

# FCC Seeks Input on Revising and Eliminating Older Rules

August 19, 2018

As summer begins to wind down, the FCC will begin considering whether to revise or eliminate decade-old regulations, including certain rules related to the Universal Service Fund ("USF"), equipment authorization procedures, and disabilities access. The FCC kicked off its review with a [Public Notice](#) under the [Regulatory Flexibility Act](#), which requires federal agencies to reexamine regulations within 10 years of their adoption to assess the continued need for the rules, the rules' complexity, and whether the rules overlap or conflict with other federal regulations. The purpose of the review is to ensure that older, unnecessary rules do not remain on the books, lowering the compliance burden for smaller businesses. Although the FCC rarely eliminates a rule outright as part of this review, the comments received can help the agency identify improvements for future rulemakings or flag potential compliance issues.

The FCC's current review will look at rules adopted in 2005-2006 and covers a number of major regulatory areas. For example, the FCC asked for comment on certain USF rules, including:

- the agency's definition of "rural area" in the Rural Health Care Program;
- certain eligibility requirements for carriers to qualify to receive high cost or Lifeline USF support, including the demonstration of compliance with consumer protection and service quality standards, the public interest standard, and the requirement to provide a copy of any eligible telecommunications carrier ("ETC") petitions to affected Tribal governments;
- certain annual reporting obligations for high cost fund recipients; and
- the certifications that must be made by schools and libraries to obtain E-Rate funds.

The agency will also take comment on several provisions of the rules related to international section 214 authority to provide telecommunications between the U.S. and foreign points, including license applications and transfers of control.

The FCC also will review its equipment authorization procedures, particularly the testing and certification requirements for software defined radios. As we previously [highlighted](#), the FCC has taken a number of recent enforcement actions against small- to medium-sized manufacturers for equipment marketing violations, which often involve complex testing and disclosure obligations.

Disabilities access rules will be reevaluated as well, such as the technical standards and carrier contribution mechanisms for the Telecommunications Relay Service that helps facilitate communications by persons with hearing or speech disabilities. Moreover, the FCC will re-assess the requirements on wireless providers and mobile device manufacturers to offer a sufficient selection of hearing aid-compatible handsets.

The range of topics covered by the FCC's review is indeed wide and presents an opportunity for all stakeholders to submit their thoughts over the coming months on how these rules should be

expanded, contracted, or eliminated. The FCC will accept comments until **October 29, 2018**.