FEDERAL COMMUNICATIONS COMMISSION

JULIUS GENACHOWSKI
CHAIRMAN

June 6, 2011

The Honorable Fred Upton
Chairman
Committee on Energy and Commerce
U.S. House of Representatives
2125 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Upton:

As I stated at my confirmation hearing and on numerous subsequent occasions, I oppose the Fairness Doctrine, which has been a dead letter at the Commission for more than two decades. In my view, the Fairness Doctrine holds the potential to chill free speech and the free flow of ideas and, accordingly, was properly abandoned. The General Counsel has advised me that the FCC's abandonment of the Fairness Doctrine had the legal effect that the Commission intended, and that the Fairness Doctrine is unenforceable without an affirmative rulemaking proceeding and vote of the Commission to revive it. I have publicly stated many times that I would not initiate any effort to reinstate the Fairness Doctrine.

As your note indicates, I have initiated a significant effort within the Agency to identify and eliminate antiquated and outmoded rules that unnecessarily burden business, stifle investment and innovation, or confuse consumers and licensees. To this end, as I testified during the Subcommittee's May 13th hearing, the Commission already has eliminated 49 outdated regulations. We also have targeted 25 sets of unnecessary data collections for elimination.

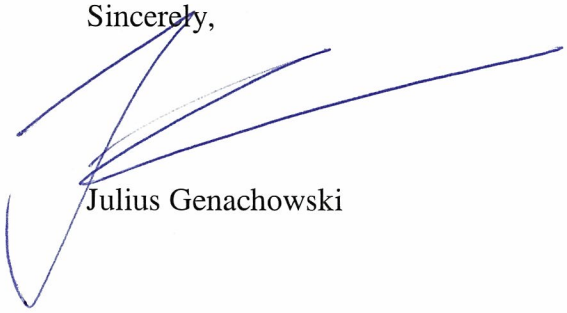
These review efforts are ongoing and include a directive to the Commission's staff to conduct a full analysis of current regulations within their areas of responsibility. To date, this undertaking has focused on rules that still actively govern licensees and thus have a practical affect. I expect that staff will also recommend the deletion of 47 C.F.R. §§ 73.1910, 76.209, 76.1612 and 76.1613, pertaining to the Fairness Doctrine and related provisions. I fully support deleting the Fairness Doctrine and related provisions from the Code of Federal Regulations, so that there can be no mistake that what has been a dead letter is truly dead. I look forward to effectuating this change when acting on the staff's recommendations and anticipate that the process can be completed in the near future.

As part of our work to eliminate unnecessary rules and regulations, the Commission's Office of General Counsel reviewed existing statutory provisions to determine if any appear appropriate for repeal or revision. For your consideration, I have attached a list of possible

amendments to the Communications Act that would remove these statutory mandates, which appear unnecessary.

Please feel free to contact me if you have additional questions or concerns.

Sincerely,



Julius Genachowski

Enclosure

Potential Conforming and Updating Amendments to Communications Act
(Compiled as of June 3, 2011)

1. 47 U.S.C. § 154(g)(2) – The provisions of this paragraph expired in 1994.

2. 47 U.S.C. § 156(a)-(c) – Obsolete funding authorization.

3. 47 U.S.C. § 158(g) – Outdated application fee schedule. Proposed Amendment would bring this section into conformity with section 9 regulatory fee process, under which the Commission proposes fees yearly and adopts rules reflecting those fees. Failure to update the schedule since 1991 has resulted in the inequitable collection of fees. Services not in existence in 1991 are not obligated to pay for their application processing, while other services must bear an unfair share of the burden.

4. 47 U.S.C. § 159(b)(1)(A) – Outdated language refers to nonexistent bureaus and should be updated to provide flexibility during Commission reorganizations. Suggested language amendment would delete specific bureaus from text and instead refer to "the Commission's Bureaus and Offices."

5. 47 U.S.C. § 204(a)(2)(B) – This section refers to action taken within a specified time of enactment (November 3, 1988) and is no longer relevant.

6. 47 U.S.C. § 208(b)(2) – This section refers to action taken within a specified time of enactment (November 3, 1988) and is no longer relevant.

7. 47 U.S.C. § 275(a)(1) – This provision restricted Bell companies and their affiliates from providing alarm monitoring services before a date five years after February 8, 1996. This section is no longer relevant..

8. 47 U.S.C. § 309(j)(8)(E)(iii) – This provision required a one-time transfer of funds on September 30, 2009. This section is no longer relevant.

9. 47 U.S.C. § 351(a)(2), 352(d), 354, 354(h), and 354(i) – References to radio direction finding apparatus (RDFA) should be removed. RDFA is an obsolete technology that has been replaced by the Global Maritime Distress Safety System (GMDSS). RDFA equipment is no longer available.

10. 47 U.S.C. § 391 – Obsolete funding authorization referencing fiscal years 1992, 1993 and 1994.

11. 47 U.S.C. § 394(h) – Obsolete funding authorization referencing fiscal years 1992, 1993 and 1994.
12.

13. 47 U.S.C. § 395(k) – Obsolete funding authorization referencing fiscal years 1979, 1980 and 1981.

14. 47 U.S.C. § 396(k)(1)(B) – Obsolete funding authorization referencing fiscal years 1979, 1980 and 1981.

15. 47 U.S.C. § 561 – In United States v. Playboy Entertainment Group, Inc., 529 U.S. 803 (2000), the Supreme Court struck down this section as violating of the First Amendment.