



Post-Election Outlook | Commissioner Carr's Call for FCC Enforcement Reform

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Commissioner Brendan Carr has advocated for Enforcement Bureau reform at the Federal Communications Commission (FCC), suggesting that the FCC should “trim its sails” on enforcement to avoid drawing legal challenges to the agency’s constitutionality: “The more we push the boundaries of our own existing enforcement authority, we’re [going to] hasten the day when very significant constitutional challenges to the entire scheme will be brought forward.” Commissioner Carr has accused the Enforcement Bureau under Chairwoman Jessica Rosenworcel’s leadership of “overreach” in several cases, including orders issued against major wireless carriers over certain commercial practices related to the use of customer location data, which imposed nearly \$200 million in forfeitures earlier this year. Those forfeitures are currently being challenged in federal court by carriers, who have raised questions about the constitutionality of the FCC’s enforcement framework more generally. Commissioner Carr’s past statements suggest that he will likely be less aggressive on monetary enforcement, at least until the FCC’s jurisdiction is clarified by the courts.

Categories

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