

Wireless Roundup (October 2021)

September 30, 2021

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Practice Areas

Telecom, Media & Technology
Wireless

Key Wireless Deadlines

Upcoming Meetings and Events

Did You Know?

Recent Wiley Client Alerts, Blog Posts, and Podcasts

Key Wireless Deadlines

CISA Seeks Comment on its Zero Trust Maturity Model: The Cybersecurity and Infrastructure Security Agency (CISA) requests comment on its draft Zero Trust Maturity Model. This draft publication is intended to assist federal agencies in the development of their zero trust strategies and implementation plans and present ways in which CISA can support zero trust solutions across those agencies. Comments are due by October 1.

FCC Requests Comment on Political Programming and Recordkeeping Rules: The Federal Communications Commission (FCC or Commission) seeks comment on a Notice of Proposed Rulemaking (NPRM) to update its political programming and recordkeeping rules for broadcast licensees, cable television system operators, Direct Broadcast Satellite (DBS) service providers, and Satellite Digital Audio Radio Service licensees. Specifically, the FCC proposes to: (1) add the use of social media and the creation of a campaign website as activities that may be considered in determining whether a write-in candidate has made a "substantial showing" of his or her bona fide candidacy; and (2) revise its political file rules to include any request to purchase advertising time for issue ads within the political file requirements and to specify the records

that must be maintained. Comments are due by October 1 and reply comments by October 18.

FCC Seeks Comment on UAS Use of the 5 GHz Band: The FCC requests comment via Public Notice to refresh the record on the use of the 5 GHz band by unmanned aircraft systems (UAS). This proceeding commenced in 2018 to consider a Petition for Rulemaking filed by the Aerospace Industries Association that asked the FCC to adopt licensing and service rules for Control and Non-Payload Communications (CNPC) links in the 5030-5091 MHz band to support UAS operations. Specifically, the FCC seeks comments on: (1) relevant operational, technical, and regulatory developments in the area of UAS operations; (2) all aspects of the AIA proposal as a licensing approach for UAS operations in the 5030-5091 MHz band; and (3) whether the FCC should consider licensing alternatives in this band to support the growing interest in beyond-radio-line-of-sight (BLOS) UAS operations. Comments are due by October 12 and reply comments by October 25.

FCC Requests Comment on Combatting Contraband Wireless Device Use in Correctional Facilities: The Commission seeks reply comments by October 12 on additional methods of combatting contraband wireless device use in correctional facilities via a Second Report and Order and Second Further Notice of Proposed Rulemaking (FNPRM). This item adopted a framework requiring the disabling of contraband wireless devices detected in correctional facilities upon satisfaction of certain criteria. However, the Commission seeks further comment on the relative effectiveness, viability, and cost of additional technological solutions to combat contraband phone use in these facilities previously identified in the record. The initial comment period closed on September 13.

NIST Seeks Comment on an Introduction to Cybersecurity for Commercial Satellite Operations Report: The National Institute of Standards and Technology (NIST) requests comment on Draft NISTIR 8270, titled *Introduction to Cybersecurity for Commercial Satellite Operations*. This draft report describes cybersecurity concepts regarding crewless, commercial space operations and is intended to be an information reference for managing cybersecurity risks and considering how cybersecurity requirements might coexist within space vehicle system requirements. Comments are due by October 13.

FCC Requests Comment on Direct Access to Telephone Numbers by Interconnected VoIP Providers: The FCC seeks comment on an FNPRM to revise its rules regarding direct access to telephone numbers by interconnected Voice over Internet Protocol (VoIP) providers, consistent with congressional direction in the Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence (TRACED) Act. Among other things, the FCC proposes to require additional certifications as part of the direct access application process, clarify that applicants must disclose foreign ownership information, and clarify that holders of a Commission direct access authorization must update the Commission and applicable states within 30 days of any change to the ownership information previously submitted to the Commission. Comments are due by October 14.

