

Wireless Roundup (December 2023)

November 30, 2023

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Key Wireless Deadlines

FCC Seeks Comment on *Safeguarding and Securing the Open*

Internet: In this Notice of Proposed Rulemaking (NPRM), the Federal Communications Commission (FCC or Commission) proposes to reinstate the open Internet rules the Commission adopted in its previous 2015 Open Internet Order. Specifically, the NPRM proposes to reclassify broadband internet access service (BIAS) as a telecommunications service under Title II of the Communications Act and mobile broadband internet access service as a commercial mobile service. The Commission proposes to forbear from applying certain Title II requirements to BIAS but would subject internet service providers (ISPs) to the Commission's consumer privacy regime and Section 214 of the Act, among other Title II obligations. The NPRM also proposes to prohibit ISPs from engaging in blocking, throttling, or paid prioritization. Comments are due December 14, 2023, and reply comments are due January 17, 2024. For more information about the NPRM, see Wiley's client alert.

NTIA Seeks Comment on Public Wireless Supply Chain Innovation

Fund Program: In this Request for Comment (RFC), the National Telecommunications and Information Administration (NTIA) seeks comment on the Public Wireless Supply Chain Innovation Fund (PWSCIF) Program, which provides funding for efforts that accelerate the development, deployment, and adoption of open and

interoperable radio access networks through a competitive grant program. NTIA asks whether the PWSCIF program's bi-annual Performance Progress Report from award recipients is necessary for NTIA and how to minimize the reporting burden for those who respond. Comments are due December 4, 2023.

NTIA Seeks Input on White House National Spectrum Strategy Implementation Plan: In this Notice, NTIA is requesting public comment on its National Spectrum Strategy Implementation Plan (the Strategy). On November 13, 2023, the White House released the National Spectrum Strategy, which directs NTIA to publish an Implementation Plan no later than 120 days after the Strategy's release. NTIA is particularly interested in public views on implementation over the next one to three years. Comments are due January 2, 2024. For more information about the Strategy, see Wiley's client alert.

Upcoming Meetings and Events

- **FCC Open Meeting:** The next FCC Open Meeting is scheduled for December 13. Meeting details and agenda can be found [here](#). The agenda includes:
 - Protecting Consumers from Early Termination and Billing Cycle Fees
 - Targeting and Eliminating Unlawful Text Messages
 - Achieving 100% Wireless Handset Model Hearing Aid Compatibility
 - Faster Pole Attachment Processes for Broadband Deployment
 - Improving the Rural Health Care Program
 - Data Breach Notification Rules
 - Implementing the Low Power Protection Act
- **NSTAC Meeting:** The President's National Security Telecommunications Advisory Committee (NSTAC) will hold a partially open meeting on December 7. More details can be found [here](#).
- **FirstNet Meeting:** The FirstNet Authority Combined Board and Board Committees Meeting will be held on December 13. Additional information can be found [here](#).

Cyber Corner

NIST Seeks Comment on Final Public Draft of SP 800-171 Rev. 3: The National Institute of Standards and Technology (NIST) is seeking comment on the final public draft of SP 800-171, Rev. 3 on Protecting Controlled Unclassified Information in Nonfederal Systems and Organizations. Comments are due January 12, 2024.

NIST Requests Input on Initial Public Draft of SP 800-171A Rev. 3: NIST is seeking input on the initial public draft of SP 800-171A on Assessing Security Requirements for Controlled Unclassified Information. This is the assessment guide that accompanies SP 800-171. Comments are due January 12, 2024.

Federal Acquisition Regulation (FAR) Incident Reporting NPRM: The Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA) are seeking comment on the Cyber Threat and Incident Reporting and Information Sharing NPRM. The NPRM proposes requiring federal contractors, including those selling commercial off the shelf ICT products, to, among other things: (1) report cyber incidents to the Cybersecurity & Infrastructure Security Agency (CISA) within eight hours of discovery; (2) include a software bill of materials for all software used in the performance of a contract; and (3) permit CISA to conduct threat hunting engagements on their networks. Comments are due February 2, 2024, pursuant to an extension.

NPRM on Standardizing Cybersecurity Requirements for Unclassified Federal Information Systems: DOD, GSA, and NASA are also seeking comment on the Standardizing Cybersecurity Requirements for Unclassified Federal Information Systems NPRM. Comments are due February 2, 2024, pursuant to an extension.

Did You Know?

December 5-6: Amb. David Gross will be moderating two panels at the Telecommunications and Media Forum, North America 2023 entitled 'National and international priorities for US government', and 'In Conversation: Spectrum decision-making'. [Click here to view the full event agenda.](#)

Two articles were published by Wiley attorneys in *Pratt's Privacy and Cybersecurity Law Report*: 'Federal Communications Commission Kicks off Voluntary IoT Security Label Program with Big Notice of Proposed Rulemaking' and 'Biden Administration Looks at Harmonizing Cyber Regulations Amidst Flurry of New Activity'.

Sara M. Baxenberg, Joshua S. Turner, and Melissa Alba wrote for *Law360* regarding the U.S. Court of Appeals for the Fifth Circuit's decision in *National Press Photographers Association v. McGraw* highlights the effects of this ruling on Uncrewed Aircraft Systems.

Wiley was selected as the 2023 recipient of AT&T's Legal Department Diversity, Equity, and Inclusion Award for Diversity. Telecom, Media & Technology co-chair Jennifer D. Hindin and Chief Diversity Officer Rashida MacMurray-Abdullah accepted the award.

Duane C. Pozza tackled the White House's October 30 Executive Order on artificial intelligence (AI) by providing five of the most critical areas companies should watch regarding AI for *Bloomberg Law*.

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 Grants Limited Extension of EAS Compliance Deadline for Customers Using Sage Equipment

NTIA Seeks Input and Meetings on Implementation Plan for National Spectrum Strategy

FCC Adopts Rules Implementing Infrastructure Act Provision On Digital Discrimination

Reminder of Post-Thanksgiving Deadlines for Broadcasters

Hosted Payload Episode 9: Danielle Pineres/First Man

FCC and FTC Launch Inquiries on AI and Voice Cloning

Chairwoman Rosenworcel Initiates Proceeding on Supporting Local Journalism

NTIA Releases Highly Anticipated National Spectrum Strategy

NCE Broadcaster Fined \$9K for Issues/Programs Report Violations

FCC Examines Increase in Minimum Broadband Speed Benchmark, Sets Future Gigabit-Speed Goal

December 1, 2023 FCC EEO Deadlines for Stations in AL, GA, CO, MN, MT, ND, SD, CT, ME, MA, NH, RI, VT

Fifth Circuit Shoots Down First Amendment and Preemption Arguments Against Texas Drone Laws

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