



TO: The Commission

FROM: Jacob Lewis  
Associate General Counsel

SUBJECT: Briefs and Arguments Scheduled for August and September 2021

DATE: August 2, 2021

**BRIEFS AND OTHER COURT PLEADINGS SCHEDULED TO BE FILED**

- August 23, 2021 *Children’s Health Defense, et al. v. FCC*, No. 21-1075 (D.C. Cir.). The petitioners challenge *In the Matter of Updating the Commission’s Rule for Over-the-Air Reception Devices*, 36 FCC Rcd 537 (2021). They state the “OTARD” rule change adopted in that order violates the Constitution and upends long-standing common law personal and property rights, including rights to bodily autonomy and rights to exclude wireless radiation emitted by third parties from their homes.
- August 30, 2021 *Vincent Lucas v. FCC*, No. 21-1099 (D.C. Cir.). A pro se petitioner challenges a Commission order, *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, 35 FCC Rcd 15188 (2020), that continued the exemption from the TCPA’s telemarketing restrictions for commercial calls to residential lines that do not contain advertising or solicit the purchase of goods or services.
- September 10, 2021 *Northstar Wireless, LLC and SNR Wireless LicenseCo v. FCC*, No. 18-1209 (D.C. Cir.). Petitioner challenges *Northstar Wireless, LLC, SNR Wireless LicenseCo, LLC, Applications for New Licenses in the 1695-1710 MHz, and 1755-1780 MHz and 2155-2180 MHz Bands*, File Nos. 0006670613, 0006670667, FCC 18-98 (rel. July 12, 2018). Northstar and SNR Wireless claimed that they were eligible for a 25 percent bidding credit in Auction 97 because they each qualified as a very small business. In August 2015, the Commission ruled that the Applicants were not eligible for the very small business bidding credits they had sought in Auction 97 because DISH Network Corporation exercised *de facto* control over the Applicants.

- September 17, 2021 *Michael Karr d/b/a WVUX-LD v. FCC*, No. 20-1288 (D.C. Cir.). Petitioner challenges the FCC’s June 22, 2020 Memorandum Opinion and Order, denying their Application for Review, finding that because WVUX-LD is a low power television (LPTV) station, it is not entitled to satellite mandatory carriage.
- September 21, 2021 *Viasat, Inc. v. FCC*, No. 21-1123 (D.C. Cir.). Petitioner challenges the Commission’s decision to modify licenses held by SpaceX to deploy a constellation of low-earth-orbit satellites to provide broadband service, and to its conclusion that such satellite service would not cause harmful interference to existing direct broadcast satellite operations.
- September 30, 2021 *Kenneth Moser v. FCC*, No. 21-70099 (9th Cir.). Petitioner challenges the Commission’s *Forfeiture Order, Kenneth Moser dba Marketing Support Systems*, 35 FCC Rcd 13415 (2020), in which the Commission fined him for unlawfully “spoofing” robocalls—i.e., sending pre-recorded calls that use manipulated or altered caller identification information to display something other than the originating telephone number.

### **ORAL ARGUMENTS SCHEDULED TO BE HEARD**

- September 17, 2021 *AT&T Corp. v. FCC*, No. 20-1190 (D.C. Cir.). Petitioners challenge the Commission’s decision to permit unlicensed low-power indoor devices to operate in the 6GHz band.