

The election of President Trump has ushered in widespread speculation regarding potential shifts in regulatory and policy priorities across various sectors, including telecommunications.

Now that President-elect Trump has designated Commissioner Brendan Carr to be the new chairman of the Federal Communications Commission (FCC), attention has turned to expected shakeups and policy changes under his leadership. The FCC possesses broad authority to shape telecommunications policy, but many critical issues confronting the sector fall beyond the FCC's exclusive purview. Resolving these complex matters will require the active involvement of Congress and, in some instances, the National Telecommunications and Information Administration (NTIA), underscoring the importance of interagency and legislative collaboration in achieving meaningful progress. The uncertainty of when the Trump Administration may nominate a third Republican commissioner further clouds the ability to predict FCC action, since many of the reforms Commissioner Carr is likely to champion will be hard to enact without a Republican majority in the FCC.

Considering these factors, we highlight some salient issues and what to expect from the government stakeholders involved with Republican control of the White House, Congress, the FCC and NTIA.

## Deregulation

An FCC led by Commissioner Carr is widely expected to shift from a heavy-handed to a much lighter regulatory approach—one based on competition and innovation to protect consumers and a narrower view of the FCC's authority under the major questions doctrine. As the author of the FCC chapter in the Heritage Foundation's *Mandate for Leadership: the Conservative Promise* (the "2025 Project"), Commissioner Carr [called](#) for a "serious top-to-bottom review" of the FCC's regulations and to "take steps to rescind any that are overly cumbersome or outdated." He is likely to act accordingly.

A prominent area where that shift will be seen is net neutrality. Commissioner Carr filed a blistering dissent to the Safeguarding and Securing the Open Internet Order in 2024, arguing that the FCC's initial adoption of net neutrality rules in 2017 was "an unprecedented and coordinated effort by the Executive Branch to pressure an independent agency into grabbing power that the Legislative Branch never said it delegated." Presaging his views on the impact of the major questions doctrine, Commissioner Carr also argued that the FCC violated *West Virginia v. EPA* "through its unrestrained use of forbearance" in its 2024 order. A return to the environment that prevailed before the 2024 order is all but certain (pending judicial challenges).

The digital discrimination rules, which the FCC [adopted](#) in 2023 to implement the Infrastructure Investment and Jobs Act's mandate to facilitate equal access to broadband internet access service, are also a likely target of a deregulatory approach. Commissioner Carr [dissented](#) when the FCC adopted these rules, calling them "central planning" and "a roving mandate to micromanage nearly every aspect of how the Internet functions." He also argued that the rules would not satisfy the major questions doctrine, suggesting that the FCC should have met the congressional mandate by focusing on broadband infrastructure deployment, not enacting digital equity rules.

Another potential deregulatory measure to watch is a more robust and expansive endorsement of private carriage. In 2017, the FCC (led by then-Chairman Ajit Pai) issued an [order](#) that, among other things, significantly deregulated several business data services. But often lost in discussions about that order are the nineteen paragraphs on pages 108 through 122 addressing in detail the analytical framework to distinguish between services offered on a common carrier and private carriage basis, along with the finding that several business data services offered by five specific providers were offered on a private carrier basis. The distinction between common and private carriage is critical because only services that qualify as telecommunications and are offered on a common carriage basis are subject to regulation under Title II of the Communications Act. The FCC carefully noted that it did not have a basis "to broadly classify all business data services" as private carriage services. But the FCC arguably opened the door to a more expansive use of private carriage, mainly for wholesale transport services and enterprise data services. An FCC led by Commissioner Carr could swing that door open as a deregulatory move of significant impact.

## Universal Service Fund

Regarding the Universal Service Fund (USF), the real question may not be whether there will be changes but how significant they will be. Many Republicans in the FCC and Congress have long described the USF funding mechanism—under which digital platforms and streaming services do not contribute—as unsustainable. Commissioner Carr is on [record](#) as far back as 2021 on the "death spiral" of the USF program and calling on "Big Tech to start paying a fair share into USF" with contributions determined based on digital advertising revenues. He recently doubled down on this approach, [calling](#) the current approach "the regulatory equivalent of taxing horseshoes to pay for highways."

However, Commissioner Carr has rejected the potential short-term measure of expanding assessments to broadband internet access service, and he has recognized that the FCC would need additional statutory authority to require online platforms and service providers to contribute to USF.

