

Wireless Roundup (July 2020)

June 30, 2020

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Upcoming Filing and Comment Deadlines

FCC Solicits Input on the FCC's Executive Branch "Team Telecom"

Review Process: The Federal Communications Commission (FCC or Commission) is soliciting input on its Public Notice which asks commenters how Executive Order 13913 (summary available [here](#)) affects the FCC's review of applications with reportable foreign ownership. Executive Order 13913 establishes procedures and deadlines for the Commission's review of applications and petitions submitted to the FCC that involve foreign ownership. Reply comments are due July 2.

State Department Requests Information on Providing a 5G Clean

Path: Responses to the U.S. Department of State's (State Department) Request for Information on developing a 5G Clean Path are due July 3. According to the State Department, a 5G Clean Path is "an end-to-end communication path that does not use any 5G transmission, control, computing, or storage equipment from an untrusted vendor." Responders from industry should identify technical capabilities that they could utilize to accomplish a 5G Clean Path if a solicitation were

Practice Areas

Telecom, Media & Technology
Wireless

issued.

FCC Seeks Comment on Rules to Protect Consumers from One-Ring Scams: Reply comments are due July 6 on the Commission's Notice of Proposed Rulemaking requesting comments on how to implement Section 12 of the Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act (TRACED Act) (summary available [here](#)), which requires the FCC to initiate a rulemaking proceeding to combat one-ring scam calls. Among other things, the FCC seeks comment on whether to allow voice service providers to block numbers that are highly likely to be related to one-ring scams.

FCC Requests Feedback on Petitions for Reconsideration on C-Band Order: Replies to oppositions are due July 6 on the Commission's Public Notice requesting feedback on six petitions for reconsideration filed by the Aeospace Industries Association, Charter Communications, Inc., Intelsat License LLC, International Telecommunications Satellite Organization, Eutelsat S.A., and Raytheon Technologies Corporation. The petitions seek reconsideration of the rules adopted by the Commission in its Report and Order and Order of Proposed Modification reforming the use of the 3.7-4.2 GHz band (C-band).

FCC Seeks Comment on a Petition for Rulemaking to Modify RF Marketing Device Rules: The Commission is seeking comment via Public Notice on the Consumer Technology Association's Petition for Rulemaking (available [here](#)). The Petition for Rulemaking asks the FCC to: (1) revise its rules governing the marketing of radiofrequency (RF) devices to allow such devices to be sold to the public before agency authorization; and (2) broaden the FCC's import conditions to permit manufacturers to import a limited number of RF devices prior to Commission authorization. Statements in support or opposition of the Consumer Technology Association's petition are due July 9. Replies are due July 24.

FCC Requests Input on Robocall Mitigation Practices for Voice Providers: Comments are due July 10 on the FCC's Further Notice of Proposed Rulemaking requesting input on robocall mitigation practices for voice service providers that are identified by the designated trace back consortium as originating illegal robocall campaigns. This rulemaking proceeding is required pursuant to Section 4(b) of the TRACED Act. Among other inquiries, the Commission asks whether identified voice providers must submit to close monitoring of their mitigation practices. Reply comments are due July 27.

NTIA Solicits Comment on Sharing Security Risk Information Under the Secure Networks Act: The National Telecommunications and Information Administration (NTIA) is seeking input on its Request for Comments regarding its obligation under Section 8 of the Secure and Trusted Communications Networks Act of 2019 (Secure Networks Act) (summary available [here](#)) to promulgate a supply chain security risk information sharing mechanism for trusted providers of advanced communications services. Comments are due July 13.

NIST Requests Feedback on Profile of Responsible Use of Positioning, Navigation, and Timing Services: Comments are due July 13 on the National Institute of Standards and Technology's (NIST) Request for Information on the profile of positioning, navigation, and timing services (PNT services). The Request for Information is part of NIST's response to Executive Order 13905. Among other things, NIST states that responses "will inform NIST's development of a PNT profile, using the NIST Cybersecurity Framework, that will

enable the public and private sectors to identify systems, networks, and assets dependent on PNT services.”

BIS Solicits Input on Amended Foreign-Produced Direct Product Rule and Entity List: The Bureau of Industry and Security (BIS) is seeking comment on its Interim Foreign Direct Product Rule, which narrowly and strategically targets Huawei Technologies Co., Ltd.’s acquisition of semiconductors that are direct products of U.S. software and technology. Comments are due July 14.

FCC Seeks Comment on RF Exposure Limits: Reply comments are due July 20 (extended from July 6) on the Commission’s Notice of Proposed Rulemaking seeking feedback on proposals to modify the radiofrequency (RF) exposure rules. Among other things, the FCC proposes to allow wireless power transfer (WPT) equipment under Parts 15 and 18 of its rules and specifies numerical limits for such operations.

