

Wireless Roundup (November 2019)

October 31, 2019

*Published October 31, 2019

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Upcoming Filing and Comment Deadlines

Streamlining Administrative Hearings NPRM: Comments are due November 6 on the Federal Communications Commission's (FCC or Commission) Notice of Proposed Rulemaking seeking comment on proposed procedural changes intended to streamline the Commission's administrative hearings procedure. Reply comments are due November 21.

Improving Cybersecurity of Managed Service Providers Draft

Project: The National Institute of Standards and Technology (NIST) is seeking comment on a draft project to provide guidance that will help managed service providers improve their cybersecurity posture, and thus intended to reduce the cybersecurity vulnerability of small and medium-sized businesses. Comments are due November 8.

Auction 105 Public Notice: Reply comments are due November 12 on the FCC's Public Notice seeking input on the proposed bidding procedures for Priority Access Licenses in the 3.5 GHz band (3550 MHz-3650 MHz). The auction is scheduled to begin June 25, 2020.

Petitions for Rulemaking and Declaratory Rulings Regarding Wireless Facility Modifications and Pole

Attachments: Reply comments are due November 13 (extended from October 30) in response to the FCC's Public Notice seeking comment on: (1) the Wireless Infrastructure Association's petitions (here and here) for rulemaking and declaratory ruling seeking modification or clarification of rules implementing Section 6409(a) of the Spectrum Act, and (2) CTIA's petition for declaratory ruling seeking clarification of rules implementing Section 6409(a) of the Spectrum Act and Section 224 of the Communications Act.

28 GHz and 24 GHz Long-Form Applications Accepted for Filing: The FCC released Public Notices (here and here) accepting for filing long-form applications for 28 GHz and 24 GHz band licensees. Spreadsheets identifying accepted applications by licensee and market area are available here and here for the 28 GHz and here and here for the 24 GHz licensees. Petitions to deny, oppositions to petitions, and replies are due November 12, November 19, and November 26, respectively.

FCC Proposals for FY 2020 Regulatory Fees FNPRM: Comments are due 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 December 23.

Fifteenth Broadband Deployment NOI: The Commission is seeking comment in its Fifteenth Broadband Deployment Report and Notice of Inquiry (NOI) on whether broadband is being effectively deployed throughout the United States. Comments are due November 22 and reply comments are due December 9. Commenters are encouraged to provide objective evidence supporting their input.

Zero Trust Architecture Draft: NIST is seeking comment on its draft publication explaining the core logical components that comprise a "zero trust architecture" network strategy. "Zero trust" is a network security strategy that focuses on guarding network resources as opposed to protecting network segments in response to remote users and cloud-based technology. Comments are due November 22.

Upcoming Effective Dates

Promoting Telehealth in Rural America: The FCC's Report and Order goes into effect on November 12. The Order revises the rules governing the Telecommunications Program, which is administered by the Universal Service Administrative Company (Administrator) and subsidizes the difference between urban and rural rates for telecommunications services. The Order identifies seven steps the Commission will take to reform the Telecommunications Program: (1) clarify the scope of similar services for rate determination; (2) define the geographic contours of urban and comparable rural areas for rate determination; (3) reassign to the Administrator the task of determining urban and rural rates for similar services from health care and service providers; (4) reform the determination of rates based on the median of all available rates for functionally similar services; (5) direct the Administrator to create a publicly available database for the posting of urban and rural rates; (6) eliminate the limitation on support for satellite services; and (7) eliminate distance-based support. Sections 54.622(d), 54.622(e)(2), 54.622(e)(4), 54.622(e)(5), 54.623(a)(2), 54.623(a)(3), 54.623(a)(4),

54.624, 54.626(b), 54.627(b), and 54.631(d) will become effective upon OMB approval.

Wireless Emergency Alerts Rules: As of November 30, 2019, pursuant to Section 10.450 of the FCC's rules, commercial mobile service (CMS) providers participating in Wireless Emergency Alerts (WEA) must be able to deliver enhanced geo-targeted WEA messages to 100 percent of the target area with no more than one-tenth of a mile overshoot to new mobile devices offered for sale and to existing devices capable of being upgraded to support this standard. Additionally, pursuant to Section 10.240(c), participating CMS providers must provide, at the point of sale, information about the benefits of enhanced geo-targeting and the extent of its availability on their network and devices. The implementing Report and Order is available [here](#).

