

ALERT: Delete, Delete, Delete—FCC Calls for Comment on Which Rules Should be Eliminated

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On March 12th, 2024, the Federal Communications Commission (FCC) issued a [Public Notice](#) ("Notice") seeking comment on which FCC rules should be repealed or modified to alleviate "unnecessary regulatory burdens" and enhance investment and innovation in telecommunications networks. Along with inviting general feedback on which rules to eliminate, the Notice also urges commenters to consider several policy factors in their analysis, including:

1. **Cost-Benefit Considerations:** Commenters should consider whether the costs of a regulation exceed its benefits, and whether eliminating or modifying a rule could result in greater benefits.
2. **Experience Gained from Implementation:** Commenters should consider whether experience from implementing a rule indicates that it is unnecessary or ineffective in achieving its intended objectives.
3. **Marketplace and Technological Changes:** Commenters should consider whether changes in the marketplace or technology have rendered existing rules unnecessary or outdated.
4. **Regulation as a Barrier to Entry:** Commenters should consider whether certain regulations potentially hinder competition by imposing unequal costs on large and small businesses.
5. **Changes in the Broader Regulatory Context:** Commenters should consider whether changes in other regulatory frameworks or the adoption of industry standards make certain FCC rules unnecessary or inappropriate.
6. **Changes in the Governing Legal Framework:** Commenters should consider reviewing rules in light of changes to the statutory provisions they implement or recent legal decisions, such as the Supreme Court's *Loper Bright* decision.

7. **Other Considerations:** Commenters should consider situations where case-by-case review would be more appropriate than applying a bright line rule to meet regulatory objectives. Commenters should also consider rules that are no longer operative and rules that are sunseting or awaiting further review.

Comments are due **April 11, 2025** and reply comments are due **April 28, 2025**.

Taiye Kolawole also contributed to this article.

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National Law Review, Volume XV, Number 78

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