FCC Asks for Feedback on CTIA and USTelecom Petition for Rulemaking and Declaratory Ruling to Streamline Pro Forma Transactions: The FCC is seeking comment via Public Notice on a Petition for Rulemaking and Declaratory Ruling filed by CTIA – The Wireless Association (CTIA) and USTelecom (available here). The petition asks the Commission to modify its rules to eliminate the existing prior approval requirement for *pro forma* transactions currently subject to such notification obligations. Comments are due July 24 and Reply comments are due August 10.

FCC Solicits Input on 6 GHz Band FNPRM: Reply comments are due July 27 on the Commission’s Further Notice of Proposed Rulemaking. Specifically, the FCC requests feedback on proposals to (1) permit both indoor and outdoor unlicensed devices to operate across the entire 5.925-7.125 GHz band (6 GHz band); and (2) increase the transmission power of indoor access points that operate without an automated frequency control.

FCC Proposes a 5G Fund for Rural America: The Commission is seeking comments on its Notice of Proposed Rulemaking on establishing a 5G Fund for rural America through multi-round reverse auctions. The 5G Fund would distribute up to \$9 billion in two phases to bring voice and 5G broadband capabilities to rural areas of the U.S. Reply comments are due July 27.

Upcoming Effective Dates

Closure of Lockbox Used for International Telecommunications Services. The Order closes P.O. Box 979096 effective July 15, at which time the Commission will no longer function as an accounting authority of last resort and will cease collecting payments of charges for certain international telecommunications services.

FCC Adopts New Rules for the 6 GHz Band. The Report and Order goes into effect on July 27. The Report and Order adopts rules that authorize two types of unlicensed operations in the 6 GHz band: (1) unlicensed standard-power access points in the U-NII-5 and the U-NII-7 bands through use of an Automated Frequency Coordination (AFC) system and (2) use of the entire 6 GHz band for unlicensed indoor low power access points. In addition, the Commission will permit unlicensed client devices to communicate with both the standard-power and low-power access points.

FCC Adopts Rules Governing Enforcement Against Illegal Robocallers. The Order goes into effect on July 27. The Order amends section 1.80 of the Commission's rules to (1) provide that the Commission may in the first instance impose a penalty against any person or entity that violates section 227(b); (2) augment existing penalties for those violators that commit intentional violations of section 227(b); (3) extend the statute of limitations period to four years for intentional violations of section 227(b); and (4) extend the statute of limitations period to four years for violations under section 227(e).

FCC Makes Non-Substantive WRC-15 Revisions to International Table of Frequency Allocations. The Order goes into effect on July 27. The Order amends parts 1, 2, 15, 18, 27, and 95 of the Commission's rules to make non-substantive, editorial revisions to the Table of Frequency Allocations and to revise various other rules to reflect the decisions made at the World Radiocommunication Conference 2015 (WRC-15). In addition, the Order makes certain amendments to the Federal Table, for informational purposes only, based on the recommendations of the National Telecommunications and Information Administration (NTIA), which pertain to spectrum allocated exclusively for Federal use or where non-Federal use is limited to secondary services.

FCC Amends Requirements of 800 MHz Rebanding Program. The Order goes into effect on July 27. The Order amends the Commission's rules such that the Transition Administrator is (1) no longer required to furnish the Commission with an annual audit of Sprint's rebanding expenditures and conduct other cost reconciliation tasks; and (2) no longer required to review and approve amendments to licensee Frequency Reconfiguration Agreements with respect to cost creditability.

Upcoming Meetings and Events

Multistakeholder Process on Promoting Software Component Transparency Meeting: The National Telecommunications and Information Administration (NTIA) will convene a meeting of a multistakeholder process on promoting software component transparency on July 9. More information, in addition to dial-in and remote slide share access when available, will be posted here.

North American Numbering Council Meeting: The next meeting of the North American Numbering Council (NANC) is scheduled for July 14. The meeting is public and available via live feed. More information is available here.

FCC Open Meeting: The next FCC Open Meeting is scheduled for July 16. More details are available here. The agenda includes:

- Designating 988 for the National Suicide Prevention Lifeline, Report and Order
- Call Blocking Rules, Third Report and Order, Order on Reconsideration, and Fourth Further Notice of Proposed Rulemaking
- Secure Networks Act Implementation, Declaratory Ruling and Second Further Notice of Proposed Rulemaking

- Wireless E911 Location Accuracy Requirements, Sixth Report and Order and Order on Reconsideration
- Modernizing Priority Services Rules, Notice of Proposed Rulemaking
- Leased Commercial Access, Second Report and Order
- Improving Broadband Data and Maps, Second Report and Order and Third Notice of Proposed Rulemaking

PrivacyCon 2020: The Federal Trade Commission (FTC) will hold its fifth annual PrivacyCon on July 21. The virtual event will feature empirical research on the privacy of health data in use by mobile applications. More information is available [here](#).

