



TO: The Commission

FROM: Jacob Lewis
Associate General Counsel

SUBJECT: Briefs and Arguments Scheduled for February and March 2021

DATE: February 1, 2021

BRIEFS AND OTHER COURT PLEADINGS SCHEDULED TO BE FILED

- February 16, 2021 *AT&T Services, Inc. v. FCC*, No. 20-1190 (D.C. Cir.). In this consolidated appeal, AT&T and the Edison Electric Institute challenge the Commission's order to open the 6 GHz band to unlicensed indoor operations without the use of an automated frequency coordination (AFC) system. Rather than the use of an AFC system, the Commission adopted several restrictions to prevent harmful interference to licensed services, including limiting devices to indoor operations, requiring a contention-based protocol, and limiting access points to low power operation. Petitioners allege that the order will adversely impact public safety, and is arbitrary, capricious, and an abuse of discretion.
- March 17, 2021 *League of California Cities v. FCC*, No. 20-71765 (9th Cir.) Petitioner challenges the declaratory ruling in *Implementation of State and Local Governments' Obligation to Approve Certain Wireless Facility Modification Requests Under Section 7409(a) of the Spectrum Act of 2012*, 35 FCC Rcd 5977 (2020), which purports to clarify existing Commission interpretations of 47 U.S.C. § 1455(a).

ORAL ARGUMENTS SCHEDULED TO BE HEARD

- February 2, 2021 *Gorss Motels, Inc. v. FCC*, No. 20-1075 (2d Cir.). Petitioners challenge the Commission's interpretation of a D.C. Circuit decision, *Bais Yaakov of Spring Valley v. FCC*, 852 F.3d 1078 (D.C. Cir. 2017), which invalidated a rule requiring opt-out notices on faxes sent with the recipient's prior consent. Petitioners contend that the *Bais Yaakov* decision does not bind other courts of appeals to reach the same decision, including the Second Circuit.

- February 4, 2021 *Wide Voice LLC v. FCC*, No. 20-70042 (9th Cir.). This petition for review involves a complaint under 47 U.S.C. § 208 against Wide Voice, a competitive local exchange carrier. At issue is whether the FCC reasonably (1) interpreted its bill-and-keep transition rules to apply to calls terminated to a CLEC that owns the tandem switch (not just to an affiliated local exchange carrier), and (2) concluded that Wide Voice’s tariffed rate was not “deemed lawful” under 47 U.S.C. § 204(a)(3) because it exceeded the applicable benchmark under the transition rules.
- February 9, 2021 *Autauga Cnty. Emergency Mgmt. v. FCC*, No. 19-15072 (11th Cir.). Autauga County alleges that the FCC abused its discretion and acted arbitrarily, capriciously, and contrary to law by ruling that section 6(f)(1) of the New and Emerging Technologies 911 Improvement Act of 2008 prevents state, local, and tribal 911 entities from imposing on, and collecting from, subscribers to VoIP services 911 fees that are higher than those imposed on and collected from subscribers to traditional telecommunications services