

3-2002

Working the System

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Recommended Citation

Sterling, Christopher H. (2002) "Working the System," *Federal Communications Law Journal*: Vol. 54 : Iss. 2 , Article 8.

Available at: <https://www.repository.law.indiana.edu/fclj/vol54/iss2/8>

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BOOK REVIEW

Working the System

FCC Lobbying: A Handbook of Insider Tips and Practical Advice, Erwin G. Krasnow, David R. Siddall, and Michael D. Berg, Washington: Telecommunications Reports International, 2001, 225 pages.

Christopher H. Sterling*

This handbook is exactly what the well-heeled lobbyist—or would-be lobbyist—needs. Three experienced Washington communications attorneys, with input from a number of other individuals, have pooled their backgrounds and insights to create a desk-top guide to working the FCC system, or, as they might prefer to say, making the system work. As immediate past FCC chairman Bill Kennard says in his brief foreword, “you need this book,” and he goes on to note that even he “learned a thing or two” from it, despite a career as a practicing attorney before becoming a regulator.

Admittedly the world of Washington can be a morass, especially for the noninitiated. Even those of us who live and work here can lose track of the roads that lead to the information we need, if only because those roads keep being rerouted. For example, agencies change their document release (or Web posting) process, rules concerning who can talk to whom are modified, people shift jobs, and computer systems designed to make things better often make them much worse. In addition, there is always the time factor; there is seemingly never enough time to get the information one needs, or to communicate views that must reach policymakers.

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All of the aforementioned factors led these seasoned attorneys to assemble the advice in this book. Also motivating the authors were three more trends: the continuing pace of technological change; the dramatic shifts wrought by the 1996 Telecommunications Act; and the trend towards business consolidation. To these, we might now add the uncertainty of an economy in recession after the events of September 11, 2001. Though published well before those terrible events, it is interesting that the authors sought to create an information oasis of sorts; “a source of sustenance in what can be a harsh landscape.”

This book kicks off by offering the reader a lobbying strategy—what this means and how to develop one. Right away one sees the value of this guide in its clear organization of checklists, which seem to be designed for busy readers. First, we learn why an overarching strategy is important. The authors then explain how to most efficiently assess the regulatory ground, how to develop a plan of action, and whether or not it might be a good idea to join a coalition of others (many helpful “do’s” and “don’ts” make for rapid scanning of the key points). This first chapter also explains how to identify the key decision makers and to whom one should send filings. Also included is a useful chart of how the FCC process works. This book is simply invaluable, and becomes even more so the further one gets from Washington.

After setting forth basic lobbying tactics, the authors move on to provide tactics for making meetings with the FCC work. Included are tips on setting the meetings up and how to navigate the building (which sounds pretty basic, but tell that to your Reviewer who once was briefly trapped in a turned-off elevator at the FCC late on a Friday afternoon, and had visions of spending a weekend in suspension). This section also details how to organize arguments, how to plan and make the actual presentation, who is the best person to present, and how to draft “leave behind” material. One of the handiest parts of this chapter warns readers about the “best” ways to turn off FCC commissioners and staff. Since this can involve things that are not always obvious, such advice alone may be worth the price of the book.

The handbook then moves on to detail the FCC’s rules of the road, including how to avoid the whole *ex parte* problem, “sunshine” law requirements and restrictions, gift and entertainment restrictions, and lobbying disclosure requirements. The “advice” given concerning these rules is the firmest and most serious in the book, as even an inadvertent violation of these sometimes draconian regulations can derail even the best-prepared position statement or presentation (I remember a time during my own FCC tenure two decades ago when the FCC Inspector General was prowling the building’s stairways during an especially controversial

proceeding, in an effort to make sure someone who wasn't supposed to be around had not penetrated the area). Fortunately, things generally do not get *quite* that tense.

Understanding the FCC decision-making process is the subject of the proceeding chapter. This part provides useful information concerning procedural rules, who the principle players are and how to deal with transitions between administrations, and five myths about FCC decision making. Most of these pages, like those in other chapters, highlight key points in bold-faced paragraphs in the margin, allowing for a quick scan of the nuggets to be quarried here.

The next chapter offers a close look at lobbying bureau and office staff members, including how the Commission is organized. Also set forth here are tips from staff members on what works and what doesn't, and how to effectively use the Internet as a lobbying tool. The material in this section is vital and incredibly helpful. After all, the commissioners do not work in a vacuum and staff members write the actual notices and decisions.

The final chapter of the handbook focuses on post-decision litigation and press strategy, areas that have become more prominent over the years. Post-decision action may involve appeals court, congressional oversight, or legislative intervention. This overview is followed by a few final words from the authors summing up what, historically, has led to the current state of affairs.

Appendices include details about the FCC's extensive Web site. This online resource offers addresses of other useful Web sites, first-time visitor guidelines, samples of different kinds of lobbying materials, and a quick guide to FCC decisions and procedures.

All of this information comes in a paperback that is not inexpensive, but if this kind of work is central to what you do or what you need to know, the cost is reasonable given the material and the caliber of the writers. Obviously, much of this material will be useful to those representing telecommunications clients like broadcasters, cable system owners, wireless and wireline carriers, and satellite companies. Further, the guidance offered here is of a nature to benefit most kinds of present and foreseeable services.

This handbook appears to be the first practical guide to FCC lobbying to be published in a very long time. Bill Kennard's statement concerning this publication cannot be overemphasized: "you need this book."

