

Wireless Roundup (June 2020)

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Upcoming Filing and Comment Deadlines

FCC Seeks Comment on Request for Stay of the C-band Order:

Reply comments are due June 1 on the Federal Communications Commission's (FCC or Commission) Public Notice requesting feedback on a joint petition for stay filed by ABS Global Ltd., Empresa Argentina de Soluciones Satelitales S.A., Hispamar Satélites S.A., and Hispasat S.A. (available [here](#)). The petition seeks a stay 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 (C-band).

FCC Asks for Comments on Proposed Changes to TV White Space

Rules: Reply comments are due June 2 on the Commission's Notice of Proposed Rulemaking which suggests targeted modifications to the white space device rules in the TV bands (Channels 2-35). Among other things, the FCC proposes to increase the maximum power limit for fixed white space devices operating in rural areas and set minimum separation distances between white space devices and protected TV incumbents in the band.

Practice Areas

Privacy, Cyber & Data Governance
Telecom, Media & Technology
Wireless

FCC Solicits Feedback on the Applicability of the Secure Networks Act: The Commission is requesting feedback on its Public Notice regarding the applicability of the Secure and Trusted Communications Networks Act of 2019 (Secure Networks Act) (summary available [here](#)) to the FCC's current communications supply chain proceedings, including the 2019 Report and Order (an explanation of that item is [here](#)). Specifically, the Commission seeks feedback on a reimbursement program for replacing equipment or services from companies that pose a national security threat to the U.S. Reply comments are due June 4.

FCC Seeks Comment on Traceback Consortium Letters of Intent: Comments are due June 5 on the Commission's Public Notice seeking comment on letters of intent filed by consortia that wish to work with the FCC's Enforcement Bureau on private traceback efforts. Section 13(d)(1) of the Pallone-Thune Telephone Robocall Abuse Criminal Enforcement and Deterrence Act (TRACED Act) (summary available [here](#)) requires the FCC to "issue rules to establish a registration process for the registration of a single consortium that conducts private-led efforts to trace back the origin of suspected unlawful robocalls."

NTIA Seeks Input on WTSA-2020 Proposals and Positions: Comments are due June 8 on the National Telecommunications and Information Administration's (NTIA) Notice requesting public comment on the communications proposals and positions that the agency should adopt at the 2020 World Telecommunication Standardization Assembly (WTSA-2020).

FCC Requests Comment on Telehealth Program Petitions for Reconsideration: The FCC released a Public Notice requesting comment on petitions for reconsideration filed by the American Hospital Association ([available here](#)) and the American Dental Association (not yet available) regarding the Commission's \$200 million COVID-19 Telehealth Program. Both petitions ask the FCC to expand the class of health care providers that are eligible to receive program funding. Oppositions are due June 8 and replies to oppositions are due June 16.

FCC Seeks Comment on RF Exposure Limits: Comments are due June 17 (extended from June 3) 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. Reply comments are due July 20.

NTIA Seeks Comment on the National Strategy to Secure 5G Implementation Plan: On May 28, NTIA posted a Notice and Request for Comment to inform the development of an Implementation Plan for the National Strategy to Secure 5G. NTIA is looking for information as to how the U.S. Government can best facilitate the accelerated development and rollout of 5G infrastructure in the United States and with our international partners, and lay the groundwork for innovation beyond 5G. Comments are due June 18.

FCC Seeks Comment on Rules to Protect Consumers from One-Ring Scams: Comments are due June 19 on the Commission's Notice of Proposed Rulemaking requesting comments on how to implement Section 12 of the TRACED Act, 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. Reply comments are due July 6.

NIST Solicits Participation on 5G Evolution Project: The National Institute of Standards and Technology (NIST) is soliciting feedback on its 5G Cybersecurity Final Project Description. NIST states that the project will result in a NIST Cybersecurity Practice Guide that provides a proof-of-concept solution to cybersecurity challenges unique to 5G architectures. "Collaborative activities will commence as soon as enough completed and signed letters of interest have been returned to address all the necessary components and capabilities, but no earlier than June 19, 2020."

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. Comments are due June 25 and Reply comments are due July 27.

NIST Requests Comment on Guidelines for Securing Mobile Devices in the Enterprise: Comments are due June 26 on NIST's Draft SP 800-124 Revision 2 which is designed to assist organizations in managing and securing mobile devices by detailing available technologies and security frameworks. The draft guidelines also explore security concerns that are prevalent in mobile devices, along with potential countermeasures and mitigation strategies for resolving mobile device vulnerabilities.

