

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
Delete, Delete, Delete) GN Docket No. 25-133
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**COMMENTS OF THE DIGITAL PROGRESS INSTITUTE
ON NEEDLESS PAPERWORK**

The Digital Progress Institute is a non-profit dedicated to bipartisan, incremental reform of technology and telecommunications policies. We appreciate the opportunity the Federal Communications Commission has given us and other stakeholders to participate in proceeding to identify rules for deletion to alleviate unnecessary regulatory burdens.¹ In this set of comments, DPI focuses on the needless paperwork that many rules impose on the public—and on the Commission’s own staff.

The Commission is a relatively small agency that imposes an outsize amount of paperwork. The Commission has 448 active OMB control numbers for separate information collections, requiring 515,345,854 responses each year that impose at least 46,719,843 hours of paperwork with an additional systems cost of at least \$874,134,364.² To put it another way, FCC spent more than \$3.2 billion over the last four years just to fill out paperwork. And that assumes that the Commission’s burden estimates are even remotely accurate—anyone who has filled out or reviewed the 55-page instructions for the Commission’s 8-page annual Form 499-A knows that completing that form in only 13.5 hours (the Commission’s estimate) is a pipe dream.

¹ *Delete, Delete, Delete*, GN Docket No. 25-133, Public Notice, DA 25-219 (Mar. 12, 2025).

² See Office of Information and Regulatory Affairs, Inventory of Currently Approved Information Collections of the Federal Communications Commission, <https://reginfo.gov/> (as of April 4, 2025).

And each information collection creates additional burdens for Commission staff. The Paperwork Reduction Act requires the review of information collections every 3 years, which requires the agency to (1) develop an information request supporting statement, (2) publish a 60-day notice in the Federal Register (costing not only time, but Commission resources), (3) review public comments on the notice, (4) revise the information request to incorporate comments, (5) publish a 30-day notice in the Federal register, (6) submit the revised information request supporting statement to OMB, (7) address any additional public comments, and (8) address any questions OMB has. This 8-step process requires multiple full-time employees to draft, review, and revise supporting statements, draft, review, and revise Federal register notices, and of course actually estimate the burdens of each information collection. And Commission staff go through this process at least 149 times each year.

Reviewing and deleting needless paperwork will, therefore, save both the public and the Commission significant resources. And here's one place to start: Needless certifications.

Take, for example, FCC rule 64.905. That requires a "mid-sized local exchange carrier" to file an annual certification with the Commission that "it is complying with § 64.901," a section that requires certain accounting requirements on carriers.³ Set aside for the moment whether the underlying rule—first adopted in 1987—makes sense any more. The fact is the annual certification adds nothing. Mid-sized local exchange carriers are already required to comply with rule 64.901. Requiring them to separately certify that they are complying with existing law just imposes a compliance burden on them—and creates an enforcement trap for carriers that mistakenly forget to file.

³ 47 C.F.R. § 64.905.

Or rule 14.31(b), which requires certain manufacturers and service providers to file an annual compliance certificate regarding compliance with rule 14.31(a) recordkeeping requirements.⁴

Or rules 54.313(a)(1), 54.313(a)(2), and 54.313(a)(3), which require that an eligible telecommunications carrier receiving high-cost support certify that it complies with rule 54.202(a)(2) and provides voice and broadband services at reasonably comparable rates.⁵

Or rule 54.313(o), which requires that recipients of Uniendo a Puerto Rico Fund and Connect USVI Fund Stage 2 mobile support certify compliance with Part 54 rules.⁶

Or rule 54.314(a), which requires States to file annual certifications that eligible telecommunications carriers in the state are using high-cost support in compliance with federal law.⁷

Or rule 54.314(b), which requires eligible telecommunications carriers not subject to state jurisdiction to file annual certifications to the same effect.⁸

Or rule 54.416(a), which requires eligible telecommunications carriers to file annual certifications to the Universal Service Administrative Company that it complies with various rules regarding the Lifeline program.⁹

Or rule 54.1004(d)(4), which requires certain winning bidders in the Mobility Fund Phase I auction that they are complying with rule 54.1004(d)(1).¹⁰

⁴ 47 C.F.R. § 14.31(b).

⁵ 47 C.F.R. § 54.313(a)(1)-(3).

⁶ 47 C.F.R. § 54.313(o).

⁷ 47 C.F.R. § 54.314(a).

⁸ 47 C.F.R. § 54.314(b).

⁹ 47 C.F.R. § 54.416(a).

¹⁰ 47 C.F.R. § 54.1004(d)(4).

Or consider rule 64.1900, which requires a “nondominant provider of interexchange telecommunications services, which provides detariffed interstate, domestic, interexchange services” to file an annual certification that it complies with section 254(g) of the Act.¹¹

Or rule 64.2009(e), which requires telecommunications carriers to annually certify compliance with the Commission’s rules to protect the privacy of customer proprietary network information.¹²

Or rule 64.2109(2)(ii), which requires carrier voice providers who have already qualified for the rural call completion safe harbor to recertify “annually thereafter.”¹³ At most, a provider should only be required to notify the Commission if they change their practices so that their certification is no longer valid.

