Research

FCC Chairman Wheeler By The Numbers

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With the new administration comes the changing of the guard in federal government agencies. Under President Obama, the Federal Communications Commission (FCC) Chairman Tom Wheeler was an often controversial regulator. What follows is an analysis of Chairman Tom Wheeler by the numbers.

This report is based on an analysis of the FCC's Electronic Comment Filing System (ECFS), which serves as the official repository for records in the FCC's docketed proceedings. While there are other methods to explore the tenure of an FCC administration, this type of analysis allows for quantitative comparison between terms. The FCC starts a new proceeding to create rules and policies when required by law or when an outside party files a petition seeking a change in existing rules. Taken together, the FCC dockets provide a representative sample of the work that the FCC does on a day to day basis. Collection of ECFS filing data began in 1992 in the middle of Alfred Sikes' Chairmanship, so the analysis begins with the Chairmanship of Reed Hundt and finishes with Tom Wheeler. Nearly 7500 dockets were analyzed in total for this project.

From the beginning of his term on November 4, 2013 to the end of his tenure on January 20 of this year, Chairman Wheeler opened 1089 dockets, which translates into about a docket a day. Wheeler closed 1750 dockets, which surpasses any modern Chair.
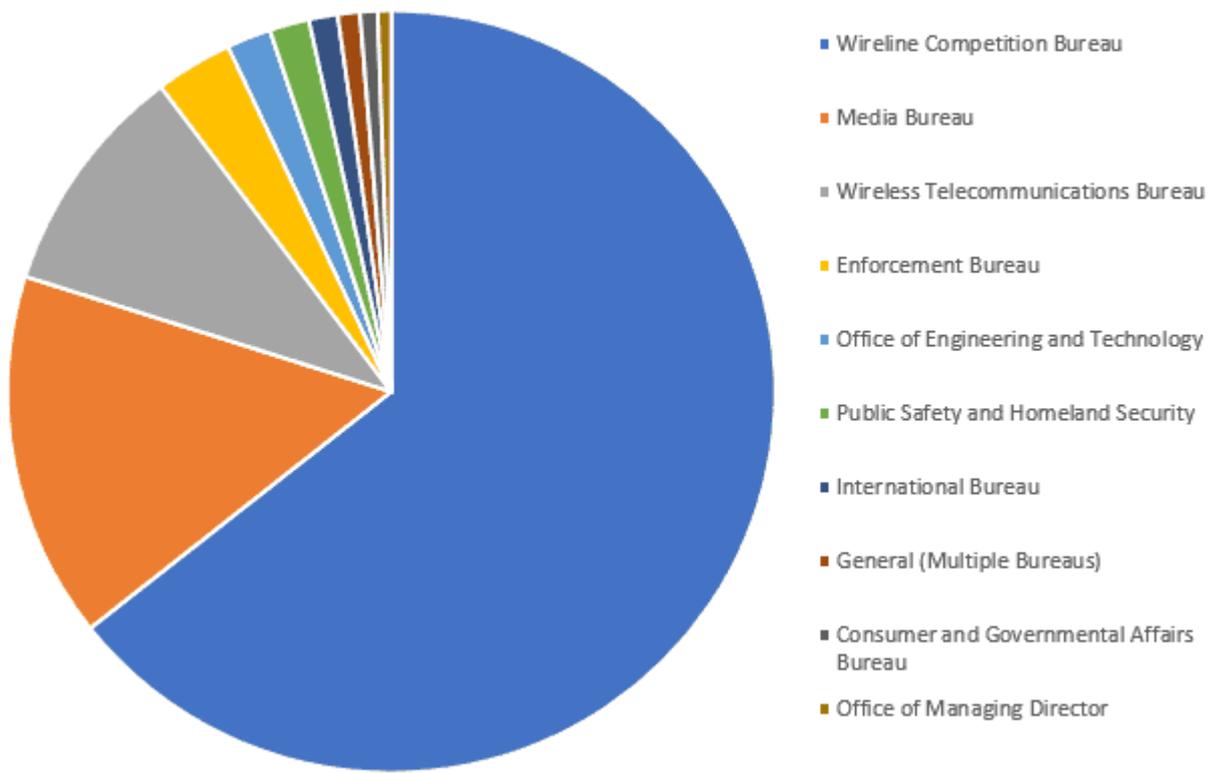
Chair	Party	Start Date	End Date	Opened Dockets	Closed Dockets
Reed E. Hundt	Democrat	November 29, 1993	November 3, 1997	848	606
William E. Kennard	Democrat	November 3, 1997	January 19, 2001	902	747