Upcoming Meetings and Events

Lightweight Cryptography Workshop: On November 4 - 6, NIST will hold a workshop on its process to solicit and standardize lightweight cryptographic algorithms "to discuss candidate algorithms, including design strategies, implementations, performance, cryptanalysis, and target applications." More information can be found [here](#).

NTIA Multistakeholder Meeting: On November 18, the National Telecommunications and Information Administration (NTIA) will hold a multistakeholder process meeting on "promoting software component transparency." More details can be found [here](#).

FCC Open Meeting: The next FCC Open Meeting is scheduled for November 19. Meeting details are available [here](#). The agenda includes:

- Protecting Communications Networks from National Security Threats Report and Order, Further Notice of Proposed Rulemaking, and Order
- Improving Wireless 911 Location Accuracy in Multi-Story Buildings Fifth Report and Order and Further Notice of Proposed Rulemaking
- Modernizing Rules for Removing Bad Actors from FCC Programs Notice of Proposed Rulemaking
- Updating Unbundling and Resale Rules to Encourage Investment Notice of Proposed Rulemaking
- Authorizing All-Digital AM Broadcasting Notice of Proposed Rulemaking
- Modernizing the Duplication of Radio Programming Rule Notice of Proposed Rulemaking
- Expanding the TRS Fund Base to Support IP Captioned Phone Service Report and Order

WRC-19: The World Radiocommunication Conference 2019 (WRC-19) will be held in Sharm el-Sheikh, Egypt from October 28 to November 22. The Conference's website provides more details [here](#).

New Items on Circulation

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

Coming Up Next . . .

The Broadband Deployment Advisory Committee (BDAC) will meet on December 3.

The Technological Advisory Council (TAC) will meet on December 4.

The next FCC Open Meeting is scheduled for December 12. The agenda, once posted, will be available [here](#).

Did You Know?

Partner Anna Gomez was named Chair of FCC's Re-Chartered Advisory Committee on Diversity and Digital Empowerment.

Partner Duane Pozza authored "Regulatory Scrutiny Exposes Crypto Oversight Challenges" in *Law360*. Read it [here](#).

November 6: Of Counsel Joan Stewart will speak on "U.S. Privacy Update: Developments at the Federal and State Level" at the Plumbing Manufacturers International 2019 Conference in St. Petersburg Beach, FL. RSVP information is available [here](#).

November 7: Kathy Kirby is speaking on "Electronic Media Regulation" at PLI's Communications Law in the Digital Age 2019 in New York, NY. RSVP information is available [here](#).

November 7: Partner Duane Pozza, of counsel Joan Stewart, and associate Kathleen Scott will host a webinar titled "California Consumer Privacy Act: Latest Developments and Compliance Strategies." Additional information and RSVP details are available [here](#).

November 12: Partner Megan Brown will speak at the American Tort Reform Association Seminar on state privacy and security law developments and upcoming challenges in West Palm Beach, FL.

November 13: Partner Duane Pozza will speak on AI and Automation Regulation at The Future of Jobs in Salt Lake City, UT. RSVP information is available [here](#).

November 21: Partner Duane Pozza will be moderating a panel at the FCBA Brown Bag on "AI Is Here: The Current State of AI Technology, Evolving Issues, and Policy Frameworks" at Wiley Rein from 3-5:15 PM.

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

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

California AG Releases Proposed CCPA Implementing Regulations

FCC Clarifies Political File Rules and Warns of Further Enforcement Action

FCC Extends Deadline for Initial LPTV/Translator Reimbursement Filings

Federal Appeals Court Upholds Internet Reclassification, Remands Specific Issues to FCC

FCC Proposes 3.5 GHz Auction Procedures

FTC Pushing to Hold Companies Liable for Third Parties' Activities

How Patel v. Facebook Might Tee Up a Privacy Battle at the Supreme Court

UAS Drone Delivery Gets Off the Ground

House Hearing on FAA Reauthorization Focuses on UAS Implementation Delays

Privacy in Focus (October 2019)

****Roundup Disclaimer:***

Information in the Wireless Roundup is current as of October 31, 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.