Or rule 64.5001, which requires “every prepaid calling card provider” to submit a quarterly certification that it is contributing to the Universal Service Fund as required—even if Commission rules do not require that provider to contribute to the Universal Service.¹⁴

Or rule 73.4099, which literally points readers to a 1987 Public Notice regarding the financial qualification of certain broadcast applicants under then-existing procedures.¹⁵

Or rule 1.7004(d), which requires specialized certifications from a “qualified engineer,” a “certified professional engineer,” and/or a “corporate engineering officer,” that the information a Broadband Data Collection filing is accurate.¹⁶

¹¹ 47 C.F.R. § 64.1900.

¹² 47 C.F.R. § 64.2009(e).

¹³ 47 C.F.R. § 64.2109(2)(ii).

¹⁴ 47 C.F.R. § 64.5001.

¹⁵ 47 C.F.R. § 73.4099.

¹⁶ 47 C.F.R. § 1.7004(d).

None of these 16 certification requirements add any value—they merely require regulatees (who are already required to comply with the law) file additional paperwork with the Commission that they are indeed complying with the law. The Commission should delete them all.

Next, we turn to the Commission’s annual reporting requirements. While some are actually used by the Commission in carrying out its functions (such as the Form 499-A), many are needless.

To start, consider rule 43.21, which purports to impose 11 different reporting obligations on certain common carriers—such as the filing of SEC reports (which are already available electronically) and reports to monitor whether the 1980s conversion of some carriers from rate-of-return to price-cap regulation are working.¹⁷ The Commission last revised these rules in 2002—although it has in a series of orders forbore from enforcing almost every single requirement therein. For example, rule 43.21(c) requires larger “miscellaneous common carrier[s]” to file a letter with the “Common Carrier Bureau Chief” showing their annual operating revenues and the value of their total communications plant.¹⁸ The Commission forbore from that requirement in 2013,¹⁹ with a condition that non-public companies covered by this rule report their “value of total communications plant” to the Commission on request.²⁰ The Commission does not appear to have ever invoked this condition in the 12 years since.

¹⁷ 47 C.F.R. § 43.21.

¹⁸ 47 C.F.R. § 43.21(c).

¹⁹ *Petition of USTelecom for Forbearance Under 47 U.S.C. § 160(c) from Enforcement of Certain Legacy Telecommunications Regulations et al.*, WC Docket No. 12-61 et al., Memorandum Opinion and Order and Report and Order and Further Notice of Proposed Rulemaking and Second Further Notice of Proposed Rulemaking, FCC 13-69, para. 113 (2013).

²⁰ *Id.*, para. 114.

Only two information collections remain in effect from rule 43.21, and each only in part. ARMIS Report 43-01 is defunct except for a requirement that certain price cap carriers with high enough operating revenues report each year, in jurisdictions where states have not reverse-preempted pole attachment regulation, aggregated information about the gross investment, accumulated depreciation, depreciation rate, net current deferred operating income taxes, net non-current deferred operating income taxes, maintenance expense, and rental expense for poles and conduits (including the “equivalent number of poles” they own and the trench and duct kilometers of their conduit system).²¹ ARMIS 43-08 is no longer in use except for a requirement to report certain business and switch access lines, which remained to implement certain universal service and unbundling rules and that were reformed in 2011 and 2020, respectively.²²

None of the reporting requirements in rule 43.21 remain needed. They only serve to clutter the Code of Federal Regulations and require needless paperwork from carriers. The Commission should finish the job it started in prior forbearance proceedings and eliminate the rule in its entirety.²³

Next, consider rule 54.416(b), which requires “all eligible telecommunications carriers” to annually report the effect of their re-certification efforts for Lifeline subscribers.²⁴ ETCs are required to do so on FCC Form 555, a three-page form with more than 25 separate information requests and certifications that must be filled out separately for each state in which a carrier is offering Lifeline service. The FCC itself estimates that ETCs spend 12,640 hours each year

²¹ OMB Control No. 3060-0512.

²² OMB Control No. 3060-0496.

²³ We note that eliminating ARMIS Report 43-01 would have *no impact* on pole attachment rates, as the Commission sets those rates separately and filers of ARMIS Report 43-01 would still be required to account for pole costs in the same way, given that those rules are codified elsewhere in Part 32. In effect, eliminating this report would merely reduce the paperwork burden on the subset of pole owners required to file it.

²⁴ 47 C.F.R. § 54.416(b).

filling out this paperwork.²⁵ And while collecting this information from *all* ETCs made sense when first adopted, the vast majority of ETCs now rely on USAC’s National Verifier to carry out the re-certification of their subscribers. In other words, the rule as written requires ETCs to spend approximately 11,376 hours filling out paperwork to report to USAC information that USAC already has (and itself provides the ETC).²⁶ The Commission should eliminate this burden for all ETCs that rely on the National Verifier for their re-certification efforts.

