

Wireless Roundup (November 2024)

October 31, 2024

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Key Wireless Deadlines

FCC Solicits Comment on 5G Fund Phase I Auction Application

Process Requirements: In this Second Further Notice of Proposed Rulemaking (FNPRM), the Federal Communications Commission (FCC or Commission) seeks comment on application process requirements for 5G Fund for Rural America (5G Fund) Phase I auction winning bidders. In particular, the Commission asks whether it should require each winning bidder to, during the long-form application process and before being authorized to receive support, show that it has obtained consent of the relevant Tribal Government(s) for access to deploy network facilities using its 5G Fund support on Tribal lands within winning bid areas. The FCC also invites comment on the potential structure of a Tribal consent requirement, and whether such a requirement would advance the goals of the 5G Fund. Reply comments are due on November 1, 2024.

FCC Requests Comment on Addressing the Homework Gap

Through the E-Rate Program: In this Report and Order (R&O) and FNPRM, the FCC seeks further comment on securing the success of schools and libraries' hotspot lending programs, including through continued collaboration by multiple stakeholders. Specifically, the FCC invites comment on "the most effective means to ensure that limited E-Rate program funds are being used effectively and efficiently, and that Wi-Fi hotspots and services are being used for educational

purposes and are not going unused.” Reply comments are due on November 4, 2024.

FCC Invites Comment on Development of the Citizens Broadband Radio Service Operations in the 3.5 GHz Band: In this Notice of Proposed Rulemaking (NPRM), the FCC requests comment on its continued development of the Citizens Broadband Radio Service operations in the 3.55-3.7 GHz band (3.5 GHz band). Specifically, the Commission solicits comment on a wide range of proposals to update the technical and service rules, including modification of the part 96 rules and potential alignment of 3.5 GHz protection methodologies with those in adjacent bands. Additionally, the FCC welcomes ideas for further improvements to the 3.5 GHz band. Reply comments are due on November 5, 2024.

FCC Seeks Comment on Robocall Mitigation Database: In this NPRM, the FCC requests comment on “procedural measures that the Commission could adopt to promote the highest level of diligence when providers submit required information to the Robocall Mitigation Database.” These procedural measures could include requiring providers to update information regarding any changes within 10 business days, use multi-factor authentication, and acquire a Personal Identification Number (PIN) before submitting information. Additionally, the Commission invites comment on “technical solutions” to identify data discrepancies, such as forfeiture amounts. The FCC also solicits comment “on any other procedural steps the Commission could require to increase the effectiveness of the Robocall Mitigation Database as a compliance and consumer protection tool.” Reply comments are due on November 12, 2024.

FCC Welcomes Comment Regarding BIAS Providers’ Use of Data Caps for Fixed and Mobile Broadband Internet Service: In this Notice of Inquiry (NOI), the FCC seeks comment regarding Broadband Internet Access Service (BIAS) providers’ use of data caps for fixed and mobile broadband internet service. Specifically, the NOI solicits comment on five categories: (1) consumer data usage trends, (2) the impact of data caps on consumers, (3) the impact of data caps on the consumer experience, (4) the impact of data caps on competition, and (5) the Commission’s legal authority to promulgate rules on data caps. Comments are due on November 14, 2024, with reply comments due on December 2, 2024. For more information about the NOI, read Wiley’s client alert [here](#).

FCC Requests Comment on Notice of Inquiry Assessing Customer Service Practices Across the Communications Industry: In this NOI, the FCC seeks comment on a wide-ranging inquiry into communications industry customer service practices. The NOI assesses whether customers “have appropriate access to the customer service resources they require to interact with their service provider in a manner that allows them to efficiently resolve issues, avoid unnecessary charges, and make informed choices regarding the services they obtain from these service providers.” In particular, the NOI invites comment on available cancellation methods, access to live customer service representatives, the prevalence of auto renewals, and additional ways to improve the customer experience. Comments are due November 22, 2024. Reply comments are due on December 9, 2024. For more information about the NOI, read Wiley’s client alert [here](#).

