

Wireless Roundup (September 2020)

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Practice Areas

Telecom, Media & Technology
Wireless

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Upcoming Filing and Comment Deadlines

FCC Seeks Comment on Section 230 NTIA Petition for Rulemaking:

Comments on the National Telecommunications and Information Administration's (NTIA) Petition for Rulemaking (summarized [here](#)) are due to the Federal Communications Commission (FCC or Commission) by September 2. Specifically, the petition asks the Commission to promulgate a rulemaking to interpret Section 230 of the Communications Act. President Trump instructed NTIA to file the petition in the Executive Order on Preventing Online Censorship (a recap of which is available [here](#)). Replies to comments on the petition are due September 17.

FCC Requests Comment on NCTA Petition for Declaratory Ruling:

The Commission seeks comment via Public Notice on a Petition for Declaratory Ruling filed by NCTA – The Internet & Television Association. Among other things, the petition asks the FCC to declare that pole owners must share in the costs of pole replacements in unserved areas pursuant to Section 224 of the Communications Act and pole attachment disputes in unserved areas should receive

priority treatment through the creation of an accelerated docket under Section 1.736 of the Commission's rules. Comments are due September 2 (extended from August 19) and reply comments are due September 17.

FCC Requests Feedback on Expanding Commercial Use in the 70/80/90 GHz Bands: Reply comments are due September 4 on the Commission's Notice of Proposed Rulemaking on increasing commercial use of the 71-76 GHz, 81-86 GHz, 92-94 GHz, and 94.1-95 GHz bands (70/80/90 GHz bands). The bands are currently allocated for co-primary federal and non-federal use. Among other things, the FCC seeks comment on whether to change regulatory standards to allow smaller antennas to operate in the bands.

FCC Solicits Comment on Improving the Broadband Data Map: The Commission seeks public input on, among other things, additional processes for monitoring broadband availability and proposed processes to allow consumers and third parties to challenge the accuracy of broadband maps through its Third Further Notice of Proposed Rulemaking. The FCC issued the FNPRM in response to the March 2020 Broadband DATA Act and intends for the item to improve the agency's Digital Opportunity Data Collection. Comments are due September 8 and reply comments are due September 17.

FCC Seeks Comment on Implementing the Secure Networks Act: Reply comments are due September 14 on the Commission's Secure and Trusted Communications Networks Act of 2019 (Secure Networks Act) Second Further Notice of Proposed Rulemaking. Among other things, the Second FNPRM requests comment on proposals to develop and update a list of covered communications equipment and services pursuant to Section 2 of the Secure Networks Act and to implement enforcement penalties in accordance with Section 7. The Second FNPRM follows a number of Commission actions to prohibit the use of Universal Service Fund support to purchase equipment from companies posing a national security risk, beginning with the November 2019 Supply Chain Order (summary available [here](#)).

FCC Solicits Input on Technical Solutions to Resolve Contraband Wireless Device Usage in Correctional Facilities: The Commission requests comment to refresh the record on developing technical solutions to combat contraband wireless device use in correctional facilities via Public Notice. Specifically, the FCC requests comment on the successes and challenges in implementing technical solutions, including those potential solutions currently under development. Comments are due September 16 and reply comments are due October 1.

NTIA Seeks Feedback on Internet Use Survey: Comments are due September 17 on NTIA's Request for Public Comment on revisions to its Internet Use Survey. The long-term running survey covers a host of issues pertaining to digital inclusion and various Internet policy topic areas, including the challenges that some Americans face in taking full advantage of the Internet.

FCC Requests Comment on Sixteenth Broadband Deployment Report: Comments are due September 18 on the Commission's Sixteenth Broadband Deployment Report Notice of Inquiry. Specifically, the Sixteenth NOI represents the FCC's annual inquiry into whether advanced telecommunications capabilities are being deployed to all Americans in a "reasonable and timely fashion" as required by Section 706(b) of the

Telecommunications Act of 1996. If the FCC determines that broadband is not being deployed nationwide in a reasonable and timely fashion, then the agency must take immediate action to accelerate deployment. Reply comments are due October 5.

