

Wireless Roundup (December 2021)

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Wireless

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Key Wireless Deadlines

FCC Requests Comment on Implementation of PSAP Do-Not-Call

Registry: The Federal Communications Commission (FCC or Commission) seeks comment on a Further Notice of Proposed Rulemaking (FNPRM) intended to protect Public Safety Answering Points (PSAPs) from robocalls by further implementing the Commission's Do-Not-Call registry for PSAPs. Specifically, the Commission proposes to require voice service providers to block autodialed calls made to PSAP telephone numbers registered on the PSAP Do-Not-Call Registry. The Commission also seeks comment on ways it can protect PSAPs from attacks and disruption other than those conducted with robocalls. Comments are due by December 1 and reply comments are due by December 16.

FCC Seeks Comment on Expanding Commercial Use of the

70/80/90 GHz Bands: The FCC requests comment via Public Notice to supplement the record in a proceeding that aims to expand commercial uses of the 71-76 GHz, 81-86 GHz, 92-94 GHz, and 94.1-95 GHz frequency bands (70/80/90 GHz bands). The FCC is seeking information on the potential use of the 70/80/90 GHz bands to provide broadband Internet access to consumers and communities that may otherwise lack consistent connectivity. Specifically, the FCC

requests comment on: (1) whether High Altitude Platform Stations or other stratospheric-based platform services could be deployed for this purpose in the 70/80/90 GHz bands; and (2) the potential use of these bands to provide broadband Internet access to customers on airplanes and aboard ships. Comments are due by December 2.

NIST Requests Comment on Cybersecurity Supply Chain Risk Management Practices for Systems and Organizations: The National Institute of Standards and Technology (NIST) seeks comment on the second draft of NIST Special Publication 800-161, Revision 1 (SP 800-161, Rev. 1), titled *Cybersecurity Supply Chain Risk Management Practices for Systems and Organizations*. This publication satisfies NIST's mandate under the May 12, 2021 Executive Order on Improving the Nation's Cybersecurity to establish guidelines for enhancing software supply chain security. Comments are due by December 3.

NIST Seeks Information on PRC Influence in the Development of International Tech Standards: NIST requests information for a study on the People's Republic of China's (PRC's) policies and influence in the development of international standards for emerging technologies. Section 9414 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 directs NIST to enter into an agreement with an appropriate entity to conduct a study and provide recommendations with respect to the effect of PRC policies and coordination among industrial entities within the PRC on international bodies engaged in developing and setting international standards for emerging technologies. Comments are due by December 6.

FCC Requests Comment on Reliability and Resiliency of Communications Networks During Emergencies: The FCC seeks comment on a Notice of Proposed Rulemaking (NPRM) intended to improve the reliability and resiliency of communications networks during emergencies. Among other topics, the FCC requests comment on: (1) whether elements of the voluntary Wireless Network Resiliency Cooperative Framework (Framework) could be improved to enhance the reliability of communications networks, including whether to make some or all of the Framework mandatory; and (2) potential changes to the Network Outage Reporting System (NORS) and Disaster Information Reporting System (DIRS), including whether to require reporting of broadband service outages as part of NORS and whether the FCC can encourage broader voluntary participation in DIRS during disasters. Comments are due by December 6.

BIS Seeks Comment on Cybersecurity Items for Information Security Controls: The Department of Commerce's Bureau of Industry and Security (BIS) requests comment on an Interim Final Rule that establishes controls on certain cybersecurity items designed to curtail exports of hacking tools to China, Russia, and other countries that may use such items for malicious purposes. Specifically, this rule establishes a new control on these items for national security and anti-terrorism reasons and creates a new License Exception Authorized Cybersecurity Exports that authorizes exports of these items to most destinations, with certain exceptions. Comments are due by December 6.

FCC Requests Comment on Implementing the Affordable Connectivity Program: The FCC seeks comment via Public Notice on proposals to implement provisions of the Infrastructure Investment and Jobs Act, which modifies and extends the Emergency Broadband Benefit Program established by the Commission in February

2021 by creating the Affordable Connectivity Program (Program). Specifically, the Commission seeks comment on potential requirements for the Program and a timeline for its implementation. Comments are due by December 8 and reply comments are due by December 28.