Upcoming Meetings and Events

- **FCC Open Meeting:** The next FCC Open Meeting is scheduled for November 21. Meeting details and agenda can be found [here](#). The agenda includes:
 - Updating Security for Vital Submarine Cables. A public draft of the item can be found [here](#).
 - Enhancing Caller ID Authentication Rules. A public draft of the item can be found [here](#).
 - Enabling FM and LPFM Program Originating Boosters. A public draft of the item can be found [here](#).
 - Enforcement Bureau Action.
- **NIST Information Security and Privacy Advisory Board Meeting:** The National Institute of Standards and Technology (NIST) announced that the Information Security and Privacy Advisory Board (ISPAB) will meet virtually on November 6 at 10:00 a.m. EST and November 7 at 4:30 p.m. EST. More information can be found [here](#).

Cyber Corner

- **DOJ Releases NPRM on Bulk Sensitive Personal Data Transfers:** In this NPRM, the DOJ issued a comprehensive proposed rule for “Preventing Access to U.S. Sensitive Personal Data and Government-Related Data by Countries of Concern or Covered Persons.” The NPRM was published in the Federal Register on October 29, 2024, and comments will be due November 29, 2024. On the same day, CISA released proposed security requirements for restricted actions under the proposed DOJ rule, as required by EO 14117. Those proposed requirements were also published in the Federal Register on October 29, 2024. Comments are due November 29, 2024. For more information about DOJ and CISA’s proposals, read Wiley’s client alert [here](#).
- **DHS “Product Security Bad Practices” Guidance:** In this Notice, the Department of Homeland Security seeks comment on a draft Product Security Bad Practices guidance focused on software manufacturers. The guidance is voluntary and provides an overview of “product security practices that are deemed exceptionally risky.” Comments are due December 16, 2024, pursuant to an extension published in the Federal Register on October 29, 2024.

Did You Know?

Joshua S. Turner, partner in the Telecom, Media & Technology Practice, has been named a 2024 MVP by *Law360* in the Telecommunications category. This is the second time Turner has been named to the highly competitive list.

Kevin G. Rupy spoke at the CFCA Fall Educational Event 2024 in Washington, DC on the Robo Regulation Roundup – Annual Recap of Regulatory & Enforcement Developments, and a Look at What Lays Ahead panel.

Duane C. Pozza has been honored as “Lawyer of the Year” in Advertising Law by *Best Lawyers*.

Attorneys Kathleen E. Scott, Kevin G. Rupy, Scott D. Delacourt, Duane C. Pozza, and Stephen J. Conley published an article in the *Journal of Federal Agency Action*, titled Federal Communications Commission Proposes New Rules for AI-Generated Calls and Texts.

Wiley created an AI hub, All Things AI, to showcase thought leadership and insights on AI legal and regulatory matters.

Wiley launched a Federal Infrastructure Resource Center, highlighting the federal government's initiative to invest in our nation's infrastructure, including the \$42 billion Broadband Equity Access and Deployment (BEAD) Program.

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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FCC to Scrutinize Customer Service Practices Across Communications Industry

DOJ and CISA Propose New National Security Program to Regulate Foreign Access to Sensitive Data

FCC Opens Notice of Inquiry on the Use of Data Caps

FTC Significantly Revises Its Premerger Notification Requirements, While Departing from Original Proposal

#MWC24 Highlights Collaborative Efforts to Stop Illegal Robocalls and Messages

Texas AG Brings SCOPE Act Enforcement Action Against TikTok – Just One Month After Law Took Effect

OMB Requirements for AI Acquisition Will Impact Government Contractors

FCC Extends ETRS Form One Filing Deadline to October 18, 2024

After the Cyberspace Solarium Commission's Successful Run, What's Left to Do?