FCC Seeks Input on Reallocating T-Band Spectrum: The Commission requests feedback on its proposal to reallocate spectrum in the 470-512 MHz band (T-band) for an auction through a Notice of Proposed Rulemaking (summarized here). Title VI of the Middle Class Tax Relief and Job Creation Act of 2012 requires the FCC to reallocate T-band spectrum for competitive bidding. The band is currently used by public safety operators. Reply comments are due September 29.

FCC Solicits Feedback on Additional Steps to Prevent Unwanted Robocalls: Reply comments are due September 29 on the Commission's Fourth Notice of Proposed Rulemaking to protect consumers from unwanted robocalls. Proposals include establishing an affirmative obligation for voice service providers to respond to some traceback requests, eliminate bad traffic, and take measures to prevent customers from generating illegal calls.

Upcoming Effective Dates

Establishing the Digital Opportunity Data Collection: The Second Report and Order goes into effect on September 17. The Order implements provisions of the Broadband Deployment Accuracy and Technological Availability Act (Broadband DATA Act) which requires the FCC to collect and disseminate granular broadband service availability data (broadband maps) from wired, fixed-wireless, satellite, and mobile broadband providers. The Order adopts specific coverage reporting and disclosure requirements for fixed and mobile broadband providers, measures for determining the accuracy of broadband availability data, and standards for collecting and incorporating verified data from governmental entities and certain third parties for the coverage maps. The Order further establishes the "Broadband Serviceable Location Fabric," a dataset of geocoded information for all broadband service locations that will serve as the foundation for broadband maps.

Upcoming Meetings and Events

Forum on 5G Open Radio Access Networks: FCC Chairman Ajit Pai will hold a virtual forum involving experts at the forefront of 5G open radio access networks on September 14, postponed from March. This forum will be available to the public via livestream. The agenda and more information can be found here.

Sixth Meeting of the CSRIC VII: The FCC's Communications Security, Reliability, and Interoperability Council VII (CSRIC VII) will meet on September 16 via conference call, which will be available to the public via live feed. More information can be found here.

NIST PNT Profiles Workshop: NIST will hold a virtual workshop September 15-16 focusing on NIST's efforts to build a profile for the systems that form or use positioning, navigation, and timing (PNT) data. Registration is mandatory and must be received by September 11. More information and the registration link can be found

here.

CISA Third Annual Cybersecurity Summit: The Cybersecurity and Infrastructure Security Agency's (CISA) 3rd Annual National Cybersecurity Summit will be held virtually as a series of webinars every Wednesday for four weeks beginning September 16 and ending October 7. Registration is required and is available [here](#). Although the full agenda has not been released, the themes this year are:

- Sept 16: Key Cyber Insights
- Sept 23: Leading the Digital Transformation
- Sept 30: Diversity in Cybersecurity
- Oct 7: Defending our Democracy

National Infrastructure Advisory Council Meeting: The National Infrastructure Advisory Council will meet September 17. The agenda includes a "Critical Infrastructure Command Center Follow-on Analysis Update." Registration is required to access the conference call bridge and must be received by September 14. More information is available [here](#).

FTC "Data to Go" Data Portability Workshop: The FTC will hold a public workshop on data portability on September 22. The workshop will be webcast live to the public. More information is available [here](#).

NTIA Spectrum Sharing Policy Symposium: NTIA will hold the 2020 Spectrum Policy Symposium on September 22. The symposium will feature discussions of efforts to provide spectrum resources for 5G networks and other advanced telecommunications, aviation, and space-based services. The agenda is available [here](#).

Help Wanted: Growing a Workforce for Managing Privacy Risk Virtual Workshop: On September 22-24, the International Association of Privacy Professionals (IAPP) and the National Institute of Standards and Technology (NIST) will hold a workshop focused on building a "workforce taxonomy and definitive guide for developing privacy programs from the ground up." The registration deadline is September 18. The agenda is available [here](#).

