

Wireless Roundup (December 2019)

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Practice Areas

Privacy, Cyber & Data Governance

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Upcoming Filing and Comment Deadlines

Petition for Declaratory Ruling on Encrypted Messages: Comments are due December 2 on New York University's Petition for Declaratory Ruling that Section 97.113(a)(4) of the Federal Communications Commission's (FCC or Commission) rules prohibits encrypted or encoded messages on amateur radio frequencies, including those that cannot be decoded over-the-air. Reply comments are due December 17.

FCC Proposals for FY 2020 Regulatory Fees FNPRM: Comments are due December 6 (extended from November 22) on the Commission's Report and Order and Further Notice of Proposed Rulemaking seeking comment on fees for non-U.S. licensed space stations that communicate with earth stations. Specifically, the FCC is requesting input into whether to collect regulatory fees on foreign-licensed stations that have been granted market access. Reply comments are due January 6, 2020.

NIST Recommendation for Key Management: The National Institute of Standards and Technology (NIST) requests comment on its Recommendation for Key Management: Part 1. The document seeks to provide guidance and best practices for cryptographic key management. It also discusses key-management issues to identify when utilizing cryptography. Comments are due December 6.

Petition for Exemption from FAA Part 107 Weight Limits: Comments are due December 9 on Moog, Inc.'s Petition for Exemption from the Federal Aviation Administration's (FAA) Part 107 weight limits. If granted, the company would be allowed to operate its MACH 2p2 drone in Class G airspace below 400 feet with a Part 107 remote pilot's certificate.

Fifteenth Broadband Deployment NOI: The Commission is seeking comment in its Fifteenth Broadband Deployment Notice of Inquiry (NOI) on whether broadband is being effectively deployed throughout the United States. Reply comments are due December 9. Commenters are encouraged to provide objective evidence supporting their input.

FTC Review of Children's Online Privacy Protection Rule: Comments are due December 9 (extended from October 23) on the Federal Trade Commission's (FTC) implementation of the Children's Online Privacy Protection Rule (COPPA Rule) in 2000. The rule, which implemented the Children's Online Privacy Protection Act, was last under public review in 2013. The COPPA Rule imposes requirements on operators of websites directed to children under age 13.

Concluding the 800 MHz Band Reconfiguration Order and Sixth FNPRM: Comments are due December 16 on the FCC's Order and Sixth Further Notice of Proposed Rulemaking (FNPRM). The Commission requests comment on proposals to eliminate the annual audit of rebranding expenditures by the Transition Administrator, and to abolish the Transition Administrator's responsibility for reviewing amendments to contracts between Sprint and rebranding licensees. Reply comments are due December 30, 2019.

NIST Guidance on Adversarial Machine Learning: NIST is seeking feedback on its Adversarial Machine Learning Draft Guidance. The guidance is intended to secure applications of adversarial machine learning, which occurs when artificial intelligence systems are coopted by malicious actors. Comments are due December 16.

NIST Draft Report on Software Vulnerability Management: Comments are due December 20 on NIST's Draft Report on Software Vulnerability Management. Software Vulnerability Management is an automated process that assesses the functionality of security controls. The purpose of this information security capability is to minimize risks created by defects in network software.

UAS Spectrum Public Notice: Comments are due December 26 on the Wireless Telecommunications Bureau and Office of Engineering and Technology Public Notice seeking comment on issues related to unmanned aircraft system (UAS) operations in the L-band (960-1164 MHz) and the C-band (5030-5091 MHz) and how licensed, commercial spectrum may be leveraged to support UAS operations. Reply comments are due January 27, 2020.

Upcoming Effective Dates

Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment: The FCC's Report and Order goes into effect on December 5. Pursuant to a mandate issued by the U.S. Court of Appeals for the District of Columbia Circuit in *United Keetoowah Band of Cherokee Indians v. FCC*, the Order repeals subsections of the Commission's 2018 *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment Second Report and Order* that exempted certain small wireless facilities from federal environmental and historic preservation review. As of December 5, deployments of small wireless facilities are subject to review to the same extent as larger wireless facilities pursuant to the National Historic Preservation Act (NHPA) and the National Environmental Policy Act of 1969 (NEPA).

The Uniendo a Puerto Rico Fund and the Connect USVI Fund, Connect America Fund, ETC Annual Reports and Certifications: The FCC's Report and Order goes into effect on December 9. The Order establishes procedures for awarding universal service support for carriers in Puerto Rico and the U.S. Virgin Islands. The Order allocates \$504.7 million over ten years in fixed broadband support for Stage 2 of the Uniendo a Puerto Rico ("Bringing Puerto Rico Together") Fund and \$186.5 million over ten years for Stage 2 Connect U.S. Virgin Islands (USVI) Fund fixed support. The Order also allocates \$254.4 million and \$4.4 million over three years in mobile broadband support to the Uniendo a Puerto Rico Fund and the USVI Fund, respectively. Sections 54.313, 54.316, 54.1503, 54.1505, 54.1508, and 54.1513 through 54.1515 will become effective upon OMB approval.

Improving Public Safety Communications in the 800 MHZ Band: The FCC's Report and Order goes into effect on December 16. The Order updates the FCC's rules and procedures for the 800 MHz rebanding initiative to expedite completion of the rebranding process. The Order streamlines the filings required of the parties to rebanding agreements and the process by which the FCC directs the Transition Administrator to review those filings.

