

# Wireless Roundup (February 2020)

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Privacy, Cyber & Data Governance  
Telecom, Media & Technology

### Upcoming Filing and Comment Deadlines

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#### **FNPRM on Universal Service and National Security Threats:**

Comments are due February 3 on the Federal Communications Commission's (FCC or Commission) Further Notice of Proposed Rulemaking requesting input on whether eligible telecommunications carriers (ETCs) should be required to remove wireless equipment or services provided by a designated prohibited company. Additionally, the item seeks comment on whether removal of covered wireless equipment should be required regardless of ETC status. Reply comments are due March 3.

#### **NIST Recommendations for IoT Device Manufacturers:**

Comments are due February 7 on the National Institute of Standards and Technology's (NIST) Second Public Draft of NISTIR 8259 on recommendations for manufacturers seeking to improve the security functionality of Internet of things (IoT) devices for consumers. NIST hopes that the recommended activities will lessen the cybersecurity-related measures that consumers will have to take to protect their devices from potential attackers.

**FCC Public Notice on the Right to Revoke Unwanted Text Messages:** The FCC released a Public Notice requesting feedback on a Petition for Declaratory Ruling asking the Commission to rule that (1) consumers have the right to withdraw consent from receiving marketing text messages from wireless providers “by any reasonable means” and (2) wireless providers must immediately honor such requests to withdraw consent. Reply comments are due February 11.

**FCC Seeks to Refresh the Record on Truth-in-Billing:** Comments are due February 12 on the Commission’s Public Notice seeking comments to refresh the record on ways to modernize its truth-in-billing rules. Specifically, the FCC requests input on whether to extend the rules, which currently only apply to wireline and wireless common carriers, to interconnected Voice over Internet Protocol (VoIP) providers. Reply comments are due March 13.

**Fifth FNPRM on Improving Wireless E911 Vertical Location Accuracy:** The Commission is soliciting feedback on its Fifth Further Notice of Proposed Rulemaking to revise its E9-1-1 rules to incrementally narrow the z-axis metric with the goal of eventually requiring wireless carriers to report an emergency caller’s floor level. Additionally, the FCC seeks comment on alternative deployment goals for the z-axis and dispatchable location capabilities. Comments are due February 18 and reply comments are due March 16.

**NPRM on Facilitating Shared Use in the 3.1-3.55 GHz Band:** Comments are due February 21 on the Commission’s Notice of Proposed Rulemaking which requests input on a proposal to clear the 3.3-3.55 GHz band of non-federal users. The FCC also seeks comment on how to prepare for possible future shared use in the 3.1-3.55 GHz band between commercial wireless providers and federal incumbents. Such a sharing mechanism could make up to 250 MHz of spectrum available for 5G technologies. Reply comments are due March 23.

**FCC Seeks Comment on Modernizing the Lifeline Program:** Reply comments are due February 25 on the Commission’s Further Notice of Proposed Rulemaking seeking input on how to develop contemporary Lifeline initiatives focused on the expansion of broadband service and methods to improve program integrity. Among other integrity improvements, the Commission requests feedback on how to reduce fraud when distributing free Lifeline program handsets.

**NIST Drafts on Protecting, Detecting, and Responding to Ransomware Events:**

NIST requests feedback on the NIST Special Publication 1800-26 Practice Guide that it hopes will assist organizations in responding to data integrity threats such as ransomware, malware, and insider threats across multiple industries. Comments are due February 26.

Comments are due February 27 on the NIST Special Publication 1800-25 Practice Guide on strategies to identify and protect assets from ransomware, malware, and insider threats. The project aims to focus on methods that effectively identify and protect assets that could be subject to attacks.

**FCC Seeks Comment for Call Blocking Report:** The Commission requests input through a Public Notice to gather information for a report on call blocking for consumers who wish to block unwanted calls. Specifically, the FCC seeks information about available call-blocking tools, the effectiveness of such capabilities, and potential impacts on 9-1-1 services and public safety. Reply comments are due February 28.

## Upcoming Effective Dates

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**Truth in Caller ID Rules:** The Second Report and Order goes into effect on February 5. The Order amends the Commission's Truth in Caller ID rules to implement the amendments to Section 227(e) of the Communications Act adopted by Congress as part of RAY BAUM'S Act. More specifically, the Commission amends the rules to encompass malicious spoofing activities directed at consumers in the U.S. from foreign actors and expands the scope of communications covered by the caller ID spoofing rules to reach spoofing that uses alternative voice and text messaging services.

**FCC Modifies Cost Recovery Rules for IP CTS:** The Report and Order goes into effect on February 5. The Order amends the Commission's cost recovery rules for Internet Protocol Captioned Telephone Service (IP CTS) to require providers of intrastate-only telecommunications and VoIP services to contribute to the Telecommunications Relay Service Fund (TRS Fund). This expansion of the TRS Fund contribution base is intended to reduce the burden on providers of interstate service and ensure the long-term sustainability of TRS.

