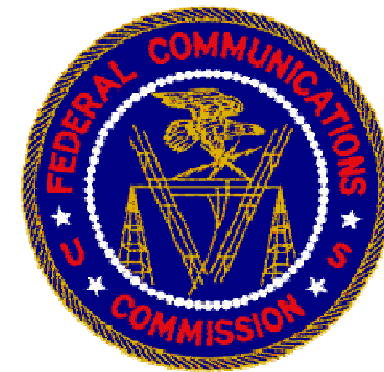


# The U.S. Federal Communications Commission: Structure and Functions

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Presented to the  
National Broadcasting and Telecommunications  
Commission  
Bangkok, Thailand  
August 2013



# Disclaimer

The opinions expressed in this talk are those of the speaker and do not necessarily represent the views of the FCC or any other member of its staff.

# Introduction

- The FCC is an Independent Regulatory Agency (not part of the Executive Branch)
- Established by the Communications Act of 1934
  - Earlier legislation included Radio Act of 1927
  - Important revisions included Telecommunications Act of 1996 and Cable Act of 1992
- Congressional Supervision (House and Senate)
  - Budget
  - Oversight Hearings
  - Correspondence
  - Amendments to Act
- Act provides general instructions to the FCC
  - FCC rules in the Code of Federal Regulations make instructions operational
  - Link to the Act: <http://www.gpo.gov/fdsys/pkg/USCODE-2009-title47/html/USCODE-2009-title47-chap5.htm>
  - Link to Title 47 of the CFR: <http://www.gpo.gov/fdsys/pkg/CFR-2010-title47-vol1/content-detail.html>

# Agency Structure

- Commissioners
  - 5, appointed by the President, with the advice and consent of the Senate
  - 5-year staggered terms
  - No more than 3 from a single political party
  - President designates the Chair
- Staff
  - 1800, mostly at headquarters in Washington, DC
  - Interdisciplinary—Lawyers, Engineers, Economists, Others
  - Divided into Bureaus and Offices
- Neither Commissioners nor Staff may hold financial interests in firms regulated by the FCC

# Bureaus

- Consumer and Governmental Affairs
- Enforcement
- International
- Media
- Public Safety and Homeland Security
- Wireless Telecommunications
- Wireline Competition

# Offices

- Administrative Law Judge
- Communications Business Opportunities
- Inspector General
- Legislative Affairs
- Media Relations
- Strategic Planning
- Workplace Diversity
- Engineering and Technology
- General Counsel
- Managing Director

# Agency Mission

- Regulate interstate and foreign commerce in communications
- Make communications services available—so far as possible—to all US residents without discrimination
- Ensure a rapid, efficient, Nation-wide, and world-wide wire and radio communication service
- Promote competition and reduce regulation in order to secure lower prices and higher quality services
- Encourage the rapid deployment of new telecommunications technologies

# FCC Operations (1)

- Shared Jurisdiction
  - States have jurisdiction over intrastate communications
    - Wireline voice service
    - Cable television franchising (mostly delegated to local authorities)
- State regulators are independent of FCC but cooperate with it
  - Joint Boards
- FCC manages non-federal spectrum
  - Commercial
  - State and local government
- Federal allocations managed by National Telecommunications and Information Administration (NTIA), part of the Department of Commerce



# FCC Operations (2)

- Rulemaking, Transaction Review, Enforcement of Rules
  - Rulemaking can be in response to a petition, direct Congressional instruction, or on the Commission's own initiative
- Administrative Procedure Act
  - Establishes procedures for rulemaking and enforcement proceedings
  - Notice, comment, reply comment, decision with explanation, petition for reconsideration
  - Judicial review (Court of Appeals for the DC Circuit)
    - Decisions cannot be "arbitrary and capricious"
- Government in the Sunshine Act
  - Advance notice of agenda for FCC Open Meeting (must be at least one per month)
  - Strict limitations on private meetings of Commissioners
    - Generally more than 2 Commissioners cannot meet privately, except for national security, personnel discussions

# Consumer Protection (broadly defined) at the FCC (1)

- The Federal Trade Commission (FTC) is the primary Federal consumer protection agency. See <http://www.ftc.gov/bcp/index.shtml>
  - The FTC Act prohibits “unfair or deceptive acts or practices in or affecting commerce.” It applies to advertising
- Children
  - Indecent programming
  - Advertising limits in children’s programming
- Television Viewers—the CALM Act (loud commercials)

# [ Consumer Protection at the FCC (2)[People with Disabilities]

- Accessibility requirements
- Video Programming
  - Closed Captioning
  - Video description
  - Emergency Information Accessibility
- Telecommunications Relay Service (TRS)
  - Different versions use voice, text, or video (Video relay service, or VRS)
  - Different versions use Public Switched Telephone Network (PSTN) or Internet

# Consumer Protection at the FCC

## (3) [People with Disabilities, cont.]

- Hearing Aid Compatibility with digital wireless handsets
- Advanced communications services devices accessible to people with disabilities unless not achievable
- Mobile phone Internet browsers accessible to the blind/visually impaired unless not achievable

# Consumer Protection at the FCC (4)

- Telecommunications Service Consumers
  - Truth in billing
  - Slamming
  - Cramming
  - “Bill shock” [industry agreement]
  - Do Not Call Registry (enforcement shared with FTC and states)
  - “Junk Fax” (unsolicited fax advertisements)
  - Caller ID “spoofing”
- Broadband Services Consumers
  - Disclosure of network management practices, performance characteristics, terms/conditions of service
- CAN-SPAM (unwanted commercial e-mail)

# Consumer Protection at the FCC (5)

- E-911
- Emergency Alert System (EAS)
  - Applies to broadcasters, cable television, some others
  - Federal, state, or local information
  - At federal level, FCC works with Federal Emergency Management Agency and the National Weather Service
- Wireless Emergency Alerts (WEA)
  - Commercial Mobile Service providers (voluntary)
- Consumer Advisory Committee

## Further Information and International Liaison at the FCC

- For more information: [www.fcc.gov](http://www.fcc.gov)
- The FCC's International Bureau frequently organizes discussions with our counterparts in other countries
- The International Visitors Program (IVP)
  - Foreign government officials and industry personnel visit the FCC in Washington, DC
  - Videoconferences

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# Thank You Very Much