Precision Ag Connectivity Task Force Meeting: The next meeting of the FCC's Precision Ag Connectivity Task Force will be held via conference call on July 22 and is available to public via live feed. More information is available [here](#).

North American Numbering Council Meeting: The NANC will meet on July 28. The meeting is public and available via live feed. More information is available [here](#).

Broadband Deployment Advisory Committee Meeting: The FCC's Broadband Deployment Advisory Committee (BDAC) will meet via conference call on July 29. This meeting is public and available via live feed. More information is available [here](#).

Commerce Spectrum Management Advisory Committee Meeting: NTIA's Commerce Spectrum Management Advisory Committee (CSMAC) will meet on July 30 and will be open to the public via teleconference. The Federal Register notice is available [here](#). When available, more information can be found [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.

Application for Review of a Decision of the Wireline Competition Bureau (WCB) by GCI Communication Corp.; Rural Healthcare Universal Service Support Mechanism. (6/23/2020, before the WCB)

An Enforcement Bureau (EB) action and order. (Both on 6/15/2020 before the EB)

Coming Up Next...

The next Open Commission Meeting is scheduled for August 6. The meeting agenda, once posted, will be available [here](#).

Reply comments are due August 10 on the Commission's Public Notice requesting comment on a Petition for Rulemaking and Declaratory Ruling ([available here](#)) filed by CTIA and USTelecom.

Comments are due August 17 on BIS' Interim Final Rule titled, *Release of "Technology" to Certain Entities on the Entity List in the Context of Standards Organizations*.

Did You Know?

Legal 500 US Recognizes Wiley's Telecom, Media & Technology Practice as Tier 1. Read more here.

Partner Megan Brown has been Elected Co-Chair of FCBA Foundation Board and Partner Anna Gomez will serve as Treasurer of FCBA. Learn more here.

Partner Peter Hyun was elected President-Elect of the Asian Pacific American Bar Association D.C. Chapter for the 2020-2021 term.

Wiley partners Dan Pickard, Kevin Muhlendorf, and Laura El-Sabaawi will host a webinar on the Foreign Corrupt Practices Act on July 22 at 1 p.m. (EDT). Learn more and RSVP here.

Wiley partner Duane Pozza, of counsel Joan Stewart, and associate Kat Scott hosted a webinar titled "CCPA: Understanding the Proposed Final AG Regulations and Planning for AG Enforcement." Listen On Demand here.

Recent Wiley Client Alerts, IoT Blog Posts, and Podcasts

FCC Announces Effective Date of Modernized Low Power FM Public Notice Rules, But Other Changes Remain On Hold

U.S. Commerce Department Clarifies Rules for Dealing with Huawei in Standards Setting

FCC Proposes Record \$225 Million Fine for Robocall Campaign That Misappropriated Well-Known Brands

Section 889 of the 2019 NDAA is Looming, Creating Compliance Challenges Across the Economy, Including for Tech

FCC Proposes to Expand Access to Spectrum in the 70/80/90 GHz Bands

FCC Adopts Declaratory Ruling and Initiates Rulemaking Proceeding to Promote "Broadcast Internet" Services Through ATSC 3.0

USTR Initiates Additional Section 301 Investigations into Digital Services Taxes (DSTs) Adopted or Under Consideration by European Union, United Kingdom, and Eight Other Trading Partners

U.S. Senate Subcommittee Calls for Team Telecom Reform

California Attorney General Releases Final Text of CCPA Regulations, Starting the Clock for Companies to Come into Compliance

Justice Department Proposes Reform of Online Liability Shield – Section 230 of the Communications Decency Act

How Will the FTC Respond to Pressures to Regulate Social Media?

Get the Facts About the New EO: CDT Files Suit Challenging President’s Social Media Executive Order

Recent Developments in the FCC: A Conversation with Commissioner Carr

Part 2: Skydio’s Brendan Groves & Wiley’s Anna Gomez & Peter Hyun Discuss Autonomous UAS Technology

Take Notice: Senate Intellectual Property Subcommittee Holds Hearings on the DMCA’s Notice-And-Takedown System

That Didn’t Take Long – Calls for Expedited and New Regulation of Tech from the Solarium Commission

Game Changers Law: Bill Chang & Dan Nabel Discuss Issues Facing the Video Game Industry & Esports

COVID-19 and Satellite: How Will the Industry be Impacted?

UAS for First Responders & Enterprises: A Discussion with FirstiZ Founder Phil Burks

Privacy in Focus (June 2020)

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