

ALERT

Wheeler to Take Helm of FCC on Monday

October 31, 2013

On October 29, 2013, the Senate voted to confirm Democrat Tom Wheeler as Chairman of the Federal Communications Commission (FCC or Commission) and Republican Michael O'Rielly as Commissioner. Mr. Wheeler is expected to be sworn in Monday morning, and once he and Mr. O'Rielly have assumed their respective roles, the agency will once again have a full complement of five Commissioners.

Mr. Wheeler was president of the National Cable Television Association (now the National Cable and Telecommunications Association) from 1979 to 1984. He was president of the Cellular Telecommunications & Internet Association (now CTIA-The Wireless Association) from 1992 until 2004. Most recently, Mr. Wheeler was managing director of Core Capital Partners, a Washington, D.C.-based venture capital firm.

Mr. O'Rielly has held various positions on Capitol Hill since 1994, most recently serving as a policy advisor in the Office of the Senate Republican Whip under Senator John Cornyn (R-TX).

In a statement, Mr. Wheeler thanked Acting Chairwoman Mignon Clyburn for her leadership and expressed enthusiasm for the opportunity to lead the Commission "at a hinge moment of history." Acting Chairwoman Clyburn welcomed both men and stated that she "look[s] forward to working with them, ..., to further communications policies that advance the public interest, bolster competition, empower consumers, and spur new waves of innovation that grow our economy and create jobs."

Earlier in October, Senator Ted Cruz (R-TX) blocked the Senate from voting on Mr. Wheeler's nomination. Senator Cruz was dissatisfied with Mr. Wheeler's June 2013 confirmation hearing in which the then-

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nominee declined to comment specifically on whether the FCC has authority to implement regulations pursuant to the DISCLOSE Act, which would require super PACs, corporations, unions and other outside groups to disclose to the Federal Elections Commission when they spend more than \$10,000 to air political campaign ads. Although the latest incarnation of the DISCLOSE Act failed to pass the Senate in July of 2012, Democrats have suggested the FCC may have authority to require major campaign donors to disclose their identities under its current sponsorship identification rules.

With a full complement of FCC Commissioners, we expect the agency to move forward on several important rulemaking proceedings, most notably the incentive auction of broadcast spectrum.