That points to Congress playing a more prominent role. During the Biden presidency, Senate Republicans pressed for USF program reforms. Some focused on expanding the contribution base to providers of online platforms and service providers, e.g., [S. 856](#), which Senator Roger Wicker (R-MS) introduced in the 118th Congress. But others went further. Senator Ted Cruz (R-TX), the likely Senate Commerce chairman, released a [white paper](#) earlier this year rejecting the expansion of the contribution base as the solution. Instead, he proposed moving some, or all the USF programs into direct congressional appropriations, thus requiring congressional approval for new programs and expenditures (with a notable exception for the high-cost program).

Clouding these projections—and potentially delaying any reform—is the pending challenge to the constitutionality of the USF program’s funding mechanism. After the United States Court of Appeals for the Fifth Circuit [held](#) that the delegation of the tax authority to the FCC (and then to the Universal Service Administrative Company) was unconstitutional, the Supreme Court recently [announced](#) it would hear an appeal from that order. Depending on the outcome of that case, the FCC and Congress may have no choice but to reconsider the USF program’s funding mechanism.

## Online Platforms and Service Providers

President-elect Trump has been a vocal critic of some of the larger online platforms, such as the large social media sites. Before the end of this first term in office, he issued an [Executive Order](#) accusing these platforms of “engaging in selective censorship that is harming our national discourse” and ordering federal agencies to apply narrowly the protection from immunity under Section 230 of the Communications Act. President Trump selected another vocal critic of large online platforms in designating Commissioner Carr for the FCC chairmanship. Commissioner Carr has [called](#) them the “real black box” of the Internet and has accused them of providing “far less transparency than broadband providers regarding their practices and commercial terms.” As the author of the Project 2025 chapter on the FCC, he [proposed](#) that the FCC (1) issue an order interpreting Section 230 narrowly interpreting the immunity conferred by that provision; (2) impose transparency requirements on large online platforms similar to those that apply to broadband providers; (3) work with Congress to amend Section 230 to apply antidiscrimination prohibitions to large online platforms; and (4) enact content-moderation rules that “empower” users to “control their online experiences.”

Commissioner Carr may try to implement some or all these measures. However, the FCC’s authority to interpret and narrowly limit Section 230 is uncertain at best, and Commissioner Carr has admitted that such an approach could be controversial even in conservative circles. That suggests that Congress—not the FCC—may be the player to watch when it comes to new approaches to regulating large online platforms. Legislation would be the more robust approach to impose USF contributions to large online platforms, limit immunities under Section 230 and impose transparency rules. But that would also set up an epic battle in Congress among influential and well-heeled entities, and force a delicate and complex debate on balancing free speech, accountability and innovation in an area where many Republicans long supported a hand-off approach.

## BEAD Program

The future of the Broadband Equity, Access, and Deployment (BEAD) Program is at the top of the minds of stakeholders looking at their crystal ball to predict changes under a new Trump Administration. The BEAD Program is the US\$42.45 billion initiative established in the IIJA to fund broadband development projects in unserved and underserved areas across the US. NTIA administers it, but states are responsible for conducting the procurement processes and select preliminary awardees (subject to ultimate NTIA approval).

Commissioner Carr has been a critic of the BEAD Program from the outset. He has [raised](#) concerns with how the BEAD Program overlaps existing FCC programs, promotes the overbuilding of existing networks, and “puts price controls squarely on the table.” In a statement to Congress earlier this year, he [criticized](#) the BEAD Program’s slow deployment (calling it “the slowest moving federal broadband deployment program in recent history”), the endorsement of “aggressive rate regulation” and the decision “to pick technological winners and losers.” A few weeks after the election, he [posted](#) about the need “for an important discussion about the program’s future,” pointing to the program’s “DEI requirements,” “[c]limate change agenda,” “price controls” and “[t]echnology bias.”

But an FCC led by Commissioner Carr would have limited influence—much less authority—over the BEAD Program. As of the date of this piece, President-elect Trump has not appointed an NTIA Administrator, and Commerce Secretary-designee Howard Lutnick has not made public his views about the BEAD Program. As such, it is hard to predict whether the FCC and NTIA would approach reforms to BEAD with a sledgehammer or a scalpel—a scenario further clouded by the uncertain role and influence of the Department of Government Efficiency (DOGE) that President-elect Trump has promised to create. Case in point: only a few days ago, Senator Joni Ernst [asked](#) DOGE to look into eliminating the funding for the BEAD Program.

That being said, a few points can be made with relative confidence.

