

Navigating the FCC: Comments

>>> WHAT IS THE FCC?

Each time Congress enacts a law affecting telecommunications, an independent federal agency known as the Federal Communications Commission (FCC), develops rules to implement the law. The FCC can also create rules to govern communications by radio, television, wire, satellite and cable in the U.S. The FCC is lead by five commissioners, three of which are of the same political party, including a Chairperson. The organization of the agency is divided into various [bureaus and offices](#) overseeing different policy areas.

>>> WHAT IS THE RULEMAKING PROCESS?

The Commission takes various steps through its [rulemaking process](#) known as “notice and comment” for developing and issuing rules. This process can lead to new rules or amendments and repeals to existing rules. There are many opportunities throughout the rulemaking process for the public to weigh in. These include submitting

letters, filing comments and meeting with commissioner offices.

>>> DO I NEED A LAWYER TO FILE COMMENTS?

Nope! When the Commission proposes new rules, a period of time is established for the public to comment on the proposed rules. Anyone can file comments. You don’t need to be an attorney or hire one. When the Commission publishes proposed rules, it will clearly detail the specific deadlines and

instructions for filing comments and reply comments.

Comments are just that. In your comments, you tell the Commission what you think about the topic and why you support or oppose the proposals.

After initial comments are filed, there is an additional period for responding to the first set of comments. During this second phase, you can file reply comments. In your reply comments you can review what others have said in their initial comments and support or disagree with them.

>>> ARE THERE DIFFERENT KINDS OF COMMENTS?

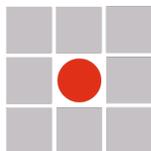
Yes. Typically, a comment period offers the public an opportunity to be heard and share their opinion on a proposed policy.

For many of its proceedings, such as a Notice of Inquiry (NOI) or an Notice of Proposed Rulemaking (NPRM), the FCC will have a public comment period, followed by a reply comment period. During the public comment period, all interested stakeholders may read the proposal put forth by the Commission and submit comments.

It’s generally advisable to read through the proceeding on which you are commenting, as this allows you to make the most informed comment in response. But it’s not necessary.

While many stakeholders, like industry companies or public interest groups, are likely to file very lengthy, formal-looking comments, many individual members of the public file shorter, much less formal comments that give the FCC their real-world perspective. These are crucial to the process because it gives the FCC a way to hear straight from the consumers.

Often individuals will learn about an issue in the media and be inspired to comment, as happened with the Open Internet proceeding in 2014. If you’re interested in just filing a brief comment, a few paragraphs, you can probably proceed directly to “How to File Comments at FCC.gov”, below. There aren’t generally strict requirements for filing a comment on a proceeding.



>>> HOW DO I FILE A COMMENT WITH THE FCC?

1. Go to fcc.gov.
2. In the upper mid-right hand area, click the bar that says:
Take Action: Comment, Complain, Discuss
A menu will drop down - select "Comment - File a Public Comment"
3. That link will send you to a "Send Us Your Comments" page that will have a brief set of directions, followed by a list of all the open proceedings. Click the number of the proceeding you wish to comment on.
4. This will bring up the ECFS (Electronic Comment Filing System) Express page. This enables you to type in or copy and paste a brief set of comments right into a text box. Be sure to include all relevant information in the boxes as indicated, like your name and address.
5. Alternatively, should you wish to submit a PDF (often advisable for longer comments as larger files, those more resembling formal legal filings, etc.), go to the top left corner under "ECFS Main Links" and click the fourth link down, "Submit a Filing."
6. This will bring up a more complicated looking submission page, broken into these sections:
 - a. Proceeding: You will need to re-enter the number of the proceeding in the indicated box, as fill in any other asterisked boxes.
 - b. Contact Info: If you are filing on behalf of an organization or company, put the name of the organization/company (ex: Communications Ltd.) under "Name of Filer" and your name under "Attorney/Author Name." Note also, you don't need to be an attorney to file, but if you *are* a lawyer representing a

client, you must remember to submit the name of your law firm.

- c. Details: The details section may look daunting. Keep in mind that if you're submitting a comment following the directions above, you most likely can ignore this section. The exception is if you are submitting an *ex parte* notice - required if you have had a meeting with an employee of the Commission. If this is the case, there are additional requirements for submitting an *ex parte* - contact the Commission directly for more information or visit:
<http://www.fcc.gov/guides/how-file-notice-ex-parte-presentation>.
- d. Address: Remember, what you put in these boxes (along with everything else you submit) will be publicly available after you submit.
- e. Documents: The last step is to attach your comment. Click Choose File button in the bottom left and select your chosen file. You may add multiple attachments by selecting "Add Another Attachment" and following the same process. You may, if you choose, add a "custom description" (e.g. "Comment of A Concerned Consumer"), but it's not necessary.
7. Then hit Continue, where you will confirm that the information you are submitting is what you want to submit, and then confirm. The system will give you a confirmation number, which can be useful to write down and keep on hand in case there is a problem with your submission.
8. **Congratulations!** You've submitted an official FCC docket filing. NOTE: your comment is unlikely to appear immediately. It may take a few hours, days, or weeks, depending on the popularity of the docket, so don't be concerned if you don't see it immediately.

>>> HOW DO I FIND OTHER PEOPLE'S COMMENTS?

1. On the main ECFS page (<http://apps.fcc.gov/ecfs/>), you can go over to the left hand under "ECFS Main Links" again.
2. This time select the second link down, "**Search for Filings.**"
3. You can search for filings in a couple different ways here, including by docket number, by the company/organization name, by the author name, by the date filed, or some combination of these.
 - a. Take special care on the dates. The default date will only give you the comments you've specified up to the past year, but many dockets have a record going back several years.
 - b. In the Advanced Options section, there is an option to exclude "Brief Comments" if you only want to browse the larger, more substantive filings. Alternatively, if you want to check out the scope of briefer comments, or see how many people beyond the largest stakeholders have taken note of an issue, you can click "only" to just see those comments.
 - c. If you want to search the actual text of the findings for a keyword or phrase, click **ECFS Full Text Search** toward the top of the Search for Filings page. The full text search will still let you search by the criteria mentioned above, but also has a box to search for a particular word or phrase in the filings.

*You can also find FCC comments
submitted by Public Knowledge at:
www.publicknowledge.org/documents*

4. Then, as all research goes, you may just have to play around with the search tool to find what you want. Do you want all comments ever filed on docket 07-52 by Public Knowledge? Make sure the dates go back to 2007. If you're interested in the most recent filings on 10-127 since a related docket was introduced in 2013, you need only go back to 2013. And so forth.