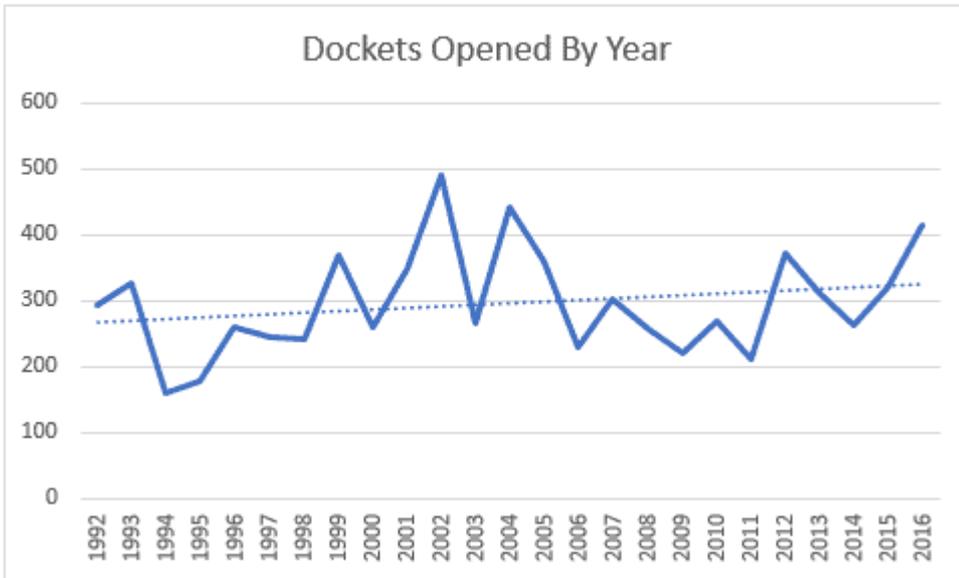|					
Michael K. Powell	Republican	January 22, 2001	March 17, 2005	1660	315
Kevin J. Martin	Republican	March 18, 2005	January 19, 2009	1027	713
Michael J. Copps*	Democrat	January 22, 2009	June 28, 2009	94	0
Julius Genachowski	Democrat	June 29, 2009	May 17, 2013	1108	1382
Mignon Clyburn*	Democrat	May 20, 2013	November 4, 2013	125	0
Tom Wheeler	Democrat	November 4, 2013	January 20, 2017	1089	1750