FCC Seeks Comment on Foreign-Originated Illegal Robocalls: The FCC requests comment on a Fifth and Fourth FNPRM intended to address foreign-based robocallers by requiring gateway providers to apply STIR/SHAKEN caller ID authentication to, and perform robocall mitigation on, foreign-originated calls with U.S. numbers. The Commission also proposes to implement: (1) additional robocall mitigation requirements; (2) revisions to the information that filers must submit to the Robocall Mitigation Database; and (3) clarifications of the obligations of voice service providers and intermediate providers with respect to calls to and from Public Safety Answer Points and other emergency services providers. The FCC released an Order on November 5 that extended the comment deadline to December 10.

FCC Requests Comment on Addressing SIM Swapping and Port-Out Fraud: The Commission seeks reply comments by December 14 on an NPRM in which it proposes to amend its Customer Proprietary Network Information and Local Number Portability rules with the intention of preventing subscriber identity module (SIM) swapping scams and port-out fraud. Specifically, the Commission proposes to require carriers to adopt certain methods of authenticating a customer before redirecting a customer's phone number to a new device and to require providers to immediately notify customers whenever a SIM change or port request is made on customers' accounts. The Commission also seeks comment on other ways to protect customers from SIM swapping and port-out fraud. The initial comment period closed on November 15.

FCC Seeks Initial Proposals on Authorizing the 6 GHz Band for AFC Systems: Via Public Notice, the FCC requests comments by December 21 on initial proposals submitted by parties interested in becoming Automated Frequency Coordination (AFC) system operators as part of the Commission's initial evaluation process for authorizing standard power unlicensed operations in the 6 GHz band in accordance with the Commission's 2020 6 GHz Report and Order. Under the FCC's 6 GHz rules, standard-power devices are required to check an AFC system prior to operating to avoid causing harmful interference to incumbent operations. Initial proposals were due by November 30.

FCC Requests Comment on Reassessing the 4.9 GHz Band for Public Safety: The FCC seeks reply comments by December 28 on an Order on Reconsideration and Eighth FNPRM that proposes to revisit the structure of the 4.9 GHz band with the goal of maximizing public safety use while also exploring options that could spur innovation, improve coordination, and drive down costs in the 4.9 GHz band. Among other things, the FCC seeks comment on how best to meet the needs of public safety in the 4.9 GHz band and on a proposal to establish a database that would contain information about what spectrum is available, where it is available, and how it is being used. The initial comment period closed on November 29.

Upcoming Meetings and Events

Senate Commerce Committee FCC Nomination Hearing: The Senate Commerce Committee will hold hearings for the nomination of Jessica Rosenworcel to be reappointed and serve as Chair of the FCC, and for the nomination of Gigi B. Sohn to serve as a Commissioner on December 1. Additional information is available [here](#).

NIST Second Draft SP 800-161, Rev. 1 Workshop: The NIST Cybersecurity Supply Chain Risk Management Team will host a webinar to provide an overview of the changes made in its second public draft of SP 800-161, Rev. 1, *Cybersecurity Supply Chain Risk Management Practices for Systems and Organizations*, on December 1. Additional information can be found [here](#).

NIST Privacy Framework Webinar: NIST will host a webinar, titled *X Marks the Spot: Using Privacy Framework Regulatory Crosswalks to Integrate Compliance and Risk Management*, on December 1. Additional information is accessible [here](#).

FCC Forum on Improving Accessibility of Online Video Programming: The FCC's Media Bureau and Consumer and Governmental Affairs Bureau will co-host a forum on improving accessibility of online video programming on December 2. Additional information is available [here](#).

Federal Cybersecurity & Privacy Professionals Forum Meeting: The Federal Cybersecurity and Privacy Professionals Forum will hold its next meeting on December 2. Additional information, including registration, can be found [here](#).

Commissioner Carr to Host Telehealth Roundtable: FCC Commissioner Brendan Carr will virtually host a roundtable discussion on the Commission's telehealth initiatives on December 6. Additional information is accessible [here](#).

Broadband Data Collection Tribal Governments' Technical Assistance Workshop: The FCC's Broadband Data Taskforce will host an initial online workshop to provide information about the FCC's Broadband Data Collection Program on December 8. Additional information is available [here](#).

