

# FCC Seeking Comment on Measures to Promote Deployment of Next-Generation Broadband Infrastructure

Article By:

Steven F. Lederman

Benjamin D. Tarbell

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## Legislative Activity

### Chairman Pai Tells Members of Congress that Set-Top Box Docket to Stay Open

On Thursday, April 13, Federal Communications Commission Chairman Ajit Pai [responded](#) to a January 25 letter (previously discussed [here](#)) from members of the House Energy & Commerce Committee that asked Chairman Pai to make a “healthy practice of closing dockets that are no longer under active debate and consideration,” including the docket in the FCC’s [set-top box proceeding](#), which began in early 2016. Chairman Pai indicated that “it would be premature to close th[e] docket” at this time. The chairman noted that, despite his disagreement with previous Chairman Tom Wheeler’s proposed rules concerning set-top boxes, the Notice of Proposed Rulemaking (NPRM) in the proceeding had “teed up certain issues” on which the FCC may want “to take appropriate action” in the future, the possibility of which would be foreclosed by “immediately closing th[e] docket.” Specifically, Chairman Pai noted that the NPRM “sought comment on eliminating the current CableCARD reporting requirement.” A CableCARD is a one-way device that can be used with a CableCARD-compatible device to access television content provided by the cable companies, thereby allowing television subscribers to access content on third-party devices not sold or rented by the cable companies. Chairman Pai indicated that he “d[id] not want to impede [the FCC’s] ability to take appropriate action with respect to [the CableCARD reporting requirement] in an efficient manner by immediately closing [the] docket.”

## Regulatory Activity

### FCC Seeking Comment on Measures to Promote Wireless Broadband Deployment

The FCC has released a [Notice of Proposed Rulemaking and Notice of Inquiry](#) (NPRM and NOI) that “commences an examination of the regulatory impediments to wireless network infrastructure investment and deployment, and how we may remove or reduce such impediments consistent with the law and the public interest, in order to promote the rapid deployment of advanced wireless broadband service to all Americans.” The NPRM and NOI notes that “deployment of next-generation wireless broadband has the potential to bring enormous benefits to the Nation’s communities,” and

that by one assessment, “the next generation of wireless broadband is expected to directly involve \$275 billion in new investment, and could help create 3 million new jobs and boost annual GDP by \$500 billion.” The FCC’s proposals include “potential measures or clarifications intended to expedite [] review” of wireless facility deployment applications by states and local regulatory agencies, and the FCC also in the NPRM “undertake[s] a comprehensive fresh look at our rules and procedures implementing the National Environmental Policy Act (NEPA) and the National Historic Preservation Act (NHPA) . . . in the context of wireless infrastructure deployment.” The FCC also “invite[s] commenters to propose other innovative approaches to expediting deployment.” Comment deadlines will be announced by a notice published in the Federal Register.

### **FCC Seeking Comment on Measures to Promote Wireline Broadband Deployment**

On April 21, the FCC released a [Notice of Proposed Rulemaking, Notice of Inquiry, and Request for Comment](#) seeking comment on measures “to better enable broadband providers to build, maintain, and upgrade their networks, which will lead to more affordable and available Internet access and other broadband services for consumers and businesses alike.” The FCC notes that “[a]ccess to high-speed broadband can create economic opportunity, enabling entrepreneurs to create businesses, immediately reach customers throughout the world, and revolutionize entire industries.” The FCC proposes in the item “to remove regulatory barriers to infrastructure investment at the federal, state, and local level; suggest changes to speed the transition from copper networks and legacy services to next-generation networks and services; and propose to reform [FCC] regulations that increase costs and slow broadband deployment.” Comment deadlines will be announced by a notice published in the Federal Register.

### **FCC Reinstates “UHF Discount” For Broadcast TV Stations**

The FCC voted on April 20 to reinstate the “‘UHF discount’ until the [FCC] can address its national television ownership rule more holistically, in a proceeding to be launched later this year,” according to an FCC [news release](#). The UHF (or “ultra high frequency”) discount allows “stations broadcasting in the UHF spectrum . . . to count 50 percent of the television households in their market when determining compliance with the 39 percent national cap,” per the news release. The news release states that the UHF discount was eliminated in August 2016 by the FCC “on a party-line vote,” and that the April 20 Order (which has not yet been released) “finds that this action had the effect of substantially tightening the national cap for companies without any analysis of whether this tightening was warranted given current marketplace conditions.” Further, the FCC’s previous decision “erred by getting rid of the UHF discount without simultaneously considering whether the [national] cap itself should be modified,” and the FCC “plans to take up both the question of the 39 percent cap and the UHF discount later this year,” according to the news release.

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