* Denotes Acting Chair

Breaking down these numbers by the originating bureaus and offices, the vast majority were found to come from the Wireline Competition Bureau, which manages both voice and broadband regulation. Under Wheeler, the Wireline Competition Bureau began out 691 dockets. The Media Bureau, which oversees broadcast radio, television, cable, and satellite began 167 dockets under Wheeler, while the Wireless Telecommunications Bureau, which develops and executes policies for licenses wireless started 106 dockets.
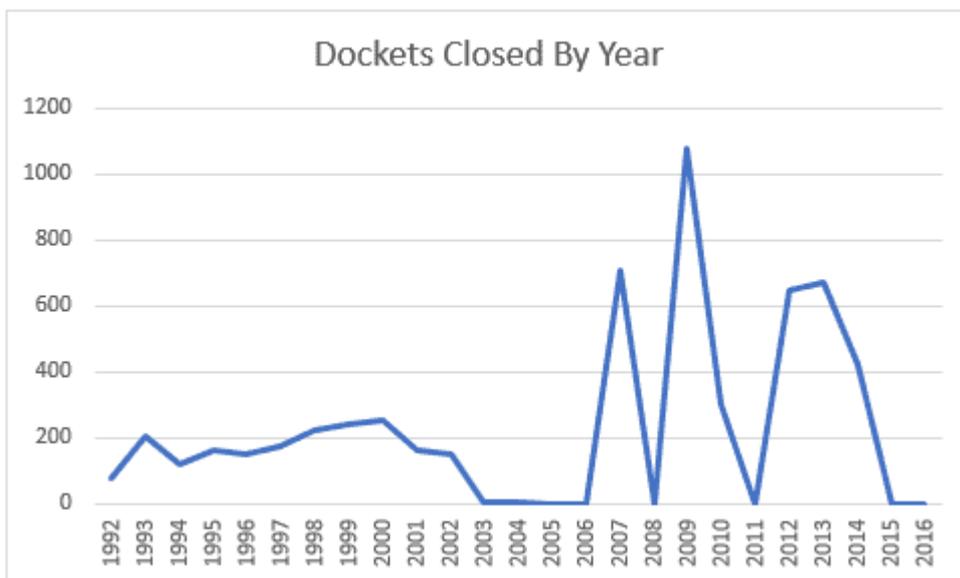
Wheeler's Ten Most Active Bureaus And Offices

- Wireline Competition Bureau
- Media Bureau
- Wireless Telecommunications Bureau
- Enforcement Bureau
- Office of Engineering and Technology
- Public Safety and Homeland Security
- International Bureau
- General (Multiple Bureaus)
- Consumer and Governmental Affairs Bureau
- Office of Managing Director

During his tenure, Wheeler came under fire from Senators who called out the Chair for "seemingly arbitrary" fines and an unclear track record in taking action in response to consumer complaints. As the fourth most active division, the Enforcement Bureau ranks above both the Office of Engineering and Technology, and the Public Safety and Homeland Security Bureau.

Looking at the yearly breakdown of new dockets, as shown in the graph below, Wheeler's tenure doesn't include the most dockets. Instead, his record fits into a broader trend of increased regulatory activity that AAF's Sam Batkins has documented, as evidenced by the dotted blue trend line.

Dockets Opened By Year

With dockets placed in a yearly trendline, local peaks form. These highpoints tend to correspond to the midpoint of a Chair's tenure, suggesting that the top regulator at the FCC can be an important component in driving the breadth of the FCC's policy agenda.

If new dockets aren't closed in a timely fashion, dockets can pileup. To his credit, Wheeler did a lot to close a number of open dockets, as the chart below suggest. Per our analysis, however, 1630 dockets are still open.
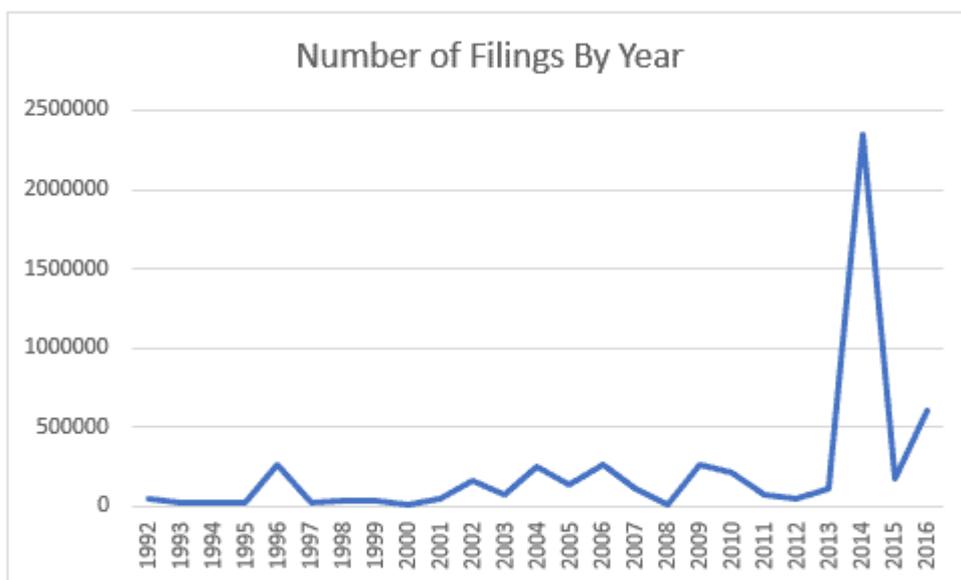