NANC Meeting: The next meeting of the North American Numbering Council (NANC) will be held on September 24 via conference call and available to the public via live feed. More information is available [here](#). The agenda, when published, will be available [here](#).

CAC Meeting: The FCC will hold the next meeting of the Consumer Advisory Committee (CAC) on September 25 via a live feed open to the public. More information is available [here](#).

FCC Open Meeting: The next FCC Open Meeting is scheduled for September 30. The agenda, once published, will be available [here](#).

New Items on Circulation

The following items of interest went on circulation before the full Commission in the past month and remain pending as of publication of this Wireless Roundup.

- Completing the Transition to Electronic Filing, Licenses and Authorizations, and Correspondence in the Wireless Radio Services, WT Docket No. 19-212, Report and Order (circulated August 14 by the Wireless Telecommunications Bureau)
- Expanding Flexible Use of the 3.7 to 4.2 GHz Band, GN Docket No. 18-122, Order and Order of Modification (circulated August 11 by the Wireless Telecommunications Bureau)
- Assessment and Collection of Regulatory Fees for Fiscal Year 2020, Report and Order and Further Notice of Proposed Rulemaking, MD Docket No. 20-105 (circulated August 7 by the Office of Management and Budget and Wireline Competition Bureau)
- The Rural Digital Opportunity Fund Auction (Auction 904); Rural Digital Opportunity Fund; Connect America Fund (circulated August 6 by the Wireline Competition Bureau)
- In the Matter of Procedural Streamlining of Administrative Hearings (circulated August 4 by the Enforcement Bureau)

Coming Up Next...

Reply comments are due October 1 on the Commission's Public Notice on developing technical solutions for contraband wireless devices in correctional institutions.

Reply comments on the FCC's Sixteenth Broadband Deployment Report Notice of Inquiry are due October 5.

Comments on the National Institute of Standards and Technology's draft Interagency Report on the Four Principles of Explainable Artificial Intelligence (Draft NISTIR 8312) are due October 15.

The next Open Commission Meeting is scheduled for October 27. The meeting agenda, once posted, will be available [here](#).

Did You Know?

Partners Megan Brown, Lori Scheetz, and Rick Sofield participated in a webinar with TRACE International, The 5G Deployment, Trade Sanctions and Export Controls. Watch on-demand [here](#).

Partner Matt Gardner has helped clients to navigate regulatory obligations and minimize legal liability risks in the wake of a ransomware attack. His experience working with agencies including the Departments of Justice and Homeland Security enable him to provide valuable counsel to companies responding to cyber incidents.

Recent Wiley Client Alerts, IoT Blog Posts, and Podcasts

FCC Report Recommends Opening Up Portion of the C-Band for Drones

C-Band Lump Sum Election Deadline Extended

California Finalizes CCPA Regulations, Which Are Effective Immediately

OMB Releases Guidance on Implementation of Section 889 for Grant Recipients

In Huge Win for Telecommunications Industry, 5G, and Broadband, Ninth Circuit Upholds Vast Majority of FCC Infrastructure Orders

FCC Eliminates Radio Programming Duplication Rule

European Authorities Take Hard Line on EU-U.S. Data Transfers After Privacy Shield Decision, While FTC Still Plans to Enforce Privacy Shield Compliance

President Trump Targets Chinese Social Media Apps TikTok and WeChat in New Executive Orders

One-on-One with Renee Gittens of the International Game Developers Association

FTC Commissioners Weigh In on Prominent Topics at Oversight Hearing

CFPB and FTC Highlight Consumer Protection Priorities During the Coronavirus Pandemic in Separate Congressional Hearings

Sixth Circuit Enters TCPA Autodialer Fray

T Minus Three Years and Counting to WRC-23

Wiley Consumer Protection Download: August 17, 2020

Wiley Consumer Protection Download: August 3, 2020

Privacy in Focus (August 2020)

Roundup Disclaimer: Information in the Wireless Roundup is current as of August 31, 2020. 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.