Or rule 54.313(a)(5), which requires additional paperwork from ETCs serving Tribal lands through detailed reporting of compliance with Tribal engagement obligations.²⁷ It appears the Commission has never done anything with this information. Moreover, such information would be available to the Commission if needed in any investigation or based on a complaint from a Tribal government. Requiring its continued annual reporting just increases the paperwork of ETCs serving hard-to-reach areas with no benefit.

Or rules 64.1310(a)(4) and 64.1310(c), which lay out in excruciating detail the quarterly reports that certain carriers must file with payphone service providers.²⁸ The secular (and rapid) decline in payphones in the United States is reason enough to reexamine these reports. And while these strictures once may have been needed when local telephony was a monopoly, there is no reason to think that the Commission needs to micromanage the reporting between certain carriers and payphone service providers given the plethora of options for a local connection now. What is more, these reports are premised on section 276’s requirement that the Commission establish a “per call” compensation plan for payphones—a requirement that was eliminated in

²⁵ OMB Control No. 3060-0819.

²⁶ We estimate that at least 90% of ETCs rely on the National Verifier for recertification.

²⁷ 47 C.F.R. § 54.313(a)(5).

²⁸ 47 C.F.R. § 64.1310(a)(4), (c).

2023 with the Martha Wright-Reed Just and Reasonable Communications Act of 2022.²⁹

Together, the Commission has estimated these requirements impose 17,068 hours on regulatees³⁰ or approximately 10 minutes of paperwork for every payphone in the United States every year. There is no reason to think that payphone service providers or their connecting carriers cannot negotiate and contract for what information is shared on what schedule. The Commission should eliminate these rules.³¹

Or rule 64.606(g), which requires Internet-based TRS providers (but not other TRS providers) to file an annual report reiterating their compliance with rule 64.604, i.e., the Commission’s mandatory minimum standards for providing such service.³² At most, providers should be required to notify the Commission when they update their compliance plans (which VRS and IP Relay providers already are required to do³³), not refile duplicative information year after year.

As before, none of these reports add value—they just require regulatees to file paperwork for the sake of filing paperwork. The Commission should delete them all.

Finally, the Commission should remove dead-letter provisions of the Code of Federal Regulations with dispatch. The Commission can do so immediately and on delegated authority. For example, in 2011, the Obama FCC repealed the fairness doctrine rules, codified in rules 76.1910 and 76.209, along with other dead-letter provisions in a Bureau-level order that elided

²⁹ See Pub. L. No. 117-338(a)(1)(A) (“Section 276 of the Communications Act of 1934 (47 U.S.C. 276) is amended in subsection (b)(1)(A) by striking ‘per call’” (internal formatting omitted)).

³⁰ See OMB Information Collection Nos. 3060-0719, 3060-1046.

³¹ Specifically, the Commission should eliminate rules 64.1310(a)(3)-(4) and 64.1310(c), and revise rules 64.1310(a), 64.1310(a)(2), and 64.1310(g) to reflect that the schedule and reporting of payphone information should be subject to contractual agreement.

³² 47 C.F.R. § 64.606(g).

³³ 47 C.F.R. § 64.606(f)(2) (requiring notification for “substantive changes” to VRS and IP Relay services).

the notice-and-comment process.³⁴ The Bureau found “good cause to conclude that notice and comment procedures are unnecessary and would not serve any useful purpose,”³⁵ and by doing so, avoided wasting staff time on conducting analyses under the Regulatory Flexibility Act.³⁶ And the Code of Federal Regulations contains many such reports. For example, rule 54.313 alone contains at least 6 rules that no longer have any substantive effect.³⁷ The Commission should delete these and all other dead-letter rules.

Archaic Commission rules require far too much paperwork from Commission regulatees, with total paperwork burdens requiring the private sector hire, in effect, 22,461 FTEs to complete. The *Delete, Delete, Delete* proceeding is a prime opportunity for the Commission to eliminate these rules and allow the private sector to focus on investing in American infrastructure and serving the public. We encourage the Commission to move forward swiftly to eliminate this needless paperwork.

Respectfully submitted,

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³⁴ *Amendment of Parts 1, 73 and 76 of the Commission’s Rules Regarding Practice and Procedure: Broadcast Applications and Proceedings; Radio Broadcast Services: Fairness Doctrine and Digital Broadcast Television Redistribution Control; Multichannel Video and Cable Television Service: Fairness Doctrine, Personal Attacks, Political Editorials and Complaints Regarding Cable Programming Service Rates*, Order, DA 11-1432 (Aug. 24, 2011).

³⁵ *Id.* para. 7.

³⁶ *Id.* para. 8.

³⁷ *See* 47 C.F.R. § 54.313(b), (c)(1), (c)(2), (c)(3), (e)(1)(i), (h).