

**FEDERAL COMMUNICATIONS COMMISSION**  
**Washington, D.C. 20554**

Termination of Certain Proceedings as Dormant	)	
	)	CG Docket No. 25-165
	)	

**COMMENTS OF**  
**THE FREE STATE FOUNDATION<sup>1</sup>**

These comments are submitted in response to the Commission's Public Notice seeking comment on whether 2,057 docketed Commission proceedings should be terminated as dormant. Consistent with the agency's rules, the Commission should terminate the referenced proceedings – particularly those proceedings in which no further action is required or contemplated as well as those in which no pleadings or other documents have been filed for several years – unless parties offer compelling reasons for keeping specific proceedings open.

It is administratively responsible and efficient to close docketed proceedings that are dormant and not required by law. There is no justification for requiring providers of communications services subject to the Commission's jurisdiction to monitor on a continual basis agency proceedings that are inactive yet still remain "open."

Additionally, closure of dormant proceedings that have remained open for no apparent reason furthers regulatory certainty for providers in the communications services market. Certainly, such closure offers increased regulatory certainty for specific providers and/or services that are targets of agency proceedings that are left open without any explanation.

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<sup>1</sup> These comments express the views of Randolph J. May, President of the Free State Foundation, and Seth L. Cooper, Adjunct Senior Fellow. The views expressed do not necessarily represent the views of others associated with the Free State Foundation. The Free State Foundation is a nonpartisan, non-profit free market-oriented think tank.

The Commission’s periodic review and closure of dormant proceedings pursuant to Section 0.141(h) of its rules takes on renewed significance given the ongoing Delete, Delete, Delete proceeding.<sup>2</sup> As the Commission recognizes in its Notice, both the agency’s proceeding to terminate dormant proceedings and its Delete proceeding “seek to streamline Commission operations and reduce regulatory burdens.”<sup>3</sup> Comments and reply comments filed by the Free State Foundation in the Delete proceeding identified outdated rules that are no longer necessary or which impede competition in the video, broadband Internet, and voice services markets, and which, therefore, should be repealed or at least modified, given today’s competitive market environment to reduce their burdens and costs.<sup>4</sup>

Closing inactive proceedings and thereby preventing the imposition of new, unnecessary regulations is as important as repealing rules that have been unnecessarily adopted and retained without any apparent benefit to competition or consumers, but instead impose potential competitive harm as well as costly compliance burdens. Terminating inactive proceedings serves as a preventative measure against unnecessary and costly rules from ever being imposed.

The Commission’s exercise of its authority to terminate dormant proceedings under Section 0.141(h) is all the more necessary now because the Biden FCC failed to make use of that authority. It has been nearly five years since the Commission’s *Eighth Dormant Proceedings Termination Order* (2020).<sup>5</sup> That appears to be the longest period of neglect since the

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<sup>2</sup> 47 C.F.R. § 0.141(h).

<sup>3</sup> Public Notice, CG Docket No. 25-165 (released May 2, 2025), at fn. 1.

<sup>4</sup> See Comments of the Free State Foundation, In Re: Delete, Delete, Delete, GN Docket No. 25-133 (April 11, 2025), at: <https://freestatefoundation.org/wp-content/uploads/2025/04/FSF-Comments-DELETE-DELETE-DELETE-041125.pdf>; Comments of the Free State Foundation, GN Docket No. 25-133 (April 28, 2025), at: <https://freestatefoundation.org/wp-content/uploads/2025/04/FSF-Reply-Comments-FCCs-DELETE-DELETE-DELETE-Proceeding-042825.pdf>. See also Press Release: “FSF’s Randolph May Commends FCC for Employing Direct Final Rulemaking,” FSF Blog (July 7, 2025), at: <https://freestatefoundation.blogspot.com/2025/07/press-release-fsfs-randolph-may.html>.

<sup>5</sup> Termination of Certain Proceedings as Dormant, CG Docket No. 20-158, Order (Eighth Dormant Proceeding Termination Order) (released September 28, 2020).

Commission's adopted Section 0.141(h) in its *Procedure Order* (2011).<sup>6</sup> Section 0.141(h) provides an important tool for curbing unnecessary and harmful regulation, and the Commission should use it. The Commission should return to its earlier practice of reviewing its docket for inactive proceedings and issuing an order terminating them on an annual or near-annual basis.

For the foregoing reasons, the Commission should act in accordance with the views expressed herein.

Respectfully submitted,

Randolph J. May  
President

Seth L. Cooper  
Adjunct Senior Fellow

Free State Foundation  
P.O. Box 60680  
Potomac, MD 20854

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<sup>6</sup> See Amendment of Certain of the Commission's Part 1 Rules of Practice and Procedure and Part 0 Rules of Commission Organization, GC Docket 10-44, Report and Order ("*Procedure Order*") (released February 4, 2011), at ¶¶ 23-24.