

Telecom Alert: 6th Circuit Net Neutrality Decision; Updated Application Fees; January Open Meeting; Rip and Replace Funding; RMD Filing Requirements [Volume XXII, Issue 2]

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6th Circuit Overturns Net Neutrality Order

The 6th Circuit issued [an opinion](#) on January 2nd rejecting FCC arguments to uphold its statutory authority to impose net-neutrality policies and declaring that commercial broadband providers are not “telecommunications services” subject to Title II regulations under the Communications Act. The Court, relying on “the traditional tools of statutory construction,” instead classified broadband providers as offering an “information service” which escapes common-carrier regulations. The Court also rejected once long-standing deference to the FCC’s technical and policy expertise under the Chevron doctrine, citing the recent [Loper Bright](#) decision which permits courts to use their own judgment to interpret laws.

FCC Announces 2025 Application Fee Schedule

The FCC adopted [rule changes](#) to its Schedule of Application Fees at the end of the year to reflect Consumer Price Index (CPI) changes in even-numbered years. Commissioner Carr [noted](#) that the CPI increased by 17.41% since the last adjustment in 2022, which in part was related to rising inflation. While the rule changes do not implement proposed fee alterations in open rulemakings, the Order raised fees for Section 214 authorizations and cable landing licenses, wireless and experimental licensing, among other applications.

FCC Announces January Open Meeting

FCC Chairwoman Rosenworcel [announced](#) the Commission will hold an Open Meeting on January 15, 2025. In contrast to past meetings, the upcoming Open Meeting will have four panels attended by

different bureaus, each providing summaries on their accomplishments over the past administration, as well as goals for the future. Topics from the bureaus will include expanding connectivity and access, competition in the marketplace, national security and public safety initiatives, and the future of communications.

FCC Proposes Auction Rules to Fund Rip and Replace Program

Following the passage of the National Defense Authorization Act, the FCC now has authority to fully fund its Rip and Replace Program, designed to reimburse companies for replacing equipment and services manufactured by entities deemed threats to national security. Within the NDAA, the Spectrum and Secure Technology and Innovation Act allows the FCC to borrow up to \$3.08 billion to fund the program. To repay the borrowed funds, Chairwoman Rosenworcel [hopes](#) the Commission will expedite consideration of a Notice of Proposed Rulemaking updating the competitive bidding rules for the AWS-3 spectrum bands, whose proceeds will be directed to the Rip and Replace Program.

FCC Adopts New Filing Requirements for Robocall Mitigation Database

In efforts to combat illegal robocalls on voice service provider networks, the FCC has adopted new filing requirements for providers on its Robocall Mitigation Database (RMD). The RMD is an extensive public database which tracks provider compliance with STIR/SHAKEN and robocall mitigation rules. The [new rules](#) now require providers to annually re-certify the accuracy of their mitigation plans and pay a \$100 filing fee. Additionally, a new reporting mechanism for deficient filings as well as enhanced two-factor authentication will be implemented and managed by the Wireline Competition Bureau.

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