6) 1.229(b)(2)	11/16/11
Eliminated rule sections pertaining to comparative hearings involving applicants for new commercial broadcast facilities and calling for the production of a Standardized Integration Statement and other information pertaining to the Commission's former integration standard and other broadcast comparative hearing criteria. Under §309(j), the Commission no longer has authority to conduct comparative hearings for new commercial broadcast facilities and instead awards licenses for new broadcast service using competitive bidding.	1.325(c)	11/16/11

<b>Regulations removed (219 as of 5/1/12)</b>	<b>CFR Section</b>	<b>Effective date in FR</b>
Eliminated rule requiring common carriers to file reports regarding pensions and benefits and requiring compliance with a regulation in Part 43 of the rules that the Commission has eliminated.	1.788	11/16/11
Eliminated requirement that common carriers engaged in public radio service operations file reports in conformance with Part 23, which the Commission has eliminated.	1.805	11/16/11
Eliminated requirements that carriers engaged in domestic public radio services report and file documents in accordance with Part 21, which has been eliminated.	1.811	11/16/11
Eliminated rules regarding random selection procedures for Multichannel Multipoint Distribution Service (MMDS). The Commission no longer has authority to use random selection for MMDS or its successor service, Broadband Radio Service.	1.821 1.822 1.824	11/16/11
Eliminated rule that is duplicative of 1.2002 (Anti Drug Abuse Certification).	1.2003	11/16/11
Eliminated rules implementing PUHCA 1935, which was repealed and replaced with Public Utility Holding Company Act of 2005.	1.5000 1.5001 1.5002 1.5003 1.5004 1.5005 1.5006 1.5007	11/16/11
Eliminated rule regarding complaints filed by television stations alleging that a satellite carrier has retransmitted their signals in violation of Section 325(b)(1) of the Communications Act. No complaints may be filed under this subpart after December 31, 2001 and no complaints filed on or before that date are pending.	1.6000 1.6001 1.6002 1.6003 1.6004 1.6005 1.6006 1.6007 1.6008 1.6009 1.6010 1.6011 1.6012	11/16/11

<b>Regulations removed (219 as of 5/1/12)</b>	<b>CFR Section</b>	<b>Effective date in FR</b>
Eliminated rule establishing backup power requirements for communications providers. This rule never took effect.	12.2	Adopted 11/1/11 pending FR Publication
Eliminated rule providing that UHF television translators on Channels 70 to 83 must operate on a secondary basis to land mobile operations in the 800 MHz band and will not be protected from such operations. There are no UHF television translators operating on Channels 70 to 83, and the Commission has eliminated the TV allocation from these channels.	90.621(d)	Adopted 11/1/11 pending FR Publication
Eliminated rule allocating specified channels for Basic Exchange Telecommunication Radio Service (BETRS). FCC removed the allocation in 2005.	90.621(h)	Adopted 11/1/11 pending FR Publication
Eliminated rules that provided a framework for the relocation of incumbent site-based licensees in the upper 200 channels of the 800 MHz Band by incoming geographically-based (EA) licensees.  These provisions were a component of the 1995 reconfiguration of the 800 MHz band from site-based to geographic-based service that has since been completed.	90.699(a) 90.699(b) 90.699(c) 90.699(e) 90.699(f)	Adopted 11/1/11 pending FR Publication
Removed rules to reform and modernize the universal service and intercarrier compensation systems.	36.602 51.707 51.717 54.303 54.311 54.316	12/29/11
Eliminated Part 2, Subpart N, FCC procedure for testing Class A, B and S Emergency Position Indicating Radiobeacons (EPIRBs).	2.1501-2.1517	2/1/12
Eliminated rules listing the dates by which intentional radiators, unintentional radiators, radio receivers and equipment operating in the 902-905 MHz band had to comply with the rules adopted in the 1989 revision to Part 15.	15.37(a) 15.37(b) 15.37(c) 15.37(d)  15.249(f)	2/1/12

<b>Regulations removed (219 as of 5/1/12)</b>	<b>CFR Section</b>	<b>Effective date in FR</b>
Eliminated rule specifying dates by which cordless telephones must comply with the requirements of § 15.214(d). Manufacture of cordless telephones that did not comply with these requirements had to cease on or before September 11, 1991.	15.37(e)	2/1/12
Required scanning receivers manufactured or imported after April 26, 1994 to comply with the provisions of § 15.121(a)(1). Effectively superseded by § 15.37(h), which requires scanning receivers manufactured or imported after October 25, 1999 to comply with a revised § 15.121.	15.37(f)	2/1/12
Announces the date that authorization under either the DoC or certification procedure became mandatory for CPU computer boards and related equipment.	15.37(g)	2/1/12
Prohibited the marketing of TV bands devices before the planned February 18, 2009 digital television transition date.	15.37(n)	2/1/12
Required television receivers and related devices manufactured between April 1, 2009 and June 30, 2009 to include consumer information about the DTV transition.	15.124	2/1/12
Lists the dates by which specific types of Industrial, Scientific and Medical (ISM) equipment must comply with limits on radio frequency emissions conducted from a device onto the AC power lines.	18.123	2/1/12
Removed rules to reform and begin to modernize the Universal Service Fund's Lifeline program.	54.209 54.411 54.415	4/2/12