

Wireless Roundup (April 2024)

March 29, 2024

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Did You Know?

Recent Wiley Client Alerts, IoT Blog Posts, and Podcasts

Key Wireless Deadlines

FCC Requests Comment on Proposed Rules Regarding Prevention

and Elimination of Digital Discrimination: In this Further Notice of Proposed Rulemaking (FNPRM), the Federal Communications Commission (FCC or Commission) seeks further comments on affirmative obligations for service providers to expand broadband access. Proposed obligations include annual reports describing substantial broadband projects and internal compliance programs requiring periodic review of demographics of served communities and pending and planned projects. Reply comments are due April 1, 2024.

FCC Seeks Comment on Allocating Spectrum for Non-Federal

Space Launch Operations: In this Second FNPRM, the Commission requests comment on whether to add new spectrum allocations for post-launch and suborbital spaceflight operations in the VHF, L-, X-, or S-bands and whether to expand use of the 2360-2395 MHz band. The Commission also seeks comment on the National Telecommunications and Information Administration's (NTIA) request to add three new footnotes to the Table of Frequency Allocations to address use of spectrum by manned and unmanned spacecraft during space missions. Reply comments are due April 1, 2024.

Practice Areas

Telecom, Media & Technology

Telecommunications & Broadband Service

Wireless

FCC Welcomes Comment on Whether the Telephone Consumer Protection Act (TCPA) Applies to Wireless Providers' Robocalls and Robotexts to Subscribers: In this FNPRM, the FCC requests comment on whether the TCPA applies to wireless providers' robocalls and robotexts to their own subscribers, and thus, providers must obtain consent to send these communications. If providers have consent to make robocalls or send robotexts, the Commission seeks comment on whether wireless subscribers can revoke their consent through a revocation of consent request that providers must honor. Additionally, the FCC solicits comment on a request to require automated opt-out mechanisms on calls that use artificial or prerecorded voices. Comments are due April 4, 2024, and reply comments are due April 19, 2024.

DOJ Asks for Comment on Implementation of Bulk Sensitive Personal and U.S. Government-Related Data Executive Order: In this Advance Notice of Proposed Rulemaking (ANPRM), which follows the Executive Order titled "Preventing Access to Americans' Bulk Sensitive Personal Data and United States Government-Related Data by Countries of Concern," the Department of Justice (DOJ) seeks comment on various topics including bulk U.S. sensitive personal data, government-related data, covered data transactions, countries of concern, covered persons, prohibitions, exempt transactions, licenses, interpretive guidance, compliance and enforcement, coordination with other regulatory regimes such as the Committee on Foreign Investment in the United States (CFIUS), and more. Comments are due April 19, 2024.

FCC Invites Comment on Providing More Utility for Very Low Power (VLP) Unlicensed Devices: In this Second FNPRM, the FCC welcomes comment on how it can refine VLP device rules to expand VLP device use of the 6 GHz band while protecting licensed incumbents. The Commission seeks comment on allowing higher power VLP devices under a two-tiered system, in which higher powered devices could operate only in locations yielding insignificant potential for causing harmful interference to incumbent operations. Additionally, the FCC requests comment on VLP device requirements and limits for operation in the U-NII-6 (6.425–6.525 GHz) and U-NII-8 (6.875–7.125 GHz) bands. Reply comments are due April 26, 2024.

FCC Solicits Comment on a Proposed New Framework for Licensing Space Stations Engaged in In-Space Servicing, Assembly, and Manufacturing (ISAM): In this NPRM, the Commission requests comment on proposed changes to part 25 of the Commission's rules to create a new licensing framework for ISAM space stations. The NPRM proposes a new "ISAM space station" definition and a new § 25.126 to aggregate ISAM space station license application requirements. Furthermore, the NPRM seeks comment on other potential rule changes to support ISAM industry development. Moreover, the NPRM proposes to preserve the same orbital debris mitigation requirements for both ISAM operators and other space station operators, and additionally, proposes to review ISAM operators' frequency use requests on a case-by-case basis. Comments are due April 29, 2024, and reply comments are due May 29, 2024.

Upcoming Meetings and Events

- **FCC Open Meeting:** The next FCC Open Meeting is scheduled for April 25, 2024. Meeting details and agenda will be made available here.

- **Consumer Advisory Committee Meeting:** The Consumer Advisory Committee (CAC) will meet in person to discuss: (i) the roles and responsibilities of the Committee and its members; (ii) issues the Committee will be asked to address; (iii) meeting schedules; and (iv) any other topics relevant to the CAC's work on April 4, 2024. The agenda and link to webcast can be found [here](#).
- **Satellite Spectrum Coordination:** The Space Bureau is hosting the Satellite Spectrum Coordination event to provide an overview on satellite spectrum coordination and FCC procedures on April 18, 2024. The agenda and registration details can be found [here](#).
- **NIST National AI Committee Meetings:** The National Institute of Standards and Technology's (NIST) National AI Advisory Committee (NAIAC) will meet virtually on April 16, 2024. NAIAC's Law Enforcement Subcommittee will meet virtually on April 5, 2024. More details can be found [here](#).