Dockets Closed By Year

However, the number of new dockets isn't the only way to chart the reach of a Chair's regulatory agenda. For each proceeding, interested or affected parties might file a
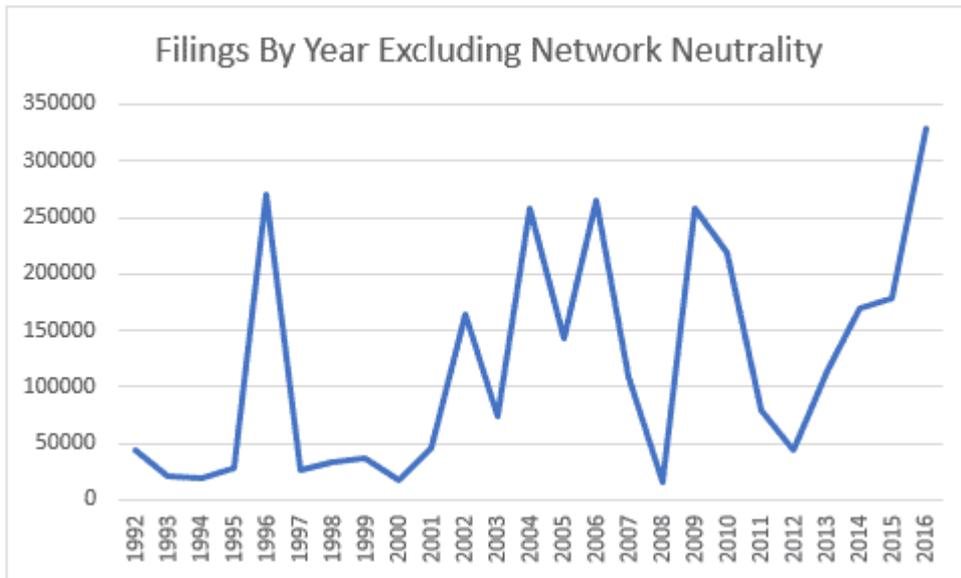
response. Thus, another way to breakdown the term of an FCC Chair is to explore the number of public filings. In this regard, Wheeler has solicited the most public response from any Chair, as the chart below details.

Chair	Total Filings	Average Number of Filings by Docket
Reed E. Hundt	341018	404
William E. Kennard	88921	99
Michael K. Powell	584803	375
Kevin J. Martin	489479	477
Michael J. Copps	54280	577
Julius Genachowski	651412	606
Mignon Clyburn	7057	56
Tom Wheeler	3135086	2919

With over 3 million official filings, Wheeler ranks far above any previous Chair in the total number of filings.[1] Many will chalk this up to the network neutrality proceedings that garnered nearly 3.7 million comments which were collected in just over 2 million official filings. The graph below shows how overwhelming the network neutrality responses were, demonstrated by the peak around 2014.

Number of Filings By Year

Yet, even if the two major network neutrality proceedings were excluded from this analysis, Wheeler's total number of filings would have been 678,831 with the average coming out to 633. In other words, Wheeler still elicited the most public response of any modern Chair after excluding the most important dockets in a generation. Below is a chart with the two network neutrality proceedings excluded, which shows a steady rise in filings through 2014 and into 2016.

Following the departure of Wheeler, FCC Commissioner Ajit Pai took the top spot and vowed to modernize the agency and undo some of the most onerous rules pushed by Wheeler. Wheeler's legacy is no longer in his hands, as successive Chairs decide to build on or replace his policies. Yet, the data explored here give us a first draft of what that legacy might be.

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[1] Although some 3.7 million comments were received in the network neutrality rulemaking, only 2 million official filings hit the FCC's ECFS system since many comments were appended together.