



March 27, 2012

U.S. House of Representatives

RE: Support H.R. 3309 Federal Communications Commission Process Reform Act of 2012

Dear Representative,

I write encouraging your support for H.R. 3309, sponsored by Rep. Greg Walden, to reform the Federal Communications Commission's (FCC) rulemaking process, while ensuring greater transparency from the agency.

Perhaps most importantly, the legislation requires the Commission to provide a cost-benefit analysis justifying its rulemakings. The FCC has an abysmal track record of considering actual market failure or consumer harm when establishing new rules. This truth was brought to light most notably during the Commission's lengthy Net Neutrality proceeding. The FCC effectively oversees one-sixth of the nation's economy, yet has little regard for how the mandates and regulations it enacts impact the pocketbooks of consumers and businesses. The measure would also stop the FCC from making merger approvals contingent on politically motivated, unrelated, and extraneous regulatory conditions.

H.R. 3309 would also set a more concrete timetable for Commission proceedings, curbing the FCC's current practice of pumping the breaks when deliberating a new rule, merger, or otherwise. As evidenced by the recent AT&T/T-Mobile merger and Universal Service Fund proceeding – amongst others – the FCC frequently starts and stops the clock for political gain. This legislation would ensure proceedings are conducted in an even-handed manner for matters before the Commission.

There are a number of amendments to H.R. 3309 under consideration that would either weaken the legislation or hand the FCC more power. Congress should be trying to shrink the size of the Commission, yet one amendment instead expands the staff of Commissioners. Another stalls the law until the FCC can study its impact, ironic since the agency is not in the habit of providing a cost-benefit analysis of its own rulemakings impacting others. And an amendment requiring more disclosure of spending on political programming is clearly a political response to the *Citizens United* decision and has little to do with reforming the Commission.

The Federal Communications Commission has undertaken numerous proceedings in recent years with little regard for its impact on consumers, the economy, or even statutory authority. H.R. 3309 takes a number of steps at making the Commission more accountable. We urge you to support it. If you have any questions, please contact Kelly William Cobb at (202) 785-0266.

Onward,

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President, Americans for Tax Reform

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