

Telecom Alert - Rosenworcel Named Acting Chairwoman; Pole Attachment Declaratory Ruling; T-Band Application Suspension Modifications; C-Band Earth Stations Filing; White House Regulatory Freeze Vol. XVIII, Issue 4

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Rosenworcel Named Acting Chairwoman

Last Thursday, President Joseph Biden [designated](#) Commissioner Jessica Rosenworcel as Acting Chairwoman of the FCC. Rosenworcel, who has served as a Commissioner for two terms starting in 2012, replaces former Chairman Ajit Pai after he stepped down following President Biden's inauguration. With a 2-2 split among FCC Commissioners, President Biden will ultimately nominate an additional Commissioner to establish a 3-2 Democratic majority. President Biden has not yet indicated his choice of a permanent chair for the Commission.

Pole Attachment Declaratory Ruling

The Wireline Competition Bureau released a [Declaratory Ruling](#) last week clarifying that utilities cannot impose the entire cost of a pole replacement on a requesting attacher when the attacher is not the sole cause of the pole replacement. This ruling came in response to a petition for expedited declaratory ruling filed by NCTA in July. Other NCTA requests were not granted, including for expedited pole replacements and expedited complaint processes.

T-Band Application Suspension Modifications

The FCC issued a [Public Notice](#) last week modifying the suspensions on the acceptance and processing of certain licenses in the T-Band. Following the enactment of the T-Band Mandate in

2012, the FCC imposed a suspension on the acceptance and processing of certain applications for Part 22 and Part 90 services in the T-Band to maintain a stable spectral environment. After terminating the T-Band auction proceeding earlier this month ([Vol. XVIII, Issue 3](#)), the FCC will resume processing T-Band renewal applications within 30 days of the Public Notice's release. From March 22, 2021, until June 21, 2021, the FCC will accept certain incumbent licensee applications for modifications.

C-Band Earth Stations Filing

The FCC's International Bureau issued a [Public Notice](#) last week announcing that incumbent C-Band earth station operators have 90 days to submit filings confirming the continued operation of their stations. RSM US LLP (RSM), the C-Band relocation coordinator, recently filed documents listing earth station antennas that have been reported as being no longer operational, as well as earth station operators and associated antennas that have failed to respond to communications from RSM or the incumbent satellite operators. Station operators have until April 19, 2021 to affirm their continued operations. Failure to affirm in a timely manner will result in the termination of authorizations.

White House Regulatory Freeze Memo

On July 20, the White House issued a [Memorandum](#) to the heads of all executive departments and agencies requesting that they halt all non-emergency rulemaking and regulatory activity pending review by the new administration. Specifically, the Memorandum asks executive agencies to not propose or issue any rules until a department or agency head appointed or designated by President Biden reviews and approves the rule, withdraw any rules that have already been sent to the Federal Register, and to consider postponing by 60 days the effective date of any such rules already sent to the Federal Register but have not yet taken effect.

Beyond Telecom Law Blog: "Broadband Funding Opportunities in the COVID-19 Relief Act"

The Consolidated Appropriations Act of 2021 provided funding for several broadband-related support programs. Please read "[Broadband Funding Opportunities in the COVID-19 Relief Act](#)" by KH Partner Casey Lide and KH Law Graduate Jason Chun on [Beyond Telecom Law Blog](#).

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