Cyber Corner

- **FCC Requests Comment on Cybersecurity Labeling Program for Wireless Consumer Internet of Things (IoT) Products:** In this FNPRM, the Commission seeks comment on proposed rules regarding national security declarations, such as manufacturer disclosures, for the IoT labeling program. According to the FCC, these declarations would enable consumers to make safer purchasing decisions, bolster consumer confidence, and encourage manufacturers to develop IoT products while considering security-by-design principles. Comments are due April 24, 2024, and reply comments are due May 24, 2024.
- **Cyber Incident Reporting for Critical Infrastructure Notice of Proposed Rulemaking:** On March 27, 2024, the Cybersecurity and Infrastructure Security Agency (CISA) within the Department of Homeland Security (DHS) released for public inspection the Notice of Proposed Rulemaking (NPRM) implementing the Cyber Incident Reporting for Critical Infrastructure Act of 2022 (CIRCIA). The NPRM will be published in the Federal Register on April 4, 2024, and comments are expected to be due on June 3, 2024. The NPRM seeks to define, among other issues, what organizations will have to report cybersecurity incidents to CISA, and what types of incidents must be reported. CISA has proposed applying the reporting requirement broadly in the Communications Sector, including to all "fixed and mobile wireless service providers."
- **ICT Supply Chain: Connected Vehicles ANPRM:** On March 1, 2024, the Bureau of Industry and Security (BIS) within the Department of Commerce published in the Federal Register an Advanced Notice of Proposed Rulemaking (ANPRM) focused on security risks related to connected vehicles. The ANPRM asks about potential restrictions on ICTS transactions by or with persons who design, develop, manufacture, or supply ICTS "integral to connected vehicles" and are owned, controlled by, or subject to jurisdiction or direction of designated foreign governments or persons. Comments are due April 30, 2024.
- **FCC PSHSB Public Notice on Diameter and SS7:** On March 27, 2024, the Public Safety and Homeland Security Bureau issued a Public Notice seeking comment on the implementation of Diameter and Signaling System 7 (SS7) security practices, focusing specifically on location tracking. Comments are

due April 26, 2024, and reply comments May 28, 2024.

Did You Know?

FCC Chairwoman Jessica Rosenworcel appointed Wiley partners Edgar Class and Henry Rivera to the Communications Equity and Diversity Council, where they will represent the interests of the Hispanic National Bar Association and The Emma L. Bowen Foundation, respectively.

Megan L. Brown launched a podcast, Start Here: Cyber Fundamentals for Public Policy Makers, in partnership with American University's Khan Cyber and Economic Security Institute and global cybersecurity company CrowdStrike. This comprehensive series explores the fundamentals of cybersecurity public policy to help cybersecurity professionals, government officials, and students stay up to date on the latest regulatory and legislative issues.

Eight Wiley attorneys have been selected to serve on *Law360's* 2024 Editorial Advisory Boards, including Craig Sperling for Media & Entertainment, and Joshua S. Turner for Telecommunications.

Kathleen A. Kirby, co-chair of Wiley's Telecom, Media & Technology Practice, has been selected by The Broadcasters Foundation of America (BFOA) to receive a 2024 Leadership Award.

Wiley created an artificial intelligence (AI) hub, All Things AI, to showcase thought leadership and insights on AI legal and regulatory matters.

Wiley created a Sanctions and Export Controls Resource Center, which hosts our latest insights related to sanctions, export controls, digital currency, cybersecurity and privacy, and other issues surrounding Russia's invasion of Ukraine.

Check out our Consumer Protection Download Newsletter, the latest edition is available [here](#).

Recent Wiley Client Alerts, Blog Posts, and Podcasts

EU Adopts World's First Comprehensive AI Regulation

DOJ Kicks Off Work to Regulate Foreign Access to Sensitive Personal Data Under New EO

Commerce Considers Regulating Connected Vehicles to Protect Against Foreign Adversaries

What NCE Broadcasters Need to Know About the FCC's EEO Workforce Data Collection

April 2024 Announced as the Final Month for Full ACP Reimbursements

NIST Cybersecurity Framework 2.0 Reveals Major Shifts in Federal Guidance

Podcast: Hosted Payload Episode 12: Mike Carlson / Spaceman

Executive Order on Foreign Access to Sensitive Personal Data Will Increase U.S. Regulation of Cross-Border Data Transfers

Podcast: FBI Lockbit Takedown: What Does It Mean for Your Company?

Federal Government Acts on Connected Vehicle Privacy and National Security Concerns

BEAD Program: NTIA Issues Limited Waiver of 'Build America, Buy America' Requirements

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