

**ALERT**

# FCC Commissioners Pai and O’Rielly Rebuke NCE FRN Decision

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January 5, 2017

On January 4, 2017, the Federal Communications Commission’s (FCC or Commission) two Republican Commissioners, Ajit Pai and Michael O’Rielly, issued a scathing statement against the Media Bureau’s decision, issued that same day, to deny petitions for reconsideration regarding FCC Registration Number (FRN) reporting requirements for non-commercial educational (NCE) broadcasters. Those requirements, imposed in January 2016 (the 2016 Order), oblige board members of NCE stations to provide a unique FRN on the station’s biennial ownership reports (FCC Form 323-E). Board members must submit their full Social Security Numbers to the Commission via an online database in order to receive an FRN. In May, American Public Media Group and others filed petitions seeking reconsideration of the FRN requirement. The Media Bureau, on delegated authority, dismissed the petitions, reasoning that they merely repeated arguments the Commission had already heard and considered.

In the joint statement, Commissioners Pai and O’Rielly called the new NCE reporting requirements “needless,” “unnecessary,” and “pointless,” and highlighted the fact that NCE broadcasters from at least two-thirds of the states sought relief from the regulation. The Commissioners also criticized the Bureau’s denial as unilateral and issued in such a manner as to bypass the Commissioners—an “especially unfortunate” procedural action and “just another example showing why the Commission’s use of delegated authority needs to be fixed.”

Noting that the majority of Commissioners support neither the Bureau’s decision to deny the petitions nor the 2016 Order, Commissioners Pai and O’Rielly invited NCE broadcasters “to file an application for review so that the newly constituted Commission will

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## Practice Areas

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Media  
Telecom, Media & Technology

have an opportunity to revisit this matter.”