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*The FCC's Tumultuous Year 2003:  
An Essay on an Opportunity for Institutional Agency Reform*

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Abstract by Raymond R. Janairo

In 2003, the Federal Communications Commission (FCC or Commission) found itself in the press after announcing two long-awaited rulings involving media ownership restrictions, broadband policy initiatives, and telephone regulation. Currently, the FCC continues to operate in its independent regulatory role received from the New Deal in which five commissioners preside over communications rulings. In the *Triennial Review* proceeding, the FCC voted at a public meeting on February 20, 2003 to eliminate the sharing mandate for newly-installed broadband facilities, while leaving mandatory sharing largely in place for existing narrowband facilities. After a delay of half a year, the Commission finally issued its official decision, ending the six-month freeze on the telecommunications industry's ability to invest in its networks. In its *Media Ownership* proceeding, the FCC shirked its Progressive-era ideal of administrative deliberation by seemingly formulating policy based on 750,000 form message emails, post cards, and call-ins from interested constituents.

The author argues that the change in the current marketplace environment, coupled with the FCC's handling of *Triennial Review* and *Media Ownership* proceedings, is a sign that policymakers should seriously consider structural changes in the agency. According to the FCC itself, "the delay in making new policy effective [in the *Triennial Review* proceeding] and the long period of uncertainty likely will have proved costly to the nation's economy at a time when the telecommunications industry was in severe financial straits." According to the author, the FCC's current structure is not able to keep up with the communication industry's evolution. The author advocates reducing the number of commissioners to three to facilitate decisionmaking. The author further suggests moving the agency into the executive branch and having just one individual at the helm. Such changes would allow the FCC "to reach timelier, more coherent, and more consistent determinations in an arena in which fast-paced changes put a premium on speedy, sound decisionmaking."