

Wireless Roundup (January 2024)

January 2, 2024

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Key Wireless Deadlines

FCC Seeks Comment on Expediting Initial Processing of Satellite and Earth Station Applications: In this Further Notice of Proposed Rulemaking (FNPRM), the Federal Communications Commission (FCC or Commission) reviews its licensing rules and practices for the satellite industry, asking about a number of proposals including: classifying additional fleet management activities as “minor modifications” under Section 25.118; providing a process equivalent to special temporary authority (STA) for market access grantees; creating a “permitted list” for non-geostationary satellite orbit (NGSO) satellites; and others. Comments are due January 8, and reply comments are due February 6. We provide a breakdown of the Final Rule and FNPRM in more detail here.

FCC Seeks Comment on E-Rate Program: In this Notice of Proposed Rulemaking (NPRM), the FCC initiates a proceeding to address the E-Rate program to support the remote learning needs of students, school staff, and library patrons. The Commission proposes to permit eligible schools and libraries to receive E-Rate support for Wi-Fi hotspots and wireless internet services that can be used off-premises. The Commission proposes to find that the off-premises use of Wi-Fi hotspots and internet services by students, school staff, and library patrons for remote learning and the provision of virtual library services constitutes an educational purpose as defined by the

Commission and enhances access to advanced telecommunications and information services for schools and libraries. Comments are due January 8, and reply comments are due January 22.

FCC Requests Comment on CPNI/SIM Change Authentication Item: In this FNPRM, the FCC seeks comment on whether to harmonize the existing requirements for customer access to Customer Proprietary Network Information (CPNI) with the new Subscriber Identity Module (SIM) change authentication and protection measures that the Commission adopted; whether limitations on employee access to CPNI prior to customer authentication should be extended to all telecommunications carriers; what steps the Commission can take to harmonize government efforts to address SIM swap and port-out fraud; and how providers should notify customers of failed authentication attempts. The FNPRM expands on previous CPNI and SIM change authentication questions, asking about expanded change authentication requirements and proposes to add a prohibition on the use of recent payment and call detail information to authenticate customers for online access to CPNI. Comments are due January 16, and reply comments are due February 12.

FCC Adopts NPRM on High-Cost Fixed and Mobile Support in Alaska: In this NPRM, the FCC seeks comment on solutions and unique accommodations necessary to continue supporting broadband service to Alaska. Specifically, the Commission asks how it can best support the rural and remote areas of Alaska through efficient use of the Universal Service Fund (USF) once the support terms for the current incumbent Local Exchange Carriers (LECs) and competitive eligible telecommunications carriers (ETCs) have ended. Comments are due January 16, and reply comments are due February 15.

FCC Seeks Comment on Safeguarding and Securing the Open Internet: In this NPRM, the 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. Reply comments are due January 17. We provide more information about the NPRM [here](#).

FTC Commences Rulemaking on Unfair and Deceptive Fees: In this NPRM, the Federal Trade Commission (FTC) proposes to promulgate a trade regulation rule entitled "Rule on Unfair or Deceptive Fees," which would prohibit unfair or deceptive practices relating to fees for goods or services, specifically, misrepresenting the total costs of goods and services by omitting mandatory fees from advertised prices and misrepresenting the nature and purpose of fees. The NPRM mentions telecommunications, among several other industry sectors, as an area of interest—noting that telecommunications customers "are confronted with advertised rates that do not include mandatory fees, which are only disclosed after consumers contract for services and in ways that consumers find difficult to understand." Comments are due February 7, pursuant to an extension.

Upcoming Meetings and Events

- **FCC Open Meeting:** The next FCC Open Meeting is scheduled for January 25. Meeting details and agenda, once available, can be found [here](#).
- **FCC Space Bureau Open House:** On January 10, the FCC's Space Bureau is hosting an open house event to provide an overview of earth station licensing. More information can be found [here](#).

Cyber Corner

NIST AI EO Implementation RFI: National Institute of Standards and Technology (NIST) is seeking comment on its RFI to assist the agency in carrying out several responsibilities under the Artificial Intelligence (AI) Executive Order. Comments are due February 2.

FY2024 NDAA Passed: On December 22, 2023, the President signed into law the National Defense Authorization Act (NDAA) for Fiscal Year 2024. We provide more information on the most important provisions for contractors and their supply chains [here](#).

Did You Know?

Wiley announced its promotions for 2024. Within the TMT Practice, Madeleine M. Lottenbach was promoted to partner and Jacqueline F. "Lyn" Brown was promoted to of counsel. [Read more here](#).

Amb. David Gross moderated 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'.

Andrew G. Woodson, Hannah J. Miller, and Lauren N. Johnson wrote an article, *State Regulation of AI Use Should Give Political Campaigns Pause*, published in *Bloomberg Law*.

Wiley attorneys Thomas M. Johnson, Jr., Joshua S. Turner, Sara M. Baxenberg, Michael J. Showalter, Stephanie Rigizadeh, Lauren N. Johnson, and Boyd Garriott represented the U.S. Chamber of Commerce (Chamber) in filing comments in response to the Federal Communications Commission's (FCC) proposal to reestablish the FCC's authority over broadband internet access service by classifying it as a "telecommunications service" under Title II of the Communications Act.

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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Hosted Payload Episode 10: Jeanine Poltronieri/For All Mankind (Season 1)

SEC Breach Reporting Rules Effective as of December 18

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FCC Adopts Procedures for Limited New Class A Television Window

New FCC Data Breach Rules Draw Criticism For Problems Beyond the CRA

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FCC Sets January Deadline for International Section 214 Authorization Holders to Submit Foreign Interest Holder Information

FCC Expands Privacy and Data Protection Work with States to Increase Investigations

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