Upcoming Meetings and Events

BDAC Meeting: On December 3, the Broadband Deployment Advisory Committee (BDAC) will meet. The Committee's three working groups, Disaster Response and Recovery, Increasing Broadband Investment in Low-Income Communities, and Broadband Infrastructure Deployment Job Skills and Training Opportunities, will provide updates on their activities. More information is [here](#).

OLIR Workshop: On December 3, NIST will hold a Cybersecurity Online Informative Reference (OLIR) workshop. The workshop will present the OLIR program, discuss industry recommended practices for correlating cybersecurity-related data, and identify opportunities and challenges in cybersecurity data-mapping. Registration is due November 26 and is available [here](#). More information is [here](#).

NICE Cybersecurity Workforce Framework Webinar: NIST will host a public webinar to describe the planned updates to its Cybersecurity Workforce Framework on December 3. Details are available [here](#), and registration will be available [here](#).

TAC Meeting: On December 4, the Technological Advisory Council (TAC) will meet to discuss initiatives from the TAC's previous meeting and provide final working group recommendations. More information is available [here](#).

ISPAB Meeting: On December 4-5, the Information Security and Privacy Advisory Board (ISPAB) will meet. When available, the agenda will be posted [here](#).

FCC Oversight Hearing: On December 5, the Communications and Technology Subcommittee of the House Committee on Energy & Commerce will hold an oversight hearing of the FCC. Additional details, once posted, will be available [here](#).

FirstNet Board Meeting: On December 5, the FirstNet board will meet. Details are available [here](#).

Precision Agriculture Connectivity Task Force Meeting: On December 9, the FCC's Task Force for Reviewing the Connectivity and Technology Needs of Precision Agriculture in the United States will meet. Details are available [here](#).

CSRIC Meeting: On December 10, the Communications Security, Reliability, and Interoperability Council VII (CSRIC) will meet. More information is [here](#).

CAC Meeting: On December 11, the FCC's Consumer Advisory Committee (CAC) will meet to discuss a working group recommendation concerning the FCC's Declaratory Ruling and Third Further Notice of Proposed Rulemaking in its *Advanced Methods to Target and Eliminate Unlawful Robocalls* proceeding. The CAC may also receive briefings and will provide an opportunity for public comment. More details are available [here](#).

ITAC Meeting: On December 12, the State Department's International Telecommunication Advisory Committee (ITAC) will meet to review international telecommunication policy updates since March 2019 and report on the results of the World Radiocommunication Conference 2019. Further details are available [here](#), and the agenda is available [here](#).

FCC Open Meeting: The next FCC Open Meeting is scheduled for December 12. Meeting details are available [here](#). The agenda includes:

- 988: Suicide Prevention Hotline Number Notice of Proposed Rulemaking
- Promoting Innovation in the 5.9 GHz Band Notice of Proposed Rulemaking
- Facilitating Shared Use in the 3.1-3.55 GHz Band Notice of Proposed Rulemaking
- VoIP Symmetry Order on Remand and Declaratory Ruling
- Cable Service Change Notifications Notice of Proposed Rulemaking
- Noncommercial and Low Power FM Station Licensing Report and Order

New Items on Circulation

There are no new items of interest on circulation before the full Commission.

Coming Up Next . . .

NIST is seeking input on updates to NICE Cybersecurity Workforce Framework; due January 13, 2020.

The next Open Commission Meeting will be held January 30. The meeting schedule, once posted, will be available [here](#).

Did You Know?

Partner Duane Pozza testified before U.S. House Financial Services Committee's Fintech Task Force. Learn more [here](#).

December 3: Partner Kevin Rupy will participate in the "Robocall Regulatory Super-Session – Current Legislative Actions and Their Requirements and Ramifications" at The SIP Network Operators Conference "Focus on STIR/SHAKEN" in Herndon, VA. Learn more [here](#).

December 4: Join Partners Duane Pozza, Megan Brown, of counsel Joan Stewart, and associate Kathleen Scott for a happy hour and CCPA update after the San Francisco hearing. Learn more and RSVP [here](#).

December 10: Partners Megan Brown, Katy Milner, Richard Sofield and associate Meredith Singer will host a webinar titled "Introducing Wiley Rein's 5G Regulatory Roadmap: Lightning Round." Additional information and RSVP details are available [here](#).

December 10-11: Amb. David Gross will speak at the IICs Annual Telecoms and Media Conference at Wiley Rein. Learn more [here](#).

December 10-11: Partner Scott Delacourt will co-chair the 37th Annual PLI/FCBA Institute on Telecommunications Policy and Regulation. Learn more [here](#).

December 16: Associate Meredith Singer will moderate the FCBA Internet of Things Committee Brown Bag Lunch, "IoT: 2019 Year in Review." Learn more [here](#).

Recent Wiley Rein Client Alerts, IoT Blog Articles, and Podcasts

Beam Me Down, Scotty: Navigating U.S. Authorization for Space Station Transmissions

FCC Seeks Comment on Spectrum for Drones

Commerce Publishes Proposed Rules Implementing Communications Supply Chain Executive Order

FDIC and OCC Propose Rules to Resolve Madden-ing Uncertainty Surrounding the Fintech-Bank Partnership Model

Privacy in Focus (November 2019)

***Roundup Disclaimer:** Information in the Wireless Roundup is current as of November 27, 2019. This document is for informational purposes only and does not intend to be a comprehensive review of all proceedings and deadlines. Deadlines and dates are subject to change. Please contact your relevant Wiley Rein attorney for further information on the content of this document.