



FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF GENERAL COUNSEL
memorandum

TO: The Commission

FROM: Jacob Lewis
Associate General Counsel

SUBJECT: Briefs and Arguments Scheduled for December 2021 and January 2022

DATE: December 1, 2021

BRIEFS SCHEDULED TO BE FILED

January 3, 2022 *Foundation for a Beautiful Life v. FCC*, No. 21-71266 (9th Cir.). Challenge to the Commission's determination that rules for low-power radio stations will apply only to applications that were not the subject of any staff determinations as of the effective date of the new rules.

January 5, 2022 *City of Eugene, Or. v. USA & FCC*, No. 21-661 (S. Ct.). Challenge to the Sixth Circuit's decision affirming in part the Commission's order *Implementation of Section 621(a)(1) of the Cable Communications Policy Act of 1984*, 34 FCC Rcd 6844 (2019). The petitioners contend that, in upholding the Commission's determination that the Cable Communications Policy Act of 1984, 47 U.S.C. §§ 521-573, preempts state and local governments from assessing fees on cable operators for use of rights-of-way to provide non-cable services, such as broadband internet, the Sixth Circuit created an express conflict with precedent from the Oregon Supreme Court. The petitioners further contend that certiorari review is required because a future circuit court split is unlikely and the decision will have significant impact on competition in the communications industry.

January 21, 2022 *Nat'l Ass'n of Broad. v. FCC*, No. 21-1171 (D.C. Cir.). Challenge to broadcaster disclosure requirements for programming leased by foreign government entities and agents.

January 24, 2022 *Consumers Research, et al v. FCC*, No. 21-3886 (6th Cir.). Challenge to the Universal Service contribution factor established in *Proposed Fourth*

ORAL ARGUMENTS SCHEDULED TO BE HEARD

- December 3, 2021 *Viasat, Inc. v. FCC*, No. 21-1123 (D.C. Cir.). Challenge to 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 the Commission's conclusion that such satellite service would not cause harmful interference to existing direct broadcast satellite operations.
- December 7, 2021 *Children's Health Def. v. FCC*, No. 21-1075 (D.C. Cir.). Challenge to the FCC's January 2021 order revising the over-the-air reception device (OTARD) rule, which generally prohibits restrictions on the ability of antenna users to install or use over-the-air reception devices. The petitioners contend that the FCC's revisions to the rule will increase antenna deployment and, by extension, harmful exposure to radiofrequency energy.
- January 14, 2022 *Northstar Wireless, LLC v. FCC*, No. 18-1209 (D.C. Cir.). Challenge to the Commission's procedures and decision on remand from the D.C. Circuit concerning the petitioners' claimed eligibility for bidding credits in a spectrum auction.
- January 25, 2022 *Intelligent Transp. Soc'y of Am. v. FCC*, No. 21-1130 (D.C. Cir.). Challenge the Commission's reallocation of 45 MHz of the 5.9 GHz band for unlicensed wireless use and specification of a particular protocol (C-V2X) for intelligent transportation operations.