

Pending Federal Advocacy Matter in Courts	Issue Addressed	Status
<p><b><i>Portland v. U.S., 969 F.3d 1020 (9th Cir. 2020)</i></b></p> <p>Local Gov't Appeal of FCC's Small Cell Orders</p> <p>(18-72689, 19-70490, 19-70123, 19-70124, 19-70125, 19-70136, 19-70144, 19-70145, 19-70146, 19-70147 19-70326, 19-70339, 19-70341, 19-70344)</p>	<p>Appeal upheld most of the Orders Vacated rule that aesthetic requirements must be objective or no more burdensome</p> <p>FCC's Small Cell Orders:</p> <ul style="list-style-type: none"> <li>• preempt moratoria on telecom permits,</li> <li>• impose cost-based fees for wireless sittings (including on muni-owned property in the ROW),</li> <li>• establish aesthetic standards and</li> <li>• new shot clocks</li> </ul>	<p><a href="#"><u>City of Portland, Oregon, et al., Petitioners v. Federal Communications Commission, et al.</u></a></p> <p>You can go to this page to find any and all document.</p> <p>Two Amicus briefs filed. One filed by USCM, IMLA and Government Finance Officers. The other by the State and Local Legal Center.</p>
<p><b><i>City of Eugene v. FCC (Cable Franchising (621) Order)</i></b></p> <p>Case Number: 19-4161</p> <p>Appeal of Order pending before the 6th Circuit;</p>	<p>The FCC's 3rd 621 Order says "franchise fee" includes non-cash franchise obligations that are to be quantified at "fair market value" and can be deducted from the franchise fee payment.</p> <p>Preempts state and local authority over cable operators' non-cable services and facilities</p>	<p>Oral Argument held April 15.</p> <p>Decision expected in 2021</p>
<p><b><i>League of California Cities, City of Boston et. al v. FCC</i></b></p> <p>Appeal of 6409 Concealment Order</p> <p>9<sup>th</sup> Cir.</p> <p>Case: 20-72749</p>	<p>The FCC's 6409 Concealment Order dramatically reduces the ability of a siting authority to impose stealth or concealment obligations that are enforceable in a colocation application</p>	<p>Briefs filed, matter held in abeyance until August as FCC has requested time to reconsider its position</p>

Pending Federal Telecom Issue at FCC	Status	Next Deadline/Hyperlink
<p><b>6409 Site Expansion Order</b> (WT Docket No. 19-250)</p> <p>Petition for Reconsideration at the FCC.</p>	<p>FCC issued and order that would expand a cell tower site outside of the rights-of-way 30 feet on each side.</p> <p>Local Gov't filed a Petition for Reconsideration.</p>	<p>Awaiting decision by the FCC on reconsideration request.</p> <p>Filings complete.</p>
<p><b>Emergency Broadband Connectivity Fund</b> (WC Docket No. 20-445)</p> <p>The \$3.4B Emergency Broadband Benefit Program - Consolidated Appropriations Act, 2021.</p>	<p>Eligible households may receive a discount off the cost of broadband service (up to \$50.00 per month and, on Tribal lands, the monthly discount may be up to \$75.00 per month) and certain connected devices during an emergency period relating to the COVID-19 pandemic. Participating providers can be reimbursed for such discounts.</p>	<p>On February 25, 2021, the FCC adopted <a href="#">Report and Order 21-29</a>, officially establishing the Emergency Broadband Benefit Program.</p>
<p><b>E-Rate Public Notice</b> <b><a href="#">Close the Homework Gap Fund</a></b> (WC Docket No. 21-31)</p>	<p>\$7.17B Program is built on the existing E-Rate program that provides reimbursement of expenses associated with bringing advanced services to schools and librarians. Congress expanded the program to allow funds to be used to bring services to student, faculty and library patrons at locations other than schools or libraries.</p>	<p>Comments due April 5 Replies April 23 <a href="#">Proposed Report and Order.</a></p>
<p><b>Updating the FCC's Rule for Over-the-Air Reception Devices (OTARD)</b> WT Docket No. 19-71</p>	<p>Jan. 7, 2021, FCC expanded its rules to eliminate the <u>primary purpose</u> test used to justify the deployment of an OTARD. Likely to result in expanded access to siting locations for the wireless industry.</p>	<p><a href="https://www.bbklaw.com/getmedia/73b32adb-f81a-45ed-a6b3-ad2f68ba99d9/FCC-21-10A1.pdf">https://www.bbklaw.com/getmedia/73b32adb-f81a-45ed-a6b3-ad2f68ba99d9/FCC-21-10A1.pdf</a></p>

<b>Net Neutrality Petition</b>	Public interest advocates assert that “facts and circumstances pertaining to the COVID-19 pandemic that continue to present unprecedented public health and economic challenges throughout the nation” present sufficient grounds under Section 1.429 of the Commission’s rules to reconsider its Restoring Internet Freedom Order.	Tracking issue.
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