



**July 2009**

## **Updates on the News**

***Eighth Floor access control*** – It looks like Chairman Genachowski is taking steps to get an early handle both on the procession of interested parties seeking to meet with him and on the issues that will be discussed in such meetings. When folks try to get an appointment to speak with him (or his staff) – in person or by phone – they are asked to provide a boatload of information about what’s on their minds **before** they can get themselves penciled into the Big Guy’s calendar. (This was recently reported by *Comm Daily* and comports with our own experience thus far in the young Genachowski regime.)

If you’d like to speak with the new Chair or his people, be prepared to hand over, in advance:

- ☞ a description (two-three paragraphs should do the trick) of the “precise issues” you want to discuss;
- ☞ a list of any pending Commission proceedings that are involved;
- ☞ copies of any letters, handouts or pleadings that you may already have presented to anybody else in the Commission that “best set forth the issues you wish to discuss”; and
- ☞ a list – with names and dates, thank you very much – of meetings you have had with other Commission personnel. Interestingly, the general expectation is that anyone wanting to see the Chairman will have already touched base with the “relevant” Bureau beforehand.

(You’ll also have to let them know whether you plan to talk about funding or policy issues under the Recovery Act, and if so, whether a registered lobbyist will be along for the ride. Such information is required to comply with the Recovery Act.)

The goal of this new procedure – which is unlike anything that’s been in place in recent memory (if ever) – is to ensure compliance with applicable rules and regulations, and also to clue the Chairman’s office in about what other FCC personnel should be invited to attend. And, of course, knowing what the meeting’s going to be about lets everybody bone up on the relevant issues ahead of time.

So now when you want to chat up the Chair, you have to jump through one more hoop. But that may turn out to be a good thing. The process should help focus such conversations, getting everybody on the same page from minute one. Plus, the submission of the information will create a useful historical record of the Chairman's contacts with the private sector. In fact, it would be a good idea if the Chairman were to post all such pre-meeting submissions on his website so that everybody will have an idea of who's talking to him about what. (They should normally be available through the Freedom of Information Act anyway, but why make everybody – private parties and FCC personnel alike – go through *that* particular hassle?)

The expectation is that this process will be applied across-the-board to ***everybody*** who wants to bend the Chairman's ear. If some favored folks are permitted to move to the head of the line – or, worse, to skip the line entirely, slipping in the side door unannounced – questions could legitimately be raised about the new administration's commitment to fairness and transparency. But we are optimistic that this new process is a signal of a refreshing new openness on the 8th Floor. We'll keep our fingers crossed.