Upcoming Effective Dates

FCC Amends RF Exposure Safety Standards. The Resolution of Notice of Inquiry, Second Report and Order, and Memorandum Opinion and Order goes into effect on June 1. The Second Report and Order revises the Commission's rules by (1) replacing the Commission's prior regime of service-based exemptions with a set of formulas for situations in which the risk of excessive RF exposure is minimal, (2) for cases where no exemption applies, clarifying the calculation or measurement methodologies that should be used to determine potential RF exposure levels in the RF evaluation process, and (3) specifying methods that RF equipment operators can use to mitigate the risk of excess exposure to both members of the public and trained personnel (e.g., training, supervision, and signage). In the Memorandum Opinion and Order, the Commission dismisses and alternatively denies a petition for reconsideration of its decision in the 2013 First RF Report and Order to classify the pinna (outer ear) as an extremity in RF exposure testing. In the Termination of Notice of Inquiry, the Commission terminates the inquiry to review RF exposure standards and certain related policies initiated in the 2013 RF Order and Notice in ET Docket No. 13-84.

Public Safety Communications in the 800 MHz Band. The Order goes into effect on June 12. The Order declares a list of licensees that have completed physical rebanding but, because they (1) have failed timely to complete the closing process dictated by the Commission's 800 MHz Orders or (2) timely filed notification that they have a remaining dispute with Sprint, are deemed to have completed rebanding and have no further rights under the Commission's 800 MHz orders.

Review of the Emergency Alert System. The Order on Reconsideration goes into effect on June 19. The Order on Reconsideration grants a petition for partial reconsideration of the Emergency Alert System (EAS) First Report and Order (Nov. 25, 2005), filed by XM, which was subsequently modified by supplemental filings made by Sirius XM. The Commission adopts changes to its Part 11 EAS rules governing test requirements to harmonize the EAS testing requirements that apply to Satellite Digital Audio Radio Service (SDARS) providers with the testing requirements applied to Direct Broadcast Satellite (DBS) providers.

Expanding Flexible Use of the 3.7 to 4.2 GHz Band (C-Band). The Report and Order and Order of Proposed Modification goes into effect on June 22. The Report and Order adopts new rules to make 280 megahertz of the 3.7-4.2 GHz band available for 5G services while relocating existing satellite operations to the upper part of the band. Within the 3.7-4.2 GHz band, the Commission allocates the 3.7-4.0 GHz portion of the band for mobile use and 280 megahertz (3.7-3.98 GHz band) will be auctioned for wireless services in the contiguous United States. Another 20 megahertz (3.98-4.0 GHz) will serve as a guard band and existing satellite operations will be repacked into the upper 200 megahertz of the band (4.0-4.2 GHz). Compliance will not be required for §§ 25.138(a) and (b); 25.147(a) through (c); 27.14(w)(1) through (4); 27.1412(b)(3)(i), (c) introductory text, (c)(2), (d)(1) and (2), and (f) through (h); 27.1413(a)(2) and (3), (b), and (c)(3) and (7); 27.1414(b)(3), (b)(4)(i) and (iii), and (c)(1) through (3) and (6) and (7); 27.1415; 27.1416(a); 27.1417; 27.1419; 27.1421; 27.1422(c); 27.1424; and 101.101, Note (2) until the Commission publishes a document in the Federal Register announcing that compliance date.

Establishing a 5G Fund for Rural America. The Order goes into effect on June 25. The Order directs the Office of Economics and Analytics and the Wireline Competition Bureau to propose and seek public comment on (1) adjustment factor values and the underlying methodologies that could be used to develop them and (2) a process by which the adjustment factor could be applied to the disaggregation of legacy support consistent with the proposal in the 5G Fund NPRM. The FCC also announces the closing of WT Docket No. 10-208. Pending matters and statutory obligations regarding Mobility Fund Phase I and Mobility Fund Phase II are transferred to two dockets: GN Docket No. 19-367, and new GN Docket No. 20-104. Furthermore, the Commission makes administrative amendments to Part 0 of the Commission's rules to clarify Office of Economics and Analytics' functions and delegated authority.

Upcoming Meetings and Events

TAC Meeting: The next meeting of the FCC's Technological Advisory Council (TAC) is scheduled for June 4. 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 June 9. More details are available [here](#). The agenda includes:

- Rural Digital Opportunity Fund Final Auction Procedures, Public Notice
- Modernizing and Expanding Access to the 70/80/90 GHz Bands, Notice of Proposed Rulemaking and Order

- State/Local Approval of Wireless Equipment Modifications, Declaratory Ruling and Notice of Proposed Rulemaking
- Promoting Broadcast Internet Innovation through ATSC 3.0, Declaratory Ruling
- Enforcement Bureau Action

CSRIC Meeting: The fifth meeting of the FCC's seventh Communications Security, Reliability, and Interoperability Council (CSRIC VII) will be held via conference call on June 10. More information is available [here](#).

ISPAB Meeting: The next meeting of the Information Security and Privacy Advisory Board (ISPAB) is scheduled for June 24-25 via webinar. The registration deadline is June 22. More information, as well as registration, are available [here](#).

