

Wireless Roundup (June 2023)

May 31, 2023

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Key Wireless Deadlines

FAA Invites Comments on Proposed Policy Statement on Performance Standards for Radio Altimeters: In this Notice, the Federal Aviation Administration (FAA) invites comments on a proposed policy statement to provide guidance for operators and manufacturers to demonstrate that an aircraft is a radio altimeter tolerant aircraft. The FAA previously determined that radio altimeters cannot be relied upon to perform their intended function if they experience interference from 5G wireless operations in the C-band, but the aviation industry developed a method to show compatibility with 5G emissions in the United States national airspace system for the initial 5G deployment. The flight limitations in the new proposals for alternative methods of compliance would depend on whether an aircraft has a radio altimeter that demonstrates certain tolerances using a method approved by the FAA. Comments are due June 7.

FCC Seeks Comment on New Regulatory Framework for Supplemental Coverage from Space (SCS): In this Notice of Proposed Rulemaking (NPRM), the Federal Communications Commission (FCC or Commission) proposes a new regulatory framework for satellite operators to collaborate with terrestrial service providers and operate space stations on flexible-use spectrum allocated to terrestrial services. The NPRM proposes to modify the U.S. Table of Frequency Allocations for certain segments of the 600

MHz, the 700 MHz, Advanced Wireless Service (AWS) H-Block, Wireless Communications Service (WCS), and the 800 MHz Cellular Radiotelephone Service (CRS) bands to facilitate these proposed operations. The NPRM also seeks comment on how best to effectuate the new SCS framework through this and other alternative approaches. Reply comments are due June 12.

FCC Seeks Comment on Implementing Low Power Protection Act (LPPA): In this NPRM, the Commission requests comment on implementing the LPPA, which provides certain low power television (LPTV) stations with a limited window of opportunity to apply for primary spectrum use status as Class A television stations. The Commission seeks comment on how to implement the window consistent with congressional direction and tentatively concludes that the application window will be limited to one year. The Commission also seeks comment on its conclusion that LPTV stations that convert to Class A status under the LPPA must comply with interference protections set forth in the Commission's rules. Reply comments are due June 13.

Upcoming Meetings and Events

- **FCC Open Meeting:** The next FCC Open Meeting is scheduled for June 8. Meeting details and agenda details can be found here. The agenda includes:
 - Advancing the Transition to Next Generation 911 Draft NPRM
 - Strengthening Consumer Consent for Robocalls and Robotexts Draft NPRM
 - Shared Use of the 42-42.5 GHz Band Draft NPRM
- **CSRIC VIII Meeting:** The FCC's Communications Security, Reliability, and Interoperability Council's (CSRIC) VIII Meeting will be held on June 26. More information can be found here.

Cyber Corner

- **FTC RFI on Business Practices of Cloud Computing Providers:** The Federal Trade Commission (FTC) issued a Request for Information (RFI) on the Business Practices of Cloud Computing Providers. The RFI seeks comment on "the competitive dynamics of cloud computing, the extent to which certain segments of the economy are reliant on cloud service providers, and the security risks associated with the industry's business practices." The FTC is also interested "in the impact of cloud computing on specific industries including healthcare, finance, transportation, e-commerce, and defense" and poses several questions specific to cybersecurity. Comments are now due June 21, pursuant to an extension.
- **CISA Self-Attestation Form for Software Developer:** The Cybersecurity and Infrastructure Security Agency (CISA) is seeking comment on a self-attestation form to be used by software producers to confirm compliance with the National Institute of Standards and Technology (NIST) Secure Software Development Framework (SSDF). The Notice seeks comment on "any aspect" of the form. CISA is particularly interested in issues related to practical utility and CISA's estimation of burdens. Comments are due June 26.

- **Draft SP 1800-38A, Migration to Post-Quantum Cryptography:** NIST is seeking comment on its newly-published draft of Special Publication (SP) 1800-38A relating to the migration to post-quantum cryptography. SP 1800-38A is a draft executive summary of a forthcoming practice guide based on the National Cybersecurity Center of Excellence's (NCCoE) Migration to Post-Quantum Cryptography project. Comments are due June 8.
- **NICE Webinar:** The National Initiative for Cybersecurity Education (NICE) Webinar: Community-Based Partnerships for Cybersecurity will be held on June 21. More information and registration details can be found [here](#).

Did You Know?

Crystal Tully joined the firm's Telecom, Media & Technology Practice as special counsel.

June 8: Duane C. Pozza, Kathleen E. Scott, and Joan Stewart are hosting a webinar on How to Keep Up with the Influx of New State Privacy Laws and Regulations.

Megan L. Brown spoke at the 2023 Cybersecurity Summit.

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 Newsletter**

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

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Generative AI Policies: Five Key Considerations for Companies to Weigh Before Using Generative AI Tools

FCC Begins Mid-Term Review of EEO Reports

FTC Issues Policy Statement on Biometric Information, Signaling a New Enforcement Priority

Webinar: The FCC's Proposed Changes to Regulation of International Telecommunications Service

Podcast: Hosted Payload Episode 4

June 1, 2023 FCC EEO Deadlines for Stations in DC, MD, VA, WV, MI, OH, AZ, ID, NV, NM, UT and WY