

Wireless Roundup (August 2023)

July 31, 2023

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Key Wireless Deadlines

FCC Seeks Comment on Revising Spectrum Sharing Rules for Non-Geostationary Orbit, Fixed-Satellite Service Systems: In this proposed rule, the Federal Communications Commission (FCC) requests comment on revisions to its rules governing spectrum sharing among a new generation of broadband satellite constellations to promote market entry, regulatory certainty, and spectrum efficiency. Specifically, the Commission asks which metrics it should use to define the protection afforded to a non-geostationary satellite orbit, fixed-satellite service (NGSO FSS) system, authorized through an earlier processing round, from an NGSO FSS system authorized through a later processing round, including the implementation of a degraded throughput methodology. Comments are due August 7, and reply comments are due September 5.

FCC Invites Comment on Expanding Use of the 12.7 GHz-13.25 GHz Band: In this Notice of Proposed Rulemaking (NPRM), the FCC seeks comment on proposals to transition some or all of the 550 megahertz in the 12.7-13.25 GHz (12.7 GHz) band to mobile broadband and other expanded use, and on alternative changes to the Commission's rules that could promote use of the band on a shared basis. The NPRM follows the *12.7 GHz Notice of Inquiry (12.7 GHz NOI)*, released on October 28, 2022, which asked whether the band is suitable for mobile broadband or other expanded use. The

Commission found that a significant number of parties, in response to the *12.7 GHz NOI*, argued that the band should be used for exclusive, fixed or mobile, flexible high-powered use. Comments are due August 9, and reply comments are due September 8.

FCC Seeks Comment on Expanding Use of the 12.2 GHz-12.7 GHz Band: In this proposed rule, the FCC asks how it could facilitate more robust terrestrial operations in the 12.2–12.7 GHz (12.2 GHz) band, including one-way, point-to-point or point-to-multipoint fixed links at higher powers than current Multichannel Video Distribution and Data Service (MVDDS) rules permit; two-way, point-to-point fixed links at standard part 101 power limits; two-way, point-to-multipoint links; indoor only underlay on a licensed by rule basis; unlicensed use; and expanded use through technology-based sharing using Automated Frequency Coordination. Though the Commission has declined to add a mobile allocation or adopt service rules for expanded terrestrial, high-powered, two-way mobile operations in the 12.2 GHz band, the Commission seeks comment on how it could facilitate more robust terrestrial operations in the band while maintaining the existing regulatory framework. Comments are due August 9, and reply comments are due September 8.

FCC Invites Comment on Seventh R&O, Eighth FNPRM, and Third NOI Expanding Robocall Obligations: The FCC seeks comment on its R&O, FNPRM, and NOI which, among other things, expands robocall obligations for voice service providers to ensure greater protection for consumers. The final rule becomes effective on January 8, 2024, with portions delayed until an Office of Management and Budget (OMB) information collection process is complete. Comments on the proposed rule are due August 9 and reply comments are due September 8.

FCC Seeks Comment on TCPA NPRM: The FCC is seeking reply comments on its Telephone Consumer Protection Act (TCPA) NPRM that aims to modify the Commission's current position that wireless carriers are not required to obtain consent prior to initiating autodialed, artificial voice, or prerecorded voice calls to their own subscribers. Reply comments are due August 14.

Upcoming Meetings and Events

- **FCC Open Meeting:** The next FCC Open Meeting is scheduled for August 3. Meeting and agenda details can be found [here](#). The agenda includes:
 - Advancing Understanding of Non-Federal Spectrum Usage NOI;
 - Updating Digital FM Radio Service Order and NPRM; and
 - Affordable Connectivity Program High-Cost Benefit Sixth R&O.
- **FCC Technological Advisory Council Meeting:** The FCC Technological Advisory Council Meeting will be held on August 17. More information can be found [here](#).
- **FirstNet Authority Board Meeting:** The FirstNet Authority combined board and board committees meeting will be held on August 23. Details can be found [here](#).

Cyber Corner

- **FCC Seeks Comment on Revisions to International Section 214 Rules:** In this NPRM, the FCC proposes revisions to the Section 214 authorization process that would subject companies and their owners to significantly expanded disclosure obligations, ongoing reporting requirements, and increased scrutiny by the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector (or Team Telecom). Assuming the NPRM is published as scheduled on August 1, 2023 (it was placed on public inspection on July 31), comments will be due on August 31 and reply comments on October 2.
- **NYDFS Services Seeks Comment on its Proposed Amendments to Cybersecurity Requirements for Financial Services Companies:** The New York Department of Financial Services (NYDFS) released a revised draft of its Proposed Second Amendment to its Part 500 Cybersecurity Requirements. This release revises an earlier draft from November 2022, and makes some changes based on public comments. Comments on the proposed amendments are due August 14.

Did You Know?

August 21: Amb. David A. Gross will be moderating a panel at the Technology Policy Institute's 2023 Aspen Forum.

Former FCC Attorney, Diane Holland, joined Wiley's Telecom, Media & Technology Practice.

Tracye Winfrey Howard, Kara M. Sacilotto, Lauren N. Johnson, Megan L. Brown, Duane C. Pozza, and Lisa Rechden published an article, Gov't Contractors Should Prep For Increased AI Scrutiny in *Law360*.

July 11: Scott D. Delcourt moderated The Federalist Society's teleforum on Federal Spectrum Coordination: Pitfalls and Progress.

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.

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FTC and HHS Caution Hospitals and Telehealth Providers on Tracking Tech

Podcast: Hosted Payload Episode 6: Cindy Grady (Intelsat)

New 60 GHz Rules Offer Flexibility for Radar and WiGig Innovation

New FAA Fact Sheet Clears the Air on Local Drone Regulation

The FTC Is Targeting Crypto Too - With a Significant New Enforcement Action

Biennial Ownership Reports: Plan for December 1 Deadline

Coming Soon: New Cyber Labeling Program for IoT Devices

California AG Initiates CCPA Investigations, Despite Setback in Court

Companies May Begin Submitting EU-U.S. Data Privacy Framework Certifications

FCC Explores New Ways to Understand & Analyze Non-Federal Spectrum Use

AI and Copyright Law: Understanding the Challenges

European Commission Adopts EU-U.S. Data Privacy Framework Adequacy Decision

U.S. Fulfills Its Commitments to Implement the EU-U.S. Data Privacy Framework

August 1, 2023 FCC EEO Deadlines for Stations in NC, SC, IL, WI, CA

CPRA Update: California Court Delays Enforcement of New Privacy Regulations

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