**FCC Revises TRS Definition:** The Report and Order goes into effect on February 10. The Order updates the definition of telecommunications relay service (TRS) contained in the Commission's rules to conform to the current statutory definition, as amended by the Twenty-First Century Communications and Video Accessibility Act of 2010 (CVAA).

**Connect America Fund:** The Order goes into effect on February 12. The Order establishes procedures to ensure swift and efficient administration of the Connect America Fund (CAF) Phase II Auction Eligible Locations Adjustment Process (ELAP). More specifically, the Order sets forth a challenge process framework, including evidentiary standards, location data formatting, confidentiality of information, and future post-adjudication verification.

## Upcoming Meetings and Events

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**NTIA Software Component Transparency Meeting:** On February 13, the National Telecommunications and Information Administration's (NTIA) software component transparency multistakeholder group will hold a virtual meeting to share updates from its working groups.

**CAC Meeting:** The FCC's Consumer Advisory Committee (CAC) will meet on February 13. This is a special meeting for the Robocall Report Working Group to present a recommendation regarding data collection on the availability and effectiveness of call blocking tools. More information is available [here](#).

**NANC Meeting:** The FCC's North American Numbering Council (NANC) will meet on February 13.

**NSTAC:** The National Security Telecommunications Advisory Council (NSTAC) will meet on February 20.

**Privacy Framework:** NIST will present its Privacy Framework Version 1.0 at the RSA conference on February 26.

**DAC Meeting:** The FCC's Disability Advisory Committee (DAC) will meet on February 26.

**FCC Open Meeting:** The next FCC Open Meeting is scheduled for February 28. When available, the meeting agenda will be posted here.

### New Items on Circulation

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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.

- William F. Crowell, Application to Renew License for Amateur Service Station W6WBJ (circulated January 9 by the Wireless Telecommunications Bureau)
- Connect America Fund - Alaska Plan (circulated January 15 by the Wireless Telecommunications Bureau)

### Coming Up Next . . .

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- Reply comments on the FCC's Further Notice of Proposed Rulemaking to address national security threats to networks funded by the Universal Service Fund are due March 3.
- Comments to the Office of Management and Budget (OMB) on a Draft Memorandum to the heads of executive departments and agencies, "Guidance for Regulation of Artificial Intelligence Applications," are due March 13.
- The next Open Commission Meeting is scheduled for March 31. The meeting agenda, once posted, will be available here.

### Did You Know?

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Wiley has launched a 5G Primer and Podcast Series. Download the Primer and listen to the first podcast on Device Regulation in a 5G World.

**February 7:** Partner Henry Gola and associate Kathleen Scott will speak at the 25th Annual Forum on Communications Law Conference. Learn more here.

**February 26:** Associate Jodi Goldberg will speak at the Physics Colloquium at American University. More information is available here.

**ICYMI:** Partners Megan Brown and Duane Pozza held a CLE webinar on “Privacy and Data Security Developments at the FTC and Beyond: A Look Ahead to What You Need to Know in 2020.” You can watch an archive of the webinar [here](#).

## Recent Wiley Alerts, IoT Blog Articles, and Podcasts

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February FCC Radio License Renewal Reminder

Insight: AI Tech in 2020—Balancing Regulation With Innovation

Treasury Finalizes Significant Expansion of Foreign Investment Rules

Biennial Ownership Report Form 323 Deadline

FCC’s Media Bureau will Host a Webinar to Explain Changes to the KidVid Report Form

FTC Touts Revisions To Its Data Security Orders

February 3, 2020 FCC EEO Deadlines Impacting Broadcast Stations in AR, LA, MS, KS, NE, OK, NJ, & NY

FCC Relaxes Submarine Cable Outage Reporting Rules

New Year, New California Privacy Law Now in Effect

FCC Issues Order In Response to Third Circuit Media Ownership Decision; Requires Amendment of Pending Renewal and Transfer/Assignment Applications

Get Ready for Shifting Cyber Expectations in 2020

National Defense Authorization Act for Fiscal Year 2020 Includes New Acquisition Programs and Changes to Existing Laws Impacting Contractors

FAA Releases Long-Awaited Remote ID NPRM

Cox Communications Penalized With \$1 Billion Jury Verdict in Copyright Infringement Lawsuit

Congress Passes Comprehensive Legislation to Address Illegal Robocalls

NTIA's 3.45-3.55 GHz Report Shines Spotlight on Spectrum Sharing, But Further Studies Still To Come

Ninth Circuit Reaffirms Limit on Section 230 Immunity for Filtering Objectionable Content

CES 2020: What We Heard From the FTC

FTC Touts Revisions To Its Data Security Orders

It's Finally Here: the FAA Releases Remote ID NPRM

Congress Passes Comprehensive Legislation to Address Illegal Robocalls

Sara Baxenberg and Josh Turner Talk About Remote ID

Device Regulation in a 5G World, featuring Jamie Susskind, Consumer Technology Association and Wiley Attorneys Megan Brown, David Hilliard, and Meredith Singer

**Roundup Disclaimer:** Information in the Wireless Roundup is current as of January 30, 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.