

## [FCC Adopts New Ex Parte Rules Setting Out What Must Be Disclosed By Parties Lobbying the FCC](#)

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When the FCC looks to adopt new rules or policies through rulemaking proceedings or through other significant cases, there are often companies, associations and individuals trying to influence the decision on these matters. Such discussions with FCC decision makers are permitted, but the parties trying to influence the FCC's decisions must file notices in the Docket of the proceeding on which they were commenting, summarizing the discussions that were had, and the issues that were discussed. These notices are called "**ex parte notices**" and the rules dealing with the disclosure of the lobbying being done on these FCC issues are called the "**ex parte**" rules. The FCC has just issued a [Report and Order](#) that revises and updates those rules to require more detailed and frequent disclosures. Our [Davis Wright Tremaine advisory](#) on these updates is now available.

The changes include clarifications that require written disclosures even if the parties involved don't believe that any new information was conveyed or new arguments raised, mandatory electronic filing of most notices, an extra day to file most ex parte notices (two business days instead of one), but expedited filing in cases where presentations are made in or close to the "sunshine period" (the period just before the decision, when comments to decision makers are generally limited to those requested by the FCC staff). The FCC also decided, for now, not to include ex parte filing obligations in connection with comments made on the FCC's social media sites (e.g. its blogs, twitter feed and Facebook pages). Finally, the Commission asked for more comments on whether there should be corporate disclosures made in connection with ex parte notices - whether companies should be required to identify their communications interests and whether trade and public interest groups should be required to identify who supports these groups positions. Comments on how such a requirement could be implemented, and whether the burden that it imposes would be worth the benefit it provides, are due 45 days after publication of the notice in the Federal Register. Again, for more information, look at the [Order](#), or at our [firm's Advisory](#). Be sure to comply with these rules, as one of the order charged the Office of General Counsel and the FCC's Enforcement Bureau with policing violations of the rules, and authorizing fines for repeated or egregious violations.

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