NIST Seeks Comment on Baseline Security Criteria for Consumer IoT Devices: NIST requests comment on its Draft White Paper titled *Baseline Security Criteria for Consumer IoT Devices*. This Draft White Paper is related to NIST's mandate under the May 12, 2021 Executive Order on Improving the Nation's Cybersecurity to initiate a pilot program to educate the public on the security capabilities of Internet-of-Things (IoT) devices and to identify IoT cybersecurity criteria for a consumer labeling program. In this Draft White Paper, NIST aims to

identify the key elements and desired outcomes of a labeling program and suggest potential baseline security measures for IoT devices. Comments are due by October 17.

FCC Requests Comment on Equipment Authorization and Spectrum Auction Certifications: The Commission seeks reply comments by October 18 on an NPRM and Notice of Inquiry (NOI) proposing significant changes to the FCC's equipment authorization regime and spectrum auction certifications. The NPRM: (1) proposes prohibiting the authorization of any communications equipment on the list of covered equipment and services that the Commission maintains pursuant to the Secure and Trusted Communications Networks Act of 2019; (2) seeks comment on whether and under what circumstances the FCC should revoke any existing authorizations of such "covered" communications equipment; and (3) invites comment on whether the FCC should require additional certifications relating to national security from applicants who wish to participate in Commission auctions. The NOI seeks comment on other actions the Commission should consider taking to create incentives in its equipment authorization processes for improved trust through the adoption of cybersecurity best practices in consumer devices. The initial comment period closed on September 20.

FCC Seeks Comment on Rules Governing Short Range Radar Operations in the 60 GHz Band: The Commission requests reply comments by October 18 on an NPRM that proposes to provide expanded operational flexibility to unlicensed field disturbance sensor (FDS) devices that operate in the 57-64 GHz band (60 GHz band) under section 15.255 of the Commission's rules. Specifically, the Commission proposes to: (1) permit up to 20 dBm average EIRP, 10 dBm peak transmitter conducted output power, 13 dBm/MHz average EIRP power spectral density, and 10% duty cycle in every 33 milliseconds interval for all FDS devices operating in the 57-64 GHz band; (2) investigate the potential for mobile FDS devices to operate in the 61.0-61.5 GHz band at the same 40 dBm EIRP at which fixed FDS devices currently are permitted to operate; and (3) ask whether the FCC could permit radar devices that incorporate listen-before-talk, spectrum sensing, or other methods of coexistence to operate across the entire 57-71 GHz band at the same power level (i.e., 40 dBm EIRP) as currently is permitted for 60 GHz communication devices. The initial comment period closed on September 20.

FCC Requests Comment on Changes to EAS and WEA: The FCC seeks comment on a Report and Order and FNPRM intended to enhance the efficiency of the Emergency Alert System (EAS) and Wireless Emergency Alerts (WEA) by implementing Section 9201 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (2021 NDAA). The 2021 NDAA requires the FCC to consult with the Administrator of the Federal Emergency Management Agency (FEMA) in order to fulfill the Commission's responsibilities under the 2021 NDAA related to EAS and WEA. In this FNPRM, the FCC seeks input on comments filed by FEMA in this proceeding that, among other things, recommended that the FCC: (1) delete the term "National Information Center" in its rules; (2) change the EAS originator code for the "Primary Entry Point System," from "PEP," to "NAT," which would stand for "National Authority"; and (3) consider methods to update the EAS to support "persistent" display and notification of EAS messages that require immediate public protective actions to mitigate loss of life. Comments are due by October 19.

FCC Seeks Comment on Regulatory Fee Categories: The Commission requests comment on a Report and Order and NPRM concerning the adoption of new regulatory fee categories and on ways to improve its regulatory fee process. Among other things, the Commission seeks comment on: (1) a proposal from the National Association of Broadcasters to require that unlicensed spectrum users, especially large technology companies, pay regulatory fees; (2) a potential methodology for assessing regulatory fees on unlicensed spectrum users; and (3) how a new fee category is consistent with Section 9 of the Communications Act of 1934, as amended, which requires the FCC to base regulatory fees on the number of full-time equivalents (FTE) devoted to the oversight and/or regulation of the industry. Comments are due by October 21.

