

Statement of Chairman Wiley
in which Commissioners Lee, Reid, Hooks, Quello, Washburn and Robinson join.

In re

Schedule of Fees

The Commission believes that its revised fee schedule represents a reasoned and legally sustainable response to the limitations imposed upon the agency by the Supreme Court's NCTA decision and its mandate under Title V of the Independent Offices Appropriation Act to render the agency "self-sustaining to the full extent possible." However, the present circumstance in which the Commission finds itself cries out for guidance from the Congress. The Supreme Court's ruling not only sharply circumscribes the Commission's ability to recover regulatory costs, but contains language sufficiently ambiguous to encourage renewed litigation and judicial review of any fee schedule promulgated by this agency. Therefore, the members of this Commission join me in unanimously requesting remedial or clarifying legislation.