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RANKING MEMBER

ONE HUNDRED THIRTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
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October 4, 2013

Mr. Richard J. Pierce, Jr.
Lyle T. Alverson Professor of Law
George Washington University of Law
2000 H Street, N.W.
Washington, D.C. 20052

Dear Mr. Pierce:

Thank you for appearing before the Subcommittee on Communications and Technology on Thursday, July 11, 2013, to testify at the hearing entitled "Improving FCC Process."

Pursuant to the Rules of the Committee on Energy and Commerce, the hearing record remains open for ten business days to permit Members to submit additional questions for the record, which are attached. The format of your responses to these questions should be as follows: (1) the name of the Member whose question you are addressing, (2) the complete text of the question you are addressing in bold, and (3) your answer to that question in plain text.

To facilitate the printing of the hearing record, please respond to these questions by the close of business on Monday, October 21, 2013. Your responses should be e-mailed to the Legislative Clerk in Word format at Charlotte.Savercool@mail.house.gov and mailed to Charlotte Savercool, Legislative Clerk, Committee on Energy and Commerce, 2125 Rayburn House Office Building, Washington, D.C. 20515.

Thank you again for your time and effort preparing and delivering testimony before the Subcommittee.

Sincerely,



Greg Walden
Chairman
Subcommittee on Communications and Technology

cc: Anna Eshoo, Ranking Member, Subcommittee on Communications and Technology

Attachment

The Honorable Greg Walden

1. Mr. Pierce, in your response to a question regarding the appropriateness of FCC merger review, you responded that “it would make a lot of sense to take the FCC completely out of this. The FCC doesn’t know much about antitrust law. The FTC and the Department of Justice know a lot about antitrust law. They have the power to impose conditions, they regularly impose conditions on mergers, those conditions are specifically tailored to address the competitive issues that are raised by a proposed merger.”

As an expert in antitrust law, could you please elaborate on why you believe the FCC should be removed from the transaction review process?

The Honorable Henry Waxman

1. At the end of the hearing, Chairman Walden and Mr. McDowell seemed to suggest that the litigation risks presented by the FCC Process Reform Act which you highlighted in your testimony would be mitigated by Chevron deference. Is that your understanding?