NIST Requests Nominations for the National Artificial Intelligence Advisory Committee and Subcommittee on Artificial Intelligence and Law Enforcement: Nominations for membership on the National Artificial Intelligence Advisory Committee (Committee) and the Subcommittee on Artificial Intelligence and Law Enforcement (Subcommittee) are due to NIST by October 25. The Committee, which was established on September 8, 2021 in accordance with the National Artificial Intelligence Initiative Act of 2020, is tasked with advising the President and federal agencies on a range of issues related to artificial intelligence (AI), including the current state of U.S. AI competitiveness, progress made in implementing the National Artificial Intelligence Initiative, the state of science around AI, and issues related to AI workforce. The Subcommittee is directed to advise the President on topics including bias, security of data, the adoptability of AI for security or law enforcement, and legal standards.

Upcoming Meetings and Events

NANC Meeting: The next meeting of the North American Numbering Council (NANC) will be held on October 13. Additional information is available [here](#).

Precision Ag Connectivity Task Force Meeting: The next meeting of the Task Force for Reviewing the Connectivity and Technology Needs of Precision Agriculture in the United States (Precision Ag Connectivity Task Force) will be held on October 14. Additional information is available [here](#).

IAPP Privacy. Security. Risk. 2021: The NIST Privacy Workforce Public Working Group (PWWG) will discuss their collaborative effort to create task, knowledge, and skill statements aligned with the NIST Privacy Framework and the Workforce Framework for Cybersecurity to support the development and recruitment of a robust workforce capable of managing privacy risk on October 21. Additional information is available [here](#).

NCCoE Learning Series Fireside Chat: Rethinking Pathways Into Cybersecurity and Privacy Careers: NIST's National Cybersecurity Center of Excellence (NCCoE) will host a fireside chat with several NIST cybersecurity and privacy professionals on October 21. Additional information, including registration, is available [here](#).

FCC Open Meeting: The next FCC Open Meeting is scheduled for October 26. When available, the agenda will be posted [here](#).

FirstNet Goes to University: As part of its emergency management webinar series, the First Responder Network Authority (FirstNet) will host a webinar on how academia is using the nationwide public safety broadband network on October 27. Registration information is available [here](#).

Did You Know?

October 7: Wiley Partner Antonio J. Reynolds will be speaking at the National Association of Black Compliance & Risk Management Professionals, Inc. Annual Summit on the panel *Fintech & the Future of Banking and Payments*. Learn more [here](#).

October 8: Wiley Partner and Co-Chair of our TMT Practice Amb. David A. Gross is a speaker for the Future of the Internet panel at the Columbia School of International and Public Affairs (SIPA). Learn more [here](#).

New Podcast: Wiley's Unmanned Aircraft Systems (UAS) Co-Chair Joshua S. Turner and National Security Co-Chair Hon. Nazak Nikakhtar discuss how the government is approaching legal and regulatory actions to address national security risks posed by UAS, areas that may require regulatory action, and the future of the UAS industry. Listen [here](#).

Wiley is pleased to announce that partner Joshua S. Turner has been recognized by *Law360* as an n "MVP" for Telecommunications. Read 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 September 2021 *Privacy in Focus* [here](#).

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FCC Announces Effective Dates for Earth Station Build-Out Rules and Some, But Not All, Orbital Debris Mitigation Disclosure Rules

BIS Requests Comments on ICT Supply Chain Risks

FASC Issues Final Rule on Securing Information and Communications Technology Supply Chains in Federal Systems

FCC Seeks to Refresh the Record on C-Band Spectrum for Drones

Drones and National Security: The Regulatory Landscape

Roundup Disclaimer: Information in the Wireless Roundup is current as of September 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.