Cyberspace Solarium Commission Events: The Cyberspace Solarium Commission (CSC) plans to hold virtual events in June discussing the recommendations made in the Commission's report. When available, event dates and more information 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.

- Reallocation of 470-512 MHz (T-Band) Spectrum (circulated May 15 by Wireless Bureau)
- Updating the Intercarrier Compensation Regime to Eliminate Access Arbitrage; Order on Reconsideration; WC Docket No. 18-155. (circulated May 20 by the Wireline Competition Bureau)
- Michael Karr d/b/a WVUX-LD v. DIRECTV, LLC and DISH Network, LLC, Memorandum Opinion and Order, CSR-8964-M, MB Docket No. 18-274 (circulated May 20 by the Media Bureau)
- Northern Valley Communications, LLC, Tariff F.C.C. No. 3; Memorandum Opinion and Order; WC Docket No. 20-11 (circulated May 21 by the Wireline Competition Bureau)

Coming Up Next...

Reply comments are due July 2 on the FCC's Executive Branch Review Process Public Notice.

Reply comments on the FCC's One-Ring Scam NPRM are due July 6.

Comments will be due July 13 on NIST's request for information on the Profile of Responsible Use of Positioning, Navigation, and Timing Services.

The next Open Commission Meeting is scheduled for July 16. The meeting agenda, once posted, will be available [here](#).

Did You Know?

June 2: Partners Megan Brown and Kevin Muhlendorf will host a webinar on “The Potential for Corruption in 5G Telecom Implementation.” [RSVP here.](#)

June 4: Partners Duane Pozza, Antonio Reynolds, and Peter Hyun will host a Wiley webinar on “Managing Consumer Protection Risks: State AG Priorities and Enforcement in the COVID-19 World.” [Learn more and RSVP here.](#)

June 15: Partner Anna Gomez will moderate “The Continuing Development of Spectrum Resources for UAS” panel during the FCBA CLE Webinar: “Furthering U.S. Drone Operations: An Update on FAA and Spectrum Policy Developments.” [Learn more here.](#)

Partner Anna Gomez, senior counsel David Hilliard, and consulting counsel Bruce Romano helped MIT Secure FCC Waiver for Remote Health Monitoring. [Read it here.](#)

Partner Megan Brown published an article in *Bloomberg Law* titled “Insight: Will This Year's NDAA Have Cyber Surprises?” [Read it here.](#)

Recent Wiley Client Alerts, IoT Blog Posts, and Podcasts

[President Trump Issues Executive Order Kicking Off Broad Government Review of Private Companies’ Activities](#)

[FCC to Consider Proposals to Promote “Broadcast Internet” Services Through ATSC 3.0](#)

[Calls for Investigations into Children’s Privacy Issues Grow on Capitol Hill](#)

[FCC Releases Draft “5G Upgrade Order”; Declaratory Ruling and NPRM Will Facilitate Wireless Infrastructure Upgrades](#)

[Comment Deadlines Set for Updating the Record in the FCC’s Team Telecom Proceeding](#)

[FCC Modernizes Broadcast Public Notice Requirements](#)

[FCC Streamlines and Strengthens Enforcement Mechanisms Against Illegal Robocallers](#)

[FCC Issues Waiver of Broad Outreach Rules for COVID-19 Re-Hires](#)

[June Television License Renewal and Announcements Reminder: NC, SC, DC, MD, VA, & WV](#)

[June Radio License Renewal and Announcements Reminder: IL, WI, MI, & OH](#)

[June 1, 2020 FCC EEO Deadlines Impacting Broadcast Stations in AZ, ID, MD, MI, NV, NM, OH, UT, VA, WV, WY, & DC](#)

Wiley Privacy Practice Recap – April 2020

Privacy in Focus (May 2020)

Executive Order Invites Deregulation to Help Economy in COVID-19 Pandemic

Supreme Court Oral Argument Offers Insights on the Future of the TCPA

GM, Connectivity and Tech in a Time of Crisis

The Entertainment Software Association’s CEO Stanley Pierre-Louis and Megan Brown Talk Innovation, Game Generation, and Community Building in a Time of COVID-19

Congresswoman Brooks Discusses Tech, Congress, Preparedness, and Policy

Women’s High-Tech Coalition and Wiley Launch ‘Tech Talks Pandemic’ Podcast

Tech Talks Pandemic: We’re All In This Together- How Tech is Stepping up to Save Small Businesses

WRC 2019: Enabling 5G Connectivity

Part 1: Skydio’s Brendan Groves and Wiley’s Anna Gomez and Peter Hyun Discuss Autonomous UAS Technology

Roundup Disclaimer: Information in the Wireless Roundup is current as of April 29, 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.