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Carr Declines to Say Whether Section 230 Action Should Be Deferred

Republican FCC Commissioner Brendan Carr told reporters today that although he doesn't "have any insight into the Chairman's thinking" on whether a recent request by Democratic leaders of the House Energy and Commerce Committee to avoid action on "controversial" items during the presidential transition should affect the pending proceeding on interpreting section 230 of the Communications Decency Act, his preference would have been for the FCC to have "moved forward on this already."

In general, he deferred questions related to the transition and agency cooperation with the Biden FCC review team to the Chairman's office and other relevant offices at the agency. He said that he has not had any contact with the transition team, and that he didn't think a Commissioner other than the Chairman "typically would." He noted that he is familiar with the individual members of the FCC review team who have been named by the Biden transition team, adding that he went to high school with Edward (Smitty) Smith of DLA Piper LLP as well as working with him at the Commission.

As for the suggestion that transition operations are less critical at an independent agency that has members from the party of the incoming administration, Mr. Carr agreed, saying, "When you have people like ... Rosenworcel and Starks today, there's already lots of understanding of the building."

During the COVID-19 pandemic, while most FCC employees have been working from home, the agency has moved from its former headquarters in Southwest Washington to a new location in Northeast Washington. Asked whether he had been inside the new building, he said he has "a handful of times to unpack my boxes" and to get some work done in a child-free environment. However, he noted that in general staff has the option to continue working from home at least until next summer and that there is "not a push to get people inside the building."

As for any potential effect on the administrative role of the Chairman and the transition of that authority, he said, "I don't know how different it is to run the building remotely." He added, "The productivity level we've seen out of FCC staff even though we've been scattered to the winds has been remarkable and not something I would have predicted," even as someone who is not a skeptic about the potential of telework.

In response to a question regarding his own plans in light of the prospect of becoming a member of the agency minority, Commissioner Carr, whose term does not expire until June 30, 2023, said, "I absolutely love this job." He added, "It's hard to imagine there's anything more satisfying to get to work on than telecom policy."

“There’s a lot that I still want to do,” he said, citing telehealth, the 5G workforce, infrastructure reform, and spectrum. “My plan is to stay here and keep working,” he told reporters during a conference call following today’s FCC meeting (see separate stories).

Mr. Carr also said he has enjoyed being the point person at the Commission on wireless infrastructure issues but said he’s “not confident” that role will continue when he is in the minority. But he said he would be “happy to continue in that role.” —Lynn Stanton, lynn.stanton@wolterkluwer.com, and Paul Kirby, paul.kirby@wolterkluwer.com

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