NIST ISPAB December 2021 Meeting: NIST's Information Security and Privacy Advisory Board (ISPAB) will hold its next meeting on December 8-9. Additional information can be found [here](#).

FCC Open Meeting: The next FCC Open Meeting is scheduled for December 14. The agenda, as well as a link to the webcast for the meeting, is accessible [here](#).

IWG-3 Space Services Meeting: The World Radiocommunication Conference Advisory Committee's (WAC) Informal Working Group 3 (IWG-3) on space services (WAC23) will hold its ninth meeting on December 14. Additional information is available [here](#).

IWG-4 Regulatory Issues Meeting: The WAC's Informal Working Group 4 (IWG-4) on regulatory issues (WAC23) will hold its seventh meeting on December 14. Additional information can be found [here](#).

CSRIC VIII Meeting: The second meeting of the Communications Security, Reliability, and Interoperability Council (CSRIC) VIII will be held on December 15. Additional information is accessible [here](#).

IWG-1 Maritime, Aeronautical and Radar Services Meeting: WAC's Informal Working Group 1 (IWG-1) on maritime, aeronautical and radar services (WAC23) will hold its sixth meeting on December 15. Additional information is available [here](#).

IWG-2 Terrestrial Services Meeting: The WAC's Informal Working Group 2 (IWG-2) on terrestrial services (WAC23) will hold its sixth meeting on December 15. Additional information can be found [here](#).

NTIA Listening Sessions on Privacy, Equity, and Civil Rights: The National Telecommunications and Information Administration (NTIA) will be holding three virtual Listening Sessions about issues and potential solutions at the intersection of privacy, equity, and civil rights on December 14, 15, and 16. The sessions will help to provide the data for a report on the ways in which commercial data flows of personal information can lead to disparate impact and outcomes for marginalized or disadvantaged communities. Additional information is accessible [here](#).

Did You Know?

Congratulations to partner Jennifer D. Hindin, who was promoted to co-chair the firm's Telecom, Media & Technology Practice, effective January 1, 2022. Get to know Jen Hindin better by watching this interview.

Wiley is pleased to announce that partner Amb. David A. Gross is among the list of foreign recipients of the Government of Japan's 2021 "Autumn Imperial Decoration." Read more [here](#).

December 2: Wiley TMT partner Megan L. Brown will be speaking on a panel during a session titled "Decryption Key: Unlocking Women's Excellence in Cybersecurity Law and Policy" as part of the Federal Communications Bar Association's (FCBA) Third Annual Women's Summit Series. TMT Associate Tawanna D. Lee will also be providing introductory remarks. Additional information on this event is available [here](#).

December 8: Wiley TMT partners Scott D. Delacourt and Katy J. Milner will be speaking at the PLI 39th Annual Institute on Telecommunications Policy & Regulation Conference. Scott will host a Q&A with Commissioner Brendan Carr and Katy will lead the panel "Developments and Trends in Spectrum and Wireless Telecom Policy." Learn more about the event [here](#).

December 8: Amb. David A. Gross will speak on the "National and international policy objectives and priorities" panel at the IIC Washington Forum. Event details are available [here](#).

December 13: Wiley TMT partner Duane C. Pozza will be moderating the "Legal and Policy Issues" panel at a FCBA Artificial Intelligence, Machine Learning & Robotics Committee CLE titled "AI in Fintech - What's Happening and What Comes Next." Learn more [here](#).

Check Out Our Consumer Protection and Privacy Newsletters

The latest edition of the *Wiley Consumer Protection Download* is available [here](#).

You can read Wiley's *Privacy in Focus* monthly newsletter [here](#).

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FCC to Examine Spectrum Sharing Rules for NGSO FSS Systems

CISA Publishes Cybersecurity Incident Response and Vulnerability Response Playbooks with Intent of Increasing Expectations for the Private Sector

Biden Signs Secure Equipment Act, Requires FCC to Ban Covered Chinese Communications Equipment from Obtaining Equipment Authorizations

Congress Approves Infrastructure Bill with \$65 Billion for Broadband Programs

DHS/CISA Mandates Fixing Security Vulnerabilities, Warning Companies to be Vigilant

Roundup Disclaimer: Information in the Wireless Roundup is current as of November 30, 2021. 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 attorney for further information on the content of this document.