



ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

November 6, 2019

SUBMITTED VIA ECFS

Ms. Marlene H. Dortch  
Secretary, Federal Communications Commission  
45 12th Street SW  
Washington, DC 20554

Re: EB Docket No. 19-214: In the Matter of Procedural Streamlining of  
Administrative Hearings, 84 Fed. Reg. 53,355 (Oct. 7, 2019)

Dear Ms. Dortch:

The Office of the Chairman of the Administrative Conference of the United States (ACUS) extends its sincere thanks to the Commission for drawing upon ACUS recommendations and reports in preparing this rule.

In addition to ACUS Recommendation 2016-4, *Evidentiary Hearings Not Required by the Administrative Procedure Act*, and Professor Michael Asimow's accompanying report, the Office of the Chairman wishes to call a few additional resources to the Commission's attention. The Commission may wish to consult ACUS's recent publication *Federal Administrative Adjudication Outside the Administrative Procedure Act*, in which Professor Asimow expands on his earlier report and Recommendation 2016-4.<sup>1</sup> The Commission may also wish to consult ACUS's recently revised *Model Adjudication Rules*, which offer suggested procedural rules—and accompanying commentary—for trial-like adjudications, whether or not they are governed by the APA's formal hearing provisions.<sup>2</sup> All ACUS recommendations and publications are available at [www.acus.gov](http://www.acus.gov).

Thank you for providing the public the opportunity to comment on this important rulemaking. We hope you will continue to consider ACUS's recommendations for purposes of this and other rulemakings. Please contact me at [jgraboyes@acus.gov](mailto:jgraboyes@acus.gov) or (202) 480-2095 if you have questions or would like further information.

Respectfully,

Jeremy S. Graboyes  
Attorney Advisor

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MICHAEL ASIMOW, FEDERAL ADMINISTRATIVE ADJUDICATION OUTSIDE THE ADMINISTRATIVE PROCEDURE ACT (2019), <https://www.acus.gov/publication/federal-administrative-adjudication-outside-administrative-procedure-act>.  
Admin. Conf. of the U.S., Model Adjudication Rules (2018), <https://www.acus.gov/model-rules/model-adjudication-rules>.