



PUBLIC NOTICE

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OFFICE OF ENGINEERING AND TECHNOLOGY ANNOUNCES TECHNOLOGICAL ADVISORY COUNCIL (TAC) TECHNICAL INQUIRY INTO REFORMING TECHNICAL REGULATIONS

ET Docket No. 17-215

Comment Deadline: October 30, 2017

The FCC's Technological Advisory Council (TAC), an advisory group to the FCC operating under the Federal Advisory Committee Act, is investigating FCC technical regulations and the processes by which they are developed to determine if increased efficiency and decreased regulatory burden can be realized while still maintaining the purposes and responsibilities of the FCC. In this public notice, the Office of Engineering and Technology (OET) announces the TAC's public inquiry, seeking comments and answers to the questions below, about technical regulations and the regulatory process for adopting and updating them.

Comments are due by October 30, 2017, and should be filed in this docket pursuant to the procedures described below. *Ex parte* presentations in this docket will be treated as exempt under the Commission's *ex parte* rules, pursuant to the Notice Concerning *Ex Parte* Status of Information Submitted to the Technological Advisory Council, DA 17-790, released August 18, 2017.

TAC Technical Inquiry

To more effectively ensure that its rules keep pace with the rapidly changing technology in communications, the FCC has asked its Technological Advisory Council to help identify FCC technical rules that are obsolete or may be ripe for change in light of current communications technologies. The TAC is made up of a group of technological experts in various communications sectors who advise the FCC in technical matters. The TAC is issuing this Technical Inquiry to gather feedback from users and purveyors of communications technology who are affected by such technical rules.

There are various reasons that such rules may warrant elimination or updates. Some technical rules may no longer be applicable to modern communications equipment. Rules that describe the operation of certain technologies may no longer be necessary as those technologies are obsolete. Data reporting requirements for technical operations, which help the FCC to determine how effectively the communications environment is being utilized and also how communications entities are complying with the current laws, may no longer be necessary. On the other hand, some communications users may feel that certain existing regulations protect their operations and should not be removed.

In addition to obtaining comments on specific regulations, the TAC solicits input on how the regulatory process can be made more efficient and timely. Future development of communication services rules need not be developed solely by the FCC. ACUS Recommendation 2011-5 has suggested that federal rules can contain references to external documents¹. Input from external groups may be a viable way to develop and maintain rules. For instance, multi-stakeholder groups, such as the Wireless Innovation Forum, might be used to manage the technical rules for supporting new services. However, challenges must be addressed, including compliance with requirements that reference materials be publicly available and that changes made to referenced documents be subject to additional rulemaking processes.

As a body of technical experts, the TAC plans to concentrate on issues that are of a technical nature. Many existing regulations that deal, for instance, with money or equal access issues would not be considered to be technical, and comments on such issues would not be appropriate responses to this Technical Inquiry. We expect to receive responses from those subject to technical regulations, and those for whose protection such regulations have been designed. Technical regulations that exist to provide consumer protection and those that facilitate and protect public safety communications should also be addressed.

The TAC is looking for responses related to one or more of the following categories. Please reference specific rules that should be considered for removal, retention, or change, and discuss the rationale behind each proposal.

1. Regulations that should be removed because they have become outdated, inhibit innovation or would be better handled by the involved parties. What would replace such regulations if they are removed?
2. Regulations that should be retained because they promote competition, protect incumbents from interference, regulate unlicensed frequencies, are necessary to comply with international agreements, or support the purpose of the FCC.
3. Regulations that should be modified because technical reporting requirements are too burdensome, data contained in the reports are no longer used, or existing regulation does not fully apply to new technology. If the technical requirements are too burdensome, should the FCC automate existing reporting or leverage other data or reporting from third parties or organizations?
4. Processes to resolve competing interests: Is there a better way to mediate conflicts between different parties, perhaps that is quicker and does not require as many resources from interested parties? Is there potential for a 'body' other than the FCC to host this role and what are the legal impediments, if any, to delegating certain conflict mediations to other parties? How would a new process work?
5. Regulations that can be combined: What general principles that apply to all forms of a type of communication?
6. How should the FCC approach coordination between regulations and standards bodies or industry consortia? Should regulations be written by leveraging industry standards? How should the regulatory process (which must be available to all parts of our society) be tied to the standards update process? How would the requirement for public availability of documents related to federal rules be met when referenced standards are copyrighted? How can regular changes to standards upon which

¹ Administrative Conference of the United States Recommendation 2011-5, *Incorporation by Reference* (December 8, 2011). Available at <https://www.acus.gov/recommendation/incorporation-reference>

regulations are based be propagated to the rule making processes that are required when regulations are changed?

7. How can FCC work processes best be improved? Increasing use is made of external multi-stakeholder groups to develop complex technical requirements, systems, and procedures necessary to implement Commission service rules. How can the Commission leverage these efforts to accelerate the introduction of new technologies and services?

PROCEDURAL MATTERS

Interested parties may file comments up until the comment deadline indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.

- **Electronic Filers:** Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>.
- **Paper Filers:** Parties that choose to file by paper must file an original and one copy of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
 - All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.
 - Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
 - U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

For further information, please contact TAC Removing Regulations working group representative Greg Lapin, ARRL (GLapin@arrl.org) or TAC working group FCC liaison Walter Johnston, FCC Office of Engineering & Technology (Walter.Johnston@fcc.gov).