Press Release

FCC Merger Review in the Spotlight

PAULINA ENCK | OCTOBER 30, 2024

With a slew of potential mergers in the telecommunications industry, the Federal Communications Commission (FCC) will soon review a variety of high-profile transfers of telecommunications services and assets, such as telephone networks and radio spectrum licenses. In a new insight, Director of Technology and Innovation Policy Jeffrey Westling explains the FCC's current merger review authority, walks through concerns, and considers possible next steps for Congress.

Key points:

- *Unlike the antitrust agencies, the FCC reviews transactions under a much broader public interest standard, meaning that potential mergers could be subject to more exacting scrutiny.*
- *If the FCC employs the "big is bad" theory of the Biden Administration in its review, relatively routine mergers could soon face regulation by merger condition-setting if the FCC forgoes competitive analysis when reviewing transactions.*
- *With many large telecommunications transactions currently, or soon to be, before the FCC, it will be critical for Congress to maintain careful oversight to ensure the agency does not attempt to impose regulations outside its authority.*

Read the analysis