

Navigating the 2025 Regulatory Landscape: FCC Impact on Communications, Internet, and Technology Sector

Client Alerts

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As the Trump administration prepares to return to power in 2025, the communications and technology sectors are bracing for significant regulatory shifts, with experts predicting major changes in areas ranging from spectrum management to broadband funding.

In anticipation of these changes, Jenner & Block hosted a webinar to examine the Federal Communications Commission's (FCC) policy agenda. The event brought together thought leaders from across the firm, including Jessica Ring Amunson, Elizabeth Deutsch, Sam Feder, Trey Hanbury, Rebekah Goodheart, Roger Sherman, Eric Einhorn, and Emily Loeb, who provided critical insights for business leaders, legal professionals, and corporate decision-makers navigating the evolving regulatory landscape. The presentation focused on key policy developments and the potential impact of the FCC's rulemaking, offering attendees a valuable opportunity to stay informed about and prepared for the regulatory changes ahead.

Below are the key takeaways from the session, highlighting the shifts expected in the telecommunications industry and the legal and regulatory risks that businesses may face.

FCC's Impact on the Communication, Internet and Technology Industry

Under potential new leadership, likely with Commissioner Brendan Carr as Chairman, the FCC is expected to adopt a substantially different approach to key areas of broadband and spectrum policy. The Broadband Equity, Access, and Deployment (BEAD) program is anticipated to undergo significant revisions, including the elimination of preferences for fiber deployment and a broader definition of reliable broadband service to include satellite and fixed wireless technologies. Spectrum policy will remain a central focus, with new opportunities in the 3.98-4.2 GHz C-band spectrum and the potential for a second broadcast incentive auction. Additionally, the FCC may reevaluate existing allocations in the 6 GHz band and CBRS spectrum, which could disrupt current deployments.

The Universal Service Fund (USF) programs are also likely to be reassessed, with a focus on aligning them with new funding mechanisms like BEAD. Greater coordination between federal broadband

initiatives, including RUS and Treasury programs, is expected to avoid duplication and perceived overbuilding. These changes signal a shift toward more technology-neutral and efficiency-driven strategies, aimed at accelerating broadband deployment and optimizing spectrum use.

Capitol Hill

Telecommunications policy has traditionally been a rare area of bipartisan cooperation, and there is optimism that this trend will continue despite a contentious political environment. Spectrum policy remains a key focus, with bipartisan agreement on many aspects, though partisan approaches could emerge if auctions are tied to budget reconciliation. National security concerns related to China also present opportunities for cooperation, as do efforts on USF reform and FirstNet reauthorization, though both face stakeholder disagreements.

Congressional oversight of the private sector is expected to continue, with ongoing scrutiny of companies over issues like content moderation, ties to China, and children's online safety. House committees may also review whether broadcasters followed the FCC's equal time guidelines during the 2024 campaign season, while the Senate may prioritize oversight of broadband spending and data security.

Litigation

The changing administration will face crucial decisions regarding pending cases, particularly around net neutrality and digital discrimination rules. With the elimination of *Chevron* deference and the rise of the major questions doctrine, courts are likely to be more skeptical of agency actions, potentially limiting the FCC's regulatory authority. The Commission must decide whether to defend existing orders or signal reconsideration to courts, with decisions in cases like the Universal Service Fund challenge potentially having long-lasting implications. The proposed Schedule F executive order could dramatically reshape the federal workforce by reclassifying career civil servants as political appointees, potentially affecting the FCC's professional staff and institutional knowledge. Section 230 reform efforts, whether through legislation or FCC rulemaking, will face First Amendment challenges, particularly given the Supreme Court's recent precedents protecting content moderation decisions.

Looking ahead, the telecommunications industry faces a period of significant regulatory uncertainty. While some policy directions are clear—such as a more technology-neutral approach to broadband deployment and increased scrutiny of federal funding programs—the interplay between administrative action, congressional oversight, and judicial review will shape the ultimate impact of the Trump administration's agenda. The industry must navigate these changes while maintaining investment in critical infrastructure and adapting to evolving market demands.

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