

Reiter Opines on FCC's Authority to Regulate Broadband Services in *Federal Communications Law Journal*

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Stinson LLP Partner [Harvey Reiter](#) authored an article for the *Federal Communications Law Journal*, "The FCC's Terrible, Horrible, No Good, Very Bad Day."

Reiter explores the evolving legal and regulatory challenges facing the Federal Communications Commission (FCC) as it attempts to defend its "net neutrality" rule regulating broadband services before the Sixth Circuit Court of Appeals. He focuses on how the Supreme Court's expanded "major questions doctrine" and its recent decision in *Loper Bright Enterprises* to overturn its 40-year-old *Chevron* doctrine might affect the FCC's prospects before the appeals court and explains why he thinks the FCC should nonetheless prevail.

Reiter addresses why the appellate courts should not consider the FCC's assertion of jurisdiction over broadband internet access under the Telecommunications Act as a "major question." He further explains that the FCC's loss of *Chevron* deference is inconsequential because a 20-year-old pre-*Chevron* decision in *AT&T v. City of Portland* provides "ample ground to conclude that the best reading of the Telecommunications Act is that cable broadband is a telecommunications service the FCC has the authority to regulate."

Reiter focuses his practice on competition in the electric and natural gas industries, representing clients in proceedings before Federal Energy Regulatory Commission, the FCC and federal courts. He brings a wealth of knowledge to his legal counsel in litigation, appellate, transactional and other legal services, and offers regulatory and trial insights with a strong focus on antitrust and competition issues. Reiter is an adjunct professor of law at George Washington University Law School and editor-in-chief of the *Energy Law Journal*.

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