First, there is a developing Republican consensus that the BEAD program has serious deficiencies. House Commerce Committee Republicans have [accused](#) NTIA of engaging in rate regulation by implementing the requirements of affordable plans and ignoring the law's technology-neutral mandate that created the BEAD program. Several senators, led by new Senate Majority Leader John Thune, have [criticized](#) "partisan, extralegal requirements," which they claim included those related to the use of unionized workforce and DEI. As mentioned above, Commissioner Carr has echoed those concerns.

Second, Congress may be poised to get involved. Senator Cruz, who would have significant influence as the likely Senate Commerce chairman, [recently](#) asked the Commerce Department and NTIA to pause BEAD activities approving final actions and called for reforms. Senator Cruz authored a [Red Light Report](#) in 2023 that recommended, among other things, prohibiting overbuilding in areas "slated to receive support from other federal or state programs," compelling states with adequate funding through other federal sources to return unused BEAD funding and revising program rules to treat satellite and fixed wireless on a level playing field with fiber. If enacted, these would be significant reforms to the BEAD Program.

Third, the calendar and slow rollout so far could be the BEAD Program's undoing. Under the process established by NTIA, states first conduct their procurement processes and select preliminary awardees. Those decisions must be submitted to and approved by NTIA before any funds are disbursed—and before any deployment projects start. The only state that has concluded its procurement process and submitted its preliminary awards to NTIA is Louisiana, which did so recently. That means that when the Trump Administration takes over, NTIA may not have approved any final award decisions, which means no funds would have been disbursed to proponents by the end of the Biden Administration. That could give NTIA under the Trump Administration ample room to push for reforms and slow down disbursements by delaying approvals of final award decisions. It also would give Congress time to enact reforms before funds are awarded for specific projects.

## National Security

In recent years, national security has been an area of bipartisan consensus. Led by Chairwoman Jessica Rosenworcel, the FCC prohibited the import or sale of communications equipment from several Chinese companies and revoked the licenses of several telecommunications carriers on national security grounds. Commissioner Carr supported these efforts.

An even more aggressive approach could be in the cards under Commissioner Carr's leadership. He has [called](#) for expanding the FCC-maintained list of communications equipment and services that pose an unacceptable risk to US national security. In contrast with his preference for deregulation and his more conservative view of the FCC's authority under Title II, Commissioner Carr has suggested that the FCC should go after entities from countries that pose a national security threat, even when they engage in private carriage and provide other services that do not fall within purview of Title II of the Communications Act.

He also proposed publishing and maintaining a list of licensed entities with more than 10% ownership by foreign adversarial governments (including China, Russia, Iran, Syria and North Korea).

One area where there is more uncertainty is the future of TikTok. Congress enacted the Protecting Americans from Foreign Adversary Controlled Applications Act (the "Act") in 2024, which would ban TikTok in the US unless TikTok, Inc.—the California-incorporated company that provides the TikTok platform in the US—is sold by its parent company, ByteDance Ltd. Commissioner Carr publicly [supported](#) banning TikTok in 2022 and [applauded](#) the introduction of the Act two years later, calling it "a smart threat-specific bill that would address a clear and present danger." President-elect Trump has been more equivocal. The Trump Administration attempted to [ban](#) TikTok in 2020 and then tried to [force](#) ByteDance to sell TikTok, Inc. However, the president-elect changed his tune during the campaign, opposing the ban even though he continued describing TikTok as a national security threat. Given the deadline of January 19, 2025, to divest, the future of TikTok is an issue where Congress and the White House—not the FCC—will play a prominent role.

## Infrastructure Deployment

Broadband infrastructure reform is another area where an FCC led by Commissioner Carr will likely act. Commissioner Carr has a clear record when it comes to infrastructure reform. He was a strong supporter of the [August 2018 order](#) to reform pole attachment rules, the [September 2018 order](#) streamlining the deployment of wireless infrastructure and small wireless facilities critical to 5G, and the [2020 order](#) clarifying the application of the 60-day shot clock to proposed modifications, all of which were adopted under the Chairman Pai-led FCC. He also supported the [2023 order](#) establishing streamlined procedures to handle pole attachment disputes and declaring that utilities are responsible for the costs associated with replacing a pole that has been "red-tagged."

More recently, Commissioner Carr has expressed that much more is left to be done. In the chapter on the FCC for [Project 2025](#), he argued the FCC had "not engaged in any similar infrastructure reforms in recent years" and proposed adopting rules streamlining the deployment of wired infrastructure by imposing limits on fees and establishing shot clocks. These proposals echoed his [statement](#) to Congress in 2023, when he also argued for the FCC to take a closer look "at the delays and costs imposed by municipal and cooperative utilities when providers seek to attach to poles owned by those entities."

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