

Chairmen Dingell and Markey Introduce Legislation to Improve FCC Forbearance Laws

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NEWS RELEASE

Committee on Energy and Commerce

Rep. John D. Dingell, Chairman

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Washington, D.C. — Rep. John D. Dingell (D-MI), Chairman of the Committee on Energy and Commerce, and Rep. Edward Markey (D-MA), Chairman of the Subcommittee on Telecommunications and the Internet, introduced legislation today to correct a procedural failure in the forbearance process at the Federal Communications Commission (FCC). The proposed bill, entitled the Proper Forbearance Procedures Act of 2007, would remove the “deemed granted” language from the Communications Act of 1934, as amended.

This legislation aims to correct a significant procedural problem caused by the two small words “deemed granted” in the Communications Act,” said Dingell. “Carriers are still free to seek forbearance, and the FCC may still grant forbearance where appropriate. But the “deemed granted” language must be removed to safeguard the ability of Congress and the courts to conduct appropriate oversight, to protect consumers, and

to restore transparency to the decision-making process.”;

The Communications Act permits a telecommunications carrier to request the FCC to grant forbearance, or exempt the company from certain statutory or regulatory requirements. The FCC may grant forbearance if it finds that doing so is in the public interest. If the FCC does not act within a set time frame, the petition seeking forbearance is “deemed granted” as a matter of law. As a result, many of the FCC’s forbearance decisions are inconsistent or do not include explanations for the Commission’s action.

I am pleased to join Chairman Dingell in cosponsoring this legislation and applaud him for introducing it today,” said Markey. “It is clear that the current statute authorizing the use of regulatory forbearance has significant flaws. The sweeping nature of the overall authority, coupled with the ability of petitioners to file late-breaking amendments or clarifications to their requests, renders the so-called “deemed granted” provision utterly unworkable and unfair. The right to usurp authority contained in statutes duly enacted by Congress through regulatory inaction is contrary to the public interest and this bill wisely removes this possibility.”;

Attached is the language of the Proper Forbearance Procedures Act of 2007. Co-sponsors include Rep. Mike Doyle (D-PA), Rep. Anna Eshoo (D-CA), Rep. Rick Boucher (D-VA), Rep. Hilda Solis (D-CA) and Rep. Bart Gordon (D-TN).

Bill Text

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Prepared by the Committee on Energy and Commerce

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